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**MEMORANDUM**

TO: RALPH SUOZZI, MAYOR  
MEMBERS, GLEN COVE CITY COUNCIL

FROM: MAX STACH, AICP  
STUART TURNER, FAICP, PP

SUBJECT: TRANSMITTAL OF FIRST PHASE CODE AMENDMENTS

DATE: APRIL 16, 2010

CC: THOMAS SCOTT, CHAIRMAN – GLEN COVE PLANNING BOARD  
MEMBERS, GLEN COVE PLANNING BOARD  
VINCENT TARANTO, ESQ.  
RICHARD SUMMA, AIA, IIDA, LEED AP  
JASON HOROWITZ, ESQ.  
MICHAEL SAHN, ESQ.

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We are pleased to transmit the attached first phase of City Code amendments implementing the recommendations of the recently adopted Master Plan. This first phase of amendments represents the highest priority items of the Master Plan, as well as those items that did not require substantial expenditure of time in preparation. Specifically, the first phase includes:

1. New Central Business District Overlay Zoning regulations that will encourage economic development in the downtown;
2. Revision of Zoning regulations to encourage economic development throughout the B-1 Zoning District;
3. New Estate Preservation Floating Zone regulations to encourage preservation and adaptive reuse of historic mansions;
4. New Glen Cove Avenue Redevelopment Incentive Overlay District that will encourage redevelopment of the area near the corner of Glen Cove Avenue and Craft Avenue (currently being considered by the City Council and Planning Board as the Villa at Glen Cove);
5. New Orchard Neighborhood Redevelopment Incentive Overlay District that will encourage redevelopment of the area known as the Orchard;

6. New zoning allowing expanded use for waterfront recreational and commercial purposes within the MW-1 zone in exchange for substantial improvements in support of public recreation;
7. Regulations establishing an Architectural Review Board (ARB) to perform architectural review of structures within the Central Business District and other design districts that the City Council may wish to create in the future;
8. Incentives promoting Leadership in Energy and Environmental Design (LEED) an established standard for green building practices.
9. New payment in lieu of parking procedures that will allow the Planning Board to give relief from strict adherence to parking standards in exchange for funding of future public parking improvements within the downtown;
10. New Inclusionary Housing requirements that require a set-aside for affordable housing for all new residential developments and allow a density bonus in exchange;
11. Comprehensive landscaping regulations applicable to nonresidential real property citywide;
12. Design Guidelines applicable to downtown;
13. Authorization of second story apartments along Cedar Swamp Road;
14. Several revisions to interim zoning as described in the EIS for the Master Plan and in response to practical difficulties experienced while administering interim zoning;
15. Several minor miscellaneous revisions in response to practical difficulties experienced by the City while preparing the Master Plan and requested by the Mayor or the Building Department (example – comprehensive fence regulations)
16. Several minor miscellaneous revisions in response to changes in State Enabling Legislation or organizational changes to the City Charter;

We are also attaching a more detailed list of the changes being proposed, to help guide the City in its review, and maps depicting the areas proposed to be included in three new overlay districts.

We suggest at its next available meeting, the City Council formally refer the attached zoning to the Planning Board, the Director of Public Works, the Fire Chief, the director of the Business Improvement District, and the Nassau County Planning Department for recommendation. In anticipation of the referral to the Planning Board that is required by law, we are transmitting full packages to that Board so that they may begin that review process. We will refer to the others upon adoption of the referral resolution by the City Council.

The Master Plan recommends additional code changes to fully implement the Master Plan. However, several of these additional implementations will require more study/analysis as well as the drafting of language. Additional Master Plan recommendations yet to be implemented, include:

1. Recreational district south of Glen Cove Creek;
2. Incentives for redevelopment of outparcels of the redevelopment project north of the creek;
3. Low-impact development regulations;
4. Developing transitional zoning requirements for areas near zoning district boundaries;
5. Park Preserve District for Garvies Point Preserve;
6. Zoning allowing expansion of a nonconforming use by special permit;
7. Conditional variances;
8. Allowing residential live/work lofts along arterials;
9. Establishing clear thresholds for traffic studies and remediation;

10. Transit-oriented development at the train station on Cedar Swamp Road;
11. General requirements applicable to all incentive developments;
12. New zoning for Glen Cove Avenue corridor;
13. New zoning encouraging building-related services at the waterfront;
14. Incentives encouraging redevelopment of brownfields;
15. New regulations encouraging reuse or redevelopment of the Sea Cliff Avenue Industrial area;
16. Aligning residential zoning more closely with the built environment;
17. Establishing district specific floor area ratios;
18. Establishing Zoning and design guidelines applicable to the north side of Glen Cove Creek, outside of the Planned Waterfront District;
19. Establishing neighborhood specific design guidelines for certain areas of the City;
20. Establishing historic design guidelines for certain historic districts;
21. New legislation requiring registration of absentee landlords;
22. Establishment of a historic review commission;
23. Providing standards for traffic calming measures in new subdivision;
24. Providing design guidelines for pedestrian and bicycle amenities for new subdivisions;
25. Providing pedestrian linkages to the new downtown;
26. Establishing a downtown historic district.

Upon adoption of this first phase of zoning amendments, the City may wish to consider how it wishes to proceed with further implementation of the Master Plan. We can provide more information on what will be necessary in terms of analysis, procedure, time and budget to enact the above recommendations, so that the City can further prioritize which recommendations it wishes to enact.

If you have any questions or comments, please do not hesitate to contact us at our Suffern office.

#### **DETAILED LIST OF CHANGES:**

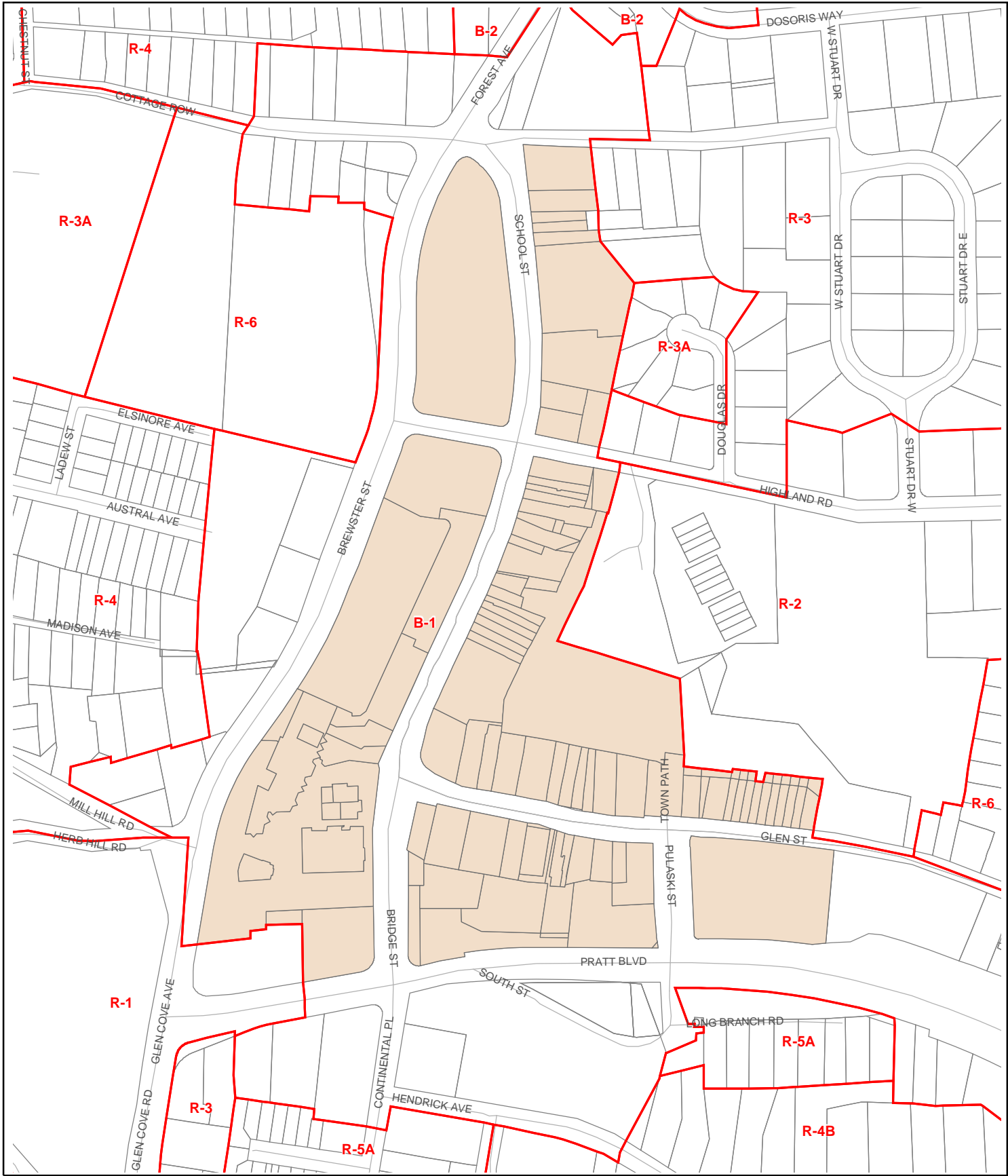
1. Page 2 and multiple locations throughout – Changed all references to Building Department Administrator and Building Inspector to Director of the Building Department.
2. Page 5 and multiple locations throughout – Notice requirement for site plans, special permits and subdivisions changed from 200 feet to 300 feet. Also added requirement for posting of signs on-site.
3. Page 6 and multiple locations throughout – To reflect State Law changes, any application for subdivision or site plan within 500 feet of a municipal boundary must now include hearing notice to the adjacent municipality.
4. Page 13 - §245-18 – Revised to discourage dead end streets – “The creation of dead-end streets shall only be permitted where the Planning Board finds an alternative arrangement is not practicable. Loop, grid, or curvilinear grid street layouts shall be encouraged. Where interior parks are proposed, they shall be covered by appropriate covenants as to maintenance. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a forty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street...”
5. Page 14 - §245-19 - Added requirement that private streets meet public street construction standards and require a maintenance agreement. – “ Where private streets are proposed,

they shall be designed to meet all applicable design and construction standards for City streets. Where private streets are proposed that provide access to more than five lots, a homeowners association or special taxing jurisdiction shall be created for the purpose of maintaining the proposed road in perpetuity.” Note that special taxing jurisdictions will make road maintenance the responsibility of the City but at the cost of the benefited residences.

6. Page 14 - §245-19 - Revised ROW width and pavement width standards to modern standards. Narrower permitted streets support traffic calming as recommended in Master Plan.
7. Page 15 – Allowed T or Y-shaped temporary turnarounds. Revised pavement standards for culs-de-sac. Required maintenance agreement for landscape islands in cul-de-sac.
8. Page 16 – **MAJOR CHANGE** - §245-24.2 – Included new inclusionary housing requirement per Master Plan. Consistent with General Municipal Law a density bonus is given for affordable housing.
9. Page 22 – Added definitions for Bar, Efficiency, Façade, Finished Floor Elevation, Front Façade.
10. Page 22 – Added definition of Floor Area Ratio “The ratio of floor area to lot area calculated by dividing the total interior floor area by the lot area after subtracting any deductions required by this chapter. “
11. Page 22 - §280-6 – Changed height definition to be from finished grade as opposed to natural grade.
12. Page 22 – Added definition of Prevailing Lot Width and modified definition of Prevailing Front setback. Regulation is now clearer about what needs to be measured, and organization is simplified.
13. Page 22 – Added definition to distinguish between a bar and a restaurant.
14. Page 27 – Removed default approval of site plans to make consistent with State Law.
15. Page 30 – Added provision for application completeness to reflect recent case law.
16. Page 30 - **Major Change** – Changed zoning amendment public hearings to be responsibility of City Council.
17. Page 29 – Removed notice requirements not required by General City Law.
18. Page 34 – Removed provision that measures average side yard instead of absolute side yard.
19. Page 35 – Grouped all fence and wall requirements elsewhere
20. Page 36 – Added listing of new overlay districts
21. Page 39 – Added requirement for landscaping and maintenance of verge area between curb and sidewalk
22. Page 40 - §280-45 (Regulations applicable to all districts) – Clarified residential driveway width standards and impervious coverage limitations for entire lot and front yard.
23. Page 41 – Clarified that curbcut and coverage standards are applicable to one- and two-family residences.

24. Page 42 – Added statement referencing Building Code construction requirements relative to height
25. Page 42 – **Major Change**– At request of Mayor, added requirement that will discourage “pedestaling” homes.
26. Page 45 – Clarified Swimming Pool Setback Requirements
27. Page 45 – Major Change – new Sliding scale FAR requirement is inserted as recommended by Master Plan
28. Page 45 – **Major Change** - Included expanded and consolidated fence requirements including illustrations.
29. Page 48 – **Major Change** - Consolidated Retaining Wall requirements and made applicable to all property, not just Hillside Protection areas.
30. Page 50 – Hillside Protection Chapter revised to correct minor areas and remove requirement that provisions must be satisfied pre- and post- construction which was onerous.
31. Page 51 and multiple throughout – Removed “aggregate side yard” requirement, which was superfluous
32. Page 51 and multiple throughout – Major Change – Removed average lot area requirements which were difficult to administer and reorganized to require prevailing lot width as a defined standard similar to prevailing front yard.
33. Page 57 – **Major Change** – The Central Business District is now subject to an overlay district that adds several requirements and uses. The Central Business District Overlay generally governs the area along School Street, Bridge Street, and Glen Street west of Pulaski Street.
34. Page 57 – B-1 District. Traditional retail is regulated as a broad category rather than specifying specific types of retail. The same has been done for other types of uses as well. B-1 District Amendments.
35. Page 57 – **Major Change** - Bank drive-throughs are now permitted outside CBD Overlay.
36. Page 57 – **Major Change** – Restaurants of all types are now permitted uses
37. Page 57 – **Major Change** - Parking lots and garages as a principal use are no longer permitted uses
38. Page 57 – **Major Change** - Schools for special instruction (such as dance, karate, art, etc.) are now a permitted use
39. Page 57 – **Major Change** - Museums, concert halls and performing arts theaters are now permitted uses.
40. Page 57 – **Major Change** - Drive through windows are no longer prohibited, except in the CBD.
41. Page 57 - **Major Change** - Sale and display of motor vehicles is no longer prohibited except in the CBD.
42. Page 58 – **Major Change** - Laundromats and other coin operated businesses are no longer prohibited, except in the CBD. Laundromats are now a special permit use that requires an employee be present and that requires spacing of at least 400 feet.

43. Page 58 – Outdoor storage is now prohibited if visible from a public right-of-way instead of if surrounded by an opaque fence.
44. Page 58 – Storage sheds are no longer a permitted accessory.
45. Page 58 – Outdoor dining is permitted subject to the requirements of the outdoor dining chapter.
46. Page 58 – Bulk requirements for accessory uses are now the same as for principal uses.
47. Page 59 – **Major Change** – Hotels is now separately regulated.
48. Page 60 – **Major Change** – Billiard parlor, club, discotheque and bars are now separate special permit, that requires maintained visibility of the interior of the space, and spacing from other similar establishments.
49. Page 60 – Mortuary now referred to as funeral home
50. Page 61 – Educational institutions are now subject to residential density standards of B-1, instead of dormitories being prohibited
51. Page 61 – **Major Change** - Multifamily housing and mixed use housing has been significantly changed.
52. Page 65 – Alternative coverage and side yard standards for senior citizen housing have been eliminated. Now they are subject to the general standards and any relevant standards of the building code.
53. Page 67 – Parking for uses not listed standard is changed from as the Planning Board determines to 1 space per 250 square feet or as the Planning Board determines
54. Page 69 – **Major Change** - New CBD district enacted that includes special requirements for the core of Glen Cove’s downtown. See proposed language.
55. Page 77 – **Major Change** - Inserted provisions to allow second-story residential along Cedar Swamp Road.
56. Page 79 – **Major Change** - New zoning regulating permissible office-commercial/recreation and waterfront access supporting uses added.
57. Page 81 – **Major Change** - Added new overlay district (floating zone) Glen Cove Avenue Residential Improvement Overlay District. This language is substantially consistent with Livingston’s proposed zoning.
58. Page 90 – **Major Change** - Added new overlay district – Orchard Neighborhood Residential Improvement Overlay District.
59. Page 101 – **Major Change** - Added new floating zone - Estate Preservation Floating Zone District
60. Page 105 – **Major Change** - Added Inclusionary Housing Requirement
61. Page 108 – **Major Change** - Added Landscape Requirements
62. Page 111 – **Major Change** - Added Architectural Review Board Chapter
63. Page 114 - **Major Change** - Proposed Design Guidelines relevant to the CBD Overlay District.



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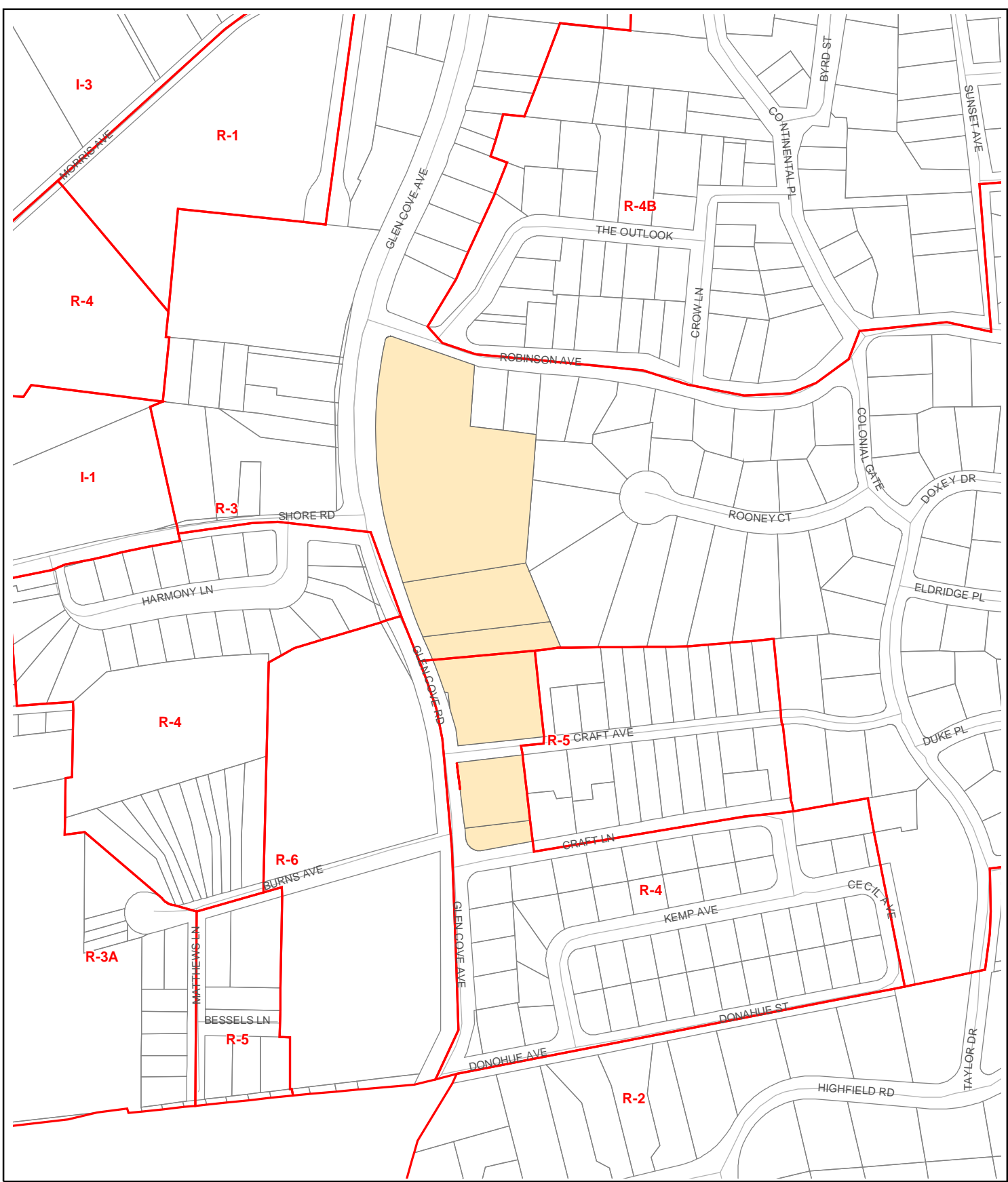
- Proposed CBD Overlay
- Zoning District Boundaries
- Parcels
- Streets

Source:  
 TMG Geographic Information Systems  
 Nassau County Geographic Information Systems  
 Map Prepared January 2010 by TMG

0 1 inch = 300 feet 300 Feet

**PROPOSED CBD OVERLAY**

City of Glen Cove, New York



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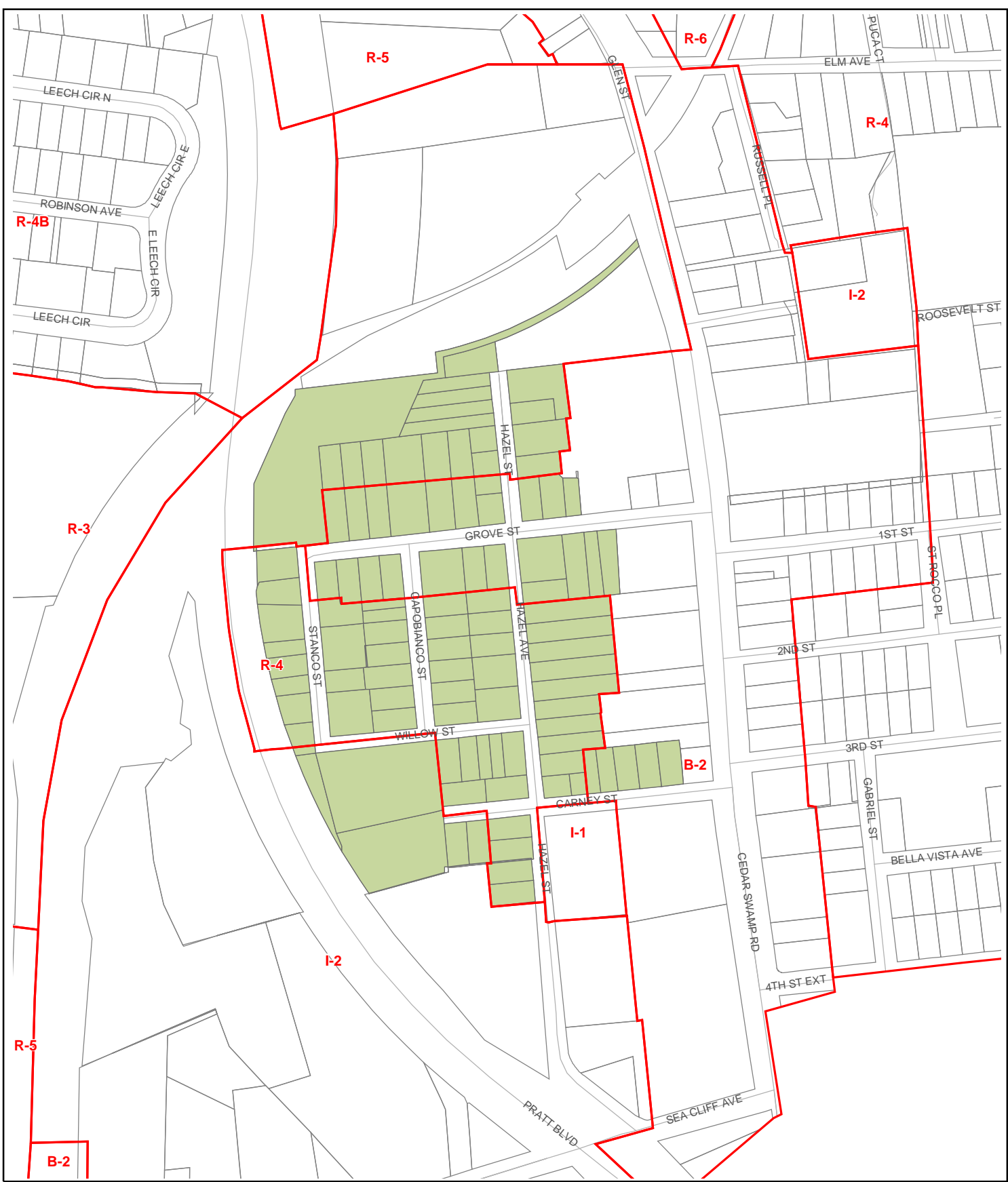
- RIO-GCA District
- Zoning District Boundaries
- Parcels
- Streets

Source:  
 TMG Geographic Information Systems  
 Nassau County Geographic Information Systems  
 Map Prepared April 2010 by TMG

**PROPOSED RIO-GCA OVERLAY**

City of Glen Cove, New York





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- RIO-ON
- Zoning District Boundaries
- Parcels
- Streets

Source:  
 TMG Geographic Information Systems  
 Nassau County Geographic Information Systems  
 Map Prepared April 2010 by TMG  
 0 1 inch = 300 feet 300 Feet

**PROPOSED RIO-ON OVERLAY**  
 City of Glen Cove, New York

Text proposed to be added is underlined and text proposed to be deleted is ~~struck through~~.

# Draft Proposed Phase 1 Code Amendments

## CHAPTER 245 SUBDIVISION OF LAND

### ARTICLE I General Provisions (§ 245-1 — § 245-4)

§ 245-1 Short title; scope of provisions.

**NO CHANGE**

§ 245-2 Declaration of policy.

**NO CHANGE**

§ 245-3 Definitions.

As used in these regulations, unless the context or subject matter otherwise requires, certain words and terms used herein shall be defined as follows:

#### **ONLY CHANGED DEFINITIONS NOTED**

~~BUILDING DEPARTMENT ADMINISTRATOR~~DIRECTOR OF THE BUILDING DEPARTMENT

The Administrator of the City of Glen Cove Building Department.

#### COMPLETENESS, APPLICATION

A determination by the ~~Building Department Administrator~~Director of the Building Department (~~BDA~~ also denoted as "DBD") or the ~~BDA~~DBD's designee that a submitted application:

[Added 5-8-2007]

A. Includes all of the information required in § 245-26, in the case of a minor subdivision; in § 245-27, in the case of a preliminary major subdivision; or § 245-28, in the case of a final major subdivision;

B. Has provided a fully completed checklist and application form, subject to such waivers as may be granted by the Planning Board pursuant to the provisions of this chapter at § 245-4(F); and

C. Has provided the number of copies required by Article II, Plat Approval Procedure, of this chapter.

§ 245-4 Exceptions, variances and waivers; grounds; authority of Planning Board.

A. Exceptions.

(1) Subdivision approval shall not be required in those circumstances in which § 280-34B of Chapter 280, Zoning, is applicable (preexisting, nonconforming lot under separate ownership).

(2) The following shall not constitute a subdivision: minor exchange of land or transfer or deeding out of a small piece of land to add to another plat or lot without any intention of creating a new buildable lot or creating a site for some specific use. The proposed exchange shall not reduce in area any lot so as to make any yard or court smaller than the minimum required under Chapter 280, Zoning. The proposed exchange of land shall be subject to review by the ~~Building Department Administrator~~ Director of the Building Department and/or the City Attorney's office to assure conformity with Chapter 280, Zoning, and this chapter.

B. Hardship. Where the Planning Board finds that the literal enforcement of one or more provisions of the regulations in Article III, General Requirements and Design Standards, is impracticable, will exact undue hardship because of peculiar conditions pertaining to the land in question, or that compliance is not requisite in the interest of the public health, safety, and general welfare, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of Chapter 280, Zoning, the City Plan, the State Environmental Quality Review Act, the City of Glen Cove Environmental Review Law, or these regulations. Where the Planning Board finds that strict application of the minimum yard, minimum lot width, minimum lot frontage and/or maximum coverage standards as set forth in Chapter 280, Zoning, would result in practical difficulties or unnecessary hardship, the Planning Board may, simultaneously with the approval of any plat, vary such area standards, provided that such variation shall not result in a deviation from the respective standards of greater than 5% if authorized by a simple majority of the voting membership of the Board, or greater than 10% if authorized by a supermajority vote of the full membership of the Board at the time of application.

[Amended 5-8-2007]

C. Special circumstances. Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

D. Imposition of conditions. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

E. In accordance with the § 280-13A(1) of the Zoning Code, the Planning Board may require, as a condition of subdivision approval, that a site plan be approved for some or all lots in a subdivision. When an applicant for subdivision approval wishes to submit said site plans during the subdivision review process, a joint public hearing may be conducted by the Planning Board.

F. Waiver of submission requirements. The Planning Board may, upon the written request of the applicant and the recommendation of the ~~Building Department Administrator~~ Director of the Building Department, grant a waiver of one or more of the submission requirements set forth in Article IV, Documents Required, or of one or more checklist items. Such waiver shall only be granted upon a finding that the requirement is not necessary or appropriate for the subdivision.

[Added 5-8-2007]

G. Authority of Planning Board in general. The Planning Board shall have the authority to approve, approve with reasonable conditions, or deny approval of any subdivision plat, in accordance with the regulations established by this Code, including, but not limited to, Chapter 154, Flood Disaster Protection; Chapter 168, Housing Standards; Chapter 180, Landmarks Preservation; Chapter 228, Signs; Chapter 239, Streets and Sidewalks; Chapter 245, Subdivision of Land; Chapter 248, Swimming Pools; Chapter 263, Trees; Chapter 276, Waterfront Revitalization Area; and Chapter 280, Zoning.

[Added 5-8-2007]

## ARTICLE II Plat Approval Procedure (§ 245-5 — § 245-13)

§ 245-5 Scope of provisions.

***NO CHANGE***

§ 245-6 Sketch layout informal discussion.

***NO CHANGE***

§ 245-7 Procedure for minor subdivisions.

