

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Rockville Centre

Town

Village

Local Law No. 6 of the year 2011

A local law to amend the Code of the Village of Rockville Centre, in relation to building setbacks.
(Insert Title)

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

County

City

of Rockville Centre **as follows:**

Town

Village

Section one. The definition of Setback of Buildings and Size of Yards, as contained in Section 340-2 of the Code of the Village of Rockville Centre, is hereby amended, to read as follows:

“SETBACK OF BUILDINGS and SIZE OF YARDS. Unless otherwise specified herein, the setback of buildings and size of yards shall be the distance between the lot line and the nearest exterior finished wall of the principal building, which shall include the foundation or wall of any attached garage, open or enclosed porch, and all other

(If additional space is needed, attach pages the same size as this sheet, and number each.)

projections except window wells, chimneys, unenclosed entrance steps, or platforms. In no event shall window wells or the platforms of unenclosed entrance steps extend more than four (4) feet from the principal building; unenclosed entrance steps, as measured to the face of the lowest riser, shall not extend more than six (6) feet from the principal building.”

Section two. Section 340-10(A) of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

“A. A rear yard shall be required on every lot. The depth of a rear yard shall be at least twenty-five (25) feet.”

Section three. Section 340-9 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

“§340-9. Side yards.

A. There shall be two side yards, one on each side of the main building:
[see table below]:

(1) Where the average lot width of a parcel is sixty (60) feet or less, the aggregate widths of the side yards shall be equal to at least twenty (20%) per cent of the average lot width, and no side yard shall be less than five (5) feet wide. Further, the distance between the portion of the principal building facing the side yard lot line and the nearest point of the dwelling situated on the abutting property shall be no less than fifteen (15) feet.

(2) Where the average lot width of a parcel is greater than sixty (60) feet but less than eighty (80) feet, the aggregate widths of the side yards shall be equal to at least twenty (20%) of the average lot width, and no side yard shall be less than eight (8) feet wide. Further, the distance between the portion of the principal building facing the side yard lot line and the nearest point of the dwelling situated on the abutting property shall be no less than twenty (20) feet.

(3) Where the average lot width of a parcel is eighty (80) feet or greater, the aggregate widths of the side yards shall be equal to at least twenty-five (25%) of the average lot width, and no side yard shall be less than ten (10) feet wide. Further, the distance between the portion of the principal building facing the side yard lot line and the nearest point of the dwelling situated on the abutting property shall be no less than twenty (20) feet.

B. No projections shall extend nearer to the lot lines than the limits herein set forth.

C. Table:

Table of Side Yard – Interior Lots			
Average Lot Width	Aggregate Widths of Side Yards	Minimum Width of Side Yard	Distance Between Principal Dwelling to Nearest Point of Dwelling on Abutting Property
80 feet and greater	25%	10 feet	20 feet
Greater than 60 feet and less than 80 feet	20%	8 feet	20 feet
60 feet and less	20%	5 feet	15 feet

“

Section four. Section 340-11 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

“§340-11. Corner Plots. On corner plots only, the main foundation wall of any house shall not exceed, on the side having the shortest street frontage, beyond the setback line established for the fronts of houses on the same side of the street within the same block; but no foundation wall of a house need set back more than thirty (30) feet, nor shall the setback be less than twenty-five (25) feet. On the side having the longest street frontage, the setback of the house shall be at least twenty (20%) per cent of the average width of the lot on the shortest street frontage, but in no case less than twenty (20) feet. The yard opposite the greatest setback shall be not less than twenty (20) feet in depth and the remaining yard not less than ten (10) feet in width.”

Section five. Any local law, ordinance, or resolution of the Village in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section six. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

Section seven. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law, provided, however, that the amendments effectuated by this law shall not be applicable with respect to any

substantially completed building permit application filed with the Village Building Department on or before March 4, 2011, and provided further that such building permit application shall not thereafter be amended in any manner which would cause the proposed construction or development to exceed the parameters or limitations enacted in this law to any degree greater than proposed in such permit application as of March 4, 2011.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No.6 of 2011 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on March 1, 2011, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20__, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body.

(Seal)

Date: March 2, 2011

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney
Title

County

City

of Rockville Centre

Town

Village

Date: March 2, 2011