

Memorial Coliseum was still under construction. Over the past 50 years, the utilization of the Nassau Veterans Memorial Coliseum has significantly decreased, and its viability is limited. Accordingly, the Town Board has created the MF-IRD to facilitate the transformative redevelopment of that Nassau County-owned property and proximate properties to encourage and support sustainable economic growth and vitality within Mitchel Field. Its purposes include the following:

- (1) To preserve and protect the special character of the greater Mitchel Field area and those of surrounding neighborhoods.
- (2) To promote the desirable and suitable use of land within the greater Mitchel Field area and provide opportunities for development and redevelopment of land on which the Nassau Veterans Memorial Coliseum is situated and on proximate properties in a manner consistent with sound planning principles.
- (3) To encourage comprehensively planned gaming facilities and associated uses under a unified plan of development that allows for flexibility while also requiring harmonious design within the development and ensuring compatibility with and minimal impact upon existing and future development in the surrounding area.
- (4) To encourage economic growth and tourism in Nassau County, which may include a gaming facility that would serve as a local and regional draw.
- (5) Although development of the entire MF-IRD may not occur at one time and may instead be phased, its development is intended to be accomplished in a manner that will ensure compatible, integrated development with provisions being made for safe internal traffic circulation, sufficient parking, appropriate access to public roadways, appropriate pedestrian circulation, and adequate screening, buffering and landscaping, as the lands are developed.
- (6) To promote, encourage and achieve the highest-quality sustainable development that preserves, protects and enhances the environmental, economic and human resources of the Town of Hempstead.
- (7) To promote innovative and quality site and architectural design for buildings and neighborhoods that will encourage economic investment in accordance with a well-considered conceptual master plan for the MF-IRD.
- (8) To create an attractive physical environment that provides daily amenities and services for the use and enjoyment of working, resident and visiting populations.
- (9) To achieve harmonious visual and functional use relationships within the district and with adjacent neighborhoods.

C. Definitions. In addition to the definitions contained in Sections 1 and 137 of this Building Zone Ordinance, the following special definitions are applicable to this section. In the event

of conflict, the following definitions shall be controlling:

GAMING FACILITY

A building or structure in which one or more gaming tables, wagering devices or machines, or other games of chance are present and available for persons to wager money or something of value on an uncertain outcome, with an unassured prospect of winning money or other stakes, prizes or something of value, including but not limited to video lottery terminals, roulette, card games, dice, sports betting and off-track simulcast horse racing wagering; and any buildings, facilities or rooms functionally or physically connected thereto, including, but not limited to, bars, restaurants, cocktail lounges, nightclubs, hotels, retail establishments, exhibition halls, arenas or any other facility under the control of the gaming facility or affiliated company.

DESIGN REVIEW BOARD

A three-member board appointed by the Town Board that shall review and make recommendations to the Town Board on site plan applications for new development, redevelopment, and building expansions.

- D. Permitted uses. A building or structure may be erected, altered or used for one or more of the following purposes:
- (1) Gaming facilities.
 - (2) Restaurants, bars, nightclubs and banquet halls.
 - (3) Hotels.
 - (4) Conference or convention center.
 - (5) Retail or service establishments
 - (6) Supermarket.
 - (7) Stadiums and arenas for outdoor entertainment.
 - (8) Theaters, including movie and/or performing arts.
 - (9) Spas, health clubs and fitness centers.
 - (10) Places of assembly for exhibitions.
 - (11) Cultural facilities, museums, memorials
 - (12) Public commercial, cultural, social and recreational areas and centers, including playgrounds, parks and outdoor areas utilized for tents and other temporary uses selling

any item brought to the location for such purpose.

- (13) Indoor arena, golf entertainment, miniature golf, bowling and similar entertainment uses as may be approved by the Town Board.
- (14) Office, bank or financial institution.
- (15) Research and development facilities (including medical research and laboratories)
- (16) Hospital and medical center.
- (17) Medical or dental office or clinic.
- (18) Townhouses or multiple family dwellings.
- (19) Senior citizen congregate care facility, assisted living facility or nursing home
- (20) Day care facility
- (21) Personal service establishment, such as retail hand laundry, custom tailoring, hand dressmaking or shoe repairing.
- (22) Post office, library, emergency services or other municipal buildings or governmental uses
- (23) Public and private transportation facility.