A. Application and fee.

(1) All applications shall also conform to the requirements listed in Article IV, Documents Required, § 245-26, and shall be submitted to the Planning Board Secretary.

(2) All applications for plat approval for minor subdivisions shall be accompanied by a fee as set forth from time to time by the City Council.

(3) Application for waiver of requirements to file approved maps with the Nassau County Clerk shall be made simultaneously with application for a minor subdivision.

(4) No fee shall be payable under this subsection if the owner of the building or property affected is a corporation or association organized and operated exclusively as a house of religious worship or a nonprofit hospital organization or for one or more such purposes, no part of the earnings of which inures to the benefit of any private group or individual, and provided that the property affected is to be used exclusively by such corporation or association for one or more of such purposes.

B. Determination of application completeness.

[Amended 5-8-2007]

(1) Three copies of the subdivision plat, checklist, application form and supporting documents shall be presented to the Secretary of the Planning Board at least two weeks prior to a scheduled meeting of the Planning Board.

(2) The submission shall be inspected by the ~~Building Department Administrator~~Director of the Building Department (BDADBD) to determine whether or not the application meets the requirements for application completeness within 10 calendar days of receiving the application. If the application meets the requirements for application completeness, the date shall be recorded and used as the official submission date of the minor subdivision plat.

(3) Once the application has been deemed complete, the Secretary of the Planning Board shall schedule the application for preliminary discussion at the next available Planning Board meeting. The number of copies of the subdivision plat, checklist, application and supporting documents required for the meeting shall be in accordance with the rules and regulations of the Planning Board. The applicant shall provide the required number of copies to the Secretary of the Planning Board at least 14 days before the meeting.

(4) If the ~~Building Department Administrator~~Director of the Building Department determines that the application does not meet the requirements for application completeness, the Planning Board Secretary shall immediately notify the applicant of these discrepancies and shall direct the applicant to submit the required information. The ~~BDADBD~~ shall determine whether the application meets the requirements for application completeness within 10 calendar days from the receipt of the missing information.

(5) The preliminary plat shall contain a stamp and signature from the ~~Building Department Administrator~~Director of the Building Department certifying its completeness. No application shall be placed on the agenda of any Planning Board meeting until the application has been deemed to meet the requirements for application completeness by the ~~Building Department Administrator~~Director of the Building Department; however, upon a second finding of incompleteness by the ~~Building Department Administrator~~Director of the Building Department, the applicant may appeal the determination to the Planning Board directly at its next available meeting.

C. Subdivider to attend Planning Board meeting. The subdivider, or his or her duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.

D. SEQRA review required. All minor subdivision applications shall be subject to environmental quality review by the Planning Board in accordance with the provisions of this chapter, the State Environmental Quality Review Act, the Environmental Quality Review Law of the City of Glen Cove,

Editor's Note: See Ch. 134, Environmental Quality Review, and other applicable laws and regulations. [Amended 5-8-2007]

E. The Director of Public Works, or Acting Director of Public Works if no Director is in office at the time of application, or the designee of the Director or Acting Director, shall review the proposed subdivision and shall submit its recommendations to the Board in writing on or before the public hearing date. The Board may require the applicant to alter the application in conformance with the recommendations submitted.

[Added 5-8-2007 Editor's Note: This ordinance also redesignated former Subsections E, F and G as Subsections F, G and H, respectively.]

F. Public hearings for subdivision plats requiring an environmental impact statement. For any hearing for a minor subdivision requiring an environmental impact statement (EIS), the public hearing shall be opened within 62 days of declaring the EIS complete and acceptable for public circulation and review and the filing of a complete application by the applicant. A complete application shall include the EIS to be considered and all data required by Article IV, Documents Required, § 245-26, and all fees shall be paid. A coordinated review of the subdivision and the EIS shall be required in accordance with the procedures outlined in the state environmental quality review regulations, 6 NYCRR Part 617. Said hearing shall be advertised in a newspaper of general circulation in the City not less than fourteen days before such hearing. In addition to said publication, notice of public hearing (on the form provided by the Board) shall be sent by mail to each owner of all parcels of property located within a radius of 200-300 feet measured from all points of the subject property lines, by regular and certified mail, return receipt requested. Said notice shall be postmarked no sooner than 20 days and no later than 10 days prior to the date set for the public hearing. For lots within 500 feet of a municipal boundary, notice shall be mailed in the above prescribed form to the clerk of the adjacent municipality. The hearing date shall also be advertised by posting of a sign stating the time, date and place of the public hearing to be held on the property which is the subject of an application. The sign shall be posted at least ten (10) days prior to the date of the hearing. The sign shall be visible from adjacent right of ways. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to



this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

[Amended 11-27-2001; 5-8-2007]

G. Public hearing for subdivision plats not requiring an environmental impact statement. A public hearing shall be held by the Planning Board within 62 days after adopting a negative declaration and all data required by Article IV, Documents Required, § 245-26, of these regulations has been submitted, and all fees have been paid. Said hearing shall be advertised in a newspaper of general circulation in the City not less than five days before such hearing. In addition to said publication, notice of public hearing (on the form provided by the Board) shall be sent by mail to each owner of all parcels of property located within a radius of 200300 feet \_measured from all points of the subject property lines, by regular and certified mail, return receipt requested. Said notice shall be postmarked not less than five days prior to the date set for the public hearing. For lots within 500 feet of a municipal boundary, notice shall be mailed in the above prescribed form to the clerk of the adjacent municipality. The hearing date shall also be advertised by posting of a sign stating the time, date and place of the public hearing to be held on the property which is the subject of an application. The sign shall be posted at least ten (10) days prior to the date of the hearing. The sign shall be visible from adjacent right of ways. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

H. Action on subdivision plat.

(1) The Planning Board shall, within 30 days from the date of the filing of the findings statement for a subdivision requiring an EIS, or within 62 days of the close of the public hearing for a subdivision not requiring an EIS, approve, approve with modifications or disapprove the minor subdivision plat.

(2) Approval or disapproval of a waiver of filing requirements takes place simultaneously. Any approved minor subdivision for which map filing requirements have been waived shall be recorded with the City Clerk along with any conditions of approval attached thereto.

(3) Approval of a minor subdivision plat subject to conditions set forth by the Planning Board in its resolution shall constitute a conditional approval of the plat. Conditional approval does not qualify the final plat for recording. At the time of the resolution conditionally approving the plat, the Planning Board must empower a duly authorized officer of the Planning Board to sign the plat upon completion of the requirements stated in the resolution.



(4) The applicant has 180 days to satisfy the requirements upon which the approval has been conditioned and obtain the certification of the officer of the Planning Board. This period may be extended by the Planning Board, if, in its opinion, the circumstances warrant this, for up to two ninety-day periods beyond the 180 days. After the subdivision plat has been certified, plats shall be filed in accordance with § 245-11.

[Amended 5-8-2007]

§ 245-8 Preliminary review for major subdivisions.

A. Application; fee.

(1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for approval of a preliminary plat in the form described in § 245-27. The preliminary plat shall, in all respects, comply with the requirements set forth in said § 245-27 hereof, and with the provisions of §§ 32 and 33 of the General City Law, except where a variance may be specifically authorized by the Planning Board, as provided in § 245-4 hereto. The application shall be accompanied by a fee as set forth from time to time by the City Council.

(2) No fee shall be payable under this subsection if the owner of the building or property affected is a corporation or association organized and operated exclusively as a house of religious worship or a nonprofit hospital organization or for one or more such purposes, no part of the earnings of which inures to the benefit of any private group or individual, and provided that the property affected is to be used exclusively by such corporation or association for one or more of such purposes.

B. Determination of application completeness.

[Amended 5-8-2007]

(1) Three copies of the subdivision plat, checklist, application form and supporting documents shall be presented to the Secretary of the Planning Board at least two weeks prior to a scheduled meeting of the Planning Board.

(2) The submission shall be inspected by the ~~Building Department Administrator~~Director of the Building Department (BDADBD) to determine whether or not the application meets the requirements for application completeness within 20 calendar days of receiving the application. If the application meets the requirements for application completeness, the date shall be recorded and used as the official submission date of the preliminary subdivision plat.

(3) Once the application has been deemed complete, the Secretary of the Planning Board shall schedule the application for preliminary discussion at the next available Planning Board meeting. The number of copies of the subdivision plat, checklist, application and supporting documents required for the meeting shall be in accordance with the rules and regulations of the Planning Board. The applicant shall provide the

required number of copies to the Secretary of the Planning Board at least 14 days before the meeting.

(4) If the ~~Building Department Administrator~~Director of the Building Department determines that the application does not meet the requirements for application completeness, the Planning Board Secretary shall immediately notify the applicant of these discrepancies and shall direct the applicant to submit the required information. The ~~BDA,DBD~~ shall determine whether the application meets the requirements for application completeness within 20 calendar days from the receipt of the missing information.

(5) The preliminary plat shall contain a stamp and signature from the ~~Building Department Administrator~~Director of the Building Department certifying its completeness. No application shall be placed on the agenda of any Planning Board meeting until the application has been deemed to meet the requirements for application completeness by the ~~Building Department Administrator~~Director of the Building Department; however, upon a second finding of incompleteness by the ~~Building Department Administrator~~Director of the Building Department, the applicant may appeal the determination to the Planning Board directly at its next available meeting.

C. SEQRA review required. All major subdivision applications shall be subject to environmental quality review by the Planning Board in accordance with the provisions of this chapter, the State Environmental Quality Review Act, the Environmental Quality Review Law of the City of Glen Cove,

Editor's Note: See Ch. 134, Environmental Quality Review.and other applicable laws and regulations.[Amended 5-8-2007]

D. The Director of Public Works, or Acting Director of Public Works if no Director is in office at the time of application, or the designee of the Director or Acting Director, and the Chief of the Glen Cove Fire Department shall review the proposed subdivision and shall submit their recommendations to the Board on or before the public hearing date. The Board may require the applicant to alter the application in conformance with the recommendations submitted.

[Added 5-8-2007]

Editor's Note: This ordinance also redesignated former Subsections D through J as Subsections E through L, respectively.]

E. Applicant to attend Planning Board meeting. The applicant, or his or her duly authorized representative, must attend the meeting of the Planning Board to discuss the preliminary plat.

[Amended 5-8-2007]

F. Study of preliminary plat. The Planning Board shall carefully study the practicability of the preliminary plat, taking into consideration the requirements of the community and

the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the City Plan.

[Amended 5-8-2007]

G. Proposed roads to be staked. To permit the Board to study the proposed layout in the field, the Board may require that certain roads shall be staked along their center lines every 50 feet. Each stake shall be marked so that it can be located on the preliminary plat and shall show approximate height of proposed cut or fill at that point.

H. Public hearings for major subdivision plats requiring an environmental impact statement. For any hearing for a major subdivision requiring an Environmental Impact Statement, the public hearing shall be opened within 62 days of declaring the EIS complete and acceptable for public circulation and review and the filing of a complete application by the applicant. A complete application shall also include the EIS to be considered as well as all data required by Article IV, Documents Required, § 245-27, and all fees shall be paid. A coordinated review of the Subdivision and the EIS shall be required in accordance with the procedures outlined in the state environmental quality review regulations, 6 NYCCR Part 617. Said hearing shall be advertised in a newspaper of general circulation in the City not less than fourteen days before such hearing.

[Amended 5-8-2007]

I. Public hearing for major subdivision plats not requiring an environmental impact statement. A public hearing shall be held by the Planning Board within 62 days after adopting a negative declaration and all data required by Article IV, Documents Required, § 245-27, of these regulations has been submitted, and all fees have been paid. Said hearing shall be advertised in a newspaper of general circulation in the City not less than five days before such hearing.

J. In addition to said publication, notice of public hearing (on the form provided by the Board) shall be sent by mail to each owner of all parcels of property located within a radius of ~~200~~300 feet measured from all points of the subject property lines, by regular and certified mail, return receipt requested. Said notice shall be postmarked not less than five days prior to the date set for the public hearing. For lots within 500 feet of a municipal boundary, notice shall be mailed in the above prescribed form to the clerk of the adjacent municipality. The hearing date shall also be advertised by posting of a sign stating the time, date and place of the public hearing to be held on the property which is the subject of an application. The sign shall be posted at least ten (10) days prior to the date of the hearing. The sign shall be visible from adjacent right of ways. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to

this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

**NO FURTHER CHANGES THIS SECTION**

§ 245-9 Final review for major subdivisions.

A. Application for final approval.

(1) The subdivider shall file with the Planning Board an application for approval of all or part of the proposed subdivision, using the approved application form available from the Secretary to the Planning Board.

(2) The subdivider may develop the subdivision in progressive stages instead of in its entirety, but no subdivision or portion thereof shall be considered unless it abuts at least one street on the Official Map, which street shall be improved to the satisfaction of the Planning Board, or an approved street for which a bond has been filed under § 245-10.

(3) Application for final approval shall be made within six months of preliminary plat approval. If application is not made within six months, the Planning Board may require submission of a new preliminary plat.

(4) The application shall be accompanied by a fee, as set from time to time by resolution of the City Council, per dwelling unit.

B. Determination of application completeness.

[Amended 5-8-2007]

(1) An applicant intending to submit a proposed final subdivision plat for the approval of the Planning Board shall provide the Secretary of the Board with a copy of the application, checklist, and three duplicate prints of the plat, two copies of all deeds, covenants and agreements and two prints of all construction drawings.

(2) The submission shall be inspected by the ~~Building Department Administrator~~Director of the Building Department, to determine whether or not the application meets the requirements for application completeness as set forth in § 245-3, within 20 days of receiving the submission. If the submission meets the requirements, the date shall be recorded and used as the official submission date of the final subdivision plat.

(3) Once the application has been deemed complete, the Secretary of the Planning Board shall schedule the application for preliminary discussion at the next available Planning Board meeting. The number of copies of the subdivision plat, checklist, application and supporting documents required for the meeting shall be in accordance with the rules and regulations of the Planning Board. The applicant shall provide the required number of copies to the Secretary of the Planning Board at least 14 days before the meeting.

(4) If the ~~Building Department Administrator~~Director of the Building Department determines that the application does not meet the requirements for application completeness, the Planning Board Secretary shall immediately notify the applicant of these discrepancies and shall direct the applicant to submit the required information. The ~~BDA~~DBD shall determine whether the application meets the requirements for application completeness within 20 calendar days from the receipt of the missing information.

(5) The final plat shall contain a stamp and signature from the ~~Building Department Administrator~~Director of the Building Department certifying its completeness. No application shall be placed on the agenda of any Planning Board meeting until the application has been deemed to meet the requirements for application completeness by the ~~Building Department Administrator~~Director of the Building Department; however, upon a second finding of incompleteness by the ~~Building Department Administrator~~Director of the Building Department, the applicant may appeal the determination to the Planning Board directly at its next available meeting.

C. Official submission. The subdivision plat shall be considered officially submitted when determined to be complete by the ~~Building Department Administrator~~Director of the Building Department and after all required approvals or endorsements have been received from all agencies listed below. Where endorsement is required, the ~~Building Department Administrator~~Director of the Building Department shall assume that the final plat is endorsed by the agency if the agency fails to respond to a request for endorsement within 30 days of receipt of the request. The applicant shall be responsible for providing sufficient information to each agency to facilitate the review process.

(1) Approval of State Department of Environmental Conservation: endorsement and approval for water and sewer extensions by the State Department of Environmental Conservation where required by state regulations.

(2) Approval by County Department of Health: Approval of plans for sewage disposal shall be secured from the Nassau County Department of Health.

(3) Approval by Commissioner of Public Works of Nassau County: Pursuant to § 334-a(7) of the Real Property Law, the Planning Board shall not approve any subdivision plat until the Commissioner of Public Works of Nassau County has endorsed a statement on the plat that he or she has approved the plans for grades of the streets and the drainage shown on the plat. Separate plans for grading and drainage may be required. Changes required by the County Department of Public Works shall be incorporated on the plans.

(4) Approval by City of Glen Cove Water Department: approval of water system improvements by the City of Glen Cove Water Department

(5) Approval by Glen Cove Director of Public Works. Approval of grading, drainage, road, sewer and water plans by the City of Glen Cove Director of Public Works shall be secured.

D. Public hearing.

(1) Waiver of the final public hearing for a major subdivision, at option of the Planning Board. If in the Planning Board's opinion the final plat for a major subdivision is substantially the same as the preliminary plat and no significant changes are required by agency comments, the board may find that a public hearing is not required, and waive the requirements for a public hearing. If the Planning Board does not waive the requirements for a public hearing, Subsection D(2) and (3) shall apply.

(2) A public hearing shall be held within 62 days after the application for Final Approval has been deemed complete. Such public hearing must be advertised at least once in a newspaper of general circulation in the City at least five days before it is held.

(3) Notice of public hearing (on the form provided by the Board) shall be sent by mail to each owner of all parcels of property located within a radius of ~~200~~300 feet measured from all points of the subject property lines, by regular or certified mail, return receipt requested. Said notice shall be postmarked not less than 5 days prior to the date set for the public hearing. For lots within 500 feet of a municipal boundary, notice shall be mailed in the above prescribed form to the clerk of the adjacent municipality. The hearing date shall also be advertised by posting of a sign stating the time, date and place of the public hearing to be held on the property which is the subject of an application. The sign shall be posted at least ten (10) days prior to the date of the hearing. The sign shall be visible from adjacent right of ways. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

***NO FURTHER CHANGES THIS SECTION***

§ 245-10 Required improvements.

***NO CHANGE***

§ 245-11 Filing of approved subdivision plats.

***NO CHANGE***

§ 245-12 Public streets, parks and playground areas.

***NO CHANGE***

§ 245-13 Processing costs and deposits for subdivisions.

***NO CHANGE***



### **ARTICLE III General Requirements and Design Standards (§ 245-14 — § 245-24.1)**

§ 245-14 Scope of provisions.

***NO CHANGE***

§ 245-15 Character of land; topographic survey and erosion and sediment control plan; disturbance of natural features.

***NO CHANGE***

§ 245-16 Conformity to Official Map and City Plan.

***NO CHANGE***

§ 245-17 Conformity of specifications for required improvements.

***NO CHANGE***

§ 245-18 Street layout.

A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic and to afford access for fire-fighting, snow removal and other road maintenance equipment, and shall be so coordinated as to compose a convenient system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.

B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal, major or collector streets of adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewer, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

D. Special treatment along arterial streets. Where a subdivision abuts or contains an existing or proposed major or arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Provision for future resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is

located, the Board may require that streets and lots be so laid out as to permit future resubdivision in accordance with the requirements contained in these regulations.

F. Dead-end streets and superblocks. The creation of dead-end streets shall only be permitted where the Planning Board finds an alternative arrangement is not practicable. ~~or Loop, grid, or curvilinear grid residential streets layouts shall be encouraged. and superblocks will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area, provided that~~ Where interior parks are proposed, they shall be ~~are~~ covered by appropriate covenants as to maintenance. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a ~~twentyfour~~ foot-wide easement to provide for continuation of pedestrian traffic and utilities to the ~~next~~ nearest existing street or to a potential future street where the dead end is located near a separate subdividable lot. Subdivisions containing 20 lots or more shall have at least two street connections with streets previously placed on the Official Map.

### ***NO FURTHER CHANGES THIS SECTION***

§ 245-19 Street design.

A. All provisions in this section shall apply equally to public and private streets. Where private streets are proposed, they shall be designed to meet all applicable design and construction standards for City streets. Where private streets are proposed that provide access to more than five residential lots, a homeowners association or special taxing jurisdiction shall be created for the purpose of maintaining the proposed road in perpetuity.

[Added 5-8-2007 Editor's Note: This ordinance also redesignated former Subsections A through H as Subsections B through I, respectively.]

B. Width of rights-of-way and pavement. Streets shall have the following right-of-way (ROW) widths and pavement widths; unless otherwise indicated on the City plan, the classification of streets shall be determined by the Board.

[Amended 5-8-2007]

(1) Major streets (average daily traffic of 1,000 or greater): ROW of ~~80-76~~ feet; pavement width of ~~50-56~~ feet; or boulevard with ROW of 66 feet and pavement widths of 18 feet in each direction, with 10 foot center turning lanes and landscaped boulevard.-

(2) Collector streets (average daily traffic of 250 to 1000): ROW of ~~60-56~~ feet; pavement width of ~~40-36~~ feet.

(3) Minor streets (average daily traffic of less than 250 ): ROW of ~~50-46~~ feet; pavement width of 26 feet with parking on one side or 22 feet with no on-street parking.



(4) The Board may require wider or narrower pavement widths than specified by this section based on environmental considerations and/or upon the recommendation of the Director or Acting Director of Public Works or the designee of same, or the Chief of the Glen Cove Fire Department, provided that any deviation from the pavement widths specified herein shall require the affirmative vote of at least two-thirds of the full voting membership of the Planning Board.

C. Improvements. Streets shall be graded and improved with pavements, curbs, monuments, gutters, sidewalks, drainage facilities, water mains, sewers, streetlights and signs and street trees, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Sidewalks at least three feet in width shall be installed along all streets and a grassed or landscape verge at least eighteen inches wide shall be provided between curb and sidewalk. Pedestrian easements shall be improved as required by the Department of Public Works. All grading and improvements shall be approved as to design and specifications by the Department of Public Works.

D. Utilities in streets. All utilities within the subdivision shall be placed underground. The Planning Board may require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The applicant shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

[Amended 5-8-2007]

E. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street lines, perpetual unobstructed easements of no less than 10 feet in width may be required to be provided across property outside the street lines and with satisfactory access to the street. Whenever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

F. Steep grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot as shown shaded on Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street, whether at an intersection entirely within the subdivision or of a new street with an existing street. If directed, ground shall be excavated to achieve visibility.

G. Curve radii. In general, street lines within a block deflecting from each other at any one point by more than 10 feet shall be connected with a curve, the radius of which for the center line of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

H. Dead-end streets. Dead-end streets should be avoided to the greatest extent practicable. Where dead-end streets are designed to be so permanently, they should in general not exceed eight times the minimum lot width nor be less than three times the minimum lot width in the zoning district in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 5040 feet and pavement radius of 4030 feet. At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of 40-30 feet or a T- or Y-shaped turnaround with a length of 20 feet and a width of 60 feet shall be provided unless the Board approves an alternate arrangement. No circular turnaround shall have a paved radius greater than 45 feet, unless a center island is provided surrounded by a 20-foot wide travel way. All center islands proposed as part of a subdivision shall be maintained in perpetuity by a homeowners association or special taxing jurisdiction created for such purpose.

**NO FURTHER CHANGES THIS SECTION**

[Added 5-8-2007]

§ 245-20 Street names.

**NO CHANGE**

§ 245-21 Lots.

**NO CHANGE**

§ 245-22 Drainage improvements.

**NO CHANGE**

§ 245-23 Parks; open spaces; school sites; natural features.

**NO CHANGE**

§ 245-24 Uniformity of exterior design.

**NO CHANGE**

§ 245-24.1 Irrevocable offer of dedication.

**NO CHANGE**

§ 245-24.2 Inclusionary housing requirement

A. Purpose.

It is the findings of the Glen Cove City Council that the evolution of residential construction in the City of Glen Cove has overwhelmingly been toward luxury-type premium housing or toward the conversion of aged housing into one- and two-family rental units of questionable quality. This has evolved into an overwhelming

demand for “next-generation” and “workforce” housing: quality housing available to lower and moderate-income residents of the City. In order to provide for this type of housing, the City Council has determined that all new residential construction in the City must contribute its “fair share” to the provision of affordable housing.

B. Exemptions. The following types of residential subdivisions are exempt from the requirements of this section:

(1) Any proposal for housing exclusively available to income-qualified persons. Such housing will include covenants or deed restrictions limiting occupancy, sale and resale to eligible persons with incomes of no more than 130% of the Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD).

(2) Any proposal sponsored by or partnering with a not-for-profit institution whose mission is the provision of affordable housing and which proposal has set aside a minimum of 10% of units exclusively available to income-qualified families earning no more than 130% of AMI to be managed through the not-for-profit institution. The partnering or sponsoring institution shall have a verifiable record of providing and managing affordable housing in New York State.

(3) Any proposal for which at least 10% of units are receiving funding through the New York State Department of Housing and Community Renewal, the United States Department of Housing and Urban Development, or any other federal, state or local department charged with funding affordable housing.

(4) Any proposal eligible for a “Gold Certification” from the US Green Buildings Council under their Leadership in Energy and Environmental Design (LEED) Green Buildings rating system for Homes and/or Neighborhood Design.

(5) ~~Two-lot s~~Subdivisions of ~~lots-land~~ not previously subdivided within the last ten years into less than five lots.

(6) Subdivisions proposing less than 75% of the maximum achievable density as demonstrated by submission of an as-of-right plan demonstrating compliance with all relevant zoning and subdivision requirements.

C. Applicability. The provisions of this section are applicable to any residential subdivision not subject to exemption as described in paragraph B.

D. Requirements.

(1) Any residential subdivision must provide covenants and restrictions limiting occupancy, sale and resale of residential units as follows:

(a) 10% of units (but no fewer than one unit) to families with incomes no greater than 80% of Area Median Income (AMI); or

(b) 15% of units (but no fewer than one unit) to families with incomes no greater than 100% of Area Median Income (AMI); or

(c) 20% of units (but no fewer than one unit) to families with incomes no greater than 130% of Area Median Income (AMI).

(2) The sale and resale of restricted units shall be at prices affordable to the targeted income groups and managed through the City of Glen Cove Housing Authority or a qualified not-for-profit institution whose mission includes the management of affordable housing and is deemed acceptable to the City Council of the City of Glen Cove.

E. Density Bonus. In exchange for provision of affordable units as described above, the applicant shall be entitled to a density bonus of 10%, or such other incentive pursuant to a written agreement between the applicant and the City of Glen Cove.

F. Money in lieu of inclusionary housing. In lieu of providing affordable units within the proposed subdivision, a monetary contribution equal to two times the median income for a family of four for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development or each additional unit which results, or would have resulted, from the density bonus or, when such fee exceeds the appraised value of each lot resulting from such density bonus, then such fee shall be equal to the appraised value of the lot or lots, or the equivalent thereof, for each additional unit created by the density bonus. Such payment shall be ~~may be made to the City of Glen Cove and placed in a separate and single trust for the exclusive purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing or rehabilitating structures for the purpose of providing affordable workforce housing~~ ~~for the provision, maintenance or capital improvement of affordable housing targeted to families with incomes no greater than 130% of the area median income, subject to the following requirements.~~

(1) Up to two units of the inclusionary housing requirement may be satisfied by money-in-lieu of inclusionary housing.

(2) At the discretion of the City Council additional units may be satisfied in this manner if it finds that the following conditions are met:

(a) The subdivision is located in an area of the City which provides adequate opportunities for quality affordable housing managed by the public or by not-for-profit institutions; and

(b) There exists a need for monetary funds for the provision, maintenance or capital improvement of affordable housing in another location; and

(c) The proposed subdivision is not gated; and

(d) The proposed subdivision is not located in an R-1A, R-1, R-2, or R-3 zoning district.

(3) The amount of payment required for each unit of affordable housing shall be determined by multiplying the Area Median Income (AMI) by the number of inclusionary units required. For subdivisions of less than five units, the money-in-lieu requirement shall be equal to the AMI multiplied by the number of units multiplied by 1/5.

FG. Homeowners Association and other fees. Where inclusionary units are being provided in subdivisions that will require association or other similar fees, the monthly fee for affordable units shall be no greater than 20% of Median Gross Rent for Nassau County. Further, regardless of the fees paid by inclusionary units, the occupants of such units shall be afforded the same homeowners association voting and participation rights as are afforded to occupants of non-inclusionary units.

#### ARTICLE IV Documents Required (§ 245-25 — § 245-30)

§ 245-25 Submission of sketch plan and layout.

#### **NO CHANGE**

§ 245-26 Required information for minor subdivision plats.

In the case of a minor subdivision only, the subdivision plat application shall include the following information:

A. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the City Engineer, and shall be referenced and shown on the plat.

C. Contours of existing and proposed surfaces with intervals of two feet or less. Where the terrain is unusually flat or unusually steep the Board may require a smaller contour interval or permit a greater contour interval. The existing topography shall be drawn from an actual survey certified by a licensed land surveyor. Contours for existing surfaces shall be extended to cover an area 200 feet beyond the boundaries of the parcel to be subdivided. Said topographic survey shall contain details concerning cutting and filling as necessary to accomplish plans of development. The Board at its discretion may require the subdivider to submit eight-inch-by-ten-inch photographs adequately depicting the topography.

D. All on-site sanitation and water supply facilities designed to meet the minimum specification of the State Departments of Health and Environmental Conservation and a note to this effect shall be stated on the plat and signed by a licensed engineer.

E. Storm drainage plan.

F. Proposed subdivision name, name of the municipality and county in which it is located.

G. The date, North point, map scale, name and address of record owner and subdivider.

H. The section, block and lot number and the zoning district.

I. Plats to be filed with the County Clerk shall be printed upon linen or be clearly drawn in India ink upon tracing cloth. The size of the sheet shall be 36 inches by 48 inches. If not to be filed with the County Clerk, the original cloth plat must be filed with the City Clerk after it is signed by the Chairperson of the Planning Board.

J. The section, block and lot numbers and names of all owners of record of all parcels of property located within a radius of 200300 feet measured from all points of the subject property lines.

K. A letter of water availability to serve the subdivision, obtained from the Director of Public Works.

§ 245-27 Submission of documents for preliminary plat approval.

The following shall be submitted for preliminary approval.

A. Preliminary plat. A preliminary plat, prepared at a scale of not less than 50 feet to the inch showing:

(1) Proposed subdivision name, date, North point, scale name and address of record owner, subdivider and engineer or surveyor, including license number and seal.

(2) The section, block and lot numbers and names of all owners of record of property within 200300 feet.

