

**INCORPORATED VILLAGE OF EAST HILLS
BOARD OF TRUSTEES
LOCAL LAW NO. 3 OF THE YEAR 2005**

A LOCAL LAW ADDING ARTICLE XXI TO THE CODE OF THE INCORPORATED VILLAGE OF EAST HILLS AS IT RELATES TO THE LIMITATIONS AND RESTRICTIONS ON CONSTRUCTION ON RESIDENTIAL BUILDING IN THE VILLAGE.

The Board of Trustees of the Incorporated Village of East Hills enacts into local law the following amendments, and additions:

Section 1.

The following provisions are added to the Code of the Incorporated Village of East Hills as a new Article XXI and supplement all other building requirements, limitations and provisions of the Code of the Incorporated Village of East Hills.

Chapter 214

ARTICLE XXI

Residential Construction and Building Limitations

§214-224. Title and purpose.

The purpose is to protect and preserve the character of the community as specified in the language of the statute which is incorporated into the local law. The Chapter shall be known as and may be cited as the “Fair Residential Building Reform Act” of the Code of the Incorporated Village of East Hills.

§214-225. Legislative intent, policy, applicability and findings.

- A. The unique character of residential neighborhoods in the Village of East Hills rests on the distinct style and design of houses as well as the general uniformity in the scale of houses located on similarly-sized lots in neighborhoods throughout the community. The recent trend of tearing down existing houses and replacing them with expansive houses or building extremely large additions to existing houses threatens the appearance, integrity health, safety, welfare, and quality of life of residents in East Hills.
- B. This Article responds both to the desire and needs of residents to enlarge their homes to meet the needs of their families and to preserve neighborhood character by requiring houses to appear to be of similar scale to others in the neighborhood. It is the intent of this Article to allow new houses and expansions or alterations to existing houses which are consistent with the general character of the community.
- C. The provisions of this Article are intended to supersede, supplement, augment, be applied consequently and compatibly together with other provisions of the Village Code, including but not limited to the provisions for lot coverage and other dimensional requirements.
- D. The regulations as established are intended to apply only to residential property within the Village of East Hills.

§214-226. Definitions and word usage.

- A. For purposes of this Article, definitions in Section 214-7 herein are incorporated in this Article except where explicitly stated below, in which case such definitions below shall supersede the definitions in Section 214-7.
- B. For purposes of this Article, certain terms and words are specifically defined. Words used in the present tense include the future, words in the singular include the plural and words in the plural include the singular; the word "shall" is mandatory; the word "lot" includes the word "plot."
- C. For purposes of this Article the following words and terms are defined as follows:

BASEMENT - That portion of a building that is partly or completely below grade. (See also "story above grade").

BUILDING HEIGHT - The vertical distance from the average elevation of the finish grades, taken at the four corners of the building, to the highest point of the roof. Except as otherwise provided in this Chapter, no appurtenant structures or mechanical devices, other than chimneys and flues, shall be permitted to extend above the highest point of the roof.

CELLAR - For purposes of calculating floor area, the word cellar is synonymous with basement.

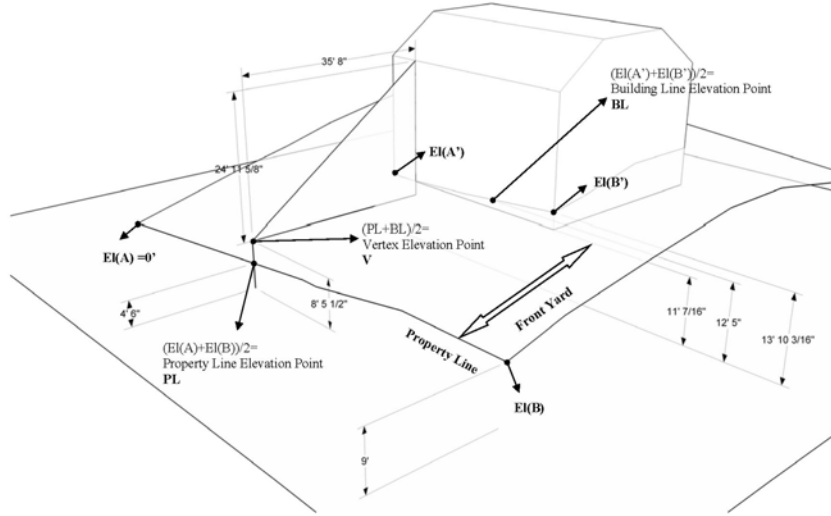
DECK - An exterior floor system, without a roof, supported on at least two opposite sides by an adjoining structure and/or posts, piers, or other independent supports, attached to a building structure.

