

RESOLUTION OF ADOPTION OF A LOCAL LAW AMENDING §230-4B (DEFINITIONS; WORD USAGE); §230-27, §230-34 AND §230-37 OF THE ZONING CODE TO UPDATE AND ADD VARIOUS DEFINITIONS RELATED TO LOT LINES, YARDS AND LOT COVERAGE.

WHEREAS, Board of Trustees of the Village of Dering Harbor have proposed a local law amending §230-4B (Definitions; Word Usage); §230-27, §230-34 and §230-37 of the Zoning Code to update and add various definitions related to lot lines, yards and lot coverage; and

WHEREAS, a public hearing was held on March 13, 2021 and April 10, 2021; and

WHEREAS, by letter dated March 12, 2021, the Suffolk County Planning Commission considered the proposed local law to be a matter for local determination, and

WHEREAS, the adoption of said local law is considered to be a Type II action under 6 NYCRR §617.5(c), SEQRA and will not have a significant adverse impact upon the environment;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1 of 2021 is hereby adopted as follows:

LOCAL LAW NO. 1 OF 2021

A LOCAL LAW amending §230-4B (Definitions; Word Usage); §230-27, §230-34 and §230-37 of the Zoning Code to update and add various definitions related to lot lines, yards and lot coverage.

BE IT ENACTED by the Board of Trustees of the Village of Dering Harbor as follows:

SECTION 1. Amendment. Certain definitions in §230-4 B of the Zoning Law are amended by deleting strikethrough words and adding underlined words in alphabetical order as follows:

ACRE

The standard measure of area equal to 43,560 square feet. ~~referred to a lot exclusive of any portions within the bed of public street.~~

BUILDING

A structure with a roof supported by columns or walls and having a horizontal area of more than 50 square feet and intended for the shelter, housing or enclosure of persons, animals or chattels.

BUILDING INSPECTOR

The person duly appointed to serve in such capacity by the Village Board.

DRIVEWAY

The area of a lot whether improved or in a natural condition by which vehicles take access to said parcel.

FLOOR AREA

The sum of the horizontal areas of the floors of a main building and accessory buildings on a lot, excluding unfinished attics, basement or cellar floor areas not devoted to habitable space, but including the

area of all roofed porches, terraces, breezeways and similar features. All dimensions shall be measured between interior faces of walls.

FLOOR AREA, GROUND

The area of a building and other impermeable surfaces and structures in square feet as measured in a horizontal plane at the ground level. Ground floor area shall be measured to the outside of the exterior walls.

FRONTAGE

All the property abutting on one side of a street between two intersecting streets, measured along the street line; or in the case of a waterfront lot, measured along the ordinarily high water line between the adjacent street or lot lines. The portion of a lot measured along the lot line that abuts a street.

LOT, AREA OF

The total horizontal area of a lot exclusive of land in the bed of any street or navigable waterway.

LOT, CORNER

A lot at the junction of and fronting on two or more intersecting streets. A lot abutting upon a curved street shall also be considered a corner lot. In the case of a corner lot, there shall be only one rear lot line. The rear lot line shall be the lot line opposite the shorter front lot line (exclusive of the corner arc). If the front lot lines are the same length, the owner shall designate one of the opposite lines as the rear lot line.

LOT COVERAGE

That percentage of lot area covered by the ground floor area of all buildings and other impermeable surfaces and structures, excluding fences, walls, bulkheads, docks, exterior walkways and stairs, parking areas and driveways. Lot coverage is computed by dividing the lot area into the ground floor area.

LOT DEPTH

The length of the line which can be drawn from the center of the front lot line to the center of the rear lot line.

LOT, FLAGPOLE

A lot shaped like a pole with a fully extended flag at the upper portion thereof, the bottom of the pole being at the street line, the pole portion of the lot having a minimum width of 15 feet for its entire length being designed for use as access to the flag portion of the lot where the principal structure is or will be constructed (sometimes called a “dog-leg” lot).

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE, FRONT

The street line at the front of a lot, except that in the case of a flagpole lot, the front lot line used for the determination of width of lot and the required front yard, which front lot line shall be one of the internal lot lines designated by the owner.

LOT LINE, REAR

The lot line opposite the front lot line.

LOT LINE, SIDE

Any lot line other than a rear lot line or a front lot line.

LOT, THROUGH

A lot extending from one street frontage through to another street frontage.

LOT WIDTH

~~The distance from side lot line to side lot line of a lot, measured along the street lot line or parallel thereto at the roofed portion of a structure nearest to the street line.~~

LOT, WIDTH OF

The dimension of a lot measured from side lot line to side lot line along a line perpendicular to the lot depth line at the required minimum front yard setback.

NONCONFORMING BUILDING OR STRUCTURE

A building or structure lawfully existing at the time of the effective date of this chapter or an amendment hereto which does not conform to the dimensional regulations pertaining to the district in which it is located.

