

**PROPOSED LOCAL LAW NO. 6 - 2022**

**A LOCAL LAW TO AMEND THE MOUNT PLEASANT TOWN CODE TO ADD CHAPTER 218-68A ENTITLED "HAMLET ZONING"**

**WHEREAS**, the Town of Mount Pleasant Town Board has adopted the Envision Mount Pleasant Comprehensive Plan which was prepared to provide guidance on the Natural Environment, Economic Environment, Social Environment, Built Environment; the Hamlets, as well as, Sustainability and Resiliency; and

**WHEREAS**, one of the main focuses of the Envision Mount Pleasant Comprehensive Plan dealt with the Hamlets of Valhalla, Hawthorne and Thornwood which are all located within the Town of Mount Pleasant; and

**WHEREAS**, concurrent with the consideration of the Envision Mount Pleasant Comprehensive Plan, the Town Board considered additional amendments to the Town's Zoning Code, specifically addressing development within the Town's hamlets; and

**WHEREAS**, a detailed copy of the proposed Mount Pleasant Hamlet Zoning Code is annexed hereto; and

**WHEREAS**, the Town's Envision Mount Pleasant Comprehensive Plan provides that the three (3) primary hamlets: Valhalla, Hawthorne and Thornwood (business districts) are the heart of each community, as well as, their commercial hub and the civic core; and

**WHEREAS**, the three (3) primary hamlets (business districts) are challenged by geography, circumstance and tradition – yet display characteristics and present opportunities to substantially benefit the Town as a whole; and

**WHEREAS**, the three (3) primary hamlets (business districts) contain the infrastructure to accommodate additional well-planned, appropriately scaled mixed-use development that can fill a void in the Town's land use pattern, such as new residential buildings which can accommodate older residents looking to downsize, yet remain in Town, as well as offer the type of housing younger people just entering the housing market are seeking – near transit and vibrant attractive downtowns; and

**WHEREAS**, channeling new growth into the three (3) primary hamlets (business districts) will relieve the pressure on the less developed, and more environmentally sensitive areas of Town, where development impacts may be profound; and

**WHEREAS**, the Town of Mount Pleasant Town Board desires to amend the Town Code to improve the Town's ability to foster the appropriate development of the Town's hamlets (business districts) and ensure their long-term success of the hamlet cores, foster placemaking to establish safe and vibrant places people want to visit while allowing retail uses to evolve into experiential retail where activity is combined with shopping; and

**WHEREAS**, the Town Board also wishes to take advantage of the transit hubs located in the hamlets (business districts), developing a framework of transit, pedestrian and bicycle systems that provide alternatives to the use of private automobiles; and

**WHEREAS**, in order to foster development of the Town's three primary hamlets the Town Board has considered establishing three (3) distinct zones, each relating to the three primary hamlets (business districts) of Valhalla (VH), Hawthorne (HH) and Thornwood (TH); and

**WHEREAS**, the zoning controls within the Valhalla and Thornwood Hamlets are uniform, the Hawthorne Hamlet also includes a Core Area (HHC) where discretionary increased density is allowable in a limited area; and

**WHEREAS**, this approach differs from the existing zoning that divides the Town into zones that rigidly segregate residential, commercial, industrial and institutional uses, thereby emphasizing a dependence on automobiles to functionally connect uses, the use of zones based on development intensity (instead of land uses) provides a new spatial basis for regulating development that recognizes the interrelationships between uses; and

**WHEREAS**, the proposed Mount Pleasant Hamlet Zoning Code was created through additional work sessions, meetings and workshops with various Town Boards and Committees which focused their tasks on exploring issues related to the architectural features, mixed uses, site plan review and density;

**WHEREAS**, the Town Board has met and conferred with the Building Department, Engineering Department, the Town's Planning Consultant, the Town Attorney, as well as, the Town Planning Board, amongst others;

**WHEREAS**, the proposed Mount Pleasant Hamlet Zoning Code is consistent with the Town's recently adopted Envision Mount Pleasant Comprehensive Plan; and

**WHEREAS**, the Town distributed and made available for public review copies of the proposed Mount Pleasant Hamlet Zoning Code on the Town Website and providing copies for review in the Town Clerk's Office; and

**WHEREAS**, the proposed Mount Pleasant Hamlet Zoning Code was modified and augmented in response to comments submitted by the various Town Departments, outside consultants and the public; and

**WHEREAS**, the Town has provided notice of the proposed Mount Pleasant Hamlet Zoning Code to all necessary municipal entities; and

**WHEREAS**, the Town Board conducted, duly noticed Public Hearings on the proposed Envision Mount Pleasant Comprehensive Plan and the Mount Pleasant Hamlet Zoning Code changes on: June 8, 2021, June 22, 2021, July 13, 2021, August 10, 2021,

September 14, 2021, September 28, 2021, October 12, 2021, June 28, 2022 and July 12, 2022 receiving input from the community and various other Town entities; and

**WHEREAS**, the Town Board upon completion of the SEQRA process determined that the action of enacting the proposed Mount Pleasant Hamlet Zoning Code will not have a significant adverse effect on the environment; and

**WHEREAS**, the Town Board, as lead agency, in accordance with the New York State Environmental Quality Review Act (SEQRA) conducted all necessary hearings and provided a thorough and careful review of the proposed Amendments; and

**WHEREAS**, the Town Board reviewed the draft Mount Pleasant Hamlet Zoning Code, the public comments provided at the Public Hearings and comments submitted by the Town's various Committees and Boards; and

**NOW, THEREFORE, BE IT RESOLVED** that based on the foregoing findings, the Mount Pleasant Town Board hereby deems that the proposed Mount Pleasant Hamlet Zoning Code meets the purposes of promoting the public health, safety and general welfare and will promote sustainable growth, while protecting the natural, social, and cultural environment; and

**BE IT FURTHER RESOLVED**, that the adoption of this local law is deemed a Type II Action under SEQRA; and

**BE IT FURTHER RESOLVED**, that the Town Board adopts, approves and enacts the Mount Pleasant Hamlet Zoning Code annexed hereto which shall be codified in the Town Code as Town Code § 218-68A entitled "Hamlet Zoning;" and

**BE IT FURTHER RESOLVED**, if any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be modified by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**BE IT FURTHER RESOLVED**, that the Town Board hereby directs the Town Clerk to file said Local Law in the Office of the Secretary of State; and

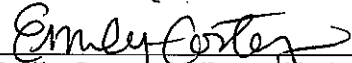
**BE IT FURTHER RESOLVED**, that this resolution shall be effective immediately.

Motion By: MS. Zaino    Seconded by: MS. Smalley

Vote:

Supervisor Carl Fulgenzi	Y	N	A	Absent
Councilwoman Laurie Rogers Smalley	Y	N	A	Absent
Councilman Thomas Sialiano	Y	N	A	Absent
Councilman Jerry Schulman, Jr.	Y	N	A	Absent
Councilwoman Danielle Zaino	Y	N	A	Absent

I hereby attest that the above Local Law was approved by the Town Board of the Town of Mount Pleasant at its November 7, 2022 Meeting and that I have been authorized to sign this Local Law by decision of the Town Board.

  
Emily Costanza, Town Clerk

Town of Mount Pleasant Town Code § 218-68A Hamlet Zoning Code

§ 218-68A Hamlet Zoning Districts

The following regulations apply to the Hamlet Zoning Districts:

1. GENERAL PROVISIONS

- A. Overview: The Mount Pleasant Hamlet Zoning Code has been established to implement the vision for the Town’s three business districts of the Hamlet areas; Valhalla, Hawthorne and Thornwood, as set forth in Envision Mount Pleasant, the Town’s Comprehensive Plan adopted by the Town Board on November 7, 2022. This zoning is designed to accommodate appropriately scaled mixed-use development in areas proximate to train stations and public transit and where adequate infrastructure exists thereby relieving development pressures in the more environmentally sensitive, less developed portions of Town. Placemaking, and the design, character and physical appearance of each business district of the Hamlets are fundamental to the successful transformation of the business districts of the Hamlets from merely places where goods and services were sold, to unique and exciting areas that are the center of community life. The Mount Pleasant Hamlet Zoning Code is a tool uniquely suited to achieving this goal.
- B. Applicability: The Mount Pleasant Hamlet Zoning Code applies to properties located within the designated Hamlet boundaries delineated in Envision Mount Pleasant, the regulating Plan presented in Section 2 below, and as correspondingly reflected on the Official Zoning Map.
- C. Purpose & Intent: The Mount Pleasant Hamlet Zoning Code represents a change in the way the built environment is regulated. This code fosters predictable and desirable development characteristics and a high-quality public realm. Unlike the existing zoning and land use regulations, the Mount Pleasant Hamlet Zoning Code uses the desired appearance and character of a place as the organizing principle and framework, rather than relying on the traditional focus of use. Specifically, the Mount Pleasant Hamlet Zoning Code provides for:
- i. Development that is maximally transit supportive and in close proximity to the train stations in Valhalla and Hawthorne and other modes of public transit.
  - ii. The reduction of auto dependency and roadway congestion by locating multiple destinations and trip ends near transit and within walking distance of one another.
  - iii. Appropriately scaled residential development in the business districts of the Hamlets where adequate infrastructure already exists.
  - iv. The creation of a pedestrian-friendly environment.

- v. A reduction in total vehicle miles traveled and regional greenhouse gas emissions.
- vi. The provision of an alternative to traditional development that emphasizes the integration of multiple, complimentary mixed-uses.
- vii. The facilitation of “placemaking” to stabilize and revitalize the Hamlet’s urban fabric.
- viii. The facilitation of new development and redevelopment that will create jobs and economic opportunities.
- ix. The concentration of investment into targeted areas that are well-suited to accommodate growth.
- x. Emphasize, support and facilitate high quality building design, streetscape and public realm improvements.

D. Organization: The Mount Pleasant Hamlet Zoning Code addresses the relationships between buildings and the public realm and the form and mass of buildings in relation to one another. The guidelines and standards in this zoning code are presented in the narrative language of the code, but also graphically, to describe the character of anticipated development. This is in contrast to the existing zoning’s focus on the management and segregation of land uses.

Section 2 presents the Regulating Plans for each business district of the Hamlets. While common zoning elements are shared among all three Hamlets, the Mount Pleasant Hamlet Zoning Code designates three separate regulating plans for the Town’s three Hamlets, designated as:

- i. VH --Valhalla Hamlet
- ii. HH – Hawthorne Hamlet
- iii. TH – Thornwood Hamlet

Section 3 identifies the allowable building types permitted in the VH, HH and TH districts. Section 4 indicates where the building types are and are not permitted. Section 5 identifies the regulations for all buildings. Section 6 addresses the dimensional regulations and standards for building design, configuration and placement. Section 7 presents the table of permitted uses. Section 8 describes the density bonus available in the Hawthorne Hamlet Core Area. Section 9 identifies the parking requirements. Section 10 lays out the regulations governing signs. Section 11 addresses design guidelines. Finally, Section 12 sets forth the administrative procedures which all projects in the VH, HH and TH districts must comply.

- E. Relationship to Comprehensive Plan: A cornerstone of the Mount Pleasant Comprehensive Plan – Envision Mount Pleasant, involves channeling appropriately scaled, mixed-use development into the Town’s three business districts of the Hamlets, thereby preserving the lower density, existing residential areas of Town. Additionally, the plan emphasizes placemaking in the Hamlets, creating well-designed, interesting and exciting activity hubs, that are not necessarily linked to specific uses. The Mount Pleasant Hamlet Zoning Code is a zoning technique, particularly well-suited to achieving this goal, and implementing Envision Mount Pleasant.
- F. Planning Principles. The Mount Pleasant Hamlet Zoning Code establishes an efficient, effective and equitable regulatory and procedural code for the use of land in the Hamlets of Valhalla, Hawthorne and Thornwood, subject to the following policies:
- i. The Hamlets should include a framework of transit, pedestrian and bicycle systems that provide alternatives to the use of private automobiles.
  - ii. Development should be compact, pedestrian oriented and contain a mix of uses.
  - iii. The development of isolated, single-use buildings and sites should be avoided.
  - iv. The ordinary support activities of daily living should be provided within walking distance of residential uses, allowing for independence from the automobile.
  - v. The layout and configuration of development should be designed to disperse traffic and reduce the length of automobile trips.
  - vi. Within the Hamlets, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
  - vii. Civic, institutional and commercial activity should be embedded throughout the Hamlets, and not isolated into remote single-use complexes.
  - viii. A range of open space, including parks, squares, plazas, and playgrounds, should be distributed throughout the Hamlets.
  - ix. Buildings, landscaping and other amenities should contribute to the physical definition of thoroughfares as public places.
  - x. Development should adequately accommodate automobiles while respecting pedestrians and the spatial form of public areas.

- xi. The design of buildings and sites should reinforce safe environments, but not at the expense of accessibility.
- xii. Architecture and landscape design should reflect the history and traditions, topography, climate and building practices of the Town of Mount Pleasant generally, and each Hamlet specifically.
- xiii. Public gathering places should be provided as locations that reinforce community identity and support self-regulation.
- xiv. The preservation and renewal of historic buildings, or the incorporation of historical architectural elements characteristic of the Town of Mount Pleasant generally, and each Hamlet specifically, and should be facilitated, to affirm the continuity and evolution of society.

G. Non-Conforming Uses and Buildings. The Mount Pleasant Hamlet Zoning Code replaces the C-NR (Neighborhood Retail) zoning which is the predominate zoning district in all of the business districts of the Hamlets. The C-NR Zoning will still apply to areas not specifically revised. While many retail uses are experiencing a decline, and a number of properties in the area are underutilized, viable retail and retail service uses do remain in place, and should be preserved and supported to the extent practicable.

In addition, small portions of the C-GC, M1, M2, R-40, PRDT-6 and PRDT-6 zoning districts located within the business districts of the Hamlet boundaries would also be replaced for the specified areas.

The Mount Pleasant Hamlet Zoning Code provides for the addition of a broad array of additional uses, including notably, varied residential uses. Facilitating the coexistence of diverse land uses represents one of the goals of the Mount Pleasant Hamlet Zoning Code.

The regulations governing non-conforming uses set forth in Section 12 remain applicable to uses and buildings in the VH, HH and TH districts. However, all legal pre-existing, non-conforming uses are encouraged to comply with the design guidelines established herein, to assure that the area evolves in a manner that is consistent with the goals and objectives of Envision Mount Pleasant.

## 2. THE REGULATING PLAN

The Regulating Plan establishes 4 distinct zones, each relating to the 3 Hamlets: Valhalla (VH), Hawthorne (HH) and Thornwood (TH). While the zoning controls within the Valhalla and Thornwood Hamlets are uniform, the Hawthorne Hamlet includes a Core Area (HHC) where limited discretionary increased density is allowable.