E. Permitted accessory uses.

- (1) In relation to hotels, accessory uses and structures on the same lot or premises with, and of a nature customarily incidental and subordinate to, the principal use or structure, including restaurants, cocktail lounges, public banquet halls, ballrooms, meeting rooms, swimming pools, tennis courts, boutiques, gift shops, drugstores and other business uses customarily incidental to the operation of a hotel and conference center.
- (2) In relation to offices, accessory uses and structures permitted on the same lot or premises with the principal use or structure shall be limited to uses customary and incidental to the principal use, including fitness centers, recreational facilities, cafeterias, retail and service shops and facilities.
- (3) Clubhouse and meeting rooms.
- (4) Outdoor in-ground or indoor swimming pools and tennis or pickleball courts.
- (5) Open surface parking and parking structures.

- (6) Utility and energy facilities, including renewable energy facilities.
- F. Floor area ratio (FAR). Except for an integrated development with a gaming facility, the maximum floor area ratio is 1.0. The maximum floor area ratio for an integrated development that includes a gaming facility is 1.6.
- G. Exceptions to floor area. Notwithstanding the definition of "floor area" in §1, Definitions, of the Building Zone Ordinance, in the MFM Mitchel Field Mixed-Use District, the following portions of a building or structure shall be the only exemptions from the calculation of floor area:
 - (1) A basement or cellar located entirely below grade. Such basement or cellar may be used all or in part for required parking spaces.
 - (2) Parking structures.
 - (3) An arcade, covered plaza, or atrium that is not used for any purpose other than pedestrian traffic.
 - (4) A pedestrian mall or plaza.
 - (5) An open air park, recreational area, or outdoor entertainment area.
- H. Height of non-residential and mixed-use buildings.
 - (1) For all non-residential and mixed-use buildings, excluding hotels, no building shall be greater than three stories and shall not exceed a maximum height of 50 feet, except that on lots that contain two or more acres and having a lot depth in excess of 100 feet, no building shall exceed ten stories or a maximum height of 100 feet, provided that the Town Board finds during the conceptual master plan approval process that the height of the building would not adversely affect adjacent uses and the height is consistent with the legislative purposes of the MF-IRD.
 - (2) A hotel may be a maximum of 280 feet in height, which shall be expressed as the vertical distance measured from the highest level of the established center-line grade of the street adjacent to the building to the highest point of the exterior surface of the roof, with the exception specifically of chimneys, parapet walls not exceeding three feet in height, flagpoles, Federal Aviation Administration (FAA) mandated equipment, aerials, flues, elevator or stair bulkheads or any mechanical equipment, provided that they are less than 15 feet in height and do not occupy more than 30% of the area of the roof upon which they are located. Such height shall be permitted, provided that the Town Board finds during the conceptual master plan approval process that the height of the building would not adversely affect adjacent uses and the height is consistent with the legislative purposes of the MF-IRD.
 - (3) A parking structure for nonresidential and mixed uses, or the portion of such building where parking spaces are located, shall have a maximum height not exceeding 40 feet,

except where such structure is associated with a gaming facility, such parking structure shall have a maximum height of 95 feet.

- I. Front yards for non-residential and mixed-use buildings:
 - (1) Not less than 10 feet. In the case of a corner lot, a front yard shall be required on each street (note: front yard requirements do not apply to internal rights-of-way created as part of a conceptual master plan approved under the MF-IRD).
 - (2) Notwithstanding the foregoing, a bay window, roof, cornice, gutter, mansard, awning or similar projection not exceeding 24 inches into the required front yard setback shall be a permitted encroachment.
- J. Rear yards for non-residential and mixed use buildings shall be at least 10 feet (note: rear yard requirements do not apply to internal rights-of-way created as part of a conceptual master plan approved under the MF-IRD).
- K. Required yards for a building of a height that exceeds 60 feet and fronts along Hempstead Turnpike, Earle Ovington Boulevard, Charles Lindbergh Boulevard or James Doolittle Boulevard. Yards shall be provided along these street frontages, the depth of which shall be not less than 20 feet for the first 60 feet of building height, facing thereon, with an increased setback of one foot for each three feet of height above 60 feet.
- L. Off-street and on-street parking.
 - (1) Except as provided below, all uses shall provide off-street parking in conformance with §319 of this Building Zone Ordinance. All parking areas or parking structures shall have sufficient self-contained drainage, adequate means of ingress and egress, suitable paving and adequate levels of lighting.:
 - (a) Gaming facility – one space per 200 square feet.
 - (b) Conference center – one space per 200 square feet, except that restaurants and banquet facilities within a conference center must provide one space per 100 square feet.
 - (c) Support areas associated with a gaming facility (e.g., front of house, back of house, circulation) - one space per 500 square feet.
 - (d) Central utility plant and mechanical spaces – one space per 10,000 square feet.
 - (2) In the event that proposed parking does not meet the requirements of Item L(1) above, the application for approval of a conceptual master plan for the MF-IRD shall require a shared parking analysis to be prepared by a qualified professional. The Town Board shall consider the shared parking analysis to determine the overall parking requirement for the uses proposed in the conceptual master plan.

