

**VILLAGE OF BRONXVILLE
BOARD OF TRUSTEES**

PROPOSED LOCAL LAW NO. 2-2021

**A LOCAL LAW TO AMEND CHAPTER 310, ZONING, TO UPDATE DEFINITIONS AND
ADJUST DIMENSIONAL AND BULK REQUIREMENTS IN ONE-FAMILY RESIDENCE
ZONES**

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

Section 1: The following definitions in Section 310-3 of Chapter 310 the Code of the Village of Bronxville are hereby revised and added as follows:

ALTERATION

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or plumbing, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. Minor repairs and maintenance shall not be considered alterations.

AREA VARIANCE

The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

BASEMENT

That space of a building, which is partly below grade, which has more than half of its height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building. A basement shall be considered a story if the finished surface of the floor above the basement is:

- A. More than six feet above the average finished grade;
- B. More than six feet above the finished ground level adjoining the building for more than 50% of the total building perimeter;
- C. More than 12 feet above the finished ground level adjoining the building at any point; or
- D. More than six feet above the finished ground level adjoining the building at any point along any side of a building that faces a front yard.

BUILDING

Any structure specifically having a roof supported by walls, columns, piers, and any structural type of frame, and intended for the shelter, housing, or enclosure of persons, animals, chattel, or space; the term "Building" shall include the term "Building, Accessory".

BUILDING, ACCESSORY

A building whose use is related, but incidental and subordinate, to that of the primary building on the lot. Accessory buildings include but are not limited to: garden house; tool house; storage shed; child's playhouse; greenhouse; or private garage or carport for off-street parking of passenger automobiles for residents living on the premises.

BUILDING COVERAGE

That percentage of the lot area covered by the combined area of all buildings, accessory buildings, structures or accessory structures on the lot.

DRIVEWAY

A short, single-lane private road or way that is accessible from a public street and that leads to a home or garage (or a portion of a side or rear yard where parking is permitted, which may include the portion of the driveway located in a side or rear yard), and including the first twenty feet of any paved, cobbled, gravel-covered, or similarly covered area located immediately in front of the portions of a multi-car garage that contains a parking space.

FLOOR AREA

The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding:

- A. Roof areas;
- B. Cellar and basement areas used only for storage or for the operating and maintenance of the building;
- C. Any areas devoted only to accessory off-street parking or loading; and
- D. Open porches, crawl spaces, unenclosed attached decks, and unconditioned enclosed porches or breezeways.

FLOOR AREA RATIO

The gross aggregate floor area, in square feet, of all buildings on a lot, divided by the gross lot area of such lot, in square feet. See § 310-22.E of Article V, Supplementary Regulations and Nonconforming Buildings and Uses.

GRADE PLANE

A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the structure and a point 6 feet from the building.

GROSS FLOOR AREA

The gross square feet of space measured from the outside of any exterior wall and the middle of any interior wall separating the space to be measured from an adjoining space owned, leased, or occupied by another and including that portion of the public areas of the building that are included in the leased space and any equipment such as air conditioning, ventilating, elevator shafts, and the like which are within or appurtenant to the space as so defined.

OPEN SPACE

Land area open to the air not occupied by any structures and landscaped or left in its natural state. For example, open space shall not include swimming pools, tennis courts, decks, patios, walkways, driveways, carports, or parking lots, or areas dedicated to the use of permanently installed equipment (such as air conditioning or pool equipment).

STORY

That part of any building, inclusive of basements and cellars where basements and cellars are defined as a story, and vehicular parking levels, comprised between the level of one finished floor and the level of the next higher finished floor, or if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof. Screened rooftop parking will not be considered as a story.

STRUCTURE

An assembly of materials forming any construction, framed of component structural parts for occupancy or use. The term “structure” shall include the term “building”, “accessory building”, and “accessory structure”.

STRUCTURE, ACCESSORY

A structure subordinate to the principal building on a lot used for purposes customarily incidental to those of the principal building, and including, but not limited to, the following accessory structures:

- A. Signs;
- B. Walls;
- C. Wireless telecommunications services facilities;
- D. Detached pergolas, porches, patios, terraces, stairs, sheds, and other similar structures;
- E. Swimming pools;
- F. Attached and detached wooden decks; and
- G. Generators, HVAC condensing units, and solar voltaic panels.

Section 2: The definition of the word “Coverage” in Section 310-3 of Chapter 310 the Code of the Village of Bronxville is hereby deleted in its entirety, as it has been replaced with a definition of the term “Building Coverage”.

