BILL NO. 2 OF 2011

A LOCAL LAW to amend the Kensington Code Chapter 151 entitled "Zoning."

BE IT ENACTED by the Kensington Board of Trustees as follows:

Section One. Kensington Code §151-3 entitled "Word usage; definitions" is amended as follows:

BUILDING AREA – The proportion of the horizontal areas of the principal building on a lot to the total lot area measured from the exterior surface of the foundation wall on the ground level including attached and detached private garages and covered porches.

FLOOR AREA – The sum of the gross areas of the several floors of the principal and all accessory buildings on a lot, measured from the exterior faces of exterior walls:

(1) In particular, floor area shall include:

(a) Basement space, irrespective of its use.

(b) Floor space of each story above the basement and below the attic, irrespective of its use, and that portion of the area of any attic space, whether or not floor has been laid, with a minimum horizontal measurement of 6.5 feet that provides structural headroom of 6.5 feet or more.

(c) Floor space of interior balconies or lofts.

(d) Floor space of roofed terraces, exterior balconies or porches.

(e) Floor space (in the aggregate) of all uncovered balconies in excess of 150 square feet.

(f) An y portion of any floor area that exits to or is above grade. If an exit from a cellar is at grade level, then 50 percent of the floor space of that cellar shall be included.

(g) Any private garage area in excess of 200 square feet shall be included.

(h) If the first floor ceiling height exceeds 10 feet, the floor area of that room shall be increased in direct proportion to the amount by which the ceiling height exceeds 10 feet.

(Example: the square foot penalty for a 2,500 square foot base floor area with a proposed 11 foot ceiling on the first floor would be 250 square feet, calculated as follows – 1'/10' or 10% of 2,500 square feet for a total floor area of 2,750 square feet on the first floor.)

(i) An y area of a front entrance foyer or vestibule which exceeds 12 feet in height shall be counted twice.

(j) I f the second floor ceiling height exceeds 9 feet, the floor area of that room shall be increased in direct proportion to the amount by which the ceiling area exceeds 9 feet.

(k) If the ceiling height of a one-story addition exceeds 10 feet, the floor area of that room shall be increased in direct proportion to the amount by which the ceiling area exceeds 10 feet. (Example: the square foot penalty for a 400 square foot base floor area with a proposed 15 foot ceiling would be 200 square feet, calculated as follows – 5'/10' or 50% of 400 square feet for a total floor area of 600 square feet for that room.)

(l) An y space above the wall plate of a cathedral ceiling will be excluded from floor area calculations.

(2) The floor area of a building shall not include any space occupied by open exterior wooden decks or on grade masonry terraces.

HEIGHT OF A BUILDING – The vertical distance from the mean ground level to the ridge of a roof structure. For multiple dwellings and commercial buildings refer to height exceptions in §151.18.

STORY – The part of a building between the finished first floor elevation and the finished second floor elevation or between the finished second floor elevation and the top of the ceiling joist or spring line of a cathedral ceiling.

Section Two. Kensington Code §151-3 entitled "Word usage; definitions" is amended by repealing the definitions of "Gross Floor Area" and "Ground Level" in their entirety.

Section Three. Kensington Code §151-3 entitled "Word usage; definitions" is amended by the addition of the following:

CEILING HEIGHT – the first floor ceiling height shall not exceed 12 feet measured from the top of the first floor deck to the

underside of the second floor framing. This 12 foot height limitation shall not apply to front entrance foyers, vestibules, and one-story additions. The second floor ceiling height shall not exceed 10 feet measured from the top of the second floor deck to the top of the second floor wall plate.

FIRST FLOOR ELEVATION LEVEL – The distance from the mean ground level to the top of the first floor platform framing of a building.

MEAN GROUND LEVEL – The average elevation of natural grade level prior to any excavation or any fill being placed on the ground as determined by a licensed New York State land surveyor. The mean ground level shall be calculated based on an average of the elevations at each building corner; at each vertex where there is a change in plane; and at three equal intermediate points for building planes which are 20 feet or more. The mean ground level shall be measured along the entire foundation of a building.

MEAN STREET CURB LEVEL – The average elevation of the street pavement alongside the face of a curb as determined by a licensed New York State land surveyor.

PORCH – A roofed open structure projecting from the outside wall of a building without a window sash, glazing panels, or any other form of enclosure.

TERRACE – An open porch without a permanent roof.

WALL PLATE – The horizontal framing member of wood frame wall construction.

Section Four. Kensington Code §151-9 entitled "Residence A District" is amended by the addition of the following:

K. Floor area. The floor area in a building shall not exceed 8,000 square feet.

L. Front yard lot coverage. The maximum permitted lot coverage of all paved areas in a front yard including gravel and stone aggregate, shall not be greater than 30% of the front yard. This shall include driveways, parking areas, walkways, patios and permitted encroachments.

