

TOWN OF NORTH CASTLE

Local Law No. 9 For The Year 2010 Adopted November 9, 2010

A local law to eliminate the basic amounts of gross land coverage and gross floor area from the Town Code.

Section 1. Amend Section 213-22.2B as follows:

- B. Maximum gross floor area. The following table establishes the maximum permitted gross floor area for one- and two-family dwellings on lots of the sizes indicated, irrespective of zoning district. Any development under the maximum permitted amount shall be permitted subject only to obtaining a building permit unless the Residential Project Review Committee determines that a project requires approval by the Planning Board, Conservation Board or Architectural Review Board. In such case, Planning Board, Conservation Board or Architectural Review Board approval must be obtained. In any event, the maximum permitted gross floor area shall not be exceeded.

Section 2. Amend Section 213-22.2B(4) as follows:

- (4) Notwithstanding the Table of Maximum Permitted Gross Floor Area limitations and the requirements of § 213-55, Restoration of damaged buildings, any one- or two-family dwelling which is damaged or destroyed by fire or other natural causes shall be permitted to be reconstructed as it existed prior to such damage or destruction. If the size, design and/or configuration of the reconstructed building and premises is the same as existed prior to the damage or destruction, no approval other than a building permit shall be required. If, however, the size of the dwelling is proposed to be increased or if, in the judgment of the Building Inspector, there is a significant change in the design or configuration of the dwelling or the site, then said application shall be referred to the Planning Board for site plan review and approval. Any proposal to reconstruct a damaged or destroyed dwelling with additional floor area shall be subject to all applicable requirements of this chapter.

Section 3. Amend Section 213-22.2C(1) as follows:

C. Gross land coverage.

- (1) Maximum gross land coverage. The following table establishes the maximum permitted gross land coverage for one- and two-family residences on lots of the sizes indicated, irrespective of zoning district. Any development under the maximum permitted amount shall be permitted subject only to obtaining Building Department approval unless the Residential Project Review Committee determines that a project requires approval by the Planning Board, Conservation Board or Architectural Review Board. In such case, Planning Board, Conservation Board or Architectural Review Board approval must be obtained.

Notwithstanding said limitations, an additional 10 square feet of gross land coverage shall be permitted for each one foot of front yard setback of the

principal dwelling in excess of the minimum front yard setback required. For any new building lot created by subdivision subsequent to the effective date of this section, the "lot area" used for measurement purposes in the following table shall be "net lot area," as defined herein. For any existing lot in a one- or two-family residence district, it shall be "lot area," as defined herein.

Section 4. The Table entitled "Table of Basic and Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings" shall be retitled "Table of Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings."

Section 5. The column entitled "Basic Permitted Gross Land Coverage for One-Family Dwelling Lots (square feet)" in the table entitled "Table of Basic and Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings" shall be removed in its entirety.

Section 6. The Table entitled "Table of Basic and Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings" shall be retitled "Table of Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings."

Section 7. The column entitled "Basic Permitted Gross Floor Area for One-Family Dwellings and Accessory Buildings¹ (square feet)" in the table entitled "Table of Basic and Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings" shall be removed in its entirety.

Section 8. Amend Section 213-22.2H(1)(h) as follows:

- (h) A detailed calculation of proposed gross floor area and gross land coverage, unless waived by the Building Inspector based upon his judgment that the maximum permitted gross floor area and/or gross land coverage, as appropriate, will clearly not be exceeded.

Section 9. Eliminate Section 45-3.B from the Town Code.

Section 10. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 11. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 12. Effective Date.

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

Dated: November 9, 2010