

§15.215 R-4 District (Low-density Single-family Residential -- Special Character)

A. Purpose

The R-4 District is intended to maintain the character and scale of the single-family residential Roslyn Pines and Marchant Park neighborhoods, and to allow for the appropriate development and redevelopment of lots in those areas. The areas included within the zoning designation are characterized by single-family detached residences of one to one and one-half stories on lots of 10,000 square feet or more.

B. Permitted Principal Uses:

1. Any principal use permitted in the R-1 District (Low-density single-family residential).

C. Special Uses

A building may be erected, altered or used for a special use only when authorized by the Board of Trustees as a special use after a public hearing conducted by the Board of Trustees and for no other:

1. Uses permitted as special uses in the R-1 District (Low-density single-family residential).

D. Accessory Uses

The following accessory uses on the same lot as the principal lot shall be permitted:

1. Uses permitted as accessory uses in the R-1 District (Low-density single-family residential).

E. Development Standards

1. Purpose

The intent of this Paragraph E is to provide standards that address the mass and scale of buildings in the R-4 District to ensure that new development and redevelopment is consistent with the existing neighborhood opportunities.

2. Schedule of Regulations

All development in the R-4 District shall be consistent with the standards for the R-1 District shown in the "Schedule of Area, Yard and Building Requirements" which accompanies this Chapter 15, except as specifically modified by subparagraphs 3 through 7, below.

3. Building Height

The maximum height for principal buildings in the R-4 District shall be 24 feet consisting of not more than one and one-half stories, except as modified in subparagraph 7, below. In no case shall a principal building exceed 32 feet or two stories. Two and one-half story buildings are not permitted.

4. Building Coverage

The maximum building coverage for properties in the R-4 District shall not exceed 25 percent.

5. Maximum Floor Area Ratio

The maximum floor area ratio in the R-4 District shall be 0.275, except as modified in subparagraph 6, below. In no case shall the floor area ratio exceed 0.30.

6. Exemptions from the Calculation of Floor Area Ratio

For properties located in the R-4 District, the following areas shall not be included in any calculation of floor area ratio:

- a. Unenclosed ground floor porches, decks, patios and porticos;
- b. A cellar;
- c. A basement, if:
 - i. It does not extend beyond the first-story footprint; and
 - ii. All exposed walls facing public streets are less than five feet in height as measured from the existing or proposed grade, whichever is lower.
- d. A habitable portion of an attic or half-story, if:
 - i. The roof above it is not a flat or mansard roof and has a slope of 3 degrees to 12 degrees or steeper;
 - ii. It has only one floor;
 - iii. It does not extend beyond the footprint of the floors below;
 - iv. It is the highest habitable portion of the building, except for a two-story portion as permitted by subparagraph 7, below; and
 - v. Fifty percent or more of the floor area has a ceiling height of seven feet or less.

7. Exceptions for Additional Building Height and Floor Area Ratio

A second-story portion of a building with a maximum height of 32 feet may be provided consistent with the following additional standards:

a. Additional Setback Required

No second-story portion of a building shall be located less than 20 feet from a side property line.

b. Maximum Floor Area

The floor area for the second-story portion of the building shall not exceed the lesser of the following:

- i. one-half of the ground floor area; or
- ii. 0.125 floor area ratio.

c. Two-Story Front Porches Prohibited

No second-story porches shall be located on any street-facing façade of the building.

d. Consistent Roof Form

The roof form used on the second-story portion of a building must be consistent with roof forms used on other portions of the building.

e. Vertical Wall Articulation

In order to minimize the impact of taller building elements, two-story volumes should be designed to include a clearly identifiable base, middle, and top, with horizontal elements separating these components. Techniques that can be used to achieve this standard include, but are not limited to: belt courses, material changes, upper-story setbacks, and varied roof forms.

f. Horizontal Wall Articulation

A side wall of a building that is more than 15 feet high should not extend in an unbroken plane for more than 32 feet along a side lot line. To break the plane, a perpendicular wall articulation of not less than four feet, for a distance along the side property line of not less than 10 feet, is required.

F. Architectural Review Board

1. Purpose; findings of fact

a. The R-4 Low-Density Single-Family Residential District is intended to preserve and promote the character, appearances and aesthetics of the Roslyn Pines and Marchant Park neighborhoods and to conserve the property values of those neighborhoods by providing procedures for an architectural review of all land developed and all structures henceforth erected, reconstructed, altered or remodeled in the R-4 District, and by so doing to:

(i) Encourage good qualities of exterior building design and good appearances and to relate such design and appearances to the sites and surroundings of structures.

(ii) Preserve the prevailing aesthetic character of the neighborhood and geographic area and to enhance same by means of complementary structures.

(iii) Permit originality and resourcefulness in building design and appearances which are appropriate to the sites and surroundings.

(iv) Promote and encourage good qualities of architectural design and utilization of land in the erection and construction of new structures and the exterior refurbishing, reconstruction or alteration of existing structures.

