

**VILLAGE OF KIRYAS JOEL
STATE OF NEW YORK**

PROPOSED LOCAL LAW _____ OF 2018

**A LOCAL LAW TO AMEND LOCAL LAW 7 of 2007, CHAPTER 155 OF THE VILLAGE CODE OF THE VILLAGE
OF KIRYAS JOEL**

BE IT ENACTED by the Village Board of the Village of Kiryas Joel as follows:

Section 1. Title of Local Law.

This Local Law shall be entitled “A Local Law to Amend Local Law 7 of 2007, Chapter 155 of the Village Code of the Village of Kiryas Joel.”

Section 2. Authorization.

This Local Law to amend Local Law to Amend Local Law 7 of 2007, Chapter 155 of the Village Code of the Village of Kiryas Joel, is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law Section 10.

Section 3. Purpose.

It shall be the purpose and intent of this Local Law to revise and amend Chapter 155 [Zoning] of the Village Code to correct and clarify existing provisions and to accommodate development trends in the Village of Kiryas Joel.

Accordingly, it shall be the purpose and intent of this Local Law to guide the future growth and development of the Village in accordance with a comprehensive plan that represents the most beneficial and convenient relationships among the areas within the Village, considering the suitability of the various uses in each area and the potential for such uses as indicated by existing conditions, having regard for conditions and trends both within the Village and in relation to adjoining areas. Also, to provide adequate light, air and privacy; secure safety from fire, flood and other danger and prevent overcrowding of the land and undue congestion of population. Protect the character and the social and economic stability of all parts of the Village and ensure that all development shall be orderly and beneficial. Protect and conserve the value of buildings in the various districts established by this chapter. Bring about the gradual conformity of the uses of land and buildings throughout the Village to the comprehensive plan set forth in this chapter, and minimize conflicts among the uses of land and buildings.

This Local Law shall also serve to promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Village, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Village. Also, to serve as a guide for public policy and action in the efficient provision of public facilities and services, and for private building development and other activity relating to uses of land and buildings throughout the Village. And, to assure that public service providers will provide the necessary public facilities and service needed for anticipated and needed new development.

This Local Law shall also have the intent of preserving the pollution of waters, ponds and streams; safeguard water resources and encourage the wise use and sound management of natural resources throughout the Village in order to preserve the integrity, stability and beauty of the community and the value of the land.

Section 4. Amendment.

The Village Board of the Village of Kiryas Joel hereby amends Chapter 155 [Zoning] of the Village of Kiryas Joel by amending the following provisions by adding/deleting text as indicated below:

PROPOSED CHANGES ARE SHOWN IN EDIT MODE.

Chapter 155. ZONING

Article I. General Provisions

§ 155-2. Findings and purposes.

A. Plan findings. The Village of Kiryas Joel is a densely populated and rapidly growing community with strong cultural ties and a heavy pedestrian orientation. The character of the community is one of strong neighborhoods. The Village Board of the Village of Kiryas Joel hereby finds as follows:

(3) The implementation of this plan will serve to promote and perpetuate the community legacy in preserving a serene and tranquil life ~~seeped~~ *steeped* in tradition and veneration of community heritage.

Article II. Definitions and Word Usage

§ 155-4. Definitions.

ALTER

To change or rearrange the structural parts of the ~~exit~~ *existing* facilities or a building or structure, including extension on a side or increase in height, or the moving from one location or position to another.

BASEMENT

That portion of a building ~~wholly or partly underground and~~ extending no more than six (6) feet above average finished grade ~~adjacent to and surrounding the structure within 10 feet of such structure. Should any portion of this level of construction exceed~~ *and no portion exceeding twelve (12) feet above grade. , however, it shall be considered a separate story and not a basement.*

BUILDING

Any fixed structure having a roof and intended for the shelter, housing or enclosure of persons or chattels.

BUILDING OR STRUCTURE, ACCESSORY

A subordinate building, the use of which is ~~customarily~~ incidental to that of a main building on the same lot.

BUILDING, RELATED GROUP

More than one main nonresidential building on a lot may be allowed as an exception if the Planning Board determines there are compelling reasons such as related use.

COMMUNITY ROOM

A room set aside for community functions. This room shall not be used as living quarters.

DECK

An exterior roofless floored area adjoining a ~~house~~ *residential structure*, and supported on at least two opposing sides by an adjoining structure and/or posts, piers or other independent supports.

DWELLING

A building designed or used exclusively as living quarters for one or more families, and shall not be deemed to include a motel, hotel, rooming house or tourist home, ~~manufactured (mobile) home~~, trailers, camping car, tent or other similar temporary or mobile structure.