This approach differs from the existing zoning that divides the Town into zones that rigidly segregate residential, commercial, industrial and institutional uses, thereby



emphasizing a dependence on automobiles to functionally connect uses. The use of zones based on development intensity (instead of land uses) provides a new spatial basis for regulating development that recognizes the interrelationships between uses. The three zones also provide an effective vehicle to implement the Town’s design objectives for the Hamlets while fostering attractive and sympathetic interfaces between zones. The following Mount Pleasant Hamlet Zoning Districts are established:

VH Valhalla Hamlet District

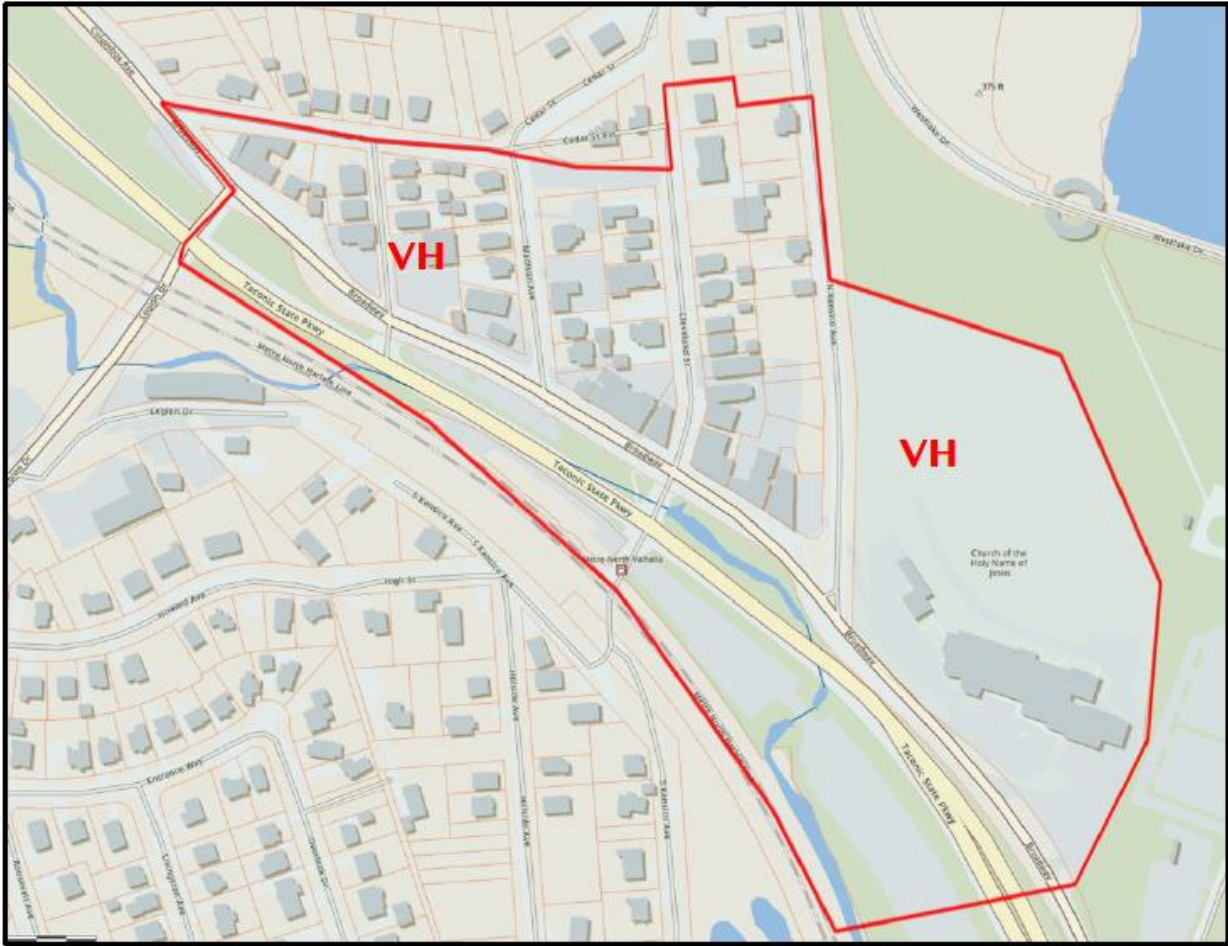
HH Hawthorne Hamlet District

HHC Hawthorne Hamlet – Core Area

TH Thornwood Hamlet District

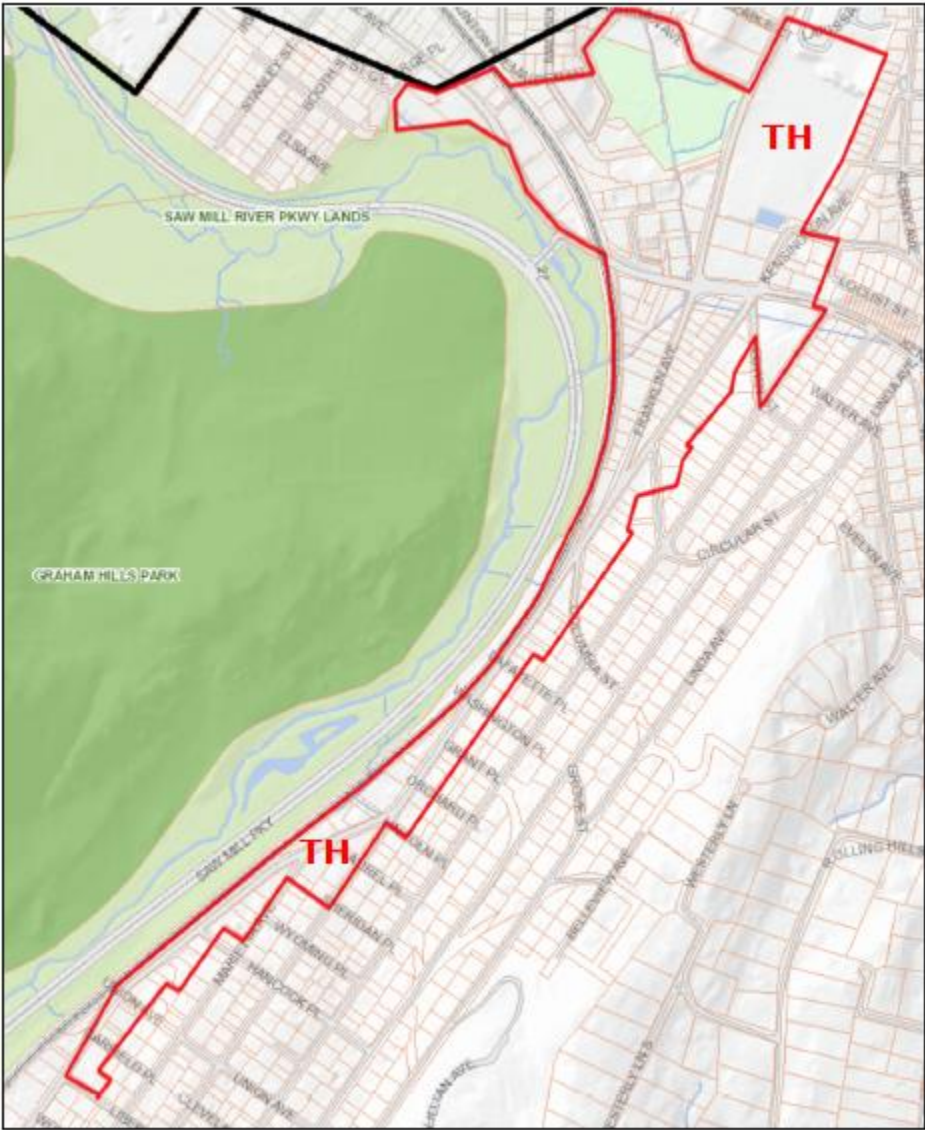
- A. VH - Valhalla Hamlet District. The Valhalla Hamlet District (VH) is located in the southeast section of the Town, and is the smallest of the three main Hamlets. Compact and walkable, covering approximately 22 acres, it contains 48 principal buildings on 50 lots. Broadway functions as the main commercial street for the Hamlet, which has excellent accessibility to the Taconic State Parkway. The Valhalla Train Station is the Hamlet’s transit hub.
- B. HH - Hawthorne Hamlet District. Located in the central portion of the Town, The Hawthorne Hamlet covers approximately 45 acres and includes 99 individual tax parcels. The majority of the Hamlet lies along Elwood Avenue (NYS Route 141) and is centered on the Hawthorne Metro North Train Station.
- C. HHC - Hawthorne Hamlet Core Area. The HHC is a small sub-district within the Hawthorne Hamlet, located just west of the Hawthorne Metro North train station.
- D. TH - Thornwood Hamlet District. Thornwood is the Town’s northern-most and largest Hamlet, covering approximately 68 acres and including 138 tax parcels in a generally linear configuration. The core of the Hamlet is the “Four-Corners” where Franklin Avenue, Broadway, Marble Avenue and Kensico Road intersect. Commerce Street is the main commercial corridor.

Valhalla Hamlet (VH)  
Regulating Plan Boundary





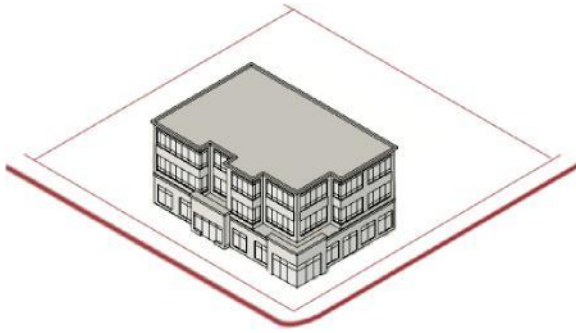
Thornwood Hamlet (TH)  
Regulating Plan Boundary



3. ALLOWABLE BUILDING TYPES

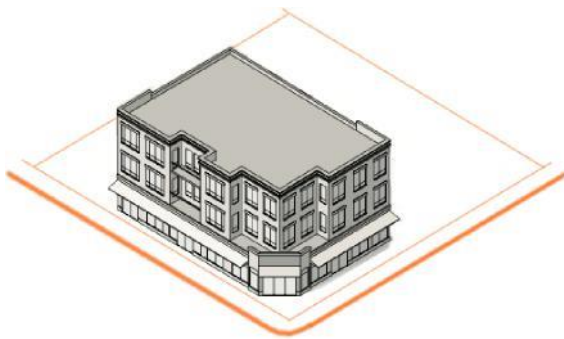
This Section establishes and defines the building types permitted within the Valhalla, Hawthorne and Thornwood Hamlets to ensure that proposed development is consistent with the goals for building form, physical character, land use and aesthetic quality.

A. General Commercial Building



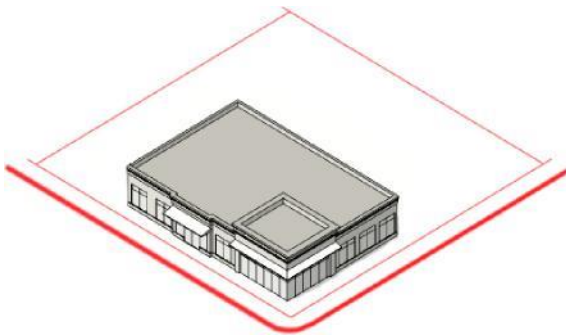
General commercial buildings accommodate office or other commercial uses. They can contain a single business or multiple tenants.

B. Mixed Use Building



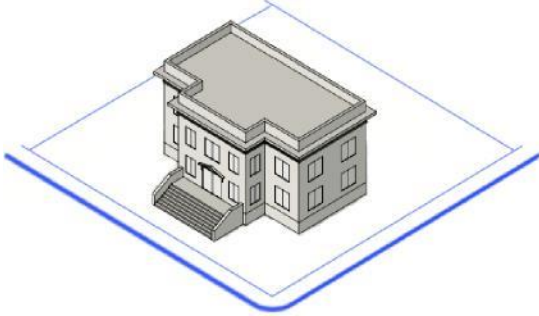
Mixed-use buildings are the typical building type in traditional downtown areas, and consist of first floor retail, retail service or restaurant uses, with residential apartments or offices on the upper floors.

C. One-Story Commercial Building



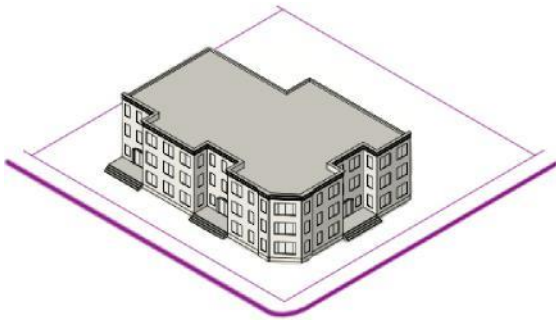
A one-story, large format building that accommodates a variety of commercial uses.

D. Civic Building



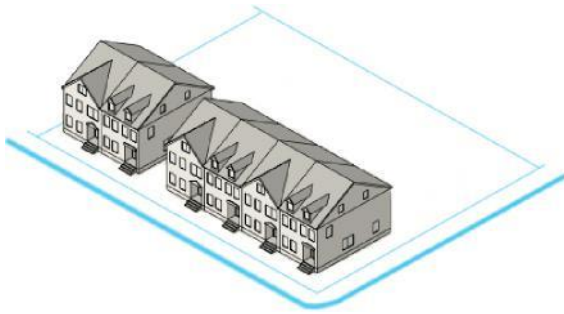
A building that incorporates certain monumental architectural elements that accommodates civic, institutional or public uses.

E. Multi-Family Building



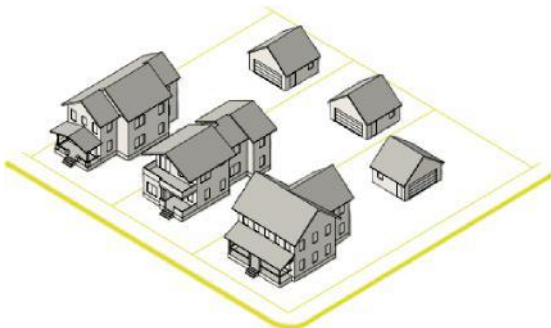
A residential building containing three or more dwelling units, that are vertically and horizontally integrated.

F. Townhouse



Three or more dwelling units where each unit is separated vertically by a party wall.

G. Detached Dwelling



A single or two-family dwelling unit on an individual lot with yards on all sides.

4. PERMITTED BUILDING TYPES BY DISTRICT.

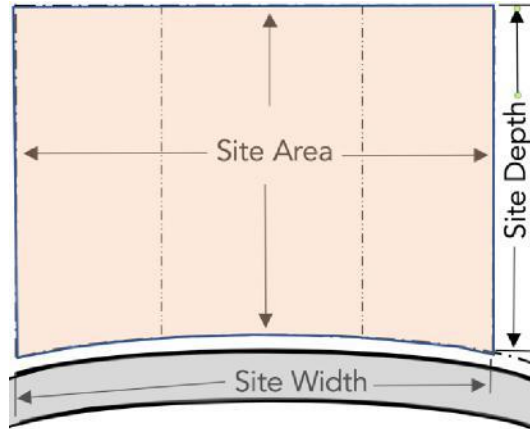
Building Types are allowed by district, as set forth below:

Permitted Building Types by District				
Building Type	VH	HH	HHC	TH
 General Commercial Building	P	P	P	P
 Mixed-Use Building	P	P	P	P
 One-Story Commercial Building	P	P	P	P
 Civic Building	P	P	P	P
 Multi-Family Building	P	P	P	P
 Townhouse	P	P	X	P
 Detached Dwelling	P	P	X	P

5. RULES APPLICABLE TO ALL BUILDINGS

The following rules apply to all buildings and districts unless expressly stated otherwise.

A. Site



i. Defined

A site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

ii. Site Area

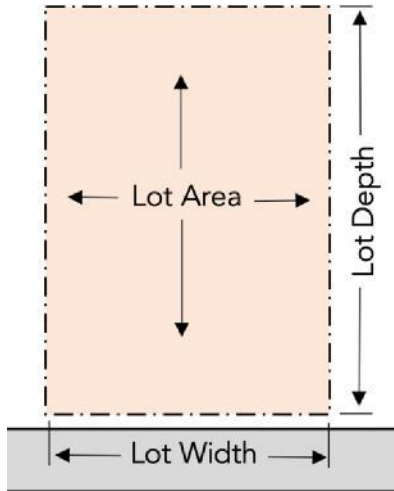
Site area is the cumulative area of all contiguous lots that the site is composed of. Does not include existing or proposed rights-of-way, whether dedicated or not dedicated for public use.

iii. Site Width

Site width is the cumulative width of all contiguous lots that the site is composed of.

B. Lot





i. Defined

A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

ii. Lot Area

Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed rights-of-way, whether dedicated or not dedicated to public use.

iii. Lot Width

Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.

iv. Lot Depth

Lot depth is the distance between the front and rear property lines measured along a line midway between the side property lines.

v. Lot Frontage

vi. Every lot must have frontage upon a mapped street.

C. Outdoor Amenity Space

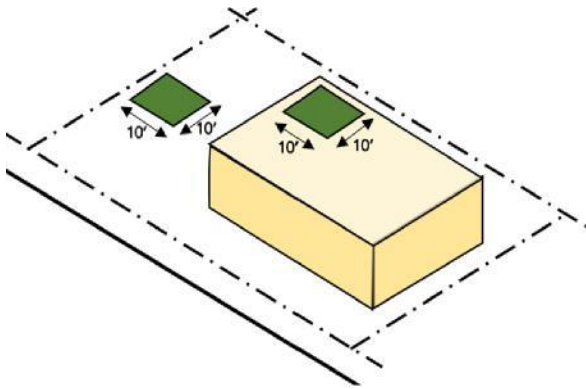
i. Generally

Where required, outdoor amenity space must be provided on the lot and must be available as unenclosed, improved active or passive recreational space for use by the occupants of the development. The

outdoor amenity area must be designed to meet the standards of this Section.

ii. Standards

1. Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit the area must be at least 10 feet in width and length.



