

PLEASE TAKE NOTICE: THAT THE BOARD OF TRUSTEES OF THE VILLAGE OF SAG HARBOR, AT A MEETING THEREOF DULY HELD ON JANUARY 12, 2016 DULY ADOPTED LOCAL LAW # 1 OF 2016 AS FOLLOWS:

Local Law # 1 of 2016

A LOCAL LAW PROVIDING FOR TEMPORARY INTERIM DEVELOPMENT RESTRAINTS ON BUILDING PERMIT APPROVALS FOR NEW CONSTRUCTION OF ONE FAMILY DETACHED DWELLINGS AND IMPROVEMENT OF EXISTING ONE FAMILY DETACHED DWELLINGS PENDING COMPLETION OF THE PLANNING PROCESS AND ZONING CODE UPDATE FOR RESIDENTIAL DEVELOPMENT

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SAG HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this Local Law is the enactment of temporary interim development restraints for building permits for certain one family detached dwellings pending the conclusion of the Planning Update and SEQRA Process for the enactment of permanent regulations for development and redevelopment of residential dwellings.

There has been substantial redevelopment and expansion of one family detached dwellings in the Village. Many of these new dwellings are at a size and scale that are inconsistent with the historic and rural character of the Village. These dwellings threaten to change the character of the Village in a way that would conflict with the stated purposes, goals, and findings of Chapter 300

(Zoning) of the Sag Harbor Village Code and the guidelines for construction in the Historic District. In addition, such development also threatens water quality in the Peconic Estuary and the goal of providing a mix of housing opportunities for Sag Harbor's diverse population.

In response to the volume of such redevelopment, the Village enacted a 6 month moratorium which maintained the status quo while the Planning Update was undertaken.

The Village now wishes to permit the current moratorium to be replaced with temporary interim development restraints until permanent rules may be completed and adopted. Substantial work has been accomplished toward the enactment of such permanent code revisions under the Planning Update. The proposed interim rules incorporate the data generated during the current Planning Update. The interim development rules will permit applications to now be processed under the interim rules until the final local laws can be adopted.

It is the intent of the Village to allow applications to proceed which are consistent with the current status of the Planning Update and alleviate any unnecessary impact to property owners.

Such temporary interim development restraints are consistent with the Village's goals and objectives. In addition, the temporary interim development restraints are in harmony with the existing character of the Village and are

consistent with the interim data, recommendations, and conclusions from the planning work completed thus far, pending the finalization of new permanent zoning regulations.

SECTION 2. DEFINITIONS.

DWELLING, ONE-FAMILY DETACHED- A dwelling containing one dwelling unit for the occupancy of one family.

APPLICATION- An application before a Village board or agency for a building permit for the erection, construction, enlargement, alteration, removal, improvement, or demolition of a one family detached dwelling.

FLOOR AREA, GROSS- The cumulative area in square feet of all floor levels of every story of a building measured to the exterior of the outside walls. Gross floor area shall not include any porches, patios, decks, open terraces, and other such open structures that are attached to the principal dwelling, cellars, any detached accessory buildings and structures on the same lot. Any interior space with a floor-to-ceiling height in excess of 15 feet shall be counted twice.

SECTION 3. PROCESSING AND/OR APPROVAL OF BUILDING PERMIT APPLICATIONS.

There shall be no approval of applications for detached one family detached dwellings in the R-20 or OD districts, except as provided herein.

SECTION 4. SUPERSESSION.

This Local Law shall supersede any inconsistent law, state or local, including by way of illustration, the Village Code and Article 7 of the New York Village Law. This declaration of supersession is made by authority of the

Village's municipal home rule law powers, pursuant to §§10(1) (ii) (a) (14) and 10(1) (ii) (e) (3) of the Municipal Home Rule Law, §10(6) of the Statute of Local Governments, and Article 9, §2(b) (3) of the New York State Constitution.

SECTION 5. EXCLUSIONS.

This Local Law shall not apply to the following applications for a building permit for a one family detached dwelling:

- (a) Any application that has previously received an exemption from the Village Board pursuant to Section 6 of Local Law 11 of 2015 or was deemed by the Building Inspector to be excluded from the provisions of Local Law 11 of 2015 under Section 5 of said local law, or
- (b) Any application which meets the interim development standards enumerated in Section 6 of this local law.

SECTION 6. INTERIM DEVELOPMENT STANDARDS. (GROSS FLOOR AREA FOR CERTAIN RESIDENTIAL DWELLINGS IN THE R-20 AND OD DISTRICTS).

A. Maximum Gross Floor Area in the R-20 and OD Districts.

- (1) The gross floor area of any one-family detached dwelling shall not exceed the permitted gross floor area ratio calculated as follows:

- a. Lots of 5,000 square feet or less: 2,000 square feet gross floor area.
- b. Lots greater than 5,000 square feet and less than 30,000 square feet: 2,000 square feet gross floor area plus (lot area minus 5,000 square feet) times (0.08).
- c. Lots 30,000 square feet or greater: 4,000 square feet gross floor area.
- d. The Village Board of Trustees may grant a special permit for a one-family detached dwelling which exceeds the provisions of this paragraph, provided the requirements of paragraph B are met.
- e. In determining the maximum permitted floor area ratio, lot area shall have the same meaning as "lot, area of" as defined in Section 300-2.2 of Chapter 300 (Zoning).
- f. The gross floor area of all porches, patios, decks, open terraces, and other such open structures that are attached to the principal dwelling, and, any detached accessory buildings and structures on the same lot, when added to the gross floor area of the dwelling, shall not exceed 115% of the maximum permitted gross floor area of the dwelling.

g. In the case of two or more dwelling units legally existing on the same lot, the gross floor area of all dwellings shall be the cumulative total gross floor area of all dwellings on the lot.

