

§ 287 Legislative intent.

The Town of Hempstead has undertaken a program of Urban Renewal at Inwood (NYR-63). The Inwood Urban Renewal Project is unique in that it involves both redevelopment and the rehabilitation of a substantial number of homes owned for the most part by disadvantaged persons. In the process of revitalizing the area covered by the Inwood Urban Renewal Project it became apparent that several new zoning districts would have to be created which would tend to revitalize the neighborhood, promote property values and minimize dislocation of existing residents, to inhibit blight, all in cooperation with federal and state programs. With this in view, this article is enacted with the intention of promoting the health, safety, morals and general welfare of the Town of Hempstead.

§ 288 Title; applicability.

- A. This article shall be known and cited as the "Inwood Urban Renewal Zoning Article of the Town of Hempstead."
- B. This article shall apply to any existing dwelling and any existing dwelling unit and any new dwelling unit in an existing structure or in an existing structure to be enlarged or altered in the Inwood Urban Renewal Project Area NYR-63.

§ 289 Definitions.

In addition to the definitions of this Building Zone Ordinance, the following special definitions are applicable to this article. In the event of conflict, the following definitions shall be controlling:

FLOOR AREA

The sum in square feet of the areas of all floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of a party wall separating two buildings, and including cellar, basement, interior balconies and mezzanines, enclosed porches, and the floor area of accessory buildings, provided that the term shall exclude the floor area of cellar and basement areas, or portions thereof, only when such areas are used exclusively for dead storage, off-street parking facilities or utility or other equipment installed for the normal operation and maintenance of such building or buildings.

FLOOR AREA RATIO

The ratio of the total floor area of the building or buildings to the lot area of the building site.

LOT AREA

The total horizontal area included within lot lines.

PARTY WALL

A wall on an interior lot line used or adopted for a joint service by the dwelling units or other structures.

SINGLE-FAMILY ATTACHED DWELLING

A building containing a single dwelling unit which is separated on both sides from any other structure or building by an unpierced party wall from the ground up.

SINGLE-FAMILY DETACHED DWELLING

A building containing a single dwelling unit, no part of which is attached to any other building.

SINGLE-FAMILY SEMIATTACHED DWELLING

A building containing a single dwelling unit which is separated on one side from any other structure or building by an unpierced party wall from the ground up.

TWO-FAMILY DETACHED DWELLING

A building containing two dwelling units, no part of which is attached to any other building.

§ 290 URD-B Urban Renewal Residence B District (URD-B)

- A. In an Urban Renewal Residence B 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. A building or structure may be erected, altered or used and a lot or premises may be used for any of the following purposes, and for no other:
 - (1) Single-family detached dwelling.
 - (2) Single-family semiattached dwelling.
 - (3) Single-family attached dwelling.
 - (4) Two-family detached dwelling.
 - (5) Public school, parochial school, private school for instruction of elementary grades or academic grades, or both, chartered by the Board of Regents of the State of New York; college; university.
 - (6) Religious use.
 - (7) Municipal use, including but not limited to parks, recreational centers, health clinics and day-care centers.