2. Examples of active outdoor amenities include a playground, athletic court, swimming pool, plaza, promenade or dog park.
3. Passive outdoor amenity areas must include improvements such as walkways, and seating areas. Formal or informal gardens or landscaped areas, green roofs and green walls are considered acceptable passive outdoor amenity areas.
4. Outdoor amenity space may be located at or above grade. Above-grade examples include a rooftop deck or terrace, rooftop patio or fitness station.
5. Outdoor amenity space may be roofed but cannot be enclosed. Examples include a pavilion, gazebo or conservatory.
6. Outdoor amenity space may include structures such as kiosks, bicycle racks, benches or other seating, sculpture, fountains and similar amenities. Such areas must not include signs nor billboards unrelated to the amenities, utility areas, mechanical equipment, dumpsters or similar structures.
7. Outdoor amenity space cannot be parked or driven upon, except for emergency access and permitted temporary events.
8. Outdoor amenities may be seasonal or variable in nature (i.e. outdoor dining, farmers' market, etc.), provided that they occur for

a minimum duration of 3 months a year, and are designed to recur permanently.

D. Building Setbacks

- i. Generally. There are four types of setbacks – Primary Street, Side Street, Side Interior and Rear. Building setbacks apply to both principal and accessory buildings or structures except where it explicitly states otherwise.
- ii. Measurement of Building Setbacks. Setbacks are measured from the property line.
- iii. Primary and Side Street Designation
  1. Where only one street abuts a lot, that street is considered the primary street.
  2. A lot with multiple street frontages must designate a primary street. The designation of the primary street shall be based on:
    - a. The street with the highest roadway classification.
    - b. The established orientation of the block.
    - c. The street abutting the longest face of the block.
    - d. The street that the lot takes its address from.

E. Build-To-Line

- i. Defined. The “Build-To-Line” is the location along the front yard setback where a certain percentage of the front building façade must be located. This provision ensures a uniform streetscape without disruptive gaps or voids.
- ii. Corner Lots. On a corner lot, a building façade must be placed at the Build-To-Line for a minimum of the first 30 feet along the primary street. This provision ensures well-defined streetscape corners and adjacent intersections.

F. Setback Encroachments. All buildings and structures must be located at or behind the required setbacks except as listed below. Unless specifically stated, no building or structure can extend into a public right-of-way except where it explicitly states otherwise.

- i. Building Features

1. Porches, stoops, balconies, galleries, awnings/canopies and porticos can extend into a required setback.
2. Chimneys or flues may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
3. Building eaves, roof overhangs and light shelves may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
4. Bay windows, oriels and vestibules that are less than 10 feet wide may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
5. Unenclosed fire escapes or stairways may encroach up to 4 feet into a required side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.
6. Unenclosed patios, decks or terraces may encroach up to 4 feet into a required side setback, or up to 8 feet into a required rear setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
7. Outdoor seating and dining areas, may extend into a primary or side street setback. Curb-side pick-up facilities may extend into any setback. Both outdoor seating and dining and curb-side pick-up may extend onto the right-of-way subject to the maintenance of adequate access and circulation, public safety and subject to the approval of the Building Inspector.
8. Cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 2 feet.
9. Handicap ramps may encroach to the extent necessary to perform their proper function.
10. Structures below and covered by the ground may encroach into a required setback.

ii. Mechanical Equipment & Utility Lines

1. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
2. Solar panels, wind turbines and rainwater collection or harvesting systems less than 10 feet in height may encroach into

a required rear or side setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.

3. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into a required rear or side setback.

#### G. Parking Setbacks

- i. On-site surface and structured parking must be located behind the parking setback line. This requirement is not intended to restrict on-street parking.
- ii. Parking setbacks are measured from the property line.

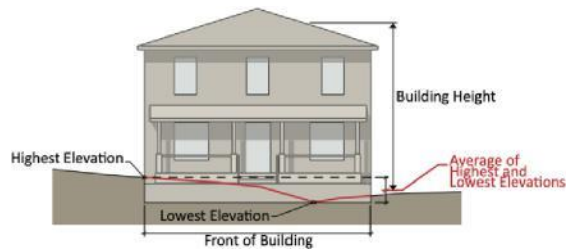
#### H. Building Height

##### i. Generally

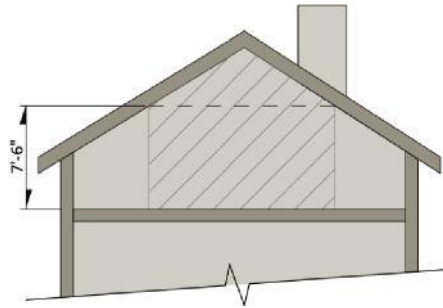
1. Building height is regulated in both the number of stories and vertical feet. Height shall be measured from the average grade to the mean height level between the eaves and the ridge of a gable, hip, mansard or gambrel roof or to the heights point of a roof surface of a flat roof, not including a maximum 4' high parapet wall encroachment.



2. Average grade is determined by calculating the average of the highest and lowest elevation along the natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.



3. An attic is not considered a story where 50% or more of the attic floor area does not exceed a clear height of 7 1/2 feet measured from the finished floor to the finished ceiling.



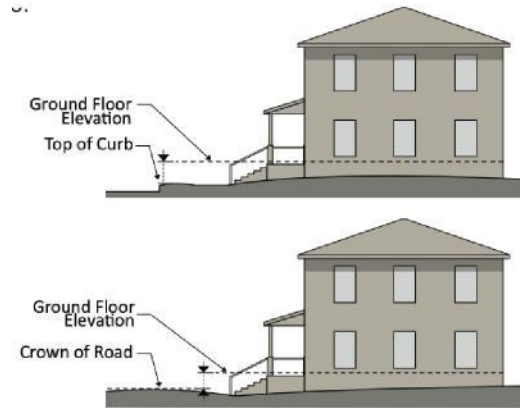
4. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.
- ii. Height Encroachments. Any height encroachment not specifically listed is expressly prohibited except where the Building Inspector determines that the encroachment is similar to a permitted encroachment listed below.
    1. The maximum height limits do not apply to spires, belfries, cupolas, domes not intended for human occupancy, monuments, water tanks, water towers or other similar structures which, by design or function, must exceed the established height limits.
    2. The following accessory structures may exceed the established height limit of the district provided they do not exceed the maximum height by more than 6 feet:
      - a. Chimney flue or vent stack;
      - b. Deck, patio, shade structure;
      - c. Flagpole;
      - d. Garden, landscaping;
      - e. Parapet wall (limited to 4 feet in height);
      - f. Solar panels, wind turbines and rainwater collection or harvesting systems.
    3. The following accessory structures may exceed the established height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:

- a. Amateur communications tower;
  - b. Cooling tower;
  - c. Elevator penthouse or bulkhead;
  - d. Greenhouse;
  - e. Mechanical equipment;
  - f. Skylights;
  - g. Elevator or stairway access to roof.
4. Any of the elements listed in paragraphs b. and c. above are considered accessory uses to the primary structure and must not be used for any purpose other than as uses incidental to the principal structures.
  5. Commercial wireless telecommunications antennas shall not extend above the highest existing structural element of a building. In instances where this height must be exceeded to satisfactorily meet coverage requirements, the height of the antenna shall be the minimum necessary. In all cases, antennas and associated equipment shall be disguised with stealth camouflage to blend into the architecture of the building and the character of the surrounding area. Antennas that extend above the highest existing structural element shall also be required to obtain approve through the Full Review Process set forth in Section 12.

iii. Ground Floor Elevation

1. Ground floor elevation is measured from top of the adjacent curb, or from the crown of the road where no curb exists, to the top of the finished ground floor.

2. Minimum ground floor elevation applies to the first 30 feet of the lot measured from the right-of-way line.



- iv. Story Height. The story height is measured from the top of the finished floor to the finished ceiling above.



6. Building Type Regulations

GENERAL COMMERCIAL BUILDING

**A. Lot Requirements**

**Lot Dimensions**

① Lot Area (min)	5,000 SF
② Lot Width (min)	50'

**Outdoor Amenity Space**

③ Outdoor Amenity Space (min)	0
-------------------------------	---

**B. Building Placement**

**Building Setbacks**

① Front Yard, Primary Street	0'
② Side Yard, Side Street	0'
③ Side Yard, Interior	0' or 5' <sup>(1)</sup>
④ Rear Yard	30'

**Build-To-Line**

⑤ Building Along Primary Street	75% (min % of lot width)
⑥ Building Along Side Street	35% (min % of lot width)

**Parking Setbacks**

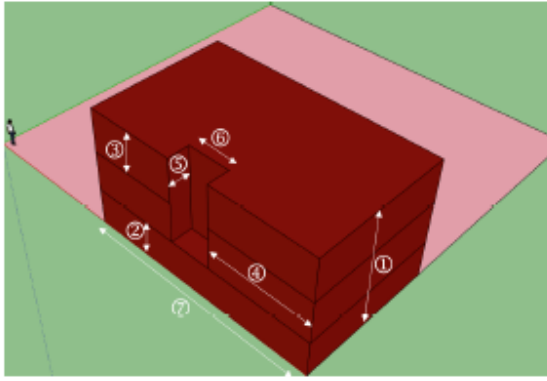
⑦ Primary Street (min)	30'
⑧ Side Street (min)	10'
⑨ Parking Location	Behind Building

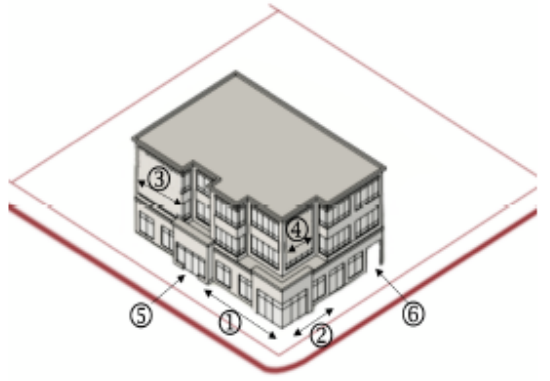
**Coverage**

Building (max)	75%
Impervious Surface (max)	85%

(1) If a side yard setback is provided it must be a minimum of 5.'

## GENERAL COMMERCIAL BUILDING

C. Height and Mass		
		
Building Height		
① Building Height		3 stories/40'
Story Height		
② Ground Story Height Floor to Ceiling (min)		11'
③ Upper Story Height Floor to Ceiling (min)		9'
Building Mass		
④ Max Length of Street-Facing Wall Without Offset		20'
⑤ Upper Story Street-Facing Off-Set Depth (min)		4'
⑥ Upper Story Street Facing Wall Offset Length (min)		6'
⑦ Building Length, Street- Facing Façade (max)		175'

D. Activation		
		
Transparency		
① Ground Story, Primary Street Façade		70%
② Ground Story, Side Street Façade		40%
③ Blank Wall Length, Primary Street		20'
④ Blank Wall Length, Side Street		30'
Functional Entries		
⑤ Functional Entries (min)		50'
⑥ Area of Garage or Service Bay Openings Along Street Wall (max)		20%
Permitted Building Elements		
Porch		No
Stoop		No
Balcony		No
Gallery		No
Awning/Canopy		Yes
Forecourt		Yes
Portico		Yes

## MIXED-USE BUILDING

**A. Lot Requirements**

**Lot Dimensions**

① Lot Area (min)	5,000 SF
② Lot Width (min)	50'

**Outdoor Amenity Space**

③ Outdoor Amenity Space	200SF/DU
-------------------------	----------

**B. Building Placement**

**Building Setbacks**

① Front Yard, Primary Street	0'
② Side Yard, Side Street	0'
③ Side Yard, Interior	0' or 5' <sup>(1)</sup>
④ Rear Yard	30'

**Build-To-Line**

⑤ Building Along Primary Street	75% (min % of lot width)
⑥ Building Along Side Street	5% (min % of lot width)

**Parking Setbacks**

⑦ Primary Street (min)	30'
⑧ Side Street (min)	10'
⑨ Parking Location	Behind Building

**Coverage**

Building (max)	80%
Impervious Surface (max)	90%

(1) If a side yard setback is provided it must be a minimum of 5.'

## MIXED-USE BUILDING

C. Height and Mass		
Building Height		
①	Building Height	3 stories/40'
Story Height		
②	Ground Story Height Floor to Ceiling (min)	11'
③	Upper Story Height Floor to Ceiling (min)	9'
Building Mass		
④	Max Length of Set-Facing Wall Without Offset	20'
⑤	Upper Story Street-Facing Off-Set Depth (min)	4'
⑥	Upper Story Street Facing Wall Offset Length (min)	6'
⑦	Building Length, Street- Facing Façade (max)	175'

D. Activation		
Transparency		
①	Ground Story, Primary Street Façade	75%
②	Ground Story, Side Street Façade	30%
③	Blank Wall Length, Primary Street	20'
④	Blank Wall Length, Side Street	30'
Functional Entries		
⑤	Functional Entries (min)	50'
⑥	Area of Garage or Service Bay Openings Along Street Wall (max)	20%
Permitted Building Elements		
Porch		No
Stoop		No
Balcony		Yes
Gallery		Yes
Awning/Canopy		Yes
Forecourt		Yes
Portico		Yes

## ONE-STORY COMMERCIAL BUILDING

**A. Lot Requirements**

**Lot Dimensions**

① Lot Area (min)	5,000 SF
② Lot Width (min)	50'

**Outdoor Amenity Space**

③ Outdoor Amenity Space (min)	0
-------------------------------	---

**B. Building Placement**

**Building Setbacks**

① Front Yard, Primary Street	0'
② Side Yard, Side Street	0'
③ Side Yard, Interior	0' or 5' <sup>(1)</sup>
④ Rear Yard	30'

**Build-To-Line**

⑤ Building Along Primary Street	75% (min % of lot width)
⑥ Building Along Side Street	5% (min % of lot width)

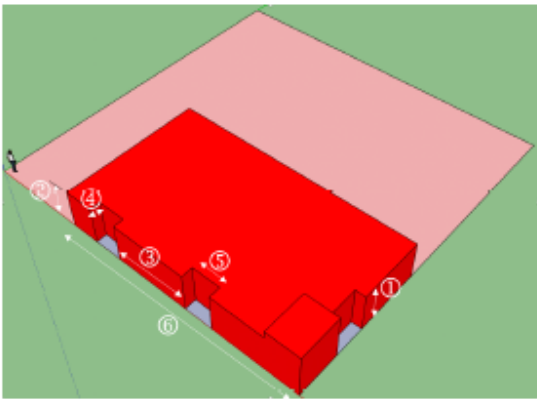
**Parking Setbacks**

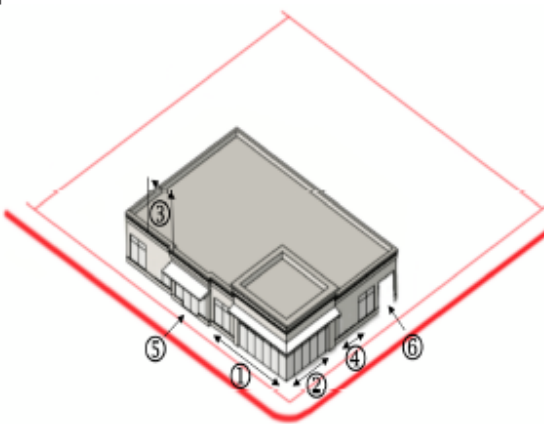
⑦ Primary Street (min)	30'
⑧ Side Street (min)	10'
⑨ Parking Location	Behind Building

**Coverage**

Building (max)	75%
Impervious Surface (max)	85%

## ONE-STORY COMMERCIAL BUILDING

C. Height and Mass		
		
Building Height		
① Building Height		1 story/25'
Story Height		
② Ground Story Height Floor to Ceiling (min)		12'
Building Mass		
③ Max Length of Street-Facing Wall Without Offset		20'
④ Street-Facing Wall Off-Set Depth (min)		4'
⑤ Street-Facing Wall Off-Set Width (min)		8'
⑥ Building Length, Street- Facing Façade (max)		175'

D. Activation		
		
Transparency		
① Ground Story, Primary Street Façade		75%
② Ground Story, Side Street Façade		30%
③ Blank Wall Length, Primary Street		20'
④ Blank Wall Length, Side Street		35'
Functional Entries		
⑤ Functional Entries (min)		50'
⑥ Area of Garage or Service Bay Openings Along Street Wall (max)		20%
Permitted Building Elements		
Porch		No
Stoop		Yes
Balcony		No
Gallery		Yes
Awning/Canopy		Yes
Forecourt		Yes
Portico		Yes

## CIVIC BUILDING

**A. Lot Requirements**

The diagram shows a trapezoidal lot with a 'Primary Street' on the left and a 'Side Street' on the right. A green square area in the upper portion is labeled '3', representing an outdoor amenity space. The remaining area of the lot is labeled '1'. The lot width is indicated by a dimension line labeled '2'.

