

Village of Scarsdale

# Municipal Zoning Survey 2018

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## **Executive Summary**

The Village of Scarsdale has wrestled with the “Bulky House Issue” for decades. It has proven difficult to define exactly what the “problem” is or to determine what specifically contributes to the appearance of bulk. Residents often answer “it looks too big,” or “it looms over its neighbors,” or “it is out of character with the neighborhood” when articulating the concern with a particular house. These responses are obviously difficult to quantify. As zoning techniques rely on quantifiable characteristics, regulating bulk is a challenging task. Various studies of the bulky house issue have occurred over the years and Scarsdale’s zoning code has been amended periodically to try to address these aesthetic concerns and protect neighborhood character; however the issue continues to be raised by the public, land use board members and elected officials.

Recently, the Village Board asked staff to look at the zoning paradigms of single family residential development in other Westchester municipalities to see what zoning tools are used and to better understand the metrics and measures behind these zoning techniques. The idea was to research what other communities are doing to preserve neighborhood character. The survey included Scarsdale and eight other communities: Bronxville, Larchmont, Harrison, Hastings, the Town of Mamaroneck, the Village of Mamaroneck, Pelham Manor and the City of Rye.

The survey analyzed the zoning ordinances of each of the communities. The tools which are commonly used to control the appearance of houses and neighborhoods are: setbacks, height, lot/development and building coverage and Floor Area Ratio. As noted throughout the survey, while the tools are fairly standard, zoning codes differ in many ways as to how those tools are measured and defined. Thus any municipal zoning survey cannot necessarily compare apples to apples, as zoning tools are modified to reflect each community’s historical development and built form.

The survey found that Scarsdale’s metrics are generally comparable to or more restrictive than other communities, again with the caveat that the definitions and regulations differ from community to community. Further, the survey found that Scarsdale utilizes all of the zoning tools mentioned above, while other communities use some zoning tools but not others. Five other communities have FAR regulations for single family houses and only four other communities have established building coverage regulations, for example.

While Scarsdale uses a wide variety of zoning tools, some communities have developed unique approaches or “twists” which have been described in the narratives. Several communities use “contextual approaches” in calculating setbacks, as does Scarsdale, and FAR. The City of Rye addresses FAR on “oversized” lots, that is lots that are larger than the zoning district, by reducing the FAR for the oversized portion of the lot. Larchmont has used a height-setback ratio for many years and recently added an FAR-setback bonus in certain instances. Of course, a variety of municipal characteristics such as the as-built form of a community, differences in topography, open space and environmental conditions, the age and type of the housing stock and age and size of the population all help to determine the applicability of any zoning tool to individual communities.

The survey is intended to provide information and context for the various zoning techniques commonly used to protect community character. The survey is not intended to provide recommendations, but to describe the zoning tools Scarsdale and other communities use for consideration by Village Board and the public.

## Introduction

In New York State, municipalities are given the power to adopt land use regulations designed to protect the health, safety and welfare of local residents in accordance with New York State General Municipal Law. The primary land use regulation tool is the power to “zone”, that is to control, the physical development of the community. Zoning regulations date back to 1916 when New York City adopted the first zoning ordinance in response to concerns about inner city overdevelopment and transportation improvements.

The Village of Scarsdale adopted its first zoning ordinance in 1922. The legislative intent at that time described it as an

“ordinance to establish building lines and to require all buildings hereafter erected to be with such limits, to regulate the character and location of buildings hereafter erected, to regulate and limit the height and bulk of such buildings and to determine the area of yards, courts another open spaces, to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses and for such purposes to divide the village of Scarsdale into districts so as to promote the public health, safety and general welfare with reasonable consideration, among other things to the most desirable use for which the land of each district may be adapted, the peculiar suitability for particular use of a district, the conservation of property values and the direction of building development in accordance with a well- considered plan...”

Since that time, the Village of Scarsdale has amended the zoning code to include additional regulations and to clarify and tighten existing regulations. The Village’s zoning paradigm includes the standard tools used by most municipalities to regulate development including front, rear, side and side-on-corner setbacks, height, building and lot coverage limits and floor area ratios.

## Municipal Zoning Survey

This Municipal Zoning Survey includes a review of the zoning codes of Scarsdale and eight other Westchester municipalities: Bronxville, Larchmont, Harrison, Hastings, the Town of Mamaroneck, the Village of Mamaroneck, Pelham Manor and the City of Rye. 2010 Census information, the most recent available, indicate these communities vary in size from the Town of Mamaroneck with a population

of 29,156 and 11,562 dwelling units (including multi-family units) to Pelham Manor with a population of 5,486 and 1,925 dwelling units. Scarsdale had a population of 17,166 and 5,647 dwelling units in 2010. Included in the Appendix is a table showing the 2010 population and number of dwelling units for each of the surveyed communities.

Zoning is intended to protect community character and orderly development of a municipality. As such, while the tools are fairly standard, zoning codes reflect the individual and unique character of each municipality. Definitions differ, for example, as how height and setbacks are measured, what portions of a structure are included in FAR calculations or how lot development and impervious surfaces are measured. It should be clear from the outset, any municipal zoning survey cannot necessarily compare apples to apples, as each municipality has its own historical development and built form. The differences have been noted throughout the report.

The survey looks at single family residential development regulations, focusing solely on the requirements for principal buildings. This is an attempt to inform the stated concerns of residents about “bulky houses”. What follows is a narrative description of each of the zoning tools analyzed, a table of the data collected from each municipality and a graph comparing that data among the municipalities. The data is organized by lot size, based on comparable Scarsdale zoning districts. In some cases, as noted on the tables, the surveyed municipality does not have a comparable zoning district size and/or does not use a particular zoning tool. To the extent possible, the narrative and the notes following the data tables attempt to explain the differences in measurements and calculations.

Follow up phone conversations were conducted, where possible, with municipal officials of the surveyed communities to try to address the question as to how they perceive whether the local zoning paradigm successfully regulates single family residential development.

The Appendix includes a the 2010 Census information noted above, a list of links to the zoning codes of each of the surveyed municipalities and the “Tables of Dimensional Requirements” or a summary sheet from each of the municipalities, where available.

## Setbacks

Setbacks are a common zoning tool used by all of the surveyed municipalities. A setback is a required distance between a property line and a building. The purpose is to provide adequate light and air between structures and to provide an orderly streetscape which enhances a zoning district's and the municipality's community character.

### Front Yard Setbacks

Front yard setbacks preserve and protect the streetscape, a neighborhood's most visible public characteristic. Front yard setbacks also help to reduce the appearance of a building's bulk from the street, as buildings appear smaller the further away they are located from the observer. In Scarsdale, the front yard setbacks increase as zoning districts increase in size (from 30 ft. in the 5,000 sq. ft. zoning district to 75 ft. in the 2 acre zone). In other municipalities, the front yard setback is the same across several zoning districts.

All of the surveyed municipalities measure the front yard setback from the front property line which is the edge of the right of way. In the City of Rye, if a property abuts a right of way which is less than 50 ft. wide, the setback is measured from a line 25 ft. from the center line of the street.

Front yard "averaging" is a contextual zoning approach which permits a house to be set back no further than the average setback of neighboring houses, despite an established front yard setback. This approach is intended to ensure a balanced and harmonious streetscape. The front yard averaging technique is permitted in Scarsdale and in two of the municipalities surveyed: Larchmont and Pelham. Each municipality defines the "neighboring" properties differently:

Scarsdale (generally properties within 200 ft. on same side of the street).

Larchmont (the nearest 4 lots on same side of the street).

Pelham (adjoining properties on same side of the street).

**Table 1:**

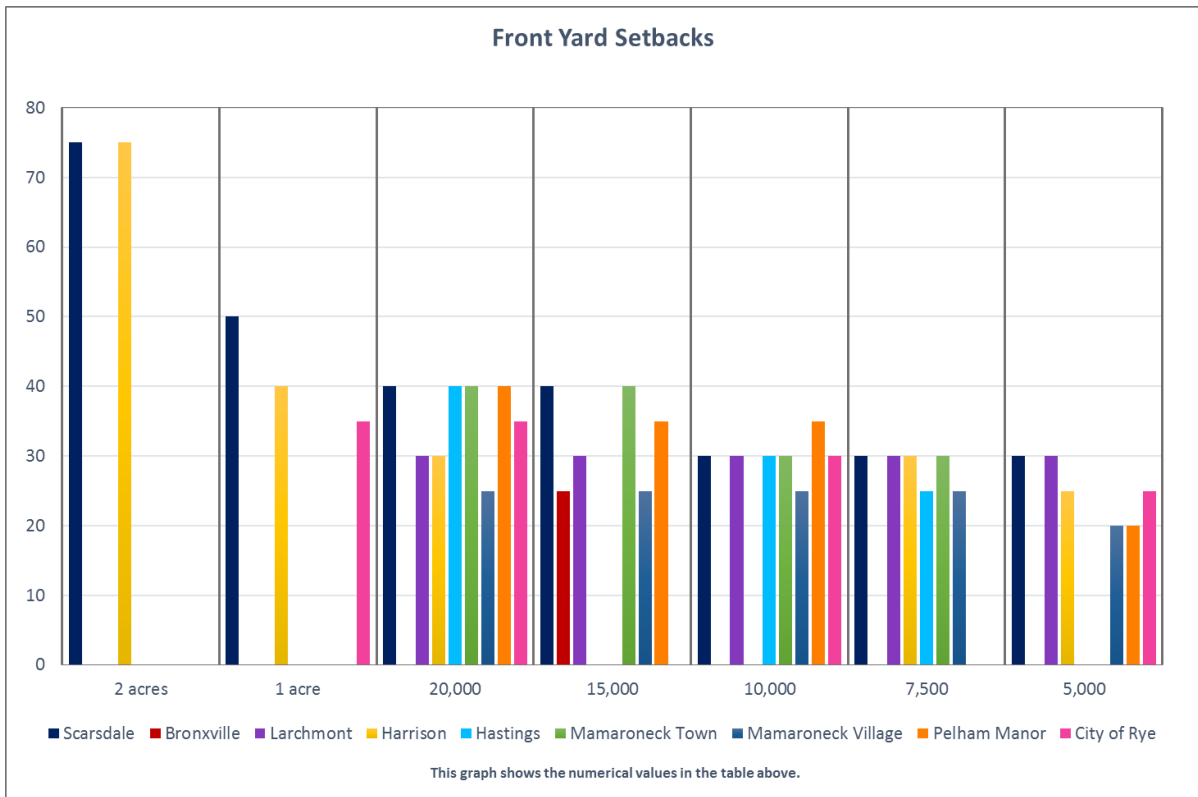
Front Yard Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	75	50	40	40	30	30	30
Bronxville	N/A	N/A	N/A	25	N/A	N/A	N/A
Larchmont <sup>(a)</sup>	N/A	N/A	30	30	30	30	30
Harrison	75	40	30	N/A	N/A	30	25
Hastings	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town	N/A	N/A	40	40	30	30	N/A
Mamaroneck Village	N/A	N/A	25	25	25	25	20
Pelham Manor <sup>(a)</sup>	N/A	N/A	40	35	35	N/A	20
City of Rye <sup>(b)</sup>	N/A	35	35	N/A	30	N/A	25

**\*N/A means the municipality does not have a zoning district of this size**

Notes:

- (a) Front Yard averaging is permitted in Scarsdale, Larchmont, and Pelham. (Scarsdale: 310-15; Larchmont: see dimensional table in appendix; Pelham: 210-33A)
- (b) In the City of Rye, wherever a required yard abuts a street less than 50 feet wide, the minimum yard dimension(s) are measured from a line 25 feet from the center line of said street. (see dimensional table in appendix)

**Graph 1:**



## Rear Yard Setbacks

Rear yard setbacks are designed to provide adequate separation between buildings and to allow light and air to reach all buildings. Scarsdale is one of the few surveyed municipalities which has a standard rear yard setback requirement in all zoning districts. In addition, Scarsdale is the only municipality which requires a greater rear yard setback for two story structures (30 ft.) than for one story structures (25 ft.), as is shown on Table and Graph 2.