M. Rear yard lot coverage. The maximum permitted lot coverage of all paved areas in a rear yard including gravel and stone aggregate, shall not be greater than 25% of the rear yard. This

shall include parking areas, walkways, patios, decks, pools and permitted encroachments.

N. The height of an accessory structure shall not exceed 16 feet.

O. For all new construction and substantial improvements that exceed 40% of the existing floor area, the additional regulations in section 151-13.2. shall apply.

Section Five. Kensington Code §151-10 entitled "Residence B District" is amended by the addition of the following:

K. Floor area. The floor area in a building shall not exceed 8,000 square feet.

L. Front yard lot coverage. The maximum permitted lot coverage of all paved areas in a front yard including gravel and stone aggregate, shall not be greater than 30% of the front yard. This shall include driveways, parking areas, walkways, patios and permitted encroachments.

M. Rear yard lot coverage. The maximum permitted lot coverage of all paved areas in a rear yard including gravel and stone aggregate, shall not be greater than 25% of the rear yard. This shall include parking areas, walkways, patios, decks, pools and permitted encroachments.

N. The height of an accessory structure shall not exceed 16 feet.

O. For all new construction and substantial improvements that exceed 40% of the existing floor area, the additional regulations in section 151-13.2. shall apply.

Section Six. Kensington Code §151-11 entitled "Residence C District" is amended by the addition of the following:

K. Floor area. The floor area in a building shall not exceed 8,000 square feet.

L. Front yard lot coverage. The maximum permitted lot coverage of all paved areas in a front yard including gravel and stone aggregate, shall not be greater than 30% of the front yard. This shall include driveways, parking areas, walkways, patios and permitted encroachments.

M. Rear yard lot coverage. The maximum permitted lot coverage of all paved areas in a rear yard including gravel and stone aggregate, shall not be greater than 25% of the rear yard. This

shall include parking areas, walkways, patios, decks, pools and permitted encroachments.

N. The height of an accessory structure shall not exceed 16 feet.

O. For all new construction and substantial improvements that exceed 40% of the existing floor area, the additional regulations in section 151-13.2. shall apply.

Section Seven. Kensington Code §151-13 entitled "Additional special restrictions" is amended by the addition of the following:

§151-13.2. Additional regulations for new construction and substantial improvements.

The following additional regulations shall apply to new construction and substantial improvements constructed after March 1, 2011 in the Residence A, Residence B, and Residence C Districts. A substantial improvement shall be defined as improvements that exceed forty percent of the existing floor area of the lot as determined by the Building Inspector.

A. First floor elevation. The first floor elevation level of a building shall not exceed 3 feet on lots with a grade having less than a 3 percent slope. If a lot has a grade with a slope greater than 3 percent, the first floor elevation is measured by calculating the average front yard along the foundation wall.

If the distance between the mean street curb level and the mean grade level is greater than 3 feet, the first floor elevation can not exceed 1.5 feet.

B. Side yards. Except in the case of a corner lot, two side yards shall be provided as follows:

(1) For lots having a lot width greater than 140 feet:

(a) The first story of a building shall have a 32 foot aggregate side yard setback and a 15 foot minimum side yard setback.

(b) The second story of a building shall be set back a minimum of an additional 6 feet from the first story wall ("the required second story setback") unless

(i) the width of the improvement proposed within the required second story setback is no more than 75%

of the building's first story width directly beneath it; and either

(ii) the front and rear facade planes of the proposed improvement within the required second story setback do not share the same front or rear facade planes of the building and there is a break and change in plane by at least 2 feet; or the height of the roof eave of the proposed improvement within the required second story setback is less than 50 percent of the building's second story height.

(See Diagram 1)

(c) The side yard setback for buildings that have two-story solid planes are as follows:

(i) A building with a two -story solid plane on one side elevation shall have a 37 foot aggregate side yard setback and a 22 foot minimum side yard setback for the side elevation with the solid two story plane.

(ii) A building with a two-story solid plane on each side elevation shall have a 44 foot aggregate side yard setback and a 22 foot minimum side yard setback for each side.

(2) For lots having a minimum lot width of 100 feet up to a maximum of 140 feet:

(a) The first story of a building shall have a 28 foot aggregate side yard setback and a 12 foot minimum side yard.

(b) The second story of a building shall be set back a minimum of an additional 6 feet from the first story wall ("the required second story setback") unless:

(i) the width of the improvement proposed within the required second story setback is no more than 75% of the building's first story width directly beneath it; and either

(ii) the front and rear facade planes of the proposed improvement within the required second story setback do not share the same front or rear facade planes of the building and there is a break and change in plane by at least 2 feet; or the height of

the roof eave of the proposed improvement within the required second story setback is less than 50 percent of the building's second story height

(See Diagram 1)

(c) The side yard setback for buildings that have two-story solid planes are as follows:

(i) A building with a two -story solid plane on one side elevation shall have a 30 foot aggregate side yard setback and a 16 foot minimum side yard setback for the side elevation with the solid two story plane.

