

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
AUGUST 2, 2022

ADDED BY UNANIMOUS CONSENT

1. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Building Code and Appendix A of the Zoning Code.

August 2, 2022

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Building Code and Appendix A of the Zoning Code.

WHEREAS, there has been presented to this Council the following proposed Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LONG BEACH RE: BUILDING CODE AND APPENDIX A OF THE ZONING CODE.”

(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach the title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New York, on August 16, 2022 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: BUILDING CODE AND
APPENDIX A OF THE ZONING CODE.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 7, Article I, Sec. 7-1 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended, to read as follows:

“Sec. 7-1. Definitions.

(a) In addition to the definitions set forth in the state building construction code adopted in this article, the following terms shall, for the purposes of this chapter, have the meanings ascribed to them as follows:

...

Grade level: Center line or road adjacent to property **or base flood elevation and applicable freeboard as required by Article XII-FLOOD HAZARD ZONES of the City’s Building Code.**

...

Parking space: An area of not less than one hundred eighty (180) square feet, net, having a width of not less than nine (9) feet and a length of not less than twenty (20) feet, net, to be used exclusively as a temporary storage space for one private motor vehicle. **Compact parking spaces shall have a width of not less than eight (8) feet and a length of not less than seventeen (17) feet, net.** Truck loading and unloading space shall not be included in such area.”

...

Sec. 2. Section 9-104 of Appendix A of the Code of Ordinances of the City of Long Beach, New York, as heretofore amended, shall be and the same is hereby amended and added to, to read as follows:

“Sec. 9-104. Definitions.

(a) In addition to the definitions set forth in the state building construction code, the following terms shall, for the purposes of this appendix, have the meanings ascribed to them as follows:

...

Building area: The aggregate of the maximum horizontal cross-section area of the buildings on a lot **or development site**, excluding cornices, caves, gutters, bay windows or chimneys projecting not more than twenty-four (24) inches, steps, one-story open porches, balconies and terraces. It shall not include accessory buildings less than fifteen (15) feet in height.

...

Community Benefit Bonus (CBB): Incentive for Applicants who choose to seek additional height and density, and/or parking and yard/building setback reductions for applications involving multiple dwelling or mixed use developments in the Residence-Business A District by providing desired community amenities from an approved list of benefits and as recommended by the City Manager and approved by the City Council.

...

Development Site: An assemblage of one or more contiguous and/or adjacent lots with common ownership throughout.

...

Grade level: Centerline of road adjacent to property or base flood elevation and applicable freeboard as required by Article XII FLOOD HAZARD ZONES of the City Code.

...

Lot: Any plot, tract or parcel of land occupied by or intended to be occupied by one (1) or more principal buildings and accessory buildings and uses, including such open spaces as are required by this appendix.

...

Parking space: An area of not less than one hundred eighty (180) square feet, net, having a width of not less than nine (9) feet and a length of not less than twenty (20) feet, net, to be used exclusively as a temporary storage space for one private motor vehicle. **Compact parking spaces shall have a width of not less than eight (8) feet and a length of not less than seventeen (17) feet, net.** Truck loading and unloading space shall not be included in such area.

...

Stepback: For any multiple dwelling or mixed use development building proposed within twenty (20) feet of the property line along the street line in the Residence-Business A District, the fourth story and all stories above must be set back a minimum of fifteen (15) feet from the front of the building along the street frontage, as recommended by the Commissioner of Buildings and approved by the City Council.”

...

Sec. 3. Section 9-105.14 of Appendix A of the Code of Ordinances of the City of Long Beach, New York, as heretofore amended, shall be and the same is hereby amended and added to, to read as follows:

...

