

ZONING

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Village of Rockville Centre

Chart VII

Business C

[Added 10-25-2004 by L.L. No. 4-2004]

I. In the Business C District, no building or premises shall be used, and no building shall be erected or altered, for other than one or more of the following uses:

A. Permitted uses:

- (1) Store, which includes retail services, sale, rentals and personal service.
- (2) Office, which includes business, professional, bank or lending institution.
- (3) Store or office that includes a storage and/or distribution component. The maximum percentage of the total area of the premises used for storage and distribution shall not exceed 40%.
- (4) (Reserved)¹
- (5) Restaurants.
- (6) Private school.
- (7) Ground level, nonstructure parking lot area, when constructed in accordance with parking lot requirements set forth in I (D).

B. Permitted uses, subject to a special use permit:

- (1) Multifamily use, with or without a nonresidential street floor use, with a special use permit to be issued by the Planning Board. No multifamily use shall contain more than 18 units per acre. No more than 10% of the units shall contain three or more bedrooms. A den that is separated from a living room shall be counted as a bedroom. **[Amended 5-22-2006 by L.L. No. 7-2006; 4-28-2008 by L.L. No. 3-2008]**
- (2) Senior care housing, with special use permit to be issued by Planning Board.
- (3) Bowling alley, with special use permit to be issued by Zoning Board.
- (4) Dry cleaning establishment, with special use permit to be issued by Zoning Board.

C. Area and bulk.

- (1) Maximum lot coverage (building only): 50%.

¹ Editor's Note: Former Subsection A(4), regarding multifamily uses as permitted uses, as amended, was repealed 4-28-2008 by L.L. No. 3-2008.

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- (2) Height: the lesser of 24 feet or three stories for a building with a flat roof, and the lesser of 30 feet or three stories for a building with any other type of roof, but in no event more than 36 feet to the peak or highest point. **[Amended 4-28-2008 by L.L. No. 3-2008]**
- (3) Minimum setbacks:
 - (a) Front: 15 feet.
 - (b) Side: five feet per side, but 10 feet per side if side yard abuts a residential zone.
 - (c) Rear: 10 feet, but 20 feet if rear yard abuts a residential zone.
 - (d) Corner lots: 15 feet from both street frontages.
- (4) Off-street parking: in accordance with Chart IV.

D. Parking lot requirements. Parking lot areas shall be constructed so that the street line and side line and rear line setbacks shall conform to the setback requirements for a parking field as if same were constructed in accordance with setback requirements of parking fields constructed for multifamily uses in the Residence B District. Parking fields shall be surfaced and constructed in accordance with the rules and regulations governing the construction of new residential streets within the Village of Rockville Centre. The space contained in the setback areas shall be adequately landscaped, and the entire area shall be fenced in except where such field may abut a public highway or business-zoned property. No lighting of such area shall be permitted, except that minimum security-type lighting may be installed upon approval of the Building Department. Under no conditions shall these parking fields be used by trucks or commercial vehicles for either parking, loading or unloading or ingress or egress from any highways or any adjoining property zoned either residential or business. The use or installation of any mechanical device or structure designed to raise, lift or otherwise support a vehicle with the intent of increasing on-site vehicle storage or parking in a private parking field is prohibited.

II. Criteria for special use permits.

A. Multifamily use, When a special use permit is required, the Planning Board shall have the power, in accordance with Chapter 330, and after public notice and hearing, to grant a special use permit. No multifamily use shall contain more than 18 units per acre. No more than 10% of the units shall contain three or more bedrooms. A den that is separated from a living room shall be counted as a bedroom. **[Amended 5-22-2006 by L.L. No. 7-2006; 4-28-2008 by L.L. No. 3-2008]**

- (1) Approval criteria.
 - (a) Site plan.
 - (b) Compatibility with district. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with the use, the size of the site in relation to the use, the assembly of persons in connection with the use, and the location of the site with respect to streets giving access to the site are such that the use will be in harmony with the appropriate and orderly development of the district in which the use is proposed to be located.
 - (c) Services. The proposed structure will be readily accessible for fire and police protection.

