

A LOCAL LAW TO AMEND
CHAPTER 60 OF THE CODE OF THE
TOWN OF NEW CASTLE TO ENACT
RESIDENTIAL BUILDING FLOOR AREA
AND LOT COVERAGE RATIOS

Draft 11/28/06

WHEREAS, The Town Board of the Town of New Castle has been concerned with assuring that new and expanded houses which might be built in single-family residential zoning districts will be in scale with the existing context of their neighborhood; and

WHEREAS, the Town Board created an Advisory Committee and hired a special planning consultant to collaborate in devising a residential Floor Area Ratio ("FAR") for the single-family residential districts to help control residential construction by establishing a maximum ratio between a building's floor area and the size of the lot that it occupies; and

WHEREAS, in devising a residential FAR, the Advisory Committee and the planning consultant were required to balance the need to be sufficiently restrictive to prevent a significantly over-sized house and the need to respect property rights and leave existing homes in conformity with the requirements, to respect and fit into the Town's existing residential zoning regulations and rely on current definitions and controls where possible, and to be specific to the Town; and

WHEREAS, the Advisory Committee and the planning consultant researched how other similar municipalities use FAR in their single-family residential districts, the FAR that is implicit in the Town's existing lot and bulk regulations, and the Town's actual built conditions; and

WHEREAS, the Advisory Committee and the planning consultant have reported to the Town Board and proposed FARs for the single-family residential districts:

NOW THEREFORE, be it enacted by the Town Board of the Town of New Castle as follows:

Section 1. Section 60-210, "Terms Defined," of the Code is hereby amended to delete the definition of "Floor Area Ratio."

Section 2. A new Section 60-421.8, "Maximum One Family Residence District Floor Areas," is added to the Code to read as follows:

"60-421.8. Maximum One-Family Residence District Floor Areas. The maximum permitted floor area for any lot in any of the R-1/4A One-Family Residence District, the R-1/2A One-Family Residence District, the R-1A One-Family

Residence District, or the R-2A One-Family Residence District shall be computed in accordance with this Section 60-421.8.

"60-421.81. Floor Area. The floor area for any lot in any One-Family Residence District shall be calculated for the purposes of this Section 60-421.8 as the sum of the floor area of each building on that lot plus one-half of the floor area of each garage and each basement on that lot which is not entirely below grade.

"60-421.82. Calculation of Maximum Permitted Floor Area. The maximum permitted floor area for any lot in any One-Family Residence District shall be calculated for the purposes of this Section 60-421.8 as the product of the gross horizontal area of that lot multiplied by the permitted floor area ratio for that lot computed in accordance with Section 60-421.83.

"60-421.83. Calculation of Permitted Floor Area Ratio. The permitted floor area ratio for any lot shall be that lot's base ratio as set forth in Section 60-421.83.1 and adjusted in accordance with Section 60-421.83.2 if the lot is smaller than the minimum lot size for its district or Section 60-421.83.3 if the lot is larger than the minimum lot size for its district.

"60-421.83.1. The base ratio for each residence district is:

"60-421.83.1.1. R-1/4 – 0.29

"60-421.83.1.2. R-1/2 – 0.22

"60-421.83.1.3. R-1A – 0.14

"60-421.83.1.4. R-2A – 0.09

"60-421.83.2. If the lot is in any One-Family Residence District other than the R-1/4A One-Family Residence District and if the gross horizontal area of the lot is less than the minimum lot size requirement for its district, then the permitted floor area ratio for the lot shall be calculated as follows: (i) the gross horizontal area of the lot shall be subtracted from the minimum lot size requirement, (ii) that difference between the area of the lot and the lot size requirement shall be divided by the gross horizontal area of the lot, and the quotient of that division shall be rounded to the nearest whole number in the hundredths place and expressed as a percentage, (iii) that percentage shall be multiplied by the lot's base ratio set forth in Section 60-421.83.1, and (iv) the product of that multiplication shall be added to the lot's base ratio set forth in Section 60-421.83.1 to determine the

permitted floor area ratio for that lot; PROVIDED, however, that in no case shall the permitted floor area ratio for the lot be increased to a permitted floor area ratio that is greater than the base ratio for the next most dense One-Family Residence District.

"60-421.83.3. If the lot is in any One-Family Residence District other than the R-2A One-Family Residence District and if the gross horizontal area of the lot is greater than the minimum lot size requirement for its district, then the permitted floor area ratio for the lot shall be calculated as follows: (i) the minimum lot size requirement shall be subtracted from the gross horizontal area of the lot, (ii) that difference between the lot size requirement and the area of the lot shall be divided by the minimum lot size requirement, and the quotient of that division shall be rounded to the nearest whole number in the hundredths place and expressed as a percentage, (iii) that percentage shall be multiplied by the lot's base ratio set forth in Section 60-421.83.1, and (iv) the product of that multiplication shall be subtracted from the lot's base ratio set forth in Section 60-421.83.1 to determine the permitted floor area for that lot; PROVIDED, however, that in no case shall the permitted floor area ratio for the lot be reduced to a permitted floor area ratio that is less than the base ratio for the next least dense One-Family Residence District."

Section 3. The "§60-411 Schedule of regulations for residential districts. Lot and Bulk Regulations – Parts 1 & 2" are amended to add a new column entitled "Maximum Floor Area" with the following values for the corresponding zoning districts to read as follows:

District	...	Maximum Floor Area
R-2A	...	See §60-421.8
R-1A	...	See §60-421.8
R-1/2A	...	See §60-421.8
R-1/4A	...	See §60-421.8
MFPD	...	N/A
MFR-M	...	N/A
MFR-C	...	N/A

Section 4. The “§60-411 Schedule of Regulations for residential districts. Lot and Bulk Regulations – Parts 1 & 2” are amended at the column entitled “Maximum Average Height of Principal Building (stories/feet)” and the column entitled “Maximum Average Height of Accessory Buildings (stories/feet)” with the following values for the corresponding zoning districts to read as follows:

District	...	Maximum Average Height of Principal Building (stories/feet)	Maximum Average Height of Accessory Buildings (stories/feet)
R-2A	...	2.5/35, except 3/40 for place of worship, school, or library	2.5/35, except 3/40 for place of worship, school, or library
R-1A	...	2.5/35, except 3/40 for place of worship, school, or library	2.5/35, except 3/40 for place of worship, school, or library
R-1/2A	...	2.5/35, except 3/40 for place of worship, school, or library	2.5/35, except 3/40 for place of worship, school, or library
R-1/4A	...	2.5/35, except 3/40 for place of worship, school, or library	2.5/35, except 3/40 for place of worship, school, or library
MFPD	...	3/35	N/A
MFR-M	...	3/35	N/A
MFR-C	...	3/35	N/A

Section 5. Severability.

The invalidity of any word, section, clause, paragraph sentence, part, or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such invalid part or parts.

Section 6. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.