Larchmont has a Height – Setback ratio which has been in place for many years. In zoning districts over 10,000 sq. ft., the rear and side yard setbacks must be increased by  $\frac{1}{2}$  ft. above the minimum required for each two feet a house exceeds 20 ft. in height. In smaller zoning districts this reduced to  $\frac{1}{2}$  ft. of increased setback for each three ft. in height above 20 ft. The maximum permitted height is 30 ft. As discussed later, in Larchmont as in Scarsdale, the height of a house is measured from the average existing or proposed grade, whichever is lower, to the mid-point of the ridge and the eaves.

**Table 2:**

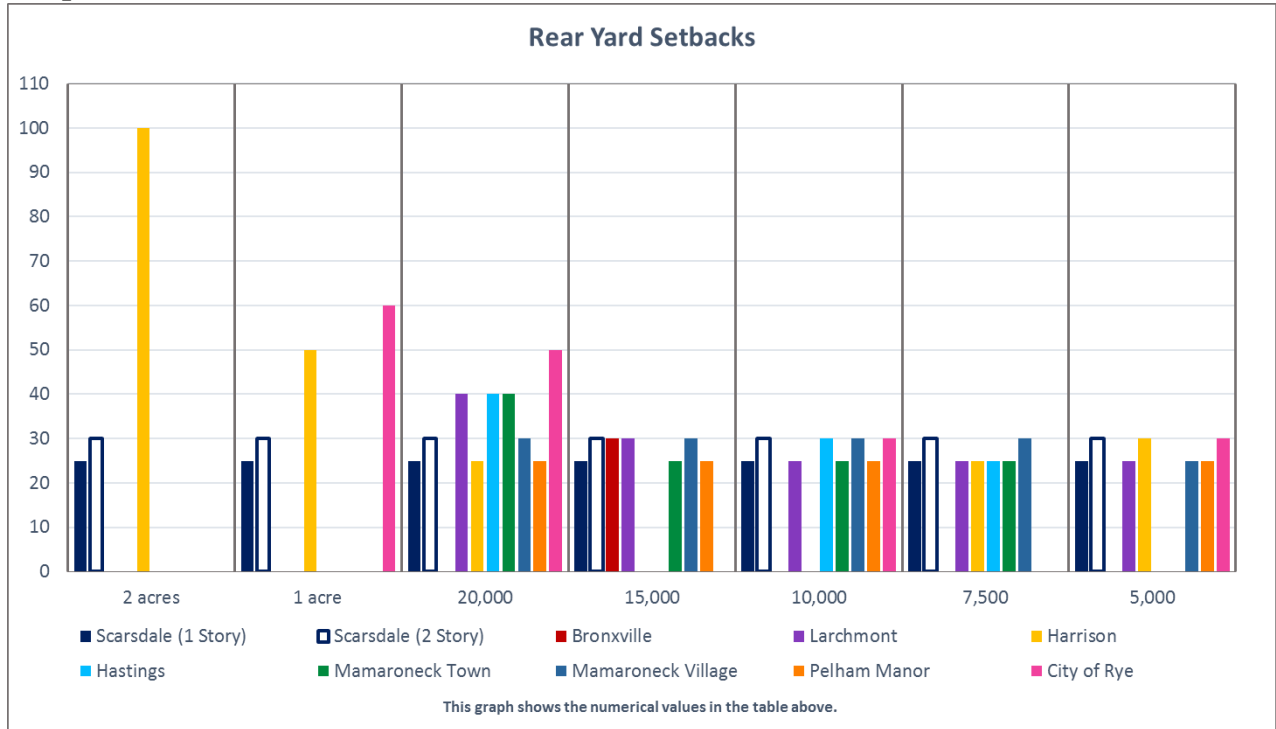
<h1>Rear Yard Setbacks</h1>							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale (1 Story)	25	25	25	25	25	25	25
Scarsdale (2 Story) <sup>(a)</sup>	30	30	30	30	30	30	30
Bronxville	N/A	N/A	N/A	30	N/A	N/A	N/A
Larchmont <sup>(b)</sup>	N/A	N/A	40	30	25	25	25
Harrison	100	50	25	N/A	N/A	25	30
Hastings	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town	N/A	N/A	40	25	25	25	N/A
Mamaroneck Village	N/A	N/A	30	30	30	30	25
Pelham Manor	N/A	N/A	25	25	25	N/A	25
City of Rye	N/A	60	50	N/A	30	N/A	30

**\*N/A means the municipality does not have a zoning district of this size**

Notes:

- (a) Scarsdale requires a greater rear yard setback for a two story structure. (310-43)
- (b) Larchmont has a height-setback ratio. (381-34 C)

**Graph 2:**



## Side Yard Setbacks

Side yard setback requirements, like the rear yard setback, are intended to provide adequate space, air and light for each building. Obviously, on smaller properties, 10,000 sq. ft. and below, the side yard setbacks are often smaller. All of the surveyed municipalities regulate the side yard setbacks; however some provide a minimum requirement for each side and others provide a minimum requirement for one side and a total requirement for both sides. Scarsdale, Bronxville and Pelham Manor require a minimum side yard setback which applies to each side. The other surveyed municipalities require a minimum side yard setback for one side and a minimum total for the two side yards added together. This approach allows for greater flexibility in siting the house.

For example, in the 5,000 sq. ft. zoning district in Scarsdale, 10 ft. are required for each side yard, an effective total of 20 ft. In Larchmont, in the same sized zoning district, a minimum of 6 ft. is required; however the total of the two side yards must be 16 ft. It should be noted that Larchmont's Height-Setback Ratio, discussed under Rear Yard, also applies to side yard setbacks when the house exceeds 20 ft. in height.

As noted in Table and Graph 3, for the purposes of comparison, the two side yards have been added together for a required total for Scarsdale, Bronxville and Pelham Manor.

Both Scarsdale and Larchmont link additional floor area to increased side yard setbacks; i.e. setbacks which are greater than the minimum required. In Scarsdale, the FAR regulations incentivize increased side yard setbacks by permitting a limited amount of additional floor area above a base maximum. This is known as the "side yard setback bonus". For each foot a house is set back above the required setback, an additional 100 sq. ft. of floor area is allowed above the base maximum. The bonus is capped at 700 sq. ft. in the larger zoning districts and 400 sq. ft. for the smaller districts.

In Larchmont, increased side yard setbacks are required based on house size and zoning district. The zoning code provides a "threshold" FAR for each zoning district. For every 100 ft. of FAR in excess of the "threshold", both minimum side yard setbacks must be increased by ½ ft. The required increased side yard setbacks are capped for each zoning district.

Pelham Manor links increased side yard setbacks to topography and height when a house is built on a vacant lot, or where more than 50% of an existing house is removed or destroyed or for additions of over 500 sq. ft. In these cases, a special use permit is required from the Zoning Board of Appeals which must determine whether there is a “complimentary relationship” between a building’s height and setback. In addition, if the top of the foundation wall is more than 7 ft. higher than the adjacent property, measured at the property line, the house shall be set back an additional 5 ft. from each side yard for each story above the first floor.

**Table 3:**

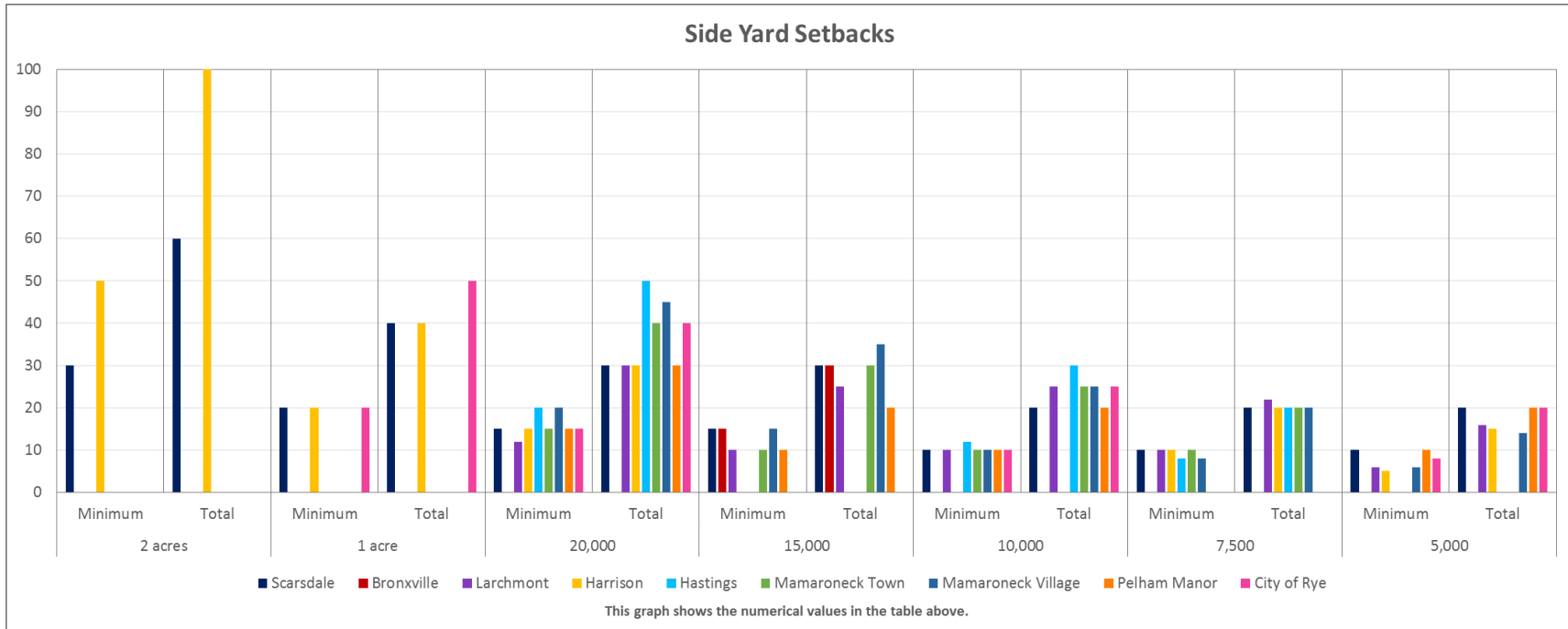
Side Yard Setbacks														
	2 acres		1 acre		20,000		15,000		10,000		7,500		5,000	
	Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total
Scarsdale <sup>(a)(c)</sup>	30	60	20	40	15	30	15	30	10	20	10	20	10	20
Bronxville <sup>(a)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	15	30	N/A	N/A	N/A	N/A	N/A	N/A
Larchmont <sup>(b)</sup>	N/A	N/A	N/A	N/A	12	30	10	25	10	25	10	22	6	16
Harrison	50	100	20	40	15	30	N/A	N/A	N/A	N/A	10	20	5	15
Hastings	N/A	N/A	N/A	N/A	20	50	N/A	N/A	12	30	8	20	N/A	N/A
Mamaroneck Town	N/A	N/A	N/A	N/A	15	40	10	30	10	25	10	20	N/A	N/A
Mamaroneck Village	N/A	N/A	N/A	N/A	20	45	15	35	10	25	8	20	6	14
Pelham Manor <sup>(a)</sup>	N/A	N/A	N/A	N/A	15	30	10	20	10	20	N/A	N/A	10	20
City of Rye	N/A	N/A	20	50	15	40	N/A	N/A	10	25	N/A	N/A	8	20

