

*Below is my suggested draft of the letter for the Board to send to the BOT regarding certain language in the VOM Code. You will see that I added to the list of terms asked to be considered “roomers and boarders”, “single housekeeping unit”, “Lot Coverage”, and “Indoor Recreational Facility”. The latter two have not come up recently in the Board’s discussion but were found by the Board to be ambiguous in the past.*

Dear Mayor and Trustees:

The purpose of this letter is to bring to the attention of the Board of Trustees certain provisions of the Village of Mamaroneck Zoning Code which we have found to be unclear and difficult to apply in the course of hearing appeals and special permit applications. We recommend that the Board review this list of terms and excerpts from the Code and consider revising them in order to clarify the intent behind their use.

- The defined term “membership club” has multiple attendant ambiguities. This term is defined in §342-3 as an organization “exclusively for members and their guests “ but clubs in the MR district are permitted non-member” activities—an apparent inconsistency. Permitted uses in the residential district §342-21(7) include “annual membership clubs” incorporated pursuant to an outdated statute. Benevolent Order Laws of the State of New York. It’s unclear whether such “annual” membership clubs are meant to be similar to those in the MR district or different. Permitted uses in the central commercial districts include “clubs” without restrictions as to use but requiring a special permit. The multiple delimiters - “exclusively”, “not-for-profit”, “annual” - have proven difficult to apply to specific properties.
- The term “nonmember event”. This term is defined in §342-35(8) as “events or activities that are not restricted to members only or that are not hosted or financially guaranteed by a member”. In our review of membership club applications for special permits to hold nonmember events, we have found that when any person can be a club member – even if only for a day—member events cannot be distinguished from nonmember events.
- The defined term “dwelling unit” and the phrase within the definition of that term in §342-3 “complete housekeeping facilities for only one family” with a subsequent reference to sanitation and cooking facilities. In a recent appeal, the Board was split on what standards are required for a space to be considered a dwelling unit, and what components are required to satisfy the term “complete housekeeping facilities”.
- The terms “roomers” and “boarders.” These terms are not defined in §342-3 but are used in the description of a permitted accessory use in §342-21(6). We ask the Board to define these two terms and to provide standards for the exercise of this accessory use.
- The term “single housekeeping unit”. This phrase appears in the definition of “family” in §342-3. Please provide standards and intent for this term.
- The defined term “Lot Coverage”. This term is defined in §342-3. However the zoning tables in §342 Attachment 2 and §342 Attachment 3 do not include this term. Instead, the table in Attachment 2 includes “maximum building coverage all buildings” and the table in Attachment 3 includes “maximum building coverage”. In contrast, the defined term “coverage” encompasses both buildings and structures. Please clarify if the Code’s intent is to require only that a lot be covered by buildings up to a certain percentage or is the intent of the Code to require that a lot be covered by the total of buildings *and* structures up to a certain percentage.

In addition, the definition of “coverage” includes the sentence: “The height of a parking garage that is located in the one-hundred-year floodplain may exceed 50% below finished grade...”

Please clarify if the language of this sentence was intended to be: “The height of a parking garage that is located in the one-hundred-year floodplain which is in excess of 50% below finished grade *may be exempt from this definition...*”

- The defined term “Indoor Recreation Facility”. Does this term include yoga studios or virtual sports facilities? The definition of this term in §342-3 states that its “An indoor facility providing accommodations for a variety of individuals, organized or franchised sports... Such facility may also provide health and fitness club facilities and martial arts instruction facilities.” It appears that the Code lacks a defined term for stand-alone fitness instruction/facilities without a sport component. In addition, §342-30 - states that clubs, dancing studios and dancing schools are permitted uses in the General Commercial Districts subject to Article X; please consider whether Indoor Recreational Facilities should also be subject to Article X (§342-30).