

Adopted: May 19, 2020

Senior Councilwoman Goosby offered the following resolution and moved its adoption:

RESOLUTION CALLING FOR A PUBLIC HEARING ON THE PROPOSED AMENDMENT OF THE BUILDING ZONE ORDINANCE TO ADD A NEW CHAPTER VIIB FOR THE CREATION OF A NEW ZONING DISTRICT TO BE ENTITLED THE "COASTAL CONSERVATION DISTRICT - WOODMERE CLUB"

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend its zoning ordinance pursuant to Article 9 of the New York State Constitution, Article 16 of the New York State Town Law, the Municipal Home Rule Law, as amended, and Article XXVI of the Building Zone Ordinance; and

WHEREAS, it is in the public interest to consider the proposed amendment of the Building Zone Ordinance of the Town of Hempstead to add a new chapter for the creation of a new zoning district to be entitled the "Coastal Conservation District - Woodmere Club"; and

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Village and Town of Hempstead, New York, on the 23rd day of June, 2020, at 7 p.m. o'clock in the evening of that day to consider the amendment of the Building Zone Ordinance of the Town of Hempstead, to add a new Chapter VIIB, for the creation of a new zoning district to be entitled the "Coastal Conservation District -Woodmere Club", at which time all interested persons shall be heard on the proposed amendment, to read as follows:

Article VIIB

Coastal Conservation District - Woodmere Club (CC-WC)

§ 76.17. Title.

This Article shall be known and cited as the "Coastal Conservation District - Woodmere Club (CC-WC)".

§ 76.18. Purpose.

- A. The purpose of this Article, in coordination with the contiguous neighboring Villages of Lawrence and Woodsburgh, is to regulate development in the environmentally sensitive coastal areas that span the municipal boundaries of the Town and the contiguous Villages of Lawrence and Woodsburgh, including the area occupied by the former Woodmere Club - allowing for the enhanced preservation and protection of the Town's and neighboring Villages' environmental, coastal, open space and cultural resources and the preservation of the residential neighborhoods - both within the unincorporated areas of the Town and neighboring incorporated Villages of Lawrence and Woodsburgh, in and about the former Woodmere Club.

In the low lying southern coastal areas of the Town and adjacent contiguous Villages there are located golf courses that have been in place for more than a century, which open spaces provide not only recreation but a natural mitigation against adverse impacts on the environment and, therefore, the well-being and safety of the entire region.

Climate change is becoming the defining environmental issue of our time, particularly for vulnerable, low-lying coastal areas. This change has taken shape already, in the form of more frequent and intense storms, sea level rise and extreme flooding. It is no longer a future endeavor, but rather a sound planning imperative that the Town and the Villages of Woodsburgh and Lawrence, immediately address ongoing and future conditions, including greater risks of flooding presented by sea level rise and enhanced storm surge, inland flooding expected to result from increasingly frequent extreme precipitation events and the increased risk of compound flooding, resulting from simultaneous storm surge and heavy precipitation. Through proper and coordinated regulation, the Town intends to do its part in preserving the health, safety and well-being of residents in the area of the Woodmere Club and the surrounding community.

Along the coast, and particularly in low-lying coastal areas, it is imperative that the Town and the Villages, as stewards of the environment and protectors of their community safety, health and welfare, assure that flood risk mitigation measures effectively preserve the floodplain and surrounding areas. As the Department of Environmental Conservation has expressed, the goal of managing the floodplain is not only to ensure that new development is reasonably safe from flooding, but to address existing risks, to avoid increasing risk to others and to sustain natural capacities to slow and diffuse flood flows. Reducing development in flood-prone areas allows the natural landscape to absorb more floodwaters, reduce flooding to adjacent areas, recharge groundwater and sustain a healthy ecosystem.

