

TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2019

A LOCAL LAW AMENDING CHAPTER 70 OF THE
TOWN CODE ENTITLED "ZONING"

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative intent.

The Waterfront Business District has been established to promote, enhance and encourage water-dependent uses and increase opportunities for public access along the Town's commercial waterfront. Since its establishment, the Town Board has found that additional regulation is necessary to protect the nature of the Port Washington waterfront and to afford residents of the Town the ability to use and enjoy the waterfront, while at the same time allowing reasonable and sustainable development within the District. In order to further these goals, the Town Board has resolved to amend the regulations governing this District as set forth in this Local Law.

Section 2.

Section 70-148.1 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148.1 Legislative intent.

The Waterfront Business District is hereby established to promote, enhance and encourage water-dependent uses, ~~and~~ [and] increase opportunities for public access, **and promote environmental sustainability and resiliency** along the Town's commercial waterfront.

Section 3.

Section 70-148.3 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148.3 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 article and for no other:

- A. The sale and display of new or used boats and marine supplies, marine engines, parts, marine electronic equipment, fishing supplies, marine fuel and oils, and sporting equipment for use with or in conjunction with boats.
- B. The storage and dockage of boats both in and out of water.

- C. Public or private marinas.
- D. Assembly of marine-related equipment and incidental light manufacturing.
- E. The manufacture, construction, repair and maintenance of boats in and out of water and assembly of marine-related equipment and repair of boat engines and their accessories, provided all such activities are conducted in enclosed buildings.
- F. The storage of equipment for boats and the fishing industry in open lots.
- G. Recreational and commercial fishing and boating facilities.
- H. Public or private yacht clubs and beach clubs, including pools, cabanas and lockers.
- I. Restaurants [and/or catering facilities,] provided that the site has direct waterfront access for boats, subject to regulations under **§§ 70-148.5 and** 70-148.7.
- J. Parks, playgrounds and water-based recreation uses.
- K. Offices, financial institution.
- L. Retail stores except those listed in § 70-126B and F, [and stores of the type known as "farmers' markets,"] and stores of a type known as "big-box commercial use," as defined in § 70-140B.
- M. Sale or repair of jewelry, watches, clocks or optical goods, musical, professional or scientific instruments.
- N. Flower shops.
- O. Public art gallery, public museum, municipal park for recreational use, government or municipal buildings.
- P. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, except for accessory drive-through facilities, which shall be subject to the provisions of § 70-203T[, and for below grade parking structures, which shall be subject to the provisions of § 70-203U].

Section 4.

Section 70-148.4 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148.4 [Conditional uses.] Reserved

~~[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 article when authorized by the Board of Zoning and Appeals pursuant to the provisions of Article XXIV and for no other:~~

- ~~A. Restaurants and/or catering facilities, other than those as described in § 70-148.3I and subject to the regulations prescribed under § 70-148.7.~~
- ~~B. Retail grocery, delicatessen or other store primarily selling food items packaged in units of more than one portion for consumption off the premises.~~
- ~~C. The operation of not more than two amusement devices in conjunction with a lawfully established business. No amusement device shall be operated as authorized herein except on the following conditions:~~
 - ~~(1) No amusement device shall be located outside of a building.~~
 - ~~(2) No amusement device shall be located in any premises within 500 feet of any public, private or parochial school. For the purposes of this section only, the term "public, private or parochial school" shall not include schools whose students are primarily over the age of 18 years or are high school graduates.~~
 - ~~(3) An amusement device may be operated only between the hours of 9:00 a.m. and 9:00 p.m. This limitation shall not apply to amusement devices located in bars, inns, diners, taverns and bowling alleys.]~~

Section 5.

Section 70-148.5 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148.5 Special uses.

The following special uses may be permitted only when authorized by the Town Board after a public hearing. Prior to authorizing the issuance of a permit for any such special uses, the Town Board shall follow the procedures and make appropriate findings, as set forth in § 70-225B(1) of this chapter and the additional criteria set forth in § 70-148.6.

