

**VILLAGE OF OLD BROOKVILLE
LOCAL LAW 2 OF 2005**

A Local Law to add new definitions of Floor Area, Half Story, Lot Coverage, Lot Width, Rear Lot Line, Side Lot Line and to amend the definitions of Accessory Building or Structure, Basement, Cellar, Front Lot Line, Lot Area, Rear Yard, Setback and Story set forth in Chapter 30, Article I Section 30.3(B) "Definitions of words and terms"; to repeal §30.31(A) entitled Residence R-3A District and add a new §30.31(A) entitled Residence Districts; to repeal §30.31D entitled "Area, yard, coverage and height regulations in the Residence R-3A District", §30.32 entitled "Residence R-2A District" and §30.33 entitled "Residence R-1A District" and add a new §30.31D entitled "Lot Area, Height, Setback, Front Lot Line, Building Size and Lot Coverage regulations in the R-3A, R-2A and R-1A Residence Districts".

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Old Brookville as follows:

Section I. The definitions of Accessory Building or Structure, Basement, Cellar, Front Lot Line, Lot Area, Rear Yard, Setback and Story set forth in Chapter 30, Article I, Section 30.3(B) "Definition of words and terms" shall be amended to read as follows:

Accessory Building shall mean a building which is subordinate and accessory to the principal use or building on the same lot and which is used for purposes customarily incidental to those of the principal building or use, such as and including without limitation a private garage; bathhouse; cabana; private toolhouse; private children's playhouse; private tennis house; private stable; and noncommercial greenhouse which said accessory building shall be separated from the principal building on said lot at all points by a horizontal minimum distance of ten feet. Any accessory building attached to the principal or main building or less than ten feet therefrom at any point shall be considered part of the principal building.

Basement shall mean that portion of a building located wholly or partially underground immediately beneath the first floor of a building where the first floor elevation of the building is more than five feet above the average finished grade extending for a width of at least ten feet around the perimeter of the building. A basement shall be counted as a story and included in floor area. (See definitions of "Cellar", "Floor Area" and "Story".)

Cellar shall mean that portion of a building located wholly or partially underground immediately beneath the first floor of a building where the first floor elevation of the building is less than five feet above the average finished grade extending for a width of at least ten feet around the perimeter of the building. A cellar shall not be counted as a story and not included in floor area. (See definition of "Basement", "Floor Area" and "Story".)

Front Lot Line shall mean, in the case of a lot abutting upon only one street, the street line, and, in the case of a corner lot, the street line which is designated as the front lot line in an application for a building permit to erect or alter a building on such lot, or, if not so designated, the street line from which the principal building sets back the greatest distance, or, if its setback is equidistant from two or more street lines, the street line which is nearest to the main entrance

of the principal building, or, if such lot extends through a block so that the lot abuts on two streets, the street lines separating the lot from each of said streets, in which case the front setback regulations shall apply to such lot with regard to each of such front lot lines and the rear setback regulations shall not apply to such lot.

Lot Area or Net Lot Area shall mean the land area within the legal boundaries of a lot measured only to the street line or lines on which the lot abuts. It shall not include any portion of the lot (1) where the distance between the side lot lines is less than fifty percent of the length of the front lot line, (2) which lies within a driveway, right-of-way or access easement serving any other lot or lots, (3) underwater to the extent that the underwater portion exceeds ten percent of the minimum lot area for the zoning district in which the lot lies, or, where a lot lies within two zoning districts, to the extent that the underwater portion exceeds ten percent of the minimum lot area required for the less restrictive zoning district (4) within an area which has been designated or mapped as a freshwater wetlands by the New York State Department of Environmental Conservation or the Village of Old Brookville or by any other municipal or governmental agency having jurisdiction over the same, or (5) is a designated conservation easement set aside as part of a subdivision approved by the planning board.

Rear Yard shall mean an open space on the same lot with a principal building, between the rear wall of the principal building and the rear lot line, and unoccupied except for accessory buildings. In the case of a corner lot, the owner may designate any interior lot line as the rear lot line, provided that the minimum setback from the rear lot line is met pursuant to the appropriate Articles and Sections of this Chapter.

Setback shall mean the smallest horizontal distance between any part of a Building or Structure and any part of a Front, Side or Rear lot line. Such distances shall be referred to, respectively, as Front Setback, Side Setback, and Rear Setback.

Story shall mean that portion of any building included between the surface of any floor and the surface of the floor or roof next above it, or if there is no floor above it then the space between the surface of the floor and the top of the ceiling beams next above it. A basement shall be counted as a story for the purpose of determining the permitted number of stories and shall be includable in floor area. A cellar shall not be counted as story for the purpose of determining the permitted number of stories.

