

BILL NO. 4 OF 2026

A local law to amend Lake Success Code Chapter 105 entitled “Zoning.”

BE IT ENACTED by the Board of Trustees of the Village of Lake Success as follows:

Section One. Lake Success Code Chapter 105 entitled “Zoning” Article II entitled “Definitions and word usages” Section 105-7 entitled “Definitions” hereby amends the following definitions to read as follows:

ACCESSORY STRUCTURE

A building or structure subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

All accessory structures shall be located in a rear yard and shall maintain a side yard and rear yard equal to the minimum side yard requirement for the main dwelling in the district. All accessory structures shall be screened from abutting properties and shall not be visible from the street. The screening may include a landscape buffer and/or fencing as determined by the Building Inspector. The height of accessory structures shall not exceed 10 feet unless otherwise noted in this chapter. Height shall be measured from the average existing grade to the highest point of the roof.

CEILING HEIGHT

For purposes of calculating gross floor area, the first-floor ceiling height shall not exceed 10 feet measured from the top of the first-floor deck to the underside of the second-floor framing and the second-floor ceiling height shall not exceed eight feet measured from the top of the second-floor deck to the top of the second-floor wall plate. Alternatively, if the first-floor ceiling height is 9 feet, the second-floor ceiling height shall not exceed 9 feet. At no time shall the combined ceiling heights of the first and second floors exceed 18 feet.

- A. In any area in which the ceiling height exceeds the maximum allowable ceiling height, the gross floor area of that room shall be increased in direct proportion to the height in excess of the maximum allowable ceiling height.

- B. Sample calculation: If the area of a first-floor room is 1,500 square feet with a ceiling height of 12 feet, the gross floor area of the room is increased by 300 square feet for a total of 1,800 square feet.

C. $(\text{Area of the room}) + (\text{area of the room}) \times (\text{proposed ceiling height} - \text{maximum ceiling height}) / \text{maximum ceiling height}$

Section Two. Lake Success Code Chapter 105 entitled “Zoning” Article II entitled “Definitions and word usages” Section 105-7 entitled “Definitions” is hereby amended to add the following definitions:

AGGREGATE BUILDING AREA

Shall be determined by measuring around the exterior of the foundation walls or foundation structures of buildings and accessory structures and shall include the floor area of porches, decks and raised patios that are 18” or higher above the finished grade.

ATTIC

The space between the ceiling joists of the top story and the roof rafters. An attic shall not be used or occupied as living or sleeping quarters. There shall be no new fixed stair to any attic space or operable windows. Attics shall not have finished floors or heating systems. Attics over one-story extensions shall count as additional gross floor area if the height from the joint to the underside of the ridge is greater than 6 feet 6 inches. Horizontal access to attics shall be limited to nine square feet. Notwithstanding the foregoing, an attic may be permitted to be constructed as, or converted into, habitable or occupiable space where the requirements of the district would permit a full story; provided, however that the attic shall be counted as gross floor area when used as habitable or occupiable space.

FRONT YARD COVERAGE

In residential districts, the permitted coverages in a front yard include a driveway from the street to the garage having a maximum width of 20 feet, a walkway between the driveway and the house having a maximum width of five feet and a walkway from the street to the house having a maximum width of five feet. The maximum permitted front yard coverage is 30 percent of the front yard.

FRONT YARD ENCROACHMENTS

In residential districts, the front entrance portico is permitted to encroach in the front yard by five feet provided it is open on three sides with a maximum width of 12 feet.

GROSS FLOOR AREA

The sum of the gross horizontal area of all floors of a dwelling as measured to the outside surfaces of exterior walls. Floor area shall include attached garages, pool houses, enclosed porches and roofed porches having more than 50% of the perimeter enclosed or screened, attic space above one-story additions where the height is seven feet or more measured from the top of the first-floor ceiling joists to the underside of the roof rafters. Any area in which the ceiling height exceeds the maximum allowable ceiling height, the gross floor area of that room shall be increased in direct proportion to the height in excess of the maximum allowable ceiling height. Excluded from floor area are any floors or basements whose ceilings are less than four feet above average grade around the perimeter of the building and spaces having headroom of less than seven feet. Also excluded from floor area are unfinished attics above second floor construction or additions provided the space has less than six feet six inches of headroom.