- (8) Telephone exchanges.
- (9) Accessory uses and buildings, including private garages on the same lot and incidental to the above-permitted uses, as follows:
- (a) The office of a person practicing the profession of medicine, dentistry, law, chiropractic, architecture or engineering, provided that such use is conducted in not more than 20% of the floor area of the main building in which such person resides, such use is conducted only in the main building and uses no visible advertising, except such sign as is permitted in the Sign Article of this ordinance.^[1]
^[1] *Editor's Note: See Art. XXIV hereof.*
- (b) Home occupations, including but not limited to the office, studio or rooms of a voice and music teacher, artist, licensed broker, dressmaker, milliner and beautician, provided that such use is conducted in not more than 20% of the floor area of the main building in which such person resides, no hired personnel is employed and it uses no visible advertising thereof, except such sign as is permitted in the Sign Article of this ordinance.^[2]
^[2] *Editor's Note: See Art. XXIV hereof.*
- C. Encroachments; accessory buildings; signs; fences. All buildings, uses and structures shall comply with the permitted encroachments, fences, accessory buildings and sign provisions of Article IX hereof.
- D. Height.
- (1) No building shall be greater than 2 1/2 stories, with a maximum of 35 feet in height.
- (2) In the case of a building other than a single-family or a two-family dwelling, no building shall be greater than four stories, with a maximum of 50 feet in height.
- E. Building area. The building area shall not exceed 50% of the lot area.
- F. Front yards.
- (1) The required minimum front yard depth shall be the average of the front yard depth of existing buildings within 200 feet on each side of the lot and within the same block, or if there are not at least two existing buildings within 200 feet on each side of the lot and within the same block, the required front yard shall not be less than 20 feet. In any case, no front yard shall be required to have a depth greater than 30 feet.
- (2) In the case of a corner lot, a front yard shall be required on each street, and each such front yard depth shall be governed by Subsection F(1) of this section, but in no case shall it be less than 20 feet or be required to be more than 25 feet.
- G. Side yards.
- (1) In the case of a single-family detached dwelling or a two-family detached dwelling there shall be two side yards, one on each side of the main building, the aggregate widths of which shall be at least 15 feet. Neither side yard shall be less than five feet wide.
- (2) In the case of a semiattached single-family dwelling, the minimum side yard on one side shall be at least 12 feet.
- (3) In the case of a building other than a single-family detached or a two-family detached or a semiattached single-family dwelling or a building accessory thereto, there shall be two side yards. If such building is not over 40 feet high, the width of each side yard shall be 15 feet; and if such building is over 40 feet high, this width shall be increased three feet for each 12 feet or portion thereof by which the building exceeds 40 feet in height.
- H. Rear yards. There shall be a rear yard, the depth of which shall be at least 20 feet. In the case of a building over 40 feet high, the depth shall be increased five feet for each 12 feet or portion thereof by which the building exceeds 40 feet in height.
- I. Lot area, width and depth.
 [Effective 1-7-1996]
- (1) In the case of a single-family detached dwelling or a two-family detached dwelling, no dwelling or other building shall be constructed on a lot unless it contains an area of not less than 4,000 square feet and has a minimum lot width of 40 feet at the street line and at the front setback line and has a minimum lot depth of 80 feet.
- (2) In the case of a semiattached single-family dwelling, no dwelling or other building shall be constructed on a lot unless it contains an area of not less than 3,600 square feet and has a minimum lot width of 40 feet at the street line and at the front setback line and has a minimum lot depth of 80 feet.
- (3) In the case of a single-family attached dwelling, no dwelling or other building shall be constructed on a lot unless it contains an area of not less than 2,400 square feet and has a minimum lot width of 30 feet at the front setback line and has a minimum lot depth of 80 feet.
- J. Floor area.
- (1) In the case of a single-family detached dwelling or a semiattached single-family dwelling or a two-family detached dwelling, the maximum floor area ratio shall be 0.8.
- (2) In the case of a single-family attached dwelling, the maximum floor area ratio shall be 1.0.

K. Disposition parcels.

[Effective 5-17-1973]

- (1) Notwithstanding any other provisions of this ordinance, the following parcels on the Disposition Map of property in Inwood, Town of Hempstead, Nassau County, New York, owned by the Town of Hempstead for the Inwood Urban Renewal Project NYR-63 herein-described as follows:
- (a) Parcel 12B: a parcel approximately 90 feet deep 40 feet in width located on the westerly side of Monroe Street (James Place), 335.76 feet south of Bayview Avenue, with an area of approximately 3,615 square feet.
- (b) Parcel 14: a rectangular parcel 90 feet deep 40 feet in width located on the westerly side of Alvin Place, 170.51 feet south of Bayview Avenue, with an area of 3,600 square feet.
- (c) Parcel 15B: a rectangular parcel 90 feet deep by 80 feet in width located on the easterly side of Monroe Street (James Place), 400.40 feet south of Bayview Avenue, with an area of 7,200 square feet.
- may be subdivided to a minimum lot size of 3,500 square feet which is necessitated by the fact that sub-standard lot depths were established by an old subdivision map between Alvin Place and Monroe Street and Monroe Street and Wolcott Avenue.
- (2) The above-captioned parcels are shown in whole or part on the Disposition Map of Property at Inwood, Town of Hempstead, Nassau County, New York, by the Town of Hempstead Inwood Urban Renewal Project No. NYR-63 prepared by A. James DeBruin, C.E.N.Y.S.P.E. & L.S. No. 26960, dated April 15, 1968, and as revised.
- (3) No such subdivision lot will have a frontage of less than 40 feet to provide for side yards. Any modification in footage from the established 4,000 square feet per building lot will occur in the rear yard.
- (4) Except as hereby modified, all the requirements for the zoning district in which the aforesaid parcels lie shall be applicable.

§ 291 URD-C Urban Renewal Residence C District (URD-C).