Section 3: The definition of the term “Separate Building” in Section 310-3 of Chapter 310 of the Code of the Village of Bronxville is hereby deleted in its entirety.

Section 4: Section 310-8 of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

§ 310-8. One-Family Residence AAA District.

A. Use. In a One-Family Residence AAA District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- (1) One-family dwelling, not to exceed one such dwelling on each lot.
- (2) Municipal parks and playgrounds, including customary recreational, refreshment and service buildings.
- (3) Places of worship, including parish houses and religious school buildings and schools, including uses customarily accessory thereto subject to the following requirements:
 - (a) Notwithstanding any other provisions contained in this chapter, no building shall exceed a height of 42 feet nor shall the number of stories at any point along the periphery of such building exceed three stories at any point along the periphery of such building exceed three stories. Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the roof of the building of which they are a part.
 - (b) No building or part thereof shall be erected nearer than 50 feet to any street line nor nearer to any property line other than a street line than 50 feet or two times the height of such building, whichever is the greater distance.
 - (c) The sum of all areas covered by all principal and accessory buildings shall not exceed 25% of the area of the lot.
 - (d) Courts shall conform to the requirements of Subsection I of § 310-11 of this chapter.
 - (e) Any private school permitted under this Subsection shall be a nonprofit organization within the meaning of the Internal Revenue Code of 1954, as amended, and shall be registered effectively as such thereunder.
- (4) Accessory uses, limited to the following:
 - (a) Home occupations, as defined in § 310-42F(1)(a) of this chapter, provided that the home occupation has no nonresident employees and no regular visitors (with the exception of dancing, music or other instruction where groups of up to four pupils may be present at any one time). The term

"nonresident employee" shall include those persons engaged in the business enterprise or business activity and shall not include domestic employees. Home occupations with a nonresident employee and/or regular visitors shall require a special permit as set forth in § 310-42F of this chapter. All home occupations must meet the following standards:

- [1] The home occupation shall occupy no more than 30% of the total gross floor area of the main floor of the principal structure, up to a maximum of 400 square feet.
 - [2] The residential character of the building(s) shall not be altered.
 - [3] There may be no more than one sign identifying the home occupation, located either on the house or mail box. The sign shall not exceed one square foot in size.
 - [4] There shall be no display of products visible from the street.
 - [5] There shall be no outdoor storage of commercial vehicles.
 - [6] There shall be no retail sales on the premises.
 - [7] There shall be no manufacturing or assemblage on the premises.
 - [8] No home occupation shall create environmental impacts (for example but not limited to noise, dust, odor or fire hazard) or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in the district.
 - [9] The home occupation shall not be conducted out-of-doors on the site.
 - [10] The home occupation and its location in the home and/or its accessory buildings must comply with the New York State Uniform Fire Prevention and Building Code.
- (b) Garden house, tool house, playhouse, greenhouse or swimming pool, playsets and other recreational structures incidental to the residential use of the premises and not operated for gain, subject to the following requirements.
- [1] No part of any swimming pool shall be nearer than 20 feet to any property line nor, except in the case of a corner lot, nearer to any street line than that rear wall of the main building which is located nearest to the street. On a corner lot, a pool may project within a distance of one of the bounding streets equal to the required front yard.
 - [2] Swimming pools shall be screened from the view of abutting properties by means of an opaque fence or a thick hedge with a height

of not less than 6 1/2 feet, in addition to applicable requirements of the New York State Uniform Fire Prevention and Building Code.

[3] Recreational structures shall be set back a minimum of 10 feet from any property line and shall be screened from the view of abutting properties by means of an opaque fence or a thick hedge with a height of not less than 6 1/2 feet. No recreational structure shall be sited within any front yard, as defined in § 310-3 of this chapter.

[4] Sheds, garden houses and tool houses shall be set back a minimum of five feet from any property line and shall be screened from the view of abutting properties by means of an opaque fence or a thick hedge with a height of not less than 6 1/2 feet. No shed, garden house or tool house shall be sited within any front yard, as defined in § 310-3 of this chapter.

(c) Private garage for passenger automobiles of residents on the premises, including the leasing to nonresident of the premises of space for not more than one such automobile. Detached garages (i.e. garages that do not share at least one common wall with a dwelling) shall not be sited within any front yard, as defined in § 310-3 of this chapter, except as otherwise permitted and shall be granted a reduced setback of 10 feet from any property line, provided that the following requirements are met:

[1] A maximum height of 10 feet for flat roofs.

