

**A local law** to amend the Code of the Village of Rockville Centre, in  
*(Insert Title)*  
relation to permitted multi-family uses and height  
restrictions in the Business C and C2 Districts.

Section one. Purpose. The Board of Trustees of the Village of Rockville Centre hereby finds and determines that multi-family housing may be an appropriate use for some properties in the Business C or C2 Districts of the Village, which consist of properties contiguous with other properties zoned for single family residential dwellings, but that such uses should be subject to scrutiny and the imposition of conditions in particular cases. Accordingly, this legislation is enacted to amend the existing provisions of the Village Code which include such multi-family housing in the Business C and Business C2 Districts as permitted uses, and instead to require a special use permit for such uses. In addition, this legislation would reduce the maximum permitted height of buildings in these districts.

Section two. Section I (A)(4) of Chart VII of the Code of the Village of Rockville Centre, as added by Local Law 4-2004 and thereafter amended, is hereby REPEALED.

Section three. Section I (B)(1) of Chart VII of the Code of the Village of Rockville Centre, as added by Local Law 4-2004 and thereafter amended, is hereby amended, to read as follows:

“(1) Multifamily uses, 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.”

Section four. The opening paragraph of Section II (A) of Chart VII of the Code of the Village of Rockville Centre, as added by Local Law 4-2004 and thereafter amended, is hereby amended, to read as follows:

“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 bedroom. A den that is separated from a living room shall be counted as a bedroom.”

Section five. Section I (A)(4) of Chart VIII of the Code of the Village of Rockville Centre, as added by Local Law 4-2004 and thereafter amended, is hereby REPEALED.

Section six. Section three. Section I (B)(1) of Chart VIII of the Code of the Village of Rockville Centre, as added by Local Law 4-2004 and thereafter amended, is hereby amended, to read as follows:

“(1) Multifamily uses, 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.”

Section seven. The opening paragraph of Section II (A) of Chart VIII of the Code of the Village of Rockville Centre, as added by Local Law 4-2004 and thereafter amended, is hereby amended, to read as follows:

“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 bedroom. A den that is separated from a living room shall be counted as a bedroom.”

Section eight. Section I (C)(2) of Chart VII of the Code of the Village of Rockville Center is hereby amended, to read as follows:

“(2) Height: 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.”

Section nine. Section I (C)(2) of Chart VIII of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

“(2) Height: 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.”

Section ten. Chapter 330 of the Code of the Village of Rockville Centre is hereby amended, by adding thereto a new Article, to be Article IV, to read as follows:

#### Article IV Special Permits

§330-15. Special Permits. Wherever the Planning Board is vested with authority to issue a special permit pursuant to this Code, the procedures and general standards for review of such applications shall be the same as those provided in this chapter with respect to subdivision review, except where the Planning Board may determine otherwise for good cause and upon resolution stating the reasons for such exceptions.

§330-16. Special Permits For Multifamily Uses in the Business C or C2 Districts.

A. Unless otherwise determined by the Planning Board as provided in paragraph B of this section, any multifamily use in the Business C or C2 Districts for which a special permit is granted shall conform to the following conditions:

- (1) there shall not be more than four dwelling units in any one building;

(2) no off-street parking on the site shall be located in the front or side yard setback areas, nor in or underneath any building or portion of a building used for residential occupancy;

(3) all off-street parking on the site shall be located behind the front building lines;

(4) no building shall be located within a distance of ten (10) feet of any other building;

(5) there shall be a minimum of two (2) parking spaces on site for each residential unit;

(6) on site parking may be outdoors or enclosed, but any enclosed off-street parking shall be in a structure detached from any residential structure;

(7) each residential building shall be served by its own driveway, and the site plan shall include landscaping and planting buffers between driveways as approved by the Planning Board;

(8) all front entrances to residential buildings shall face the street, and the Building Department shall determine which street the entrances are required to face in the event of any dispute.

B. In a proper case, and for good cause shown, the Planning Board may waive one or more of the requirements of paragraph A of this section, provided that any such determination by the Planning Board shall state the reasons for such action, in written form."

Section eleven. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section twelve. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.