

Village of Blooming Grove
Amendment to Zoning Code

LOCAL LAW NO. 1 OF 2021

A LOCAL LAW AMENDING ZONING CHAPTER 235
ZONING CODE
VILLAGE OF SOUTH BLOOMING GROVE

ITEM NO 1:

AMEND ARTICLE II Terminology

Chapter 235-4 Definitions.

To include:

HOUSE OF WORSHIP – A church, mosque, synagogue, or other place of religious worship or other place of religious retreat (subject to NY State Uniform Prevention and Building Codes) for regular organized religious assembly of 50 or more persons (also called House of Worship Large.

HOUSE OF WORSHIP HOME – The use of a dedicated portion of a home for religious gatherings. No more than 750 square feet of principle residence shall be designated for such use and be subordinate to the principle residential use. Use in accordance with NYS Uniform Fire Prevention and Building Codes.

HOUSE OF WORSHIP SMALL – Use of a building or structure for regular organized religious assembly with a maximum of under 50 worshippers. The use may take place in a structure with or without residential component. The facility to be in accordance with NYS Uniform Fire Prevention and Building Codes.

ITEM NO. 2:

AMEND CHAPTER 235

Zoning Attachment I – Village of South Blooming Grove – Table of General Use Requirements as follows:

Replace current Table with the following: enclosed new zoning 235 attachment 1, Village of South Blooming Grove Table of General Use Requirements (enclosed).

ITEM NO. 3:

AMEND ARTICLE XVIII – VILLAGE BOARD SPECIAL PERMITS - §235-94:

Application Procedure:

Add – There will be a separate Village Board Special Permit for House of Worship (see 235-94G)

NEW SECTION: 235-94G:

Requests to the Village Board for a Special Permit for House of Worship will be reviewed as follows:

- (1) If request is for House of Worship Home, the Board can review and consider approval with conditions to be enforced by Code Enforcement Officer. Limited to 750 square feet.
- (2) If request is for House of Worship Small, with larger number of worshippers proposed, the Village Board can seek recommendations from the Code Enforcement Officer and Village Engineer or forward to the Planning Board to follow the procedure in §235-94 A, B, C, D, E, and F. Limited to under 50 worshippers and in accordance with NYS Uniform Fire Prevention and Building Codes.
- (3) If request is for House of Worship Large, the Village Board would forward to the Planning Board for their recommendation under §235-94 A, B, C, D, E, and F in accordance with NYS Uniform Fire Prevention and Building Codes.

ITEM NO. 4:

ELIMINATE:

Article VA District Regulations
Chapter 235-14.1 Rural Residential District Regulations
Section A (2)(a)[1][a][vii]

ADD: With language that follows:

Article VA District Regulations
Chapter 235-14.1 Rural Residential District Regulations
Section A (3)(a)

Add with language that follows:

Ten-percent increase over the base lot counts for provision of 10% of the base lot count in affordable housing units to be restricted by the applicant on the project site or on another site owned or controlled by the applicant in the Village of South Blooming Grove, and appropriately zoned or an increase of 1.5 times the base lot count referenced in 235-14.1(3) when 50% of the increase over the base lot counts are affordable housing units.

ITEM NO. 5:

ELIMINATE:

Article VA
Chapter 235-14.4 Overlay District
Section C - Ridgeline Overlay District
3(a), (ii), (iii), (iv)
Also Section C – (4)(a)[1], [2], and (4)(b)[1][c]
All other provisions of the above noted code to be as currently written.

ADD: With language that follows:

Chapter 235-14.4 Overlay District
Section C - Ridgeline Overlay District

(3) General Provisions.

- (a) The provisions of this section shall apply to any parcel of land lying fully or to the designated portion of any parcel of land located partially within the Ridge Overlay district.
- (i) All applications for land use development, including site plan, subdivision, special use and conditional use permits, zoning variances, building permits for new residential dwellings.
- (b) To ensure the placement of structures outside of the exposed ridgeline area on proposed building lots, building sites, including areas of vegetation, shall be clearly designated on the applicable subdivision plat and/or site plan. The ridgeline's boundary shall be shown on plot plans.
- (c) No land shall be developed, and no building or structure erected or developed unless the Planning Board finds that the development proposed will be consistent with the standards of the Ridgeline Overlay District and grants approval.

Village of South Blooming Grove
Amendment to Zoning Code

- (d) Sites in the RL District, also located within the Scenic Roads, Scenic Viewshed or Scenic Gateways Overlay Districts are subject to the provisions and standards found therein.
- (4) Standards.
 - (a) Height.
 - [1] The total height of any structure or accessory element attached to any structure shall be the vertical distance from the average elevation of the proposed finished grade along the wall of a building (or adjacent to the side of non-building use) to the highest point of the roof for flat roofs and the mean height between eaves and ridge for gable, hip and gambrel roof of such building (or non-building uses), except as specifically exempted in Article VII, Section 235-20.
 - [2] Restrictions on height. Within the RL District, no principal structure or accessory element attached to the structure with a building height of greater than 35 feet shall be constructed. The structure must only include a basement and two (2) stories within said 35 feet. Detached accessory structures to be 25 feet or less in height.
 - (3) Structures shall comply with other height provisions of the Zoning Law if they are most restrictive.
- (b)[1][c] No structure shall have a footprint greater than 5,000 square feet and setbacks remain as stated in the Zoning Code.