***NO FURTHER CHANGES THIS SECTION***

§ 245-28 Submission of documents for final plat approval.

The following documents shall be submitted for final plat approval.

A. Plat. The plat shall be drawn in ink on tracing cloth, in sheets not exceeding 36 inches by 48 inches and at a scale of not less than 100 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed, showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:

(1) Subdivision name, date, scale and North point.

(2) Certification of title showing ownership.

(3) Names of owners of property within 200300 feet.

***NO FURTHER CHANGES THIS SECTION***

§ 245-29 Record drawings.

***NO CHANGE***

§ 245-30 Adoption of rules, regulations, application forms and checklists by Planning Board.

***NO CHANGE***

ARTICLE V Penalties (§ 245-31

§ 245-31 Penalties for offenses.

***NO CHANGE***

## **CHAPTER 280 ZONING**

### **ARTICLE I General Provisions**

#### **§ 280-1 Short title.**

This chapter shall be known and may be cited as the "City of Glen Cove Zoning Ordinance."

#### **§ 280-2 Declaration of policy.**

***NO CHANGE***

#### **§ 280-3 Scope; application of provisions.**

***NO CHANGE***

#### **§ 280-4 Interpretation of provisions.**

***NO CHANGE***

### **ARTICLE II Terminology**

#### **§ 280-5 Word usage.**

A. All words used in the present tense include the future tense; all words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designated," "intended" or "arranged to be used." Unless otherwise specified all distances shall be measured horizontally. The word "City" means the City of Glen Cove, and the term "City Council" means the City Council of the City. The term "Board of Appeals" means the Board of Appeals of the City; the term "Planning Board" means the Planning Board of the City; and the term "Environmental Conservation Board" means the Environmental Conservation Board of the City.

B. Words not herein specifically defined shall have their ordinary dictionary meaning, as in Webster's New International Dictionary.

#### **§ 280-6 Definitions.**

As used in this chapter, unless the context or subject matter otherwise requires, the following words shall have the following meanings:

#### ***ONLY CHANGED DEFINITIONS INCLUDES***

**BUILDING DEPARTMENT ADMINISTRATOR/DIRECTOR OF THE BUILDING DEPARTMENT (BDADBD)**



The head of the Building Department who is the enforcement officer of this chapter.

## BAR

Any establishment that serves primarily alcoholic beverages for on premises consumption. Where food is served in addition to alcoholic beverages, a bar shall be an establishment that has more than 40% of seats located at a counter or counters as opposed to individual tables receiving table service.

## EFFICIENCY

A small apartment without a bedroom separate from living areas.

## FAÇADE

Any side of a building facing a public way or space and finished accordingly

## FAÇADE, FRONT

A vertical surface of a building generally parallel with a front lot line and visible from the front lot line.

## FINISHED FLOOR ELEVATION

The elevation at which the foundation meets the foundation meets the ground surface.

## FLOOR AREA RATIO

The ratio of floor area to lot area calculated by dividing the total interior floor area by the lot area after subtracting any deductions required by this chapter.

## HEIGHT

The vertical distance between the midpoint of the roof of a structure, or the top of the roof for structures with flat or mansard roofs, and the ~~existing natural grade prior to any site disturbance~~ finished grade directly below. The midpoint shall be the mean height between the eave and the ridge. The measurement of structure height shall be as specified in § 280-45Q.

## H. LOT LINE, FRONT

— In residential districts, for lots created following the effective date of this ordinance, the front lot line shall be the boundary of the lot along every public or private street on which the lot has frontage. In residential districts, for lots that existed prior to the effective date of this ordinance and for all flag lots, the front lot line shall be determined by the position of the existing or proposed front door of the building. In the B-1 District, the front lot line shall be the boundary of the lot

along the street with the highest pedestrian traffic on which the lot has frontage. In other commercial and industrial districts, the front lot line shall be the boundary of the lot along the street with the highest vehicular traffic on which the lot has frontage.

### PREVAILING LOT WIDTH

A required lot width equal to the average lot width of principal residential buildings on the same side of the street and within a distance of three times the minimum lot frontage for the district in which the subject lot is located. Lots located outside of the zoning district that the subject lot is located within shall not be considered in computation of prevailing lot width. ~~Corner lots shall not have a prevailing lot width.~~ The prevailing lot width shall be no more than twice the minimum lot width requirement.

### PREVAILING SETBACK, FRONT

A required minimum distance between the front lot line and the front building line, equal to ~~T~~the average of the front setback of ~~each~~ principal residential buildings on the same side of the street and within a distance of three times the minimum lot frontage for the district in which the subject lot is located. Lots located outside of the zoning district that the subject lot is located within shall not be considered in computation of prevailing front setback. ~~existing building~~ Corner lots shall not have a prevailing front setback. ~~on the same side of the same street within the same block.~~ The prevailing front setback shall be no more than twice the minimum front yard setback requirement.

[Added 5-8-2007; amended 8-28-2007]

## ARTICLE III Administration and Enforcement (§ 280-7 — § 280-12)

### § 280-7 ~~Building Department Administrator~~ Director of the Building Department.

A. Generally. It shall be the duty of the ~~Building Department Administrator~~ Director of the Building Department (BDADBD) to enforce this chapter. He or she shall have the powers of a peace officer of the City, and in the discharge of his or her duties shall have authority, at any reasonable hour, to enter any premises, building or structure under construction or alteration. For the purpose of identification he or she shall adopt a badge of office which he or she shall display on demand, provided that in any emergency any other method of identification shall be sufficient. He or she may request and shall receive, insofar as it may be necessary in the discharge of his or her duties, the assistance and cooperation of all City officials.

### **NO FURTHER CHANGES THIS SECTION**

### § 280-8 Duty of members of Police Department.

### **NO CHANGE**

**§ 280-9 Conformance required for authorization to construct.**

***NO CHANGE***

**§ 280-10 Building permit and license requirements.**

A. All applications for building permits under the jurisdiction of the New York State Uniform Fire Prevention and Building Code of the City of Glen Cove shall be accompanied by plans, drawn to scale, showing all floor plans and all elevations of the building to be built, altered or reconstructed. A plot plan showing all lot dimensions, and the exact location of the building or buildings thereon, including accessory buildings, shall also be furnished.

B. When the foundation for any such building or buildings shown on the filed plot plan has been constructed, and prior to further construction on said building, a certified survey showing the as-built location of said foundation or foundations shall be submitted to the ~~Building Department Administrator~~Director of the Building Department for his or her approval as to conformity with this chapter and any other City ordinance, law, rule or regulation.

C. In addition, such other information as the ~~BDADBD~~ may require to provide for the proper enforcement of the New York State Fire Prevention and Building Code and this chapter may be required. All such documents and plans shall be filed in duplicate. One such set of plans, when approved by the ~~BDADBD~~, and documents shall be returned to the applicant, to be kept available on the premises at all times during the construction operation. The other set shall be kept on file in the City Hall, open for inspection by the public, for a period of 10 years, after which time all may be destroyed, except those pertaining to public buildings.

D. Except as provided in Subsection C of this section, the ~~BDADBD~~ shall take action on all applications for building permits within 10 days of their receipt. He or she shall withhold a permit for construction or alteration of any building, if such building as proposed to be constructed or altered would in his or her estimation be in violation of this chapter or of the New York State Fire Prevention and Building Code.

***NO FURTHER CHANGES THIS SECTION***

**§ 280-11 Certificates of occupancy.**

[Amended 12-31-1984; 5-27-1997 by L.L. No. 2-1997]

A. It shall be unlawful to use or permit the use of any building or premises, or part thereof hereafter created, erected or enlarged, or of any building or premises or part thereof hereafter changed or converted to a different use until a certificate of occupancy shall have been issued to the owner by the ~~BDADBD~~. Such certificate shall show that such buildings or premises or parts thereof, and the proposed use thereof, are in conformity to the provisions of this chapter. A guaranteed survey showing location of buildings on the lot shall be prerequisite to the issuance of a certificate of occupancy.

Prior to issuance of the certificate of occupancy for a dwelling unit, commercial building, industrial building or swimming pool approval in writing must be obtained from the City of Glen Cove Water Department for the installation of a water meter and backflow prevention valves. Such certificates of occupancy shall be applied for at the same time an application is filed for a building permit and shall be issued by the **BDADBD** within five days after a request for the same shall have been applied for by any owner, provided that the **BDADBD** finds after inspecting the premises that the building and the use of the building and the use of the premises comply with the provisions of this chapter. The fee for such certificate of occupancy shall be set forth from time to time by the City Council.

Editor's Note: The fee schedule is on file in the City offices.

The **BDADBD** may issue a temporary certificate of occupancy which shall expire at the end of six months, and which shall not be renewable, for the use of a part of a building.

B. Upon written request by the owner, the **BDADBD** shall issue a certificate of occupancy use for any existing building or premises if, upon inspection, he or she finds that such building and the use thereof and the use of such premises conforms to the requirements of this chapter and all other applicable provisions of this Code, laws, rules and regulations. All such certificates of occupancy use shall be kept on file open to the public. The fee for the issuance of a certificate of occupancy use shall be as set forth from time to time by the City Council and shall be payable to the City of Glen Cove. A guaranteed survey showing location of buildings on the lot shall be a prerequisite to the issuance of such certificate.

#### **§ 280-12 Planning costs and deposits for land use applications.**

***NO CHANGE***

#### **ARTICLE IV Site Plan Review (§ 280-13 — § 280-17)**

#### **§ 280-13 General requirements.**

***ONLY CHANGES DETAILED***

B. In any cases where any amendment of any such plan is proposed, the applicant must also secure the approval of the amendment by the Planning Board. No building permit may be issued for any building within the purview of this section until an approved site plan or amendment of any such plan has been secured by the applicant and presented to the **BDADBD**. No certificate of occupancy may be issued for any building or use of land within the purview of this subsection unless the building is constructed or used, or the land is developed or used, in conformity with an approved site plan or an amendment of any such plan. In any cases where any amendment of any such plan is proposed, the applicant must also secure the approval of the amendment by the Planning Board. No building permit may be issued for any building within the purview of this section until an approved site plan or amendment of any such plan has been secured by the applicant and presented to the **BDADBD**. No certificate of occupancy

may be issued for any building or use of land within the purview of this subsection unless the building is constructed or used, or the land is developed or used, in conformity with an approved site plan or an amendment of any such plan.

**§ 280-14 Objectives.**

**NO CHANGE**

**§ 280-15 Procedure.**

**ONLY CHANGES DETAILED**

C. The ~~BDADBD~~ shall certify on each site plan or amendment whether or not the plan meets the requirements of all zoning provisions other than those of this article regarding site plan review.

D. The time of submission of the site plan or amendment to it shall be the date of the first Planning Board meeting following the submission of a properly prepared plan to the Secretary to the Planning Board as outlined in Subsection B above. A public hearing shall be held within 62 days following the date of submission. Notice of such hearing shall be given by at least one publication in the official newspaper of the City not less than five days before the date of such hearing. Notice of the public hearing, specifying the relief requested, on a form required by the Board, shall be sent by mail to each owner or occupant of all parcels of property located within a radius of ~~200-300~~ feet measured from all points of the subject property lines, by certified mail, return receipt requested. Said notice shall be postmarked no sooner than 20 days and no later than 10 days prior to the date set for the public hearing. An affidavit of mailing, together with the certified letter postal receipts, shall be filed with the Board. For lots within 500 feet of a municipal boundary, notice shall be mailed in the above prescribed form to the clerk of the adjacent municipality. The hearing date shall also be advertised by posting of a sign stating the time, date and place of the public hearing to be held on the property which is the subject of an application. The sign shall be posted at least ten (10) days prior to the date of the hearing. The sign shall be visible from adjacent right of ways. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

[Amended 10-8-1996; 5-27-1997 by L.L. No. 2-1997; 11-27-2001]

E. The Planning Board shall act to approve or approve with conditions any such site plan within 62 days after the public hearing. ~~Failure to act within 62 days shall be deemed approval.~~ Conditional approval by the Planning Board shall include written findings upon any site plan element found contrary to the provisions or intent of this chapter. In reviewing the application, the Planning Board may secure the advice or

assistance of one or more expert consultants qualified to advise as to whether a proposed use will conform to the requirements of this chapter. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board shall immediately be filed in the office of the City Clerk and a copy thereof mailed to the applicant.

I. The ~~BDADBD~~ may not issue any permits for construction until any and all conditions established in Subsection E above have been satisfied.

#### **§ 280-16 Elements of site plan.**

##### ***ONLY CHANGES DETAILED***

F. Certification by professional engineer or registered architect. In addition to all other requirements, where structures are proposed on land with slopes in excess of 15%, the applicant shall submit documentation by a registered architect or professional engineer as to stability of the soils and requirements for construction to ensure stability, including the design of the retaining walls. All development shall be done in accordance with such plan, as approved by the City, and shall be so certified to the ~~Building Department Administrator~~Director of the Building Department by the registered architect or professional engineer who prepared the plan.

[Added 9-12-1989]

G. The Planning Board, in furtherance of site plan review, in its discretion, may require submission of renderings and three-dimensional scale models which depict the architectural exterior of any new building or structure, and any existing building or structure which is proposed for substantial redevelopment, and any parking area, landscaping buffer and retaining walls which may be part of a site under review. Renderings, if approved by the Planning Board, in its discretion, or if approved with conditions, shall be binding upon the applicant, and no building permit or certificate of occupancy shall be issued by the ~~Building Department Administrator~~Director of the Building Department except in conformance therewith. Nothing herein shall be deemed to authorize architectural review of one-family and two-family detached dwelling units which are not part of an average density development as provided in this chapter. The Planning Board, in the exercise of its discretion to approve or disapprove the renderings depicting the architectural exterior of a proposed project, shall consider the architectural character of surrounding neighborhood, as well as the proportion, scale, color, materials and function of said proposed architectural exterior.

#### **§ 280-17 Fees.**

##### ***NO CHANGE***

#### **ARTICLE V Special Use Permits (§ 280-18 — § 280-22.1)**

#### **§ 280-18 Power to grant.**

**NO CHANGE**

**§ 280-19 Conformance required.**

**NO CHANGE**

**§ 280-20 Criteria.**

**NO CHANGE**

**§ 280-21 Procedure.**

A. The procedure and elements for review of a special use permit shall be the same as for a site plan review (§ 280-15 and 280-16 of Article IV of this chapter). Where approval of both a special use permit and a site plan is required, the application and review may be made simultaneously.

B. Notice of the public hearing specifying the relief requested, on a form required by the Board, shall be sent by mail to each owner or occupant of all parcels of property located within a radius of 200-300 feet-measured from all points of the subject property lines by certified mail, return receipt requested. Said notice shall be postmarked no sooner than 20 days and no later than 10 days prior to the date set for the public hearing. An affidavit of mailing, together with the certified letter postal receipts, shall be filed with the Board. For lots within 500 feet of a municipal boundary, notice shall be mailed in the above prescribed form to the clerk of the adjacent municipality. The hearing date shall also be advertised by posting of a sign stating the time, date and place of the public hearing to be held on the property which is the subject of an application. The sign shall be posted at least ten (10) days prior to the date of the hearing. The sign shall be visible from adjacent right of ways. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

[Amended 11-27-2001]

**§ 280-22 Termination.**

**NO CHANGE**

**§ 280-22.1 Fees.**

**NO CHANGE**

**ARTICLE VI Amendments (§ 280-23 — § 280-26)**



## § 280-23 Introduction and hearings.

The City Council may amend this chapter pursuant to § 83 of the General City Law.

A. A verified petition by owners of property within the City to amend this chapter shall be on a standard form prescribed by the Planning Board, and which shall be accompanied by a fee as set forth from time to time by the City Council, no part of which shall be returnable.

B. Any proposed amendment shall be referred to the Planning Board for its report.

C. No petition or resolution to amend the Zoning Chapter shall be considered complete until such time as a Negative Declaration or Notice of Completion of Draft Environmental Impact Statement has been issued by the lead agency performing environmental review of the proposed amendment pursuant to 6 NYCRR 617 (SEQR).

D. Within 36 days of: receipt of adoption of a resolution of intention to amend by the City Council, or by adoption by the Planning Board receipt of a resolution of proposal to amend by the Planning Board or by the filing of a verified petition by owners of property within the City, the Planning Board City Council shall hold a public hearing on any such proposal, resolution or petition; notice of such hearing and the proposed amendment shall be given by the publication in the official newspaper of the City for two consecutive issues before the date of such hearing. Where the amendment is the subject of a Draft Environmental Impact Statement (DEIS) required by the lead agency pursuant to 6 NYCRR 617 (SEQR), the public hearing shall be held concurrently with the public hearing on the DEIS.

D. If the proposed amendment consists of or includes a change in any boundary of any district established by this chapter, the Planning Board shall also give notice of the proposed amendment and of the hearing thereon at least five days before the date of such hearing by mailing postcard notices thereof to owners of all land lying within a distance of 500 feet from the exterior boundaries of such land involved in such proposed change as the names of said owners appear on the assessment rolls of the City. The foregoing requirement as to mailing notices shall be substantially observed, but any inaccuracy in giving such notice shall not invalidate the proceedings that are involved.

E. Should any proposed amendment consist of or include either of the two following conditions, the Secretary to the Planning Board shall transmit to the Clerk of the municipality affected a copy of the official notice of the public hearing not later than five days prior to the date of hearing.

(1) Any change in the boundaries of any district, which change would occur within a distance of 500 feet of the boundary of any City, village or town.

(2) Any change in the regulations prescribed for any district, any portion of which is located within 500 feet of the boundary of any City, village or town.



F. Should any proposed amendment consist of or include any of the following conditions, the City Clerk shall, prior to final action, refer the proposed amendment to the Nassau County Planning Commission in accordance with §§ 239-l and 239-m of the General Municipal Law.

(1) Any change in the district classification of, or the regulations applying to, real property lying within a distance of 500 feet of:

(a) The boundary of any City, village or town.

(b) The boundary of any existing or proposed county or state park or other recreation area.

(c) The right-of-way of any existing or proposed county or state parkway, thruway, expressway or other controlled access highway, or road or highway.

(d) The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.

(e) The existing or proposed boundary of any county or state-owned land on which a public building or institution is located.

#### **§ 280-24 Report of Planning Board.**

Unless the proceedings are terminated as herein provided, the Planning Board shall within 45 days ~~after such hearing~~ after receiving a request for recommendation, report its recommendations to the City Council with respect to the proposed amendment. If it recommends its adoption, it shall state fully its reasons for such recommendation, describing those changes in conditions which, in its estimation, warrant the amendment and showing how, in its estimation, the proposed amendment would be in harmony with a comprehensive plan for land use in the City and would further the purposes set forth in § 280-2.

#### **§ 280-25 Action by City Council.**

A. The City Council shall not adopt any amendment to this chapter until the Planning Board files its report, except in the instance where the Planning Board fails to convey its report to the City Council within 45 days after the public hearing, in which case such failure to report shall be construed by the Council as a recommendation for approval. Before adopting any amendment the City Council shall adopt a resolution setting forth the findings upon which the Council determined such amendment to be required by the public interest in furtherance of the purposes set forth in § 280-2.

B. In case of protest against any amendment, such amendment shall not become effective except in accordance with the provisions of § 83 of the General City Law.

#### **§ 280-26 Resubmission.**

**NO CHANGE**

**ARTICLE VII Board of Appeals (§ 280-27 — § 280-28)**

**§ 280-27 Board continued; membership; organization.**

**NO CHANGE**

**§ 280-28 Powers and duties.**

**ONLY CHANGES DETAILED**

(1) The Board of Appeals shall not decide upon any appeal for a variance or interpretation of this chapter without first holding a public hearing; notice of which hearing, including the substance of the appeal or application, shall be given by the publication in the official newspaper of the City at least five days before the date of such hearing. In addition to such published notice, the Board of Appeals shall cause such notice to be mailed at least 10 days but no more than 20 days before the hearing to all owners of property which lie adjacent to the property for which relief is sought and to each owner of all parcels of property located within a radius of 200-300 feet measured from all points of the subject property lines by registered or certified mail, return receipt requested. For lots within 500 feet of a municipal boundary, notice shall be mailed in the above prescribed form to the clerk of the adjacent municipality. —The hearing date shall also be advertised by posting of a sign stating the time, date and place of the public hearing to be held on the property which is the subject of an application. The sign shall be posted at least ten (10) days prior to the date of the hearing. The sign shall be visible from adjacent right of ways. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

(6) Every decision of the Board of Appeals shall be recorded in accordance with standard forms adopted by the Board, shall fully set forth the circumstances of the case, shall contain a full record of the findings on which the decision is based, and, if such decision is not in accordance with the recommendation of the Planning Board, the reasons therefor. Every decision of said Board shall be filed by case number. In each case, the Board of Appeals shall notify the **BDADB**, City Clerk, the Planning Board and the Nassau County Planning Commission of their decision.

(10) The Board of Appeals shall also report to the City Council periodically at intervals of not more than six months, summarizing all applications and appeals made to it since its last previous report and summarizing its decisions on such applications and appeals. A copy of such report shall be filed with the Secretary to the Planning Board and with the **BDADB** at the same time it is filed with the City Council.

**ARTICLE VIII Nonconforming Uses (§ 280-29 — § 280-32)**

**§ 280-29 Continuance.**

***NO CHANGE***

**§ 280-30 Conditions governing nonconforming uses.**

***ONLY CHANGES DETAILED***

(1) No nonconforming use if damaged or destroyed from any cause to the extent, as determined by the **BDADB** in consultation with the City Assessor, of over 50% of the value of such structure above the foundation shall be restored for the continuance of a nonconforming use therein. Such building, if damaged to the extent, as determined by the **BDADB**, of less than 50% of the value of such structure above the foundation, may be restored in the same location, provided that it is made substantially to conform to the height and yard requirements of the schedules limiting the bulk and arrangement of buildings which constitute part of § 280-40 herein.

***ONLY CHANGES DETAILED***

(4) Where a residential structure conforming to the City of Glen Cove Zoning Ordinance on May 7, 2007, suffers catastrophic damage exceeding 50% of the replacement value of such structure as determined by the **BDADB** in consultation with the City Assessor, and where such damage or destruction is not the intended result of deliberate actions by the owner or owners or agents thereof, such structure shall be permitted to be reconstructed over the existing foundation to the prior existing floor area, but complying with all other applicable building and zoning requirements.

***ONLY CHANGES DETAILED***

**§ 280-31 Discontinuance of certain nonconforming uses.**

***NO CHANGE***

**§ 280-32 Planting areas for junkyards.**

***NO CHANGE***

**ARTICLE IX Exceptions and Modifications (§ 280-33 — § 280-39)**

**§ 280-33 Height exceptions.**

***NO CHANGE***

**§ 280-34 Lot area exceptions and limitations.**

A. Reduction of lot area. Except as may be provided elsewhere in this chapter, no permit shall be issued for the erection of any building on a lot which is smaller in area than the required minimum for the particular zoning district in which it is located.

B. Existing lots of less than required area. On any lot in a residential district where a single-family dwelling is a permitted principal use, which lot has been held in separate ownership from any adjoining lot facing on the same street prior to the time of the enactment of this chapter, a single-family dwelling may be constructed, provided that said lot is at least 50% of the minimum lot size in the district and complies with all other requirements of this code. The application for a permit for such a dwelling on such a lot shall be accompanied by such proof of separate ownership in sufficient detail to provide the ~~BDADBD~~ with adequate information upon which to base the issuance of a permit.

[Amended 5-8-2007; 8-28-2007]

C. Front, side and rear yard exceptions.

[Amended 10-22-2002]

(1) (Reserved)

Editor's Note: Former Subsection C(1), regarding irregular lots, was repealed 10-22-2002.

(2) (Reserved)

Editor's Note: Former Subsection C(2), regarding unusually narrow lots, was repealed 10-22-2002.

(3) (Reserved)

Editor's Note: Former Subsection C(3), regarding front and rear yard exceptions, was repealed 10-22-2002.

(4) Measurement of side yard. Where the wall of a building is not parallel to the lot line, ~~the average distance from said wall to said lot line shall be considered in measuring such side yard widths, provided that no part of the building shall extend nearer to the lot line than the dimensions set forth in Subsection C(1) above~~ side yard shall be measured from the ~~closest~~ nearest point of the building to the side lot line.

(5) (Reserved)

Editor's Note: Former Subsection C(5), regarding rear yards on shallow lots, was repealed 10-22-2002.

(6) Yard requirements along zoning district boundaries. Along any district boundary line, on a lot adjoining such line, any abutting side or rear yard or court shall have

dimensions which comply with the requirements of the more restrictive of the two adjoining districts.

(7) Reduction of required yards and courts. No lot shall be so reduced in area as to make any yard or court smaller than the minimum required under this chapter.

D. No part of a yard or court or other open space around a building provided for the purpose of complying with the provisions of this chapter shall be included as a part of a yard, court or other required open space for another building. When a lot is formed from a part of a lot already occupied by a building, such separation shall be affected in such a manner as not to impair any of the provisions of this chapter with respect to the existing building, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with the provisions of this chapter.

**§ 280-35 Projections and obstructions.**

~~A. **Fences and walls.**~~

~~(1) Except on corner lots on which front yards are required, fences and walls may be erected, or shrubbery and hedges planted and maintained on any lot line, provided that these do not exclude light and air from adjoining structures existing at the time of the erection of the wall, fence or the planting of the hedge or shrubbery. Such walls and fences shall be substantially constructed, and shall meet with the approval of the Building Department Administrator in respect to public safety. Shrubby and hedges shall not be permitted to overhang the public street or sidewalk in such a manner as to interfere with pedestrian or vehicular traffic.~~

~~(2) On any corner lot on which a front and side yard are required, no wall, fence or other structure, and no hedge, shrubbery or other growth shall be erected, installed or maintained within such front yard so as to cause danger to traffic by obstructing the view. The Chief of Police is hereby empowered to order the removal of any such structure or growth which, in his or her opinion, does in fact cause such danger to traffic.~~

**NO FURTHER CHANGES THIS SECTION**

**§ 280-36 Land under water; filled land.**

**NO CHANGE**

**§ 280-37 Status of existing permits.**

**NO CHANGE**

**§ 280-38 Excavations.**

**NO CHANGE**

**§ 280-39 Caretaker residence.**

[Added 1-24-1989]

**NO CHANGE**

**ARTICLE X Districts (§ 280-40 — § 280-46.1)**

**§ 280-40 Districts designated.**

The City of Glen Cove is hereby divided into the following classes of districts:

- R-1A Two-Acre Residence District  
[Added 5-9-1989]
- R-1 One-Acre Residence District
- R-2 Half-Acre Residence District
- R-3 Quarter-Acre Residence District
- R-3A Six-Thousand-Five-Hundred-Square-Foot Single-Family  
Residence District
- R-4 Seven-Thousand-Five-Hundred-Square-Foot One- and Two-  
Family Residence District
- R-4B Seven-Thousand-Five-Hundred-Square-Foot One- and Two-  
Family Residence District  
[Added 3-11-1997]
- R-5 Garden Apartment - Townhouse District
- R-5A Garden Apartment - Office District
- R-5B Garden Apartment - Townhouse/Condominium District
- R-6 Apartment - Office District
- R-SC Senior Citizens Housing District
- B-1 Central Commercial District
- B-2 Peripheral Commercial District
- B-3 Shopping Center District
- B-4 Limited Commercial District
- I-1 Light Industrial District
- I-2 Light Industrial District
- I-3 Industrial District
- MW-1 Marine Waterfront-1 District  
[Added 2-24-1998]
- MW-2 Marine Waterfront-2 District  
[Amended 2-24-1998]
- PWD Planned Waterfront District  
[Added 10-10-1989]

[RIO-GCA](#) [Redevelopment Incentive Overlay – Glen Cove Avenue](#)

[RIO- Redevelopment Incentive Overlay – Orchard Neighborhood](#)  
[ON](#)

[CBD – Central Business District Overlay](#)  
[O](#)

**§ 280-41 Zoning Map adopted.**

***NO CHANGE***

**§ 280-42 Interpretation of district boundaries.**

A. Except where referenced on the Zoning Map to a street line or other designated line by dimensions shown on the Zoning Map, the district boundary lines are intended to follow lot lines or the center lines of streets or alleys or railroad rights-of-way as they existed at the time of enactment of this chapter.

B. Unless otherwise shown, all district boundaries running parallel to streets shall be construed to be 100 feet back from the property line along said streets as they did exist on the effective date of this chapter.

C. In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the **BDADBD**, who shall make such determination by measuring the line with a scale.

D. Where natural or man-made features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered in Subsections A through C hereinbefore, the district boundaries shall be interpreted by the Board of Appeals.

**§ 280-43 Effect of establishment of districts.**

***NO CHANGE***

**§ 280-44 Schedules of district regulations adopted.**

***NO CHANGE***

**§ 280-45 Regulations applicable to all districts.**

The following regulations shall apply to all districts.

A. Off-street parking.

(1) Wherever an off-street parking area of three or more spaces faces a street, a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the sidewalk. Where no sidewalk exists, such planting strip shall be provided between the



parking lot and the property line facing the street. The planting plan for this strip shall be approved by the Planning Board as part of the site plan review.

(2) Further, not more than 12 parking spaces shall be permitted in a continuous row and not more than 20 spaces shall be permitted in a single parking area without being interrupted by landscaping approved by the Planning Board.

B. Uniformity of exterior design and appearance of one-family and two-family dwellings. Except as provided below, no one-family or two-family dwelling in a subdivision shall be erected if it is like or substantially like any neighboring building then in existence or for which a building permit has been issued or for which a building permit is being sought. To be deemed unlike any such building a proposed building shall differ therefrom in the following respects:

(1) Roof type - must vary as to gable, flat, hip or peaked;

(2) Any two of the following:

(a) Height of the main roof ridge, or, in the case of a building with a flat roof, the highest point of the roof beams above the elevation of the first floor; height difference between two dwellings must be 24 inches or more.