Lot Dimensions		
①	Lot Area (min)	5,000 SF
②	Lot Width (min)	50'

Outdoor Amenity Space		
③	Outdoor Amenity Space (min)	0

**B. Building Placement**

The diagram shows a blue building footprint on the lot. Various setbacks and build-to-line requirements are indicated with numbered circles: 1 (front yard setback), 2 (side yard setback), 3 (interior side yard setback), 4 (rear yard setback), 5 (building along primary street), 6 (building along side street), 7 (primary street parking setback), 8 (side street parking setback), and 9 (parking location behind building).

Building Setbacks		
①	Front Yard, Primary Street	25'
②	Side Yard, Side Street	10'
③	Side Yard, Interior	10'
④	Rear Yard	30'

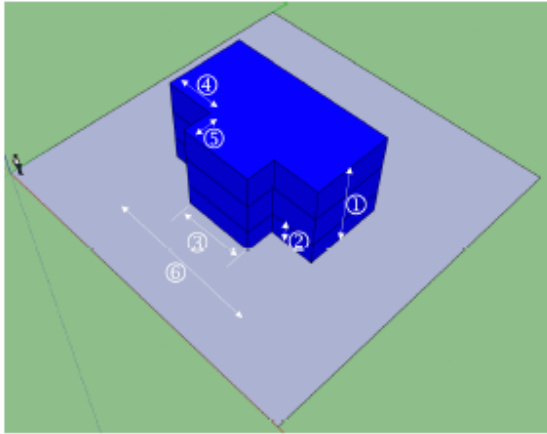
Build-To-Line		
⑤	Building Along Primary Street	85% (min % of lot width)
⑥	Building Along Side Street	20% (min % of lot width)

Parking Setbacks		
⑦	Primary Street (min)	30'
⑧	Side Street (min)	10'
⑨	Parking Location	Behind Building

Coverage		
	Building (max)	50%
	Impervious Surface (max)	65%

## CIVIC BUILDING

### C. Height and Mass



#### Building Height

① Building Height 3 Stories/40'

#### Story Height

② Ground Story Height 11'  
Floor to Ceiling (min)

③ Upper Story Height 9'  
Floor to Ceiling (min)

#### Building Mass

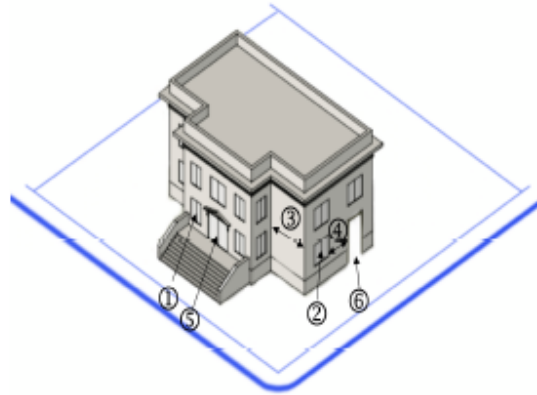
④ Max Length of Street-Facing Wall Without Offset 20'

⑤ Upper Story Street-Facing Off-Set Depth (min) 4'

⑥ Upper Story Street Facing Wall Offset Length (min) 6'

⑦ Building Length, Street-Facing Façade (max) 175'

### D. Activation



#### Transparency

① Ground Story, Primary Street Facade 55%

② Ground Story, Side Street Facade 25%

③ Blank Wall Length, Primary Street 15'

④ Blank Wall Length, Side Street 30'

#### Functional Entries

⑤ Functional Entries (min) 50'

⑥ Area of Garage or Service Bay Openings Along Street Wall (max) 20%

#### Permitted Building Elements

Porch Yes

Stoop Yes

Balcony Yes

Gallery Yes

Awning/Canopy Yes

Forecourt Yes

Portico Yes



## MULTI-FAMILY BUILDING

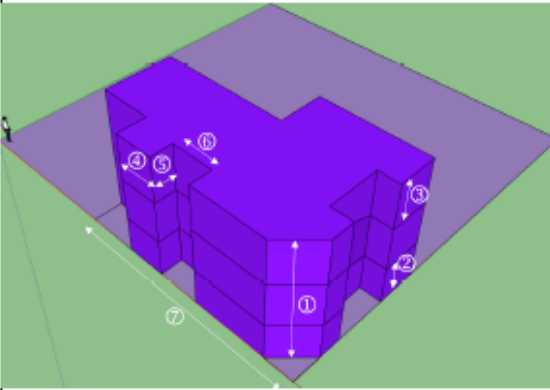
**A. Lot Requirements**


Lot Dimensions		
①	Lot Area (min)	5,000 SF
②	Lot Width (min)	50'
Outdoor Amenity Space		
③	Outdoor Amenity Space	250SF/DU

**B. Building Placement**

Building Setbacks		
①	Front Yard, Primary Street	0'
②	Side Yard, Side Street	0'
③	Side Yard, Interior	0' or 5' <sup>(1)</sup>
④	Rear Yard	30'
Build-To-Line		
⑤	Building Along Primary Street	75% (min % of lot width)
⑥	Building Along Side Street	35% (min % of lot width)
Parking Setbacks		
⑦	Primary Street (min)	30'
⑧	Side Street (min)	10'
⑨	Parking Location	Behind Building
Coverage		
	Building (max)	70%
	Impervious Surface (max)	75%

## MULTI-FAMILY BUILDING

C. Height and Mass		
		
Building Height		
①	Building Height	3 stories/40'
Story Height		
②	Ground Story Height Floor to Ceiling (min)	10'
③	Upper Story Height Floor to Ceiling (min)	8'
Building Mass		
④	Max Length of Street-Facing Wall Without Offset	20'
⑤	Upper Story Street-Facing Off-Set Depth (min)	4'
⑥	Upper Story Street Facing Wall Offset Length (min)	6'
⑦	Building Length, Street- Facing Façade (max)	175'

D. Activation		
		
Transparency		
①	Ground Story, Primary Street Façade	65%
②	Ground Story, Side Street Façade	20%
③	Blank Wall Length, Primary Street	20'
④	Blank Wall Length, Side Street	30'
Functional Entries		
⑤	Functional Entries (min)	65'
⑥	Area of Garage or Service Bay Openings Along Street Wall (max)	20%
Permitted Building Elements		
	Porch	No
	Stoop	Yes
	Balcony	Yes
	Gallery	Yes
	Awning/Canopy	Yes
	Forecourt	Yes
	Portico	Yes

## TOWNHOUSE

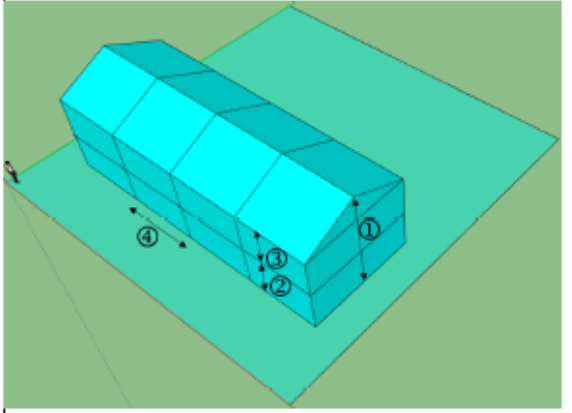
**A. Lot Requirements**

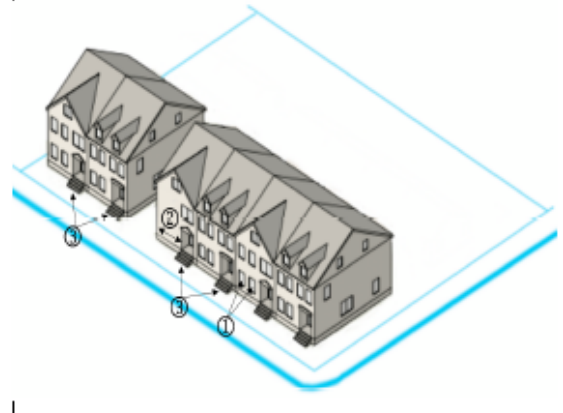
Lot Dimensions		
①	Lot Area (min)	5,000 SF
②	Lot Width (min)	50'
Outdoor Amenity Space		
③	Outdoor Amenity Space	300SF/DU

**B. Building Placement**

Building Setbacks		
①	Front Yard, Primary Street	30'
②	Side Yard, Side Street	10'
③	Side Yard, Interior	10'
④	Rear Yard	30'
Build-To-Line		
⑤	Building Along Primary Street (min % of lot width)	35%
⑥	Building Along Side Street (min % of lot width)	15%
Parking Setbacks		
⑦	Primary Street (min)	50'
⑧	Side Street (min)	10'
⑨	Parking Location	Behind Building
Coverage		
	Building (max)	50%
	Impervious Surface (max)	65%

## TOWNHOUSE

C. Height and Mass	
	
Building Height	
① Building Height	2 ½ stories/35'
Story Height	
② Ground Story Height Floor to Ceiling (min)	9'
③ Upper Story Height Floor to Ceiling (min)	9'
Unit Size	
④ Unit Width (min)	25'

D. Activation		
		
Transparency		
① Ground Story, Primary Street	Facade	20%
② Blank Wall Length, Primary Street		20'
Functional Entries		
③ Functional Entries (min)		45'
Permitted Building Elements		
Porch		Yes
Stoop		Yes
Balcony		Yes
Gallery		No
Awning/Canopy		No
Forecourt		No
Portico		No

## DETACHED DWELLINGS

**A. Lot Requirements**

**Lot Dimensions**

① Lot Area (min)	5,000 SF
② Lot Width (min)	50'

**Outdoor Amenity Space**

③ Outdoor Amenity Space	500SF/DU
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**B. Building Placement**

**Principal Building Setbacks**

① Front Yard, Primary Street	30'
② Side Yard, One	10'
③ Side Yard, Both	15'
④ Rear Yard	30'

**Accessory Building Setbacks**

⑤ From Principal Building	12'
⑥ Side Yard	5'
⑦ Rear Yard	5'

**Parking Setbacks**

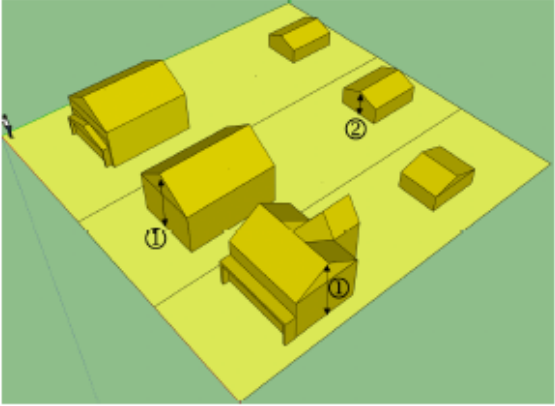
Parking Location	Driveway or Garage
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**Coverage**

Building (max)	30%
Impervious Surface (max)	40%

## DETACHED DWELLING

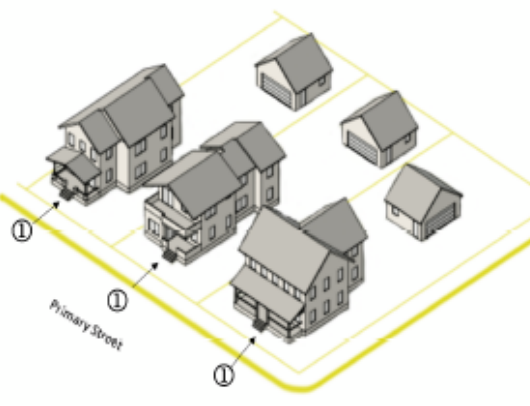
**C. Height and Mass**



**Building Height**

①	Building Height	2 ½ stories/35'
②	Accessory Building Height	1 Story/15'

**D. Activation**



**Functional Entries**

①	Functional Entries	On Primary Street
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**Permitted Building Elements**

Porch	Yes
Stoop	Yes
Balcony	Yes
Gallery	No
Awning/Canopy	No
Forecourt	No
Portico	No

7. **Permitted Uses**

The following uses are permitted within the Mount Pleasant Hamlet Zoning District.

Mount Pleasant Hamlet Zoning Code				
Permitted Uses				
Use	VH	HH	HHC	TH
<b>Residential Uses</b>				
One Family Dwelling	P	P	X	P
Two-Family Dwelling	P	P	X	P
Townhouse	P	P	P	P
Multi-Family Dwelling	P	P	P	P
<b>Public and Civic Uses</b>				
Public School	P	P	P	P
Community Purpose Building	P	P	P	P
Municipal Uses for Mount Pleasant	P	P	P	P
Place of Worship	SP	SP	SP	SP
Public Utility & Telecommunications	P	P	P	P
Train/Bus/Transit Station	P	P	P	P
Public Parking Lot or Garage	P	P	P	P
US Post Office	P	P	P	P
Park or Playground	P	P	P	P
Community Garden	P	P	P	P
<b>Commercial Uses</b>				
Retail	P	P	P	P
Retail Service	P	P	P	P
Experiential Retail	P	P	P	P
eBay Selling Center	P	P	P	P
Community Gathering Place Business	P	P	P	P
Music, Dance, Art, Craft Lessons	P	P	P	P
Retail Laundry & Dry Cleaner	P	P	P	P
Bakery	P	P	P	P
Delicatessen	P	P	P	P
Bar/Restaurant	P	P	P	P
Restaurant, Carry-Out	P	P	P	P
Coffee Shop, Tea House	P	P	P	P
Craft Brewery/Distillery	P	P	P	P
Catering and Events Establishment	SP	SP	SP	SP
Theater or Performing Arts Venue	P	P	P	P
Gallery or Museum	P	P	P	P
Social Club	P	P	P	P
Boutique Hotel	SP	SP	SP	SP
Bed & Breakfast	P	P	P	P
Bank, Financial Institution	P	P	P	P
Funeral Parlor	P	P	P	P
Business, Professional Office, Co-Working Office Space	P	P	P	P

Bio-Tech, R&D Facility	SP	SP	X	SP
Medical Office, Ambulatory Care Facility	P	P	P	P
Surgical/Injury Rehabilitation Facility	P	P	P	P
Veterinarian or Animal Hospital	P	P	P	P
University, College & Private School	SP	SP	SP	SP
Business & Trade School	P	P	P	P
Artisan/Craftsman Workshop	P	P	P	P
Farm Stand	P	P	P	P
Farmers Market	P	P	P	P
Nursery School	P	P	SP	P
Day Care Facility	P	P	SP	P
Indoor Athletic Recreation or Training Facility	P	P	P	P
Small Business Incubator	P	P	P	P
Pop-Up Shop	P	P	P	P
Private Parking, Car Sharing Facility	SP	SP	SP	SP
<b>Accessory Uses</b>				
Customary Accessory Use	P	P	P	P
Signs	P	P	P	P
Emergency Generators	P	P	P	P
Building Mounted Solar panels	P	P	P	P
Mechanical & HVAC Equipment	P	P	P	P

P = Permitted  
SP = Special Permit  
X – Prohibited

**8. Hamlet Core Density Bonus**

For property located in the Hawthorne Hamlet Core Area a density bonus may be applied. The Town Board may, at its discretion and subject to the standards and considerations set forth below, grant a density bonus of 1-story (for a maximum height of 4 stories) for buildings located in the Hawthorne Core Area. A density bonus may be granted in exchange for an applicant providing one or more of the following off-site civic improvements, amenities or development actions that are above and beyond those that are directly or indirectly necessitated by the proposed project itself. For properties in the Hawthorne Core Area, the 4<sup>th</sup> floor must be setback a minimum of 7 feet from the front of the building and may not exceed 75% of the area of the floor immediately below it.