- A. Hotel or boatel, as defined in Article XXV of this chapter.**
- B. [Mixed]Multiple-use building(s) consisting of retail, office, hotel/boatel and/or restaurant space [~~on the lowest floor and senior housing units on the upper floors~~].**
[Amended 10-21-2014 by L.L. No. 18-2014]
- C. [Senior residence, as defined in Article XXV, which provides access to the waterfront by way of a promenade, dock or boating slip and conforming to the density regulations contained in § 70-148.11.] Retail grocery, Retail Food Use, delicatessen**

or other store primarily selling food items packaged in units of more than one portion for consumption off the premises.

- D. Restaurants and/or catering facilities, other than those as described in § 70-148.3.I and subject to the regulations prescribed under § 70-148.7.**

Section 6.

Section 70-148.6 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148.6 Criteria for approval of special uses.

In addition to the criteria set forth in § 70-225B(1) of this chapter, applications for special uses described in § 70-148.5 shall conform to the following additional criteria as determined by the Town Board:

- A. Whether the proposed action will further the goal of establishing and promoting water-dependent uses within the district.
- B. Whether the proposed action will create opportunities for increased public access to the waterfront.
- C. Whether the proposed action will create excessive stormwater runoff to surface waters.
- D. Whether the proposed use, by reason of excess height or bulk, will block water views from neighboring properties.
- E. **Whether the proposed design will be in harmony with the general architectural character of the surrounding neighborhood.**
- F. **Whether the proposed design promotes sustainability through the use of elements such as permeable pavements, stormwater quality controls, photovoltaic cells and energy efficient lighting and building systems.**

Section 7.

Section 70-148.9 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148-9 Parking requirements.

- A.** Parking shall be provided in accordance with the requirements set forth in § 70-103.
- B. Sufficient bicycle parking facilities shall be required.**

Section 8.

Section 70-148.11 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148.11 Plot area; frontage; [density of population].

- A. No building or structure shall be constructed on a lot containing an area of less than 2,000 square feet.
- B. ~~The maximum allowable density for a single use senior housing facility shall be 25 dwelling units per acre. In the case of fractional acreage, the density shall be prorated accordingly.] No building or structure shall be constructed on a lot containing less than 50 feet of frontage on a public street or thoroughfare.~~
- C. ~~[For a mixed use building or development, the maximum density for the residential portion shall be 20 dwelling units per acre. In the case of fractional acreage, the density shall be prorated accordingly.] The maximum allowable density for hotel or boatel rooms shall be 35 rooms per acre.~~

Section 9.

Section 70-148.12 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148.12 Height.

- A. No building shall exceed two stories, with a maximum height of 35 feet~~, except as noted in § 70-148.12B]~~.
- ~~B. For all uses authorized under § 70-148.5B, no building shall exceed a total of three stories, with a maximum height of 45 feet.]~~

Section 10.

Section 70-148.13 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148.13 Front yard.

~~[No] A 10 foot~~ front yard is required except where a building has vehicular entrance doors facing a street, in which case such entrance doors shall be set back a distance of at least 18 feet from the

street line and an open, unoccupied space shall be maintained between said doors and the street line.

Section 11.

Section 70-148.15 of Article XVIIA of the Town Code of the Town of North Hempstead is hereby amended as follows:

§ 70-148.15 Rear yard.

[~~No~~] **A 10 foot** rear yard setback shall be required where the rear yard of the lot abuts a waterway. Lots with rear yards abutting a land parcel shall have a minimum setback of 20 feet.

Section 12.

The building moratorium in the Waterfront Business (B-W) District, as established by Local Law No. 11 of 2017, adopted December 19, 2017, as amended by Local Law Nos. 6 of 2018, 9 of 2018 and 11 of 2018, adopted June 5, 2018, September 27, 2018 and November 20, 2018, respectively, be and hereby is terminated.

Section 13.

This Local Law shall take effect upon filing with the Secretary of State.