

A LOCAL LAW regarding development regulations in the business districts, amending Chapter 98 of the code of the Village of Pelham.

BE IT ENACTED by the Board of Trustees of the Village of Pelham, as follows:

Section 1.

Article XV of Chapter 98 of the Code of the Village of Pelham is hereby amended by adding thereto §98-106.3, as follows:

§98-106.3 Business District Floating Zone

A. There is hereby created a Business District Floating Zone (BDFZ), the purpose of which is to encourage redevelopment in the Village's central core and main commercial corridors by providing for a mix of residential and street-level commercial uses that are complementary to the existing community scale and fabric in areas of the Village with access to public transit, existing infrastructure, and community services.

B. In addition to development permitted under the other provisions of this chapter, the Board of Trustees may grant special permits and site plan approval, in accordance with the provisions of this section for development on any property in the Business-1 and Business-2 zoning districts, and on any adjoining, but smaller, property in the Residence M or Residence M-1 zoning district which is in the same ownership and is proposed to be developed jointly with property in the Business-1 or Business-2 zoning district.

C. Approval process. An application for permission under this section must be commenced by submitting to the Building Inspector a declaration of intent to develop form accompanied by the information required by §79-8, complying with the process prescribed by §79-6(A) and paying the fee required by the schedule of fees of the Village of Pelham. The Planning Board and Architectural Review Board will hold presubmission conferences as provided in §79-6(A)(2) within 45 days of the submission to the Building Inspector. The Building Inspector will forward the application to the Board of Trustees, along with any comments from the Planning Board and the Architectural Review Board, within five working days after the presubmission conferences are completed. The Board of Trustees must hold a public hearing on the application within 60 days of the date on which it determines that the application is substantially complete. The applicant must provide notice of the public hearing as required by §79-6(F). The Board of Trustees will consider applications for site plan approval under this section in accordance with the standards established by §79-5 and will consider applications for special permits under this section in accordance with the standards established by §98-133(D). If the Board of Trustees approves the application, the applicant will comply with §79-6(J).

D. Eligibility. In order to be eligible for approval under this section, the lot area of the proposed development must be not less than 4,000 square feet and the lot width must be not less than 40 feet.

E. Development regulations. Development will be governed by the lot and bulk regulations established for the zoning district in which the property is located, except that regardless of those regulations:

- (1) Permitted uses.
 - (a) Any use permitted as of right, and without a special permit, in the Business-1 or Business-2 zoning district.
 - (b) Townhouses.
- (2) Lot coverage. Lot coverage on the ground floor may be as much as, but may not exceed, 80 percent of the lot area.
- (3) Yards. No side yard is required except along a property line adjoining the A-1, A-2, A-3, B-1 or B-2 zoning district. If a side yard is required or is otherwise provided it must be at least 10 feet on either side. The requirements of §98-64 will not apply, but the Board of Trustees will require adequate access to the proposed building for fire/rescue and public safety purposes and may require suitable pedestrian access across the lot to Wolf's Lane.
- (4) Height. The height of any single-family dwelling, two-family dwelling or townhouse may not exceed 35 feet or 2½ stories, the height of any multi-family, commercial or mixed use building may not exceed five stories or 60 feet, and the height of any townhouse may not exceed four stories or 48 feet.
- (5) Notwithstanding the height limitations established by §98-106.3(D)(4), the Board of Trustees may allow a maximum building height of six stories or 72 feet for a multi-family building if (a) the proposed building is fenestrated with transparent windows and doorways which allow visibility to the inside of the building for no less than 60 percent of the street frontage at the ground level, and (b) includes a non-residential use, such as a retail, restaurant, commercial, or civic uses, or an ancillary, non-residential use, such as a meeting room or common amenity room, at the street-level in an otherwise residential building and qualifies as age-restricted housing. A building qualifies as age-restricted housing if (i) at least 80 percent of the occupied units are occupied by at least one person 55 years of age or older; (ii) the owner or management of the building publishes and adheres to policies and procedures that demonstrate an intent to provide housing for persons 55 years or older; and (iii) the building complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy through reliable surveys and affidavits.
- (6) Minimum lot area per dwelling unit. The minimum lot area per dwelling unit will be 500 square feet.
- (7) Useable open space. The proposed development must provide, on site and in the aggregate for the building, a minimum of 25 square feet per dwelling unit of useable open space, such as terraces, patios, rooftop decks and other similar facilities.
- (8) Parking. The proposed development must provide one parking space per dwelling unit for residential uses and parking as required by §98-113 for non-residential uses, except that the Board of Trustees may waive the parking requirement, in whole or in part, if (a) the lot is located within 500 feet of a public parking area owned or operated by the Village, measured in a straight line between the nearest point of such parking area and the nearest point of such lot, or (b) the applicant either (i) purchases a sufficient number of off-street parking permits from the Village or (ii) contributes to the Village's "Off-Street Parking Development

Fund” in an amount to be determined by the Board of Trustees. Parking for non-residential uses must not be visible from the street unless no alternative design is reasonably possible.

- (9) Design standards. The proposed development must include the following design features, along with a plan for maintaining these features after construction is complete:
- (a) Urban design features that enhance the visual aesthetic and pedestrian experience, such as streetscape improvements, attractive lighting, benches, variation of façade and building materials, landscaping, and suitable building and parking orientation;
 - (b) Massing, height, and architectural design that are compatible with, and do not negatively alter the character of abutting residential uses, particularly existing residential development located on or near the perimeter of the property;
 - (c) Non-motorized transportation facilities, such as on-site bicycle racks and storage space;
 - (d) New public open space or connections to existing open spaces, as applicable; and
 - (e) Appropriately scaled green infrastructure to improve stormwater management, such as rain gardens, green roofs, and cisterns.

F. Other conditions. The Board of Trustees may impose such other conditions as it deems appropriate.

Section 2.

Section 98-133(D) of the Code of the Village of Pelham is hereby amended by adding thereto a new Subsection (4), as follows:

- (4) The provisions of §98-133(D)(1) notwithstanding, only the Board of Trustees may grant a special permit for the development of property within the Business-1 and Business-2 zoning districts under §98-106.3.

Section 3.

The definition of “Townhouses” as set forth in §98-6 is hereby amended to read as follows:

TOWNHOUSE

A residential building divided vertically into separate dwelling units, each of which has an independent entrance from an outside yard area.

Section 4.

Should any section or provision of this law be determined by any court of competent jurisdiction to be unconstitutional or invalid, then such section or provision shall be null and void and shall be

deemed separable from the remaining section of this law, and such determination shall in no way affect the validity of the remaining sections or provisions of this law.

Section 5.

This local law shall take effect immediately upon filing with the Secretary of State.

Section 6.

This law is adopted pursuant to the authority granted by § 10(1)(e)(3), of the Municipal Home Rule Law and shall supersede, to the extent that they are inconsistent herewith, the provisions of the Village Law.