As a result of declining golf participation and membership at 18-hole golf clubs, golf courses are closing, including The Woodmere Club. The land of The Woodmere Club ("The Woodmere Club Property") is approximately 118.4 acres in size and is located partially in the Town of Hempstead (approximately 55 acres) and partially in the adjacent contiguous Villages of Woodsburgh (approximately 40.5 acres) and Lawrence (approximately 22.9 acres).

As a result, this large and mostly open coastal area, spanning the boundaries of these three contiguous municipalities, is vulnerable to residential and commercial development, seriously threatening both this environmentally-sensitive coastal area, and the well-being of the Town and Villages and the region as a whole, and

which potential adverse impacts and loss of existing open space will not be adequately mitigated by existing and inconsistent zoning regulations in both the contiguous Town and Villages with respect to permissible development, lot size, lot coverage, density, building height and site-specific development regulations.

It is the belief of the Town, in coordination with the contiguous Villages, that, unless addressed, the loss of this existing open space to over-development in the Town's environmentally sensitive coastal areas presents an immediate threat to the public health and safety of the Town, the adjacent Villages, and the region as a whole, and can best be mitigated, and the additional benefits accomplished, with the coordinated creation of matching complimentary Coastal Conservation District[s] in each municipality in conjunction with the adjacent contiguous Villages of Woodsburgh and Lawrence.

The Woodmere Club Property is located in a relatively vulnerable, low-lying coastal area, well within Special Flood Hazard Area (100-year floodplain) and the New York State Coastal Boundary Area. The Woodmere Club Property is also impacted by shallow groundwater conditions. The New York State Department of Environmental Conservation (N.Y.S. D.E.C.) has identified the presence of Significant Natural Communities and Rare Plants and Animals at The Woodmere Club Property. The Woodmere Club Property has also been identified by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) as a potentially-archeologically sensitive area. Given the presence of these environmental and cultural resources, the Town intends to preserve a maximum amount of open space while regulating residential development to a lower level of density than that previously permitted within the Residence B district of the Town.

Additionally, it is the belief of the Town that this Article will be beneficial in protecting the character of nearby residential areas (as the Woodmere Club Property course extends into the Villages of Woodsburgh and Lawrence), by regulating overall residential density to ensure substantial consistency with the existing, and newly adopted, Town and Village zoning regulations. Cluster-style development will ensure that residential density remains consistent with neighboring Village regulations while also ensuring that much of the existing and protective open space in the Woodmere Club Property remains.

A traditional subdivision layout with a minimum lot size of one acre (43,560 square feet) within the 55-acre Town of Hempstead portion of the course would yield approximately 41 lots with no preservation of open space. As such, residential density within the Town's portion of the Woodmere Club Property would be equivalent to the density permitted by the adjacent one-acre zoning within the Villages of Woodsburgh and Lawrence. At the same time, the proposed cluster-style development for the Woodmere Club Property will allow for the preservation of

approximately 83 acres/70% open space throughout the Woodmere Club Property. Sustainable design elements will be required in all residential development applications, incorporating a sustainable approach and low-impact development principles.

While the Town recognizes its responsibility to provide for a properly balanced and well-ordered plan of development and land uses within its community, it also recognizes that, in enacting local zoning, consideration must be given to regional needs and requirements, and that there must be a balancing of the local desire to maintain the status quo within the community and the greater public interest that regional needs be met.

The New York State General Municipal Law, Section 239-NN, indicates the intent and purpose of State of New York to encourage the coordination of land use development and regulation among adjacent municipalities in order that each adjacent municipality may recognize the goals and objectives of neighboring municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area, and neighboring municipalities.

Pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law Article 5-J, Section 119-u, Village Law Section 7-741, and Town Law Section 284, the Town, the Village of Lawrence, and the Village of Woodsburgh agreed to coordinate regulation and entered into an Intermunicipal Cooperation Planning and Land Use Regulation Agreement (the "Intermunicipal Cooperation Agreement") with the purpose of undertaking mutually beneficial, shared and coordinated comprehensive planning and land use regulation for the Woodmere Club Property in order to promote intergovernmental cooperation, increase coordination and effectiveness of comprehensive planning and land use regulation, make more efficient use of infrastructure and municipal revenues and resources, as to enhance the protection of community resources which span municipal boundaries.

