

- C. Least overall dimension. The least overall dimension of any minimum required first floor area of a dwelling shall be 20 feet.

## § 116-17.1. Maximum gross floor area of dwellings in certain residence districts (R-120, R-80, R-60, R-40, R-20, R-12.5, R-7.5 and MF-20).

[Added 4-10-2003 by L.L. No. 3-2003<sup>[1]</sup>; amended 4-8-2005 by L.L. No. 2-2005; 11-10-2005 by L.L. No. 7-2005]

- A. As used herein, the term "gross floor area of a dwelling" shall include the total gross horizontal area of all floors of a dwelling measured to the exterior of the outside walls, including the horizontal floor area of any enclosed breezeway-type structure that is part of the dwelling and the horizontal floor area of any enclosed porch, but excluding the following:
- (1) The floor area of a cellar shall be excluded in calculating the gross floor area.
  - (2) The floor area of a half story shall be excluded in calculating the gross floor area to the extent that the half story has a ceiling height of at least 7 1/2 feet over not more than 1/3 of the total floor area of the half story. If the half story has a ceiling height of at least 7 1/2 feet over more than 1/3 of the total floor area of the half story, the excess (the portion of the floor area having a ceiling height of at least 7 1/2 feet which exceeds 1/3 of the total floor area of the half story) shall be included in calculating the gross floor area.  
[Amended 10-11-2007 by L.L. No. 10-2007]
  - (3) Any floor area under the roof of a roofed porch, deck, patio, balcony or similar roofed structure attached to the dwelling shall be excluded in calculating the gross floor area, provided that the roofed porch, deck, patio, balcony or similar roofed structure is not enclosed so as to be habitable space.
  - (4) The floor area of a garage that is part of the dwelling shall be excluded to the following extent in calculating the gross floor area:  
[Amended 10-11-2007 by L.L. No. 10-2007]
    - (a) In districts requiring 20,000 square feet of lot area or less, the floor area of such garage shall be excluded to the extent of 520 square feet. (If the floor area of such garage exceeds 520 square feet, the excess shall be included in calculating the gross floor area.)
    - (b) In districts requiring more than 20,000 square feet of lot area, the floor area of such garage shall be excluded to the extent of 800 square feet. (If the floor area of such garage exceeds 800 square feet, the excess shall be included in calculating the gross floor area.)
- B. The maximum gross floor area of a dwelling within all one-family residence districts (the R-120, R-80, R-60, R-40, R-20, R-12.5 and R-7.5 Residence Districts) and the MF-20 Multifamily Residence District shall be 12% of the lot area of the lot, plus 1,500 square feet.  
[Amended 10-11-2007 by L.L. No. 10-2007]
- C. In the case of a lot where the maximum gross floor area limitation calculated pursuant to Subsection **B** above would permit a dwelling having more than 18,000 square feet of gross floor area, the maximum gross floor area limitation applicable to such lot shall be 18,000 square feet. It is the intent of this provision that, notwithstanding Subsection **B** above, the gross floor area of a dwelling shall not exceed 18,000 square feet under any circumstance.
- D. Gross floor area shall be calculated and certified as correct by a New York State licensed architect, professional engineer or surveyor.
- E. Supplemental regulations in the R-7.5, R-12.5 and R-20 Residence Districts. It is the intent of this Subsection **E** to provide an incentive to further reduce the size of dwellings in the R-7.5, R-12.5 and R-20 Residence Districts. Pursuant to Subsection **A(4)** above, the floor area of a garage that is part of a dwelling is excluded in calculating the gross floor area of the dwelling to the extent of 520 square feet. Pursuant thereto, a dwelling may consist of the maximum gross floor area plus 520 square feet of attached garage floor area. In order to

provide an incentive to modify and reduce the size of such a dwelling by eliminating the plus 520 square feet of attached garage floor area, this subsection **E** provides for modifying and reducing the minimum setback requirement from side and rear lot lines for a detached garage from the minimum setback which would otherwise be applicable under § **116-11.1** to a minimum setback of five feet. A detached garage to be constructed pursuant to this authorization would be subject to all other applicable requirements and regulations, including the Pyramid Law (§ **116-12E**) and landscape screening (§ **116-32G**).

[Added 10-11-2007 by L.L. No. 10-2007]

- (1) Notwithstanding the minimum setback requirement from side and rear lot lines for accessory buildings set forth in § **116-11.1**, a detached garage having a minimum setback of five feet from side and rear lot lines may be permitted on lots having a lot area of 20,000 square feet or less in the R-7.5, R-12.5 and R-20 Residence Districts, provided that the detached garage conforms with all other applicable requirements, provided that the modified minimum setback from side and rear lot lines for the detached garage is approved by the Board of Architectural Review and Historic Preservation incident to granting architectural review approval pursuant to § **116-32**, and provided that the dwelling on such lot complies with the provisions set forth in Subsection **E(2)** below.
- (2) The exclusion from gross floor area set forth in Subsection **A(4)** above shall not be applicable in the case of a lot which utilizes the modified minimum setback for a detached garage authorized by Subsection **E(1)** above. In the case of such a lot, the entire floor area of a garage that is part of the dwelling shall be included in calculating the gross floor area. In the case of such a lot, the gross floor area of the dwelling, including the entire floor area of any garage that is part of the dwelling, shall not exceed the maximum gross floor area set forth in Subsection **B** above.
- (3) In the event of approval by the Board of Architectural Review and Historic Preservation pursuant to Subsection **E(1)** above, the modified minimum setback from side and rear lot lines approved by said Board shall constitute the applicable minimum setback requirement from side and rear lot lines for the approved detached garage. Use of such detached garage shall be limited to garage use and shall not be changed to any other use without a variance.

[1] *Editor's Note: This local law also provided that applications for building permits filed prior to 2-1-2003 would be exempt from the provisions of this section.*

## § 116-18. Permitted fences and walls.

### A. In a residence district.

- (1) No fence or wall in a required front yard shall have a height greater than four feet.
- (2) No fence or wall in a required rear or side yard shall have a height greater than six feet.
- (3) Any such fence shall have the face or finished side thereof facing the property line of the adjacent owner or adjacent street. The Building Inspector shall designate which side of the fence is the finished or face side of the fence.  
[Added 3-11-1977 by L.L. No. 1-1977]
- (4) A gate and/or gateposts at a driveway entrance or exit may exceed the foregoing height limitation but shall not exceed eight feet in height and for not more than an aggregate width of 25 feet.  
[Added 12-9-1983 by L.L. No. 11-1983]
- (5) A gate and/or gateposts at a driveway entrance or exit shall have a minimum setback of 18 feet from the edge of street pavement on the street right-of-way and shall not encroach upon the street right-of-way. In a case where the distance from the edge of street pavement on the street right-of-way to the front lot line is less than 18 feet, the foregoing is intended to require a setback from the front lot line sufficient to achieve a setback of 18 feet from the edge of street pavement on the street right-of-way. In a case where the distance from the edge of street pavement on the street right-of-way to the front lot line is more than 18 feet, the foregoing is intended to require a setback of more than 18 feet from the edge of street pavement on the street right-of-way, so that the gate and/or gateposts will not encroach upon the street right-of-way.