

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2015**

**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 Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 70 entitled "Zoning" in order to authorize the Board of Zoning and Appeals, following consideration of certain factors, to modify certain restrictions related to standards for residential development in the New Cassel Urban Renewal Overlay District while still requiring compliance with the building and zoning standards applicable to the underlying zone in which the subject property is situated.

Section 2.

Chapter 70, Article XXB, of the Town Code is hereby amended as follows:

Article XXB. New Cassel Urban Renewal Overlay District

[Added 12-12-2006 by L.L. No. 16-2006]

§ 70-195.10. Legislative intent.

A. The Town Board of the Town of North Hempstead adopted the New Cassel Urban Renewal Plan to achieve the following goals and objectives:

- (1) To eliminate substandard conditions.
- (2) To improve the condition of deteriorated or dilapidated buildings.
- (3) To create new housing opportunities.
- (4) To redevelop vacant, underutilized, and deteriorated properties.
- (5) To enhance the aesthetics and overall image.
- (6) To improve public safety.
- (7) To generate economic activity.

B. To augment the implementation and to ensure long-term compliance with the goals and objectives of the New Cassel Urban Renewal Plan, this Board recommends the establishment of an overlay zoning district, referred to herein as the "New Cassel Urban Renewal Overlay District," encompassing all of the lands within the boundaries of the New Cassel Urban Renewal Area.

§ 70-195.11. Objectives.

The Town Board seeks to codify the design guidelines and performance standards developed by the Town of North Hempstead Community Development Agency to ensure that the review criteria are applied uniformly and consistently to all properties within the overlay zoning district.

§ 70-195.12. Applicability.

A. The provisions of this article shall apply to all lands that constitute the New Cassel Urban Renewal Area. The boundaries of the New Cassel Urban Renewal Area are the Wantagh Parkway on the eastern side, Brush Hollow Road and Union Avenue on the northern side, School Street on the western side, and Railroad Avenue on the southern side. No permit nor certificate of completion, approval or occupancy may be issued for the construction, expansion or rehabilitation of any structure within the New Cassel Overlay District unless there is full compliance with the provisions of this article.

B. Inclusion within this overlay district shall neither change the underlying zoning district designation of any property nor eliminate any of the requirements of the underlying zoning district.

§ 70-195.13. Conditional uses.

[Added 11-8-2012 by L.L. No. 15-2012 *Editor's Note: This local law also redesignated former § 70-195.13 through § 70-195.16 as § 70-195.14 through § 70-195.17, respectively.*]

A building may be erected, altered or used and a lot or premises may be used for any of the purposes as hereinafter 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. Coin-, card- or token-operated laundrette subject to the following conditions:

(1) The establishment is situated on a lot with a minimum frontage of 100 feet along a main thoroughfare.

(2) Off-street parking is provided at a minimum rate of one space for every five washing machines.

(3) To the greatest extent practicable, the establishment shall utilize recycled or reclaimed water for laundry machines.

(4) Laundrettes shall comply with the rules and regulations established in Chapter 33 of the Town Code.

§ 70-195.14. Prohibited uses.

The following uses are expressly prohibited within the boundaries of the New Cassel Overlay District:

A. Liquor store.

B. Pool or billiards hall.

C. Editor's Note: Former Subsections C and D, listing a video arcade and a laundromat, respectively, as prohibited uses, were repealed 11-8-2012 by L.L. No. 15-2012. This local law also redesignated former Subsection E as Subsection C. Adult uses, as defined in Article XXIA of this chapter.

§ 70-195.15. Standards for nonresidential and mixed-use development.

Applications for nonresidential and "mixed-use" development as defined in § 70-231 of this chapter must comply with the following standards, wherever applicable.

A. Proposed developments must be designed in accordance with the guidelines set forth in the New Cassel Urban Renewal Plan and New Cassel Vision Plan.

B. Any loading and maneuvering of service vehicles and all other related service activities necessary for the construction or operation of the development shall be accommodated entirely within lot lines and shall not impede traffic on adjacent streets.

C. All service areas shall be adequately screened from view from adjacent streets and from neighboring residential units.

D. Building facades may consist of brick or stucco, as appropriate. Other materials may be approved by the Commissioner of the Building Department if they are in general compliance with the standards of the New Cassel Urban Renewal Plan and New Cassel Vision Plan. Building facades should be inviting to pedestrians. Walls without windows, doors or other adornment, commonly known as "blank" walls, are permitted only where located within 100 feet of a residence district and fronting on the residential street. No blank walls shall be permitted on a main thoroughfare.

