

Village of Hempstead



Article XXVI
Downtown Overlay Zones
Section 139-200 to 139-220

June, 2012

DOWNTOWN OVERLAY ZONES

Village of Hempstead

Village of Hempstead

Local Law No. _____ of the Year 2012

A Local Law amending Chapter 139 of the Code of the Village of Hempstead, "Zoning," by amending Section 139-3, amending the Zoning Map and adding a new Article XXVI to implement form-based zoning for the purpose of revitalizing Downtown Hempstead.

BE IT ENACTED by the Village Board of the Village of Hempstead as follows:

Section 1. Chapter 139, "Zoning," is hereby amended by adding the following items to the list of zoning districts in Section 139-3:

Downtown Overlay DO-1

Downtown Overlay DO-2

Downtown Overlay DO-3

Downtown Overlay DO-4

Section 2. Chapter 139, "Zoning," is hereby amended by adding after Section 139-199, the following new Article XXVI, Sections 139-200 through 139-220, annexed hereto as Attachment A.

Section 3. The Zoning Map of the Village of Hempstead is hereby amended to indicate the existence of the Downtown Overlay Zones noted above, as shown on Attachment B annexed hereto.

Section 4. This local law shall take effect immediately upon filing with the New York State Secretary of State.

DOWNTOWN OVERLAY ZONES

Village of Hempstead

Attachment A
VILLAGE OF HEMPSTEAD
DOWNTOWN OVERLAY ZONING AMENDMENTS

AMENDMENTS TO THE CODE OF THE VILLAGE OF HEMPSTEAD, NY

1. ADD A NEW CHAPTER 139, ARTICLE XXVI, AS FOLLOWS:

ARTICLE XXVI, VILLAGE OF HEMPSTEAD DOWNTOWN OVERLAY ZONING

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SECTION 139-200 AUTHORITY

This Article XXVI (hereinafter the “Article”) is adopted as a local law pursuant to, inter alia, the New York State Constitution, Article 9, §2(b)(3); Statute of Local Governments, §10, Subdivision 6; and Municipal Home Rule Law § 10, Subdivision 1(ii)a(11), §10, Subdivision 1(ii)a(12), and §10, Subdivision 1(ii)d(3). It shall amend and, to the extent necessary, supersede any provisions of New York Village Law §§7-700 through 7-738, as well as any other sections of the Village Law with which it may be inconsistent.

SECTION 139-201 INTENT AND PURPOSE

- | | | | |
|----|---|------|---|
| A. | This Article regulates the location, design, construction, alteration, occupancy, and use of structures and the use of land within the area known as the “Downtown Overlay Zones” (hereinafter “DOZ”) within the Village of Hempstead. | (1) | Expand employment opportunities throughout the downtown and surrounding area. |
| | | (2) | Encourage green building design, including sustainable technologies such as rooftop gardens and agriculture, stormwater management, photovoltaic energy sources and other renewable energy and water and energy conservation technologies. |
| B. | This Article is intended to promote the health, safety and general welfare of the Village by creating a holistic and comprehensive economic development strategy that utilizes the principles of social, economic and environmental responsibility to reestablish the downtown as a center of vibrancy within a mixed-use, transit oriented setting. This Article is intended to create an opportunity for a more economically successful and environmentally responsible Village downtown with a more harmonious and pedestrian-oriented public realm than can be achieved under the regulations in the underlying zoning in effect at the time of adoption of this Article. | (3) | Ensure the inclusion of a range of quality public parks and open spaces. |
| | | (4) | Promote sustainable and mixed-use development that creates a network of connected streets, parks, walkways and vibrant street-level storefront commerce that will provide for an activated environment along with a sense of security and safety. |
| C. | The primary purpose of this Article is to institute a legally enforceable form-based code within the DOZ, based upon the Village of Hempstead Downtown Vision and Comprehensive Development Plan Update dated May 2008 and adopted on October 7, 2009 (hereinafter “the Comprehensive Plan”), the Final Generic Impact Statement (hereinafter “the FGEIS) dated October 13, 2008, and the Findings Statement prepared for the Comprehensive Plan, adopted on November 5, 2008, and the Supplemental Final Generic Impact Statement for this Article and the Findings Statement adopted in connection thereto. This Article establishes development rules and procedures that will result in a compact and walkable transit-oriented mixed-use development in the vicinity of the Rosa Parks Hempstead Transit Center. | (5) | Transform underutilized and underperforming properties and parking lots in the downtown. |
| | | (6) | Reduce automobile dependency by creating a compact, pedestrian oriented, mixed-use environment. |
| | | (7) | Provide sufficient building densities and land uses within walking distance of transit. |
| | | (8) | Leverage the extraordinary access to existing rail and bus transit by linking land use with transportation. |
| | | (9) | Provide for a diverse mix of residential living choices. |
| | | (10) | Create incentives to concentrate development in the downtown core and within ¼ mile of the Rosa Parks Hempstead Transit Center. |
| | | (11) | Promote civic, institutional, commercial, retail, hospitality, entertainment, recreational and residential activity throughout the downtown core. |
| D. | This Article is further intended to implement a streamlined process of development application review and approval based upon compliance with this Article in order to expedite economic development that fulfills the purposes of this Article. | (12) | Encourage participation by private property owners using Downtown Incentive Bonuses (DIBs) within the DOZ to make use of the provisions of this Article by: |
| E. | The goals and objectives of the DOZ are to: | (a) | Providing a mechanism for smaller |

SECTION 139-201 INTENT AND PURPOSE (continued)

- properties that would otherwise be unable to meet the necessary development thresholds of this Article, to participate by joining forces through the formation of downtown property owner alliances.
- (b) Allowing for greater densities and building heights.
- (c) Expanding the range of uses allowed.
- (d) Reducing parking requirements.
- (e) Allowing payments in lieu of required on-site parking spaces.
- (f) Providing shared parking opportunities.
- (g) Allowing payments in lieu of parks and open space requirements.
- (h) Providing for shared parks and open space opportunities.
- (i) Providing an expedited review and approval process.
- F. This Article institutes a comprehensive system of form-based regulation within the DOZ that is intended to be as user-friendly as possible. To that end, this Article contains some provisions that are partially duplicative of other sections

of the Village of Hempstead Zoning Ordinance. This is done intentionally to make this Article largely self-contained, which will enable users to find as much information as possible in one place, reducing the need to cross-reference other sections of the ordinance. The conceptual framework of this form-based overlay zoning is fundamentally different from the zoning framework of the underlying Village zoning and is best understood as an integrated whole.

SECTION 139-202 APPLICABILITY

- A. Application: This Article applies to all land, buildings, streets, sidewalks, uses, activities, public and private improvements, and landscape alterations of any kind occurring within the four DOZ overlay zones, as further detailed below in Section 139-205.
- B. Public Land: The regulations in the DOZ apply not only to private land use and development, but also to public improvements, new streets, sidewalks, and land uses owned or to be owned and operated by the Village of Hempstead and the Village of Hempstead Community Development Agency. The Village of Hempstead encourages entities that are legally exempt from the Village's zoning law to take this Article into consideration in conducting their activities within the DOZ.
- C. Optional: The four DOZ overlay zones do not replace the underlying zoning rules and regulations that currently

exist in the DOZ. They provide an alternative option for landowners to use in developing and redeveloping their land and buildings within the DOZ. All existing rights, allowable uses, and approval procedures under the Village of Hempstead Zoning Ordinance (i.e. all sections of Chapter 139 of the Village Code through Section 139-199) and of Chapter 8 (entitled "Planning Board") of the Village Code remain in full force and effect, except that if a property owner elects to proceed under the overlay provisions of this Article, such provisions shall replace the provisions of the underlying zoning districts as well as the procedural provisions of Chapters 139 and 8 to the extent that the overlay is inconsistent with any underlying district provisions. A landowner electing to proceed under this Article shall follow the procedures in Section 139-213 rather than procedures prescribed elsewhere in Chapter 139 and in Chapter 8 of the Village Code, unless this

SECTION 139-202 APPLICABILITY (continued)

Article provides that such procedures apply to the DOZ.

- D. This article includes use standards, development standards, street standards, and site planning standards, organized by Downtown Overlay Zoning Districts as further described in Section 139-205. For applicants electing to proceed under the DOZ, these overlay districts and standards replace the otherwise applicable zoning, subdivision, site plan, and other provisions in the Village Code regulating land use and development; creating an integrated code for the DOZ and a new set of procedures for administering this code. Where this article is silent about any matter relating to land use, building, or development, applicable provisions of the Village Code that do not conflict with this Article shall apply. In case of any conflict between this Article and any other provision of the Village Code, this Article shall control, except as provided in subsection E below.
- E. Building Code and Life Safety Codes: All applications for building construction are required to conform to applicable building code and life safety ordinances, laws, and regulations. Applicants shall be responsible for obtaining all necessary building permits and other approvals from local regulatory agencies with jurisdiction over a project. In any case where building or life safety regulations are in conflict with this Article, the Downtown Advisory Board, hereinafter referred to as DAB, (see Section 139-213) shall be notified immediately and such ordinances shall take precedence. The DAB shall seek solutions to such conflicts that, to the maximum extent practical, are consistent with the intent and purpose of this Article .

SECTION 139-203 DEFINITIONS

The definitions below describe terms as they appear in this Article that are technical in nature or that otherwise may not reflect common usage. If a term is not defined in this Article, and if it is defined in Section 139-203 of this ordinance, the definition Section 139-203 shall apply unless otherwise specified. In any interpretation of terms used in this Article, the official or officials responsible for making such interpretation shall consult with the Professional Advisory Team.

ACCESS LANE

A traveled way providing vehicular access to a parking lot, parking structure, garage, service area, loading area or building subject to Section 208 Street and Block Standards.

ACTIVE EDGE

A combination of architectural and programmatic elements designed to stimulate and concentrate pedestrian activity along a public frontage, including frequent placement of entrances, storefronts, display areas and areas designed for multiple users.

ACCESSORY APARTMENT

An apartment sharing ownership and utility connections with a principal building; it may or may not be within an accessory building.

AGRICULTURE

The use of land, buildings, and/or rooftops or the one or more of the following purposes and where no nuisance is created by such use.

COMMUNITY GARDENS

Land managed by a public or not-for profit organization or association and used to grow plants or ornamental crops for household use, sale, or donation.

AQUACULTURE

Raising aquatic plants or animals for sale to customers

AGRICULTURE

Does not include animal husbandry or the raising of animals by a person for other than domestic use by that person.

APARTMENT

A dwelling unit sharing a building and a lot with other dwelling units and/or uses.

APPLICANT

Any person or entity choosing to use the provisions of this Article.

ARTISAN PRODUCTION FACILITY

An establishment where small-scale art, craft, and similar products are produced and/or sold on the premises, including but not limited to arts and crafts, micro breweries, musical instrument makers, toy makers, and custom furniture makers. An artisan production facility does not include industrial scale mass production.

ATTAINABLE HOUSING

Dwellings consisting of rental or for-sale units to be sold or rented to purchasers or renters earning no more than 80-130% of median income for the Village of Hempstead or Nassau County. See Section 139-212.

BED AND BREAKFAST

An owner-occupied dwelling in which not more than four bedrooms (excluding those for the owner and his/her family) are provided for overnight accommodations and breakfast for transient guests for compensation.

BLOCK

The aggregate of private lots, parking and rear access lanes circumscribed by streets.

BUILD-TO-LINE

A line parallel to the curb which defines the portion of the build-to-zone closest to a street.

BUILD-TO-ZONE

The portion of a lot where a defined percentage of at least a thirty foot streetwall on the front building façade is required to be located, between the build-to-line and a line parallel to the build-to-line within the lot, as shown in the diagrams and text describing private frontages in Section 210.

CIVIC SPACE

Land accessible to the public that is owned and/or operated and available for public use. See Section 139-209.

SECTION 139-203 DEFINITIONS**COMMERCIAL USE**

Any retail, service or office use listed as such in Table of Uses, see Figure 210-1A and Figure 210-1B.

FRONT COURT

See Section 209.

COURTYARD

See Section 209

CURB

The portion of pavement marking the transition from the vehicular to the pedestrian realm. It may be raised, flush, with bollards or similar indications. (See: Face of Curb)

CURB CUT

Any point of access along a street where the curb line is broken in order to permit the passage of vehicles to another street, an access lane, a loading area, parking area or parking structure.

DATA INFORMATION CENTER

A special facility that provides application services or management for various data processing and houses various equipment related to those.

DOCUMENT/MISC. STORAGE

The commercial enterprise of storing goods and materials.

DOWNTOWN ADVISORY BOARD (DAB)

A Committee established to advise the Planning Board on applications in the DOZ. (See Section 139-213)

DOWNTOWN INCENTIVE BONUS (DIB)

Incentives for private property owners that choose to seek additional height and density. See Section 210.

EDGING ELEMENTS

Structures or walls along the edges of public spaces and the public realm that define and enclose the public realm. See Section 139-210

EDUCATIONAL USE

Provision of educational services, including but not limited to primary and secondary schools, nursery schools, colleges and universities, music schools, dance schools, vocational schools, apprenticeship programs, and facilities designed to provide instruction in any other recognized skill or vocation.

ENCROACH

To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage.

ENCROACHMENT

Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage.

FACE OF CURB

The side of a curb at the edge of the traveled way.

FRONTAGE, BLOCK

The length of a street line between two street corners.

FRONTAGE OCCUPANCY

The percentage of the Site Frontage that must be occupied by a building façade and built within the build-to-zone.

FRONTAGE, PRIMARY

Frontage facing the street type with the highest priority where A streets are the highest and C streets are the lowest priority.

FRONTAGE, PRIVATE

The area within a site between the build-to-line and a line parallel to it that is 30 feet behind the build-to-line. Private frontage may be in private or public ownership depending upon the ownership of the site on which it is located, but it is not located within the public right-of-way.

FRONTAGE, PUBLIC

The area located between the face of curb and the build-to-line as defined by the Zoning Standards Map and corresponding street type or civic space designations.

FRONTAGE, SITE

The total linear length of a site fronting on one or more streets, measured in linear feet at the build-to-zone.

FRONTAGE TRANSITION ZONE

The portion of the public frontage between the build-to-line and the pedestrian clearway, allowing for building fixtures (e.g. lighting, signage, projected architectural mouldings), removable planters, and signage boards.

SECTION 139-203 DEFINITIONS

HOME BASED BUSINESS

An occupation, trade, profession, or other business activity resulting in a product or service for compensation, conducted wholly or partly in a dwelling unit or accessory building. More than 1 non-resident working on the premises at any one point in time is prohibited.

HOTEL

An establishment providing sleeping accommodations for hotel guests, with additional ancillary uses contained in full service hotels, containing at least 20 guest suites, or condominium units that provide guest amenities or services and are operated and managed by the hotel (excluding inns and bed and breakfast establishments).

INDOOR RECREATION

A business and/or club, which for compensation and/or dues, offers indoor recreational services, including but not limited to gyms, health clubs, movie theaters, children's play facilities, or other places for public or private entertainment.

INN

An establishment providing sleeping accommodations for not more than 19 transient guests, with or without a dining room or restaurant and excluding hotels and bed and breakfast establishments.

LANDSCAPE AND FURNISHING ZONE

The area of sidewalk where placement of street furniture and landscaping is allowed.

LIGHTWELL

A private frontage type that has a below-grade entrance or recess designed to allow light into basements.

LINER BUILDING

A building designed to screen a parking lot or parking structure from a build-to-zone, street or civic space.

LIVE-WORK

A building which includes a combination of dwelling units and retail and/or artisan production facilities in excess of what is allowed as a home based business.

LOT LINE, FRONT

A lot line which separates a lot from the public right-of-way at the Front of a Principal Building.

MASTER DEVELOPER

The development entity selected by the Village Trustees to oversee development in the DOZ pursuant to the Master Developer Agreement executed on February 9, 2012.

MIXED USE

A building or site designed for and containing more than one of the uses listed on the use table.

MULTI-FAMILY RESIDENCE

A single-use building containing four or more dwelling units.

OFFICE

Premises available for the transaction of general business but excluding retail, artisan production facility, and artisanal production uses.

PARAPET LINE

A continuous horizontal projection for most of a façade. The parapet, like eave line, can be a designated location for measure of building height.

PARK

See Section 209

PARKING STRUCTURE

A building containing one or more stories of parking above grade.

PEDESTRIAN CLEARWAY

An area within the sidewalk that must remain clear of obstructions to allow public passage. (See: Frontage type specifications for required width).

PEDESTRIAN WAY

An outdoor pedestrian walkway providing common access between buildings, streets, civic spaces and parking areas, which may be open or roofed.

PIAZZA

See Section 209

PLAZA

See Section 209

PRINCIPAL BUILDING

The primary and largest building on a Lot, usually located toward the primary frontage.

PRINCIPAL ENTRANCE

SECTION 139-203 DEFINITIONS**PRINCIPAL ENTRANCE**

The main point of access for pedestrians into a building.

PRIVATE OPEN SPACE

A privately owned outdoor space located at ground level or on upper floors, designed to provide places for active use including outdoor dining, passive recreation, gardens, urban agriculture, plaza space, sitting areas, green roof, landscaped courtyards or similar spaces for regular occupant use not including parking areas, roofs not designed for regular occupant use, loading areas or mechanical areas.

PROFESSIONAL ADVISORY TEAM (PAT)

Consultants with expertise relevant to the review of applications in the DOZ retained by the Planning Board and DAB. (See Section 139-213.)

PROFESSIONAL SERVICES

Services rendered by an attorney admitted to practice in the state of NY a certified public accountant, a professional engineer, an architect, landscape architect, physician, dentist, speech pathologist, audiologist, chiropractor, podiatrist, physical therapist or an individual licensed to practice psychology all as defined in the education law in the State of NY.z

RESEARCH AND DEVELOPMENT

A systematic study and application of knowledge or understanding, directed toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

RESIDENTIAL CARE FACILITY

A building used as a group residence or extended care facility for the care or supervision of persons, including Adult Care Facilities and nursing homes, where compensation and/or reimbursement of costs is paid to an operator, pursuant to State or Federal standards, licensing requirements, or programs funding residential care services.

RETAIL USE

Sale of goods and/or provision of personal services directly to the ultimate consumer.

SETBACK

The distance between a specified lot line or build-to-line and the front, side, or rear of a building. (See also: Build-to-Line and Build-to-Zone)

SIGNIFICANT CORNER

Corner locations, typically at intersections, that are designated on the Zoning Standards Map for a distinctive architectural element or a civic space framed by buildings of high architectural quality. A significant corner may function as a terminating vista.

SITE

An assemblage of one or more Lots controlled through an individual owner, contract vendee, or a group of owners acting together to develop under the provisions of this Article (synonym: Development Site).

SMALL SCALE RENEWABLE ENERGY FACILITY

Structure or Improvement for the generation of energy from renewable resources, including, but not limited to, wind, solar, hydroelectric, methane, wood, biomass and alcohol, not to exceed a generating capacity of 100 Kilowatts.

SQUARE

See Section 209.

STEPBACK

A required distance from the public right-of-way, in addition to the required setback for the ground level of a building, setting the upper stories of a building behind the plane of the façade of the lower stories of the building. The setback occurs above five stories.

STEPBACK LINE

A line prescribed for the full width of a façade at the build-to-line or within the build-to zone, above which there is a setback of a minimum distance.

STOOP

See Section 209.

STOREFRONT

A private frontage type primarily for retail use, with substantial glazing, wherein the facade is aligned close to the front lot line with the building entrance at sidewalk grade. (See Section 210)

STORY

SECTION 139-203 DEFINITIONS

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. An intermediate floor between the floor and ceiling of any story, and covering less than one-third of the floor area immediately below the intermediate floor shall be considered a mezzanine, which shall not be counted as a story.

STREET

The public right-of-way, encompassing the traveled way and the public frontage on either side of the traveled way, bounded by build-to-lines or lot lines on both sides of the public right-of-way. See Section 208.

TERMINATING VISTA

A location at the axial conclusion of a street and designated on a Zoning Standards Map providing a distinctive architectural element or a civic space framed by buildings of high architectural quality.

TOWNHOUSE

A building containing single-family dwelling units attached by a common party wall in which each unit has a separate entrance facing a street or a civic space.

TRAVELED WAY

The portion of a street between the curbs and available for use by vehicles, bicycles and other forms of inter-modal transportation.

SECTION 139-204 RELATIONSHIP TO OTHER COOPERATING ENTITIES

Certain other entities and legal instruments are referenced herein for the purpose of securing related public improvements and community benefits. These include the following, which are detailed more fully in the enumerated sections below:

- A. Parking (See Section 139-210)
- B. Community Benefits Policies and Community Benefits Committee (See Section 139-216)
- C. Civic Spaces (See Section 139-209)

SECTION 139-205 ESTABLISHMENT OF DOWNTOWN OVERLAY ZONING (DOZ) DISTRICTS

The DOZ is shown on the map entitled "Official Map of the Village of Hempstead, Nassau County, New York - Zoning." The DOZ is hereby divided into the following Overlay Districts, shown as "DO-1," "DO-2," "DO-3," and "DO-4."

This figure is an excerpt of the Official Map of the Village of Hempstead designating the location of the Downtown Overlay Zones.