**\*N/A means the municipality does not have a zoning district of this size**

Notes:

- (a) Scarsdale, Bronxville and Pelham Manor have minimum setbacks for each side. For the purposes of comparison the minimum is multiplied by 2 to create a total setback requirement.
- (b) Height setback ratio (381-34 C)
- (c) Side yard setback bonus (310-104)

**Graph 3:**



## Side on Corner Setbacks

Corner properties are very visible with facades facing two or more streets and, as such, can be difficult to regulate. Most of the surveyed communities have established side on corner setbacks which are equivalent or close to the front yard setbacks so, in essence, a corner property has two “front” yards. This a standard urban design concept which preserves and maintains the streetscape on each street.

In Scarsdale, Bronxville and, in certain cases, in Larchmont, the property owner can determine which side of a corner lot is the front yard. In Hastings and in the Town of Mamaroneck, the owner selects the rear yard. In the Village of Mamaroneck, the owner can choose to use the required front yard setback on both sides, or can choose a contextual approach, averaging the setbacks of adjacent properties. The contextual or averaging approach is also used in Larchmont and Harrison.

In the City of Rye, the side on corner setback must be at least 1/5<sup>th</sup> of the lot width, but no greater than the required front yard setback.

**Table 4:**

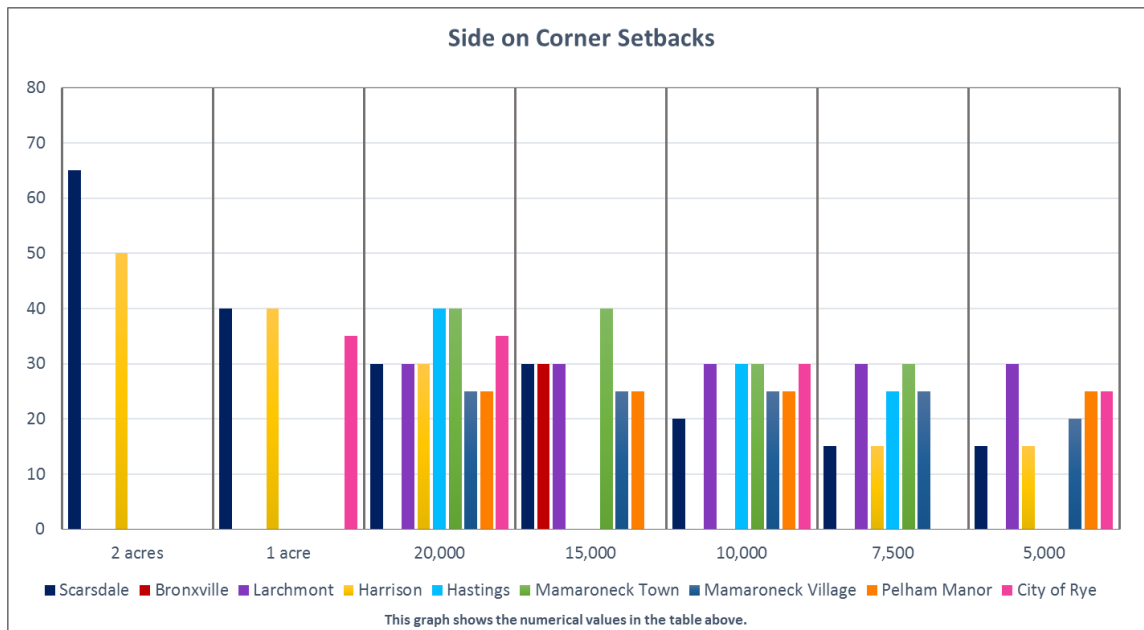
Side on Corner Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	65	40	30	30	20	15	15
Bronxville <sup>(b)</sup>	N/A	N/A	N/A	30	N/A	N/A	N/A
Larchmont <sup>(c)</sup>	N/A	N/A	30	30	30	30	30
Harrison <sup>(c)</sup>	50	40 <sup>(d)</sup>	30	N/A	N/A	15	15
Hastings <sup>(d)</sup>	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town <sup>(d)</sup>	N/A	N/A	40	40	30	30	N/A
Mamaroneck Village <sup>(e)</sup>	N/A	N/A	25	25	25	25	20
Pelham Manor <sup>(f)</sup>	N/A	N/A	25	25	25	N/A	25
City of Rye <sup>(g)</sup>	N/A	35	35	N/A	30	N/A	25

**\*N/A means the municipality does not have a zoning district of this size**

Notes:

- (a) Owner chooses which will be front and the side on corner (310-53)
- (b) One side not less than 30' and the other not less than 15'. (310-9 D(1))
- (c) Contextual approach or same as front yard setback. (see dimensional tables in appendix)
- (d) Same as front yard. Owner chooses which is the rear yard. (Hastings:295-20 F; Mamaroneck Town: 240-54)
- (e) Same as front yard setback or owner can choose to use contextual approach. (342-15.1)
- (f) One side not less than 15' and the other not less than 25' (210-34 B)
- (g) At least 1/5 the lot width but not more than the front yard setback. (see dimensional table in appendix)

**Graph 4:**



## Height

All of the surveyed municipalities regulate the maximum permitted height of single family houses and range from 28 to 35 ft.; however the method of measuring height differs. In all but one community, the maximum permitted height is the same across all zoning districts. In the City of Rye, the maximum permitted height is higher in the larger zoning districts.

The method of measuring height differs between communities. In Scarsdale, the height is measured from the average existing or final grade, whichever is lower, to the mid-point of the roof (i.e. the midpoint between the roof ridge and the top plate of the wall).

The City of Rye and the Town of Mamaroneck measure height from the average finished grade to the midpoint of the roof. The Village of Mamaroneck measures height from the existing grade to the midpoint of the roof. Bronxville measures height from the finished grade along the front façade to the midpoint of the roof. Hastings and Pelham measure from the existing grade to the top of the house. Due to Hasting's hilly topography, the code includes diagrams to describe how to measure height on sloped properties.

Harrison measures height from the average finished grade, measured along a line offset 10 feet from the periphery of the building or structure, to the top of a flat roof or of a mansard roof or the average height of a pitched roof.

Larchmont measures height as Scarsdale does, from the existing or proposed grade, whichever is lower, to the midpoint of the roof and has a maximum permitted height of 30 ft. As noted above in the discussion of setbacks, Larchmont has established a "height-setback ratio" which requires a single family house to be set back beyond the minimum required side and rear yard setbacks above a certain height. In the larger zoning districts (10,000 sq. ft. and above), the maximum height of a one-family residence in the side and rear yards, measured at the minimum required yard setback, shall not exceed 20 feet above the unfinished average grade along the facade. Thereafter, the height of such building may be increased by two feet for each additional one-foot distance provided from the minimum required yard setback line. In smaller zoning districts this reduced to ½ ft. of increased setback for each three ft. in height above 20 ft.

**Table 5:**

Height							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	35	35	35	35	35	35	35
Bronxville <sup>(b)</sup>	N/A	N/A	N/A	35	N/A	N/A	N/A
Larchmont <sup>(g)</sup>	N/A	N/A	30	30	30	30	30
Harrison <sup>(d)</sup>	30	30	30	N/A	N/A	30	30
Hastings <sup>(e)</sup>	N/A	N/A	35	N/A	35	35	N/A
Mamaroneck Town <sup>(c)</sup>	N/A	N/A	35	35	35	35	N/A
Mamaroneck Village <sup>(f)</sup>	N/A	N/A	35	35	35	35	35
Pelham Manor <sup>(e)</sup>	N/A	N/A	35	35	35	N/A	35
City of Rye <sup>(c)</sup>	N/A	32	32	N/A	28	N/A	28

**\*N/A means the municipality does not have a zoning district of this size**

Notes:

- (a) Scarsdale measures height from the proposed final grade or the existing grade, if that is lower, to the midpoint between the ridge and the top plate of the wall. (310-2)
- (b) Bronxville measures height from the average finished grade to the midpoint between the eaves and the highest point only from the grade facing the street. (310-3)
- (c) The City of Rye and Mamaroneck Town measure height from the average finished grade to the midpoint between the eaves and the highest point. (Rye: 197-1; Mamaroneck Town: 240-4)
- (d) Harrison measures height from the average finished grade, measured along a line offset 10 feet from the periphery, to the average height of a pitched roof. (235-4)
- (e) Hastings and Pelham Manor measure height from existing grade to the top of the structure. (Hastings: 295-5; Pelham: 210-15)
- (f) Mamaroneck Village measures height from the average existing grade to the midpoint between the eaves and the highest point. (342-3)
- (g) Larchmont measures height from preexisting or proposed grade, whichever is lower, to the average distance between the eaves and the ridge. Note there is a height setback ratio. (381-34)

**Graph 5:**



## Lot/Development and Building Coverage

Lot and building coverage requirements are another common zoning tool designed to balance development with open space on a given property. The intent is to preserve neighborhood character, limit environmental impacts such as stormwater run-off and tree removal and avoid over development. Coverage is calculated as a percentage of the total lot area of a property.