A. Provision, Renovation or Rehabilitation of a Public Open Space Amenity: By contributing a significant provision, renovation, donation and/or or rehabilitation of a public open space amenity, to include but not limited to a public park and/or other public open space, a density bonus may be granted. The Outdoor Amenity Space required for a development, as set forth in the Building Type Regulations shall not count towards this amenity.



- B. Historic Preservation: Preserving a significant portion of a building(s) or structure(s) identified by the Town Board as having historical, cultural and/or architectural significance.
- C. Brownfield or Derelict Property Remediation: Applicants may apply for a density bonus for providing brownfield or derelict property remediation to prepare the property(ies) for either dedication for public use for redevelopment by a public or private owner.
- D. Contribution to Non-Site Related Infrastructure Improvements: Non-site related infrastructure improvements are considered significant improvements that are not directly needed, required or related to the subject site development, but may indirectly improve the area. Infrastructure improvements may include, but are not limited to significant provisions, renovations, creation, donation, installation and/or rehabilitation of public solid waste and recycling receptacles, traffic calming measures, public seating, wider than required sidewalks, specialty pavers or utility covers as part of district “branding”, repaving of a street(s), intersection upgrades (including street lights and crosswalks), bus shelters, and storm or sanitary sewer improvements. To the extent the proposed infrastructure improvements are related to sanitary sewage improvements, in order to be eligible for the density bonus the applicant shall reduce inflow/infiltration (I&I) at a ratio of 3:1.
- E. Provision of Creating Alternative Off-Site Parking Facilities: By contributing to the creation of an off-site parking facility, above and beyond the off-street parking requirements for the proposed development included in this district, which may include, but is not limited to creation the of a public off-street parking garage, dedicating land for the creation of a public off-street parking facility or the creation of a privately operated parking facility, a density bonus may be granted, that would provide additional parking proportionate to the size and scope of the project.
- F. Provision of Public Artwork: Incorporation of publicly accessible artwork including but not limited to sculpture(s), monument(s), mural(s) or other permanent aesthetic structure(s) on a site or at a designated off-site location as deemed appropriate by the Town Board.
  - i. In granting the density bonus for the amenities listed above, the Town Board shall consider the following criteria:
    - 1. The incentives being proposed and the degree to which the proposed amenity is compatible with the goals and objectives for the Mount Pleasant Hamlet Zoning Code, and Envision Mount Pleasant.
    - 2. Set forth in the public record, in detail, the amenities to be provided by the applicant, how those amenities further the

purposes of the HH district and the Town’s long range planning strategies, how they preserve and enhance the aesthetic, environmental and/or historical qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.

3. The associated maintenance schedule and ownership of the proposed amenity(ies).
4. The density bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass, size, and shape of the proposed structure(s).
5. The density bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass and/or size of the surrounding area.
6. Set forth in the public record, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Town Board. The granting or denial of any density bonus shall be solely within the discretion of the Town Board, by the issuance of a special permit, using the criteria set forth in this section.

9. PARKING REGULATIONS

A goal for the Mount Pleasant Hamlet Zoning Code, is to establish a “park once” policy, wherein people driving to the Hamlets are encouraged to park in one location, and then travel by foot within the area to various other destinations, rather than driving from one location to another. Design emphasis and priority is given to pedestrian circulation. The proximity to the Metro-North train stations in Valhalla and Hawthorne, and their transit-oriented characteristics positively contributes toward this approach. As a result, the required parking in the VH, HH and TH districts reflects reduced off-street parking ratios for certain uses. The use of shared parking is also permitted and encouraged.

- A. Off-Street Parking Requirements. The off-street parking requirements established in §218-89 are superseded by the requirements set forth below. The off-street loading requirements established in §218-94 remain applicable.

<b>Mount Pleasant Hamlet Form-Based Zoning Code Off-Street Parking Requirements</b>	
<b>Use</b>	<b>Required Parking</b>
<b>Residential Uses</b>	
One Family Dwelling	1.75 per dwelling unit
Two-Family Dwelling	1.5 per dwelling unit containing no more than 2 bedrooms. 1.75 per dwelling unit containing more than 2 bedrooms.
Townhouse	1.5 per dwelling unit, plus 1 per 5 dwelling units for visitors
Multi-Family Dwelling	1.0 per dwelling unit containing no more than 2 bedrooms. 1.25 per dwelling unit containing more than 2 bedrooms, plus 1 per 7 dwelling units for visitors
<b>Public and Civic Uses</b>	
Public School	1 per teacher or staff member, plus 7 spaces for visitors
Community Purpose Building	1 per 450 square feet GFA
Municipal Uses for Mount Pleasant	Determined by Town Board
Civic Uses	Determined by Town Board
Place of Worship	1 space per 5 seats or pew spaces
Public Utility & Telecommunications	None required
Train/Bus/Transit Station	Determined by Town Board
Public Parking Lot or Garage	None Required
US Post Office	1 per 350 square feet GFA
Park or Playground	Determined by Town Board
<b>Commercial Uses</b>	
Retail	1 per 450 square feet GFA
Retail Service	1 per 450 square feet GFA

Experiential Retail	1 per 500 square feet GFA
eBay Selling Center	1 per 450 square feet GFA
Community Gathering Place Business	1 per 500 square feet GFA
Music, Dance, Art, Craft Lessons	1 per instructor, plus .25 per student
Retail Laundry & Dry Cleaner	1 per 450 square feet GFA
Bakery	1 per 450 square feet GFA
Delicatessen	1 per 450 square feet GFA, plus 1 additional space if seating is provided
Bar/Restaurant	1 per 5 seats or 1 per 300 square feet of GFA, whichever is greater
Restaurant, Carry-Out	1 per 500 square feet GFA, plus 5 stacking spaces per drive-thru lane
Coffee Shop, Tea House	1 per 5 seats or 1 per 300 square feet of GFA, whichever is greater
Craft Brewery/Distillery	1 per 5 seats or 1 per 300 square feet of GFA, whichever is greater, plus 1 per non-customer service employee
Catering and Events Establishment	1 per 4 permanent seats or 1 per 150 square feet of floor area devoted to patron use, plus 1 per 750 square feet exclusively devoted to a dance floor, plus one per employee
Theater or Performing Arts Venue	1 per 4 seats for first 100 seats plus 1 per 6 seats after first 100.
Gallery or Museum	1 per 1,000 square feet GFA, plus .5 per employee
Social Club	1 per 450 square feet GFA
Boutique Hotel	1 per guest room, plus .25 per employee, plus additional spaces as required herein for restaurant, bar or catering and events uses, if provided
Bed & Breakfast	1 per guest room
Bank, Financial Institution	1 per 200 square feet of gross floor area, plus 3 stacking spaces per drive thru lane served by a teller, and 4 stacking spaces per drive thru lane for an ATM
Funeral Parlor	15 spaces per viewing room, plus 1 space per employee
Business, Professional Office, Co-Working Office Space	1 per 550 square feet GFA
Bio-Tech, R&D Facility	1 per 550 square feet GFA
Medical Office, Ambulatory Care Facility	1 per 300 square feet GFA
Surgical/Injury Rehabilitation Facility	1 per 400 square feet GFA
Veterinarian or Animal Hospital	1 per 450 square feet GFA
University, College & Private School	1 per teacher or staff member, for colleges 1 additional space per 5 students. For auditoriums, gymnasiums, grandstands or other gathering places 1 space per 5 seats.

Business & Trade School	1 per teacher or staff member, plus 1 additional space per 3 students
Artisan/Craftsman Workshop	1 per artisan or craftsman
Nursery School	1 per teacher or staff member plus 1 space per 5 pupils
Day Care Facility	1 per teacher or staff member plus 1 space per 5 pupils
Indoor Athletic Recreation or Training Facility	6 per 1,000 square feet GFA
Small Business Incubator	1 per 450 square feet GFA
Pop-Up Shop	Determined by Town Board
Private Parking, Car Sharing Facility	1 per employee

B. Shared Parking.

The concept of shared parking, whereby land uses that have different parking demand patterns are able to use the same parking spaces throughout the day, is particularly useful in a compact hamlet district, where a significant percentage of trips are accommodated via public transit. Public transit reduces the overall demand for individual passenger vehicle trips and the related demand for parking.

Shared parking is permitted and encouraged in the Mount Pleasant Hamlet Zoning districts. The Planning Board, may consider the use of shared parking, without any need for a variance from the Zoning Board of Appeals, according to the following provisions:

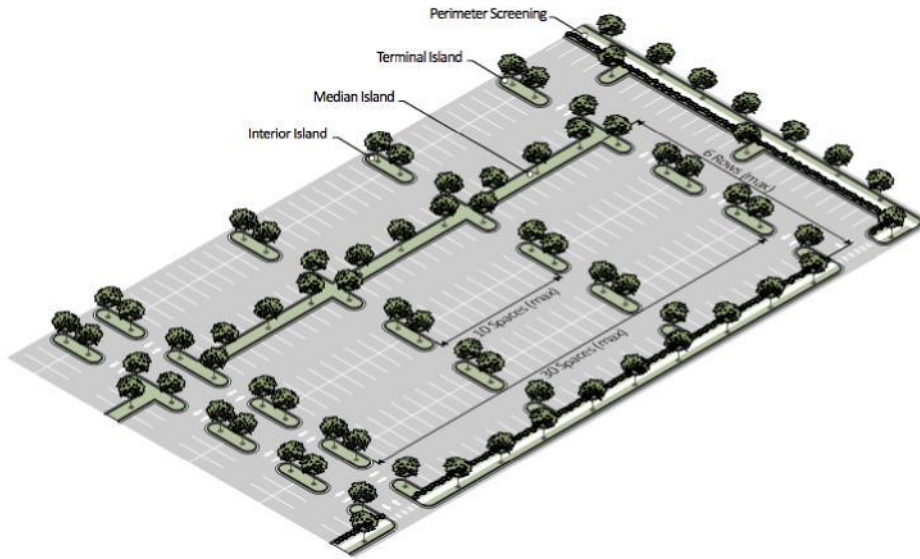
- i. The uses proposing to share parking spaces are different land uses as set forth in the Permitted Use Table.
- ii. All new development that relies on shared parking must demonstrate the adequacy of the proposed parking as a result of a capacity being provided that will substantially meet the intent of the parking requirements by reason of variation in the probable time of maximum use by residents, patrons, visitors or employees among residences and establishments sharing such parking, and provided that said approval of such joint use shall be automatically terminated upon the termination of the operation of any use on which the shared parking analysis has been based. The analysis of shared parking must be based on established standards/methodology.
- iii. In cases where shared parking is proposed between adjacent parcels under separate ownership, irrevocable cross-easements shall be required, to assure the perpetual right to share the parking spaces.
- iv. No more than 50% of the required parking for a particular use shall be provided in a shared parking arrangement.

### C. Design and Layout

The design and layout of off-street parking spaces shall comply with the provisions of Article VI, except as modified herein:

- i. To minimize curb cuts on the roadways in the Mount Pleasant Hamlet Zoning Districts, the use of shared driveways are encouraged, where feasible.
- ii. Where feasible, driveways shall front on streets that are less pedestrian intensive.
- iii. Off-street parking is encouraged to be as inconspicuous as possible and to incorporate landscaping and screening to the greatest extent possible to minimize its physical and visual impact.
- iv. Off-street parking and loading areas shall be coordinated with the public street system serving the Mount Pleasant Hamlet Zoning District in order to avoid conflicts with through-traffic, obstruction to pedestrian walks and vehicular thoroughfares.
- v. All parking structures shall be designed using compatible or complementary materials to the principal buildings so that they blend in architecturally. All voids in the structures shall be architecturally treated or screened, so that lights and vehicles are not individually visible.
- vi. Parking structures fronting on Columbus Avenue, Elwood Avenue, Franklin Avenue, Kensico Road, Marble Avenue shall be wrapped by first floor non-residential uses.
- vii. Surface parking shall include street lighting that adequately provides for safe vehicle circulation and public safety, but shall not be excessive. Light poles shall be as low as possible to achieve the desired purpose, and fixtures shall be shielded and downward directed. The use of energy efficient luminaries is encouraged.
- viii. All pedestrian pathways across and along parking areas shall be appropriately lit with pedestrian scaled lighting fixtures.
- ix. Vehicular access to internal parking structures shall be designed so as not to negatively impact upon major pedestrian routes. If necessary, provide “fish eye” mirrors, alarms or warning lights or similar measures to manage the interaction between pedestrians and vehicles.
- x. The potential conflicts between truck delivery, vehicular traffic, and pedestrian circulation shall be considered when designing service entries, roadways, walkways, and pedestrian entrances.

- xi. To the extent possible, service entrances and loading areas between adjacent buildings shall be consolidated. Such service entrances shall be separated from walkways and pedestrian entrances.
- xii. In each parking lot containing over 50 parking spaces, at least three of the parking spaces must be provided with an electric vehicle charging station.
- xiii. Spaces for handicapped car and van parking must be provided as required by law.
- xiv. Within a structured parking garage, up to 30% of the total parking spaces provided may be compact spaces. No more than six compact parking spaces may abut each other. Compact spaces may be reduced to 7.5 feet in width. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.
- xv. All surface parking lots with frontage on a street, shall be screened as follows:
  - 1. A minimum 10-foot wide landscaped area with a continuous row of shrubs must be provided between the street and the parking lot.
  - 2. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within three years of planting.
  - 3. Plantings adjacent to driveways shall be designed so as to prevent sight distance impediments, and therefore may be lower in height than specified above.
  - 4. A 36-inch wall within a minimum five-foot planting strip may be substituted for a continuous row of shrubs.
  - 5. Breaks for pedestrian and vehicle access are allowed.
- xvi. To minimize the extent of impervious surfaces and the “heat-island” effect, and to enhance the aesthetic appearance of surface parking lots, the following landscaping requirements shall apply:



1. Interior Islands:

- a. A landscaped interior island shall be provided every 10 parking spaces. Interior islands shall be distributed evenly throughout the parking area.
- b. An interior or terminal island shall be a minimum of 8.5 feet in width and 300 square feet in area.
- c. All rows of parking must terminate with a landscaped terminal island. No more than 30 parking spaces may be located between drive aisles.
- d. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- e. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

2. Median Islands:

- a. A landscape median island shall be provided between every six single parking rows.
- b. A landscape median island shall be a minimum of five feet wide.
- c. A median island may also serve as the location for a sidewalk. In such case, the sidewalk shall be a minimum of six feet wide, and the remaining planting area shall be no less than five feet wide.



- d. Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- e. Median islands must be installed below the level of the parking lot surface to allow for runoff capture.

### 3. Tree Coverage

- a. Each interior island (and terminal interior island) must include at least one shade tree.
- b. In no case can there be less than one tree for every 2,500 of square feet of parking area.
- c. Off-street parking areas shall be surfaced with asphalt bituminous, concrete or other type of dustless material in accordance with the Town of Mount Pleasant standards and specifications and maintained in a smooth, well-graded condition.
- d. Pervious or semi-pervious parking area surfacing materials may be provided in accordance with the Town of Mount Pleasant standards and specifications, and pursuant to the recommendation of the Town Engineer. Permitted materials may include but are not limited to “grasscrete”, ring and grid systems used in porous or grid pavers, or recycled materials such as glass, rubber, recycled asphalt, brick, block and concrete. Once installed, all pervious or semi-pervious parking areas shall be maintained in accordance with the manufacture’s specifications.

### D. Bicycle Parking

Off-street bicycle parking facilities shall be provided for any structure or use pursuant to the following requirements:

- i. For residential developments containing 5 or more dwelling units on a Building Lot, a minimum of one bicycle parking space or bicycle locker shall be provided for each 5 dwelling units (or fraction thereof) except that in no event shall fewer than two bicycle parking spaces or bicycle lockers be provided on such Lot.
- ii. For mixed uses and all nonresidential uses requiring 10 or more motor vehicle parking spaces on a Building Lot, one bicycle parking space or bicycle locker shall be provided for each 10 required automobile parking spaces (or fraction thereof), except that in no event shall fewer than two bicycle parking spaces or bicycle lockers be provided on such Lot.

iii. Where not more than two bicycle parking spaces or bicycle lockers are provided, a single inverted U-frame rack shall be acceptable, provided adequate parking and access space is provided to be able to easily secure such two bicycles.