NONCONFORMING LOT

A parcel of land lawfully existing at the time of the effective date of the adoption of the Zoning Law on August 22, 1970 or an amendment hereto which does not conform to the dimensional regulations pertaining to the district in which it is located.

NONCONFORMING USE

A ~~building, structure or~~ use of land lawfully existing at the time of the effective date of this chapter or an amendment hereto which does not conform to the use regulations pertaining to the district in which it is located.

PROHIBITED USE

A use of a building or other structure, lot or part thereof which is not a permitted, special exception or accessory use pursuant to the use regulations of the district in which it is located.

SETBACK

The horizontal distance from a lot line to the part of a building or structure nearest thereto.

STREET

Any federal, state, county or municipal highway or road, or any street shown upon a subdivision map filed in the County Clerk’s office, and any private road providing access to subdivided parcels approved by the Planning Board or existing prior to the adoption of the Zoning Law on August 22, 1970. An easement providing access to an individual lot shall not be considered to be a street.

STREET LINE

The dividing line between a lot and a street right-of-way.

STREET, MINOR

Streets including private roads or rights-of-way that are deemed minor by the Board of Trustees, including but not limited to Gardiner Way, Dering Lane, Havens Road, Nicoll Road Yoco Road and South Street.

STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

STRUCTURE

~~Anything constructed or erected the use of which requires location on the ground or attachment to something having a location on the ground.~~ Anything constructed or erected on, under or over the ground or upon a building or other structure or building, excluding underground sanitary septic systems and drainage pools, and exterior walkways, provided that anything constructed thereunder or there over shall not be excluded.

YARD

~~In the case of a front yard, the space within and extending the full width of the lot from the front yard line (or, if a lot is bounded by tidal water, from the ordinary high water line) to the part of the principal building which is nearest to such front or ordinary high water line; in the case of a rear yard, the space within and extending the full distance from the rear lot line to the part of the principal building which is nearest to such lot line; in the case of a side yard, the space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.~~

YARD, FRONT

An open, unoccupied space on the same lot with a building, situated between the nearest roofed portion of the principal building on, and the front lot line of the lot and extending from side lot line to side lot line in the case of interior lots.

A. A corner lot shall have two such front yards situated between the nearest roofed portion of the principal building and the front lot line along each street on which the lot fronts, except in the case of a corner lot where one of the streets is designated a Minor Street there shall be one front yard and a side yard along the Minor Street.

B. A through lot shall have two such front yards situated between the nearest roofed portion of the principal building and the front lot line along each street on which the lot fronts, except in the case of a through lot where one of the streets is designated a Minor Street there shall be one front yard and a rear yard along the Minor Street.

YARD, REAR

A space on the same lot with a building, situated between the nearest roofed portion of the principal building and the rear lot line of the lot and extending from side lot line to side lot line.

YARD, SIDE

A space on the same lot with a building, situated between the nearest roofed portion of the principal building and the side lot line of the lot and extending through from the front yard or from the front lot line, where no front yard exists, to the rear yard or to the rear lot line where no rear yard exists.

SECTION 2. Amendment. Section 230-27 of the Zoning Law are amended by deleting strikethrough words and adding underlined words as follows:

§230-27 ~~Building area~~ Lot Coverage.

The total ~~ground surface area~~ lot coverage of the buildings and structures on a lot shall not exceed 10% of the total lot area.

SECTION 3. Amendment. Section 230-34 of the Zoning Law are amended by deleting strikethrough words and adding underlined words as follows:

§230-34 ~~Building area~~ Lot Coverage.

The total ~~ground surface area~~ lot coverage of the buildings and structures on a lot shall not exceed 15% of the total lot area.

SECTION 4. Amendment. Section 230-37 of the Zoning Law are amended by deleting strikethrough words and adding underlined words as follows:

§230-37 Rear yard.

A rear yard shall not be less than 30 feet, ~~and, if the lot is a waterfront lot, the rear yard shall not be less than 40 feet.~~

SECTION 5. Authority. The proposed local law is enacted pursuant to Village Law §7-712, et. seq. as well as Municipal Home Rule Law §§10(1)(i) and 10(2).

SECTION 6. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 7. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that after public hearing was held on March 13, 2021 and April 10, 2021 the Board of Trustees of the Village of Dering Harbor at their meeting of April 10, 2021 adopted LOCAL LAW NO. 1 OF 2021 as follows: “A LOCAL LAW amending §230-4B (Definitions; Word Usage); §230-27, §230-34 and §230-37 of the Zoning Code to update and add various definitions related to lot lines, yards and lot coverage.”

Copies of the adopted law are on file in the Village Hall, Monday, Wednesday and Friday from 9:00 a.m. to 12:00 noon, or by appointment, and on the Village’s website.

BY ORDER OF THE BOARD OF TRUSTEES

VILLAGE OF DERING HARBOR, NEW YORK