

**VILLAGE OF PLANDOME
PROPOSED LOCAL LAW B-2018
AMENDMENT TO CHAPTER 175, "ZONING "**

A local law to amend Chapter 175 entitled, "Zoning," to the Code of the Village of Plandome. The Code was adopted by Local Law 1-1996 by the Board of Trustees on July 9, 1996 and last amended by Local Law 3-2017 adopted by the Board of Trustees on October 10, 2017.

SECTION I. Amend Section 175-2, "Definitions," to read as follows:

§ 175-2 Definitions.

The following definitions are applicable to this chapter only and may be different from definitions in the New York State Fire Prevention and Building Code:

...

ATTIC

The space in a two story principal building between the top uppermost floor construction or ceiling joists and the underside of the roof sheathing, which space shall not be designed or used for human occupancy.

BASEMENT

A story in a building that is partly below grade having a vertical dimension of more than ~~five~~ three feet between the underside floor joists first above and the mean ground level that adjoins the foundation walls of the building. (See also "cellar.")

BUILDING

Any permanent structure having a roof supported by columns or by walls.

BUILDING AREA

The total area at the mean ground level, taken on a horizontal plane at the exterior face of the exterior walls of the principal building, all accessory buildings, cantilevered portions and porches.

BUILDING HEIGHT

The vertical distance measured from the mean ground level along the foundation walls of the building. ~~In the case of flat roofs, it is measured~~ to the highest point of the roof. In the case of pitched roofs, it is measured to a point halfway between the eaves and the peak of the highest gable.

BUILDING INSPECTOR

The Plandome Village Building Inspector or any Assistant Building Inspector.

CEILING HEIGHT

The vertical distance between the floor and ceiling of a space within a building.

CELLAR

Any space in a building having a vertical dimension of ~~five~~ three feet or less between the underside floor joists first above and the mean ground level that adjoins the foundation walls of the building. (See also "basement.")

CODE ENFORCEMENT OFFICER

The Plandome Village Code Enforcement Officer or any Assistant Code Enforcement Officer.

CORNER LOT

A lot situated at the intersection or junction of two or more streets. On a corner lot a dwelling shall have only one side yard abutting an interior lot adjacent thereto. Said side yard shall be on the side adjoining the interior lot opposite the front yard having the greater street frontage. In the case of a triangular lot, the lot line not fronting either street shall be the rear lot line.

DWELLING

A building which contains sleeping and bathroom facilities.

FAMILY

One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, including household servants. A number of persons, not exceeding two, in addition to those described above, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family, provided that no compensation is paid therefor to owner.

FLAT ROOF

A roof with less than a five-on-twelve-pitch (five-inch vertical rise for every 12 inches of horizontal distance), or more, or having a flat horizontal area exceeding 25% of the total horizontal floor area that it covers.

FLOOR AREA RATIO (FAR)

The ratio determined by dividing the gross floor area by the lot area (see Appendix No. 1 for illustration and example of calculation).

FRONT YARD

A yard situated between the lot line along the street which the lot abuts and the nearest wall of the principal building and extending across the full width of the lot. A corner lot shall have a front yard on each street which the lot abuts.

GARAGE

An attached or unattached structure designed to be used in connection with the storage of one or more automobiles owned and used by the owner or tenant of the lot on which the principal building is erected.

GROSS FLOOR AREA

The sum of the total horizontal areas of all floors of all buildings and such structures as are enumerated in this definition on a lot, measured from exterior faces of the exterior walls.

- A. The term "gross floor area" shall include, but not be limited to, basements, stairwells at each story, attics with headroom ("headroom" being defined as the underside of the roof sheathing to the top of the ceiling joists of the floor below) of seven feet six inches or more whether or not a floor has been laid, garages, living space above garages (whether used as such or not), enclosed porches, pool houses, sheds, interior balconies and mezzanines, floor space used for mechanical equipment, enclosed gazebos, and elevator shafts.

