
ARTICLE VI, MIXED USE & BUSINESS DISTRICTS

§ 174-24. Purpose and Description.

A. The purpose of the Mixed Use Districts is to:

(1) Designate areas where a mix of retail stores, commercial facilities, personal services, offices, municipal uses, family and non-family residential uses, cultural and recreational or entertainment facilities, are supported.

B. Description of the Mixed Use Districts

(1) The Mixed Use Core (MC) District supports retail, commercial, food service, office, personal service, entertainment and cultural uses. In addition it supports residential use on upper floors.

(a) The MC district occupies the historical center of the Village. It includes properties on Broad St., Payne St., Madison St., Lebanon St. Utica St., Eaton St., and Maple Ave in the vicinities of the Payne St./Broad St./Utica St./Lebanon St. intersection and the Maple Ave./Eaton St./Lebanon St. intersection. The MC district is bordered to the northwest by the ME district, on the east by the MG district, and on the south, west and north by the R district. For the precise properties within the district see the Village Zoning Map.

(2) Mixed-Use Green (MG) supports personal service, professional, cultural and residential uses, while encompassing municipal offices, religious and community facilities and functions. Parking opportunities in the MG district tend to be very limited. in many properties are limited.

(a) The MG District frames most of the Village Green north of Pleasant Street. It includes properties on Payne St., East Broad St., and Broad St. The MG district is bordered on the northwest by the MC district and on the south, east and west by the R district. For the precise properties within the district see the Village Zoning Map.

(3) Mixed-Use Eaton (ME) District supports commercial, retail, and personal services on the ground floors. Residential and office uses of upper floors are supported. Many of the properties are large enough to support vehicular access and parking.

(a) The ME district includes properties on the west side of Eaton St. and the east side of Utica St. in the vicinity of the Utica St./ Eaton St. intersection. The ME district is bordered by the MC district to the southeast, by the R district to the south, west, and northeast, and the MP district to the north. For the precise properties within the district see the Village Zoning Map.

(4) Mixed-Use Perimeter (MP) districts support a mix of offices, personal services, medical services and residential use. New retail uses and food services are not supported. Parking as a primary use is permitted and supplemental parking is supported.

(a) The MP district includes the properties on both sides of Utica Street between Eaton and Montgomery/Wylie, the properties on the

east side of Eaton between Utica and Montgomery, the properties between Utica and Eaton on Montgomery, as well as some properties on the south side of College Street west of Payne Creek, and the northwest end of Milford Street. In most instances the MP districts borders the R district. For the precise properties within the district see the Village Zoning Map.

(5) Mixed-Use South (MS) district supports a mix of a mix of offices, restaurants, personal services, and medical services in addition to retail and residential uses.

(a) The MS district includes the properties on the west side of Broad Street south of the MC district and north of Pleasant St.

C. The purpose of the Business Districts is to:

(1) Designate areas where retail, commercial, personal service, offices, transportation, entertainment facilities are primary, with residential a secondary use.

D. Description of Business Districts

(1) Business North (BN) District supports retail, commercial, personal service, food services and is a district that supports uses that rely strongly on vehicular access.

(a) The BN district stretches along 12B for the northern reaches of the Village. It is bordered by R district to the south, BD to the northwest, and BA to the west.

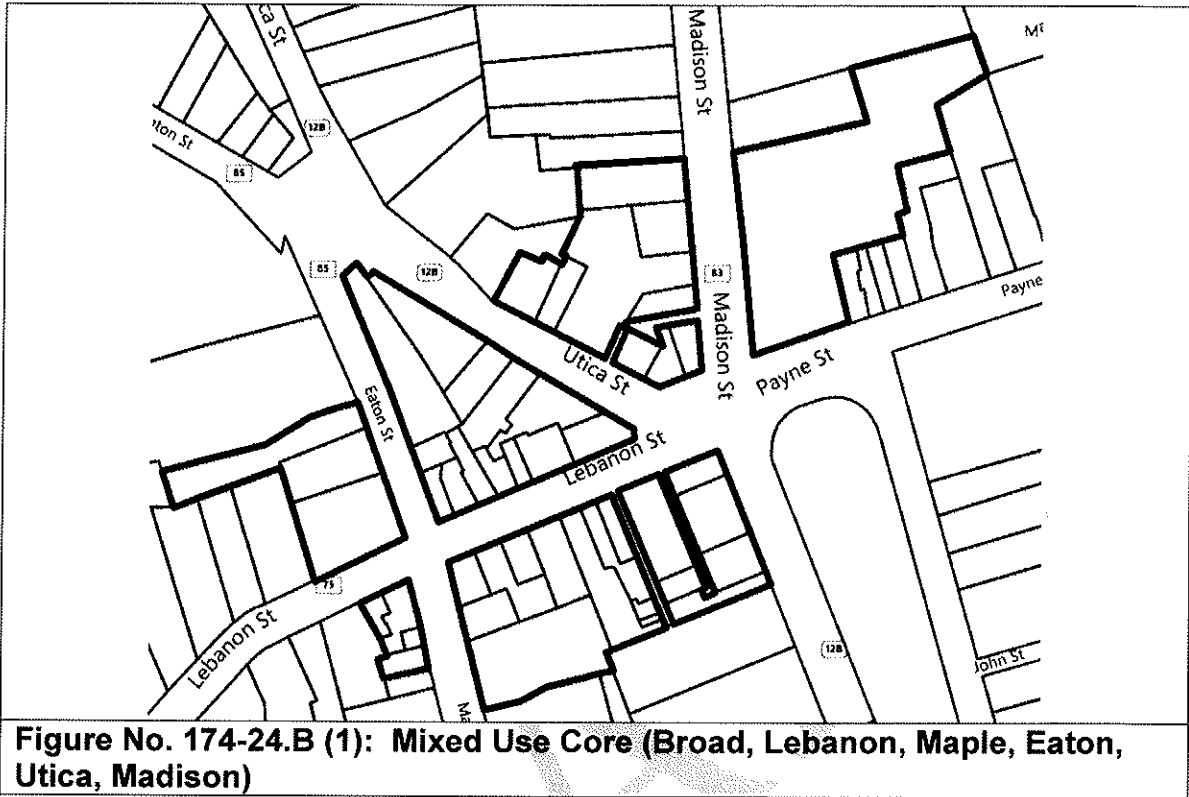
(2) Business Development (BD) supports light industrial, commercial and business uses. I

