

**(Use this form to file a local law with the Secretary of State.)**

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.

**County**

**City**

of Rockville Centre

**Town**

**Village**

**Local Law No. 5 of the year 2011**

**A local law to amend the Code of the Village of Rockville Centre, in relation to building**

*(Insert Title)*

**height and lot coverage.**

**Be it enacted by the Board of Trustees of the**

*(Name of Legislative Body)*

**County**

**City**

of Rockville Centre **as follows:**

**Town**

**Village**

Section one. The first unnumbered paragraph of the definition of "Building Height", as contained in Village Code §340-2, is hereby amended, to read as follows:

"The vertical distance measured from the curb level to the highest point of the roof for flat roofs, to the decline of mansard roofs, and to the highest point of the roof for gable, hip and gambrel roofs. In buildings with flat roofs, parapet walls shall not exceed three (3) feet in overall height above the highest point of the flat roof. Where an ornamental parapet in a building with a flat roof is proposed, the maximum distance from the highest point of the roof deck to the top of the ornamental parapet shall not exceed three (3) feet. The ornamental parapet shall not constitute an extension of the roof or be

**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

considered to be part of the height of the building. Ornamental details, and design elements, not exceeding a total of ten (10%) per cent of the linear footage of the parapet, may extend not more than five (5) feet above the flat roof, but the architectural detail allowed on any one side of the roofline may not exceed twenty (20%) per cent of the total linear footage of that side of the roofline.”

Section two. Section 340-2 of the Code of the Village of Rockville Centre is hereby amended, by adding thereto, in proper alphabetical order, the following new definition:

“Floor Area Ratio. Floor area ratio is the ratio of the total floor area of all buildings on a lot or parcel, excluding unfinished attics and cellars, to the total lot area of the lot or parcel on which such buildings are situated.”

Section three. Section 340-7 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

“§340-7. Height. No building shall be greater in height than the average height of the buildings located on the same side of the street and within the same block. No building on a corner lot shall be greater in height than the average height of the buildings located on the same sides of the two streets forming such corner and within each street’s respective block. No building shall be greater in height than thirty-two (32) feet. No roof shall have a slope ratio of less than six (6) vertical over twelve (12) horizontal...”

Section four. Section 340-2 of the Code of the Village of Rockville Centre is hereby amended, by adding thereto in proper alphabetical order the following new definition:

“Impervious Cover; Impervious Area. Those surfaces, improvements and structures through which rainfall, snowmelt and water cannot effectively infiltrate. Examples of impervious cover or impervious area include, but the terms are not limited to, building rooftops, pavement, driveways and patios.”

Section five. Section 340-6 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

“§340-6. Building area and lot coverage; Floor area ratio.

- A. For lots with area of 8,000 square feet or more, the principal building area shall not exceed twenty-five (25%) per cent, and the total building area including accessory buildings shall not exceed thirty (30%) per cent. For lots with area less than 8,000 square feet, the total building area including accessory buildings shall not exceed thirty (30%) per cent. The impervious surface area of any lot shall not exceed forty (40%) per cent, provided, however, that sidewalks, swimming pools and entrance pathways that lead to a front door shall not be

included in the calculation of impervious surface area for the purposes of this section..

- B. The floor area ratio on any lot or premises shall not exceed forty (40%) per cent.”

Section six. Any local law, ordinance, or resolution of the Village in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section seven. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

Section eight. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law, provided, however, that the amendments effectuated by this law shall not be applicable with respect to any substantially completed building permit application filed with the Village Building Department on or before March 4, 2011, and provided further that such building permit application shall not thereafter be amended in any manner which would cause the proposed construction or development to exceed the parameters or limitations enacted in this law to any degree greater than proposed in such permit application as of March 4, 2011.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No.5 of 2011 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on March 1, 2011, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**5. (City local law concerning Charter revision proposed by petition.)**

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\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_20\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_1\_\_, above.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body.

(Seal)

Date: March 2, 2011

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

Village Attorney  
Title

County

City

of Rockville Centre

Town

Village

Date: March 2, 2011