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- (d) Adjacent properties. The location, nature and height of the structure and its walls and fences and the landscaping shall not hinder or discourage the development of adjacent land and buildings.
 - (e) Neighborhood character. The neighborhood character and surrounding property values shall be reasonably safeguarded.
 - (f) Traffic. The use will not cause undue traffic congestion or create a traffic hazard.
 - (g) Parking. Parking areas will be properly located and suitably screened from adjoining residential uses and districts, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
- (2) Specific approval criteria for multifamily uses with nonresidential street floor uses.
- (a) A site plan shall be required. The structure shall be required to adhere to area, bulk, setback and height provisions for multifamily structures in the district, regardless of the nonresidential use that may be located on the ground floor.
 - (b) Allowed street floor uses. The uses proposed for the street floor of the structure shall be only those principal permitted uses allowed in the district. Such uses shall be compatible with the immediately adjacent multifamily housing. The Planning Board shall consider noise and vibration, odors, pollution, hours of operation and expected traffic volumes in making this determination.
 - (c) Off-street parking and loading. The proposed nonresidential street floor use(s) shall provide sufficient parking and loading spaces, in accordance with those set forth in this chart (Chart VII). Such parking spaces shall be designated as separate from the parking spaces for the multifamily units. Residential parking spaces shall be in a separate lot, separate area of the whole lot, or reserved. The Planning Board may require additional parking for visitors up to 15% more than required in these regulations. Loading spaces, if required, and dumpster areas shall be located and designed to minimize interference with the parking for the residential and nonresidential uses. Dumpster areas shall be screened.
 - (d) Separate access. Access to the street floor nonresidential uses shall be separate from the access to the residential units. However, the Planning Board may approve a common lobby or plaza.

B. Senior care housing requirements for approval.

- (1) In order to grant approval, the Planning Board is required to find that:
 - (a) The area and bulk conditions listed in Chart VII are met.
 - (b) The applicant has disclosed all relevant and necessary information about the operator, including but not limited to name, address, state and date of incorporation, name and address of owners and/or shareholders of the operation and prior experience in the operation of such facilities.
 - (c) If the proposed facility is subject to licensing by the state (depending on current New York State licensing requirements), the developer/operator shall demonstrate that the required license(s) has/have been obtained, in accordance with New York State law.

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- (d) In senior care facilities that combine types, facilities and services shall be available to all residents regardless of which type of housing the resident is in.
 - (e) The facility is properly designed for the purpose of serving the needs of senior citizens, aged 55 years and older, including suitable and adequate facilities for social, cultural and recreational activities that are regarded as essential to the well-being of the occupants and the success of the facility.
 - (f) The health, safety and general welfare of the public is not adversely affected.
- (2) In addition, all other general special permit requirements shall be met.
- C. Bowling alley and dry-cleaning establishments. The Board of Appeals may, in specific cases, after public notice and hearing, and subject to appropriate conditions and safeguards, permit the construction, extension, alteration or conversion of a building and the use of premises in the Business C District for the business of a dry-cleaning establishment or of a bowling alley; provided, however, that the Board of Appeals shall find and determine, in each instance, that such use of the premises will not be an annoyance, detriment, disturbance or nuisance to the neighborhood and will not imperil the safety of persons and property or prejudice the general health or welfare or the general plan and purpose of this chapter, and provided further that all other ordinances of the Village be complied with. The Board of Appeals, in passing upon applications for use of premises in a Business C District for bowling alley use, shall in addition to the foregoing findings, in each instance, also find and determine before granting such application, the following:
- (1) That the premises upon which a bowling alley use is requested are located at a sufficient distance from premises used for residential uses and/or zones so that such bowling alley use will not constitute an annoyance, detriment, disturbance or nuisance to such residential property.
 - (2) That sufficient parking space is available.
 - (3) That the building is constructed in such manner, including ventilation system, that such use creates a minimum of sound both within and without the building.
 - (4) That such use shall be operated in a manner so as not to disturb the use of any premises for church and other religious purposes upon the Sabbath or other religious holidays.
 - (5) That such use of premises shall not constitute an undue burden upon the streets or roads so as to create a traffic hazard.