It is in that spirit, and pursuant to agreement of all three municipalities to work together and the Intermunicipal Cooperation Agreement, that the Town, in conjunction and coordination with the adjacent contiguous Villages of Woodsburgh and Lawrence, adopts and creates the Coastal Conservation District - Woodmere Club (CC-WC), for the Town of Hempstead.

The proposed Coastal Conservation District- Woodmere Club (CC-WC) district represents an intermunicipal plan that addresses current and future physical climate risk changes due to sea level rise, storm surge and flooding. The district recognizes these impacts in relation to the unique geographical setting of the property at the Woodmere Channel terminus, its historical and environmentally and ecologically sensitive setting, and the anticipated flood impacts associated with this

location. The risks to both private and public, and existing and future development, from flooding in this location under current and anticipated future conditions, necessitates multi-jurisdictional regulation guided by preservation and protection. The CC-WC district incorporates climate change considerations, while preserving both existing development and infrastructure, as well as protecting future development, including development on the Club property, from the virtual certainty of increasing flood risks as time progresses.

The Coastal Conservation District - Woodmere Club establishes three Sub-Districts to ensure the preservation of existing open space and regulate development in a manner that's compatible with area zoning and development patterns. The Open Space/Recreation Sub-District and the Single-Family Residential Sub-District both include portions of the Town of Hempstead and the contiguous Villages of Woodsburgh and Lawrence, while the Clubhouse/Hospitality Sub-District is located wholly within the Village of Woodsburgh. The three Sub-Districts are described in §76.25 of this Article.

- B. The Town Board finds that the creation of this zoning district, in harmony with the coordinated creation of a similar zoning district in the contiguous Villages of Woodsburgh and Lawrence, is in the public interest and that the provisions of these coordinated contiguous complimentary zoning districts in each municipality are in the interest of the protection and promotion of the public health, general welfare and safety of both the residents of the Town of Hempstead and contiguous Villages of Lawrence and Woodsburgh.

The creation of this district, in coordination with the contiguous municipalities is intended to preserve the Town's natural resources and environmental features, while also preserving community character and the economic value of other properties in the neighborhood in and about the former Woodmere Club. Special consideration is provided for sustainable design elements, which will help to mitigate flood impacts, preserve open space, decrease stormwater runoff, improve local water quality and reduce traffic impacts. The regulations contained within this Article have been designed to be compatible and complementary with other permitted land uses in the area and contiguous municipalities and protect the character of their existing and developed residential communities.

§ 76.19. Applicability.

The intermunicipal Coastal Conservation District - Woodmere Club (CC-WC) shall apply to the land that comprises the privately-owned golf course commonly known as The Woodmere Club, and referred to herein as the Woodmere Club Property (Nassau County Land & Tax Map Section 41, Block F, Lots 37, 40, 48, 310, 123/3024 (Lot Grouping), 3028, 3030A/3030B (Lot Grouping), and 3032; Section 41, Block D, Lots 53 and 55; and Section 41, Block 72, Lot 1/3/4/5A/5B/6-9/11-12 (Lot Grouping)) (the "Property"). Acreages identified within this Article are

based upon Nassau County Geographic Information Systems (GIS) 2018 Tax Parcel database.

The Building Zone Map of the Town of Hempstead shall be updated by the Town Engineering Department to reflect the lands which are by definition included within the CC-WC Coastal Conservation District - Woodmere Club.

In the CC-WC Coastal Conservation District - Woodmere Club, the following regulations shall apply.

§ 76.20. Definitions.

Lot coverage: The horizontal area of a lot covered by the roof areas of all buildings and/or structures, in addition to all other impervious surfaces, including but not limited to driveways, parking areas, patios, terraces, permeable pavement and paver systems and other similar features.