REAR YARD COVERAGE

In residential districts, the maximum permitted rear yard coverage is 40 percent of the rear yard.

SIDE YARD COVERAGE

In residential districts, the only coverage permitted in a side yard is a walkway having a maximum width of four feet.

A side-entry garage that complies with Section 105-12.3.C. and has been approved by the Planning Board as to its location and size will also be a permitted in a side yard.

Patios and decks are not permitted in a side yard.

THRU-LOTS

Thru lots having a primary front yard abutting one of the following streets: Bowers Lane, Rivers Drive, Pine Hill Road, Oldfield Lane, West Woods Drive, Paddock Lane, Oaks Hunt Road, Briarfield Drive, Jeffrey Lane or Oliver Street; and a secondary front yard abutting one of the following streets: Cumberland Avenue, Lakeville Road, North Service Road, Horace Harding Boulevard and Bates Road; shall be treated as a lot with only one front yard and a rear yard abutting Cumberland Avenue, Lakeville Road, North Service Road, Horace Harding Boulevard or Bates Road.

Section Three . Lake Success Code Chapter 105 entitled “Zoning” Article IV entitled “Residence A, B-1, B-2 and C Districts” Section 105-12 entitled “Garages” is hereby amended to read as follows:

- A. Every single-family residence hereafter erected shall have provisions for garaging at least one automobile on the premises. Such garage shall not be less than 10 feet by 20 feet in size, and any existing conforming garage shall not be reduced to a size less than 10 feet by 20 feet.
- B. The finished garage floor height shall be a minimum of one foot above the adjacent curb height. . The garage square footage will be included in the floor area ratio calculations.
- C. Detached accessory garages are prohibited. All garages must be attached to the main dwelling.
- D. The maximum permitted garage size is a three-car garage.
- E. Three-car garages must face the side yard.
- F. Rear facing garages are prohibited.

Section Four. Lake Success Code Chapter 105 entitled “Zoning” Article IV entitled “Residence A, B-2, B-2 and C Districts” Section 105-12.1 entitled “Parking” subsection B is hereby amended to read as follows:

Parking and storage of vehicles in residential districts.

- (1) Vehicles shall only be parked or stored on an approved paved or gravel driveway.
- (2) Parking pads are not permitted in any residential district.
- (3) Parking or storage of vehicles within a front entrance landing, front yard courtyard, side yard or rear yard is prohibited.

Section Five. Lake Success Code Chapter 105 entitled “Zoning” Article IV entitled “Residence A, B-2, B-2 and C Districts” Section 105-12.2 entitled “Circular driveways” is hereby amended to read as follows:

§ 105-12.2. Circular driveways.

- A. Circular driveways shall be permitted in the Residence AA and Residence A and B-1 Zoning Districts. . Circular driveways shall be prohibited on corner lots and where street frontage is less than 120 feet. Circular driveways are prohibited in the Residence B-2 and Residence C Zoning Districts.

- B. No circular driveway shall be installed unless a building permit shall have been issued therefor by the Building Inspector. Every application for such building permit shall be accompanied by a dimensioned site plan drawn to scale and showing locations of all details, including the width and radius of such driveway, duly certified by a licensed professional engineer or architect, which site plan shall have been submitted to and approved by the Planning Board.
- C. Circular driveways shall conform to the following dimensions for the zoning district in which they are located:

| Residence District | Maximum Width of Driveway | Maximum Width of Driveway (3 feet from curb) |
|---------------------------|----------------------------------|---|
| AA | 14 feet | 17 feet |
| A | 14 feet | 17 feet |
| B-1 | 12 feet | 15 feet |
| | | |

- D. All applications for circular driveways shall be accompanied by an acceptable landscape plan. At a minimum, the landscape plan should provide a low line of bushes and plants on a berm at the circumference of the driveway. No certificate of completion shall be issued by the Building Inspector until all plantings on the approved landscape plan have been installed.

Section Six. Lake Success Code Chapter 105 entitled “Zoning” Article IV entitled “Residence A, B-2, B-2 and C Districts” Section 105-12.3 entitled “Driveways” is hereby amended to read as follows:

§ 105-12.3. Driveways.