- A. In an Urban Renewal Residence C District, buildings and structures may be erected in accordance with the provisions of this section, and not otherwise.
- B. A building or structure may be erected, altered or used and a lot or premises may be used for any of the following purposes, and for no other:
- (1) Three-or-more-family multiple dwellings.
- (2) In the case of three-or-more-family multiple dwellings, which include the office of a person practicing the profession of medicine, dentistry, law, architecture or engineering, together with the studio or occupational room of a chiropractor, a real estate or insurance broker or accountant, provided that such use is conducted in not more than 20% of the floor area of the apartment or suite of rooms in which the practitioner resides and is incidental to such residential use, and provided that there is no visible advertising, except such sign as is permitted in the Sign Article (Article XXIV) of this ordinance.
- C. Encroachments, fences, accessory buildings and cellars. All buildings, uses and structures shall comply with the permitted encroachments, fences, accessory buildings and basement or cellar provisions of Article X hereof.
- D. Height. No building shall be greater than 35 feet in height; three- and four-family dwellings shall not be greater than three stories; more than four-family dwellings shall not be greater than 3 1/2 stories.
- E. Building area.
- (1) The building area required for three- and four-family dwellings shall not exceed 40% of the lot area.
- (2) The building area required for more than four-family dwellings shall not exceed 30% of the lot area.
- F. Front yards.
- (1) The required minimum front yard depth shall be the average of the front yard depth of existing buildings within 200 feet on each side of the lot and within the same block, or if there are not at least two existing buildings within 200 feet on each side of the lot and within the same block, the required front yard shall be not less than 20 feet. In any case, no front yard shall be required to have a depth greater than 30 feet.
- (2) In the case of a corner lot, a front yard shall be required on each street, and each such front yard depth shall be governed by Subsection F(1) of this section, but in no case shall it be less than 20 feet nor more than 30 feet.
- G. Side yards.
- (1) In the case of three- and four-family multiple dwellings, there shall be two side yards, one on each side of the main building, the aggregate widths of which shall be at least 15 feet. Neither side yard shall be less than five feet wide.
- (2) In the case of more-than-four-family multiple dwellings, there shall be two side yards, one on each side of the main building, the aggregate widths of which shall be at least 30 feet. Neither side yard shall be less than 15 feet wide.

H. Front yards.

- (1) The required minimum front yard depth shall be the average of the front yard depth of existing buildings within 200 feet on each side of the lot and within the same block, or if there are not at least two buildings within 200 feet on each side of the lot and within the same block, the required front yard shall be not less than 25 feet. In any case, no front yard shall be required to have a depth greater than 30 feet.
- (2) In the case of a corner lot, a front yard shall be required on each street, and each such front yard depth shall be governed by Subsection H(1) of this section, but in no case shall it be less than 25 feet or more than 30 feet.

I. There shall be a rear yard, the depth of which shall be at least 25 feet.**J. Lot area, width and depth.**

- (1) In the case of three- and four-family multiple dwellings, no dwelling or other building shall be constructed on a lot unless it contains an area of no less than 6,000 square feet and has a minimum lot width of 60 feet at the street line and at the front setback line and has a minimum lot depth of 100 feet.
- (2) In the case of more-than-four-family multiple dwellings, no dwelling or other building shall be constructed on a lot unless it contains an area of not less than 10,000 square feet and has a minimum lot width of 80 feet at the street line and at the front setback line and has a minimum lot depth of 100 feet.
- (3) In the case of more-than-four-family multiple dwellings, the minimum lot area per dwelling unit shall be 1,600 square feet.
[Effective 8-16-1970]

K. Floor area ratio.

- (1) In the case of three- and four-family multiple dwellings, the maximum floor area ratio shall be 0.8.
- (2) In the case of more-than-four-family multiple dwellings, the maximum floor ratio shall be 0.9.

§ 292 URD-HC Urban Renewal Highway Commercial District (URD-HC).

