

**INCORPORATED VILLAGE OF PLANDOME**

**LOCAL LAW 3-2015**

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Plandome as follows:

**SECTION 1.** Amend §175-2, "*Definitions*," in part, 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:

...

**B. ALTERATION OF LOTS –**

...

(2) The placement or removal of more than 20 cubic yards of fill and/or regarding that result in changes to the existing contours by more than 12 inches.

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

...

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 ceiling 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.

...

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

...

**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.

**SECTION II.** Amend §175-15-1, "*Overall height limitations,*" in part, to read as follows:

...

- G. That portion of a principal building over space in a basement or cellar that is designed for use as a garage shall not exceed 1 ½ stories in height.

**SECTION III.** Amend §175-23.2, "*Accessory structure and building area regulations,*" in part, to read as follows:

**§ 175-23.2 Accessory structure and building area regulations.**

...

- 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.

...

- F. Detached garages shall have a minimum setback of five feet from side and rear lot lines.

- G. For attached garages having entrances facing the side or rear yard, the entry way shall have a minimum set back of 30 feet from the facing lot line.

**SECTION IV.** Amend §175-26, "*Walls and retaining walls,*" in part, to read as follows:

**§ 175-26. Walls.**

...

- 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 V.** Amend §175-31, "*Alterations*," in part to read as follows:

**§ 175-31. Alterations.**

...

E. Non-conforming elements of the structure may not be expanded or enlarged.

**SECTION VI.** This local law shall take effect immediately upon filing with the Secretary of State.