

## ARTICLE IV

### Bulk Regulations

1. General requirements.

The general requirements relating to the arrangement of buildings, structures and uses occupying a lot for the zoning districts established by Article II are hereby established.

2. Bulk Table.

The accompanying table entitled "Table of Bulk Requirements," shall be a part of this local law, is referred to herein as the "Bulk Table" and set forth the minimum bulk requirements of this local law.

A. The Bulk Table is divided into columns, each column headed by a number for reference. The Bulk Table is divided by single horizontal lines into groups, each group being identified by a letter corresponding to the letter symbol appearing in the Use Table adjacent to each use or combination of uses. Each of the uses within each group is regulated by the bulk regulations for the indicated use group.

- B. Other articles herein contain supplemental requirements applying to bulk, setback and coverage of specified uses.
3. Special bulk requirements.
- A. As part of any minimum lot area requirement of this local law for residential uses, not more than fifty percent (50%) of any land underwater, subject to or within the one-hundred-year-frequency floodplain, designated wetlands, within easements or rights-of-way for overhead utilities, with slopes (unexcavated) of over twenty-five percent (25%) or within a designated street line of any road shall be counted. At least fifty percent (50%) of the minimum lot area requirement shall consist of land without the above listed impediments. The application of this section to any particular lot shall be the responsibility of the Village Planning Board or the Building Inspector as the case may be. (Amended Feb. 16, 1989)
  - B. Street frontage for lots fronting on cul-de-sacs or on a street with a radius of curvature at the center line of one hundred (100) feet or less, or in other appropriate circumstances, may be reduced by the

Planning Board at the time of subdivision plat approval to no less than one-half ( $\frac{1}{2}$ ) of the required dimensions. No portion of the lot, along the access route from this frontage into the lot, shall be narrower than the approved frontage.

- C. In LO and PI Districts, no side setback, no side yard, no rear setback or no rear yard shall be required where such setback abuts an overhead utility transmission line right-of-way or a limited-access highway. In such cases, the total width of both side setbacks shall be seventy-five (75) feet in an LO District and fifty (50) feet in a PI District.
  - D. In all non-residential districts, the minimum requirements for side and rear yards shall be increased by fifty (50) percent when abutting a residential district, but shall be at least fifteen (15) feet.
4. Average density.
- A. The Village Board may authorize the Planning Board, simultaneously with the approval of a subdivision plat in accordance with §7-738 of the Village Law and the provisions of the Density Zoning Resolution heretofore

and hereafter adopted by the Village Board, to modify the applicable bulk and area provisions of this local law. This procedure may be followed by the Planning Board upon written application by the owner or subdivider, or at the initiation of the Planning Board.

The procedure may be used to modify the minimum lot area requirements; lot width; front, side and rear yards and setbacks; and street frontage. This procedure shall not be used to modify the requirements for building height.

- B. In the event the application of this procedure results in a plat showing lands available for park, recreation, open space or other municipal purposes, then the Planning Board, as a condition of final plat approval, may establish such conditions as to the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. All such conditions shall be approved by the Village Board prior to preliminary plat approval by the Planning Board.
  
- C. Open space land created as part of the application of average density to a subdivision plat, and which is not

required or permitted to be accepted for dedication to the Village of Chestnut Ridge shall be in a form of common ownership, which form and content shall be subject to the approval of the Village Board and which shall meet at least one (1) of the following conditions:

- (1) Each owner or owners of every subdivision lot shall be an owner in common with the other owners of the subdivisions of the land intended to be held as open space.
- (2) Each subdivided lot shall carry with it a covenant underwriting the payment of taxes on the open space land, which covenant shall bind the owner thereof and every successive owner thereof.
- (3) A homeowners' or cooperative association or corporation may be formed to hold ownership of the open space; provided that each and every subdivided lot owner shall remain liable for the taxes, operation and maintenance of the open space land.

(4) Such other mechanism or form as shall be approved by the Village Board which shall satisfy the requirements of the payment of taxes and the operation and maintenance of the property so created.