FIGURE 205-1 OFFICIAL MAP OF THE VILLAGE OF HEMPSTEAD, NASSAU COUNTY, NY- ZONING

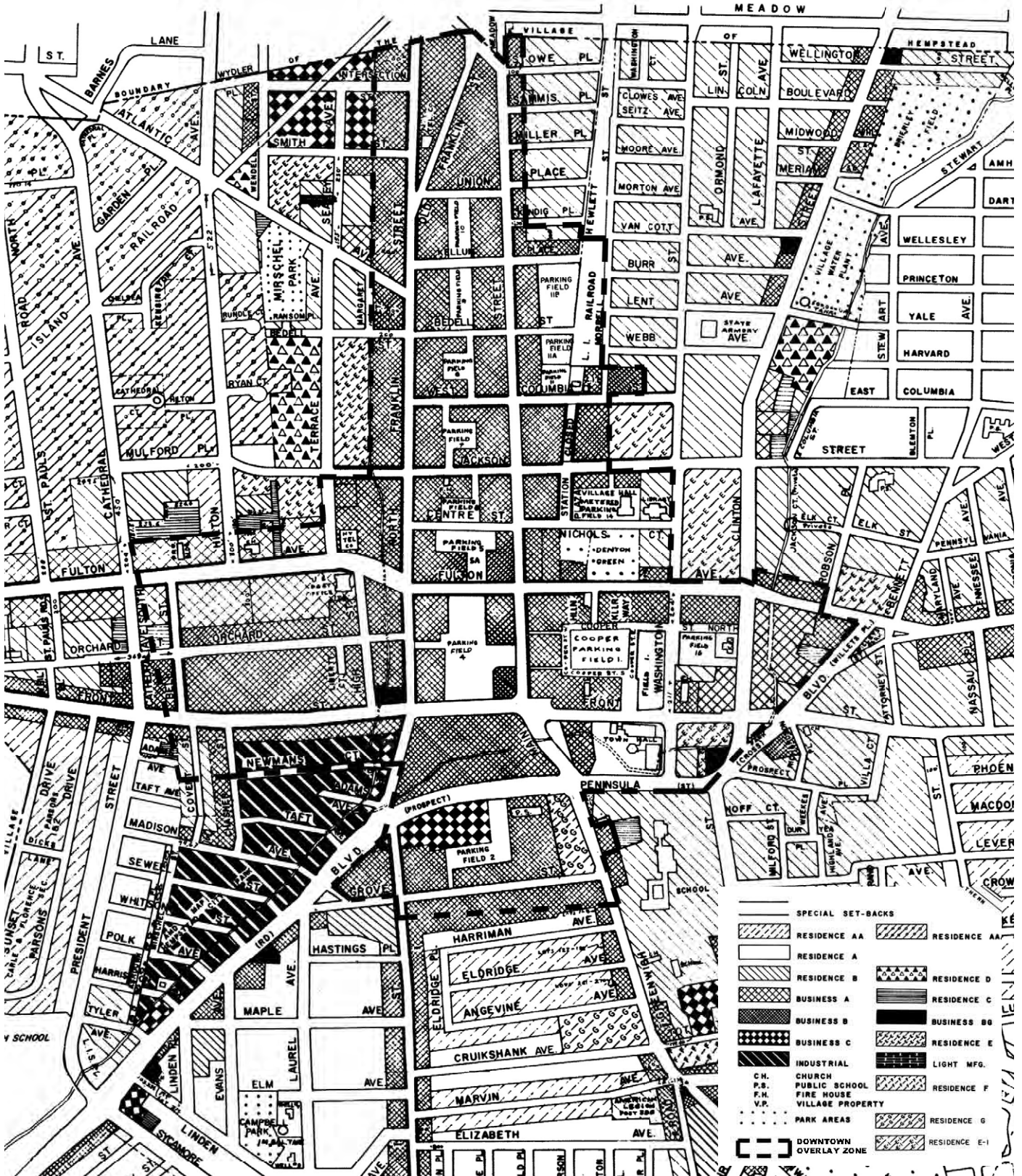
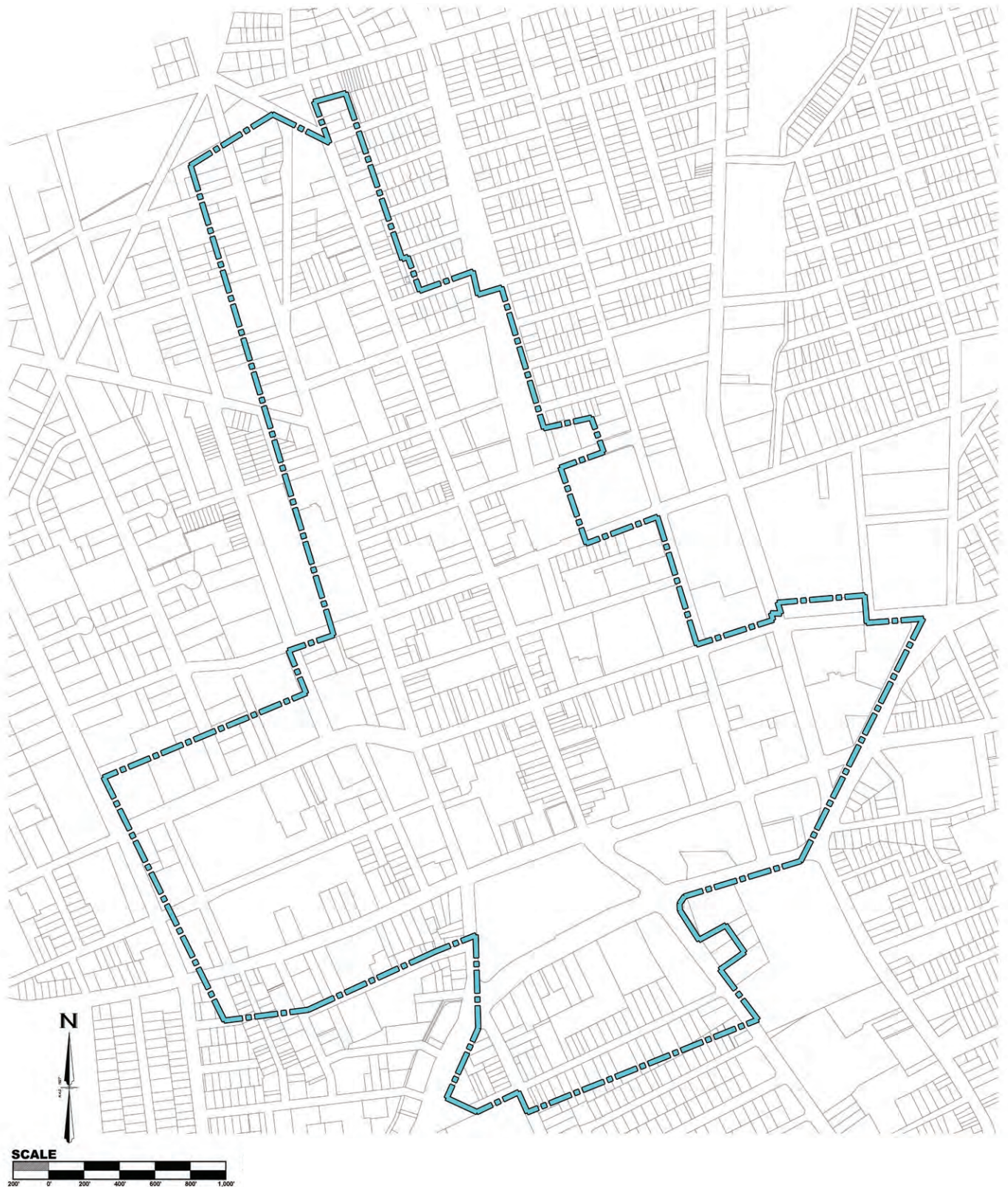


FIGURE 205-2 DOWNTOWN OVERLAY ZONE BOUNDARY MAP



SECTION 139-206 [RESERVED]

SECTION 139-207 ZONING STANDARDS MAP

- A. The DOZ is divided into the following Overlay Districts, shown as "DO-1," "DO-2," "DO-3," and "DO-4."
- B. Zone Purposes: The Downtown Overlay Zoning Districts consist of the following:
 - (1) DO-1- Hospitality and Entertainment District - The intent of this district, located within ¼-mile of the Transit Center, is to support the greatest variety and mix of uses, promoting a range of commercial office, retail, residential choices, and the highest concentration of hospitality and entertainment uses. The DO-1 district permits highest densities and promotes compact design with vertically and horizontally integrated residential and non-residential uses. Parking standards and pedestrian amenities required in this district reflect its immediate access to transit options.
 - (2) DO-2- Transit District- The intent of this district, also located within ¼-mile of the Transit Center, is to support, similarly to the DO-1 district, a wide variety and mix of uses, promoting a range of retail choices and commercial uses as well as a variety of residential options. The DO-2 district also permits highest densities and promotes compact design with vertically and horizontally integrated residential and non-residential uses. Parking standards and pedestrian amenities required in this district also reflect its immediate access to transit options.
 - (3) DO-3- Commercial Transition District- The intent of this district, located between ¼-mile and ½-mile of the Transit Center, is to support a great variety of uses, high concentration of commercial and retail uses and a range of housing choices. The DO-3 district permits lower densities than DO-1 and DO-2 while continuing to promote compact design with vertically and horizontally integrated residential and non-residential uses. Parking standards and pedestrian amenities support proximity to transit options.
 - (4) DO-4- Downtown Edge District- The intent of this district, located farther from the Transit Center than the DO-1, DO-2, or DO-3 districts, is to permit a wider range of uses than the

underlying zoning districts permit, particularly residential, live-work and urban agriculture, at lower densities than the other DO Zones. There is a special permit provision for locating residential development and live-work buildings that can be applied in certain areas within the DO-4 district.

- C. If a parcel is located in more than one DOZ overlay district, the applicant shall be entitled to apply the Building Use and Downtown Incentive Bonus district provisions for the more permissive district to the entire parcel. However, the building envelope standards for each district shall apply to the portions of the site located in each district. (See Section 139-208.)
- D. Procedures:
In the DO-1, DO-2, and DO-3 districts, building form, front-age and design criteria promote high quality streetscape and a pedestrian-friendly environment, quality public and civic areas, and vertically and horizontally integrated residential and non-residential uses, with an interconnected network of streets, wide sidewalks, orderly street tree plantings, and buildings set close to the sidewalks. The procedures for these districts are contained in Section 139-213. The procedures and standards for the DO-4 district are described in a separate section (139-214) because the intent of this district and its substantive provisions and procedures are significantly different from the DO-1, DO-2, and DO-3 districts.
- E. Establishment of Zoning Standards Map
A Zoning Standards Map is hereby established and incorporated into this Article for the DO1, DO2, and DO3 districts only. There is no Zoning Standards Map for the DO4 district. The Development Standards, Street Standards, and Civic Space Requirements and Standards in Sections 139-208, 139-209, and 139-210 are keyed to the Zoning Standards Map to show how these standards apply in different portions of each district.
- F. Zoning Standards Tiled Maps
The Zoning Standards Map, because of its level of detail, is available on both one large sheet and in a series of tiled maps, along with a legend and key map. The details on these maps include cross-sections of new streets, sidewalk and frontage details, storefront frontage occupancy requirements, significant corners, and terminated vistas.

G. Zoning Standards Elements

The Zoning Standards Map designates a series of Zoning Standards Elements to regulate the building forms most appropriate for each Overlay District, street, block and lot. This map regulates Street Types, Terminating Vistas, Significant Corners and Required Frontage Types.

(1) Street Types

The Downtown Overlay Zones permit three Street Types, which regulate allowable Frontage Types and the number and location of Curb Cuts permitted to be constructed along those streets:

- (a) A Street
- (b) B Street
- (c) C Street- (to be designated if necessary for a new site plan approval)

See Section 210 for the Frontage Types permitted to face these Street Types and See Section 208 for the Traveled Way and Curb Cut Types permitted to intersect with these Street Types.

(2) Terminating Vistas

The Zoning Standards Map designates locations where Terminating Vistas are required. A building located at a Terminating Vista is recommended to be designed in response to the axis of the terminating Street.

(3) Significant Corners

The Zoning Standards Map designates locations where Significant Corners are required as defined in Section 139-203.

(4) Required Frontage Types

The Zoning Standards Map designates certain locations where Storefront Frontage Types are required to provide a storefront design according to the standards established in Section 139-210, District Standards. Certain limitations on permitted residential uses also apply to these designated Storefront Frontage locations, as provided in Section 139-210.

FIGURE 207-1 DOWNTOWN OVERLAY ZONE MAP

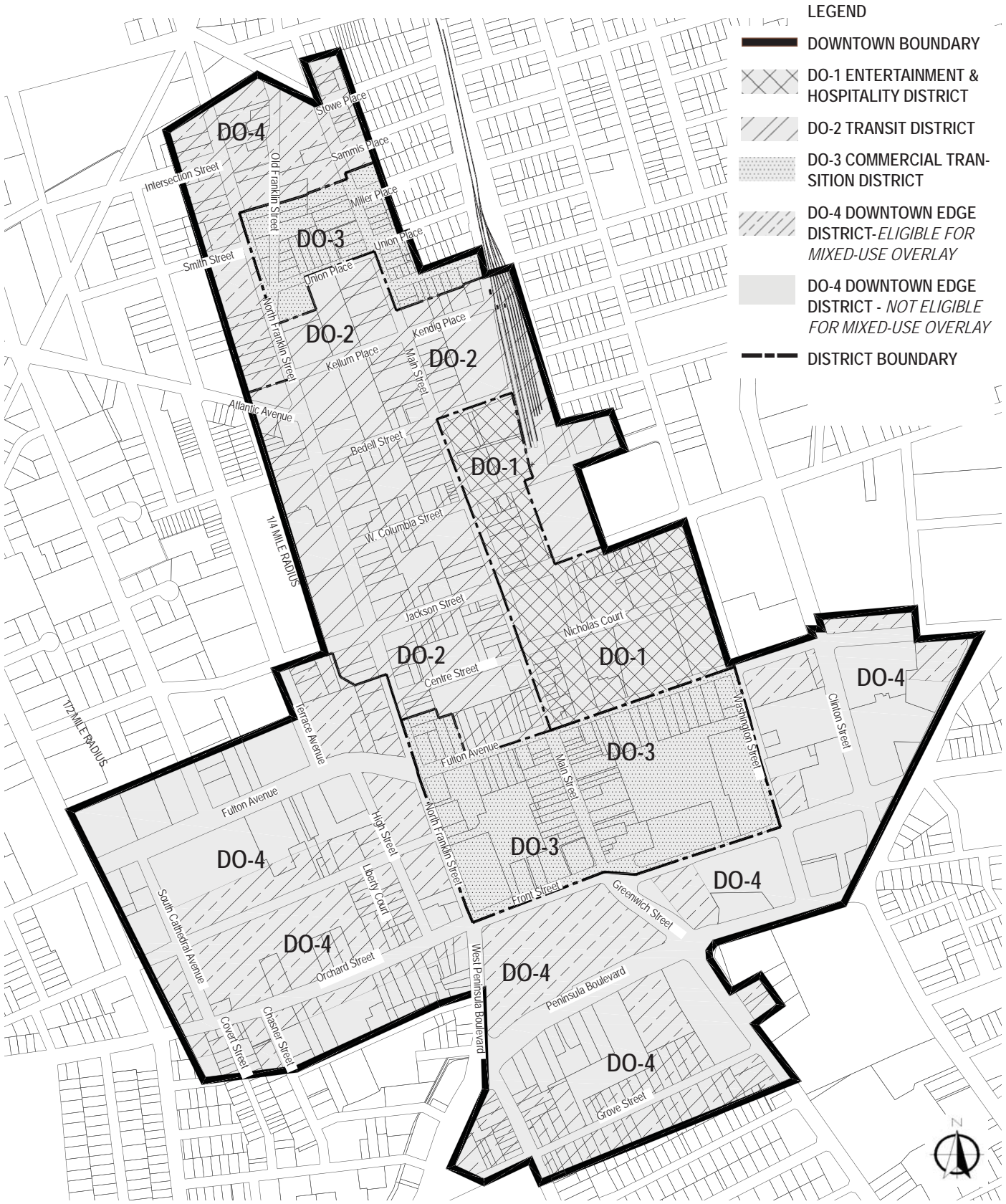


FIGURE 207-2 ZONING STANDARDS MAP KEY

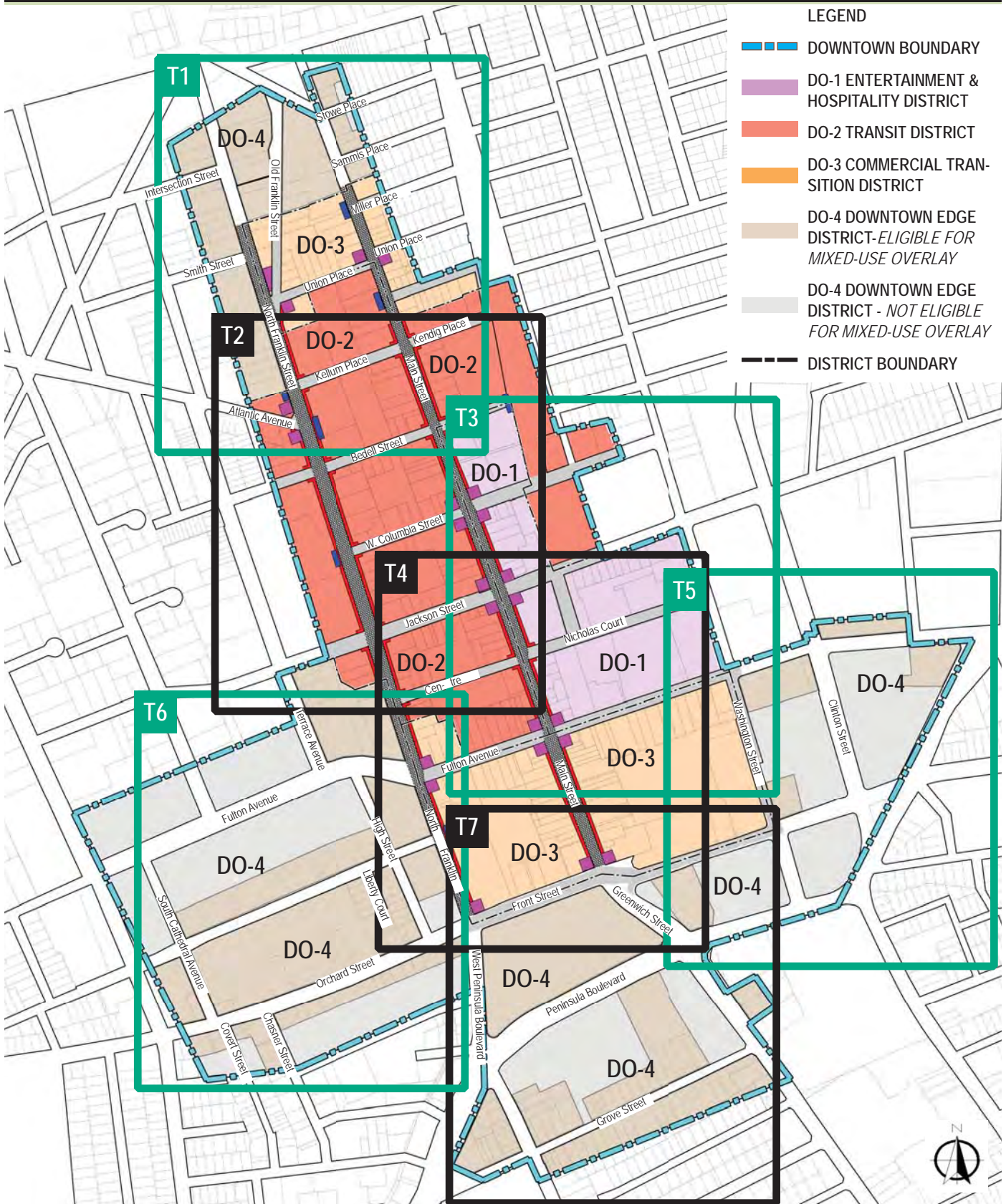












FIGURE 207-3 ZONING STANDARDS MAP LEGEND

-  DOWNTOWN BOUNDARY
-  DO-1 ENTERTAINMENT & HOSPITALITY DISTRICT
-  DO-2 TRANSIT DISTRICT
-  DO-3 COMMERCIAL TRANSITION DISTRICT
-  DO-4 DOWNTOWN EDGE DISTRICT - ELIGIBLE FOR MIXED-USE OVERLAY
-  DO-4 DOWNTOWN EDGE DISTRICT - NOT ELIGIBLE FOR MIXED-USE OVERLAY
-  DISTRICT BOUNDARY
-  PROPERTY LINE
-  BLOCK NUMBER
-  Existing Long Island Railroad Tracks

