

STATE OF NEW YORK

188

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 2

AN ACT to amend the general city law, the village law and the town law, in relation to limiting a municipality's authority to impose certain zoning requirements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 24 of section 20 of the general city law, as
2 amended by chapter 742 of the laws of 1979, is amended to read as
3 follows:
4 24. ~~[#e]~~ (a) Except as provided in paragraph (b) of this subdivision,
5 to regulate and limit the height, bulk and location of buildings here-
6 after erected, to regulate and determine the area of yards, courts and
7 other open spaces, and to regulate the density of population in any
8 given area, and for said purposes to divide the city into districts.
9 Such regulations shall be uniform for each class of buildings throughout
10 any district, but the regulations in one or more districts may differ
11 from those in other districts. Such regulations shall be designed to
12 secure safety from fire, flood and other dangers and to promote the
13 public health and welfare, including, so far as conditions may permit,
14 provision for adequate light, air, convenience of access, and the accom-
15 modation of solar energy systems and equipment and access to sunlight
16 necessary therefor, and shall be made with reasonable regard to the
17 character of buildings erected in each district, the value of land and
18 the use to which it may be put, to the end that such regulations may
19 promote public health, safety and welfare and the most desirable use for
20 which the land of each district may be adapted and may tend to conserve
21 the value of buildings and enhance the value of land throughout the
22 city.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (b) Notwithstanding any provision of law to the contrary, no city
2 shall:

3 (i) establish a minimum lot size of more than one thousand two hundred
4 square feet;

5 (ii) require the construction of off-street parking spaces as a condi-
6 tion of permitting construction of any building, except that a city may
7 require the construction of an off-street area for the loading and
8 unloading of freight or other deliveries;

9 (iii) prohibit the construction and occupation of a dwelling for four
10 or fewer families on a single lot, or impose restrictions on height,
11 setbacks, floor area ratios or any similar metric that effectively
12 prevent the construction or occupation of such a dwelling, in any
13 district in which residential construction and occupation is otherwise
14 permitted; or

15 (iv) prohibit the construction and occupation of a dwelling for six or
16 fewer families on a single lot, or impose restrictions on height,
17 setbacks, floor area ratios or any similar metric that effectively
18 prevent the construction or occupation of such a dwelling, on a lot in
19 any district in which residential construction and occupation is other-
20 wise permitted if such lot is within one quarter mile of any commuter
21 rail or subway station owned, operated or otherwise served by the metro-
22 politan transportation authority, the port authority of New York and New
23 Jersey, or the New Jersey transit corporation.

24 § 2. Section 7-700 of the village law is amended to read as follows:

25 § 7-700 Grant of power. [~~For~~] 1. Except as provided in subdivision two
26 of this section, for the purpose of promoting the health, safety,
27 morals, or the general welfare of the community, the board of trustees
28 of a village is hereby empowered, by local law, to regulate and restrict
29 the height, number of stories and size of buildings and other struc-
30 tures, the percentage of lot that may be occupied, the size of yards,
31 courts and other open spaces, the density of population, and the
32 location and use of buildings, structures and land for trade, industry,
33 residence or other purposes. As a part of the comprehensive plan and
34 design, the village board is empowered by local law, to regulate and
35 restrict certain areas as national historic landmarks, special historic
36 sites, places and buildings for the purpose of conservation, protection,
37 enhancement and perpetuation of these places of natural heritage. Such
38 regulations shall provide that a board of appeals may determine and vary
39 their application in harmony with the general purpose and intent, and in
40 accordance with general or specific rules therein contained.

41 2. Notwithstanding any provision of law to the contrary, no village
42 shall:

43 a. establish a minimum lot size of more than one thousand two hundred
44 square feet;

45 b. require the construction of off-street parking spaces as a condi-
46 tion of permitting construction of any building, except that a village
47 may require the construction of an off-street area for the loading and
48 unloading of freight or other deliveries;

49 c. prohibit the construction and occupation of a dwelling for two or
50 fewer families on a single lot, or impose restrictions on height,
51 setbacks, floor area ratios or any similar metric that effectively
52 prevent the construction or occupation of such a dwelling, in any
53 district in which residential construction and occupation is otherwise
54 permitted; or

55 d. prohibit the construction and occupation of a dwelling for six or
56 fewer families on a single lot, or impose restrictions on height,

1 setbacks, floor area ratios or any similar metric that effectively
2 prevent the construction or occupation of such a dwelling, on a lot in
3 any district in which residential construction and occupation is other-
4 wise permitted if such lot is within one quarter mile of any commuter
5 rail or subway station owned, operated or otherwise served by the metro-
6 politan transportation authority, the port authority of New York and New
7 Jersey, or the New Jersey transit corporation.

8 § 3. Section 261 of the town law, as amended by chapter 458 of the
9 laws of 1997, is amended to read as follows:

10 § 261. Grant of power; appropriations for certain expenses incurred
11 under this article. [~~Fee~~] 1. Except as provided in subdivision two of
12 this section, for the purpose of promoting the health, safety, morals,
13 or the general welfare of the community, the town board is hereby
14 empowered by local law or ordinance to regulate and restrict the height,
15 number of stories and size of buildings and other structures, the
16 percentage of lot that may be occupied, the size of yards, courts, and
17 other open spaces, the density of population, and the location and use
18 of buildings, structures and land for trade, industry, residence or
19 other purposes; provided that such regulations shall apply to and affect
20 only such part of a town as is outside the limits of any incorporated
21 village or city; provided further, that all charges and expenses
22 incurred under this article for zoning and planning shall be a charge
23 upon the taxable property of that part of the town outside of any incor-
24 porated village or city. The town board is hereby authorized and
25 empowered to make such appropriation as it may see fit for such charges
26 and expenses, provided however, that such appropriation shall be the
27 estimated charges and expenses less fees, if any, collected, and
28 provided, that the amount so appropriated shall be assessed, levied and
29 collected from the property outside of any incorporated village or city.
30 Such regulations may provide that a board of appeals may determine and
31 vary their application in harmony with their general purpose and intent,
32 and in accordance with general or specific rules therein contained.

33 2. Notwithstanding any provision of law to the contrary, no town
34 shall:

35 a. establish a minimum lot size of more than five thousand square feet
36 if a lot has access to sewer and water infrastructure; or

37 b. establish a minimum lot size of more than twenty thousand square
38 feet in any area.

39 § 4. This act shall take effect on the one hundred eightieth day after
40 it shall have become a law; provided that any city, town or village that
41 has a local law, regulation or other policy that does not comply with
42 the provisions of this act shall, prior to the effective date of this
43 act, take any action necessary to ensure compliance with this act upon
44 the effective date of the act.