

PROPOSED LOCAL LAW NO. L-2010

A proposed local law amending Chapter 342 (Zoning) and Chapter A348 (Subdivision Regulations) of the Code of the Village of Mamaroneck by amending Section 342-3 (Terms defined), Section 342-14 (Building projections), Section 342-21 (One-Family Residence Districts), Section 342-26 (Parking Districts), Section 342-29 (Office Districts), Section 342-30 (General Commercial Districts), Section 342-31 (Central Commercial Districts), Section 342-32 (Manufacturing Districts), Section 342-33 (Parking Districts), Section 342-35 (Marine Recreation District), Section 342-36 (General Marine-Commercial District), Section 342-56 (Schedule of Off-Street Parking Requirements; joint parking), Section 342-77 (Application Procedure), Section 342-94 (Procedures; public hearings, notice and records), and Section A348-6 (Public Hearings)

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

SECTION 1. The Sections of Chapter 342 (Zoning) as indicated above and Section A348-6 (Public Hearings) of Chapter A348 (Subdivision Regulations) are hereby amended to read as follows: **[CHANGES ARE IN BOLD OR INDICATED BY STRIKEOUT]**

Section 342-3 (Terms defined):

HOME IMPROVEMENT DESIGN CENTER – A facility providing professional design services and/or sale of home improvement-related products including, but not limited to, cabinetry, tile and counter materials, appliances and furniture, provided that sales are conducted in an on-site showroom.

INDOOR RECREATION FACILITY – An indoor facility providing accommodations for a variety of individual, organized or franchised sports, including but not limited to baseball, basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, squash, handball or swimming. Such facility may also provide health and fitness club facilities and martial arts instruction facilities. Support functions accessory to the principal use include a food and drink kiosk and sales desk for sports, health or fitness items associated with the facility.

STRUCTURE

Anything constructed, erected or installed the use of which requires location on or under the ground level, in whole or in part, or attachment to something having location on or under the ground. Depending upon its applicability, the use herein of "structure" shall include the term "building." **The term "structure" shall not include the installation of surface materials on the ground, such as patios and walkways, but shall include mechanical equipment such as generators and heating/cooling equipment. See Section 342-16 for standards for patios, walkways and similar areas.**

Section 342-14 (Building projections):

A.

Projecting architectural features (horizontal). The space in any required yard shall be open and unobstructed, except for the ordinary projection of the windowsills, bay windows, belt courses, cornices, eaves, **exterior stairs** and other architectural features; provided, however, that such features shall not project more than three feet into any required yard, but not closer than five feet to the property line. The sum total of such projections in any one yard shall not exceed 25% of the overall dimension of the wall from which they project.

C.

Fences, walls or retaining walls shall be constructed with the finished side facing outward from the property, and shall not exceed six feet in height, except:

- (1) On a corner parcel, placed beyond the front or side building lines, they shall not exceed four feet in height.**
- (2) An additional six inches in height may be allowed, at the discretion of the Building Inspector, to provide for necessary distance between the grade and the bottom of the fence, for greater flexibility in mounting.**
- (3) Where required pursuant to Article XI.**
- (4) Where approved in conjunction with a special permit granted under Article X.**

Section 342-16 (Landscaping guidelines):

C. Standards

(3) Walkways, Patios, Terraces and Similar Areas

Walkways, patios, terraces and similar areas shall be treated the same as accessory buildings or structures and shall conform in all respects to the minimum front and side yard setbacks applicable to the lot in question and shall not be located closer than six feet to the rear lot line, except as required to provide necessary access to any building or structure (see Note 11 of the Schedule of Minimum Requirements for Residential Districts). See Section 342-54 (Layout, location and maintenance) for setback standards for driveways.

In addition, such areas shall meet all requirements of Chapter 294 (Stormwater Management and Erosion and Sediment Control) of the Village Code of Mamaroneck.

Section 342-21 (One-Family Residence Districts):

B.

Permitted accessory uses. The following uses are permitted in R-20, R-15, R-10, R-7.5, R-6 and R-5 One-Family Residence Districts only in conjunction with a permitted principal use:

(9)

Fences, walls or retaining walls **pursuant to § 342-14. not exceeding five feet in height, except:**

~~(a)~~

~~On a corner parcel, placed beyond the front or side building lines, they shall not exceed four feet in height.~~

~~(b)~~

~~Where required pursuant to Article [XI](#).~~

~~(c)~~

~~Where approved in conjunction with a special permit granted under Article [X](#).~~

Section 342-26 (Parking Districts):

B.