(ii) A building with a two-story solid plane on each side elevation shall have a 32 foot aggregate side yard setback and a 16 foot minimum side yard setback for each side.

(3) For lots having a minimum lot width of 90 feet up to a maximum of 99 feet:

(a) The first story of a building shall have a 26 foot aggregate side yard setback and a 12 foot minimum side yard.

(b) The second story of a building shall be set back a minimum of an additional 6 feet from the first story wall ("the required second story setback") unless

(i) the width of the improve ment proposed within the required second story setback is no more than 75% of the building's first story width directly beneath it; and either

(ii) the front and rear façade planes of the proposed improvement within the required second story setback do not share the same front or rear façade planes of the building and there is a break and change in plane by at least 2 feet; or the height of the roof eave of the proposed improvement within the required second story setback is less than 50 percent of the building's second story height.

(See Diagram 1)

(c) The side yard setbacks for buildings that have solid two-story planes are as follows:

(i) A building with a two-story single plane on one or both side elevations shall have a 28 foot aggregate side yard setback and a 14 foot minimum side yard setback on each side.

(4) For lots having a minimum lot width of 80 feet up to a maximum of 89 feet, a building shall have a 22 foot aggregate side yard setback and a10 foot minimum side yard setback on one side.

(5) The width of an irregularly shaped lot shall be determined by calculating the average width of a lot's permissible building envelope. This average width shall be used to determine the applicable side yard setback requirements as set forth in this Section.

(See Diagram 2)

C. Facades.

(1) The horizontal plane of the building's front facade shall not extend more than 60 feet in width without a change or break in said plane of at least 2 feet.

(2) The horizontal plane of the building's side facade shall not extend more than 35 feet without a change or break in said plane of at least 2 feet and the primary facade cannot constitute more than 75% of the total area of that side wall.

(3) For both front and side facades, projecting chimneys or permitted encroachments shall not be considered a plane break or change.

(4) Foundation walls shall not be exposed greater than one foot.

(See Diagram 3)

D. Maximum encroachments permitted into required yards.
No building or part of a building shall be erected in, upon or over a required yard except for the following permitted encroachments, and only when situated within a side yard that has a minimum width of 12 feet.

(1) Cornices, eaves, gutters -- 24 inches;

(2) Windowsills, belt courses or other ornamental features -- 4 inches;

(3) Bay windows not more than 7.5 feet in width, no more than one-story high -- 2 feet;

(4) A one-story vestibule, no more than 8 feet wide -- 3.5 feet wide in the front yard;

(5) One-story open porches or terraces that are 60% of the overall front width of the building -- 3.5 feet into the front or rear yard;

(6) Fireplace chimneys no greater than 6 feet in width -- 2 feet deep;

(7) Stoops, entry steps and platforms with steps no greater than 6 feet in width and a roof that extends no more than 1 foot of the exit platform -- 3 feet deep in a side yard and 6 feet deep in a front or rear yard; and

(8) Air-conditioning condenser area and equipment having a total width of seven feet or less -- 3 feet deep.

E. Driveways. Driveways are permitted encroachments within a required side yard but shall comply with the additional regulations set forth in this section.

A. For lots with a lot width greater than 99 feet, the following regulations shall apply:

(1) A driveway situated on a lot which is improved with a detached one- or two-car garage:

(a) A three foot minimum side yard setback shall be required between the driveway and the side property line. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(b) A two foot minimum separation between the building and the driveway shall be required. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(c) The maximum driveway width shall be 12 feet in the front and side yard.

(2) A driveway situated on a lot which is improved with a side entrance garage:

(a) A three foot minimum side yard setback shall be required between the driveway and the side property line. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(b) The driveway shall have a 26 foot clearance area to be used as a turning lane. The location of the clearance area shall be approved by the building inspector.

(c) The maximum driveway width shall be 12 feet in the front and side yard.

(3) A circular driveway situated on a lot which is improved with a front entry garage:

(a) A five foot minimum side yard setback on each side shall be required between the driveway and the side property line. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(b) The building on a lot with a circular driveway shall have a 40 foot minimum front yard setback.

(c) Neither curb cut can be separated by less than 40 feet.

(4) A driveway situated on a lot improved with an attached front facing garage:

(a) A three foot minimum side yard setback shall be required between the driveway and the side property line. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(b) The maximum driveway width shall be 22 feet for a double-car garage.

(c) The maximum driveway width shall be 12 feet for a single-car garage.

B. For lots with a lot width of 90 to 99 feet, the following regulations shall apply:

(1) A driveway situated on a lot which is improved with a detached one car or two car garage shall comply with the following:

(a) A two foot minimum side yard setback shall be required between the driveway and the side property line. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(b) A two foot minimum separation between the building and the driveway shall be required. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(c) The maximum driveway width shall be 10 feet in the front and side yard.

