

LOCAL LAW NO. 13-2010

A local law deleting Chapter 168 (Environmental Quality Review) and amending Chapter 342 (Zoning) of the Code of the Village of Mamaroneck by amending Section 342-38 (Schedule of Minimum Requirements for Nonresidential Districts) and Section 342-83 (Expiration and demolition)

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

SECTION 1.

Article I of Chapter 168 (Environmental Quality Review) is hereby deleted in its entirety. Article II will remain unchanged, and Chapter 168 will be renamed “Critical Environmental Areas.”

As a result of this deletion, the following chapters will be affected as follows:

Chapter 1 (General Provisions), Section 1-2 (Distribution of local laws, ordinances and resolutions):

Derivation Table		
(Sections providing for severability of provisions, repeal of conflicting legislation and effective dates which are covered by provisions of this local law have been omitted from the Code, and such sections are indicated as "omitted" in the table which follows.)		
New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Chapter <u>168</u> , Critical Environmental Areas		
Article <u>I</u> , Critical Environmental Areas	L.L. No. 15-1980	11-10-1980
§ <u>168-10</u> Footnote Omitted	Sec. 1 Sec. 2 Sec. 3	Amended 12-17-1984 by L.L. No. 34-1984

Chapter 20 (Environment, Committee for):

GENERAL REFERENCES

Critical Environmental Areas — See Ch. 168.

Chapter 126 (Building Construction):

GENERAL REFERENCES

Critical Environmental Areas — See Ch. 168.

Chapter 186 (Flood Damage Prevention; Erosion and Sediment Control):

GENERAL REFERENCES

Critical Environmental Areas — See Ch. 168.

Chapter 192 (Freshwater Wetlands):

GENERAL REFERENCES

Critical Environmental Areas — See Ch. 168.

Chapter 240 (Management of Coastal Zone, Harbor and Watercraft):

GENERAL REFERENCES

Critical Environmental Areas — See Ch. 168.

Section 240-5 (Definitions):

ACTIONS

Either Type I, Type II or unlisted actions as defined in the State Environmental Quality Review Act.

Section 240-28 (Coastal Assessment Form):

- A. For direct agency actions, the agency shall complete, and for approval of an action, the agency shall cause the applicant to complete, a coastal assessment form (CAF). The CAF shall be completed prior to the agency's determination of the environmental significance pursuant to the State Environmental Quality Review Act.

Chapter 342 (Zoning):

GENERAL REFERENCES

Critical Environmental Areas — See Ch. 168.

Section 342-38 (Schedule of Minimum Requirements for Nonresidential Districts) of Chapter 342 (Zoning) is hereby amended to read as follows:

**Village of Mamaroneck
SCHEDULE OF MINIMUM REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS**

1	2	3	4	5	6		8			11	12	13
					Maximum Building Height		Minimum Required Yards					
District	Minimum Lot Area	Minimum Lot Width and Frontage (feet)	Maximum Building Coverage (percentage of lot area)	Maximum Floor Area Ratio	Stories	Feet	Front (feet)	Side (feet)	Rear (feet)	Off-Street Parking	Off-Street Loading	Other Requirements
O-1 Office	3 acres	300	25%	0.5	3	45	50	50	50	As required by Article VIII ⁶	As required by Article VIII ⁶	§ 342-16
C-1 General Commercial	--	50	50% ⁴	0.8	3	40	10 ³	None ^{1,2}	45 ²	As required by Article VIII ⁶	As required by Article VIII	Notes 4, 5 and § 342-16
C-2 Central Commercial	--	--	--	2.0 ¹²	4 ¹⁰	45 ¹⁰	None ³	None ^{1,2}	None ^{1,2}	7	None	Note 4 and § 342-16

al													
M-1 Manufacturing	10,000 square feet	50	50 ⁴	1.0	3	45	None ³	None ^g	None ^h	As required by Article VIII	As required by Article VIII	Note 4 and § 342-16	
P Parking	5,000 square feet	50	10%	--	3	35	Minimum of 3 feet and maximum of 20 feet, as determined by the Planning Board			As required by Article VIII	As required by Article VIII	§ 342-16 (Preceding standards apply only to P District)	
MR Marine Recreation	1 acre	150	20%	0.15	3	40	25	20	30	As required by Article VIII	As required by Article VIII	Notes 15, 16, 19 and 20 and § 342-16	
MC-1 General Marine-Commercial	None	50	50%	1.0	3	40	10	5 ^{13,14}	45 ^{14,17}	As required by Article VIII	As required by Article VIII	Notes 15 and 16 and § 342-16	
MC-2 Central Marine-Commercial	None	50	50%, except for tiered development, which shall be: Below mean curb level: 80% Above mean curb level: 50%	2.0	3 measured from mean curb level	40 measured from mean curb level	10	5 ^{13,14}	45 ^{14,17}	As required by Article VIII	As required by Article VIII	Sec. 413 and Notes 15, 16 and 18 and § 342-16	

NOTES:

¹ Where a lot line coincides with or is within 45 feet of the boundary of a residence district, the required yard shall be 25 feet in width or depth, whichever term is appropriate. In all other cases, the yard, if provided, shall be at least five feet in width or depth, as appropriate. These provisions shall not apply to any property adjacent to a P District.