[2] A maximum height of 15 feet for pitched roofs.

In addition, detached garages may not exceed 1 1/2 stories.

(d) The keeping of a reasonable number of customary household pets but excluding the commercial breeding or keeping of same.

(e) Fences or garden walls.

(f) Solar energy systems, as defined and subject to the supplementary standards in § 310-22F of this chapter.

(g) Geothermal energy systems, as defined in § 310-22G of this chapter.

(5) Special permit uses. The Planning Board may allow the following uses by special permit, as regulated in Article VII of this chapter:

(a) Satellite earth stations and communications facilities.

(b) Renewable energy systems, as defined in § 310-22G of this chapter, except no special permit is required for geothermal energy systems.

- B. Height. Except as provided in Subsection A(3) hereof, no building shall be erected to a height in excess of 30 feet, nor shall the number of stories at any point along the periphery of any building exceed 2 1/2. Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the building of which they are a part., and (other than chimneys and flues) are located at least 50 feet from any lot line.
- C. Lot area, width and depth. The lot area shall not be less than 30,000 square feet and the lot width not less than 150 feet. All lots shall have a minimum depth of 150 feet.
- D. Yards. Except as otherwise permitted or required, the following yards shall be provided on each lot:
- (1) Front yard. There shall be a front yard along each street line with a depth of not less than 40 feet, except that, where the planes of all walls of a building facing the street intersect the street line at a minimum angle of 25° or more, such building may project to within 20 feet of the street line.
 - (2) Side yard. There shall be a side yard along each lot line with a width of not less than 25 feet; except that in case of a dwelling erected without a garage, one side yard shall be not less than 30 feet wide. In the case of corner lots, the side yard opposite the principal front yard shall be not less than 30 feet wide. Where the planes of all walls of a building facing a side lot line intersect such line at a minimum angle of 25° or more, the lesser-required setback distance may be reduced by five feet, except in the case of a building erected without a garage.
 - (3) Rear yard. There shall be a rear yard having a depth of not less than 45 feet.
 - (4) Exceptions to yard requirements. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or garden walls not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence or wall erected in any front yard shall be not more than 1/2 solid. Any such fence or wall erected in any front yard of any corner lot shall not obstruct the clear sight triangle at any intersection as provided on § 310-22 of this chapter. Fences or walls with a height in excess of 6 1/2 feet shall conform to the requirements set forth herein for buildings and accessory uses. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.
 - (5) Location of accessory buildings on the lot. In addition to complying with all other provisions of this chapter, no accessory building shall project nearer to the street on which the principal building fronts than such principal building, except that, should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the issuance of a special permit for the erection of such garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet

of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%.

- E. Maximum building coverage. Except as provided in Subsection A(3) of § 310-8, the sum of all areas covered by all principal and accessory buildings shall not exceed 17.5% of the area of the lot.
- F. Off-street parking requirements. For each dwelling on any lot there shall be provided on the lot not less than two spaces for the parking or garaging of passenger automobiles. Such spaces shall be directly accessible to a street.
- G. Floor area ratio (FAR). See § 310-22E for FAR controls.
- H. Minimum open space requirement. The minimum open space requirement for a lot shall be 60% of the area of the lot.

Section 5: Section 310-9 of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

§ 310-9. One-Family Residence AA District.

- A. Use. In a One-Family Residence AA District, no building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:
 - (1) Any use permitted in One-Family Residence AAA Districts.
- B. Height. Except as provided in Subsection A(3) of § 310-8, no building shall be erected to a height in excess of 30 feet, nor shall the number of stories at any point along the periphery of any building exceed 2 1/2. Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 15% of the area of the roof of the building of which they are a part, and (other than chimneys and flues) are located at least 35 feet from any lot line.
- C. Lot area, width and depth. The lot area shall not be less than 15,000 square feet and the lot width not less than 100 feet. All lots shall have a minimum depth of 120 feet.
- D. Yards. Except as otherwise permitted or required, the following yards shall be provided on each lot:
 - (1) Front yard. There shall be a front yard along each street line with a depth of not less than 35 feet, except that, (a) where the planes of all walls of a building facing the streets intersect the street line at a minimum angle of 25° or more, such building may project to within 25 feet of the street line, or (b) where the average existing front yard setback at the nearest point to the street line for existing dwellings (including any existing dwelling on the subject property) within 300 feet on the same street (or streets, in the case of corner lots) on either side of the property (and including properties on both sides of the street) is less than 35 feet, the front yard along each street line may be as deep (but not deeper than) as the greater of (i) the average

existing front yard setback along the street as calculated under this clause (b) or (ii) 25 feet.

