

Local Law Filing

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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.

Town of OSSINING

Local Law No. _____ of the year 2011

A local law entitled "Local Law # of 2011, for the Purpose of Amending the Zoning Law Regarding Fences, Nonconforming Uses, Parking and Impervious Surfaces."

Be it enacted by the TOWN BOARD
of the _____

Town of OSSINING as follows:

TEXT COMMENCES ON NEXT PAGE

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

LOCAL LAW # ___ OF THE YEAR 2011

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law #__ of 2011, for the Purpose of Amending the Zoning Law Regarding Fences, Nonconforming Uses, Parking and Impervious Surfaces.”

Section 2: Legislative Intent

The Town Board believes that the Zoning Law is in need of amendment to improve its regulations regarding fences, nonconforming uses, parking and impervious surfaces. This Local Law is determined to be an exercise of the legislative powers of the Town to address omissions and to strengthen the Town Zoning Law for the protection of the health, safety and welfare of residents.

Section 3: Zoning Law Amendments

1. Section 200-25.D(1) of the Zoning Law shall be revised to read as follows:

(1) Permitted obstructions. Cornices or cantilevered roofs may project not more than three feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls over 6-1/2 feet in height may not be erected in front, rear or side yards. Fences or walls with a height in excess of 6-1/2 feet shall conform to the requirements set forth herein for buildings. Paved areas (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of lot lines. All fences shall be installed with the more attractive side facing neighboring properties.

2. The title of Article VII and Section 200-36 of the Zoning Law shall be revised to read as follows:

ARTICLE VII. Grandfathered ~~Nonconforming~~ Uses and Noncomplying Buildings and Uses

§ 200-36. Grandfathered~~Noneconforming~~ uses.

- A. A grandfathered~~noneconforming~~ use is any use, whether of a building or tract of land or both, existing on the effective date of this chapter, which does not conform to the use regulations of the district in which it is located.
- B. The following provisions shall apply to all grandfathered~~buildings and~~ uses existing on the effective date of this chapter ~~which do not conform to the requirements set forth in this chapter~~ and to all ~~buildings and~~ uses that become grandfathered~~noneconforming~~ by reason of any subsequent amendment to this chapter.
- (1) Grandfathered ~~Noneconforming~~ uses. Any grandfathered~~noneconforming~~ use of buildings or ~~open~~ land, except those specified in § 200-38 herein, may be continued indefinitely subject to the following~~but~~:
- (a) They shall not be enlarged, altered, extended, reconstructed or restored, except as provided in Subsection B(1)(d), or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever.
 - (b) They shall not be moved to another location where such use would be nonconforming.
 - (c) They shall not be reestablished if such use has been discontinued for any reason for a period of one year~~three months~~ or more.
 - (d) They may~~Shall not~~ be restored for other than a conforming use after damage; from a natural disaster (for example, fire, flood, lightning, etc.)~~for any reason, exceeding 25% of its value exclusive of foundations.~~
- C. Any use constructed in conformance with site development plans approved pursuant to Article VI, Designed Multiple-Use Development, prior to its deletion from this chapter, shall not be considered a grandfathered~~noneconforming~~ use.

3. Section 200-38 of the Zoning Law shall be revised to read as follows:

§ 200-38. Termination of grandfathered~~noneconforming~~ uses.

Each of the grandfathered~~noneconforming~~ uses specified herein is deemed sufficiently objectionable, undesirable and out of character in the district in which such use is located as to depreciate the value of other property and uses permitted in the district and to blight the proper and orderly development and general welfare of such district and the community to the point that each of such grandfathered~~noneconforming~~ uses shall be terminated on or before the expiration of the specified period of time after the effective date of this chapter, which period of time is specified for the purpose of permitting the amortization of the remaining value, if any, of such use:

- A. In any residence district, any grandfathered~~noneconforming~~ use of ~~open~~ land, including such uses as a parking lot, trailer, junkyard or ~~open~~-storage yard for materials or equipment, may be continued for one~~three~~ years after the effective date of this chapter, provided that after the expiration of that period such grandfathered~~noneconforming~~ use shall be terminated.
- B. In any residence district, any sign not of a type permitted, or of a permitted type but greater than the maximum permitted size, may be continued for one year following the effective date of this chapter, provided that after the expiration of that period such grandfathered~~noneconforming~~ use shall be terminated.

4. Section 200-29.A(8) of the Zoning Law shall be revised to read as follows:

(8) Location and ownership.