1. Design Criteria for Bicycle Parking Facilities:

- a. Off-street parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide bicycle lockers or racks or equivalent structures in or upon which the user may lock a bicycle.
- b. A bicycle parking facility includes any structure or fixture constructed so as to enable a person to secure bicycles by locking the frame and one wheel of each bicycle therein. Racks shall be easily usable with both U-locks and cable locks. Racks shall support the bicycles in a stable upright position so that a bike, if bumped, will not fall or roll down.
- c. Each bicycle parking space or bicycle locker shall measure as least two feet by six feet.
- d. A minimum four-and-one-half-foot wide access aisle shall be provided to enable bicyclists to enter and leave the bicycle parking area. In high-traffic areas, the aisle width shall be greater.
- e. A minimum of three feet (36 inches) shall be provided between bicycle racks to allow cyclist access to bicycles. Bicycle racks shall be installed a minimum of two feet (24 inches) from a parallel wall or other obstruction and three feet (36 inches) from a perpendicular wall.
- f. Bicycle parking facilities shall be located in well-lighted areas and in close proximity to the building's entrance, within 50 feet whenever possible, and clustered in groups not to exceed 16 spaces each. If the parking facility is not highly visible, a sign shall be placed at the building's entrance indicating the location of bicycle parking.
- g. Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist theft and vandalism. Bicycle parking facilities should be located in highly visible, well-lighted areas.
- h. The surfacing of such facilities shall be designed and maintained to be mud- and dust-free. The use of rock or

gravel areas for bicycle parking is permitted, provided that edging materials, such as landscape timbers, are used so that the bicycle parking area is clearly demarcated and the rock material is contained. In all cases the facility shall be maintained to allow for easy access and use.

- i. Bicycle parking facilities shall be sufficiently separated from off-street parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles, bollards or other similar features.
- j. Bicycle parking facilities shall not impede pedestrian or vehicular circulation and should be harmonious with their environment.
- k. Parking facilities should be incorporated whenever possible into building design or street furniture.
- l. If a bicycle storage room is included within a building, the room shall not be classified as habitable space, and shall be classified similar to a garage.
- m. Where there is more than one building on a site, or where a building has more than one entrance, the bicycle parking must be distributed to serve all buildings and main entrances.

## 10. SIGNS

All new, reconstructed, altered, or relocated signs must comply with the standards of this section.

### A. GENERAL

#### i. Sign Permit

- 1. All sign types described in B. below, "Sign Types", require a sign permit before they may be constructed, reconstructed, altered, or relocated. Signs described in C. below, "Exempt Signs", do not require a sign permit, except where a building permit is required for installation.
- 2. The following alteration and maintenance activities do not require a sign permit:

- a. Painting, cleaning, or other normal maintenance and repair of a sign, provided that no change is made to any structural or electronic component of the sign.
- b. Changing items of information, the message of an existing changeable or electronic message component of a sign, or the sign face within an existing sign structure, provided that no change is made to any structural or electronic component of the sign.
- c. A sign that encroaches upon a public right- of-way, consistent with the standards of this section, requires written authorization from the Town.

ii. On-Premise Sign

All sign copy must relate only to the name or nature of the business or establishment on the premises. Off-premise signs are prohibited.

iii. Location

1. A sign may be erected on private property only with the written permission of the property owner.
2. No sign, other than signs placed by agencies of government or a sign whose placement is authorized by such agencies, may be erected or placed on public property.
3. No sign may be installed in a way that obstructs free and clear vision, or free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, building entrance, fire escape, standpipe, or accessibility ramp.
4. No sign may be placed so as to obstruct any window or door, with the exception of window signs placed in accordance with this section.
5. No sign may obscure architectural details or features.

iv. Construction

All signs must be erected in conformance with the New York State Uniform Building and Fire Code, as well as the following requirements:

1. Supports and braces must be designed as an integral part of the overall sign structure and hidden from public view to the extent technically feasible.
2. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and do not exceed allowable stresses of supporting materials.
3. When a building-mounted sign is removed, the wall must be repaired and restored to its original condition prior to sign installation.
4. All signs and their supporting structures must be enclosed so as to prevent inhabitation by birds, rodents, insects, and other wildlife.
5. Materials for signs must be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance. Glass forming any part of a sign, with the exception of exposed lamps, must be safety glass.
6. Signs constructed of fabric or fabric-like material must be held taut within frames.
7. Audio components are prohibited as part of any sign.
8. If a raceway is necessary, it must not extend in width or height beyond the area of the sign. A raceway must be finished to match the background surface to which it is attached, or integrated into the overall design of the sign.
9. All electrical fixtures, devices, circuits, conduits, raceways, or any apparatus used to illuminate any sign must be installed and maintained in compliance with the National Electric Code (NEC). A Nationally Recognized Testing Laboratory (NRTL) listing label number must be provided for any sign with electrical components.

v. Illumination Type

A sign may be externally illuminated, internally illuminated or directly illuminated.

1. External Illumination – An externally illuminated sign is characterized by the use of artificial light reflecting off its surface.
  - a. External light sources intended to illuminate the sign face must be fully shielded and placed close to, and directed upon, the sign face.

- b. Any light source intended to illuminate surfaces behind a sign to produce a halo effect must be fully concealed from view.
- 2. Internal Illumination – An internally illuminated sign is characterized by the use of artificial light projecting through its surface.
  - a. Internal illumination is limited to letters, numbers, symbols, and accents. No more than 50% of the total sign area may be internally illuminated. The remaining area of the sign face must remain opaque.
  - b. All lamps intended for internal illumination must be fully concealed from view.
- 3. Direct Illumination – A directly illuminated sign is characterized by the use of exposed lamps, such as neon tubes or incandescent bulbs, that have no shielding and are visible to the eye.
  - a. Direct illumination is limited to letters, numbers, symbols and accents.
  - b. Exposed lamps may be animated to create an effect of patterned illusionary movement, so long as the alternate or sequential activation of illuminated elements occurs on a cycle that exceeds one second. No more than one such sign is allowed per establishment.
- 4. Electronic Message Centers (EMCs) - An electronic message center (EMC) is an electrically activated display whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location.
  - a. Each electronic message must be static and depicted for a minimum of eight seconds before changing. Any scrolling, fading in, dropping in, or similar moving copy changes are prohibited.
  - b. An electronic message center that is malfunctioning must be turned off.

vi. Light Intensity

1. The luminance of any sign must not exceed 5,000 nits<sup>1</sup> during daylight hours, and 500 nits between dusk and dawn. Dusk and dawn are defined as, respectively, the time starting at one- half hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), for Mount Pleasant for the particular date; and the time starting at one-half hour after apparent sunrise, as determined by the NOAA, for Mount Pleasant for the particular date.
2. A sign that is designed to emit a luminance level exceeding 500 nits must have an automatic dimmer control that produces a distinct illumination change from a higher to a lower level for the time period between dusk and dawn.

vii. Public Safety

1. No direct or reflected light from the primary light source of a sign may create hazards for pedestrians, cyclists, or operators of motor vehicles.
2. Colored light must not be used at a location or in a manner so as to be confused with or construed as traffic control devices or emergency services.

viii. Maintenance

1. Signs and sign structures, together with their supports, braces, guy wires, anchors, and electrical components, must be maintained in a proper state of repair. Any damage to or deterioration of a sign must be repaired immediately or within 30 days of receipt of notice from the Code Enforcement Officer.
2. When an existing sign is removed, replaced, or repaired, all brackets, poles, wiring, and other supporting hardware that are no longer required must be removed, and any surfaces to which the sign may have been attached must be repaired or painted, immediately or within 30 days of receipt of notice from the Code Enforcement Officer.
3. All signs integral to a structure and announcing the building's original or historic name, year of construction, or architect, or

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<sup>1</sup> Nit = The term used to describe the metric unit of illuminance. It is defined as candela per square meter (cd/m<sup>2</sup>)

containing identifying insignias, must be maintained, and may not be removed, altered, or covered. In cases where the original sign is in too poor of condition to repair or reuse, close replication of the original sign with a new sign is encouraged.

4. Where a sign is totally or partially illegible, where sign copy has been removed, or when an establishment to which the sign pertains has been discontinued for two or more months, the sign must be repaired, reused, or removed immediately or within 30 days of receipt of notice from the Code Enforcement Officer. If the property owner fails to repair, reuse, or remove the sign within the timeframe established by the Code Enforcement Officer, the sign may be removed by the Town at the property owner's expense.
  5. If a sign is in an unsafe or non-secure condition, the sign must be repaired or removed immediately or within three days of receipt of notice from the Code Enforcement Officer. The Code Enforcement Officer may remove any sign that is an immediate peril to persons or property summarily, without notice, and at the property owner's expense.
- ix. Prohibited Signs – The signs listed below, as well as any sign not expressly permitted by this code, are prohibited.
1. Mechanically activated signs, other than barber poles and clocks.
  2. Signs or devices motivated by wind, thermal changes, or other environmental input, such as spinners, pinwheels, balloons, air-inflated signs, or other devices or displays that respond to naturally or artificially induced external motivation.
  3. Signs on motor vehicles that are inoperable, do not display a current vehicle inspection sticker or license plate, are not principally used as a mode of transportation for business purposes, and/or are conspicuously parked or located on a lot for more than 24 hours to advertise a product or service, or to direct the public to a business or activity located on or off the premises.
  4. Signs that are burned, cut, painted, pasted, or otherwise marked on or affixed to a tree, standpipe, fire escape, utility pole, trash receptacle, bench, or any other unapproved structure or surface.
  5. Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that may interfere with, mislead, or confuse pedestrian, cyclist, or vehicular traffic.
  6. Temporary off-premise signs.



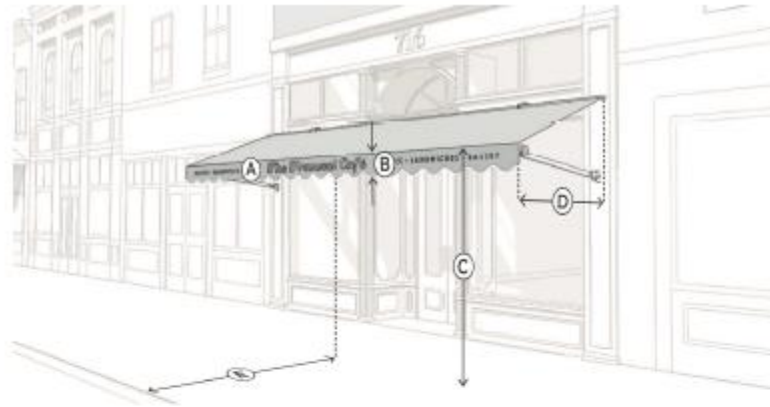
- x. Non-Conforming Signs – A non-conforming sign that was legally erected and maintained in compliance with all applicable laws in effect at the time of the original installation, but does not now comply with the provisions of this code, may be maintained and repaired. However, if altered, must comply with the requirements of this section.

## B. SIGN TYPES

This section describes the on-premise signs allowed in the Mount Pleasant Hamlet Zoning Districts. This section does not apply to exempt signs described in Section C, Exempt Signs.

- i. Number of Signs. A maximum of two on-premise signs per establishment are allowed per right-of-way frontage, not counting sidewalk signs and skyline signs.
- ii. Total Sign Area
  - 1. The total sign area of signs per establishment may not exceed two square feet per one foot of linear width of front or corner side facade.
  - 2. The area of sidewalk signs and skyline signs are not counted toward the total sign area described in this section.
- iii. Sign Location. All signs, with the exception of sidewalk signs, must be building-mounted. Building-mounted signs must be attached to a front or corner side facade only.
- iv. Sign Types. The following pages address the standards that apply to each sign type.

## AWNING SIGN



### DESCRIPTION

An awning sign is a sign painted on any of the surfaces of an awning

### DIMENSIONS

(A)	Awning, awning sign (max)	25% of each awning surface, or 50% of the awning valance.
(B)	Valance Height (max)	0' 8"
(C)	Vertical clearance from sidewalk level, not including valance (min)	8'
(D)	Projection from wall, including supports (max)	15'
(E)	Setback from curb, pole or post sign in right-of-way, or crown of street tree (min)	2'

### SPECIFIC STANDARDS

1. A maximum of one awning sign is allowed per awning surface. Only awnings on the ground story may contain signs.
2. Internally illuminated or back-lit awning signs are prohibited.
3. The awning on which an awning sign is placed must be in accordance with the Design Guidelines in Section 11.

## BLADE SIGN



### DESCRIPTION

A blade sign is a two-sided sign that projects outward from the exterior wall of a structure

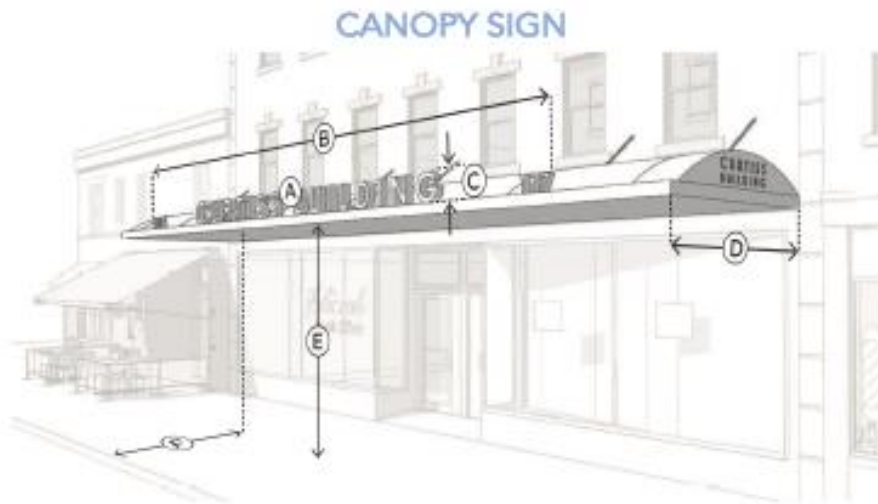
### DIMENSIONS

(A)	Area (max)	Not exceed two square feet per one foot of linear width of front or corner side facade.
(B)	Projection from wall, including supports (max)	5'
(C)	Vertical clearance from sidewalk level (min)	10'
(D)	Setback from curb, pole or post sign in right-of-way, or crown of street tree (min)	2'
(E)	Distance between blade signs	15'

### SPECIFIC STANDARDS

1. A maximum of one blade sign is allowed per establishment per right-of-way frontage. Only establishments with a ground-story main entrance may have a blade sign.
2. A blade sign must be placed below the finished level of the second story or, in the case of a one-story building, at least two feet below the highest peak of the roof. No portion of a blade sign may extend more than 4 feet above the roof line.
3. A blade sign that is suspended to allow the sign to swing due to wind action may not exceed six square feet in area.

## CANOPY SIGN



### DESCRIPTION

A canopy sign is a sign attached above, below or to the face of a canopy.

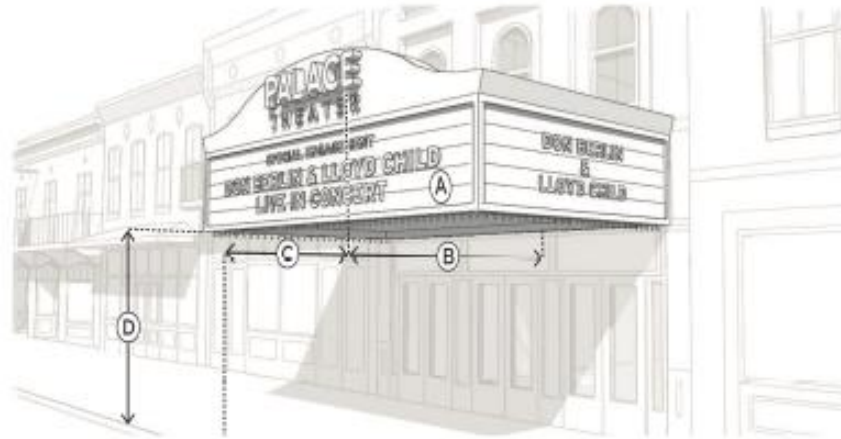
### DIMENSIONS

(A)	Area (max)	Not exceed two square feet per one foot of linear width of front or corner side facade.
(B)	Letter/number/logo width above canopy (max)	75% of canopy width
(C)	Letter/number/logo height above canopy (max)	2'
(D)	Projection from wall, including supports (max)	15'
(E)	Vertical clearance from sidewalk level (min)	10'
(F)	Setback from curb, pole or post sign in right-of-way, or crown of street tree (min)	2'

### SPECIFIC STANDARDS

1. A maximum of one canopy sign is allowed per establishment per right-of-way frontage.
2. A canopy on which a canopy sign is placed must be in accordance with The Design Guidelines in Section 11.

