

**NOTICE OF PUBLIC HEARING
TOWN OF BABYLON**

PLEASE TAKE NOTICE, that the Town Board of the Town of Babylon will hold a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 6th day of December, 2017 at 3:30 p.m., prevailing time, to consider amending Chapter 213, Article XIA of the Babylon Town Code (Mixed-Use Permits) as set forth in the annexed Exhibit "A".

Exhibit "A"

TO BE ADDED

Chapter 213: Article XIA Mixed-Use Permits

§ 213-144.1 Purpose.

In accordance with New York State Town Law § 274-b, the purpose of this Article is to:

- A. Allow property owners in the Town of Babylon to establish a mixture of compatible uses in both new and existing structures in a manner that will not be detrimental to the health, safety, morals, comfort, convenience, or the general welfare of the community of the Town of Babylon;
- B. Allow property owners in the Town of Babylon to establish a mixture of compatible uses in both new and existing structures in a manner that will meet the housing and economic needs of the Town;
- C. Allow property owners to maximize the development potential of structures and lots; and
- D. Allow for the construction of structures that are well integrated into, and accessible to, their surrounding neighborhoods in a manner that maximizes the walkability and livability of affected neighborhoods.

§ 213-144.2 Definition.

Mixed-Use Permit

A permit issued by the Planning Board allowing the construction of a mixed-use structure and use of a property for one or more uses on a lot of two acres or less in a designated zoning district when such a development is proscribed elsewhere in Chapter 213 (because one or more of the uses the development contains are prohibited in the zoning district in which it is located).

§ 213-144.3 Approval Process.

- A. The Planning Board is hereby authorized to receive, review, and approve, conditionally approve, or deny an application for a Mixed-Use Permit based on the project criteria and development standards established herein.
- B. If a project is classified as an Unlisted Action under SEQRA, the Town of Babylon may, in compliance with NYCRR § 617.7(a)-(f), require the completion of a Short or Full Environmental Assessment Form and request supplemental information it deems necessary. The Planning Board or designated Lead Agency may then prepare a Conditioned Negative Declaration containing conditions that must be met in order for a Mixed-Use Permit to be approved.
- C. The Planning Board shall have the authority to impose such reasonable conditions and covenants and restrictions as are directly related to and incidental to a proposed Mixed-Use Permit. Upon the Planning Board's granting of said Mixed-Use Permit, any such conditions must be met in connection with the issuance of a building permit, certificate of occupancy, or other relevant permit by applicable enforcement agents or officers of the Town.

§ 213-144.4 Factors for consideration.

The Planning Board will consider certain criteria as factors in determining if a project is eligible for a Mixed-Use Permit. These factors must be met as determined by the Planning Board. These factors include whether the proposed project:

- A. Contains a compatible mixture of uses;

- B. Is compatible with conditions on surrounding parcels and those uses permitted in the surrounding zoning district(s);
- C. Is at a scale that is considered consistent with that of surrounding properties and the surrounding neighborhood;
- D. Benefits its surrounding neighborhood and the Town by enhancing economic development and producing needed housing and infill development;
- E. Is well integrated into, and accessible to, the surrounding neighborhood;
- F. Can be served by existing or feasibly expanded infrastructure;
- G. Emphasizes the reuse of defunct or vacant structures or lots;
- H. Emphasizes site and structural features that are environmentally sustainable; and
- I. Contains multi-family housing or other affordable housing types.

§ 213-144.5 Prohibition on storage facilities.

No storage or warehouse facility shall be permitted as a principal use on any lot that is the subject of an approved Mixed-Use Permit.

§ 213-144.6 Review of new uses for structures already approved under a Mixed-Use Permit.

Any new use proposed for a structure that is already the subject of an approved Mixed-Use Permit may not be introduced into said structure until the proposed use, including any use permitted in the underlying zoning district, is approved under a new Mixed-Use Permit.

§ 213-144.7 Waiver of project criteria and site plan regulations.

Waivers of the project criteria established in § 213-144.4, and of site plan regulations, may be granted by the Planning Board in the event that such requirements are found not to be requisite in the interest of the public health, safety, or general welfare, or are inappropriate to a particular Mixed-Use Permit or a particular site plan.

§ 213-144.8 Development standards.

