
BE IT ENACTED by the Town Board of the Town of Greenburgh:

§ 1. Title. This law is entitled “A local law amending Chapter 285 of the Zoning Ordinance of the Town of Greenburgh and sections of the Zoning Map of the Town of Greenburgh.”

§ 2. Legislative Findings.

The Town Board of the Town of Greenburgh finds it necessary to amend Chapter 285-5 of the Town Code to permit certain properties in the M-174 Town Multifamily Zoning District to provide suitable open space, as is required by the Town Zoning Ordinance, on the roof of a building provided that such roof is a green roof, as that term is defined, and has a minimum area of 1,000 square feet. The Town Board further finds that it is in the best interests of the Town to amend the Zoning Map of the Town to re-zone real property known and designated on the Tax Assessment Map of the Town of Greenburgh as Section 23, Sheet 36B, Parcel P-1A from DS District and M-22 District to M-174 District.

§ 3. Amendment to the Zoning Map of the Town of Greenburgh.

The Zoning Map of the Town of Greenburgh is hereby amended to re-zone the real property known and designated on the Tax Assessment Map of the Town of
Greenburgh as Section 23, Sheet 36B, Parcel P-1A from DS District and M-22 District to M-174 District.

§ 4. Amendment to Section 285-5.

The definition of “Suitable Open Space” contained in Section 285-5 of the Code of the Town of Greenburgh is hereby amended as follows:

(Delete text in [brackets] and add underlined text):

SUITABLE OPEN SPACE — A portion [of the ground area] of a lot, or in the M-174 District, a portion of a lot, or of the roof of a building or structure on a lot, which is available and accessible to all occupants of a dwelling unit, or dwelling units on said lot for outdoor recreation use [ , which area is not]. Where such suitable open space is located at grade, such area (i) may not be devoted to driveways, parking areas or required yard areas [ and does] (ii) may not consist of more than 25% of impermeable surface, [is] (iii) must be at least 25 feet in minimum dimension, and [has] (iv) must have no more than 10% of its area with a grade of more than 5%. Where such suitable open space is provided on the roof of a building or structure in the M-174 District, such roof shall be a green roof, and must have a minimum area of 1,000 square feet. For purposes of this definition, a “green roof” shall mean a roof that is partially or completely covered with vegetation planted in soil or a growing medium located over a waterproofing membrane, which roof serves to reduce stormwater runoff and/or the “heat island effect” of the building. A green roof may also include additional layers such as a root barrier and drainage and irrigation systems. A green roof does not refer to roofs which are merely colored green, as with green roof shingles, or to container gardens on roofs, where plants are maintained in pots.

§ 5. Supersession: Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

§ 6. Severability: If any clause, sentence, paragraph, subdivision, section or part of this law or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 7. Effective Date: This law shall take effect immediately upon filing with the Secretary of State.