

**Village of Pelham Manor**  
**Local Law No. \_1\_ of 2009**

A LOCAL LAW entitled: “A Local Law to Amend Chapter 210 of the Village Code, ‘Zoning’ and the Zoning Map.”

Be it enacted by the Village Board of the Village of Pelham Manor, Westchester County, New York, as follows:

**SECTION 1: LEGISLATIVE INTENT**

In 2000, the Village of Pelham Manor adopted a new zoning law for business districts B1, B2, and B3 to encourage redevelopment and reinvestment in the Village’s commercial center. Amendments to this zoning law were made in 2004, and again in 2006, to clarify the intent of the zoning law and to create development conditions that are more attractive to potential developers. As a result of these efforts, a resurgence of retail uses in this area is currently underway. These new and renovated retail uses in the B2 District, and the decline of former industrial, warehousing, and light manufacturing uses in the neighboring B3 District, has prompted the Village to consider the rezoning of the existing B3 District to B2. The intent of this rezoning is to further the Village’s goal of creating a gateway retail center in the Village of Pelham Manor and to retain light manufacturing uses that do not detract from the gateway presence.

Furthermore, there are currently no mapped Industrial Districts within the Village of Pelham Manor. As such, this amendment also seeks to amend the zoning text to eliminate any references to the former Industrial District, which is no longer in effect in the Village of Pelham Manor.

**SECTION 2: PROPERTY AFFECTED**

The premises affected by this rezoning are described and generally known as the existing B3 and B2 Zoning Districts in the Village of Pelham Manor. This B3 zone would be replaced by the B2 zone. Since there are no mapped Industrial Districts and this amendment eliminates any existing mapped B3 District, the removal of the B3 District and the Industrial Districts from the Code would not affect any properties.

**SECTION 3: AMENDMENTS TO ARTICLE V, “DEFINITIONS”**

Chapter 210-15, “Definitions; word use.” of the Code of the Village of Pelham Manor is hereby amended as follows:

PREFERRED – With respect to the nature and location of a wireless communications facility, means a facility which is preferable in accordance with the following order of preference:

- ~~(1)~~ — A wireless communication installation in an industrial district.
- ~~(2)~~ — A wireless communication monopole or tower in an industrial district.
- ~~(3)~~(1) A wireless communication installation in a business district.
- ~~(4)~~(2) A wireless communication monopole or tower in a business district.
- ~~(5)~~(3) A wireless communication installation in a recreational district as a location not less than 250 yards from the nearest dwelling or multifamily house.

- ~~(6)~~(4) A wireless communication monopole or tower in a recreational district as a location not less than 250 yards from the nearest dwelling or multifamily house.
- ~~(7)~~(5) A wireless communication installation on a property not located in a zoning district at a location not less than 250 yards from the nearest dwelling of multifamily house.
- ~~(8)~~(6) A wireless communication monopole or tower on a property not located in a zoning district at a location not less than 250 yards from the nearest dwelling of multifamily house.
- ~~(9)~~(7) A wireless communication installation in a retail district.
- ~~(10)~~(8) A wireless communication monopole or tower in a retail district.
- ~~(11)~~(9) A wireless communication installation in a recreational district at a location less than 250 yards from the nearest dwelling of multifamily house.
- ~~(12)~~(10) A wireless communication monopole or tower in a recreational district at a location less than 250 yards from the nearest dwelling of multifamily house.
- ~~(13)~~(11) A wireless communication installation on a property not located in a zoning district at a location less than 250 yards from the nearest dwelling of multifamily house.
- ~~(14)~~(12) A wireless communication monopole or tower on a property not located in a zoning district at a location less than 250 yards from the nearest dwelling of multifamily house.
- ~~(15)~~(13) A wireless communication installation in a railroad district.
- ~~(16)~~(14) A wireless communication monopole or tower in a railroad district.
- ~~(17)~~(15) A wireless communication installation in a multifamily district.
- ~~(18)~~(16) A wireless communication monopole or tower in a multifamily district.
- ~~(19)~~(17) A wireless communication installation in a residence district.
- ~~(20)~~(18) A wireless communication monopole or tower in a residence district.

