

**VILLAGE OF FARMINGDALE
ZONING ORDINANCE**

Proposed Zoning Amendments to Create a Downtown Mixed-Use Zoning District

ARTICLE XIV, Downtown Mixed-Use (D-MU) Zoning District

§ 105-91. Statement of intent and purposes.

The downtown area of Farmingdale, as defined in “Downtown Farmingdale 2035: A Downtown Master Plan” (Downtown Plan) generally extends from the Long Island Rail Road (LIRR) Station on South Front Street to Main Street, and then south along Main Street beyond Village Hall to New York State Route 109 (Fulton Street). The Downtown Mixed-Use (D-MU) Zoning District promotes Transit-Oriented Development (TOD) at the LIRR train station and a connection to Main Street, as well as an active “Main Street” environment that includes a mixture of commercial and residential uses that builds upon the proximity of the LIRR train station and on the demand for local businesses in downtown Farmingdale. The D-MU Zoning District prescribes graduated densities of development in three sub-areas within the zoning district boundaries, with the greatest intensity of development permitted for areas closest to the LIRR train station. The zoning calls for a pedestrian-friendly commercial area, with off-street parking located to the rear of downtown buildings. Ground-floor uses on Main Street need to foster pedestrian activity with restaurants, shops, and personal service establishments, providing a lively streetscape. Upper floor uses should be predominantly office and multi-family apartments. The D-MU Zoning District regulates the design characteristics of potential development and also includes incentive provisions that allow the Village Board of Trustees to adjust lot and bulk controls and parking requirements for development proposals that advance Village design objectives as set forth in the Downtown Plan. This may include projects that exceed the minimum percentages of workforce housing units or projects that provide design treatment of an exemplary character.

§ 105-92. Permitted uses.

In the mixed-use downtown area, certain uses, such as restaurants, retail establishments, and banks, shall be permitted on the ground level of existing and proposed buildings, thereby encouraging pedestrian activity. Most other uses, such as offices and apartments above stores, shall be permitted on the upper levels of building only. Certain uses permitted in the D-MU Zoning District shall require a Special Use Permit from the Village Board of Trustees prior to obtaining site plan approval from the Planning Board. The Architectural Review Board shall assist the Planning Board in its review of site plans, addressing design issues, as expressed in the Village of Farmingdale Design Guidelines.

Permitted uses in the D-MU Zoning District are as follows:

A. Principal uses.

(1) Uses permitted on the ground level.

- (a) Restaurants, coffee shops, and similar establishments, but excluding uses with drive-up windows.
- (b) Retail stores.
- (c) Financial institutions, but excluding banks with drive-up windows.
- (d) Bar and grill establishments.
- (e) Personal service establishments, including barber shops, beauty parlors, shoe repair shops, nail salons, and dry cleaners.
- (f) Public buildings and public uses, including parking lots and parking structures.
- (g) Museums and art galleries.
- (h) Health clubs.
- (i) Funeral parlors.
- (j) Cinemas and performing art theatres, excluding drive-ins.

(2) Uses permitted on upper levels.

- (a) All uses set forth in § 105-92.A.(1), above, with the exception of retail stores, bar and grill establishments, personal service establishments, which shall be limited to the ground level only.
- (b) Offices.
- (c) Studios for artists, craft persons, and design professionals.
- (d) Training schools.

B. Accessory uses.

- (1) Off-street parking and loading, including parking structures.
- (2) Open space or plaza areas available to the general public.
- (3) Outdoor dining facilities located on private property.

C. Uses permitted subject to a Special Permit issued by the Village Board of Trustees.

For all applications to the Village Board of Trustees for Special Use Permits under this section, the procedural guidelines set forth in §§ 105-167, 105-168, and 105-90 of the Zoning Ordinance shall be applicable. Special Permit uses in the D-MU Zoning District are as follows:

- (1) Outdoor dining that occurs on a portion of the sidewalk adjacent to a restaurant, coffee shop, or similar establishment, provided said use does not unnecessarily impede the safe and convenient flow of pedestrian traffic.
- (2) Multi-family buildings provided that at least 33 percent of the ground floor contains restaurants, retail shops, art galleries, museums, personal service, and

similar uses. For purposes of this use, § 105-161 of the Zoning Ordinance, which prohibits residential buildings in business and industrial districts, shall not apply.

- (3) Residential apartment uses along Main Street, which are located above existing retail, restaurant, personal service uses, art galleries, museums or similar establishments, provided that suitable ingress and egress to the apartment units are provided from the exterior of the building. For purposes of this use, § 105-161 of the Zoning Ordinance shall not apply.
- (4) Hotels on sites that are located within 500 feet of the LIRR train station, provided that such hotels include ground level retail, restaurant, personal service, and similar uses and include outdoor open space or plaza areas available to the general public. Such uses shall be limited to 4 stories or 40 feet in height.
- (5) In certain cases, upper level uses set forth in § 105-92.A.(2) above may be permitted on the ground level, provided that such uses are compatible with the ground level building design and window treatment and that no other use permitted under § 105-92.A.(1) above is feasible for the ground level of the subject building.