- B. For any space, area or room in any area in which the ceiling height exceeds nine feet, the "gross floor area" of that space, area, or room shall be increased in direct proportion to the height in excess of nine feet.

- C. Spaces (other than attics) with sloped ceilings where headroom is greater than five feet shall be included in gross floor area. The actual floor area so circumscribed shall be decreased by a factor of 50% for the area where the headroom is less than seven feet six inches. All areas with seven feet six inches or more of headroom shall be counted. The resultant value is included in the gross floor area.

- D. Basements shall be included in gross floor area.

- E. Cellars shall not be included in gross floor area, except that portion, if any, designed for use as a garage.

HALF STORY

A story under a gable, hip or gambrel roof, wall plates of which at least two opposite exterior walls are not more than two feet above the floor of such story.

HEIGHT, BUILDING

See "building height."

HEIGHT-SETBACK RATIO (HSR)

The ratio of vertical rise (height) to horizontal distance (setback), which produces an inclined plane beginning at the portion of the lot line nearest the building and rising toward the building at the ratio specified. The base elevation for this inclined plane shall be the mean ground level along the relevant wall of the building. (See Appendix No. 2 for illustration and example of calculation)

LIVABLE FLOOR AREA

The total floor area used, designed and available to be used for living accommodation on all stories of the principal building, excluding cellar or basement, rooms for heating equipment, open porches, breezeways, unheated areas and attached garages, but including any living space which may be provided over such garage. In rooms with sloping ceilings, only those areas where the headroom is greater than five feet may be included, on condition that at least 50% of the total area of each room or rooms has a minimum ceiling height of seven feet six inches. Walls, closets, partitions, bathrooms, interior stairways, kitchens and pantries shall be included.

LOT

A plot, tract or parcel of land, with or without structures.

LOT LINE

Any line dividing one lot from another lot or from a street or from the mean high water mark of tidal waterways.

MAXIMUM NONVEGETATIVE SURFACE AREA

The maximum portion of a lot the open area in a front yard or rear yard (excluding area occupied by accessory buildings) that may be covered by a nonvegetative surface.

MEAN GROUND LEVEL

The average elevation of the natural ground level prior to any excavation or any fill being placed, as calculated from elevations taken at intervals of 12 inches along the relevant lines by dividing the sum of such elevations by the number of such elevations taken, all to be certified by a N.Y.S. licensed surveyor.

MOBILE DWELLING UNIT

An automobile trailer, recreational vehicle, mobile home or similar accommodation designed to be used for human habitation.

NONCONFORMING LOT

A lot or its improvements which do not now conform with the provisions of the Zoning Code but which have been held in single and separate ownership since immediately prior to the adoption of the provision(s) of the Code which rendered the lot nonconforming.

NONVEGETATIVE SURFACE

Driveways, walks, decking, swimming pools and any other areas covered with pavement, concrete, masonry, flagstone, gravel, bluestone, wood or other surface coverings so as to render the ground unsuitable for the growth of vegetation or plants.

PEAKED ROOF

A roof with a five-on-twelve-pitch (five-inch vertical rise for every 12 inches of horizontal distance) or more, and having no flat horizontal area exceeding 25% of the total horizontal floor area that it covers.

PORCH

A roofed structure projecting from the outside wall of a building. All porches, whether open or enclosed, shall be included in the calculation of maximum building coverage of a lot.

PORCH, ENCLOSED

A porch with any form of enclosure, including screens, lattice or fabric.

REAR YARD

A yard on the same lot as the principal building, situated between the rear line of the lot and the nearest wall of the principal building across the full width of the lot. On a corner lot, the rear yard shall not extend into a front yard.

REQUIRED YARD

A front yard, rear yard or side yard, as the case may be, having the minimum dimensions required by this chapter for the district in which the lot, of which such yard is a part, is situated.

SCHOOL

An institution of learning which is both chartered by the State Board of Regents and pursues a course of study prescribed or approved by the State Board of Regents.

SETBACK

The horizontal distance measured on a perpendicular from the lot line and the closest point on a structure situated on that lot.