C. MULTIFAMILY — A building or portion thereof used or designed as a residence for three or more ~~apartment or~~ dwelling units.

DWELLING UNIT

A building or portion thereof used or designed as a residence for no more than one family.

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, *sewer* or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare.

FRONT YARD SETBACK LINE

A line parallel to the front lot line and at a distance ~~therefor~~ equal to the required minimum front yard *setback* for the district in which *a lot is* located.

LOT WIDTH

The ~~mean~~-width of a lot measured at right angles to its depth, measured at the main building line.

MANUFACTURED HOME

A sectional prefabricated home intended to be permanently set on a foundation as a single family dwelling or attached to other units as a component in a multifamily structure.

~~MANUFACTURED~~-(MOBILE) HOME

Any self-contained HUD-approved one-family dwelling unit designed for long-term occupancy; containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported, after fabrication, on its own wheels or on flatbed or other trailer; and arriving at the site where it is to be occupied as a dwelling complete. *Mobile homes are not typically set on permanent foundations.*~~A sectional prefabricated house shall not be considered a "manufactured" or "mobile home."~~

NONCONFORMING USE

A use of a building or ~~of land~~ *Lot* that does not conform to the regulations as to the use in the district in which it is situated, which use was lawful at the time this chapter, or amendments thereto, became effective.

PARKING SPACE

An off-street space, available for the parking of one motor vehicle on a transient basis, having dimensions of not less than ~~nine~~-9 feet by 18 feet, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct usable access to a street or right-of-way.

PATIO

An outdoor space for dining or recreation that adjoins a ~~residence~~-*dwelling* and is improved for that purpose by paving or the placement of bricks or stones on a sand, gravel or crushed stone *base*.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above, then the space between the floor and the ceiling next above it. A basement shall be counted as a "story" if its ceiling is more than ~~five~~-*six* feet above the *average grade level* from which the height of the building is measured.

STRUCTURE

Anything constructed or erected, the use of which requires ~~located~~-*location* on the ground, or attachment to something having location on the ground, including but not limited to *buildings, dwellings, porches, stoops, decks*, signs, swimming pools, ~~tennis courts, docks~~, retaining or other types of walls and fences.

SUBDIVISION

The division of any parcel of land into a number of lots, blocks or sites for the purpose of sale, transfer of ownership or development. The term "subdivision" may also include any alteration of lot lines or dimensions of any lots shown on a plat previously approved and filed in the office of the County Clerk.

USE, ACCESSORY

A use which is customarily incidental and subordinate to the principal uses of a lot or a building and located on the same lot therewith and limited to the uses specifically permitted for the zoning district in which it is located. (*Accessory use is distinguished from accessory building or structure.*)

YARD

A required open space of uniform width or depth, as the case may be on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the appropriate lot line and is unoccupied and unobstructed from the ~~group~~-ground upward.

Article III. Establishment of Districts

§ 155-11. Conformance required for all land and buildings.

No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any ~~land~~-lot or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with this chapter and, particularly, with the specific regulations for the district in which such building or land is located. Any use not specifically permitted by this chapter is prohibited.

§ 155-12. Lot required for every building.

Every building hereafter erected shall be located on a lot as herein defined. There shall be not more than one main building and its accessory buildings on any such lot unless specifically approved by the ~~Planning Board~~ *planning board* as a related building group.

§ 155-14. Subdivision of lots.

A. Should a lot hereafter be formed from the part of a lot already occupied by a building, such separation shall be affected in such a manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection~~s~~ of a building on the new lot thus created unless it complies with all the provisions of this chapter and any rules and regulations which have been or may be adopted for the subdivision ~~and platting~~ of the land.

E. Lot improvements shall be exempt from the requirements contained herein, provided three copies of a plan prepared by a licensed land surveyor or professional engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the situation fits the criteria below. To qualify as a lot improvement, the parcels shall:

- (3) Include a map restriction to the effect the *lot* improvement parcel will never be considered a separate building lot apart from the tract to which it is being added.

§ 155-19. Residential district uses and requirements.

In any Residential District, no building or ~~premises~~-lot shall be used, and no building or group of buildings, or part of a building or structure, shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more of the uses set forth below. Only those uses specifically listed as being permitted shall be permitted.

