

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

DEC 07 2016

- County
- City of INC. VILLAGE OF VALLEY STREAM
- Town
- Village

DEPARTMENT OF STATE

Local Law No. 3 of the year 20 2016

A local law TO AMEND THE CODE OF THE INCORPORATED VILLAGE OF VALLEY STREAM, CHAPTER 99,
(Insert Title)
ENTITLED "ZONING" TO ADD A NEW ARTICLE XXXIII ENTITLED "BUILDING FACADE AND
AND STREETScape DESIGN GUIDELINES"

Be It enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

- County
- City of INC VILLAGE OF VALLEY STREAM as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

(ATTACHED HEREWITH)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 2016 of the ~~(County)(City)(Town)(Village)~~ of VALLEY STREAM, NEW YORK was duly passed by the Board of Trustees on Nov. 21, 20 16, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

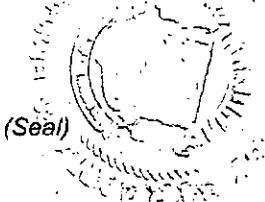
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Robert D. Barra

Robert D. Barra

Clerk of the county legislative body, ~~City~~ ~~Town~~ or Village Clerk or officer designated by local legislative body

Date: November 22, 2016



(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK NASSAU
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]

Signature General Counsel
 Hopkins & Kopilow

Title

~~County~~
~~City~~ of Inc. Village of Valley Stream
~~Town~~
Village

Date: November 22, 2016

INCORPORATED VILLAGE OF VALLEY STREAM

**A LOCAL LAW TO AMEND THE CODE OF THE
INCORPORATED VILLAGE OF VALLEY STREAM,
CHAPTER 99, ENTITLED "ZONING" TO ADD A NEW ARTICLE XXXIII
ENTITLED "BUILDING FAÇADE AND STREETScape DESIGN GUIDELINES"**

Local Law No. 3 of 2016

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Valley Stream as follow:

SECTION 1. Chapter 99, entitled "ZONING" is hereby amended to include the following:

ARTICLE. XXXIII Building Façade and Streetscape Improvement Design Guidelines.

§99-3401. Legislative Intent.

A. The purpose of this Article is to provide standards for building and commercial façade improvements, new commercial building development, and streetscape improvements that include awnings, street furniture, lighting, landscaping and sidewalk café and outdoor dining areas.

B. To implement important public and private objectives for the applicable commercial districts of Valley Stream, the purposes of these guidelines are the:

1. Improvement of the quality of building and infrastructure design and construction.
2. Improvement of the streetscape to attract pedestrians.
3. Improvement of the commercial environment of existing and new businesses.
4. Economic development for business and property owners.
5. Preservation and enhancement of existing architectural resources.

§99-3402. Applicability

Article XXXIII shall apply to the C-1, C-2 and C-X zoning districts of the Village of Valley Stream.

§99-3403. Definitions.

Architecturally Significant Building - a building constructed prior to December 31, 1965.

Awning - A roof-like fabric covering, such as canvas, attached to a fixed-in-place or retractable frame that is attached to a building façade to provide shelter from rain and sun. An awning may have a valance.

Business Identification Sign - A sign that displays the name, logo and services provided by a commercial business.

Café Umbrella - A large self- or table-supported, closable umbrella constructed of a rigid pole and spokes over which canvas or another type of cloth is stretched. A café umbrella may have a valance.

Canopy - A roof-like structure projecting from a building, supported by means of pillars, poles, columns or posts, for shelter from rain and sun.

Façade - Any exterior face or wall of a building.

False Mansard Roof - A double-sloped roof segment that is attached to the face of the parapet and top-story wall of a building to create the appearance that the building has a Mansard Roof.

Mansard Roof - Any roof with two slopes on each of its four sides, and with the lower slope of each side steeper than the upper slope.

Parapet Wall or Parapet - A low protective wall located along the edge of a building roof that rises vertically above the roof surface, or the portion of a building façade wall that extends above the surface of the roof.

Permanent Plantings - Winter-hardy plant species that are installed to provide year-round vegetation, and which will live and grow for more than one local growing season.

Proportion - The principle of architecture and art that describes the size, location or amount of one building element to another, or to the whole building.

Scale - The size and mass of an object or structure, such as a building.

Seasonal Plantings - Plant species that are not winter-hardy, which are installed at the beginning of the local growing season for spring and/or summer display.

Sidewalk Café – The outdoor area adjacent to an eating or drinking establishment providing wait-service to patrons that is located on the public sidewalk. The space allocated to the sidewalk café is typically designated by locating a temporary barrier of railings, planter boxes, fencing or low walls along the perimeter of the space to separate diners from pedestrian traffic on the sidewalk, and the space contains a limited number of movable dining tables, chairs, wait-stations and other items for use in the Sidewalk Café.

Sign – Any permanent or temporary structure or device, including letters, words, logos, images, insignias or representations used as, or which is in the nature of, an identification, advertisement, announcement, direction, or an attraction to a viewer, located on public or private property.

Sign Placement Strip – The space provided on a building or commercial Façade as the location for Business Identification Signs. A multi-story building with ground-floor commercial space may include a Sign Placement Strip located on the building Façade directly above the commercial portion of the Façade below a cornice, or a decorative band separating the ground-floor Façade from the rest of the building Façade. On a one-story commercial building, the Sign Placement Strip may be located on the lower portion of the parapet wall directly above the commercial window opening and/or below a cornice or decorative band. Alternately, on both multi-story and one-story buildings, the Sign Placement Strip may be located on a horizontal panel within the commercial window opening directly below the top edge of the window opening and above the display windows.

Storefront – The display windows, entry door, base panels, and immediate structure that supports the window glazing, entry door and base panels. A storefront may also include a Sign Placement Strip above the display windows and below the top structure of the storefront.

Street Furniture – Benches, light standards, trash and recycling receptacles, planters and window boxes, newspaper racks, bicycle racks, directional signs, kiosks, bus shelters and similar appurtenances located in a public right-of-way on or over the sidewalk.

Valance – That portion of the fabric covering the structural frame of an awning that hangs vertically below the bottom of the outer-most support at the front and sides of the awning.

§99-3404. Existing Buildings.

When designing or evaluating alterations or additions to an existing building or commercial Façade, it is important to determine the appropriate scope of work necessary

to conserve and improve the building or commercial Façade based on the condition of the building or commercial Façade:

1. If the original building or commercial Façade remains largely intact, it should be repaired and restored, as needed, and only missing features and details should be replaced.
2. If the original building or commercial Façade features or architectural details are covered by later installations and construction, the original Façade should be uncovered, and repaired and restored, if possible. Any missing building or commercial Façade features or details should be replaced.
3. If the original building or commercial Façade and building features were removed completely, or are beyond a reasonable level of repair or replacement, a new building or commercial Façade should be designed using the guidelines in this section.