- (a) Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 200 feet walking distance of such lot. In all cases such parking spaces shall conform to all the regulations of the district in which the parking spaces are located, and in no event shall such parking spaces be located in any residence district unless the use to which the spaces are accessory are permitted in such residence districts or upon approval by the Planning Board. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number

of spaces available either throughout the existence of the use to which they are accessory or until such spaces are provided elsewhere.

- (b) The parking of vehicles shall only take place on driveways and in parking areas, and not on lawns or other vegetated areas. Notwithstanding the above, the parking of vehicles may take place on lawns and other vegetated areas during an event with prior notification to the Building Inspector, when washing said vehicles or during and associated with snow events. Not more than one unregistered vehicle may be parked outdoors on any property at any one time.
- (c) The parking or storage of earth moving equipment, contractor's equipment, commercial snow plows or other similar equipment and machinery shall be prohibited on all residentially used or zoned lots, unless such equipment or machinery are directly involved with an active construction project on said lot.
- (d) Not more than one commercial vehicle, as defined in this chapter (other than those which are specified in subsection (c) immediately above which are prohibited) may be parked or stored outdoors on any residentially used or zoned lot at any one time.

5. Section 200-29.G of the Zoning Law shall be revised to read as follows:

G. Trailers, recreational vehicles (RVs), buses and boats.

- (1) The storage or parking and use of a trailer, recreational vehicle or bus by any person or persons is hereby prohibited in all districts, except that:
 - (a) One camping trailer, recreational vehicle or bus not over 25 feet in length may be stored, but not used for any purpose, on an occupied lot in any residence district, provided that such trailer, recreational vehicle or bus is not stored within any required yard nor between the street line and the principal building.
 - (b) Where a building permit has been issued for the construction or alteration of a building, the Building Inspector may issue a temporary permit for one trailer for a period not to exceed six

months. Said temporary permit may be extended for one additional period of six months if the Building Inspector finds that construction has been diligently pursued and that justifiable circumstances require such an extension. Said trailer may be occupied during the term of the temporary permit and shall be situated upon the lot for which the building permit has been issued. Prior to the issuance of such a temporary permit by the Building Inspector, the location of said trailer on the lot shall be subject to Planning Board approval. Said Board may attach to its approval whatever conditions shall be deemed necessary to carry out the intent of this chapter.

- (2) Not more than one boat per dwelling unit may be stored on an occupied lot in any residence district, provided that such boat is not stored within any required yard nor between the street line and the principal building.

6. Section 200-21 of the Zoning Law and shall be revised to read as follows:

§ 200-21. One-family residences in residential districts.

- A. The following bulk regulations shall apply for one-family residences in the following districts: R-40, ~~R-35~~, R-30, R-20, R-20A, R-15, ~~R-15X~~, R-10, R-7.5 and R-5. Editor's Note: Said Schedule of Bulk Regulations is included at the end of this chapter.

- B. The maximum amount of impervious surface, as defined in this chapter, on any residentially used or zoned lot shall be calculated in accordance with the table below. In said table, the "Base Lot Area" is the minimum end of the lot size range in the "Lot Area" column. The creation of more than 100 square feet of impervious surface on such lots is subject to the issuance of a permit from the Building Inspector.

LOT AREA (sq.ft.)	MAXIMUM PERMITTED IMPERVIOUS SURFACE	
	For Base Lot Area (sq.ft.)	For Lot Area Over Base Lot Area (%)
0 to 4,000	0	55
4,001 to 6,000	2,200	35
6,001 to 12,000	2,900	27
12,001 to 16,000	4,520	26
16,001 to 20,000	5,560	25
20,001 to 30,000	6,560	24
30,001 to 40,000	8,960	23
40,001 and larger	11,260	22

7. A new Section 200-25.G shall be added to the Zoning Law and shall read as follows:

G. Portable storage unit. A maximum of one portable storage unit may be placed on any residentially used or zoned lot for a period not exceeding nine months during any 12-month period if the property owner possesses a valid building permit, or for a period not exceeding three months during any 12-month period otherwise. Said storage unit shall only be placed on a driveway or in a parking area, and not on lawns or other vegetated areas.

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5: Inclusion in Code

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the word “local law” shall be changed to “chapter,” “section” or other appropriate word, as required for codification.

Section 6: Renumbering

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

Section 7: Codification

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

Section 8: Codifier's Changes

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 9: Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 10: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.