C. Residential District requirements. There is hereby established, and declared to be a part of this chapter, the following schedule of development standards for the Residential District. The requirements are subject to all other provisions of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

Requirement	R District Standard
Minimum lot area (square feet)	2,000
<i><u>Setbacks for 3 story buildings or lower:*</u></i>	
Minimum front yard <i>setback for a public road</i> (feet)	<i>30 (from property line)</i>
<i>Minimum front yard setback for a private road</i> (feet)	<i>20 (from curb or edge of pavement)</i>
Minimum side yard, main and accessory buildings (feet)	15
Minimum rear yard, main and accessory buildings (feet)	15
<i><u>Setbacks for 4 story buildings or higher:*</u></i>	
<i>Minimum front yard setback for a public road</i> (feet)	<i>40 (from property line)</i>
<i>Minimum front yard setback for a private road</i> (feet)	<i>20 (from curb or edge of pavement)</i>
<i>Minimum side yard, main and accessory buildings</i> (feet)	<i>20</i>
<i>Minimum rear yard, main and accessory buildings</i> (feet)	<i>20</i>
Maximum height **: <ul style="list-style-type: none"> In stories, <i>above basement</i> In feet, <i>from grade to ridge line</i> 	4 60
Minimum building separation (principal buildings)* <ul style="list-style-type: none"> Front to side or rear (feet) Front to front (feet) <i>Side to side</i> (feet) <i>Rear to rear</i> (feet) 	45 60 40 40

- *Where a street block is already partially developed, the existing setbacks, if consistent, will be maintained in lieu of these setback requirements. Where there is variation in existing building setbacks, the Planning Board may require an alternative setback to these setbacks, but in no case greater than those for 4 story buildings or less than those for 3 story buildings.*

** Planning Board may authorize greater heights, subject to limits imposed by New York State Building Code where building separations are proportionally increased.

§ 155-20. General regulations for residential district.

A. Yards and setbacks.

(1) Terraces, patios, decks, balconies, *stairways* and porches.

(a) *A terrace, patio, deck, balcony, enclosed stairway or porch/stoop shall be considered a part of the building in determination of yard size. All such structures shall be completely outside all setback areas. All structures requiring a guard rail shall provide same to the height and specifications required by the NYS Building Code. ~~A paved patio or terrace shall not be considered in determination of yard size; provided, however, that such terrace is unroofed and without walls, parapets or other forms of enclosure. Such terrace, however,~~*

~~may have an open guard railing not over three feet high, but shall not project into any yards more than 15 feet.~~

~~(b) A terrace, however, may have an open guard railing not over three feet high, but shall not project into any yards more than 15 feet.~~

~~(e) Any unenclosed stairway shall not be considered a part of the building in the determination of the size of the yard, and may extend into any yard. Unenclosed stairways shall be one story height maximum and shall have a maximum of twenty (20) stairs. A second means of egress shall be required for all units. Any balcony, deck or porch/stoop shall be considered a part of the building in the determination of the size of the yard, except that unenclosed stairways to such additions may extend into yards.~~

(2) Walls and fences. The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall, including one used in conjunction with landscaping or terracing, nor to prohibit any fence or wall, provided that in any ~~residence-R~~ district such fence or wall shall not exceed four feet in height in any required yard.

(3) Visibility at intersections. At any street intersection in any ~~residential-R~~ district, no fence, wall or other structure or planting more than three feet in height shall be erected, placed or maintained so as to impair sight distances or otherwise create an unsafe traffic condition.

(4) Corner lots. On a corner lot in any ~~residence-R~~ district, there shall be provided a yard on each street equal in depth to the required front yard on such streets. A rear yard shall be provided on each corner lot, and the owner shall elect which yard is the rear yard.

C. Maximum size of a residential building shall be 13,000 square feet per floor, outside dimensions. Maximum building length shall be 225 feet, outside dimensions.

D. All basements in residential buildings must be assigned a use.

§ 155-21. Site plan review requirements.

A. Application for site plan review. Application for site plan review shall be made to the Village Planning Board; and the Planning Board shall be authorized to undertake all necessary reviews and make all determinations, including approvals or disapprovals, of such applications. The Planning Board, shall, before approving a site plan hereunder, find that all of the following conditions and standards have been met, which shall be in addition to those applicable to the Commercial District as set forth in § 155-22 and such other requirements as are applicable to specific uses and set forth below:

(2) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

(a) A minimum of one (1) shade tree of 2-1/2 inches trunk caliper, and 12-14 feet in height, shall be planted per each dwelling unit on the lot.