A. Scale and Proportion

1. Building dimensions and proportions should be compatible with, or complementary to, the architectural character of surrounding, existing, Architecturally Significant Buildings.
2. Wide Facades should be subdivided into smaller sections that do not exceed the typical commercial Façade width to maintain the visual rhythm of the street.
3. Facades should incorporate or compliment the rhythms of window and door openings, and structural bays of surrounding, existing, Architecturally Significant Buildings.
4. Building setbacks from streets should not be significantly greater than the typical setback distance in the commercial district.

B. Exterior Walls

1. Building materials that appear temporary or artificial, such as aluminum and vinyl are prohibited.
2. Materials that are of limited durability or are difficult to maintain in areas of moderate to heavy use, such as exterior finishing systems incorporating foam board insulation with a stucco-like exterior coating are prohibited.

C. Roofs

1. Traditional roofing materials such as tile, slate and wood shingles or shakes, or materials that are close in visual appearance to such materials are permitted.
2. False mansard roofs are prohibited.
3. Materials that appear temporary or artificial are prohibited.
4. All mechanical and electrical equipment, vents and hatches must be screened, and should not be visible from adjacent streets and public areas.

D. Windows and Doors

1. Windows and doors should be consistent with the architectural character of the building and compatible with, or complimentary to surrounding, existing, Architecturally Significant Buildings.
2. Entrances must meet all applicable handicapped accessibility standards.
3. Ground-floor commercial security gates are prohibited. Coil boxes for existing security gates should be hidden from view.

§ 99-3405. Building Facades.

1. The existing architectural features and details of a building façade shall be retained and preserved. Renovations shall be compatible with the dominant features of a building to help preserve and enhance the original architectural character of the building.



Figure 1: Preserved Building Façade

2. No portion of the original building Façade, or its architectural features or details shall be covered or removed. The original window and door openings shall not be covered, altered or removed.
3. A replacement Façade design shall take into account the locations and proportions of the Façade features and Sign Placement Strips of adjacent buildings.
4. The original roof or parapet wall of a building shall be retained and repaired or restored, or replaced, if necessary. Any original cornices, decorative wood trim, coping, or dormers shall be restored or replaced.
5. Existing cornices, dormers and wood trim shall not be covered with aluminum, vinyl or other sheathing materials that appear to be temporary or out of character with the architecture of the building.
6. New building materials that are the same, or as similar as possible to the original building materials, shall be used when restoring the architectural features and details of a building.

7. The style and color of replacement downspouts and gutters shall be appropriate to the architectural character and style of the Façade and the building materials utilized. Replacement flashing shall not be conspicuous. In the case of older structures, traditional flashing materials such as copper may be appropriate.

A. Ground-Floor Commercial Facades

1. The architectural features of the building Façade, the structural frame of the commercial Façade and Storefront, shall remain visible and cohesive, and shall not be obscured by elements of the commercial Façade or Storefront, such as, but not limited to, signs, awnings, light fixtures or existing security gates.
2. The Parapet Wall is an important architectural feature of a building that shall be preserved and shall remain visible. The parapet wall shall not be obscured by signs, awnings, light fixtures or other additions; or existing security gates.
3. The design, materials, construction and color of a Storefront shall be consistent, and compatible with, or complementary to, the design, materials, construction and colors of the building Façade. The design, materials, construction and color of storefronts in a building with multiple commercial spaces shall be uniform.
4. The aggregate area of all the glass windows and doors of a storefront shall equal at least 70 percent of the total area of the Storefront, where possible.
5. Base panels shall utilize materials that are aesthetically compatible with the building Façade and the Storefront.
6. The Storefront and base panels shall be flush with or slightly recessed within the building Façade structural frame, and shall be no more than 30 inches in height, measured from the surface of the sidewalk.
7. All Storefront entrances and doors shall comply with applicable handicapped access regulations.
8. If a building originally had a recessed entrance, the recessed entrance shall be retained.
9. Entry doors shall be at least 50 percent glass, and the design of the entry door shall be consistent with the design of the Storefront, and compatible with, or complementary to, the materials and colors of the Storefront and the design of the building Façade.

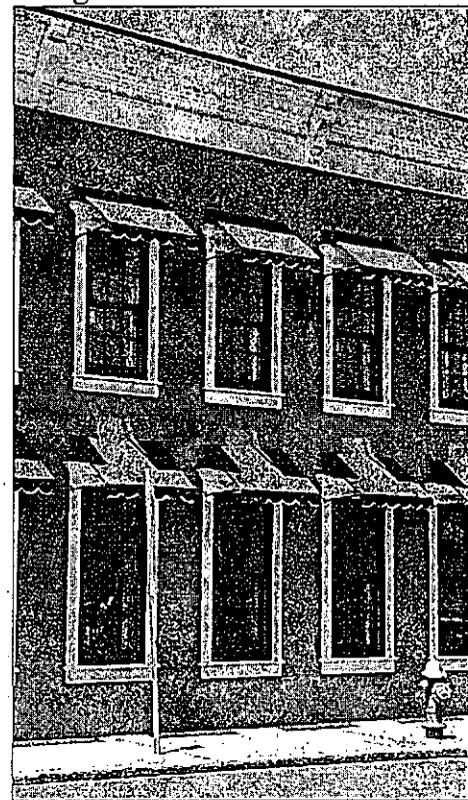
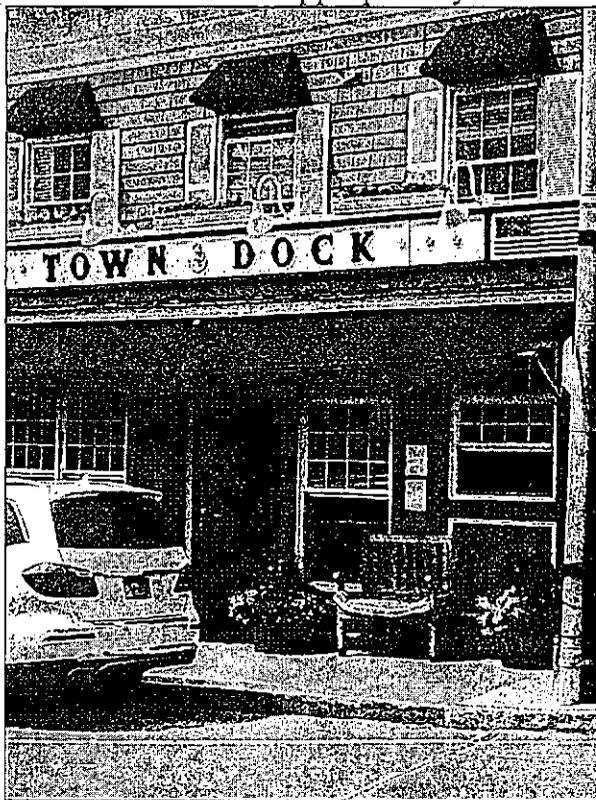
10. The sizes of Storefront display windows shall not be reduced from the sizes originally installed, and Storefront display windows shall not be eliminated. If it is necessary to restrict views of the interior of a commercial space, screening devices such as blinds, shades, curtains, shutters or other devices shall be installed inside the window. The original sizes, multi-pane divisions, and shapes of display windows shall be preserved or restored, where possible.
11. The sill of a display window shall not be higher than 30 inches measured from the surface of the sidewalk, and the display window shall fill the remaining vertical area of the Storefront to the bottom edge of the structural frame of the Storefront, unless the Storefront includes a top Sign Placement Strip panel above the display window, then the display window shall fill the remaining vertical area to the bottom edge of the structural frame of the Sign Placement Strip panel.
12. Broken or damaged window or door glazing shall be replaced immediately, and Storefronts shall be maintained in good order.
13. Merchandise displays should be designed to be inviting, interesting, attractive and well-lit, and shall utilize the full extent of the display window.
14. *The following are prohibited:*
 - a. Use of transparent or translucent plastic or polycarbonate panels to replace broken or missing window or door glazing.
 - b. Use of opaque metal, wood, or plastic panels; or panels made of other materials, to replace transparent glass windows.
 - c. Doors designed for residential use as replacement doors in commercial entrances.
 - d. Removing part of the original commercial entrance or replacing the entry door with a door that is smaller than the original entry door.
 - e. Storing inventory in storefront display windows.
 - f. Storing inventory behind one of the entry doors of a commercial entrance equipped with a pair of entry doors.
 - g. Merchandise displays in upper-story windows.