**SECTION 4: AMENDMENTS TO ARTICLE VI, “ZONING MAP”**

Chapter 210-16, “Classes” of the Code of the Village of Pelham Manor is hereby amended as follows:

~~Business 3 District~~

Chapter 210-17, “Zoning Map” of the Code of the Village of Pelham Manor is hereby amended as follows:

The boundaries of the zoning districts in the Village of Pelham Manor are hereby established as shown on the Zoning Map of the Village of Pelham Manor dated ~~September 2000~~ October 2008, which accompanies this chapter and which, with all explanatory matters thereon, is hereby adopted and made a part of this chapter. The map, indicating the latest amendments, shall be kept up-to-date in the office of the Village Clerk for the use and benefit of the public. A copy of the map shall be kept in the office of the Inspector of Buildings.

**SECTION 5: AMENDMENTS TO ARTICLE XVI, “BUSINESS DISTRICTS”**

Chapter 210-67, “Purposes” of the Code of the Village of Pelham Manor is hereby amended as follows:

~~C. The purpose of the Business 3 District is to permit businesses which are complementary to and supportive of the commercial development permitted in the Business 2 District and to allow for heavier commercial uses.~~

Chapter 210-68, "Permitted Principal Uses" of the Code of the Village of Pelham Manor is hereby amended as follows:

B. No building or premises in the Business 2 District shall be used, and no building shall be erected, altered or added to in the Business 2 District, unless otherwise provided in this chapter except for the following:

- (9) Existing manufacturing, producing, assembling, processing, converting, altering, finishing or cleaning of goods together with retail and/or business offices incident thereto, provided that:
  - (a) The retail and/or business office area is no less than 20% of the gross floor area of the premises; and
  - (b) Such uses, other than the retail and or business office portion thereof, do not occupy more than 80% of the ground floor or 10,000 square feet, whichever is less; and
  - (c) There shall be no outside storage of goods or materials; and
  - (d) All manufacturing, producing, assembling, processing, converting, altering, finishing or cleaning of goods shall occur indoors; and
  - (e) The manufacturing, producing, assembling, processing, converting, altering, finishing or cleaning of goods shall not produce odors, dust, or noise detectable at the property line.

~~C. No building or premises in the Business 3 District shall be used, and no building shall be erected, altered or added to in the Business 3 District, unless otherwise provided in this chapter, except for the following:~~

- ~~(1) Any use permitted in the Business 2 District.~~
- ~~(2) Contractors' materials sales.~~
- ~~(3) Contractors' office.~~
- ~~(4) Indoor storage facilities.~~
- ~~(5) Self Storage.~~
- ~~(6) Wholesale or retail nurseries.~~
- ~~(7) Wholesaling, storing or warehousing of goods, including building supplies, and retail sales incident thereto.~~
- ~~(8) Manufacturing, producing, assembling, processing, converting, altering, finishing or cleaning of goods.~~

## **SECTION 6: AMENDMENTS TO ARTICLE XVII, "INDUSTRIAL DISTRICTS"**

Chapter 210-72, "Uses" of the Code of the Village of Pelham Manor is hereby amended as follows:

~~In an Industrial District no building, structure or land shall be used or occupied for any purpose other than as follows:~~

- ~~A. A use permitted in a Business District~~
- ~~B. Storage of oils and other inflammable liquids in large quantities, and buildings in connection therewith.~~

Chapter 210-73, "Setbacks" of the Code of the Village of Pelham Manor is hereby amended as follows:

- ~~A. No building or structure nor any part or appurtenance thereof shall hereafter be so located on a lot as to be nearer than 20 feet to the boundary line of the Hutchinson River Parkway.~~
- ~~B. No building or structure heretofore erected shall hereafter be altered, enlarged or moved to bring any part of appurtenance thereof nearer than 20 feet to the boundary line of the Hutchinson River Parkway.~~
- ~~C. No building, nor any part thereof, shall hereafter be located on a lot so as to be nearer than 10 feet to a side or rear line of the lot. This shall not be interpreted as preventing the erection of dike walls around oil or gasoline storage tanks.~~

Chapter 210-74, "Height" of the Code of the Village of Pelham Manor is hereby amended as follows:

~~No building or structure shall hereafter be erected or altered to exceed 40 feet in height; except that public utility structures not designed for human occupancy may exceed that height by one foot for each foot that such structure is set back from the required front, side, and rear yards on the lot. This height limitation shall not apply to towers or steeples of places of worship, if such tower or steeples do not exceed 150 square feet in area.~~

#### **SECTION 7: SEVERABILITY**

If a court of competent jurisdiction declares any portion of this local law illegal or unconstitutional such a declaration shall not prevent the enforcement of any other portion of this local law that may otherwise be enforceable.

#### **SECTION 8: EFFECTIVE DATE**

This local law shall become effective immediately upon filing with the New York Secretary of State.