Section II. The definition of Habitable Floor Area set forth in Chapter 30, Article I, Section 30.3(B) is hereby repealed and new definitions for Floor Area, Half Story, Lot Coverage, Lot Width, Rear Lot Line and Side Lot Line shall be added to Chapter 30, Article I Section 30.3(B) "Definitions of words and terms", to read as follows:

Floor Area shall mean the sum of the gross horizontal areas of the several floors in each Story of a building measured from the exterior face of exterior walls of such building, without exclusion of any areas of the floors being measured whatsoever (i.e., including, without limitation, enclosed porches, enclosed breezeways, attached garages, closets, kitchens, bathrooms, corridors, basements, partitions and stairwells), except that cellar and half story floor areas shall not be included. Any upper story of a building with at least two opposite exterior side walls of not less than two feet above the surface of the floor of such story which sides meet a

sloping roof shall be counted as a story and includable as floor area. Further, for horizontal floor areas where the floor to ceiling height is fourteen feet or greater, twice the horizontal areas shall be included in floor area.

Lot Coverage shall mean that percentage of the net lot area covered by the combined area of all buildings or structures on the lot as well as all areas on the ground or elevated above the ground which are comprised of materials such as brick, asphalt, concrete, masonry, lumber, gravel or paving stones, including partially opened paving stones, and including elements such as swimming pools, courtyards, volleyball courts, tennis courts and other recreational courts, decks, patios, terraces and, also, those driveways which are made of compacted dirt or improved with gravel, crushed stone or other paving material.

Lot Width shall mean the width of a lot measured parallel to the front lot line at the minimum required front setback

Rear Lot Line shall mean the property line bounding a lot which is most parallel to the front lot line. If the rear lot line is less than ten feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line not less than fifty feet long, lying wholly within the lot and farthest from the front lot line.

Side Lot Line shall mean the property line or lines extending from the front lot line to the rear lot line.

Story, Half shall mean the uppermost story of a building with at least two opposite exterior side walls extending not more than two feet above the surface of the floor of such story which sides meet a sloping roof. The floor area of a half story shall not be included in floor area.

Section III. §30.31(A) entitled "Residence R-3A District" shall be repealed and a new §30.31(A) entitled "Residence Districts" shall be inserted in its place and stead to read as follows:

"§30.31 Residence Districts"

A. Permitted Principal Uses.

The permitted principal uses in the Residence R-3A, R-2A and R-1A Districts are as follows:

1. Single family detached dwellings
2. Farms

Section IV. §30.31D entitled "Area, yard, coverage and height regulations in the Residence R-3A District", §30.32 entitled "Residence R-2A District" and §30.33 entitled "Residence R-1A District" are hereby repealed in their entirety.

Section V. A new §30.31D entitled "Lot Area, Height, Setback, Front Lot Line, Building Size and Lot Coverage regulations in the R-3A, R-2A and R-1A Residence Districts" shall be added to read as follows:

D. Lot Area, Height, Setback, Front Lot Line, Building Size and Lot Coverage

In all Residence Districts all Buildings and Structures shall conform to the following Lot Area, Height, Setback, Front Lot Line, Building Size and Lot Coverage regulations.

1. All lots in the R-3A District shall have minimum Net Lot Areas of not less than 3 Acres.
All lots in the R-2A District shall have minimum Net Lot Areas of not less than 2 Acres.
All lots in the R-1A District shall have minimum Net Lot Areas of not less than 1 Acre.
2. The maximum height for any building shall be thirty-five feet and no building shall exceed two and one half stories. In no case may the highest point of a roof be higher than forty feet above the average finished grade at the perimeter of the building extending at least ten feet in width around the perimeter of the building.
3. In all Residence Districts all lots shall have a minimum lot width equal to seventy-five percent of the minimum required front lot line. Such minimum lot width shall be maintained to at least the minimum required front setback.
4. Principal Buildings:

No principal building or structure shall hereafter be erected on any lot in any Residence District except in compliance with the following table:

Net Lot Area square feet	Maximum Permitted Floor Area	Minimum Required Front Lot Line	Minimum Required Front Setback	Minimum Required Side Setback	Minimum Required Rear Setback
up to 40,000	(12% of lot area)				
40,000	4,800	120	50	30	50
50,000	5,700	134	56	34	56
60,000	6,050	147	61	37	61
70,000	6,400	159	66	40	66
80,000	6,750	170	71	48	71
90,000	7,100	180	75	51	75
100,000	7,450	190	79	54	79
110,000	7,800	199	83	56	83
120,000	8,150	208	87	59	87
130,000	8,500	216	90	72	90

