

Chapter 280. Zoning

Article XIV. Commercial Districts

§ 280-65.1. CBD Overlay Commercial District.

[Added 8-24-2010]

- A. The purpose of the CBD Overlay District is to provide a core concentration of commercial uses that will serve to provide a critical mass of cross-patronizing pedestrian-oriented businesses as a pedestrian-scale destination in the heart of the City. The City Master Plan sets forth a number of recommendations for Glen Cove's downtown, including maintaining the downtown's scale and character; enriching the mixed-use character of the downtown; creating an arts and entertainment district; enhancing walkability and amenities; supporting the business community's revitalization efforts; addressing perceived and actual parking problems; and improving connections to the rest of Glen Cove. The CBD Overlay District outlines the core area that is traditionally considered to comprise Glen Cove's downtown. It is the purpose of this district to continue and enhance the traditionally built environment of the downtown that is and should continue to be dominated by pedestrian-friendly streets and building scales. Further, it is the purpose of this district to promote businesses that will promote cross-patronization through providing a wide variety of retail, restaurant, arts, and entertainment and by maintaining a regular rhythm of storefronts along School, Bridge and Glen Streets that will encourage visitors to the downtown to explore the district and all its potential offerings. The area to be included in the CBD Overlay Commercial District is reflected on the CBD Overlay Map, prepared by the Turner Miller Group, dated August 23, 2010, on file in the office of the Glen Cove City Clerk.
- B. Relation to underlying zoning. The requirements of the CBD Overlay Commercial District are intended to supplement the requirements of the underlying zoning. Where competing standards exist in the CBD and underlying districts, the CBD standards shall govern.
- C. Special conditions applicable to permitted principal uses of the underlying zoning:
- (1) To ensure a variety of uses appealing to a wide range of patrons, permitted uses allowed by the underlying zoning shall not have floor areas exceeding 20,000 square feet per establishment except as otherwise permitted herein (see special permit).^[1]
[1] Editor's Note: See Subsections **F** and **G**.
 - (2) To retain the most important ground floor spaces for uses which generate high pedestrian traffic and thereby ensure the greatest opportunity for the success of the Central Business District as a whole, medical, professional and business offices shall not be permitted in ground floor spaces. They shall require a special use permit. The continuance of an office in existence on the effective date of this section and located within the CBD Overlay District or the relocation of an office in existence on the effective date of this section to another ground floor space within the CBD Overlay District shall be a permitted use.
 - (3) To ensure a variety of uses appealing to a wide range of patrons, the following uses shall be located no closer than 150 feet to a similar establishment and shall have 40 feet or less of ground story frontage, which is consistent with the current scale of the Central Business District:
 - (a) Real estate and real estate brokers' offices.
 - (b) Financial institutions.