(4) Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit will be laid out so to achieve maximum safety. *Parking areas shall include sufficient area for a vehicle to safely maneuver in and out of every space.*

(a) Residential uses shall be provided with one (1) off-street parking space ~~and turnaround area~~ per dwelling unit *of 999 square feet and larger; two (2) off-street parking spaces per three (3) dwelling units smaller than 999 square feet; and one (1) off-street parking space per 2,500 square feet of un-renovated basement. , which space shall be in addition to any*

~~garage area.~~ Parking needs with respect to all other uses shall be determined in conjunction with site plan review. The amount of parking required shall be based on *the type of use as outlined below.* ~~industry studies of parking needs for the type of use proposed or actual case study comparisons for projects of similar character. The Planning Board shall consider the characteristics of projected customers, residents, occupants or visitors to a given facility; expected occupancy rates, traffic levels and numbers of employees; the impact of sharing parking with adjoining facilities; peak visitation periods; and hours of operation as compared to other neighborhood activities. Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following standards may be applied by the Planning Board, as the case may be:~~

(b) Each parking space shall consist of not less than an average of 270 square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces. *The minimum size parking space shall be 18 feet in depth and 9 feet in width.*

(6) A patio, deck or balcony of at least 130 square feet shall be provided for each dwelling unit with 3 or more bedrooms.

(7) An enclosure for solid waste receptacles of at least ten (10) square feet per dwelling unit shall be provided for each project. All other uses shall provide space for garbage enclosures adequate for anticipated solid waste.

(8) All units shall have at least one window facing the street. All windows 10 feet or higher from the ground shall have window gates.

(9) One motion detector controlled floodlight shall be provided above each main entrance.

B. Required plan. A plan for the proposed development of a lot for a permitted special use shall be submitted with an application for a special permit. The plan shall show the location of all existing and proposed buildings, parking areas, traffic access and circulation drives, water supply lines, sanitary sewers, storm drainage facilities, ~~streetlighting~~ *street lighting*, open spaces, landscaping, topography, special features and any other pertinent information about neighboring properties that may be necessary to determine and provide for the enforcement of this chapter.

(3) Multifamily dwellings. The following design criteria shall apply to multifamily developments:

(a) *Unless restricted to adult occupancy only, all multifamily developments shall provide 50 square feet of playground area per unit. Playground space shall be aggregated in a location(s) convenient for resident use.* ~~Developments of 50 units or more shall provide 1/2 acre of playground area per 50 units unless restricted to adult occupancy only.~~

(b) There shall be no more than ~~18-35~~ dwellings in each multifamily building. ~~provided that the Village Planning Board may allow up to 24 units where the purpose is to accommodate additional affordable housing or adapt to unusual site conditions.~~ *Fire wall separations, vertical and horizontal, shall be constructed in the locations and with the materials meeting NYS Building Code standards.*

(c) No structure shall be constructed within ~~five-ten~~ *(10)* feet of the edge of any parking area. All structures shall be fully subject to the yard, setback and other development standards of § 155-19C. Setbacks shall apply to both public and private streets and other accesses serving multiple dwelling units.

(d) Access roads through the development and other private streets shall comply with Village of Kiryas Joel street requirements (Chapter 124) and no parking space shall be

designed such that a vehicle would be backing or driving out ~~over a walkway onto a through road. Instead, there~~ *There* shall be a defined entrance and exit to and from each parking area.

D. Planning Board Review

(1) All site plan applications will be subject to review in accordance with the regulations of the NY State Environmental Quality Review Act (SEQRA) prior to any site plan decisions.

(2) The Planning Board will follow all requirements for site plan review stipulated in NYS Village Law.

(3) All site plan applications must be approved by a majority vote of the Planning Board, except in the case where a County mandated review under Section 239m of General Municipal Law recommends modification or disapproval of a proposed action, in which case a vote of a majority plus one will be required.

(4) All site plan applications shall require drawings signed and sealed by appropriate professional(s) licensed by the State of New York Department of Education.

(5) All site plan approvals will include a resolution specifying what the approval is for, and listing all conditions of approval. All site plan denials will include a resolution specifying the reasons for the denial.

(6) A site plan approval is valid for two (2) years unless a building permit has been issued and construction initiated, in which case the approval will be extended to the approved closing date of the building permit.

§ 155-22. Commercial District uses and requirements.

B. Permitted principal uses.

(1) Permitted principal uses, all of which shall be subject to site plan review by the Planning Board, *except as otherwise provided herein*, shall be as follows:

D. Site plan hearing. After review of the site plan, the ~~Village~~ *Planning Board* shall set a public hearing in accordance with ~~law~~ *Article 7 of the Village Law*. The ~~hearing body~~ *Planning Board* shall thereafter render a report which approves, disapproves or approves subject to stated modification. An approval shall also constitute special permit approval, and the applicant developer may thereafter apply for all required building permits in accordance with such special permit and may be required to post performance bonds to assure the installation of all necessary roads, utilities and other required features.

