



Appendix 3.4-1

Town of Hempstead BZO Chapter
164.1 (MFM Zoning District)

§ 146.1. MFM Mitchel Field Mixed-Use District (MFM). [Added by L.L. No. 54-2011, effective 6-28-2011]

- A. There is hereby established a Mitchel Field Mixed-Use District (MFM). In the Mitchel Field Mixed-Use District, buildings and structures may be erected, altered or used and lots or premises may be used in accordance with the provisions of this section, and not otherwise.
- B. Additional legislative purpose. In addition to the legislative purpose described in § 135 of this article, the Mitchel Field Mixed-Use District is conceived and enacted to promote and protect the public health, safety, general welfare and amenities of the Town of Hempstead. 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 or redevelopment of land surrounding the Nassau Veterans Memorial Coliseum in a manner consistent with sound planning principles.
 - (3) 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.
 - (4) To promote innovative and quality site and architectural design for mixed-use buildings and neighborhoods that will encourage economic investment and development and will provide housing, amenities and employment opportunities for current and future residents in accordance with a well-considered conceptual master plan for the Mitchel Field Mixed-Use District.
 - (5) To create an attractive physical environment that provides daily amenities and services for the use and enjoyment of working, resident and visiting populations.
 - (6) To achieve harmonious visual and functional use relationships within the district and with adjacent neighborhoods.
 - (7) To promote integration of pedestrian amenities and public transportation into the public streets and roadways of new mixed-use neighborhoods to facilitate walking, encourage the use of public transportation, and accommodate alternate modes of transportation that provide access to destinations within the district, and to and from surrounding communities within the Town.
- C. Permitted uses. A building or structure may be erected, altered or used for one or more of the following purposes, and for no other. In addition to the Nassau Veterans Memorial Coliseum, a lot or premises shall be used for at least two or more of the following purposes:
- (1) Arena, convention center, exhibition facility or theater(s), and similar

entertainment uses as may be approved by the Town Board.

- (2) Hotel or conference center.
 - (3) Offices, bank or financial institution.
 - (4) Medical or dental office or clinic.
 - (5) Store for the sale, at retail, of articles to be used off the premises, except that a freestanding retail building shall not exceed 100,000 square feet of floor area.
 - (6) Restaurant, cafe or luncheonette, excluding a diner, lunch wagon, drive-in restaurant, drive-in luncheonette, drive-in counter or drive-in refreshment stand.
 - (7) Personal service establishment, such as retail hand laundry, custom tailoring, hand dressmaking or shoe repairing.
 - (8) Research and development facilities.
 - (9) Hospital.
 - (10) Public school, parochial school, private school for the instruction of elementary grades, academic grades, or both, chartered by the Board of Regents of the State of New York; college or university; music, dancing or other instructional school; dormitory for educational institutions.
 - (11) Senior citizen congregate-care facility or nursing home.
 - (12) Day-care facility.
 - (13) Health club or spa.
 - (14) Club, fraternal organization, lodge or philanthropic use.
 - (15) Townhouse and multiple-family dwellings containing no more than six dwelling units per building.
 - (16) Post office, library or other municipal building.
 - (17) Religious uses.
 - (18) Noncommercial park, recreational and open space uses.
 - (19) Public transportation facilities.
- D. 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, recreational facilities, cafeterias, retail and service shops and facilities.
 - (3) Clubhouse and meeting rooms.
 - (4) Outdoor in-ground or indoor swimming pools and tennis courts.
 - (5) Open surface parking and parking structures.
- E. Signs. 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.
- F. Floor area ratio (FAR). The maximum floor area ratio permitted in the Mitchel Field Mixed-Use District is 1.6. Notwithstanding the definition of "floor area ratio" in § 1, Definitions, of this chapter, in the MFM Mitchel Field Mixed-Use District, the area of the public rights-of-way specified in § 146.1.O(3) herein shall be deducted from the lot area whether said rights-of-way are actually established or not. **[Effective 8-25-2014]**
- G. Exceptions to floor area. Notwithstanding the definition of "floor area" in § 1, Definitions, of this chapter, 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: **[Effective 8-25-2014]**
- (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) The portion of a building or freestanding parking structure used for required parking spaces that is located on the grade level of the building or parking structure.
 - (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) All freestanding or attached parking structures providing the required parking spaces for the Nassau Veterans Memorial Coliseum.
- H. Height of nonresidential and mixed-use (i.e., residential and nonresidential) buildings.
- (1) For all nonresidential and mixed uses (i.e., residential and nonresidential), no building shall be greater in height than two stories and shall not exceed a maximum height of 30 feet, except that on lots that contain two or more acres and have a lot depth in excess of 100 feet, no building shall exceed four stories

in height or a maximum of 60 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 Mitchel Field Mixed-Use District.

