

# ZONING ORDINANCE

OF THE

## VILLAGE of MAMARONECK

Corrected To March 1, 1957

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ZONING ORDINANCE OF THE VILLAGE  
OF MAMARONECK

Corrected to March 1, 1957

ARTICLE 1

DISTRICTS

Section 1. CLASSES OF DISTRICTS: For the purpose of regulating and restricting the height, number of stories and size of buildings, and other structures, the percentage of lot that may be occupied, the size of yard courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes the Village of Mamaroneck is hereby divided into ten classes of districts:

Residence "A" Districts  
Residence "A-1" Districts  
Residence "AA" Districts  
Residence "AAA" Districts  
Residence "B" Districts  
Residence "B-1" Districts  
Residence "C" Districts  
Business Districts  
Business "A" Districts  
Industrial Districts

Residence "AA" Districts created by  
amendment of December 11, 1939.

Residence "AAA" Districts created by  
amendment of May 27, 1940.

Residence "C" Districts created by  
amendment of December 27, 1948.

Business "A" Districts created by  
amendment of December 27, 1948.

Residence "A-1" Districts created by  
amendment of July 28, 1949.

Residence "B-1" Districts created by  
amendment of Feb. 29, 1956.

The boundaries of each of these districts are hereby established as shown on the Revised Zoning Map which accompanies and is hereby declared to be a part of this ordinance and is hereby adopted. The district map designations which accompany said Revised Map are hereby declared to be a part thereof. No building or premises shall be

erected, altered or used for any purpose other than for a purpose permitted in the district in which such building or premises is located, except as hereinafter provided.

Subdivisions 1, 2, 3, 4, 5, 6 were repealed by amendments of May 26, 1941.

Subdivision 7. The revised Zoning Map hereinabove referred to is hereby amended by changing from a Residential B classification to a Business classification all that property contained in the block which is bounded on the north by Bishop Avenue, on the east by Mt. Pleasant Avenue, on the south by Stanley Avenue and on the west by Maple Avenue, and also all that property which is contained in the block bounded on the north by Stanley Avenue, on the east by Mt. Pleasant Avenue, on the south by Palmer Avenue and on the west by Maple Avenue.

Subdivision 8. The above amendment shall become effective immediately after the due publication and posting of this ordinance.

(Subdivisions 7 and 8 added by amendment of January 29, 1931)

"Note". Property fronting on Palmer Avenue, between Mt. Pleasant Avenue and Maple Avenue were changed from a Business classification to Residence "B" classification by amendment of May 26, 1941. See Subdivision 10-A.

Subdivision 8A. The Zoning Map of the Village of Mamaroneck is hereby amended by changing from a Residence "A" District to a Residence "AA" District or classification the following described area:

ALL that portion of the Village of Mamaroneck bounded on the north by the Mamaroneck Harbor, Guion Creek and a line running parallel to and 100 feet south of the Boston Post Road; on the east by Taylors Lane; on the south by Otter Creek and the southerly boundary line of the Shore Acres Map; and on the west by Mamaroneck Harbor.

(Subdivision 8A added by amendment of December 11, 1939)

Subdivision 8AA. The Zoning Map of the Village of Mamaroneck is hereby amended by changing from a Residence "A" District to a Residence "AA" District or classification the following described area:

ALL that portion of the Village of Mamaroneck bounded on the west by Mamaroneck Harbor; on the north between Mamaroneck Harbor and Taylors Lane by Otter Creek and Creek Road; on the north between Taylors Lane and the Easterly Village Boundary Line by a line parallel

to and 100 feet south of the Boston Post Road; on the east by the easterly boundary line of the Village; and on the south by Mamaroneck Harbor and Long Island Sound.

(Subdivision 8AA added by amendment of September 11, 1947)

Subdivision 8B. The Zoning Map of the Village of Mamaroneck is hereby amended by changing from a Residence "A" District to a Residence "AAA" District or classification the following described area:

ALL that portion of the Village of Mamaroneck bounded on the north by Old Boston Post Road, on the east by Mamaroneck Harbor, on the south by the waters of Long Island Sound, and on the west by the Mamaroneck Village line.

(Subdivision 8B added by amendment of May 27, 1940)

Subdivision 9. The present Zoning Map heretofore referred to is hereby amended by changing from Residence "B" District classification to Residence "A" District classification the following:

A. The property bounded by the Town Line, Mamaroneck Avenue and Saxon Woods Park.

B. The parcel bounded by the Town Line and Saxon Woods Park, and known on the Tax Map as Section 8, Block 41, Plot 41B, and Section 8, Block 47, Plot 47B.

C. The property beginning at the Mamaroneck River, bounded on the North by a line running 100' south of and parallel to Halstead Avenue, to a point 100' east of Barry Avenue, on the east by a line 100' east of and running parallel to Barry Avenue to a point 100' north of Boston Post Road, on the south by a line beginning at a point 100' east of Barry Avenue and 100' north of Boston Post Road, running thence on a line parallel to and 100' from the Boston Post Road to the Mamaroneck River, and on the west by the Mamaroneck River.

Subdivision 10. The present Zoning Map heretofore referred to is hereby amended by changing from a Business District classification to Residence "B" District classification the following:

A. The property fronting on both sides of Palmer Avenue from Mount Pleasant Avenue to the West Village Line.

B. The property on the west side of Mount Pleasant Avenue between Palmer Avenue and Prospect Avenue.

C. The block bounded by Palmer Avenue on the north, Mamaroneck Avenue on the east, Prospect Avenue on the south, and Mount Pleasant Avenue on the west with the exception of a strip 100' in depth on Palmer Avenue and Mamaroneck Avenue.

D. The property on the west side of Rockland Avenue from Palmer Avenue to Carpenter Place.

E. The property on both sides of Halstead Avenue from 100' east of Barry Avenue to the easterly Village line.

F. The property on the westerly side of Barry Avenue from Third Street to 100' of Mamaroneck Avenue; and the property on the easterly side of Barry Avenue from a point 100' from the northwest corner of Grove Street to the Pelham-Port Chester Parkway.

G. The property facing on Waverly Avenue, Center Avenue, Madison Street, Washington Street, and Grand Street from Old White Plains Road to Plaza Avenue adjoining the Sheldrake River, with the exception of a strip 100' in depth on the westerly side of Mamaroneck Avenue and Old White Plains Road.

H. The property fronting on the north side of Grand Street from 100' east of Old White Plains Road to within 100' of Mamaroneck Avenue, and on both sides of Madison Street from Grand Street to within 100' of Old White Plains Road.

I. The property bounded by Van Ranst Place, Columbus Park, Jefferson Avenue and the Mamaroneck River.

Subdivision 11. The present Zoning Map heretofore referred to is hereby amended by changing from a Residence "A" District classification to Business District classification the property fronting on West Boston Post Road from the Village line to a point 250' east thereof, for a depth of 100' back from said West Boston Post Road.

(Subdivisions 9, 10 and 11 were added by amendment of May 26, 1941)

Subdivision 12. The present Zoning Map heretofore referred to is hereby amended by changing from a Residence "B" District to a "Business" District classification the following described area:

ALL that portion of the Village of Mamaroneck bounded on the north by Nostrand Avenue; on the east by Lester Avenue; on the south by property known and designated as Section 8, Block 72, Lot 1 on the present Tax Assessment Map of the Village of Mamaroneck; and on the west by properties known and designated as Section 8, Block 69, Lots 1, 2, 3, 4, 5, and 6 on the present Tax Assessment Map of the Village of Mamaroneck. (The property above described and designated is also known as Section 8, Block 69, Lots 7, 8, 9, 10, 11 and 12 on the present Tax Assessment Map of the Village of Mamaroneck.

(Subdivision 12 was added by amendment of February 10, 1948)

Subdivision 13. The present Revised Zoning Map of the Village



of Mamaroneck, which now forms a part of the Village Zoning Ordinance, is hereby further amended, changed and revised so as to change from a "Business" District or Classification, as now constituted and established, to a Residence "AA" District or Classification, as described in the Zoning Ordinance of the Village of Mamaroneck, the following described area:

ALL that portion of the Village of Mamaroneck bounded on the West and North by The Parkway and Boston Post Road, on the East by Taylors Lane, and on the South by the northerly boundary line of the Residence "AA" District lying between The Parkway and Taylors Lane.

(Subdivision 13 was added by amendment of March 14, 1949)

Subdivision 14. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance, is hereby further amended, changed and revised so as to change from a "Business" District or Classification, as now constituted and established, to a Residence "A" District or Classification, as described in the Zoning Ordinance of the Village of Mamaroneck, the following described area:

ALL that portion of the Village of Mamaroneck bounded on the North by the Boston Post Road, on the East by the Village Boundary Line, on the South and West by Brevoort Lane.

