

Local Law Filing

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Town of North Hempstead
Local Law No. 5 of 2024

**A LOCAL LAW AMENDING CHAPTER 70 OF
THE TOWN CODE ENTITLED ZONING**

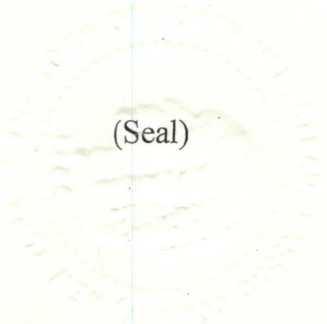
Be it enacted by the Town Board of the Town of North Hempstead as follows:
PLEASE SEE ATTACHED:

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2024 of the Town of North Hempstead was duly passed by the Town Board on August 13, 2024, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of whole of such original local law and was finally adopted in the manner indicated in paragraph 1, above.

(Seal)


Rogelio Beiraslaia
Clerk of the Town legislative body

Date: August 20, 2024

TOWN OF NORTH HEMPSTEAD

LOCAL LAW NO. 5 OF 2024

A LOCAL LAW AMENDING CHAPTER 70 OF

THE TOWN CODE ENTITLED ZONING

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 70 of the Town Code entitled Zoning in order to reduce the impact of subdivisions in established neighborhoods by requiring that new homes to meet the greater of the minimum lot width for the residential zone or the average lot width of surrounding homes in a neighborhood.

Section 2.

Article II (Residence AAA District (R-AAA)) of Chapter 70 of the Town Code is hereby amended as follows:

§ 70-7.1 Lot width.

[Added 1-3-2006 by L.L. No. 1-2006; amended 8-5-2021 by L.L. No. 16-2021]

A. No lot shall be established or created for the purpose of constructing a dwelling or other building [shall be constructed on a lot] unless it has a minimum lot width of 125 feet at the required front setback line or meets the average lot width as set forth in section B herein. The minimum lot width shall be the greater of 125 feet or the average lot width, but in no case shall the width of a lot be required to exceed 200 feet. A minimum lot width of 40 feet shall be maintained at all points between the property line at the street and the front setback line.

B. The minimum lot width shall be the same as the average lot width of existing lots within 350 feet on each side of the subject lot within the same blockfront(s) and district. For lots within 350 feet of an intersection, the blockfront(s) shall be assumed to continue across the intersection, excluding the width of the intersection.

(1) Where corner lots are located within 350 feet of the subject premises, only the primary front yard width shall be included in the average lot width calculation regardless of what street the primary front yard faces.

(2) The widest and narrowest lot widths of lots within 350 feet of the subject premises shall be excluded from the average lot width calculation as set forth herein.

(3) Any premises used for permitted non-residential uses shall be excluded from the average lot width calculation.

(4) Where the proposed dwelling or other building will be constructed on a corner lot, the minimum lot width shall be calculated separately for each blockfront.

Section 3.

Article III (Residence AA District (R-AA)) of Chapter 70 of the Town Code is hereby amended as follows:

§ 70-17.1 Lot width.

[Added 1-3-2006 by L.L. No. 1-2006; amended 8-5-2021 by L.L. No. 16-2021]

A. No lot shall be established or created for the purpose of constructing a dwelling or other building [shall be constructed on a lot] unless it has a minimum lot width of 100 feet at the required front setback line or meets the average lot width as set forth in section B herein. The minimum lot width shall be the greater of 100 feet or the average lot width, but in no case shall the width of a lot be required to exceed 115 feet. A minimum lot width of 40 feet shall be maintained at all points between the property line at the street and the front setback line.

B. The minimum lot width shall be the same as the average lot width of existing lots within 300 feet on each side of the subject lot within the same blockfront(s) and district. For lots within 300 feet of an intersection, the blockfront(s) shall be assumed to continue across the intersection, excluding the width of the intersection.

(1) Where corner lots are located within 300 feet of the subject premises, only the primary front yard width shall be included in the average lot width calculation regardless of what street the primary front yard faces.

(2) The widest and narrowest lot widths of lots within 300 feet of the subject premises shall be excluded from the average lot width calculation as set forth herein.

(3) Any premises used for permitted non-residential uses shall be excluded from the average lot width calculation.

(4) Where the proposed dwelling or other building will be constructed on a corner lot, the minimum lot width shall be calculated separately for each blockfront.

Section 4.

Article IV (Residence A District (R-A)) of Chapter 70 of the Town Code is hereby amended as follows:

§ 70-27.1 Lot width.

[Added 1-3-2006 by L.L. No. 1-2006; amended 8-5-2021 by L.L. No. 16-2021]

A. No lot shall be established or created for the purpose of constructing a dwelling or other building [shall be constructed on a lot] unless it has a minimum lot width of 65 feet at the required front setback line or meets the average lot width as set forth in section B herein. The minimum lot width shall be the greater of 65 feet or the average lot width, but in no case shall the width of a lot be required to exceed 100 feet. A minimum lot width of 40 feet shall be maintained at all points between the property line at the street and the front setback line.

