

**INCORPORATED VILLAGE OF GREAT NECK**  
**BOARD OF TRUSTEES**  
LOCAL LAW NO. \_\_\_\_ - 2019

A Local Law to Amend  
Chapter 575 of the Village  
Code with Respect to the  
Building Zone Map and  
Middle Neck Road  
Multifamily Incentive  
Overlay District.

**WHEREAS**, the Village of Great Neck (the “Village”) has identified its two principal business corridors as Middle Neck Road and East Shore Road (the “Corridors”); and

**WHEREAS**, the Village officials, residents and business owners have expressed a concern that the Corridors have not yet achieved their full desired potential to partner with the needs of the Village’s residents; and

**WHEREAS**, the Village engaged the services of professional planners (“VHB”) to study what actions the Village might take to better achieve the full potential of the Corridors; and

**WHEREAS**, the Village established the Great Neck Citizens Advisory Committee to maximize input solicited from the public; and

**WHEREAS**, the Village has also solicited input from the public and business owners at numerous meetings of the Board; and

**WHEREAS**, VHB issued the Middle Neck Road and East Shore Road Corridor Study with recommendations dated November, 2018; and

**WHEREAS**, the Village Board of Trustees has considered the input of the public, the business community and the recommendations of VHB; and

**WHEREAS**, as a result of same, the Village has determined to make certain changes to its Village Zoning Code so as to encourage revitalization and growth of business activities deemed to be in the public interest when done in accordance with the Village Code at and/or near the Corridors; now, therefore

**BE IT ENACTED**, by the Board of Trustees of the Incorporated Village of Great Neck, as follows:

Section 1. Chapter 575 – Article I of the Village of Great Neck Code is hereby amended to read as follows:

§ 575-1. Enumeration.

For the purpose of this chapter, the Village is hereby divided into 16 districts, which shall be designated as follows:

- Residence AA District
- Residence A District
- Residence A-1 District
- Residence B District
- Residence B-1 District
- Residence C District
- Residence D District
- Residence E District, also known as the Apartment District
- Residence F District, also known as the Senior Citizen District
- Residence G District, also known as the Waterfront Residential District
- Steamboat Road Townhome Redevelopment Incentive District
- ~~Middle Neck Road Multifamily~~ **Corridor** Incentive Overlay District
- Business A District
- Mixed-Use District
- Parking District
- WD District, also known as the Waterfront Development District

§ 575-2. Boundaries; Map.

The boundaries of said districts are hereby established as shown on the Village of Great Neck Building Zone Map, Nassau County, New York, prepared by H2M architects + engineers, approved by resolution of the Board of Trustees on \_\_\_\_\_ ~~January 20, 2015~~. Said map, sometimes referred to in this chapter or in other parts of this Code as the "Building Zone Map," is hereby declared to be a part of this chapter, and all descriptions, notations, references, and other things shown thereon shall be as much a part of this chapter as if the descriptions, notations, references, and things shown by said map were fully described herein.

§ 575-3. Determination of boundary lines.

In any particular instance where there is doubt as to the exact location of a district boundary line, the Board of Trustees, upon application or on its own initiative, shall have the power to determine such location so that the intent of this chapter and of said map shall be observed.

§ 575-4. (Reserved).

**Section 2.** Chapter 575 – Article X of the Village of Great Neck Code is hereby amended in section 575-117(A) to read as follows:

§ 575-117 Uses.

- A. Permitted uses. A building may be erected, altered or used and a lot or premises may

be used for any of the purposes set forth in this section and for no other:

- (1) Multifamily dwellings and attached single-family dwellings (townhomes).
- (2) Administrative, professional, medical and business offices, not exceeding 1,000 square feet of floor area each.
- (3) All stores and shops for conducting any of the retail businesses set forth in Subsection A(5) of § 575-129.
- (4) Village of Great Neck municipal facilities, including community spaces.
- (5) Banks, except no drive-up windows accessory thereto.
- (6) Assisted Living<sup>1</sup>**

**Section 3.** Chapter 575 – Article XXXI of the Village of Great Neck Code is hereby amended to read as follows:

§ 575-280. Incentive zoning procedure.

This section shall apply to all new commercial and multiple-family dwelling projects in the Village. It shall further apply to all applications filed under the provisions of the ~~Middle Neck Road Multifamily~~**Corridor** Incentive Overlay District (~~MNR-MCIO~~) (Article XXXII), the Steamboat Road Townhome Redevelopment Incentive Overlay (SR-TRIO) (Article XXXIII) and the Residence G or Waterfront Residential District (Article XXXIV).

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**Section 4.** Chapter 575 – Article XXXII of the Village of Great Neck Code is hereby amended to read as follows:

**Article XXXII: ~~Middle Neck Road Multifamily~~ Corridor Incentive Overlay District (~~MNR-MIO~~ “CIO”)**

§ 575-285. Applicability.