All of the surveyed municipalities regulate coverage to differing degrees with differing definitions of lot, building and development coverage. Lot or development coverage typically includes buildings, structures, paved areas, driveways, walkways, patios, pools, tennis or sports courts, man-made improvements and impervious surfaces. Building coverage typically includes the footprint of the buildings on a property.

Scarsdale and Hastings regulate both lot and building coverage. Scarsdale also has more restrictive lot coverage requirements for wetlands controlled properties; however the building coverage limits are the same for wetlands and non-wetlands properties.

Bronxville has an open space requirement and a building coverage requirement. Larchmont and the Town of Mamaroneck only regulate lot coverage. Although Harrison regulates lot coverage, it is defined as the maximum percentage of the total lot area occupied by main and accessory buildings.

Pelham Manor regulates development coverage which includes all buildings, structures, paved areas and other improved surfaces on a site including areas covered with gravel or crushed stone to support vehicles, pools, ponds, fountains patios, decks and gazebos.

The Village of Mamaroneck regulates building coverage only, although the Village is considering adding a lot coverage requirement. The City of Rye regulates lot coverage on floodplain properties over a certain size and has an open space requirement for multi-family buildings.

**Table 6:**

Lot/Development Coverage							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale	20.00%	30.00%	30.00%	35.00%	40.00%	40.00%	45.00%
Bronxville <sup>(a)</sup>	N/A	N/A	N/A	50.00%	N/A	N/A	N/A
Larchmont	35.00%	35.00%	40.00%	45.00%	45.00%	47.50%	50.00%
Harrison <sup>(b)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hastings	N/A	N/A	25.00%	N/A	35.00%	40.00%	N/A
Mamaroneck Town	N/A	N/A	35.00%	35.00%	35.00%	35.00%	35.00%
Mamaroneck Village	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pelham Manor	N/A	N/A	30.00%	35.00%	40.00%	N/A	45.00%
City of Rye <sup>(c)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*N/A means the municipality does not have coverage regulations or a regulation for a lot of this size

**Table 7:**

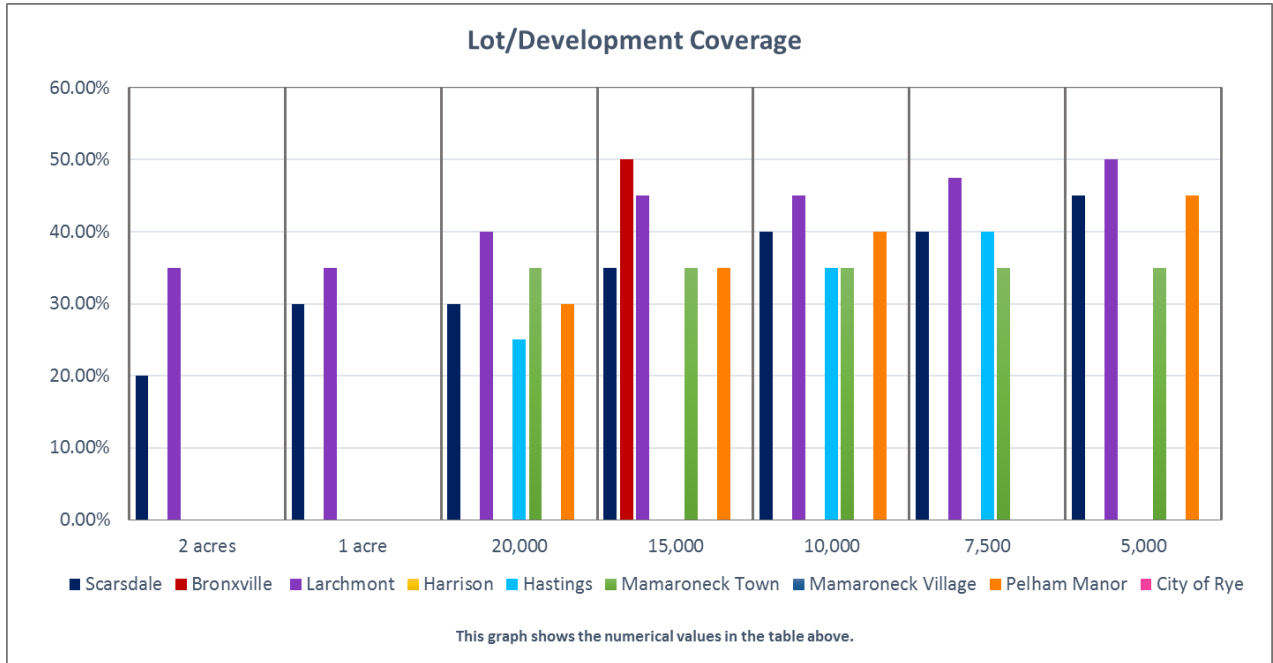
Building Coverage							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale	7.33%	10.66%	18.50%	20.67%	25.00%	28.00%	30.00%
Bronxville	N/A	N/A	N/A	25.00%	N/A	N/A	N/A
Larchmont	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Harrison <sup>(b)</sup>	10.00%	15.00%	N/A	N/A	N/A	20.00%	25.00%
Hastings	N/A	N/A	15.00%	N/A	25.00%	30.00%	N/A
Mamaroneck Town	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mamaroneck Village	N/A	N/A	35.00%	35.00%	35.00%	35.00%	35.00%
Pelham Manor	N/A	N/A	N/A	N/A	N/A	N/A	N/A
City of Rye <sup>(c)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*N/A means the municipality does not have coverage regulations or a regulation for a lot of this size

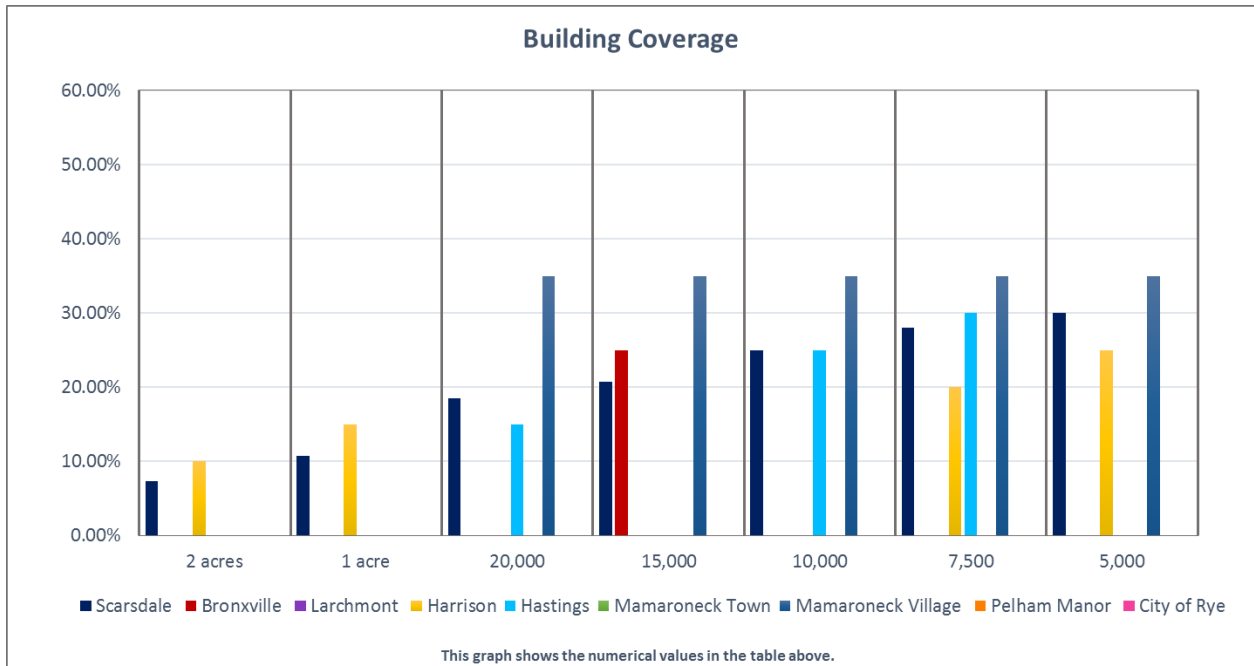
Notes:

- (a) Bronxville requires 50% of a lot to remain open space. (310-9 H)
- (b) Harrison defines lot coverage as building coverage. (see dimensional table in appendix)
- (c) Rye regulates lot coverage on floodplain properties. (197-13.1 B)

**Graph 6:**



**Graph 7:**



## Floor Area Ratio (FAR)

Floor Area Ratio is the ratio of the total floor area of the buildings on a property to the total lot area. Primarily used for commercial development, in recent years more municipalities are applying FAR as a zoning tool to regulate single family residential development. The Village of Scarsdale adopted FAR regulations in 2002 after a two year study. The stated goal of the Scarsdale FAR regulations is to control the perception of bulk from the street.

Five of the surveyed communities also use FAR to regulate single family houses: Bronxville, Larchmont, the Town of Mamaroneck, the Village of Mamaroneck and the City of Rye. All but one of these communities, the City of Rye, regulate FAR by lot size. The City of Rye provides a maximum FAR for each zoning district which is then calculated based on lot size.

Typically, the FAR decreases as a lot gets larger. For example, the base FAR for a 5,000 sq. ft. lot is 0.43 (or 2,150 sq. ft.) in Scarsdale and 0.62 (or 3,100 sq. ft.) in Larchmont. On a one acre lot, the FAR in Scarsdale is 0.1552 (or 6,760 sq. ft.) and 0.32 (or 13,939 sq. ft.) in Larchmont. In Scarsdale, FAR does not apply to properties which are larger than 1.75 acres.

The method of determining what is included in the calculation of FAR differs in each community, due to differences in local community character, the built environment and the individual issues affecting a community when the legislation is discussed and adopted.

Basements are generally excluded. In Scarsdale, Larchmont and the Village of Mamaroneck, basements are excluded except where the exposed basement wall exceeds a certain height. In the City of Rye, 25% of the basement is counted where the grade has been reduced to create an exposed wall over a certain height.

Attics are also generally excluded where the floor to ceiling height is less than a certain height. In Scarsdale, attics are excluded unless the dormers exceed 30% of the width of the front façade and are closer than 5 ft. to the edges of the rear façade. In Bronxville, the attic is included if the dormers exceed 30% of the width of any façade.

