Local Law Filing

(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** ☐ **Town** ☒ **Village**
(Select one:)

of Roslyn

Local Law No. 5 **of the year 20**23

A local law AMENDING SECTION 470-20.1 OF THE MUNICIPAL CODE OF THE INCORPORATED
(Insert Title)
VILLAGE OF ROSLYN ENTITLED "TMU TRANSIT-ORIENTED MIXED-USE DISTRICT",

TO UPDATE PERMITTED USES IN

THE TMU TRANSIT-ORIENTED MIXED-USE DISTRICT

Be it enacted by the Board of Trustees **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Roslyn **as follows:**

§ 470-20.1
TMU Transit-Oriented Mixed-Use District.

A. Purpose. The purpose of the TMU Transit-Oriented Mixed-Use District is to encourage development that takes advantage of its proximity to the Long Island Railroad's Roslyn station and provides for a mix of uses appropriate for its unique location within the Village of Roslyn.

B. Permitted principal uses:

(1) Residential apartments in accordance with the following standards:

(a) The maximum gross density shall be 30 units per acre, except as may be increased pursuant to Subsection D.

(b) Residential apartments shall not be permitted along any street frontage at street level.

(c) Residential apartments shall only be permitted on upper floors, or in portions of a building not directly fronting on a street.

(2) Retail stores

(3) Personal service establishments

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

(4) Food and drink establishments

(5) Restaurants but excluding drive-in or drive-through restaurants.

(6) Banks, financial institutions, insurance agencies and real estate offices, but excluding drive-through banks.

(7) Professional and medical offices in accordance with the following standards:

(a) Access shall only be permitted to office uses from the interior of a property or a building lobby.

(b) Offices shall not be permitted along any street frontage at street level.

(8) Mixed-use development in accordance with the following standards:

(a) One or more of the nonresidential uses listed in Subsection B(2) through (6) above shall be provided at street level of any building.

(b) The maximum gross density shall be 30 units per acre, except as may be increased pursuant to Subsection D.

C. Accessory uses. The following accessory uses on the same lot as the principal use shall be permitted:

(1) Uses customarily incidental to the above-permitted uses.

(2) Private customer and employee parking and loading.

(3) Interior and exterior amenities, including rooftop decks.

D. Development incentive bonuses.

(1) This Subsection **D** is intended to give the Board of Trustees all powers set forth in New York State Village Law § 7-703.

(2) Definitions. As used in this Subsection **D**, the following terms shall have the meanings indicated:

COMMUNITY BENEFITS OR AMENITIES

Open space, parks, the amenities set forth in Subsection **D(6)**, or other specific physical, social or cultural amenities, or cash in lieu thereof, as authorized by the Board of Trustees, which provide a benefit to the residents of the community.

INCENTIVE BONSUSES AND INCENTIVE ZONING
Collectively referred to as "bonuses" in this Subsection **D**.

INCENTIVE BONUSES
Adjustments to the permissible density, coverage, floor area ratios, parking requirements, setbacks, topographical changes, area, height, open space, use or other provisions of this chapter for a specific purpose authorized by the Board of Trustees.

INCENTIVE ZONING
The system by which specific incentives or bonuses are granted to applicants pursuant to this Subsection **D** on condition that specific physical, social, or cultural benefits or amenities would inure to the benefit of the community.

(3) Purpose. The purpose of this system of bonuses shall be to advance the Village's specific physical, cultural and social policies in accordance with the Village's Comprehensive Plan and in coordination with other community planning mechanisms or land use techniques.

(4) Applicable zoning districts. This system of bonuses shall be applicable to the TMU Transit-Oriented Mixed-Use District.

(5) Environmental impact statement. In the event that the Board of Trustees determines that a generic environmental impact statement is warranted pursuant to Village Law § 7-703, Subdivision 3d, any applicant for bonuses shall pay a proportionate share of the cost, if any, of preparing an environmental impact statement, if so required, and such charge shall be added to any site-specific charge made pursuant to the provisions of § 8-0109 of the Environmental Conservation Law.

(6) The Board of Trustees, following a public hearing, may provide bonuses in accordance with the schedule below in exchange for the applicant providing one or more of the following facilities or amenities: affordable workforce housing, open space, parks and recreational facilities, streetscape amenities, landscaping, road improvements, road and/or traffic signalization and control improvements upon those public streets which may be impacted by the project or development, on-street parking, street trees, sidewalk extensions in parking lanes to slow vehicular traffic, and other elements which make roads more pedestrian friendly, water and sewer system improvements, streetscape elements such as lighting, furniture, and public art so as to enhance the appearance of the station area, or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the Village authorized by the Board of Trustees.

(7) For applicants who provide or make provision for amenities and facilities in this Subsection **D**, the Board of Trustees may, at its discretion, award bonuses by increasing the density, coverage and floor area ratios up to the maximums indicated in the schedule below. The Board of Trustees may also, at its discretion, award bonuses by increasing building heights, varying required setbacks, allowing topographical changes, and varying permissible uses in the district.

Schedule of Bonuses within the TMU Transit-Oriented Mixed-Use Zone

Minimum yard to any property line: 0.5 feet

Maximum building coverage: 80%

Maximum lot coverage: 100%

Maximum floor area ratio: 3.0

Maximum gross density: 60 units per acre

Minimum parking for residential units:

0 bedroom units: 1 per dwelling unit

1 bedroom units: 1 per dwelling unit

2 bedroom units: 1.5 per dwelling unit

3+ bedroom units: 2 per dwelling unit

No bonuses for parking for nonresidential uses.

