

LOCAL LAW NO. 6 OF 2019

**BOARD OF TRUSTEES
VILLAGE OF OCEAN BEACH**

A Local Law Adopting Amendments to Chapter 64 (Building Construction) and Chapter 164 (Zoning) of the Village Code.

WHEREAS, The Board of Trustees (the “Board”) of the Village of Ocean Beach (the “Village”) wishes to amend the Village’s Zoning Code so that the Village’s charm and character are retained and the Village is not overbuilt to the point of endangering the health, welfare and safety of the Village residents and their guests; and,

WHEREAS, the Board has determined that the proposed Code changes are in the best interests of the Residents and promotes fair and reasonable development of land;

BE IT THEREFORE ENACTED, by the Board of Trustees of the Incorporated Village of Ocean Beach, as follows:

Section 1. The following sections of Chapter 64, Building Construction, of the Village Code are hereby amended as follows:

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§ 64-5 Application for building permit.

A.

No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, relocation, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, land area and indigenous vegetation, or cause the same to be done, without first obtaining a separate building permit for each such building, ~~or~~ structure or activity, except for those items which the Building Inspector, with the approval of the Board of Trustees, has determined require an approved ordinary repair and maintenance permit.

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C.

Each application for a building permit for new construction shall be accompanied by such documents, plans and specifications as the Building Inspector may, from time to time, require to enable said Building Inspector to determine compliance with the provisions of this chapter, Chapter [164](#) and the New York State Building Code. Every building permit for new construction of 100 square feet or more shall include a Landscape Plan (See Section 164-28A of the Village Code) certified by a licensed architect, engineer or professional landscape architect.

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§ 64-9 Limitations on construction; insurance; materials.

A.

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B.

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(2)

Synthetic, metal, plastic or plastic-type materials shall not be permitted on visible portions of buildings, structures and decks, except as provided herein.

(3)

(a) All new construction or substantial improvement of an existing structure and any structure raised to flood zone height requirements shall be provided with skirting to shield the respective foundations of the front and both full sides of the structure. On corner plots, the two (2) public sides shall be fully skirted, plus three-quarters (75%) of the remaining sides continuously with the public sides.

(b) Skirting material shall allow one-inch spaces between wood boards or shall be natural wood lattice of ½" minimum thickness.

(4).

Exceptions:

(a)

Vinyl trim boards, windows and doors and metal and/or plastic gutters and leaders are permitted.

Section 2. The following sections of Chapter 164, Zoning, of the Village Code are hereby amended as follows:

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§ 164-3 Word usage and definitions.

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B.

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BUFFER STRIP

A planting area or plant/bush/vegetation strip, and any related improvements, for the purpose of creating an aesthetic screen and/or barrier between the business and residence districts, as determined by the Village Planning Board / Architectural Review Board, upon application to said Board(s).

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ELEVATING A BUILDING

It is permissible to elevate an approved existing nonconforming building to the current flood zone height requirements as mandated by the New York State Building and Residential Codes in the same footprint that currently exists without conforming to the required setbacks of this Zoning Ordinance. A new maximum four-foot-wide ramp/stairs with a four-foot-by-four-foot maximum size landing at the point of building entry alongside and adjacent to an existing conforming or non-conforming building solely for entry access will be allowed within one side yard setback, if no other option is available, including relocation of the raised structure area within Area "A" for entry access with Area "A". (See Plot Use Diagram).

