

Chapter 208. Zoning

Article VA. Hamlet Mixed Use (HM) District

§ 208-43.1. Purpose.

- A. The purpose of the Hamlet Mixed-Use (HM) District in Western Clifton Park is to provide primarily for focused business development to serve adjacent residential hamlets and neighborhood areas and to allow for a creative mix of commercial and complementary residential uses. However, the district may remain primarily commercial uses, such as a mix of offices and retail uses. The allowance for residential uses is intended to foster the creation of places within the Town where one could walk from home to work to neighborhood businesses. In addition, the HM district is intended to allow for development that generates a low traffic impact. Finally, the site layout and related designs for development within the HM District should be in a manner that respects and enhances the traditional hamlet context of the proposed project within the specific HM district location.
- B. In general, development should:
 - (1) Enhance existing, unique, traditional hamlet settlement patterns within Western Clifton Park.
 - (2) Restore, conserve and enhance the "sense of place" of the Hamlet of Rexford through complementary, compact, new development, infill development and redevelopment layout and design.
 - (3) Support a primarily business and residential setting within the HM District that connects and transitions to the nearby Hamlet Residential District to the south and the rest of the hamlet of Rexford.
 - (4) Foster pedestrian-friendly, walkable environments.
 - (5) Utilize area master planning, and site plan layouts and architectural styles consistent with the form of traditional Hamlet of Rexford.
 - (6) Support connections within the Hamlet of Rexford and the vicinity both within the Hamlet and outside of the Hamlet.
 - (7) Create access and connections such as to the Mohawk River waterfront and to the Mohawk Towpath Scenic Byway, and other existing and proposed Town-wide and regional pathways and trails
- C. This article is further intended to support the protection of Town-identified open space within Western Clifton Park with the provision of potential density incentives and transfer of development from Town-identified open space areas to the HR Zone as is applicable.

§ 208-43.2. Permitted uses.

[Amended 3-21-2011 by L.L. No. 9-2011]

The following are permitted uses:

Uses	Permitted (P) or Special Permits(s) Pursuant to § 208-79 et seq.
Business Uses	P
General business offices	P
Medical and dental offices and clinics, excluding overnight occupancy by patients	P
Attorneys' offices	P
Offices for licensed professionals; for example, architects, accountants, engineers, psychologists, optometrists and chiropractors	P
Insurance offices of independent or general agents, including regional or district offices of individual companies	P
Mortuaries or funeral homes	P
Center for the day care of children	P
Real estate offices	P
Banking institutions	P
Financial services, e.g., investment counseling and tax services	P
Animal hospital/veterinary offices, with the exclusion of outdoor runs and commercial kennels	P
Mixed-use buildings, with combination of commercial uses on ground floor with residential units on upper floors*	P
Home occupations	P
Day-care homes	P
Bed-and-breakfast facilities	S
Facilities for the sale and/or consumption of farm- and country- related edible and nonedible products at farm markets. Such facilities shall be consistent with the customary activities and operations normally associated with a farm.	S
Animal-care facilities, provided that any structure or area used for such purposes, including pens or exercise runs, shall be at least 100 feet distant from any residential district	P
Bank or savings-and-loan associations	P
Bowling alleys	P
Convenience food stores	P
Day-care centers	P
Self-storage facilities that appear residential in character	P
Dry-cleaning establishments, where not more than five persons are employed and where no flammable cleaning fluids are used	P
Personal service establishments	P

Uses	Permitted (P) or Special Permits(s) Pursuant to § 208-79 et seq.
Restaurants; or barrooms, provided that no portion of the portion of a building occupied by such uses shall be located within 300 feet of the boundary line of any residential district	P
Commercial recreation facilities, subject to the provisions of § 208-94	S
Municipal Uses	
Private schools, excluding business, dancing, trade or any other commercially oriented school	P
Nonprofit institutions for charitable, religious, cultural or community purposes	P
Emergency ambulance facilities if and only as long as these facilities are under contract to the Town of Clifton Park to provide general health services to the Town	P
Public utility structures	P
Radio installations, amateur (HAMS) (See § 208-95A)	P
Electrical substations, gas district governor stations, telephone exchanges or other public utility buildings, structures or uses, except business offices, storage yards, or repair shops, and subject to the provisions of § 208-79E(2).	S
Federal, state, county or Town municipal buildings	P
All other telecommunication towers as in § 208-95B	P
Cemeteries	S
Churches or other places of worship	P
Section 208-96, Temporary uses and structures	S
Public libraries	S
Residential Uses	
Solar arrays: Ground- or pole-mounted solar arrays	S
One-family dwellings	P
Two-family dwellings	P
Community residences	P
Dwellings, two-family and/or semidetached	P
Accessory structures: buildings accessory to the above which are an integral part of any of the above uses and are not in conflict with the purposes of this article as set forth above, which determination shall be made by the Planning Board	P

Notes:

*See "mixed-uses" (§ 208-43.4 below)

§ 208-43.3. Space and bulk requirements.