Zoning Standards Requirements

-  Storefront  Required
-  Significant Corner
-  Terminating Vista

Street Types



-  Street A
-  Street B

FIGURE 207-3 ZONING STANDARDS MAP TILE 1 T1

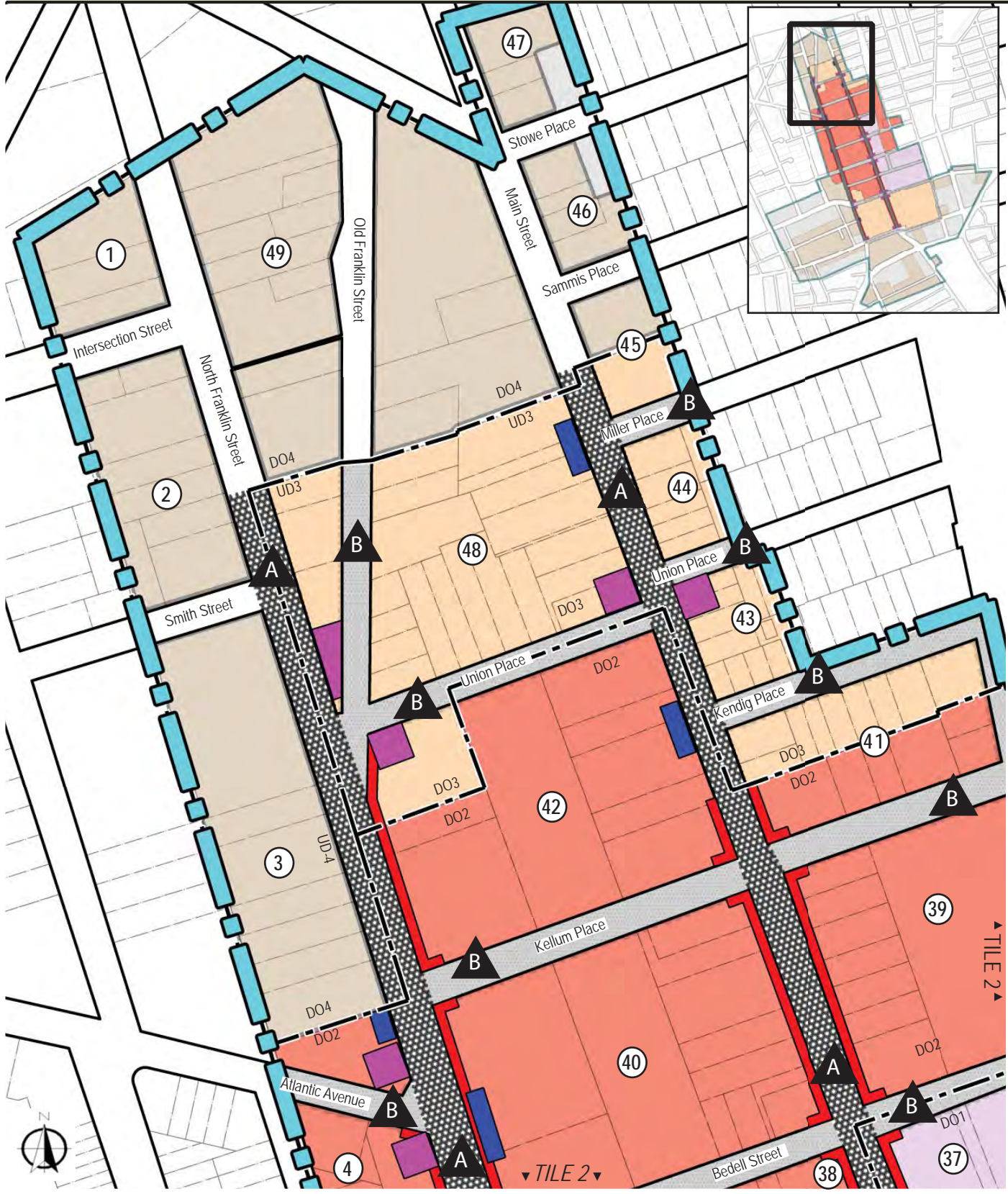


FIGURE 207-3 ZONING STANDARDS MAP TILE 2 T2

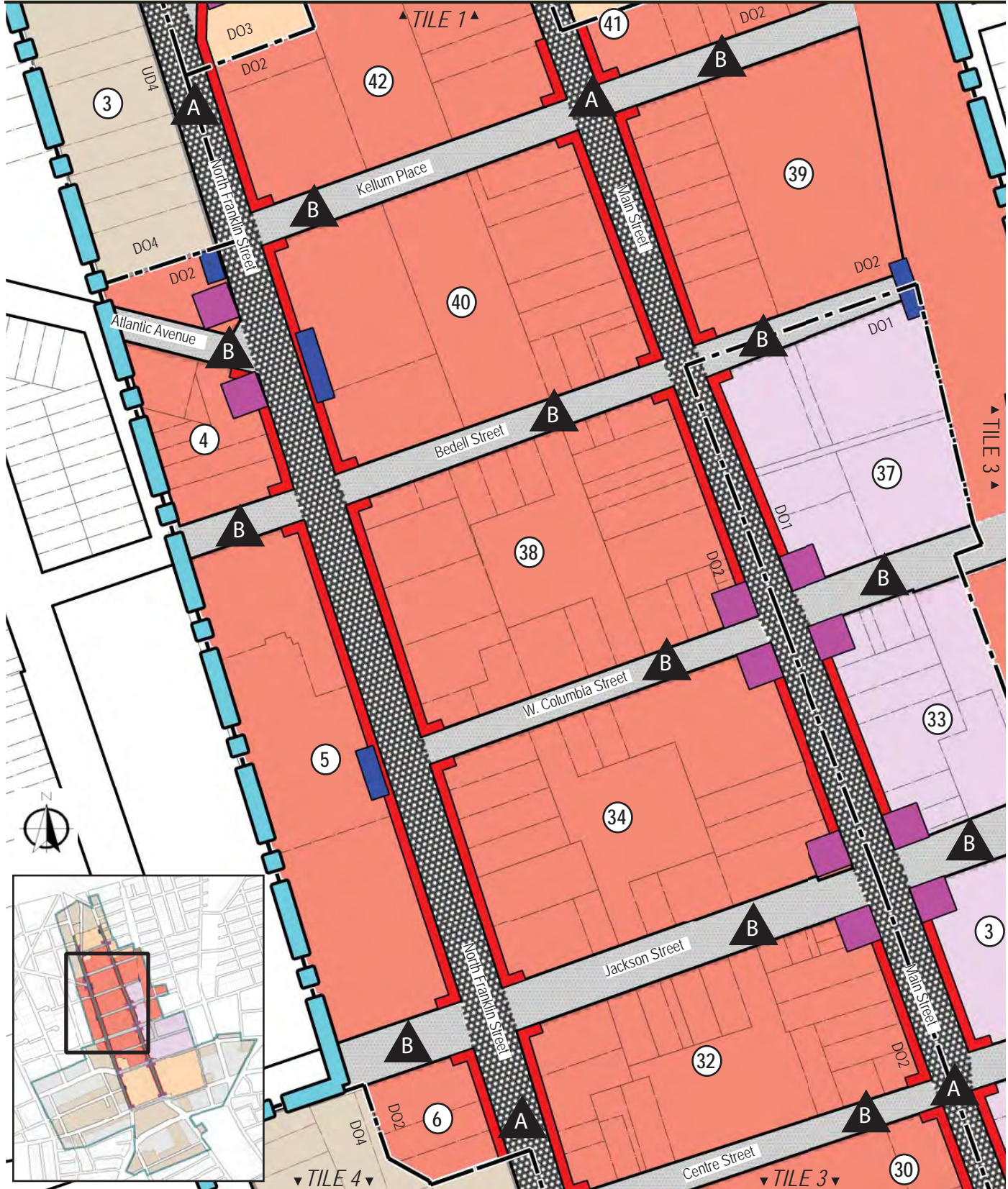


FIGURE 207-3 ZONING STANDARDS MAP TILE 3 T3

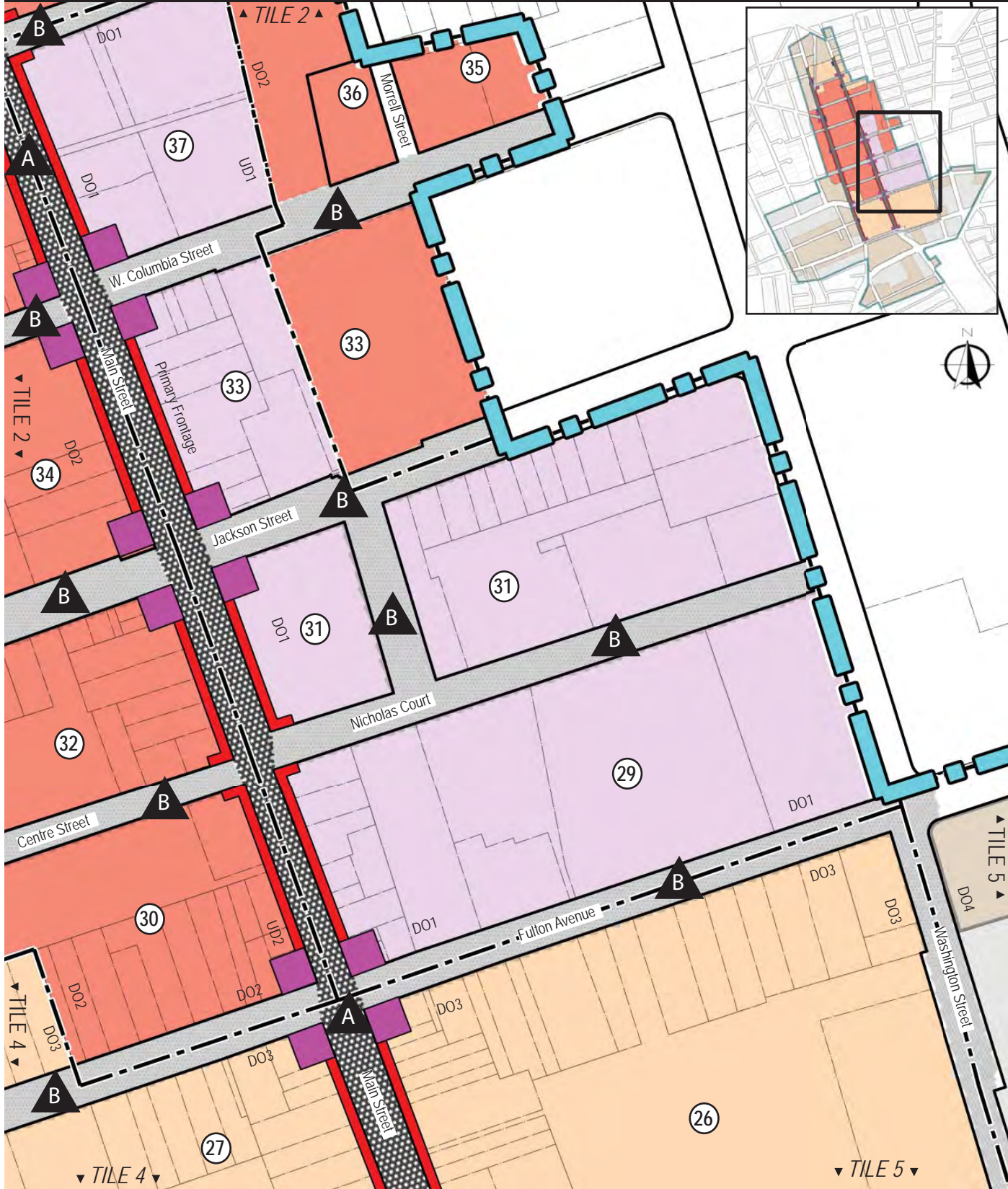


FIGURE 207-3 ZONING STANDARDS MAP TILE 4 T4



FIGURE 207-3 ZONING STANDARDS MAP 5

T5

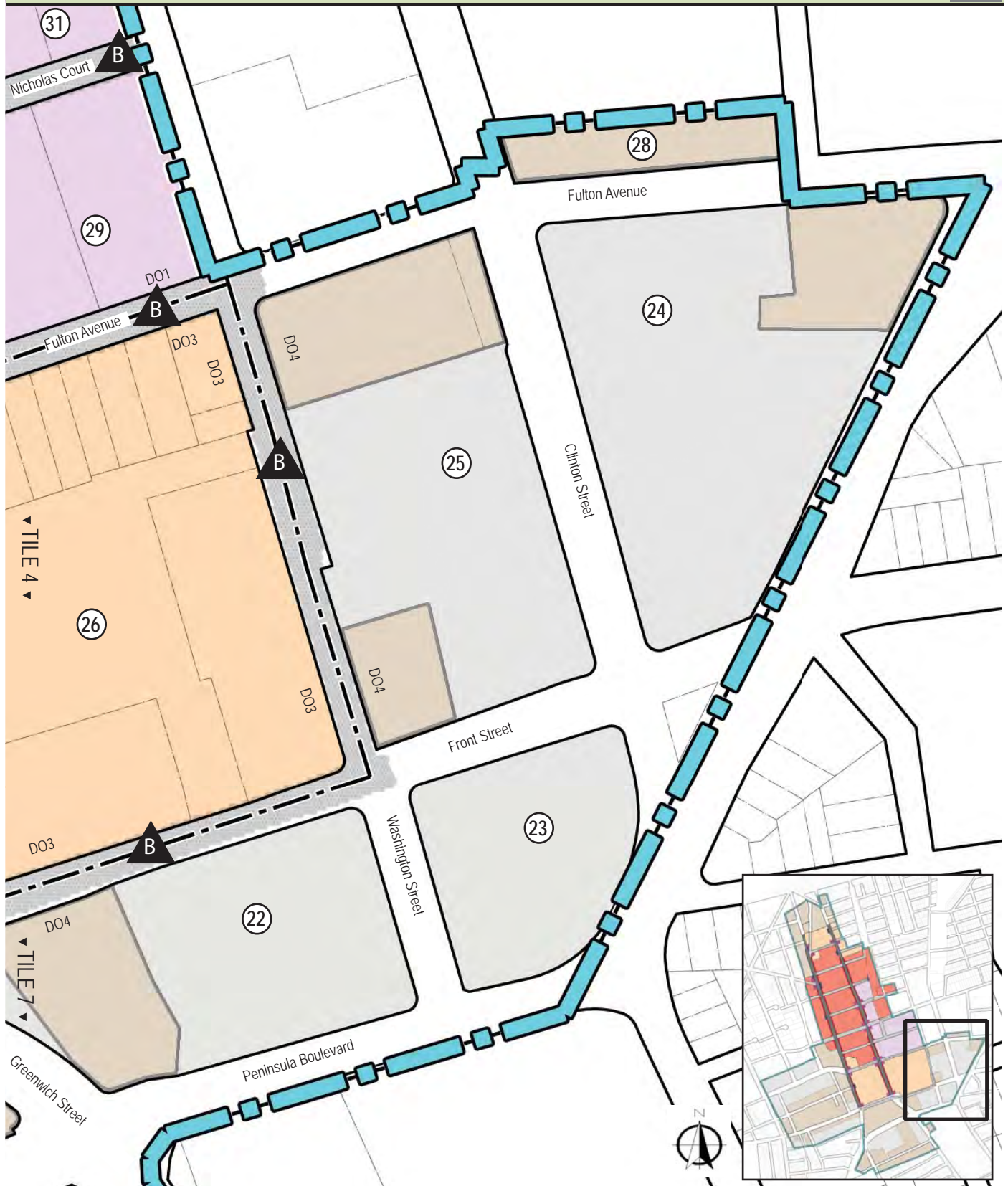
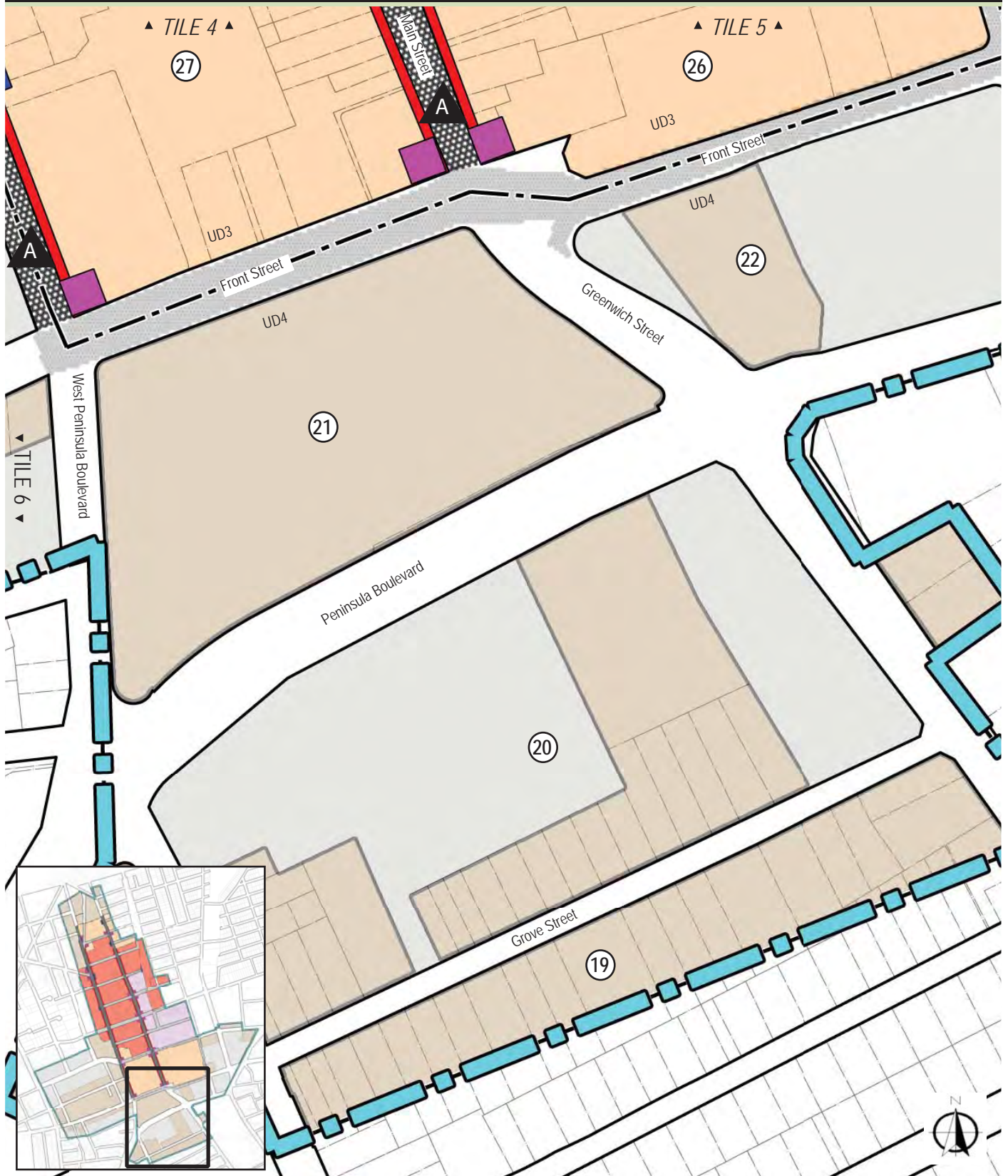


FIGURE 207-3 ZONING STANDARDS MAP TILE 6



FIGURE 207-3 ZONING STANDARDS MAP TILE 7

T7



SECTION 139-208 STREET AND BLOCK DEVELOPMENT STANDARDS

This section defines the minimum street and block standards required to provide block configurations, traveled way improvements, public frontage improvements, site access and site frontages for the development of new sites, streets and/or access lanes.

208 A. STREET AND TRAVELED WAY REQUIREMENTS

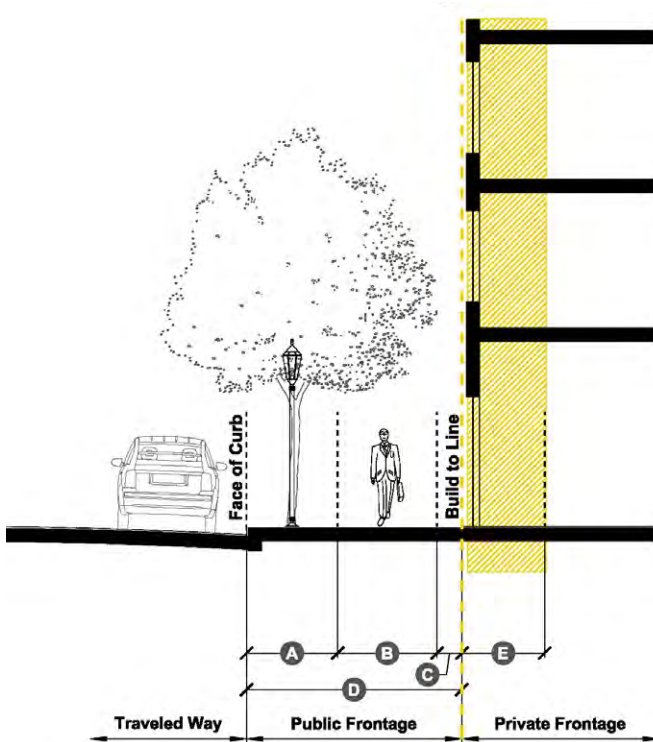


Figure 208-1: Public Frontage Diagram

(1) Street Type Designations

Through the process of block development by the process outlined in this Article, the Planning Board shall designate all new streets as either A Streets, B Streets or C Streets to reflect the importance of pedestrian and commercial activity, the intended form of development and the need for traffic management along that street.

(2) Traveled Way Responsible Parties

- (a) The design, maintenance and rehabilitation of an existing traveled way shall be the responsibility of the owner of such traveled way (e.g. Village or County).
- (b) The design and construction of new traveled ways shall be the responsibility of the applicant proposing new streets, shall comply with the street standards in the current Design Guidelines Manual adopted by the Village of Hempstead for those streets and shall be offered for dedication to the Village of Hempstead.

(3) New Streets and Access Lanes

- (a) Design Guidelines Manual for Street and Access Lanes
 - i. The Planning Board may prepare, with the support and guidance of the DAB, a Design Guidelines Manual with provisions to establish standards and guidance on the design of new Streets and Access Lanes. The Planning Board may require applicants to comply with the provisions of this Manual.
 - ii. Site Access Standards
 - a. The Planning Board may require, following recommendation by the DAB, sites to provide for pedestrian access, service access, and loading access within a reasonable

208 A. STREET AND TRAVELED WAY REQUIREMENTS (CONTINUED)

distance from a public street or access lane.

b. The Planning Board may require, where appropriate and necessary, to provide adequate access to a site, and provide a minimum 16 foot wide access easement at one or more locations within the site, at the side(s) of the site or at the rear of the site on the street level, with a clear vertical area of 14 feet.

c. The Planning Board may require the applicant to design streets and access lanes to connect to other access lanes, streets, loading areas or parking areas or parking structures on the applicant's site or on adjacent sites.

d. The Planning Board may require the applicant to create pedestrian ways, access lanes or streets within the designated access easements, to connect to existing streets or to combine access easements from adjoining sites creating an interconnected network of streets, access lanes and pedestrian ways.

e. All buildings shall provide a primary pedestrian entrance from the building frontage facing the Street Type of the highest order with A Streets as the highest and C Streets as the lowest order. A secondary pedestrian entrance shall be provided from one of the building frontages facing one of the lower order frontages.

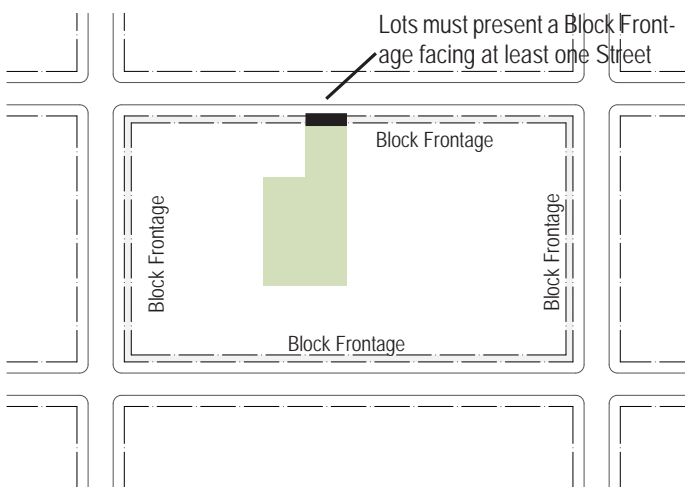


Figure 208-2: Lot Frontage Diagram

(4) New Intersection Standards

- (a) Upon site plan approval, all existing curb cut and site access privileges to a site shall be extinguished and applicants shall provide access to the site as prescribed in the site plan approval.
- (b) Site access requirements are defined in Section 210.
- (c) The Planning Board and the DAB shall encourage and facilitate the coordination of design and construction of new street and new intersections

208 A. STREET AND TRAVELED WAY REQUIREMENTS (CONTINUED)

- (d) with existing and proposed development on the opposite side of an A Street, B Street or C Street within another block; however, the Planning Board and DAB shall not interpret these standards to prohibit development on opposing blocks if a safe means of access to those sites can be reasonably accomplished through careful planning and coordination. To the greatest extent possible opposing street and access Lane center lines shall align with each other, unless the Planning Board, after recommendation by the DAB, approves otherwise.
- (e) The Planning Board, after recommendation by the DAB, shall have the authority to approve the location and placement of new intersections.
- (f) See Figure 208-3 Diagram of Street Type & Access Lane Intersection Standards

FIGURE 208-3 DIAGRAM OF STREET TYPE & ACCESS LANE INTERSECTION STANDARDS

Street Types & Access Lanes	Min Separation distance between Street intersections	Min Separation distance between intersections & Access Lanes curb cuts	Min Separation distance between two Access Lane curb cuts
A Streets	250 feet	250 feet	250 feet
B Streets	150 feet	100 feet	100 feet
C Streets	100 feet	100 feet	No minimum
Access Lane	Not Applicable	100 feet	No minimum

Note: all separations and distances shall be measured from lesser of the two: 1) for those traveled ways less than 40'-0", use the centerline of the traveled way or 2) for those traveled ways greater than 40'-0" a distance 20'-0" from the edge of the traveled way.

