

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 2014

A local law entitled "Local Law # _____ of 2014, for the Purpose of Amending the Multifamily Provisions of the Zoning Law."

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 2014

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 2014, for the Purpose of Amending the Multifamily Provisions of the Zoning Law.”

SECTION 2: LEGISLATIVE INTENT

The Ossining Town Board has a desire to amend the multifamily provisions of the Multifamily, Multifamily-Inn and General Business zoning districts of the Zoning Law in order to expand the opportunities for multifamily housing and therefore increase the opportunities for affordable housing in the Town. The purpose of this local law is to achieve that end. This local law is consistent with the Town’s Comprehensive Plan in that the Plan states that one of its objectives is to, “Cooperate in efforts to make a wide variety of housing opportunities available to members of the community.” (p. C-3)

SECTION 3: ZONING LAW AMENDMENTS

1. Section 200-16 of the Zoning Law shall be amended to read as follows:

§ 200-16 MF Multifamily District.

In an MF Multifamily District, no building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- A. Permitted uses.
 - (1) Any permitted use or accessory use listed in, and as regulated in, the R-40 Residence District.
 - (2) Multiple dwellings, subject to the following requirements:
 - (a) No building shall exceed 150 feet in length.
 - (b) The minimum distance between principal buildings shall equal two times the height of the highest building, and the minimum distance between a principal and an accessory

building shall be 20 feet.

- (c) Any inner court shall have a minimum dimension of 60 feet, and any outer court shall have a minimum dimension of 20 feet and a depth not exceeding its width.
 - (d) There shall be provided on the same lot a suitably equipped and landscaped children's play area with a minimum of 400 square feet for each dwelling unit.
 - (e) Signs, subject to the requirements of § 200-28, and not more than one building identification sign of an area not greater than 14 square feet and located in the front or side yard.
- (3) Row or attached dwellings, in addition to being subject to the provisions of Subsection A(2)(b), (c) and (d) above, shall also be subject to the following conditions:
- (a) The maximum number of dwelling units in a group of row dwellings shall be six.
- (4) Additional requirements for multiple-family and row and/or attached dwellings.
- (a) At least 1/3 of the net site area shall be devoted to permanent open space and/or for sites suitable for recreation as required by Subsection A(2)(d). Undeveloped permanent open space shall be provided and guaranteed at the rate of 1,500 square feet per bedroom.
 - (b) In considering such residential developments, the Planning Board shall follow the procedures and requirements set forth in § 200-31, entitled "Cluster developments."
 - (c) Any such construction shall be subject to the New York State Multiple Family Building Code.
- B. Uses permitted by special permit upon approval by the Board of Appeals in accordance with Article IX hereof. The following uses are permitted subject to approval by the Board of Appeals in accordance with the provisions of § 200-45. These uses are subject to the requirements specified below and elsewhere in this chapter, including site plan approval by the Planning Board in accordance with § 200-50 hereof.

(1) Any use so permitted in, and as regulated in, the R-10 Residence District.

C. Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof. These uses are subject to the requirements specified herein and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

(1) Reserved.

2. Section 200-16.1 of the Zoning Law shall be amended to read as follows:

§ 200-16.1 MF-I Multifamily-Inn District.

In an MF-I Multifamily-Inn District, no building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

A. Permitted uses.

(1) Any permitted use or accessory use listed in, and as regulated in, the R-40 Residence District.

(2) Any use so permitted in, and as regulated in, the MF Multifamily District.

B. Uses permitted by special permit upon approval by the Board of Appeals in accordance with Article IX hereof. The following uses are permitted subject to approval by the Board of Appeals in accordance with the provisions of § 200-45. These uses are subject to the requirements specified below and elsewhere in this chapter, including site plan approval by the Planning Board in accordance with § 200-50 hereof.

(1) Any use so permitted in, and as regulated in, the R-10 Residence District.

C. Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with

§ 200-49 hereof. These uses are subject to the requirements specified herein and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

- (1) Inns and bed-and-breakfast establishments, including retail stores and shops, fully enclosed eating and drinking establishments, recreation facilities and spas that are accessory to the inns or bed-and-breakfast establishments, in accordance with the bulk regulations applicable to the R-40 Residence District in § 200-21A of this chapter.