- h. Outdoor merchandise displays that obstruct business entrances, emergency ingress and egress, or the flow of pedestrian movement along a public side walk.
- i. Outdoor merchandise displays that obscure or obstruct Storefront display windows from view from the public sidewalk and street.

B. COLORS, LIGHTING, SIGNS, AND AWNINGS AND CANOPIES

i. Colors

- 1. As shown in Figures 2 and 3, colors selected for use on the exterior of a building should be consistent with the architectural character and materials of the building and should be compatible with, or complimentary to, surrounding, existing, Architecturally Significant Buildings. Color should be used to unify and enhance the architectural features of the building. Colors should be considered carefully to create a unified but appropriately varied effect throughout the commercial district.



Figures 2 and 3: Color Combinations Used on Restaurant Façades

ii. Lighting

1. The lighting plan and light fixtures should be consistent with the architectural character of the building and compatible with, or complementary to, existing, surrounding, Architecturally Significant Buildings.
2. After-hours, automated lighting of ground floor commercial window displays must be provided and located, accent lighting should be provided to highlight significant architectural features of the building and adjacent outdoor areas.
3. Lighting plans should avoid illumination of the entire Façade of a building, use of unshielded security lighting, and excessive illumination of the exterior or interior of the building.
4. The design, materials and colors of building-mounted and free-standing exterior light fixtures shall be consistent, and compatible with, or complementary to, the architecture of a building and the design of the ground-floor commercial Facades.
5. All illumination must be white light.
6. The lighting design and light fixtures of each Storefront in a building with multiple commercial spaces shall be uniform and complementary to, the lighting designs and light fixtures of the other Storefronts in the building.
7. A lighting plan that highlights the Business Identification Sign and window display area of a commercial Façade shall be favored over a plan that uniformly lights the entire commercial Façade.
8. Building-mounted and free-standing light fixtures shall be shielded to eliminate sky-lighting and lateral glare, and the fixtures shall be located to eliminate light spillover onto public streets and adjacent private property. When illuminated, the light fixtures shall be subordinate to the illumination and lighting effects created.
9. Freestanding or building-mounted light fixtures used for area lighting shall not be located higher than 16 feet above finished grade.
10. All light fixtures shall be safe and energy efficient, and the intensity of the illumination provided shall be appropriate to the situation in which the fixture is utilized.
11. Building Facades, Storefront window displays, and public outdoor areas shall be illuminated during evening and night-time hours as follows:

Sunday - Wednesday: 5:00 p.m. to 10:00 p.m.
Thursday - Saturday: 5:00 p.m. to 11:00 p.m.

12. All building and commercial Façade lighting, and window display lighting shall be maintained in good working order at all times.
13. Area lighting of Sidewalk Cafes and outdoor dining areas shall be the minimum necessary to create a safe environment for the patrons and wait-staff.
14. *The following are prohibited:*
 - a. High-pressure sodium, low-pressure sodium, mercury vapor and neon light sources.
 - b. Searchlights and other high-intensity narrow-beam light fixtures.
 - c. Light fixtures that create flashing, rotating, moving, pulsing or alternating colors of illumination.

iii. **Signs**

1. As shown in Figure 4, Signs shall be aesthetically pleasing and shall enhance the visual appearance of building and commercial Facades. Signs shall complement the design of a building and its style, colors and building materials, and the building and commercial Facades of adjoining buildings.

