

Local Law Filing

(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 BRIARCLIFF MANOR
- Town
- Village

Local Law No. 2 of the year 20 11

A local law LOCAL LAW TO AMEND SECTION 220 3, SECTION 220 12, AND SECTION 220 19
(Insert Title)
OF THE CODE OF THE VILLAGE OF BRIARCLIFF MANOR, AND ASSOCIATED
SCHEDULES

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

- County
- City of BRIARCLIFF MANOR as follows:
- Town
- Village

SEE ATTACHED

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

(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. 2 of 20 11 of the (County)(City)(Town)(Village) of BRIARCLIFF MANOR was duly passed by the BOARD OF TRUSTEES on MARCH 16 20 11, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (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.

* 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.

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

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 a 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

Date: 12-2-11

(Seal)

(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 NEW YORK

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, Wormser, Kiely, Galef & Jacobs
Title

County _____
City of BRIARCLIFF MANOR
Town _____
Village _____

Date: 12/7/11

LOCAL LAW TO AMEND
SECTION 220-3, SECTION 220-12, AND
SECTION 220-19 OF THE CODE OF THE
VILLAGE OF BRIARCLIFF MANOR,
AND ASSOCIATED SCHEDULES, TO
MODIFY PARKING REQUIREMENTS
AND HEIGHT AND COVERAGE
LIMITATIONS APPLICABLE TO MIXED
USE RETAIL BUSINESS AND
RESIDENTIAL DEVELOPMENTS, AND
RECREATION FEES APPLICABLE TO
AFFORDABLE AFFIRMATIVELY
FURTHERING FAIR HOUSING UNITS

Be it enacted by the Village Board of Trustees of the Village of Briarcliff Manor, as follows:

Section 1. Village Code Section 220-2, "Definitions," is amended to add a new definition of "Affordable Affirmatively Furthering Fair Housing (AFFH) Unit" immediately after the definition of "Accessory Building" as follows:

"Affordable Affirmatively Furthering Fair Housing (AFFH) Unit

"In the case of a for-purchase housing unit, one that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for family size.

"In the case of a rental unit, one that is affordable to a household whose income does not exceed 60% AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size."

Section 2. Village Code Section 220-12, “Required off street parking and loading,” is amended at Paragraph 13 to add a row “Mixed use retail business and residential” immediately after the row “Retail or service business” with “Minimum Required Off-Street Parking” value as follows:

| Use | Minimum Required Off-Street Parking |
|---|--|
| Mixed use retail business and residential | If the overall residential portion of the building or group of buildings is equal to or greater than 80% of the gross floor area of the building or group of buildings and if all of the dwelling units are Affordable AFFH Units, then the required off street parking shall be 70% of the total number of spaces that would be required under this section if the number of spaces for each of the uses were calculated separately and added together, and if the overall residential portion of the building or group of buildings is less than 80% of the gross floor area of the building or group of buildings or if all of the residential dwelling units are not Affordable AFFH Units, then the number shall be the number of spaces required for each of the uses calculated separately and added together, but in either case, the Planning Board may fix a lower number if the applicant submits a parking accumulation study and demonstrates to the Planning Board’s satisfaction that such lower number is sufficient to meet the demands of the retail and residential uses. |

Section 3. Village Code Schedule 220 Attachment 3, “Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings adopted pursuant to Village Code Section 220-4(A) is amended at the row “Retail Business and Residential B1A” in the column “Permitted Principle Uses” to read as follows:

Village of Briarcliff Manor
Schedule Limiting the Use of Buildings and Land and the
Location, Arrangement and Size of Buildings
[Amended 3-21-1996 by L.L. No. 4-1996; 5-15-1997 by L.L. No. 2-1997; 3-3-2005 by L.L. No. 1-2005; 1-19-1996 by L.L. No. 3-2006; 2-19-2009 by L.L. No. 3-2009; 1-20-2011 by L.L. No. 1-2011; [The Date of Enactment of This Local Law] by L.L. No. *-20]**

| 1 | 2 | 3 |
|-------------------------------------|---|--|
| Class of District and Symbol | Permitted Principal Uses | Permitted Accessory Uses |
| Retail Business and Residential B1A | The following are the only principal uses permitted in respective districts designated to the left thereof. 1. Any principal use permitted in a retail business district and subject to the same requirements. 2. Multifamily dwellings; (i) provided that the overall residential portion of the building does not exceed [a] 80% of the gross floor area of the building or group of buildings or [b] if all of the dwelling units in the multifamily dwellings are Affordable AFFH Units, 85% of the gross floor area of the building or group of buildings, and (ii) provided that no ground floor dwelling units shall front on any public right-of-way. | The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts. 1. Any accessory use permitted in a retail business district and subject to the same conditions. |

Section 4. Village Code Schedule 220 Attachment 4, “Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings adopted pursuant to Village

Code Section 220-4(A) is amended at the row “B1A” in the column “Maximum Heights, Principal Buildings, In Stories” and the footnotes thereunder to read as follows:

**Village of Briarcliff Manor
Schedule Limiting the Use of Buildings and Land and the
Location, Arrangement and Size of Buildings**

| 1 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
|-----------------|---------------------|---|---------------------------------------|--------------------|--|---------------|-------------------------|-----------|---|-------------|---------------|---------------|----------------------|--------------------|---|---------------|----------------------|--|---|--------------------|--------------------|
| Lot Limitations | | | | | | | | | | | | | Building Limitations | | | | | | | | |
| Key | Minimum Size of Lot | | Maximum Percent of Lot to be Occupied | | Minimum Yard Dimensions in Feet From Lot Lines to Principal Building | | | | Minimum Distance in Feet From Accessory Building To | | | | Maximum Height | | Minimum Gross Area of Ground Floor in Square Feet | | | Minimum Average Livable Floor Area per Dwelling Unit | See § 220-12, Required off-street parking and loading | | |
| | | | | | | | | | | | | | Principal Building | Accessory Building | | | | | | Principal Building | Accessory Building |
| | Area in Square Feet | Lot Width in Feet at Minimum Front Yard Setback | Principal Building | Accessory Building | Front Yard | One Side Yard | Two Side Yards Combined | Rear Yard | Principal Building if Not Connected With It | Street Line | Side Lot Line | Rear Lot Line | In Stories | In Feet | For Sloping Roof | For Flat Roof | For 1 Story Building | For 1 1/2 Story Building | For 2 Story Building | | |
| B1A | 4,000 per building | 40 per building | | 25% | 10 | — | — | — | ** | ** | ** | ** | 2*** | 30 | ** | ** | — | — | — | 750 | |

*If dwelling spaces are provided for resident employees and their families.

**No accessory buildings permitted.

***If the building is mixed use and all of the dwelling units in the building are Affordable AFFH Units, however, then the maximum number of stories shall be 3

Section 5. Village Code Section 220-19, “Fees,” is amended to read as follows:

“§ 220-19, Fees. The fees to be charged applicants for the processing of subdivision and site development plans and any other payments to be made pursuant to this chapter by applicants, such as, but not limited to, payments in lieu of contribution to park lands, shall hereafter be established by resolution of the Board of Trustees and set forth in the Master Fee Schedule, which may be amended. Prior to the passage of any such resolution, the Board of Trustees shall request a recommendation from the Planning Board. When a payment in lieu of contribution to park lands is calculated based on the total number of dwelling, Affordable AFFH Units shall not be included in the total number of dwelling units for that calculation.

Section 6. Severability. The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 7. Effective Date. This local law shall take effect immediately upon its filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.