- A.** In an Urban Renewal Highway Commercial 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.** A building or structure may be erected, altered or used and a lot or premises may be used for any of the following purposes, and for no other:
 - (1) Enclosed storage, distributive, sales and showroom establishment for building materials.
 - (2) Automobiles and automotive equipment and enclosed establishment for the servicing and repairing of automobiles and other machines; gas filling station when approved as a special exception by the Town Board; provided, however, that if a gas filling station or battery and tire-service station approved pursuant to this section is not in operation within six months from the date of the approving resolution, the permit therefor may be revoked by the Town Board at its discretion.
 - (3) Restaurant.
 - (4) Laundromat and dry-cleaning establishment.
 - (5) Place of amusement or public assembly if permitted as a special exception by the Board of Appeals in the same manner as provided for such uses in a Business District.
 - (6) Store for the sale of goods at retail or performance of customary personal services, or services clearly incidental to retail sales, but no fabrication or manufacturing except incidental to and on the same premises with such retail sale.
 - (7) Wholesale store for the sale of goods.
 - (8) Offices.
 - (9) Accessory uses limited to garages, off-street parking, loading facilities and service drives.
- C.** Accessory parking. Paved off-street parking shall be provided on the same plot with the building as follows:
 - (1) Retail stores: one space for each 250 square feet of floor area.
 - (2) Offices: one space for each 400 square feet of floor area or for each three employees, whichever is greater.
 - (3) Wholesale establishments or warehouses: one space for each 2,000 square feet of total floor area or for each five employees, whichever is greater.
 - (4) Restaurants: one space for each 100 square feet of floor area or for each four employees, whichever is greater.
 - (5) Other permitted uses: one space for each 500 square feet of floor area or for each four employees, whichever is greater.
- D.** Loading. Paved loading space shall be provided as follows: At least one paved loading space shall be provided on the premises for each 5,000 square feet of gross area. Said loading space shall have a width of at least 12 feet and a gross

area of at least 600 square feet, including access and circulation driveways.

- E. Height. No building shall be greater than two stories, with a maximum of 40 feet in height.
- F. Building area. The building area shall not exceed 50% of the lot area.
- G. Front yards.
 - (1) The required minimum front yard depth shall be the average of the front yard depth of existing buildings within 200 feet on each side of the lot and within the same block, or if there are not at least two existing buildings within 200 feet on each side of the lot and within the same block, the required front yard shall be not less than 10 feet. In any case, no front yard shall be required to have a depth greater than 20 feet.
 - (2) In the case of a plot used or intended to be used for a gas filling station, a front yard of not less than 25 feet shall be required on each street. No gasoline dispensing pump or the pump island on which it stands shall be closer than 20 feet to any street line.
 - (3) In the case of a corner lot, a front yard shall be required on each street, and each such front yard depth shall be governed by Subsection G(1) and (2) of this section, but in no case shall it be less than 10 feet.
- H. Rear yards. There shall be a rear yard, the depth of which shall be at least 10 feet.
- I. Lot area, width and depth. No building or structure shall be erected on a lot unless it contains an area of not less than 2,000 square feet and has a minimum lot width of 20 feet at the front setback line and has a minimum lot depth of 90 feet.
- J. Floor area ratio. The maximum floor area ratio shall be 1.0.

§ 293 URD-EH Urban Renewal Residence Elderly-Handicapped District. (URD-EH)

[Effective 10-5-1981]

- A. In an Urban Renewal Residence Elderly-Handicapped 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. A building or structure may be erected, altered or used and a lot or premises may be used for any of the following purposes, and for no other: residential housing to be restricted to elderly (senior citizens) and/or handicapped persons, constructed as multiple dwellings, garden-type apartments or townhouses, and residential accessory uses such as parking, residential recreational spaces, and accessory buildings for maintenance, utility and storage purposes.
- C. Height. No building shall be greater than four stories or 45 feet in height.
- D. Building area. The building area shall not exceed 40% of the lot area.
- E. Front yards.
 - (1) The required front yard depth shall be a minimum of 20 feet.
 - (2) In the case of a corner lot, a front yard shall be required on each street.
- F. Side yards. There shall be two side yards, one on each side of the main building, each having a minimum width of at least 20 feet, except that where there are two or more buildings upon the plot, the minimum side yard requirement of 20 feet shall apply only along the side property lines of the entire plot.
- G. Rear yards. There shall be a rear yard, the depth of which shall be at least 15 feet.
- H. Distance between buildings. The distance between any two main buildings shall be not less than 20 feet.
- I. Permitted encroachments. Vestibules, chimneys, cornices, eaves, gutters or bay windows projecting not more than 60 inches are hereby permitted as encroachments into yard areas.
- J. Accessory buildings.
 - (1) Accessory buildings may not occupy more than 15% of the total lot area.
 - (2) The maximum height shall not be more than 20 feet.
 - (3) All accessory buildings must comply with the front yard (Subsection E), side yard (Subsection F) and rear yard (Subsection G) requirements of this section. The area occupied by such accessory buildings shall, however, be included in computing the maximum percentage of the lot area which may be built upon.
- K. Parking.
 - (1) There shall be provided on the premises parking adequate to accommodate one automobile for each three dwelling units.
 - (2) All open parking facilities provided pursuant to the requirements of this subsection shall be paved or surfaced in accordance with sound engineering and construction practices, and each parking space shall not be less than 10 feet in width by 20 feet in depth and shall be individually identified by pavement marking. In addition, there shall

be provided a minimum of three feet between the edge limits of those parking spaces reserved for the handicapped.