- (c) Custom printing shops as permitted by the underlying zoning district.
- (4) To ensure continuous visual interest throughout the Central Business District, and to encourage pedestrian traffic throughout the district, schools for the instruction of personal artistic or physical skills such as fine arts, performing arts, martial arts, crafts, dance, and music shall provide internal reception or instructional areas visible from the street.
- D. In addition to uses prohibited by the underlying zoning, the following uses are also specifically prohibited within the CBD Overlay District:
 - (1) Drive-through windows accessible from Glen Street, School Street or Bridge Street.
 - (2) Sale and display of motor vehicles.
 - (3) Laundromats and other coin-operated businesses.
 - (4) Telephone exchange, mortuary, or taxi office.
- E. Special conditions applicable to accessory uses permitted by the underlying zoning:
 - (1) Off-street parking or loading at grade shall not be located between a principal structure and School Street, Bridge Street or Glen Street.
 - (2) Structured parking shall be located in a manner that obscures views of the parking structure from public streets to the maximum extent practicable.
- F. Additional criteria applicable to special use permits allowed by the underlying zoning:
 - (1) In order to ensure that those uses that generate significant vehicular traffic do not interfere with pedestrian traffic, and to ensure a variety of uses appealing to a wide range of patrons, the following uses shall be designed in a manner that locates structures, access points, parking and curb cuts in a manner that does not conflict with pedestrian traffic or the continuous linear procession of commercial ground floor spaces within the downtown:
 - (a) Hotels, including accessory conference facilities.
 - (b) Theaters.
 - (c) Institutions for higher learning, including colleges, universities, junior colleges; business, banking, business management, secretarial and office services schools; computer and data processing schools, art and drafting schools; barber, beauty and cosmetology schools; commercial or noncommercial food preparation schools; photography schools; schools for fashion design.
 - (2) To ensure a variety of uses appealing to a wide range of patrons, the following uses shall be located no closer than 150 feet to a similar establishment and shall have 40 feet or less of ground story frontage, which is consistent with the current scale of the Central Business District:
 - (a) Dance hall, bowling alley, skating rink, billiard parlor, radio station studio, lodge or assembly hall, club, discotheque, or bar.
 - (b) Fully enclosed personal service shops, such as barber shops, hairdressers, nail salons, tanning salons and other personal services.
- G. Additional special use permits permitted in the CBD Overlay District:
 - (1) Core-density residential mixed-use development. In order to introduce a population of resident patrons and to increase the vibrancy of the Central Business District during a greater time period throughout the day, the Planning Board may allow mixed-use residential developments at residential densities of up to 50 units per acre (725 square feet per residential unit) where the following provisions are met:
 - (a) Residential mixed-use developments are special use permits in the underlying zoning district and the proposed development satisfies all criteria of the residential mixed-use development special permit with the exception of density and open space requirements;

- (b) At least 175 square feet of commercial floor area is proposed for each unit proposed;
 - (c) At least one off-street parking space per three residential units is provided within a parking structure integrated with the principal structure not substantially visible from any public right-of-way;
 - (d) At least 50 square feet of usable contiguous open space per unit is provided. Such open space may be available to the general public and may be dedicated to the City of Glen Cove subsequent to site plan approval and shall thereafter continue to satisfy this requirement.
 - (e) In addition to the open space requirement, at least 30 square feet per unit of improved parkland available to the general public is provided. This improved parkland may be located off-site but must be located within 750 feet of the proposed site. In lieu of providing this improved parkland, money in lieu of parkland may be provided consistent with the established recreational fee of the City of Glen Cove, which money must be used for the acquisition and/or improvement of land located within 750 feet of the proposed site for parkland purposes available to the general public.
 - (f) The total site comprises at least 2 1/2 acres (100,000 square feet).
 - (g) The Planning Board shall request a recommendation from the City Council as to the appropriateness of the proposed density in the CBD district, given the recommendations of the proposed Master Plan, and other relevant City land use policies. The City Council shall provide its recommendation within 60 days of receipt of a complete application, indicating whether the proposed density is anticipated to result in significant positive benefits to the downtown business district by nature of the proposal's location; proposed mix of commercial and residential floor area; architectural appearance; introduction of patron populations to the downtown due to the design of the units and structures or other relevant features intended to attract young adults, empty nesters or other groups with generally significant amounts of disposable income supportive of local economic activity; proposed public improvements both on-site and off-site, if any; and any other relevant and appropriate considerations the City Council wishes to include. Such time period for recommendation may be extended by mutual consent of the applicant and the City Council. The Planning Board shall consider the recommendations of the City Council in determining whether or not to authorize the special permit, the density to be permitted and any site features or elements to require as part of the proposal.
- (2) Uses permitted by the underlying zoning with floor areas exceeding 20,000 square feet per establishment.
- (a) The frontage of the establishment along Glen Street, School Street or Bridge Street shall not exceed forty feet.
 - (b) No curb cut providing vehicular access for the site shall be permitted along Glen Street, School Street or Bridge Street.
 - (c) The full off-street parking requirement shall be provided on site in a structure not visible from Glen Street, Bridge Street or School Street. The Planning Board shall not waive any portion of the parking requirement but may accept a fee in lieu of parking. In the interest in promoting the viability of the downtown as a whole and encouraging cross-patronizing of multiple downtown businesses, all off-street parking facilities provided shall be available to the public, and no limitations shall be posted or enforced on the use of off-street parking for persons frequenting other uses within the downtown.
- (3) Medical, professional and business offices located within ground floor spaces, provided that the following conditions are satisfied:
- (a) Evidence shall be provided that at the time of application at least two vacant ground-floor spaces in separate ownership exist within the CBD Overlay District, each having at least 75% of the gross floor area of the proposed office space.
 - (b) A letter from the Business Improvement District (BID) shall be provided stating that market conditions support the use of valuable prime downtown frontage for office use.
- H. Lot area and building requirements for principal uses. The following requirements replace the requirements of the underlying zoning:

