

Local Law Filing

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" **County** Nassau County
" **City of**
" **Town**
" **Village** Inc. Village of Farmingdale

Local Law No. **1 of the year 2020**
A local law
(Insert Title)

TITLE:

**LOCAL LAW 1-2020 OF THE CODE OF THE
INCORPORATED VILLAGE OF FARMINGDALE
AMENDING CHAPTER 600, ARTICLE XV,
WORKFORCE HOUSING DISTRICT, SECTIONS
600-106 (LIMITATIONS AND REGULATIONS
UPON DEVELOPMENT) AND 600-107
(DEVELOPMENT INCENTIVE BONUSES)**

Be it enacted by the of the Board of Trustees
(Name of Legislative Body)
" **County** Nassau County
" **City of as follows:**
" **Town**
" **Village** Inc. Village of Farmingdale

Article XV, Workforce Housing District.

§600-104 Purpose. Intent. Boundaries.

- A. The Board of Trustees for the Village of Farmingdale is cognizant of the high housing costs in Farmingdale and on Long Island and has determined that there is a shortage of attractive and workforce housing for workers, including, but not limited to, workers who reside in the Town of Oyster Bay and Village of Farmingdale, and workers and fire fighters, police officers, nurses, other service workers as well as teachers and other child care professionals and educators. The Board of Trustees intends, by the implementation

of this Workforce Housing District, to encourage the development of attractive housing which is not cost prohibitive in Farmingdale and on Long Island.

- B. The boundaries of the Workforce Housing District shall be as shown on the Workforce Housing District Map which accompanies this Article. The Workforce Housing District Map and the legends thereon are hereby declared to be part of this Article.

§600-105 Permitted uses. Definitions.

- A. Permitted uses. In the Workforce Housing District, no building or premises shall be used and no building shall be erected or altered for other than Multifamily Dwellings which meet the Workforce Housing District requirements set forth in this Article and only following the grant of a special permit by the Board of Trustees.
- B. Definitions. As used in this Article, the following terms shall have the meanings indicated:

Community Benefits or Amenities

Community Benefits or Amenities shall mean Workforce Housing, and other Community Benefits which include, but are not limited to, open space, parks, the amenities or other specific physical, social or cultural amenities, or cash in lieu thereof, as authorized by the Board of Trustees, which provide a benefit to the residents of the community.

Incentive bonuses/Incentive Zoning

Incentive bonuses/Incentive Zoning shall mean adjustments to §600-106, Limitations and Regulations Upon Development, in accordance with the requirements of §600-107.

Workforce Housing

Workforce Housing shall be defined as Multifamily Dwellings which meet the requirements of this Article.

Workforce Housing, Type I

Type I Workforce Housing shall be defined as housing targeted to households with incomes at or below fifty percent (50%), and no greater than sixty percent (60%), 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 thirty-five percent (35%) of the household's annual income.

Workforce Housing, Type II

Type II Workforce Housing shall be defined as housing targeted to households with incomes at or greater than sixty percent (60%), but less than eighty percent (80%), 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 thirty-five percent (35%) of the household's annual income.

Workforce Housing, Type III

Type III Workforce Housing shall be defined as housing targeted to households with incomes at or greater than eighty percent (80%), but less than one hundred percent (100%), 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 thirty-five percent (35%) of the household's annual income.

§600-106 Limitations and Regulations upon Development.

In the Workforce Housing District the following limitations and regulations shall apply:

Maximum Floor Area Ratio (FAR)	1.5
Maximum building area coverage	90%.
Maximum density	20 units / acre.
Minimum Site Area	no less than 40,000 square feet.
Frontage	no less than 100 feet.
Maximum building height	no greater than 36 Feet & no greater than 3 stories.
Minimum front yard setback	no less than 35 feet.
Minimum side yard setback	no less 35 than feet.
Minimum rear yard setback.	no less than 35 feet.
Minimum landscaped buffer	25 feet.

Minimum dwelling unit size	750 square feet.
Minimum Off-Street Parking	1 space for each studio; 1.5 spaces for one bedroom; two spaces for two bedrooms; and 0.5 additional space for each additional bedroom.
Building Superintendent	One superintendent shall be required to reside on the premises.

§600-107 Development Incentive Bonuses.

- A. Intent. This subsection is intended to give the Board of Trustees all powers set forth in New York State Village Law §7-703 and intended to comply with Article 16-a, §699-B of the General Municipal Law, “Long Island Workforce Housing Act. ”
- B. Purpose. The purpose of the system of incentive bonuses set forth in this section shall be to advance the Village’s intent to create workforce housing and to advance the Village’s other physical, cultural and social policies in accordance with the Village’s comprehensive plan and in coordination with other community planning mechanisms or land use techniques.
- C. Incentive Bonuses Required. A subdivision plat or site plan which proposes the maximum density or maximum number of Workforce Housing units permitted in the Workforce Housing District, shall not be approved unless the applicant receives a density bonus, permitting the development of additional units, which additional units shall be equal to ten percent (10%) of the maximum density or maximum number of units permitted in the WFH Zoning District. In exchange for such density bonus, the Village Board shall require all units be set aside as Workforce Housing in accordance with Gen. Mun. Law §699-B.
- D. Additional Incentive Bonuses Permitted. For a subdivision plat or site plan which proposes more than the maximum density or maximum number of workforce housing units permitted in the Workforce Housing District, the Board of Trustees may grant a greater density bonus than the density bonus permitted in §600-107(C) subject to

§600-107(E) in exchange for additional Workforce Housing units and/or additional Community Benefits.