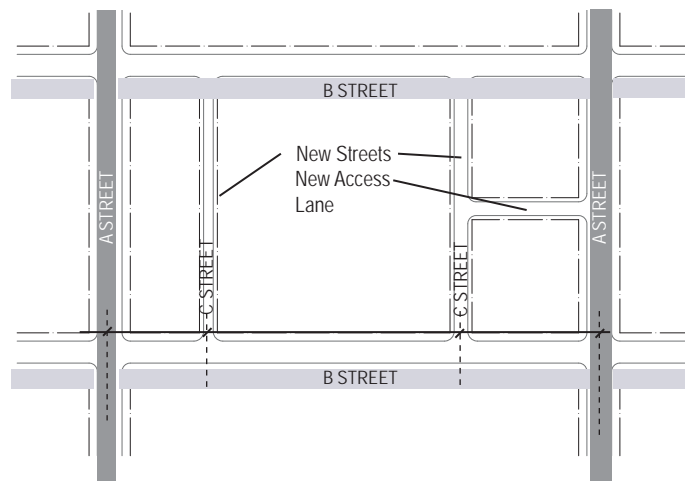


Figure 208-6: Block Subdivision & New Street Placement

208. B. PUBLIC FRONTAGE

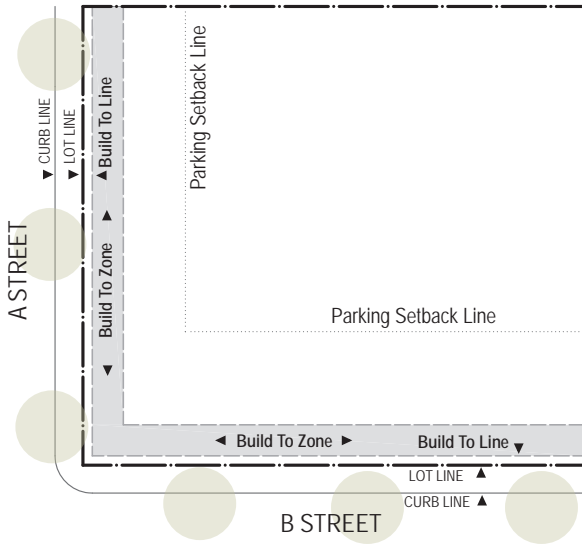


Figure 208-5: Lot Description Diagram

- (1) Public Frontage Standards
 - (a) The design, rehabilitation and construction of public frontages within the public right-of-way, including curbs, shall be the responsibility of the applicant, according to the design standards established in this Article and any associated design guidelines adopted by the planning board. The applicant is responsible for obtaining approval of such improvements from all agencies with jurisdiction over the public right-of-way.
 - (b) All sites shall provide at least one public frontage and that frontage shall be located along a public street.
 - (c) Where the required build-to-line as identified herein would be located within the public street right-of-way, the build-to-line shall instead be placed at the front lot line(s).
 - (d) To qualify for development using the provisions of this Article, all sites shall meet the minimum site area and site frontage requirements as defined in Section 210 and comply with the build-to-line and build-to-zone requirements in Section 210. See Public Frontage Diagram.

- (2) Street Types

Street Types establish the width of public frontages and character of those streets. All streets shall be designated as one of the following:

 - (a) A Street - A primary street, designed to promote the most active pedestrian and commercial activity in the downtown, with a 17'-6" public frontage on both sides of the street offering the greatest flexibility and opportunities for pedestrian-oriented streetscape design and storefront activity.
 - (b) B Street – A secondary street, designed to promote active pedestrian activity in the downtown, with a 12'-0" public frontage on both sides of the street offering opportunities for pedestrian-oriented streetscape design and occasional storefront activity.
 - (c) C Street - A tertiary street, designed to provide access and service access to lots, with a minimum 6'-0" public frontage on at least one side of the street.

- (3) Public Frontages Elements shall consist of:

208. B. PUBLIC FRONTAGE (CONTINUED)

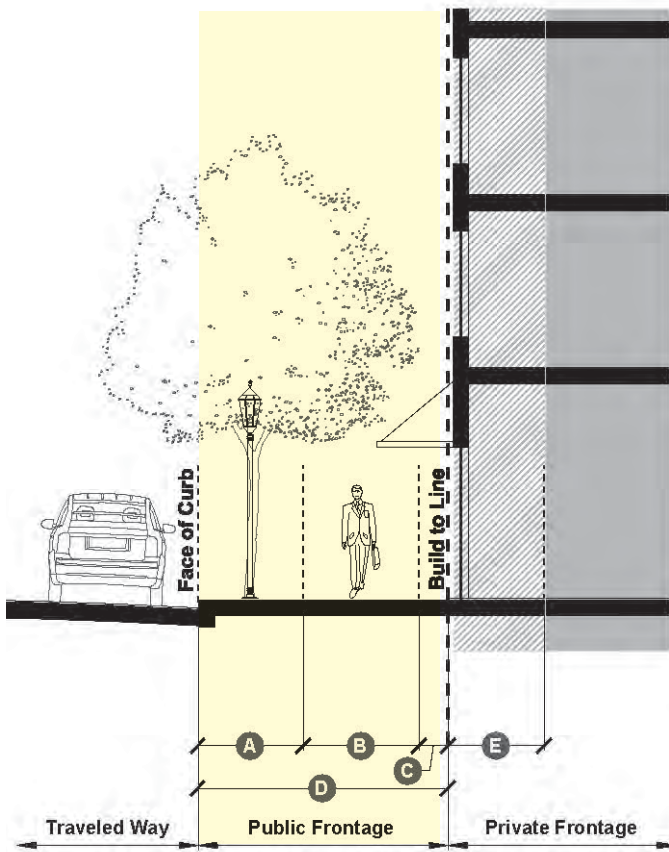


Figure 208-6: Public Frontage Diagram

LANDSCAPE AND FURNISHING ZONE **A**

- i. The area between the face of curb and a line parallel to the face of curb determined by Street Type
- ii. Allows for placement of parking fee meters, street signage, street lighting, bike racks, refuse receptacles, etc
- iii. Allows for street trees and bioretention areas.
- iv. Allows for transit stop waiting and enclosure areas.
- v. Allows for seating furniture (benches) and extended outdoor dining areas.

PEDESTRIAN CLEARWAY **B**

- i. The area between the Landscape and Furniture Zone and a line parallel to the face of curb but before the Frontage Transition Zone as determined by Street
- ii. Allows for the clear passage of pedestrians in the Public ROW

TRANSITION ZONE **C**

- i. Area between the Pedestrian Clearway and the Build-to-Line
- ii. Allows for placement of building fixtures (lighting, signage, projected architectural moulding etc), removable planters, and signage boards.
- iii. Serves as an extended entrance and storefront interaction area.

REQUIRED PRIVATE FRONTAGE **D**

	A	B	C	D
A Street*	5'-6"	6'	6'	17'-6"
B Street*	4'-6"	5'-6"	2'	12'
C Street**	6" min	4' min	1'-6" min	6' min

* Street Types shall include Public Frontage on both sides of Traveled Way

** C-Street** shall include a minimum of one Public Frontage on one side of Traveled Way

208. C. BLOCK STANDARDS

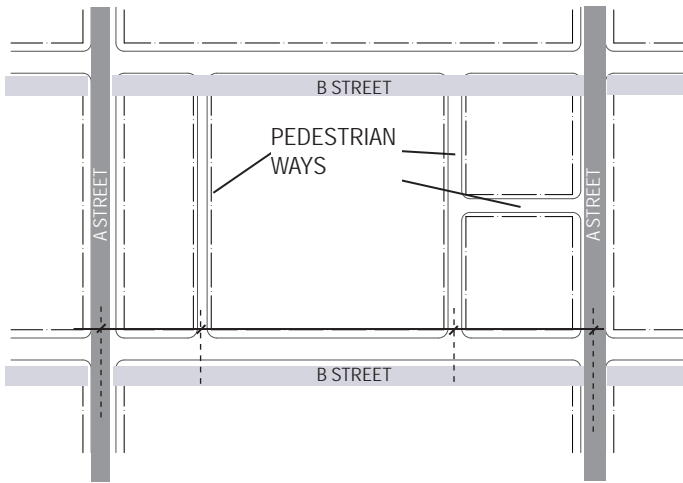


Figure 208-7: Mid-block pedestrian way connectivity

(1) Mid-Block Pedestrian Way Connectivity

Site plans for sites shall promote a connected network linking the site to its surrounding block and neighborhood including building entrances, civic spaces, private open spaces, pedestrian ways, sidewalks, access lanes and streets. Where blocks facing A Streets or B Street are 500 feet or longer, Sites with more than 200 feet of site frontage on a block frontage may be required to provide mid-block pedestrian ways and/ or civic spaces at least 16 feet in width from the front of the site facing the street to any pedestrian ways or planned pedestrian ways located at the rear of the site to reduce uninterrupted block frontages and provide a lighted and connected network of walkways through each block.

209. CIVIC SPACE STANDARDS

- A. Limitation on Applicability**
This Section 139-209 applies only within the DO-1, DO-2, and DO-3 zones.
- B. General Civic Space and Private Open Space Requirement**
Each site shall provide a minimum of 10% of its Site area in the form of Civic Space and a minimum 5% as Private Open Space.
- C. Provision of Civic Space**
All Sites shall provide Civic Space by one or a combination of the following methods:
 - (1) Where a site is 15,000 SF or more in area an applicant may provide the civic space on-site in the form of one or more of the permitted civic space types listed in Section 209.H.
 - (2) Where a site is less than 15,000 SF in area an applicant may contract and/or bond for placing such civic space on another site located within 1,000 feet of the site.
 - (3) On any site, an applicant may elect to pay a fee-in-lieu for civic space calculated by a formula to be determined by the Village Board based upon the Site area and the floor area of the proposed development. Such fees shall be deposited into a segregated fund used only to design and construct the required civic space at a location approved by the Village Trustees, following recommendation by the DAB.
- D. Maintenance**
 - (1) Privately-Owned Public Space shall be maintained by its owner or a private entity such as a Property Owners Association, Municipal Improvement District or Business Improvement District.
 - (2) Publicly-Owned Civic Space shall be maintained by its public owner or a contracted entity such as a Property Owners Association, Municipal Improvement District or Business Improvement District as approved by the Village Trustees.
- E. Minimum Civic Space Standards**
To qualify for designation by the Planning Board as a civic space, the space shall:
 - (1) Be in a form of ownership acceptable to the Village Trustees.
 - (2) Provide public access at least 16 hours per day.
 - (3) Be located at the ground level.
 - (4) Adhere to the standards established for civic spaces in this Section.
 - (5) With the exception of a civic space approved as a piazza, only those spaces directly contiguous to a public frontage and visible from the sidewalks on A Streets, B Streets or C Streets shall qualify as land eligible for credit as Civic Spaces.
 - (6) A minimum of 15% of the Civic Space shall be provided with landscaping in the form of fountains, benches, open air covered pavilions, gardens, planting areas, tree canopy areas, or similar civic or natural features.
- F. Civic Space Programming, Placement and Design Criteria**
 - (1) The following programming and design considerations, among others, shall be evaluated by the DAB in making their recommendation to the Planning Board:
 - (a) Solar orientation of Civic Space
 - (b) Amenities such as water features, public bathrooms, informational kiosks, drinking fountains, play & entertainment areas
 - (c) Facilities for the use, retention and recharging of rainwater.
 - (d) Projected public access and likelihood of use
 - (e) Seasonal programming of the space
 - (f) Intensity of adjacent private frontage(s)
 - (2) All Civic Spaces shall establish build-to-lines, at the perimeter of the area designated as civic space or open space, and the build-to-zone for the chosen private frontage shall be designated on the site plan. All civic spaces shall fulfill the frontage requirements of the private frontage, however exceptions may be granted by the Planning Board for pedestrian ways of less than 16 feet in width to permit mid-block connectivity.
 - (3) Approved civic spaces fronting on streets with required build-to-zone occupancy requirements

DOWNTOWN OVERLAY ZONES

Village of Hempstead

shall permit the applicant for a site to remove that portion of the civic space street frontage from the frontage occupancy requirement of the underlying street frontage type.

G. Design Guidelines Manual for Civic Space

The Planning Board may prepare, with the support and guidance of the DAB, a Design Guidelines Manual with provisions to establish standards and guidance on the design of Civic Space. The Planning Board may require applicants to comply with the provisions of his Manual.

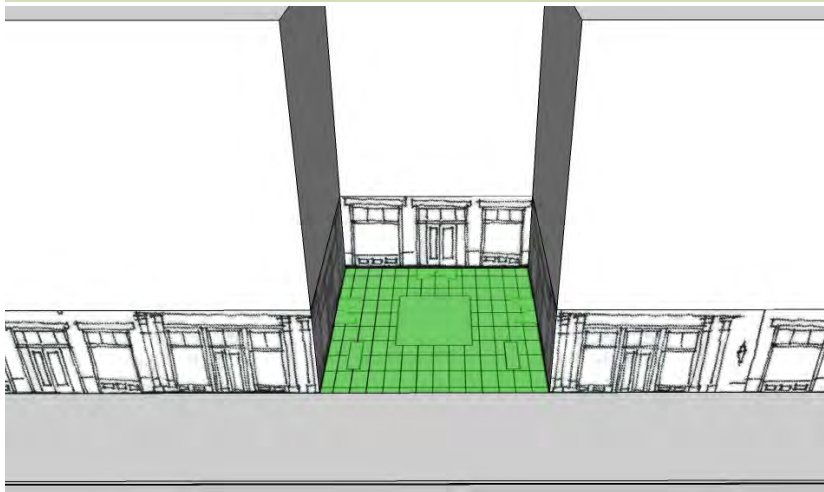
FIGURE 209.H. PERMITTED CIVIC SPACE TYPES

To qualify for designation as a Civic Space each proposed Public Civic Space or Privately Owned Public Space must comply with one of the following permitted forms and fulfill the requirements associated with that Civic Space:

- (1) Plaza - See Figure 209-1
- (2) Corner Plaza - See Figure 209-2
- (3) Piazza - See Figure 209-3
- (4) Green - See Figure 209-4
- (5) Square - See Figure 209-5

- (4) Pedestrian Way - See 209-6
- (7) Streetscape Enhancement Areas
Those streetscape areas designed and constructed to provide high quality paving materials, street furnishings, pedestrian-oriented lighting, and landscaping requirements. These areas may include places designed for pedestrian-only, vehicular-only or shared pedestrian-vehicular use.
- (8) Public Sidewalk areas along new streets

FIGURE 209-1 PLAZA



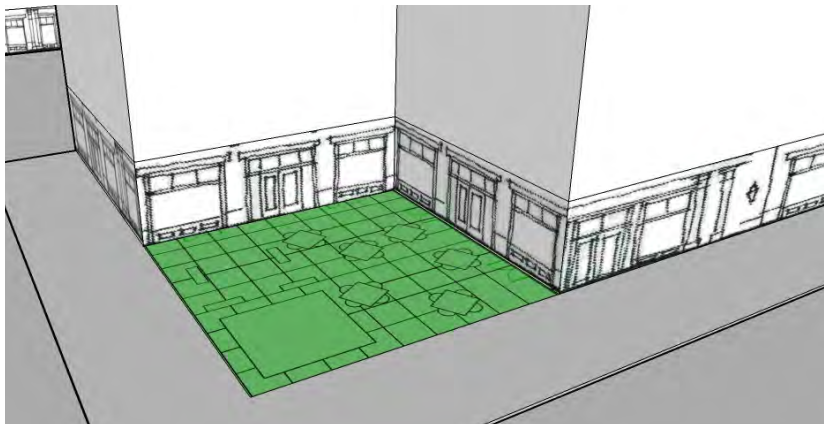
A civic space framed by buildings on 3 sides characterized by paving and at grade access to a public frontage.

PERMITTED FRONTAGE TYPES - See Sec. 210

FR-1 Storefront **FR-2** Urban

FR-6 Forecourt

FIGURE 209-2 CORNER PLAZA



A civic space framed by buildings on 2 sides and public frontages on 2 sides characterized by paving and at grade access to a public frontage.

PERMITTED FRONTAGE TYPES - See Sec. 210

FR-1 Storefront

FR-2 Urban

FIGURE 209-3 PIAZZA



A civic space framed by buildings on at least 3 sides and a public frontage on no more than 1 side. Characterized by paving and at grade access. Piazza is a highly active public place programmed with retail, restaurant, hospitality, entertainment, cultural and/or civic uses. The Piazza must connect to at least 3 perimeter streets directly or via other civic spaces.

PERMITTED FRONTAGE TYPES - See Sec. 210

FR-1 Storefront

FR-2 Urban

FIGURE 209-4 GREEN



A civic space surrounded by streets on at least 2 sides featuring a community gathering place with trees, plaza area, sitting area and may have a cultural, civic or commercial building on the Square generally open to the public.

PERMITTED FRONTAGE TYPES - See Sec. 210

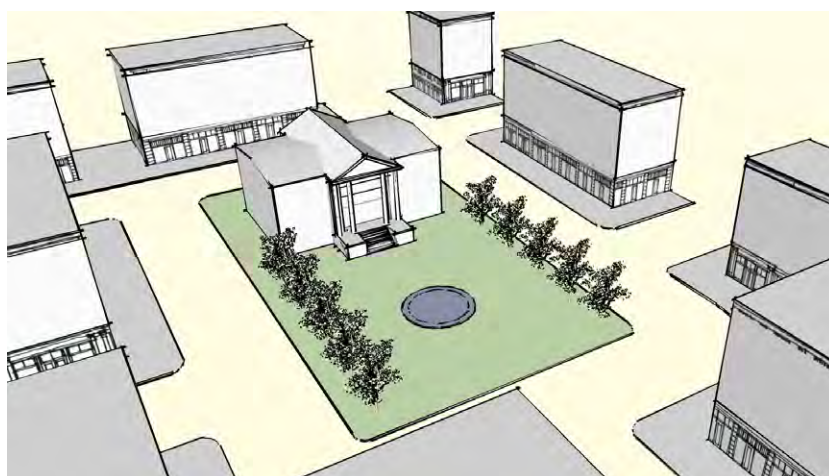
FR-1 Storefront

FR-3 Stoop

FR-2 Urban

FR-6 Forecourt

FIGURE 209-5 SQUARE



A civic space surrounded by streets on at least 3 sides featuring a community gathering place with trees, plaza area, sitting area and may have a cultural, civic or commercial building generally open to the public.

PERMITTED FRONTAGE TYPES - See Sec. 210

FR-1 Storefront

FR-3 Stoop

FR-2 Urban

DOWNTOWN OVERLAY ZONES

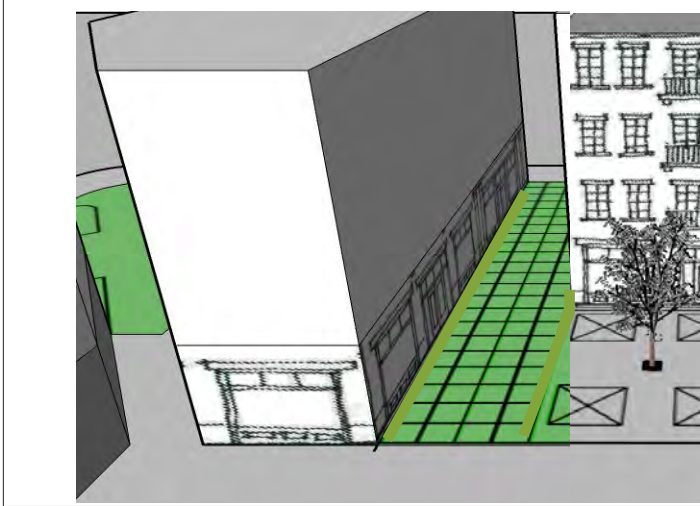
Village of Hempstead

209. I. PRIVATE OPEN SPACE REQUIREMENTS

Each Development Site shall provide a minimum of 5% of the Development Site in the form of Private Open Space providing light and air to the inner area of each Development Site.

- J. To qualify for credit toward the 5% Private Open Space requirement, Private Open Space must take one of the following permitted forms, unless the DAB recommends and the Planning Board approves another form:
- (1) Pedestrian Way - See Figure 209-6
 - (2) Front Court - See Figure 209-7
 - (3) Roof Garden - See Figure 209-8
 - (4) Pocket Park - See Figure 209-9
 - (5) Courtyard - See Figure 209-10

FIGURE 209-6 . PEDESTRIAN WAY

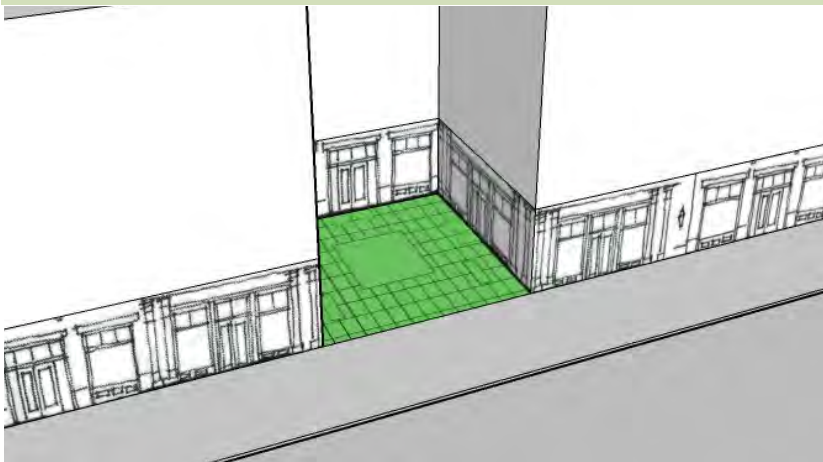


A civic space or private open space providing an outdoor pedestrian walkway providing common access between buildings, streets, civic spaces, other private open spaces and parking areas, which may be open or roofed. The Pedestrian Way is characterized by paving and at grade access to its connections.

PERMITTED FRONTAGE TYPES - See Sec. 210

FR-1 Storefront	FR-4 Porch
FR-2 Urban	FR-5 Lightwell
FR-3 Stoop	FR-6 Forecourt

FIGURE 209-7 FRONT COURT

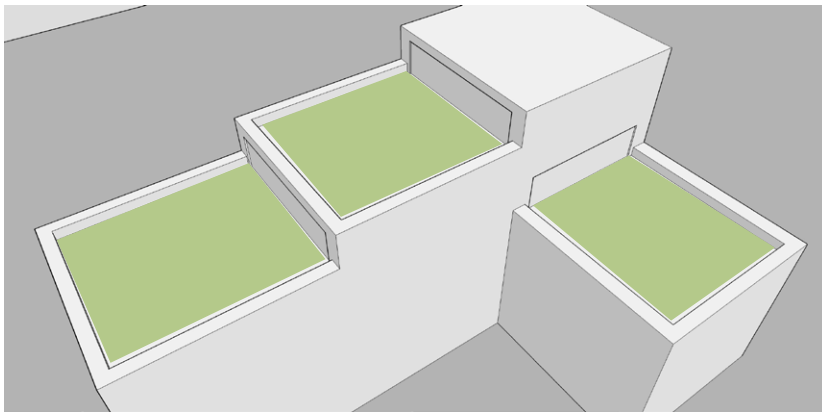


A private open space designed to provide plazas, outdoor dining areas, and landscape courts along the street edge with strong visual & pedestrian connections between the sidewalk & inner block areas.