² Yard may be reduced to not less than 10 feet, provided that there are no openings in any wall facing the adjoining residence district and no parking, loading or unloading or other activities of any kind are conducted in such reduced yard. These provisions shall not apply to any property adjacent to a P District.

³ In the case of corner lots, the Planning Board shall establish reasonable setbacks from the street under the provisions of § 342-79. A minimum front yard of 10 feet shall be maintained along Fenimore Road.

⁴ No new construction or addition to existing construction and no new or expanded use shall be permitted which will reduce the area of land immediately surrounding any residential structure on the same lot to less than 5,000 square feet per dwelling unit.

⁵ Except twenty-foot minimum where access to parking is via the side yard.

⁶ Parking or loading in front yards or within 10 feet of any street or lot line is prohibited. Parking and loading areas in the open shall, except for points of ingress and egress, be screened as required by the Planning Board in the site plan procedure of Article XI.

⁷ None for existing floor space, but as required by Article VIII for any new floor space constructed.

⁸ Except that the rear yard setback may be reduced to zero feet for property within the Marine Zone for the sole purpose of permitting structures to be used for the hauling and launching of boats.

⁹ In addition, no non-water-dependent uses shall be permitted unless a minimum of 1.0 floor area ratio shall be utilized for one or more water-dependent uses. No non-water-dependent uses shall be permitted

below the mean curb level. No water-dependent use in existence on the effective date of establishment of Marine Zone shall be converted to a non-water-dependent use.

¹⁰ Within the C-2 District, no ground level floor space with frontage on Mamaroneck Avenue shall be used for residential occupancy. The maximum height of a building within the C-2 District may be six stories and 60 feet if it meets the requirements of Article XV for below-market-rate housing. These provisions shall not apply to any application which received final site development plan approval from the Village of Mamaroneck on or before August 1, 1988.

¹¹ A minimum yard of 10 feet shall be required for any property adjacent to the Sheldrake River, unless this requirement is modified or waived by the Planning Board.

¹² Within the C-1 and C-2 Districts, the maximum floor area ratio may be increased in accordance with provisions of Article XV for below-market-rate housing.

¹³ Where a lot line coincides with or is within 45 feet of the boundary of a residence district, the required yard shall be 45 feet in width or depth, whichever term is appropriate. In all other cases, the yard, if provided, shall be at least five feet in width or depth, as appropriate. These provisions shall not apply to any property adjacent to a P District.

¹⁴ Yard may be reduced to not less than 10 feet, provided that there are no openings in any wall facing the adjoining residence district and no parking, loading or unloading or other activities of any kind are conducted in such reduced yard. These provisions shall not apply to any property adjacent to a P District.

¹⁵ No new construction or addition to existing construction and no new or expanded use shall be permitted which will reduce the area of land immediately surrounding any residential structure on the same lot to less than 5,000 square feet per dwelling unit.

¹⁶ Except twenty-foot minimum where access to parking is via the side yard.

¹⁷ Except that the rear yard setback may be reduced to zero feet for property within the Marine Zone for the sole purpose of permitting structures to be used for the hauling and launching of boats.

¹⁸ In addition, no non-water-dependent uses shall be permitted unless a minimum of 1.0 floor area ratio shall be utilized for one or more water-dependent uses. No non-water-dependent uses shall be permitted below the mean curb level. No water-dependent use in existence on the effective date of establishment of Marine Zone shall be converted to a non-water-dependent use.

¹⁹ Uses within the MR District shall provide a minimum of 25% of the lot area as open space. Such open space may include grass and landscaped areas open to the sky, and beach that lies within the property line, and shall not include land under water, tennis courts or other similar courts, paved recreation or parking areas, or courtyards or decks.

²⁰ See § 146-7 of Chapter 146, Coastal Management, for Long Island Sound setback requirement. Section 342-83 (Expiration and demolition) of Chapter 342 (Zoning) is hereby amended to read as follows:

- A. A site plan shall be void if construction is not started within one year and completed within two and one-half (2 ½) years of the date of the final site plan approval, except that such site plan approval may be renewed by the Planning Board at its discretion

SECTION 2. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 3. This Local Law shall take effect immediately upon adoption and filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.