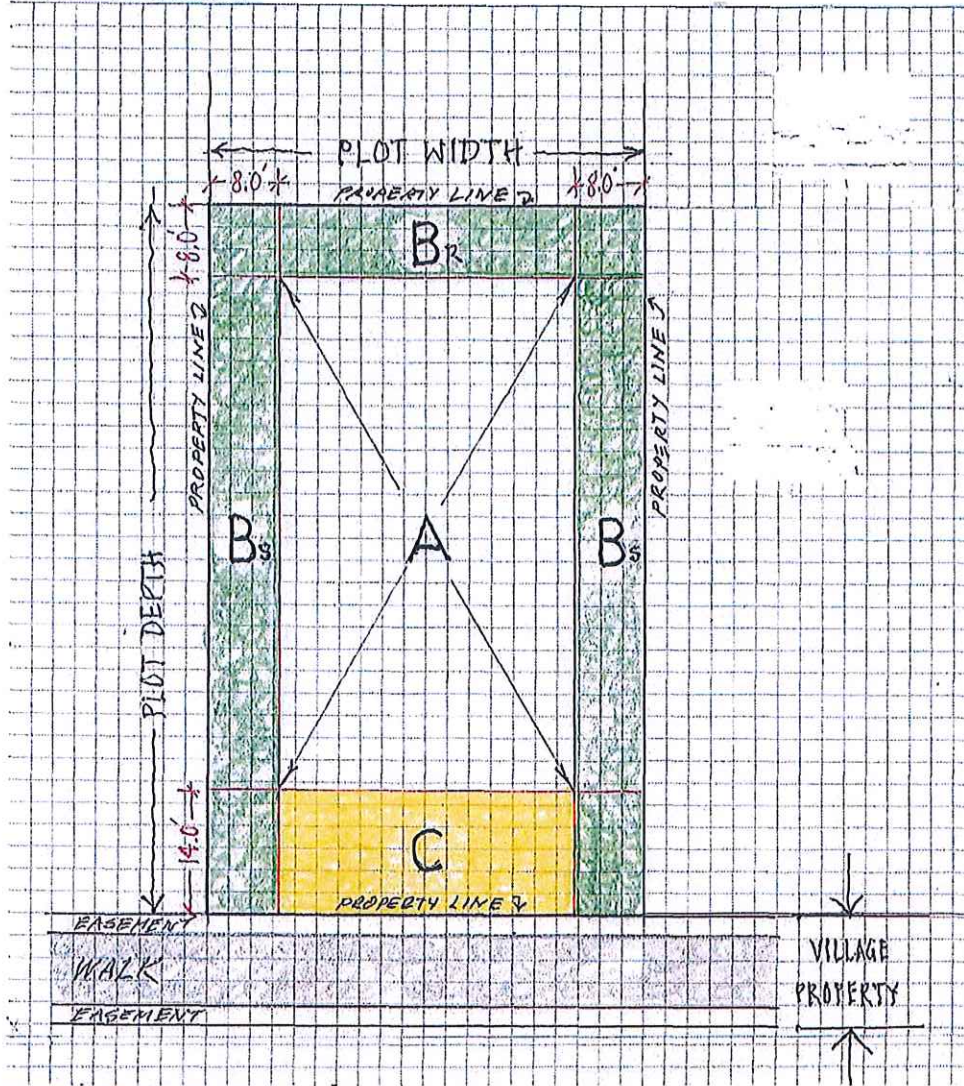
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FLAT ROOF

Any roof with a slope of less than 4:12.

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PLOT USE DIAGRAM



PLOT USE DIAGRAM To be used in all plots including corner plots.

- A:** Area available for all structures. Five per-cent (5%) of area A must be reduced and used as open space in its natural state at ground level, including no structures or paving .
- Bs:** Side yard setbacks. No permanent or temporary structures are permitted in this area except as noted below.
- Br:** Rear yard setback, limited by the width of the side yards. No permanent or temporary structures are permitted in this area except as noted below.
- C:** Front yard setback for ground floor. Limited in width by side yards. Structures limited to those serving for access to the main house structure, fences, refuse bins and landscaping. No portion of a staircase or ramp may be within five feet (5.0') from the front property line.

Note: Four-foot (4.0') ground level walks are allowed in areas Bs and Br. Such walks must be of permeable material and constructed so their walking surface is even with the adjoining ground. No more than 25% of the combined area of the two side yards plus the rear yard (2Bs + Br) may be used for the walk surface. Only one walk is permitted in one of the two side yards. See Exception in Section 164-25 (C)

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§ 164-20 Height requirements.

A.

In the Residence R-4 District, no two-story building or structure shall be erected or altered to a height in excess of 24 feet as measured from the finished first floor to the highest point of the roof. The highest structural roof member in the East-West direction shall be at a minimum of 16 feet from the North property line. The height limit for a Flat Roof on a 2-story building or structure shall be 21 feet. No one-story building shall be erected or altered to a height in excess of 16 feet as measured from the finished first floor to the highest point of the roof.