PERMITTED FRONTAGE TYPES - See Sec. 210

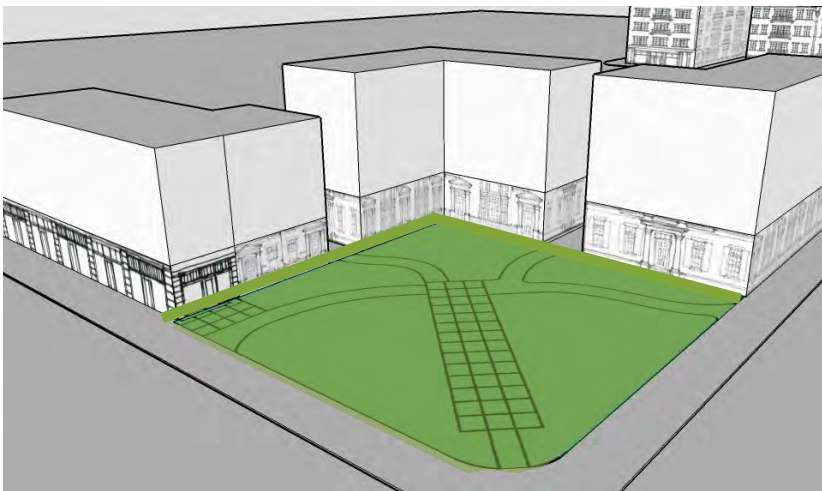
FR-1 Storefront	FR-4 Porch
FR-2 Urban	FR-5 Lightwell
FR-3 Stoop	FR-6 Forecourt

FIGURE 209-8 ROOF GARDEN



A private open space providing pedestrian access to a roof garden, terrace, green roof, dining area, sun deck, or similar space accessible to at least 50% of the occupants of building shall receive credit for roof gardens.

FIGURE 209-9 POCKET PARK



A private open space designed for passive recreational use and primarily oriented towards use by and access to adjoining residences.

PERMITTED FRONTAGE TYPES - See Sec. 210

FR-1 Storefront	FR-4 Forecourt
FR-2 Storefront B	FR-5 Stoop
FR-3 Urban	FR-6 Lightwell

FIGURE 209-10 COURTYARD



A private open space providing shared common access to a courtyard designed for common use of building occupants with 2 or more pedestrian ways providing connectivity to streets.

PERMITTED FRONTAGE TYPES - See Sec. 210

FR-1 Storefront	FR-4 Porch
FR-2 Urban	FR-5 Lightwell
FR-3 Stoop	FR-6 Forecourt

210. A. PERMITTED USES BY DISTRICT

- (1) The schedule of principal uses permitted within the DOZ is shown in Table 1: Table of Principal Uses. Principal uses are listed as Permitted (P), Allowed by Special Permit (SP), or Allowed by Special Permit only where the underlying district is Business B and limited to a total of 383 units in the entire DO-4 district (SP**).
- (2) All uses prohibited in the underlying zoning districts shall also be prohibited in DOZ, except as otherwise allowed in the use table below.
- (3) Accessory Uses customarily associated with Principal Uses, including home based business, shall be permitted.

FIGURE 210-1A TABLE OF PRINCIPAL USES

	DO-1	DO-2	DO-3	DO-4
MIXED USE ***				
Mixed Use Building	P	P	P	*
Live-Work	P	P	P	SP**
RETAIL				
Retail	P	P	P	*
Restaurant	P	P	P	*
OFFICE				
Office	P	P	P	*
Medical Office	P	P	P	*
Professional Service	P	P	P	*
RESIDENTIAL ***				
Townhouse	P	P	P	SP**
Multiple Dwelling	P	P	P	*
Multifamily Residence	P	P	P	*
CULTURAL				
Theater	P	P	P	*
Performing Arts	P	P	P	*
Museum	P	P	P	*

P Permitted

SP Allowed by Special Permit

* Allowed if and to the extent permitted in the underlying district

SP** Allowed by Special Permit only where the underlying district is Bus B and limited to a total of 383 units in the entire DO-4 district

X Prohibited

*** Residential use and private dwelling units associated with Hospitality Uses are prohibited on first floor of Storefront Frontage.

FIGURE 210-1B: TABLE OF PRINCIPAL USES (CONT'D)

	DO-1	DO-2	DO-3	DO-4
HOSPITALITY ***				
Hotel	P	X	X	*
Inn	P	P	P	*
Bed and Breakfast	X	X	P	*
Residential Care Facility	P	P	P	*
RECREATION / EDUCATION				
Indoor Recreation	P	P	P	*
Educational Use	P	P	P	*
RELIGIOUS / CIVIC				
Houses of Worship	P	P	P	*
Library	P	P	P	*
LIGHT INDUSTRIAL				
Artisan Production Facilities	P	P	P	*
Research & Development Facility	P	P	P	*
Data Information Center	P	P	P	*
Document/Misc. Storage	P	P	P	*
Small Scale Renewable Energy Facilities	P	P	P	P
Agricultural use	P	P	P	P
Animal Husbandry	X	X	SP	SP
PARKING FACILITIES				
Parking Structures	P	P	P	P
Surface Parking	P	P	P	P
ADULT ENTERTAINMENT USES				
Adult Entertainment Use	X	X	X	*
UTILITIES				
Utilities	SP	SP	SP	SP

P Permitted

SP Allowed by Special Permit

* Allowed if and to the extent permitted in the underlying district

SP** Allowed by Special Permit only where the underlying district is Bus B and limited to a total of 383 units in the entire DO-4 district

X Prohibited

*** Residential use and private dwelling units associated with Hospitality Uses are prohibited on first floor of Store front Frontage.

210. B. DEVELOPMENT STANDARDS

210. B. 1. GENERAL DEVELOPMENT STANDARDS

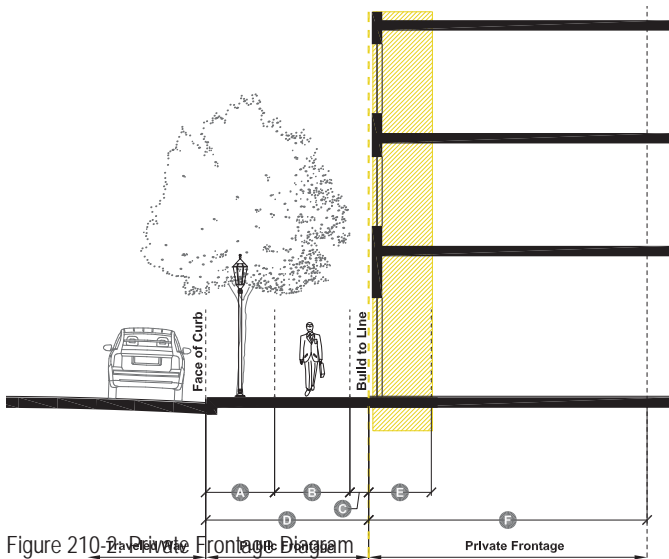


Figure 210-2: Private Frontage Diagram

- (a) The combination of the Private Frontage, Public Frontage, the Traveled Way, and the associated Edging Elements, defines the character of the street. The character of the Private Frontage is defined by the architectural treatment and use of the ground floor, dimensional depth of the visible yard and the combination of the Frontage Edging Elements. Private Frontage is a front portion of the site that extends from the build-to-line for the depth of 30 feet toward the interior of the property parallel to the build-to-line. The private frontage regulates both form and use.
 - i. Corner sites on A and B streets shall have two private frontages. Primary building façade and primary entrance shall address the street of higher importance, as recommended by the DAB and approved by the Planning Board.
 - ii. Storefronts when required as per Section 207 shall occupy the full depth of the private frontage and when located on corner sites shall wrap the corner for the minimum of 30'.
 - iii. No surface parking shall be located within the private frontage. All parking shall be screened or lined by buildings.
 - iv. No parking structures shall be located within the private frontage.

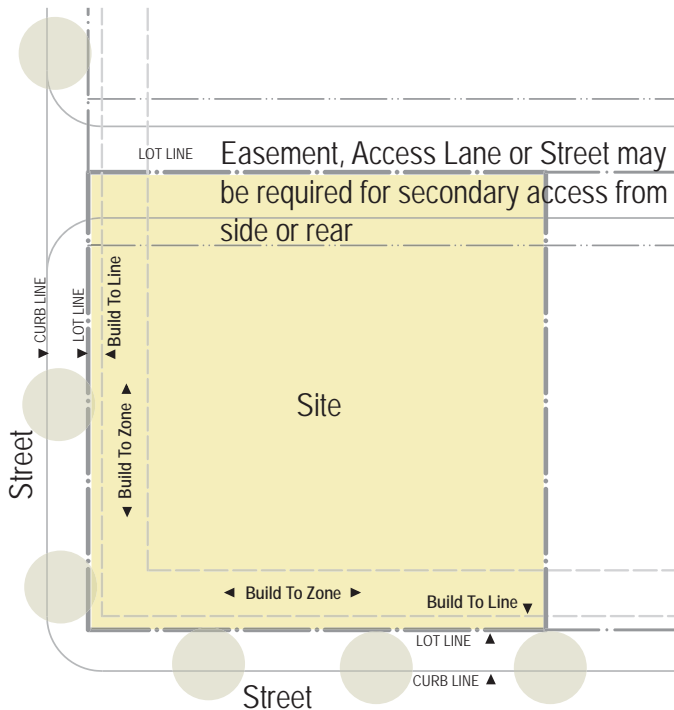


Figure 210-3: Site Development Standards Diagram

210. B.2. BUILD-TO-LINE

- (a) Build-to-line defines the portion of the Build-to-Zone closest to a Street
- (b) Build-to line shall be set parallel to the face of curb for a distance regulated by the street type in Sec 208, as designated by the Zoning Map Standards in Section 207
 - i. Frontage on C street: there are no private frontage requirements on C streets, therefore, C streets are the only streets which allow a rear yard condition. A private frontage may be established on a C Street at site plan approval if:
 - a) A public frontage exists, or will exist as a result of site plan approval; and
 - b) Additional site frontage is necessary to meet minimum DOZ, DIB-1 or DIB-2 requirements
 - ii. All such frontages shall establish a BTZ and minimum frontage occupancy applies.

210. B.3. BUILD-TO-ZONE (CONTINUED)

- (a) Structural elements of a front building facade shall be located within the build-to-zone.
- (b) Frontage occupancy refers to the length of the building which must occupy a required minimum percentage of the length of the site or build-to-zone. Additionally it regulates vertical occupancy of the building. The face of the building for the approved height of the building shall occupy the build-to-zone. However, no more than five stories of the face of the building shall occupy the build-to-zone with the exception of significant corners.
- (c) Build-to-zone allows for building entrance alcoves and expanded sidewalk area for outdoor dining, building facade articulation and inclusion of pronounced and/or recessed building elements and building alignment with existing neighboring buildings.

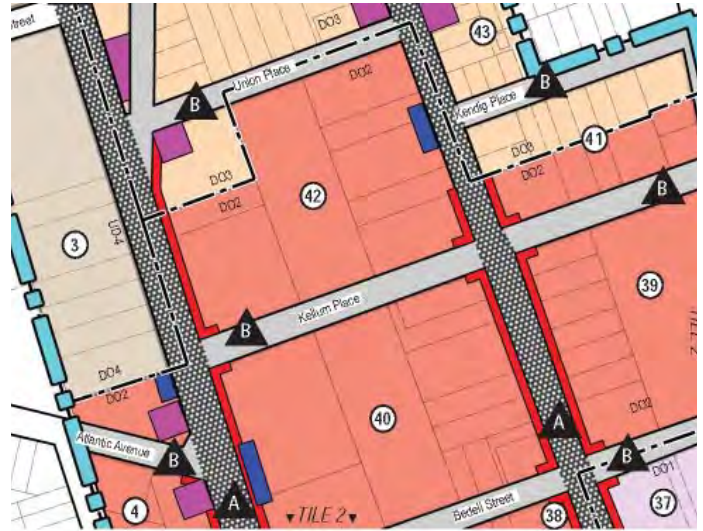


Figure 210-4: Sample Area from Zoning Standards Table from Section 207 identifying the location of Street Types and those blocks requiring Storefront Frontages

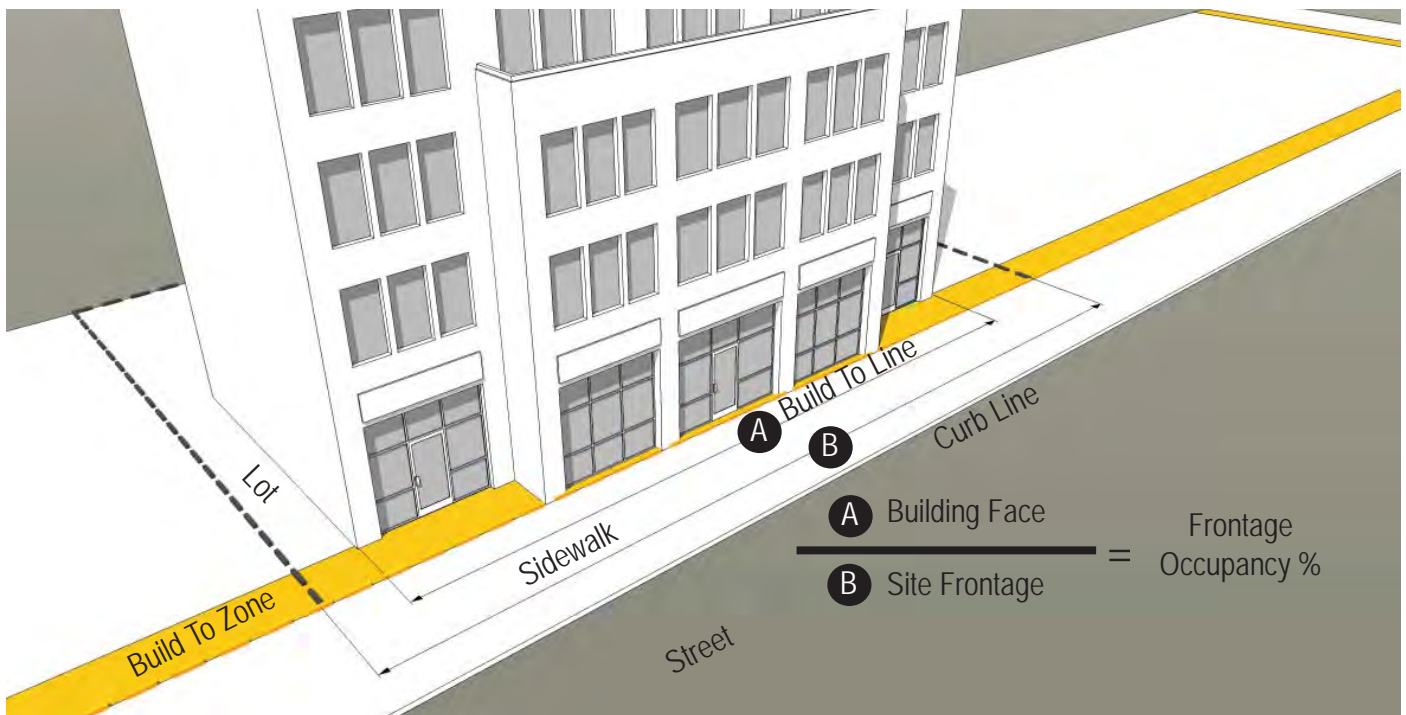


Figure 210-4: Build To Zone and Frontage Occupancy Diagram

210. C PRIVATE FRONTAGE TYPES

FIGURE 210-12 TABLE OF PERMITTED PRIVATE FRONTAGE TYPES

Street Types	Permitted Frontage Types						
	Storefront*	Urban	Stoop	Porch	Lightwell	Court	Mid-Block
	FR-1	FR-2	FR-3	FR-4	FR-5	FR-6	FR-7
A Street	P	P	P	X	X	P	X
B Street	P	P	P	P	P	P	X
C Street***	P	P	P	P	P	P	P
*	See Zoning Map Standards Sec 207 to determine where Storefront is required						
P	Permitted						
X	Not Permitted						
***	Frontages are deemed to exist on C Streets if and only if the C Street frontage is necessary to fulfill the minimum site frontage requirements for a site. All such frontages shall require a Build-To-Zone and a minimum frontage occupancy associated with their Private Frontage Types.						

FIGURE 210-13 TABLE OF MINIMUM FRONTAGE OCCUPANCY REQUIREMENTS

Street Types	Min Frontage Occupancy Required						
	Storefront*	Urban	Stoop	Porch	Lightwell	Court	Mid-Block
	FR-1	FR-2	FR-3	FR-4	FR-5	FR-6	FR-7
A Street	80%	80%	80%	X	X	80%	X
B Street	80%	60%	60%	60%	P	60%	X
C Street	0%	0%	0%	0%	0%	0%	0%
*	See Zoning Map Standards Sec 207 to determine where Storefront is required						
P	Permitted						
X	Not Permitted						
NOTE: Residential use not permitted on the ground floor when Storefronts are used or required. Common areas of residential and hospitality building such as lobbies, gyms and similar spaces servicing the primary use may occupy a the ground floor storefront as long as it complies with the active edge requirements							

210. B.3. BUILD-TO-ZONE

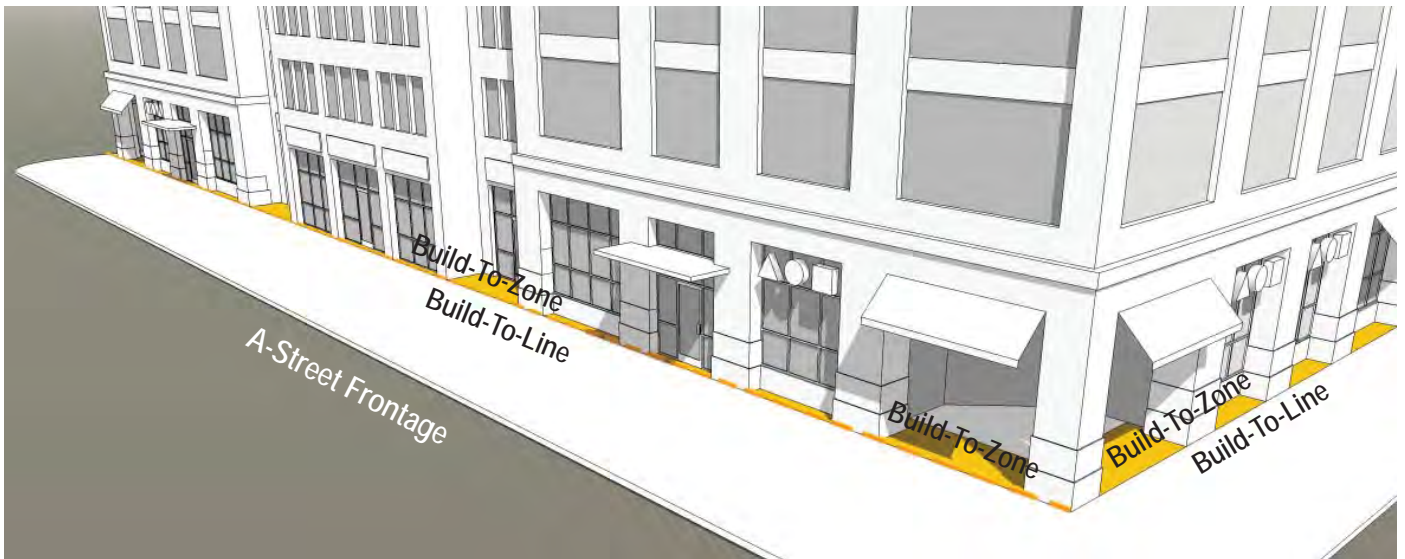


Figure 210-5: Street Frontages showing a typical Five Foot Build-To-Zone at an A-street

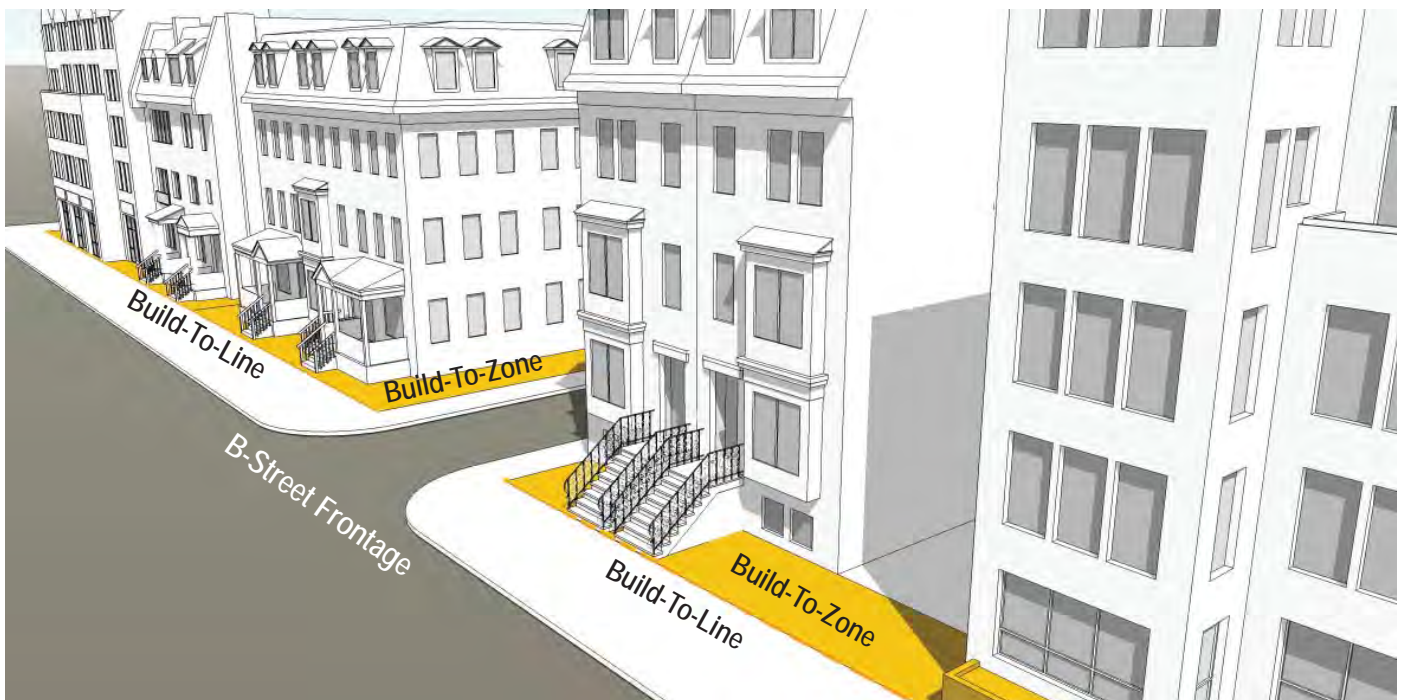


Figure 210-6. Street Frontages showing a typical Ten Foot Build-To-Zone at a B Street

210. B. 4. SITE DEVELOPMENT STANDARDS AND INCENTIVES

The dimensional standards shown in the table below shall apply to each site. These standards include base DOZ standards as well as height incentives for large lots and parcel assembly (DIB1 and DIB2).