E. Standards for development. A proposed development in the Commercial District shall consist of at least two acres and shall demonstrate proper relationship of preliminary site plans for adjacent commercial lands under the same ownership and for which final plans have not yet been presented.

(3) Local retail. Local retail stores may be included in one grouping in the Commercial District. Such stores may include food stores and other similar local retail uses which serve ~~predominantly the residents of the Village~~ *the needs of Village residents*. There shall be adequate parking to serve the needs of residents not within easy walking distance, and suitable parking and loading areas shall be provided for tradesmen and suppliers. All refuse collection areas shall be screened from public view. Lighting shall be so limited as not to create any nuisance for nearby residence areas. Signs shall be non-illuminated and limited in size and no more than 10 square feet for each retail store. Such signs may not be freestanding or extend above the roof line of buildings. All local retail uses shall be sited no closer than 25 feet to Forest Road.

§ 155-23. Nonconforming uses.

C. New buildings on nonconforming lots.

(2) In the case of a lot ~~have~~*having* nonconforming dimensions in a particular district, the minimum required front and rear yards shall be those of the Residential District in which said lot's depth would meet the requirements of this chapter and the minimum required side yards shall be those of the Residential District in which said lot's width would meet the requirements of this chapter, but in no case shall such yards be less than would have been required prior to the date of adoption of this chapter.

§ 155-24. Affordable housing.

The affordable housing requirements of Chapter 47 of the Village of Kiryas Joel Code shall apply to new residential development within the Village of Kiryas Joel.

A. A table demonstrating compliance with the affordable housing requirements of Chapter 47 shall be shown on the site plan of every applicable project application. The table shall include calculations of the minimum percentage allocation (MPA) for all qualifying owner and rental unit developments. The table shall indicate unit numbers, locations, sizes and any other required information relevant to MPS affordable housing. Corresponding unit numbers shall be clearly shown on the building plans.

§ 155-25.1. Walkways and walkway easements.

B. Requirement of walkways and walkway easements on site plans and/or subdivision plats containing residential units.

(1) Before the Planning Board may approve a site plan or subdivision plat containing residential *dwelling* units, such a site plan or subdivision plat shall also show, when required by this chapter, walkways and walkway easements for public pedestrian use. Such walkways and walkway easements shall, in the discretion of the Planning Board, be classified in two classes. Class A walkways and walkway easements shall be those determined by the Planning Board to be immediately necessary. Class A walkways shall be suitably constructed prior to the issuance of certificates of occupancy for any of the residential *dwelling* units shown on the site plan or subdivision plat. Class B walkways shall be those which may be constructed at a later time and may be constructed in conjunction with and for the benefit of later development. All walkways and walkway easements shown on a site plan or subdivision plat shall be clearly designated as Class A or Class B, in accordance with this ~~chapter~~*section*, but the failure to so designate such walkways shall not stop the Village from requiring their construction.

§ 155-27. Planned unit development.

A. The Village Board may establish new Planned Unit Development (PUD) districts to encourage development of functionally integrated residential neighborhoods and commercial areas. The Village Board shall establish PUD Districts in the following manner:

(7) After the Planning Board has approved the preliminary development plan, and provided the Village Board has approved the establishment of the ~~PRD~~*PUD* District, the applicant shall prepare a final development plan and submit it to the Planning Board for final approval. The final development plan shall conform substantially to the preliminary development plan approved by the Planning Board, incorporating any revisions or other features that may have been recommended by the Planning Board and/or the Village Board at the time of preliminary review. Within 62 days of the receipt of a completed application for final

development plan approval, the Planning Board shall review and act on such submissions and so notify the Village Board. A copy of the approved final development plan shall be filed in the Orange County Clerk's office.

§ 155-29. ~~(Reserved)~~ *Building Address*

All buildings in the Village of Kiryas Joel must display the address (building number) of the property. The building number shall be displayed on the front door, on the wall of the building adjacent to or above the front door, on a porch soffit, or on an awning if a religious, public or commercial building. The building number shall be a minimum of fifteen (15) inches high.

Article V. Enforcement and Administration

§ 155-34. Board of Appeals.

A Board of Appeals consisting of five persons is hereby established by the Village Board. The Board of Appeals shall have such powers, duties and authority vested in it by *Article 7* of the New York State Village Law.

Article VI. Miscellaneous Provisions

§ 155-35. Amendment of provisions.

This chapter may be amended from time to time in accordance with the provisions of *Article 7* of the New York State Village Law.