(v) Assure that the design and location of any proposed structure, or the addition, alteration or reconstruction of any existing structure, is in harmony with the existing topography of its site and/or the existing structure as well as the neighboring geographic area and existing property.

(vi) Discourage and prevent such design that would adversely affect or cause the diminution in value of neighboring property, whether improved or unimproved.

(vii) Prevent such design and appearances as are unnecessarily offensive to visual sensibilities, which impair the use, enjoyment, value or desirability of neighboring properties and the health, safety and general welfare of the community at large.

b. The Board of Trustees hereby finds it necessary to create a mechanism for architectural review since:

(i) Structures which are visually offensive or inappropriate by reason of poor exterior design, poor site layout, monotonous similarity or striking visual discord or dissimilarity in relation to their site or surroundings would mar the appearance of and adversely affect the desirability of the immediate area and neighboring areas.

(ii) Such structures would discourage and prevent the most appropriate development and utilization of land throughout the R-4 District.

(iii) Such structures would impair the use, enjoyment and desirability and stability of both improved and unimproved property and are detrimental to the character of neighborhoods, produce degeneration of the values of real property with attendant deterioration of conditions affecting the functioning, economic stability, prosperity, health and safety of the inhabitants of the Village and destroy a proper relationship between the taxable value of real property and the cost of municipal services provided therefor.

c. It is the purpose of this Paragraph F to prevent these and other harmful effects and thus to promote the health, safety and general welfare of the community.

2. Delegation of authority

There is hereby created an Architectural Design Review Board consisting of five (5) members, who shall serve without compensation. Members of the Board shall be residents of the Village of Roslyn and reside in the R-4 District, and all members of said Board shall be persons qualified by reason of training or experience in architecture, land development, community planning, real estate, landscape architecture or other relevant business or profession or by reason of civic interest and sound judgment to determine the effects of a proposed building or structure (including additions or exterior alterations thereto), a group of buildings or structures or plan of building development on the desirability, property values and development of surrounding areas and the development of the Village as a whole. The members of the Board shall be appointed by the Mayor, subject to the approval of the Board of Trustees. The Mayor shall, upon the enactment of this section and thereafter at the annual organizational meeting, designate the Chairman and Vice Chairman of the Board, subject to the approval of the Board of Trustees, and the persons so designated shall serve as Chairman and Vice Chairman at the pleasure of the Mayor and Board of Trustees. From and after the effective date of this Section 15.215, the respective terms of appointed members of the Board in the order of their appointment, shall be one (1), two (2), three (3), four (4), and five (5) years. Thereafter, appointments shall be for a term of five (5) years. The Board of Trustees shall have the power to remove any such member for cause. Vacancies shall be filled by the Mayor, subject to the approval of the Board of Trustees, for the unexpired term of any member whose place has

become vacant. The Superintendent of Buildings shall act in an advisory capacity without voting power.

3. Meetings of Board

Meetings of the Board shall be held at such times as the Board may determine and otherwise at the call of the Chairman or, in his absence, the Vice Chairman. A majority of the members of the Board shall constitute a quorum for the transaction of business. All actions taken by the Board shall be by a majority of the members thereof. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

4. Powers of Board

The Board shall have the power, from time to time, to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this section, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in subparagraph 1 hereof, which rules and regulations or amendments thereto shall become effective upon ratification by the Board of Trustees.

5. Referral procedures

a. The Board shall review and advise on all of the following:

(i) All applications for the construction of any new building or structure within the R-4 District.

(ii) All applications for alterations, additions or reconstruction to any building or structure within the R-4 District which will increase the building lot coverage in excess of twenty-five (25%) percent thereof.

b. If any building in the R-4 District for which a building permit is sought is one (1) of a group of six (6) or more buildings proposed to be constructed in the same vicinity, none of which buildings is to be situated at a distance of more than two hundred fifty (250) feet from some other building of the group, whether or not such buildings are to be constructed on contiguous plots, and whether or not the permits for the other buildings of the group are applied for by the same applicant, said application shall be accompanied by a plan of building development for the entire group, clearly setting forth the entire site layout and the designs of the exterior appearance of all the proposed buildings in the group.

c. A preliminary conference may be held between the Board and the applicant prior to the preparation and submission of a formal submission. The intended purpose of such a conference is to enable the applicant to inform the Board of the

proposal prior to the preparation of a detailed submission and to provide the Board with an opportunity to review the basic design concept, to advise the applicant as to potential problems and concerns and to generally determine the information to be required on the formal submission.

d. The Board shall require an application which shall include, but not be limited to, the following:

(i) A plan or plans drawn at a quarter (1/4") inch scale which clearly indicates the following:

(aa) The dimensions, orientation and area of the building plot with setback dimensions clearly indicated.

(bb) The size, shape and location of existing and proposed construction and relationship to adjacent properties, buildings and structures.

(cc) A summary of areas of existing or proposed buildings and an indication of their proposed uses.

(dd) Locations of existing streets, points of entry and egress for motor vehicles and locations and layout of all paved areas, including off-street parking.

(ee) Location of existing and proposed plantings and screening devices, walls, fences and railings and their height and the materials of their construction.

