

VILLAGE OF LARCHMONT

LOCAL LAW NUMBER __ - 2020 OF THE VILLAGE OF LARCHMONT

AMENDMENT TO CHAPTER 381: ZONING
OF THE LARCHMONT VILLAGE CODE TO CREATE A NEW PUBLIC AMENITY MIXED-
USE SPECIAL PERMIT USE IN THE RETAIL CENTER ZONE

BE IT ENACTED by the Board of Trustees of the Village of Larchmont, Westchester County, New York, as follows:

Section 1. The Schedule of Use Regulations, Attachment 1 to Chapter 381, is hereby amended to include the following additional use category:

Principal Uses	R30	R20	R15	R12.5	R10	R7.5	R5	MF	RB	RC	W
Public Amenity Supplemented Mixed-Use Development	X	X	X	X	X	X	X	X	X	SP	X

Section 2. Section 381-7, Definitions, is hereby amended by adding the following definition:

PUBLIC AMENITY SUPPLEMENTED MIXED-USE DEVELOPMENT

A building containing 3 or more dwelling units and ground floor non-residential use, that is designed, occupied and utilized in a manner that results in a substantial enhancement to the Village's business district and provides public amenities, which may include, among others, public parking and/or other infrastructure improvements. The requirement to provide public amenities can be satisfied by an in kind contribution or fee in lieu to be set by the Village Board during the Special Permit process, commensurate with the zoning density benefits that are achieved.

Section 3. The Schedule of Dimensional Regulations, Attachment 2 to Chapter 381, is hereby amended by adding a footnote 8 to the RC - Retail Center zoning district, as follows:

(8) Subject to limitation by the Village Board, a Public Amenity Supplemented Mixed-Use Development shall comply with the following requirements:

10,000 square foot minimum lot area; 40-foot minimum lot width; 0-foot front yard, 0-foot side yards, 0-foot rear yard, 100% principal building coverage, maximum number of stories: 4, principal building maximum height: 50 feet from existing grade along the Chatsworth Avenue frontage of the subject property; provided, however, the Village Board may allow a partial additional story as provided in Section 381-51.N. Within these maximums, coverage, height and story limitations will be set by the Village Board on a case-by-case basis as part of the Special Permit process.

Section 4. Section 381-51 is hereby amended to add a new subsection “N” to read as follows:

§ 381-51.N - Public Amenity Supplemented Mixed-Use Development. A mixed-use

building(s) supplemented by public amenity improvements including in kind and fee in lieu contributions, may be permitted by Special Permit to be granted by the Village Board in its sole discretion, provided that, at a minimum, the following requirements are met:

- (1) A Public Amenity Supplemented Mixed-Use Development shall be located within the RC - Retail Center zoning district.
- (2) The proposed Public Amenity Supplemented Mixed-Use Development shall be designed, occupied and utilized in a manner that results in a substantial enhancement to the Village's business district, as determined by the Village Board.
- (3) The site shall be located to the east side of Palmer Avenue and west of Vanderburgh Avenue, with frontage on Chatsworth Avenue.
- (4) The site shall be a minimum of 10,000 square feet in area.
- (5) A minimum of 50% of the first floor's gross floor area (exclusive of off-street parking) shall be occupied by retail, restaurant, theater, food establishment or group fitness class uses. A minimum of 70% of a Chatsworth Avenue building's street level frontage shall be occupied by the above stated non-residential uses. No first floor (street level) residential dwelling units are permitted to front on the Chatsworth Avenue street frontage, and if provided on the first floor of the building, must be located so as to not face the Chatsworth Avenue street frontage. The only residential component permitted to front on the Chatsworth Avenue street level street frontage is a lobby entrance.
- (6) To be eligible for the Special Permit, an applicant shall provide, in addition to other public enhancements, (and in addition to the off-street parking required for the building) a public amenity of municipal parking. The requirement to provide an enhancement to municipal parking and other public amenities can be satisfied by an in kind contribution or fee in lieu to be set by the Village Board during the Special Permit process, commensurate with the zoning density benefits that are achieved.
- (7) If there is municipal parking adjacent to the applicant's property which does not have adequate pedestrian access to Chatsworth Avenue, one public amenity shall be an improved accessway of a width and design to be determined by the Village Board and Planning Board in the Special Permit/Site Plan process which shall include it being designed to meet, at a minimum, ADA requirements, provided through the applicant's property to Chatsworth Avenue, to be dedicated for public use. Appropriate easements or other property rights shall be granted and/or exchanged to facilitate this requirement.
- (8) The applicant may be required to provide to the Village other public amenities, such as infrastructure improvements, as the Village Board deems commensurate with the zoning density benefits that are achieved by the applicant.