(b) Length of the main roof ridge, or, in the case of a building with a flat roof, length of the main roof; the difference in length of the main roof ridge of two dwellings must be 48 inches or more.

(c) Width between outside walls at the ends of the building under the main roof at right angles to the length thereof.

(d) Relative location of windows in the front elevation or in each of both side elevations with respect to each other and with respect to any door, chimney, porch or attached garage in the same elevation.

(e) In the front elevation, both relative location with respect to each other of garage if attached, porch if any and the remainder of the building, and either height of any portion of the building located outside the limits of the main roof, measured from the elevation of the first floor to the roof ridge, or, in the case of a flat roof, the highest point of the roof beams; or width of said portion of the building if it has a gable in the front elevation, otherwise length of said roof ridge or said flat roof in the front elevation.

(3) Setback from the street. For the purpose of this section, a building shall be deemed to be a neighboring building if the distance between such building and the subject building is not more than 200 feet and if both buildings front on the same streets. In the case of semidetached dwellings, the above requirements shall apply to each separate structure. In the case of attached dwellings and in all cases where side yards are eliminated, the above requirements as to uniformity of design may be waived by the Planning Board.

C. Site plan approval. Any use other than a one- or two-family dwelling shall be subject to site plan approval by the Planning Board in accordance with Article IV.

~~(1) D. Fences or walls. All front yard requirements are inapplicable to fences or walls not over six feet high, except on corner lots, on which no fence or wall or hedge shall be erected or maintained in such manner as to obstruct clear vision at the corner.~~

D. Where space exists between the curb and sidewalk along any street, such space shall be planted with grass or flowering plants and be maintained by the property owner directly abutting that portion of the street. As an alternative in nonresidential zoning districts or where otherwise approved by the Director of the Building Department upon consideration of recommendation by the Architectural Review Board, decorative brick or pavers may be installed within this space.

E. Commercial vehicles.

[Amended 1-9-1990; 9-28-2004]

(1) No commercial vehicle shall be parked outdoors between 12:00 midnight and 6:00 a.m. in any residential district.

F. Glare. No glare from lighting from any principal or accessory use shall be visible beyond the property line.

G. Loudspeakers, etc. No loudspeaker or amplifying device shall be permitted which can be heard beyond the property line between 11:00 p.m. and 8:00 a.m.

H. Mechanical equipment. All mechanical equipment necessary to operate building services, which equipment is located on the roof of a structure, shall be screened in a manner approved by the Planning Board.

I. Sound-producing devices. The use of a drum, loudspeaker or any other sound-producing instrument or device for the purpose of attracting attention to any performance, show, sale, display of merchandise by the creation of noise or for any other reason by special permit to be issued by the Mayor, who shall make reasonable rules and regulations therefor.

[Added 5-24-1983]

J. Satellite television antennas. No satellite television antenna shall be erected or constructed, except in conformance with the following regulations:

[Added 10-22-1985]

(1) Satellite antenna location.

(a) All proposed locations in any zone shall be subject to approval by the Planning Board.

(b) In any commercial, industrial or multifamily residential zone, such antenna may be located anywhere on the lot or building thereon.

(c) In a noncommercial or single-family zone, subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot. The proposed dish antenna shall not be closer to the rear property line than the height of said antenna nor closer to any side property line than the height of said antenna or the side yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.

(2) Antenna size.

(a) In any zone, such antenna shall not exceed 10 feet in height, including any platform or structure upon which said antenna is mounted or affixed. Such antenna may not exceed six feet in diameter.

(b) Satellite television antennas shall be located and designed to reduce visual impact from surrounding properties at street level from public streets and not deny solar access to an abutting property. They shall be effectively screened by a special planting maintained in good condition, so that said antenna shall not be visible from any adjacent property or public street.

(c) Not more than one satellite television antenna shall be allowed upon any noncommercial or single-family lot, notwithstanding the size of said lot.

(d) All antennas and the construction and installation thereof shall conform to applicable City building code and electrical code regulations and requirements so as not to cause a hazard to life, limb or property because of structural impairment, disassembly or collapse.

(e) Antennas shall meet all manufacturers' specifications, be of noncombustible and corrosive-resistant material and be erected in a secure, wind-, snow- and storm-resistant manner.

(f) Every antenna must be adequately grounded for protection against a direct strike of lightning.

K. Elevators. All elevators shall have their inspection records conspicuously posted therein.

[Added 10-24-1989]

L. There shall be permitted only one curb cut serving one driveway per residential lot improved with a single- or two-family dwelling, except as otherwise permitted. ~~No curb cut~~ No driveway located in a front yard shall have a dimension-width exceeding 22 feet.

~~in width and must be installed. No part of any driveway shall be located closer than two feet a minimum of one foot zero inches (side yard setback) from the nearest adjacent any property line except the front property line. No driveway may have a dimension exceeding 22 feet in width within the front yard setback and must be installed a minimum of two feet zero inches (side yard setback) from the nearest adjacent property line. Two eleven-foot curbcuts on different streets are permissible for two-family residences located on a corner- or through-lot~~

[Added 11-27-2001; amended 6-22-2004; 5-8-2007; 8-28-2007]

M. A residential lot improved with a single- or two-family dwelling may be permitted to have two curb cuts connected by a U-shaped driveway if, in the opinion of the BDADB, the following criteria have been satisfied:

[Added 11-27-2001]

- (1) There is adequate sight distance from each curb cut.
- (2) Each curb cut shall be no closer than 10 feet to the nearest property line.
- (3) Each curb cut shall be a minimum of 30 feet from the corner of the street.
- (4) No less than 60 feet shall separate one curb cut from the other.
- (5) The curb cut and paved area of the driveway may not exceed 12 feet in width except where one curb cut leads directly to a garage and such garage requires a wider paved area for access to its entrance. However, in no case may a driveway or curb cut exceed the dimensions contained in Subsection L of this section.
- (6) In no case shall frontage be less than 150 feet.

N. In addition to Notwithstanding any other provisions of this chapter, ~~both of~~ the following provisions shall apply to all residential premises in the City:

[Added 11-27-2001; amended 5-8-2007; 8-28-2007]

(1) No more than ~~40~~20% of ~~the front yard or rear yard of~~ any residential lot premises improved with a single- or two-family dwelling may be paved or used for parking, walkways or driveways for motor vehicles.

~~(2) No more than 40% of the front yard of any residential lot improved with a single- or two-family dwelling may be paved or used for parking, walkways or driveways for motor vehicles.~~

~~(2) The total area that may be paved in any required front yard shall be no greater than the area of a rectangle measuring 22 feet in width by the depth of the required front yard. This allowed paved area may be distributed over more than one portion of the~~

~~required yard, consistent with all other provisions of this chapter, but in no case shall the sum of all the paved areas exceed the maximum.~~

O. Average setbacks. Notwithstanding the minimum front yard setback required in any residential district in an established neighborhood, as determined by the Building Department, no building shall be constructed closer to the front property line than the average front yard setback as defined herein.

[Added 10-22-2002]

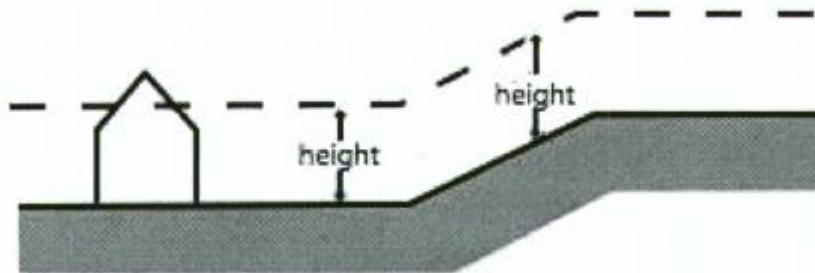
P. The maximum interior floor area of a single-family or two-family dwelling shall not exceed 1 1/2 times the maximum lot coverage, as expressed in square feet, in the applicable zoning district.

[Added 10-22-2002; amended 5-8-2007; 8-28-2007]

Q. Height.

[Added 5-8-2007; amended 8-28-2007]

(1) The maximum height of a structure shall be measured vertically from the existing grade to an imaginary plane located the allowed number of feet above and parallel to the existing grade (see diagram below illustrating application of this plane to a structure with a peaked roof). For peaked roofs, height shall be measured to the midpoint of the roof. No portion of a peaked roof below the midpoint shall extend above the imaginary plane. For flat and mansard roofs, height shall be measured to the top of the roof. No portion of a flat or mansard roof shall extend above the imaginary plane.



(2) No structure shall exceed the maximum height in each district except as set forth in § 280-33. [Additionally, all buildings must adhere to the construction requirements relevant to proposed heights as required by the New York State Uniform Fire Prevention and Building Code.](#)

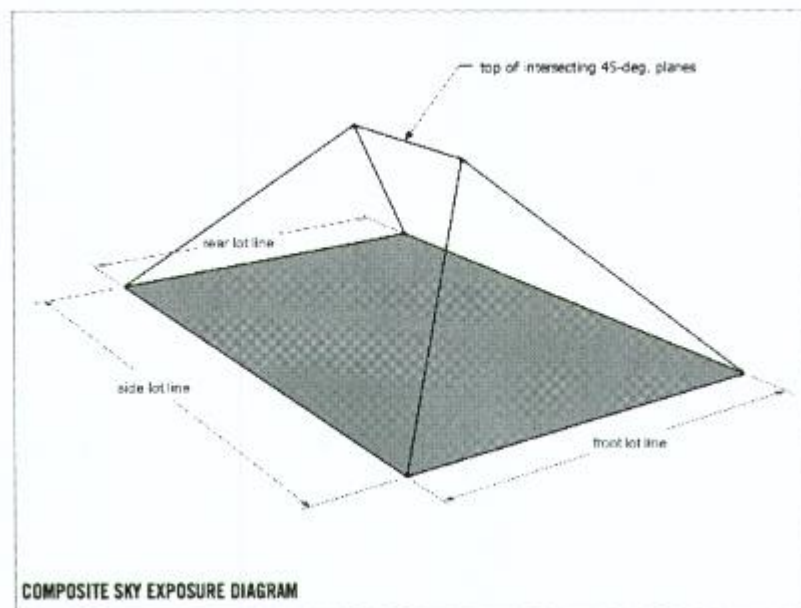
[\(3\) To discourage site regrading as a means of unreasonably increasing the permissible building height, one point of the first finished floor elevation of a residential single- or two-family residence must be within two feet of natural pre-disturbance grade](#)

at the same horizontal location and at no point shall the first floor elevation be more than ten feet above the natural pre-disturbance grade.

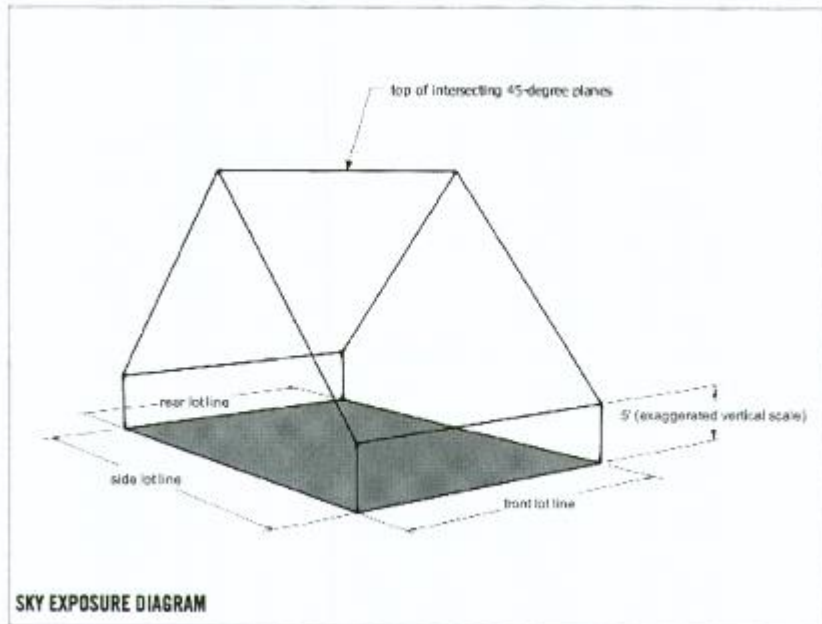
R. Sky exposure planes.

[Added 5-8-2007; amended 8-28-2007]

(1) In the R-1A, R-1 and R-2 Districts, no portion of any structure shall extend above a set of sky exposure planes which shall include planes measured at a forty-five-degree angle beginning from the existing natural grade of the front, side and rear lot lines. See below diagram.



(2) In the R-3, R-3A, R-4 and R-4B Districts, no portion of any structure shall extend above a set of sky exposure planes which shall include planes measured at a forty-five-degree angle beginning from an imaginary plane located five feet above and parallel to the existing natural grade of the front and rear lot lines. See below diagram.



(3) In any zoning district requiring a sky exposure plane, unenclosed porches, dormers that are no wider than four feet, eaves, chimneys, and architectural features such as turrets, towers and cupolas occupying not more than 20% of the horizontal area of the roof may extend into a sky exposure plane.

(4) Any structure on a lot measuring three acres or greater in land area, or located in a floodplain designated by the Federal Emergency Management Agency, shall be exempt from any sky exposure plane requirement.

S. Restriction on use of half-stories. No half-story shall be used as habitable space other than as a recreation room for the use of the residents of the dwelling in which the space is situated.

[Added 5-8-2007; amended 8-28-2007]

T. Accessory recreation structures for one- and two-family homes.

[Added 5-8-2007; amended 8-28-2007]

(1) All such structures shall be set back at least 10 feet from any property line.

(2) No such structure shall be situated in a required front yard.

(3) All such structures shall be suitably screened from neighboring properties. In order to ensure adequate screening, any such recreation structure located within 30 feet of a neighboring property shall be screened by a fence or solid hedge at least six feet in



height and acceptable to the ~~Building Department Administrator~~Director of the Building Department.

(4) Swimming pools shall comply with the requirements of Chapter 248, Swimming Pools. Setback/yard requirements for swimming pools shall be the more restrictive of ten feet or the requirement for accessory structures in the zoning district in which the pool is located.

U. Where a single-family or two-family residence is proposed on a lot adjacent to and on the same street as a lot or lots containing existing residences, the proposed residence shall have a Floor Area Ratio no more than 25% greater than the average floor area ratio of the existing residences on the adjacent residential lots. For example, if the existing adjacent residences have an average floor area ratio of 0.5, then the proposed residence may have a floor area ratio no greater than 0.625. This floor area ratio requirement shall be in addition to any other requirements limiting the size of a residential structure and where standards conflict, the stricter standard shall apply.

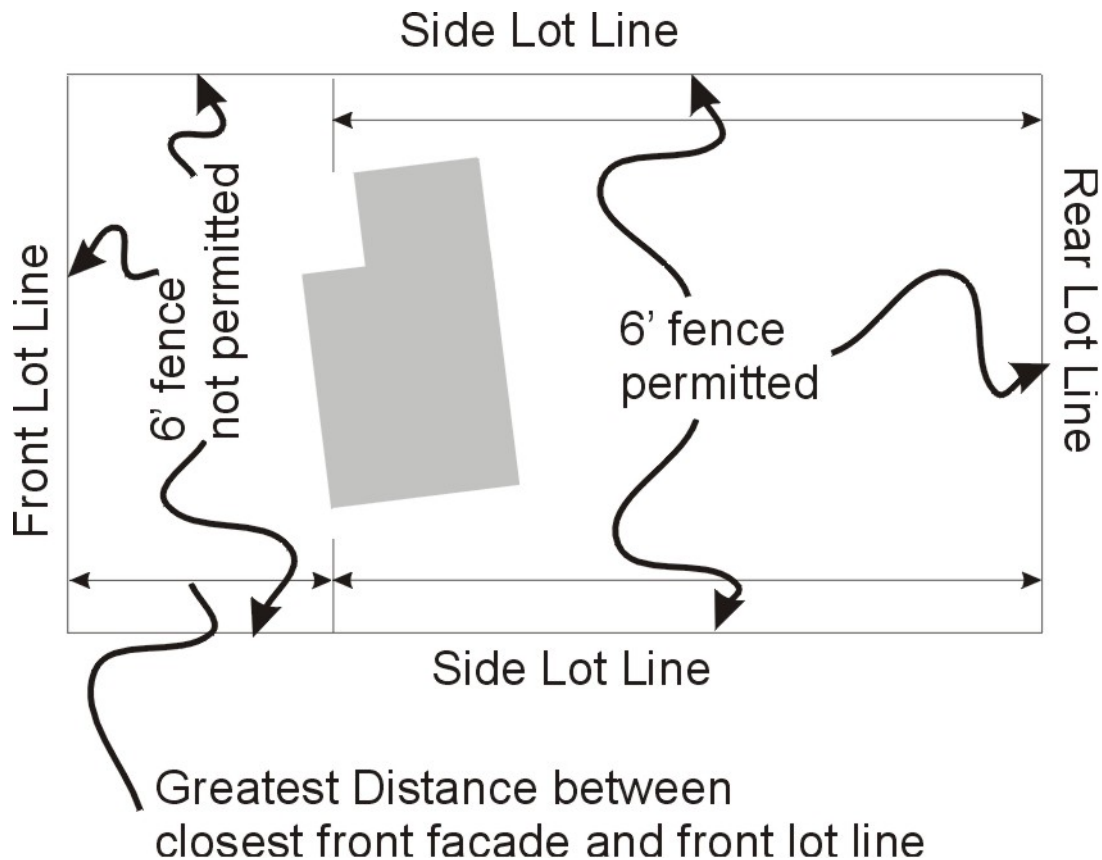
#### **§280-45.1 Fences and Walls (Not Retaining Walls)**

A. Except on corner lots, fences and above-ground walls up to four feet in height may be erected and maintained on any lot line or within any required yard or setback, provided that these do not exclude light and air from adjoining structures existing at the time of the erection of the wall or fence. Such walls and fences shall ~~be substantially constructed, presenting present~~ their fronts (side of the fence without visible supports and crossmembers) to the street and surrounding properties. Support columns and posts may be permitted up to 5 feet in height but must not have a width or diameter exceeding 18 inches. Pedestrian gates and trellises used as entryway features are permitted up to eight feet in height, ~~3~~ **three** feet in depth and five feet in width. No fence shall be located closer than five feet from the edge of a City sidewalk.

B. All fences and walls shall meet with the approval of the Director of the Building Department in respect to public safety.

C. All fences and walls located along a City street shall be ~~appropriately~~ landscaped **[WHAT DOES “APPROPRIATELY LANDSCAPED” MEAN]** and planted between the fence or wall and the street. The Shrubbery and hedges shall not be permitted to overhang the public street or sidewalk in such a manner as to interfere with pedestrian or vehicular traffic.

D. Fences up to six feet in height are permitted along side or rear lot lines or within required side or rear yards or setbacks, except that no fence greater than 4 feet in height shall be permitted closer to a front lot line than the greatest distance measured perpendicular to the front lot line between the closest front façade of the principal structure of the lot and the front lot line.



E. All other fences and walls not located on a lot-line or within a required yard or setback shall be not taller than eight feet except as otherwise permitted herein.

F. Fences Around Tennis Courts. Where not located within a required setback or yard, fences not to exceed twelve feet in height may be located around tennis courts, badminton courts, basketball or volleyball courts and similar play areas, providing that all parts of the fence higher than 6 feet are made of open wire construction of galvanized steel or other corrosion-resistant material.

G. School, Church or Daycare Fences. Fences up to 10 feet in height are permitted along lot lines and within required yards and setbacks where such fences secure play areas associated with schools, churches, daycare facilities, or other institutions that involve outdoor play areas for children; provided, that the fence is made of open wire construction of galvanized steel or other corrosion-resistant material.

H. Security Fences. Fences or walls around industrial, manufacturing, or research uses where required for security purposes, screening, or containing hazardous materials, up to 8 feet in height are permitted and may be located along any side or rear lot line or within any side or rear required yard or setback but may not be located along the front lot line or within any front required yard or setback.

I. Residential screening fence. A fence up to 8 feet in height may be erected on any residential lot line which abuts: an alley industrial or commercial use; railroad; limited access highway.

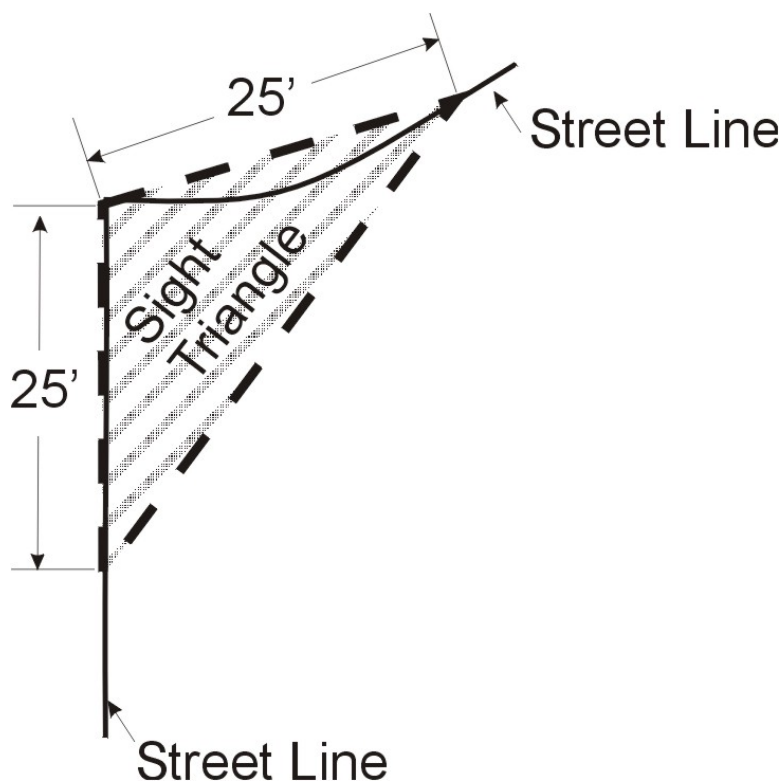
J. Prohibited Fences. The following types of fences are prohibited and are hereby deemed public health nuisances and therefore subject to abatement in accordance with §199 of the City Code.

1. Barbed wire or razor wire.

2. All wire, twine or rope fences consisting of one or more strands of wire, twine or rope less than three feet in height and within five feet of any public right-of-way.

K. On any corner lot, no wall, fence or other structure, and no hedge, shrubbery or other growth taller than three feet shall be erected, installed or maintained within a sight triangle with legs beginning at the intersection of the lot's two street lines and proceeding to points along the street line 25 feet distant as shown below. The [Chief of Police-Director of the Building Department](#) is hereby empowered to order the removal of any such structure or growth within the triangle which, in his or her opinion causes a danger to traffic or public safety.

~~[CAN A POLICE CHIEF SIMPLY DO THIS? SHOULDN'T IT BE PURSUANT TO A COURT ORDER? SHOULD ENFORCING AGENT BE THE DBD INSTEAD???~~



~~L. No provision of this section shall supersede the requirements for fencing of swimming pools as required by the New York State Uniform Fire Prevention and Building Code or §248 of the Glen Cove Code.~~

**§ 280-45.2 Requirements for retaining walls.**

A. Minimum setback for retaining walls which rise above the grade of the public right-of-way or adjacent property: one foot for each one foot of height.

B. Minimum setback for retaining walls below grade of public right-of-way or adjacent property: 10 feet or one foot for each one foot of height, whichever is greater.

C. Maximum height of retaining walls: 12 feet, provided that no retaining wall shall have a top of wall elevation that is higher than the elevation of the principal structure located on the same lot.

D. For retaining walls over three feet in height visible from the road or adjacent property, the use of a smooth concrete wall shall not be permitted. The exterior of all such walls shall be natural materials or textured concrete, so as to minimize the negative visual impact of the wall. The treatment of these walls shall be indicated on the site plan.

E. Retaining walls over five feet in height shall have a fence at least four feet in height at the top of the wall to ensure safety.

F. A retaining wall may only be used where site constraints will not allow slope shaping and seeding to stabilize an area.

G. The design of any retaining wall structure must address the aspects of foundation bearing capacity, sliding, overturning, drainage and loading systems. All retaining walls shall be designed by a licensed engineer and shall be approved by the Director of Public Works of the City of Glen Cove.

H. Retaining walls shall be inspected regularly by the property owner and ~~R~~retaining walls shall be inspected annually for that exhibit signs of tipping, clogged drains or soil subsidence. ~~If such conditions exist they should~~ shall be corrected immediately.

**§ 280-46 Garaging of commercial vehicles in residential districts.**

[Amended 8-23-1988; 6-25-2002]

No commercial vehicle shall be garaged in a residential district unless the owner or regular operator of said commercial vehicle resides upon the property upon which the vehicle is garaged. No more than one commercial vehicle per dwelling unit shall be permitted to be garaged upon property located within a residential district, pursuant to the provisions of this section. If, however, a commercial vehicle cannot be garaged at the owner's residence, the ~~Building Department Administrator~~Director of the Building Department may issue a written revocable approval permitting the owner to garage only

one commercial vehicle at property owned by him or her which is other than his or her actual residence.

**§ 280-46.1 Commercial and industrial activities in residential districts.**

***NO CHANGE***

**ARTICLE XI Average Density Development (§ 280-47 — § 280-49)**

***NO CHANGE***

**ARTICLE XII Hillside Protection (§ 280-50 — § 280-53)**

[Added 9-12-1989; amended 7-27-1999]

**§ 280-50 Statement of purpose.**

The purpose of this article shall be to maintain the overall environmental quality of the City, preserve scenic open space, minimize disruption to natural drainage patterns, maintain stability of environmentally sensitive slopes and minimize the aesthetic impact of hillside alteration.

**§ 280-51 Applicability.**

This article shall apply to all zoning districts in the City, except that parcels held in separate ownership at the time this article takes effect, containing the minimum lot area or less for the zoning district within which the parcel is located, shall not be subject to the requirements of this article.

**§ 280-52 Preservation of steep hillsides.**

[Amended 5-8-2007; 8-28-2007]

A. Deductions; exception.

(1) Development on a lot with steep slope areas shall be controlled by deducting the following from the area of such lot(s) to ~~determine~~ calculate the lot area for the purposes of determining whether the lot meets the minimum area requirements. This reduced lot area shall also be utilized to calculate the maximum coverage and interior floor area.

(a) One hundred percent of the area of steep slopes measuring at least thirty-five-percent grade.

(b) Fifty percent of the area of steep slopes measuring at least twenty-five-percent grade.

(c) Twenty-five percent of the area of steep slopes measuring at least fifteen-percent but less than twenty-five-percent grade.

(2) Slopes include both natural and man-made slopes, and the deduction shall be applied under ~~both~~ the pre- ~~and post~~ construction conditions on the site. ~~Where there is a difference between the preconstruction and postconstruction deductions, the greater deduction shall apply.~~

(3) Exception. In a residential district where a single-family dwelling is a permitted principal use, which lot has been held in separate ownership from any adjoining lot facing on the same street prior to the time of the enactment of this chapter, the lot area deduction shall not be applied for purposes of determining whether the lot complies with the minimum lot size requirement in the district, provided that said lot is utilized for one single-family dwelling only, is at least 50% of the minimum lot size in the district and complies with all other requirements of this code. Notwithstanding this exception, the lot area deductions for steep slopes set forth in this section shall be applied to calculate the maximum coverage and livable floor area. The application for a permit for such a dwelling on such a lot shall be accompanied by such proof of separate ownership in sufficient detail to provide the BDADB with adequate information upon which to base the issuance of a permit.

B. The following limitations shall be applied to any portion of a lot with steep slopes covering more than 500 square feet of land area:

(1) No land area covered by slopes measuring 25% or greater shall be developed and/or regraded or stripped of vegetation.

(2) Not more than 20% of the land area covered by slopes measuring at least 15% but less than 25% shall be developed and/or regraded or stripped of vegetation.

(3) Notwithstanding the limitations in this subsection, the Planning Board may allow a driveway to cross an area with a fifteen-percent or greater slope to facilitate access to a developable portion of a site with a slope measuring less than 15%.

C. Slopes shall be identified from a topographic survey of the existing conditions prior to any disturbance based on contour lines separated by intervals of no greater than two feet. The survey shall be prepared by an engineer or land surveyor licensed in the State of New York. For the purpose of measuring steep slopes around retaining walls, an area shall be delineated by a line around the retaining wall at a distance equal to the height of the wall at the nearest point, and the area within this line shall be deemed to constitute a slope of fiftyone-hundred-percent grade.

D. Existing vegetation determined to be important for soil erosion control, water quality protection, shade, screening and other values on the protected land shall not be disturbed. Erosion and sediment control plans shall be consistent with Glen Cove and New York Department of Environmental Conservation guidelines.

E. No porches, fire escapes, cornices, eaves, cantilevers, balconies or similar projections shall extend over land protected as per Subsection B.