E. Buildings must be of reinforced concrete steel frame construction. Wood frame construction is prohibited for nonresidential and mixed-use structures within the New Cassel Overlay District.

F. All mechanical equipment, television antennas, satellite dishes, or other communications antennas shall be screened from view from the street or adjoining properties.

G. Public pay telephones shall not be installed on the outside of any building.

H. There shall be no outdoor storage of materials, refuse, garbage, or unlicensed vehicles. Indoor refrigerated storage for putrescible waste shall be available for all food uses. Garbage dumpsters, where approved, shall be screened from view at all times. The storage of commercial vehicles unrelated to the businesses on whose premises they are stored is prohibited.

I. All land not covered by structures or parking areas shall be landscaped with lawn, vegetative ground cover, shrubs, trees, or appropriate pedestrian walkways or amenities.

§ 70-195.16. Standards for residential development.

A. **Unless otherwise authorized by the Board of Zoning Appeals,** [A] applications for the [maintenance,] alteration[;] or new construction of [~~basements or~~] cellars [~~("basements")~~] shall be limited to:

(1) Interior walls along the [~~basement~~] **cellar** exterior.

(2) Interior partitioning for the installation of laundry facilities, **two-piece bathrooms**, boilers or other mechanical equipment.

~~(3)~~ ~~[, or s]~~ **S**Storage closets containing areas with no horizontal dimension exceeding six feet.

B. The following features are prohibited in a ~~[basement]~~ **cellar, unless authorized by the Board of Zoning Appeals:**

(1) ~~[Bedrooms or areas designated as "storage areas" which]~~ **Any interior partitioning which creates a room or space that** exceeds six feet in any horizontal dimension or which contain separate closet space within.

~~[(2) Kitchen facilities]~~

~~[(3)]~~ **(2) Bathrooms with three or more fixtures or a bathroom containing a bath or shower fixture.** ~~[No bathroom may:~~

(a) ~~Contain a bath or shower fixture; or~~

(b) ~~Be maintained, altered, or constructed if there is a stairwell running from the exterior of the dwelling to the basement, or an interior stairwell located within five feet of a perimeter wall of a dwelling.]~~

~~[(4)]~~ **(3) Plumbing lines other than those for washing machine, laundry tub and a two-piece bathroom.**

C. The following features are prohibited, unless authorized by the Board of Zoning Appeals:

(1) Stairwells that extend from the exterior of a dwelling to either the cellar or an area on an upper floor.

D. In consideration of an application for exceptions to the limitations specified in §70-195.16.A. or for features prohibited in §70-195.16.B. or §70-195.16.C, the Board of Zoning Appeals shall base its decision on the following factors:

(1) That the property owner has had no prior convictions related to illegal occupancy;

(2) That granting a special exception will not result in overcrowding, increase the danger of fire or otherwise endanger the public safety; and

(3) That granting a special exception will not have a negative impact to neighboring properties nor adversely affect the public health or general welfare.

Any subsequent conviction related to illegal occupancy at the subject premises shall result in a revocation of the special permit and the removal of any physical features constructed pursuant to the special permit.

E. For purposes of this article, “illegal occupancy” shall mean the following:

- (1) Any condition where the occupancy exceeds the permitted occupancy calculation under the Town Code or New York State Code;**
- (2) Any condition where the use exceeds the permitted occupancy stated on the certificate of occupancy or certificate of existing use;**
- (3) The occupancy and use of a nonhabitable space or a nonhabitable room, as defined in Section 2-132 of the Town Code, for sleeping purposes;**
- (4) The occupancy and use of any room or space that has been created by means of an illegal conversion.**

F[~~C~~]. The Commissioner of the Building Department may reject an application for a dwelling that contains features that would enable the creation of an accessory apartment on any property that would not legally permit a two-family structure in conformance with the applicable zoning. [Amended 7-29-2008 by L.L. No. 7-2008; 9-22-2008 by L.L. No. 9-2008]

~~[D. Stairwells shall not extend from the exterior of a dwelling to either the basement, or the interior living area on a ground or upper floor. No interior stairwell may be located within five feet of a perimeter wall of a dwelling.]~~

G[~~E~~]. No more than one garage may be provided on a residential property. Applications for the construction[~~, maintenance~~] or alteration of a garage may not involve interior partitioning or the installation of kitchen or bathroom facilities.

H[~~F~~]. No more than one electric meter shall be permitted at any dwelling without a valid approval from the Town as a two-family residence.

§ 70-195.17. Severability.

In the event that any section or provision of this article is declared to be invalid by a court of competent jurisdiction, the validity of the article as a whole or any part thereof shall not be affected thereby.

Section 3.

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