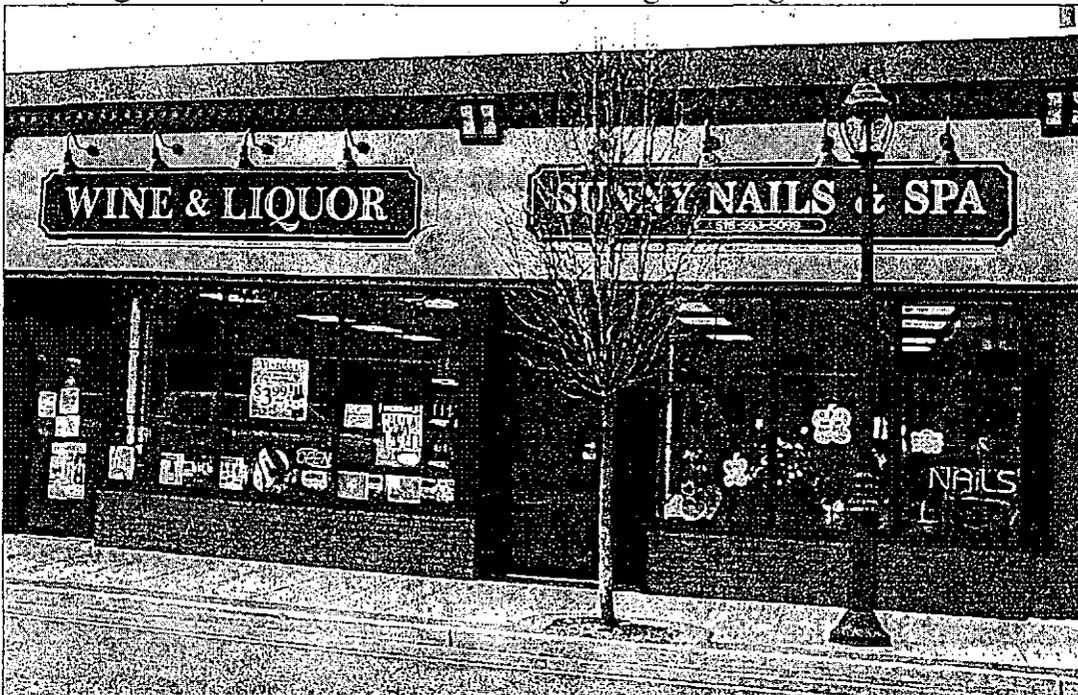


Figure 4: Coordinated Building-Mounted Signage

2. Building-mounted Signs should be consistent with the architectural character of a building and complementary to the Signs on existing, surrounding, Architecturally Significant Buildings.
3. The number of Signs for each ground-floor commercial business shall be limited to one Façade-mounted Business Identification Sign on the street-frontage Façade of the business, with a maximum of two Business Identification Signs in the case of a business located at the corner created by two public rights-of-way. Such signs may be displayed on the building Façade, or on an Awning or Valance, or within a display window, but in no case shall there be more than one Business Identification Sign on each street-frontage Façade of the business.
4. The total area of a Business Identification Sign shall not exceed one square foot for each linear foot of Façade width. In situations where individual letters will be installed directly onto the building or commercial Façade wall, Awning or Valance, or display window, the area of the Sign will be calculated to be the smallest rectangle into which all the letters and images to be installed can be placed without overlap of the letters and images.
5. Permanent display-window or door-mounted informational Signs regarding business hours, entrance and egress, licenses and credit cards, or any Signs required by law, shall not exceed one square foot of area, and only one informational Sign shall be displayed for each ground-floor commercial business.
6. The total area of a temporary window-mounted advertisement Sign shall not exceed 15 to 40 percent of the total area of the ground-floor commercial Façade display windows of a business. Temporary window-mounted advertisement Signs shall not exceed 50 percent of the total area of a maximum of one of the windows that faces the street of a business located above the ground floor.
7. All Business Identification Signs for businesses located on the ground-floor shall be placed within the building or ground-floor commercial Façade Sign Placement Strip, if such a strip exists. A Business Identification Sign shall not extend beyond the limits of a Sign Placement Strip in any direction.
8. If a building or commercial Façade does not provide a Sign Placement Strip, the Business Identification Sign for a business located on the ground-floor shall be located in an architecturally appropriate location, and shall be sized and located so it does not extend in any direction to cover, completely or in part, the important architectural elements of the building or commercial Façade.
9. When a building contains more than one storefront, all individual Business Identification Signs shall be located in the same or similar position(s) on the

commercial Façade so as to be a unifying element of the Façade. Business Identification Signs shall be subordinate to the overall composition of the commercial Façade.

10. Business Identification Signs shall provide the business name and services simply and legibly. Business Identification Signs shall not include advertisements for brand names of commercial goods or services sold, or a large amount of text.
11. For a building with multiple commercial spaces, each individual Business Identification Sign shall be of similar construction, design and colors, or of similar construction and complementary designs and colors.
12. Back-lit and indirectly illuminated Signs shall be favored. The light source of a back-lit or indirectly illuminated Sign shall be hidden from view. Visible fixtures that provide indirect illumination shall be shielded to eliminate lateral glare, sky lighting and spillover of light onto sidewalks, streets and adjacent properties.
13. Signs shall be maintained in good condition, with all letters, logos and images firmly mounted, and with finishes in good repair.
14. *The following Signs are prohibited:*
 - a. Box Signs.
 - b. Permanent paper Signs mounted on the exterior or interior of windows.
 - c. Freestanding portable Signs.
 - d. Façade-mounted Business Identification Signs above the ground-floor commercial level of a building.
 - e. Roof-mounted Signs.
 - f. Signs painted directly onto the exterior walls of a building.
 - g. Revolving Signs, Signs with blinking lights, or Signs with moving parts, letters or images.
 - h. Internally-illuminated and neon Signs.
 - i. Overhanging or projecting Signs.

iv. Awnings and Canopies

1. As shown in Figure 5, ground-floor commercial Awnings shall be located in the area of the building Façade between the Sign Placement Strip, cornice or decorative band and the top of the commercial space entry door. Awnings and Canopies shall be sized and located so they do not cover important architectural elements of the building or commercial Façade.
2. Awnings may be retractable or fixed in place.

3. Awnings shall be constructed of a noncombustible frame covered with a substantial fabric, such as canvas or other heavy gauge fabric that is fire-retardant and resistant to fading.