Figure 210-7 . DEVELOPMENT STANDARDS FOR DO-1, DO-2, DO-3			
	DOZ Base Requirements	Downtown Incentive Bonuses (DIBs)	
		DIB1	DIB2
Build-To-Zone	5 feet required for frontage types		FR-1 FR-2 FR-3
	10 feet required for frontage types		FR-4 FR-5 FR-6
Site Frontage Minimum	75 feet	150 feet	300 feet
Site Area Minimum	7,500 SF	15,000 SF	60,000 SF
Building Height	3 stories and 30 feet min*	5 stories max	DO-1 & DO-2: Residential buildings-not to exceed 8 stories Non-residential buildings- not to exceed 10 stories and 120 feet DO-3: not to exceed 85 feet
Stepback	N/A	N/A	15 feet above 5 stories
PARKING LOCATION (Structure or Surface)			
Setback from A & B Streets	30 feet above street level; 0 feet for parking stories entirely below street level		
Setback from C Streets	0 feet		

Figure 210-8. SUSTAINABLE DEVELOPMENT STANDARDS FOR DO-1, DO-2, DO-3			
	DOZ Requirements	Downtown Incentive Bonuses (DIB's)	
		DIB1	DIB2
Minimum requirement	Attain equivalent of LEED ND Certified (40-49 points)	Minimum requirement to attain equivalent of LEED ND Silver (50-59 points)	
Indoor Water Use	20% below baseline	20% below baseline	
Water Efficient Landscaping	Reduce potable water consumption for outdoor landscape irrigation by 50% from a calculated midsummer baseline case		
Heat Island Reduction**	50% of the non-roof site hardscape		
	"Green" roof for at least 50% of roof area OR 75% of roof with low SRI		
Parking	DOZ minimum requirements	Provide min 3% Car-sharing	
Bicycle Parking	DOZ minimum requirements	Provide min 5% Bike-sharing	

* Base Height

**Except for approved Piazza as Public Civic Space

FIGURE 210-9 SITE DEVELOPMENT STANDARD FOR OPT-IN TO THE DOZ IN DO-1, DO-2 & DO-3

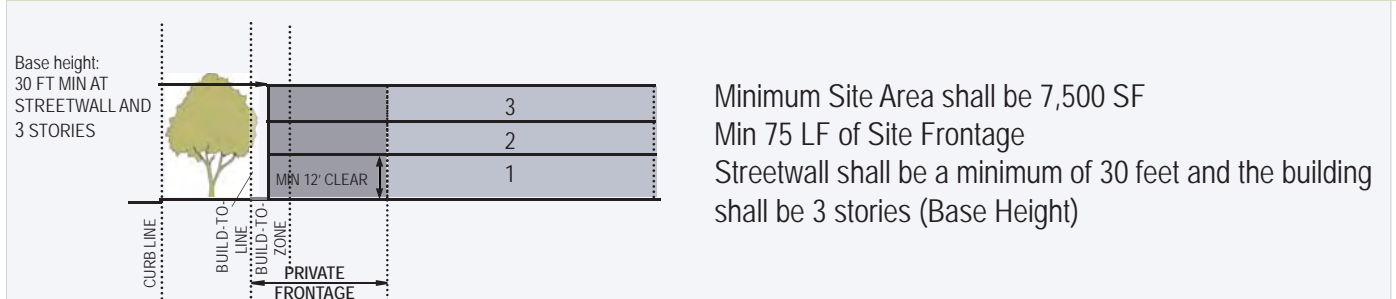


FIGURE 210-10 SITE DEVELOPMENT STANDARD FOR DIB1 IN DO-1, DO-2 & DO-3

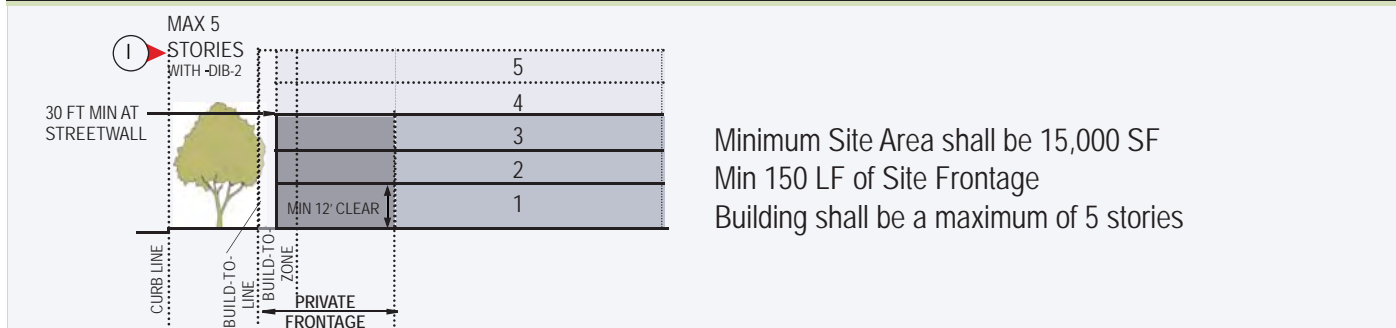


FIGURE 210-10 SITE DEVELOPMENT STANDARD FOR DIB2 IN DO-3

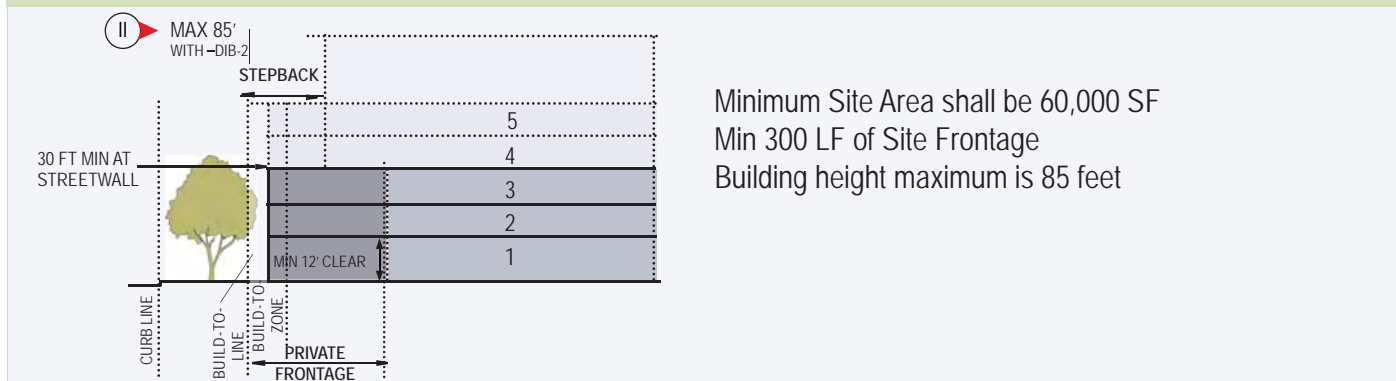
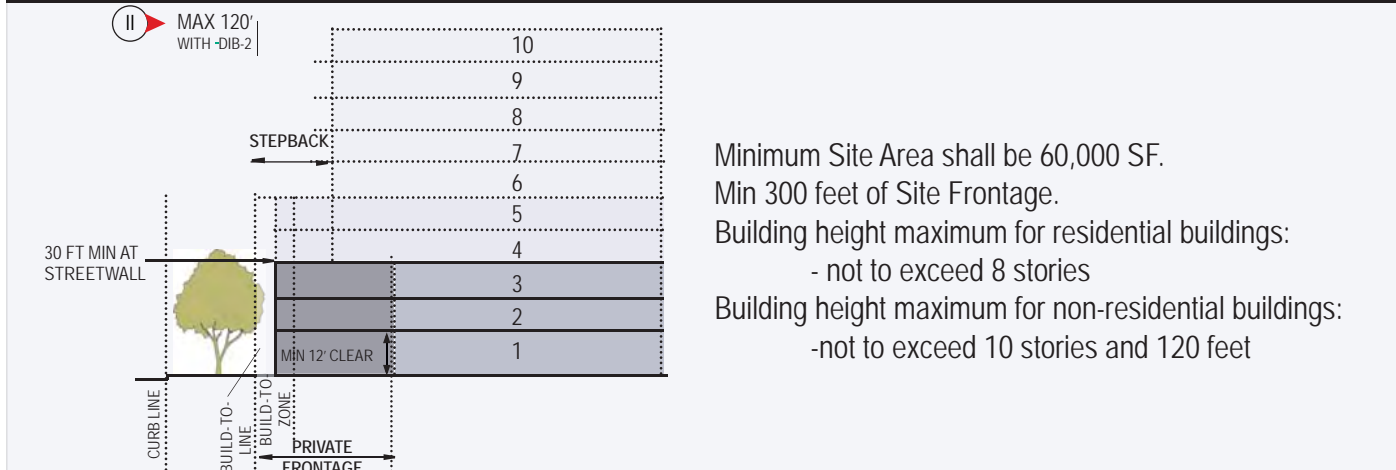


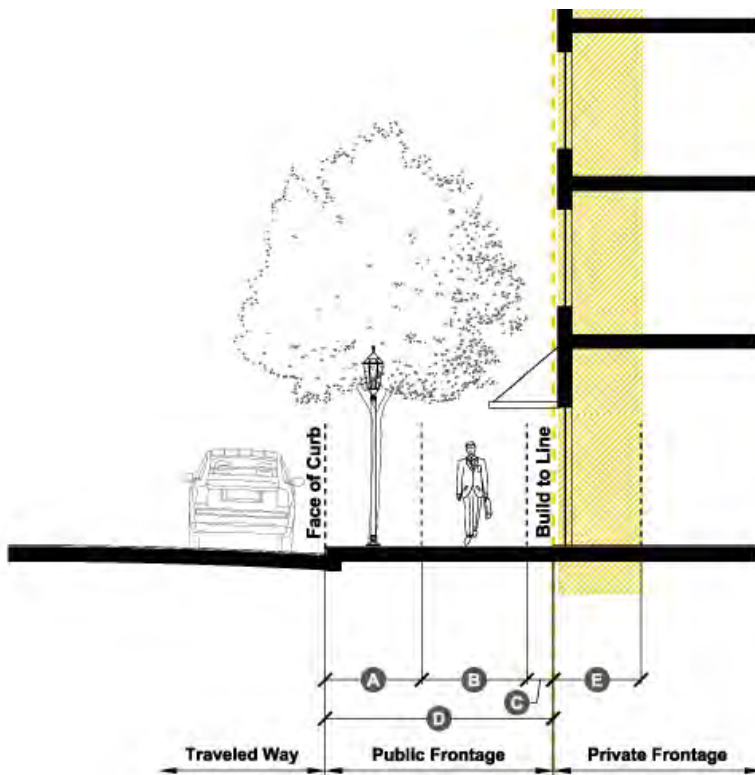
FIGURE 210-11 SITE DEVELOPMENT STANDARD FOR DIB2 IN DO-1 & DO-2



210. C PRIVATE FRONTAGE TYPES

210. C. 1. STOREFRONT FRONTAGE

FR-1



Storefront Frontage FR-1

PRIVATE FRONTAGE

ACTIVE EDGE REQUIRED - DOOR DISTANCE 30' MAX

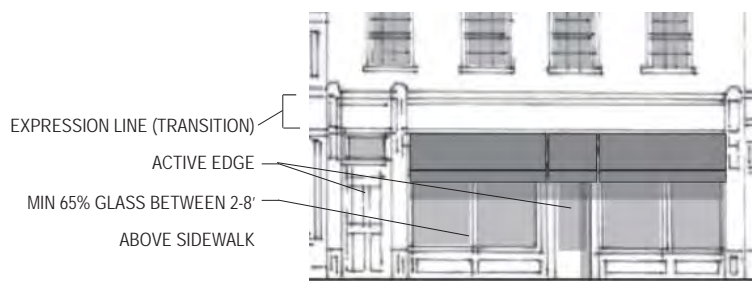
FRONTAGE EDGING ELEMENTS **EE-** **EE-**

GLAZING REQUIREMENT

(a) A minimum of 65% of the street-level, street-facing building area located between 2' & 8' above the sidewalk shall provide clear, non-reflective glass.

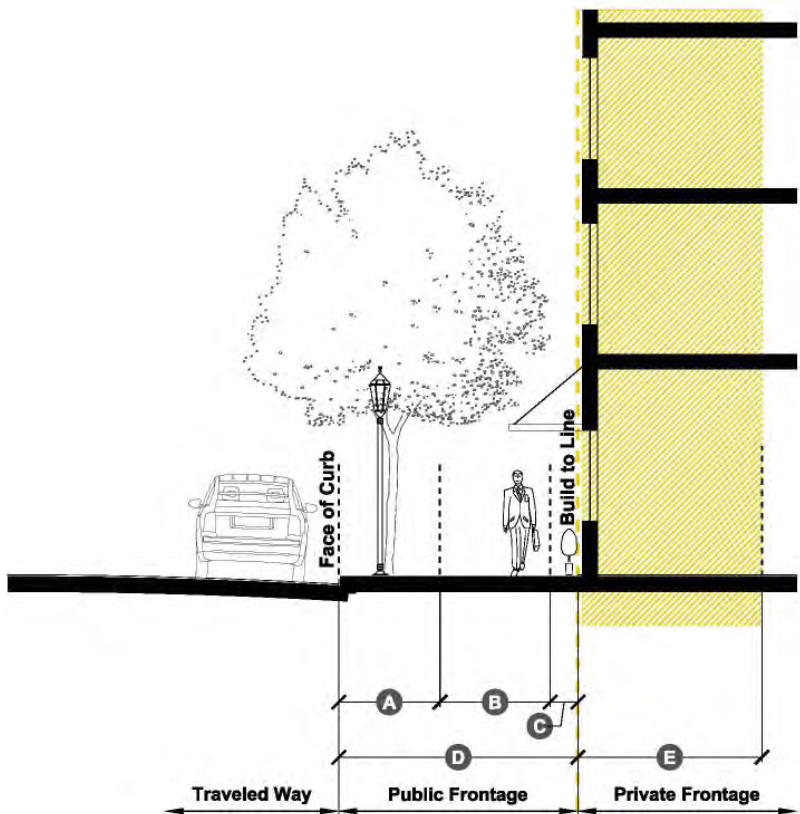
FUNCTION OF THE BUILD TO ZONE (BTZ)

- (a) Allows for entrance alcoves and expanded sidewalk area for outdoor dining.
- (b) Allows for facade articulation and inclusion of pronounced and/or recessed building elements.
- (c) Allows for alignment with existing neighboring buildings.



210. C. 2. URBAN FRONTAGE

FR-2



Urban Frontages

PRIVATE FRONTAGE

ACTIVE EDGE REQUIRED- DOOR DISTANCE 60' MAX

FRONTAGE EDGING ELEMENTS ALLOWED

EE-A EE-B EE-C

GLAZING REQUIREMENT

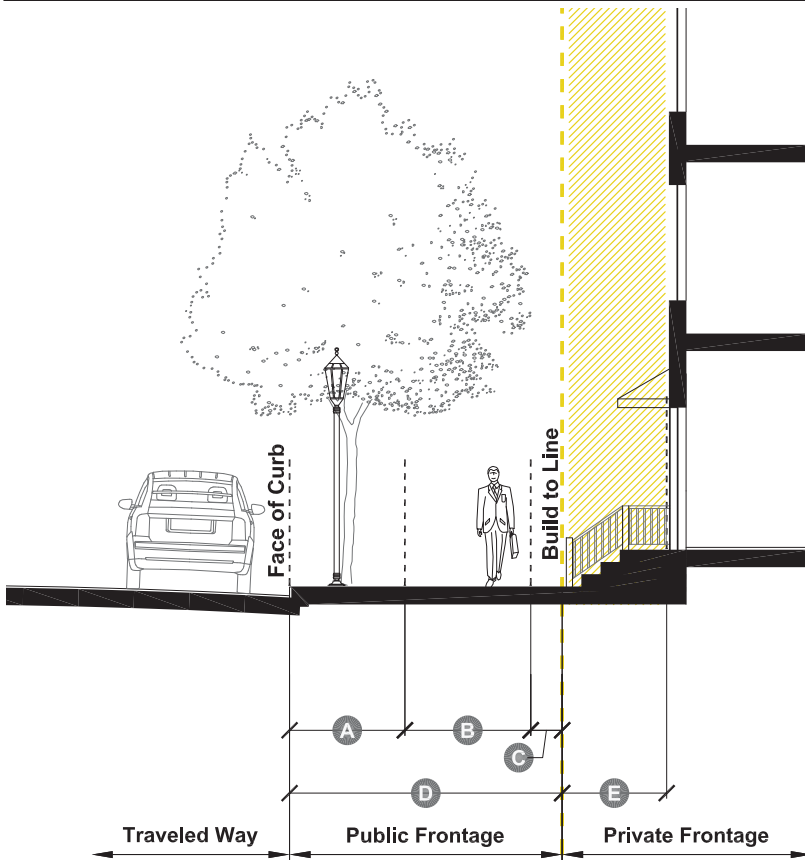
(a) A minimum of 60% of the street-level, street-facing building area located between 2' & 10' above the sidewalk shall provide clear, non-reflective glass.

FUNCTION OF THE BUILD TO ZONE (BTZ)

- (a) Allows for entrance alcoves.
- (b) Allows for facade articulation and inclusion of pronounced and/or recessed building elements.
- (c) Allows for alignment with existing neighboring buildings.

210. C. 3. STOOP FRONTAGE

FR-3



Stoop Frontage FR-3 is defining Residential frontages with elevated entrance. First stair raiser can be placed at BTL, and the ground plane within the BTZ can be hardscape continuation of sidewalk or landscaped (e.g. rain gardens).

PRIVATE FRONTAGE

FRONTAGE EDGING ELEMENTS ALLOWED

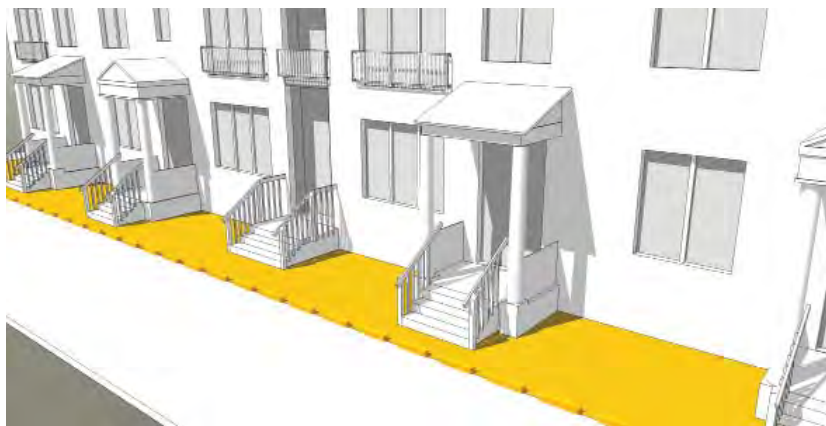
EE-A EE-B EE-C

GLAZING REQUIREMENT

(a) A minimum of 30% of the street-level, street facing building area located between 4' & 13' above the sidewalk shall provide clear, non-reflective glass.

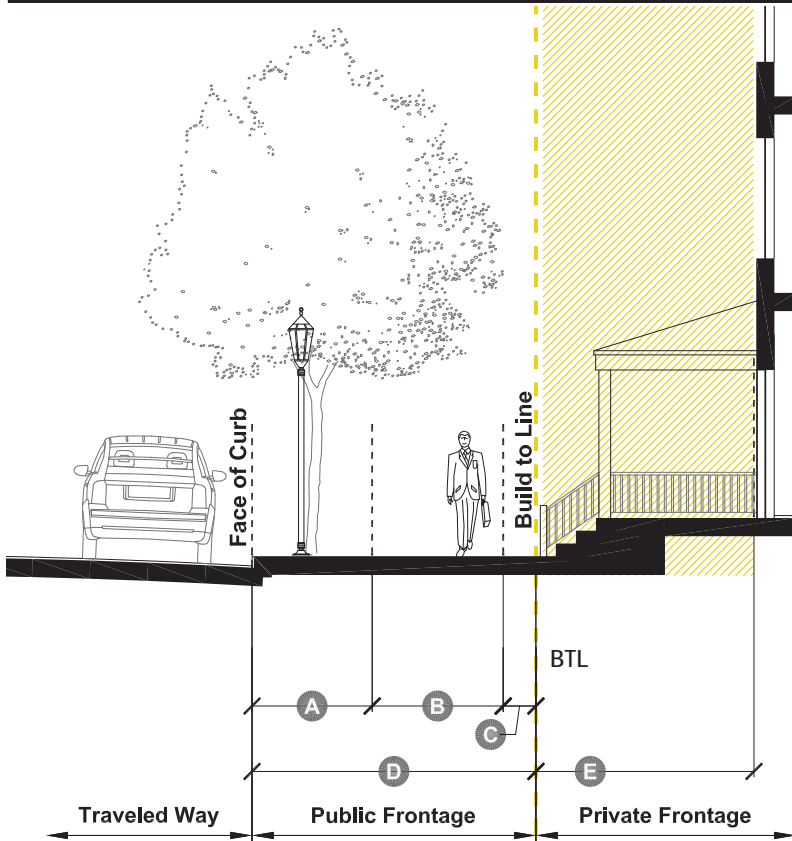
FUNCTION OF THE BUILD TO ZONE (BTZ)

- (a) Allows for entrance alcoves.
- (b) Allows for facade articulation and inclusion of pronounced and/or recessed building elements.
- (c) Allows for alignment with existing neighboring buildings.



210. C. 4. PORCH

FR-4



Storefront Frontages FR-4 are standards for frontages where Storefronts are permitted but not required.

PRIVATE FRONTAGE

ACTIVE EDGE REQUIRED- DOOR DISTANCE 50' MAX

PERMITTED FRONTAGE EDGING ELEMENTS

EE-A EE-C

GLAZING REQUIREMENT

(a) A minimum of 30% of the street-level, street-facing building area located between 4' & 13' above the sidewalk shall provide clear, non-reflective glass.

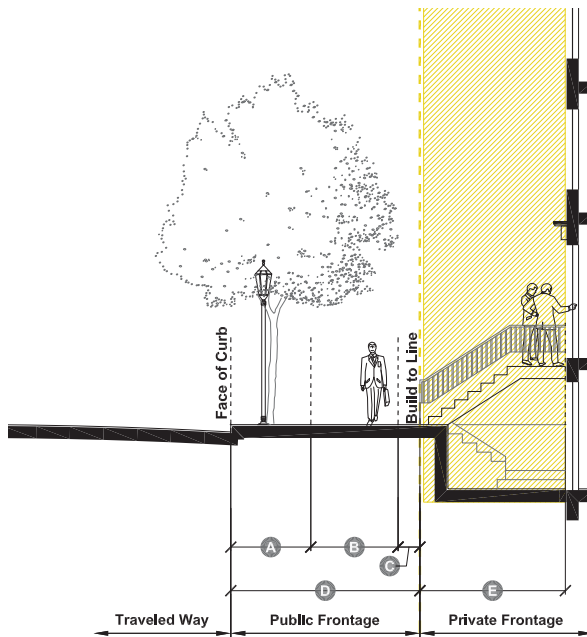
FUNCTION OF THE BUILD TO ZONE

- (a) Allows for entrance alcoves and expanded sidewalk area for outdoor dining.
- (b) Allows for facade articulation and inclusion of pronounced and/or recessed building elements.
- (c) Allows for alignment with existing neighboring buildings.