ELEVATION POINTS - For purposes of calculating Height/Setback Ratio:

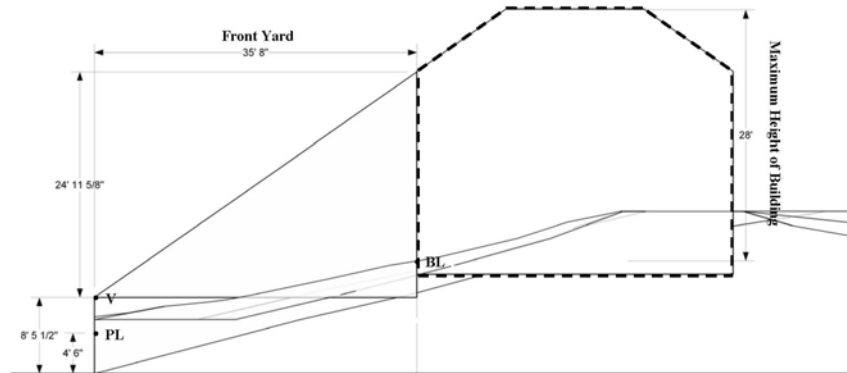
- 1. Building Line Elevation Point ("BL") shall be an elevation, which is the average, of the finish grade elevations, of the two principal corners of a building wall, for which the height/setback ratio is being calculated.
- 2. Property Line Elevation Point ("PL") shall be an elevation, which is the average, of the finish grade elevations, of two points on a property Line, which are at the closest proximity to the principal corners of a building wall, for which the height/setback ratio is being calculated.
- 3. Vertex Elevation Point ("L") shall be an elevation located above, on, or below a lot line, which is the average of the Building Line Elevation Point and the Property Line Elevation Point.

FIGURES SHOWN BELOW

APPLICATION EXAMPLE OF HEIGHT/SET BACK RATIO: PERSPECTIVE VIEW
 EXAMPLE OF FRONT YARD HEIGHT/SETBACK RATIO OF (.7) AS IN R-2 DISTRICT



APPLICATION EXAMPLE OF HEIGHT/SET BACK RATIO: SIDE VIEW
 EXAMPLE OF FRONT YARD HEIGHT/SETBACK RATIO OF (.7) AS IN R-2 DISTRICT



FLOOR - Any horizontal structure intended to support loads.

FLOOR AREA - The sum of the gross horizontal areas of all floors which are included as stories above grade, of the principal dwelling and accessory buildings, as measured to the

outside surfaces of exterior walls and including garages, and basements/cellars that are considered stories above grade, excluding decks, open porches or porticos and accessory buildings (sheds) not exceeding 80 square feet of floor area.

FLOOR AREA RATIO - A ratio, which produces the proportion of maximum allowable floor area to total lot area.

GRADE - For purposes of measuring the building height and for calculating the height/setback ratio, grade is the finished grade, as defined in section 214-7, elevation from which the height of a building or structure is measured.

HEIGHT/SETBACK RATIO - One of the criteria used in setting building and construction limitations on a residential lot. It is a ratio, which produces an inclined plane beginning at a property line rising towards a principal building or structure, starting at a vertex elevation point. Except as otherwise provided in this Chapter, no appurtenant structures or mechanical devices, other than minor architectural features not covering more than ten percent (10%) of the roof area, such as chimneys, flues, skylights and dormer windows shall be permitted to extend above the inclined plane of the height/setback ratio.

LOT AREA - The total horizontal area within the property lines and or lot lines of a plot.

LOT LINE - A legal boundary of a lot.

PATIO - Any ground area covered by concrete, brick or other impervious material, excluding walkways 48 inches or less in width, which is without a roof structure and not elevated above the surface of the ground in any matter. Patios do not include driveways in front yards.