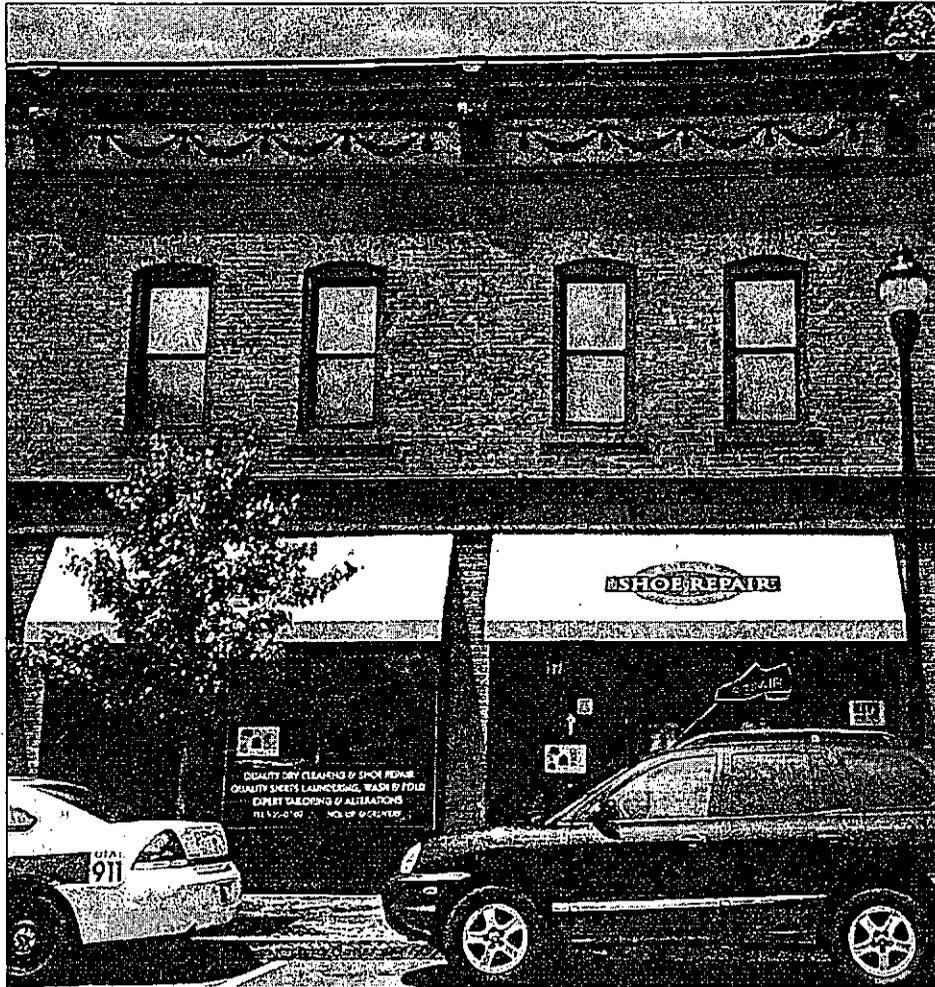


Figure 5: Ground-Floor Commercial Awnings

4. The design, size, color and placement of an Awning or Canopy shall be complementary to the building or commercial Façade.
5. As shown in Figure 6, Awnings and Canopies shall be of one solid color except for the color(s) of any lettering.

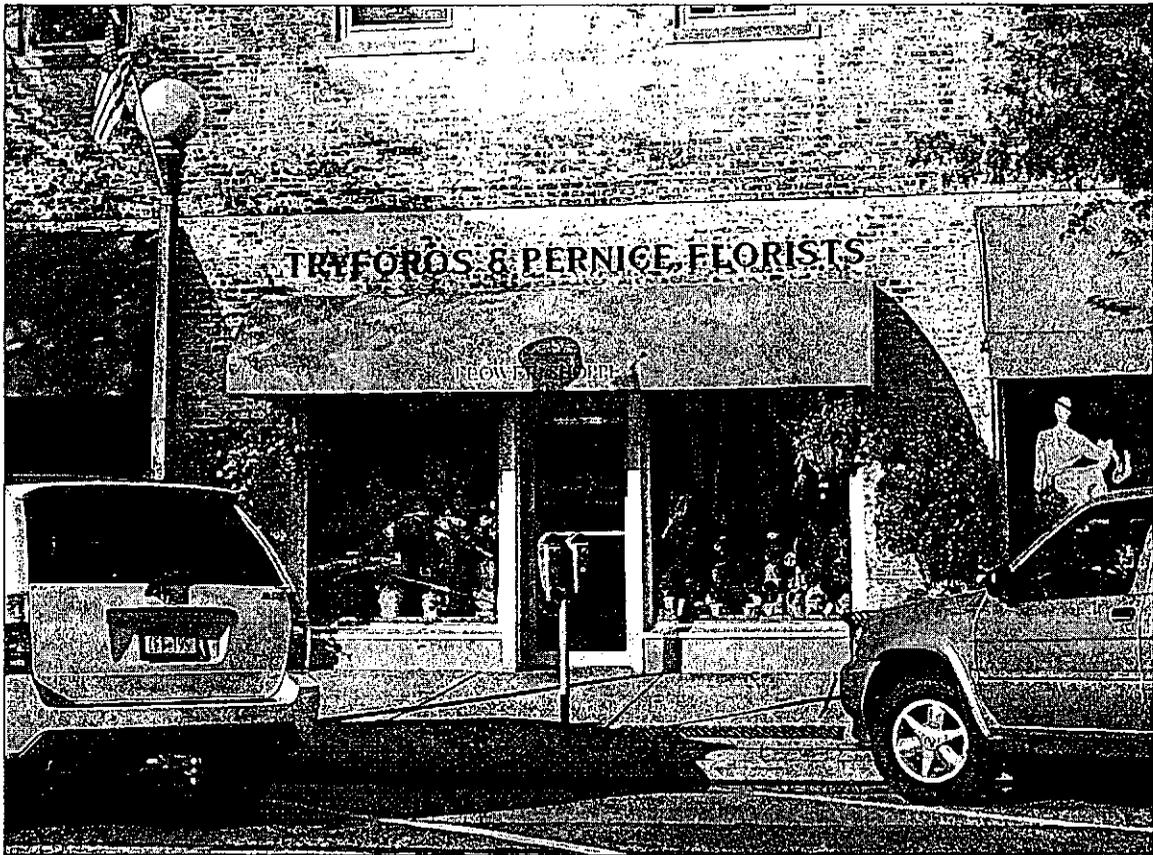


Figure 6: An Awning of One Solid Color

6. At no point along its length shall the height of the lowest portion of an Awning or Canopy be lower than eight feet, measured from the surface of the sidewalk. Fully extended or fixed-in-place Awnings may overhang the sidewalk no more than 5 feet.
7. The Awnings of all commercial spaces located in a single building shall be of a uniform type, size, construction, color and fabric, and shall be located at the same height from the surface of the sidewalk.
8. An Awning may include the Business Identification Sign, business name, or logo silk-screened in white or ivory paint on the Awning Valance.
9. Lighting may be attached to the underside of an Awning provided that the light fixtures illuminate only the sidewalk area beneath the Awning, and not the Awning itself.
10. *The following are prohibited:*

- a. Rigid, fixed-frame sheet-vinyl, aluminum, plastic coated, polycarbonate or transparent Awnings.
- b. Awnings of unusual shapes, such as, but not limited to, domed, box, free-form or object-shaped Awnings.
- c. Fluorescent, "day-glow," iridescent or multi-colored Awnings or Canopies.
- d. Illuminated or back-lit Awnings.