- (1) Maximum setback from front property line (replaces minimum setback requirement): 10 feet, unless a greater setback is required in order to provide a plaza fully accessible to the public.
- (2) Maximum height:
 - (a) Three stories and 45 feet,
 - (b) Upon application therefor, and after public hearing, the Planning Board may allow four stories and 55 feet subject to the following:
 - [1] The proposed structure is located immediately adjacent to structures that are at least three stories and 40 feet in height.
 - [2] One of the following applies:
 - [a] The proposed structure is located within 100 feet of an intersection along Glen Street.
 - [b] Because of the topography of the site, the facades facing Glen Street or School Street would be no higher than three stories and 45 feet, but other facades would be up to four stories and 55 feet.
 - [c] The proposed structure is eligible for a gold certification from the US Green Buildings Council under their Leadership in Energy and Environmental Design (LEED) Green Buildings rating system as determined by the Director of the Building Department.
 - (c) Upon application therefor, and after a public hearing, the Planning Board may permit up to five stories and 65 feet in height where a structure is set back from the public right-of-way to provide a substantial public plaza or open space of at least 10,000 contiguous square feet and increases the linear footage of ground-floor retail visible from School Street, Bridge Street or Glen Street. In such a case, structures shall not exceed four stories and 55 feet within 100 feet of School Street, Bridge Street or Glen Street and five stories and 65 feet thereafter. The design of the public plaza shall be subject to Planning Board approval and may include amenities accessible to the general public such as benches, landscaped sitting areas, public exhibition areas and water features. The public plaza shall be made available to continuous public use by dedication, covenant, easement, or deed restriction in favor of the City of Glen Cove.

I. Parking. Given the prevalence of municipally owned structured parking, and the economies of shared parking in existence within the CBD, the following parking requirements replace the parking requirements of the underlying zoning. Loading requirements of the underlying zoning continue to apply.

(1) Off-street parking requirements.

Use

Required Spaces

Retail business	1 space per 500 square feet of sales area
Service business	1 for each 350 square feet of customer service area
Banking office	2 spaces per teller
Restaurant except fast food or take out	1 for each 4 seats
Professional or business office	1 per 250 square feet of floor area not including storage space
Medical office	1 for each 150 square feet of office space, or 4 for each doctor or dentist, plus 1 per employee, whichever is greater
Theater or other place of public assembly	1 per 4 permanent seats for public assembly or 1 per 1,000 gross square feet of display area
Membership clubs and fraternal lodges	1 for each 2 employees, plus 1 for each 300 square feet of floor area or each 5 seats within the dining room or the principal meeting room, whichever is most appropriate to the customary use thereof
Bowling alley	4 per alley

Use**Required Spaces**

Hotel or motel

1 for each guest room plus 1 for each 2 employees

Colleges, universities, etc.

1 space for each staff member plus .75 space for each student, plus 1 space for each 5 seats in the largest assembly hall

Senior citizen congregate housing

1 per 2 dwelling units

Uses not listed

1 per 250 square feet or as determined by the Planning Board to be needed, based upon the recommendations of a parking study prepared by a licensed engineer.

Fast food or take-out restaurants

1 per 2 seats or 1 for each 40 feet of customer service areas, whichever is greater

(2) Waiver of parking requirements or payment in lieu.