- (2) Side yard. There shall be a side yard along each lot line with a width of not less than 15 feet; except that in case of a dwelling erected without a garage, one side yard shall be not less than 27 feet wide, and except that in all cases (other than corner lots) the total combined width of both side yards shall be not less than 35 feet. In the case of corner lots, the side yard opposite the principal front yard shall be not less than 30 feet wide and the other not less than 15 feet wide, except that in the case of a dwelling erected without a garage, the lesser side yard shall be not less than 27 feet wide. Where the planes of all walls of a building facing a side lot line intersect such line at a minimum angle of 25° or more, the lesser-required setback distance may be reduced by five feet, except in the case of a building erected without a garage.
 - (3) Rear yard. There shall be a rear yard having a depth of not less than 32 feet.
 - (4) Exceptions to yard requirements. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence or wall erected in any front yard shall be not more than 1/2 solid. Any such fence or wall erected in any front yard of any corner lot shall not obstruct the clear sight triangle at any intersection as provided in § 310-22A of this chapter. Fences or walls with a height in excess of 6 1/2 feet shall conform to the requirements set forth herein for buildings. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.
 - (5) Location of accessory buildings on the lot. In addition to complying with all other provisions of this chapter, no accessory building shall project nearer to the street on which the principal building fronts than such principal building, except that, should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the issuance of a special permit for the erection of such garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%.
- E. Maximum building coverage. Except as provided in Subsection A(3) of § 310-8, the sum of all areas covered by all principal and accessory buildings shall not exceed 22.5% of the area of the lot.
- F. Off-street parking requirements. For each dwelling on any lot there shall be provided on the lot not less than two spaces for the parking or garaging of passenger automobiles. Such spaces shall be directly accessible to a street.
- G. Floor area ratio (FAR). See § 310-22E for FAR controls.

- H. Minimum open space requirement. The minimum open space requirement for a lot shall be 55% of the area of the lot.

Section 6: Section 310-10 of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

§ 310-10. One Family Residence A District.

- A. Use. In a One-Family Residence A District no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:
 - (1) Any use permitted in One-Family Residence AA Districts.
- B. Height. Except as provided in Subsection A(3) of § 310-8, no building shall be erected to a height in excess of 30 feet, nor shall the number of stories at any point along the periphery of any building exceed 2 1/2. Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the roof of the building of which they are a part.
- C. Lot area, width and depth. The lot area shall not be less than 12,000 square feet and the lot width not less than 80 feet. All lots shall have a minimum depth of 100 feet.
- D. Yards. Except as otherwise permitted or required, the following yards shall be provided on each lot:
 - (1) Front yard. There shall be a front yard along each street line with a depth of not less than 30 feet, except that, (a) where the planes of all walls of a building facing the street intersect the street line at a minimum angle of 25° or more, such building may project to within 20 feet of the street line, and (b) where the average existing front yard setback at the nearest point to the street line for existing dwellings (including any existing dwelling on the subject property) within 300 feet on the same street (or streets, in the case of corner lots) on either side of the property (and including properties on both sides of the street) is less than 30 feet, the front yard along each street line may be as deep as (but not deeper than) the greater of (i) the average existing front yard setback along the street as calculated under this clause (b) or (ii) 25 feet.
 - (2) Side yard. There shall be a side yard along each lot line with a width of not less than 15 feet; except that in case of a dwelling erected without a garage, one side yard shall be not less than 27 feet wide. In the case of corner lots, the side yard opposite the principal front yard shall be not less than 30 feet wide and the other not less than 15 feet wide, except that in the case of a dwelling erected without a garage, the lesser side yard shall be not less than 27 feet wide. Where the planes of all walls of a building facing a side lot line intersect such line at a minimum angle of 25° or more, the lesser-required setback distance may be reduced by five feet, except in the case of a building erected without a garage.