- (c) ***Community Benefit Bonuses (CBB).*** Community Benefit Bonuses offer the ability to develop beyond the height/bulk and density standards of this section in exchange for investment in public benefits. In accordance with the requirements of the Community Benefit Bonus Program, multiple dwellings and mixed use developments may be granted up to three additional bonus stories (maximum of up to forty-two (42) additional feet of building height). Multiple dwellings may be eligible for one additional bonus story (maximum of ten (10) feet of additional building height) with a maximum building area not to exceed ten (10%) percent of the lot area. The maximum density for multiple dwelling and mixed use developments may be increased by a maximum of thirty (30) percent through the Community Benefit Bonus Program. Additionally, yards/building setbacks and parking stall size may be reduced, as recommended by the Commissioner of Buildings and approved by the City Council, based

upon consideration of compatibility of adjacent buildings and structures, current setbacks of existing buildings in the area, vehicle and pedestrian access, visual access, lighting, drainage and utilities, public safety, whether reduced setbacks would fulfill the intent and purpose of this article.

- (d) *Step back.* For any multiple dwelling or mixed use development building proposed within twenty (20) feet of the property line along the street line, the fourth story and all stories above fronting the street line, inclusive of stories utilized for parking, must be set back a minimum fifteen (15) feet from the front of the building.
- (e) *Lot area.* No multiple dwelling shall be erected or altered on a lot or development site having an area of less than forty thousand (40,000) square feet, provided, however, that a one-family detached house for one dwelling unit only may be built upon a lot having an area of four thousand (4,000) square feet, and a two-family detached house for two (2) dwelling units only may be erected or altered on a lot having an area of six thousand (6,000) square feet. Further, no mixed use development shall be erected or altered on a lot or a development site having an area less than **three (3) acres. Lots/development sites must have a minimum area of 40,000 square feet to be eligible for Community Benefit Bonuses.**
- (f) *Building area.* Total building area for a multiple dwelling shall not exceed twenty (20) per cent of the total lot area/**development site area, excluding any platform structure with covered parking and other accessory uses of less than thirty (30) feet in height, which shall not be included in the twenty (20%) percent coverage.** The total building area for a one-family detached house for one dwelling unit shall not be less than twenty-five (25%) percent of said lot area nor exceed forty-five (45%) percent of said total lot area; and, provided, further, that the total building area for a two-family detached house for two (2) dwelling units shall not be less than twenty-five (25%) percent of the total lot area nor exceed thirty-five (35%) percent of said total lot area. Additionally, the total building area for a mixed use development shall not exceed twenty-five (25%) percent of the total lot area/**development site area, excluding any platform structure with covered parking and other accessory uses and certain principal uses, such as restaurants, retail shops, and catering facilities that strengthen street-level activity, of less than thirty (30) feet in height, which shall not be included in the twenty-five (25%) percent coverage. When calculating building area, the total lot area/site development area shall include contiguous and/or adjacent lots commonly owned on either side of Shore Road.**
- (g) *Front yard.* There shall be a front yard the depth of which shall be at least ten (10) feet from the street line or where the property fronts on the Ocean Beach Park, the depth of which shall be at least twenty (20) feet from the property line. In case of a corner lot, the front yard shall be required on each street on which the lot abuts. In the event the property line abuts on the Ocean Beach Park and a street, or is a through lot abutting two (2) streets, a front yard shall be required on each. Front yards shall be defined as those yards abutting the Ocean Beach Park, Shore Road, and Broadway. As to **multiple dwelling or mixed use developments located adjacent to Ocean Beach Park, if significant portions of the lot area, as recommended by the**

Commissioner of Buildings and determined by the City Council of the City of Long Beach, are used to provide "public areas," adjacent to, and at or above the existing Boardwalk level: the required front yard, where the property fronts Ocean Beach Park, may be reduced to zero (0) feet. For purposes of this provision, public areas shall be defined as parks, plazas, playgrounds, walkways, and other recreational areas and open spaces; significant view-sheds; and other features where the public is directly or indirectly drawn to visit or permitted to congregate within the mixed use development. **In accordance with the requirements of the Community Benefit Bonus Program, front yards may be reduced, as recommended by the Commissioner of Buildings and approved by the City Council, based upon consideration of compatibility of adjacent buildings and structures, current setbacks of existing buildings in the area, vehicle and pedestrian access, visual access, lighting, drainage and utilities, public safety, whether reduced setbacks would fulfill the intent and purpose of this article.**