(Subdivision 14 was added by amendment of March 14, 1949)

Subdivision 15. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance, is hereby further amended, changed and revised so as to reclassify from a Residence "B" District or Classification, as now constituted and established, to a "Business" District or Classification, as described in the Zoning Ordinance of the Village of Mamaroneck, the following described area:

BEGINNING at a point on the southerly side of Palmer Avenue, said point being 15.28 feet east from the easterly side of Maple Avenue, thence running along the southerly side of Palmer Avenue North  $76^{\circ} 12' 20''$  East 36.55 feet, thence South  $10^{\circ} 53' 33''$  East 39.68 feet to the southeast rear corner of house #225 Maple Avenue as it now stands, thence running along the southerly side of said house South  $78^{\circ} 25' 26''$  West 36.50 feet, thence running North  $10^{\circ} 53' 33''$  West 38.26 feet to the southerly side of Palmer Avenue, the point or place of beginning.

Provided, however, that the entrance to any building or structure used for business purposes on said area, as so rezoned, shall be confined to the Palmer Avenue side of said property.

(Subdivision 15 was added by amendment of July 25, 1949)

Subdivision 16. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance is hereby further amended, changed and revised so as to reclassify from a Residence "A" District or classification, as now constituted and established, to a Residence "B" District or classification, as described in the Zoning Ordinance of the Village of Mamaroneck, the following described area:

BEGINNING at a point on the boundary line between Blocks 4 and 6 of Section 9 of the Village of Mamaroneck Assessment Maps 100 feet north of the northerly side of Palmer Avenue, running thence westerly parallel to and 100 feet north of the northerly line of Palmer Avenue to its intersection with the easterly line of Rockland Avenue, thence north along the easterly line of Rockland Avenue 429 feet more or less to the southerly line of the New York, New Haven & Hartford Railroad Right-of-Way, thence northeasterly along said Right-of-Way 726.97 feet to the boundary line between Blocks 4 and 6 above noted, thence south along this boundary line 425 feet more or less to the point or place of beginning.

Said parcel being bounded as follows:

On the south by Residence "A" boundary line as shown on the Zoning Map of the Village of Mamaroneck; on the west by Rockland Avenue; on the north by the New York, New Haven & Hartford Railroad Company Right-of-Way; and on the east by Residence "A" boundary line as shown on the Zoning Map of the Village of Mamaroneck.

(Subdivision 16 was added by amendment of May 9, 1949.)

Subdivision 17. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance, is hereby further amended, changed and revised so as to change from a Residence "A" District to an Industrial District the following described area:

BEGINNING at a point on the southwesterly side of Fenimore Road, 50 feet at right angle from the monumented center line of the N.Y. N.H. & H. R.R. Right-of-Way, running thence northwesterly along the southwesterly property line of Fenimore Road 250 feet, more or less, to the present rear line of the Industrial District; thence southwesterly along said rear line of the Industrial District and this line extended to a point on this line and 230 feet beyond its intersection with the southwesterly property line of Concord Avenue (formerly Waverly Terrace) from this point southeasterly and at right angle to the last described line 250 feet, more or less, to a point 50 feet from the monumented center line of the N.Y. N.H. & H. R.R.; and from this

point on a line parallel to and 50 feet from the said center line northeasterly to the point or place of beginning. Provided, however, that there shall be no direct vehicular access to Rockland Avenue from this industrial zone and that any industrial building or structure built thereon shall have no wall constructed southwest of a line 200 feet southwest of the southwesterly side of Concord Avenue, and no office building constructed in connection therewith shall have any wall southwest of a line 230 feet southwest of the southwesterly side of Concord Avenue, both lines being perpendicular to the monumented center line of the N.Y., N.H. & H. R.R., but in no case shall any construction be closer than 20 feet to the northeasterly edge of Rockland Avenue as now constructed.

(Subdivision 17 was added by amendment of February 4, 1952.)

Subdivision 18. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance is hereby further amended, changed and revised so as to change from a Residence "A" District to a Business District the following described area:

BEGINNING at a point on the southwesterly side of Concord Avenue (formerly Waverly Terrace) at its intersection with the rear line of the present Industrial Zone extended; running thence 150 feet southwesterly along said rear line of the Industrial Zone extended to a point; running thence northwesterly 176 feet, more or less, to the southeasterly property line of Waverly Avenue; running thence northeasterly along said southeasterly property line of Waverly Avenue 100 feet to a point of curve; thence still along the said property line on a curve to the right 78.54 feet to its point of tangent on the southwesterly property line of Concord Avenue; thence along said southwesterly property line of Concord Avenue 126 feet, more or less, to the point or place of beginning.

(Subdivision 18 was added by amendment of February 4, 1952.)

Subdivision 19. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance, is hereby further amended, changed and revised so as to change from a Residence "B" District to a Residence "A" District the following described area:

THAT portion of Residence "B" District being bounded on the south by Guion Creek, on the north and on the east by the southerly line of the Business District lying along the southerly side of the Boston Post Road, and on the west by the Residence "A" and Residence "C" Districts, respectively, which latter Districts lie to the north of Guion Creek and the waters of

Mamaroneck Harbor, and to the south of the southerly line of the Business "A" and Business Districts lying along the southerly side of the said Boston Post Road.

(Subdivision 19 was added by  
amendment of December 12, 1952.)

Subdivision 20. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance, is hereby further amended, changed and revised so as to change from a Residence "A" District to a Residence "AA" District the following described area:

THAT portion of Residence "A" District lying to the north of Guion Creek and the waters of Mamaroneck Harbor, bounded on the west by the Business District which lies to the south of Boston Post Road, bounded on the north by the Business "A" and Residence "C" Districts, which lie to the south of the southerly line of the Boston Post Road, and bounded on the east by the Residence "B" District. (Changed 12/12/52 to Residence "A".)

(Subdivision 20 was added by  
amendment of December 12, 1952.)

Subdivision 21. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance, is hereby further amended, changed and revised so as to change from a Residence "B" District or Classification, as now constituted and established, to a Residence "A" District or Classification, the following described areas:

(a) BEGINNING at the northwest corner of Delancey and Palmer Avenues running thence westerly along Palmer Avenue, approximately 199 feet to a point, thence northerly to a point 100 feet from Palmer Avenue, and thence easterly and parallel to Palmer Avenue and 100 feet in depth to Delancey Avenue, thence running southerly 100 feet to Palmer Avenue to the point or place of beginning.

(b) BEGINNING at the northeast corner of Maple Avenue and Palmer Avenue extension thence running northerly along Maple Avenue approximately 200 feet, thence running easterly 194.83 feet to the westerly side of Palmer Avenue, thence running southerly and westerly along Palmer Avenue extension approximately 246 feet to Maple Avenue, the point or place of beginning.

(c) BEGINNING at a point on Nostrand Avenue (at the rear of the business zone) 100 feet south of Mamaroneck Avenue, running thence easterly along the rear of this business zone and parallel to Mamaroneck Avenue to North Barry Avenue, thence south along Barry Avenue to a point opposite the Westchester County Park property, approximately 100 feet north of First Street, thence easterly to a point 100 feet east of Barry Avenue and south and parallel to Barry Avenue to Grove Street, thence 50 feet more or less west on Grove Street and north on this property line to a point opposite Third Street, thence to Barry Avenue on a line with Third Street and crossing North Barry Avenue westerly to a point 100 feet west of North Barry Avenue on Third Street, thence parallel to and 100 feet west of North Barry Avenue southerly to the line of the New York, New Haven & Hartford Railroad and westerly along this line to Jefferson Avenue extension and thence along Jefferson Avenue extension to Mamaroneck River and easterly along Mamaroneck River to a point opposite Nostrand Avenue, and thence north on Nostrand Avenue to the point or place of beginning.

(d) BEGINNING at a point 100 feet north of the northerly side of Halstead Avenue at a point 100 feet east of North Barry Avenue, running thence easterly and parallel to Halstead Avenue to the Harrison Town line, thence along the Harrison Town line to a point 100 feet south of Halstead Avenue, thence generally westerly 100 feet from and parallel to the southerly side of Halstead Avenue to a point 100 feet east of North Barry Avenue, and thence north and parallel to North Barry Avenue to a point or place of beginning.

(Subdivision 21 was added by amendment of June 3rd, 1953.)