Accessory uses. The following accessory uses are permitted in residential P Parking Districts only in conjunction with a permitted principal use:

(2)

Fences, walls or retaining walls pursuant to § 342-14.

Section 342-29 (Office Districts):

B.

Permitted accessory uses. The following uses are permitted in O-1 Office Districts only in conjunction with a permitted principal use:

(4)

Fences, walls or retaining walls **pursuant to § 342-14. not exceeding five feet in height, except:**

~~(a)~~

~~On a corner parcel, placed beyond the front or side building lines, they shall not exceed four feet in height.~~

~~(b)~~

~~Where required pursuant to Article [XI](#).~~

~~(c)~~

~~Where approved in conjunction with a special permit granted under Article [X](#).~~

Section 342-30 (General Commercial Districts):

B.

Permitted accessory uses. The following accessory uses are permitted in C-1 General Commercial Districts only in conjunction with a permitted principal use:

(2)

Fences, walls or retaining walls **pursuant to § 342-14. not exceeding five feet in height, except:**

~~(a)~~

~~On a corner parcel, placed beyond the front or side building lines, they shall not exceed four feet in height.~~

~~(b)~~

~~Where required pursuant to Article [XI](#).~~

~~(c)~~

~~Where approved in conjunction with a special permit granted under Article [X](#).~~

Section 342-31 (Central Commercial Districts):

B.

Permitted accessory uses. The following accessory uses are permitted in C-2 Central Commercial Districts only in conjunction with a permitted principal use:

(2)

Fences, walls or retaining walls **pursuant to § 342-14. not exceeding five feet in height, except:**

~~(a)~~

~~On a corner parcel, placed beyond the front or side building lines, they shall not exceed four feet in height.~~

~~(b)~~

~~Where required pursuant to Article [XI](#).~~

~~(c)~~

~~Where approved in conjunction with a special permit granted under Article [X](#).~~

Section 342-32 (Manufacturing Districts):

A.

Permitted principal uses.

(1)

The following are the only principal uses permitted in M-1 Manufacturing Districts:

~~(c)~~

~~Motor vehicle filling/service stations or public garages, and motor vehicle repair/body shops, subject to special permit procedures under Articles [VII](#) and [X](#) and the respective requirements of §§ [342-46.1](#) and [342-46.2](#) of this chapter and all applicable federal, state, county and local laws, rules and regulations.~~

~~(d)(c)~~

Printing and publishing.

~~(e)(d)~~

Off-street parking lots or garages.

~~(f)(e)~~

Business, professional or governmental offices and banks.

~~(g)(f)~~

Research laboratories.

~~(h)(g)~~

Any municipal uses of the Village of Mamaroneck.

~~(i)(h)~~

Transformer stations and customary accessory uses, subject to § 342-43.

~~(j)~~

~~Indoor squash courts facilities.~~

~~(k)(i)~~

Retail uses, including restaurants, within 150 feet of the center line of Fenimore Road.

~~(l)~~

~~Adult uses, as defined in Article [XVI](#) of this chapter, subject to special permit approval procedure as set forth in Article [X](#) of this chapter.~~

B.

Permitted accessory uses. The following accessory uses are permitted in M-1 Manufacturing Districts only in conjunction with a permitted principal use:

(2)

Fences, walls or retaining walls **pursuant to § 342-14. not exceeding five feet in height, except:**

~~(a)~~

~~On a corner parcel, placed beyond the front or side building lines, they shall not exceed four feet in height.~~

~~(b)~~

~~Where required pursuant to Article XI.~~

~~(c)~~

~~Where approved in conjunction with a special permit granted under Article X.~~

(a)(d)

Fences installed in conjunction with a special permit for a motor vehicle repair/body shop may be a maximum of seven feet in height.

C. Special Permit Uses

The following uses are permitted by special permit of the Planning Board in accordance with the standards and procedures of Article X:

(1) Home Improvement Design Center

(2) Indoor Recreation Facility

(3) Art and film studios and dance and music instruction

(4) Adult uses

(5) Motor vehicle filling/service stations, public garages and motor vehicle repair/body shops, subject to the standards and procedures of Article VII and the respective requirements of §§ 342-46.1 and 342-46.2 of this chapter and all applicable federal, state, county and local laws, rules and regulations.

Section 342-33 (Parking Districts):

B.

Permitted accessory uses. The following accessory uses are permitted in nonresidential P Parking Districts only in conjunction with a permitted principal use:

(2)

Fences, walls or retaining walls, pursuant to § 342-14.

Section 342-35 (Marine Recreation District):

B.

