

Chapter 342. Zoning

Article VII. Standards for Uses Subject to Special Permit Procedure

§ 342-50. Residence uses in commercial districts and Transit-Oriented Development Overlay District.

[Amended 11-14-1983 by L.L. No. 11-1983, effective 12-5-1983; 10-16-1985 by L.L. No. 25-1985, effective 10-28-1985; 10-27-1986 by L.L. No. 13-1986, effective 11-18-1986; 9-14-1988 by L.L. No. 13-1988, effective 9-22-1988; 2-14-1994 by L.L. No. 1-1994, effective 3-3-1994; 3-8-2004 by L.L. No. 3-2004, effective 3-24-2004; 5-1-2008 by L.L. No. 5-2008, effective 5-15-2008; 11-24-2014 by L.L. No. 18-2014, effective 12-10-2014; 11-23-2015 by L.L. No. 7-2015, effective 1-11-2016; 8-26-2019 by L.L. No. 3-2019, effective 8-28-2019]

A.

Special permit for residence uses. The Planning Board may grant special permits for residence uses in the following areas in accordance with the requirements of this section and the approval procedure set forth in Article X:

(1)

As a principal use in that portion of the C-1 Districts not located on Boston Post Road or on the southwestern side of Old White Plains Road northwest of Center Avenue or on Mamaroneck Avenue north of Nostrand Avenue;

(2)

As a use accessory to a permitted principal use on the Boston Post Road in the C-1 Districts;

(3)

As a principal use in the Transit-Oriented Development Overlay District; and

(4)

As a principal use in the C-2 Districts.

B.

Requirements for residence uses where permitted in the commercial districts and the Transit-Oriented Development Overlay District. Each permitted residence use in the commercial districts and the Transit-Oriented Development Overlay District must satisfy the following requirements.

(1)

Separate entrance. The entrance to the residentially used portion of the building must be through either a common lobby or plaza or an area that is separated from the area used for nonresidential purposes.

(2)

Reserved parking. Except in the Transit-Oriented Development Overlay District, parking for the residences of any mixed-use structure, where required or provided, must be in a separate parking area for the use of residents only or in a reserved section of a common parking area. The reserved section must be adequately marked, landscaped and otherwise demarcated from commercial parking. To allow for visitor parking, the Planning Board may require up to 15% more off-street parking for the use of residents than would otherwise be required by Article VIII.

(3)

Compatibility of use. The Planning Board may allow residence uses above or in conjunction with commercial uses only if the Planning Board determines that the proposed commercial uses will be compatible with residences. In making that determination, the Planning Board must consider noise, odors, hours of operation and traffic anticipated to result from the proposed nonresidential uses. Motor vehicle service stations, public garages, printing plants, cabarets, transformer stations and motels are presumed to be incompatible with residence uses, but the Planning Board may determine, on the basis of proof submitted by the applicant, that those uses are compatible with residences.

(4)

Green building elements and infrastructure. The development must incorporate green building elements and/or green infrastructure to the satisfaction of the Planning Board.

~~(5)~~

~~The development may not contain a building, structure or parking area within 50 feet from the mean high water line of Long Island Sound or any body of water which flows into Long Island Sound, and the Planning Board may not grant a permit for such a building structure or parking area under § 240-30 of this Code for development under this section, unless the building, structure or parking area is water dependent, as that term is defined in § 240-30.~~

~~(6)~~-(5)

In order to provide a choice of housing opportunities for a variety of income groups within the Village, in accordance with the purposes of this article and the policies established by the Village Comprehensive Plan, residence uses in the commercial districts must provide fair and affordable housing units in accordance with Article **XV** and the following schedule:

Zoning District	Maximum FAR or Coverage – 5 or more Units	Percentage Required
C-1	0.8	5 to 10 unit: 1 FAHU 11 to 20 units: 2 FAHU 21 or more units: 10% of units rounded up to the nearest whole number
C-2	2.0	5 to 10 units: 1 FAHU 11 to 20 units: 2 FAHU 21 or more units: 10% of units rounded up to the nearest whole number
TOD	0.8 (Up to 1.1 if other TOD incentives are utilized)	5 to 10 units: 1 FAHU 11 to 20 units: 2 FAHU 21 or more units: 10% of units rounded up to the nearest whole number

C.

Additional requirements for residence uses in the C-1 Districts. Residence uses, where permitted as principal uses in C-1 Districts, must meet the following standards, in addition to the standards set forth in § **342-50B**, above:

(1)

Site size. The site must be less than 40,000 square feet in area, except that the site may be up to 60,000 square feet in area for a development that consists of all fair and affordable residences in accordance with Article **XV** of this chapter.

(2)

Floor area ratio. Except as provided in Article **XV**, the permitted maximum floor area ratio (FAR) may not exceed 0.60 for developments with four or fewer residential units and 0.80 for developments with five or more residential units.

