

Village of Baxter Estates

Local Law No.   2   of the year 2006

A local law adopting a temporary moratorium on all construction, building permits, and the processing of applications with regard to any parcel of real property within the Village of Baxter Estates, improved or proposed to be improved with residential building or buildings which will result in such buildings having a floor area in excess of 36% of lot area, for parcels not greater than 8,500 square feet, or 31% of lot area for parcels greater than 8,500 square feet, or, with respect to existing buildings, having a floor area that exceeds by at least 10% the floor area of the building prior to the extension or alteration thereof, or which will result in such buildings, or any portion thereof, having a height in excess of 30' to the highest ridge of the roof or to the highest point of any flat roof  
*(Insert Title)*

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

Village of Baxter Estates

Section 1. Legislative Findings and Intent.

A. The Board of Trustees recognizes the unique character of the Village of Baxter Estates, which is created in substantial part by the numerous trees within the Village and the size, design, and bulk of the existing residential buildings, which, generally, do not overwhelm the residential properties upon which they are located, or the properties or streets upon which they abut. That unique character is an essential part of the common plan and scheme of the Village and a valuable right which all of the Village residents share.

B. This Board is aware of the trend on Long Island, and especially along the north shore of Nassau County, for developers and some homeowners to build larger and larger homes, often close to or at the maximum extent permitted under the zoning ordinances of the municipality, and well in excess of the size of most of the dwellings presently existing in the Village. This Board believes that, if that trend encroaches into the Village, then the unique character of the Village will be materially adversely impacted.

C. This Board believes that a substantial majority of the residential properties within the Village have buildings with floor areas that are less than 36% of lot area, for parcels that have lot areas not greater than 8,500 square feet, and that are less than 31%

of lot area for parcels that have lot areas greater than 8,500 square feet. This Board also believes that residential properties with buildings with floor areas in such proportions to their lot areas can adequately afford all of the requisite living space for a modern family's needs within the Village. While this Board recognizes that some residential properties may have a higher market value if they are improved with buildings with floor areas that exceed the ratios to lot area described above, this Board also believes that in the event that residential properties with buildings with floor areas in excess of such ratios are permitted, they will have a substantial adverse impact upon the character of the Village and, if not immediately, eventually, the property values of the existing homes within the Village will be depreciated.

D. This Board further believes that the height of buildings located within the residential zoning districts of the Village can adversely impact the community if such heights are permitted by the Zoning Code as presently formulated, in light of the significant differences in topography and elevation prevalent in the Village. This Board believes that an analysis and modification of existing Zoning Code restrictions relating to height should be undertaken, taking into account, among other things, the impact and computation of height under our Zoning Code in relation to topography and elevation, in order to minimize the adverse impact of structures looming above neighboring properties and structures due to calculations of height under the Code that fail to take into account the hilly terrain in the Village.

E. In order to allow this Board time to investigate its beliefs and to decide whether any changes in the present zoning regulations are needed to protect the unique character of the Village from the construction of new buildings or the alteration of existing buildings which will result in residential properties with buildings with floor areas that exceed 36% of lot area for parcels that have lot areas not greater than 8,500 square feet, and buildings with floor areas that exceed 31% of lot area for parcels that have lot areas greater than 8,500 square feet, and building heights that exceed 30 feet from grade to the highest ridge of the roof, or the highest point of any flat roof, and to enact any needed amendments to the Village's zoning regulations, this Board has determined to enact a moratorium of approximately six (6) months: (1) on all new construction which would result in the floor area of the buildings on a residential property within the Village of Baxter Estates exceeding 36% of lot area for parcels having lot areas not greater than 8,500 square feet, and 31% of lot areas for parcels having lot areas greater than 8,500 square feet, or exceeding by more than 10% the floor area of the existing building immediately prior to the proposed expansion or alteration, or which would create any structure, or portion of a structure having a height in excess of 30 feet from grade to the highest ridge on the roof, or to the highest point of a flat roof; (2) on the issuance of building permits for projects which would result in the floor area of the buildings on a residential property within the Village of Baxter Estates exceeding 36% of lot area for parcels having lot areas not greater than 8,500 square feet, and 31% of lot areas for parcels having lot areas greater than 8,500 square feet, or exceeding by more than 10% the floor area of the existing building immediately prior to the proposed