(2) A driveway situated on a lot which is improved with a side entrance garage:

(a) A two foot minimum side yard setback shall be required between the driveway and the side property line. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(b) The driveway shall have a 26 foot clearance area to be used as a turning lane. The location of the clearance area shall be approved by the building inspector.

(c) The maximum driveway width shall be 10 feet in the front and side yard.

(3) A driveway situated on a lot which is improved with an attached front facing garage:

(a) A three foot minimum side yard setback shall be required between the driveway and side property line. Landscaping as

approved by the Architectural Review Board shall be required within this setback.

(b) The maximum driveway width shall be 22 feet for a double-car garage.

(c) The maximum driveway width shall be 12 feet for a single-car garage.

C. For lots with a lot width of 80 to 89 feet, the following regulations shall apply:

(1) A driveway situated on a lot which is improved with a detached one-car or two-car garage shall comply with the following:

(a) A two foot minimum side yard setback shall be required between the driveway and the side property line. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(b) The maximum driveway width shall be 10 feet in the front and side yard.

(2) A driveway situated on a lot which is improved with a side entrance garage:

(a) A two foot minimum side yard setback shall be required between the driveway and the side property line. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(b) The driveway shall have a 26 foot clearance area to be used as a turning lane. The location of the clearance area shall be approved by the Building Inspector.

(c) The maximum driveway width shall be 10 feet in the front and side yard.

(3) A driveway situated on a lot which is improved with an attached front facing garage:

(a) A three foot minimum side yard setback shall be required between the driveway and the side property line. Landscaping as approved by the Architectural Review Board shall be required within this setback.

(b) The maximum driveway width shall be 22 feet for a double-car garage.

(c) The maximum driveway width shall be 12 feet for a single-car garage.

D. The lot width of an irregularly shaped lot shall be the average width of the front lot line and front line of the building. This average width shall be used to determine the applicable driveway regulations as set forth in this Section.

(See Diagram 4)

Section Eight. Kensington Code §151-16 entitled "Private garages" is amended by the addition of the following:

I. No portion of a front entrance garage may be located in the cellar or basement of a residence.

Section Nine. Kensington Code §151-18 entitled "Height of buildings" is amended as follows:

§151-18. **Height of multiple-dwellings and commercial buildings.**

The provisions of this chapter relating to the height of multiple-dwellings and commercial buildings are subject to the following exceptions:

Section Ten. Kensington Code §151-22 entitled "Nonconforming Buildings and Uses" is amended as follows:

5. (B). The additional regulations in section 151.13.2 shall not apply to the structural alteration, reconstruction, or enlargement of a nonconforming building unless said improvements exceed forty percent of the floor area as determined by the building inspector.

(D) The restoration of a non-conforming building in the event of a catastrophe or natural disaster is permitted as follows:

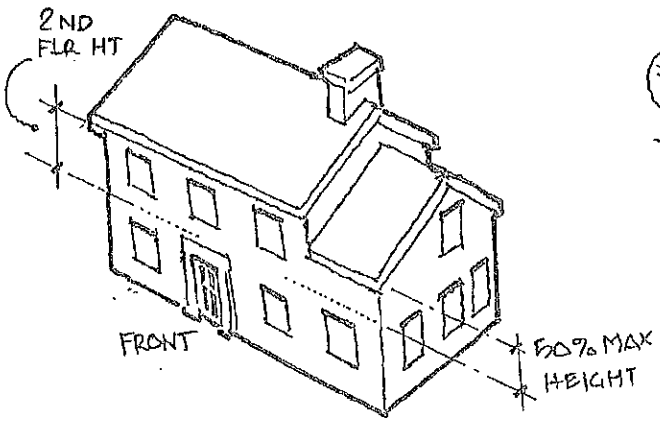
(1) Nothing in this chapter shall prevent the restoration of a building destroyed by fire, explosion, act of God or act of a public enemy, to the extent of not more than 50% of its floor area, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such destruction of such building or part thereof, or prevent a change of such existing use under the limitations provided by subsection B. Any building destroyed in the manner aforesaid to an extent exceeding 50% of its floor area at the time of such destruction may be reconstructed and thereafter used only in such a manner as to conform to all the provisions of this chapter unless reconstruction is permitted pursuant to section 2 below.

(2) In the event a building is destroyed by fire, explosion, act of God or act of a public enemy to an extent exceeding 50% of its floor area, it may be reconstructed only if the Building Inspector has issued a certificate of occupancy or a certificate of existing use for the building that was destroyed and approved plans are on file in the Village Building Department at the time of the destruction, which plans provide sufficient detail for the reconstruction of the same building that was destroyed. The owner shall file new plans with the Building Department and obtain new permits prior to any construction at the premises. The Building Inspector and Architectural Review Board shall confirm that the original plans on file with the Building Department have sufficient detail to reconstruct the same building at the premises and that the new plans are identical to the original plans.