- A. Only one driveway is permitted per dwelling with a maximum width of 20 feet.
- B. A driveway shall be at least three feet from the side property line.
- C. New driveways shall have a belgium block or concrete curb along its perimeter to control storm water runoff. The curb area shall not count toward the maximum 20 foot width requirement.

- D. Side-entry garages shall have a driveway width of 20 feet up to the front line of the main dwelling and may be widened to allow for an adequate turning radius to a maximum of 30 feet in front of the garage doors. A five-foot wide evergreen buffer shall be installed along the side property line abutting the side-entry courtyard to mitigate any visual impact to the abutting neighbor.
- E. Apron at curb cut. A driveway may have an apron that is splayed an aggregate total of three feet at the curb. The apron shall be constructed with belgium block, concrete pavers or poured concrete. The remaining apron within the Village's right-of-way shall be a maximum of 20 feet wide and 4 feet deep. .
- F. Curb at street line. All new construction projects and projects that reconfigure a driveway must incorporate a new curb at the street line. Curbs shall be poured concrete and shall be installed by the owner subject to the approval of the Village's design consultants.
- G. Front lot coverage. The pavement in the required front yard shall not exceed 30%

Section Seven. Lake Success Code Chapter 105 entitled "Zoning" Article V entitled "Private Swimming Pools" Section 105-14 entitled "Restrictions" is hereby amended to read as follows:

§ 105-14. Restrictions.

A swimming pool complying with the provisions of this Article shall only be permitted in a residential district as an accessory use to a dwelling for the residents of such dwelling and their guests. One freestanding hot tub with a self-latching cover is permitted as an accessory use to a dwelling subject to the provisions of this Article. Hot tubs shall be permitted in the rear yard, no more than 10 feet from the main dwelling and no more than 75 square feet in area.

Section Eight. Lake Success Code Chapter 105 entitled "Zoning" Article V entitled "Private Swimming Pools" Section 105-16 entitled "Yard, setback and height limitations" is hereby amended to read as follows:

§ 105-16. Yard, setback and height limitations.

- A. Swimming pools and their appurtenances and pool houses shall only be installed in the rear yard and shall maintain the minimum yard requirements as the main dwelling in that district, but shall not, in any event, be located closer than 20 feet to the nearest property line.
- B. The area within the walls of any swimming pool shall not exceed 25% of the area of the rear yard.
- C. A swimming pool shall not be higher than three inches above the average exterior grade of the ground surrounding such pool as it existed prior to the installation of such pool. No swimming pool shall, in any case, be higher than six inches above the finished grade surrounding such pool at any point. Diving boards and enclosed equipment and machinery may, however, have a maximum height of 24 inches.

Section Nine. Lake Success Code Chapter 105 entitled “Zoning” Article V entitled “Private Swimming Pools” Section 105-18 entitled “Water supply; drainage systems; filtration” is hereby subsection C is amended to read as follows:

The overflow and drainage systems of all swimming pools shall be adequate to dispose of water without interfering with adjoining properties, public water supply systems, existing drainage facilities or the streets, roads and highways of the Village. No connections into the sanitary sewerage system will be permitted. At a minimum, the drainage systems for a swimming pool must have the capacity to store five percent of the gallonage in the pool. The draining of swimming pools or hot tubs into the street or public right-of-way is prohibited. The drywells installed for swimming pools shall be at a minimum four feet by eight feet, equivalent to an eight foot by eight foot depth, with a four foot sand and gravel base and a three foot sand and gravel column,

Section Ten. Lake Success Code Chapter 105 entitled “Zoning” Article XVII entitled “Accessory Structures” is hereby amended as follows:

§105-87. Fences and walls.

- A. Fences shall not exceed four feet in height and shall be prohibited in the front yard. This provision shall not apply to hedge, privet, trees or other shrubbery which is not limited in height, except as provided in §90-5 of Chapter 90, Streets and Sidewalks, of the Village Code.