Space and bulk requirements are as follows:

A. One-family-detached dwellings: limited to no more than 25% of a parcel's total potential density:

- (1) Base density: one unit per acre.
- (2) Minimum lot size: 6,000 square feet.
- (3) Minimum lot width: 50 feet.
- (4) Minimum lot frontage: 50 feet.
- (5) Front yard: five feet.
- (6) Rear yard: 25 feet.
- (7) Side yard: five feet (20 feet adjacent to commercial units).
- (8) Maximum building height: 35 feet.
- (9) Minimum lot size for all ground- or pole-mounted solar arrays is 20,000 square feet.
[Added 3-21-2011 by L.L. No. 9-2011]

B. Commercial uses and two-family, semidetached, and multifamily dwellings: limited to no more than 25% of the parcel's total potential density.

(1) Base density:

(a) Requirements.

[1] Office uses: 4,000 gross square feet per acre.

[2] Retail uses: 2,000 gross square feet per acre.

[3] Two-family, semidetached and multifamily dwellings: 3,000 gross square feet per acre.

(b) For example, a project that includes 4,000 gross square feet of office space, 2,000 gross square feet of retail space, and 3,000 square feet of multifamily space would require three acres of unconstrained land.

(2) Minimum lot size: 12,000 square feet.

(3) Minimum lot width: 80 feet.

(4) Minimum lot frontage: 50 feet.

(5) Front yard: 10 feet.

(6) Rear yard: 30 feet.

(7) Side yard: zero feet (20 feet adjacent to residential uses).

(8) Maximum building size - office: 40,000 gross square feet (20,000 gross square feet footprint).

(9) Maximum building size - retail: 20,000 gross square feet.

- (10) Maximum building size - mixed: 40,000 gross square feet (20,000 gross square feet footprint).
- (11) Maximum building height: 40 feet.
- (12) Minimum greenspace: 25%.

§ 208-43.4. Mixed-use buildings.

- A. Residential uses may be allowed above commercial uses.
- B. Buildings in the HM District may include residential units as subordinate uses to primary ground floor commercial use subject to the following provisions:
 - (1) Residential units shall not be permitted over an auto service station or establishments storing or retailing flammable or fume producing goods.
 - (2) The habitable area of each residential unit shall be at least 500 square feet.
 - (3) Each residential unit shall be a separate dwelling unit with provisions for complete living, including sanitary and sleeping facilities for year-round use by one family.
 - (4) Residential units shall not be located on the first floor of the building, and each apartment shall contain all services for safe and convenient habitation meeting the New York State fire, building, health and environmental codes.
 - (5) Residential units shall have access to the outside of the building, which must be distinct from the access to uses on the first floor.
 - (6) Each residential unit shall meet all applicable Town of Clifton Park off-street parking requirements.

§ 208-43.5. Density bonuses (amenity zoning).

- A. Residential bonus. Applicants may propose and seek Town approval for an increase in the density of residential units within the Hamlet Mixed-Use (HM) Zoning District per Article VB, Open Space Incentive Zoning, upon securing the required applicable development rights to town-identified open space parcels within Western Clifton Park.
- B. Office and retail bonus. Applicants may propose and seek Town approval for an increase in the density of gross square footage of commercial units within the Hamlet Mixed-Use (HM) Zoning District per Article VB, Open Space Incentive Zoning, upon securing the required applicable development rights to Town-identified open space parcels within Western Clifton Park.

§ 208-43.6. Site plan review.

All building and zoning permit applications in the HM District shall be subject to site plan approval. Applications will be considered by the Planning Board in accordance with Article XVI Site Plan Review and Approval, and the Western Clifton Park Design Guidelines.^[1]

[1] *Editor's Note: The Park Design Guidelines are contained in the Western Clifton Park Land Conservation Plan GEIS, on file in the Town offices.*

§ 208-43.7. (Reserved)

§ 208-43.8. (Reserved)

§ 208-43.9. (Reserved)