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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Village of Amityville**

**Local Law No. 4 of the year 2019**

**A local law to establish a planned residential zoning district.**

**Be it enacted by the Board of Trustees of the Village of Amityville as follows:**

Section 1. The Board of Trustees finds that to continue to meet the demand for housing for millennials and senior citizens within the village, it is in the best interests of the residents and businesses located in the village to establish a planned residential zoning district with strict architectural standards that complement and perpetuate classic historical buildings in the village while encouraging responsible development that reflects the need to stimulate a vibrant and economically stable downtown centered on the Broadway/Route 110 corridor. The Board further finds that to accomplish this goal, any property to be included in such zoning district should be located in the vicinity of Route 110 and be of sufficient size that it can serve as a gateway and focal point for downtown Amityville. Said zoning district should include increased unit density and decreased off-street parking requirements reflecting the needs and reduced vehicle use of millennials and senior citizens, and to encourage pedestrian traffic in the village.

Section 2. The Code of the Village of Amityville is hereby amended to add a new Zoning District, the PR (Planned Residential) District, to amend §183-3, Establishment of Districts, and to amend the Building Zone Map of the Village of Amityville to include the PR District designation, as hereinafter provided.

Section 3. §144-6 of the Code of the Village of Amityville is hereby amended to add a new paragraph F as follows:

“F. No sign shall be erected in the PR Zoning District except one wall sign and one free standing sign on each street abutting the property. Said free-standing sign shall not be higher than ten (10) feet above ground level, shall not exceed forty (40) square feet in total area, and shall contain only the name of the complex.”

Section 4. §183-3 of the Code of the Village of Amityville is hereby amended as follows:

“§183-3 Establishment of Districts

For the purposes of this chapter, the Village is hereby divided into 15 districts, which shall be designated as follows:

- A Residence Districts
- BB Residence Districts
- B Residence Districts
- C Residence Districts
- TO Transit-Oriented Districts

- PR Planned Residential Districts
- H Historical Districts
- PM Professional Mixed-Use Districts
- B-1 Retail Business Districts
- B-2 General Business Districts
- B-3 Marine Business Districts
- Industrial Districts
- PAC (Planned Adult Community) Residence Districts
- SC Senior Citizen Residence Districts
- FH Floating Home District"

Section 5. The Code of the Village of Amityville is hereby amended to add a new Article to Chapter 183 as follows:

"Article XVI  
PR (PLANNED RESIDENTIAL) DISTRICT

§183-49 PR (Planned Residential) District Established

The PR (Planned Residential) District is hereby established with potential applicability to parcels of not less than seven (7) acres located on the westerly side of Broadway and the northerly side of Loudon Avenue."

§183-150 Permitted Uses.

In the PR Zoning District, no building or premises shall be used and no building shall hereafter be erected or altered, unless otherwise provided for in this article, except for one or more of the following uses:

- A. Multiple Dwellings
- B. Accessory Uses
  - (1) Off-street parking and loading, including parking structures.
  - (2) Open space or plaza areas.
  - (3) Signs, subject to the provisions of §144-6(F)
  - (4) Courtyard areas and plazas, including amenities such as a swimming pool, gazebo, seating areas for use of the residents of the development.
  - (5) Other customary accessory uses and buildings, provided that such uses are incidental to the principal use.

§183-151 Lot and bulk controls.

All development in the PR Zoning District shall meet or exceed the minimum standards contained herein.

- A. Lot area. In the PR Zoning District, no building shall be erected on a lot having an area of less than seven (7) acres.
- B. Lot width. In the PR Zoning District, no building shall be erected on a lot having a width of less than seven-hundred (700) feet along each front street line.
- C. Front yards. In the PR Zoning District, no front yard shall be required.
- D. Side yards. In the PR Zoning District, there shall be a side yard having a depth of at least twenty-five (25 Ft.).
- E. Rear yards. In the PR Zoning District, there shall be a rear yard having a minimum depth of at least twenty-five (25) feet.

F. **Building Height.** In a PR Zoning District, no building or structure hereafter erected or altered shall exceed 38 feet in height, measured from average grade of the ground surrounding the building. The following exceptions are permitted:

(1) Parapets, not exceeding 3 feet in vertical distance from the base to the highest point.

(2) Stairwell or elevator bulkheads, water tanks, chimneys, heating and air-conditioning apparatus, or other mechanical equipment projections occupying less than 10% of the area of the roof and not exceeding 12 feet in vertical distance from base to the highest point.

(3) Turrets, reverse gables, towers, cupolas, or similar structures consistent with the architectural character of the building, which, may contain loft areas if such cumulatively occupy no more than one (1) percent of the floor area of the building.