(2) In determining maximum lot coverage, whether under the floor area ratio requirement or the percentage of lot coverage restriction in this article, the more restrictive requirement or standard shall apply.

(3) These provisions shall apply in the R-20 and OD Districts.

B. Special Permit.

(1) In the case of lots with an area in excess of thirty thousand (30,000) square feet, an applicant may apply to the Village Board of Trustees for a special permit for a one-family detached dwelling to contain more than four thousand (4,000) square feet of gross floor area. The gross floor area of any one-family detached dwelling pursuant to this paragraph shall not exceed the permitted gross floor area ratio calculated as follows: 4,000 square feet gross floor area plus (lot area minus 30,000 square feet) times (0.08). In no case shall the dwelling exceed a gross floor area of six thousand (6,000) square feet.

(2) Applications for a special permit shall be submitted in the form required.

a. Upon receipt of a complete application, the Village Board of Trustees shall fix a time and place for a public hearing and shall provide for giving notice of the public hearing by publishing a notice in the official newspaper at least 10 days prior to the hearing.

b. In addition, at least 10 days prior to the hearing, the applicant shall mail notice of the time, date, place and nature of the hearing to the owners of record of every property which abuts and every property which is within 200 feet of the property involved in the application. Such notice shall be made by certified mail and addressed to the owners at the addresses listed for them on the local assessment roll. On or before the commencement of the public hearing, the applicant shall file a radius map prepared by a professional and an affidavit with postal receipts annexed thereto confirming mailing of said notices.

c. The applicant or his agent shall also erect or cause to be erected a sign or signs which shall be displayed on the parcel upon which the application

is made, facing each public street on which the property abuts, giving notice that an application has been made to the Village Board of Trustees, and stating the time and place where the public hearing will be held. The sign(s) shall not be located more than 10 feet from the street line, and shall not be less than two feet nor more than six feet above the natural grade at the street line. The sign(s) shall be displayed for not less than 10 days immediately preceding the public hearing date. The applicant shall file an affidavit with the Village Board of Trustees that he has complied with the provisions of this section. Failure to submit such affidavit shall result in the adjournment of the public hearing.

- (3) For every such special permit, the Board of Trustees shall determine that:
 - a. Harmony of use. Such use will be in harmony with § 300-1.2, Legislative findings and determinations, and will promote the general purposes and intent of this chapter as stated in § 300-1.3, Declaration of purpose.
 - b. Lot area. The plot area is sufficient, appropriate and adequate for the use.

- c. Adjacent properties. The proposed use will not prevent the orderly and reasonable use of adjacent properties.
- d. Compatibility. The site is particularly suitable for the location of such use in the Village and, if sited at that location, the proposed use will in fact be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.
- e. Parking. There are off-street parking at least in the number required by the provisions of this chapter, but in any case an adequate number for the anticipated number of occupants, and, further, that the layout of the spaces and driveways is convenient and conducive to safe operation.
- f. Buffering and screening. Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.
- g. Runoff and waste. Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other characteristic.

- h. Environmental protection. The natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important natural resources.
- i. Historic District. In the Historic District, the Board of Trustees shall utilize and be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as well as the provisions of Article [XIII](#) of this chapter.
- j. Compliance with other laws. The proposed use can and will comply with all provisions of this chapter and the Village Code applicable to the proposed use and can meet every other applicable federal, state, county and local law, rule or regulation.
- k. These provisions shall apply in the R-20 and OD Districts.

C. This provisions of this section shall also apply to (1) the construction or conversion of any building for use as a two-family detached dwelling as allowed as a special permit use, pursuant to Chapter 300 (Zoning) of the Village Code (2) and the conversion of a multi-family dwelling or any other building into a one-family detached dwelling.

D. The provisions of this section shall not apply to (1) a residential one-family or two-family detached dwelling or (2) two or more dwelling units legally existing on the same lot, which are non-conforming uses under Chapter 300 (Zoning) of the Village Code. In such cases, the nonconforming use shall not be reconstructed, structurally altered, restored or repaired to an extent exceeding 100% of the gross floor area of such legal pre-existing non-conforming dwelling use.

Section 7. Relief for Pending Building Permit Applications.

- A. Notwithstanding any provision of this local law to the contrary, the record owner of any real property with a pending application for a building permit for construction that is not in compliance with the provisions of this local law herein adopted, may petition the Village Board for relief, provided the record owner of the real property has at least one permit or approval from the Village Board, the Zoning Board of Appeals, the Planning Board, the Harbor Committee, or the Board of Historic Preservation and Architectural Review.
- B. The Village Board may grant such relief where it determines that:
1. The record owner of the real property has incurred substantial expenditures in improving the land or otherwise in reliance on such approval or permit prior to the date of adoption of this local law, and
 2. The character of the resulting development will be generally compatible with the character of the neighborhood and a detriment to nearby properties will not be created.
- C. Any relief granted pursuant to this section shall expire one (1) year after the effective date of this local law, if

a building permit has not been issued and construction commenced.

SECTION 8. SEORA.

This Local Law is a Type 2 action under 6 NYCRR §617.5(b) (30). It is determined that this local law will not have a significant adverse environmental impact requiring further review.

SECTION 9. SEVERABILITY.

Should any part or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 10. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law and shall be deemed repealed on April 30, 2016, or sooner, if repealed by a subsequent local law.