- (3) On-street parking along the street frontages of lots or premises on all new rights-of-way within the district may be permitted. On-street parking along street frontages shall count towards the off-street parking requirements of the permitted uses located on such lots or premises.
 - (4) In order to alleviate the visual impact of expanses of paved surface parking associated with a gaming facility, one of the following measures shall be incorporated into all off-street surface parking areas:
 - (a) Raised landscaped islands shall be located at the ends of each parking bay containing 10 or more spaces and separating opposing rows of parking spaces at least every third parking bay. The minimum width of landscaped islands shall be five feet where located at the ends of parking bays and eight feet where separating opposing rows of parking spaces or adjacent to circulation aisles; or
 - (b) A minimum 15-foot-wide vegetative buffer shall be provided to screen off-street surface parking areas along adjoining public roadway frontages. Where off-street parking areas are situated opposite residential uses that adjoin a public roadway frontage, such vegetative buffer shall be a minimum of 50 feet in width.
 - (5) For all uses other than a gaming facility, the provisions of § 319 of the Building Zone Ordinance apply.
 - (6) For all uses other than a gaming facility, no surface parking area shall be located closer than 15 feet to any property line along Hempstead Turnpike, Charles Lindbergh Boulevard, Earle Ovington Boulevard or James Doolittle Boulevard. The open area abutting any property line along the aforesaid roadways shall be suitably landscaped to screen views of the parking area from streets and adjacent properties.
- M. Off-street loading zone/space/berth for nonresidential uses. Off-street loading shall be provided in the amount of one truck space for the first 40,000 square feet of space in a building or attached group of buildings, plus one additional space for the next 80,000 square feet or major part thereof, plus one space for each additional 200,000 square feet or major part thereof. A minimum of 50 percent of each truck space shall be at least 12 feet in width and 30 feet in length.
- N. Requirements for residential uses.
- (1) Notwithstanding any other provisions of this article, no more than 500 dwelling units may be located within the MF-IRD.
 - (2) At least 10% of the total number of dwelling units in an MF-IRD shall be affordable and/or next generation/workforce housing units as defined in this Article.
 - (3) No building used only for residential purposes shall be greater in height than 80 feet.

- (4) Building area shall not exceed 35 percent of the lot area.
- (5) Front yards shall be a minimum of 25 feet (note: front yard requirements do not apply to internal rights-of-way created as part of a conceptual master plan approved under the MF-IRD). In the case of a corner lot, a front yard shall be required on each street.
- (6) Rear yards shall be a minimum of 25 feet (note: rear yard requirements do not apply to internal rights-of-way created as part of a conceptual master plan approved under the MF-IRD).
- (7) Side yards. There shall be a minimum twenty-foot side yard on each side of the building, except where there are two or more buildings on a lot. In such a case, the minimum side yard requirement of 20 feet shall apply only along the side lot lines of the entire lot (note: side yard requirements do not apply to internal rights-of-way created as part of a conceptual master plan approved under the MF-IRD).

O. Supplementary regulations.

- (1) Fences and walls. No fence or wall more than six feet in height may be erected without a permit and except when authorized by the Board of Appeals pursuant to Article XXVII hereof.
- (2) Establishment of public open space. At least 3% of the total land area of the MF-IRD shall be set aside as public open space. Required building setbacks, stormwater retention and detention ponds, parking areas and driveways shall not be counted toward required public open space.

P. Design guidelines. All development proposals shall include detailed plans as part of the application for conceptual master plan approval for architectural, streetscape and landscape design to ensure an efficient development of uses that is architecturally and visually appealing. The guidelines included in this article are intended to encourage master plan elements that provide appropriate location, arrangement and design of buildings, parking areas and parking structures, and open space and site amenities to promote quality site, building and landscape design, and to integrate the architecture, landscape architecture and streetscape of the MF-IRD.