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§ 164-22 Living area requirements.

A.

For any building or structure hereafter erected, the minimum required ground floor area, exclusive of accessory uses such as sheds, decks and ramps and other such uses, shall be 600 square feet.

(1)

For the purpose of this chapter, "ground floor area" shall mean the area within the exterior walls of the dwelling at first floor level.

(2)

The maximum ground floor area for any *one-story* building or structure hereafter erected or altered on lots of 4,000 square feet or more shall be a maximum living area of 40% of the total lot area, exclusive of accessory uses. For the purposes of this chapter, swimming pools shall be included in the calculations for ground floor area and living area.

(3)

The maximum ground floor area for any *two-story* building or structure hereafter erected or altered on lots of 4,000 square feet or more shall be a maximum of 30% ground floor and a maximum of 45% total lot area. For the purposes of this chapter, swimming pools shall be included in the calculations of the second floor area and of the total living area. No pool shall be constructed on lots of less than 4,000 square feet.

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(5)

The maximum ground floor area for any *two-story* building or structure hereafter erected or altered on lots of 3,000 square feet to 3,999 square feet shall be 27% of the total plot area with a maximum living area of 40% of the total plot.

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§ 164-24 Front yard requirements.

A.

Main buildings. All buildings, except accessory buildings, hereafter erected, modified or altered shall have a required front yard of 14 feet.

(1)

All buildings hereafter erected, modified or altered shall have a required front yard of 14 feet except buildings having a lot depth of 104 feet hereafter erected, modified or altered after September 10, 2007, which shall have a required front yard of 18 feet.

(2)

All second stories hereafter erected after September 10, 2007, shall have a second-story setback from the front property line of at least 22 feet.

(3)

Switchback ramps shall be prohibited in the fourteen-foot front yard setbacks on plots of less than 4,000 square feet.

(4)

No portion of a staircase or ramp is allowed within five (5.0) feet of the front property line.

(5)

All plans must comply with Plot Use Diagram (See 164-3).



§ 164-25 Side yard requirements.

A.

Dwellings. All main buildings hereafter erected, modified or altered shall have a side yard setback along each lot line of eight feet on each side, totaling 16 feet and at least 12 feet from the main side of any adjacent building.

B.

Accessory buildings and sheds. No accessory buildings, sheds or structures shall be closer to any side line than eight feet.

C.

Decks, ramps and steps hereafter erected, modified or altered shall be no closer to any side property line than eight feet. Exception: A four (4.0') foot wide ramp shall be allowed in one side-yard setback for existing houses in plots of 37.5 feet or less in width that are raised to flood prevention elevation.

D.

All two-story buildings or structures hereafter erected shall have a second-story setback from the North property line of at least twelve (12') feet.

E.

All plans must comply with Plot Use Diagram (See 164-3).



§ 164-26 Rear yard requirements.

A.

Dwellings. All main buildings hereafter erected, modified or altered shall have a minimum rear yard setback whose depth is not less than eight feet, except after September 10, 2007, those having a plot depth of 84 feet shall have a setback of not less than 12 feet.

B.

Accessory buildings and storage sheds.

(1)

Accessory buildings and storage sheds shall not be nearer to a rear line than eight feet, except after September 10, 2007, those having a plot depth of 84 feet shall have a setback of not less than 12 feet.

(2)

Accessory buildings shall not be built in excess of a maximum of 40 square feet.

C.

All plans must comply with Plot Use Diagram (See 164-3).



§ 164-27 Permitted encroachments.

The following encroachments are hereby permitted:

A.

Cornices, eaves, and gutters, box windows and bay windows projecting not more than two feet and a maximum of two (2) feet wide overhang of second floor living area, provided that such encroachment is at least eight feet from ground level.

B.

Front yard: steps, ramps and landings used solely for access to the first floor entry door.

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§ 164-28(A) LANDSCAPING

An application for new construction or substantial renovation, as determined by the Building Inspector, must include a Landscape Plan that will include the following:

1.

