

## ZONING

### 340 Attachment 8

#### Village of Rockville Centre

##### Chart VIII

##### Business C2

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

I. In the Business C2 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)<sup>1</sup>
- (5) Private school.
- (6) Ground level, nonstructure parking area, when constructed in accordance with the 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. 8-2006; 4-28-2008 by L.L. No. 3-2008]**
- (2) Senior care housing, with special use permit to be issued by the Planning Board.
- (3) Dry-cleaning establishment, with special use permit to be issued by the ZBA.
- (4) Two-family home, with special use permit to be issued by the ZBA.

C. Area and bulk for all uses except two-family homes:

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

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 Editor's Note: Former Subsection A(4), regarding multifamily use as a permitted use, as amended, was repealed 4-28-2008 by L.L. No. 3-2008.

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- (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.
- E. Area and bulk for two-family homes.
- (1) Lot size. The lot for each such dwelling shall have a street frontage of not less than 50 feet on each street on which the lot abuts, and a total area of not less than 5,000 square feet for two-family dwelling houses.
  - (2) Building area. The building area, including all accessory buildings, shall not exceed 40% of the lot area.
  - (3) Building height. Height shall not exceed an aggregate of 30 feet, including false peaks or gables.
  - (4) Front yards: not less than 20 feet.
  - (5) Side yards.
    - (a) A side yard is required along each side of the main building.
    - (b) The side yard setback requirement shall be the same as specified in the Residence A District.
    - (c) In all classes of dwellings, no part of any projection, including an open porch, shall extend nearer to the lot line than the limits herein set forth.
  - (6) Rear yards. A rear yard is required on every lot. The depth of a rear yard shall be at least 20 feet.
  - (7) Corner plots. On corner plots, the setback of any buildings shall be the same as specified in the Residence A District, but need not exceed 20 feet.

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- (8) Parking regulations.
  - (a) Parking space and garage requirements are set forth in Chart IV of the Rockville Centre Zoning Code. Chart IV is entitled "Schedule of Minimum Required Off-Street Parking."
  - (b) No premises shall provide space for more than four motor vehicles. Not more than one commercial vehicle shall be allowed on premises developed for a two-family house, and the capacity of such commercial vehicle shall be limited to 3/4 ton or limited to a cubical capacity, including the driving compartment, not in excess of 160 cubic feet.

### 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. 8-2006; 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.
  - (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

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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 VIII). 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 VIII 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.
  - (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. Dry-cleaning establishment. 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 C2 District for the business of a dry-cleaning establishment; 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.

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- D. Two-family home. Two-family detached dwellings, which shall have a roof other than one of the character or description known as the "flat roof," are permitted in the Business C2 Zone, subject to the prior approval of the Board of Appeals, which may, in specific cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the provisions herein established, in harmony with the purposes enumerated in the Village Law of the State of New York and the general purpose and intent of this chapter, by granting permission to erect or alter a building for use as a two-family detached house in the Business C2 District, when said Board finds as a fact:
- (1) A two-family dwelling will not tend to depreciate the value of existing dwellings in the neighborhood.
  - (2) A two-family dwelling will not conflict with the type and character of existing dwellings or of dwellings under construction or reconstruction in a neighborhood.
  - (3) A two-family dwelling is not prohibited by covenant or restriction contained in a deed or other instrument affecting the premises.
  - (4) The applicant has consented, as a condition for the issuance of a permit to construct a new dwelling or to alter an existing building, to construct the same in accordance with plans and specifications to be approved by both the Board of Appeals and the Exterior Design Review Board so that it will harmonize with the neighboring dwellings both as to appearance and utility.
  - (5) Such construction, alterations and improvements, among other things, will provide suitable safeguards against fire hazards and provide for the construction of but one front entrance to the building.
  - (6) The applicant has consented to comply with and abide by all requirements of the municipal departments having jurisdiction.
  - (7) A minimum of four off-street spaces shall be provided.
  - (8) The Board shall take into consideration the lot sizes and parking requirements of existing properties within 500 feet of the lot on which permission is sought to construct a two-family house.