## MARQUEE SIGN



### DESCRIPTION

A marquee sign is a sign attached to the top or face of a permanent roof-like structure constructed over a ground-story main entrance.

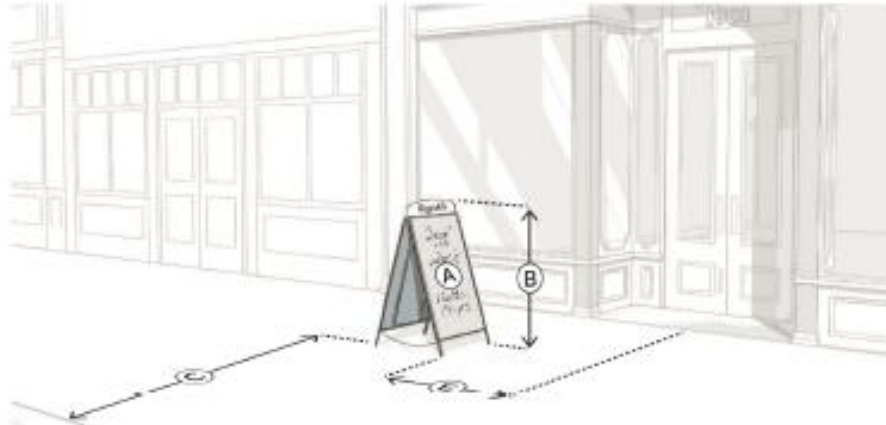
### DIMENSIONS

(A)	Area (max)	Not exceed two square feet per one foot of linear width of front or corner side facade.
(B)	Projection from wall, including supports (max)	15'
(C)	Setback from curb, pole or post sign in right-of-way, or crown of street tree (min)	2'
(D)	Vertical clearance from sidewalk level (min)	10'

### SPECIFIC STANDARDS

1. A maximum of one marquee sign is allowed per building.
2. A marquee may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side.
3. A marquee must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports.

## SIDEWALK SIGN



### DESCRIPTION

A sidewalk sign is a two-sided, portable sign that is placed outside of an establishment, constructed in the form of an "A" or similar tent-like shape and intended to be viewed from the sidewalk at close range.

### DIMENSIONS

(A)	Area (max)	10 square feet
(B)	Height (non/max)	3'/4'
(C)	Setback from curb, pole or post sign in right-of-way, or crown of street tree (min)	2'
(D)	Distance from main entrance	25'

### SPECIFIC STANDARDS

- a. A maximum of one sidewalk sign is allowed per establishment per right-of-way.
- b. A sidewalk sign may be placed outdoors on the premises or a public sidewalk during business hours only, and must be stored indoors at all other times. The sign must not interfere with ingress and egress points, must maintain a minimum of 5 feet of sidewalk clearance at all times
- c. A sidewalk sign must be vertically oriented, with a height greater than its width.
- d. A sidewalk sign may not be illuminated or contain electronic components.
- e. A sidewalk sign may not be placed outdoors when high winds, heavy rain or heavy snow conditions are present. The Town may remove a sidewalk sign during snow removal, and is not liable for any resulting damage.

## SKYLINE SIGN



### DESCRIPTION

A skyline sign is a sign that is attached flat to or mounted away from, but parallel to, the building façade, and located on the upper band of the building.

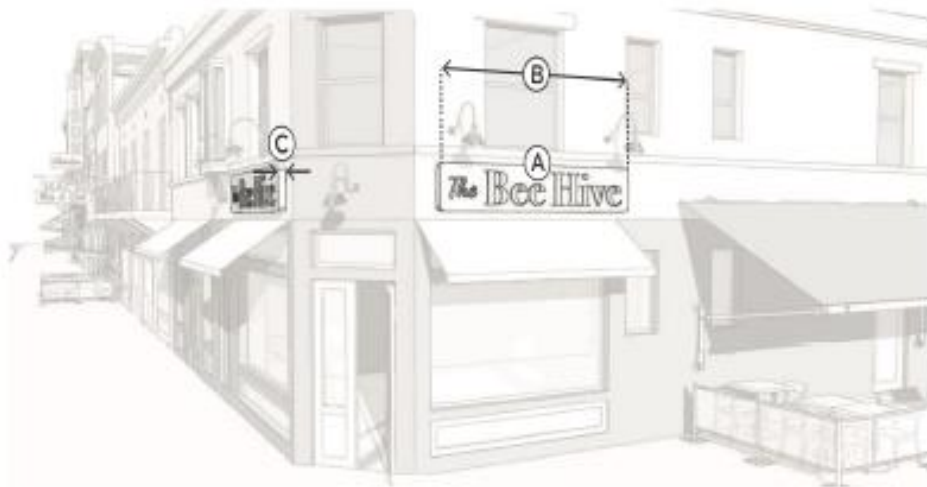
### DIMENSIONS

Ⓐ	Area (max)	3 square feet per one foot of linear width of front or corner side facade
Ⓑ	Width (max)	40% of façade width
Ⓒ	Height (max)	8'
Ⓓ	Projection from wall (max)	2'

### SPECIFIC STANDARDS

- a. A maximum of two skyline signs are allowed per building. Only buildings of three stories or greater are eligible to install a skyline sign.
- b. No portion of a skyline sign may extend above the roofline.

## WALL SIGN



### DESCRIPTION

A wall sign is a sign that is attached flat to or mounted away from, but parallel to, any exterior wall of a building.

### DIMENSIONS

Ⓐ	Area (max)	Not exceed two square feet per one foot of linear width of front or corner side facade.
Ⓑ	Width (max)	90% of façade width
Ⓒ	Projection from wall (max)	2'

### SPECIFIC STANDARDS

1. A maximum of one wall sign is allowed per establishment per right-of-way frontage.
2. A wall sign must be located above the ground-story windows and below the window sills of the second story.

### C. EXEMPT SIGNS

- i. Address Signs - An address sign is a building mounted sign that identifies the occupant and/or address of a structure.
  1. A maximum of one address sign is allowed per building per right-of-way frontage.



2. An address sign may not exceed two square feet in area for a property with only a residential use or four square feet in area for a property with a non-residential use.
- ii. ATM Sign - An ATM sign is a sign that is incorporated into and designed as part of an automatic teller machine (ATM).
    1. The advertisement upon the ATM sign must be limited to the term “ATM” and the name and logo of the financial institution rendering the ATM service.
  - iii. Building Directory Sign - A building directory sign is a building-mounted sign listing the names and locations of persons or establishments on the premises, and carrying no other advertising matter.
    1. A maximum of one building directory sign is allowed per building per right-of-way frontage.
    2. A building directory sign may not exceed 12 square feet in area.
  - iv. Building Identification Sign - A building identification sign is a sign consisting of letters applied to the building wall, engraved into the building material, or consisting of a sculptural relief, and which contains the name of a building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.
  - v. Community Bulletin Board - A community bulletin board is a sign that is erected for the posting of temporary signs and contains no permanent advertising copy.
    1. A maximum of one community bulletin board is allowed per building. In the case of a community bulletin board erected in a public right-of-way with the written consent of the Town, no more than one such sign may be erected per block face.
    2. A bulletin board may not exceed 12 square feet in area.
  - vi. Government Sign - A government sign is any sign placed or authorized by a government agency, such as traffic signs and signals, legal notices, railroad crossing signs, or signs regulating the traffic of, or giving information to, motorists, transit riders, cyclists, or pedestrians.
    1. Government signs are allowed in any number, configuration, or size.
    2. The type and extent of illumination of a government sign is at the discretion of the agency placing or authorizing the sign.

- vii. Home Occupation Sign - A home occupation sign is a sign identifying a home occupation on the premises.
  - 1. A maximum of one home occupation sign, attached to the wall of the dwelling, is allowed per home occupation.
  - 2. A home occupation sign may not exceed two square feet in area.
- viii. Memorial Plaque - A memorial plaque is a plate of metal, ceramic, stone, wood, or other material, bearing text or an image in relief, or both, in memory of one or more persons, an event, a former use of the place, or other historical matter.
- ix. Newspaper Vending Box Sign - A newspaper vending box sign is a sign that is incorporated into and designed as part of a vending box for a newspaper or other periodical.
  - 1. The advertisement upon the newspaper vending box sign must be limited to the periodical vended.
- x. Parking Directional Sign - A parking lot directional sign is a sign that includes information assisting in vehicle traffic flow or parking, including information identifying entrances and exits, driveway intersections, drive-through lanes, or loading areas.
  - 1. A parking lot directional sign may not exceed four feet in height and two square feet in area.
- xi. Parking Information Sign - A parking lot information sign is a sign that includes information on the operation of a parking lot, such as “No Parking” or “Unauthorized Users Will Be Towed.”
  - 1. A parking lot information sign may not exceed six feet in height and 12 square feet in area.
- xii. Place Identification Sign - A place identification sign is a sign indicating the name of a hamlet, neighborhood, district or subdivision.
  - 1. A maximum of one place identification sign is allowed per right-of-way intersection.
  - 2. A place identification sign may not exceed 20 square feet in area and four feet in height.
- xiii. Property Identification Sign - A property identification sign is a building-mounted sign identifying the property management company or property name of the premises.

1. A maximum of one property identification sign is allowed per building per right-of-way frontage.
  2. A property identification sign may not exceed four square feet in area.
- xiv. Public Information Sign - A public information sign is a sign that provides information on the use of the facility, such as directional signs, trailhead entry signs, and information kiosks.
1. A public information sign may not exceed 12 square feet in area.
- xv. Street Light Banner Sign - A street light banner sign is a sign that is printed upon flexible material and held taut within frames, attached to a street light.
1. Street light banner signs on Town street lights are allowed only with the authorization, and in accordance with the specifications, of the Town.
- xvi. Temporary Sign - A temporary sign is any sign not permanently attached to the ground or building, with no sign illumination or utility connections, intended to be displayed for only a short period of time.
- xvii. Utility Sign - A utility sign is a sign installed by a public utility in its right-of-way or on its facility, and bearing no commercial message other than such message is necessary to identify the public utility and the use, and warn of any hazards.

#### D. SIGN MEASUREMENT

- i. Sign Area. Sign area is measured as the total area of a sign, as follows:
  1. For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed.
  2. For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.
  3. Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual

letters or logos, provided that the portion of the film around the individual letters or features is fully transparent.

4. The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.
  5. If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back to back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area.
- ii. Sign Height. Sign height is measured as the vertical distance from the base of a sign or sign structure, to the highest point of the sign or sign structure.
  - iii. Vertical Clearance. For signs attached to a structure, vertical clearance is measured as the vertical distance from the sidewalk level to the lowest point of the sign.

## 11. DESIGN GUIDELINES

### SITE DESIGN

Establish a distinct, safe separation between pedestrian and vehicular traffic while creating a "townscape" that is more livable, pedestrian-friendly and fosters a mix of uses and activity throughout the day and year-round.

- Utilize the "Build-To Line" to establish a well-defined street line.
- Buildings should embrace and support the public realm.
- Place parking in the rear or side of the building.
- Share parking where feasible.
- Minimize sidewalk crossings by driveways or service bays.
- Integrate outdoor spaces and uses into the plan.
- Orient a building's primary frontage toward the public realm.
- Place retail, restaurant and other active uses on the street level.
- Minimize paved surfaces.
- Ensure all buildings are connected via sidewalks, alleys, arcades, etc.
- Infill development should be characteristic of surrounding buildings.



## BUILDING DESIGN

All buildings in the Hamlets should strive for excellence in design. Buildings should use high quality and contextually appropriate materials, proportions and scale as outlined in the Hamlet Zoning Code. All architecture should embody sustainability, reflect a human scale, embrace inspirational creativity, and accommodate all users.

- Employ heavier textured materials or additional detailing at the base of the building, and break up larger building elements, to provide a human scale.
- Utilize architectural details to integrate building components and provide visual interest.
- Utilize surrounding buildings to establish proportionality in bulk, mass and scale.
- Design appealing architecture from all vantage points.
- Incorporate a visually prominent architectural feature on corner buildings.
- Equally careful design attention should be given to building services areas, mechanical equipment, loading areas and accessory appurtenances.
- Utilize the hierarchy among building elements to emphasize important areas, such as entranceways.
- Green building and sustainability should be an emphasis throughout the building's lifecycle.



## STREET LEVEL ACTIVATION

To ensure the vitality of the Hamlets, the streets must be active and vibrant. Complimenting an inviting streetscape, the design and use of street level building spaces are critical to activating the public realm. Dead spaces in the streetscape will disconnect the continuity of the Hamlets and impeded revitalization efforts.

- Organize uses so that active businesses such as restaurants, face the street, while uses such as offices are located on upper floors, or away from the public realm.
- Avoid unarticulated blank walls.
- Ensure a high percentage of transparency in storefront windows.
- Incorporate familiar traditional architectural elements to achieve a human scale and enhance pedestrian activity – kick plates or knee walls, display windows and clearstory windows above, recessed entryways, glass panel doors with transoms above, etc.
- Utilize retractable window walls to open restaurant or retail spaces to the street in nice weather.
- Incorporate canopies and awnings.
- Install pedestrian scale lighting such as sconce wall lamps.
- The installation of security gates, air conditions units or compressors, or mechanical equipment must be avoided on the principal façade.



## FUNCTIONAL ENTRIES

Pedestrian access points (functional entries) should be easily identifiable, inviting and accessible and situated on the building's primary public frontage. Maximizing the number of functional entries also helps to create interesting and diverse street level architecture.

- Call out functional entries through the use of architectural details such as recesses, awnings, arches, canopies, stoops, porticos or distinctive doors and moldings.
- Functional entries should be easily identifiable, but proportionally appropriate.
- Functional entries should be located on the building's primary public frontage.
- Inset entries are preferable as they accommodate door swings and provide shelter for patrons.
- Inset entries also provide visual interest and add a sense of rhythm to the street level façade.
- Appropriate lighting is key to the successful design of functional entries.
- Functional entries must provide full accessibility and meet ADA requirements.





## BUILDING OFF-SETS

Building off-sets serve to break-up monotonous building facades, moderate the mass and bulk of a building and establish a human scale. The Mount Pleasant Hamlet Code Building Type Regulations include specific off-set requirements. These are established as minimum standards. Further variations to building facades are encouraged.

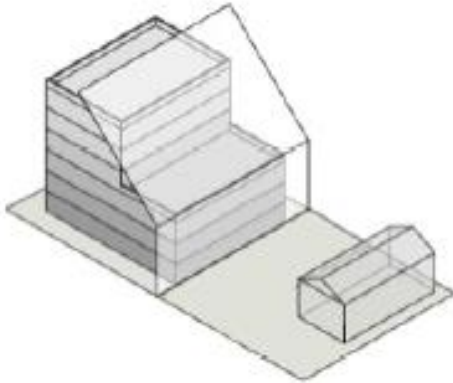
- Avoid poorly designed, boxy buildings through the provision of building off-sets.
- Building façade variability, including features like wall planes, shadow lines, segmenting walls, material choices, creates appealing architecture and Hamlet character.
- Upper level building off-sets combined with window placement, can create a unique rhythm, separate from that of the street level.
- In instances when physical off-sets are impractical, architectural elements that alter the façade plane, such as columns, pilasters or quoins can be utilized.



## BUILDING TRANSITIONS

The transitional edge of the Hamlets where new developments interface with existing uses, requires careful attention to assure the appropriate bulk and height of structures adjacent to lower density residential neighborhoods. The massing of taller structures should be organized to minimize their apparent bulk.

- Step-down the rear of taller buildings.
- Ensure the "rear" of buildings include well designed architecture.
- Provide landscaped buffers.
- Utilize "green walls" and fencing to screen unattractive building elements.



