

A LOCAL LAW to amend Russell Gardens Code Chapter 60 entitled “Zoning.”

Section One. Russell Gardens Code Chapter 60 entitled “Zoning” Article I entitled “Definitions and Word Usage” subsection 60-2 entitled “Definitions is hereby amended to include the following additional definitions:

§ 60-2. Definitions.

ACCESSORY BUILDING – A subordinate building on the same lot as a principal structure or building, occupied by an accessory use. Accessory buildings shall not contain plumbing fixtures, other than a utility sink. Examples include garages, sheds, shops, studios and greenhouses.

ACCESSORY STRUCTURE – A subordinate structure on the same lot as a principal structure or building, devoted to an accessory use. . Accessory structures shall not consist of habitable space. Examples include pergolas, trellises, gazebos, air conditioning condensers, emergency generators, fire pits, fireplaces, built-in barbeques, outdoor kitchens, hot tubs and parabolic satellite dish antennas.

ACCESSORY USE -- A use customarily incidental to the principal use of a principal structure or building.

Section Two. Russell Gardens Code Chapter 60 entitled “Zoning” Article III entitled “Residence AA District” subsection 60-11 entitled “Permitted uses” subsection I is hereby amended to read as follows:

I. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

(1) Except as above permitted, accessory uses shall not include any use customarily carried on as a vocation, business, profession or trade of any kind, nor any visible display of any kind, nor any billboard or advertising signboard or sign.

(2) Permitted accessory buildings shall include garages, sheds, shops, studios and greenhouses. Accessory buildings shall not contain plumbing fixtures, other than a utility sink.

(3) Permitted accessory structures shall include pergolas, trellises, gazebos, air conditioning condensers, emergency generators, fire pits, fireplaces, built-in barbeques, outdoor kitchens, hot tubs and parabolic satellite dish antennas. Accessory structures shall not consist of habitable space.

(4) A driveway or a walk to and from an Apartment District and Business District use shall not be deemed to be an accessory use in any residence district. No such driveway or walk use shall be permitted in any residence district.

(5) A fence or other structure not specifically permitted in this section shall in no case be permitted as an accessory use except as may be required by the Village in the exercise of municipal functions.

[Amended 6-26-1979 by L.L. No. 13-1979]

Section Three. Russell Gardens Code Chapter 60 entitled “Zoning” Article III entitled “Residence AA District” subsection 60-11 entitled “Permitted uses” subsection J is hereby amended to read as follows:

J. A private swimming pool, tennis court, or other similar recreational features shall not constitute a permitted accessory use.

Section Four. Russell Gardens Code Chapter 60 entitled “Zoning” Article III entitled “Residence AA District” subsection 60-13.2 entitled “Maximum floor area” is hereby amended to read as follows:

The maximum gross floor area of a dwelling shall not exceed the floor area ratio or 5,200 square feet, whichever is less, except that a dwelling with a plot area of 40,000 square feet may have a maximum gross floor area of 6,000 square feet. Attics that are partially or fully converted to living space shall not be included in the calculation of maximum gross floor area.

Accessory buildings and accessory structures shall have a maximum gross floor area of 450 square feet. A storage shed shall have a maximum gross floor area of 120 square feet.

Section Five. Russell Gardens Code Chapter 60 entitled “Zoning” Article III entitled “Residence AA District” subsection 60-14 entitled “Yards” is hereby amended to add a new subsection E to read as follows:

E. Accessory buildings shall be located in the rear yard, shall maintain a minimum side yard of 3 feet and a minimum rear yard of 10 feet..

F. Accessory structures shall be located in the rear yard, shall be subject to the same side yard restrictions as principal structures and shall maintain a rear yard of ten (10) feet.

Section Six. Russell Gardens Code Chapter 60 entitled “Zoning” Article III entitled “Residence

AA District” subsection 60-14.1 entitled “Minimum dimensions of private, noncommercial garages” is hereby amended to add a new subsection C to read as follows:

- C. Detached garages shall maintain a minimum three (3) foot side yard setback and a minimum three (3) foot rear yard setback.

Section Seven. Russell Gardens Code Chapter 60 entitled “Zoning” Article III entitled “Residence AA District” subsection 60-15 entitled “Building height” is hereby amended to read as follows:

- A. No dwelling shall exceed 30 feet in height.
- B. No accessory building shall exceed 15 feet in height.
- C. No accessory structure shall exceed 12 feet in height.