- (2) A hotel may be a maximum of 100 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, aerials, flues, elevator or stair bulkheads or any mechanical equipment, provided that they are less than 12 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 Mitchel Field Mixed-Use District.
 - (3) A freestanding parking structure for nonresidential and mixed uses (i.e., residential and nonresidential), or the portion of such building where parking spaces are located, shall have a maximum height not exceeding 40 feet.
- I. Front yards for nonresidential and mixed-use (i.e., residential and nonresidential) buildings:
 - (1) For all nonresidential and mixed uses (i.e., residential and nonresidential): not less than 10 feet. In the case of a corner lot, a front yard shall be required on each street.
 - (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 nonresidential and mixed-use (i.e., residential and nonresidential) buildings. For all nonresidential uses, rear yards shall be at least 10 feet. The depth of the rear yard shall be increased five feet for each 10 feet or portion thereof by which the building exceeds 40 feet in height.
 - K. Required yards for a building of a height that exceeds 60 feet. Yards shall be provided along all street frontages and lot lines, 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 for nonresidential uses.
 - (1) All nonresidential uses shall provide off-street parking in conformance with § 319 of this chapter. 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. The required parking spaces may be provided in a parking facility located in the same building or in a

freestanding structure on the same lot or premises as the permitted use(s) on a lot or within 300 feet of the perimeter of the lot upon which the permitted use(s) is located.

- (2) When off-street parking for a permitted use(s) is provided in the same building as the use(s), or a freestanding parking structure on the same lot or within 300 feet of the premises of said use(s), a maximum of one level of parking may be located in a basement one level below the ground story of the building or parking structure.
 - (3) The application for approval of a conceptual master plan for the Mitchel Field Mixed-Use District 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.
 - (4) Freestanding, nonresidential parking structures and structured ground-floor parking provided in the same building(s) as a permitted nonresidential use(s) with frontage on a new 120-foot right-of-way within the district shall locate retail or service uses along the ground floor street frontages of the building. The primary pedestrian entrances and display windows for such uses shall be located on the ground floor along the public street.
 - (5) On-street parking along the street frontages of lots or premises used for nonresidential purposes on all new rights-of-way within the district shall 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.
 - (6) For all nonresidential uses, no surface parking area shall be located closer than 15 feet to any property line. The open area abutting any property line 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. 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 Mitchel Field Mixed-Use District.
 - (2) At least 20% of the total number of dwelling units in a Mitchel Field Mixed-Use District project shall be affordable and/or next generation/workforce housing units as defined in this article.

- (3) Building area shall not exceed 35% of the lot area.
 - (4) No building used only for residential purposes shall be greater in height than three stories and shall not exceed a maximum height of 40 feet.
 - (5) All accessory buildings, structures and uses shall conform to § 105 of this chapter.
 - (6) Front yards shall be a minimum of 25 feet. In the case of a corner lot, a front yard shall be required on each street.
 - (7) Rear yards shall be a minimum of 25 feet.
 - (8) 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.
 - (9) Permitted residential uses shall provide surface parking or parking garage facilities adequate to accommodate four automobiles for each three dwelling units. Such garage facilities shall not include space for more than eight cars in each accessory building.
 - (10) In addition to the parkland required by § 146.1O(2) hereof, for buildings containing only dwelling units, no dwelling shall be erected or maintained unless the lot on which it is erected shall have an area of usable open space of at least 1,000 square feet for each family accommodated or intended to be accommodated. For mixed-use (i.e., residential and nonresidential) buildings, the required area of usable open space shall be 500 square feet for each family accommodated or intended to be accommodated.
 - (11) Gated residential communities are prohibited.
 - (12) Notwithstanding any other provisions of this article, townhouse and multiple-family dwellings and the lot or premises on which they are erected shall comply with the provisions of Article IX of this chapter.
- 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 Mitchel Field Mixed-Use District, exclusive of land set aside for public rights-of-way, shall be set aside as public parkland. Open space required by § 146.1N(10) hereof or created by required building setbacks, stormwater retention and detention ponds, parking areas and driveways shall not be counted toward required parkland.
 - (3) Establishment of public rights-of-way.