D. Prohibited uses.

- (1) Gasoline stations and repair shops.
- (2) Outdoor storage uses.
- (3) Bowling alleys, skating rinks and other large scale recreation buildings and uses.
- (4) Used car lots.
- (5) Automotive showrooms.
- (6) Car washes.
- (7) Planned shopping centers.
- (8) Residential townhouse developments.
- (9) Motels.
- (10) Other uses that are not consistent with a pedestrian-oriented downtown area.

§ 105-93. Lot and bulk controls.

Consistent with the Downtown Plan, the D-MU Zoning District is divided into three sub-areas as indicated on the Village Zoning Map. The following lot and bulk controls allow greater intensities of development for areas closest to the LIRR train station, as part of a TOD revitalization program.

	Northern Sub-Area	Central Sub-Area	Southern Sub-Area
1. Maximum Floor Area Ratio	2.0	1.5	1.5
2. Maximum Building Area Coverage	90%	90%	75%
3. Maximum Residential Density for Multi-Family Buildings	40 units/acre	40 units/acre	30 units/acre
4. Maximum Building Height	3 ½ Stories or 40 ft.*	3 ½ Stories or 40 ft.	2 ½ Stories or 35 ft.
5. Maximum Building Setback from Front Lot Line (build to line), except for pedestrian plaza areas	0 ft.	0 ft.	10 ft.
6. Minimum Side Yards	none required	none required	none required
7. Minimum Rear Yard	none required	none required	15 ft.
8. Minimum Landscaped Buffer Area when Adjacent to Residential Uses	25 ft.	25 ft.	25 ft.
9. Maximum Area Per Retail Establishment	2,500 s.f.	2,500 s.f.	no maximum required
10. Minimum Apartment Size	750 s.f.	750 s.f.	850 s.f.

NOTE: *Except hotels proximate to the LIRR train station, which may be 4 stories or 40 feet.

§ 105-94. Off-street parking and loading.

Off-street parking and loading requirements set forth in Article XVII of this Ordinance shall apply to uses in the D-MU Zoning District, with the exception of the following provisions that apply to sub-area A and B of the D-MU Zoning District, where municipal parking and transit opportunities are readily available:

A. Parking requirements for certain uses in sub-areas A and B.

- (1) Multi-family apartments: 1 space for each studio or 1 bedroom unit and 0.5 additional spaces for each additional bedroom in the apartment unit.
- (2) Retail, personal service, restaurant, bar and grill, and similar uses: 1 space for each 500 square feet of gross floor area.
- (3) Offices, financial institutions, and studios: 1 space for each 500 square feet of gross floor area.

B. Reduction of required parking for uses near municipal parking fields.

Provisions set forth in § 105-112 of the Zoning Ordinance shall apply to D-MU uses that are located with 500 feet of a municipal parking field, including the potential

payment of a fee as a substitute value for parking spaces waived by the Board of Trustees.

C. Loading requirements.

Off-street loading and unloading requirements may be waived by the Planning Board as part of the site plan approval process, where such loading is infeasible given existing parking lots that otherwise serve the subject site.

§ 105-95. Workforce or affordable housing requirement.

A. Not less than 15 percent of all multi-family or mixed-use units in any D-MU development shall be designed as workforce housing, targeted to households with incomes less than 100 percent of the area median income (AMI) for Nassau County, as defined by the United States Department of Housing and Urban Development (HUD), and with unit sales prices or rents not to exceed 30 percent of the household's annual income. For buildings with less than four units, the 15 percent requirement shall not apply.

B. Workforce housing units shall comply with all requirements set forth by the Village Board of Trustees at the time of Site Plan approval in relation to unit occupancy, location, design, and continued affordability over time.

§ 105-96. Incentives.

The Village Board of Trustees may provide adjustments to lot, bulk, and parking requirements set forth in the D-MU Zoning District for plans that specifically advance the Village's objectives for downtown revitalization, as set forth in the Downtown Plan. This may include projects that are consistent with Village design guidelines, such as, but not limited to, special design solutions, including the provision of plazas and other publicly accessible open space areas either on-site or off-site; and, the design of buildings that provide landmark features or designs. Incentives may also be provided for the use of energy efficient building techniques and for the provision of the percentage of workforce housing in excess of the minimum requirement of 15 percent. A public hearing shall be required prior to the granting of any incentive adjustment. As a general guideline, incentives should not include adjustments that are in excess of 10 percent of standards otherwise set forth in the D-MU Zoning District. Fast tracking the local approval process should be incorporated into all incentivized projects, with special meetings or joint meetings of Village review boards scheduled whenever appropriate. Applicable procedures for the consideration of incentives shall apply, as set forth in § 105-79.N.(2) of the Zoning Ordinance.

§ 105-97. Site plan and related approval.

All new developments in the D-MU Zoning District shall be subject to site plan review by the Village Planning Board in accordance with Article XXVII of this Zoning Ordinance.

Prior to approval of said site plan, the Village Planning Board shall obtain a review and recommendation of the exterior treatment of all proposed buildings from the Village Architectural Review Board. The Village Architectural Review Board shall provide a report and recommendation to the Planning Board within 45 days of receipt of the site plan.

Notwithstanding § 105-191 of the Zoning Ordinance, the Village Board shall limit its review of site plans in the D-MU Zoning District to plans that contain: (1) workforce housing components, (2) require a Special Permit, and/or (3) request incentives.