- (1) Green site and building requirements. All development proposals shall include sustainable site and building practices regarding design, construction methods, and post-construction operation and maintenance of a proposed project to decrease anticipated energy demand, water use, generation of solid and liquid waste, stormwater runoff, and the use of private cars, and to preserve and protect the natural resources, air quality and water supply of the Town of Hempstead. Such measures shall be part of the application for conceptual master plan approval and proposed site and building plans.
- (2) Building design. In general, building design shall consider building facade elements and

significant design features, such as color, exterior materials and treatments, roof structure, aesthetic treatment of exposed mechanical equipment, lighting, and service and storage areas. Building materials and methods of construction shall be used in a creative manner to ensure aesthetically pleasing architectural design. The following basic standards shall apply to all new or renovated buildings and lots within the MF-IRD and as the foundation for the project-specific design guidelines required as part of a conceptual master plan for development within the district.

- (a) Development of building plans and site plans that include open space, commons, or small pedestrian plazas with amenities such as benches or other seating, water features, night lighting, public art, bicycle parking and landscape plantings.
- (b) Design of parking lots, parking structures, access driveways, and pedestrian walkways to avoid or minimize the potential for pedestrian/vehicle conflicts and provide a safe and amenable pedestrian environment.
- (c) Installation of a safe pedestrian walkway system within a lot or premises. The walkway system must connect building entrances to one another, to parking areas, and to public streets, sidewalks and open space.
- (d) Artful treatment of building facades and exterior walls to provide appropriate street-level scale and architectural interest through the aesthetic use of setbacks, surface textures, fenestration, pedestrian entrances, lighting, and other building features such as porticos, balconies, bay windows, canopies, dormers, and columns.
 - [1] Facades should be articulated to reduce the scale and uniform appearances of exterior building walls and provide visual interest that is consistent with the surrounding community character and scale.
 - [2] Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian.
 - [3] Ground-floor facades that face public streets or publicly accessible open space should include a combination of setbacks, arcades, display windows, entry areas, canopies, awnings or other such features to promote a visually interesting pedestrian environment.
 - [4] Building facades and treatments should be varied throughout the district to provide an eclectic neighborhood aesthetic.
- (e) Artful treatment of building roofs to provide neighborhood level scale and architectural interest.
 - [1] Variations in rooflines should be used to add interest to the buildings.
 - [2] Roofs should have at least one of the following features:

- [a] Parapets concealing flat roofs and rooftop equipment such as heating, ventilating and air-conditioning (HVAC) units from public view.
 - [b] Overhanging eaves, extending past the supporting walls.
 - [c] Sloping roofs that do not exceed the average height of the supporting walls.
- (f) Building materials and colors that are appropriate to the building style and are aesthetically pleasing and compatible with those of the surrounding communities.
- [1] Facade and exterior wall building materials should be high-quality materials such as brick, wood siding, glass, metal, natural or synthetic stone, tinted, textured, decorative concrete masonry, or other materials that are complementary or sympathetic to the community aesthetic.
 - [2] Facade colors should be varied and complementary to the community aesthetic.
- (g) Building facades and setbacks appropriately enhanced by well-designed landscape plantings or otherwise appropriately treated to address the orientation of the buildings.
- (h) Use and location of small green spaces, courtyards, squares, plazas, and similar spaces that also function as community gathering places to provide transitions between lots or premises and ensure compatibility with other uses.
- (i) Parking structures. In general, the design of parking structures and first-floor and above portions of buildings used for other purposes that are devoted to parking should include all the building design standards required herein and the following additional basic standards:
- [1] Except for gaming facilities, locate where visibility of the structure from first-floor and street-level areas of activity is reduced.
 - [2] Except for gaming facilities, include retail or service uses on the first floor along street and open space frontages, or provide other visual treatment acceptable to Design Review Board to screen views of parking.
 - [3] Pedestrian and vehicular access points should be articulated to add visual interest.
 - [4] Include architectural elements that enhance the structure, break up its mass and complement the building(s) the structure serves.

[5] Facades should be designed to screen the visibility of vehicle headlights from view points outside the structure.

[6] Provide bicycle parking facilities commensurate with anticipated demand.

