

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

GENERAL ORDINANCE NO.7-2009

2. BY: COUNCILMEMBER BARBATO; COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI AND MURTAGH:

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1.General Ordinance No. 4-2000 and the accompanying map, also known as Chapter 43 of the Code of the City of Yonkers and more commonly known as the Zoning Code of the City of Yonkers, is hereby generally amended and revised in part as follows:

"Section 43-8 of the Code of the City of Yonkers entitled "Definition of Terms" is hereby amended in part by the addition of the following terms to be placed in alphabetical order within the section:

BASEMENT – The portion of a building that is partly or completely below grade. A basement shall be counted as a story if the distance between the grade and elevation to the floor immediately above equals or exceeds

- a. More than 6 feet above grade elevation;
- b. More than 6 feet above the finished grade elevation for more than fifty percent (50%) of the total building perimeter; or
- c. More than 12 feet above the finished ground level at any point (See Illustration #4.)

Dormer - Any structure whose framing projects out of a sloping roof to form a vertical wall suitable for windows or other openings.

Gross Floor Area

- a) For detached single- and two-family homes - the sum of the gross horizontal areas of the several floors and mezzanine floors of a building and its accessory buildings on the same lot. All dimensions shall be measured between exterior faces of walls.
- b) For all other buildings - the sum of the gross horizontal areas of the several floors and mezzanine floors of a building and its accessory buildings on the same lot, excluding basement or cellar area devoted to parking and mechanical equipment space. All dimensions shall be measured between exterior faces of walls."

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

GENERAL ORDINANCE NO.7-2009 (CONTINUED)

Section 2. Table 43-3 of the Table of Dimensional Regulations for Dimensional Regulations for Residential Uses is hereby amended in part, by amending the regulations regarding Side yard and Floor Area Ratio for Single and Two-Family Dwellings to read as follows

	<u>"S-200</u>	<u>S-100</u>	<u>S-75</u>	<u>S-60</u>	<u>S-50</u>	<u>T</u>
<u>Side yard; one/both (feet)</u>						
<u>Single and two-family dwellings</u>	<u>20/40</u>	<u>15/30</u>	<u>11/23</u>	<u>8/17</u>	<u>6/15</u>	<u>6/15</u>
<u>Side yard; one/both (feet)</u>	<u>MG</u>	<u>M</u>	<u>A</u>	<u>B</u>	<u>BA</u>	
<u>Single- and two-family dwellings</u>	<u>6/15</u>	<u>6/15</u>	<u>6/15</u>	<u>6/15</u>	<u>6/15</u>	
<u>Floor Area Ratio</u>	<u>S-200</u>	<u>S-100</u>	<u>S-75</u>	<u>S-60</u>	<u>S-50</u>	<u>I</u>
<u>Single and two – family dwelling</u>						
Base F.A.R.	.56	.56	.60	.68	.75	1.00
Portion of lot exceeding:						
5,000sf ⁴	...	...	...	...	.50	.67
6,000sf	...	...	...	.46	...	...
7,500sf	...	...	.40	...	...	...
10,000sf	...	.38	...	...	...	...
20,000sf	.38	...	...	...	...	...
<u>Floor Area Ratio</u>	<u>MG</u>	<u>M</u>	<u>A</u>	<u>B</u>	<u>BA</u>	
<u>Single- and two-family dwellings</u>						
Base F.A.R.	1.00	1.00	1.00	1.00	1.00	1.00
Portion of lot exceeding ;						
5,000sf ⁴	.67	.67	.67	.67	.67	.67

Footnote 4: For single and two –family dwellings, the floor area ratio for the lot area that exceeds the minimum lot size in that zone will be sixty seven percent (0.67) of the zone’s base F.A.R.)”

Section 3. Section 43 – 34 of the Code of the City of Yonkers entitled “Supplemental regulations for certain residential uses”, specifically, is hereby amended in part by the addition of new section 43-34 (H) entitled “Detached Single and Two – Family Dwellings” to read as follows:

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

GENERAL ORDINANCE NO.7-2009 (CONTINUED)

(H) Detached Single- and Two-Family Dwellings: Detached single- and two-family dwelling in all residential districts shall be subject to the following additional regulations:

a) Side Setback Plane. Except as provided in subsection B, below, an inwardly sloping 45-degree angle side setback plane begins at a horizontal line 20-feet directly above each side setback line. The 20-foot height of the horizontal line is established for 40-foot deep portions of the lot beginning at the front setback line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep. (see Illustration). The side setback plane may be rotated ninety degrees on the lot and provided as a front/rear set back plane to accommodate alternative lot orientations. In such cases, no side setback plane is required.

b) Exceptions to the side setback plane and rear setback plane requirements: The requirements of the side and rear setback planes shall not apply to:

- i) Dormers that do not exceed fifty (50) percent of the horizontal area of the roof upon which they are located;
- ii) Radio or television antennae
- iii) Chimneys or vents

Provided that such features shall exceed the required plane only to the extent necessary to accomplish the purpose for which they are intended to serve.

c) Side Wall Articulation. A side wall of a building that is more than 15 feet tall and is an average distance of 15 feet or less from a side lot line may not extend in an unbroken plane for more than 30 feet along a side lot line. To break the plane, a wall articulation of not less than two (2) feet for a distance of not less than ten (10) feet is required. (See Illustration).

d) Maximum exposed wall height. The maximum exposed height of any wall of a detached single- or two-family dwelling shall be 35 feet as measured from the finished grade at the base of the wall to the eave.(See Illustration.)

e) Administrative relief permitted. The Commissioner of Housing and Buildings shall have the power to grant, in a S-200, S-100, S-75, S-60, S-50, or a T zone, a permit for alteration or extension not exceeding two thousand five hundred (2,500) cubic feet to an detached single- or two-family dwelling, wherein front yard, side yard, rear yard or FAR requirements are at variance with the provisions of this chapter, provided that the applicant for such a permit shall file with the Commissioner written and notarized consents for such alteration or extension of the immediately abutting lot owners. The administrative relief shall be specifically noted on the certificate of occupancy for the building and only one such permit shall be granted. Any additional alterations or extensions in variance with the zoning code may be granted only after compliance with Article VIII, Variances, of the Yonkers Zoning Code.”

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

GENERAL ORDINANCE NO.7-2009 (CONTINUED)

Section 4. These amendments to the Zoning Code of the City of Yonkers shall take effect immediately, excepting completely filed plans for construction or alteration of detached single or detached two family dwellings, filed before the effective date of these amendments, shall be exempt from these requirements.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.