

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 housing for workers, including, but not limited to, workers who reside in the Town of Oyster Bay and Village of Farmingdale, 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 ~~excluded~~ ~~empt~~ from the calculation of maximum 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, other than land banking, 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 (other than land banking) . In the event of land banking relief, the applicant shall be required to create parking from such land banked parking immediately upon the Village request for same;
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.

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F. Additional Relief. Notwithstanding the prohibitions in §600-107 (E) (1) and (2), additional relief may be granted by the Board of Trustees beyond the limitations set forth in §600-107 (E) (1) and (2) if such Board determines that the additional relief is consistent with the intent of this Article, and such relief is recommended by a professional planner and the Village's housing consultant. Under no circumstances may the Board of Trustees modify the limitations in §600-107 (E) (1) to permit more than Thirty-Five (35) units per acre. The superintendent's unit shall be excluded from the total unit calculation. The Board may also modify or waive the requirements of §600-107 (E) (2). In the event of such modification or waiver at least twenty-five percent (25%) of the total number of units shall be for housing

targeted to households with incomes at or greater than seventy percent (70%) of the area median income (AMI) and no more than fifty percent (50%) of the units may be at or less than fifty percent (50%) of the area median income (AMI).

F.G. 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.