

Chapter 280. Zoning

Article XV. Industrial Districts

§ 280-72. MW-1 Marine Waterfront-1 District.

[Added 2-24-1998]

A. Purpose.

- (1) The purpose of the Marine Waterfront-1 District is to encourage a range of nonindustrial water-dependent and water-enhanced uses within portions of the Glen Cove Creek corridor that are oriented toward marine and related activities in a well-designed setting that will provide public access to the water and will attract residents, transient boaters and tourists to Glen Cove's regionally significant recreational boating center and working waterfront.
- (2) Further, it is a purpose of this district to provide incentives to upgrade existing water-dependent uses, phase out uses that are not consistent with the City's waterfront planning objectives as reflected in the Glen Cove Creek Revitalization Plan and in the report entitled "Marine District Comprehensive Strategy."

B. Permitted principal uses.

- (1) Yacht clubs and marinas. A marina must have a pumpout facility and no boat may be occupied overnight in a marina that does not have a properly functioning pumpout.
- (2) Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursion, pleasure or fishing trips, water taxi, or for vessels engaged in fishery or shell fishery.
- (3) Yard for building, storing, repairing, selling or servicing boats. Adequate lanes must be provided to allow access and egress throughout the yard for fire trucks. No outdoor storage may be permitted other than boats, and where practical such boat storage area shall be screened from view of adjoining streets and properties.
- (4) Facilities for recreational water sports (including kayak and canoe rental), sailing schools and similar uses.
- (5) Boat and marine engine sales and display.
- (6) Yacht broker or marine insurance broker.
- (7) Facilities for the rental and charter of boats.
- (8) Retail sale or rental of boating, fishing, diving and bathing and marine supplies and equipment.
- (9) Sail loft or ship's chandlery.

C. Lot area and building requirements for principal uses.

- (1) Minimum lot area: 40,000 square feet.
- (2) Minimum width: none required.
- (3) Minimum frontage along street: 50 feet.

- (4) Minimum setback from street: 20 feet (no parking permitted in this setback).
- (5) Minimum rear yard: 20 feet to property line. When a use abuts the water, no structure may be closer than 25 feet to the mean high water line or bulkhead unless the project includes a walkway or esplanade along the water accessible to the public or some other means of public access acceptable to the Planning Board, in which case said setback requirement may be reduced to 15 feet.
- (6) Minimum side yard: not required; if provided, such yard shall be 15 feet.
- (7) Minimum corner side yard: 25 feet.
- (8) Maximum height: 2 1/2 stories and in no event to exceed 35 feet.
- (9) No single building or group of attached buildings shall exceed 100 feet in length without a break. Such distance between buildings shall be at least 15 feet.
- (10) Maximum coverage of all buildings shall be 25% except as otherwise provided herein.

D. Special uses permitted at discretion of Planning Board.

- (1) Restaurants, including catering facilities, provided that they are permanently affixed to the land and table services is provided. For purposes of this section, no moored barge or houseboat can be considered permanently affixed to the land. A restaurant must provide public access to the water for pedestrians and/or transient boating public.
- (2) Floating restaurants, provided that the following conditions are met:
 - (a) The waste system shall be tied into the public sewer system. (NOTE: This could be tied into a marina pumpout, but such a system may not be large enough.)
 - (b) Minimum off-street parking requirements shall be satisfied on or off site in a manner acceptable to the Planning Board and City Attorney's office.
 - (c) Access shall be arranged to the satisfaction of the Planning Board and the City Attorney's office.
- (3) Retail uses in addition to those permitted in Subsections **B(5)** and **B(8)** of this section, provided that no single store shall exceed 3,000 square feet. If the property in retail use abuts the water, public pedestrian access to the waterfront must be provided.
- (4) Boatels, in accordance with the following conditions:
 - (a) Overnight accommodations shall be accessory to a permitted marina or yacht club.
 - (b) Not more than 20 rooms shall be permitted, at least 60% of which shall be available to persons arriving by boat.
 - (c) Rooms shall not have kitchenettes, kitchens or cooking facilities other than a microwave.
 - (d) No guest shall inhabit the boatel for more than 14 consecutive days.
 - (e) One off-street parking space shall be provided for each employee and one for each guest room available to the motoring public.
- (5) Bed-and-breakfast inns, in accordance with the following conditions:
 - (a) The owner and/or operator of the bed-and-breakfast inn shall reside on the property, either as an occupant of the inn or of a separate lawful residence located on the property.
 - (b) The inn shall not have more than eight guest rooms; not more than four persons shall occupy a guest room.
 - (c) No guests shall occupy the inn in excess of 14 consecutive days. The owner shall maintain a guest register open to inspection by the DBD or Code Enforcement Officer and shall preserve all registration records for a minimum period of two years.