(a) The Planning Board may waive up to 50% of the required parking for a particular use where it finds that the parking is not required given the unique circumstances of the proposed use, including circumstances of timing of peak demand, availability of municipal parking in the vicinity, or special nature of the proposed use that reduces parking demand below typical requirements. Where appropriate, the Board may require the submission of studies sufficiently demonstrating that the required amount of parking is unnecessary or may be undesirable. In determining whether to waive parking requirements, the Planning Board shall consider the following criteria:

- [1] The granting of the waiver will not cause undue traffic or on-street parking congestion in the immediate area of the premises.
- [2] That adequate off-street parking and loading spaces are provided on premises or in municipally owned parking lots or facilities within 500 feet of the premises.
- [3] That granting a waiver will not cause detrimental impacts to other uses in the vicinity of the premises.
- [4] That the parking facilities provided or available in the vicinity of the premises are sufficient to handle expected parking demand for the proposed use, and a waiver will not create a neighborhood nuisance or hazard.
- [5] That adequate measures will be implemented to mitigate the potential impacts of the waiver, including, but not limited to, designating employee and patron parking, providing valet service, providing shuttle service, providing for tandem parking and/or designating compact car spaces.
- [6] That the proposed waiver will not create conditions that will be hazardous, conflicting or incongruous to the immediate neighborhood by reason of excessive traffic, assembly of persons or vehicles and proximity to travel routes or pedestrian traffic.

(b) The Planning Board at its discretion may permit payment of a fee in lieu of providing the required number of spaces if the proposed use is within 500 feet of a municipally operated parking facility. The City Council of the City of Glen Cove upon recommendation from the Planning Board shall accept all or a portion of this fee. The Planning Board shall, at the time of its approval of a site development plan, certify on such plan that the municipally operated off-street parking facility has adequate capacity to accommodate the required number of spaces. The amount of the fee in lieu required per space shall be established on an annual basis by the City Council based on the projected construction cost for municipal provision of the additional parking spaces, an appropriate percentage of the long-term maintenance of parking facilities, operating costs where the spaces are not revenue producing, and any loss in taxes resulting from municipal provision of such spaces.

J. CBD design guidelines.

(1) Purpose and intent.

- (a) While the City's Zoning Code determines what uses are appropriate as well as the location and density of both residential and nonresidential development, the manner in which these uses are designed and developed can be even more important and will have a lasting effect on the City's appearance, function and the quality of life of its residents. The downtown area of Glen Cove reflects a heritage that is common to many Long Island communities and was mainly built before the 1950's automobile-dependent strip mall. The traditional pedestrian-scale atmosphere along with buildings which ideally can stand alone as individual jewels or together as cohesively designed and integrated row-buildings are demonstrative of this heritage. The preservation of the character and history of a city is crucial to its continued vitality.
- (b) Design guidelines^[2] provide a basis for planning, design and evaluation of development proposals in the B-1 Zoning District. They are intended to assist residents, developers, design professionals, and the Planning, Zoning and Architectural Review Boards with the review and approval of projects. The guidelines clarify what is expected and acceptable, thereby simplifying and speeding up the site plan approval process for both applicants and Boards.

[2] *Editor's Note: The design guidelines are located at the end of this chapter.*

- (2) Prior to or concurrent with approval of any site plan or special permit for construction, expansion or exterior alteration of a structure within the CBD Overlay District, the Planning Board shall make a determination that the proposed site plan or special permit is generally consistent with the existing character of the CBD and any design guidelines adopted by the City Council. The Planning Board shall require the applicant to submit such plans, elevations, and other details as are necessary to judge the exterior appearance of the site. Only areas visible from public streets and areas generally accessible to the public shall be required to meet these design standards.
- (3) The Planning Board is authorized to waive any lot area or building requirement of the CBD Overlay or underlying zoning district where doing so will increase a proposal's compliance with the standards contained within design guidelines adopted by the City Council.
- (4) If a duly authorized Architectural Review Board (ARB) exists within the City of Glen Cove, the Planning Board shall refer the site plan or special permit application to the ARB as soon as the application is sufficient to judge the exterior appearance of the proposed site. The Architectural Review Board shall review applications for consistency with the existing character of the CBD and any design guidelines adopted by the City Council and furnish its report to the Planning Board, which shall consider the report of the ARB in making its determination of consistency and any waiver of bulk requirements.
- (5) Where specific standards exist within other chapters of the Glen Cove Code, such specific standards shall take precedence over design guidelines.