- B. Wherever the boundary of a residential district directly abuts Lakeville Road, Bates Road, Horace Harding Boulevard, Northern State Parkway, Cumberland Avenue, Community Drive and the North and South Service Roads of the Long Island Expressway, fences shall not exceed six feet in height and shall be permitted in an abutting front yard.
- C. Fences shall be constructed with the finished side, if any, facing the adjoining property or street.
- D. It shall be unlawful for any person to erect, construct or alter any fence within the Village until an application for such fence shall have been submitted to and approved by a permit issued by the Village Building Inspector.
- E. The height of a fence shall be measured from the preexisting or finished grade, whichever is less, at the base thereof. For the purpose of this section, the term "preexisting grade" shall be the grade of the land prior to any cutting or filling, and the term "finished grade" shall be the grade after cutting or filling.
- F. Every fence or wall, whether constructed of masonry, wood, metal or other materials, shall be installed and maintained in a safe and sightly condition and shall at all times be maintained in a state of good repair, including but not limited to the replacement and/or repair of all loose, broken or rotten wood; loose, broken or crumbling masonry; and loose, broken or twisted metal portions of fences and walls.
- G. All fences, walls and hedge plantings shall be erected and maintained entirely within the boundaries of the owner's property or on the owner's property line. The Village assumes no responsibility for surveying or identifying property boundaries for owners. It is, therefore, strongly recommended that owners retain a licensed land surveyor to confirm the location of all fences, walls and hedge plantings. If a dispute arises, , the burden of proof lies with the property owner to demonstrate that the fence, wall or hedge is not encroaching on neighboring property,
- H. Construction fences.
 - (1) No permit shall be approved for a fence designed or arranged to enclose a construction site unless it is accompanied by an application for a demolition permit

and/or a building permit. The construction fence permit shall be null and void and the fence removed if demolition and/or building does not commence within 30 days of the issuance of the permit for such work. The fence shall be removed when, in the sole judgment of the Building Inspector, it is no longer needed to secure the site. Any damage to the property that is the result of the installation, maintenance or removal of the fence shall be immediately repaired or restored.

- (2) All construction fences for which a permit was heretofore issued shall be removed if no demolition or construction takes place within 30 days of the adoption of this section.

§105-188. Retaining walls.

Retaining walls shall not extend above the surface of the ground which they support, except that retaining walls extending more than three feet above the lower ground level may extend 30 inches above the surface of the ground they support.

§105-189. Pergolas.

Pergolas shall not exceed 10 feet in height and shall be no more than 150 square feet in area.

§105-190. Outdoor fireplaces and firepits.

Outdoor fireplaces and firepits shall only be gas or electric. Wood-burning fireplaces and firepits are prohibited.

§105-191. Antennas.

It shall be unlawful for any person to erect and/or maintain a parabolic antenna, hemispherical antenna, ground station antenna, earth station antenna, satellite station antenna, circular antenna or dish-shaped antenna which is greater than three square feet in area or has a diameter greater than two feet.

§105-191.1. Decks and patios.

- A. A deck or patio shall be an area surfaced with materials such as but not limited to wood or masonry; without walls, roof or other appurtenance extending more than three feet above the surface of the deck or patio; and constructed outside of the

exterior walls of the principal building, whether attached or unattached.

- B. All decks or patios described above which shall have a height of greater than 18 inches above the finished grade of the principal building or the grade of the land as it existed on the effective date of this section, whichever is the lesser, or if the principal building is constructed after the effective date of this section, said patio or deck which has a height of 18 inches above the finished grade of the principal building or the grade as it existed on the date of the issuance of the certificate of occupancy, whichever is the lesser, shall comply with the minimum yard requirements for the main dwelling . A deck or patio shall be constructed only at the rear of the building.
- C. A deck constructed of wood shall be of natural wood, composite material or pressure-treated lumber which is rot-resistant and in conformance with the Building Code..

§105-191.2. Sheds.

- A. A shed shall be a combination of materials to form a freestanding construction that is safe and stable and used for the storage or containment of tools, equipment, outdoor furniture, plans, toys or other similar items.
- B. No utilities shall be installed or in any way connected to the shed with the exception of a one-hundred-ten-volt electrical service for lighting purposes only.
- C. A shed shall not exceed eight feet six inches in height
- D. No more than one shed may exist on a single premises.
- E. No shed may be constructed in the front or side yard of any premises.
- F. No shed shall be constructed or maintained until a building permit therefor has been issued by the Building Inspector.
- G. The lot area covered by a shed shall be included in calculating the maximum permissible lot coverage of the zoning district in which such shed or structure is located.
- H. No shed shall have a lot coverage in excess of 100 square feet and no single dimension may exceed 10 feet.