~~§ 280-53 Requirements for retaining walls.~~

~~A. Minimum setback for retaining walls which rise above the grade of the public right-of-way or adjacent property: one for each one foot of height.~~

~~B. Minimum setback for retaining walls below grade of public right-of-way or adjacent property: 10 feet.~~

~~C. Maximum height of retaining walls: 12 feet, provided that no retaining wall shall have a top of wall elevation that is higher than the elevation of the principal structure located on the same lot.~~

~~[Amended 8-28-2007]~~

~~D. For retaining walls over three feet in height visible from the road or adjacent property, the use of a smooth concrete wall shall not be permitted. The exterior of all such walls shall be natural materials or textured concrete, so as to minimize the negative visual impact of the wall. The treatment of these walls shall be indicated on the site plan.~~

~~E. Retaining walls over five feet in height shall have a fence at least four feet in height at the top of the wall to ensure safety.~~

~~F. A retaining wall may only be used where site constraints will not allow slope shaping and seeding to stabilize an area.~~

~~G. The design of any retaining wall structure must address the aspects of foundation bearing capacity, sliding, overturning, drainage and loading systems. All retaining walls shall be designed by a licensed engineer.~~

~~H. Retaining walls shall be inspected annually for signs of tipping, clogged drains or soil subsidence. If such conditions exist they should be corrected immediately.~~

## **ARTICLE XIII Residence Districts (§ 280-54 — § 280-64)**

### **§ 280-54 R-1A Two-Acre Residence District.**

#### ***ONLY CHANGES DETAILED***

~~(7) Minimum aggregate width of both side yards: 50 feet.~~

~~[Amended 5-8-2007; 8-28-2007]~~

### **§ 280-55 R-1 One-Acre Residence District.**

#### ***ONLY CHANGES DETAILED***

~~(7) Minimum aggregate width of both side yards: 50 feet.~~

### **§ 280-56 R-2 Half-Acre Residence District.**



A. Permitted principal uses. Permitted principal uses for the R-2 Half-Acre Residence District shall be as follows: same as for the R-1 District.

B. Lot area and building requirements for principal uses. Lot area and building requirements for principal uses shall be as follows:

(1) Minimum lot area: ~~the greater of:~~

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) Twenty thousand square feet; or~~

~~(b) The average lot area of the existing parcels within 500 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts.~~

(2) Minimum lot width: ~~the greater of:~~ The minimum front yard lot width shall be 100 feet or the prevailing lot width, whichever is greater.

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) One hundred feet; or~~

~~(b) The average lot width of the existing parcels within 500 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts. One hundred feet.~~

(3) Minimum lot frontage: 35 feet.

(4) Front yard: The minimum front yard shall be 30 feet or the prevailing front yard setback, whichever is greater.

~~[Amended 5-8-2007; 8-28-2007]~~

(5) Minimum rear yard: 25 feet.

(6) Minimum side yard: 20 feet each.

~~[Amended 5-8-2007; 8-28-2007]~~

~~(7) Minimum aggregate width of both side yards: 40 feet.~~

**NO FURTHER CHANGES THIS SECTION**

**§ 280-57 R-3 Quarter-Acre Residence District.**

**ONLY CHANGES DETAILED**

(1) Minimum lot area: ~~the greater of:~~

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) Ten thousand square feet; or~~

~~(b) The average lot area of the existing parcels within 450 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts.~~

(2) Minimum lot width: ~~the greater of:~~

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) Ninety feet; or~~

~~(b) The average lot width of the existing parcels within 450 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts. The minimum front yardlot width shall be 90 feet or the prevailing lot width, whichever is greater.~~

~~(7) Minimum aggregate width of both side yards: 30 feet.~~

**§ 280-58 R-3A Six-Thousand-Five-Hundred-Square-Foot One-Family Residence District.**

***ONLY CHANGES DETAILED***

(1) Minimum lot area: ~~the greater of:~~

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) Six thousand five hundred square feet; or~~

~~(b) The average lot area of the existing parcels within 325 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts.~~

(2) Minimum lot width: ~~the greater of:~~

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) Sixty-five feet; or~~

~~(b) The average lot width of the existing parcels within 325 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts. The minimum front yardlot width shall be 65 feet or the prevailing lot width, whichever is greater.~~

~~(7) Minimum aggregate width of both side yards: 20 feet.~~

**§ 280-59 R-4 Seven-Thousand-Five-Hundred-Square-Foot One- and Two-Family Residence District.**

**ONLY CHANGES DETAILED**

B. Lot area and building requirements for principal uses.

(1) Minimum lot area for one-family house: ~~the greater of:~~

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) Six thousand five hundred feet; or~~

~~(b) The average lot area of the existing parcels within 325 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts.~~

(2) Minimum lot area for two-family house: ~~the greater of:~~

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) Seven thousand five hundred square feet; or~~

~~(b) The average lot area of the existing parcels within 375 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts.~~

(3) Minimum lot width for one-family house: ~~the greater of:~~

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) Sixty-five feet; or~~

~~(b) The average lot width of the existing parcels within 325 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts. The minimum front yardlot width shall be 65 feet or the prevailing lot width, whichever is greater.~~

(4) Minimum lot width for two-family house: ~~the greater of:~~

~~[Amended 5-8-2007; 8-28-2007]~~

~~(a) Seventy-five feet; or~~

~~(b) The average lot width of the existing parcels within 375 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts. The minimum front yardlot width shall be 75 feet or the prevailing lot width, whichever is greater.~~

~~(9) Minimum aggregate width of both side yards: 20 feet.~~

**§ 280-59.1 R-4B Seven-Thousand-Five-Hundred-Square-Foot One- and Two-Family Residence District.**

**ONLY CHANGES DETAILED**

(2) Two-family dwelling on lots ~~which measure the greater of:~~

~~(a) At least 7,500 square feet; or~~

~~(b) At least the average lot area of the existing parcels within 375 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts.~~

C. Lot area and building requirements for principal uses.

(1) Minimum lot area for one-family house: ~~the greater of:~~

~~(a) Six thousand five hundred square feet; or~~

~~(b) The average lot area of the existing parcels within 325 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts.~~

(2) Minimum lot area for two-family house: ~~the greater of:~~

~~(a) Seven thousand five hundred square feet; or~~

~~(b) The average lot area of the existing parcels within 375 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts.~~

(3) Minimum lot width for one-family house: ~~the greater of:~~

~~(a) Sixty-five feet; or~~

~~(b) The average lot width of the existing parcels within 325 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts. The minimum front yard lot width shall be 65 feet or the prevailing lot width, whichever is greater.~~

(4) Minimum lot width for two-family house: ~~the greater of:~~

~~(a) Seventy-five feet; or~~

~~(b) The average lot width of the existing parcels within 375 feet of the subject parcel which front on both sides of the street or streets on which the subject parcel fronts. The minimum front yard lot width shall be 75 feet or the prevailing lot width, whichever is greater.~~

~~(9) Minimum aggregate width of both side yards: 20 feet.~~

**§ 280-60 R-5 Garden Apartment - Townhouse District.**

**NO CHANGE**

§ 280-61 R-5A Garden Apartment - Office District.

**NO CHANGE**

§ 280-62 R-5B Garden Apartment - Townhouse/Condominium District.

**NO CHANGE**

§ 280-63 R-6 Apartment - Office District.

**NO CHANGE**

§ 280-64 R-SC Senior Citizen Housing District.

**NO CHANGE**

#### **ARTICLE XIV Commercial Districts**

§ 280-65 B-1 Central Commercial District.

A. Purpose. The purpose of the B-1 Central Commercial District is to support and preserve the central commercial district in Glen Cove and help preserve the sense of place associated with the District. By establishing this District, the City intends to encourage a wide range of uses that reflects the importance of downtown as a well-designed, pedestrian-friendly, community-wide business, government, entertainment center with uses that service the entire community and surrounding area.

B. Permitted principal uses. The following uses shall be permitted, providing that such uses shall be located in fully enclosed structures:

(1) ~~Apparel and shoe stores.~~ Retail sales stores and shops with floor areas for single stores not exceeding 20,000 square feet.

~~(2) Sporting good stores.~~

~~(3)~~ Pharmacies.

~~(4) Music, book and stationary stores.~~

~~(5) Office supply stores.~~

~~(6)~~ Camera sales and repair shops except for motor vehicle and heavy equipment repair.

~~(7)~~ Professional dry-cleaning and laundry drop-off and pick-up service.

~~(8)~~ Formal wear and costume rental of Apparel, such as tuxedos and formal wear.

~~(9) Hardware stores and small household appliance sales and service.~~

~~(10) Computer sales and service.~~

~~(11) Jewelry stores, jewelry repair and watch repair.~~

~~(12) Antique stores.~~

~~(13) Arts and craft supply stores.~~

~~(146) Florist shops with no outdoor storage, not to exceed 2,500 square feet of floor space.~~

~~(157) Photography and Art galleries.~~

~~(168) Photography or art studios.~~

~~(17) Graphic art or commercial art studios.~~

~~(18) Shoe repair.~~

~~(19) Medical, Professional and business offices.~~

~~(2010) Travel agencies.~~

~~(2111) Real estate and real estate brokers offices.~~

~~(2212) Financial institutions; excluding and drive-through; accessory to the financial institution~~

~~(2313) Government offices.~~

~~(2414) Professional tailors.~~

~~(2515) Custom printing shops not involved in the printing of periodicals, books, catalogs or similar items requiring frequent delivery or shipment of large quantities of materials, and further provided that such printing shop shall consume not more than 2,500 square feet.~~

~~(2616) Restaurants, fast-food restaurants and take-out only restaurants Parking lots and parking garages as a principal or accessory use of the lot.~~

~~(2019) Schools for the instruction of personal artistic or physical skills such as fine arts, performing arts, martial arts, crafts, dance, and music to patrons in sessions generally not to exceed two hours each, and offered during daytime and evening hours. Where use is located in the ground floor of a building fronting on School Street, Bridge Street or Glen Street west of Pulaski Street, internal reception or instructional areas should be visible from the street in order to promote continuous visual interest within the downtown.~~

~~(2120) Museums, concert halls and performing arts theaters.~~

C. The following uses are specifically prohibited:

~~(1) Drive-through windows accessible by a curb cut located on School Street, Bridge Street or Glen Street west of Cove Street as an accessory or primary use.~~

~~(2) Sale and display of motor vehicles.~~

~~(3) Laundromats and other coin-operated businesses with frontage on Glen Street, Bridge Street or School Street.~~

(4) Motor vehicle repair.

(5) Motor vehicle body shops.

(6) Gasoline stations or motor vehicle service stations.

(7) Outdoor storage, ~~unless enclosed on all sides by an opaque wall or fence~~ visible from a public right of way.

D. Lot area and building requirements for principal uses.

(1) Minimum lot area: none.

(2) Minimum lot width: 20 feet.

(3) Minimum setback from front property line: 10 feet.

(4) Minimum rear yard: 10 feet.

(5) Minimum interior side yards: none, except if side yards are provided, each side yard shall be six feet. Such side yard shall be properly landscaped in accordance with a landscape plan to be approved by the Planning Board as part of site plan approval. Where such side yard is designated to provide access to the rear of the property, a three-and-one-half-foot sidewalk shall be provided.

(6) Minimum corner side yard: 10 feet.

(7) Maximum height: three stories, and in no event to exceed 45 feet.

(8) Maximum coverage: 80%.

E. Accessory uses.

(1) Off-street parking or loading

~~(2) Structured parking~~ Parking Structures.

(2) Signs in accordance with the provisions of the City of Glen Cove Sign Ordinance.



~~(3) Storage sheds for goods and materials of mill construction or better. Frame construction is prohibited.~~ (3) Outdoor dining areas subject to the requirements of Chapter 200 of the Glen Cove City Code.

F. Lot and building requirements for accessory uses. – Same as for principal use.

- (1) ~~Minimum distance to front property line: 50 feet.~~
- (2) ~~Minimum distance to rear property line: 10 feet.~~
- (3) ~~Minimum distance to side property line: same as for principal use.~~
- (4) ~~Minimum corner side yard: 20 feet.~~
- (5) ~~Maximum height: one story, and in no event to exceed 16 feet.~~
- (6) ~~Maximum coverage: 10%.~~

G. Special uses permitted at the discretion of the Planning Board.

- (1) Public garage, provided that the Board shall find that:
  - (a) The proposed use is in the public interest.
  - (b) The use will not increase traffic congestion unduly on the streets abutting the property.
- (2) Changes in noncomplying buildings in accordance with § 280-30.
- (3) Public utility installations, buildings and structures, provided that the same are suitably located and planned as to site, lot area, height, yards and exterior appearance.
- (4) Fully enclosed personal service shops, such as barber shops, hairdressers, nail salons, tanning salon and other personal services intended to enhance personal appearance, subject to the following conditions:
  - (a) In the interest of preserving the balance of businesses and ensuring the success of personal service shops in downtown Glen Cove, the applicant shall prepare a narrative that demonstrates the following: the market potential for the proposed use, location of stores within the B-1 Business District that offer similar services and peak times of service and similar businesses within 500 feet of the personal service shops. This information shall be used to estimate the likelihood of success and potential economic viability for the new personal service stores. The Planning Board shall consider this in conjunction with criteria in § 280-20 before a permit may be issued.
  - (b) Comment from BID regarding the consistency with the overall marketing plan for the CBD, where practicable.
- (5) Hotels including accessory conference space, subject to the following conditions:

(a) Up to 35 guest rooms shall be permitted per acre.

(b) All accommodations shall be devoted exclusively to transient guests and employees.

(6) Dance hall, bowling alley, skating rink, ~~lodge or assembly hall, radio station studio~~

~~(7) Billiard parlor, radio station studio, lodge or assembly hall, club, discotheque, bar, liquor store, hotel. Up to 50% of the gross floor area of a structure containing a hotel may be utilized for residential purposes not subject to specific density requirements, provided that at least 75 rooms be maintained for transient hotel use. The minimum lot area for a structure containing a mix of hotel and residential use shall be 80,000 square feet. Subject to the following conditions:~~

(a) In order to insure public safety and provide visual interest, windows facing the street shall be transparent glass and clear unimpeded view into the premises shall be afforded from the street;

(b) Establishments shall be open to the general public;

(c) In order to promote a variety of uses within the downtown, and to preserve the traditional character of the B-1 District as an environment appropriate to persons of all ages, no such establishment shall be located closer than 400 feet to a similar establishment;

~~(6) Restaurants, fast-food restaurants or take-out restaurants, provided that there is adequate parking in accordance with Subsection G (Parking and loading) and subject to the following conditions:~~

~~(a) No drive-through window facility shall be permitted.~~

~~(b) In the interest of preserving the balance of businesses and ensuring the success of restaurant business starts in downtown Glen Cove, the applicant shall prepare a narrative that demonstrates the following: the market potential for the proposed use, location of stores within the B-1 Business District that offer similar services, peak times of service and similar businesses within 500 feet of the proposed restaurant. This information shall be used to estimate the likelihood of success and potential economic viability for the new restaurants. The Planning Board shall consider this in conjunction with criteria in § 280-20 before a permit may be issued.~~

~~(c) Plan for policing trash/litter pickup around the site.~~

~~(d) Comment from BID regarding the consistency with the overall marketing plan for the CBD, where practicable.~~

(7) Theaters, other than of a drive-in type, subject to the following conditions:

(a) Drive-in theaters shall not be permitted;

(b)

(8) Telephone exchange, ~~mortuary~~funeral home, ~~municipal office~~, fire station, electric substation, taxi office.

(9) Educational ~~institutions for higher learning~~, including colleges, universities, junior colleges; business, banking, business management, secretarial and office services schools; computer and data processing schools, art and drafting schools; barber, beauty and cosmetology schools; commercial or noncommercial food preparation schools; photography schools; ~~schools for training in the martial arts, dancing, gymnastics and music~~; schools for fashion design, under the following conditions:

(a) The curriculum shall be approved by the New York State Department of Education, if applicable.

(b) ~~No accommodations for resident students shall be permitted. Where~~ housing accommodations for students are provided, they shall meet the requirements for multifamily and residential mixed use buildings as otherwise regulated within the B-1 district.

(c) No music or noise shall be audible beyond the immediate premises.

(d) All other provisions of this District shall apply.

(10) Laundromats and other coin-operated businesses, subject to the following conditions:

(a) An employee shall be present at all times that the business is open;

(b) No such establishment shall be located closer than 400 feet to a similar establishment.

~~(1012)~~ Multiple dwellings, and residential mixed use buildings and townhouses, provided that the following conditions are satisfied:

(a) Minimum parcel size is 40,000 square feet for exclusively residential structures. Residential mixed uses buildings shall meet the -on upper floors will not cause an increase in minimum lot size requirement for the non-residential uses contained within the buildings, but in no case shall be located on a lot of less than 5,000 square feet, above that required for a non-residential use. Lot sizes for non-residential uses shall be as determined elsewhere in this code.

(b) Each dwelling unit shall have no more than three bedrooms. No more than 1/3 of the units proposed within a structure shall be one-bedroom or efficiency units.

(bc) Minimum livable Floor Area for residential uses shall be as follows:

[1] 550 square feet per efficiency dwelling unit

[2] 650 square feet per one-bedroom dwelling unit

[3] 800 square feet per two-bedroom dwelling unit

[4] 1,200 square feet per dwelling unit with three bedrooms.

(d) The minimum lot area per residential unit shall be as follows, provided, further, that all coverage, height and setback requirements are satisfied:

[1] One thousand five hundred square feet per efficiency or one-bedroom unit.

[2] ~~One Two~~ thousand ~~five hundred~~ square feet per two-bedroom unit.

[3] Two thousand five hundred square feet per three ~~or more~~    bedroom unit.

~~(ee) In order to preserve the linear continuity of commercial ground floor spaces within the downtown, No strictly residential units developments or any development with residential units shall be permitted within a building-story affording direct exterior access to grade on the ground floor and within 80 feet of will be permitted in any structure fronting on Bridge Street, School Street between Highland Road Brewster Street and or Glen Street, or on Glen Street between School Street and Pulaski Street, or Bridge Street between Glen Street and Pratt Boulevard.~~

~~(d) No structure containing residential units shall exceed 545 feet in height, including parking structure.~~

~~(eg) Maximum coverage shall be 65% for exclusively residential structures or mixed-use structures; 80% for structures with no residential use all other structures including mixed-use residential.~~

(fh) Minimum interior side yards for any exclusively residential structure shall be 15 feet. Such side yard shall be properly landscaped in accordance with a landscape plan to be approved by the Planning Board as part of site plan approval. Where such side yard is designated to provide access to the rear of the property, a three-and-one-half-foot sidewalk shall be provided. All other yard and setback requirements of the District shall apply.

(gi) Required open space. There shall be provided ~~in each apartment development~~ not less than 200 square feet of usable open space for each efficiency unit; 300 square feet of usable open space for each one-bedroom unit; 350 square feet of usable open space for each two-bedroom unit; and 400 square feet of usable open space for each unit containing three or more bedrooms therein. For any development containing 15 or more units, such usable open space shall be devoted to improved and landscaped play and sitting areas for the use of the residents thereof. The design, layout and equipment of

such usable open space areas shall be subject to the approval of the Planning Board. ~~Mixed-use residential structures providing at least 200 square feet of commercial floor area per residential unit shall not be required to meet these requirements.~~

~~(j) All residential units shall be fully compliant with the provisions of the Americans with Disabilities Act and shall be accessible by an operational elevator(s) appropriately sized to serve the number of units proposed.~~

~~(m) Each residential unit shall provide the following off-street parking:~~

~~(n) one space per efficiency unit~~

~~(ii) one and one-half space per one-bedroom unit.~~

~~(iii) two spaces per unit with two or more bedrooms.~~

~~(o) Adjustment of parking requirements for mixed-use buildings. One required residential parking space may be eliminated for each 1,500 square feet of retail space proposed, and one required residential parking space may be eliminated for each 750 square feet of office space proposed.~~

~~(p) The City of Glen Cove finds, that safe and attractive environs are critical to the ongoing viability of Glen Cove's B-1 zoning district and that residential use of the B-1 is only compatible with the commercial environment if kept in a safe and well-maintained state. To insure the ongoing safety of residents and visitors to the downtown and City's commercial areas, and to ensure a well-maintained exterior appearance any residential structure or contiguous structures in common ownership that contain more than six units shall be supervised by a superintendant. Structures with units whose residents are members of a common condominium or homeowners association shall be deemed to be in common ownership for purposes of this provision. Guarantees shall be provided to the Planning Board that the superintendant will be given adequate authority and resources to properly maintain the structure and grounds, and that the superintendant will be authorized to act on behalf of the owner in fulfilling the requirements of the City of Glen Cove-Code Enforcement Department.~~

~~(h) In the alternative, the minimum lot area per unit, as provided in the Subsection G(10)(b) herein, may be reduced by up to 50% as an incentive at the discretion of the Planning Board, provided that all of the following amenities are included in the project:~~

~~[1] The minimum size for a studio apartment shall not be less than 550 square feet, exclusive of balconies and verandas.~~

~~[2] The minimum size of a one-bedroom unit shall not be less than 750 square feet, exclusive of balconies and verandas.~~

~~[3] The minimum size for a two-bedroom unit shall not be less than 1,000 square feet, exclusive of balconies and verandas.~~

~~[4] The minimum size for a three-bedroom unit shall not be less than 1,500 square feet, exclusive of balconies and verandas.~~

~~[5] Fitness center with health spa equipment or swimming pool for the exclusive use of tenants and their guests.~~

~~[6] Business center with computer terminals, Internet access and fax capability for the exclusive use of the tenants and their guests.~~

~~[7] Aerobics room or racquetball courts or tennis court facilities for the exclusive use of tenants and their guests.~~

~~[8] Common area lounge or great room for social events for the exclusive use of the tenants and their guests.~~

~~[9] No commercial uses or mixed uses shall be permitted on the project site for the exclusive use of the tenants and their guests.~~

~~[10] Amenities, other than outdoor passive open space, must occupy not less than 5% of the building area.~~

(4113) Senior citizen congregate housing, provided that the following conditions are satisfied:

(a) Minimum parcel size shall be 40,000 square feet.

(b) Units shall be limited to efficiency and two-room suites. Food storage and service areas may be permitted, but no cooking facilities shall be permitted except for microwaves.

(c) Units shall be occupied by persons at least 65 years of age, except that up to 10% of the total number of occupants may be less than 65 years of age, but not less than 55 years of age.

(d) In any single development, not more than 20% of the units shall be occupied by two persons; no unit may be occupied by more than two persons.

(e) Construction shall meet handicapped standards [of the New York State Uniform Fire Prevention and Building Codes](#), i.e., doorways and corridors designed to accommodate wheelchairs, bathroom grab bars shall be included, built-in furniture shall be designed to accommodate handicapped persons, entrances and elevators shall be handicapped accessible, etc.

(f) Structure(s) shall include facilities for common eating.

(g) Facility shall include community room for meeting and recreation purposes.

(h) The development may include other facilities such as offices for medical, diagnostic or emergency services, counseling and similar functions, store for sale of convenience goods, medical supplies and products made by residents.

(i) No senior citizen congregate housing facility is permitted in any structure fronting on School Street between Highland Road and Glen Street or on Glen Street between School Street and Pulaski Cove Street.

~~(j) No structure containing residential units shall exceed 45 feet in height, including parking structure.~~

~~(k) Minimum coverage of all structures shall be 65%.~~

~~(l) Minimum interior side yards for any senior citizen congregate housing structure shall be 15 feet. Such side yard shall be properly landscaped in accordance with a landscape plan to be approved by the Planning Board as part of site plan approval. Where such side yard is designated to provide access to the rear of the property a three-and-one-half-foot sidewalk shall be provided.~~

(m) Off-street access shall be provided for emergencies and deliveries; a loading zone shall be designated.

(n) Required open space. There shall be provided in each congregate housing development not less than 100 square feet of usable open space for each residential unit; the design, layout, landscaping and furnishing of such usable open space areas shall be subject to the approval of the Planning Board.

~~(12) Convenience stores, subject to the following conditions:~~

~~(a) In the interest of preserving the balance of businesses and ensuring the success of convenience store business starts in downtown Glen Cove, the applicant shall prepare a narrative that demonstrates the following: the market potential for the proposed use, location of stores within the B-1 Business District that offer similar services and peak times of service and similar businesses within 500 feet of the proposed convenience store. This information shall be used to estimate the likelihood of success and potential economic viability for the new convenience stores. The Planning Board shall consider this in conjunction with criteria in § 280-20 before a permit may be issued.~~

~~(b) Comment from BID regarding the consistency with the overall marketing plan for the CBD.~~

~~(c) Plan for policing trash/litter pickup around the site.~~

~~(13) Gourmet food stores, subject to the following conditions:~~

~~(a) In the interest of preserving the balance of businesses and ensuring the success of gourmet food stores in downtown Glen Cove, the applicant shall prepare a narrative that demonstrates the following: the market potential for the proposed use, location of stores~~

~~within the B-1 Business District that offer similar services and peak times of service and similar businesses within 500 feet of the gourmet food store. This information may be used to estimate the likelihood and potential viability for the new gourmet food stores. The Planning Board shall consider this in conjunction with criteria in § 280-20 before a permit may be issued.~~

~~(b) Gourmet food stores shall be considered a convenience store for the implementation of this chapter if the applicant intends to offer for sale items that are generally not related to food or food preparation, such as but not limited to common household items, newspapers, magazines and tobacco products.~~

~~(c) Gourmet food stores shall be considered a delicatessen if they provide ready-to-eat foods that are packaged on-site, usually in disposable containers, and intended for consumption either on-site or off-site.~~

~~(d) Comment from BID regarding the consistency with the overall marketing plan for the CBD, where practicable.~~

~~(e) Plan for policing trash/litter pickup around the site.~~

(14) Those uses not listed but deemed similar in nature by the Planning Board in accordance with guidelines established in § 280-43G.

#### H. Parking and loading.

(1) Off-street parking requirements.

<b>Use</b>	<b>Required Spaces</b>
Retail business	1 for each 250 square feet of gross floor area
Service business	1 for each 200 square feet of customer service area
Banking office	3 for each person employed therein as a teller
Restaurant	1 for each 3 seats plus 1 for each 2 persons employed therein
Professional or business	1 for each 200 square feet
office not for a doctor or dentist	exclusive of bulk storage and utility areas or 1 employee, whichever is greater



Use	Required Spaces
Office of doctor or dentist	1 for each 150 square feet of office space, or 4 for each doctor or dentist, plus 1 per employee, whichever is greater
Theater or other place of public assembly	1 for each 4 seats
Membership clubs and fraternal lodges	1 for each 2 employees, plus 1 for each 300 square feet of floor area or each 5 seats within the dining room or the principal meeting room, whichever is most appropriate to the customary use thereof
Bowling alley	4 per alley
Hotel or motel	1 for each guest room plus 1 for each 2 employees
Colleges, universities, etc.	1 space for each staff member plus .75 space for each student, plus 1 space for each 5 seats in the largest assembly hall
Multiple residences and townhouses	2 for each 1-or-more bedroom unit; 1 for each efficiency unit
Senior citizen congregate housing	1 per two 2 dwelling units
Uses not listed	<u>1 per 250 square feet or A</u> as determined by the Planning Board to be needed <del>to prevent frequent parking on the street by persons visiting or connected with each such use.</del> See also Note B below.
Fast food or take-out restaurants	1 per 2 seats or 1 for each 40 feet of customer service areas, whichever is greater

**Use**

**Required Spaces**

**NOTES:**

A. All or portions of the off-street parking requirement may be waived by the Planning Board, provided that:

(1) The proposed use is within 300 feet of a municipally operated off-street parking facility.

(2) The Planning Board shall, at the time of its approval of a site development plan, certify on such plan that the municipally operated off-street parking facility has adequate capacity for storage of passenger vehicles generated by activities proposed to be conducted on the subject lot in addition to those generated by any other lots already serviced by such off-street parking facility. In determining the existence of such adequate capacity, the Planning Board shall consider the need for preventing frequent parking on the street by persons visiting or connected with each use which is proposed to be served by such off-street municipal parking facility.

B. Where two or more uses are on the same lot, the total amount of parking spaces to be provided shall be the sum of the requirements, if any, for each individual use on the lot; the Planning Board may vary this requirement if the Board finds that the variation in the probable time of maximum use by employees and/or patrons of such establishments is such as to permit a variation; however, once one or more of the uses terminates, the property owner shall be responsible for assuring adequate parking in conformance with the standards set herein.

C. The Planning Board may also approve the joint use of a parking lot for uses of contiguous parcels as long as the Board is satisfied that the total number of spaces is adequate as computed above.

(2) Off-street loading requirements.

(a) For uses where merchandising or storage is to be carried on:

**Building Floor Area (square feet)      Loading Spaces Required**

Building Floor Area (square feet)	Loading Spaces Required
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Less than 10,000	1
10,000 to 19,999	2
20,000 to 39,999	3
40,000 to 59,999	4
Each 50,000 over 60,000	1 additional

(b) All other uses: as deemed necessary by the Planning Board.

I. Other provisions and requirements.

(1) Whenever an off-street parking area of three or more spaces faces a street, a planting area with a minimum width of three feet shall be provided between the parking area and the sidewalk. The planting plan for this strip shall be approved by the Planning Board as part of the site plan review. Plantings shall be a minimum of three feet high, planted three feet on center.

(2) Where a permitted use or special permit use in this District is proposed to be located adjacent to a residential district, a side yard shall be provided consistent with the requirement of said residential district. Likewise, no accessory structure shall be permitted in a side yard or within 10 feet of a rear property line where a use is adjacent to a residential district. A planting screen at least four feet wide, eight feet high, adequate to block the view of the nonresidential use shall be required.

**§ 280-65.1 CBD Overlay Commercial District.**

A. The purpose of the CBD Overlay District is to provide a core concentration of commercial uses that will serve to provide a critical mass of cross-patronizing pedestrian oriented businesses as a pedestrian-scale destination in the heart of the City. The City Master Plan sets forth a number of recommendations for Glen Cove's downtown including: maintaining the downtown's scale and character; enriching the mixed-use character of the downtown; creating an arts and entertainment district; enhance walkability and amenities; support the business community's revitalization efforts; address perceived and actual parking problems; and improve connections to the rest of Glen Cove. The CBD Overlay District outlines the core area that is traditionally considered to comprise Glen Cove's downtown. It is the purpose of this district to continue and enhance the traditional built environment of the downtown that is and

should continue to be dominated by pedestrian-friendly streets and building scales. Further it is the purpose of this district to promote businesses that will promote cross-patronization through providing a wide variety of retail, restaurant, arts, and entertainment and by maintaining a regular rhythm of storefronts along School, Bridge and Glen Streets that will encourage visitors to the downtown to explore the district and all its potential offerings.