- A. A project approved under a Mixed-Use Permit must meet the following development standards:
 - (1) Parking
 - (a) Parking should be placed in the rear of lots.
 - (b) In order to create an attractive point of arrival, and to soften the appearance of parking lots, parking lots shall be landscaped with ground cover, grasses, or low shrubs.
 - (c) Applicants for a Mixed-Use Permit will be encouraged to explore techniques to reduce parking demand. Techniques may include, but are not limited to, parking management programs, promotion of car sharing and ridesharing, provision of free or discounted transit passes, and provision of bicycle parking facilities.
 - (d) Off-street parking requirements shall be in conformity with those requirements set forth in Article XXIII, except the following:

- [1] Structures containing multiple residences: one space for each studio; one space for one bedroom; 1.5 spaces for two bedrooms, and 0.5 additional spaces for each additional bedroom in the dwelling unit.
- [2] Retail stores, shops, and personal service establishments: one space for each 400 square feet of gross floor area.
- [3] Offices, banks, or financial institutions: one space for each 500 square feet of gross floor area.
- [4] Medical offices: one space for each 200 square feet of office area plus one parking stall for every employee plus three parking stalls for visitors.
- [5] Public, private, or vocational schools, learning centers, or test preparation centers: five per classroom or teaching station, plus one for each teaching and non-teaching staff person.

(e) Shared Parking:

- [1] Where evidence is provided that parking could be shared between the proposed uses and nearby uses without any detriment to existing on and off street parking demands, up to a twenty-percent reduction in off-street parking may be granted. This evidence must be provided by a third party transportation planner or engineer. Shared parking shall be located within 500 feet of each use, but does not have to be adjacent.
- [2] Shared parking lots with cross-access agreements are encouraged so as to allow drivers to park in one lot and walk to other businesses without moving their cars.

(2) Setbacks

- (a) No front yard shall be required.
- (b) No side yard shall be required.
- (c) There shall be a rear yard with a minimum depth of 10 feet.

(3) Building Heights

- (a) No building or structure erected or altered shall exceed 35 feet in height. The following exceptions are permitted:
 - [1] A wall not exceeding three feet in vertical distance from the base to the highest point running along the edge of a raised structure such as a roof. Also referred to as a parapet or parapet wall.
 - [2] Stairwell or elevator bulkheads, water tanks, chimneys, heating, or air-conditioning apparatus, or other mechanical equipment projections occupying less than 10% of the area of the roof and not exceeding 12 feet in vertical distance from base to the highest point.
 - [3] Safety railings or walls required by the New York State Building Code to enclose outdoor living space or decks, not exceeding the minimum height required by the New York State Building Code for such railings or walls.

(4) Building Area

- (a) The total building area shall not exceed 80% of the lot area.

(5) Residential Density. The maximum residential density shall be 35 units per acre.

(6) Wastewater Treatment Standards

(a) All projects approved under a Mixed-use Permit must meet the wastewater treatment standards established in the Suffolk County Sanitary Code.

B. When achieving the development standards described in this Article is not physically or economically feasible, the Planning Board will waive these development standards to the extent that such an action will not detrimentally impact the public health, safety, or general welfare, or quality or character of the surrounding neighborhood.

C. When a conflict occurs between those development standards established in this Article and those development standards established elsewhere in Chapter 213, the development standards established in this Article will supersede those development standards established elsewhere in Chapter 213. All other development standards established in Chapter 213 must be adhered to.

§ 213-144.9 Penalties for offense.

Any violation of any provision of this Article shall constitute a violation of the Code of the Town of Babylon in accordance with §§ 1-15 through 1-17 thereof.

§ 213-145. Zoning Incentives

A. In order to encourage development in accordance with this article and in accordance with §261-b of the Town Law of the State of New York, the Town Board is empowered to provide for a system of zoning incentives or bonuses in exchange for specific benefits as the Town Board deems necessary and appropriate, consistent with the purposes and conditions set forth herein.

B. Community benefits.

(1) The following community benefits may, at the discretion of the Town Board, be accepted in exchange for one or more incentive, as provided in §213-145C.

(a) Open space or park space that is open to the public. Alternatively, contribution to the creation or improvement of open or park space elsewhere in the community.

(b) Infrastructure improvements: on and off-site improvements in the form of street furniture, lighting, pavers, plazas and related public amenities. Alternatively, contribution to the creation or enhancement of similar improvements elsewhere in the community.

(c) Diversity of housing options: provision of a mix of housing options that increases the range of income levels served.

(2) The Town Board may grant the following specific incentives.

(a) The Town Board may grant an increased residential density of up to 40 units per acre.

(b) The Town Board may grant an increased building height of 40 feet.

Dated: November 9, 2017, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON
CAROL QUIRK, TOWN CLERK