

Local Law No. 5 of 2015

A Local Law Amending Chapter 116
(Zoning) Of The Village Code With
Respect To Height Of Elevated Buildings

Section 1. §116-12D is hereby amended to read as follows:

D. Natural grade.

(1) The existing natural grade of a lot shall not be changed on any part of the lot, except as permitted under the terms and conditions of a building permit.

(2) Where the natural grade of a lot is permitted to be changed under the terms and conditions of a building permit, such terms and conditions may impose reasonable restrictions and limitations for the purpose of minimizing any adverse impact on the neighborhood or community.

Section 2. §116-12 is hereby amended by adding subsection G to read as follows.

G. Measurement of height of certain elevated buildings.

(1) As used herein, the term “elevated building” shall mean a building elevated pursuant to the elevation requirements of Chapter 62 (the Village Flood Damage Prevention Code).

(2) Notwithstanding the provision in the definition of height of a building (see §116-2B) to the effect that the height of a building be measured from the average elevation of the finished grade along the side of the building fronting on the nearest street, in the case of an elevated building, the height of such elevated building shall be measured from the elevation two feet above the applicable base flood elevation (the base flood elevation applicable to such elevated building pursuant to Chapter 62).

(3) In the case of an elevated building, the terms and conditions of a building permit for such elevated building may require that the natural grade of the lot be increased vertically for the purpose of minimizing any adverse impact on the neighborhood or community.

Section 3. §116-12 is hereby amended by adding subsection H to read as follows:

H. Pyramid Law for certain elevated buildings.

(1) As used herein, the term “elevated building” shall mean a building elevated pursuant to the elevation requirements of Chapter 62 (the Village Flood Damage Prevention Code).

(2) The sky plane requirements hereinafter set forth shall be applicable to elevated buildings.

(3) The front yard sky plane shall begin at a line parallel to and situate 40 feet from the front lot line at the elevation equivalent to the applicable base flood elevation (to wit, the front yard sky plane shall be measured from and along the applicable base flood elevation with the fulcrum offset 40 feet from the front lot line) and shall extend to the building at an angle of 33 degrees.

(4) The side yard sky plane shall begin at the side lot lines at the elevation five feet above the applicable base flood elevation (to wit, the side yard sky plane shall be measured from and along the elevation five feet above the applicable base flood elevation with the fulcrum offset at the side lot lines) and shall extend to the building at an angle of 33 degrees.

(5) An elevated building must remain inside the front yard and side yard sky planes, except for the following permitted encroachments:

(a) Cornices and eaves up to 24 inches on first floor roof only.

(b) Cornices and eaves up to 12 inches on second floor roof and half story roof only.

(c) Roof feature – Dormers (gable, hip, shed, barrel style) limited to no greater than 8 feet wide each, no taller than 6 feet of vertical encroachment, and shall not be within the same vertical plane as the exterior wall below by at least a 2 foot offset (breaking of plane requires offset, not interruptions). Ridge of dormers shall be at least 12 inches lower vertically than the primary roof structure it is a feature upon.

(6) The height of an elevated building shall not exceed the height limitations imposed by this Pyramid Law (subsection H). The height of an elevated building shall not exceed the maximum height limitations imposed by other applicable dimensional regulations of this chapter.

Section 4. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.