In Scarsdale on smaller lots, the lesser of 250 sq. ft. or the size of a garage is excluded and on larger lots the lesser of 400 sq. ft. or the size of the garage is

excluded. This does not apply to basement garages where the exterior wall facing the front exceeds a certain height. The Village of Mamaroneck, in 2016, amended the FAR regulations to include garages, which had been excluded, in the calculations.

As noted earlier, both Scarsdale and Larchmont link FAR to side yard setbacks to attempt to limit the perception of bulk and increase the space between homes.

In Scarsdale, the FAR regulations incentivize increased side yard setbacks by permitting a limited amount of additional floor area above a base maximum. Known as the “side yard setback bonus”, an additional 100 sq. ft. of floor area is allowed above the base maximum for each foot a house is set back beyond the required side yard setback. The “bonus” is capped at 700 sq. ft. in the larger zoning districts and 400 sq. ft. for the smaller districts.

In Larchmont, increased side yard setbacks are required based on house size and zoning district. The code provides a “threshold” FAR for each zoning district. For every 100 ft. of FAR in excess of the “threshold”, both minimum side yard setbacks must be increased by ½ ft. For example, the threshold for a 5,000 sq. ft. lot is 2,500 sq. ft. Anything above that number triggers the increased side yard setback up to the maximum permitted FAR of 3,100 sq. ft.

In Scarsdale and in Bronxville, properties with a gross floor area above a certain limit are subject to additional land use board review. In Scarsdale, properties with over 15,000 sq. ft. of floor area require a Special Use Permit from the Board of Appeals. In Bronxville, houses over 7,500 sq. ft. are subject to Site plan review by the Planning Board. The review is limited to siting of the house on the lot and landscaping.

The Town of Mamaroneck has a contextual component to the FAR which permits house to exceed the maximum permitted FAR by using the average FAR of properties within 300 ft.

The City of Rye includes a calculation for properties which are oversized for the zoning district. The FAR is reduced to ½ for the portion of the lot which is 150 – 250% of the minimum lot area and further reduced to ¼ of the portion of the lot which exceeds 250%.

The Village of Mamaroneck, in response to community opposition to several subdivisions, adopted revisions to the existing FAR code in 2016. The changes included basing the FAR calculation on lot size, as Scarsdale does, not zoning district. In addition, the FAR limits were decreased, garages were included in the calculations and basements were included where the exterior wall exceeds 3 ft.

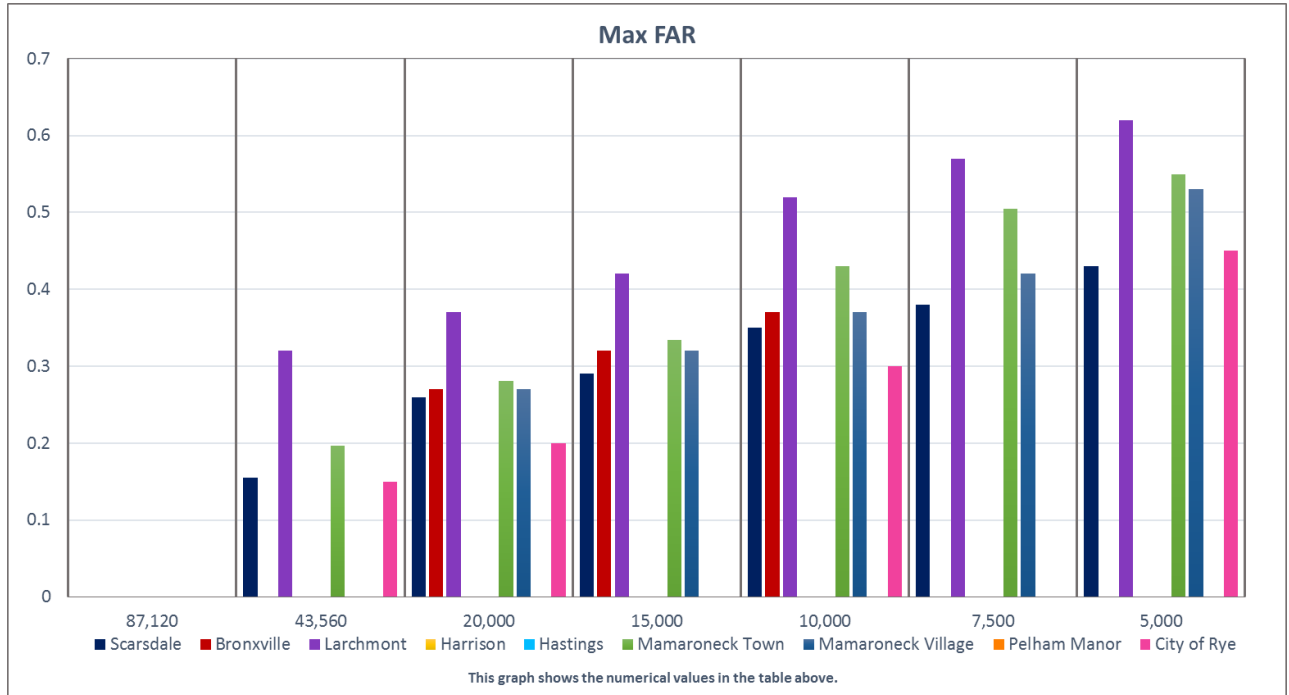
**Table 8:**

FAR maximum														
	87,120		43,560		20,000		15000		10000		7500		5000	
	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area
Scarsdale	N/A	N/A	0.1552	6760.5	0.26	5200	0.29	4350	0.35	3500	0.38	2850	0.43	2150
Bronxville	N/A	N/A	N/A	N/A	0.27	5400	0.32	4800	0.37	3700	N/A	N/A	N/A	N/A
Larchmont	N/A	N/A	0.32	13939.2	0.37	7400	0.42	6300	0.52	5200	0.57	4270	0.62	3100
Harrison	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hastings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mamaroneck Town	N/A	N/A	0.19661	9028	0.281	5620	0.334	5110	0.43	4340	0.505	3788	0.55	2750
Mamaroneck Village	N/A	N/A	N/A	N/A	0.27	5400	0.32	4800	0.37	3700	0.42	3150	0.53	2650
Pelham Manor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
City of Rye	N/A	N/A	0.15	6534	0.2	4000	N/A	N/A	0.3	3000	N/A	N/A	0.45	2250

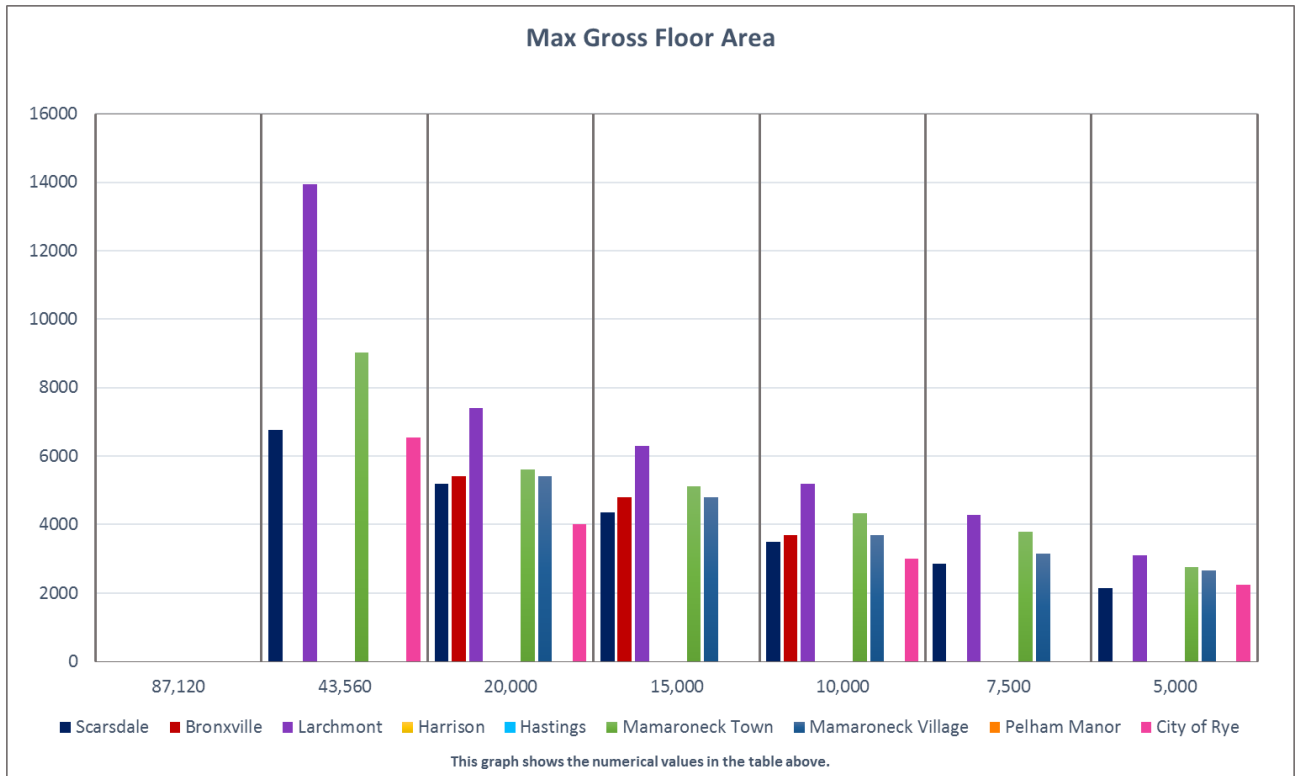
\*N/A means the municipality does not have FAR regulations or a regulation for a lot of this size

Note: see narrative for explanation on how each municipality is measured.

**Graph 8:**



**Graph 9:**



## **Interviews**

In follow up interviews with municipal officials, it is clear the “bulky house issue” is not a uniform concern. In Hastings, for example, there are few new houses or large additions and single family development is “not a huge problem”. In Pelham Manor, there have been occasional concerns, but the neighborhood character has been maintained with relatively little local regulation. In contrast, in Larchmont, where like in Hastings and Pelham Manor, there are also few tear downs and new homes, the issue crystalized around a particular application, the community imposed a moratorium and ultimately adopted FAR regulations. In the Village of Mamaroneck, opposition to several subdivisions led to changes to the existing FAR regulations. A common theme in the interviews is, as one official stated, “Architects are creative and will find a way to expand if that’s what the client and the market desire”.

### Village of Hastings

The issue of bulky houses has not been a major concern in the Village of Hastings; however the Village does not see a large number of tear downs or subdivisions annually. Much of the housing stock is old and, in some cases, developed prior to certain zoning provisions were adopted. They see a few variances requested from lot and building coverage. The Village has not adopted FAR regulations. Other issues such as multi-family development regulations and waterfront re-development are current concerns.