Subdivision 22. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance, is hereby further amended, changed and revised so as to change from a "Business" District or Classification, and Residence "B" District or Classification, as now constituted and established, to a Residence "A" District or Classification, the following described areas:

(a) BEGINNING on West Boston Post Road on line between school property and Knotty Knolls approximately 417 feet east of Richbell Road, following this line north to Village and Town line and continuing north along Town line to Palmer Avenue, thence east on Palmer Avenue, thence east on Palmer Avenue to Delancey Avenue and south on Delancey Avenue 100 feet (depth of old Residence "B" zone), thence west and parallel to Palmer Avenue to westerly side of Rockland Avenue, and generally southerly and easterly along Rockland Avenue to north boundary of old Schroeder property approximately 152 feet from West Post Road, and thence westerly along line of old Schroeder and the Skinner properties to the Central School line, thence southerly to West Boston Post Road and westerly to the point or place of beginning.

(b) BEGINNING at the New Haven Railroad on the easterly side of Fenimore Road, and running thence along Bishop Avenue to Maple Avenue, thence southerly and westerly along Maple Avenue to Palmer Avenue and easterly along Palmer Avenue to Mt. Pleasant Avenue and southerly along Mt. Pleasant Avenue to the northerly boundary of the present Comley property approximately 491 feet south of Prospect Avenue, thence along this north boundary of the Comley property to the intersection of Maple Avenue and Livingston Avenue, thence northerly along Maple Avenue to Highland Drive, westerly on Highland Drive to Fenimore Road and northerly and westerly along Fenimore Road to the point or place of beginning.

(c) BEGINNING on New Street 100 feet northwest of Mamaroneck Avenue at the rear of business property, running generally northwest along New Street to Old White Plains Road, thence northerly along the line of Westchester County Parkway Commission property to its intersection with Winfield Avenue, and continuing along Winfield Avenue to a point approximately opposite the easterly end of Louise Street, thence southerly to the end of Louise Street and westerly to Andrew Street, thence southerly along Andrew Street to the rear of the business zone 100 feet north of Mamaroneck Avenue, thence westerly along the rear of this business zone to Gertrude Avenue and southerly 100 feet to Mamaroneck Avenue and westerly to Elliott Avenue and northerly 100 feet along Elliott Avenue to the rear of the Business Zone, thence westerly along the rear of this Business Zone to New Street at the point or place of beginning.

(Subdivision 22 was added by amendment of June 3rd, 1953.)

Subdivision 23. The present Revised Zoning Map of the Village of Mamaroneck, which now forms a part of the Village Zoning Ordinance, is hereby further amended, changed and revised so as to reclassify from a Residence "B" and Residence "A" District or classification, as now constituted and established, to a Residence "B-1" District or classification, as hereinabove defined, the following described area:

BEGINNING at the intersection of the northerly side of Palmer Avenue with the westerly side of Fenimore Road, running thence in a southwest direction along the northerly side of Palmer Avenue for a distance of 162.72 feet, thence running northwesterly 273.75 feet to the southerly side of Stanley Avenue, thence running along the southerly side of Stanley Avenue in a northeast direction 235.09 feet to the westerly side of Fenimore Road, thence running along the westerly side of Fenimore Road in a southeast direction 303.85 feet to the point or place of beginning.

(Subdivision 23 was added by  
amendment of February 29, 1956.)

RESIDENCE "A" DISTRICT

Section 2. No building or premises within a Residence "A" District shall be constructed, erected, built or used for other than one or more of the following specified purposes:

A dwelling, detached or semi-detached, for one or two families, or for one or two housekeeping units; or for one family or one housekeeping unit in each half of a semi-detached building; churches; schools; libraries; public museums; railroad passenger stations; public parks; farming; truck gardening; nurseries or greenhouses, except where carried on as a business; the offices of doctors, surgeons, engineers, dentists, lawyers, musicians, artists, or architects, connected with their respective private residences, and with no conspicuous display of advertising; customary home occupations, provided the same be confined to members of the family, with no conspicuous display of advertising; and accessory uses customarily incident to the above uses. The term "Accessory Use" shall not include a business except as hereinabove expressly permitted, nor shall it include any building or use not located on the same lot with the building or use to which it is accessory. Private garage or private stables shall be permitted as provided in Section 12 hereof.



## RESIDENCE "B" DISTRICT

Section 2-A. In a Residence "B" District any building permitted in a Residence "A" District shall not be prohibited in this district. In addition thereto there shall be permitted clubs or social, recreational and community centers, excepting where the chief activity thereof is carried on as a business, apartment houses, boarding, rooming, or lodging houses, hospitals, and sanitariums, memorial buildings, municipal buildings, playgrounds, or recreation buildings, philanthropic or other institutions except correctional institutions, and accessory uses customarily incident to the above uses. The term "Accessory Use" shall not include any building or use not located on the same lot with the building or use to which it is accessory.

(Section 2 and Section 2-A amended  
January 22, 1934)

Section 2-B. In every Residence "A" and "B" District no building shall hereafter be erected on a lot containing an area of less than five thousand square feet, and having a frontage of less than 50 feet on any street on which the lot abuts, provided that a building may be erected or maintained on any lot separately owned at the time of the passage of this Ordinance.

(Section 2-B was added by amendment  
of October 8, 1945)

Section 3. BUILDING LINES. In every residence "A" and "B" District the street wall of every building shall be set back at least twenty feet from the front property line.

(Section 3 was amended to read as above  
by amendment of November 13, 1945)

"NOTE" For set back on corner lots see Article 1,  
Section 10 (7).

Section 4. REAR YARDS. In every Residence "A" and "B" District, there shall be a rear yard for the full width of the lot, the least depth of which shall be 15 percent of the depth of the lot, but in no event need the depth of the rear yard exceed fifteen feet. Accessory buildings permitted by this Ordinance, including private garages, may be located in the rear yard, but such accessory buildings shall not occupy in the aggregate more than 30 percent of the actual rear yard area; and shall not be within two feet of any lot line, except that a private garage may be erected across a common lot line by mutual agreement between adjoining owners. In case of unusual conditions, the Board of Appeals may allow more than

30 percent of the actual rear yard area to be occupied by said accessory buildings. Nothing contained herein shall supersede the provisions of Section 2 hereof.

Section 5. SIDE YARDS. In every Residence "A" and "B" District, there shall be a side yard along each side line extending through from the front building line to the rear yard, at least four feet in width for its entire depth; and where the height of buildings exceeds thirty-five feet, two inches shall be added to said four feet width, for each foot of height of building in excess of thirty-five feet.

Section 6. COURTS. In every Residence "A" and "B" District, the least dimension of any outer court or of any inner court at any given building height, shall be two inches for each foot of such court in height but in no case shall any court contain an area of less than twenty-seven square feet at its lowest level, or a least dimension of less than three feet.

Section 6A. APARTMENT HOUSES.

(a) No apartment house or dwelling for more than two (2) families shall be erected more than three (3) stories in height, such height not to exceed forty (40) feet.

(b) No apartment house or dwelling for more than two (2) families shall be erected within six (6) feet of a lot line. (This does not apply to front or rear yard lines.)

(c) Apartment houses and dwellings for more than two (2) families shall be provided with paved private yard area or garage space, or both, sufficient in size for the accommodation at one time of as many motor vehicles as there are families provided for.