Permitted accessory uses. The following accessory uses are permitted in MR Marine Recreation Districts only in conjunction with a principal permitted use:

(7)

Fences, walls or retaining walls **pursuant to § 342-14** ~~not exceeding six feet in height~~, except that fences of not less than 3/4 open construction shall be permitted up to 12 feet in height around tennis courts and other similar facilities.

Section 342-36 (General Marine - Commercial District):

B.

Permitted accessory uses. The following accessory uses are permitted in MC-1 General Marine - Commercial Districts only in conjunction with a permitted principal use:

(6)

Fences, walls or retaining walls, pursuant to § 342-14.

Section 342-56 (Schedule of Off-Street Parking Requirements; joint parking.)

A.

Schedule of Off-Street Parking Requirements. Off-street parking spaces shall be provided as follows:

Use	Minimum Number of Spaces
Home improvement design center	3 for each 1,000 square feet of gross floor area
Indoor recreation facility	4 for each 1,000 square feet of gross floor area for each 2 individuals who can use the facility at maximum capacity, plus 1 for each employee.

Section 342-77 (Application procedure)

E.

Notice.

(1)

Whenever site plan approval of the Planning Board is sought by an applicant, the applicant, in addition to any other notice required by law, shall notify, in writing, all property owners within ~~200~~**400** feet of any boundary line of the proposed site affected by the pending application, ~~except those applications referred to the Harbor and Coastal Zone Management Commission and the Board of Architectural Review, in which case the applicant shall notify all property owners within 100 feet of any boundary line of the proposed site affected by the pending application.~~

(3)

Every applicant that submits an application for site plan approval to the Planning Board must post one notification sign on the property which is the subject of said application **at least 10 days prior to the scheduled hearing date** ~~within three days of acceptance of the application by the Planning Board~~ and must maintain the posted sign in place until the Planning Board has rendered its final decision approving or denying said application. The sign shall be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of the sign so erected shall be positioned no less than 2.5 feet and no more than three feet above the ground. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the front yard of the property does not abut a public road, a sign shall be posted in a location that can readily be seen by the public. A sign erected under this provision must be removed within 10 days after the Planning Board has rendered its final decision approving or denying said application.

Section 342-94 (Procedures; public hearings, notice and records):

B.

Notice.

(2)

Every applicant that submits an application for a variance to the Board of Appeals must post one notification sign on the property which is the subject of said application **at least 10 days prior to the scheduled hearing date**~~within three days of acceptance of the application by the Planning Board and~~ must maintain the posted sign in place until the Board has rendered its final decision approving or denying said application. The sign shall be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of the sign so erected shall be positioned no less than 2.5 feet and no more than three feet above the ground. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the front yard of the property does not abut a public road, a sign shall be posted in a location that can readily be seen by the public. A sign erected under this provision must be removed within 10 days after the Board has rendered its final decision approving or denying said application.

Section A348-6 (Public hearings):

A.

Whenever subdivision approval of the Planning board is sought by an applicant, the applicant, in addition to any other notice required by law, shall notify, in writing, all property owners within 200 feet of any boundary line of the proposed site affected by the pending application.

(1)

The notification referred to in Subsection A hereof shall consist of a complete and accurate copy of the subdivision application submitted, the date(s) of any public hearing scheduled and a brief description of the nature of the proposed application. The notification shall be served personally or by certified mail, return receipt requested, upon all affected property owners at least 10 days prior to the scheduled hearing date, and an affidavit of service shall be filed with the Secretary of the Planning Board at least five days prior to the scheduled hearing date. In the event that service is effectuated by certified mail, then the return receipt shall be submitted to the Planning Board at the first hearing date.

(2)

Failure to comply with any of the provisions hereof shall be a basis for denying any approval sought by the applicant.

~~A.~~B.

A public hearing shall be held by the Planning Board on any application for approval of a subdivision plat. Notice of such hearing shall be published by the Planning Board in one issue of

the official newspaper of the village and posted in at least three prominent places in the village at least five days preceding the date of the hearing.

~~B.C.~~

The subdivider shall display prominently on his property, for one week preceding the date of public hearing, at least one sign two feet by three feet in size and carrying a legend prescribed by the Village Planning Board announcing the public hearing. The sign shall be in full public view from the street and not more than 30 feet therefrom.

~~C.D.~~

The Planning Board may, in its discretion, hold public hearings on any other matters coming before it.

~~D.E.~~

At any public hearing held by the Planning Board on any application or other matter, any interested person present may be heard in support of or in opposition to such application or other matter. All applicants may appear in their own behalf or be represented by an agent or attorney.

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.