### Village of Larchmont

A controversial proposal for a tear down and a subdivision were the basis of changes to the Village of Larchmont’s zoning code which were made in 2016. The primary change was the adoption of FAR regulations which established FAR limits based on lot area, counted basements where the exterior wall exceeds 2 ft. and provides a limited exclusion of basements under 2 ft. and excluded most attics where the floor to ceiling height is under 5 ft. In addition, the code provides for a FAR-setback ratio which requires an increased side yard setback when the FAR exceeds a certain “threshold” established for each zoning district. (See FAR chapter).

According to local officials there have been only a few new houses built since the code was amended and thus it was early to see how successful the changes have

been. Some neighbors feel the changes haven't gone far enough. One official noted, "once you give people boundaries, they find a way to push them." The amendments apply to new houses and additions. There has been an increase in FAR-related variances. The application process has become more complicated and additional staff has been retained to help with the overall land use process, not just the FAR changes.

### Village of Mamaroneck

The issue of subdivisions and the resulting large houses has been a concern in the Village of Mamaroneck. In 2016, the Village adopted changes to the existing FAR code including changes to the method of calculating FAR, the inclusion of garages as well as basements with exterior wall heights which exceed 3 ft. The zoning code was also changed to include a "contextual approach" for side on corner setbacks which allows the owner to select the front yard and the street line yard which is determined by averaging the street lines of properties within 150 ft.

According to local officials they were "walking the fine line of allowing older single family houses to be renovated and grow while discouraging new bulky development." While the changes to the code are only two years old, local officials felt they had seen some success, as the houses in recent subdivisions were more suitable to the surrounding neighborhoods; however the new developments were only slightly less controversial. There is some evidence that the number of FAR-related variance requests have increased.

### Village of Pelham Manor

The issue of large houses has not been an ongoing problem in the Village; however there have been occasional concerns raised about specific homes. The Village has a "panoply of beautiful architecture" which is not due to governmental regulation, according to a local official. Pelham Manor does not have FAR regulations, nor does it have an architectural review board. He noted that one application for a large house which was built on a "double lot" uphill from its neighbor triggered a change to the zoning code which required a greater side yard setback if the foundation wall is greater than 7 ft. higher than the neighboring property, measured at the property line. He also noted that the Zoning Board of Appeals has special permit authority when a new house is built on a vacant lot, or if more than 50% of an existing house is destroyed or if there is an addition of more than 500 sq. ft. These applications are rare; there were 3 teardowns in Pelham Manor this year.

## City of Rye

The City of Rye has also had concerns regarding “bulky houses” over the years. The issue there, as in Scarsdale, has been the difficulty in defining the problem. There have been attempts with changes to the FAR and other zoning regulations over the years which have not necessarily resulted in the community being satisfied. For example, after months of discussion, a recent change to the code merely shaved 6 inches from the headroom in the attic for the purposes of calculating FAR. It is unclear how this change has impacted the community. The fact is the code may regulate the amount of floor area; but it really cannot regulate what is important to the observer: the aesthetics of bulk and scale.

One relatively recent change attempted to limit the height of houses by limiting the first floor elevation to 3 ft. above the existing grade. While this has had the intended effect of keeping the height of houses down, it pushes the houses further underground and has resulted in other, unintended, impacts such as increased rock and soil removal and stormwater management problems during and after construction.



## **Appendix**

2010 Census Data.....	pg. 31
Links to the Zoning Code of each surveyed municipality...	pg. 32
Dimensional Tables	
Village of Scarsdale.....	pg. 33
Larchmont.....	pg. 34
Town of Harrison.....	pg. 36
Town of Mamaroneck.....	pg. 37
Village of Mamaroneck.....	pg. 38
City of Rye.....	pg. 40



<b>2010 Census Data</b>		
	Population	Total Housing Units*
Scarsdale Village	17,166	5,647
Bronxville Village	6,323	2,430
Larchmont Village	5,864	2,215
Harrison Village	27,472	8,956
Hastings-on-Hudson Village	7,849	3,270
Mamaroneck Town	29,156	11,562
Mamaroneck Village	18,929	7,512
Pelham Manor Village	5,486	1,925
Rye City	15,720	5,957

\*Includes single and multi family units

## **Links to the Zoning Code of each municipality**

- Bronxville: <https://ecode360.com/9450363>
- Larchmont: <https://ecode360.com/7083146>
- Harrison: <https://www.ecode360.com/8314019>
- Hastings: <https://ecode360.com/10991363>
- Mamaroneck Town: <https://ecode360.com/9160708>
- Mamaroneck Village: <https://ecode360.com/7712654>
- Pelham Manor: <http://www.pelhammanor.org/building-zoning/pages/village-code>  
Zoning is section 210
- City of Rye: <https://www.ecode360.com/6977013>

# Residential Setbacks

Zone	AA-2	A-1	A-2	A-2A	A-3	A-4	A-5	Sect.
Lot area	2 Acres	1 Acre	20,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.	5,000 sq. ft.	310-14
Frontage	250 ft.	150 ft.	100 ft.	100 ft.	70 ft.	60 ft.	50 ft.	310-15
Height*	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	310-25
Setback								
Front	75 ft.	50 ft.	40 ft.	40 ft.	30 ft.	30 ft.	30 ft.	310-35
Front on State Rd	85 ft.	60 ft.	50 ft.	50 ft.	40 ft.	40 ft.	40 ft.	310-40
Rear (2 story)	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	310-43
Rear (1 story)	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	310-43
Side	30 ft.	20 ft.	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.	310-51
Side on Corner	65 ft.	40 ft.	30 ft.	30 ft.	20 ft.	15 ft.	15 ft.	310-53
Side on State Rd.	75 ft.	50 ft.	40 ft.	40 ft.	30 ft.	25 ft.	25 ft.	310-56
Access. Bldgs.								
Rear	15 ft.	10 ft.	5 ft.	5 ft.	5 ft.	4 ft.	4 ft.	310-47
Side**	20 ft.	10 ft.	10 ft.	10 ft.	5 ft.	4 ft.	4 ft.	310-47
Side on Corner	60 ft.	50 ft.	40 ft.	40 ft.	30 ft.	30 ft.	25 ft.	310-47

\* As measured to the midpoint between the ridge and the top plate of the wall (see Secs. 310-2 thru 310-25)

\*\* These setbacks apply when the accessory building is 100 ft. or more back from the front property line. In Zone AA-1 thru A-2. In Zone A-2A they apply when 80 ft. or more back from the front property line. In Zone A-3 thru A-5. In Zone A-2A they apply when 60 ft. or more back from the front property line.

Note: 1. For setbacks in new subdivisions see Sec. 310.59.  
2. For existing nonconforming structures built prior to April 1, 1947 see Sec. 310-96 B.

ZONING

**Larchmont**

381 Attachment 2

**Village of Larchmont  
Schedule of Dimensional Regulations**

DIMENSIONAL REGULATIONS	R30	R20	R15	R12.5	R10	R7.5	R5	MF <sup>(1)</sup>	RB <sup>(2)</sup>	RC <sup>(2)</sup>	W
<b>Minimum Size of Lot per Family (square feet)</b>											
Minimum Lot Area	30,000	20,000	15,000	12,500	10,000	7,500	5,000	1,500	1,000	1,000	50,000
Minimum Lot Width	120	100	100	90	80	65	50	20	20	20	120
<b>Minimum Yard Dimensions (see Article VII)</b>											
<b>Principal Building</b>											
Front Yard	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	20	10 <sup>(3)</sup>	NA <sup>(2)</sup>	30 <sup>(3)</sup>
One Side Yard	12	12	10	10	10	10	6	15	NA <sup>(3)</sup>	NA <sup>(3)</sup>	12
Both Side Yards	30	30	25	25	25	22	16	30	30	30	30
Side-Front Yards	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	30 <sup>(3)</sup>	15	NA	NA	30 <sup>(3)</sup>
Rear Yard	50	40	30	30	25	25	25	40	15	15	50
<b>Accessory Building<sup>(6)</sup></b>											
Setback from Side Lot Line	5	5	5	5	5	5	5	5	5	5	5
Setback from Rear Lot Line	5	5	5	5	5	5	5	5	5	5	5
<b>Maximum % of Lot to be Occupied</b>											
Principal Building	17.5	20	22.5	22.5	25	25	30	35	80	80	17.5
Accessory Building	5	5	5	5	6	6	8	16	10	10	5
<b>Maximum Height</b>											
Principal Building (stories)	2½	2½	2½	2½	2½	2½	2½	2½	2	2	2½
Principal Building (feet) <sup>(7)</sup>	30	30	30	30	30	30	30	30	25	25	30
Accessory Building (stories)	1½	1½	1½	1½	1½	1½	1½	1½	1½	1½	1½
Accessory Building (feet, flat roof) <sup>(7)</sup>	10	10	10	10	10	10	10	10	12	12	10
Accessory Building (feet, all other roofs) <sup>(7)</sup>	13	13	13	13	13	13	13	13	15	15	13
<b>Minimum Size of Residential Buildings (square feet of first story)</b>											
1-Story Building	2,100	2,100	1,500	1,500	1,500	1,100	1,000	700	NA	NA	2,100
1½-Story Building	1,800	1,800	1,200	1,200	1,200	900	800	700	NA	NA	1,800
2- to 2½-Story Building	1,500	1,500	1,000	1,000	1,000	800	700	700	NA	NA	1,500

- (1) One-family dwellings in the MF District shall comply with the following requirements:

5,000 square feet minimum lot area; 50 feet, lot width; 15 feet, front yard; six feet, one side yard; 14 feet, both side yards; 12 feet, side front yard; 35 feet, rear yard; 35%, principal building coverage; 8%, accessory building coverage; 2½-story – 30 feet, principal building height; 13 feet, sloped roof accessory building height; 10 feet, flat roof accessory building height; minimum building size: 1,000 – 1 story; 800 – 1½ story; 700 – 2 to 2½ story.

- (2) Multifamily structures in the RB District shall comply with the following requirements:

30 feet, both side yards; 15 feet, side-front yard; 40 feet, rear yard; 35%, principal building coverage; 16%, accessory building coverage; 2½ story, 30 feet, principal building height; 13 feet, sloped roof accessory building height; 10 feet, flat roof accessory building height; average livable area: 700 square feet minimum.

- (3) Eight feet in Block 614, Chatsworth Avenue.