SIDE YARD

A yard on the same lot as the principal building, situated between the side line of the lot and the nearest wall of the principal building and bounded by the front yard and rear yard of that lot, or the front and rear yard of a contiguous lot held under same ownership, whichever is more restrictive.

STORY

That portion of a building between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between any floor and the ceiling or roof structure next above it. Basements shall be counted as a story. Cellars shall not be counted as a story, except that portion, if any, designed for use as a garage.

STORY, HALF

See "half story."

STREET

Any public or private highway or road or any thoroughfare, avenue, alley, public driveway or other public way, including the berm-shoulder area and all other unpaved portions of the way.

STREET FRONTAGE

That portion of a lot line extending along a street.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. "Structures" shall include but not be limited to air-conditioning equipment, buildings, driveways, entry steps, fences or fence-like structures (including gates), flagpoles, garages, light posts, patios, piers, play structures, signs, statuary, storage buildings, swimming pools, terraces, walkways, and walls, including retaining walls.

SWIMMING POOL

Includes any pool, container, tank, depression or excavation, situated wholly or partly outside of the main walls of the principal building or establishment, containing or capable of containing water having a plane surface area of more than 25 square feet and a depth of more than two feet. "Swimming pool" shall also include all appurtenant structures such as a walk, path, platform or patio along the sides or ends of a swimming pool, the springboard, the diving structure, the lighting poles and fixtures, the bathhouses or shelters, the base and other equipment for heating or purifying the water, any sheds or structures to contain tools or equipment used in connection with the pool, and all incidental portions thereof.

YARD

An open space on the same lot as the building, extending from the ground to the sky and unobstructed except by trees, shrubbery, utility wires or poles and except as otherwise provided in this chapter.

SECTION II. Amend Section 175-13, "*Height-set back ratio requirements*," to read as follows:

§ 175-13 Height-setback ratio requirements.

- A. No part of a building shall be permitted to extend beyond the inclined plane of the height-setback ratio as given in § 175-15, except as provided herein.
- B. Minor architectural features, including but not limited to chimneys, flues, skylights and dormer windows, may extend above the inclined plane of the height-setback ratio, but collectively such penetrations of the plane shall be limited to 25% of the total roofline/length along any given side of the building.
- C. For peaked roofs, any portion of a gable end that penetrates the height set-back inclined plane up to 4 feet horizontally along the ridge line.

SECTION III. Amend Section 175-15, "Regulation of lot area and dimensional requirements for all districts," to read as follows:

- A. The following are the requirements and standards for all lots, structures and buildings unless otherwise indicated for the several districts referred to in this chapter. Dimensions are in feet, unless otherwise indicated.**

**Table I
Lot Area and Dimensional Requirements**

Regulation	District			
	A	B	C	D
Minimum lot area (square feet)	20,000	16,000	12,000	10,000
Maximum building area of lot	25%	30%	30%	35%
Maximum building height				
Principal ¹				
Peaked roof	30 <u>35</u>	30 <u>35</u>	30 <u>35</u>	30 <u>35</u>
Flat roof	25	25	25	25
Accessory ²				
Peaked roof	12.5 <u>16</u>	12.5 <u>16</u>	12.5 <u>16</u>	12.5 <u>16</u>
Flat roof	11	11	11	11
Minimum yards of principal buildings				
Front yard	35	30	30	25
Rear yard	20	20	20	20
Side yard	20	20	20	20
(each)				
Minimum street frontage	100	100	90	85
Minimum livable floor area (square feet)				
Total	1,800	1,800	1,600	1,600

Table I

Lot Area and Dimensional Requirements

Regulation	District			
	A	B	C	D
Ground story	1,000	1,000	1,000	1,000
Accessory structures and buildings	As specified in § 175-23			
Maximum gross floor area - floor area ratio	As specified in Table II			
Maximum nonvegetative surface area	As specified in Table III			

NOTES:

¹Subject also to two and a half story limit and height setback ratio. See Table IV.

²Subject also to one and a half story limit and height setback ratio. See Table IV.