(3) Landscape design. In general, landscape design shall consider the elements and significant design features of open space and a site, including the pedestrian and vehicular circulation systems, vehicle and bicycle parking areas, paving, vegetation, water features, irrigation systems, recreation and play equipment, transit-stop shelters, freestanding and retaining walls, fences, exterior stairs and ramps, site furnishings, public art, signage, and site lighting, such as color, texture, scale, placement, materials and treatments, efficiency, aesthetic integration of features, screening, buffers, and treatment of exposed mechanical equipment and service and storage areas. Building materials and methods of construction shall be used in a creative manner to ensure aesthetically pleasing site and landscape architectural design. The following basic standards shall apply to all new or renovated lots and premises within the MF-IRD and as the foundation for the project-specific design guidelines required as part of a conceptual master plan for development within the district.

(a) Development of site plans that includes open space, commons, or small pedestrian plazas with amenities.

(b) Design of parking lots, access driveways, and pedestrian walkways to avoid or minimize the potential for pedestrian/vehicle conflicts and provide a safe and amenable pedestrian environment.

(c) Installation of a safe, continuous, pedestrian walkway system throughout the district. The walkway system should connect buildings and premises to one another, to parking areas and structures, and to public streets, sidewalks and open space.

[1] Provide pedestrian connections between the district and uses within the surrounding communities.

[2] Facilitate access and mobility for persons of all ages and physical abilities.

[3] Connect uses to public transportation stops within the district and those within adjacent surrounding communities.

(d) Building materials and colors that complement the architectural styles in the district and are aesthetically pleasing and compatible with those of the surrounding communities.

[1] Building materials should be high-quality materials such as brick, wood, glass, metal, natural or synthetic stone, tinted, textured, decorative concrete masonry, or other materials that are complementary or sympathetic to the community aesthetic.

- [2] Colors should be varied and complementary to the community aesthetic.
- (e) Street, open space and premises planting plans that are artfully designed to provide visual and physical amenity for the district and the surrounding communities.
 - [1] Provide spatial and visual transitions between the district and surrounding uses.
 - [2] Define outdoor spaces and activity areas, highlight the changing seasons, provide color and interest throughout the year, provide shade, shelter and a street-level buffer between large buildings and pedestrians, and contribute to the spatial and visual unity of individual premises and the district.
 - [3] Provide interesting, supportive environments for passive and active recreational activities.
 - [4] Provide trees and other plantings to shade and screen views of surface parking areas.
 - [5] Respond to the unique characteristics of a location, regarding sun and shade, soil, climate, wind, slope, water availability, views, and user activities.
 - [6] Select high-quality, well-grown, deciduous and evergreen trees, shrubs, vines and ground covers that are complementary or sympathetic to the aesthetic of buildings and uses, the district and surrounding communities.
 - [7] Select, locate and install plants to facilitate the establishment, growth, health and continued maintenance of all newly installed and existing vegetation.
 - [8] Reduce stormwater runoff by increasing local infiltration.
- (f) Use and location of small green spaces, courtyards, squares, plazas, and similar spaces that also function as community gathering places to provide transitions between lots or premises and ensure compatibility with other uses in the district and the surrounding community.
- (g) Selection of street and open space furnishings, lighting and signage that are part of a designed system of elements that create a district-wide identity and individual identities for parks, open spaces, plazas, courtyards and squares that are public or part of individual premises or lots. Open space furnishings, include drinking fountains, light standards, litter receptacles, benches, bollards, kiosks, small pavilions, informational and directional graphics, public telephones, movable planters, tree grates, tree guards, public art and similar items.

Q. Signs.

- (1) Except when associated with a gaming facility, the only permitted signs shall be those that are authorized under the provisions of Article XXIV of the Building Zone Ordinance of the Town of Hempstead.
- (2) Signs associated with a gaming facility shall be subject to the following regulations:
 - (a) No sign shall be permitted in the MF-IRD, except as provided in this article. Any sign in conformity with Article XXIV of the Building Zone Ordinance may be erected. An application for any sign not in conformity with Article XXIV of the Building Zone Ordinance shall be submitted to the Design Review Board for review and recommendation to the Town Board, and subsequent Town Board action.
 - (b) Definitions. In addition to the definitions in Article XXIV of this Building Zone Ordinance, the following definitions are applicable to this section. In the event of a conflict, the following definitions will be controlling:

IDENTIFICATION SIGN

A sign displaying the name or brand logo of a building, business or institution. Such sign may indicate the name or logo of the occupant, owner or manager and address of the premises, but may not include advertising, a listing of specific goods or services, prices or telephone numbers.