Permeable Pavement Surfaces: Pervious hardscape surfaces that allow for the infiltration of water into soils, helping to remove pollutants and recharge the water table. Examples of permeable pavement surfaces include pervious concrete, porous asphalt and permeable paving stones. Recycled concrete aggregate (RCA) shall not be permitted as the basecourse material. Open graded natural stone shall be used to facilitate storm water permeability.

Smart Controller Technology: An irrigation control system that reduces outdoor water use by monitoring and using information about site conditions (including, but not limited to soil moisture, rain, wind, slope, soil, plant type), and applying the correct amount of water based on those factors.

Compensatory Storage: A standard which preserves the ability of the floodplain to store water. Compensatory storage means that loss of flood storage due to buildings or fill in the floodplain is compensated for by providing an equal volume of storage to replace what is lost.

§ 76.21. Master Plan Submission.

A conceptual development plan for the proposed development of the Property shall be filed simultaneously with the Town of Hempstead and the Villages of Woodburgh and Lawrence for review purposes prior to the filing of a map or subdivision application with the Nassau County Planning Commission. The purpose of this procedure is to facilitate a coordinated review with the Town and Villages, including a conceptual subdivision layout for the three Sub-Districts. The conceptual subdivision layout shall include existing and conceptual proposed grading, proposed drainage for the lots and infrastructure, lot configuration, hospitality development proposal, and plans for maintenance of open space/common areas.

Upon receipt of the conceptual development plan, the Town and Villages shall review the plan for compliance with applicable zoning, subdivision and site-specific (including any performance standards and sustainable design) regulations in effect in the respective jurisdictions. Each municipality shall inform the applicant as to compliance with such regulations, within 45 days of receipt of the conceptual development plan, and may also provide comments regarding any relevant matter, including plans for maintenance of open space and common area.

§ 76.22. Subdivision Map

No permit shall be issued for any building requiring a building permit unless the site is shown on a subdivision map approved by the Nassau County Planning Commission and any other jurisdiction with primary or concurrent subdivision jurisdiction, and filed in the Nassau County Clerk's office.

§ 76.23. Interpretation; conflicts with other provisions.

- A. In interpreting and applying the provisions of this article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.
- B. In the event of a conflict between the provisions of this article and other provisions of this Building Zone Ordinance, the provisions of this article shall control.

§ 76.24. Severability.

If § 76.25 or § 76.26 of this Article shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall invalidate the remainder of this Article. If any other provision shall be so adjudged, it shall not invalidate the remainder of this Article. If there is found to be any imprecision, including but not limited to lot descriptions or acreage of total property, such will not invalidate this ordinance.

§ 76.25. Sub-Districts Established.

The Coastal Conservation District - Woodmere Club establishes three Sub-Districts to ensure the preservation of existing open space and regulate development in a manner that's compatible with area zoning and development patterns. The Open Space/Recreation Sub-District and the Single-Family Residential Sub-District both include portions of the Town of Hempstead and the contiguous Villages of Woodsburgh and Lawrence, while the Clubhouse/Hospitality Sub-District is located wholly within the Village of Woodsburgh. The three Sub-Districts of the Coastal Conservation District - Woodmere Club are provided in Figure 1 below and are described as follows:

- A. Open Space/Recreation Sub-District:

Accounting for approximately 35.7 acres of the approximately 55-acre Town of Hempstead portion of the property (65% of the land area within the Town of Hempstead) and approximately 83.3 acres of the approximately 118.4-acre Woodmere Club (70% of total land area), the intent of the Open Space/Recreation Sub-District is to preserve critical coastal open space areas to the maximum practicable extent. These open space areas provide flood mitigation from storm surge, stormwater, and sea level rise, provide critical habitats for wildlife and contribute significantly to the unique community character of the area. In recognition of the flood mitigation provided by these open space areas, and the protection of existing development and infrastructure in the Town and the surrounding area, the use of fill shall be regulated by the restrictions specified herein. Within the Open Space/Recreational Sub-District, grading for the purposes of flood water storage, including Compensatory Storage requirements of the Village of Lawrence (Lawrence Village Code: Article V Construction Standards: §94-13 General Standards) and the Village of Woodsburgh (Woodsburgh Village Code: Article V Construction Standards. §77-15 General Standards), shall be permitted. In addition, within the Open Space/Recreational Sub-District, with the exception of areas associated for access, as defined in § 76.35(C) of this Article, any removal of trees greater than six-inch caliper, or raising of grade by more than 12 inches, requires an administrative approval by the Town Board pursuant to Town Code and the Building Zone Ordinance.

B. Single-Family Residential Sub-District:

The Single-Family Residential Sub-District (approximately 29.4 acres of the approximately 118.4-acre Woodmere Club Property, or 25% of total land area) comprises two distinct development clusters, one in the Town of Hempstead portion of The Woodmere Club Property (approximately 19.3 acres in size) and one straddling the boundaries of the Village of Woodsburgh and the Village of Lawrence portions of The Woodmere Club Property (approximately 10.1 acres in size). These clusters, zoned for residential housing (religious and educational uses permitted by special exception), will allow development that is compatible with the existing one-acre minimum lot zoning in the Village of Woodsburgh and the 40,000 square foot minimum lot zoning in the Village of Lawrence, while retaining significantly more open space than provided for in previous zoning and land use regulations.

C. Clubhouse/Hospitality Sub-District:

The Clubhouse/Hospitality Sub-District is limited to approximately 5.7 acres within the Village of Woodsburgh portion of The Woodmere Club Property. The intent of this Sub-District is to preserve and enhance the existing clubhouse of The Woodmere Club and its associated hospitality services, including the parking areas, athletic courts and outdoor swimming pool. This Sub-

District is regulated entirely by the Village of Woodburgh and is not subject to the regulations set forth in this Article.

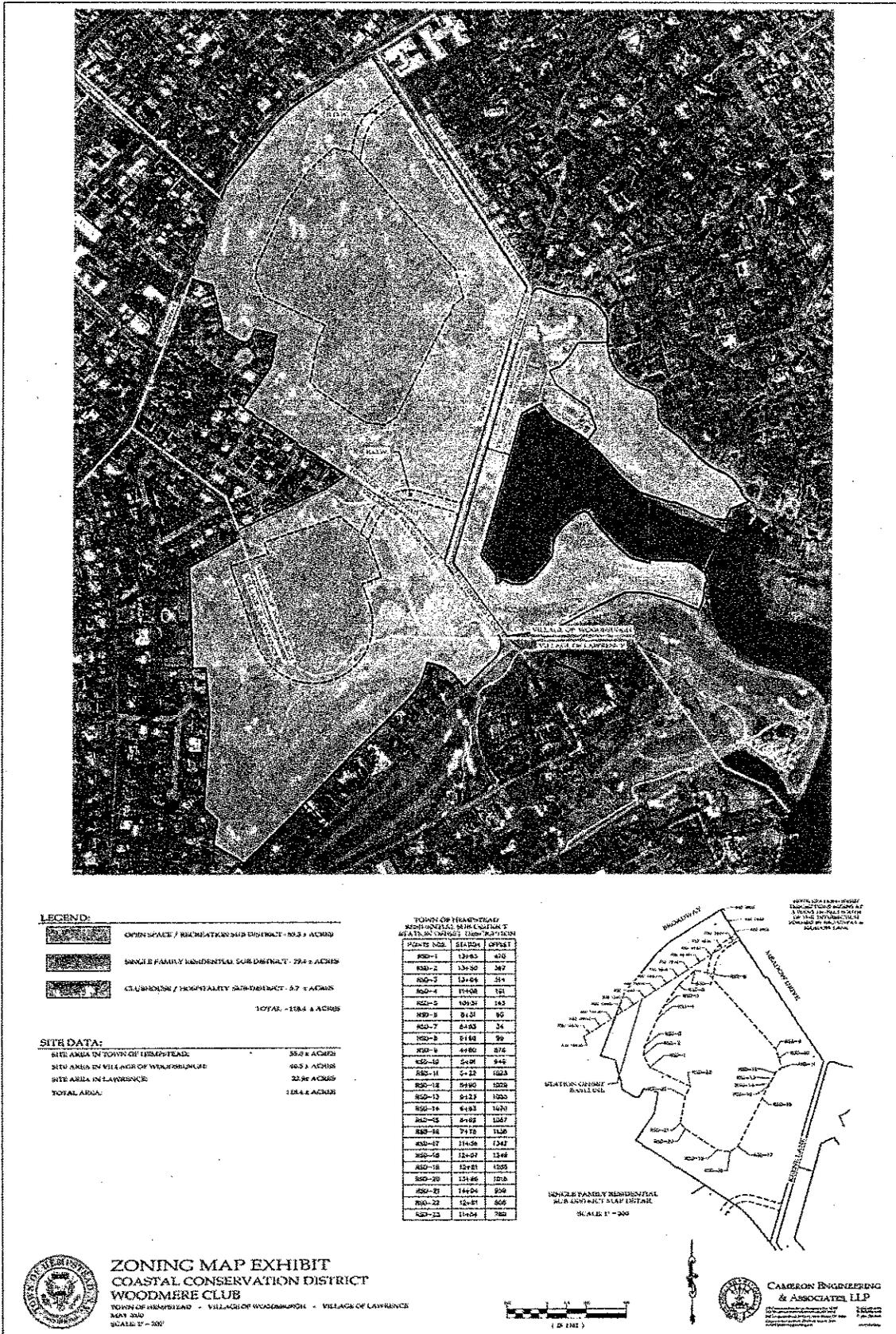


Figure 1: Coastal Conservation District - Woodmere Club Map

§ 76.26. Permitted uses.

- A. Within the Open Space/Recreation Sub-District, a building may be erected, altered or used and a lot or premises may be used for any of the following purposes, and for no other:

1) Golf course - private or semi-private, including practice golf areas such as putting greens and practice pitching/sand bunker areas.

2) Passive parkland, including walking trails, nature observation areas and passive recreation features.

3) Accessory structures and uses, which are customarily incidental to any of the above-permitted uses, including maintenance buildings not greater than 500 square feet with a maximum height of 16 feet and pavilion/shelter areas not greater than 400 square feet with a maximum height of 16 feet, are permitted. Setbacks for accessory structures within the Open Space/Recreation Sub-District shall be 100 feet from both perimeter property lines and residential homes. Not more than one such accessory structure per seven acres is permitted in this Sub-District.

B. Within the Single Family Residential Sub-District, a building may be erected, altered or used and a lot or premises may be used for any of the following purposes, and for no other:

1) Single-family detached dwelling.

2) Accessory uses on the same lot with and customarily incidental to the above-permitted use, including a private garage, are permitted.

§ 76.27. Single-Family Residential Sub-District Regulations Established.

Given the sensitive environmental resources present at the Property, special consideration for residential development standards, including bulk regulations, spatial distances and sustainable design features are provided for the Single-Family Residential Sub-District within § 76.28 through § 76.43 below.

§ 76.28. Minimum lot area and width.

No dwelling or other building shall be constructed on a lot unless it contains an area of not less than 12,500 square feet and has a minimum street frontage of 100 feet and maintains a minimum 75-foot lot width for a minimum depth of 125 feet. Building lots located on a cul-de-sac shall have a minimum street frontage of 50 feet and a minimum lot width of 75 feet at a lot depth of 40 feet offset from the street line, and shall maintain a minimum lot width of 75 feet for a depth of 125 feet.

§ 76.29. Height.

No building shall be greater in height than two- and one-half stories, with a maximum height of 34 feet. Building height within a designated Special Flood Hazard Area shall be regulated by § 352(H) of the Town of Hempstead Building Zone Ordinance, except that the maximum height restriction of § 352(H)(3) shall be superseded by the maximum heights set forth in this § 76.29.

§ 76.30. Building area and lot coverage.

For a minimum lot size of 12,500 square feet, the building area shall not exceed 30% of the lot area. In no case shall a building area exceed 5,000 square feet, regardless of lot size. Overall, lot coverage shall not exceed 60% of the lot area. Sustainable design is required through the utilization of Town-approved Permeable Pavement surfaces, which shall account for a minimum of 50% of any additional lot coverage beyond the building area.

§ 76.31. Front yards.

- A. There shall be a front yard, the depth of which shall be set back at least 30 feet from the street line.
- B. In case of a corner lot, a front yard shall be required on each street, and notwithstanding the foregoing, each front yard shall be not less than 30 feet.

§ 76.32. Side yards.

There shall be two side yards, one on each side of the main building, the aggregate width of which shall be at least 30 feet. Neither side yard shall be less than 15 feet wide.

§ 76.33. Rear yards.

There shall be a rear yard, the depth of which shall be at least 40 feet.

§ 76.34. Sustainable Design.

- A. For all lots, impervious cover shall be reduced to the maximum extent practicable and follow the regulations set forth in § 76.30 (Building area and lot coverage) above.
- B. Each building lot shall provide for the collection, storage and recharge of stormwater on-site, with no surface or roof runoff being directed off of each individual lot, and, accounting for both roof and surface runoff, shall be sized, at a minimum, for the volumetric design of a three-inch rainfall event, based on the one-year, 24-hour storm event in New York State. Roof runoff will be piped underground, directly to storm water drywells, leaching galleys, and/or other accepted infiltration practice. The use of green infrastructure is encouraged. Green infrastructure such as rain gardens and bioswales or other green techniques approved by the Town Engineer will receive an additional credit of two-times the volume capacity provided up to a total reduction of one and one-half inches. The three-inch volumetric design is separate and in addition to any storm water capacity provided for as part of a real property subdivision map associated with the property.

Automatic irrigation systems utilizing Smart Controller Technology shall be required in all new residential construction. All automatic irrigation systems shall also have rain and soil moisture sensors.

§ 76.35. Subdivision regulations

- A. The requirements for subdivision development within the CC-WC Coastal Conservation District - Woodmere Club shall comply with all State and local regulations, including compliance with Nassau County Ordinance No. 46-2009 and Town Code § 181-19, and obtain all necessary approvals as required by law. Proposed public streets shall have a 50-foot right-of-way width and a paved roadway width of 30 feet, with sidewalk and curb design to be provided in accordance with County and Town requirements. Private streets shall have a 50-foot right-of-way width, and subject to approval of the Town Engineer, shall provide a paved roadway width of a minimum of 26 feet, with sidewalk and curb design, if any, commensurate with those indicative of low-density communities. Maintenance of private roads, including snow removal and garbage pickup, shall not be the responsibility of the Town.
- B. There shall be perimeter open space view corridors, extending from an interior roadway to the perimeter of the residential lots, not less than 80 feet in width and provided at a minimum for each 500 feet of contiguous residential property.
- C. Dedicated rights-of-way providing access to the Property shall be provided at the following locations:
- 1) Single-Family Residential Sub-District: Access right-of-way shall be provided off Meadow Drive (to be located 250 feet to the centerline of the new right-of-way south of Broadway) and off Keene Lane (to be located 280 feet to the centerline of the new right-of-way northwest of Rutherford Lane). Emergency access rights-of-way shall be provided at the southern terminus of Lotus Street and the north-western terminus of Tulip Street.
 - 2) Clubhouse/Hospitality Sub-District: An access right-of-way shall be provided at the intersection of Meadow Drive and Keene Lane. The requirements for subdivision development within the CC-WC Coastal Conservation District Woodmere Club Property shall comply with all State and local regulations, including compliance with Nassau County Ordinance No. 46-2009 and obtain all necessary approvals as required by law.
- D. Infrastructure costs associated with access and right-of-way improvements shall be addressed by the respective applicant(s), at the cost of the applicant(s) as determined at the time of an application made to the Nassau County Planning Commission.