(4) Safety railings or walls required by the New York State Uniform Fire Prevention and Building Code, such as to enclose outdoor living space or decks, not exceeding the minimum height required by the State Code for such railings or walls

G. **Building Area.** In the PR Zoning District, the total building area shall not exceed 80% of the lot area.

H. **Residential Density.** In the PR Zoning District, the maximum residential density shall be 35 dwelling units per acre.

I. **Dwelling unit size.** In the PR Zoning District, the minimum dwelling unit size shall be 550 square feet.

J. **Floor area ratio (FAR).** In the PR Zoning District, the maximum FAR shall be 1.5.

#### §183-152 Site Plan review:

All development shall be subject to site plan review by the Planning Board.

#### § 183-153 Design review.

A. **Design review procedures.** The Planning Board shall also review the architectural design of structures and buildings, pursuant to the design considerations listed in paragraph C.

B. Such application shall include at least one colored rendering. The Planning Board, as part of its review, may require an applicant to provide additional architectural design, elevation drawings, samples of materials or other information, as it shall determine.

C. **Design considerations.** The objective of the design considerations for the PR Zoning District is to provide high quality and complementary design of buildings, landscaping, parking, and other site and building design characteristics consistent with the Bay Village architectural theme and as a "Village Gateway." Special emphasis is placed upon methods that encourage tasteful innovative design for individual buildings and, as may be practical, reduce large-scale visual impact of buildings. The design considerations are as follows:

(1) The front of the principal building should face the primary street frontage and sidewalk.

(2) Building design and landscaping should serve to reinforce and announce the main pedestrian building entrances and streetscape frontage. Any proposed building that includes ground level parking, wholly or partially subsurface level parking located under a building or a parking structure shall screen the parking from the street by location in relation to the building(s), structures, walls and/or architectural and landscape treatments.

(3) Surface parking should be placed either in rear and/or side yards yard or screened from view from the adjacent streets by utilization of buildings, structures, decorative walls and/or

architectural and landscape treatments. Any surface parking area shall be adequately planted and landscaped in order to create an attractive point of arrival.

- (4) Walkways should be provided for safe and convenient pedestrian access.
- (5) Special materials, such as brick or cobblestones and picket fences, shall be incorporated into walkways.
- (6) The exteriors of buildings shall utilize materials that are, including wood, brick, stucco, stone, masonry products or a combination of such materials or their equivalent. Artificial materials shall be permitted provided the materials; i) appear natural, ii) are of high quality, iii) are consistent with the Colonial Bay Village architectural theme and iv) are appropriate for the architectural design of the building. The use of synthetic looking, metallic, and reflective materials shall be avoided, including, but not limited to, aluminum or vinyl siding and plastic.
- (7) Building shape, proportions, massing, and design should be appropriate to the historic character of downtown Amityville. Architectural features such as porches, porticoes, shutters, decorative door and window frames, balconies, cornices, dormers, chimneys, turrets, and spires should be used to reinforce a pedestrian scale and create interest and variety in the facade.
- (8) All signs shall be in accordance with Chapter 144-6 F.

#### **§163-154 Lighting.**

Any development within the PR Zoning District shall, comply with the provisions of Article I of Chapter 116, and this section. All parking areas, entries, walkways, corridors, passages, utility areas and front landscaping must be provided with adequate lighting, for safety purposes. Lights shall be adjusted or shielded so as not to shine into adjacent properties.

#### **§183-155 Buffering and transitions.**

- A. Trash/dumpster areas shall be screened by an enclosure (Such as wood fences, chain-link fences, vinyl fences, or masonry enclosures), as well as sufficient landscaping. Such screening shall be aesthetically pleasing, as well as durable to the satisfaction of the Planning Board.
- B. Wherever a PR zoned parcel abuts upon a single-family residential parcel or building, there shall be suitable screening, fencing, landscaping, or buffer plantings, as determined by the Planning Board.
- C. The type, location, and extent of screening or fencing shall be determined by the Planning Board.

#### **§183-156 Affordable housing.**

Any project with five or more residential units shall comply with the requirements of Article 16-A, the Long Island Workforce Housing Act, of the New York General Municipal Law.

#### **§183-157 Off-street parking.**

In the PR Zoning District the following off-street parking requirements shall apply:

- A. Off-street parking on premises.
  - (1) Studio apartments: 1 space per unit.

- (2) One bedroom apartments: 1.25 spaces per unit.
- (3) Two bedroom apartments: 1.5 spaces per unit.
- (4) Three bedroom apartments: 1 space per bedroom.
- (5) Townhomes: 2 spaces per unit.