[Amended 8-24-2010]

- (d) No meals other than breakfast shall be served.
 - (e) Kitchen and dining facilities shall be limited to use by the owner, occupants of the bed-and-breakfast inn and bona fide guests, and shall not be open to the general public. There shall be no individual kitchen or dining facilities in or for any guest room.
 - (f) All amenities shall be limited to use by the owner, occupants of the bed-and-breakfast inn and bona fide guests, and shall not be open to the general public.
 - (g) One off-street parking space shall be provided for each employee and for each room available for guest occupancy in addition to the off-street parking spaces required for the residence of the owner.
- (6) Mixed-use commercial/recreational support buildings.
[Added 8-24-2010]
- (a) Purpose. The City Council finds that certain uses and building scales that are normally inconsistent with the MW-1 District may be appropriate along the periphery of the MW-1 District, where such private uses are designed to complement and enhance use of public recreational resources.
 - (b) The following uses shall be permitted within the mixed-use commercial building:
 - [1] Offices.
 - [2] Water-related retail sales.
 - [3] Recreation-related retail sales.
 - [4] Convenience retail accessory to office, hotel or conference-center uses and with a total floor area not to exceed 3,000 square feet.
 - [5] Restaurants, catering facilities, conference facilities.
 - [6] Hotels offering spa and fitness services to overnight guests.
 - [7] Any other use permitted in the MW-1 District.
 - (c) The subject property must be located within 600 feet of a City-owned recreation field.
 - (d) The proposal must afford public access to the Glen Cove Creek waterfront. The proposal must include plans for a waterfront esplanade at least 14 feet wide to be constructed along the entire length of the property's interface with the Glen Cove Creek. Access easements acceptable to the Planning Board based on the advice of the Planning Board Attorney shall be provided to allow the public access to the waterfront esplanade.
 - (e) Where the property borders any industrial, warehousing, or processing use, the proposal must situate the building in a manner that screens the bordering use from substantial public view.
 - (f) Due to the location of the use in a vicinity used for public recreation, the dependence of the proposed uses on public recreational activities for continued viability, and the existing limits to parking in the MW-1 District, the proposal must provide 200% of the off-street parking required for the uses proposed. All parking facilities for the proposed project must be made available to the general public, including those persons seeking waterfront access, or access to community recreational fields. In recognition of the dual use of this area for public and private purposes, such facilities may be located on public lands by permission of the City of Glen Cove and subject to such covenants and easements as are reasonable to ensure ongoing maintenance and dual public/private use. All or a portion of the required parking may be provided on street, where the applicant proposes public improvements to the street to enhance maintenance and compatibility with pedestrian traffic such as widening, boulevarding, or other measures that result in the creation of safe and attractive on-street parking resources.

- (g) Where the use is proposed access by a street that currently limits public use due to the location and operation of City-owned facilities, is dominated by industrial and heavy commercial uses that are normally incompatible in appearance with the uses permitted herein, and where the access street contains significant frontage with City-owned recreational fields affording off-street parking for recreational users that will be impacted by increased usage of the access street, the proposal must include the refurbishment and beautification of such streets, including:

- [1] Installation of a sidewalk and bicycle path along the entire street frontage of the City-owned land and the private parcel;
- [2] Installation of street trees along both sides of the street along the entire street frontage of City-owned land and the private parcel;

- (h) Traffic study required. The applicant shall submit a traffic impact analysis documenting that the proposal will not result in a decrease in the level of service of any area intersections during peak weekday a.m., peak weekday p.m. and peak weekend hours. Such traffic studies will take into account all approved projects, or any project for which a traffic study has been submitted as part of State Environmental Quality Review.