E. Prohibitions. In the Workforce Housing District, the Board of Trustees may grant an incentive bonus only for increased density or units as set forth in this Article. No other incentive bonus may be granted in the Workforce Housing District. The following limitations apply to the Board of Trustees power to grant incentive bonuses. These limitations cannot be altered or modified under any circumstances:

1. Densities cannot exceed thirty (30) units per acre. In addition, the Board of Trustees may grant an additional incentive bonus for the superintendent's unit in that the superintendent's unit shall be exempt from the calculation of permitted units;
2. Developments must contain:
 - a. No less than forty percent (40%) of the total units as Type III Workforce Housing as defined in §600-105; and
 - b. No more than fifty percent (50%) of the units as Type I Workforce Housing as defined in §600-105;
3. Buildings heights cannot exceed 36 feet and not greater than 3 stories (measured from the average grade of the property), except that the Board may grant incentive bonuses for increased height (for a maximum of five (5) additional feet) provided such height in excess of the 36 feet is limited to: architectural or design elements or relief; mechanical rooms or areas for the storage of mechanicals such as HVAC equipment; penthouses for elevators or stairways; skylights; chimneys and/or flues; or renewable energy equipment. No more than thirty percent (30%) of the floor area of the third story may be dormered. The maximum roof pitch shall be a 12 on 12 pitch;
4. No variance or relief from any parking requirement may be granted by the Board of Trustees and the Board shall not grant any parking relief for the parking space required for or by the superintendent's unit;
5. Building area coverage cannot exceed 90%;

6. Dwelling unit size cannot be less than 550 square feet.
7. Lot size shall be no less than 40,000 square feet.
8. Floor Area Ratio may not exceed 1.5.
9. Building superintendent must reside on premises.

F. Procedure for Obtaining Incentive Bonuses.

1. Application, Review Process, Imposition of Terms and Conditions. Applications for development bonuses shall be completed by each applicant. The Board of Trustees shall determine whether the proposed Amenities provide sufficient public benefit to warrant the requested incentives. In the event that the Board of Trustees grants such application, it may impose such terms and conditions as are necessary to advance the Village's specific physical, cultural and social policies in accordance with the Village's Comprehensive Plan. If the Board of Trustees determines that a suitable Community Benefit or Amenity is not immediately feasible, or otherwise not practical, the Board of Trustees may require, in lieu thereof, a payment to the Village of a sum to be determined by the Board of Trustees. If cash is accepted in lieu of other Community Benefit or Amenity, provisions shall be made for such sum to be deposited in a general fund restricted cash account to be used by the Board of Trustees for specific community benefits authorized by the Board of Trustees.
2. Environmental Impact Statement. In the event that the Board of Trustees determines that a generic environmental impact statement is warranted pursuant to Village Law §7-703(3)(c), any applicant for Incentive Bonuses shall pay the cost, if any, of preparing the environmental impact statement, if so required by the Board of Trustees, and such charge shall be added to any site-specific charge made pursuant to the provisions of §8-0109 of the Environmental Conservation Law.
3. Any approval required herein shall be conditioned upon the Village and the applicant entering into a written agreement memorializing the requirements of this section and the filing of such agreement in the office of the Nassau County Clerk.

§600-108. Additional regulations.

- A. Public Hearing. Public Notice. The Board of Trustees shall hold a public hearing in accordance with §600-138 for all Workforce Housing special permit applications.
- B. No special permit may be granted unless the permit requires that the owner of the property enter into a contract with a housing group, approved by the Village, for the continued monitoring and maintenance of the Workforce Housing units in the Workforce Housing District and compliance with this Article. Proof of such contract shall be submitted to the Superintendent of Buildings on an annual basis. Proof of compliance with this Article and the special permit shall be submitted to the Superintendent of Buildings on an annual basis. The special permit shall be recorded in the Office of the Nassau County Clerk.
- C. Costs, fees and expenses. Costs, fees and expenses shall be determined and assessed in accordance with §600-137.
- D. Site Plan Approval. All developments in the Workforce Housing District shall be subject to site plan review in accordance with §600-134.

§600-109 When effective.

This Article shall become effective immediately, as provided in the Municipal Home Rule Law, upon being filed with the Secretary of State of the State of New York.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

(

(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.1 of 2020 of the Village of Farmingdale was duly passed by the Board of Trustees On March 2, 2020, in accordance with the applicable provisions of law.

~~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 2006 of~~

the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ and was deemed duly adopted on _____ 2006, 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 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ on _____ 2006.

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 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ on _____ 2006. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2006, 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. DOS-239 (Rev. 05/05)

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 2006 of the _____ 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 _____ 2006, 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 2006 of the County of Nassau 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.



Village Clerk / Treasurer

Date: _____

(Seal)

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

STATE OF NEW YORK
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

Title Village Attorney

Village of Farmingdale

Date: _____

DOS-239 (Rev. 05/05)