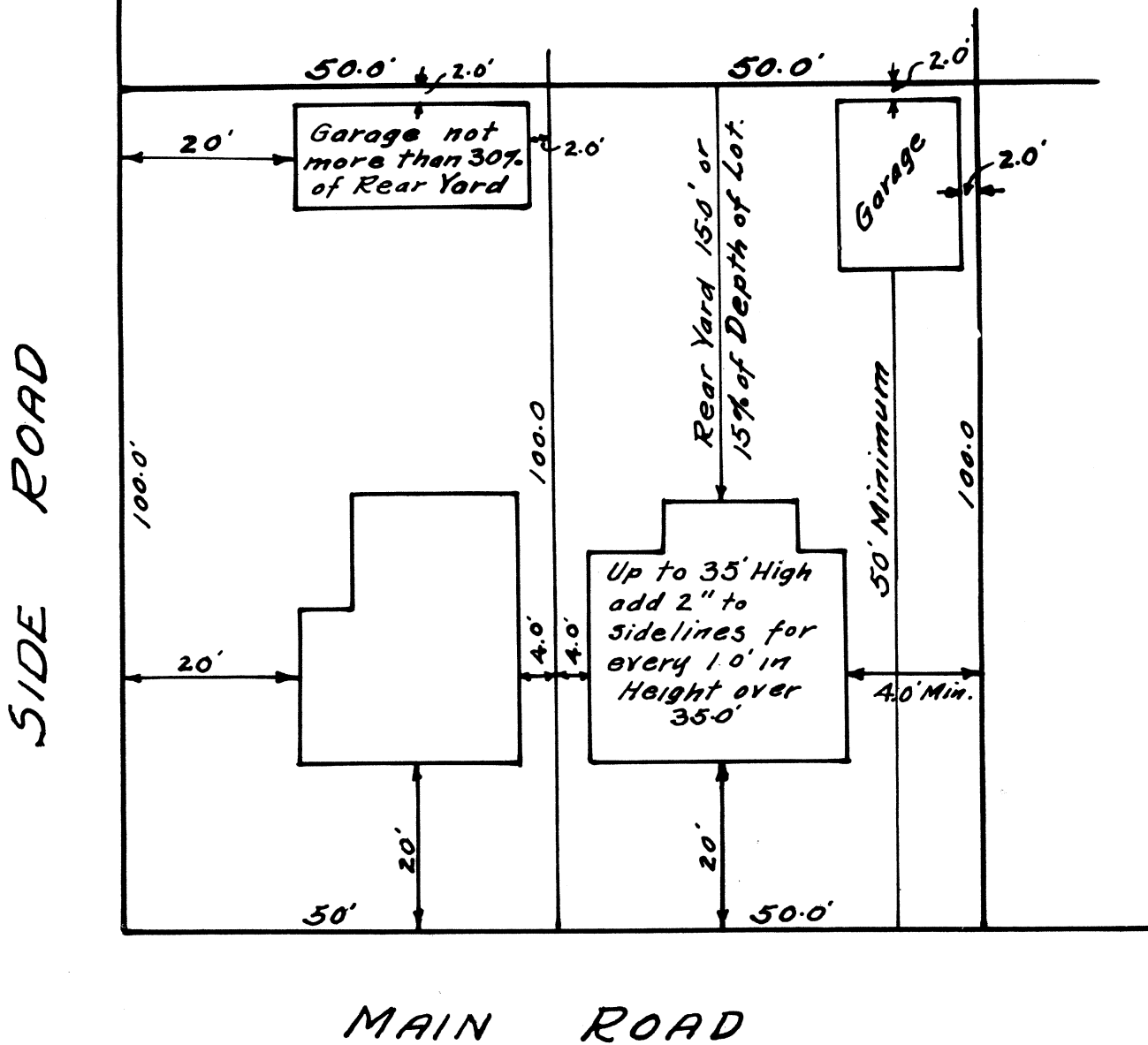
(d) No building shall be erected or altered to accommodate or make provision for more than one (1) family for each fifteen hundred (1500) square feet of the area of the lot, provided that a single dwelling may be erected on any lot separately owned at the time of the passage of this Ordinance.

(e) The gross area of any apartment house or dwelling for more than two (2) families shall not exceed twenty-five (25) per centum of the area of the lot.

(Section 6A was added by amendment  
of September 7, 1950.)

Residence A<sup>1</sup> One Family  
 Residence A & B 1 & 2 Families  
 Residence B Apartment Houses

Minimum 50' Front Area 5000<sup>sq</sup>



Apartment Houses - Maximum Height 35 stories  
 not to exceed 40'

Side Line 6.0'

One Family to every 1500<sup>sq</sup> Area of Lot

Area of Apartment not to exceed 25% of Lot  
 Parking Area or Garage to accommodate  
 each Family.

RESIDENCE "B-1" DISTRICT

Section 6B. By creating a new class of district to be known as Residence "B-1" District, within which district no building or premises shall be constructed, erected, built or used except as follows:

1. Any building or use permitted in a Residence "A" District shall not be prohibited in this district. In addition thereto there shall be permitted multiple dwellings and apartment houses, excepting however that no such multiple dwelling or apartment house, or any part or portion thereof, exclusive of chimney or roof ornamentation, shall

a. Be erected more than three (3) stories in height, such height not to exceed forty (40) feet.

b. Be built within twenty-five (25) feet of any street or highway bounding such district, or within twenty-five (25) feet of any property adjacent to such district zoned for residence purposes.

c. Such building or buildings shall not occupy more than twenty-five per cent (25%) of the plot or parcel upon which the same is erected.

d. Apartment houses and dwellings for more than two (2) families shall be provided with paved private yard area or garage space, or both, sufficient in size for the accommodation at one time of as many motor vehicles as there are families provided for, excepting that no cars shall be parked in the twenty-five (25) feet adjacent to residential property.

e. No building shall be erected or altered to accommodate or make provision for more than one (1) family for each fifteen hundred (1500) square feet of the area of the lot, provided that a single dwelling may be erected on any lot separately owned at the time of the passage of this Ordinance.

f. All apartment or multiple dwelling houses in this district shall have a pitched roof of not less than thirty (30) degrees nor more than sixty (60) degrees.

(Section 6B was added by amendment  
of February 29th, 1956.)

## RESIDENCE "AA" DISTRICTS

Section 7. No building or premises within a Residence "AA" District shall be constructed, erected, built or used, in whole or in part, for any purpose except the following: A single family detached dwelling; public parks; the offices of doctors, surgeons, engineers, dentists, lawyers, musicians, artists, or architects, connected with their respective private residences, and with no conspicuous display of advertising; and accessory uses customarily incident to the above uses. The term "Accessory Use" shall not include a business except as hereinabove expressly permitted, nor shall it include any building or use not located on the same lot with the building or use to which it is accessory. Private garage or private stables shall be permitted as provided in Section 12 hereof.

(Section 7 was amended to read as above  
by amendment of November 30, 1953.)

In a Residence "AA" District all buildings hereafter erected shall conform to the following regulations:

(a) Front set back lines. Buildings hereafter erected shall be set back from the front street line at least as far as the set back observed by sixty per cent of the existing houses on that portion of the same side of the street on which the new building is proposed to be erected, which is bounded by the nearest existing municipally owned streets to the right and left thereof, and in no event less than three hundred feet to the right and three hundred feet to the left of the proposed new building notwithstanding that an intersecting municipally owned street may be less than three hundred feet to the right or left of such new building. If there is no existing house on the said portion of the side of the street on which the new building is proposed to be erected within the aforesaid limits, then the new building shall be set back from the front street line at least thirty feet.

(b) Side Yards. The minimum side yard to be eight feet wide on one side of the lot and both side yards to have an aggregate minimum width of twenty feet.

(c) Rear Yards. The rear yard shall be not less than twenty feet in depth measured from the rear property line, for the full width of the lot.

(d) Accessory Buildings. Accessory buildings, including garages, shall not be permitted to encroach upon the rear yard or the side yards. An accessory building shall not be over one and one-half stories in height and shall be located at least sixty feet from the front property line. It shall not be used for residence purposes except for housing the chauffeur, gardener or servants of the family.

(e) Lot Area; Height of Buildings; Floor Area; etc. No building shall be erected hereafter:

(1) which shall be less than  $1\frac{1}{2}$  stories or more than  $2\frac{1}{2}$  stories or 35 feet in height;

(2.) which shall have less than 1400 square feet of fully enclosed floor area which is or can be made habitable, excluding the floor area of any garage space;

(3.) which shall occupy more than 30% of the lot area;

(4.) upon a lot containing an area of less than 7500 square feet or upon a lot having a street frontage of less than 75 feet on the street on which the lot fronts, provided however that said minimum lot area and street frontage requirements shall not apply to a lot which was separately owned on December 11, 1939, and which then failed to meet said lot area and street frontage requirements.

Notwithstanding the minimum height and floor area requirements specified in sub-subdivisions (1) and (2) above, a one story dwelling or a dwelling not conforming to said minimum floor area requirement, but otherwise complying with the requirements contained in Section 7 of Article 1 of this Ordinance, may be erected PROVIDED the construction of the said proposed dwelling (1) is approved in writing by 60% of the owners of the properties (situated in a Residence "AA" District) respectively abutting on each side of each street upon which the lot for said dwelling abuts within a distance of 600 feet to the right and 600 feet to the left of the center of the street frontage of said lot on each such street, (several owners of a separate property to count as one owner) and (2) is also approved by the Zoning Board of Appeals by a majority vote.

A half story within a Residence "AA" District is hereby defined as a fully enclosed space under a gable, hip or gambrel roof which is capable of providing at least one habitable room. No existing building shall be hereafter altered so that it shall violate any of the requirements of Section 7 of Article 1 of this Zoning Ordinance, as hereby amended.