- (i) Lot area and building requirements:

- [1] Minimum lot area: 40,000 square feet.
- [2] Minimum frontage along Glen Cove Creek: 500 feet.
- [3] Minimum setback from street: 20 feet.
- [4] Setback from Glen Cove Creek: 20 feet to the mean high water line or bulkhead.
- [5] Maximum height: Five stories and in no event to exceed 60 feet. Where a structure is found by the Planning Board to be eligible to receive a gold certification from the US Green Buildings Council under their Leadership in Energy and Environmental Design (LEED) Green Buildings rating system, up to six stories and 75 feet may be permitted.
- [6] Maximum floor area of any retail store: 7,500 square feet except for convenience retail as otherwise limited herein.

E. Accessory uses.

- (1) Uses customarily incidental or accessory to the principal uses subject to review and approval by the Planning Board including but not limited to swimming pools, tennis courts, rest rooms, laundry facilities and facilities for dispensing fuel.
 - (2) Signs in accordance with City of Glen Cove sign regulations.^[1] All signs shall be approved by the Planning Board.
- [1] *Editor's Note: See Ch. 228, Signs.*

- (3) Off-street parking.

F. Lot area and building requirements for accessory uses.

- (1) Minimum distance to front (street) property line: 60 feet, except parking which may be 20 feet from the front street line.
- (2) Minimum distance to any other property line: same as for principal use.
- (3) Maximum height: one story and in no event to exceed 20 feet.

G. Parking and loading requirements.

- (1) Off-street parking.

Use

Spaces Required

Marinas	1 space for each 3 slips plus 1 for each 2 total employees
Restaurant	1 space per 3 seats plus 1 space per employee based upon the largest work shift
Retail	Same as in B-1 District (§ 280-65F)
Office	Same as in B-1 District (§ 280-65F)
Other uses	As deemed necessary by Planning Board

(2) Loading.

Use	Spaces Required
Loading	1 space per 10,000 square feet of building area or fraction thereof
Marinas and related services	As deemed necessary by Planning Board

H. Coverage.

- (1) Maximum coverage. The total lot coverage of all buildings, principal and accessory, shall be 25% unless otherwise noted. Where a publicly accessible esplanade is provided substantially along the Glen Cove creek for the length of the site, and is not otherwise required total building coverage may be increased to 35%.

I. Other provisions and requirements/guidelines.

- (1) Wherever an off-street parking area of three or more spaces faces a street, a planting area with a minimum width of six feet shall be provided between the parking area and the sidewalk. The planting plan for this strip shall be approved by the Planning Board as part of the site plan review. Plantings shall be a minimum of three feet in height planted three feet on center. The remaining portion of the required setback may be grass or other acceptable ground cover.
- (2) Any use that abuts the Glen Cove Creek where public access to the water or waterfront is not otherwise required shall include to the maximum practical extent some type of public pedestrian access such as but not limited to a park or plaza area or an improved esplanade having a width of at least 10 feet along the entire length of the subject property on Glen Cove Creek in order to permit pedestrian access.
- (3) In all instances where public pedestrian or boat access is provided, access plans shall be approved by the Planning Board with advice from the Harbor and Waterfront Commission and the access shall be available for public use under a mutually acceptable arrangement between the City and the property owner. Where such access includes an esplanade along the entire width of the property, the Planning Board may permit an increase in building coverage up to 35%. The agreement between the City and property owner shall incorporate a provision that in exchange for construction and maintenance by the property owner, the City will assume responsibility for liability insurance for that portion of the property over which an easement is granted for public use.