MONUMENT SIGN

A freestanding sign, that is attached to the ground or to its base on grade by a solid sign structure, and is orientated in a horizontal configuration with its width being greater than its height.

PYLON SIGN

A freestanding vertical sign, supported by one or two poles and is taller than it is wide. Pylon signs may be internally illuminated or backlit and may include the integration of dynamic digital displays on any face.

- (3) Permitted Signs. The following signs shall be permitted in the MF-IRD:
 - (a) All signs permitted under the provisions of Article XXIV of the Building Zone Ordinance of the Town of Hempstead, unless otherwise stated in this Section.
 - (b) Without a Permit:
 - [1] Window sign: Signs shall be permitted in each display window, provided that the total area of all signs used or displayed in such window does not exceed 1/4 of the area of the window.
 - (c) Upon Issuance of a Permit:

- [1] Identification Sign: one sign per building elevation, which does not exceed ten square feet in area per face.
- [2] Wall Sign: Static or digital wall signs as defined in §243 of Article XXIV of this Building Zone Ordinance.
- [3] Projecting Sign: Static or digital projecting signs as defined in §243 of Article XXIV of this Building Zone Ordinance.
- [4] Detached Sign: A double-faced detached sign shall be permitted at each driveway entrance to advertise the destinations and/or services provided on the premises.
 - [a] Detached Monument Signs shall not exceed a height of eight feet and shall be a maximum of 300 square feet for the combined sign faces, and not to exceed 150 square feet on any one sign face. Detached Monument Signs shall be set back at least ten feet from the intersection of a driveway and/or a private or public street or the public right-of-way, as applicable.
 - [b] Detached Pylon Signs shall not exceed 45 feet in height and 15 feet in width, and may display on-site advertising, logos, and/or directional information and may contain digital displays. Detached Pylon signs shall be set back at least five (5) feet from the intersection of a driveway and/or a private or public street or easement of the public right-of-way, as applicable, and shall not interfere with or present a hazard to pedestrian or vehicular traffic including required vehicular sight distance. No more than one Detached Pylon Sign shall be permitted for each frontage.
- [5] Canopy Sign: One row of lettering, business logo, and/or numbers shall be permitted on three sides. Graphics may be integrated directly into the sides, front, or above the canopy and shall not exceed 200 square feet, nor shall the bottoms of such graphics be located more than two inches from the lowest parts thereof or their valances, if any, and parallel thereto. One row of fabricated, dimensional letters or numbers may be installed at the top or bottom front of an architectural canopy structure, and illuminated with internal or face-oriented lighting.
- [6] Directional Signs: Single- or double-faced detached sign not exceeding 16 square feet in area, listing the name, location, and/or direction of any of the uses permitted.
- [7] Façade Signs: One facade sign as defined in §243 of Article XXIV of this Building Zone Ordinance shall be permitted on each exterior face of the building.

R. Application procedure for Conceptual Master Plans and Amended Conceptual Master Plans.

- (1) Any application for a conceptual master plan or an amended conceptual master plan made pursuant to the provisions of this section shall originate by an application to the Town Board. Such application shall include a conceptual master plan or amended conceptual master plan for the MF-IRD.
- (2) The conceptual master plan or amended conceptual master plan shall include, at a minimum, a location map; all proposed buildings and uses with their associated square footages, numbers of units, seats, etc. (as applicable for the proposed uses) and heights; access points and the roadways to which such access points connect; internal roadways/circulation; parking (whether structured and/or surface; open space areas; and landscaped areas. The conceptual master plan or amended conceptual master plan shall also provide a site data table(s) including, at a minimum, the relevant tax map number(s) of the affected properties; acreage; existing zoning district; existing gross floor area (if applicable); proposed gross floor area; and breakdown of square footages of each proposed use. The conceptual master plan or amended conceptual must also include a zoning compliance table and parking calculations that demonstrates consistency with the provisions of this MF-IRD and with specific notation(s) of any zoning or parking requirements from which relief is being sought. The Town Board reserves the right to request additional information it deems necessary to evaluate compliance of the proposed conceptual master plan or amended conceptual master plan with the intent of and requirements of the MF-IRD.
- (3) In the event that the Town Board approves said application, it may attach certain conditions to said approval, which conditions shall become an integral part thereof.