## LARCHMONT CODE

- (4) Abutting a Residence District: 15 feet on the side abutting the Residence District.
- (5) In any One-Family Residence District where the average of the depths of the front yards of the nearest four lots occupied by dwellings on the same side of the street in the same block is less than thirty (30) feet, the front yard or side-front yard may be reduced up to the average depth.
- (6) Accessory buildings are not permitted in the front yard, side yard, or side-front yard of the principal building, pursuant to § 381-32. If an accessory building is attached to the principal building, then the accessory building shall be required to meet the yard requirements of the principal building.
- (7) Building height shall also be subject to the provisions of § 381-34.

**Town of Harrison**

ZONING

235 Attachment 2

**Residence Districts  
Table of Dimensional Regulations  
Town of Harrison**

[Amended 11-7-1990; 9-4-1996; 1-8-2004 by L.L. No. 1-2004; 9-15-2005 by L.L. No. 1-2005; 3-18-2010 by L.L. No. 4-2010; 4-6-2010 by L.L. No. 6-2010; 1-29-2018 by L.L. No. 1-2018]

<b>Dimensional</b>	<b>R-2.5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1/2</b>	<b>R-1/3</b>	<b>R-75</b>	<b>R-50</b>	<b>B</b>	<b>GA</b>	<b>MF</b>
Lot area (square feet)										
Minimum	2.5	2	1	1/2	1/3	7,500	5,000	5,000	80,000	4,000
	acres	acres	acre	acre	acre					
Minimum per dwelling unit	2.5	2	1	1/2	1/3	7,500	5,000	2,500	2,500	750
	acres	acres	acre	acre	acre					
Lot coverage (maximum percentage of total lot area occupied by main and accessory buildings)	10%	10%	15%	20%	20%	20%	25%	35% <sup>1</sup>	20%	50%
Lot width (minimum at building setback line, in feet) <sup>2</sup>	200	200	100	100	100	70	50	50	80	50
Yards (minimum, in feet) <sup>2</sup>										
Front	50	75	40	30	30	30	25	20	50	20
Side										
Minimum for 1	50	50	20	15	15	10	5	7	30	15
Total for both on interior lot	100	100	40	30	30	20	15	15	60	30
Abutting side street on corner lot	50	50	40	30	30	15	15	8	30	15
Rear	150	100	50	25	25	25	30	25	50	20
Habitable floor area (minimum, in square feet)										
1-family dwelling	2,400	2,400	2,400	1,800	1,700	1,200	1,200	1,200	Not permitted	1,200
Multifamily dwellings (per dwelling unit)									600	600
		--Multifamily dwellings not a permitted use in these districts--								
Height (maximum) <sup>3,4</sup>										
Stories	2½	2½	2½	2½	2½	2½	2.5	2½	2½	4
Feet	30	30	30	30	30	30	30	30	26	45
Accessory buildings (feet)										
Maximum height	15	15	15	15	15	15	15	15	15	15
Minimum setback from property line in required rear yard	50	50	15	10	10	10	5	5	10	5

**NOTES:**

<sup>1</sup> All area under a roof shall be measured at the outermost exterior wall or the outward most structural component and included as Lot Coverage in this zone.

<sup>2</sup> No lot in the R-1 Residence District in Blocks 591, 592, 601, 603 and 604 shall be less than 200 feet in width or frontage, with a minimum front yard of 50 feet and minimum side yards of 50 feet.

<sup>3</sup> For lots within a "B" Zone in a floodplain (as defined in § 146-2 of this Code), the building height shall be increased to a maximum of 33 feet with a maximum of 2 1/2 stories of habitable space, with the garage floor at the mean pre-existing elevation measured across the width of the lot at the front face of the proposed main structure. The 1st floor elevation shall be no greater than nine feet above the garage floor; and the elevation of the 2nd floor wall plate shall be no greater than 27 feet above the mean pre-existing elevation established at the garage floor elevation. The area below the 1st floor shall not be considered to be a story for purposes of determining building height.

<sup>4</sup> For lots within the R-2-5, R-2, R-1, R-1/2, R-1/3, R-75, R-50 Zones in a floodplain, the building height shall be measured from the base flood elevation (BFE) as determined by the floodplain manager.

**Town of Mamaroneck**

**Zone District Set Backs for Residential Properties**

Zone District	Lot size	Lot width	Lot depth	Front yard	Side / one	Side / both	Rear yard	Far. Max.
R 50	50,000	150	150	50	35	70	50	9712.5
R 30	30,000	125	150	50	20	50	50	6588
R 20	20,000	100	125	40	15	40	40	5620
R 15	15,000	100	100	40	10	30	25	5110
R 10	10,000	85	100	30	10	25	25	4340
R 7.5	7,500	75	100	30	10	20	25	3690
R 6	6,000	60	100	30	8	18	25	3300
R 2F	5,000	50	100	30	8	18	25	2750
R GA	3,500	lot cover 25%	150	30	25	60	25	
R A	2,500	lot cover 25%	100	30	25	60	25	
R TA	1,500	lot cover 20%	100	15	5	10ft min from street	15	
For more information regarding:				R GA see Town Code Chapter 240 Section 41				
				R A see Town Code Chapter 240 Section 42				
				R TA see Town Code Chapter 240 Section 43				

# Village of Mamaroneck

## ZONING

### 342 Attachment 2

#### Village of Mamaroneck

##### SCHEDULE OF MINIMUM REQUIREMENTS FOR RESIDENTIAL DISTRICTS

[Amended 9-11-1972, effective 9-27-1972; 10-25-1982 by L.L. No. 13-1982, effective 11-2-1982; 10-9-1984 by L.L. No. 22-1984, effective 10-29-1984; 5-13-1985 by L.L. No. 13-1985, effective 5-22-1985; 4-28-1986 by L.L. No. 10-1986, effective 5-8-1986; 9-14-1988 by L.L. No. 11-1988, effective 9-22-1988; 9-26-1989 by L.L. No. 17-1989, effective 10-5-1989; 11-13-2000 by L.L. No. 12-2000, effective 11-22-2000; 5-12-2008 by L.L. No. 5-2008, effective 5-15-2008; 11-24-2014 by L.L. No. 18-2014, effective 12-10-2014; 11-28-2016 by L.L. No. 22-2016, effective 12-7-2016; 8-14-2017 by L.L. No. 9-2017, effective 8-28-2017]

1	2	3	4	5	6		7				12	13	14
					Maximum Height of Principal Building		Minimum Required Yards						
District	Minimum Lot Area (square feet)	Minimum Lot Width and Frontage (feet)	Minimum Lot Depth (feet)	Minimum Habitable Floor Area (square feet)	Stories	Feet	Front (feet)	Lesser Side (feet)	2 Sides Combined (feet)	Rear (feet)	Maximum Coverage All Buildings (as percentage of lot area)	Other Requirements	Maximum Floor Area Ratio
R-20 One-Family	20,000	100	100	2-story: 1,800; 1-story: 1,650	2½	35	25	20	45	30	35%	Notes 4, 6, 11	See § 342-27.1
R-15 One-Family	15,000	100	100	2-story: 1,800; 1-story: 1,650	2½	35	25	15	35	30	35%	Notes 4, 6, 11	See § 342-27.1
R-10 One-Family	10,000	100	100	2-story: 1,600; 1-story: 1,400	2½	35	25	10	25	30	35%	Notes 6, 11	See § 342-27.1
R-7.5 One-Family	7,500	75	100	2-story: 1,600; 1-story: 1,400	2½	35	25	8	20	30	35%	Notes 4, 6, 11	See § 342-27.1
R-6 One-Family	6,000	60	100	2-story: 1,500; 1-story: 1,300	2½	35	20	8	18	25	35%	Notes 4, 6, 11	See § 342-27.1
R-5 One-Family	5,000	50	100	2-story: 1,400; 1-story: 1,100	2½	35	20	6	14	25	35%	Notes 4, 6, 11	See § 342-27.1
R-2F One- and Two-Family	3,750 per dwelling unit	75	100	Each dwelling unit: 900	2½	35	20	6'	16'	25	35%	Notes 6, 11	See § 342-27.1
R-4F One- to Four-Family	2,500 per dwelling unit	50	100	Each dwelling unit: 900	2½	35	20	6'	16'	25	35%	Notes 6, 11	0.70
RM-1 Multiple Residence	40,000 but not less than 2,500 per dwelling unit	150	150	--	2½	35	40	30	60	25	25%	Notes 2, 3, 4, 5, 6, 7, 11	0.50
RM-2 Multiple Residence	20,000, but not less than 1,500 per dwelling unit	150	150	--	3 (3½ on wide streets)	40	25	25	50	25	30%	Notes 1, 2, 3, 4, 5, 6, 7, 8, 11	0.80
RM-3 Multiple Residence	7,500, but not less than 800 per dwelling unit	100	100	--	4 (4½ on wide streets)	50	5	8	20	25	50%	Notes 1, 2, 3, 4, 5, 6, 7, 8, 11	1.2
RM/SC Multiple Residence/ Senior Citizen	20,000, but not less than 300 per dwelling unit	100	100	415	8 (4½ on wide streets)	75	10	5	10	30	50%	Notes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11	4.0
P Parking	5,000	50	--	--	2	35	Minimum of 3 feet and maximum of 20 feet, as determined by the Planning Board				10%	Notes 4, 6 and § 342-16. (Preceding standards apply only to P District)	--

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NOTES:

- <sup>1</sup> The Planning Board may approve a site plan which increases to the total number of permissible dwelling units by 20% to provide for below-market housing in accordance with Article XV of this chapter. In addition, where at least 2/3 of a project's units are a mix of zero- and one-bedroom units, the Planning Board may grant an additional ten-percent bonus in the total number of permissible dwelling units. This bonus shall be dependent upon a finding of no seriously adverse impact upon the school district.
- <sup>2</sup> There shall be provided a minimum of 400 square feet of usable open space per dwelling unit in the RM-1 District, 300 square feet per dwelling unit in the RM-2 District, 150 square feet per dwelling unit in the RM-3 District and, in the RM/SC District, the amount of usable open space shall be determined by the Planning Board during site plan approval. "Usable open space" shall be defined as active recreation, sitting or landscaped areas open to the sky. Parking shall not be considered usable open space. On any lot containing more than 15 dwelling units, the design, layout and equipment of such open space shall be subject to Planning Board approval. Rooftop and atrium open spaces that are open to all the residents of the building may account for up to 10% of the open space requirements if the Planning Board finds that they provide usable open space. For purposes of open space calculations, an "atrium" is defined as a continuous area open to a sidewalk and street which is open and unobstructed, except for sitting and landscaped areas, to a height of at least 25 feet and whose roof and wall configuration allows natural sunlight as the main light source.
- <sup>3</sup> No building may exceed a length of 160 feet in overall dimension in the RM-1 Zone or 185 feet in overall dimensions in the RM-2 and RM-3 Zones.
- <sup>4</sup> The following minimum distances shall be observed between buildings on the same lot: a distance equal to the average height of such buildings at the points where such buildings are nearest each other.
- <sup>5</sup> The least horizontal dimension of any court, at any level, shall be not less than the height of any vertical wall forming part of such court above the sills of the lowest windows served by such court, but not less than 20 feet for an outer court nor less than 40 feet for an inner court.
- <sup>6</sup> For off-street parking and loading requirements, see Article VIII.
- <sup>7</sup> No side yards are required between attached dwellings.
- <sup>8</sup> On Mamaroneck Avenue and Boston Post Road, the Planning Board may approve an additional half floor if it is determined by the Board that such a half floor will not present undue bulk and height or be incompatible with the adjacent properties, and provided that such an additional half floor will not cover more than 50% of the building footprint and will be set back from at least two sides of the building at least one foot horizontally for every one foot in elevation. The latter requirement on horizontal setback may be waived by the Planning Board on any building whose setback to the street or adjacent homes exceeds the required setbacks by 50%. In the case of two or more buildings, the Planning Board may allow a full fourth floor on one of the buildings, provided that such a floor still does not exceed 50% of the footprint of all the permitted buildings.
- <sup>9</sup> In the RM/SC Residence District, a building may have a mix of studios, one- and two-bedroom units. However, the number of two-bedroom units may not normally exceed 15% of the total dwelling units, unless the applicant can show, to the satisfaction of the Planning Board, that such units are necessary for senior citizens and will only be used exclusively by senior citizens.
- <sup>10</sup> In the RM/SC Residence District, the following special requirements for the elderly and handicapped shall apply:
  - (a) Walks, ramps and driveways: Gradients shall not exceed 10%; single riser grade changes in walks shall not be permitted.
  - (b) Handrails: Handrails shall be provided as deemed necessary by the Planning Board, for the handicapped.
  - (c) Fixtures: The size of the kitchen and bathroom and arrangement of the fixtures, accessories and trim shall be selected for and provide the maximum features of design that contribute to the safety, convenience and aid to older persons. The bathroom floor finish shall be impervious to water, have nonslip characteristics and slope inward. The threshold shall be flush with the floor. Doors of all rooms shall be of sufficient width, at least two feet 10 inches, to accommodate wheelchairs and persons on crutches.
  - (d) Elevators: Elevator service shall be provided to all floors.
- <sup>11</sup> Every accessory building or structure shall conform in all respects to the minimum front and side yard setbacks applicable to the lot in question and shall not be located closer than six feet to the rear lot line.

# City of Rye

## ZONING

### 197 Attachment 1

City of Rye  
Table A: Residence Districts  
Area, Yard, Height and Miscellaneous Regulations

[Amended 4-17-1957; 7-17-1957; 7-20-1960; 3-21-1962 by Ord. No. 2-1962; 10-24-1963 by Ord. No. 7-1963; 11-15-1967 by Ord. No. 4-1967; 6-18-1968 by Ord. No. 3-1968; 10-18-1972 by Ord. No. 4-1972; 11-18-1981 by L.L. No. 9-1981; 4-12-1982 by Ord. No. 2-1982; 6-15-1983 by L.L. No. 4-1983; 6-15-1983 by L.L. No. 5-1983; 11-21-1984 by Ord. No. 1-1984; 2-3-1988 by L.L. No. 2-19-1988; 7-16-2003 by L.L. No. 6-2003<sup>1</sup>; 12-2-2015 by L.L. No. 1-2016]

4 District	Use	5 Maximum Ratio of Floor Area to Lot Area (j)	6 Minimum Size of Lot (acres or sq. ft.) per: a. Family or Equiv. (a) or b. Nonresidential Use	7 Minimum Width (feet) [See § 197-36]	8 Minimum Yard Dimensions (feet)				12 Specified Distance (feet) as Required in Column 2	13 Maximum Height		15 One-Story Accessory Structures	
					9 Front [See (b)]	10 One Side [See (b) and (c)]	11 Total of Two Side Yards	11 Rear [See (b)]		13 (stories)	14 (feet)	15 Maximum Coverage of Required Rear Yard	16 Minimum Distance to Side Line (feet)
R-1		0.15	1 acre	150	35	20	50	60	100	2½	32	20%	20
R-2		0.20	½ acre	115	35	15	40	50	80	2½	32	20%	15
R-3	Area of special flood hazard	0.25	½ acre	100	30	12	30	40	70	2½	28	35%	10
	All other areas	0.25	1/3 acre	100	30	12	30	40	70	2½	28	35%	10
R-4	Area of special flood hazard	0.30	½ acre	85	30	10	25	30	60	2½	28	25%	10
	All other areas	0.30	10,000	85	30	10	25	30	60	2½	28	25%	10
R-5	Area of special flood hazard	0.35	½ acre	75	30	8	20	30	50	2½	28	30%	5
	All other areas	0.35	7,000	75	30	8	20	30	50	2½	28	30%	5
R-6	Area of special flood hazard	0.40	½ acre	60	25	8	20	25	40	2½	28	30%	5
	All other areas	0.40	6,000	60	25	8	20	25	40	2½	28	30%	5
RS	Single-family house	0.40	½ acre	100	30	12	30	40	—	2½	28	25%	10
	Other permitted use	0.40	1/3 acre	100	50	½ height, minimum 12	40	40	—	2½	35	10%	12
RT	Single-family house	0.45	5,000	50	25	8	20	30	40	2½	28	30%	5
	Two-family house	0.45	3,000	60	25	8	20	30	—	2½	28	30%	5
RA-1	Single-family house	0.40	5,000	50	25	8	20	30	40	2½	35	30%	5
	Two-family house	0.40	5,000	60	25	8	20	30	—	2½	35	30%	5
	Apartment house	0.40	5,000 (e)	100	70	50	100	50	—	2½	35	30%	10
RA-2	Single-family house	0.45	5,000	50	25	8	20	30	30	2½	35	30%	5
	Two-family house	0.45	3,500	60	25	8	20	30	—	2½	35	30%	5
	Apartment house	0.45	3,500 (e)	100	25	20	50	40	—	2½	35	30%	10
RA-3	Single-family house	0.50	5,000	50	25	8	20	30	20	2½	35	35%	5
	Two-family house	0.50	3,000	60	25	8	20	30	—	2½	35	35%	5
	Apartment house	0.50	2,500(e)	80	25	20	40	40	—	2½	40	35%	10
RA-4	Single-family house	0.50	5,000	50	25	8	20	30	—	2½	35	35%	5
	Two-family house	0.50	3,000	60	25	8	20	30	—	2½	35	35%	5
	Apartment house	0.50	2,500(e)	80	25	20 (d)	40 (d)	40 (d)	—	2½ (f)	35 (f)	35%	10
RA-5	Apartments for senior citizens and handicapped persons	1.00	1 acre	80	25		40		—	4	50	35%	10

<sup>1</sup> Editor's Note: This local law also stated that it would not apply if a building permit application or Zoning Board of appeals application had been received by the City prior to 7-3-2003.

RYE CODE

4		5	6	7	8	9	10	11	12	13	14	15	16
District	Use	Maximum Ratio of Floor Area to Lot Area (j)	Minimum Size of Lot (acres or sq. ft.) per: a. Family or Equiv. (a) or b. Nonresidential Use	Minimum Width (feet) [See § 197-36]	Minimum Yard Dimensions (feet)				Specified Distance (feet) as Required in Column 2	Maximum Height		One-Story Accessory Structures	
					Front [See (b)]	One Side [See (b) and (c)]	Total of Two Side Yards	Rear [See (b)]		(stories)	(feet)	Maximum Coverage of Required Rear Yard	Minimum Distance to Side Line (feet)
RA-6	Apartments for active senior citizens	0.75	2,500	400	150 <sup>(o)</sup>	50	100	50	—	4	45	35%	10
RFPW	Single-family house Two-family house Apartment house (g)	(g)	10 acres (g)	250	85	(g)	(g)	(g)	—	2½	35	—	—
LPD-A	(h)	0.15	22 acres	(h)	(h)	(h)	(h)	(h)	—	(h)	(h)	(h)	(h)

Notes:

- (a) Equivalent to one family in computing minimum lot sizes.
- [1] Hotels and lodging houses, each two guest sleeping rooms.
- [2] Hospitals and similar institutions, each two hospital beds.
- [3] Medical offices, each two doctors plus three other employees.
- [4] Other nonresidential main uses not specifically provided for in this Table of Regulations or elsewhere in this chapter, each 1,500 square feet of floor space.
- (b) [1] Wherever a required yard abuts a street less than 50 feet in width, the minimum yard dimension(s) shall be measured from a line of 25 feet from and parallel to the center line of said street.
- [2] No building shall be nearer than 100 feet to center line of Post Road between Mamaroneck Town line and Central Avenue.
- (c) For corner lots, corner side yards at least 1/5 of the lot width at the location of the building, but need not be more than front yard minimum, except as provided in § 197-62. Permitted nonresidential main uses shall have minimum side yard 1½ times width specified for a single-family house. (See § 197-52.)
- (d) Twenty-five feet for any side yard containing a driveway serving more than six parking spaces. For a one-, two- or three-family structure existing on the effective date of the chapter (August 9, 1956) and proposed for conversion for up to four (4) families, the Board of Appeals may reduce side yard requirement to eight feet. For side yard requirements for other apartments, see § 197-54. For spacing between buildings on the same lot, see § 197-70. For the rear and side yards of apartment houses adjoining the right-of-way of a railroad, a parkway or a limited access highway, see § 197-64.
- (e) For usable open space requirement, see § 197-68.
- (f) For buildings in variable-height apartment groups (a use permitted in RA-4 Districts subject to additional standards and requirements), see § 197-13.
- (g) See § 197-13.1 for requirements and additional comments.
- (h) See § 197-13.2 for requirements and additional procedures.
- (i) These requirements shall not apply to existing or future lots, provided that the lot is not substantially located in an area of special flood hazard, or to any lot in a subdivision which received tentative approval of a preliminary layout, pursuant to Chapter 170 of this Code, prior to February 17, 1988, that conforms to the requirements for a lot not located in an area of special flood hazard. For the purpose of this exemption, an existing or proposed lot having 90% or more of its area located outside of an area of special flood hazard shall not be considered to be substantially located in an area of special floor hazard. See § 197-37.1 for additional exemptions.
- (j) See § 197-43.1 for floor area ratio reductions for single-family residences on oversized properties in one-family districts.
- (k) The required front yard setback can be reduced to no less than 100 feet, provided that the maximum permitted area of the encroachment of the structure into this reduced setback shall be less than 15% of the total area between the front yard line and the standard 150-foot setback.