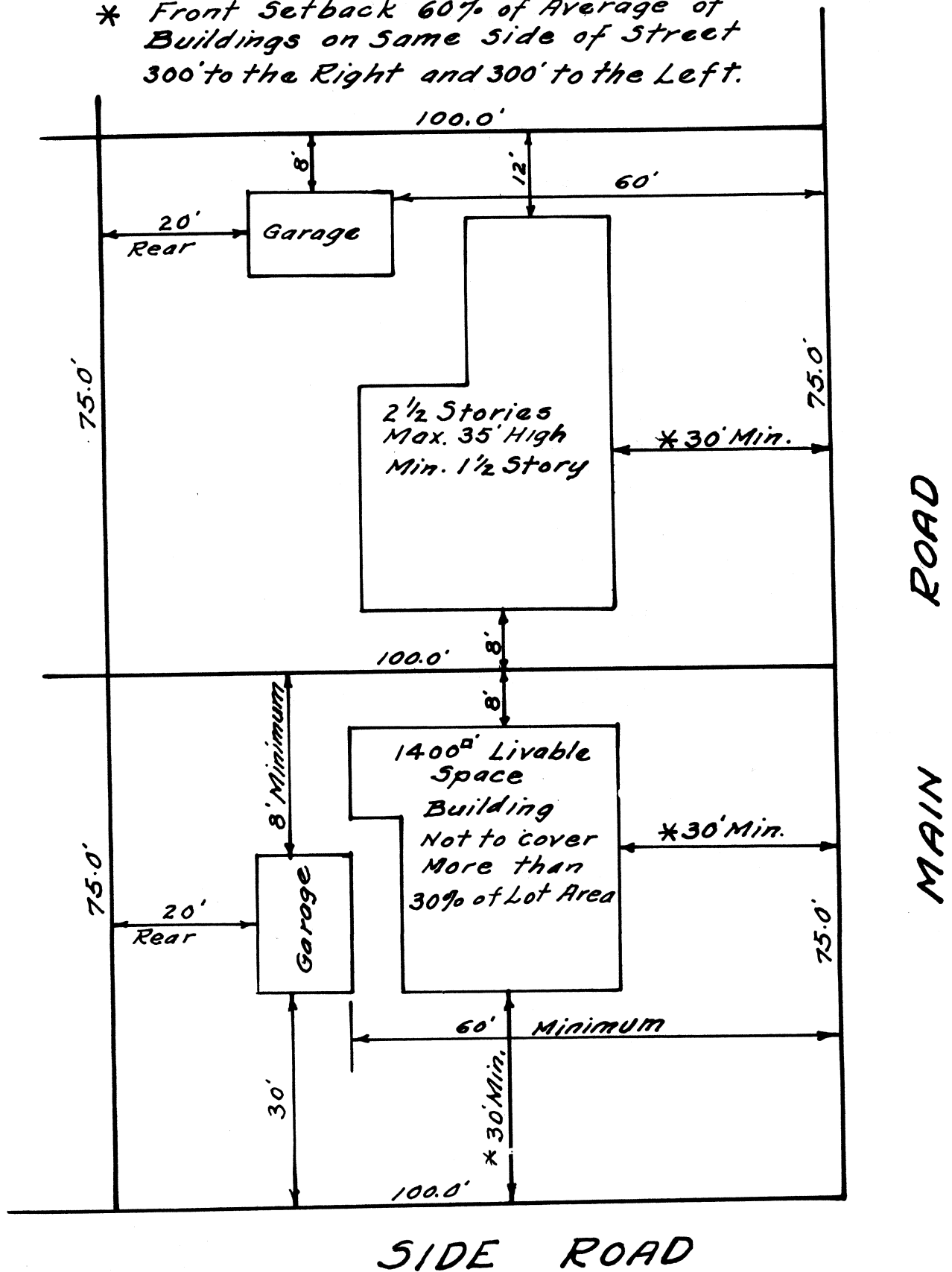
(Section 7 was added by amendment of  
December 11, 1939)

(Subdivision "e" was amended to read  
as above by amendment of December 20, 1949)

# Residence "AA" One Family Dwelling

75' Front Area 7500<sup>sq</sup>'

- \* Front Setback 60% of Average of Buildings on Same Side of Street  
300' to the Right and 300' to the Left.



## RESIDENCE "AAA" DISTRICTS

Section 7-A. There is hereby created a new class of districts to be known as Residence "AAA" Districts, within which districts no building or premises shall be constructed, erected, built or used, in whole or in part, for any purpose except the following: A single family detached dwelling; public parks, the offices of doctors, surgeons, engineers, dentists, lawyers, musicians, artists, or architects, connected with their respective private residences, and with no conspicuous display of advertising; and accessory uses customarily incident to the above uses. The term "Accessory Use" shall not include a business except as hereinabove expressly permitted, nor shall it include any building or use not located on the same lot with the building or use to which it is accessory. Private garage or private stables shall be permitted as provided in Section 12 hereof.

(Section 7-A was amended to read as above  
by amendment of March 28, 1952.)

In a Residence "AAA" District all buildings hereafter erected shall conform to the following regulations:

(a) Front set back lines. The front yard shall be not less than 25' from the property line.

(b) Side Yards. The aggregate side yards to be not less than 30% of the frontage, the minimum side yard to be not less than 40% of the aggregate side yards, but in no event need a side yard exceed fifteen feet.

(c) Rear Yards. The rear yard shall be not less than 30% of the depth of the lot, but in no event need the rear yard exceed 35 feet in depth.

(Section 7-A (c) was amended to read as  
above by amendment of December 18, 1953.)

(d) Accessory Buildings. An accessory building in the rear yard shall not occupy more than 10% of the rear yard area. Said accessory building shall not be over 18' in height, and shall be located at least 3' from all property lines. No accessory building shall be used for residence purposes except for a chauffeur or gardener, or for housing servants of the family.

(e) Lot Area, Height of Building, Floor Area, etc. No building shall be erected hereafter:

(1) which shall be more than  $2\frac{1}{2}$  stories or 35' in height;

(2) which shall have less than 1,650 square feet of fully enclosed floor area which is or can be made habitable, excluding the floor area of any garage space, cellar or external porch;



(3.) which shall occupy more than 25% of the lot area;

(4.) which accommodates or makes provisions for more than a single family for each 10,000 square feet of the area of a lot having a minimum street frontage of 100'; provided, however, that said minimum lot area and street frontage requirements for a single family dwelling shall not apply to any lot separately owned on the date this amendment goes into effect, and which then failed to meet said lot area and street frontage requirements.

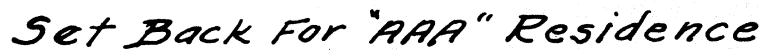
Notwithstanding the minimum floor area requirements specified in Subdivisions (2) and (3) above, a dwelling not conforming to said minimum floor area requirement, but otherwise complying with the requirements contained in Section 7-A of Article 1 of this Ordinance, may be erected PROVIDED the construction of said proposed dwelling (1) is approved in writing by 60% of the owners of the properties (situated in "AAA" Residence District) respectively abutting on each side of each street upon which the lot for said dwelling abuts within a distance of 600 feet to the right and 600 feet to the left of the center of the street frontage of said lot on each such street, (several owners of a separate property to count as one owner), and (2) is also approved by the Zoning Board of Appeals by a majority vote.

No existing building shall be hereafter altered so that it shall violate any of the requirements of Section 7-A of Article 1 of this Zoning Ordinance, as hereby amended.

(Subdivision (b) changed to read as  
above by amendment of January 26, 1942)

(Subdivision (e) changed to read as  
above by amendment of December 13, 1950)

(Subdivision (e-4) changed to read as  
above by amendment of February 11, 1957)



Side Yard does not have to exceed 15.0'  
No Building to be within 25.0' of Street Line.

## RESIDENCE "C" DISTRICTS

Section 7B. Any building or use permitted in a Residence "A" District shall not be prohibited in this district. In addition thereto there shall be permitted multiple dwellings and apartment houses, excepting however that no such multiple dwelling or apartment house, or any part or portion thereof, exclusive of chimney or roof ornamentations, shall

1. Exceed thirty-five (35) feet in height above grade.
2. Be built within twenty-five (25) feet of any street or highway bounding such district, or within thirty-five (35) feet of any property adjacent to such district zoned for residence purposes.
3. Such building or buildings shall not occupy more than sixty percent (60%) of the plot or parcel upon which the same is erected.
4. That provision shall be made to house within an enclosed building or buildings automobiles equalling in number at least fifty percent (50%) of the number of apartments contained in such building or buildings.
5. That in addition to the provision contained in the foregoing paragraph, provision shall be made for the parking of automobiles to the number of at least fifty percent (50%) of the number of apartments contained in such building, in locations off the streets or highways adjacent to this district, and at least thirty-five (35) feet from any adjoining residential lot or lots.
6. All apartment or multiple dwelling houses in this district shall have a pitched roof of not less than thirty (30) degrees nor more than sixty (60) degrees.
7. No garage or building in which automobiles are kept shall be within twenty-five (25) feet of any street or highway, or within thirty-five (35) feet of any residential lot line.

