

# *Local Law Filing*

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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.

## **Village of Amityville**

### **Introductory Local Law No. 1 of the year 2010**

**A local law to amend Chapter 183 of the Village Code further restricting two family dwellings.**

**Be it enacted by the Board of Trustees of the Village of Amityville as follows:**

**Section 1.** The Board of Trustees finds that it is necessary to further restrict two-family-dwellings in the A, BB and B Residence Districts to protect the character of the residential areas of the Village which are predominantly occupied by one-family-dwellings. Consequently two-family-dwellings shall no longer be permitted in said zoning districts without a use variance from the Zoning Board of Appeals. The only exception will be for parent-child residences where a second kitchen will be permitted subject to receipt of a special exception and any related area variances for lot frontage, area and setbacks from the ZBA limiting said use to related parents and children on such terms and conditions as the ZBA may impose to minimize the impact of said use on the surrounding neighborhood. Among other things, the ZBA shall consider sufficient proof of the authorized occupancy by parents or children, periodic compliance inspections, limited time approvals, adequate off-street parking, and recorded covenants enforcing stipulations.

**Section 2.** Section 183-1 of the Code of the Village of Amityville is hereby amended to add the following definition:

“Parent-Child Residence -- a one-family dwelling altered to include a second kitchen for the sole use by the father, mother, son or daughter by blood, marriage or legal adoption of the owner occupying said one family dwelling.”

**Section 3.** Section 183-9 C. of the Code of the Village of Amityville is hereby amended to read as follows:

“C. The following uses, provided that a special exception from the Zoning Board of Appeals is first obtained, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board

- (1) Private schools
- (2) Residential uses of a non-commercial nature, such as boat

- clubs, yacht clubs, tennis courts and private parks
- (3) Churches, parish houses and convents
  - (4) One (1) Parent-child Residence, provided that the certificate of occupancy shall indicate that it is a one-family dwelling with a temporary second kitchen, and there shall be a recorded covenant confirming same. The minimum frontage for such residence shall be 100 feet and the minimum lot area shall be 30,000 sq. ft. The minimum side yard shall be 16 feet and the minimum aggregate side yards shall be 32 feet. The minimum rear yard shall be 40 feet.
  - (5) Private boathouse without a main building on a lot. Such boathouse shall comply with all requirements as to area, height and setbacks as an accessory building unless the ZBA, in its discretion, shall grant an area variance as to any of such requirements.”

**Section 4.** Section 183-26 C. of the Code of the Village of Amityville is hereby amended to read as follows:

“C. The following uses, provided that a special exception from the Zoning Board of appeals is first obtained, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board

- (1) Private schools
- (2) Residential uses of a non-commercial nature, such as boat clubs, yacht clubs, tennis courts and private parks
- (3) Churches, parish houses and convents
- (4) One (1) Parent-child Residence, provided that the certificate of occupancy shall indicate that it is a one-family dwelling with a temporary second kitchen, and there shall be a recorded covenant confirming same. The minimum frontage for such residence shall be 90 feet and the minimum lot area shall be 25,000 sq. ft. The minimum side yard shall be 14 feet and the minimum aggregate side yards shall be 30 feet. The minimum rear yard shall be 40 feet.
- (5) Private boathouse without a main building on a lot. Such boathouse shall comply with all requirements as to area, height and setbacks as an accessory building unless the ZBA, in its discretion, shall grant an area variance as to any of such requirements.”

**Section 5.** Section 183-43 C. of the Code of the Village of Amityville is hereby amended to read as follows:

“C. The following uses, provided that a special exception from the Zoning Board of Appeals is first obtained, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board

- (1) Private schools
- (2) Residential uses of a non-commercial nature, such as boat clubs, yacht clubs, tennis courts and private parks
- (3) Churches, parish houses and convents
- (4) One (1) Parent-child Residence, provided that the certificate of occupancy shall indicate that it is a one-family dwelling with a temporary second kitchen, and there shall be a recorded covenant confirming same. The minimum frontage for such residence shall be 75 feet and the minimum lot area shall be 15,000 sq. ft. The minimum side yard shall be 12 feet and the minimum aggregate side yards shall be 25 feet. The minimum rear yard shall be 30 feet.
- (5) Private boathouse without a main building on a lot. Such boathouse shall comply with all requirements as to area, height and setbacks as an accessory building unless the ZBA, in its discretion, shall grant an area variance as to any of such requirements.”

Section 6. This local law shall take effect immediately.