PORCH, OPEN – Any open sided roofed structure, without screens or other enclosures, attached to the outside of a building.

PORCH ENCLOSED – Any non-conditioned, roofed structure, enclosed with screens or other similar enclosures, attached to the outside of a building.

PORTICO – Any open sided roofed structure, without screens or other enclosures, attached to the entrance of a building.

PROPERTY LINE - Any lot line dividing a lot of one owner from a lot of different owner.

STORY ABOVE GRADE - Any story, having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is more than 6 feet above grade plane; or more than 6 feet above the finished ground level for more than 50 percent of the total building perimeter; or more than 12 feet above the finished ground level at any point.

STREET - Any highway or thoroughfare which affords the principal means of access to abutting properties, whether designated as a street, avenue, road, crescent, lane, terrace, way, place or otherwise, and whether public or private.

STREET LINE - The dividing line between a lot, tract or parcel of land and a contiguous street. For purposes of this Chapter, a street line and a right-of-way line are the same.

STRUCTURAL ALTERATIONS - Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams, headers or girders or any substantial change in the roof or in the exterior walls.

STRUCTURE - Any construction or combination of materials or any production or piece of work artificially built up or composed of parts joined together in some definite manner, including but not limited to play structures (but excluding basketball hoops, basketball nets and basketball backboards, whether mounted on a building or on poles, so long as the height of the top of the backboard does not exceed 16 feet, and there is not more than one backboard on the premises); platforms; pools; tennis courts (including the back stops, surfaced area and net posts thereof); radio towers, parabolic or hemispheric discs or dishes or other similar convex or concave antennas (the purpose of which is to receive television, radio and/or microwave or other similar signals from satellites or ground stations which transmit satellite signals, but excluding conventional television and radio aerials); sheds; fences; walls; and display signs.

YARD, REAR - A yard extending the full width of the lot opposite (approximately parallel to) the principal front yard between the main building and the rear lot line, unless said yard

would otherwise be a secondary front yard. A rear yard may abut a street or right of way when the lot has a front and/or a secondary front yard.

YARD, SECONDARY FRONT - All front yards that are not principal front yards.

YARD, SIDE - All yards between the main building and the lot lines that are not front yards or rear yards.

§214-227. Reconstruction of destroyed building.

Nothing in this Chapter shall prevent the restoration of a building destroyed by fire, explosion, act of God or act of a public enemy, to the extent of not more than 50% of its reconstruction cost, or part thereof as such use existed at the time of such destruction in such building or part thereof, or prevent change of such existing use under the limitations provided by this Chapter. But any building destroyed to an extent exceeding 50% of its reconstruction cost at the time of such destruction may be reconstructed and thereafter used solely only in full conformity with all provision of this Chapter. Nothing in this Chapter shall prevent the restoration of a wall declared unsafe by the Building Inspector.

§ 214-228. Building height.

All Building Heights shall be restricted to the following limitations:

A. The height of all residential Building Heights shall be limited to:

Zone	Maximum Permitted Height (Feet)
R	30'
R - 1	30'
R - 2	28'
R - 3	28'
R - 4	28'

B. No accessory Structure shall exceed 15 feet in height.

§214-229. Exception to building height provisions.

The height provisions of this Chapter shall not include chimneys or flues, which may project no more than five feet above the inclined plane of the Height/Setback Ratio or above the maximum allowable Building Height.

Accessory buildings, including but not limited to sheds which are excluded from the Floor Area, for the purposed of calculating Floor Area Ratio, shall not exceed a height of 10 feet from the adjacent finished Grade to the highest point of its roof.

§214-230. Projection of buildings.

- A. No building or part of a building shall be erected in, or shall project into, rear yard, front yard or side yard, with the following exceptions;
 - 1. Cornices, eaves, gutters, or chimneys projecting not more than eighteen (18”) inches.
 - 2. At first Floor level one story bay windows projecting not more than five (5) feet in any event and, if such projections are into a side yard, not more than three (3) feet into the side yard. No foundation wall or Structure shall be erected under any part of such bay window projecting into any required side yard.
 - 3. One story open porches/porticos, or enclosed entrance doorways, which shall project into a front, yard not more than five (5) feet.
- B. All of the above exceptions are subject to the restrictions found elsewhere in this Article.