3. New Sections 200-18.A(19) and (20) shall be added and shall read as follows:

- (19) Multiple dwellings and row or attached dwellings, subject to the following provisions:
 - (a) The project shall meet the provisions of §§ 200-16A(2), (3) and (4) and 200-22 of this chapter relating to the Multifamily District, except that the Planning Board shall have the authority to modify the requirements of § 200-16A(2), (3) and (4) and the lot width, lot depth, yard, usable open space and building coverage requirements of § 200-22, in the interest of sound planning and design, and where the health, safety and welfare is preserved or enhanced, as determined by said Board.
 - (b) The lot on which the dwellings are proposed shall be at least 20,000 square feet in size.
 - (c) The lot on which the dwellings are proposed shall not be adjacent to or across the street from any lot on which exists the housing of dogs as a principal use.
 - (d) The lot on which the dwellings are proposed, and the dwellings themselves, shall not contain any other principal use.
 - (e) On-site parking for the dwellings shall be provided in accordance with § 200-29A of this chapter. In addition, the Planning Board shall ensure that sufficient on-site visitor parking is provided. This determination by the Planning Board shall take into consideration whether the parking spaces are individually assigned to the respective dwellings, are common to the dwellings, or are a combination thereof. Further, if determined appropriate by the Planning Board, on-site accessory recreation facilities shall be

provided with their own on-site parking.

- (f) On-site landscaping and screening, as deemed appropriate by the Planning Board, shall be provided.
- (g) Notwithstanding § 200-22 of this chapter, the minimum size of the respective dwelling units shall be as follows:
 - [1] Studio and efficiency dwellings: 450 square feet.
 - [2] One-bedroom dwellings: 675 square feet.
 - [3] Two-bedroom dwellings: 750 square feet.
 - [4] Three-bedroom dwellings: 1,000 square feet.
 - [5] Four-bedroom dwellings: 1,200 square feet.

(20) Mixed use, as defined in this chapter, subject to the following provisions:

- (a) The lot on which the mixed use is proposed shall be at least 20,000 square feet in size.
- (b) The lot on which the mixed use is proposed shall not be adjacent to or across the street from any lot on which exists the housing of dogs as a principal use.
- (c) The minimum size of the respective dwelling units shall be as follows:
 - [1] Studio and efficiency dwellings: 450 square feet.
 - [2] One-bedroom dwellings: 675 square feet.
 - [3] Two-bedroom dwellings: 750 square feet.
 - [4] Three-bedroom dwellings: 1,000 square feet.
 - [5] Four-bedroom dwellings: 1,200 square feet.
- (d) Mixed use shall be permitted only in buildings which conform to the New York State Residential Code for the proposed mixed use.

- (e) The residential and nonresidential uses in a mixed-use building shall have separate means of access (this is, the entrance/exit for residential use shall not be through the nonresidential use of the building, and vice versa), except that the Planning Board may, at its discretion, approve the use of a common lobby or plaza.
- (f) The nonresidential and residential uses of the building shall each be provided with the number of parking spaces required by § 200-29A herein.
- (g) General on-site landscaping and screening, as deemed appropriate by the Planning Board, shall be provided. Further, all utility, storage, service and parking areas on the site of the mixed-use building shall be specifically screened by means of landscaping and/or fencing, to the extent deemed necessary and practical by the Planning Board, in order to minimize the impact of these areas upon the residential use of the building and upon the surrounding area.
- (h) Dwelling units shall not be permitted in buildings housing animal hospitals; day-care facilities; restaurants; bowling alleys or other commercial recreational facilities; or any other use deemed by the Planning Board to be incompatible with a residential use in the building.
- (i) There shall be no outdoor storage associated with the residential use.
- (j) Dwelling units shall not be permitted in basement or cellar space.

4. Section 200-18.B(1) and (2) of the Zoning Law shall be revised to read as follows:

B. Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof. These uses are subject to the requirements specified herein and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

- (1) Reserved.

5. Section 200-22 of the Zoning Law shall be amended to read as follows:

§ 200-22 MF Multifamily District.

The following bulk regulations shall apply in the MF Multifamily District:

Minimum Requirements	Row or Attached Dwelling	Multiple Dwelling
Lot area (square feet)	20,000	20,000
Lot area per dwelling unit (square feet)	4,000 plus 1,500 per bedroom	4,000 plus 1,500 per bedroom
Lot width (feet)	20	100
Lot depth (feet)	100	150
Front yard (feet)	25	50
One side yard (feet)	50*	50
Both side yards (feet)	100*	100
Rear yard (feet)	40	40
Livable floor area per dwelling unit (square feet)	Studio and efficiency dwellings:	Studio and efficiency dwellings:
	450	450
	One-bedroom dwellings: 675	One-bedroom dwellings: 675
	Two-bedroom dwellings: 750	Two-bedroom dwellings: 750
Three-bedroom dwellings:	1,000	1,000
	Four-bedroom dwellings: 1,200	Four-bedroom dwellings: 1,200
Usable open space	Same as § 200-16A(4)	Same as § 200-16A(4)
Maximum Permitted		
Building height		
Stories	2-1/2	2-1/2
Feet	35	35
Building coverage (percent)	20	20

* NOTE: Applies only between buildings and side lot lines.

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 words “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.

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