- (a) A north/south right-of-way 120 feet wide shall be created to connect Glenn Curtiss Boulevard to Charles Lindbergh Boulevard.
 - (b) An east/west right-of-way 120 feet wide shall be created to connect Earl Ovington Boulevard to James Doolittle Boulevard.
 - (c) An east/west right-of-way 80 feet wide shall be created to connect the Glenn Curtiss Boulevard/Charles Lindbergh Boulevard connecting right-of-way to Earl Ovington Boulevard.
 - (d) A north/south right-of-way 80 feet wide shall be created to connect Hempstead Turnpike with the east/west right-of-way connecting Earl Ovington Boulevard with the Glenn Curtiss Boulevard/Charles Lindbergh Boulevard connecting right-of-way.
- (4) Complete streets. Public rights-of-way shall be developed according to the following criteria and shall conform to the requirements of the Town of Hempstead Highway Department:
- (a) Rights-of-way that are 120 feet wide shall include the following elements.
 - [1] Four vehicular travel lanes (two in each direction).
 - [2] A planted median along the center line of the street, dividing opposing travel lanes. All medians shall contain plantings consisting of shrubs and herbaceous plants no higher than 30 inches at maturity and shade trees located 40 feet apart. Trees shall be pruned as they mature so that the lower surface of the lowest tree limbs are located at least seven feet from the ground to maintain visibility for motorists and pedestrians.
 - [3] A bicycle lane located between the travel lane and the on-street parking lane. The bicycle lane shall be clearly demarcated on the street pavement and by signage to alert motorists and pedestrians.
 - [4] An on-street parking lane located between the bicycle lane and the face of the curb.
 - [5] A planted landscape strip located between the curb and the pedestrian walkway on both sides of the street to serve as a buffer between pedestrians and the street. The strip shall contain a grass lawn, shrub plantings where appropriate, and shade trees located 40 feet apart. Trees shall be pruned as they mature so that the lower surface of the lowest tree limbs are located at least seven feet from the ground.
 - [6] Pedestrian walkways at ground level on both sides of the street located between the planted landscape strip and the front property lines of lots adjacent to the right-of-way.

- [7] Where public transportation such as a bus route is present, a transportation lane and sheltered transit stops.
 - [8] Pedestrian crossings at all street intersections. Where the distance between street intersections is greater than 1,300 feet, a mid-block crossing shall be provided.
- (b) Rights-of-way less than 120 feet wide shall include the following elements.
- [1] At least two vehicular travel lanes (one in each direction).
 - [2] A planted landscape strip located between the pedestrian pathway and the curb to serve as a buffer between pedestrians and the vehicular travel lanes. The strip shall contain grass, shrubs or other plantings, as appropriate, and shade trees located 40 feet apart. Trees shall be pruned as they mature so that the lower surface of the lowest tree limbs are located at least seven feet from the ground to maintain visibility for motorists and pedestrians.
 - [3] Pedestrian walkways at ground level on both sides of the street located between the planted landscape strip and the front property lines of lots adjacent to the right-of-way.
 - [4] Pedestrian crossings at all street intersections. Where the distance between street intersections is greater than 1,000 feet, a mid-block crossing shall be provided.
- (5) 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 quantifiably 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 all proposed site and building plans.
- 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 Mitchel Field Mixed-Use District.
- (1) 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 Mitchel Field Mixed-Use District 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, continuous, 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 assessable 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.

[a] Buildings adjacent to or within 50 feet of a public street should include at least one public entrance that is clearly visible and directly accessible from the street.

[b] At least 25% of the first-floor building facades of residential uses should be composed of transparent windows and/or entrances.

[c] At least 50% of the first-floor building facades of

nonresidential uses should be composed of transparent windows and/or entrances.

- [d] Blank building facades or exterior building walls should not exceed 50 feet in length.
- [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. Such parapets should feature three-dimensional cornice treatments.
 - [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, 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 freestanding 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] Locate where visibility of the structure from first-floor and street-level areas of activity is reduced.
 - [2] Include retail or service uses on the first floor along street and open space frontages.
 - [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 near building entrances.
- (2) 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 Mitchel Field Mixed-Use District 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.

[9] Provide local microclimate mitigation.

- (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. Application procedure.

- (1) Any application 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 for the Mitchel Field Mixed-Use District.
- (2) 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 Mitchel Field Mixed-Use District 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.