The Zoning Map of the Village of Mamaroneck is hereby amended by changing from a Residence "A" District to a Residence "C" District or classification the following described area:

BEGINNING at a point on the westerly side of Guion Drive 302.19 feet generally north of its intersection with Lawn Terrace; running thence northerly along the westerly side of Guion Drive and the southerly and easterly sides of Guion Terrace 935.62

feet to a point; and running thence northeasterly through the block 284.61 feet to the point or place of beginning.

AND ALSO that portion of the Village of Mamaroneck which is bounded on the north by the Business District boundary line of property lying south of the Boston Post Road; on the east by the boundary line of Residence "B" District lying to the west of Barry Avenue; on the south by the northerly boundary line of Stuart Avenue; and on the west by the easterly boundary line of Lawn Terrace.

(Section 7B added by amendment of  
December 27, 1948. Designation of  
Section corrected August 8, 1949.)

RESIDENCE "A-1" DISTRICT

Section 7-C. By creating a new class of district to be known as Residence "A-1" District, within which district no building or premises shall be constructed, erected, built or used for other than one or more of the purposes permitted in a Residence "A" District, except that detached or semi-detached dwellings for more than one family or one housekeeping unit shall not be permitted in Residence "A-1" District.

The Zoning Map of the Village of Mamaroneck is hereby amended by changing from a Residence "A" District to a Residence "A-1" District or classification the following described area:

On the west by a line beginning at a point 100' south of Halstead Avenue and 100' west of Carroll Avenue, and running parallel to and 100' west of Carroll Avenue to a point 100' north of the northerly boundary line of the Boston Post Road; on the south by a line 100' north of the Boston Post Road and Keeler Avenue to a point 100' east of easterly line of Frank Avenue; on the east by the rear lines of properties facing on the easterly side of Frank Avenue and the rear boundary line of property on the east side of Wagner Avenue between Frank Avenue and the southerly boundary line of Residence "B" property fronting on Halstead Avenue; and on the north by a line 100' south of and running parallel to Halstead Avenue from the rear line of property facing on Wagner Avenue to the rear line of property facing on the west side of Carroll Avenue, this line being the southerly boundary line of the Residence "B" District lying on the south side of Halstead Avenue.

(Section 7-C added by amendment of July 25, 1949)

BUSINESS DISTRICT

Section 8. In a Business District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

1. Bag cleaning establishment.
2. Asphalt manufacture or refining establishment.
3. Car barns.
4. Coal or lumber yards.
5. Milk bottling or distributing station.
6. Storage or baling of a scrap paper, rags or junk.
7. Any kind of manufacturing other than the manufacture of products sold at retail on the premises to the ultimate customer.
8. An amusement park carried on as a business.
9. Any trade, industry or use prohibited by Section 9 in an Industrial District.
10. Storage or more than five motor vehicles or garage for more than five motor vehicles including attached or detached garages on the same or continuous lots in the same ownership, management or control which in the aggregate accommodate more than five motor vehicles, and not including a sales room wherein motor vehicles are kept for sale or display purposes only.
11. Gasoline service station.
12. Automobile laundry.
13. Repair and/or paint shop for motor vehicles.
14. Stable for more than five horses.
15. Truck Depot.
16. Used Car Lots.
17. Truck and/or Trailer Weighing Station.

No use permitted in a Residential District shall be excluded from a Business District.

(Subdivisions 15, 16 and 17 added by amendment of October 16, 1951.)

## BUSINESS "A" DISTRICT

Section 8-A. In a Business "A" District no building shall be erected which is arranged, intended or designed to be used for any of the trades or industries prohibited by Sections 8 and 9 of Article 1 of the Zoning Ordinance of the Village of Mamaroneck, and in addition to the foregoing restrictions in such district no building or premises shall be used and no building shall be arranged or designed to be used for

1. Manufacturing or assembling of merchandise of any character regardless of whether the articles so manufactured or assembled are to be sold on or off said premises.

2. Sale of intoxicating liquors.

3. Undertaking establishments.

4. For sale, exchange or storage of automobiles unless each of said car so sold, parked, stored or held for exchange shall be kept within buildings on said premises.

5. No building shall be erected within fifteen (15) feet of the property line of the Boston Post Road.

6. Buildings facing Boston Post Road shall have a pitched roof of not less than thirty (30) degrees nor more than sixty (60) degrees.

The Zoning Map of the Village of Mamaroneck is hereby amended by changing from a "Business District" to a Business "A" District or classification the following described area:

BEGINNING at a point on the southerly side of East Boston Post Road 540.70 feet west of South Barry Avenue; running thence west along the southerly line of East Boston Post Road 454.19 feet to a point; running thence southerly along a one foot reserve strip 101.05 feet to a fence wall; running thence easterly along said fence wall 484.52 feet to a point; thence northerly 95.62 feet to the point or place of beginning.

(Section 8-A added by amendment of  
December 27, 1948)

Section 8-B.

(a) No part of any building shall be carried to a greater height than three (3) stories, such height not to exceed forty (40) feet, exclusive of chimney.

(b) No building shall be erected or altered to accommodate or make provision for more than one family for each one thousand (1,000) square feet of the area of the lot.

(Section 8-B added by amendment  
of September 7, 1950.)



## INDUSTRIAL DISTRICT

Section 9. In an Industrial District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

1. Ammonia, Chloride or bleaching powder manufacture.
2. Asphalt manufacture or refining.
3. Assaying, other than gold or silver.
4. Boiler works.
5. Brick, tile or terra cotta manufacture.
6. Crematory.
7. Creosote manufacture.
8. Distillation of coal, wood or bones.
9. Fat rendering.
10. Fertilizer manufacture.
11. Glue, size or gelatine manufacture.
12. Reduction of garbage, offal, dead animals or refuse, except when used for municipal purposes.
13. Iron, steel, brass or copper foundry.
14. Lamp black manufacture.
15. Lime, cement or plaster of paris manufacture.
16. Oil cloth or linoleum manufacture.
17. Paint, oil, varnish or turpentine manufacture.
18. Petroleum refining.
19. Pyroxoline plastic manufacture or manufacture of articles therefrom.
20. Printing ink manufacture.
21. Rubber manufacture from crude material.
22. Raw hides or skins - - storage, curing or tanning.
23. Slaughtering of animals.
24. Smelting of iron.
25. Stock yards.
26. Stone crushing.
27. Soap manufacture.
28. Starch, glucose or dextrine manufactures.
29. Sulphurous, sulphuric, nitric or hydrochloric acid manufacture.
30. Tar distillation.
31. Tallow, grease or lard manufacture.
32. Tar roofing or water proofing manufacture.
33. Any other trade, industry or use that is obnoxious or offensive by reason of the emission of odor, smoke, gas or noise.

No use permitted in a Residence District or in a Business District shall be excluded from any Industrial District.

Section 9-A.

(a) No part of any building shall be carried to a greater height than three (3) stories, such height not to exceed forty (40) feet, exclusive of chimney.

(b) No building shall be erected or altered to accommodate or make provision for more than one family for each one thousand (1,000) square feet of the area of the lot.

(Section 9-A added by amendment  
of September 7, 1950.)

GENERAL PROVISIONSSection 10.

(1) Except as otherwise provided in this ordinance, every room in which persons live, sleep, work or congregate, shall have at least one window or ventilating skylight opening directly either upon the streets or upon a front, rear or side yard, outer or inner court located on the same lot and conforming to the requirements prescribed by his ordinance for the district in which located as to its minimum area and least dimensions. Living rooms and apartments may be built and included in business or industrial structures provided, however, that the industrial or business space be separated from the apartment or living quarter by fireproof partitions and fireproof ceiling, and provided further that court space be allowed both in the rear and side, the least dimension of any outer court or of any inner court at any given building height, to be 2 inches for each foot of such court in height, but in no case shall any court contain an area of less than 27 square feet at its lowest level, or a least dimension of less than three feet.

(2) No yard, court or other open space provided for in this ordinance about any building shall be used as a yard court or open space for any other building.