§214-231. Height/setback ratio requirements.

No part of a principal building on a residential lot shall exceed the following height limitations for all of the following: (1) front yard (2) the side yard and (3) the rear yard based upon the distance of that portion of such building from the subject property line.

§ 214-232. Front yard limitations.

The limitations for the front yard are as follows:

FRONT YARD	
Zone	Height/Setback Ratio
R	0.5
R - 1	0.6
R - 2	0.7
R - 3	0.7
R - 4	1.4

§214-233. Side yard limitations.

The limitations for the side yard are as follows:

SIDE YARD	
Zone	Height/Setback Ratio
R	1.1
R - 1	1.2
R - 2	1.8
R - 3	1.8
R - 4	3.6

§214-234. Rear yard limitations.

The limitations for rear yard are as follows:

REAR YARD	
Zone	Height/Setback Ratio
R	0.75
R - 1	0.75
R - 2	0.85
R - 3	0.85
R - 4	0.85

§214-235. Floor area ratios and maximums.

The maximum Floor Area Ratios and allowable Floor Areas shall not exceed the following limits.

ZONE	FLOOR AREA RATIO (F.A.R.)	MAXIMUM ALLOWABLE FLOOR AREA
R	.15	7,000 Sq. Ft.
R - 1	.36	6,100 Sq. Ft.
R - 2	.36	4,500 Sq. Ft.
R - 3	.40	3,600 Sq. Ft.
R - 4	.45	3,600 Sq. Ft.

§214-236. Exterior wall interruption.

- A. Existing Buildings or Structures - Alterations and additions to existing buildings shall require that a combined new and existing front or side building wall may extend to a horizontal length of no more than 30 feet without a change or break of at least two feet; with an additional required break of at least two feet for every 25 feet of additional horizontal feet thereafter.
- B. New Buildings or Structures - New construction of buildings or Structures shall require that a front or side building wall may extend to a horizontal length of no more than 30 feet without a change or break of at least two feet; with an additional required break of at least two feet for every 25 feet of additional horizontal feet thereafter.
- C. Irregular Vertical Plane - No more than 75 percent of a two-story front or side wall shall be constructed, altered or added in one vertical plane; the balance of said wall construction shall follow a vertical plane which is separated from the former plane by at least two feet.
- D. At least 10 percent of each and every exterior wall shall be comprised of fenestration (windows and/or doors).

§ 214-237. Summary of residential construction and building requirements.

An overview of the salient requirements for residential construction and building limitations are as follows:

Zone	Min. Lot Area (sq. ft.)	Min. Street Frontage (ft.)	Front Yard Min. Required (ft.)	Corner Lot Front Yards (ft.)	Rear Yard Min. Required (ft.)	Side Yard Min. Required (ft.)	Total Aggregate Side Yard (ft.)	Max. Lot Coverage	Floor Area Ratio (FAR)	Max. Floor Area Allowed (sq. ft.)	Front Height/Setback Ratio	Side Height/Setback Ratio	Rear Height/Setback Ratio	Max. Permitted Height (Feet)
R	43,560	160	50	45	30	20	50	25%	.15	7,000	0.5	1.1	.75	30
R - 1	15,000	110	35	30	30	15	40	25%	.36	6,100	0.6	1.2	.75	30
R - 2	10,000	100	30	25	25	10	30	25%	.36	4,500	0.7	1.8	.85	28
R - 3	7,500	75	30	25	25	10	30	25%	.40	3,600	0.7	1.8	.85	28
R - 4	4,000	40	15	25	25	5	13	45%	.45	3,600	1.4	3.6	.85	28

Section 2. Repeal.

§ 214-124 is repealed in its entirety

Section 3. Severability.

If any section or provision of this local law shall be deemed invalid by any court of competent jurisdiction, the judgment shall not affect, impair or invalidate any other part of this local law or its remainder, but shall be confined in its operation to the section or provision or part thereof directly involved in the controversy in which the judgment shall have been rendered.

Section 4. Effective Date of Local Law.

This local law shall take effect immediately upon filing with the New York Secretary of State. The law applies prospectively from the date of the filing with the New York Secretary of State and subsequently.

Note: file date 3/11/2005