**B. Shared parking.** The minimum required quantity of parking may be reduced when shared parking is used. Where credible evidence is provided that parking could be shared by the proposed uses with nearby uses, as provided by a traffic study, parking study, traffic counts, or data by a licensed traffic engineer, up to a 20% reduction in off-street parking may be permitted for shared parking. Shared parking shall be located within 500 feet of each use and may include on-street parking, off-street parking, and commuter parking area. Such determination shall be at the discretion of the Planning Board and determined during the site plan approval process

**C. Parking demand reduction.** As part of site plan review, applicants will be encouraged to explore techniques to reduce parking demand. Techniques may include, but are not limited to; parking management programs, promotion of and priority to car-sharing and ride sharing, parking cash out programs, unbundled parking, provision of free or discounted transit passes, provision of bicycle parking facilities.

**D. Buffering.** In order to soften the appearance of parking lots, parking lots shall be landscaped with groundcover, grasses, or low shrubs.

#### **§183-158 Zoning incentives.**

**A.** In order to encourage development in accordance with this article and in accordance with the Village Law, the Board of Trustees is empowered to provide for a system of zoning incentives or bonuses in exchange for specific physical, social, or cultural benefits or amenities, as the Board deems necessary and appropriate, consistent with the purposes and conditions set forth herein. Any application to request incentive bonuses shall be submitted to the Village Clerk, in accordance with the application procedures and requirements of this article. The Applicant shall pay a filing fee established by the Board of Trustees and shall reimburse the village for any expenses incurred by the village to review said application and to comply with SEQRA, including the services of engineers, architects and environmental consultants.

#### **B. Community benefits or amenities.**

(1) The following community benefits or amenities may, at the discretion of the Board of Trustees, be accepted in exchange for one or more incentives, as provided in paragraph C.

(a) Public parking: municipal or public parking provided in addition to the minimum required on-site parking. Alternatively, monetary contribution to the creation or improvement of public parking elsewhere in the community.

(b). Open or park space: additional or passive open or park space available to the public. Alternatively, monetary contribution to the creation or improvement of open or park space elsewhere in the community.

(c) Infrastructure improvements: Infrastructure improvements above and beyond minimum requirements in the form of street furniture, lighting, landscaping, pavers, plazas, and related public amenities, as well as improvements to sewer and water systems. Alternatively, monetary contribution to the creation or enhancement of similar improvements elsewhere in the community.

(d) Other facilities or benefits to the residents of the community, as determined by the Board of Trustees.

(e) Any combination of the above listed community benefits or amenities.

(2) These community benefits or amenities shall be in addition to any mandated requirements pursuant to other provisions in this article.

(3) These community benefits or amenities may be either on or off the site of the subject application and may involve one or more parcels of land.

(C) Incentives or bonuses. The Board of Trustees may grant the following specific incentives:

(1) Increased residential density. The Board of Trustees may grant an increased residential density of up to 48 units per acre.

(2) Increased FAR. The Board of Trustees may grant an increased FAR of up to 1.75.

(3) Increased height. The Board of Trustees may grant an increased building height of up to 48 feet measured from average grade of the ground surrounding the building, exclusive of the exceptions set forth in Section 183-151(F).

(4) Reduced parking requirements. The Board of Trustees may reduce the parking requirements for applications that demonstrate elevated transit usage, significant pedestrian and Walkability amenities, and have a total lot area of seven (7) acres or more.

(5) Modifications to other land development standards or dimensional requirements. The Board of Trustees, at its discretion, may modify other land development standards or dimensional requirements of the Code.

**(D) Criteria and procedure for approval.** Authorization of zoning incentives is subject to approval by the Board of Trustees prior to the grant of site plan approval. The following procedures shall be followed for the approval of any incentive or bonus:

(1) Submission of application. Applications for incentives in exchange for amenities shall be submitted to the Board of Trustees. In order to preliminarily evaluate the adequacy of the community benefit or amenity to be accepted in exchange for the requested incentive or bonus, the following information shall be provided by the applicant in addition

to the Information required as part of the site plan review.

- (a) A description of the incentive being requested.
- (b) A description of the proposed community benefit or amenity.
- (c) An estimate of the economic value of the proposed benefit or amenity to the public.
- (d) A narrative statement which

- (1) describes the benefits to be provided to the community by the proposed amenity.

- [2] Demonstrates that adequate services and facilities exist in the community that could accommodate the additional demand that would be generated by granting the incentive or bonus.

- [3] Explains how the proposed amenity promotes implementation of physical, social, or cultural policies.

- (4) Any additional information, as may be requested by the Board of Trustees.

**(2) Compliance with SEQRA:** Every decision by the Board of Trustees concerning the application for use of incentive zoning on a particular project shall fully comply with the provisions of SEQRA”

**Section 6.** This local law shall be effective upon filing with the Secretary of State .