140,000	8,850	224	105	75	105
150,000	9,200	232	108	77	108
160,000	9,550	240	112	80	112
170,000	9,900	247	115	82	115
180,000	10,250	255	119	85	119
190,000	10,600	262	122	87	122
200,000	10,950	268	125	89	125
250,000	12,050	300	140	100	140
300,000	13,150	300	153	110	153
350,000	14,250	300	166	118	166
400,000	15,350	300	177	126	177
500,000	17,550	300	198	141	198
600,000	19,750	300	217	155	217
700,000	21,950	300	234	167	234
800,000	24,150	300	250	179	250
1,000,000	28,550	300	280	200	280
1,200,000	32,950	300	307	219	307
1,400,000	37,350	300	331	237	331
1,600,000	41,750	300	354	253	354
2,000,000	50,550	300	396	283	396

NOTES:

Except where given as a percentage, all areas are given in square feet and all dimensions are given in feet.

If a net lot area falls between the specified net lot areas in the foregoing table, then the limits specified for the larger net lot area shall apply.

For properties larger than 2,000,000 sq. ft., the limits revert to those corresponding to 2,000,000 sq. ft.

a. For corner lots the minimum front setback shall be provided from every street line.

b. No principal building shall be erected on any lot in any Residence District with a floor area of less than 2500 sq. ft.

5. Accessory Buildings and Lot Coverage:

No accessory building shall hereafter be erected on any lot in any Residence District and no lot shall have a lot coverage except in compliance with the following table:

Net Lot Area square feet	Maximum Lot coverage	Maximum Floor Area	Minimum Setbacks		
			Front	Side	Rear
up to 40,000	25% of Net Lot Area				
40,000	10,000	960	50	20	20
50,000	12,500	1,140	56	22	22
60,000	15,000	1,210	61	24	24
70,000	17,500	1,280	66	26	26
80,000	20,000	1,350	71	28	28
90,000	22,000	1,420	75	30	30
100,000	24,000	1,490	79	32	32
110,000	26,000	1,560	83	33	33
120,000	28,000	1,630	87	35	35
130,000	30,000	1,700	90	36	36
140,000	32,000	1,770	105	42	42
150,000	34,000	1,840	108	43	43
160,000	36,000	1,910	112	45	45
170,000	38,000	1,980	115	46	46
180,000	40,000	2,050	119	48	48
190,000	42,000	2,120	122	49	49
200,000	44,000	2,190	125	50	50
250,000	49,500	2,410	140	56	56
300,000	57,000	2,630	153	61	61
350,000	64,500	2,850	166	66	66
400,000	72,000	3,070	177	71	71
500,000	102,000	3,510	198	79	79
600,000	112,000	3,950	217	87	87

700,000	122,000	4,390	234	94	94
800,000	132,000	4,830	250	100	100
1,000,000	152,000	5,710	280	112	112
1,200,000	172,000	6,590	307	123	123
1,400,000	192,000	7,470	331	133	133
1,600,000	212,000	8,350	354	142	142
2,000,000	252,000	10,110	396	158	158

NOTES

Except where given as a percentage, all areas are given in square feet and all dimensions are given in feet.

If a net lot area falls between the specified net lot areas in the foregoing table, then the limits specified for the larger net lot area apply.

For properties larger than 2,000,000 sq. ft., the limits revert to those corresponding to 2,000,000 sq. ft.

a. Notwithstanding the minimum front setbacks as set forth in the foregoing table, no accessory building shall be located between the front wall of the principal building and the front lot line. The total aggregate lot coverage of all accessory buildings shall not exceed one hundred fifty percent of the maximum floor area permitted for an accessory building as set forth in the foregoing table.

b. For corner lots the minimum front setback for principal buildings shall be provided from every street line for accessory buildings.

8. Governing Limits and Dimensions

a. Wherever the limitations set forth in this section 30.31(D) are more restrictive than the regulations of any other section of Article III of the Zoning Code of Old Brookville, the limitations set forth in this section 30.31(D) shall govern and control.

b. Any building legally existing on the effective date of this Local Law with respect to the setbacks of such building may be altered or enlarged in such a manner that does not increase the nonconforming setback subject to compliance with the other provisions of this Chapter.

Section VI. This local law shall take effect immediately upon filing with the New York Secretary of State. This local law shall not apply to any Lot, Building or Structure for which a valid and subsisting building permit has been issued prior to the effective date of this Local Law.