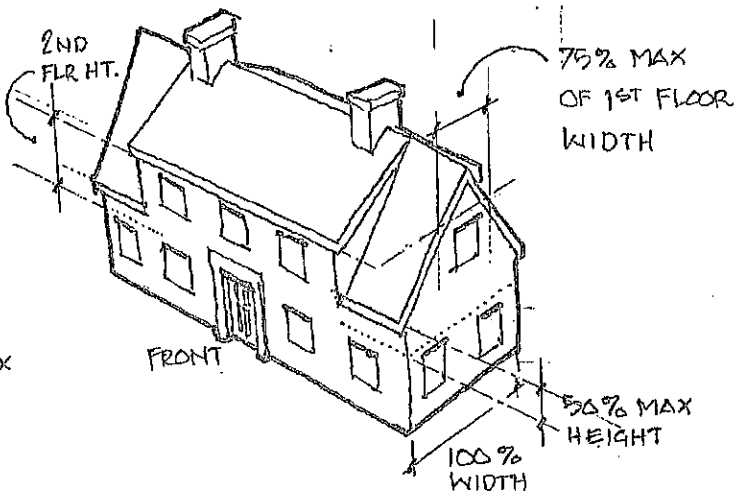
(3) Nothing in this chapter shall prevent the restoration of a wall or other part of a building declared unsafe.

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

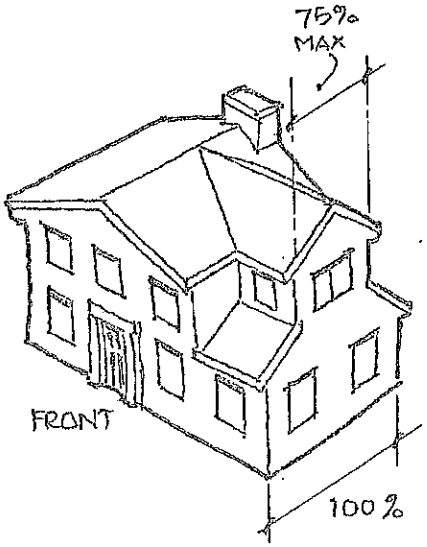
Section Twelve. This local law shall take effect immediately upon filing with the Secretary of State.



