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ANDREW M. CUOMO
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ROSSANA ROSADO
SECRETARY OF STATE

December 4, 2018

Jennifer A Zoufaly
Legal Assistant
Humes & Wagner LLP
147 Forest Avenue, PO Box 546
Locust Valley NY 11560

RE: Village of Plandome, Local Law 3 2018, filed on November 27, 2018

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Plandome

Local Law No. 3 of the year 20 18

A local law to amend Chapter 175, "Zoning," of the Code of the Village of Plandome.
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Plandome as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**VILLAGE OF PLANDOME
LOCAL LAW 3-2018
AMENDMENT TO CHAPTETR 175, "ZONING"**

SECTION I. Amend Section 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:

...

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.

BASEMENT

A story in a building that is partly below grade having a vertical dimension of more than 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 HEIGHT

The vertical distance measured from the mean ground level along the foundation walls of the building, 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.

...

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.

...

MAXIMUM NONVEGETATIVE SURFACE AREA

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

...

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.

...

SECTION II. Amend Section 175-13, “*Height-setback ratio requirements,*” in part, to read as follows:

§175-13 Height-setback ratio requirements.

...

- 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*”, in part, to read as follows:

§ 175-15 Regulation of lot area and dimensional requirements for all districts.

- 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
District

Regulation	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	35	35	35	35
Flat roof	25	25	25	25
Accessory ²				
Peaked roof	16	16	16	16
Flat roof	11	11	11	11
Minimum yards of principal buildings				
Front yard	35	30	30	25

**Table I
Lot Area and Dimensional Requirements**

Regulation	District			
	A	B	C	D
Rear yard	20	20	20	20
Side yard (each)	20	20	20	20
Minimum street frontage	100	100	90	85
Minimum livable floor area (square feet)				
Total	1,800	1,800	1,600	1,600
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			

**Table II
Maximum Floor Area Ratio (FAR)
Maximum Gross Floor Area (GFA)**

District	Lot size (Square feet)	Maximum FAR	Maximum GFA (Sq. feet)
A	Up to 35,000	.29	8,000
	35,000 and above	.29	9,000
B	Up to 25,000	.32	7,000
	25,000 and above	.30	8,000
C	Up to 20,000	.33	6,000
	20,000 and above	.33	7,000
D	Up to 10,000	.34	4,000
	10,000 and above	.34	5,000

Table III

Maximum Nonvegetative Surface Area

In all zoning district, not more than the following yard percentages shall be covered by nonvegetative surface:

<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>
25%	40%	Not to exceed 25% In 1 front yard and not to Exceed 20% in all front yards	50%

...

SECTION IV. Amend Section 175-15.1 "*Overall height restriction*," in part, to read as follows:

§175-15.1 Overall height limitations.

...

D. The highest point of a principal building having a peaked roof shall not exceed 35 feet above mean ground level measured along the foundation of the building, and shall not exceed 40 feet above the mean ground level measured on one side of the building.

...

SECTION V. Amend Section 175-20 "*Projections*," in part, 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 VI. Delete Section 175-23-B.

SECTION VII. Amend Section 175-23.2 "*Accessory structures and building area regulations,*" in part, to read as follows:

§175-23.2 Accessory structures and building area regulations.

...

I. For attached garages having garage door entrances facing the side or rear year, the entryway shall have a minimum setback of 27 feet to the garage door from the facing lot line.

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

...

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.

...

SECTION IX. The provisions of this law shall apply to a building application filed on or after the effective date. This local law shall take effect upon the filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2018 of the ~~(County)(City)(Town)~~(Village) of Plandome was duly passed by the Board of Trustees on November 13, 2018, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the ~~qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Barbara Peebles
Clerk of the ~~City~~ legislative body, ~~City~~ ~~Town~~ or Village Clerk,
officer designated by local legislative body *Barbara Peebles*

Date: 11/14/2018

(Seal)