Other bonuses are at the discretion of the Board of Trustees.

(8) Criteria for approval; methods required for determining the adequacy of community amenities. To evaluate the adequacy of the proposed benefits to be accepted in exchange for the requested incentives, the following information shall be provided by the applicant with its application for bonuses approval:

(a) A description of the proposed amenities outlining the benefits that will accrue to the community;

(b) The economic value of the proposed amenities to the Village as compared with the economic value of the proposed incentives to the applicant;

(c) A preliminary demonstration that there are adequate sewer, water, transportation, waste disposal and fire protection facilities serving or proximate to the proposed development to handle the additional demands the incentive and amenity may place on such facilities beyond the demand that would otherwise occur with as-of-right development; and

(d) An explanation as to the way in which the amenity will implement physical, social or cultural policies of the Comprehensive Plan and this chapter.

(9) Procedure for obtaining bonuses; application, review process, and imposition of terms and conditions. Applications for bonuses shall be completed by each applicant and filed with the Village Building Department along with the payment of any applicable fees. Authorization for bonuses shall be subject to approval by the Board of Trustees after a public hearing. Upon completion of the public hearing to consider the application for bonuses, the Board of Trustees shall grant or deny the application. The Board of Trustees shall determine whether the proposed amenities provide sufficient public benefit to provide the requested bonuses. In the event that the Board of Trustees grants such

application, it may impose such terms and conditions as are necessary to advance the Village's specific physical, cultural, social and governmental policies.

(10) Public hearing; public notice. The Board of Trustees may, in its absolute discretion, summarily determine whether or not to consider the application. If its determination is in the affirmative, it shall hold a public hearing to review an application submitted pursuant to this Subsection **D**. Public notice shall be given by publication in the official Village newspaper of such hearing at least 10 days prior to the date thereof.

(11) If the Board of Trustees determines that a suitable community benefit or amenity is not immediately feasible or otherwise not practical, the Board of Trustees may require, in lieu thereof, a payment to the Village of a sum to be determined by the Board of Trustees. If cash is accepted in lieu of other community benefit or amenity, provisions shall be made for such sum to be deposited in a trust fund to be used by the Board of Trustees for specific community benefits authorized by the Board of Trustees.

(12) In any instance in which a unit-count incentive bonus beyond that allowed as-of-right in the Village's Code shall be granted for a residential or mixed-use rental development which incorporates five or more residential units, the applicant shall set aside at least 20% of such units for affordable workforce housing on site. For purposes of this subsection, "affordable workforce housing" means housing for individuals and families at or below 120% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development (www.huduser.gov). Rent, including utilities, for each affordable workforce housing unit shall be no more than 30% of that household's income. Affordable workforce housing units shall be of consistent design to those of the rest of the development. The applicant and its successors shall annually submit a certification to the Village that it is in compliance with this requirement. Each applicant is required to engage in affirmative marketing to ensure outreach to racially and ethnically diverse households, including those who are least likely to apply. The applicant shall enter into a contract with a local housing group to administer the affordability of the housing units, and to monitor the rental of all units for compliance with the Village Code and New York State laws. A covenant setting forth the requirements of this Subsection **D(12)** in recordable form shall be executed by the applicant and filed by the applicant in the office of the Nassau County Clerk. The covenant shall be prepared by the applicant and submitted to the Village Attorney for approval as to form and content. This Subsection **D(12)** shall not in any way relieve applicant of its requirement to comply with New York State General Municipal Law § 699-b, but is intended to provide additional requirements for the provision of affordable workforce housing.

E. Bulk requirements for the TMU District shall be as follows:

(1) Minimum lot area shall be 30,000 square feet.

(2) Minimum lot width shall be 200 feet.

(3) Minimum front yard facing Railroad Avenue and Warner Avenue shall be zero feet.

(4) Minimum yard to any other property line shall be five feet.

(5) Maximum building coverage shall be 60%.

(6) Maximum lot coverage shall be 80%.

(7) Maximum building height shall be 40 feet.

(8) Maximum floor arca ratio shall be 2.0.

(9) Maximum density shall be 30 units per acre.

(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 2023 of the ~~(County)(City)(Town)~~(Village) of Roslyn was duly passed by the Board of Trustees on September 19 2023, in accordance with the applicable
(Name of Legislative Body)
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)~~
~~*(Name of Legislative Body)*~~
~~(repassed after disapproval) by the _____ and was deemed duly adopted~~
~~*(Elective Chief Executive Officer*)*~~
~~on _____ 20[ ][ ], in accordance w ith 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)~~
~~*(Name of Legislative Body)*~~
~~(repassed after disapproval) by the _____ on _____ 20____.~~
~~*(Elective Chief Executive Officer*)*~~

~~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)~~
~~*(Name of Legislative Body)*~~
~~(repassed after disapproval) by the _____ on _____ 20____. Such local~~
~~*(Elective Chief Executive Officer*)*~~
~~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.~~

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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.

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

Annemarie Hunt
~~Clerk of the county legislative body, City, Town or~~ Village Clerk or officer designated by local legislative body

(Seal)

Date: September 27, 2023