- (3) Rear yard. There shall be a rear yard having a depth of not less than 30 feet.
 - (4) Exceptions to yard requirements. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence or wall erected in any front yard shall be not more than 1/2 solid. Any such fence or wall erected in any front yard of any corner lot shall not obstruct the clear sight triangle at any intersection as provided in § 310-22A of this chapter. Fences or walls with a height in excess of 6 1/2 feet shall conform to requirements set forth herein for buildings. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.
 - (5) Location of accessory buildings on the lot. In addition to complying with all other provisions of this chapter, no accessory building shall project nearer to the street on which the principal building fronts than such principal building, except that, should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the issuance of a special permit for the erection of such garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%.
- E. Maximum building coverage. Except as provided in Subsection A(3) of § 310-8, the sum of all areas covered by all principal and accessory buildings shall not exceed 22.5% of the area of the lot.
 - F. Off-street parking requirements. For each dwelling on any lot there shall be provided on the lot not less than one space for the parking or garaging of passenger automobiles. Such space shall be directly accessible to a street.
 - G. Floor area ratio (FAR). See § 310-22E for FAR controls.
 - H. Minimum open space requirement. The minimum open space requirement for a lot shall be 55% of the area of the lot.

Section 7: Section 310-22.D of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety as follows:

§ 310.22. Supplementary regulations.

- D. Parking in front yards prohibited in residential districts. Parking spaces or parking areas, with the exception of driveways, shall not be permitted within front yards in any residential district in the Village. For purposes of this section, the portion of any driveway (excluding the 20 feet immediately in front of any garage) that is wider than 12 feet shall be considered to be part of a parking area, except that in the three feet of a driveway closest to the curb the width of the driveway may gradually fan out to a width of up to 16 feet at the curb. The

parking or storage of vehicles upon lawns or other unimproved areas shall not be permitted on any lot improved by a dwelling structure in any residential district in the Village. Circular driveways are deemed front yard parking, except in the One Family Residence AAA District. In addition, all driveways shall be set back at least 3 feet from any side yard lot line. Notwithstanding any provision in this Code to the contrary, no existing curb cut may be widened or moved, nor any new curb cut made that is wider than 16 feet at the curb, without both (a) a variance and (b) approval, to the extent any driveway is built on Village property, from the Department of Buildings. Where additional parking space is sought in a side yard adjacent to any portion of any permitted driveway space that is located immediately in front of a garage, the width of such additional parking space may not extend more than 8.5 feet towards the adjacent side yard lot line, nor may the length of such additional parking space be more than 20 feet.

Section 8: Section 310-22.E of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

§ 310-22. Supplementary regulations.

E. Floor are ratio (FAR) controls.

- (1) Definition of "floor area ratio" (for a lot whose principal use is a one- or two-family dwelling): the ratio of the gross floor area of all buildings on a lot to the area of the lot on which the buildings are located. For the purpose of determining the floor area ratio (FAR), all floor areas of each floor of all principal and all accessory structures on the lot shall be included. Any interior space with a floor-to-ceiling height in excess of 14 feet shall be counted twice. Notwithstanding the preceding, the following shall be excluded from the calculation of floor area:
 - (a) The aggregate area of all unroofed structures such as decks and patios and all spaces in unenclosed porches and porticos, except that existing unenclosed porches may be enclosed and the enclosed area excluded from the FAR calculation, provided that the exterior walls of the unenclosed porch and the walls of the dwelling to which the porch is attached are not relocated closer to the lot lines of the subject property than the existing unenclosed porch.
 - (b) The aggregate area of any cellar regardless of its use unless it is defined as a story or of any basement unless it is defined as a story. See "basement" definition.
 - (c) The aggregate area, up to a maximum of 400 square feet, of grade-level garage parking (whether attached or detached) or basement-level parking. In those instances where an additional story is provided above an attached garage, (i) 100% of such floor area shall be included in the FAR if such floor area would not be excluded by applying the attic and sloping roof limitations in Subsection E(1)(d) below, and (ii) the first 400 square feet only of such floor area immediately below the roof shall be excluded from the FAR, if the entire floor area would otherwise be excluded pursuant to the attic and sloping roof limitations in Subsection E(1)(d) below. In those instances

where an additional story is provided above a detached garage, (i) 100% of such floor area shall be included in the FAR if such floor area would not be excluded by applying the attic and sloping roof limitations in Subsection E(1)(d) below, and (ii) the first 400 square feet only of such floor area immediately below the roof shall be excluded from the FAR, provided that (I) the entire floor area would otherwise be excluded pursuant to the attic and sloping roof limitations in Subsection E(1)(d) below and (II) the 400 square foot exclusion referenced at (ii) above shall be reduced (but not below zero) by the amount (measured in square feet), if any, by which the total square footage of the floor area immediately below the roof exceeds 400 square feet.