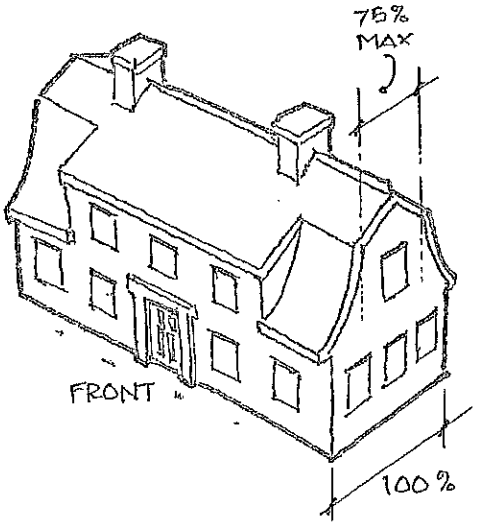
COLONIAL GABLE END



STEEP GABLE END

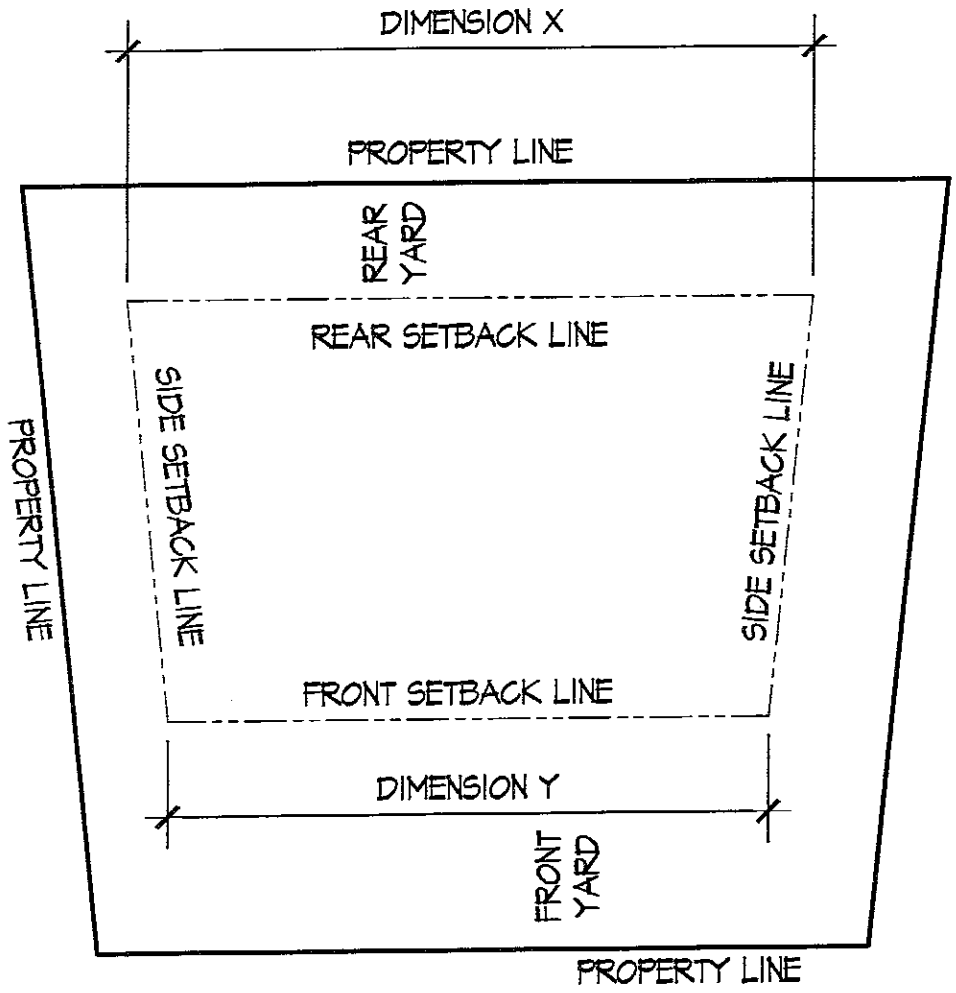


DORMER GABLE END



GAMBREL END.