§99-3406. STREET FURNITURE AND LANDSCAPING

A. Street Furniture

1. Street Furniture such as benches, light standards, trash and recycling receptacles, moveable planters and window boxes, newspaper racks, bicycle racks, directional signs, small kiosks and bus shelters are important elements of a streetscape necessary for safety, cleanliness and traffic control, and they are amenities that allow pedestrians to stop and rest, enjoy plants and flowers, have shelter from the elements, find their way, receive information, or use the bicycle as an alternative mode of transportation.
2. Street Furniture that is placed or installed completely, or in part, upon or over any public sidewalk shall be:
 - a. Planned, designed or selected, and located to be integral elements of the streetscape and the commercial district.
 - b. Sturdy, stable, and constructed of high quality materials that are meant for exterior use.
 - c. Compatible with, or complementary to, the architectural style, design, colors and materials of surrounding buildings, structures and other Street Furniture.
 - d. Eight (8) feet or less in length.
 - e. In full compliance with any applicable handicapped access requirements.
 - f. Placed only near a curb or adjacent to the frontage wall of a building.

3. Street Furniture that is placed or installed completely, or in part, upon or over any public sidewalk shall not inhibit or obstruct the growth of a Village street tree, the use of other permitted appurtenances, or be attached to a street tree, or attached or placed upon a tree grate, permeable paving, or other structure surrounding the base of a street tree.
4. Street Furniture and landscape plantings shall not be placed or installed within or over the public right-of-way unless such appurtenances are situated such that they will not obstruct or impede the flow of pedestrian or vehicular circulation, endanger the safety of persons or property, obstruct the entrances or exits of any building, obstruct or impede the access of disabled persons, or obstruct the use of public infrastructure, such as, but not limited to, postal service collection boxes, fire hydrants, utility meter boxes, traffic signals, crosswalks or other appurtenances permitted in the public right-of-way.
5. Street Furniture shall not be placed or installed:
 - a. Within ten (10) feet of any marked or unmarked crosswalk as measured from the curb return.
 - b. Within three (3) feet of any fire hydrant, fire call box, police call box, or other emergency facility.
 - c. Within five (5) feet of any driveway or curb cut.
 - d. Within five (5) feet of any bus stop.
 - e. In any area where the clear space for movement of pedestrians along the length of the sidewalk is less than six (6) feet wide, except that in areas where physical barriers create less than six (6) feet of clear space, a clear space of not less than four (4) feet may be permitted for a distance of not more than ten (10) feet with the approval of the Planning Board.
 - f. So as to impede or interfere with the reasonable use of any ground-floor commercial display window.
 - g. Within two (2) feet of a curb as measured from the outer face of the curb to the nearest part of the Street Furniture.
 - h. Within twelve (12) inches of access to any utility or meter flush-mounted in the sidewalk.

- i. So as to impede or interfere with planned or established access provisions for persons with disabilities.
- j. Within four (4) feet of the nearest street appurtenance.

B. Landscaping

1. The landscaping of outdoor areas and parking areas shall be encouraged, where feasible. Such landscaping shall be attractively designed and planted to create aesthetically pleasing outdoor sitting and activity areas, and adequate screening and aesthetically pleasing buffers between parking areas and public areas, sidewalks, and roadways. Use of plants that are native and not invasive to Long Island shall be used, and Seasonal Plantings and displays encouraged.
2. As shown in Figures 7, 8 and 9, planting strips and beds shall be located to enhance buildings, outdoor areas, and public streets and sidewalks. In areas where planting strips and beds are not feasible, moveable planters and window boxes may be used and located to create buffers, enhance architectural features of buildings, or provide Permanent or Seasonal Plantings and color for situations such as, but not limited to, Sidewalk Cafés, public outdoor areas, building or commercial entrances, commercial display windows or along a sidewalk.
3. Planting strips, planting beds, moveable planters, or window boxes, and the plantings within, shall not be placed or installed within or over the public right-of-way unless situated such that they will not obstruct or impede the flow of pedestrian or vehicular circulation, endanger the safety of persons or property, obstruct the entrances or exits of any building, obstruct or impede the access of disabled persons, or obstruct the use of public infrastructure, such as, but not limited to, postal service collection boxes, fire hydrants, utility meter boxes, traffic signals, crosswalks or other appurtenances permitted in the public right-of-way.