Inventory of any and all existing trees of a four (4") inch diameter or larger measured twelve (12") inches above the surrounding ground level. If such trees need to be removed for the purposes of approvable construction or due to deteriorated condition, they must be replaced on the same plot by equivalent species.

2.

All existing shrubs must be shown on the inventory and maintained. If a new landscape plan requires their removal, they must be replaced on the same plot by equivalent species and number.

3.

All submitted applications must include a plan for proposed landscaping by indigenous plant material selected so as, in maturity, to screen no less than sixty percent (60%) of the vertical wall area below the level of the first floor, including break-away walls or fences in view from the public ways of all proposed structures, including the main house, decks, staircases, ramps and accessory structures.

4.

Planters may be included as part of the screening not to exceed thirty (30") inches in height from an adjacent lower planter or ground level.

5.

Plant material shall be selected from the Appendix L of recommended species known to thrive in the Fire Island environment.

6.

If any fill is requested for landscaping purposes, it must be of a indigenous sand. No other soil material will be allowed as fill in the land, except when used in planters or installation of new plant material as detailed on the construction plans and Landscaping Plan.

7.

Pavers must be permeable and installed according to industry standards where allowed on the plot. Pavers in a public easement shall be restricted to a six -foot (6.0') length along the concrete walk at the entrance onto the property.

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§ 164-30.1 **Swimming pools.**

A.

Definition: aboveground only, as defined in § 164-3.

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F.

Lot coverage. Swimming pools shall be included in the second floor area calculation of two-story buildings and the maximum living area (45% of the total lot area). No pool may be constructed on plots that have an area of less than 4,000 square feet.

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K.

Equipment. Any pool pumps, filters, heaters and other such equipment shall be sound-proofed so it's as not to be disturbing to adjoining lots. No equipment shall be located in any setback area. Pools and pool decks shall not be equipped with exterior entertainment systems, flood lights or speakers.

L.

Nuisance. There shall be no floodlighting of the pool or pool decks, except for lighting egress pathways and deck down-lighting set at a maximum of 4.0 feet, after 10:00 p.m. Any lighting, noise, music or sounds which creates a nuisance is prohibited. The pool-operating mechanism shall be housed and located so as not to cause annoyance to neighboring homes

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§ 164-41.2 Incorporation of freeboard requirements.

All new residential and nonresidential structures, or the reconstruction, rehabilitation, addition, repair or other improvement of a residential and nonresidential structures, the cost of which equals or exceeds 41% of the market value of the structure before the start of construction of the improvement, shall be provided with a flood protection elevation as follows:

A.

All new residential structures, or the reconstruction, rehabilitation, addition, repair or other improvement of a residential structure, shall be provided with a flood protection elevation which conforms with the New York State Residential Building Code requirements. The base flood elevation is indicated on the latest version of the Flood Insurance Rate Maps, as modified by § 164-41.1 of this Code.

B.

All new nonresidential structures, or the reconstruction, rehabilitation, addition, repair or other improvement of a nonresidential structure, shall be provided with a flood protection elevation as indicated on the Flood Insurance Rate Map, as modified by § 164-41.1 of this Code.

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§ 164-41.5 Substantial and cumulative improvements.

All reconstructions, rehabilitations, additions, repairs or other improvements of a structure during the past sixty (60) months shall be counted cumulatively in determining the threshold for substantial improvements. The threshold for substantial improvements is hereby set at 50% of the house Living Area before the start of construction of the improvement. The substantial and cumulative improvement requirements in the Incorporated Village of Ocean Beach are described and detailed as follows:

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§ 164-41.12(A) FIRE PREVENTION

1.

All new construction or substantial improvement of an existing building or structure shall be provided with a sprinkler system in conformity with NFPA requirements.

2.

All new construction or substantial improvement of an existing building or structure shall be required to provide an external means of egress from the first floor and the second floor level. A second floor external landing used for exiting purposes will not be counted in the house Living Area.

Section 3. Local Law # 4 of 2019 is revoked and the moratorium is hereby lifted.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.