§105-191.3. A/C Condensers and other utilities.

- A. A freestanding heating, cooling, pumping, filtering, generating or other type of equipment, device or utility may be wall-mounted only if it is mounted within one foot above grade
- B. Residential A/C condensers shall be located in a side or rear yard. If located in a side yard, the A/C condensers shall maintain the minimum side yard requirements of the main dwelling. If located in the rear yard, the A/C condensers must be within two feet of the main dwelling.
- C. A/C condensers and other utilities shall be adequately screened and maintained with landscaping or other materials approved by the Building Department to minimize the visual impact of adjacent properties and any public right-of-way.

§105-191.4. Generators.

Generators shall be located in the rear yard or rear half of the side yard of a residential property. . If located in a side yard, a generator must maintain the same minimum side yard as required for the main dwelling in that district. If located in the rear yard, the generator must be within five feet of the main dwelling. Generators shall be adequately screened and maintained with landscaping or other materials as approved by the Building Department to minimize noise and visual impact on adjacent properties and any public right-of-way. The testing of any generator is subject to Code §75-2(J).

§105-191.5. Pool houses.

Pool houses are only permitted in Residence A Districts, shall not exceed 15 feet in height and shall be no more than 300 square feet in area.

Section Eleven. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” §105-194 entitled “Residence AA, A, B-1, B-2 and C and Business A and B Districts” subsection A(3) is hereby amended as follows:

- (3) The aggregate building area shall not exceed 15% of the lot area, and the gross floor area of a single-family dwelling shall not exceed 15% of the lot area.

Section Twelve. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” §105-194 entitled “Residence AA, A, B-1, B-2 and C and Business A and B Districts” subsection B(3) is hereby amended as follows:

- (3) The aggregate building area shall not exceed 15% of the lot area, and the gross floor area of a single-family dwelling shall not exceed 20% of the lot area. No dwelling shall exceed a maximum gross floor area of 12,000 square feet.

Section Thirteen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” §105-194 entitled “Residence AA, A, B-1, B-2 and C and Business A and B Districts” subsection C(1)(c) is hereby amended as follows:

- (c) The aggregate building area shall not exceed 20% of the lot area, and the gross floor area of a single-family dwelling shall not exceed 30% of the lot area. No dwelling shall exceed a maximum gross floor area of 7,000 square feet.

Section Fourteen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” §105-194 entitled “Residence AA, A, B-1, B-2 and C and Business A and B Districts” subsection C(2)(c) is hereby amended as follows:

- (c) The aggregate building area shall not exceed 25% of the lot area, and the gross floor area of a single-family dwelling shall not exceed 35% of the lot area. In addition, no dwelling shall exceed a maximum of 5,000 square feet gross floor area on a lot of 14,000 square feet or less, or exceed 5,500 square feet gross floor area on a lot larger than 14,000 square feet.

Section Fifteen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” §105-194 entitled “Residence AA, A, B-1, B-2 and C and Business A and B Districts” subsection D(3) is hereby amended as follows:

- (3) The aggregate building area shall not exceed 30% of the lot area, and the gross floor area of a single-family dwelling shall not exceed 40% of the lot area. In addition, no dwelling shall exceed a maximum gross floor area of 4,000 square feet on a lot of 10,000 square feet or less, or exceed a gross floor area of 4,500 square feet on a lot larger than 10,000 square feet.

Section Sixteen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” §105-194 entitled “Residence AA, A, B-1, B-2 and C and Business A and B Districts” subsection E(3) is hereby amended as follows:

- (3) The aggregate building area shall not exceed 50% of the lot area.

Section Seventeen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” §105-194 entitled “Residence AA, A, B-1, B-2 and C and Business A and B Districts” subsection F(3) is hereby amended as follows:

- (3) The aggregate building area shall not exceed 25% of the lot area.

Section Eighteen. Lake Success Code Chapter 105 entitled “Zoning” Attachment 1 Schedule A entitled “Limiting Height and Bulk of Buildings” is hereby amended as follows:

SEE ATTACHED SCHEDULE

Section Nineteen. This local law shall take effect immediately upon filing with the Secretary of State.