B. Relation to underlying zoning. The requirements of the CBD Overlay Commercial District are intended to supplement the requirements of the underlying zoning. Where competing standards exist in the CBD and underlying districts, the CBD standards shall govern.

C. Special conditions applicable to Permitted principal uses of the underlying zoning:

(1) To insure a variety of uses appealing to a wide range of patrons, permitted uses allowed by the underlying zoning shall not have floor areas exceeding 20,000 square feet per establishment except as otherwise permitted herein (See special permit).

(2) To retain the most important ground floor spaces for uses which generate high pedestrian traffic and thereby insure the greatest opportunity for the success of the Central Business District as a whole, medical, professional and business offices shall not be permitted in ground floor spaces. They shall require a special use permit. ~~are a special use.~~ The continuance of an office in existence on the effective date of this ordinance and located within the CBD Overlay District or the relocation of an office in existence on the effective date of this ordinance to another ground floor space within the CBD Overlay District shall be a permitted use.

(3) To insure a variety of uses appealing to a wide range of patrons, the following uses shall be located no closer than 150 feet to a similar establishment and shall have 40 feet or less of ground story frontage, which is consistent with the current scale of the central business district:

(a) Real estate and real estate brokers offices

(b) Financial institutions

(c) Custom printing shops as permitted by the underlying zoning district

(4) To ensure continuous visual interest throughout the Central Business District, and to encourage pedestrian traffic throughout the district, Schools for the instruction of personal artistic or physical skills such as fine arts, performing arts, martial arts, crafts, dance, and music shall provide internal reception or instructional areas visible from the street.

D. In addition to uses prohibited by the underlying zoning, the following uses are also specifically prohibited within the CBD Overlay District:

(1) Drive-through windows accessible from Glen Street, School Street or Bridge Street.

(2) Sale and display of motor vehicles.

(3) Laundromats and other coin-operated businesses.

(4) Telephone exchange, mortuary, or taxi office

E. Special Conditions applicable to Accessory uses permitted by the underlying zoning:

(1) Off-street parking or loading at grade shall not be located between a principal structure and School Street, Bridge Street or Glen Street.

(2) Structured parking shall be located in a manner that obscures views of the parking structure from public streets to the maximum extent practicable.

F. Additional Criteria applicable to Special Use Permits allowed by the underlying zoning:

(1) In order to ensure that those uses that generate significant vehicular traffic do not interfere with pedestrian traffic, and to ensure a variety of uses appealing to a wide range of patrons, the following uses shall be designed in a manner that locates structures, access points, parking and curbcuts in a manner that does not conflict with pedestrian traffic or the continuous linear procession of commercial ground floor spaces within the downtown:

(a) Hotels, including accessory conference facilities

(b) Theaters

(c) Institutions for higher learning, including colleges, universities, junior colleges; business, banking, business management, secretarial and office services schools; computer and data processing schools, art and drafting schools; barber, beauty and cosmetology schools; commercial or noncommercial food preparation schools; photography schools; schools for fashion design

(2) To ensure insure a variety of uses appealing to a wide range of patrons, the following uses shall be located no closer than 150 feet to a similar establishment and shall have 40 feet or less of ground story frontage, which is consistent with the current scale of the central business district:

(a) Dance hall, bowling alley, skating rink, billiard parlor, radio station studio, lodge or assembly hall, club, discotheque, or bar

(b) Fully enclosed personal service shops, such as barber shops, hairdressers, nail salons, tanning salon and other personal services

G. Additional Special Use Permits permitted in the CBD Overlay District:

(1) Core-density residential mixed-use development. In order to introduce a population of resident patrons and to increase the vibrancy of the Central Business District during a greater time period throughout the day, the Planning Board may allow mixed-use residential developments at residential densities of up to 50 units per acre (725 square feet per residential unit) where the following provisions are met:

(a) Residential mixed-use developments are special use permits in the underlying zoning district and the proposed development satisfies all criteria of the residential mixed-use development special permit with the exception of density and open space requirements.

(b) At least 175 square feet of commercial floor area is proposed for each unit proposed;

(c) At least one off-street parking space per three residential units is provided within a parking structure integrated with the principal structure not substantially visible from any public right-of-way;

(d) At least 50 square feet of usable contiguous open space per unit is provided. Such open space may be available to the general public and may be dedicated to the City of Glen Cove subsequent to Site Plan approval and shall thereafter continue to satisfy this requirement.

(e) In addition to the open space requirement, at least 30 square feet per unit of improved parkland available to the general public is provided. This improved parkland may be located off-site but must be located within 750 feet of the proposed site. In lieu of providing this improved parkland, money-in-lieu of parkland may be provided consistent with the established recreational fee of the City of Glen Cove, which money must be used for the acquisition and/or improvement of land located within 750 feet of the proposed site for parkland purposes available to the general public.

(f) The total site comprises at least two and one-half acres (100,000 square feet).

(g) The Planning Board shall request a recommendation from the City Council as to the appropriateness of the proposed density in the CBD district, given the recommendations of the Proposed Master Plan, and other relevant City land use policies. The City Council shall provide its recommendation within 60 days of receipt of a complete application, indicating whether the proposed density is anticipated to result in significant positive benefits to the downtown business district by nature of the proposal's: location; proposed mix of commercial and residential floor area; architectural appearance; introduction of patron populations to the downtown due to the design of the units and structures or other relevant features intended to attract young adults, empty nesters or other groups with generally significant amounts of disposable income supportive of local economic activity; proposed public improvements both on-site and off-site, if any; and any other relevant and appropriate considerations the City Council wishes to include. Such time period for recommendation, may be extended by mutual consent of the applicant and the City Council. The Planning Board shall consider the

recommendations of the City Council in determining whether or not to authorize the special permit, the density to be permitted and any site features or elements to require as part of the proposal.

(2) Uses permitted by the underlying zoning with floor areas exceeding 20,000 square feet per establishment.

(a) The frontage of the establishment along Glen Street, School Street or Bridge Street shall not exceed forty feet.

(b) No curbcut providing vehicular access for the site shall be permitted along Glen Street School Street or Bridge Street.

(c) The full off-street parking requirement shall be provided on-site in a structure not visible from Glen Street, Bridge Street or School Street. The Planning Board shall not waive any portion of the parking requirement but may accept a fee-in-lieu of parking. In the interest in promoting the viability of the downtown as a whole and encouraging cross-patronizing of multiple downtown businesses, all off-street parking facilities provided shall be available to the public and no limitations shall be posted or enforced on the use of off-street parking for persons frequenting other uses within the downtown.

(3) Medical, Professional and Business offices located within ground floor spaces provided that the following conditions are satisfied:

(a) Evidence shall be provided that at the time of application at least two vacant ground-floor spaces in separate ownership exist within the CBD Overlay District, each having at least 75% of the gross floor area of the proposed office space.

(b) A letter from the Business Improvement District (BID) shall be provided stating that market conditions support the use of valuable prime downtown frontage for office use.

H. Lot area and building requirements for principal uses. The following requirements replace the requirements of the underlying zoning:

(1) Maximum setback from front property line (replaces minimum setback requirement): 10 feet unless a greater setback is required in order to provide a plaza fully accessible to the public.

(2) Maximum height:

(a) Three stories and 45 feet,

(b) Upon application therefore, and after public hearing, the Planning Board may allow four stories and 55 feet subject to the following:

a. The proposed structure is located immediately adjacent to structures that are at least three stories and 40 feet in height.

b. One of the following applies:

- (a) The proposed structure is located within 100 feet of an intersection along Glen Street
- (b) Because of the topography of the site, the façades facing Glen Street or School Street would be no higher than three stories and 45 feet, but other facades would be up to four stories and 55 feet.
- (c) The proposed structure is eligible for a “Gold Certification” from the US Green Buildings Council under their Leadership in Energy and Environmental Design (LEED) Green Buildings rating system as determined by the Director of the Building Department.

(c) Upon application therefore, and after a public hearing, the Planning Board may permit up to five stories and 65 feet in height where a structure is set back from the public right-of-way to provide a substantial public plaza or open space of at least 10,000 contiguous square feet and increases the linear footage of ground-floor retail visible from School Street, Bridge Street or Glen Street. In such a case, structures shall not exceed 4 stories and 55 feet within 100 feet of School Street Bridge Street or Glen Street and 5 stories and 65 feet thereafter. The design of the public plaza shall be subject to Planning Board approval and may include amenities accessible to the general public such as benches, landscaped sitting areas, public exhibition areas and water features. The public plaza shall be made available to continuous public use by dedication, covenant, easement, or deed restriction in favor of the City of Glen Cove.

J. Parking. Given the prevalence of municipally-owned structured parking, and the economies of shared parking in existence within the CBD, The following parking requirements replace the parking requirements of the underlying Zoning. Loading requirements of the underlying zoning continue to apply.

(1) Off-street parking requirements.

<u>Use</u>	<u>Required Spaces</u>
<u>Retail business</u>	<u>1 space per 500 square feet of sales area</u>
<u>Service business</u>	<u>1 for each 350 square feet of customer service area</u>
<u>Banking office</u>	<u>2 spaces per teller</u>
<u>Restaurant</u>	<u>1 for each 4 seats</u>



<u>Use</u>	<u>Required Spaces</u>
<u>Professional or business office</u>	<u>1 per 250 square feet of floor area not including storage space</u>
<u>Medical Office</u>	<u>1 for each 150 square feet of office space, or 4 for each doctor or dentist, plus 1 per employee, whichever is greater</u>
<u>Theater or other place of public assembly</u>	<u>1 per 4 permanent seats for public assembly or 1 per 1,000 gross square feet of display area</u>
<u>Membership clubs and fraternal lodges</u>	<u>1 for each 2 employees, plus 1 for each 300 square feet of floor area or each 5 seats within the dining room or the principal meeting room, whichever is most appropriate to the customary use thereof</u>
<u>Bowling alley</u>	<u>4 per alley [IS THIS CUSTOMARY, INSTEAD OF SQUARE FEET???)</u>
<u>Hotel or motel</u>	<u>1 for each guest room plus 1 for each 2 employees</u>
<u>Colleges, universities, etc.</u>	<u>1 space for each staff member plus .75 space for each student, plus 1 space for each 5 seats in the largest assembly hall</u>
<u>Senior citizen congregate housing</u>	<u>1 per 2 dwelling units</u>
<u>Uses not listed</u>	<u>1 per 250 square feet or as determined by the Planning Board to be needed, based upon the recommendations of a parking study prepared by a</u>

## Use

## Required Spaces

licensed engineer. See also Note B below.

Fast food or take-out restaurants - 1 per 2 seats or 1 for each 40 feet of customer service areas, whichever is greater

### (2) Waiver of Parking Requirements or Payment in Lieu

The Planning Board, may waive up to 35% of the required parking for a particular use where it finds that the parking is not required given the unique circumstances of the proposed use, including circumstances of timing of peak demand, availability of municipal parking in the vicinity, or special nature of the proposed use that reduces parking demand below typical requirements. Where appropriate, the Board may require the submission of studies sufficiently demonstrating that the required amount of parking is unnecessary or may be undesirable.

The Planning Board at its discretion may permit payment of a fee-in-lieu of providing the required number of spaces if the proposed use is within 500 feet of a municipally operated parking facility. The City Council of the City of Glen Cove upon recommendation from the Planning Board shall accept all or a portion of this fee. The Planning Board shall, at the time of its approval of a site development plan, certify on such plan that the municipally operated off-street parking facility has adequate capacity to accommodate the required number of spaces.

The amount of the fee-in-lieu required per space, shall be established on an annual basis by the City Council based on the projected construction cost for municipal provision of the additional parking spaces, an appropriate percentage of the long-term maintenance of parking facilities, operating costs where the spaces are not revenue producing, and any loss in taxes resulting from municipal provision of such spaces.

### I. CBD Design Guidelines [Alternatively to be adopted separately]

Purpose and Intent. While the City's Zoning Code determines what uses are appropriate as well as the location and density of both residential and non-residential development, the manner in which these uses are designed and developed can be even more important and will have a lasting effect on the City's appearance, function and the quality of life of its residents. The Downtown area of Glen Cove reflects a heritage that is common to many Long Island communities and was mainly built before the 1950's automobile-dependant strip mall. The traditional pedestrian-scale atmosphere along with buildings which ideally can stand alone as individual jewels or together as cohesively designed and integrated "row-buildings" are demonstrative of this heritage. The preservation of the character and history of a city is crucial to its continued vitality.

Design Guidelines provide a basis for planning, design and evaluation of development proposals in the B-1 Zoning District. They are intended to assist residents, developers, design professionals, and the Planning, Zoning and Architectural Review Boards with the review and approval of projects. The Guidelines clarify what is expected and acceptable, thereby simplifying and speeding up the site plan approval process for both applicants and Boards.

(1) Prior to or concurrent with approval of any site plan or special permit for construction, expansion or exterior alteration of a structure within the CBD Overlay district, the Planning Board shall make a determination that the proposed site plan or special permit is generally consistent with the existing character of the CBD and any design guidelines adopted by the City Council. Only areas visible from public streets and areas generally accessible to the public shall be required to meet these design standards.

(2) The Planning Board is authorized to waive any lot area or building requirement of the CBD Overlay or underlying zoning district where doing so will increase a proposal's compliance with the standards contained hereafter;

(3) If a duly authorized Architectural Review Board exists within the City of Glen Cove, such Architectural Review Board shall review applications for consistency with the existing character of the CBD and any design guidelines adopted by the City Council and furnish its report to the Planning Board, which shall consider the report of the ARB in making its determination of consistency and any waiver of bulk requirements.

(4) Where specific standards exist within other chapters of the Glen Cove Code, such specific standards shall take precedence over design guidelines.

## **§ 280-66 B-2 Peripheral Commercial District.**

### ***ONLY CHANGES DETAILED***

(15) Residential units in second story apartments subject to the following criteria:

(a) The lot must have frontage on Cedar Swamp Road;

(b) The ground floor use must conform with the parking requirements for the B-2 district.

(c) No more than two bedrooms is permitted for each residential unit.

(d) Each residential unit must provide at least 650 square feet of livable floor area.

(e) Each residential unit shall provide the following off-street parking:

(i) one space per efficiency unit

(ii) one and one-half space per one-bedroom unit, except that age-restricted units shall provide one space per unit.

(iii) two spaces per unit with two bedrooms, except that age-restricted units shall provide one and one-half space per unit.

(f) Required open space. There shall be provided not less than 200 square feet of usable open space for each unit. Such usable open space shall be devoted to improved and landscaped play and sitting areas for the use of the residents thereof. The design, layout and equipment of such usable open space areas shall be subject to the approval of the Planning Board.

(g) The height of the building shall be no taller than two stories and 35 feet.

G. Parking and loading.

(1) Off-street parking requirements.

Uses not listed

1 per 250 square feet or as determined by the Planning Board to be needed, See also Note B below.  
~~As determined by the Planning Board to be needed to prevent frequent parking on the street by persons visiting or connected with each such use. See also Note B below.~~

**§ 280-67 B-3 Shopping Center District.**

***ONLY CHANGE IS FOR PARKING REQUIREMENT FOR USES NOT LISTED IDENTICAL TO B-2***

**§ 280-68 B-4 Limited Commercial District.**

***ONLY CHANGE IS FOR PARKING REQUIREMENT FOR USES NOT LISTED IDENTICAL TO B-2***

**ARTICLE XV Industrial Districts (§ 280-69 — § 280-73.2)**

**§ 280-69 I-1 Light Industrial District.**

***NO CHANGE***

**§ 280-70 I-2 Light Industrial District.**

***NO CHANGE***

**§ 280-71 I-3 Industrial District.**

***NO CHANGE***

**§ 280-72 MW-1 Marine Waterfront-1 District.**

***ONLY CHANGES DETAILED***

(5) Bed-and-breakfast inns, in accordance with the following conditions:

(a) The owner and/or operator of the bed-and-breakfast inn shall reside on the property, either as an occupant of the inn or of a separate lawful residence located on the property.

(b) The inn shall not have more than eight guest rooms; not more than four persons shall occupy a guest room.

(c) No guests shall occupy the inn in excess of 14 consecutive days. The owner shall maintain a guest register open to inspection by the ~~Building Inspector~~Director of the Building Department or Code Enforcement Officer and shall preserve all registration records for a minimum period of two years.

(d) No meals other than breakfast shall be served.

(e) Kitchen and dining facilities shall be limited to use by the owner, occupants of the bed-and-breakfast inn and bona fide guests, and shall not be open to the general public. There shall be no individual kitchen or dining facilities in or for any guest room.

(f) All amenities shall be limited to use by the owner, occupants of the bed-and-breakfast inn and bona fide guests, and shall not be open to the general public.

(g) One off-street parking space shall be provided for each employee and for each room available for guest occupancy in addition to the off-street parking spaces required for the residence of the owner.

~~(6) Mixed-use commercial/recreational support buildings providing recreational public access and waterfront amenities.~~

~~(a) Purpose: The City Council finds that certain uses and building scales that are normally inconsistent with the MW-1 district may be appropriate along the periphery of the MW-1 district, where such private uses are designed to complement and enhance use of public recreational resources. incorporate into a proposal that provides significant improvements to public access to the waterfront, as well as public access to other area recreational resources.~~

~~(b) The following uses shall be permitted within the mixed-use commercial building:~~

~~(i) Offices~~

~~(ii) Water-related retail sales~~

~~(iii) Recreation-related retail sales~~

(iv) Convenience retail accessory to office, hotel or conference center uses and with a total floor area not to exceed 3,000 square feet.

(v) Restaurants, catering facilities, conference facilities;

(vi) Hotels offering spa and fitness services to overnight guests

(vii) Any other use permitted in the MW-1 District

(c) The subject property must be located within 600 feet of a City-owned recreation field

(d) The proposal must afford public access to the Glen Cove Creek Waterfront. The proposal must include plans for a waterfront esplanade at least 14 feet wide to be constructed along the entire length of the property's interface with the Glen Cove Creek. Access easements acceptable to Planning Board based on the advice of the Planning Board Attorney shall be provided to allow the public access to the waterfront esplanade.

(e) Where the property borders any industrial, warehousing, or processing use, the proposal must situate the building in a manner that screens the bordering use from substantial public view.

(f) Due to the location of the use in a vicinity used for public recreation; the dependence of the proposed uses on public recreational activities for continued viability; and the existing limits to parking in the MW-1 district, the proposal must provide 200% of the off-street parking required for the uses proposed. All parking facilities for the proposed project must be made available to the general public including those persons seeking waterfront access, or access to community recreational fields. In recognition of the dual use of this area for public and private purposes, such structures may be located on public lands by permission of the City of Glen Cove and subject to such covenants and easements as are reasonable to insure ongoing maintenance and dual public/private use. All or a portion of the required parking may be provided on-street, where the applicant proposes significant public improvements to the street to enhance maintenance and compatibility with pedestrian traffic such as widening, boulevarding, or other measures that result in the creation of safe and attractive on-street parking resources.

(g) Where the proposed use is proposed to be accessed by a street that currently limits public use due to the location and operation of City-owned facilities, is dominated by industrial and heavy commercial uses that are normally incompatible in appearance with the uses permitted herein, and where the access street contains significant frontage with City-owned recreational fields affording off-street parking for recreational users that will be impacted by increased usage of the access street, the proposal must include the refurbishment and beautification of such streets, including:

(i) Installation of sidewalk and bicycle path along the entire street frontage of the City-owned land and the private parcel;

(ii) Installation of street trees along both sides of the street along the entire street frontage of City-owned land and the private parcel;

(h) Traffic study required. The applicant shall submit a traffic impact analysis documenting that the proposal will not result in a decrease in the level of service of any area intersections during peak weekday AM, peak weekday PM and peak weekend hours. Such traffic studies will take into account all approved projects, or any project for which a traffic study has been submitted as part of State Environmental Quality Review.

(i) Lot area and building requirements:

(i) Minimum lot area: 40,000 square feet.

(ii) Minimum frontage along Glen Cove Creek: 500 feet.

(iii) Minimum setback from street: 20 feet.

(iv) Setback from Glen Cove Creek: 15 feet to the mean high water line or bulkhead. Balconies, overhangs and unenclosed structures shall be permitted to be located within this setback, provided that the project includes a walkway or esplanade along the water accessible to the public or some other means of public access acceptable to the Planning Board.

(v) Maximum height: Five (5) stories and in no event to exceed 60 feet. Where a structure is found by the Planning Board to be eligible to receive a "Gold Certification" from the US Green Buildings Council under their Leadership in Energy and Environmental Design (LEED) Green Buildings rating system, up to six (6) stories and 75 feet may be permitted.

(vi) Maximum floor area of any retail store: 7,500 square feet except for convenience retail as otherwise limited herein.

#### **§ 280-73 MW-2 Marine Waterfront-2 District.**

**NO CHANGE**

#### **§ 280-73.2 MW-3 Marine Waterfront-3 District.**

**NO CHANGE**

#### § 280- 73.3 Glen Cove Avenue Redevelopment Incentive Overlay (RIO-GCA) District

(1) The purpose of this District is to permit and encourage the redevelopment of vacant and/or deteriorated commercial, industrial and residential properties along certain portions of the Glen Cove Avenue corridor in a manner that will: improve the character of the nearby environs which include established neighborhoods and significant quantities of affordable subsidized housing; remove vacant, obsolete, incompatible, underutilized and marginal structures which are poorly maintained and

present opportunities for illegal activities and have a blighting influence on the surrounding area; ensure an attractive entryway into the City of Glen Cove downtown from adjacent communities; and to promote additional housing opportunities which do not currently exist in this area. It is the intent of this Chapter to require the demolition or stabilization of vacant, obsolete, incompatible, underutilized and marginal structures which are poorly maintained, and to encourage the maintenance of such structures pending redevelopment.

(2) This location is unique in both its necessity for redevelopment and revitalization and its significant topography. In order to eliminate existing blight, blighting influences and incompatible uses, it is recognized that the vast majority of the area covered by this district has already been developed, and that it is necessary to provide incentives and relief in order to capture density from the steeply sloping areas of the site.

(3) It is the further purpose of this District to create an attractive gateway into the downtown, and encourage development that maximizes pedestrian-friendly and view-enhancing design features, to provide “eyes on the street” for an area historically characterized by loitering and illegal activities.

(4) The area encompassing this incentive overlay district has been found by the City Council, after evaluating the effect of potential incentives, which are possible by virtue of community amenities to contain adequate resources, environmental quality and public facilities, including adequate transportation, water supply, waste disposal and fire protection; and that in designating this district there will be no significant environmentally damaging consequences and that such incentives are compatible with the development otherwise permitted..

#### B. Applicability

(1) The Glen Cove Avenue Redevelopment Incentive Overlay District shall comprise those areas within the boundary of the district as indicated on the City of Glen Cove Zoning Map.

(2) The provisions contained herein are additive to any requirements of the underlying zoning provisions. To the extent that conflicts may exist between the overlay district, the provisions of the overlay district shall govern those applications authorized for the development of incentive uses.

#### C. Permitted Uses – The following uses are permitted within the RIO-GCA Glen Cove Avenue Redevelopment Incentive Overlay District:

(1) Multiple dwellings, condominium dwellings and townhouses on at least three (3) acres of real property within the zoning district, subject to site plan approval by the Planning Board.

(2) As an accessory to multiple dwellings, condominium dwellings and townhouses, the following uses may also be authorized:



(a) Real estate office for the marketing and sales of the units and signs related thereto, provided such signs comply with the City of Glen Cove Sign Ordinance.

(b) Indoor and Outdoor recreation facilities, including indoor swimming pools, spas, tennis courts, club house, pool house, recreation and/or fitness centers, business centers and meeting spaces, provided that such facilities are planned as an integral part of the principal use and are for the use of residents of such principal use and their guests.

(c) Off-street parking areas or garages.

(d) Commercial uses such as convenience stores, laundry or dining facilities, or similar accessory uses, provided they are for the exclusive use of the residents and their guests.

(e) Guard booth.

(f) Management office.

D. Lot Area and building bulk requirements for incentive uses:

(1) Minimum lot area: 3 acres.

(2) Maximum residential density: 20 units per acre.

(3) Minimum lot width: 150 feet.

(4) Minimum lot frontage: 150 feet.

(5) Minimum setback from street: 10 feet.

(6) Minimum distance from interior property line: 15 feet.

(7) Required open space: There shall be provided not less than 200 square feet of usable open space for each efficiency unit; 300 square feet of usable open space for each one-bedroom unit; 350 square feet of usable open space for each two-bedroom unit and 400 square feet of usable open space for each unit containing three or more bedrooms unit therein. Usable open space may be accommodated in landscaped walking and sitting areas, on private decks and terraces, and may be located over structures, but must be outdoors.

(8) Maximum height: 5 stories, and in no event greater than 50 feet measured in accordance with Section 280-45 (Q) of this Chapter, within 25 feet of any property line abutting Glen Cove Avenue, and within 20 feet of any property line abutting any other street. Due to the difficulty of measuring height on the steeply sloping lot, the average height of each building throughout the rest of the site as measured from the four corners of a building from the existing natural grade shall not exceed 50 feet, and no building shall exceed 75 feet in height at its highest point. Stair towers, mechanical equipment

and other non-habitable projections shall not exceed the maximum height permitted by this section by more than ten (10) feet and, excepting stair towers, shall be set back from the outermost front facade of a building by a minimum of ten (10) feet. The City Council in authorizing the use shall establish additional height restrictions as necessary to mitigate any potential visual or scenic impacts. Height restrictions shall take into account the design of the project including architectural measures to reduce the appearance of height and bulk including structural articulation, architectural design features such as terracing, and the use of landscaping as part of the design of rooftops. An applicant for site plan approval shall submit with the application elevations prepared by a licensed professional engineer or surveyor showing the height of the proposed buildings in relation to the existing natural grade.

(9) Required off-street parking: 2 spaces per unit, accept that the Planning Board may reduce the requirement to a minimum of 1.5 spaces per unit where it finds based upon the advice of a qualified traffic engineer, that the proposed bedroom mix is such that 1.5 spaces is adequate to accommodate the future residents and guests of the proposed project.

(10) In order to further the purposes of this Residential Incentive Overlay District, all existing structures located on the proposed site shall be maintained in at least the same physical, structural and aesthetic condition as at the time the application is made, or may be demolished or stabilized, as a continuing obligation during the pendency of any application for multiple residences as permitted in this incentive overlay district. Applicant shall be required to remove any subsequently occurring publicly visible symptoms of blight including but not limited to graffiti, missing wall cladding, detached gutters, broken windows, presence of trash, and overgrown landscaping.

#### E. Waivers.

(1) Waiver of affordable housing. The City Council may waive any requirement by the City of Glen Cove for the set aside of affordable housing where adequate on-site and off-site improvements to the neighborhood are made, which enhance the quality of life of affordable housing residents in the neighborhood, including, without limitation, landscaping improvements, mass transit improvements, façade improvements, and lighting and security improvements. The City Council shall determine that there is approximate equivalence between potential affordable housing lost or gained or that the City has or will take reasonable action to compensate for any negative impact upon the availability or potential development of affordable housing caused by the provisions of this section. In determining whether to waive affordable housing requirements, the City Council shall consider the following criteria in determining equivalence:

(a) The type(s) of on- and off-site neighborhood improvements proposed by the applicant; and

(b) The manner and program followed by the applicant in relocating existing tenants of any affordable residences, which may have resided at the site prior to the applicant's purchase of all or a portion of the minimum lot area. The number of affordable housing

residences in the neighborhood, which would benefit from the on- and off-site neighborhood improvements being proposed by the applicant shall be at least five times the number of affordable housing units, which would otherwise be required under the Zoning Ordinance.

(2) Waiver of hillside protection provisions. In recognition of the topography in the RIO-GCA District, the fact that the majority of the area is already developed and contains man-made steep slopes and retaining walls, and the density requirements necessary to incentivize redevelopment of this location, the City Council shall waive the hillside protection provisions of the Zoning Ordinance, subject to the applicant satisfying the following criteria:

(a) The application of best management practices and their ability to mitigate impacts from stormwater runoff;

(b) The employment of engineering practices in stabilizing soils and man made slopes;

(c) The ability of foundations and engineered walls to safely develop the site without impacting surrounding real property or roadways;

(d) The ability to secure the site and its walls and steep slopes in a way that insures the safety of future residents and other persons;

(e) The manner in which the project adapts to the terrain and its resulting appearance; and

F. Additional Incentives and Bonuses – An applicant may apply for an incentive adjustment to the lot area and bulk requirements of this Chapter in exchange for one or more of the following incentives. Incentives and bonuses may be combined, but in no case shall the maximum residential density of the site exceed 50 units to the acre. In the event that the permissible density shall include part of a unit, the permissible density shall be rounded.

(1) Density bonus for structured parking. In recognition of the detracting character of large expanses of parking and asphalt associated with multifamily development, where an applicant proposes to accommodate at least 75% of the required parking within structured on-site parking, which is located out of substantial public view, the City Council shall increase the maximum residential density by 17 units per acre.

(2) Density bonus for streetscape improvements. In recognition of the deteriorated nature of the streetscape in the vicinity of the project site, where an applicant proposes significant improvements to the streetscape within one-half mile of the Glen Cove Avenue Redevelopment Incentive Overlay District, which meet the criteria herein, the City Council shall increase the maximum residential density by 10 units per acre. In determining whether or not to grant this density bonus, the City Council shall consider the following:

(a) The extent and dollar value of off-site improvements to the surrounding streetscape;

(b) The public costs that would otherwise be required to effect the same improvements;

(c) The improvement to the immediate neighborhoods as well as the marketability of the downtown from the proposed improvements.

