

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
~~Town~~ of Great Neck
Village

Bill 13F of 2013

Local Law ____ of the year 2013

(Insert Title)

A local law adopting a Middle Neck Road multifamily redevelopment incentive district within the Village of Great Neck.

Be it enacted by the Board of Trustees _____ of the
(Name of Legislative Body)

~~County~~
~~City~~
~~Town~~ of Great Neck
Village

Section 1. Legislative intent.

- A. This local law is intended, in part, to provide for a system of zoning incentives, or bonuses, as the Board of Trustees deems necessary and appropriate, consistent with the provisions of Village Law § 7-703, to advance the Village's specific physical, cultural, and social policies in accordance with the Village's comprehensive plan and in coordination with other community planning mechanisms and land use techniques.
- B. The Village of Great Neck has developed a land use plan for the Middle Neck Road corridor within the Village that is intended to revitalize and energize the Village's downtown core area. The purpose of the overlay district is to provide for a concentrated and active mixed-use core, complemented by new multifamily housing that would support downtown commercial uses and enhance the diversity of housing options within the Village. The incentive zoning mechanism available in the overlay district would

allow for zoning incentives for townhouse and multifamily residential uses in exchange for provision of community amenities.

- C. In accordance with the provisions of Village Law § 7-703, the Board of Trustees has evaluated the effects of any potential incentives that are possible by virtue of the provision of community amenities, including the potential development of affordable housing gained by the provision of any incentive or bonus afforded to an applicant or lost in the provision by an applicant of any community amenity to the Village, and has found that:
- (1) The districts within the Middle Neck Road corridor contain adequate resources, environmental quality and public facilities, including adequate transportation, water supply, waste disposal, and fire protection, and there will be no significant environmentally damaging consequences and such incentives or bonuses are compatible with the development otherwise permitted.
 - (2) The granting of incentives or bonuses, as provided in this local law, will not have significant effect on the environment.
 - (3) There is approximate equivalence between potential affordable housing lost or gained.

Section 2. Chapter 575, Zoning, of the Code of the Village of Great Neck, is hereby amended by adding a new Article XXXII, Middle Neck Road Multifamily Incentive Overlay District, to read as follows:

**“Article XXXII
Middle Neck Road Multifamily Incentive Overlay District (MNR-MIO)**

§ 575-285. Applicability.

- A. The provisions of this article shall apply to the Middle Neck Road Multifamily Incentive Overlay District as hereinafter set forth.
- B. The boundaries of said district, as shown on the Building Zone Map of the Village of Great Neck, shall be coterminous with the boundaries of the Residence E District.

§ 575-286. Use.

A building may be erected, altered, or used and a lot or premises may be used for any of the purposes set forth in the underlying district.

§ 575-287. Development incentives.

- A. Pursuant to the powers set forth in Village Law § 7-703, in recognition of the opportunities to advance a specific physical, cultural, and/or social policy of the Village, in accordance with the Village’s comprehensive plan, as set forth in this chapter, in

coordination with such other community planning mechanisms and/or land use techniques as may be available and appropriate, if any, where an applicant proposes such an opportunity that the Board of Trustees may, from time to time, by resolution, find appropriate and that meets the criteria herein, the Board of Trustees may approve adjustments to any zoning restrictions set forth in this chapter, other than as to use, with such limitations as may be set forth more particularly with regard to the incentive sections for the zoning district within which the premises are located.

- B. In determining whether or not to grant the adjustment, the Board of Trustees shall consider the following:
 - (1) The extent and dollar value of the proposed amenity;
 - (2) The public costs that would otherwise be required to effect the proposed amenity; and
 - (3) The improvement to the immediate neighborhood and/or the Village as a whole from the proposed amenity.
- C. Payment in lieu of community amenities.
 - 1) At the request of the applicant or on its own determination that the identified amenities to the Village are not immediately feasible or otherwise not practical for the applicant to provide, the Board of Trustees may require, in lieu of the identified amenities, a payment to the Village of a sum determined by the Board of Trustees. Alternatively, the Board may choose to accept a partial amenity and partial payment in lieu of such proposed amenity. If cash is accepted in lieu of a community amenity, provision shall be made for such sum to be deposited in a trust fund to be used by the Board of Trustees exclusively for specific community amenities that could be applied throughout the Village as authorized by the Board of Trustees.
 - (2) Any payment in lieu of community amenities must be received prior to the issuance of a building permit for the construction of the proposed development.

§ 575-288. Limitations on incentives.

No incentive shall be granted for an attached townhome or a multifamily dwelling in contravention of any of the following:

- A. The maximum height for a townhome shall not exceed 30 feet or 22 feet at the eaves.
- B. No townhome building shall contain more than six townhomes.
- C. The maximum length of a townhome building shall not exceed 204 feet.
- D. No horizontal plane of any façade of a townhome building shall exceed 88 feet without a change or break in said plane of at least 10 feet.

- E. The maximum height for a multifamily dwelling shall not exceed four stories or 42 feet with an area on the roof for recreational use by the tenants of the dwelling (a “Roof Deck”). If a Roof Deck is permitted, it shall be limited to the following restrictions:
- (1) The Roof Deck shall not exceed 50% of the roof area.
 - (2) The use of the Roof Deck shall be limited to the residents of the building and their guests.
 - (3) There shall be no barbequing or other cooking on the Roof Deck
 - (4) There shall be no lights, permanent or temporary, on the Roof Deck other than as approved on the site plan.
 - (5) The Roof Deck shall be for communal use with no private areas for individual residents.
 - (6) The Roof Deck shall have only one lobby, whether for an elevator, a staircase, or both, which shall not exceed an area of 100 square feet. The area of the elevator and/or staircase shall not be considered as part of the lobby for the purpose of calculating the 100-square foot limitation.
- F. The maximum density for a multifamily dwelling shall not exceed 48 dwellings per acre.
- G. The minimum front yard shall be 10 feet from the property line and 15 feet from the curb. No incentive shall be given that reduces the 10-foot setback from the property line unless there is a sufficient area of not less than 10 feet between the building and the sidewalk for a landscape buffer (which may be in whole or in part on Village property and which will be landscaped and maintained by the property owner).

§ 575-289. Incentive procedures.

Applications seeking increased density or modification of dimensional standards as part of this District’s incentive zoning framework shall comply with the procedural requirements outlined in Article XXXI.”

Section 3. Effective Date. This local law shall take effect immediately.