(3) Except as otherwise permitted in this ordinance every part of a required yard or court shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sky-lights above the bottom of such yard or court, and except for the projections of sills, belts courses, cornices and ornamental features not to exceed four inches; provided that open or lattice enclosed fire escapes fireproof outside, stairways and solid floored balconies opening upon fire towers, projecting into a yard not more than three and one-half feet, and the ordinary projections of chimneys, or flues may be permitted by the Building Inspector where so placed as not to obstruct the light and ventilation.

(4) No conforming building or conforming use shall be changed into a non-conforming building or non-conforming use.

(5) No lot area shall be so reduced or diminished in area that the yards, courts or open space shall be smaller than prescribed by this ordinance.

(6) In no case shall the provisions covering courts in any district be deemed to apply to courts or shafts for bathrooms, toilet compartments, hallways or stairways.

(7) Set-backs. In Residence A, Residence AA, Residence AAA, Residence B, and Residence A-1 Districts, no part of any building shall be built nearer to a street line than the distance provided for front set-backs in said districts, except that on corner lots such buildings may be set back a less distance from the side street upon the majority vote of the Zoning Board of Appeals.

(Subdivision 7 was added by amendment of November 13, 1945.)

(Residence A-1 District created July 25, 1949.)

(8) Municipal Parking Field or Area. Regardless of any other provisions of this ordinance relating to the use of land, a municipal parking field or area may be established in any district.

(Subdivision 8 was added by amendment of April 30, 1956.)

NON-CONFORMING BUILDINGS AND USES

Section 11. Any non-conforming building or use existing at the time of the passage of this ordinance may be continued. Unless the use is changed to a conforming use, no existing building designed, arranged, intended or devoted to a non-conforming use shall be enlarged, extended, reconstructed, or structurally altered or the non-conforming use therein enlarged, extended or changed except subject to the following regulations:

(1) The structural alteration or the enlargement or extension of such a building shall in no case exceed fifty percent of the assessed value of the lot and building.

(2) No non-conforming use shall be extended at the expense of a conforming use.

(3) In a Residence District no non-conforming use shall be changed into a different non-conforming use without the consent of the Board of Appeals, and in no event shall any building or premises located in a Residence District and devoted to a use permitted in a Business District be changed into a use excluded from a Business District.

(4) In a Residence or a Business District no building or premises devoted to a use permitted in an Industrial District shall be changed into a use excluded from an Industrial District.

(5) In a Residence, Business or Industrial District no building devoted to a use excluded from an Industrial District shall be structurally altered if its use shall have been changed since the time of the passage of this ordinance to another use also excluded from an Industrial District. A change of use for the purpose of this subdivision shall be deemed to include any change from a use in an enumerated subdivision of Section 9 to a use included in another enumerated subdivision of Section 9.

(6) In a Residence, Business or Industrial District no building devoted to a use excluded from an Industrial District shall have its use changed to another use which is also excluded from an Industrial District if the building shall have been structurally altered since the time of passage of this ordinance. A change of use for the purpose of this subdivision shall be deemed to include in any change from a use included in an enumerated subdivision of Section 9 to a use included in another enumerated subdivision of Section 9.

Section 12. GARAGE AND STABLES. A private garage is permitted upon the same plot with a dwelling for less than three families as an accessory thereto, provided that no business, service or industry, connected directly or indirectly with motor vehicles is carried on. No commercial vehicles shall be stored in any such garage. Space for not more than one motor vehicle may be leased. No permit shall be issued for a private garage unless a dwelling is already erected or in the course of erection upon the same plot.

Every such private garage shall be set back at least 50 feet from the front property line and on corner lots shall also set back at least 20 feet from a side street unless such garage is made part of the main dwelling.

The regulations for private garages shall also apply to stables except that one horse and vehicle shall be considered the equivalent of one motor vehicle.

No garage for more than five cars may be erected or extended and no building not now used as a garage for more than five cars may have its use changed to a garage for more than five cars and no gasoline service station, automobile laundry or repair and/or paint shop for motor vehicles may be erected or extended within a distance of 200 feet from the nearest exit from or entrance to a church, hospital, public or private school playground, orphanage or children's home for children under sixteen years of age.

ARTICLE 11CERTIFICATES OF COMPLIANCE AND OCCUPANCY

Section 1. Hereafter no person shall commence the erection of any new building or alter, enlarge or extend an existing building or premises and no permit for excavation or for the erection, alteration, enlargement or extension of any building shall be issued, until the Building Inspector shall have issued a certificate of compliance setting forth that the erection, alteration, enlargement or extension of building as proposed or the enlargement, extension or change of use or proposed complies with the provisions of these regulations.

Section 2. Hereafter no person shall use or occupy or permit the use or occupancy of any building or premises or part thereof hereafter erected, created, changed or converted wholly or partly in its use or structure until the Building Inspector shall have issued a certificate of occupancy stating that the building and premises comply with the provisions of these regulations.

Section 3. Nothing contained in the preceding Sections 1 and 2 shall prevent the continuance of the present occupancy or use of any premises or of any existing buildings.

Section 4. Certificates of compliance and of occupancy shall be issued only on application upon the forms provided for the purpose and supplied by the Building Inspector. Applications for certificates of compliance shall be accompanied by a plan in duplicate drawn to scale showing the actual dimensions and bearings of the recorded lot upon which the construction, alteration, enlargement or extension is proposed, all buildings existing upon said lot, the size of the proposed construction, alteration, enlargement or extension and such other data as may be necessary to determine compliance with these regulations; and applications for certificates of occupancy shall be accompanied by such plans and data as may be necessary to determine compliance with these regulations.

Section 5. Certificates of compliance shall be issued if the facts warrant issuance within ten (10) days after application, and shall be confined in statement and in effect to the construction, alteration, enlargement or extension of building as proposed or the enlargement, extension or change in use as proposed and

shall have no effect with respect to any variation in or departure from such proposal.

Section 6. Certificates of occupancy shall be issued upon ten (10) days' previous applications therefor and after inspection if the facts warrant issuance and the construction, alteration, enlargement or extension is completed to the point of availability for occupancy.

Section 7. A proper record of all applications, plans and certificates shall be kept in the office of the Building Inspector and a copy of all certificates shall be furnished on request to any person have a proprietary or tenancy interest in the building or premises concerned. A fee of Two Dollars (\$2.00) shall be charged for each original certificate and Fifty Cents (50¢) for each copy thereof.



ARTICLE 111BOARD OF APPEALS

Section 1. Membership. The Board of Appeals authorized to be appointed by Article 6A of the Village Law as amended is hereby established with the jurisdiction, powers and duties specified in said Article 6A of the Village Law as amended. The words "The Board" when used in this article refer to such Board. The Board shall consist of five (5) members appointed by the Board of Trustees of the Village of Mamaroneck for a term of three (3) years. The Board shall receive no compensation for such services.

Section 2. The Board of Appeals shall from time to time adopt and may amend and repeal such rules and regulations as may be deemed necessary to carry into effect the provisions of this ordinance.

Section 3. The Board of Appeals may in a specific case after public notice and hearing and subject to appropriate conditions and safeguards determine and vary the application of the regulations herein established in harmony with their general purposes and intent as follows:

(1) Where a district boundary line divides a lot in a single ownership at the time of the passage of this ordinance, permit a use authorized on either portion of such lot to extend to the entire lot.

(2) Permit the extension or enlargement of a non-conforming use or building upon lot occupied by such use or building at the time of the passage of this ordinance although such extensions or enlargement involves alterations or additions in excess of fifty (50) percent of the assessed value of the building and lot.

(3) Permit the erection of an additional building upon a lot occupied at the time of the passage of this ordinance by an industrial or commercial establishment and which additional building is a part of such establishment.

(4) Exempt a proposed building in a district either in whole or in part from the requirement of set back of street wall from front property line beyond the minimum set back line observed by at least one-half ( $\frac{1}{2}$ ) of the buildings situated on either side of the street between two intersecting streets. This relief shall however, be granted only in cases where the proposed building adjoins on either side or both sides buildings that do not conform to the minimum set back line required by this ordinance or where compliance with the minimum set back

line would cause unnecessary hardship to the owner without any compensating benefit to the community.

(5) Where the street layout actually on the ground varies from the street layout as shown on the district map, apply the designations shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular section in question.

(6) Permit in a Residence "B" or Business District, the erection upon the same lot with an hotel, apartment house, club, boarding, rooming or lodging house, or a garage for the exclusive use of the occupants of such hotel, apartment house, club, boarding, rooming or lodging house. Such permit shall specify the maximum size or capacity of the garage and shall impose conditions and safeguards upon the construction and use of the garage.