expansion or alteration, or which would create any structure, or portion of a structure having a height in excess of 30 feet from grade to the highest ridge on the roof, or to the highest point of a flat roof; (3) on the processing of all applications to the Village, with regard to the construction of any new building or any alteration to any existing building which would result in the floor area of the buildings on a residential property within the Village of Baxter Estates exceeding 36% of lot area for parcels having lot areas not greater than 8,500 square feet, and 31% of lot areas for parcels having lot areas greater than 8,500 square feet, or exceeding by more than 10% the floor area of the existing building immediately prior to the proposed expansion or alteration, or which would create any structure, or portion of a structure having a height in excess of 30 feet from grade to the highest ridge on the roof, or to the highest point of a flat roof.

## Section 2. Scope of Moratorium.

Except as provided in Section 3, during the period from and after the effective date of this law until April 9, 2007:

A. No person shall construct any new building or any alteration to any existing building which would result in the floor area of the buildings on a residential property within the Village of Baxter Estates exceeding 36% of lot area for parcels having lot areas not greater than 8,500 square feet, and 31% of lot areas for parcels having lot areas greater than 8,500 square feet, or exceeding by more than 10% the floor area of the existing building immediately prior to the proposed expansion or alteration, or which would create any structure, or portion of a structure having a height in excess of 30 feet from grade to the highest ridge on the roof, or to the highest point of a flat roof.

B. No building permits shall be issued for the construction of any new building or any alteration to any existing building which would result in the floor area of the buildings on a residential property within the Village of Baxter Estates exceeding 36% of lot area for parcels having lot areas not greater than 8,500 square feet, and 31% of lot areas for parcels having lot areas greater than 8,500 square feet, or exceeding by more than 10% the floor area of the existing building immediately prior to the proposed expansion or alteration, or which would create any structure, or portion of a structure having a height in excess of 30 feet from grade to the highest ridge on the roof, or to the highest point of a flat roof.

C. No application shall be processed by the Village for the construction of any new building or any alteration to any existing building which would result in the floor area of the buildings on a residential property within the Village of Baxter Estates exceeding 36% of lot area for parcels having lot areas not greater than 8,500 square feet, and 31% of lot areas for parcels having lot areas greater than 8,500 square feet, or exceeding by more than 10% the floor area of the existing building immediately prior to the proposed expansion or alteration, or which would create any structure, or portion of a

structure having a height in excess of 30 feet from grade to the highest ridge on the roof, or to the highest point of a flat roof.

Section 3. Exceptions.

This moratorium shall not apply to the processing of applications, the issuance of building permits, or construction which involves the repair, replacement, or maintenance of all or any part of an existing building that does not involve the construction of any new building or any alteration to any existing building which would result in the floor area of the buildings on a residential property within the Village of Baxter Estates exceeding 36% of lot area for parcels having lot areas not greater than 8,500 square feet, and 31% of lot areas for parcels having lot areas greater than 8,500 square feet, an increase of more than 10% in the existing floor area of a building on residential property during the period of this moratorium and which does not create any structure or portion of a structure having a height in excess of 30 feet from grade to the highest ridge on the roof, or to the highest point of a flat roof.

Section 4. Variances.

In the event of unnecessary hardship, an application for relief from this local law may be made to the Village's Zoning Board of Appeals, which shall consider any such application under the standards applicable to an application for a "use variance" pursuant to the provisions of Village Law §7-712-b(2)."

Section 5. Effective Date.

This local law shall take effect immediately.