DIAGRAM 1
Exceptions to Required Second Story Setback



EXAMPLE SCENARIO

LOT AVERAGE WIDTH=

$$\frac{\text{DIMENSION X + DIMENSION Y}}{2}$$

Diagram 2

IRREGULAR LOT WIDTH DETERMINATION

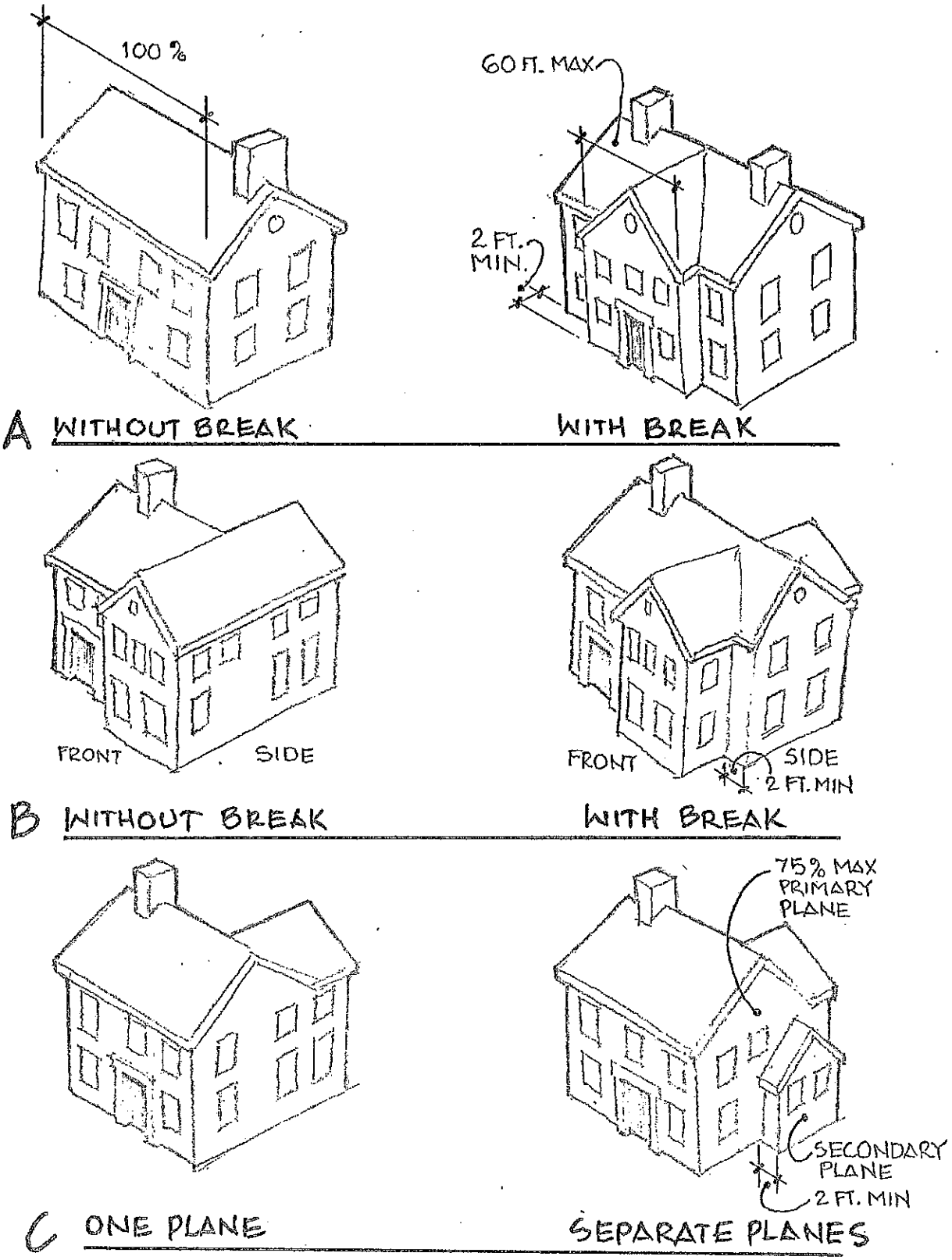
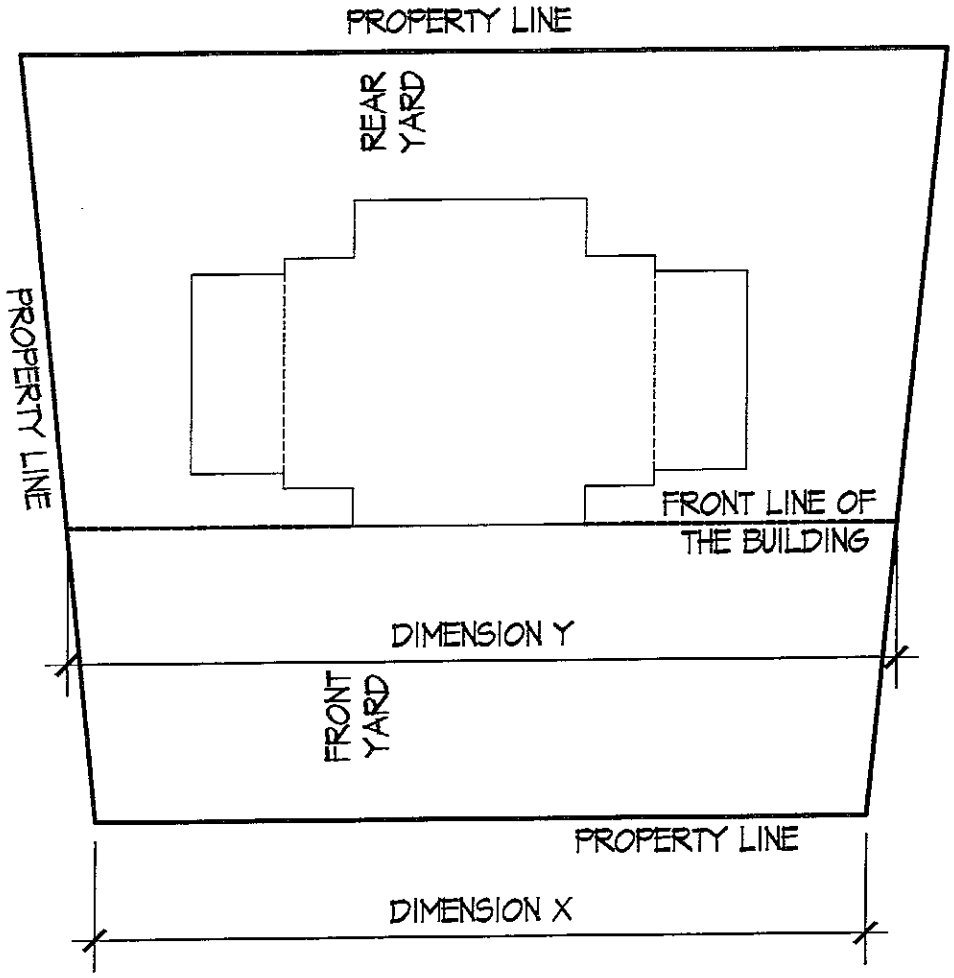