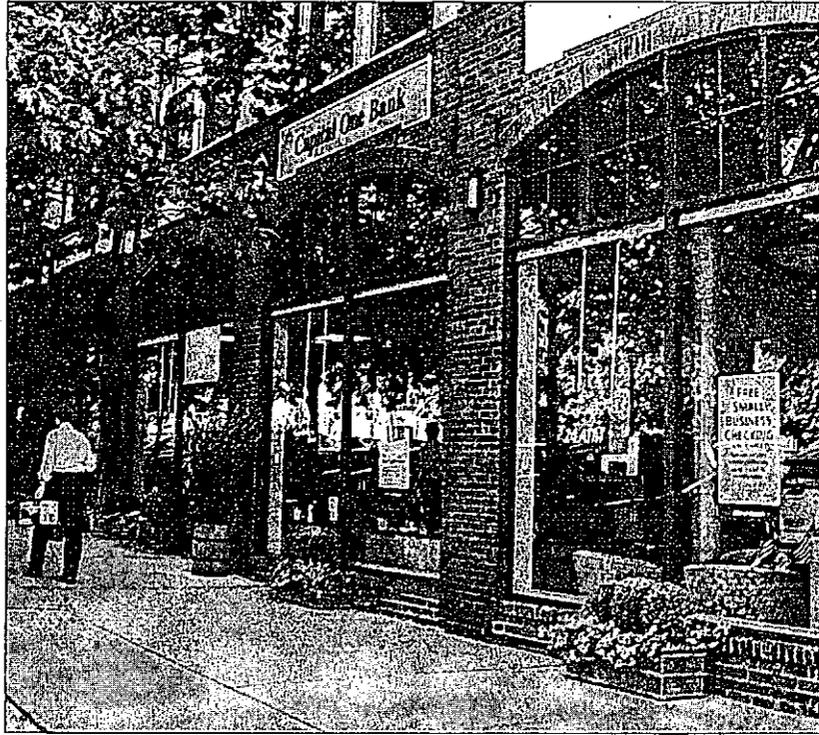


Figure 7: Planters Placed Not to Obstruct But to Enhance Pedestrian Experience



Figure 8: Planters Maintained in a Neat Condition Creates Aesthetic Sidewalks

4. All plantings, planting strips, planting beds, moveable planters, and window boxes shall be maintained in a neat and tidy condition, and shall be cleaned regularly.
5. Moveable planters and window boxes shall be constructed or selected, and located, to be integral elements of the streetscape and the commercial district. The style, design, materials and colors of moveable planters and window boxes shall be compatible with, or complementary to, the architectural style, design, colors and materials of surrounding buildings, structures and other Street Furniture.
6. Where multiple moveable planters and window boxes are located adjacent to an individual commercial or building Façade, or are part of a Sidewalk Café or other outdoor area, the style, design, color and materials of all planters and window boxes shall be uniform.
7. Moveable planters and window boxes shall be sturdy, stable, not easily tipped or blown over, and large enough to maintain the health and typical growth of the plantings placed within. Window boxes shall be adequately secured to building Facades.
8. Moveable planters and window boxes shall have adequate provisions for drainage.
9. Planting strips, planting beds, window boxes and moveable planters shall not be:
 - a. Broken, or in an unsightly condition, and shall be repaired, removed, or replaced promptly, if such conditions exist.
 - b. Empty, or without installed plant material during any part of the year.
 - c. An obstruction of building entrances or emergency exits.
 - d. Allowed to collect trash, litter or other refuse, and if such a condition exists, the trash, litter or refuse shall be removed promptly.
10. Permanent or Seasonal Plantings located in planting strips, planting beds, moveable planters and window boxes shall be:
 - a. Selected and planted to create an attractive permanent or seasonal composition that is interesting and harmonious in color, size and scale, with its container or planting area, and the local streetscape.
 - b. Selected to be suitable for the local natural environment and the specific situation in which they will be planted.

- c. Planted in an improved native soil, or a commercial potting soil mixture, which is suitable for the plant species to be installed.
 - d. Of natural heights and mature sizes that are appropriate for the landscape composition and the situation in which they will be planted to ensure the plantings will not encroach upon vehicular roadways, parking areas, or sidewalks, or obstruct or endanger the movement of vehicles or pedestrians.
 - e. Trees, shrubs and herbaceous plants native to Long Island, or non-native plants that are not locally invasive, and are easily maintained.
 - f. Watered and fertilized regularly, and maintained in a healthy, attractive condition throughout the entire growing season, or in the case of a permanent planting, throughout the entire year;
 - g. Replaced immediately if dead, and in the case of Seasonal Plantings, replaced by winter plantings or greenery at the end of the growing season to cover the soil until the start of the next growing season.
11. Permanent or Seasonal Plantings located in planting strips, planting beds, moveable planters and window boxes shall not be pruned or sheared, except as required for accepted horticultural reasons, and then, using only the best horticultural practices.



Figure 9: Planters Used to Enhance Commercial Entrances and Display Windows

§99-3407. SIDEWALK CAFES AND OUTDOOR DINING AREAS

1. A Special Permit is required to allow a Sidewalk Café on the sidewalk of a public right-of-way or an outdoor dining area in the front, side or rear yard of a privately owned property as shown in Figure 10. A Sidewalk Cafe shall be permitted only in conjunction with a permitted restaurant on a lot directly adjacent to the public right-of-way. An outdoor dining area shall be permitted only on privately owned property located on the same lot.

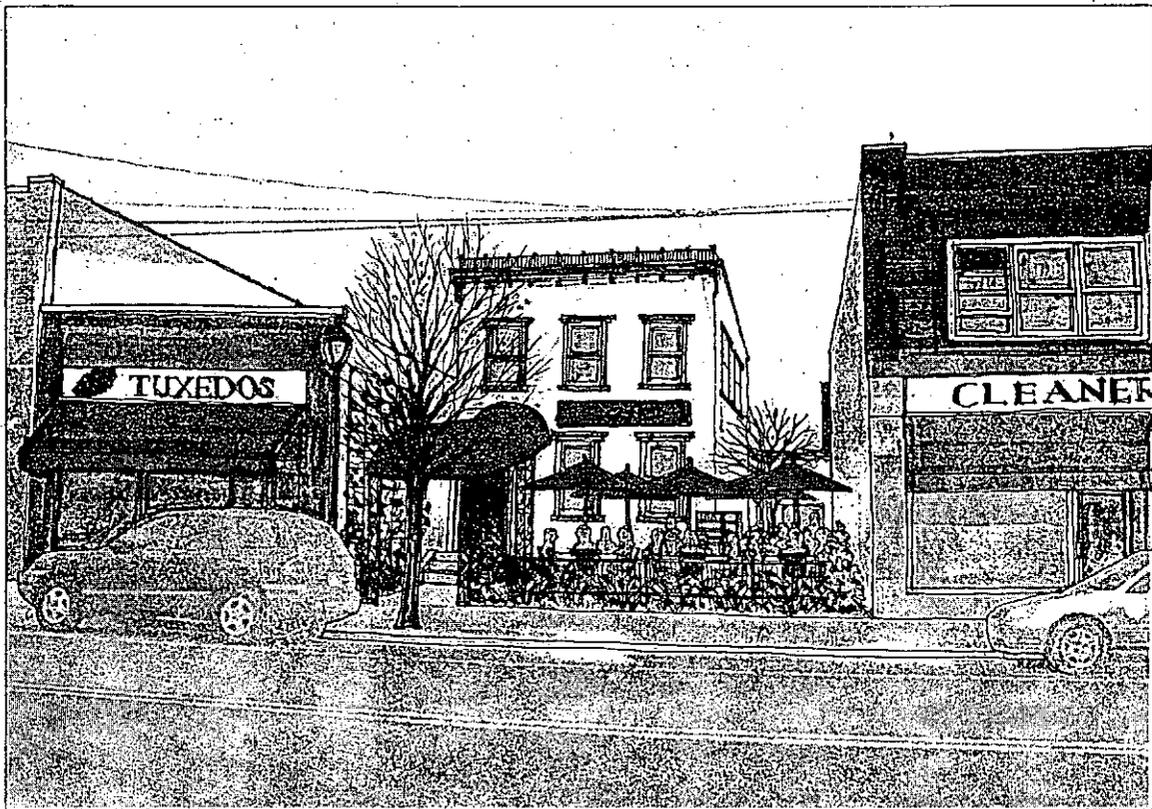


Figure 10: A Sidewalk Cafe

2. As shown in Figures 11, 12 and 13, the space allocated to a Sidewalk Café or outdoor dining area shall be open to the sky, except that retractable awnings or café umbrellas may be permitted where sufficient sidewalk or yard area is available.



Figure 11: A Sidewalk Café with Umbrellas Where Sufficiently Wide Sidewalk Exists

3. The area used for a Sidewalk Café shall not extend beyond the frontage of the restaurant space of which it is part. Sidewalk Cafes and outdoor dining areas shall not obstruct building entrances or emergency exits.
4. The space allocated to a Sidewalk Café, which shall include the perimeter structure, and shall be located so that no less than a width of five feet of sidewalk remains unobstructed along the length of the café for pedestrian movement along the sidewalk. The minimum sidewalk width shall be measured from the outer face of the perimeter barrier that is nearest to either the curb or the nearest permanent obstruction on the sidewalk. Parking meters, traffic signs and trees with flush-with-sidewalk tree grates installed shall not count as obstructions. In areas of heavy pedestrian traffic, a clear sidewalk area wider than five feet may be required.

5. All temporary planters, railings, walls and fences or other items used as part of a Sidewalk Café shall be self-supporting. The height of any planter, railing, wall or fence, including the vegetation on it or within, shall not be more than 36 inches, measured from the surface of the sidewalk.



Figure 12: A Sidewalk Café on a Narrow Sidewalk with Self-Supporting Planters

6. Outdoor dining areas located in a front, rear or side yard that is adjacent to a residential district boundary or a residential use shall be screened by fencing and/or landscape plantings as appropriate, which are located along the property line adjacent to the residential district boundary or residential use, and which create a visual barrier that is at least 6 feet high at the time of installation.

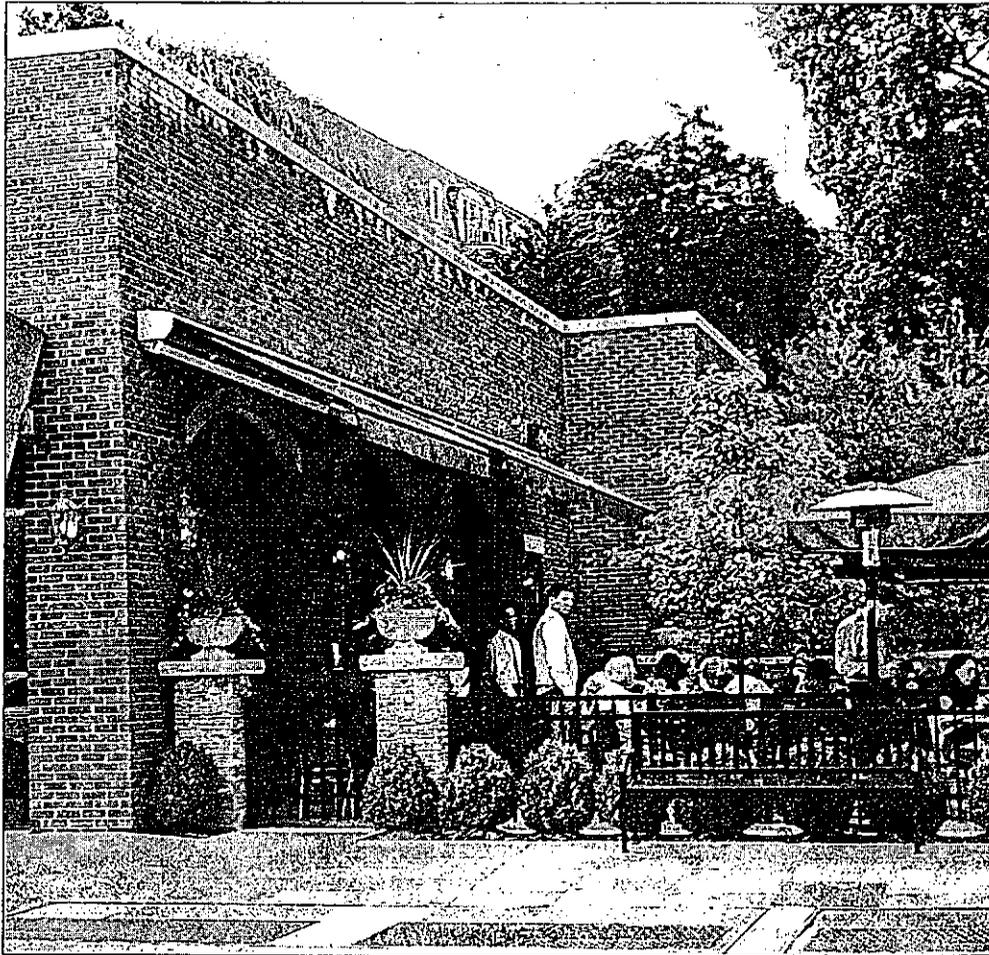


Figure 13: An Outdoor Dining Area

7. Signs are not permitted on café umbrellas that are part of a Sidewalk Café or outdoor dining area.
8. All sidewalk cafes and outdoor dining areas shall cease operations no later than 10:00 PM, Sunday through Wednesday, and 11:00 PM, Thursday through Saturday.
9. Musical instruments, public address systems, or other sound making or reproduction devices shall not be played, operated or used within a Sidewalk Café for any purpose. Live or recorded music is permitted within outdoor dining areas located on privately owned property between the hours of 12:00 PM and 10:00 PM.
10. All temporary elements comprising the Sidewalk Café, with the exception of large planters, shall be removed from the sidewalk every December 1st through February 28th. A large planter may be placed with its longest side against the front wall of

the indoor portion of the restaurant, provided that the planter does not obstruct building windows, entrances or exits.

11. Special Permits issued for Sidewalk Cafés and outdoor dining areas shall be valid for a period of no more than one year and may be renewed annually.
12. All initial applications for approval of a Special Permit for a sidewalk café or outdoor dining area shall be reviewed and approved by the Board of Zoning Appeals. Subsequent applications that do not vary substantially from the initial application may be reviewed and renewed by the Superintendent of Buildings.
13. All damages and liabilities sustained with respect to location and use of the Sidewalk Cafe or outdoor dining area shall be the responsibility of the Sidewalk Café or outdoor dining area owner. The owner of the Sidewalk Café/outdoor dining area shall show evidence of liability insurance coverage in the amount to be determined by the Superintendent of Buildings. Liability insurance coverage shall be maintained for the full duration of the Special Permit.

§99-3408. FULL FORCE AND EFFECT

Except as hereinabove repealed and/or amended, the remainder of Chapter 99 shall remain in full force and effect.

§99-3409. REPEALER

All ordinances, local laws or resolutions, or parts of ordinances, local laws or resolutions of the Incorporated Village of Valley Stream inconsistent with the provisions of this local law are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to other legislation regulating and governing the subject matter covered by this local law.

§99-3410. SEVERABILITY

If any section, paragraph, subdivision or provision of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

§99-3411. WHEN EFFECTIVE

The foregoing provisions shall take effect immediately upon filing with the Secretary of State as provided in Section 7-706 of the Village Law.