- (3) The parking of motor vehicles within 10 feet of any wall that contains windows with a sill height of less than eight feet above the level of said parking space shall be prohibited.
 - (4) All open surface parking spaces which face any wall containing windows other than bathroom windows with a sill height of less than eight feet above the level of the parking space shall be screened by a decorative wall, fence or thick hedge four feet in height above the average finished grade of the parking lot, and such screen shall be placed at least 10 feet from such building wall.
- L. Density of population. No multiple-family dwelling authorized as per Subsection B of this section shall be erected or altered to accommodate or make provision for more than 45 dwelling units per acre, as computed on the basis of the acreage of the entire project as included in a single application for a building permit, or more than a proportionate number of dwelling units on any fractional part of an acre. For the purpose of this subsection, a dwelling unit shall be such combination of rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family.
 - M. Exterior lighting. All parking areas and walkways shall be provided with suitable lighting so arranged as to direct light away from adjoining lots in any residence district and away from any public street.
 - N. Screening and buffering. Any maintenance building, storage or parking area shall be screened for all abutting uses, including public rights-of-way, and all residential development shall be buffered from storage, parking or industrial uses by an appropriate combination of setback and screening. Screening shall consist of a hedge, fence or wall with a minimum height of four feet, except that within 25 feet of street intersections, the maximum height shall be 2 1/2 feet. Said setback and screening shall be sufficient to obscure a storage or parking area or buffer an industrial use in an effective manner and during all seasons of the year. The redeveloper shall be responsible for maintaining the screening in a manner such that it will continue to provide the required buffer.
 - O. Sewage disposal. No multiple-family dwelling authorized as per Subsection B of this section shall be erected, altered or used unless provided with municipal sewage disposal facilities or unless an independent sewerage system or installation approved by the Nassau County Department of Health, where required, is constructed for the sanitary disposal of the sewage of such dwelling.
 - P. Recreational facilities.
 - (1) There shall be provided not less than 25 square feet of usable outdoor recreation area per dwelling unit, exclusive of walks, driveways and parking areas.
 - (2) There shall be provided not less than 10 square feet of usable indoor recreational area per dwelling unit.

§ 294 Provisions applicable to Urban Renewal Residence B, Urban Renewal Residence C and Urban Renewal Highway Commercial Districts.

In an Urban Renewal Residence B District, Urban Renewal Residence C District and an Urban Renewal Highway Commercial District, the following regulations shall apply:

- A. Screening. Any storage area or parking area shall be screened from all abutting uses, including public rights-of-way. Such screening shall consist of a hedge, fence or wall, with a minimum height of four feet and a maximum height of six feet, except that within 25 feet of street intersections, the maximum height shall be four feet, such screening to be sufficient to obscure such area in an effective manner and during all seasons of the year.
- B. Play space. In any multifamily residential district, there shall be provided a usable outdoor play space for children, exclusive of walks, driveways, required yards and parking areas, for each 50 dwelling units. This area shall be a minimum of 1,000 square feet and shall be within 400 feet of 80% of the dwelling units.
- C. Parking space for dwelling units. One off-street parking facility shall be provided on the premises for each dwelling unit. Such parking space for multifamily units must be paved or in a garage facility accommodating not more than six cars in one accessory building.

§ 295 Interpretation; conflicts with other regulations.

- A. In interpreting and applying the provisions of this article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.
- B. In the event of a conflict between the provisions of this article and other provisions of this Building Zone Ordinance, the provisions of this article shall control.

§ 296 Severability.

If any clause, sentence, section, paragraph or provisions of this article shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this article, but shall be confined in its operation to the clause, sentence, section, paragraph or provision directly involved in the controversy in which such judgment shall have been rendered.

§ 297 Incorporation of additional provisions.

The provisions of § 312A through F are hereby incorporated by reference as though herein set forth at length, with the further provision that the provisions thereof are hereby made applicable to the uses in the Urban Renewal Highway Commercial District, in addition to the uses now described therein.