- (d) Except as provided above, the aggregate area of all unfinished or finished space in an attic or under a sloping roof, provided that the total exterior width of all dormers does not exceed 30% of the exterior linear width of the portion of the roof upon which they are situated. The exterior linear width of the roof shall be measured from end to end at the widest point of the roof. Where the linear width of the dormers exceeds the limitation above, the total area in the attic or under the sloping roof shall be included in the calculation of FAR, except for that floor area where the vertical distance between the top of the floor beams and the structural ceiling level is five feet or less.
- (2) FAR Schedule. The maximum allowable FAR for a lot shall be determined by the following Residential FAR (Floor Area Ratio) Schedule. To determine the maximum gross floor area permitted for an individual one- or two-family house, the actual lot size shall be multiplied by the FAR listed in, or computed in accordance with, the schedule for the appropriate lot size category. Any houses over 7,500 square feet in floor area shall be subject to site plan review by the Planning Board.
- (3) Applicants for building permits for structures whose total floor area exceeds the maximum permitted FAR shall seek an area variance from the Zoning Board of Appeals in accordance with § 310-51 of the Bronxville Zoning Code. In considering the variance application, the Zoning Board of Appeals may in its discretion consider the design guidelines set forth in § 310-51C(2), and §§ 310-30.A(1) and (2). The Zoning Board of Appeals may also, in its discretion, refer the application to the Design Review Committee for an advisory opinion.
 - (a) Any application for an area variance for FAR for a structure shall require the submission of the following additional materials, in addition to those required for any other area variance:
 - [1] Elevations of the houses on both sides of the subject structure;
 - [2] Photographs of neighboring houses, structures, and yards within 200 feet on either side of the subject structure; and
 - [3] Floor area ratios of neighboring houses on similarly sized lots within 200 feet on either side of the subject structure.

- (b) The applicant shall also provide written or verbal testimony addressing the proofs required for area variances.

Residential FAR (Floor Area Ratio) Schedule

Floor Area Ratio (FAR)

Lot Size (sq. ft.) [See Note (1)]	Maximum FAR	Maximum Gross Floor Area (sq. ft.)
Less than 5,000	0.490	
5,000	0.470	2,350
6,000	0.450	2,700
7,000	0.430	3,010
8,000	0.410	3,280
9,000	0.390	3,510
10,000	0.370	3,700
11,000	0.360	3,960
12,000	0.350	4,200
13,000	0.340	4,420
14,000	0.330	4,620
15,000	0.320	4,800
16,000	0.310	4,960
17,000	0.300	5,100
18,000	0.290	5,220
19,000	0.280	5,320
20,000	0.270	5,400
21,000	0.265	5,565
22,000	0.260	5,720
23,000	0.255	5,865
24,000	0.250	6,000
25,000	0.245	6,125
26,000	0.240	6,240
27,000	0.235	6,345
28,000	0.230	6,440

29,000	0.225	6,525
30,000	0.220	6,600
31,000	0.215	6,665
32,000	0.210	6,720
33,000	0.205	6,765
34,000	0.200	6,800
35,000	0.200	7,000
36,000	0.195	7,020
37,000	0.195	7,215
38,000	0.190	7,220
Greater than 39,000	0.190	

Notes:

- (1) Each lot size range represents 1 to 999 square feet. FAR must be interpolated for any values that fall between the lot sizes indicated. For example a lot of 12,500 square feet would have a FAR of 0.345.

Section 9: [OPTION 1] Grandfathering. The provisions of this local law which make the area requirements of the Code (including, but not limited to, bulk, height, dimensions, yard, and setbacks) more restrictive than those in effect immediately preceding the effective date of this law shall not apply to improvements for which a complete Building Permit application is filed with the Village's Building Department prior to November 13, 2020.

Section 9: [OPTION 2] Grandfathering. The provisions of this local law which make the area requirements of the Code (including, but not limited to, bulk, height, dimensions, yard, and setbacks) more restrictive than those in effect immediately preceding the effective date of this law shall not apply to improvements for which a complete Building Permit application is filed with the Village's Building Department prior to the effective date of this law.

Section 10: Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 11: This Local Law shall take effect immediately upon filing with the Secretary of State.