DIAGRAM 3
Facades



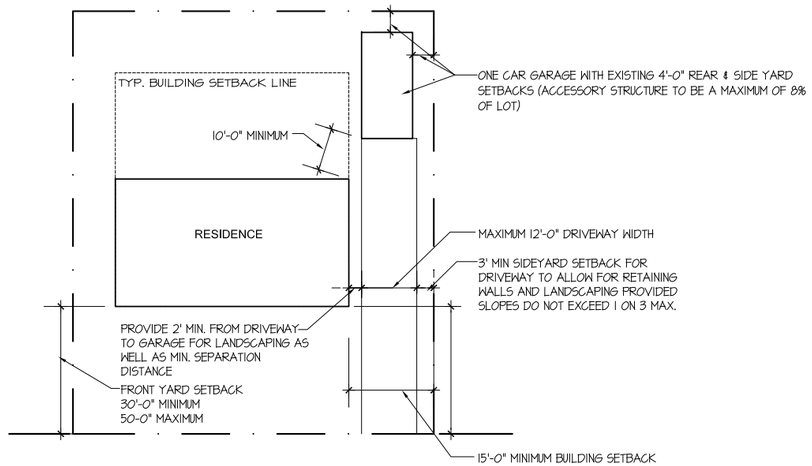
EXAMPLE SCENARIO

AVERAGE WIDTH=

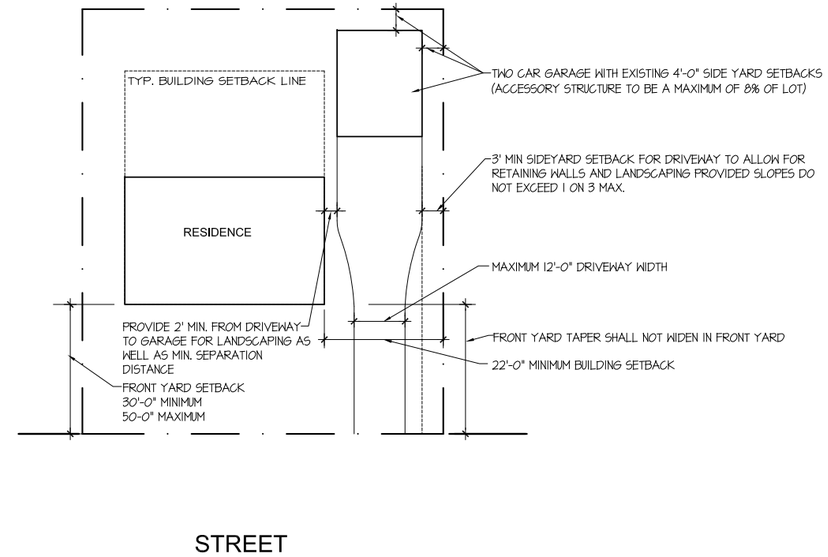
$$\frac{\text{DIMENSION X} + \text{DIMENSION Y}}{2}$$

Diagram 4

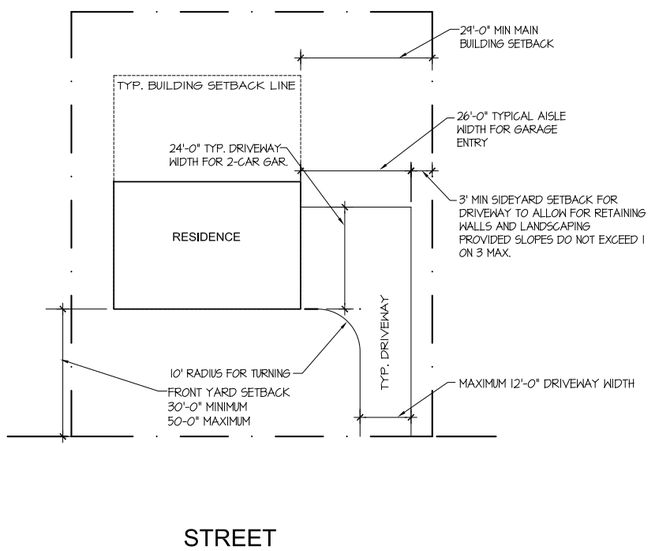
IRREGULAR LOT DRIVEWAY EXHIBIT



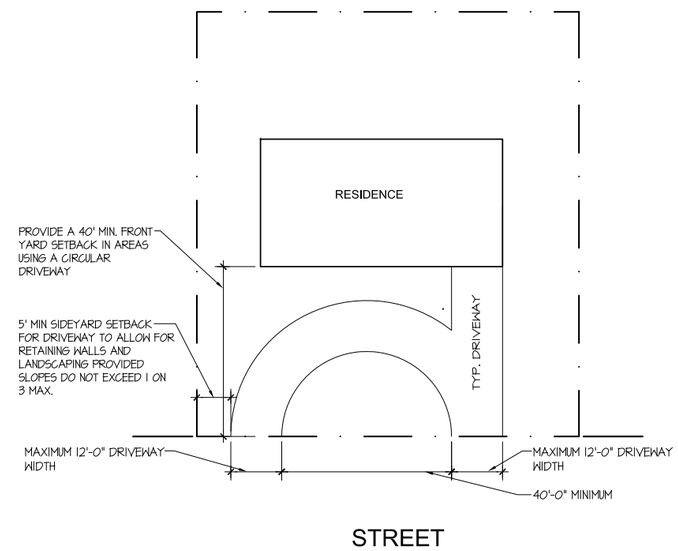
ONE CAR GARAGE DETACHED



TWO CAR GARAGE DETACHED



SIDE ENTRY GARAGE



FRONT ENTRY GARAGE
CIRCULAR DRIVEWAY CRITERIA

PROJECT:

VILLAGE OF KENSINGTON, NY

TITLE:

GARAGE EXHIBITS

HAWKINS WEBB JAEGER estab. 1872

NPSV

PROJECT No.	
DATE:	6.14.10
DRAWN BY:	CF
CKD. BY:	MR
SCALE:	1/16"=1'-0"

A-04