## WINDOWS

Building windows are not only utilitarian elements allowing for the admission of light and air, but also provide architectural ornament, adding materially to the regularity and elegance of a building.

- Windows should be installed on all sides of a building to avoid blank walls.
- Windows should be situated to correspond to occupiable spaces inside the building.
- Windows should generally be proportionally taller in height than their width, following ratios of 1:2 to 3:5.
- Windows should be used to create rhythm, unity and order.
- Use window wall openings to create depth and shadow.
- Generally, utilize consistent window styles along the exterior façade of a building.
- Windows should have a transparency higher than 80% and external reflectance of less than 15%.
- Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space), or be blocked by merchandise.
- Avoid the use of mirrored or reflective glass.
- The use of clearstory and transom windows is recommended.



## BUILDING MATERIALS

The choice of materials used for constructing or renovating buildings affects the way a building relates to its neighborhood context. When designed well, a building can contribute to the continuity of street elevation, as well as emphasize a site's unique characteristics. Consequently, a building's design – particularly the façade – and exterior materials can have a significant impact on how the structure is perceived.

- Utilize high quality building materials that are durable and appropriate for the climate.
- The use of natural materials such as stone, brick or wood are preferred primary building materials.
- Concrete (pre-cast, poured in-place or block), cementitious siding, EIFS, metal wall panels, stucco, and veneers are not preferred primary building materials, but may be suitable for detailing and accents.
- The primary building material used on the front façade shall be continued on the corner side and rear of buildings, except where a building abuts another structure.
- Buildings clad with a singular exterior surface material must incorporate additional complementary design elements to provide architectural interest.
- New overly self-reverential buildings or those that are not representative of the building typologies found in the Hamlets are discouraged.



## COLOR - PAINT

The selection of building colors has a significant aesthetic and visual impact on building character and appearance.

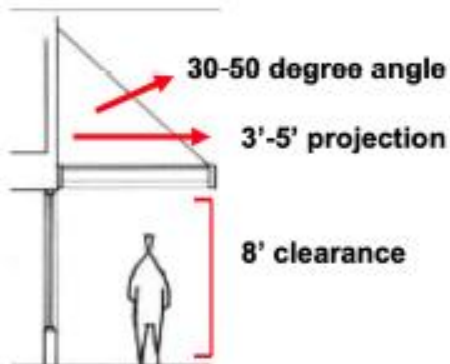
- Buildings should utilize material colors and paint that reflects a color palette that is harmonious with the Hamlet.
- Color harmony between adjacent buildings should be considered as part of the architectural design.
- The color palette of a building should generally be limited to three colors. Harsh discordant colors should not be used.
- Accessory and ancillary structures should match the color palette of the principal building.
- Window frame and mullion colors should blend, compliment or match building colors.
- Tinted window glass should be of a harmonious color.
- Façade colors should be compatible and consistent on all sides and levels of a building.



## AWNINGS

Awnings over pedestrian walkways and sidewalks are encouraged to provide shade and protection from the elements while adding interest to a façade with shape and color. Awnings are also useful in identifying a business or building.

- The lowest point of any awning shall be a minimum of 8 feet above the sidewalk.
- Awnings should project a minimum of 3' and a maximum of 5' from the buildings and have an angle of between 30 and 50 degrees.
- Long expanses of awnings are discouraged. Multiple awnings should be used to reflect door and window openings.
- Awnings should be an enhancement to the building façade, and should be proportional with and complimentary to nearby buildings.
- Awnings should be mounted in locations that respect the design of the building and do not obscure ornamental architecture.
- The valance size should be proportional to the size of the awning.
- Colors should not call more attention to the awning than the building.
- Solid colors are preferred.



## LIGHTING

Lighting can significantly enhance the appearance of a building. Lighting should provide a sense of personal safety in active areas, allow for an even distribution of illumination in common areas and highlight architectural details during nighttime hours.

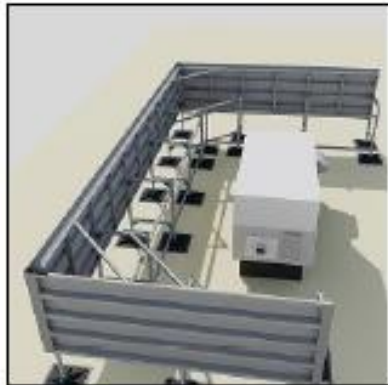
- Exterior lighting shall coordinate with and be complimentary with the architectural details of the building.
- Light glare or excess brightness should be minimized. Light trespass should be controlled by shielding and downward directing fixtures.
- Indirect lighting is acceptable for display and architectural lighting.
- Exterior site lighting should incorporate current energy efficient fixtures such as LED or similar technologies.
- Lighting should be Dark Sky compliant.



## BUILDING SERVICES

The layout and configuration of a building must take into consideration location of utilitarian features such as trash facilities, loading docks, building mechanical equipment and above ground utility infrastructure. These features should be out of the public's view.

- A building's mechanical systems, cooling towers, chillers, vents, generators etc. should be concealed from street level view.
- Placement of service facilities in the rear of buildings is often suitable, however proximity to adjacent residential uses requires design considerations to screen them and mitigate noise.
- Rooftop equipment shall be concealed by screening structures.
- Rooftop screens shall be compatible with the overall building architecture and may include fencing, architectural features or landscaping.
- Mechanical equipment located on the ground shall be screened by landscaping. Fencing may be used to supplement landscaping, but not in place of it, unless necessary.





## LANDSCAPING

Landscaping enhances the visual image of the Hamlets, preserves natural features, improves property values and alleviates the impacts of noise, traffic and visual distraction associated with certain uses. Landscaping aids in energy conservation and promotes urban wildlife habitats.

- Trees and shrubs should be sited and spaced to allow for long term growth, and to avoid encroachments into sidewalks, utility infrastructure and roadway sight lines.
- Evergreen and deciduous or flowering trees should be used in combination to create visual interest and to create a dynamic landscape.
- Accent planting should be used around entries and key activity hubs. Planters and pots can be used in paved areas.
- Screening should be used to protect less intensive uses from the impacts of more intensive uses and to block views of less desirable features from public view (trash enclosures, etc.)
- The use of native plants is preferred.
- Xeriscaping is encouraged to promote water conservation, reduce maintenance requirements and decrease flooding.
- Consider the use of recycled greywater for irrigation.



## SUSTAINABILITY AND GREEN BUILDING

Sustainability and green building refers to the practice of creating structures using a process that is environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition.

- Design buildings to take advantage of seasonal weather patterns, wind and solar exposure to maximize passive solar heating and daylighting.
- Select building materials that reduce energy consumption, including recycled materials and those that are locally sourced.
- Utilize high efficiency mechanical equipment.
- Decrease demand for fresh water and generation of wastewater through the use of low flow efficient plumbing fixtures, optimized landscaping, greywater recycling, etc.
- Highly insulate buildings and use high performance windows.
- Enhance indoor air quality through ventilation, moisture and thermal control, and the use of low VOC paints and stains and materials.
- Utilize renewable energy sources.
- Strive to construct "Net-Zero" buildings.
- Seek LEED certifications.



12. ADMINISTRATION

The Mount Pleasant Hamlet Zoning district standards and requirements set forth herein are designed to provide specific guidance for the development of property and streetscape enhancements within the VH, HH and TH zoning districts while allowing for flexibility and creativity in project design in order to foster the appropriate growth of the area in an orderly and desirable fashion.

A. Project Review & Approval

Three approval tracks are available in the Mount Pleasant Hamlet Zoning districts:

i. No Review:

Under this track, an application for a change of use within an existing building shall not require site plan approval, provided the following conditions are met:

1. The use that is proposed is a permitted as-of-right use.
2. No expansion of the building footprint is proposed.
3. The new use does not require the provision of any additional off-street parking spaces.
4. The proposal is classified as a Type II Action pursuant to SEQRA.
5. The change of use shall be authorized and regulated pursuant to a Building Permit.

ii. Prioritized Review:

Under this review track, a decision regarding a site plan application for a permitted use shall be adopted during a single or at most two appearances before the Planning Board. The Prioritized Review Track is not available for Special Permit uses.

To be eligible for Prioritized Review, a project must:

1. Be a permitted as-of-right use.
2. Comply with all of the Mount Pleasant Hamlet Zoning regulations and criteria.
3. No waivers or variances are required.

4. The proposed action is classified as either a Type II or Unlisted Action pursuant to SEQRA, 6 NYCRR, Part 617. Type I Actions are not eligible for Expedited Review.
5. The project does not exceed 8 dwelling units or 7,500 square feet of non-residential gross floor area.
6. Prior to placement on the Planning Board agenda, the applicant shall meet with the Mount Pleasant Hamlet Zoning Review Committee consisting of the Town Engineer, Building Inspector and Planning Consultant, and any other Town representatives deemed necessary. The applicant shall not be placed on the Planning Board agenda until such time as a Certificate of Compliance is issued by the Mount Pleasant Hamlet Zoning Review Committee. This certification shall verify for the Planning Board that all prerequisites for site plan approval have been satisfied.

Under this review track, the Planning Board has the right to extend the duration of its project review beyond two meetings by issuing a Notice of Planning Concerns, which documents the need for continuing the site plan review process.

iii. Full Review:

The Full Review track would be required for all projects that are not eligible for No Review or Prioritized Review.

Projects following the Full Review track shall comply with the requirements of Site Plan and or Special Permit review in accordance with Chapter 218.

Any project requiring a variance from the Zoning Board of Appeals shall follow the Full Review track.

B. Project Review Process

All applications for projects within the Mount Pleasant Hamlet Zoning Districts shall follow the following process:

i. Pre-Submission Conference

1. Prior to completion of project design and formal submittal of the required application, an applicant must schedule a pre-submission conference with representatives of the Town of Mount Pleasant to discuss the procedures, standards and regulations.

2. A request for a pre-submission conference by a potential applicant shall be made through the Building Department and shall be accompanied by preliminary project plans and designs and the required filing fee.
3. Town representatives will inform the applicant of the requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible modifications to the project, and identify any technical studies that may be necessary for the review process when a formal application is submitted.
4. The Town's representatives shall determine which of the three project review tracks the project must follow, No Review, Prioritized Review or Full Review.

ii. Application Requirements

1. All site plan applications shall be prepared in accordance with the requirements of Chapter 218.
2. In addition to the requirement to submit an Environmental Assessment Form with the application (whether a short or full EAF is required shall be determined at the pre-application conference), the applicant shall also submit a report documenting whether the project complies with all Findings of the SEQRA Generic Environmental Impact Statement adopted for Envision Mount Pleasant, the Town's Comprehensive Plan and will not result in any impacts that exceed the thresholds established therein, or in the alternative, shall specifically identify areas where the project is inconsistent or non-conforming.

iii. Completeness Review

1. All applications must be sufficient for processing before Town shall accept the application for review.
2. Within 15 calendar days of the receipt of the application, the Town must notify the applicant in writing whether or not the application is complete or whether additional information is required.
3. An application for Site Plan or Special Permit approval shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of the Code.

4. If the Town determines that the application is not complete and additional information is required, then the applicant shall provide any and all additional information requested.
  5. If the applicant does not submit the additional requested information in a form deemed to be satisfactory or otherwise complete the application within 45 days after the Town has notified the applicant in writing that additional information is required, the application shall be deemed to be abandoned and the application fee and any other fee submitted shall be forfeited.
  6. This does not prevent any applicant from resubmitting an application if the same has been abandoned, so long as all of the above-steps are completed.
- iv. Required Public Hearing
1. A duly noticed public hearing shall be held for all applications processed under the Full Review track.
  2. The Planning Board may require that a public hearing be held for a Site Plan application processed under the Prioritized Review track, if community input is determined to be necessary to allow for a well-informed approval decision to be rendered.
- v. Special Permit Approval Authority The Town Board shall have the approval authority for all Special Permit uses identified herein.
- vi. Decision Making:
- In rendering a decision, the Planning Board or in the case of a Special Permit, the Town Board, shall take into consideration the following criteria:
1. Compatibility with the Town's long-range goals and planning strategy as set forth in Envision Mount Pleasant;
  2. The project does not adversely change the neighborhood character;
  3. The project fosters an appropriate pattern of development;
  4. The project conceals density through building design where appropriate;
  5. The project will encourage appropriate use of the land in accordance with general purposes, intent and spirit of this chapter and is not detrimental to surrounding property values;

6. The safety, health, welfare or the order of the Town shall not be adversely affected by the proposed use and its location;
7. The site is suitable for the location of such use in the Town;
8. That the proposed project is consistent with all Findings of the SEQRA Generic Environmental Impact Statement adopted for the Envision Mount Pleasant.
9. That there is sufficient roadway access to provide for emergency services while reducing transportation needs;
10. That proposed landscaping and buffer areas have natural and attractive primarily native plantings that are compatible with the adjacent area and terrain;
11. That the applicant exhibits the wherewithal to complete the project;
12. That the project provides for innovative and imaginative approaches to transit-oriented development that does not detract from the existing neighborhood character;
13. That the proposed project has appropriate height, scale, mass, size, shape and density in relationship to its location, and consistent with the Mount Pleasant Hamlet Zoning provisions.
14. The historical, architectural and/or cultural significance of the existing site or existing structures is assessed to address local significance.
15. That there is the consideration of the staff recommendations.

vii. Appeals and Variances:

1. The Zoning Board of Appeals is authorized to hear and decide appeals from and review decisions by the administrative officials responsible for the enforcement of this Chapter. The Zoning Board of Appeals may affirm, reverse wholly or in part, or modify the decisions appealed to it.
2. Use Variance – The Zoning Board of Appeals may allow for the use of land that is not allowed or prohibited as set forth in Section 4 – Permitted Building Types by District, and the Table of Uses in Section 7.
3. Area variance – The Zoning Board of Appeals may allow for modifications to the Section 5 – Rules, Section 6 - Building Type

Regulations, section 9 A. – Off-Street Parking regulations and Section 10 – Signs

4. All appeals to the Zoning Board shall comply with the requirements of §218-107.
5. The Planning Board may allow modifications to Section 9 A. – Shared Parking, Section 9 B. – Design and Layout and Section 11 – Design Guidelines.

viii. Nonconformities:

1. Purpose

The purpose of this section is to establish regulations and limitations on the continued existence of uses and structures established prior to the effective date of this Code that do not conform to the provisions of this Code. Nonconformities may continue, but the provisions of this Section are designed to limit investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in this Code.

2. Nonconforming Uses

a. Authority to Continue

- i. The lawful use of any building or land existing prior to the effective date of this Code or its predecessor may be continued even if such use does not conform to the provisions of this Code.
- ii. No unlawful use of property or unlawful structure existing prior to the effective date of this Code shall be deemed to be a use which may be continued pursuant to this Section.
- iii. Any violation of this Code prior to the effective date of this Code will continue to be deemed a violation and no use in violation prior to the effective date of this Code may be continued if it does not conform to the provisions of this Code.

b. Replacement, Repair and Maintenance

- i. Replacement, repair and maintenance may be performed on any structure that is devoted in whole



or in part to a nonconforming use. All necessary building permits for such work are still required.

- ii. Replacement shall comply with the design and materials standards of this Code to the maximum extent practicable as determined by the Building Inspector or, upon the applicant's request, by the Planning Board.

c. Extensions/Expansions

- i. A nonconforming use cannot be extended, expanded, enlarged or increased in size, footprint or coverage.
- ii. No nonconforming use may be extended to displace a conforming use.

d. Change in Use

A nonconforming use may not be changed to another nonconforming use. A nonconforming use that is changed to a conforming use may not revert back to any nonconforming use. Any nonconforming use may be changed to a conforming use.

e. Discontinuance

- i. When a building containing a nonconforming use ceases to be used for the nonconforming use for a period exceeding 1 year, the use may not be reestablished or resumed.
- ii. When land used for a nonconforming use is discontinued for 60 consecutive days, the use may not be reestablished or resumed.

f. Extensions/Expansions

- i. Any nonconforming structure may be enlarged, maintained or altered; provided, however, that no enlargement, maintenance or alteration creates any additional nonconformity or increases the degree of the existing nonconformity of all or any part of such structure.
- ii. Any new construction which occurs on a site with a nonconforming structure or any expansion of a

nonconforming structure shall comply with the Building Type Regulations of Section 6, the Design Guidelines of Section 11, and all other provisions of this Code.