Table II

Maximum Floor Area Ratio (FAR)

Maximum Gross Floor Area (GFA)

District	Lot size (square feet)	Maximum FAR	Maximum GFA (square feet)	FAR Calculation Formula (L=lot size in square feet; X=maximum FAR)
A	Up to 20,000	.31	6,200	
	<u>16,001 and up</u>		<u>8,000</u>	
	More than 20,000 and less than 39,999	Use formula		$7,400 + .06(L) = X$
				19,999
	39,999 and up	.25	10,000	

Regulation	District			
	A	B	C	D
B	Up to 16,000	.32	5,120 <u>6,500</u>	
	More than 16,000 and less than 31,999	Use formula		$\frac{5,920}{15,999} \cdot .05(L) = X$
	31,999 and up	.27	8,640 limit	
C	Up to 12,000	.34	4,080 <u>5,500</u>	
	More than 12,000 and less than 23,999	Use formula		$\frac{4,560}{11,999} \cdot .04(L) = X$
	23,999 and up	.30	7,200 limit	
D	Up to 10,000	.35	3,500 <u>4,700</u>	
	More than 10,000 and less than 19,999	Use formula		$\frac{3,900}{9,999} \cdot .04(L) = X$
	19,999 and up	.31	6,200 limit	

(See example in Appendix No. 1.[1])

Table III

Maximum Nonvegetative Surface Area

In all zoning districts, nNot more than the following yard percentages shall be covered by nonvegetative surface:

District	Front Yards- of Interior- Lots-	Front Yards- of Corner- Lots-	Rear and- Side Yards- (combined)-
A and B	35%	Not to exceed 35% in 1 front yard and not to exceed 20% of all front yards	35%
C and D		Not to exceed 40% in 1 front yard and not to exceed 25% of all front yards	40%

<u>Front Yards of Interior Lots</u>	<u>Rear Yards</u>	<u>Front Yards of Corner Lots</u>	<u>Combined rear & side Yards of Corner Lots</u>
<u>25 %</u>	<u>40%</u>	<u>Not to exceed 25 % in 1 front yard and not to exceed 20 % in all front yards</u>	<u>50%</u>

Table IV

Height Setback Ratio (HSR)

In all zoning districts the HSR shall not exceed:

Type of Yard	HSR
Front	0.8 to 1
Side	1.2 to 1
Rear	1.0 to 1

(See example in Appendix No. 2.[2])

- B. Interpretation and application of provisions. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and as not interfering with, abrogating or annulling any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction or limitation upon the use of buildings, premises or lots or upon the height and size of buildings or requires larger yards or other open spaces than are imposed or required by existing provisions of law or ordinances or by easements, covenants or agreements, the provisions of this chapter shall control.

SECTION IV. Amend Section 175-20, "*Projections,*" to read as follows:

§ 175-20 Projections.

No principal building or part thereof shall project into a required rear yard, required front yard or required side yard, except:

- A. Cornices, eaves, gutters, steps not exceeding 60 inches wide, chimneys or flues, and suspended bay or bow type windows up to 60 inches in width, none of which shall project more than 18 inches; or
- B. Windowsills or other ornamental features, none of which shall project more than four inches: or;
- C. Steps not exceeding 96 inches wide, none of which shall project more than 36 inches.

SECTION V. Amend Section 175-23, "*Accessory structures and buildings,*" to read as follows:

§ 175-23 Accessory structures and buildings.

A. Accessory structures and buildings include but are not limited to the following, whether constructed or assembled on site or off site:

- (1) Air-conditioning equipment.
- (2) Deck.
- (3) Driveways.
- (4) Entrance piers.
- (5) Entry steps.
- (6) Fences (including gates).
- (7) Fireplaces, outdoor.
- (8) Flagpoles.
- (9) Garages.
- (10) Light posts.
- (11) Play structures.
- (12) Satellite dishes and other electronic antennas.
- (13) Signs.
- (14) Storage buildings.
- (15) Swimming pools.
- (16) Tennis courts.