Section Eight. Russell Gardens Code Chapter 60 entitled “Zoning” Article IV entitled “Residence A District” subsection 60-19 entitled “Permitted uses” subsection I is hereby amended to read as follows:

- I. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.
 - (1) Except as above permitted, accessory uses shall not include any use customarily carried on as a vocation, business, profession or trade of any kind, nor any visible display of any kind, nor any billboard or advertising signboard or sign.
 - (2) Permitted accessory buildings shall include garages, sheds, shops, studios and greenhouses. Accessory buildings shall not contain plumbing fixtures, other than a utility sink.
 - (3) Permitted accessory structures shall include pergolas, gazebos, air conditioning condensers, emergency generators, fire pits, fireplaces, built-in barbeques, outdoor kitchens, hot tubs and parabolic satellite dish antennas. Accessory structures shall not consist of habitable space.
 - (4) A driveway of a walk to and from an Apartment District and Business District use shall not be deemed to be an accessory use in any residence district. No such driveway or walk use shall be permitted in any residence district.
 - (5) A fence or other structures not specifically permitted in this section shall in no case be permitted as an accessory use except as may be

required by the Village in the exercise of municipal functions.

Section Nine. Russell Gardens Code Chapter 60 entitled “Zoning” Article IV entitled “Residence A District” subsection 60-19 entitled “Permitted uses” subsection J is hereby amended to read as follows:

- J. A private swimming pool, tennis court, or other similar recreational features shall not constitute a permitted accessory use.

Section Ten. Russell Gardens Code Chapter 60 entitled “Zoning” Article IV entitled “Residence A District” subsection 60-21.2 entitled “Maximum floor area” is hereby amended to read as follows:

The maximum gross floor area of a dwelling shall not exceed the floor area ratio or 4,800 square feet, whichever is less. Attics that are partially or fully converted to living space shall not be included in the calculation of maximum gross floor area. Accessory buildings and accessory structures shall have a maximum gross floor area of 450 square feet. A storage shed shall have a maximum gross floor area of 120 square feet.

Section Eleven. Russell Gardens Code Chapter 60 entitled “Zoning” Article IV entitled “Residence A District” subsection 60-22 entitled “Yards” is hereby amended to add a new subsection E and F to read as follows:

- E. Accessory buildings shall be located in the rear yard, shall maintain a minimum side yard of 3 feet and a minimum rear yard of 10 feet.
- F. Accessory structures shall be located in the rear yard, shall be subject to the same side yard restrictions as principal structures and shall maintain a minimum rear yard of not less than 10 feet.

Section Twelve. Russell Gardens Code Chapter 60 entitled “Zoning” Article IV entitled “Residence A District” subsection 60-22.1 entitled “Minimum dimensions of private, noncommercial garages” is hereby amended to add a new subsection C to read as follows:

- C. Detached garages shall maintain a minimum of 3 foot side yard setback and a minimum 3 foot rear yard setback.

Section Thirteen. Russell Gardens Code Chapter 60 entitled “Zoning” Article IV entitled “Residence A District” subsection 60-23 entitled “Building height” is hereby amended to read as follows:

- A. No dwelling shall exceed 30 feet in height.

- B. No accessory building shall exceed 15 feet in height.
- C. No accessory structure shall exceed 12 feet in height.

Section Fourteen. Russell Gardens Code Chapter 60 entitled “Zoning” Article V entitled “Residence B District” subsection 60-29.7 entitled “Permitted uses” is hereby amended to read as follows:

No building may be erected, altered or used and no lot or premises may be used except for one or more of the purposes set forth in Article IV, §60-19 of this chapter, as amended; provided, however, that there may be constructed in the rear yard on any one lot a private detached garage for not more than two automobiles.

Section Fifteen. Russell Gardens Code Chapter 60 entitled “Zoning” Article V entitled “Residence B District” subsection 60-29.2 entitled “Maximum floor area” is hereby amended to read as follows:

The maximum gross floor area of a dwelling shall not exceed the floor area ratio or 3,300 square feet, whichever is less. Attics that are partially or fully converted to living space shall not be included in the calculation of maximum gross floor area.

Accessory buildings and accessory structures shall have a maximum gross floor area of 250 square feet. A storage shed shall have a maximum gross floor area of 120 square feet.

Section Sixteen. Russell Gardens Code Chapter 60 entitled “Zoning” Article V entitled “Residence B District” subsection 60-30 entitled “Yards” is hereby amended to add a new subsection D to read as follows:

- D. Accessory buildings shall be located in the rear yard, shall maintain a minimum side yard of 3 feet and a minimum rear yard of 3 feet.
- E. Accessory structures shall be located in the rear yard and shall be subject to the same side yard restrictions as principal structures and maintain a minimum rear yard of 3 feet.

Section Seventeen. Russell Gardens Code Chapter 60 entitled “Zoning” Article V entitled “Residence B District” subsection 60-31 entitled “Building height” is hereby amended to read as follows:

- A. No dwelling shall exceed 30 feet in height.
- B. No accessory building shall exceed 15 feet in height.

C. No Accessory structure shall exceed 12 feet in height.

Section Eighteen. This local law shall become effective upon filing with the Secretary of State.