

LOCAL LAW NO. 10 - 2022

TITLE: “A Local Law to Amend Article VI “Supplemental Regulations” of the Code of the Inc. Village of Brightwaters”

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF BRIGHTWATERS AS FOLLOWS:

Section – 128-34 Building height, to wit: Amending paragraph E

FIRST: Unless otherwise stated, the vertical distance from the average crown of the road or average top of the curb (if more than five inches or greater of reveal) that fronts the property, whichever is less, to the highest point of the roof, provided that chimneys and similar permitted projections shall not be included in the height. For any single-family residential structure or accessory structure thereto, no principle building or structure shall be erected to a height in excess of 35 feet or 2 1/2 stories within an area of special flood hazard elevation zone pursuant to this chapter, the structure or the minimum elevation necessary to meet the prerequisites for federal flood insurance as determined by the National Flood Insurance Program (FEMA) as shown located in a designated flood zone on any applicable Flood Insurance Map, the height of the building shall be the vertical distance from the Base Flood Elevation (BFE) to the highest point of the building. The Village Building Department shall be responsible for the interpretation and application of Flood Grade Elevations relevant to any specific project.

A. In a residential district, no principal building or structure shall be erected to a height that exceeds 35 feet or 2 1/2 stories.

B. Accessory structures shall not exceed 24 18 feet in height or shall be a maximum of one story, whichever is less. 1-1/2 stories. The eave height shall be no higher than 10 feet above existing or proposed adjacent grade, whichever is lower.

C. Flagpoles shall not exceed 30 feet in height.

D. Architectural protrusions above the ridge line such as a cupola, and/or weather vane may not exceed five feet above the highest peak of the residence or structure. Other protrusions such as solar panels, dish receivers and/or ornamental temporary fixtures cannot exceed the building height code § 128-34.

E. In any business district, no principal building or structure shall be erected to a height that exceeds 20 feet or 1 story.

SECOND: Separability.

If any section, sub-section, sentence, clause or phrase of this local law is for any reason held invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this local law.

This law is adopted pursuant to Municipal Home Rule Law §§10(1)(ii)(d)(3) and 10(1)(ii)(e)(3) which permits villages to adopt local laws to their property, affairs and government.

THIRD: Effective Date.

This act shall take effect immediately upon filing with the Secretary of State as provided by law.