- (17) Terraces and patios.
- (18) Walks (including sidewalks).
- (19) Walls (including retaining walls).
- ~~B. Any structure located within two feet of a principal building shall be considered part of the principal building for all purposes of this Code, including setbacks, except walks, and that portion of a driveway necessary for the actual ingress and egress to the property and/or garage.~~

SECTION VI. Amend Section 175-23.2, *"Accessory structure and building area regulations,"* to read as follows:

§ 175-23.2 Accessory structure and building area regulations.

- A. Accessory buildings shall not be nearer than 10 feet to the principal building.
- B. Accessory structures other than swimming pools and exclusive of garages, driveways, paved walks, walls, fences and gates, shall not be less than 10 feet from the rear and side lot lines. Swimming pools shall not be less than 20 feet from the rear and side lot lines.
- C. Accessory buildings shall be set back a minimum of 50 feet from the front lot line or 15 feet back from the front line of the principal building. The greater of the setbacks shall prevail.
- D. The setback of any accessory structures shall not be less than that of the front line of the principal building, exclusive of driveways, paved walks, walls, fences, gates, light posts, entrance piers, flagpoles and entry steps. In addition:
 - (1) Light posts and entrance piers may not exceed six feet in height.
 - (2) No flagpole shall exceed a height of 25 feet.
- E. The area occupied by accessory buildings collectively shall not exceed 8% of the lot area. In no case shall any single accessory building exceed 800 square feet.
- F. Play structures, such as swing sets, slides, climbing bars, and/or similar apparatus, that rise above grade more than three feet in height shall not extend over a total ground area exceeding 200 square feet. No part of any such structures shall exceed 10 feet in height. All such play structures shall be provided and maintained with a screening

screening of evergreen shrubs so arranged as to avoid all nuisance, including visual, to the owners and occupants of adjoining properties. A basketball backboard shall not exceed 14 feet in height.

- G. Signs shall not exceed a size of 12 inches in height or 18 inches in width, and the top of the sign shall not exceed a height of four feet above grade.
- H. Detached garages shall have a minimum setback of five feet from side and rear lot lines.
- I. For attached garages having garage door entrances facing the side or rear yard, the entryway shall have a minimum setback of ~~30~~ 28 feet from the facing lot line.

SECTION VII. Amend Section 175-26, "*Walls and retaining walls*," to read as follows:

§ 175-26 Walls and retaining walls.

- A. A building permit shall be required to erect any wall or retaining wall.
- B. All walls or retaining walls must be contained within the confines of the owner's property, and at no time shall such wall be constructed upon the land of the Village.
- C. A wall may be constructed:
 - (1) In a front yard only if its height at no point exceeds two feet within 12 feet of the lot line or four feet if it is more than 12 feet from the lot line.
 - (2) In a side yard or in a rear yard only if its height at no point exceeds four feet.
 - (3) Only at a distance greater than four feet from any other wall or retaining wall which is aligned more or less parallel to it.
 - (4) Only so that the aggregate height of it and all other walls and retaining walls which are aligned more or less parallel to it and situated within 16 feet of one another exceeds eight feet at no point.
 - (5) Only so that its finished side shall face the adjacent property, including the Village street.
- D. A combination of any two or more of a retaining wall, a wall and a fence may only be constructed in such a way that the aggregate height of the combined structures does not exceed the single greatest height limitation allowed any one of the components structures pursuant to §§ 175-25 and 175-26. When such a combination of structures is required by applicable New York law relating to safety barriers on top of retaining walls, the provisions of this Subsection **D** are waived, but only to the extent necessary to permit the minimum height barrier required by such laws. Further, the barrier required shall be the most open and least obstructing of sight lines as practicable. For example, although it would not be permitted to

construct a wall or barrier, it would be permitted to construct an open iron rail fence on top of a retaining wall as a barrier.

SECTION VIII. This law shall take effect upon filing with the Secretary of State

NOTE: New words are double underlined. Dotted . . . lines set off that portion of a Section or Subsection which is amended.