210. C. 5. LIGHTWELL FRONTAGE

FR-5



Lightwell Frontage FR-5 provides for a below grade entrance and recess designed to allow light into basements. First stair raiser can be placed at Build-To-Line.

PRIVATE FRONTAGE

FRONTAGE EDGING ELEMENTS ALLOWED

EE-1 EE-2 EE-3

GLAZING REQUIREMENT

(a) A minimum of 30% of the street-level, street facing building area located between 4' & 13' above the sidewalk shall provide clear, non-reflective glass.

FUNCTION OF THE BUILD TO ZONE

- (a) Allows for entrance alcoves.
- (b) Allows for facade articulation and inclusion of pronounced and/or recessed building elements.
- (c) Allows for alignment with existing neighboring buildings.



210. C. 6. FORECOURT FRONTAGE

FR-6

Forecourt frontage FR-6 defines a frontage with a wider Build-To-Zone allowing for landscaped areas and bioretention gardens.

PRIVATE FRONTAGE

FRONTAGE EDGING ELEMENTS ALLOWED

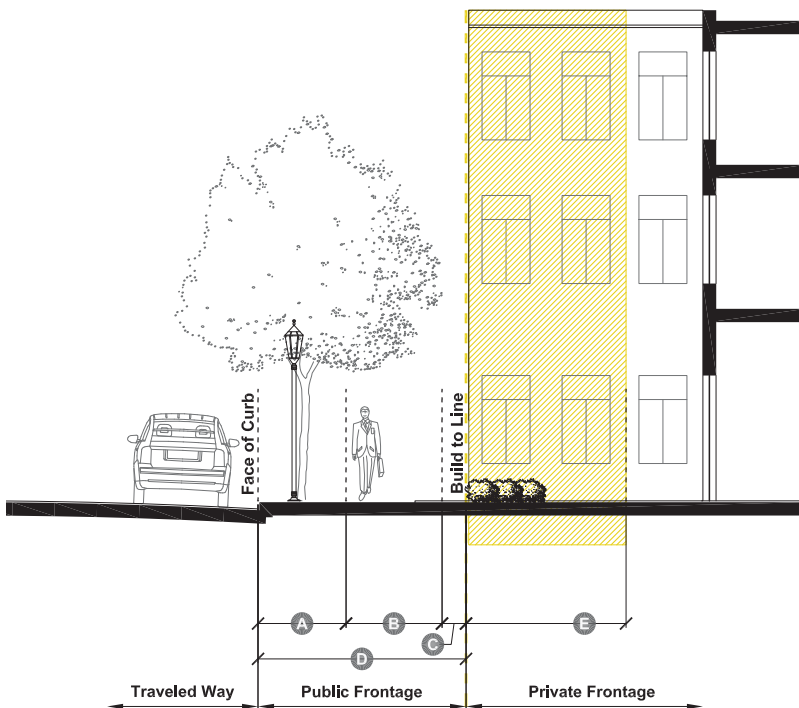
EE-1 EE-2 EE-3

GLAZING REQUIREMENT

(a) A minimum of 30% of the street-level, street-facing building area located between 4' & 13' above the sidewalk shall provide clear, non-reflective glass.

FUNCTION OF THE BUILD TO ZONE

- (a) Allows for entrance alcoves.
- (b) Allows for facade articulation and inclusion of pronounced and/or recessed building elements.
- (c) Allows for alignment with existing neighboring buildings.



210. C. 7. MID-BLOCK FRONTAGE

FR-7



Mid-Block frontage FR-7 defines a frontage facing C Streets.

PRIVATE FRONTAGE

FRONTAGE EDGING ELEMENTS ALLOWED

- EE-1** **EE-2** **EE-3** **EE-4** **EE-5** **EE-6**
- EE-7**

GLAZING REQUIREMENT

(a) A minimum of 30% of the street-level, street-facing building area located between 4' & 7' above the sidewalk shall provide clear, non-reflective glass.

FUNCTION OF THE BUILD TO ZONE

- (a) Allows for entrance alcoves.
- (b) Allows for facade articulation and inclusion of pronounced and/or recessed building elements.
- (c) Allows for alignment with existing neighboring buildings.

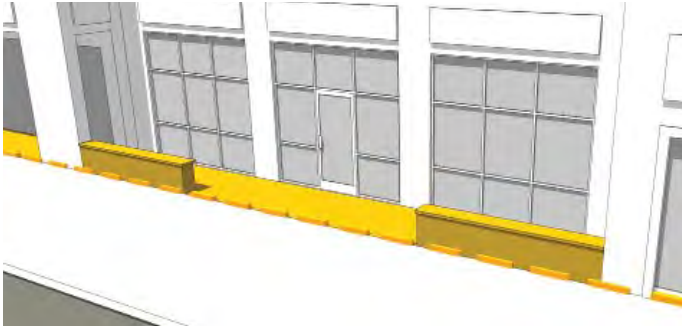
210. D. EDGING ELEMENT STANDARDS

The following Edging Elements are permitted as provided in the Table below.

Frontage Types		Edging Elements						
		Low Wall	Raised Edge	Stairs	Ornamental Fence	Privacy Fence	Planters	Landscaped Edge
		EE-1	EE-2	EE-3	EE-4	EE-5	EE-6	EE-7
Storefront	FR-1	P	P	X	P	X	P	P
Urban	FR-2	P	P	P	P	X	P	P
Stoop	FR-3	P	P	P	P	X	P	P
Porch	FR-4	P	P	P	P	X	X	P
Lightwell	FR-5	P*	P*	P*	P	X	X	X
Forecourt	FR-6	P	P	P	P	X	P	P
Service	FR-7	P	P	P	P	P**	P	P

210. D. 1. LOW WALL

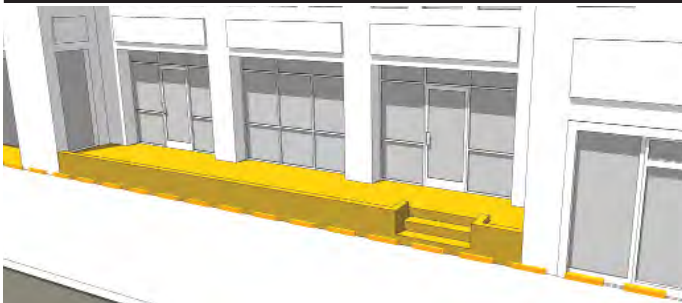
EE-1



Masonry wall, maximum 24 inches in height (brick, concrete, stone).

210. D. 2. RAISED EDGE

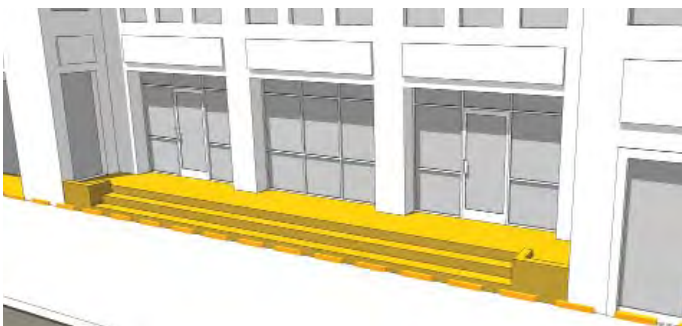
EE-2



The intent is to separate areas with different intensity of use with up to 24" of difference in floor planes.

210. D. 3. STAIRS

EE-3



The intent is to separate areas with different intensity of use with up to 24" of difference in floor planes.

210. D. 4. ORNAMENTAL FENCE

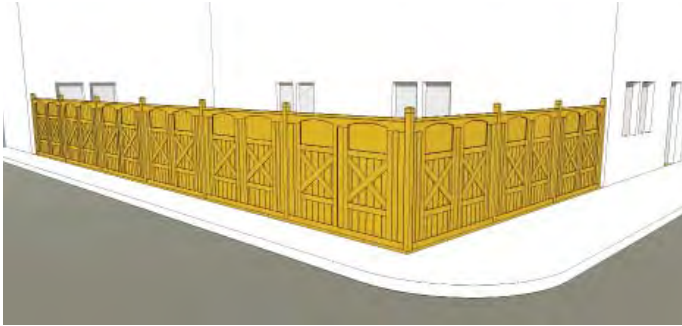
EE-4



An transparent ornamental fence, not chain link, with a maximum height of 42 inches

210. D. 5. PRIVACY FENCE

EE-5



A privacy fence with a maximum height of six feet.

210. D. 6. PLANTERS

EE-6



Planters no higher than 42 inches in height

210. D. 7. LANDSCAPED EDGE

EE-7



A Landscaped edge of flowers, plants or a hedge.

210. E. SIGNIFICANT CORNERS



- (1) A corner feature specifically designed to have a significant architectural feature to visually attract a viewer's attention at the corner.
- (2) Significant corners shall be exempt from a stepback requirement over five stories.

210. F. TERMINATING VISTAS



- (1) A vista termination shall be achieved by a building, a structure or portion of a building or structure, specifically designed to visually attract a viewer's attention at the end of a visual axis.
- (2) Terminating vistas shall be located to terminate a view created by the center-line of a street or civic space. When building facades terminate a vista, they shall be designed to have a significant architectural feature located on axis with the vista.

210. G. BUILDING HEIGHT

- (1) **Minimum building height** shall be three stories and minimum street wall height shall be 30 feet in DO-1, DO-2, and DO-3 districts and minimum building height shall be two stories and minimum street wall height shall be 20 feet in DO-4 districts.
 - (a) Buildings lower than 30 feet shall be permitted by the Planning Board only when located in areas of Public Civic Space, after recommendation by the DAB.
 - (b) Ground floor uses with Storefront, where required, shall have a minimum clear height of 12 feet.
- (2) **Height Exceptions**
 - (a) Open railings, planters, skylights, church steeples, greenhouses, parapets, and firewalls may extend up to 4 feet above the maximum height limit with unlimited rooftop coverage
 - (b) Solar collectors may extend up to 7 feet above the maximum height limit, with unlimited rooftop coverage.
 - (c) The following structures may extend up to 15 feet above the maximum height limit, as long as the combined total coverage of all features listed in this subsection does not exceed 20 percent of the roof area or 25 percent of the roof area if the total includes:
 - i. "green" energy production or reduction equipment (e.g.-solar collectors, wind turbines, solar hot water systems)
 - ii. stair and elevator penthouses
 - iii. mechanical equipment
 - iv. greenhouses, urban agriculture structures, and solariums
 - v. play equipment and open-mesh fencing that encloses it, as long as fencing is at least 15 feet from the roof edge
 - vi. minor communication utilities and accessory communication devices
 - vii. cupolas and church steeples
- (3) **Stepback**
 - a) A 15 foot Building Stepback shall apply to floors of all buildings above the fifth story, except at significant corners.
- (d) Greenhouses that are dedicated to food production are permitted to extend 15 feet above applicable height limit as long as the combined total coverage of all features gaining additional height does not exceed 50% of the roof area. The combined total coverage may be increased to 65%, provided that all mechanical equipment is screened and that no rooftop features are located closer than 10 feet to the roof edge.

210. H. PROJECTIONS AND ENCROACHMENTS

- (1) Building projections such as Bay Windows or Balconies shall be permitted to encroach into a front, side or rear yard setback, or across a Build-to-Line provided that:
 - i. Structural Encroachments shall provide a minimum of 14 feet of clearance over a public sidewalk or right of way.
 - ii. Architectural Encroachments such as comices or canopies that are not occupied space shall provide a minimum of 10 feet of clearance over a public sidewalk or right of way.
 - iii. Projections shall not be included in the calculation of building or impervious coverage.
 - iv. Signs, awnings, overhangs and similar elements, if determined by the DAB to be consistent with the regulations and intent of the frontages, may encroach beyond a Build-To-Line.

210. I. PARKING REQUIREMENTS

- (1) Required Parking: The number of parking spaces required to be provided by a developer seeking Site Plan approval, are as follows:
 - (a) Residential- 1 parking space per unit
 - (b) Commercial- 2.5 parking space per 1000 square feet
 - (c) Retail- 3 per 1000 square feet
- (2) Parking Location

At or above grade parking shall be located 30 feet from A and B streets. Exact location of parking will be determined during site plan review with the DAB/Planning Board and the applicable Parking Agency designated by the Village Board.
- (3) The DAB and Planning Board shall work with the Applicant to ensure that as much as possible of any new parking is available for shared or public use.
- (4) The parking requirements in (1) above may be reduced or increased if applicant can so demonstrate, based on the projected operational characteristics of the use and its need for parking, a study of parking demand for similar uses in similar locations, and/or shared-use parking.
- (5) Where parking will be provided off-site, the Applicant shall pay a Fee in-lieu to the applicable Parking Agency according to a fee schedule established by the Village Board.

210. J. SUSTAINABLE DEVELOPMENT STANDARDS

The minimum required sustainable development requirements shall be achieved through demonstrating equivalency of a minimum requirement to attain a status of a LEED ND Certified (40-49 points).

Where the requirements provided in the DOZ article are more stringent, than LEED ND standards, then the standards provided in the DOZ article shall prevail.

(1) Reduce Impacts to Water Resources

- (a) The following minimum requirements for building water efficiency shall be met:
 - i. Indoor water use in new buildings and buildings undergoing major renovations as part of the project must, on average, use 20% less water than baseline buildings. The baseline shall meet the requirements of the Energy Policy Act of 1992 and subsequent rulings by the Department of Energy, requirements of the Energy Policy Act of 2005, and the plumbing code requirements as stated in the 2006 editions of the Uniform Plumbing Code or International Plumbing Code as to fixture performance. Calculations are

based on estimated occupant usage and shall include only the following fixtures and fixture fittings (as applicable to the project scope): water closets, urinals, lavatory faucets, showers, kitchen sink faucets and pre-rinse spray valves.

- ii. The water efficiency threshold shall be calculated as a weighted average of water usage for the buildings constructed as part of the project based on their conditioned space square footage.

FIGURE 210. J. TABLE OF BUILDING WATER EFFICIENCY BASELINES

National Efficiency Baselines for Commercial Water-Using Fixtures, Fittings and Appliances*	
Fixtures, Fittings and Appliances	Current Baseline
Commercial Toilets	1.6 gpf ² Except blow-out fixtures: 3.5-gpf
Commercial Urinals	1.0 gpf
Commercial Lavatory (restroom) Faucets	2.2-gpm at 60 psi – Private applications only (hotel-motel guest rooms)
	0.5 gpm at 60 psi ³ all others except private applications
	0.25 gallons per cycle for metering faucets
Commercial Pre-rinse Spray Valves (for food service applications)	Flow rate ≤ 1.6 gpm (no pressure specified; no performance requirement)
National Efficiency Baselines for Residential Water-Using Fixtures, Fittings and Appliances*	
Residential Toilets	1.6 gpf ⁴
Residential Lavatory (Bathroom) Faucets	2.2 gpm at 60 psi
Residential Kitchen Faucet	
Residential Showerheads	2.5 gpm at 80 psi per shower stall ⁵

* adapted from information developed and summarized by the U.S. EPA Office of Water

² EAct 1992 standard for toilets applies to both commercial and residential models.

³ In addition to EAct requirements, the American Society of Mechanical Engineers standard for public lavatory faucets is 0.5 gpm at 60 psi (ASME A112.18.1-2005). This maximum has been incorporated into the national Uniform Plumbing Code and the International Plumbing Code.

⁴ EAct 1992 standard for toilets applies to both commercial and residential models.

⁵ Residential shower compartment (stall) in dwelling units: The total allowable flow rate from all flowing showerheads at any given time, including rain systems, waterfalls, bodysprays, bodyspas, and jets, shall be limited to the allowable showerhead flow rate as specified above (2.5-gpm) per shower compartment, where the floor area of the shower compartment is less than 2,500 sq.in. For each increment of 2,500 sq.in. of floor area thereafter or part thereof, an additional showerhead with total allowable flow rate from all flowing devices equal to or less than the allowable flow rate as specified above shall be allowed. Exception: Showers that emit recirculated non-potable water originating from within the shower compartment while operating are allowed to exceed the maximum as long as the total potable water flow does not exceed the flow rate as specified above.

210. J. 2. REDUCE OUTDOOR POTABLE WATER CONSUMPTION

- (a) The following minimum requirements for a water efficient landscaping must be met.
 - i. Reduce potable water consumption for outdoor landscape irrigation by 50% from a calculated midsummer baseline case. Reductions may be attributed to any combination of the following items, among others:
 - Plant species, density and microclimate factor
 - Irrigation efficiency
 - Use of captured rainwater
 - Use of recycled wastewater
 - Use of water treated and conveyed specifically for non-potable uses.
 - Use of other non-potable water sources such as stormwater, air conditioning condensate, and foundation drain water.

210. J. 3. HEAT ISLAND REDUCTION

- (a). Minimum requirement for heat island reduction shall be achieved through any combination of the following strategies for 50% of the non-roof site hardscape (including sidewalks, courtyards, parking lots, parking structures, and driveways), with exception of a Civic Space approved as a Piazza :
 - i. Provide shade from open structures such as those supporting solar photovoltaic panels, canopied walkways, and pergolas
 - ii. Have open grid pavement system (at least 50% pervious)
 - iii. Provide shade from tree canopy (within five years of landscape installation)
- (b) Use roofing materials that have a SRI equal to or greater than the values in the table below for a minimum of 75% of the roof area surface of all new buildings within the project; or install a vegetated (“green”) roof for at least 50% of the roof area of all new buildings within the project. Combinations of SRI compliant and vegetated roof can be used provided that they collectively cover 75% of the roof area of all new buildings.

Roof Type	Slope	SRI
Low-Sloped Roof	≤ 2:12	78
Steep-Sloped Roof	> 2:12	29

210. K. BICYCLE PARKING REQUIREMENTS

- (1) Provide bicycle parking and storage capacity according to the following:
 - (a) Multi-unit Residential: Provide at least .5 bicycle storage spaces per unit. Provide secure visitor bicycle racks on-site, with at least one bicycle space per 10 dwelling units but no fewer than four spaces per project site.
 - (b) Retail: Provide at least one secure, enclosed bicycle storage space per retail worker for 10% of retail worker planned occupancy. Provide visitor/customer bicycle racks on-site, with at least one bicycle space per 5,000 square feet of retail space, but no fewer than one bicycle space per business or four bicycle spaces per project site, whichever is greater. Provide at least one on-site shower with changing facility for any development with 100 or more planned workers and at least one additional on-site shower with changing facility for every 150 planned workers thereafter.
 - (c) Non-residential other than Retail: Provide at least one secure, enclosed bicycle storage space per occupant for 10% of planned occupancy. Provide visitor bicycle racks on-site with at least one bicycle space per 10,000 square feet of commercial non-retail space but not fewer than four bicycle spaces per building.

210. L. SIGN REGULATIONS

Signs in the DO1, DO2, and DO3 districts which are located on properties whose owners have elected to proceed under this DOZ shall comply with the requirements of Chapter 113 of the Village Code, subject to the following exceptions:

- (1) Wherever the Board of Zoning Appeals is authorized to issue a permit under Chapter 113, the permitting body shall instead be the Planning Board, acting with the advice of the DAB. This shall not apply to area variances for signs, which shall remain within the jurisdiction of the Board of Zoning Appeals. When acting on an application for an area variance for a sign, the Board of Zoning Appeals shall consult with the DAB prior to issuing its decision and is encouraged to take into account the goals and objectives of this Article in considering the character of the neighborhood.
- (2) Off-premises signs (also known as “billboard signs”) shall be permitted by special permit issued by the Planning Board pursuant to Section 139-213J. The maximum area of such signs shall be 200 square feet. In issuing an approval for such a sign, the Planning Board may require that it be smaller than 200 square feet. The review criteria in the case of a special permit for a billboard sign shall include a finding that the proposed sign does not detract from the pedestrian-oriented walkable character of the DOZ. The Planning Board shall not be required to find that the sign will have architectural merit or that it will enhance the pedestrian-oriented walkable character of the DOZ.
- (3) The DAB may recommend, and the Planning Board may adopt, a sign design manual to provide guidance to property owners, the Planning Board, and the Board of Zoning Appeals among others to assure that signage in the DOZ is consistent with the desired character of the DOZ as described in the Comprehensive Plan and this Article.
- (4) The restrictions on the size and illumination of signs in Chapter 113 shall not apply within the required frontage occupancy in the DO-1 Hospitality & Entertainment Overlay Zone.

210. M. DOWNTOWN INCENTIVE BONUSES

(1) Two types of Downtown Incentive Bonus are available to applicants, DIB-1 and DIB-2. The DIB--2 bonus provides a higher level of yield than the DIB-1 bonus but contains more restrictive requirements. In order to achieve a DIB, a landowner must control a larger minimum lot size, additional site frontage and meet stricter sustainable development standards.

- ii. equivalent of a LEED ND Silver rating. To achieve DIB-2 level of density, indoor water use in new buildings and buildings undergoing major renovations as part of the project must, on average, use 20% less water than baseline buildings.
- iii. Provide 3% car sharing
- iv. Provide 5% bicycle sharing

(2) Downtown Incentive Bonus 1 (DIB1)

DIB 1 applies to all four overlay districts. In DO-1, DO-2 and DO-3 a bonus is available to increase building height to five stories. In DO-4 a bonus is available to increase building height to three and one half stories. The minimum lot size is 15,000 square feet. The minimum site frontage is 150 linear feet.

(3) Downtown Incentive Bonus 2 (DIB2)

DIB-2 applies to only DO-1, DO-2 and DO-3. In DO-1 and DO-2 a bonus is available to increase building height to 120 feet. In DO-3 a bonus is available to increase building height 85 feet. The DIB-2 minimum lot size is 60,000 square feet. The minimum site frontage is 300 linear feet.

(4) Sustainable Development Requirements for Bonuses

In order to provide more sustainable development green development requirements are increased for applicants trying to achieve a bonus.

- (a) Minimum sustainable development requirements for DIB-1
 - i. To achieve DIB-1 level of density, indoor water use in new buildings and buildings undergoing major renovations as part of the project must, on average, use 20% less water than baseline buildings.
 - ii. Provide 3% car sharing.
 - iii. Provide 5% bicycle sharing
- (b) Minimum sustainable development requirements for DIB-2
 - i. The additional DIB-2 level of density can be gained by projects achieving an

SECTION 139-211 DESIGN STANDARDS

The Village Board may adopt, based upon a favorable recommendation by the DAB, and Planning Board, an architectural and landscape design manual for use in the DOZ.

SECTION 139-212 ATTAINABLE HOUSING

In accordance with the Master Developer Agreement between the Village and the Master Developer dated February 9, 2012, all residential development within the DOZ that is approved under this Article shall comply with the following. A minimum of ten percent (10%) of the total number of housing units constructed shall be sold or leased to purchasers or renters presently living in the Village of Hempstead and earning no more than 80 – 130% of the median gross income for the Village of Hempstead as adjusted from time to time (the “AMI”). However, if after six (6) months of the earlier of either (i) the offering of residential units for sale or lease; or (ii) the receipt of a certificate of occupancy, Village residents have not signed leases or term sheets to lease or purchase the units, then the Applicant shall make the remaining units available to purchasers or renters located outside the Village of Hempstead earning no more than 80 – 130% of the area’s median gross income for Nassau County, New York MSA, in accordance with the Internal Revenue Code of 1986.