S. Application procedure for Site Plans and Site Plan Amendments.

- (1) Design Review Board. The review and approval process for site plans or site plan amendments in the MF-IRD shall be as follows:
 - (a) A building permit application shall be submitted to the Department of Buildings. The Plans Examiner shall, upon the submission of a complete application, conduct a zoning compliance review and identify requirements for SEQRA-compliance, if any.
 - (b) Upon complete review of zoning by the Department of Buildings, the application shall be referred to the Design Review Board for review in accordance with the MF-IRD Design Guidelines as set forth in §146.2(P) of this Building Zone Ordinance and/or the sign regulations as set forth in §146.2(Q) of this Building Zone Ordinance.
 - (c) The Design Review Board shall be constituted in accord with the provisions of section 146.2(C) of this Building Zone Ordinance.
 - (d) Approval and recommendation to the Town Board by the Design Review Board shall be necessary prior to the approval of a site plan(s) or an amended site plan(s).
 - (e) Approval shall be required for signs, in accordance with §146.2(Q) of this Building Zone Ordinance.

(f) Design Review Board Jurisdiction for Site Plans, Amended Site Plans and Sign Applications.

[1] For applications for approval of a site plan(s), amended site plan(s), and/or sign(s) associated with implementation of a Town-Board approved Conceptual Master Plan or Amended Conceptual Master Plan, the Design Review Board shall review said site plan(s), amended site plan(s) and/or sign plan(s) for conformance with the applicable provisions of this MF-IRD, including the Design Guidelines set forth in §146.2(P) of this Building Zone Ordinance and/or the sign regulations set forth in §146.2(Q) of this Building Zone Ordinance, as applicable.

[2] Upon conclusion of its review, the Design Review Board shall transmit a recommendation to the Town Board for approval, approval with conditions or modifications, or disapproval of the site plan application(s) or amended site plan application(s).

[3] The Town Board shall then consider said recommendation of the Design Review Board and issue a decision thereon. If the Town Board approves an application, it may attach certain conditions to said approval, which conditions shall become an integral part thereof, and may grant certain minor variances from this Building Zone Ordinance.

[4] If the Town Board approves an application, the application shall then be circulated to state, county, and Town departments for approvals. Once all state, county, and Town approvals are obtained, the Building Department will issue a building permit. Site plan approval under §305 will not be required.

T. Applications not in Compliance with the MF-IRD. If an application for new development, redevelopment, building expansions and/or amendments to Town Board-approved conceptual master plans and the associated site plan(s) and/or sign(s) in the MF-IRD are not zoning compliant, upon completion of review and recommendation by the Design Review Board, the application shall be referred to the Town Board to determine the approval or disapproval of the application. In the event that the Town Board approves said application, it may attach certain conditions to said approval, which conditions shall become an integral part thereof. The Town Board may, by resolution, dispense in part with conformity with the provisions applicable to the MF-IRD and may impose safeguards and conditions as it may deem appropriate, necessary or desirable to promote the spirit and objectives of this Section, including but not limited, to restrictive covenants pertaining to any area within the district that is the subject of an application, including the site plan submitted on behalf of the application, together with other agreements, if any, in recordable form and running with the land. If the Town Board approves an application, the application shall then be circulated to state, county, and Town departments for approvals. Once all state, county, and Town approvals are obtained, the Building Department will issue a building permit. Site plan approval under §305 will be required.

- U. Terms and Conditions of this Section Control. The provisions of this section shall supplant, supersede, and prevail over any other articles and provisions of the Building Zone Ordinance of the Town of Hempstead. Except as otherwise provided in this section, any other articles or provisions of the Building Zone Ordinance that are inconsistent with or in conflict with this section and/or the standards and procedures set forth herein shall have no application, force or effect.

- V. Severability. If any clause, sentence, section, paragraph or provision of this section shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other part of this article, but shall be confined in its operation to the clause, sentence, section, paragraph or provision directly involved in the action or proceeding in which the judgment or order so adjudging shall have been rendered.

* * *

; and,

BE IT FURTHER

RESOLVED, the Town Clerk shall publish this resolution once at least ten (10) days prior to the date set for the public hearing and give written notice to people entitled thereto according to law.

The foregoing resolution was seconded by
and adopted upon roll call as follows:

AYES:

NOES: