

PROPOSED LOCAL LAW W – 2023

A Proposed Local Law to amend Chapters 294 (Stormwater Management and Erosion and Sediment Control) and 342 (Zoning) of the Code of the Village of Mamaroneck regarding zoning and stormwater changes to improve resiliency and reduce flooding.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

*(Language in strike-through abedefhijk to be deleted; language in **bold** is to be added)*

Section 1.

Section 294-6 of the Code of the Village of Mamaroneck is amended by adding the following definitions:

STORM, FIVE-HUNDRED YEAR (QP 500)

A flood event which statistically has a 0.2% chance of being equaled or exceeded in any given year.

STORM, ONE-HUNDRED YEAR (QP 100)

A flood event which statistically has a one-percent chance of being equaled or exceeded in any given year.

Section 2.

Section 294-8(B)(2) of the Code of the Village of Mamaroneck is amended as follows:

(2) Postconstruction runoff controls for new development and redevelopment projects.

(a) For all projects that will result in an increase in the building coverage or the area of impervious surface on the site and are anticipated to cost 25 percent or more of the value of the improvements on the property at the time of the application, the stormwater calculation must base the pre-development runoff on the unimproved lot area and the post-development runoff on the area of all existing and proposed improvements.

~~(a)~~**(b)** All construction activities for new development resulting in a land disturbance greater than 200 square feet and less than 2,000 square feet ~~shall~~ **must** include stormwater quantity controls, as described in the ~~New York State Stormwater Management Design Manual~~, to attenuate the post-development ~~twenty-five year~~ **one-hundred year** design storm, ~~24-hour~~ **twenty-four hour** peak discharge rate (Qf) to predevelopment rates.

~~(b)~~ **(c)** All construction activities resulting in a land disturbance greater than 2,000 square feet and less than one acre ~~shall~~ **must** include stormwater quality and quantity controls (postconstruction stormwater runoff controls), as set forth in § 294-9 and described in the Design Manual, to provide treatment of the water quality volume (WQv) through runoff reduction, and to attenuate the post-development ~~twenty-five year~~ **one-hundred year** design storm, ~~24-hour~~ **twenty-four hour** peak discharge rate (Qf) to predevelopment rates.

~~(c)~~ **(d)** All construction activities for new development resulting in a land disturbance greater than one acre ~~shall~~ **must** include stormwater quality and quantity controls (postconstruction stormwater runoff controls), as set forth in § 294-9 and described in the Design Manual, to provide treatment of the water quality volume (WQv) through runoff reduction, and to

attenuate the post-development one-, ten- and one-hundred-year design storms, **24-hour** ~~twenty-four-hour~~ peak discharge rate (Qf) to predevelopment rates.

- (d) (e) Additionally, stormwater runoff from land development and redevelopment activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment shall **must** comply with the requirements for post-construction stormwater control as outlined in Subsection B(2)(e)(d) above.
- (e) (f) All construction activities that meet the "redevelopment project" criteria shall **must** comply with items in Subsection B(2)(a) through (de) above, including "Chapter 9: Redevelopment Projects" of the Design Manual. The sizing criteria described in Chapter 9 cannot be used to address runoff from new development. If a construction project includes both new development and redevelopment, the stormwater management practices for the new development portion of the project must be designed in accordance with the sizing criteria in Chapter 4 of the Design Manual, and the redevelopment portion of the project is subject to the sizing criteria in Section 9.3.2 of the Design Manual.

Section 3.

Section 342-3(B) of the Code of the Village of Mamaroneck is amended as follows:

FLOOR AREA, GROSS

The sum of gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. Any interior space with a floor-to-ceiling height in excess of 12 feet shall be counted 1.5 times, except in the M-1 Zone. The following are excluded:

- (1) Any attic space with a floor-to-ceiling height of less than seven feet.
- (2) Cellar and basement areas where the average height of all exposed exterior wall or walls is less than three feet measured from both the existing grade prior to construction and from the proposed finish grade after construction as indicated on the approved plans.
- (3) In connection with uses other than single-family and two-family homes, any areas or structures devoted only to off-street parking or loading.
- (4) Any horizontal areas that are within the special flood hazard area below two feet above Base Flood Elevation that are useable solely for parking of vehicles, building access or storage in an area other than a basement as defined in Section 186-2(B).**

COVERAGES

~~That percentage of the lot area covered by the combined area of all buildings or structures on the lot. A parking garage whose height is at least 50% below finished grade is exempt from this definition, provided that the roof of the parking garage is landscaped. The height of a parking garage that is located in the one hundred year floodplain may exceed 50% below finished grade, provided there is sufficient mitigation including landscaping, screening and setbacks.~~

HEIGHT, BUILDING

For one- and two-family dwellings, the vertical distance to the highest level of the highest point of the roof if the roof is flat or mansard or to the mean level between the eaves and the highest point of the roof if the roof is of any other type, measured from the average level of the existing

grade prior to construction adjacent to the exterior walls of the building. For all other buildings, the vertical distance to the highest level of the highest point of the roof if the roof is flat or mansard or to the mean level between the eaves and the highest point of the roof if the roof is of any other type, measured from the average level of the existing grade at the lot line abutting the lot at the front yard. **When a building is within the special flood hazard area, height is measured from two feet above base flood elevation.**

STORY

The portion ~~Portion~~ of a building which is between one floor level and the next higher floor level or the roof. If a **A** mezzanine floor area ~~exceeds~~ **exceeding** 1/3 of the area of the floor immediately below, ~~it shall be~~ **is deemed to be** a "story." A basement ~~shall be~~ **is deemed to be** a "story," but a cellar ~~shall~~ **is not be deemed to be** a "story." An attic ~~shall~~ **is not be deemed to be** a "story" if unfinished and without human occupancy. **A horizontal area within the special flood hazard area below two feet above Base Flood Elevation that is useable solely for parking of vehicles, building access or storage in an area other than a basement as defined in Section 186-2(B) is not a story.**

Section 4.

Section 342-3(B) of the Code of the Village of Mamaroneck is amended by adding the following definitions:

BIOPHILIC DESIGN ELEMENTS

Exterior design elements that incorporate natural systems into building design and building systems. Biophilic design elements include biomimicry, habitat creation, and the creation of natural landscapes. Examples include green walls, green roofs, and pollinator sanctuaries. Biophilic design is intended to embrace abundant biodiversity, improve health and well-being, improve the natural environment, create nature-based resiliency, and create a symbiotic built environment.

COVERAGE, BUILDING

The percentage of the area of a lot covered by all buildings on the lot.

COVERAGE, BUILDING AND IMPERVIOUS SURFACES

The percentage of the area of a lot covered by the combined area of all buildings and impervious surfaces on the lot.

IMPERVIOUS SURFACE

Those surfaces in the landscape, including pavement, sidewalks, driveways, and other structures, that cannot effectively infiltrate rainfall. Steep slopes and compact soils are not impervious surfaces. Materials that meet the specifications for New York State Department of Transportation (NYSDOT) road subbase material (formerly known as "Item 4") and well-graded or close-graded subbase materials are impervious surfaces. Decks constructed above the ground surface that allow one-hundred-percent pass-through of stormwater to the ground surface below are not impervious surfaces.

Section 4.

Section 342-14(A) of the Code of the Village of Mamaroneck is amended as follows:

- A. Projecting architectural features (horizontal). The space in any required yard ~~shall~~ **must** be open and unobstructed, except for the ordinary projection of the windowsills, bay windows, belt courses, cornices, eaves, exterior stairs and other architectural features; ~~provided,~~

however, that such, **but those** features shall **must** not project more than three feet into any required yard and **must**, but not **be** closer than five feet to the property line. **If the building is located in the special flood hazard area, ingress and egress stairs may project up to five feet into the front yard but may not be closer than three feet to the property line.** The sum total of ~~such~~ **the** projections in any one yard shall **must** not exceed ~~25%~~ **25 percent** of the overall dimension of the wall from which they project, **except that if the building is located in the special flood hazard area, the projection of the ingress and egress stairs into the front yard may be not more than 50 percent of the overall dimension of the wall from which it projects.**

Section 5.

Section 342-50(B)(4) of the Code of the Village of Mamaroneck is amended as follows:

- (4) Green building elements and infrastructure. ~~The development must incorporate green building elements and/or green infrastructure to the satisfaction of the Planning Board.~~ **All developments for which a special permit is required by this Section 342-50 must incorporate green building elements and green infrastructure achieving a sum of 100 points based on the metrics set forth in this subsection.**

Green Building Element/Infrastructure Practice	Points
Any combination of stormwater practices that attenuate peak flows to a 500-year storm as defined in Section 294-6	75
Permeable pavers, porous concrete, rain gardens not included in the stormwater calculations for Chapter 294 compliance or the 500-year storm calculation for the purpose of achieving green building elements/infrastructure points.	15
Solar Panels (minimum 10 panels)	15
Exceeding state energy code	15
Biophilic design elements as defined in Section 342-3	15
Building heated by 100 percent electric systems	15
Bicycle parking (1 space per 10 units, and 1 outlet per 2 spaces for e-bike charging)	10
Electric vehicle charging station (minimum 1 charger per 10 units)	10
Rainwater detention and reuse system or blue roof	10

Section 2.

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

Section 3.

This local law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It supersedes the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 4.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.