- (h) *Side yards.* There shall be a side yard along each side lot line equal to not less than **fifty (50) feet per side yard for multiple dwelling and mixed use developments.** In addition, open yards, unobstructed except as specified in this subsection, shall be provided from the front lot line to the rear lot line through not less than seventy (70) per cent of the width of the lot on which the principal buildings are erected. These yards may be between principal buildings and side lot lines, and between principal buildings. No buildings, structures or uses may occupy such yards except the following:

- (1) Off-street parking facilities, including structures meeting all other city regulations and extending not more than twelve (12) feet above grade level. However, no off-street parking shall be permitted within fifteen (15) feet of any side lot line.
- (2) Swimming pools and other recreation facilities incident to a residential building on the same lot, including cabanas and other related facilities meeting all other city regulations, and extending not more than twelve (12) feet above grade level.
- (3) Ornamental landscaping and areas for passive recreation.
- (4) Other uses or structures otherwise complying with all city ordinances and deemed by the building commissioner to be in accordance with the purposes of this section.

Notwithstanding any of the provisions of this section, the first fifteen (15) feet immediately adjacent to the property line, running from the front lot line to the rear lot line, shall remain open and unobstructed.

As to a one-family detached house for one dwelling unit, or a two-family detached house for two (2) dwelling units, there shall be a side yard along each side lot line, which shall be at least five (5) feet in width on one side and eight (8) feet in width on the other side of the building. All side yards shall extend unobstructed and unencumbered above grade level from the front yard to the rear yard. There shall be no parking of motor vehicles in side yards. As to **multiple dwellings or mixed use developments** located adjacent to Ocean Beach Park, if significant portions of the lot

area, as **recommended by the Commissioner of Buildings and** determined by the City Council of the City of Long Beach, are used to provide "public areas," adjacent to, and at or above the existing Boardwalk level: the required open yards shall be reduced to not less than sixty (60%) percent of the width of the lot on which the principal buildings are erected; there shall only be required a side yard along each side lot line, which shall be at least fifteen (15) feet on each side; and, accessory buildings including parking structures, that meet all other city regulations, may occupy such open yards, provided they extend not more than **thirty (30)** feet above grade level. All side yards shall extend unobstructed and unencumbered above grade level from the front yard to the rear yard. **In accordance with the requirements of the Community Benefit Bonus Program, side yards or yard obstructions may be reduced and parking structures may be granted additional height above grade level to increase available parking, as recommended by the Commissioner of Building and approved by the City Council, based upon consideration of compatibility of adjacent buildings and structures, current setbacks of existing buildings in the area, vehicle and pedestrian access, visual access, lighting, drainage and utilities, public safety, whether reduced setbacks would fulfill the intent and purpose of this article.**

- (i) *Rear yards.* There shall be a rear yard in every lot and it shall be at least twenty (20) feet deep. **In accordance with the requirements of the Community Benefit Bonus Program, rear yards may be reduced, as recommended by the Commissioner of Buildings and approved by the City Council, based upon consideration of compatibility of adjacent buildings and structures, current setbacks of existing buildings in the area, vehicle and pedestrian access, visual access, lighting, drainage and utilities, public safety, whether reduced setbacks would fulfill the intent and purpose of this article.**
- (j) *Distance between buildings.* There shall be a minimum distance between principal buildings on the same lot equal to the average of the heights of the two (2) **buildings, exclusive of the first five feet of balconies projecting from the building wall.** The minimum distance between a principal building and any accessory building shall be fifteen (15) feet. **In accordance with the requirements of the Community Benefit Bonus Program, distance between buildings may be reduced, as recommended by the Commissioner of Buildings and approved by the City Council, based upon consideration of compatibility of adjacent buildings and structures, current setbacks of existing buildings in the area, vehicle and pedestrian access, visual access, lighting, drainage and utilities, public safety, whether reduced setbacks would fulfill the intent and purpose of this article.**

No row of one-family or two-family attached buildings shall exceed three (3) buildings and shall not be greater than seventy-five (75) feet in length. There shall be a minimum of twenty (20) feet between one row of attached buildings and another row of attached buildings. As to **multiple dwelling and** mixed use development, there shall be a minimum distance between the principal buildings on the same lot equal to one-half (1/2) the average of the heights of the two (2) buildings, **exclusive of the first five (5) feet of balconies from the building wall.**

- (k) *Density.* No multiple dwelling **or mixed use development** shall be erected or altered to make provision for more than one dwelling unit per six hundred (600) square feet of lot/**development site area, except that the maximum density for multiple dwelling or mixed use developments may be increased a maximum of thirty (30%) percent in accordance with the requirements of the Community Benefit Bonus Program. For purposes of this provision, the total lot area/site development area shall include contiguous and/or adjacent lots commonly owned on either side of Shore Road.** Habitable floor area in each dwelling unit shall be not less than four hundred (400) square feet.

