

Local Law Filing

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County _____
City of South Floral Park
Town _____
Village _____

Bill No. __ of 202__

Local Law No. __ of the year 202__

A local law to amend the following §§ of Chapter 210, "Zoning," of the Code of the Village of South Floral Park, to clarify Zoning Code restrictions relating to single family dwellings: § 210-5, "Uses," of Article II, "Residence District Regulations"; § 210-11, "Maximum Size," of Article III, "Garages"; and § 210-23, "Size of single-family detached dwellings," of Article IV, "General Regulations"

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County _____
City of South Floral Park
Town _____
Village _____

as follows:

Section 1. Legislative Findings. The Board of Trustees of the Village of South Floral Park notes that Chapter 210, "Zoning," of the Village Code provides that there is only one zoning district in the Village, and that the only residential use permitted in the Village is a single family dwelling.

In response to recent requests to the Village to permit two family dwellings, including at a zoning variance application to the Village Board of Appeals, the Village reviewed Village Code provisions relating to single family dwellings.

The Board notes that a prohibition of 'flat roofs' on single family dwellings is

contained in the section of the Code that establishes permitted uses of property. Such placement confuses a reader both as to uses that are permitted and the existence of the Code prohibition of flat roofs. Furthermore, the Code does not define 'flat roofs.'

The Board finds that expressly prohibiting more than one kitchen per single family dwelling will discourage the unlawful use of a single family dwelling for multi-residential use.

The Board finds that the existing Code prohibition of the storage of more than two cars on any single family dwelling lot fails adversely impacts the single family with more than two cars. Limiting the size of garages to hold not more than two cars is consistent with the single family dwelling rule while allowing a single family to have one or two cars in the garage, and one or two cars on the driveway.

The Board finds that the health, safety and welfare of the Village and its residents will be promoted by amending Zoning Code provisions relating to single family dwellings in order to make clear that: (i) single family dwelling is the only residential use allowed in the Village; (ii) a two-family dwelling is not permitted in the Village unless the Board of Appeals grants a variance therefor under the strict standards for a use variance, rather than an area variance; (iii) while a family occupying a single family dwelling may have and store more than two cars, no garage may be constructed to house more than two cars; (iv) no single family dwelling may have more than one kitchen, and it must be above grade; and (v) no single family dwelling shall have a flat roof, as objectively defined.

Section 2. Authority. This local law is adopted pursuant to the New York State Municipal Home Rule Law.

Section 3. Clause "A." of § 210-5, "Uses," of Article II, "Residence District Regulations," of Chapter 210, "Zoning," of the Code of the Village of South Floral Park is hereby amended to read in its entirety as follows:

"A. Single-family detached dwelling;"

[current language: "Single-family detached dwelling houses shall have a roof other than one of the character or description known as a "flat roof."]

Section 4. § 210-11, "Maximum size," of Article III, "Garages," of Chapter 210, "Zoning," of the Code of the Village of South Floral Park is hereby amended to read in its entirety as follows:

"§ 210-11, "Maximum size. No building shall be erected or extended for the accommodation of more than two cars."

[current language: “In all districts, no buildings shall be erected or extended and no lot or premises may be used for the accommodation of more than two cars.”]

Section 5. Clause “B.” of § 210-23, “Size of single-family detached dwellings,” of Article IV, “General Regulations,” of Chapter 210, “Zoning,” of the Code of the Village of South Floral Park is hereby amended to read in its entirety as follows:

“B. No single-family detached dwelling shall hereafter be altered to accommodate or make provision for more than one family.”

[current language: “No such dwelling shall hereafter be altered to accommodate or make provisions for more than one family except when authorized by the Board of Appeals as provided in §§ 210-29 through 210-32 hereof.”]

Section 6. § 210-23, “Size of single-family detached dwellings,” of Article IV, “General Regulations,” of Chapter 210, “Zoning,” of the Code of the Village of South Floral Park is hereby amended by the addition, at the end thereof, of new clauses “C.” and “D.”, to read in their entirety as follows:

“C. No single-family detached dwelling shall be constructed, altered or extended to include more than one kitchen, or to allow any kitchen in any cellar or basement.

D. No single-family detached dwelling shall be constructed, altered or extended to have a roof with a slope of less than 20 degrees.”

[no current language.]

Section 7. The heading of § 210-23, “Size of single-family detached dwellings,” of Article IV, “General Regulations,” of Chapter 210, “Zoning,” of the Code of the Village of South Floral Park is hereby amended to read in its entirety as follows:

“§ 210-23 “Restrictions on kitchens, roofs and size for single-family detached dwellings.”

[current language: “Size of single-family detached dwellings.”]

Section 8. This local law shall take effect immediately.