§ 76.36. Permitted encroachments.

- A. The following encroachments are hereby permitted:
- 1) Cornices, eaves, gutters, chimneys or bay windows projecting not more than 24 inches.
 - 2) Air-conditioning condenser units, emergency generators, basement stairs and basement areaways, projecting not more than 36 inches into one of the required side yards.
 - 3) Driveway piers not exceeding four feet in height.

4) Exclusive of encroachments permitted under this section and structures approved by Board of Appeals grant, second-story additions above existing permitted one-story structures may project into any required yard, provided that they do not extend beyond the wall of the existing structure.

§ 76.37. Swimming pools

- A. Swimming pools are regulated by all of the requirements of Article XXV of the Building Zone Ordinance of the Town of Hempstead. Within the Coastal Conservation District - Woodmere Club, all provisions of Article XXV shall apply except for the regulations provided hereinafter.
- B. There shall be 10-foot side yard and 20-foot rear yard setbacks.
- C. Swimming pool terraces shall have 10-foot side yard and 20-foot rear yard setbacks.
- D. Cabanas shall comply with all requirements set forth in § 76.39 of this Article.

§ 76.38. Accessory buildings and structures.

- A. Accessory buildings may occupy not more than 18% of the required area of the rear yard up to an average height of 12 feet. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of the lot area which may be built upon.
- B. Exclusive of an accessory private garage and a cabana permitted as an accessory to a swimming pool pursuant to § 76.33, only one structure can be erected and thereafter maintained, and such structure shall be erected on the ground and in the rear yard only and shall not exceed 144 square feet of floor area, nine feet in height maximum and 12 feet horizontally maximum, unless authorized as a special exception by the Board of Appeals.

§ 76.39. Fences.

No fence shall exceed six feet in height and shall be permitted on the rear lot line and those linear portions of the side lot lines enclosing a rear yard; provided, however, that the four-foot fencing does not extend beyond the front line of the house. Fencing shall not substantially obstruct line of sight and there shall be compliance with § 311 of Article XXXI of this ordinance, with respect to clear sight triangles.

§ 76.40. Signs.

Such signs which are authorized for single-family residences under the provisions of Article XXIV are permitted.

§ 76.41. Excavations.

No excavations for purposes other than the construction of a driveway, walk, a permitted wall or

building or part thereof or accessory thereto, or to remove topsoil from one part of the lands of an owner to another part of the same premises, when such removal is necessary as an accessory use or improving said property, shall be made unless approved by the Board of Appeals.

§ 76.42. Transition

- C. Within 45 days of the effective date of this Article, unless a greater period is determined necessary, specific amendments to the Building Zone Map of the Town of Hempstead shall be prepared by the Department of Engineering or its designate, precisely identifying the area included in the CC-WC Coastal Conservation District - Woodmere Club.
- D. Notwithstanding the foregoing, this Article shall be fully applicable to all properties falling within the definition of CC-WC Coastal Conservation District - Woodmere Club immediately upon adoption of this Article and in accordance with law, and any prior zoning district regulation or classifications are thereby immediately superseded.

and, **BE IT FURTHER**

RESOLVED, that the Town Clerk be, and she is hereby, directed to publish notice thereof once at least ten (10) days prior to the date set for the public hearing and give written notice to people entitled thereto according to law.

The foregoing resolution was seconded by Councilman D'Esposito and adopted upon roll call as follows:

AYES: SEVEN (7)

NOES: NONE (0)