

Local Law Filing

Village of Port Chester, New York

Local Law No. I-21 of the Year 2022

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, “ZONING” TO AMEND CERTAIN DEFINITIONS AND AMEND A NOTE IN THE ‘BUILDING STANDARDS’ TABLE OF THE VARIOUS CHARACTER DISTRICTS RELATED TO BUILDING HEIGHT

Be it enacted by the Board of Trustees of the Village of Port Chester, New York as follows:

SECTION 1: Purpose and Intent

The Village of Port Chester adopted its Character-Based Zoning Code in May 2020. Since that time, the Village has received numerous applications for site redevelopment in furtherance of the Village’s goal of downtown redevelopment. Within the Character-Based Zoning Code, height is primarily defined in relation to ‘stories’ rather than the vertical distance of a building’s roof from ground level. This feature was intentional, as people generally experience a building’s ‘height’ more in terms of stories than in terms of elevation.

Subsequent to the adoption of the Character-Based Zoning Code, and based upon the review and approval of numerous development proposals within the Village, it has become apparent that the way in which building ‘height’ is defined and regulated in the Code was confusing and, inadvertently, permitted buildings in excess of the number of stories originally intended by the Code, especially on lots with significant topographical variations.

The purpose and intent of this local law is to establish a reasonable and equitable approach that would clarify the way in which building height is defined and regulated, remove existing ambiguity related to the definition of building height, and advance the general purpose, intent and objectives of the Character-Based Zoning Code.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, Zoning, Article 4: Building and Lot Plans & Standards, is hereby amended as follows:

The “Building Standards” for the CD-4 General Urban Character District, set forth in Section 345-405.A.5(i)[1], is amended as follows:

Building Height [1]	
Principal Building	1 Story minimum, 3 Stories maximum
Accessory Building	2 Stories maximum
[NOTE:	

¹Stories do not include Attics and Basements.]

The “Building Standards” for the CD-5 Urban Center Character District, set forth in Section 345-405.A.6(i)[1], is amended as follows:

Building Height [1]	
Principal Building	2 Stories minimum, 6 Stories maximum
Accessory Building	2 Stories maximum
[NOTE: ¹ Stories do not include Attics and Basements.]	

The “Building Standards” for the CD-5W Urban Center – Waterfront Character District, set forth in Section 345-405.A.7(i)[1], is amended as follows:

Building Height [1]	
Principal Building	2 Stories minimum in Second Lot Layer, 6 Stories maximum; 4 stories maximum along the Byram River waterfront
Accessory Building	2 Stories
[NOTE: ¹ Stories do not include Attics and Basements.]	

The “Building Standards” for the CD-6 Urban Core Character District, set forth in Section 345-405.A.8(i)[1], is amended as follows:

Building Height [1]	
Principal Building	6 Stories minimum, 12 Stories maximum
Accessory Building	2 Stories maximum
[NOTE: ¹ Stories do not include Attics and Basements.]	

The “Building Standards” for the CD-6T Urban Core TOD Character District, set forth in Section 345-405.A.9(i)[1], is amended as follows:

Building Height ¹	
Principal Building	6 Stories minimum, 15 Stories maximum
Accessory Building	2 Stories maximum
NOTE: ¹ Stories do not include [Attics and Basements, or] any top floor that is less than 25% of the Floor Area of the floor immediately below, where said top floor does not contain Residential Dwelling Units.	

The “Building Standards” for the CV Civic District, set forth in Section 345-405.B.3(d)[1], is amended as follows:

Building Height [¹]	
Principal Building	20 feet higher than maximum Height of any Adjacent Character District, Maximum
Accessory Building	30 feet maximum
[NOTE: ¹ Stories do not include Attics and Basements.]	

Within Section 345.405.H.1, “Building & Ceiling Height; Floor Finish Elevation: Building Heights and Ceiling Heights,” subsection 345.405.H.1.c. shall be deleted in its entirety.

SECTION 3: The Code of the Village of Port Chester, Chapter 345, Zoning, Article 10: Definitions, Section 345-1003: Defined Terms, is hereby amended as follows:

...

Attic: the interior part of a Building below a pitched roof structure and does not contain habitable space, which if under 14 feet in height at its tallest point, is not a Story [and does not contain habitable space]. See **Illustration 345.1003.A-3 (Attic)**

...

[Basement: a portion of a Building having more than half (1/2) of its clear floor to ceiling height above the average finished grade of the Adjoining ground. A Basement

shall be considered a Story.]

...

Cellar: a portion of a Building having more than half (1/2) of its clear floor to ceiling height below the [average] finished grade of the Adjoining ground. A Cellar having no exterior wall greater than four (4) feet above adjoining ground shall not be considered a Story. See **Illustration 345.1003.C-1 (Cellar)**.

...

Floor Area: the area of all enclosed floors computed from the horizontal dimensions of the outside walls of the Building, excluding unfinished Attics, [Basements] Cellars, utility areas, porches, patios, breezeways, Parking Areas, Parking Lots, Garages, Parking Structures, carports, and attached Accessory Buildings.

...

Height: the vertical dimension of a Structure, described (a) in number of Stories of the Structure [excluding in each case (i) attics under 14 feet in height at their tallest point; (ii) Basements with an exterior exposed wall of less than four (4) feet;], and/or (b) feet excluding (i) [iii] parapets under 42 inches in height; and (ii) [iv] masts, belfries, clock towers, chimneys, chimney flues, silos, water tanks, or elevator bulkheads. See **Illustration 345.1003.H-1 (Height-Building)**.

...

Lightwell: Private Frontage type that is a below-grade entrance or recess designed to allow light into basements or cellars. See Table 345.405.G-1 (Private Frontage Types – Summary).

...

Story: a habitable level within a Building, being that portion included between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between the floor and the ceiling next above it; including parking garage and parking structure levels [; excluding an attic under 14 feet in height at their tallest point and cellars]. See **Illustration 345.1003.S-7 (Story)**. See definitions of “Attic” and “Cellar.”

...

SECTION 4: Supersession.

Any provisions of the Village Code that are in conflict or inconsistent with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION 5: Severability.

If any provision of this local law is held to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such provisions or part thereof and the

remaining part of such provision and all other provisions shall continue in full force and effect.

SECTION 6: Applicability

The provisions of this local law shall not apply to any approved site plan application and shall not apply to an application that has been deemed complete by the Planning and Economic Development Zoning Administrator for the purposes of review by the decision-making authority and which has been heard by the decision-making authority as of the effective date of this local law.

SECTION 7: Effective Date.

This local law shall be effective immediately upon due publication and filing with the Secretary of State.