- A. The provisions of this article shall apply to the ~~Middle Neck Road Multifamily~~ **Corridor** Incentive Overlay District as hereinafter set forth.
- B. The boundaries of said district **shall be** 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, **or for any commercial, Affordable Workforce Housing<sup>2</sup>, or Assisted Living purpose when identified by**

<sup>1</sup> “Assisted Living” as used in this Code means “Assisted Living” as that term is defined in 10 NYCRR Part 1001, as may be amended from time to time.

<sup>2</sup> “Affordable Workforce Housing” as used in this Code means “Affordable Workforce Housing” as that term is defined in the “Long Island Workforce Housing Act”, as may be amended from time to

**the Board of Trustees as a community benefit/amenity in a particular circumstance.**

§ 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, **and after consideration of the Middle Neck Road and East Shore Road Corridor Study commissioned by the Board of Trustees and conducted by VHB, and** 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(s), the Board of Trustees shall consider the following:
- (1) The extent and dollar value of the proposed amenity(ies);
  - (2) The public costs that would otherwise be required to effect the proposed amenity(ies); and
  - (3) The improvement to the immediate neighborhood and/or the Village as a whole from the proposed amenity(ies).
  - (4) The following shall constitute a non-exhaustive list of amenities which are presumptively beneficial to the Corridor neighborhood(s) and/or the Village as a whole (i.e., presumptively “community benefits/amenities”):**
    - (a) Affordable Workforce Housing; and/or**
    - (b) Assisted Living; and/or**
    - (c) Ground floor commercial development; and/or**
    - (d) Public Amenities, such as uses or structures which provide and/or improve public access to the Corridor Incentive District; and/or**
  - 5. Any other similar opportunity which the Board of Trustees determines to be beneficial to the Corridor neighborhood(s) and/or the Village as a whole.**
- C. Payment in lieu of community amenities.

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time.

- (1) At the request of the applicant or on its own determination that the identified amenity(ies) 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 amenity(ies), a payment to the Village of a sum determined by the Board of Trustees. Alternatively, the Board may choose to accept a **one or more** partial amenityies and partial payment in lieu of such proposed amenity(ies). If cash is accepted in lieu of a **one or more** community amenityies, 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~~ **of benefit to the entire** 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.

**(1)** 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).~~

**(2) Where a proposed structure has been identified as a community benefit by the Board of Trustees, the maximum height for such structure shall not exceed five stories or 52 feet.**

**(3)** If a roof deck is permitted, **in addition to the aforementioned story and height limitations under this subparagraph**, it shall be limited to the following restrictions:

~~(1)~~**(a)** The roof deck shall not exceed 50% of the roof area.

~~(2)~~**(b)** The use of the roof deck shall be limited to the residents of the building and their guests.

~~(3)~~**(c)** There shall be no barbequing or other cooking on the roof deck.

~~(4)~~(d) There shall be no lights, permanent or temporary, on the roof deck other than as approved on the site plan.

~~(5)~~(e) The roof deck shall be for communal use, with no private areas for individual residents.

~~(6)~~(f) 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 one-hundred-square foot limitation.

F. The maximum density for a multifamily dwelling shall not exceed 48 dwellings units 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 ten-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).

**H. Relaxation of Parking Requirements for properties adjacent to Middle Neck Road shall be determined on a case-by-case basis and favored by the Board when infrastructure-oriented improvements (e.g., sidewalks, benches, park improvements, traffic calming measures, investment in shuttle bus service, or car sharing service), Assisted Living, ground floor commercial, or any such similar improvement is proposed as a community amenity. No relaxations of parking requirements for any properties adjacent to East Shore Road shall be granted without a showing of substantial hardship and minimal adverse impact to the parking then available in the vicinity.**

**I. Building setback**

**(1) Definitions.**

**(a) “Base Height” is the maximum permitted height of the Front Wall of a building before any required Building Setback.**

**(b) “Building Setback” is the portion of a building that is horizontally set back above the Base Height before the total height of the building is achieved.**

**(c) “Front Wall” is any wall facing a public street.**

**(2) The maximum Base Height of a structure identified as a community benefit shall not exceed thirty (30) feet. The minimum Building Setback shall be no less than five (5) feet for buildings with one Building Setback and shall be no less than three (3) feet for building setbacks above the first Building Setback.**

§ 575-289. Incentive procedures.

**A.** 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.

**B. All applications under this Article shall require a public hearing and public notice of said hearing shall be printed in a newspaper of general circulation in the Village at least five (5) days prior to the date thereof.**

§ 575-290. through § 575-299. (Reserved)

**Section 5.** If any clause, sentence, paragraph, or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or section thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 6.** This local law shall take effect immediately upon filing with the Secretary of State.