

Local Law #9-2020
Proposed as Local Law #8-2020
Chapter 322 -Zoning

Additions indicated by underline
Deletions indicated by ~~strikeouts~~

Chapter 322. Zoning.

§322-3

ACTIVE USE - a use that generates daily public patronage, including but not limited to bars, commercial entertainment, restaurants, museums, retail (sales and service), personal service, offices, and similar uses, and a use which provides an amenity for building residents.

MIXED-USE BUILDING - A multi-story structure that is designed to integrate various uses, such as office, commercial, institutional, and residential uses, with active uses occupying the ground floor. A building that is designed exclusively for one use type shall not be considered mixed-use. A mixed-use building integrates uses in a coherent physical design.

§322-34 Specific overlay districts

A. The Hauppauge Industrial Park Overlay District

(1) The Hauppauge Industrial Park, also known as the "John V. N. Klein Industrial Park," is a unique land use feature of Town containing a large concentration of high-value warehousing, manufacturing, and office uses in an attractive planned industrial park setting. The regulations set forth in this section are intended to provide flexibility to allow the Hauppauge Industrial Park to continue to be attractive for high-quality business development, and to be competitive with other industrial areas in the region and nation. The Hauppauge Industrial Park Overlay District shall comprise a portion of the Light Industrial zoned properties located in the Hauppauge Industrial Park. [Amended 7-14-2015]

(2) Overlay district accommodations and standards:

(a) Parking garages not exceeding two stories, both aboveground and underground, shall be permitted as a customary accessory use to offices, non-nuisance industries, hotels, banks and mixed-use buildings. The yard setbacks for parking garages shall be the same as for principal buildings. Parking garages shall not be considered floor area for the purposes of this chapter.

(b) Outdoor storage shall be permitted as a customary accessory use, provided that it meets the following criteria:

[1] All storage shall be screened from view. The storage area shall be surrounded by a solid fence, not exceeding six feet in height, or by dense evergreen hedges at least eight feet in height. If all or part of the entire site is surrounded by a solid fence, not exceeding six feet in height, or by dense evergreen hedges at least eight feet in height, and the storage area is screened from view thereby, no additional screening shall be required.

- [2] No storage area shall be located in a required front and or within 10 feet of any property line.
 - [3] No storage area shall exceed 10% of the gross floor area; provided, however, that a storage area may be up to 20% of the gross floor area, if it is entirely within containers.
 - [4] No material may be stored pursuant to this section in a manner contrary to that required by any other section of the Town Code.
- (c) Lobbies, atria, and similar amenity spaces over 1.5% of the building size as determined by the Board of Site Plan Review shall not be used in calculating the floor area for determining compliance with the floor area ratio and parking requirements.
 - (d) No structure shall exceed 50 feet in height, except along Vanderbilt Motor Parkway (C.R. 67), where no structure shall exceed 62 feet in height. [Amended 7-14-2015]
 - (e) No modification of any use, structure, or site pursuant to this Article V shall be permitted except in conformity with an approved site plan or site plan exemption as described in §322-85 of this chapter and on a site that is otherwise in compliance with this chapter.
 - (f) Mixed use buildings shall be permitted by Town Board Special Exception pursuant to the criteria described in §322-94 and §322-104.2
 - [1] Bars, commercial entertainment, retail and personal service uses shall be permitted in mixed-use buildings only

§322-104.2 Mixed-use building

- A. The Town Board may, upon application and after a public hearing on notice, as provided for in §322-94 for special exception uses, authorize a special exception for a mixed-use building, as defined in §322-3, if said Board finds that the proposed use is desirable and compatible with the surrounding area and is in keeping with those purposes of this chapter as stated in §322-2.
- B. Before approving such a special exception, the Town Board shall determine that the following minimum conditions are provided:
 - 1. The building shall be located on a lot of at least seven (7) acres in size.
 - 2. The lot shall have frontage along Motor Parkway or Old Willets Path south of Rabro Drive, or within 500' of the following intersections: Adams Avenue & Commerce Drive, Adams Avenue. & Wireless Boulevard, Moreland Road & Commerce Drive, Moreland Road & Wireless Boulevard, Marcus Boulevard. & Kennedy Drive.
 - 3. A minimum of 50% of the ground floor shall be occupied by active uses. A minimum of 30% of the active uses occupying the ground floor shall be uses that generate daily public patronage.

4. The site shall provide off-street parking consistent with §322-61 and §322-62 of the Town Code. The minimum number of parking stalls shall be the sum of the required parking stalls for each use of the building.
5. A minimum of 20% of residential units shall be affordable workforce housing units and shall comply with the Town's Affordable Workforce Housing Policy.

322 Attachment 8
Town of Smithtown
INDUSTRIAL DISTRICTS: TABLE OF
DIMENSIONAL REGULATIONS

Dimension	District		
	WSI Wholesale and Service Industry	LI Light Industry	HI Heavy Industry
Minimum lot area (square feet)	20,000	80,000 ⁵	80,000
Minimum lot area per dwelling unit (square feet)	20,000	80,000	n.a.
Minimum lot frontage at setback line (feet)	100	100	200
Minimum road frontage (feet)	50	50	80
Minimum front yard depth (feet)	50	50	80
Minimum rear yard depth (feet)	50 ⁴	50 ⁴	50 ⁴
Minimum side yard width			
Any 1 ¹ (feet)	5 ⁴	20 ⁴	50 ⁴
Total of both (feet)	15	40	100
Maximum gross floor area ³ (percent of lot area)	50	42	50
Minimum landscape area (percent of lot area)	8 ⁶	18 ⁷	10
Maximum height			
Feet	35	35	40
Stories	--	--	--
Accessory building or structure			
Maximum occupancy of required rear yard (percent)	25	25	25
Maximum height (feet)	18	18	18
Minimum distance from any lot line (feet)	10	10	10

322 Attachment 9
Town of Smithtown
INDUSTRIAL DISTRICTS: TABLE OF USE
REGULATIONS

Use	District		
	WSI Wholesale and Service Industry	LI Light Industry	HI Heavy Industry

INDUSTRIAL USES			
Mixed-use building	-	TB ⁴	-

NOTES:

⁴ Permitted only in Hauppauge Industrial Park Overlay District per §322-34A

Dated: August 11, 2020

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF SMITHTOWN
VINCENT PULEO
TOWN CLERK