- (9) If the Village Board determines that public amenities being provided sufficiently exceed those the Village Board would otherwise deem adequate pursuant to subsections (6), (7), and (8) above, the Village Board may, in its sole discretion, permit an additional partial story to be constructed. Provided, however, such partial story, if permitted, must be set back by at least 25% of the depth of the building from the Chatsworth Avenue façade of the story below it, and can be no more than 60% of the square footage of the story below it and it shall be no more than 13 feet in height. Among the considerations/determinations to be made by the Village Board shall be that such partial story, if permitted, will not result in a significant adverse visual impact.
- (10) Off-street parking shall be provided in accordance with §381-64, except that the requirement for multi-family dwellings shall be 1.25 per unit.
- (11) Awnings and canopies shall be of such height, width and design as may be determined by the Village Board in its sole discretion.
- (12) A Public Amenity Supplemented Mixed-Use Development shall, at a minimum, comply with the following design guidelines. For good cause shown, the Village Board may grant a waiver of these guidelines upon consultation with the Planning Board.
 - (a) To maintain a unified streetscape, a minimum of 85% of the building's street façade shall be located on or within three feet (3') of the front property line.
 - (b) Ground level non-residential spaces that face Chatsworth Avenue shall have clear glass on at least 60% of their facades between 3 and 8 feet above grade.
 - (c) A continuous sidewalk shall be maintained along the building's Chatsworth Avenue frontage. No more than 5% of the sidewalk's length shall be crossed by features such as driveways, alleys or service bay openings.
 - (d) No overhead utility wires shall be permitted along the building's principal street frontage.
 - (e) Street trees, lighting and other streetscape features shall be provided along the street frontage consistent with the existing streetscape.
 - (f) The development shall include secure enclosed bicycle storage for residents and commercial tenant employees. Additionally, a public bike rack, accommodating a minimum of 5 bikes, shall be provided for visitors and customers, and located as required by the Village Board.
 - (g) A Public Amenity Supported Mixed-Use Building shall make a tangible effort to reduce its carbon footprint through employing

green building measures such as those advocated by the US Green Building Council or the Green Building Institute. The building shall be built to LEED Certification standards and shall include measures such as

- Utilizing energy star, water sense, green seal or other similarly endorsed mechanical equipment and appliances.
 - Utilizing sustainable building materials with a high percentage of recycled content.
 - Utilizing construction materials with low levels of volatile organic compounds.
 - Utilizing energy efficient windows and doors.
 - Utilizing insulation with high R-values.
 - Utilizing a green or low reflectivity roof.
 - Providing electric vehicle charging stations.
- (h) The building shall be composed of high quality, durable building materials that reflect the character of the Village, and relate harmoniously to adjacent properties.
- (i) Such other design features the Village Board may require.
- (13) The granting of the special permit will not result in development which will substantially over-burden Village infrastructure (e.g. storm sewer, sanitary sewer, water supply systems) nor substantially exacerbate already overburdened infrastructure.
- (14) Architectural Review Approval for Building Permits for Public Amenity Supplemented Mixed-Use Development structures shall be granted by the Village Board as part of the Public Amenity Supplemented Mixed-Use Development Special Permit review process. The Village Board may seek advice regarding the architectural design from the Village Architectural Review Board and/or a professional architectural consultant.

Section 5. Section 381-47 is hereby amended to read as follows:

§ 381-47. Special permits required and approval agency. No building or structure may be erected, altered or used and no lot or land may be used for one of the special permit uses set forth in the Schedule of Use Regulations (included at the end of this chapter) unless such use is in complete conformance with the provisions established herein. The Board of Trustees shall have jurisdiction over special permits for Public Amenity Supplemented Mixed-Use Developments, townhouses in the R-7.5 District, and one-family dwellings on properties known on the Larchmont Tax Assessment Map as "Yacht Club," "Shore Club" and "Manor Park." All other special permits shall be reviewed by the Zoning Board of Appeals.

Section 6. Section 381-48.A is hereby amended as follows:

§ 381.38. Special permit procedures.

- A. The Board of Trustees, in the case of applications for special permits for Public Amenity Supplemented Mixed-Use Developments (as per § 381-51.N), townhouse developments (as per § 381-51B), for one-family dwellings on properties known on the Larchmont Tax Assessment Map as "Yacht Club," "Shore Club" and "Manor Park" (as per § 381-51E), and for tennis courts or noncommercial swimming pools in conjunction with townhouse developments (as per § 381-55G), or the Zoning Board of Appeals, in all other special permit applications, shall hold a public hearing on every special permit application made to it, notice of which hearing and of the substance of the special permit application shall be given by publication in the official newspaper of the Village at least 10 days before the date of such hearing as provided for in § 381-48C, and by such other notice as the Zoning Board of Appeals or Board of Trustees, as applicable, shall require.

Section 7. Severability. 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, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 8. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.