(7) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Board of Appeals shall have the power in a specific case to vary or modify the application of any of the regulations or provisions relating to the use, construction or alteration of building, or the use of land, so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

(8) Permit in a Residence "A" District clubs or social, recreational and community centers, excepting where the chief activity thereof is carried on as a business; and farming, truck gardening, nurseries or greenhouses where carried on as a business, provided the petitioner files the consents, duly acknowledged, of the owners of 80 per centum of the area deemed by the Board to be immediately affected by the proposed club, social, recreational or community center, farm, truck garden, nursery or greenhouse.

Permit in a Residence "B" District hotels, provided the petitioner files the consents, duly acknowledged, of the owners of 80 per centum of the area deemed by the Board to be immediately affected by the proposed hotel.

(Section 8 added by amendment of  
January 22, 1934.)

ARTICLE 1VDEFINITIONS

Section 1. Definitions: Certain words in this ordinance are defined for the purpose thereof as follows:

(a) Words in the present tense include the future; the singular number includes the plural, the plural the singular; the word "lot" includes the word "plot" and the word "premises"; the word "building" includes the word "structure".

(b) A "non-conforming building or use" is one that does not conform with the regulations of the district in which it is situated.

(c) A "lot" is a parcel of land occupied or to be occupied by one building and the accessory buildings or uses customarily incident to it including such open spaces as are required by this ordinance.

(d) A "corner lot" is a parcel of land not over fifty feet in width at the junction of and fronting on two intersecting streets.

(e) An "interior lot" is a lot other than a corner lot.

(f) The "depth of a lot" is the mean distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

(g) The "street line" is the dividing line between the street and the lot.

(h) The "street wall" of any building, at any level, is the wall or part of the building nearest to the street line.

(i) A "rear yard" is the open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

(j) A "side yard" is the open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street to the rear yard, or where no rear yard is required, to the rear line of the lot.

(k) An "enclosed court" is an open unoccupied space on the same lot with a building not extending to either the street or the rear or side yards.

(l) An "open court" is an open unoccupied space on the same lot with a building extending to either of the street or the rear or side yards.

(m) The "building area" is the maximum horizontal projected area of a building and its accessories.

(n) The "least dimension" of a court or yard is the least of the horizontal dimensions of such court or yard.

(o) The "length of an outer court" is the horizontal distance between the end opening on a street or rear yard and the end opposite such street or rear yard.

(p) The "height of a court or yard" is the vertical distance between the lowest level of such court or yard to the highest point of any boundary wall. Where there is no gable, mansard or dormer, the height shall be measured to the eaves; where there is a gable, the height shall be measured to the mean height of the gable; and where there is a mean height mansard or dormer, the height shall be measured to the eaves, gable, mansard or dormer. In any given case, the height of a court or yard shall be measured to the mean height of the eaves, gable, mansard or dormer.

(q) The "height of a building" is the vertical distance measured in the case of flat roofs from the curb level of the highest point of the roof beams adjacent to the street wall, and in the case of pitched roof from the curb level to the average height of the gable. Where no curb exists the height of the building shall be measured by the center of the road bed the grade of which shall be established or approved by the Village Engineer. In case of both flat and pitched roofs, the measurements shall be made through the center of the street facade. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured from the curb level to the highest point of the building. Where the walls of a building do not adjoin the street, the average level of the ground adjoining the walls of the building may be taken in measuring its height instead of the curb level.

## ARTICLE V

### GENERAL AND ADMINISTRATIVE

Section 1. Interpretation: Purposes in their interpretation and application the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law, ordinance or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of building or premises, nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenants or other agreements between parties; provided however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinances or by such rules, regulations or permits or by such easements, covenants or agreements the provisions of this ordinance shall control.

### ENFORCEMENT, PROCEDURE, PENALTIES

Section 2. Enforcement, Legal Procedure, Penalties: This ordinance shall be enforced by the Building Inspector for any and every violation of the provisions of this ordinance. The owner, general agent or contractor of a building, or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any person who knowingly commits takes premises in which any such violation shall exist shall, for each and every day that such violation continues, be subject to a penalty of not more than Fifty (\$50.00) Dollars.

### PREVENTION OF VIOLATIONS

Section 3. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or

maintained or any building structure or land is used in violation of this act or any ordinance the Board of Trustees of the Village in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain correct or abate such violation to prevent any illegal act, conduct, business or use in or about such premises.

#### AMENDMENTS

#### Section 4. Amendments, Alterations and Changes in District lines.

(1) The Board of Trustees may from time to time on its motion or on petition amend, supplement, modify, change or repeal the regulations and districts herein established.

(2) Whenever the owners of fifty per centum (50%) or more of the frontage in any district or part thereof shall present a petition duly signed and acknowledged to the Board of Trustees requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Board of Trustees to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Building Inspector.

(3) No amendment, supplement, change or repeal of, in or to this ordinance or the districts, regulations, restrictions, boundaries herein established shall be made except after public hearing and fifteen (15) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the Village.

(4) In case of a protest against any amendment, supplement, change or repeal signed by the owners of twenty per centum (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending one hundred (100) feet therefrom or of those directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite lots, such amendment supplement, change or repeal shall not become effective except by the favorable vote of all the members of the Board of Trustees.

(5) If any area is hereafter transferred to another district by a change in district boundaries by an amendment as above provided, the provisions of this ordinance in regard to buildings or premises existing at the time of the passage of this ordinance shall apply to buildings or premises existing at the time of the

passage of such amendment in such retransferred area.

### BOUNDARIES OF DISTRICTS

Section 5. District Boundaries: The district boundaries are, unless otherwise indicated, either street lines or lines drawn parallel to and one hundred feet back from one or more of the street lines bounding the block. Where two or more districts' designations are shown within a block two hundred feet or less in width the boundary of the less restricted district shall be deemed one hundred feet back from its street line. Where two or more districts' designations are shown within a block more than two hundred feet in width, boundary of the less restricted district shall be deemed one hundred feet back from its street line.

Section 5A. The district boundaries along the Boston Post Road shall be figured from the present lines of said highway. On Halstead Avenue boundaries shall be figured from the highway lines as shown on Map known as "Survey of the Widening of Halstead Avenue, Village of Mamaroneck, Towns of Rye and Mamaroneck, Westchester County, New York, Made by Carpenter & Duffy, Civil Engineers and Surveyors", Consisting of 5 sheets as follows:

Sheet No. 1 of 4 - Filed in Register's Office of Westchester County as Map No. 3816.

Supplementary.

Sheet No. 1 of 4 - Filed in Register's Office of Westchester County as Map No. 3825.

Sheet No. 2 of 4 - Filed in Register's Office of Westchester County as Map No. 3816A.

Sheet No. 3 of 4 - Filed in Register's Office of Westchester County as Map No. 3816B.

Sheet No. 4 of 4 - Filed in Register's Office of Westchester County as Map No. 3816C.

Except as herein provided the preceding section shall remain in full force and effect.

(Section 5A added by amendment  
of January 28, 1935.)

## COMPLETION AND RESTORATION OF EXISTING BUILDINGS

Section 6. Completion and Restoration of Existing Buildings. Nothing herein contained shall require any change in the plans, construction, or designated use of a building for which a building permit has been heretofore issued or plans for which are on file with the Building Inspector at the time of the passage of this ordinance, and a permit for the erection of which is issued within three (3) months of the passage of this ordinance and the construction of which in either case, shall have been diligently prosecuted within a year of the date of such permit, and the ground story frame work of which including the second tier of beams shall have been completed within such year, and which entire building shall be completed according to such plans as filed within five years from the date of the passage of this ordinance. Nothing in this ordinance shall prevent the restoration of a building wholly or partly destroyed by fire, explosive, act of God, act of the public enemy or prevent the continuance of the use of such building or part thereof as such use existed at the time of such destruction of such building or part thereof, or prevent a change of such existing use under the limitation provided in this ordinance. Nothing in this ordinance shall prevent the restoration of a wall declared unsafe by the Building Inspector or by a board of survey.

## VALIDITY OF ORDINANCE

Section 7. Validity of Ordinance. If any article, section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the article, section, paragraph, subdivision, clause or provision so adjudged and the rest of this ordinance shall remain valid and effective.

## WHEN EFFECTIVE

Section 8. This ordinance effective originally on the 2nd day of March, 1925, and amendments thereto included in this copy effective on several dates in accordance with published advertisements.

Dated: Mamaroneck, N. Y.  
March 1st, 1957.

VILLAGE OF MAMARONECK

FREDERICK H. BULL, JR.,  
Treasurer-Clerk.