213. A ESTABLISHMENT OF DOWNTOWN ADVISORY BOARD

- (1) The Village of Hempstead hereby establishes a "Downtown Advisory Board" (hereinafter "DAB") to oversee the implementation of this Article. The DAB shall consist of five members, as follows:
 - a. The Chairperson of the Planning Board
 - b. The Commissioner of the Village Community Development Agency
 - c. The Director of the Village Department of Public Works
 - d. The Superintendent of Buildings
 - e. The Chairperson of the Community Benefits Committee.
- (2) The Chairperson of the DAB shall be selected by a majority of its members.
- (3) All meetings of the DAB shall be held at the call of the chairperson and at such other times as the DAB may determine.
- (4) Any member of the DAB may send a designee from such member's organization or agency, with full power to act.
- (5) A representative of the Master Developer shall sit with the DAB to provide information and guidance, and shall be provided with advance notice of all meetings of the DAB, together with a copy of the full agenda and all applications and other relevant information to be considered at each DAB meeting.

213. B PROFESSIONAL ADVISORY TEAM (PAT)

The DAB shall retain expert consultants (the PAT) as deemed necessary for the purpose of reviewing development proposals within the DOZ. The consultants' fees shall be paid by the Village and reimbursed by individual applicants pursuant to the fee schedule described in Section 139-213.L below. The Board of Trustees may provide for compensation to be paid to administrative personnel and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Board of Trustees for such purpose.

213. C ROLE OF THE DAB

- (1) The DAB shall, with assistance from the PAT, review all applications submitted under this Article, as well as all applications submitted to the Board of Zoning Appeals within the DOZ, and shall make recommendations to approve, approve with modifications, or deny applications based upon the provisions of this Article. The DAB and PAT shall have no power to approve or deny applications, but shall work informally with applicants and Village officials to assist and advise all participants in the planning and development approval process in complying with this Article.
 - (c) requirements, including submission requirements and compliance with DOZ development standards
 - (d) Review DOZ incentives with applicants
 - (e) Review and clarify DOZ application procedures with applicants
 - (f) Review the applicability of the Community Benefits Policies and any Project Labor Agreement with applicants
 - (f) Ensure coordination with other entities responsible for downtown civic space, parking, and other public improvements
- (2) The DAB shall encourage redevelopment of the Village of Hempstead's downtown by providing an expedited and coordinated review of development proposals prior to formal submission to the Planning Board, thereby reducing the length and uncertainty normally associated with submitting applications using the underlying zoning.
- (3) The DAB shall exert its best efforts to:
 - (a) Provide the applicant an expedited review process
 - (b) Ensure the applicant's compliance with DOZ

213. D PRE-APPLICATION REVIEW PROCESS FOR THE DOZ**(1) Initial Meeting with Building Department**

A potential applicant for development or use of land using this Article shall initiate the process by meeting informally, free of charge, with the Building Department at any time during normal business hours on a walk-in basis or by appointment. The purpose of this meeting is to obtain information about the process and requirements for approval of a project under this Article. Potential applicants will receive instruction sheets and forms outlining the materials to be prepared for Pre-Submission Conference #1 as well as for the steps that follow in the pre-application and application process. The Building Department will answer questions, including questions about the differences between this Article and underlying zoning. Potential applicants with small properties will be encouraged to work with other property owners and/or the Master Developer to form property owner alliances for joint applications. If the potential applicant elects to proceed with an application, the next step is a pre-submission conference (see #2 below).

(2) Pre-submission conference #1

Pre-submission conference #1 is mandatory for all applicants who have chosen to continue in this process, and shall be held with the PAT, with optional attendance by representatives of the Planning Board, Building Department, and/or Community Development Agency. This pre-submission conference shall be held by appointment. The applicant must normally sign up two weeks in advance and provide information listed in the instruction sheet provided at the initial contact meeting. The fee for this meeting will be set by the Village Board in a fee schedule established under Section 139-213.K. The purpose of this meeting is to enable the applicant to prepare an approvable site plan and/or subdivision application by giving detailed technical advice on development standards, procedures, incentives, and application requirements. The applicant shall present an initial sketch of the proposal including relevant information described in the instruction sheet.

(3) Pre-submission conference #2

Pre-submission conference #2 is likewise mandatory, and shall be held by appointment with the PAT and the DAB.. The applicant must normally sign up two weeks in advance and provide information listed in the instruc-

tion sheet provided at the initial contact meeting. The fee for this meeting will be set by the Village Board in a fee schedule established under Section 139-213.K. The amount of this fee will depend on scale and size of project. The purpose of this meeting is to have an in-depth discussion of the applicant's proposal and to advise the applicant as to what must be shown on the full application to the Planning Board, including all submission requirements, required improvements, required parking and civic spaces and/or fees in lieu thereof, required affordable housing, SEQRA requirements, special permit requirements (if any) and required compliance with the Community Benefits Policies. The submission requirements for this conference shall be specified in the instruction sheet issued in prior meetings and may be modified by the DAB and PAT as appropriate to the project. Such submission will typically include a conceptual site plan that shows proposed uses, location, footprint, and height of proposed buildings and accessory buildings, a sketch of facades of all buildings that face streets and public civic spaces, as well as civic space areas, setback areas, and parking areas, as well as a vicinity map with sufficient detail to show the immediate context of the proposed development and all surrounding properties within a radius of 500 feet. If the applicant believes that the provision of public and/or semi-public civic spaces on-site is not feasible or necessary for compliance with this Article, the applicant shall explain the reasons and shall discuss with the PAT and the DAB the payment of a fee-in-lieu and possible off-site locations where civic space may be provided using such fee-in-lieu to enhance the applicant's property and the neighborhood.

(4) Submission of full application to the Planning Board

The applicant shall prepare a detailed site plan and/or subdivision application containing all information requested by the PAT and DAB in pre-submission conference #2. If a special permit is required, an application for the special permit shall also be submitted at the same time. A review fee for the site plan (and special permit, if applicable) shall also be submitted, as required by the fee schedule adopted by the Village Board of Trustees. The PAT and DAB shall determine whether, in their judgment, the proposal complies with this Article development standards, street standards, and civic space standards, and whether any special permit requested should be granted under applicable special permit standards. The application shall

213. D PRE-APPLICATION REVIEW PROCESS FOR THE DOZ (CONTINUED)

be reviewed by the PAT and DAB, which shall either (a) send it back to the applicant with instructions to make changes and/or supply more information, or (b) if it is ready for Planning Board review, forward the application to the Planning Board with its recommendations for approval or approval with modifications or conditions. Applicant may choose to proceed to Planning Board review without recommendation of the DAB.

213. E PLANNING BOARD REVIEW

- (1) The Planning Board shall initiate the SEQRA process and review the application materials, along with the DAB recommendations, within 15 days of receiving the materials. If the application involves a special permit or a subdivision, the Planning Board shall hold a public hearing pursuant to the provisions of Section 8-6.1 of the Village Code within 20 days of receiving the application. No public hearing shall be required if the application is only for site plan approval, unless same is required pursuant to SEQRA.
- (2) If a public hearing is required, it shall be held within 30 days from the time the DAB recommends and the Planning Board determines that the application is complete. The Secretary of the Planning Board shall mail notice of the hearing to the applicant at least 10 days before such hearing, and shall cause the hearing to be advertised at least five days prior to the scheduled date in a newspaper of general circulation in the Village. The Planning Board shall comply with all other applicable provisions of Village Law Sections 7-725-b and 7-728 with respect to public hearings for special use permits and subdivisions.

213. F PLANNING BOARD ACTION

- (1) Within 20 days after the close of the public hearing, if one is held, the Planning Board shall render a written decision, which approves, conditionally approves, or disapproves the application and authorizes the signing of the site plan or subdivision plat if it is approved. This time period may be extended upon the mutual consent of the Planning Board and the applicant, or as may be required under SEQRA.
- (2) If no hearing is held, the Planning Board shall, within 30 days of the meeting at which it reviews an application, render a written decision and authorize with or without conditions the signing of an approved site plan or subdivision plat. This time period may be extended by mutual consent of the Planning Board and the applicant, or as may be required under SEQRA.
- (3) Every decision of the Planning Board with respect to a site plan or subdivision shall immediately be filed in the office of the Village Clerk, and the Building Department.
- (4) After recommendation of the DAB, the Planning Board may waive, to the extent permitted under New York Law, any requirements for site plan approval under Section 208. Any such waiver, which shall only be granted upon a finding that it is justified by site conditions and will be consistent with the purposes of the DOZ, shall include appropriate conditions designed to preserve the intent of the DOZ. Waivers may only be granted if the Planning Board further finds that the requirements waived are not necessary for public health, safety or general welfare or are inappropriate to a particular site plan.
- (5) Upon approval or approval with modifications, the Secretary of the Planning Board shall mail to the applicant a copy of the written decision of the Planning Board.
- (6) Upon approval or approval with modifications, the Planning Board shall endorse a copy of the site plan or subdivision and forward it to the Superintendent of Buildings, who shall then issue the appropriate permit if the project conforms to all other applicable requirements.
- (7) If an application is denied, the Planning Board shall so inform the Superintendent of Buildings, who shall not issue a building permit or certificate of occupancy or of completion. The Secretary to the Planning Board shall

213. F PLANNING BOARD ACTION (CONTINUED)

also mail to the applicant a copy of the written decision of the Planning Board and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

- (8) All mailings shall be by ordinary first-class mail to the applicant and his/her attorney, if any, at the address given by the applicant on the application form.
- (9) Specifications for all improvements shown on the site plan or subdivision shall be those set forth in this Article and in other local laws, rules and regulations or in construction specifications of the Village of Hempstead.
- (10) The Planning Board may not require, as a condition of approval, that the applicant dedicate civic space to the Village. The Planning Board may require that an area designated as civic space be reserved as undeveloped or that, in lieu of such reservation, the applicant pay a

fee in lieu of providing civic space.

The information required to be submitted with an appli-

213. G SUBMISSION REQUIREMENTS

cation in the DOZ shall be determined in the course of pre-application conferences 1 and 2 based upon the size, scale, and type of project and the requirements of this Article and other applicable laws and regulations. The PAT and DAB will make best efforts to ensure that applicants are required to submit only information necessary for an informed review of an application, including compliance with SEQRA, to ensure that the application receives an expedited review and that it complies with all requirements of this Article.

Proposed amendments to site plans shall be presented

213. H SITE PLAN AMENDMENTS

first to the DAB, which shall determine whether they will require a pre-submission conference and review and approval by the Planning Board (for major amendments) or an expedited review, involving one pre-submission conference, and administrative approval by the Superintendent of Buildings (for minor amendments). The Planning Board may establish and adopt criteria for determining the degree of change to a site plan that triggers the need for a new application and full approval process.

Those uses which are specifically authorized to be granted

213. I SPECIAL PERMITS

by special permit by this article may be allowed by a majority vote of the Planning Board pursuant to Section 7-725-b of the Village Law, after a favorable recommendation is received from the DAB and a hearing is held pursuant to subsection E above. Special permits shall be granted only upon a finding by the Planning Board

that the requested use is consistent with the intent and purposes of this Article and with the Comprehensive Plan Update, complies with all applicable standards, and will enhance the pedestrian-oriented walkable character of the DOZ.

213. J VARIANCES

Variations from the provisions of this Chapter may be granted by the Board of Zoning Appeals pursuant to the statutory requirement in Sections 7-712, 7-712-a, and 7-712-b of the Village Law of New York State. All variance applications shall be referred to the DAB for an opinion on the effect of a proposed variance on the DOZ and the objectives of this Article, as well as on the statutory standards for variances contained in Section 7-712-b of the Village Law. The DAB shall have 30 days to comment in writing upon such referral, and its failure to comment shall not be construed as an endorsement of the variance application. When an area variance application is referred to the DAB, the DAB shall specifically address whether

or not the proposed variance will produce an undesirable change to the desired walkable and pedestrian-friendly neighborhood character to be created by this Article. If the decision by the Board of Zoning Appeals under this subsection does not follow the DAB's recommendations, it shall contain written findings explaining the planning and design rationale for its decision. Any area variance may be granted without the need for a denial by the Superintendent of Buildings, in the course of site plan approval, as provided in Section 7-725-a of the Village Law.

213. K FEES

All fees referenced in this Article shall be charged according to a fee schedule adopted by resolution of the Village Board of Trustees, as amended from time to time by resolution of the Village Board of Trustees. Such fees shall be paid to the Village of Hempstead for deposit in a Village DOZ special account, which shall be segregated from other Village funds and shall be used exclusively in connection with project reviews and construction of public improvements within the DOZ. Recreation fees charged in connection with residential development shall

be charged if authorized pursuant to Section 8-6B of the Village Code in the same manner as would apply to any residential development in the Village. The Planning Board may deem the provision of on-site civic space to satisfy Section 8-6B if such civic space is available for recreational purposes. The Village Board may establish a procedure for placing review funds received from applicants in an escrow account to ensure the availability of expedited professional review services.

213. L DURATION OF APPROVALS

All development proposals approved under this Article shall remain valid for a period of two years from the date of site plan approval and an Applicant shall obtain necessary building permits and other approvals from permitting agencies and commence construction within such time period. Such approvals shall expire after two years unless the Applicant can show good cause for its failure to obtain a building permit and commence construction, in which case an extension of up to one year

may be granted by the Planning Board. If construction is suspended for a period greater than six months, the Applicant shall provide an explanation to the Planning Board which shall be empowered to revoke the approval if such suspension is not found to be for good cause.

SECTION 139.214. DO4 OVERLAY DISTRICT

- A. Purpose and Effect

The purpose of the DO4 Overlay District is to enlarge the range of permitted uses in the underlying zoning by allowing certain low-impact uses by right and by allowing residential townhouse and live-work uses to occur by special permit.
- B. Uses allowed by right

In addition to all uses allowed in the underlying zoning districts, land in the DO-4 district may also be used for the uses listed below, as a primary or accessory use. Such uses may be instituted upon site plan approval by the Planning Board, following recommendation of the DAB, as provided in Section 139-213. Unlike the DO-1, DO-2, and DO-3, districts, a landowner in the DO-4 does not need to make an election to opt into provisions of this Article exclusively in order to take advantage of the DO4 allowed uses. A landowner or lessee may undertake the uses shown in Section 139-210A on the same Site as other uses permitted by the underlying zoning.
- C. Residential and Live-Work Units
 - (1) A landowner in the DO4 district may apply for a special permit pursuant to Section 139-213.I for all or a portion of a parcel for residential or live-work uses.
 - (2) An application for a special permit for Residential and Live-Work uses shall be submitted initially to the DAB for discussion using the process described in Section 139-213, after which it shall be submitted to the Planning Board for site plan approval. A maximum of 383 residential and/or live-work units may be approved in the entire DO-4 district. Such units may only be located on land that is zoned Business B in the underlying zoning.
 - (3) Each application submitted under this subsection C shall undergo its own separate SEQRA review. However, the FSEIS prepared for the entire DOZ may be taken into consideration when evaluating the impacts of individual projects submitted hereunder.
 - (4) Once the maximum number of residential and live-work units allowed have been permitted under this subsection, no more special permits may be granted unless the Village Board amends this overlay zone provision to increase the maximum number of units.

SECTION 139.215. COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

- A. In accordance with the State Environmental Quality Review Act (SEQRA) and the regulation issued thereunder, the Village Board of Trustees has accepted and approved a Draft and Final Supplemental Generic Environmental Impact Statement (SGEIS) and a Findings Statement which analyze the potential environmental impacts of adoption of this DOZ. The Findings Statement, summarizes the Village Board's findings on these potential impacts and establishes conditions and thresholds for development under this Article and the extent to which further SEQRA review may be required for site-specific impacts of projects to be built under the terms of this Article.
- B. The Findings Statement includes conditions and thresholds for the entire DOZ. All development within the DOZ that is subject to SEQRA shall comply with the conditions and thresholds in the Findings Statement.

SECTION 139- 216 IMPLEMENTATION OF COMMUNITY BENEFITS POLICIES

A. To ensure the fulfillment of the community benefit goals of the Village, all development within the DOZ that is approved under this Article shall comply with the requirements of any adopted community benefits policies as of the date that such policies have been adopted or modified by resolution of the Village Board. These policies may include: a Construction Jobs Policy, an Operations Jobs Policy, and a Local Contracting Policy (collectively, "the Community Benefits Policies"). No building permit may be issued under this Article until the Community Benefits Policies have been adopted and are in effect. Compliance with the terms of these policies shall be made a condition of any site plan approval within the DOZ after adoption of such policies, and such compliance shall be monitored and enforced as set forth in the Community Benefits Policies and as conditions of approval of a site plan under this ordinance. Where such conditions have been imposed on site plan approvals, no building permit,

certificate of occupancy, or business license or business license renewal shall be issued unless the Applicant has demonstrated compliance with these policies. In furtherance of the objectives of this Section 139-216, applicants who receive site plan approval under this Article XXVI shall pay a fee, determined by the Village Board, in support of a Jobs and Business Referral Center and Oversight Committee to be established by the Village Board to monitor, implement and enforce the Community Benefits Policies.

SECTION 139- 217 AMENDMENTS TO THIS ARTICLE

This Article may be amended as provided in Article XXI of the Village Code. Prior to adopting an amendment, the Village Board of Trustees shall refer such proposed amendment to the DAB for comment. If the DAB does not comment within 30 days of such referral, the Village Board may enact the amendment without receiving such comment. In the event that the Village Board does not follow the recommendation of the DAB, it shall provide a written statement of its reasons in the resolution of adoption of the amendment. All such amendments shall be consistent with the Comprehensive Plan and the Final Generic Supplemental Environmental Impact Statement.

SECTION 139- 218 INSPECTION, VIOLATIONS, AND ENFORCEMENT

A. Inspection
In order to determine compliance with this Article, the Superintendent of Buildings is authorized, to the extent permitted by law, to enter, inspect, and examine any building, structure, place, premises, or use within the DOZ. Such entry and inspection may only be with the permission of the landowner or lessee, except where there is probable cause to believe that a violation exists, in which case all legally required procedures shall be followed to fulfill the Village's inspection responsibilities.

B. Notice of Violation

(1) Upon finding any construction, improvements, or uses to be in violation of this Article, the Superintendent of Buildings shall transmit a written Notice of Violation describing the alleged violation, by certified mail, to the owner and tenants of the property upon which the alleged violation occurs, with a copy to the Village Board. The Notice of Violation shall require an answer or correction of the alleged violation to the satisfaction of the Superintendent of Buildings within thirty days. The notice shall state that failure to reply or to correct the alleged violation to the

SECTION 139- 218 INSPECTION, VIOLATIONS, AND ENFORCEMENT (CONTINUED)

satisfaction of the Superintendent of Buildings within the time limit constitutes admission of a violation of this Article. The notice shall further state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if a violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Village.

- (2) If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the Superintendent of Buildings, the notation "Violation Corrected" shall be made on the Superintendent of Buildings' copy of the notice.
- (3) If there is no reply within the time limit set (thus establishing admission of a violation of this Article) and the alleged violation is not corrected to the satisfaction of the Superintendent of Buildings within the time limit set, the Superintendent of Buildings shall take action in accordance with Subsection C.
- (4) A permanent record of all Notices of Violation and their disposition shall be kept in the offices of the Superintendent of Buildings.
- (5) In the event that the Superintendent of Buildings finds violations of both this Article and any other Chapter, Article, or Section of the Village Code on the same property, the Superintendent of Buildings may issue one notice of violation under all applicable provisions of the Village Code.
- (6) A violation of any condition of approval under this Article shall be deemed a violation of this Article.

C. Abatement of Violations

The Superintendent of Buildings or the Village Board may issue a stop-work or cease-and-desist order and/or institute an appropriate legal action or proceeding to prevent, restrain, correct, or abate any violation of this Article, to prevent the occupancy of premises, or to prevent any activity, business, or use that violates this Article. Such legal action may include the issuance of an

Appearance Ticket pursuant to the Criminal Procedure Law, Paragraph 150.20.

D. Penalties

- (1) A violation of this Article is an offense punishable by fine not exceeding \$350.00, or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense. Conviction of a second offense, committed within five years of the first offense, is punishable by a fine not less than \$350.00 nor more than \$1000.00 or imprisonment for a period not to exceed 15 days, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than \$700.00 nor more than \$1,000.00, or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation. A violation which creates an imminent hazard to health and safety shall be punishable by the same fine as above, as well as by imprisonment for a period not to exceed six months per violation.
- (2) In addition, any violation of this Article shall be punishable by a civil penalty of not more than \$2,000 for every such violation. Such civil penalty may be recovered in an action brought by the Village of Hempstead in any court of competent jurisdiction. In the event the penalty sought is within the monetary jurisdiction of the justice court, as established in Article 18 of the Uniform Justice Court Act, such action to recover such penalty may, as shall be determined by the attorney representing the Village be commenced as a small claim pursuant to the provisions of Article 18 of the Uniform Justice Court Act. Such action may be compromised and/or settled by the Village. Each week's continued violation shall constitute a separate additional violation for which separate and additional civil penalties may be imposed and recovered.
- (3) The imposition of penalties for any violation of this Article shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this Article shall not prevent the abatement of a violation pursuant to subsec-

SECTION 139- 218 INSPECTION, VIOLATIONS, AND ENFORCEMENT (CONTINUED)

tion C. The expenses of the Village in enforcing such removal, including legal fees, may be chargeable (in addition to the criminal and civil penalties) to the offender, and may be recovered in a civil court of appropriate jurisdiction

(4) To the extent that this Section may conflict with Section 7-714 of the Village Law, the Village Board hereby declares its intention to supersede Section 7-714 pursuant to Article 2, Section 10 et seq. of the Municipal Home Rule Law.

E. Complaints of Violations

Whenever a suspected violation of this Article occurs, any person may file a signed written complaint reporting such violation to the Superintendent of Buildings. The Superintendent of Buildings may also investigate any oral complaint made to his/her office. All complaints, written or oral, shall be properly recorded, filed, and promptly investigated by the Superintendent of Buildings, and reported to the Village Board.

F. Accountability

For every violation of the provisions of this Article, the owner, agent, contractor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or assists in such violation or who maintains any structures or premises in which any such violation exists, shall be punishable according to the provisions of this Article.

SECTION 139- 219 RESERVED

SECTION 139- 220 RESERVED

DOWNTOWN OVERLAY ZONES

Village of Hempstead

Attachment B
VILLAGE OF HEMPSTEAD
DOWNTOWN OVERLAY ZONING MAP AMENDMENTS

AMENDMENTS TO THE ZONING MAP OF THE VILLAGE OF HEMPSTEAD, NY:

1. Add Downtown Overlay Zones to the Zoning Map of the Village of Hempstead.