B. The minimum lot width shall be the same as the average lot width of existing lots within 200 feet on each side of the subject lot within the same blockfront(s) and district. For lots within 200 feet of an intersection, the blockfront(s) shall be assumed to continue across the intersection, excluding the width of the intersection.

(1) Where corner lots are located within 200 feet of the subject premises, only the primary front yard width shall be included in the average lot width calculation regardless of what street the primary front yard faces.

(2) The widest and narrowest lot widths of lots within 200 feet of the subject premises shall be excluded from the average lot width calculation as set forth herein.

(3) Any premises used for permitted non-residential uses shall be excluded from the average lot width calculation.

(4) Where the proposed dwelling or other building will be constructed on a corner lot, the minimum lot width shall be calculated separately for each blockfront.

Section 5.

Article V (Residence B District (R-B)) of Chapter 70 of the Town Code is hereby amended as follows:

§ 70-37.1 Lot width.

[Added 1-3-2006 by L.L. No. 1-2006; amended 8-5-2021 by L.L. No. 16-2021]

A. No lot shall be established or created for the purpose of constructing a dwelling or other building [shall be constructed on a lot] unless it has a minimum lot width of 50 feet at the required front setback line or meets the average lot width as set forth in section B herein. The minimum lot width shall be the greater of 50 feet or the average lot width, but in no case shall the width of a lot be required to exceed 100 feet. A minimum lot width of 40 feet shall be maintained at all points between the property line at the street and the front setback line.

B. The minimum lot width shall be the same as the average lot width of existing lots within 200 feet on each side of the subject lot within the same blockfront(s) and district. For lots within 200 feet of an intersection, the blockfront(s) shall be assumed to continue across the intersection, excluding the width of the intersection.

(1) Where corner lots are located within 200 feet of the subject premises, only the primary front yard width shall be included in the average lot width calculation regardless of what street the primary front yard faces.

(2) The widest and narrowest lot widths of lots within 200 feet of the subject premises shall be excluded from the average lot width calculation as set forth herein.

(3) Any premises used for permitted non-residential uses shall be excluded from the average lot width calculation.

(4) Where the proposed dwelling or other building will be constructed on a corner lot, the minimum lot width shall be calculated separately for each blockfront.

Section 6.

Article VI (Residence C District (R-C)) of Chapter 70 of the Town Code is hereby amended as follows:

§ 70-47.1 Lot width.

[Added 1-3-2006 by L.L. No. 1-2006; amended 8-5-2021 by L.L. No. 16-2021]

A. No lot shall be established or created for the purpose of constructing a single-family dwelling [shall be constructed on a lot] unless it has a minimum lot width of 40 feet at the required front setback line or meets the average lot width as set forth in section D herein. The minimum lot width shall be the greater of 40 feet or the average lot width, but in no case shall the width of a lot be required to exceed 80 feet. A minimum lot width of 35 feet shall be maintained at all points between the property line at the street and the front setback line.

B. No lot shall be established or created for the purpose of constructing a two-family dwelling [shall be constructed on a lot] unless it has a minimum lot width of 80 feet at the required front setback line or meets the average lot width as set forth in section D herein. The minimum lot width shall be the greater of 80 feet or the average lot width, but in no case shall the width of a lot be required to exceed 160 feet. A minimum lot width of 50 feet shall be maintained at all points between the property line at the street and the front setback line. The provisions of this section B shall also apply to the proposed construction of a two-family dwelling on an established lot, regardless of whether or not such lot is presently improved with a single-family dwelling, two-family dwelling or other structure.

C. No lot shall be established or created for the purpose of constructing a [other] main building permitted pursuant to [as set forth in] § 70-44 and not used for residence purposes [shall be constructed on a lot] unless it has a minimum lot width of 50 feet or meets the average lot width as set forth in section D herein. The minimum lot width shall be the greater of 50 feet or the average lot width, but in no case shall the width of a lot be required to exceed 160 feet.

D. The minimum lot width shall be the same as the average lot width of existing lots within 200 feet on each side of the subject lot within the same blockfront(s) and district, or the minimum required in A, B, or C above as applicable, whichever is greater. For lots within 200 feet of an intersection, the blockfront(s) shall be assumed to continue across the intersection, excluding the width of the intersection.

(1) Where corner lots are located within 200 feet of the subject premises, only the primary front yard width shall be included in the average lot width calculation regardless of what street the primary front yard faces.

(2) The widest and narrowest lot widths of lots within 200 feet of the subject premises shall be excluded from the average lot width calculation as set forth herein.

(3) Any premises used for permitted non-residential uses shall be excluded from the average lot width calculation.

(4) Where the proposed dwelling or other building will be constructed on a corner lot, the minimum lot width shall be calculated separately for each blockfront.

(5) In determining average lot width, existing conforming lots containing two-family dwellings shall be counted as two single-family lots.


(6) For the purpose of constructing a two-family dwelling, the average lot width as calculated pursuant to this section shall be doubled.

Section 7.

This Local Law shall take effect immediately upon filing with the Secretary of State.

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



TOWN ATTORNEY
TOWN OF NORTH HEMPSTEAD
Date: August 19, 2024