(3)

Height, setback and yard controls.

(a)

Minimum lot width and frontage: 50 feet.

(b)

Minimum lot depth: 100 feet.

(c)

Minimum habitable floor area (per unit): 450 square feet.

(d)

Maximum stories: three.

(e)

Maximum height: 35 feet.

(f)

Maximum coverage: 30%, except that a maximum coverage of 35% is permitted for a development in which all of the residences are fair and affordable residences in accordance with Article **XV** of this chapter.

(g)

Minimum required yards:

[1]

Front: 20 feet.

[2]

Lesser side: 10 feet.

[3]

Two sides combined: 20 feet.

[4]

Rear yard: 25 feet.

[5]

Required side yards must be landscaped as reasonably determined by the Planning Board.

[6]

The Planning Board may require that any required side yard that is adjacent to a residential district be twice the size that would otherwise be required.

(h)

Minimum setback for parking and driveways: five feet. The setback area must be landscaped and where the setback area is adjacent to a residential district, the Planning Board may require that the setback be up to 10 feet.

(i)

Off-street parking and loading: as required by Article **VIII**.

(j)

Open space: 300 square feet per unit.

D.

Additional requirements for residence uses on Boston Post Road in the C-1 Districts. Residence uses on Boston Post Road in the C-1 Districts, where permitted as accessory to a permitted principal use, must meet the following standards, in addition to the standards set forth in § **342-50B**, above:

(1)

Height, setback and yard controls.

(a)

Site size. There is no minimum or maximum site size requirement.

(b)

Maximum stories: one story of residential use.

(c)

Maximum height: 25 feet.

(d)

Maximum coverage: 30%, except that a maximum coverage of 35% is permitted for a development in which all of the residences are fair and affordable residences in accordance with Article **XV** of this chapter.

(e)

Minimum required yards:

[1]

Front: 20 feet.

[2]

Lesser side: 10 feet.

[3]

Two sides combined: 20 feet.

[4]

Rear yard: 25 feet.

[5]

Required side yards must be landscaped as reasonably determined by the Planning Board.

[6]

The Planning Board may require that any required side yard that is adjacent to a residential district be twice the size that would otherwise be required.

(f)

Minimum setback for parking and driveways: five feet. The setback area must be landscaped and where the setback area is adjacent to a residential district, the Planning Board may require that the setback be up to 10 feet.

(g)

Off-street parking and loading: as required by Article **VIII**.

(h)

Open space requirement: 300 square feet per market-rate unit, 150 square feet per fair and affordable housing unit or fair and deeply affordable housing unit.

E.

Additional requirements for residence uses in the Transit-Oriented Development Overlay District. Residence uses in the Transit-Oriented Development Overlay District must meet the following standards, in addition to the standards set forth in § **342-50B**, above:

(1)

Site size. The site must be less than 40,000 square feet in area, except that the site may be up to 60,000 square feet in area for a development that consists of all fair and affordable residences in accordance with Article **XV** of this chapter.

(2)

Floor area ratio. The permitted FAR for the entire building, including residential and nonresidential uses, is 0.6 for buildings with four or fewer residential units and 0.8 for buildings with five or more residential units, except that the FAR may be increased by up to 0.3 for mixed-use development that includes a full-service grocery store not more than 25,000 square feet in gross floor area, but if the grocery store ever ceases to operate, the area in which the grocery store was located must be leased to the Village of Mamaroneck for community use for \$1 per year.

(3)

Maximum height: 40 feet, but 50 feet on Mamaroneck Avenue as long as the stories above the first story are set back at least five feet more from the front lot line than the first story.

(4)

Maximum stories: three, but four stories on Mamaroneck Avenue.

(5)

Maximum coverage: 50%.

(6)

Minimum required yards:

(a)

Front: five feet.

(b)

Two sides combined: 20 feet.

(c)

Lesser side: eight feet.

(d)

Rear: 25 feet.

(e)

Required side yards must be landscaped as reasonably determined by the Planning Board.

(7)

Usable open space requirement: 150 square feet per unit.

F.

Residence uses in C-2 Districts must meet the following standards, in addition to the standards set forth in § **342-50B**, above:

(1)

Site size. The site must be less than 40,000 square feet in area, except that the site may be up to 60,000 square feet in area for a development that consists of all fair and affordable residences in accordance with Article **XV** of this chapter.

(2)

There must be at least five residential units in the building.

(3)

The maximum permitted floor area ratio for residence uses is 2.0. The maximum permitted floor area ratio may be increased in accordance with the bonus provisions of Article **XV** of this chapter.

(4)

The maximum permitted building height is 40 feet. The maximum permitted building height may be increased in accordance with the bonus provisions of Article **XV** of this chapter.

(5)

Off-street parking spaces must be provided as required by Article **VIII** of this chapter.

(6)

No ground floor space with frontage on Mamaroneck Avenue may be used for residential occupancy.