(3) Density bonus for on-site recreational amenities. The City Council shall increase the maximum residential density by 3 units per acre where the following on-site recreational amenities are provided for the future residents of the proposed project. The provision of the following on-site recreational amenities for the purpose of achieving additional site density does not necessarily satisfy the requirements of the applicant to provide parkland or money-in-lieu thereof as described in General City Law §27-a (6):

(a) Fitness center with health equipment;

(b) Swimming Pool;

(c) multi-purpose room/center; and

(d) Common area for social events;

G. Money-in-lieu of community benefits or amenities.

(1) At the request of the applicant or on its own determination that the identified amenities and benefits to the City are not immediately feasible or otherwise not practical for the applicant to provide, the City Council may require, in lieu thereof, a payment to the City of a sum determined by the City Council. If cash is accepted in lieu of other community benefit or amenity, provision shall be made for such sum to be deposited in a trust fund to be used by the legislative body of the city exclusively for specific community benefits authorized by the City Council.

(2) If the Planning Board determines that parkland is required as part of the approval of the site plan pursuant to General City Law §27-a (6), and if the Planning Board further finds that such parkland cannot be properly located on such site plan, the City Council may further identify specifically where and how any money-in-lieu of parkland shall be applied. [to be discussed with City].

(3) Any money-in-lieu of community benefits or amenities must be received upon the issuance of a building permit for construction of the proposed residential development.

H. Procedure

(1) An application for an incentive bonus shall be in writing and submitted to the City Council. The application shall include a conceptual site plan along with a narrative describing the proposed development program, including, a statement as to the

buildable yield of the proposed development parcel, an EAF or DEIS, and a boundary or topographic survey accurately depicting site conditions.

(2) The narrative shall describe the incentives and bonuses being applied for and address the criteria and considerations that the City Council must consider in deciding whether to grant such incentives and bonuses.

(3) The applicant may include in its narrative any further considerations of community benefit or amenities beyond those identified herein being provided by the project.

(4) Where the applicant is requesting to provide money-in-lieu of community benefits or amenities, the applicant shall provide a calculation and proposal of an appropriate payment. The City Council shall consider the proposal for payment by the applicant in determining whether the community benefits and amenities may be achieved.

(5) The City Council, upon receipt of a concept plan and application narrative, shall forward the application to the Planning Board for recommendation on incentives, bonuses, conceptual site plan, and application for waiver of hillside protection provisions.

(6) At the discretion of the applicant, a full site plan may be submitted in place of a conceptual site plan as a basis for the City Council to make their decision regarding authorization of incentives and bonuses.

(7) The application for authorization of a development under this section will be subject to the provisions of Article eight of the Environmental Conservation Law.

(8) Notwithstanding the above, where an application for a change of zone is pending before the Planning Board at the time of adoption of this section, the Applicant shall not be required to make a further application to the City Council.

#### I. Concept site plan required

(1) Within 45 days of receipt of a request for recommendation, or, if a DEIS is required for the application pursuant to 6 NYCRR Part 617 (SEQR), within 45 days following a public hearing held on the DEIS, the Planning Board shall provide its recommendations to the City Council with respect to the authorization of incentives and bonuses. This time period may be extended by consent of the applicant.

(2) The Planning Board shall consider the conceptual site plan against the following standards in making its recommendations to the City Council:

(a) Building scale and density should be balanced with the maximization of open space within the development, and the use of landscaping to mitigate and balance the visual impact of building size (including landscaped roof terraces to the extent practicable).

(b) The architectural treatment of buildings shall be such that when viewed from a distance, building masses are broken up visually through the use of techniques such as, but not limited to, stepping bays and recesses, balconies and terraces, changes of material, to create a sense of scale and visual relief.

(c) The building scale and density shall be balanced with the maximization of concealed parking facilities within the development area, and the use of landscaping, architectural treatments, roof gardens and courtyards, to conceal or mitigate the visual and environmental impacts of parking structures or surface lots on the site and the surrounding areas;

(d) The architectural treatment of those portions of buildings, in particular the facades of first and second floors, that face or adjoin pedestrian-oriented streets, sidewalks, open spaces and esplanades, is such that the quality of the pedestrian experience is maximized through the use of techniques such as, but not limited to, quality and variety of façade materials, architectural detail, variety in massing such as bays and recesses, location and scale of windows and doors, inclusion of features such as porches, steps, planters, awnings, etc.

(3) Public hearing required. The City Council shall hold a public hearing on the proposed application for development under the provisions of the RIO-GCA prior to making any determinations on whether to authorize incentive uses or additional incentives and benefits, including, without limitation, acceptance of money-in-lieu of incentives or benefits. Notice of the public hearing specifying the incentives and bonuses being sought, as well as the total number of units being proposed, shall be sent by mail to each owner or occupant of all parcels of property located within a radius of 300 feet measured from all point of the subject property line by certified mail, return receipt requested. Said notice shall be postmarked no sooner than 20 days and no later than 10 days prior to the date set for the public hearing. An affidavit of mailing, together with the certified letter postal receipts, shall be filed with the Council. The hearing date shall also be advertised by posting of a sign stating the time, date and place of the public hearing to be held on the property which is the subject of an application. The sign shall be posted at least ten (10) days prior to the date of the hearing. The sign shall be visible from adjacent right of ways. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied. Where a full site plan has been submitted for consideration of authorization of incentives and bonuses, the Planning Board shall schedule its public hearing on the site plan jointly with the City Council's public hearing on the authorization of incentives and bonuses.

J. State Environmental Quality Review (SEQR). The Generic Environmental Impact Statement for the Glen Cove Master Plan served as the Generic Environmental

Impact Statement (GEIS) required by section 81-d of the General City Law in enacting incentive zoning district. That Generic Environmental Impact Statement identified no significant impacts as a result of granting incentive density. The GEIS required that an application for incentive redevelopment provide a site-specific environmental review subject to the requirements of SEQRA. Therefore, development under the provisions of the Residential Incentive Overlay District shall be deemed a Type 1 action pursuant to SEQRA, and any such site-specific EIS must further address the consideration of section 81-d of the General City Law. It is the intent of this Chapter that any public hearing by the City Council to consider an application for incentives hereunder shall be a joint hearing with the Planning Board on the DEIS and on site plan approval, if the applicant has submitted a full site plan application.

K. Action by City Council

(1) The City Council shall not authorize any incentive or bonus pursuant to this section until the Planning Board files its report of recommendation, except in the instance where the Planning Board fails to convey its report to the City Council within the timeframe specified by this section, in which case such failure to report shall be construed by the Council as a recommendation to approve.

(2) In determining whether to authorize incentives and bonuses as detailed herein, the City Council shall:

(a) Consider the recommendations of the Planning Board.

(b) Determine that the proposed redevelopment project satisfies the purpose and intent of the Glen Cove Avenue Redevelopment Incentive Overlay District.

(c) Determine that the proposed redevelopment project is in harmony with the recommendations of the City Master Plan.

(d) Find that authorization of the incentives and bonuses will not result in significant adverse environmental impacts, or that such impacts have been mitigated to the maximum extent practicable.

L. Site Plan approval required.

(1) Any development under the provisions of the Glen Cove Avenue Redevelopment Incentive Overlay District shall require full site plan review by the Planning Board.

(2) The Planning Board shall only approve a site plan, which is substantially identical to the conceptual site plan submitted as part of the application for authorization of incentives and bonuses in terms of:

(a) Layout.

(b) Building heights.



- (c) Architectural quality.
- (d) Number of bedrooms and units.
- (e) Number of parking spaces.
- (f) Treatment of slopes.

(3) Where the site plan submitted by the applicant to the City Council meets the requirements of Article 4 of this Chapter, no separate site plan will be required by the Planning Board.

M. Severability.

Should any provision of this section be rendered invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof, other than the part rendered invalid. Should the provisions governing the acceptable benefits and amenities listed herein be rendered invalid, the incentives and bonuses associated with such benefits and amenities are declared prohibited absent such benefits and amenities.

§ 280- 73.4 Orchard Neighborhood Redevelopment Incentive Overlay (RIO-ON) District

A. Purpose

(1) The purpose of this District is to permit and encourage the redevelopment of vacant and/or deteriorated commercial, industrial and residential properties within the Orchard Neighborhood in a manner that will: improve the character of the nearby environs which include an established neighborhood important to the character of the City; remove vacant, obsolete, incompatible, underutilized and marginal structures which are poorly maintained and present opportunities for illegal activities and have a blighting influence on the surrounding area; ensure an attractive entryway into the City of Glen Cove downtown from adjacent communities; and to promote additional housing opportunities which do not currently exist in this area. It is the intent of this Chapter to require the demolition or stabilization of vacant, obsolete, incompatible, underutilized and marginal structures which are poorly maintained, and to encourage the maintenance of such structures pending redevelopment.

(2) In order to eliminate existing blight, blighting influences and incompatible uses, it is recognized that the vast majority of the area covered by this district was historically built as one- and two-family housing, but has undergone significant increases in density (both legally and illegally) over the years, taxing the existing infrastructure in the area, especially the street system; it is necessary to provide incentives and relief in order promote redevelopment of the area in a manner that is protective of public safety and respectful of the historic importance of this area.

(3) It is the further purpose of this District to create an attractive gateway into the downtown, and encourage development that maximizes pedestrian-friendly and view-



enhancing design features, to provide “eyes on the street” for an area historically characterized by loitering and illegal activities.

(4) The area encompassing this incentive overlay district has been found by the City Council, after evaluating the effect of potential incentives, which are possible by virtue of community amenities to contain adequate resources, environmental quality and public facilities, including adequate transportation, water supply, waste disposal and fire protection; and that in designating this district there will be no significant environmentally damaging consequences and that such incentives are compatible with the development otherwise permitted.

#### B. Applicability

(1) The Orchard Neighborhood Redevelopment Incentive Overlay District shall comprise those areas within the boundary of the district as indicated on the City of Glen Cove Zoning Map.

(2) The provisions contained herein are additive to any requirements of the underlying zoning provisions. To the extent that conflicts may exist between the overlay district, the provisions of the overlay district shall govern those applications authorized for the development of incentive uses.

BC. Permitted principal uses. Any use permitted by the underlying zoning district subject to all the restrictions including bulk restrictions as prescribed therein.

#### CD. Permitted accessory uses.

(1) Any accessory use permitted by the underlying zoning district subject to all the restrictions including bulk restrictions as prescribed therein.

(2) As an accessory to multiple dwellings, condominium dwellings and townhouses, the following uses may also be authorized:

(a) Real estate office for the marketing and sales of the units and signs related thereto, provided such signs comply with the City of Glen Cove Sign Ordinance.

(b) Indoor and Outdoor recreation facilities, including indoor swimming pools, spas, tennis courts, club house, pool house, recreation and/or fitness centers, business centers and meeting spaces, provided that such facilities are planned as an integral part of the principal use and are for the use of residents of such principal use and their guests.

(c) Off-street parking areas or garages.

~~(d) Commercial uses such as convenience stores, laundry or dining facilities, or similar accessory uses, provided they are for the exclusive use of the residents and their guests.~~

(ed) Guard booth.

(ef) Management office.

DE. Prohibited accessory uses. No material used in the conduct of commerce or intended for sale, including but not limited to building supplies, plumbing supplies, electrical supplies, bulk pavers, bulk tiles, bulk stone, soil stockpiles, gravel stockpiles, vehicles, or auto parts shall be stored on any residential lot.

EF. Special uses. Any special use permitted by the underlying zoning district subject to all the restrictions including bulk restrictions as prescribed therein.

EG. Usable recreational yard requirements. Each unit of any residential use other than a single-family detached residence shall be provided a usable unoccupied recreational yard area of at least 400 contiguous square feet in a side or rear yard for the enjoyment of occupants. A single joint yard for multiple units may be provided, but such yard shall be no less than the sum of that required for each. Neither driveways, parking areas, areas under fire escapes, nor areas used for storage count toward usable recreational yard area. Areas used for on-site recreational amenities such as playgrounds, tennis courts, clubhouse, fitness equipment, and swimming pools shall count toward usable recreational yard requirements.

FH. Incentive uses permitted by special use permit at the discretion of the Planning Board.

(1) Townhouses (single-family attached dwellings) subject to the following:

(a) A minimum lot size of 15,000 square feet is required.

(b) A minimum of 3,000 square feet of gross lot area shall be required per townhouse unit.

(c) Townhouse units shall be unlike adjacent units in the same structure in exterior design and appearance. In determining that townhouses are unlike adjacent units in the same structure in design and appearance, the criteria of §280-45(B) shall be applied.

(d) Each townhouse unit will occupy an entire vertical space between foundation and roof, except where a flat is located below the Townhouse unit pursuant to §280-73.4(G)(3).

(e) Each unit shall provide at least two off-street parking spaces.

(f) Maximum impervious coverage shall be 75%

(g) The height of the building shall not exceed 2 ½ stories or 35 feet except where a flat is located below the Townhouse unit pursuant to §280-59.2(G)(3).

(h) A minimum side yard of ten feet is required.

(i) A minimum rear yard of fifteen feet is required.

(j) A front yard of no more than twenty feet shall be provided along each public right-of-way, except where a townhouse fronts on a public right of way, a covered unenclosed front porch extending at least five feet from the front of the building and spanning at least 50% of the width of the unit may be located within a required front yard.

(k) No residential structures shall be located closer than 15 feet to each other and the Planning Board may require greater than 15 feet where it deems necessary.

(l) A homeowners association with rules approved by the [Planning Board](#) upon [advice of the Planning Board City Attorney](#) or other arrangement acceptable to the Planning Board shall be established to insure maintenance of all required improvements, exterior walls and common lands. Additionally, the homeowners association shall include irrevocable provisions in its charter that shall require maintenance of exterior walls, windows, sidewalks, garages, parking areas, interior drives, landscaping, roofing or other surfaces/structures visible from a public right-of-way or common area within 90-days of receipt of a request for such maintenance by the [City of Glen Cove Common City Council](#).

(m) The minimum lot area per unit, as provided in §280-55G(4)(c) herein, may be reduced to 2,000 square feet of gross lot area per unit as an incentive at the discretion of the Planning Board, where the following amenities are included in the project:

[1] On-site active recreational amenities including but not limited to playgrounds, tennis courts, clubhouse, fitness equipment, and/or swimming pool with a total area comprising no less than 10% of the total lot area and available to all occupants. In providing this increase in density, the Planning Board shall make a determination that the recreational amenities are substantial and superior to what is typically offered for residents of townhouses in the City of Glen Cove.

[2] Each townhouse unit is provided at least one parking space within an attached garage.

[3] In addition to satisfying the parking requirement of §280-G(4)(e) herein, the applicant shall also provide one additional off-street parking space for each two townhouse units for use by visitors.

[4] Each unit (inclusive of flats where proposed) is provided a patio, porch or terrace area of no less than 50 square feet.

(2) Where townhouses meeting all special permit requirements of the [RIO-ON](#) overlay district are proposed, flats may be proposed under the proposed townhouses subject to the following:

(a) A maximum of one flat is permitted for each three townhouses.

(b) A minimum lot size of 25,000 square feet is required.

(c) The flat shall be designed to seamlessly blend into the appearance of the overlying townhouses, and its presence shall not be overtly distinguishable except by the presence of an additional door.

(d) The flat shall have no more than two bedrooms.

(e) At least two off-street parking spaces shall be provided for each flat. Parking for the flat need not be provided in an attached garage, but at least one ~~assigned of the off-street parking space shall be provided~~ assigned specifically to the flat.

(f) No unit shall have a livable space of less than 600 square feet.

(g) The height of the building shall not exceed 3 stories or 42 feet.

(h) On-site recreational amenities shall be provided including, but not limited to playgrounds, tennis courts, clubhouse, fitness equipment, and/or swimming pool with a total area comprising no less than 10% of the total lot area and available to all occupants. If applicable this provision shall be inclusive of, not additive to any similar provision for Townhouses in the RIO-ON district.

(i) Reduced usable recreational yard requirement: The usable recreational yard standards of §280-73.4(e) shall be provided as follows, not less than 200 square feet for each efficiency unit; 300 square feet for each one-bedroom unit; 350 square feet for each two-bedroom unit.

### (3) Multifamily residential buildings

(a) A minimum lot size of 40,000 square feet is required.

(b) Each dwelling unit shall have no more than two bedrooms.

(c) Minimum livable Floor Area for residential uses shall be as follows:

[1] 550 square feet per efficiency dwelling unit

[2] 650 square feet per one-bedroom dwelling unit

[3] 800 square feet per two-bedroom dwelling unit

(d) The minimum lot area per residential unit shall be as follows, provided, further, that all coverage, height and setback requirements are satisfied:

[1] 1,800 square feet per efficiency or one-bedroom unit.

[2] 2,500 square feet per two-bedroom unit.

(e) Each residential unit shall provide the following minimum off-street parking:

(i) one space per efficiency unit

(ii) one and one-half space per one-bedroom unit, except that ~~age-restricted units that prohibit occupancy by persons under the age of 18 shall provide one space per unit.~~

(iii) two spaces per unit with two bedrooms, except that ~~age-restricted units that prohibit occupancy by persons under the age of 18 shall provide one and one-half space per unit.~~

(f) Maximum impervious coverage shall be 75%

(g) The height of the building shall not exceed 3½ stories or 45 feet.

(h) A minimum distance from property line: 10 feet.

(i) A front yard of no more than twenty feet and no less than ten feet shall be provided along each public right-of-way. No off-street parking shall be provided between the building and the street. No structured parking shall be visible from any public street.

(j) On-site recreational amenities shall be provided including but not limited to playgrounds, tennis courts, clubhouse, fitness equipment, and/or swimming pool with a total area comprising no less than 10% of the total lot area and available to all occupants and acceptable to the Planning Board. ~~The Planning Board shall make a determination that the recreational amenities are substantial and superior to what is typically offered for residents of multifamily structures in the City of Glen Cove.~~

(k) Reduced usable recreational yard requirement: The usable recreational yard standards of §280-73.4(e) shall be provided as follows, not less than 100 square feet for each efficiency unit; 150 square feet for each one-bedroom unit; 200 square feet for each two-bedroom unit.

(l) At least 30 square feet per unit of improved parkland available to the general public is provided and irrevocably offered for dedication to the City of Glen Cove. Parkland shall be improved with playground equipment, landscaped sitting areas, outdoor fitness equipment, and/or other facilities acceptable to the Planning Board and the Glen Cove City Recreation Director. This improved parkland may be located off-site but must be located within 750 feet of the proposed site and within the RIO-ON overlay district. This parkland may be counted toward the satisfaction of on-site recreational amenities and usable recreational yards.

(4) Mixed-use commercial and residential structures. Multifamily residential structures are permitted on upper stories over commercial uses subject to the following criteria:

(a) All special permit criteria applicable to multifamily residential structures.

(b) The ground story commercial use is a permitted use in the underlying zoning district; or is a special permit use adhering to all required special permit criteria.

(c) The Planning Board makes a determination that any nonresidential uses contained in the structure are compatible with residential occupancy and do not pose a risk to the health, safety or general welfare of occupants therein.

(d) The full parking requirement for all uses are met on the site.

(a) Residential and multifamily

GI. Waivers.

(1) Waiver of affordable housing. The City Council may waive any requirement by the City of Glen Cove for the set aside of affordable housing where adequate on-site and off-site improvements to the neighborhood are made, which enhance the quality of life of affordable housing residents in the neighborhood, including, without limitation, landscaping improvements, mass transit improvements, façade improvements, and lighting and security improvements. The City Council shall determine that there is approximate equivalence between potential affordable housing lot or gained or that the City has or will take reasonable action to compensate for any negative impact upon the availability or potential development of affordable housing caused by the provisions of this section. In determining whether to waive affordable housing requirements, the City Council shall consider the following criteria in determining equivalence:

(a) The type(s) of on- and off-site neighborhood improvements proposed by the applicant; and

(b) The manner and program followed by the applicant in relocating existing tenants of any affordable residences, which may have resided at the site prior to the applicant's purchase of all or a portion of the minimum lot area.

(c) The number of affordable housing residences in the neighborhood, which would benefit from the on- and off-site neighborhood improvements being proposed by the applicant shall be at least five times the number of affordable housing units, which would otherwise would be required under the Zoning Ordinance.

(d) The recommendation of the Planning Board.

(2) Waiver of hillside protection provisions. In recognition of the topography in the RIO-ON District, the fact that the majority of the area is already developed and contains man made steep slopes and retaining walls, and the density requirements necessary to incentivize redevelopment of this location, the Planning Board may waive the hillside protection provisions of the Zoning Ordinance, subject to the applicant satisfying the following criteria:

(a) The application of best management practices and their ability to mitigate impacts from stormwater runoff;

(b) The employment of engineering practices in stabilizing soils and man made slopes;

(c) The ability of foundations and engineered walls to safely develop the site without impacting surrounding real property or roadways;

(d) The ability to secure the site and its walls and steep slopes in a way that insures the safety of future residents and other persons;

(e) The manner in which the project adapts to the terrain and its resulting appearance; and

(f) Whether or not a viable project would be achievable without waiver of the slope provisions.

HJ. Additional Incentives and Bonuses – An applicant may apply for an incentive adjustment to the lot area and bulk requirements of this Chapter in exchange for one or more of the following incentives. Incentives and bonuses may be combined, but in no case shall the maximum residential density of the site exceed 35 units to the acre.

(1) Density bonus for structured parking. In recognition of the detracting character of large expanses of parking and asphalt associated with multifamily development, where an applicant proposes to accommodate at least 75% of the required parking within structured on-site parking, which is located out of substantial public view, the Planning Board may reduce the required minimum lot area per dwelling unit by 25%.

(2) Density bonus for streetscape improvements. In recognition of the narrow and deteriorated in the vicinity of the project site, where an applicant proposes significant improvements to the streetscape that would result in enhanced safety and appearance, the Planning Board may reduce the required minimum lot area per dwelling unit by 25%. In determining whether or not to grant this density bonus, the Planning Board shall consider the following:

(a) The extent and dollar value of off-site improvements to the surrounding streetscape;

(b) The public costs that would otherwise be required to effect the same improvements;

(c) The improvement to the safety and appearance of the immediate neighborhoods as well as the possible marketability of the downtown from the proposed improvements.

(3) Density for Green Building. The Planning Board may reduce the required minimum lot area per dwelling unit by 25% for units that it finds are located within a proposed structure eligible for a “Gold Certification” from the US Green Buildings Council under their Leadership in Energy and Environmental Design (LEED) Green Buildings rating system.

GK. Money-in-lieu of community benefits or amenities.

(1) At the request of the applicant or on a determination by the Planning Board that the identified amenities and benefits to the City are not immediately feasible or otherwise not practical for the applicant to provide, the Planning Board may refer the application to the City Council, which may require, in lieu of incentives, a payment to the City of a sum determined by the City Council. In referring the matter to the City Council, the Planning Board shall include its recommendation. If cash is accepted in lieu of other community benefit or amenity, provision shall be made for such sum to be deposited in a trust fund to be used by the legislative body of the city exclusively for specific community benefits authorized by the City Council.

(2) Any money-in-lieu of community benefits or amenities must be received prior to issuance of a building permit for construction of the proposed residential development.

#### HL. Procedure

(1) An application for waiver, incentive special use and/or incentive bonus shall be in writing and submitted the Planning Board and to the City Council as required herein. The application shall include a conceptual site plan along with a narrative describing the proposed development program, including, a statement as to the buildable yield of the proposed development parcel, an EAF or DEIS, and a boundary or topographic survey accurately depicting site conditions.

(2) The narrative shall describe the waivers, incentive special use, incentives and bonuses being applied for and address the criteria and considerations that the Planning Board and/or City Council must consider in deciding whether to grant such incentives and bonuses.

(3) The applicant may include in its narrative any further considerations of community benefit or amenities beyond those identified herein being provided by the project.

(4) Where the applicant is requesting to provide money-in-lieu of community benefits or amenities, the applicant shall provide a calculation and proposal of an appropriate payment. The City Council shall consider the proposal for payment by the applicant in determining whether the community benefits and amenities may be achieved.

(5) At the discretion of the applicant, a full site plan may be submitted in place of a conceptual site plan as a basis for the Planning Board and/or City Council to make their decision regarding authorization of incentives and bonuses.

(6) The application for authorization of a development under this section will be subject to the provisions of Article eight of the Environmental Conservation Law..

#### HM. Concept site plan required

(1) Within 45 days of receipt of a concept plan, or, if a DEIS is required for the application pursuant to 6 NYCRR Part 617 (SEQR), within 45 days following a public hearing held on the DEIS, the Planning Board shall provide any required



recommendations to the City Council with respect to the authorization of incentives and bonuses. This time period may be extended by consent of the applicant.

(2) The Planning Board shall consider the conceptual site plan against the following standards in determining whether to authorize waivers, incentive special uses, incentives or bonuses and in making its recommendations to the City Council:

(a) Building scale and density should be balanced with the maximization of open space within the development, and the use of landscaping to mitigate and balance the visual impact of building size (including landscaped roof terraces to the extent practicable).

(b) The architectural treatment of buildings shall be such that when viewed from a distance, building masses are broken up visually through the use of techniques such as, but not limited to, stepping bays and recesses, balconies and terraces, changes of material, to create a sense of scale and visual relief.

(c) The building scale and density shall be balanced with the maximization of concealed parking facilities within the development area, the use of landscaping, architectural treatments, roof gardens and courtyards, to conceal or mitigate the visual and environmental impacts of parking structures or surface lots on the site and the surrounding areas;

(d) The architectural treatment of those portions of buildings, in particular the facades of first and second floors, that face or adjoin pedestrian-oriented streets, sidewalks, open spaces and esplanades, is such that the quality of the pedestrian experience is maximized through the use of techniques such as, but not limited to, quality and variety of façade materials, architectural detail, variety in massing such as bays and recesses, location and scale of windows and doors, inclusion of features such as porches, steps, planters, awnings, etc.

(3) Public hearing required. The Planning Board and/or City Council shall hold a public hearing on the proposed application for development under the provisions of the RIO-NON prior to making any determinations on whether to authorize incentive special uses, waivers or additional incentives and benefits, including, without limitation, acceptance of money-in-lieu of incentives or benefits. Notice of the public hearing specifying the incentives and bonuses being sought, as well as the total number of units being proposed, shall be sent by mail to each owner or occupant of all parcels of property located within a radius of 3200 feet measured from all point of the subject property line by certified mail, return receipt requested. Said notice shall be postmarked no sooner than 20 days and no later than 10 days prior to the date set for the public hearing. An affidavit of mailing, together with the certified letter postal receipts, shall be filed with the Council. The hearing date shall also be advertised by posting of a sign stating the time, date and place of the public hearing to be held on the property which is the subject of an application. The sign shall be posted at least ten (10) days prior to the date of the hearing. The sign shall be visible from adjacent right of ways. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-

way. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied. Where a full site plan has been submitted for consideration of authorization of incentives and bonuses, the Planning Board shall schedule its public hearing on the site plan jointly with the City Council's public hearing on the authorization of incentives and bonuses.

JN. State Environmental Quality Review (SEQR). The Generic Environmental Impact Statement for the Glen Cove Master Plan served as the Generic Environmental Impact Statement (GEIS) required by section 81-d of the General City Law in enacting incentive zoning district. That Generic Environmental Impact Statement identified no significant impacts as a result of granting incentive density. The GEIS required that an application for incentive redevelopment provide a site-specific environmental review subject to the requirements of SEQRA. Therefore, development under the provisions of the Residential Incentive Overlay District shall be deemed a Type 1 action pursuant to SEQRA, and any site-specific EIS must further address the consideration of section 81-d of the General City Law. When an application for development subject to the provisions of the Residential Incentive Overlay District requires the preparation of a Draft Environmental Impact Statement (DEIS) pursuant to SEQR, it is the intent of this Chapter that any public hearing by the City Council and/or Planning Board to consider an application for waiver, incentive special use, incentives and bonuses hereunder shall be a joint hearing with the Lead Agency on the DEIS.

#### O. Action by City Council

(1) The City Council shall not authorize any incentive or bonus pursuant to this section until the Planning Board files its report of recommendation, except in the instance where the Planning Board fails to convey its report to the City Council within the timeframe specified by this section, in which case such failure to report shall be construed by the Council as a recommendation to approve.

(2) In determining whether to authorize incentives and bonuses as detailed herein, the City Council shall:

(a) Consider the recommendations of the Planning Board.

(b) Determine that the proposed redevelopment project satisfies the purpose and intent of the ~~Glen Cove Avenue Orchard Neighborhood~~ Redevelopment Incentive Overlay District.

(c) Determine that the proposed redevelopment project is in harmony with the recommendations of the City Master Plan.

(d) Find that authorization of the incentives and bonuses will not result in significant adverse environmental impacts, or that such impacts have been mitigated to the maximum extent practicable.

LP. Site Plan approval required.

(1) Any development under the provisions of the Orchard Neighborhood Redevelopment Incentive Overlay District shall require full site plan review by the Planning Board.

(2) The Planning Board shall only approve a site plan, which is substantially identical to the conceptual site plan submitted as part of the application for authorization of incentives and bonuses in terms of:

(a) Layout.

(b) Building heights.

(c) Architectural quality.

(d) Number of bedrooms and units.

(e) Number of parking spaces.

(f) Treatment of slopes.

MQ. Severability.

Should any provision of this section be rendered invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof, other than the part rendered invalid. Should the provisions governing the acceptable benefits and amenities listed herein be rendered invalid, the incentives and bonuses associated with such benefits and amenities are declared prohibited absent such benefits and amenities.

#### §280-73.5 Estate Preserve (E) Floating Zone District

A. Purpose. The Estate (E) District is intended to encourage the preservation of the City's important historic estates and the grounds that contribute to their character. This district will allow the residential development of an estate site at the full residential density yield by clustering density on portions of the site that are less-contributory to the character of the estate or within the existing structure itself. It is further intended that additions to historic structures are permitted so long as they are architecturally harmonious with the original structure; do not detract from their historic or architectural importance; and are designed in a manner that does not significantly detract from views of the resource or its grounds from public viewpoints. Lastly, as an incentive to preserve, stabilize and maintain these important resources it is the intent of this district that the existing structure and ancillary additions thereto be permitted to be reused for

limited non-residential and residential purposes except that the total residential density of the site shall not exceed that of the underlying zoning.