No one-family or two-family attached dwellings shall be erected to make provision for more than one family for each one thousand (1,000) square feet of the area of the lot.

No one-family dwelling shall be erected to make provision for more than one family for each four thousand (4,000) square feet of the area of the lot nor shall a two-family dwelling be erected to make provision for more than two (2) families for each six thousand (6,000) square feet of the area of the lot.

- (l) *Recreation areas.* No multiple dwelling units shall be erected without providing for a minimum area for recreation and children's play areas at a ratio of fifty (50) square feet for each dwelling unit, provided, however, that off-street parking areas shall not be included in the computation of the areas required to be furnished for recreational purposes.
- (m) *Off-street parking areas.* A paved off-street parking area shall be provided at a ratio of one and one-quarter (1.25) spaces for each studio dwelling unit; one and one-half (1.5) spaces for each one-bedroom dwelling unit; and two (2) spaces for each dwelling unit of two (2) bedrooms and more. In no case shall the total off-street parking provided comprise less than one and three-quarter (1.75) parking spaces for each dwelling unit. In the case of multiple dwellings containing more than ten (10) units, twenty-five (25%) percent of required off-street parking facilities may be provided off-site, but in no event shall be located more than five hundred (500) feet from the parking generator. **In accordance with the requirements of the Community Benefit Bonus Program, up to thirty (30%) percent of the required parking stalls may be reduced in size to compact parking stalls, as recommended by the Commissioner of Buildings and approved by the City Council.**

Off-street parking for commercial establishments shall be provided in accordance with the off-street parking regulations as set forth in subsection 9-112 of this ordinance.

- (n) ***Impacts on infrastructure.*** All applications for multiple dwelling or mixed use developments must include an infrastructure analysis of City utilities (sanitary wastewater and water demand) to evaluate the City’s infrastructure capacity and ability to support new development within the Residence-Business A District, at the cost of the applicant(s). Should infrastructure capacity be inadequate to support the new development, the applicant(s) shall be required to either fund/construct the necessary improvements to impacted infrastructure to accommodate the project or provide fair share contributions to mitigate the impact on said infrastructure in accordance with the requirements as recommended by the City’s Commissioner of Public Works and approved by the City Council.”

Sec. 4. Section 9-113.2(h) of Appendix A of the Code of Ordinances of the City of Long Beach, New York, as heretofore amended, shall be and the same is hereby amended and added to, to read as follows:

“Sec. 9-113.2. Off-street parking design standards.

...

- (h) Each off-street parking space (parking stall) shall have a minimum area of one hundred eighty (180) square feet with a minimum width of nine (9) feet and a minimum length of twenty (20) feet, and each such parking space or stall shall be so arranged that the vehicle parked therein may be driven directly to the public highway without moving any other vehicle parked in an adjacent parking space or stall. **Compact parking spaces, where permitted, shall have a minimum area of one hundred thirty-six (136) square feet with a minimum width of not less than eight (8) feet and a minimum length of not less than seventeen (17) feet.”**

Sec. 5. This Ordinance shall take effect immediately.

IT IS AGREED BY THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF LONG BEACH, NEW YORK, WHO ARE PRESENT AT THE REGUALR MEETING OF AUGUST 2, 2022, that the following Resolution be placed upon the calendar at the Regular Meeting of August 2, 2022:

Item No. 1 Resolution:

Resolution Authorizing Publication for Hearing of an Ordinance
to Amend the Code of Ordinances of the City of Long Beach
Re: Building Code and Appendix A of the Zoning Code.

President McInnis

Vice President Treston

Council Member Posterli

Council Member Lester

Council Member Bendo