(ff) Indication of exterior lighting adequate to determine its character and to enable review of possible hazards and disturbances to the public and adjacent properties.

(gg) Indication of other potential disturbances to the public and adjacent properties.

(ii) Photographs of the site and adjacent areas and structures sufficient to provide adequate representation thereof.

(iii) Detailed drawings of decorative elements.

(iv) Sectional drawings to explain the character of the design.

- (v) All site plan applications, if any, submitted to the Village Planning Board.
 - (vi) Complete and accurate exterior elevations of all facades, drawn at a scale adequate to show clearly the appearance of all proposed buildings and structures.
- e. The Board may waive any of the requirements of subparagraphs c and d above where, due to character, size, location or special circumstances, any particular information, or the preliminary conference, is not required in order for the Board to properly perform its review.

6. Reasons for disapproval of application; approval of application

a. The Board shall disapprove any application referred to it if the Board finds that the application, if granted, would be detrimental to the character, property values or development of the R-4 District, the surrounding area or of the Village as a whole by reason of any of the following:

(i) Excessive similarity of design in relation to any other structure existing or for which a permit has been issued, or to any other structure included in the same permit application, in respect to one (1) or more of the following features, such as, but not limited to, doors, windows, porticos or other openings or breaks in the façade facing the street, including reverse arrangement; or other significant identical features, such as, but not limited to, construction material, roof line and height or other design elements, provided that a finding of excessive similarity of design shall include not only that such similarity exists but also that it is of such a nature as to produce undesirable effects.

(ii) Excessive dissimilarity of design or inappropriateness of design or of site plan in relation to any other building or structure existing or for which a permit has been issued, or to any other building or structure included in the same permit application, or inappropriateness or excessive dissimilarity of design in relation to the characteristics of building design generally prevailing in the R-4 District of the Village, in respect to one (1) or more of the following features: cubical contents; gross floor area; height of building or height of roof; other significant design features, such as, but not limited to, construction material or quality or architectural design; or yard dimensions, provided that a finding of excessive dissimilarity or inappropriateness of design shall include not only that such dissimilarity or inappropriateness exists but also visual offensiveness, inappropriateness, inconsistency of design or other poor qualities of exterior design, including considerations of

the harmony or discord of colors or materials or incompatibility of the proposed building or structure with the terrain on which it is to be located, including but not limited to excessive divergences of the height or levels of any part of the building or structure from the grade of the terrain that are of such a nature as to produce undesirable effects.

(iii) A finding that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan, would not be in harmony with the purpose of this Paragraph F; would be visually offensive or inappropriate by reason of poor quality of exterior design or inappropriateness of design in relation to any other building or structure; would mar the appearance of the area; would impair the use, enjoyment and desirability or reduce the values of properties in the area; would be detrimental to the character of the neighborhood; would prevent the most appropriate development and utilization of the site or of adjacent lands; or would adversely affect the functioning economic stability, prosperity, health, safety and general welfare of the entire community.

b. In disapproving any application, the Board may specify modifications in the design of the buildings or structures or any of them or in requirements as to yard or other dimensions that will be adequate to render the same acceptable under the provisions of this Paragraph F.

c. In approving any application, the Board may impose appropriate conditions and safeguards designed to prevent undesirable effects.

7. Issuance of building permit

The Superintendent of Buildings shall only issue a building permit for which the application has been approved by the Board. If the Board approves an application or if, within ninety (90) days after the date on which an application has been duly filed, or within such longer period as may have been consented to by the applicant, the Board has not disapproved same, the application shall be deemed denied.

8. Referral of subdivision plats to Board

Every subdivision plat filed with the Planning Board relating to the R-4 District shall be referred to the Board within thirty (30) days after the date on which the same was fully filed, and the Board shall, within one hundred twenty (120) days after said date of filing, report its recommendations thereon, if any, to the Planning Board. In considering any such plat, the Board may require the proposed developer of the land covered by the plat to submit a plan of proposed building development, including drawings showing the design of the exterior appearance of all proposed buildings and structures.

9. Appeals

Any person aggrieved by any action of the Board may appeal therefrom to the Zoning Board of Appeals of the Village. The Zoning Board of Appeals may reverse, modify or affirm the action of the Board.

10. Fees

Every application hereunder shall be accompanied by a fee payable to the Village Clerk in such amount as determined from time to time by resolution of the Board of Trustees.

11. Independent Consultant; Reimbursable Expenses

The Board shall be permitted to hire an independent architectural consultant to advise it on any application it deems appropriate. The applicant shall be responsible for all consultant fees. No building permit shall be issued to the applicant until all expenses incurred by the Architectural Design Review Board for consultation fees (including, but not limited to, architectural and legal expenses) or other extraordinary expenses in connection with the review of an application are reimbursed to the Village by the applicant. At the time of application, the applicant shall deposit with the Village Clerk such amount to cover consultation fees and extraordinary expenses. In instances where such expenses are minimal, the requirement for reimbursement of expenses may be waived by resolution of the Architectural Design Review Board.