B. Applicability. This floating zone may be applied to areas of existing R1 and R1-A zoning district that contain historically or architecturally important structures on grounds totaling ten acres or more.

C. Residential density. The total residential density of the site shall not exceed the residential density that may be achieved on the site under existing zoning assuming the removal of the existing estate and grounds. In order to establish this density, the applicant shall submit a residential density plan demonstrating a residential subdivision conforming to all requirements of the underlying zoning and subdivision of land requirements and assuming conformance with all County, State and Federal regulations with regard to access, protection of waterbodies and wetlands, and other development limitations.

#### D. Procedure

(1) The applicant shall submit a subdivision plan that divides the area into three distinct areas: (a) Non-contributory Grounds Area - comprising areas that the Planning Board find are not important to the historic or architectural significance of the estate due to location, appearance or disposition to the historic or architectural importance of the estate, the area of which shall not exceed 75% of the gross lot area nor comprise less than 20% of the gross lot area; (b) Contributory Structures - the existing structure, proposed additions thereto and proposed additional outbuildings, parking and ancillary facilities surrounded by the minimum land necessary to meet the yard standards of the underlying zoning or the minimum setback standards for non-residential use as established in the floating zone district requirements; (c) Contributory Grounds - grounds not required to meet the yard or setback requirements for contributory structures as detailed above, which the Planning Board find are important to the historic or architectural significance of the estate.

(2) The subdivision plan identifying the three areas shall not preclude subdivision of the area of non-contributory grounds into individual lots.

(3) As part of the site and subdivision approval, restrictive covenants shall be established that identify the residential density permitted for each lot created by subdivision, the total of which will not exceed that which is established for the entire site. No residential density shall be assigned to the lot comprising Area (C) (contributory grounds) above. Residential density assigned to Area (B) (Contributory Structures) shall be limited to location within the original structure or additions to the original structure or proposed outbuildings as approved by the Planning Board as part of the preservation plan.

(4) Upon approval of the plan there shall be no further subdivision of the site, and covenant or deed restriction acceptable to the Planning Board Attorney shall be filed with the County Clerk.

(5) Preservation Plan required

(a) The applicant shall submit a site plan meeting the site plan requirements of the zoning ordinance showing the original site plan and any proposed additions, additional outbuildings, parking and ancillary facilities. The Planning Board shall only approve additions, additional outbuildings, parking and ancillary facilities that are harmonious with the original architecture of the buildings and are of such location, size and appearance as to not detract from the appearance of the original structure nor to detract from the character of the site as viewed from publicly accessible streets and lands in existence at the time of application.

(b) The Preservation Plan shall identify the design elements of the original structure and grounds which contribute to the structure's historic or architectural significance. The Preservation Plan will identify what items of the original structure and grounds require rehabilitation. The Planning Board shall require any additions or proposed outbuildings to the original structure to incorporate identified important design features. Any structures proposed for non-contributory lands shall be designed to equal the original estate in quality of architectural design and to incorporate design themes from the original structure.

(c) The Preservation Plan shall be accompanied with a financial program that provides for the rehabilitation and continuing maintenance of the original structure and its contributory grounds.

(6) The City of Glen Cove shall be given easements over all contributory structures and grounds allowing it to perform periodic inspections from time to time and to require ongoing maintenance of the original structure and grounds. Covenants running with the land and filed with the deed for Area (B) shall be established providing the City the right of first refusal in the event that ownership of Area (B) is conveyed following approval of the Plan. Covenants shall be established over the lands of Area (C) that require that Area (C) be gratuitously and irrevocably offered for dedication to the City of Glen Cove in the event that more than 35% of the uses established in the Preservation Plan for Area (B) cease for a period exceeding one year, except that the City may extend such time period by ordinance of the City Council.

E. Uses permitted in Area (A) – Non-contributory Grounds

(1) Single-family attached or detached residential

(2) Multifamily residential

F. Uses permitted Area (B) – Contributory Structures:

(1) Hotels Overnight Accommodations

(2) Business, Medical and professional offices

(3) Spa, conference centers and catering hall

(4) Sit-down restaurants

(5) Public or Private Educational or Religious uses

(6) Offices

(7) Multifamily residential

G. Uses permitted in Area (C) - Contributory Grounds:

(1) Public or private parks and recreation

(2) Outdoor catering events, provided that no outdoor amplified music shall be permitted

(3) Public or private gardens and conservatories

H. Bulk Requirements for Area (a) Non-contributory grounds

(1) Maximum residential building footprint – 16,000 square feet

(2) Minimum residential building footprint – 2,500 square feet

(3) Minimum distance between buildings – 25 feet

(4) Minimum distance from building to on-site street line – 20 feet

(5) Minimum distance from building to alley – 10 feet

(6) Minimum distance from building to off-site street line – 75 feet except a gatehouse/guardhouse may be located within 25 feet.

(7) Minimum distance from building to off-site lot line (not street line) – 50 feet

(8) Maximum building height – 2-1/2 stories and 35 feet

(9) Maximum coverage 25%

(10) Minimum landscaped buffer between off-site lot or street line and building – 25 feet

I. Bulk Requirements for Area (b) Contributory Structures

(1) Minimum distance between buildings – 25 feet except breezeways may connect

(2) Minimum distance from building to ~~on-site-proposed~~ street line – 20 feet

(3) Minimum distance from building to alley – 10 feet

(4) Minimum distance from building to ~~off-site-existing~~ street line – 100 feet except a gatehouse/guardhouse may be located with 25 feet.

(5) Minimum distance from building to ~~off-site-existing~~ lot line (not street line) – 75 feet

(6) Maximum building height – 4 stories and 50 feet except that no more than 3-1/2 stories and 40 feet shall be visible from any public street.

## **ARTICLE XVI Penalties (§ 280-74**

### **§ 280-74 Penalties for offenses.**

A. Any person or corporation or officer thereof who shall violate any of the provisions of this chapter, or who fails to comply therewith or who shall fail to comply with any written notice of violation or order issued by the ~~Building Department Administrator~~Director of the Building Department, shall be guilty of a violation within the meaning of the New York Penal Law and, upon conviction, shall be liable to a fine of not less than \$1,000 nor more than \$2,000 or to imprisonment for a period not to exceed 15 days, or both; and, upon a second conviction for the same offense committed within five years of the date of the first offense, shall be liable to a fine of not less than \$2,000 nor more than \$3,500 or to imprisonment for a period not to exceed 15 days, or both; and, upon a third conviction for the same offense committed within five years of the date of the second offense, shall be liable to a fine of not less than \$3,500 nor more than \$5,000 or to imprisonment for a period not to exceed 15 days, or both. Each week that any such violation continues shall constitute a separate and distinct violation. The owner or owners of any building or premises or part thereof where a violation of any of the provisions of this chapter shall exist or any lessee, tenant, builder, contractor, subcontractor, agent, person or corporation employed in connection therewith and any person who assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be punishable as herein provided.

B. Any building erected, constructed, altered, enlarged, converted, moved or used contrary to any of the provisions of this chapter, and any use of any land or building which is conducted, operated or maintained contrary to any of the provisions of this chapter shall be and the same is hereby declared to be unlawful. The ~~BDADB~~BDADB may institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erections, construction, alteration, enlargement, conversion or use in violation of any of the provisions of this chapter. Such action may also be instituted by any property owner who may be particularly damaged by any violation of this chapter. Upon his or her becoming aware of any violation of any of the provisions of this chapter, the ~~BDADB~~BDADB shall serve notice of such violation on the person or corporation committing or permitting the same, and if such violation has not ceased within such reasonable time as the ~~BDADB~~BDADB may specify and a new certificate of occupancy has been obtained as provided in § 280-11, he or she shall institute such of the foregoing action as may be necessary to terminate the violation. The remedies provided herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.



## §280-75 Inclusionary housing requirement

### A. Purpose.

It is the findings of the Glen Cove City Council that the evolution of residential construction in the City of Glen Cove has overwhelmingly been toward ~~luxury-type premium~~ housing or toward the conversion of aged housing into one- and two-family rental units of questionable quality. This has evolved into an overwhelming demand for “next-generation” and “workforce” housing: quality housing available to lower and moderate-income residents of the City. In order to provide for this type of housing, the City Council has determined that all new residential construction in the City must contribute its “fair share” to the provision of affordable housing.

B. Exemptions. The following types of residential site plans are exempt from the requirements of this section:

(1) Any proposal for housing exclusively available to income-qualified persons. Such housing will include covenants or deed restrictions limiting occupancy, sale and resale to eligible persons with incomes of no more than 130% of the Area Median Income (AMI) as described by the United States Department of Housing and Urban Development (HUD).

(2) Any proposal sponsored by or partnering with a not-for-profit institution whose mission is the provision of affordable housing and which proposal has set aside a minimum of 10% of units exclusively available to income-qualified families earning no more than 130% of AMI to be managed through the not-for-profit institution. The partnering or sponsoring institution shall have a verifiable record of providing and managing affordable housing in New York State.

(3) Any proposal for which at least 10% of units are receiving funding through the New York State Department of Housing and Community Renewal, the United States Department of Housing and Urban Development, or any other federal, state or local department charged with funding affordable housing.

(4) Any proposal eligible for a “Gold Certification” from the US Green Buildings Council under their Leadership in Energy and Environmental Design (LEED) Green Buildings rating system for Homes and/or Neighborhood Design.

(5) Any proposal for less than 75% of the maximum achievable density as demonstrated by submission of an as-of-right plan demonstrating compliance with all relevant zoning requirements.

C. Applicability. The provisions of this section are applicable to site plans for any structure with more than ~~five~~four residential units, not otherwise exempted by paragraph B.

### D. Requirements.



(1) Any site plan for applicable residential structures must provide adequate covenants and restrictions limiting occupancy, sale and resale of residential units as follows:

(a) 10% of units (but no fewer than one unit) to families with incomes no greater than 80% of Area Median Income (AMI); or

(b) 15% of units (but no fewer than one unit) to families with incomes no greater than 100% of Area Median Income (AMI); or

(c) 20% of units (but no fewer than one unit) to families with incomes no greater than 130% of Area Median Income (AMI).

(2) The sale and resale of restricted units shall be at prices affordable to the targeted income groups and managed through the City of Glen Cove Housing Authority or a qualified not-for-profit institution whose mission includes the management of affordable housing and which is deemed acceptable to the City Council of the City of Glen Cove.

E. Density Bonus. In exchange for provision of affordable units as described above, the applicant shall be entitled to a density bonus of 10%, or such other incentive pursuant to a written agreement between the applicant and the City of Glen Cove.

F. Money in lieu of inclusionary housing. In lieu of providing affordable units within the proposed residential or mixed-use development, a monetary contribution equal to two times the median income for a family of four for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development or each additional unit which results, or would have resulted, from the density bonus or, when such fee exceeds the appraised value of each lot resulting from such density bonus, then such fee shall be equal to the appraised value of the lot or lots, or the equivalent thereof, for each additional unit created by the density bonus. Such payment shall be made to the City of Glen Cove and placed in a separate and single trust for the exclusive purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing or rehabilitating structures for the purpose of providing affordable workforce housing targeted to families with incomes no greater than 130% of the median income, subject to the following requirements.  
~~Money in lieu of inclusionary housing. In lieu of providing affordable units within the proposed subdivision, a monetary contribution may be made to the City of Glen Cove and placed in trust for the exclusive use for the provision, maintenance or capital improvement of affordable housing targeted to families with incomes no greater than 130% of the area median income, subject to the following requirements.~~

(1) Up to two units of the inclusionary housing requirement may be satisfied by money-in-lieu of inclusionary housing.

(2) At the discretion of the City Council additional units may be satisfied in this manner if it finds that the following conditions are met:

(a) The proposed site plan development is located in an area of the City which provides adequate opportunities for quality affordable housing managed by the public or by not-for-profit institutions; and

(b) There exists a need for monetary funds for the provision, maintenance or capital improvement of affordable housing in another location; and

(c) The common areas, with the exception of pools and common areas interior to buildings, shown on the proposed site plan are not gated and/or fenced in a manner which would exclude the general public from access; and

(dc) The proposed subdivisionsite plan is not located in an R-1A, R-1, R-2, or R-3 zoning district.

(3) The amount of payment required for each unit of affordable housing shall be determined by multiplying the Area Median Income (AMI) by the number of inclusionary units required. For residential site plans of less than five units, the money-in-lieu requirement shall be equal to the AMI multiplied by the number of units multiplied by 1/5.

F. Homeowners Association and other fees. Where inclusionary units are being provided at sites that will require association or other similar fees, the monthly fee for affordable units shall be no greater than 20% of Median Gross Rent for Nassau County. Further, regardless of the fees paid by inclusionary units, the occupants of such units shall be afforded the same homeowners association voting and participation rights as are afforded to occupants of non-inclusionary units.

## **280-76 Landscaping**

### **A. Authorization and Purpose**

Pursuant to §27-a of General City Law and Article 10 of the Municipal Home Rule Law the Planning Board is authorized to adopt rules and pertaining to the incorporation of landscaping in any project requiring site plan approval.

It is the determination of the City of Glen Cove that landscaping is necessary to create more vibrant pedestrian-oriented sites and streetscapes as well as to provide noise and visual barriers between non compatible land uses.

### **B. General Regulations**

(1) Minimum landscaping requirements for any use requiring site plan review are intended to provide a minimum standard only and may be waived or varied by the Planning Board where, due to special characteristics of the project site, the proposed use or building, or surrounding area, such changes are necessary to ensure overall compatibility with other zoning requirements, the City's Comprehensive Plan or general health, safety and welfare.

(2) Landscape buffers of height and density adequate for screening should be provided between all non-residential uses and lots in residential zones. Landscape buffers shall provide significant year-round screening of parking areas, utility areas, and areas of frequent public access. Screens should be designed to appear natural with a mixing of deciduous and multiple evergreen species. Single rows of densely planted single-species evergreens are generally discouraged.

(3) Landscaping should be a mixture of evergreen and deciduous plantings which are of a species appropriate for the climate and intended environment.

(4) Landscaping shall not interfere with required site distances or otherwise impede the safe circulation of traffic.

(5) All landscaping as shown on the approved site plan shall be maintained in a vigorous growing condition. Any plants not so maintained shall be replaced with healthy new plants of comparable size, type and quality at the beginning of the next growing season. A note to such effect will be included on the site plan (see item 8).

(6) Sites with a front setback of less than 10 feet but more than zero feet should provide flower boxes, raised planters, or other integrated planter areas which may or may not be attached to the building. Signage may be integrated into such planting areas.

(7) Additional landscaped buffers may be required by the Planning Board if the proposed use is likely to create greater than normal noise, odors or other negative impacts which may be mitigated by such buffer area or if the project site borders a historic site, scenic view or sensitive environmental feature.

(8) The following standard landscaping notes shall be included on all non-residential site plans unless waived by the Planning Board:

(a) All landscape material shown on the site plan shall be maintained in vigorous living condition and any dead or dying plant material shall be replaced as necessary as a condition of ongoing compliance.

(b) All plant material shall be nursery grown and shall conform to the American Association of Nurserymen's Standards.

(c) A certification shall be submitted by a qualified design professional that all plantings have been planted under his direction and in accordance with the landscaping plan prior to the issuance of a certificate of occupancy.

(d) The size, number and species of plants depicted on the site plan shall represent a minimum standard to be maintained. The applicant/owner may from time to time enhance or modify the types of plantings used for aesthetic

reasons, but the overall size, quality, density and extent of the landscaped areas shall be maintained.

### C. Onsite or shared surface parking facilities

(1) Landscaped screening shall be provided in and around all parking facilities as necessary to shield headlights from shining onto adjacent streets.

(2) Landscaping shall include at least one shade tree of not less than four inches caliper for each 14 parking spaces. Main traffic circulation aisles shall be emphasized with such shade trees.

(3) Trees which are known to drop excess amounts of fruit, flowers or sap should not be planted in or around parking areas.

(4) Where an off-street parking area contains more than 15 parking spaces, it shall contain raised landscaped islands. Raised and curbed landscaped islands shall be located at the ends of each parking bay, and separating adjacent rows of parking spaces at least every second parking bay, as determined necessary by the Planning Board to properly guide vehicle movement, to provide adequate space for plant growth and vehicle overhang, to provide adequate space for pedestrian circulation where appropriate and to otherwise provide for improved traffic circulation, pedestrian safety and aesthetics. Such raised landscaped islands and the plantings within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances and exits, to prevent indiscriminate diagonal movement of vehicles and to provide cooling shade and relief from the visual impact, monotony and heat of large expanses of paved areas. As an alternative to raised and curbed landscaped islands, the applicant may provide at or below grade landscaped areas that are incorporated into a stormwater control plan, where the design of such areas precludes vehicular entry by providing guardrails or partial curbs. Non-landscaped islands will be permitted where appropriate to allow for snow storage, pedestrian circulation or other such purposes.

(5) Sidewalks at least three feet in width shall be installed along all internal drives and parking areas and a grassed or landscape verge at least eighteen inches wide shall be provided between curb and sidewalk.

### D. Parking Structures

(1) Planters or other forms of landscaping shall be provided on the top level of all parking structures as well as at entrances and any other viable appropriate locations to soften the appearance of the structure.

(2) To the extent possible, parking structures shall be incorporated into a site in a manner which prevents substantial public view by providing usable floor area on the periphery of the site and/or by planting substantial landscaping around the periphery of the parking structure.

E. Multistructure Sites and Multi-Tenant Shopping Plazas

(1) All such developments will provide street trees along internal drives in addition to the above required landscaping. Such trees will be deciduous in nature and be appropriate for the soil type and climate.

(a) Trees will be placed in grated tree wells of adequate size to protect the root structure.

(b) Trees shall be no further apart than 35 feet.

## **ARTICLE XXX Architectural Review Board**

### **§ 280-X Architectural Review Board**

**A. Purpose.** The City Council hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings or other structures erected or altered can adversely affect the desirability of the immediate and neighboring areas and, by so doing, impair the benefits of occupancy of existing property in such areas; impair the stability in value of both improved and unimproved real property in such areas; prevent the most appropriate development and use of such areas; produce degeneration of property in such areas, with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants thereof; and contribute to the diminution of the taxable value of real property in such areas and their ability to support municipal services provided. It is the purpose of this article to prevent these and other potentially harmful effects resulting from such unattractive exterior appearance of buildings and other structures erected or altered and thus to promote the public health, safety and welfare; to conserve the value of buildings; to encourage the most appropriate use of land; and to improve the physical and visual appearance of the City.

**B. Organization.** The Architectural Review Board shall consist of five members. Such members shall be specially qualified, by reason of training or experience in art, architecture, landscape architecture, community planning, land development, real estate or other relevant business or profession, to judge the effects of a proposed building or structure or alteration thereof upon the desirability, property values and development of surrounding areas. At least one member of such Board should be a registered architect. The members of such Board shall be appointed by the City Council for specific overlapping terms and the Chairman thereof shall be designated by the Mayor. Their successors shall be appointed for a term of four years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Mayor for the unexpired term. The City Council shall have power to remove any member of the Architectural Review Board for cause and after public hearing. The Mayor shall designate a Secretary of the Board, who need not be a member of the Board and who shall serve at the pleasure of the Mayor.

**C. Meetings; promulgation of rules and regulations; maintenance of records.** All meetings of the Architectural Review Board shall be held at the call of the Chairman and at such other times as such Board may determine, but a meeting shall be held within 30 days of the date of any application or referral to it. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if any member is absent or fails to vote, indicating such fact and shall also keep records of its examinations and other official actions. The Board shall have the power from time to time to adopt, amend and repeal rules and regulations, consistent with this chapter, governing its procedure and the transaction of its business. Every rule and regulation, every amendment or appeal thereof and every order, requirement, decision or determination of the Board shall be filed in the office of the Board.

D. Quorum. Three members of the Board shall constitute a quorum for the transaction of business.

E. Powers and duties.

(1) Municipal buildings and works of art. The City Council shall refer to the Architectural Review Board for review and advisory report plans for construction or installation of all municipal structures and uses and exterior changes thereto and all works of art or other objects to be used in a decorative manner or for the purposes of beautification to be erected upon or over property owned, leased or otherwise occupied by the City. The Architectural Review Board shall advise the City Council with respect to any change thereto which will improve the appearance and design of the exterior of such structures and uses and the appearance of design of such works of art, to the end that the beauty and appearance of the City in general will be improved. The Board shall also consider the proposed location of such works of art and shall make recommendations with respect to the proposed location or recommend such other locations as the Board may deem suitable and appropriate.

(2) Advisory reports. The Architectural Review Board shall issue advisory reports recommending approval, conditional approval subject to specific modifications or disapproval of any matter which may be referred to it by any approving agency under this chapter. The Architectural Review Board may waive any review it determines to be unnecessary.

F. Standards.

(1) In examining plans or proposals, the Architectural Review Board shall make recommendations as to approval or disapproval of any installation or construction based on the following standards:

(a) Any design standards relevant to the Zoning District, [Design District](#), -or Historic District in which a site [is](#) located;

(b) Appropriateness in relation to any other structure existing or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting street and within 500 feet of the proposed new structure, in respect to one or more of the following features: cubical content, gross floor area, building area or height of roof or other significant design features, such as materials or style of architectural design.

(c) Excessive similarity or dissimilarity to any other structure existing or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting street and within 500 feet of the proposed new structure, in respect to one or more of the following features of exterior design and appearance: apparently identical front, side or other elevations visible from a street; substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse

arrangement; or other significant identical features of design, such as but not limited to materials, roof line, height or other design elements.

G. Limitations.

(1) The Board shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant. The Board shall not design or assist in the design of any buildings or structures submitted for approval.

(2) The Board shall not unduly restrict new or innovative building types, materials or methods; individual initiative and experimentation are to be encouraged.

(3) In its endeavor to improve the quality of design, the Board shall consider cost as one factor along with design in its efforts to achieve the objectives of this article.

H. Time limit for action. The Architectural Review Board shall have 45 days in which to act upon a matter before it. Such time limit shall be measured from the date of the meeting at which the Board receives an application. Such time limit may be extended by mutual agreement with the applicant. Failure to act on the part of the Board within the time limit specified, or as may be extended, shall be deemed to constitute approval or recommendation for approval, as the case may be.

I. Application procedure. For any matter referred to it for review and recommendation, the Architectural Review Board shall act upon the application in the form as referred to it by the approving agency.

J. Appeals. Any person aggrieved by an action of the Architectural Review Board in approving or disapproving an application before it may take an appeal therefrom to the Board of Appeals.



Suggested Design Guidelines for CBD Overlay District:

(5) Site Design Standards.

(a) All facades of a building, other than the front façade, that have a secondary or primary entrance usable by patrons or the public, or that will be seen from any public right-of-way, shall have design details which continue elements visible on the front facade of the building.

(b) To the extent possible, parking lots shall be located behind or underneath a building.

(c) New curb cuts onto School Street, Bridge Street and Glen Street are discouraged and should not be permitted unless necessary.

(d) Access drives shall be located at the edge of a property so they can be easily shared with an adjacent use if necessary.

(e) Where a drive crosses over a sidewalk or other pedestrian thoroughfare, the pavement shall have a crosswalk with a distinct surface treatment such as pavers or Belgian Block or shall be stamped and painted to look the same and drop curbs shall be installed.

(f) View of dumpsters, utility and other equipment from the street shall be minimized to the extent possible and shall be landscaped or otherwise enclosed.

(6) Lighting

(a) Buildings should provide lighting around all entrances, walkways and any outdoor seating or dining area. Light fixtures should match the architectural style of the building.

(b) Downcast building mounted lighting that illuminates the façade of a building is encouraged.

(c) Limited flood lighting of flag poles and monumental buildings is acceptable, but floodlighting of areas is generally discouraged.

(d) Strands of lights in trees and planters are permitted as long as lights are not "running" or moving.

(e) Wherever possible, internal lighting should be arranged to cast ambient light onto the sidewalk.

(f) A greater number of lower wattage lamps is preferred to fewer higher wattage lamps. No lamp should exceed 250 watts.

(7) First Floor Uses

(a) The first floor of all buildings on Glen Street, School Street and Bridge Street should be oriented to pedestrian access and scale.

(b) At least 60% of the front façade of a first floor use should be transparent windows. Tinted or mirrored glass is discouraged. Mullions, transoms and muntins are permitted as long as they are appropriate for the overall architectural style of the building. Awnings, colorful window displays, and other elements which create visual interest are encouraged. In order to promote visual interest throughout the downtown, it is the intent of this requirement that a significant amount of internal area be visible from the street.

(c) No security gates or bars shall be placed on the outside of windows on a front façade. No neon signs shall be used in front windows.

(d) Generally, where traditional storefronts are proposed, doors on the front façade should be capped by transparent transom windows and the use of this area for air conditioners is discouraged.

(e) Where entrances are recessed, they should not be recessed more than three feet.

(f) Decorative kick plates below display windows are encouraged and should be of a height consistent with other buildings in the area, but generally not higher than three feet.

(g) Horizontal signbands and canopies between first and second stories are encouraged.

(h) Where a new structure or façade changes are proposed adjacent to existing buildings, they should be designed to horizontally align features such as kickplates, windows, transom and clerestory windows, canopies and signboards with neighboring buildings.

#### (8) Upper Story Uses

(a) Generally each upper story should have at least 20% of its areas devoted to windows. Windows should generally be vertically oriented and incorporate apparent frames, lintels, sills, sashes and surrounds.

(b) Upper stories should incorporate traditional architectural features to increase their visual interest.

#### (9) Front façade alignment

(a) In keeping with the desired pedestrian scale, developments with facades over 50 feet in horizontal length should be designed to visually reduce the scale and mass of the building by architecturally dividing and/or providing projecting or recessing architectural features to the façade to break up the flat plane of the building.

(b) Multi-story buildings should be designed to extend the horizontal alignment of key architectural details such as window openings, caps, cornices and entablatures with neighboring buildings.



from City of Boulder Downtown Urban Design Guidelines

(c) The front façade of a building should be setback similar distances from the street as neighboring structures, unless greater setbacks are being proposed in order to create a public square or open space and increase the amount of linear commercial frontage along these streets.

#### (10) Roofs

(a) All rooftop utilities or other equipment should be concealed from view of pedestrians, car traffic and existing residential units which may be located at higher elevations on adjacent lots. Mansard or gabled roofs are generally preferred for detached structures. Flat roofs should have a parapet cap and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged and may exceed the maximum height requirement.

#### (11) Windows in existing buildings

(a) If feasible, all original windows shall be maintained and remain uncovered, this should include transoms often found above doorways in many buildings. Replacement windows shall have similar features as the originals and shall be appropriate to the architectural style of the building. Maintaining architectural style may also include retention of decorative features surrounding windows such as sills, lintels, shutters or other elements. Windows that are different sizes from the original and require façade modification are discouraged.

#### (12) Building Materials

(a) Natural building materials such as stone, brick or wood are preferred. Materials which provide an identical outward appearance may be used subject to review by the Architectural Review Board (ARB) or Planning Board in the absence of a duly appointed ARB.

(b) Prefabricated aggregate stone shall not be permitted.

(c) Stucco shall be used where it is traditional to the architectural style proposed. For example, stucco is appropriate to Tudor, and Spanish Revival styles among others, but not appropriate to Greek Revival and Victorian Styles among others.

(d) Wrought iron, copper or other metalwork can be used in detailing for items such as railings, balconies or other architectural details but shall not be used for visible doors or siding.

(e) A combination of materials may be used but the entire building but should be of the same architectural style.

(f) Plain concrete blocks shall not be visible on any outer façade of a building. Decorative concrete block is permitted.

(g) Bright or neon colors and black shall be avoided.

(h) Fabric awnings are permitted with steel supports over windows or storefronts. Colors and lettering on all awnings shall be uniform.

(13) Signage. All requirements of other chapters of the Glen Cove Code shall be met and where competing standards exist, the requirements of such other chapters shall take precedence over any design guidelines contained herein.

(a) Pole signs, pylon signs and all other detached permanent signs are discouraged.

(b) Non-illuminated movable signs such as sandwich boards which are less than four feet in height and constructed mainly of wood may be displayed within a front setback.

(c) Internally illuminated signs are prohibited.

(d) Canopy signs, and hanging sign-boards are generally preferred. Window signage should not exceed fifteen percent of the total front-façade window area. Hanging signs should be mounted perpendicular to the building façade and may extend above the public sidewalk.

(14) Multi-structure Sites

(a) Internal light poles should be uniform in appearance.

(b) light poles shall be spaced no further than 80 feet on center.

(c) light poles shall be 12 to 18 feet in height.

(d) Fixtures should be cutoff-type and cast a minimal amount of light upwards. Full cutoff fixtures are preferred but not required;the lighting plan should be designed to avoid casting significant light into upper story windows.

(e) Low-wattage lamps are preferable to high output lights and no lamp should exceed 250 watts.

(f) All multi-structure sites will provide trash receptacles on at least one corner where a sidewalk crosses an internal drive. At least one trash receptacle shall be located for every 300 ft. of continuous internal sidewalk. A trash receptacle shall be placed adjacent to any sitting area or bench or near the entrance of any restaurant (take out or dine in) which may be located in an internal shopping plaza.

(g) All multi-structure sites will provide benches which may be spread throughout the site or together in a sitting area. Benches can be wood, metal or another material made to look like wood or metal. Benches should incorporate design element to discourage abuse by skateboarders including seating surfaces comprised of slats running perpendicular with the long axis of the seating area or multiple armrails.