

The following Ordinance was moved by Mr. Eramo
and seconded by Mr. Mandel :

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

WHEREAS, Superstorm Sandy has uniquely affected the ability of homeowners in the Residence DD and Residence E districts to elevate their pre-existing one or two family homes while complying with FEMA floodplain regulations and the City's Zoning Code of Ordinances; and

WHEREAS, certain homeowners must incur additional expense and spend additional time to make an application to the City's Zoning Board of Appeals for relief from zoning regulations, which pre-date Superstorm Sandy; and

WHEREAS, the record reflects that the City's Zoning Board of Appeals has dealt with the aforementioned types of applications in a consistent manner, reflected by the proposed changes herewith; and

WHEREAS, in order to ease this additional burden upon the homeowners impacted by Superstorm Sandy, the City and the Chairman of the Zoning Board of Appeals, recommend the following proposed changes;

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

Sec. 1. 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, 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: A structure wholly or partially enclosed within exterior or party walls, containing a roof and a single standalone foundation, affording shelter to persons, animals or property.”

...

Sec.2. Section 9-105.4 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 Section 9-105.4(m) is hereby added to Appendix A, with the rest of the Section remaining in full force and effect, to read as follows:

“Sec. 9-105.4. Residence DD District. (*Residential area between New York Avenue and Lindell Boulevard from Park Avenue to Beech Street – the “The Walks”*)

....

(m) Due to the impact of Superstorm Sandy, all structural elevations of pre-existing one or two family buildings and/or one or two family dwellings, that existed or exist in substantially the same dimensions, size, shape, form and use during or immediately prior to October 29, 2012, shall comply with all applicable zoning requirements of the City of Long Beach Zoning Code of Ordinances except as specifically modified herein:

(1) *Front yard.* There shall be a front yard, the depth of which shall be at least ten (10) feet back of the street line. In case of a corner lot, the front yard shall be required on each street on which the lot abuts. This, however, shall not prohibit the erection and maintenance of an open porch in such front yard, provided that the same be erected not closer to the front line than one (1) foot.

(i) In the event that the front yard should contain an open porch, support beams for said open porch must not be closer to the front line than three (3) feet.

(2) *Side yard.* There shall be a side yard along each side lot line and it shall be at least four (4) feet in width on each side of the building, and extend unobstructed from the front yard to the rear yard, except where a pre-existing entrance to a one or two family dwelling existing prior to October 29, 2012, the installation of a wooden staircase and landing, in compliance with the minimum dimensions permitted by the New York State Residential Code, may be permitted to be erected on a single side yard only.”

...

Sec.3. Sections 9-105.5 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 Section 9-105.5(o) is hereby added to Appendix A, with the rest of the Section remaining in full force and effect, to read as follows:

“Sec. 9-105.5. Residence E District. (*Residential area between New York Avenue and Nevada Avenue from Park Street to Oceanview – the “West End”*)

....

(o) Due to the impact of Superstorm Sandy, all structural elevations of pre-existing one or two family buildings and/or one or two family dwellings, that existed or exist in substantially the same dimensions, size, shape, form and use during or immediately prior to October 29, 2012, shall comply with all applicable zoning requirements of the City of Long Beach Zoning Code of Ordinances except as specifically modified herein:

(1) ***Front yard.*** There shall be a front yard, the depth of which shall be at least ten (10) feet back of the street line. In case of a corner lot, the front yard shall be required on each street on which the lot abuts. This, however, shall not prohibit the erection and maintenance of an open porch in such front yard, provided that the same be erected not closer to the front line than one (1) foot.

(i) In the event that the front yard should contain an open porch, support beams for said open porch must not be closer to the front line than three (3) feet.

(2) ***Side yard.*** There shall be a side yard along each side lot line and it shall be at least four (4) feet in width on each side of the building, and extend unobstructed from the front yard to the rear yard, except where a pre-existing entrance to a one or two family dwelling existing prior to October 29, 2012, the installation of a wooden staircase and landing, in compliance with the minimum dimensions permitted by the New York State Residential Code, may be permitted to be erected on a single side yard only.”

...

Sec. 4. Any printing of “Hurricane Sandy” within the City’s Code of Ordinances shall be amended to read “Superstorm Sandy”.

Sec. 5. This Ordinance shall take effect immediately.