(a) The BD district is on the eastern and southern sides side of Wings Way. It is bordered to the west by the BA district and to the south by the BN.

(3) The Business Aviation (BA) district supports aviation uses and commercial uses associated specifically with aviation use of the Hamilton Municipal Airport.

(a) The BA district is on the west side west side of Wings Way and borders the BD and BN districts to the east as well as the R district to the south.

(4) Business Hospital (BH) district supports the operation of the Community Memorial Hospital. adjacent to the west side of Route 12B. It borders the U2 district to the north and south, the U3 to the west, and the U1 to the east.



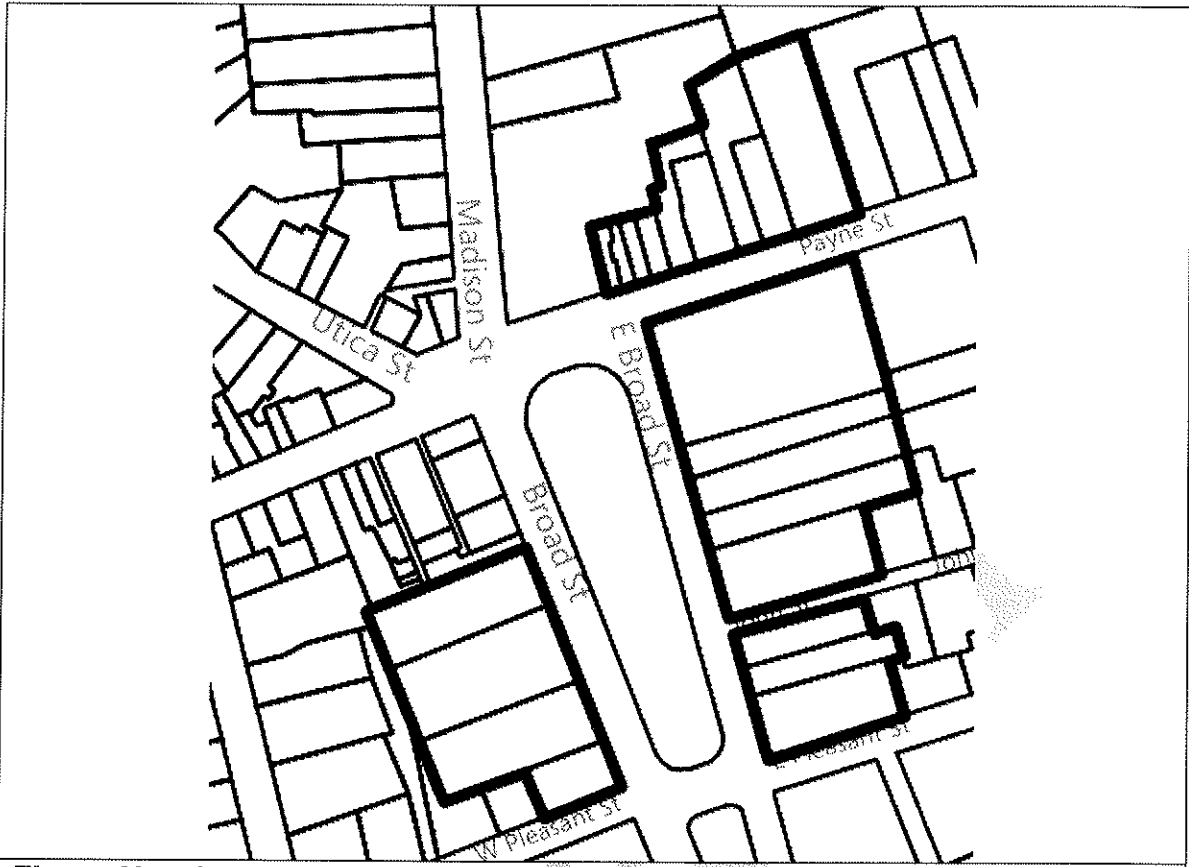


Figure No. 174-24.B(2): Mixed Use Green



Figure 174-24.B (3). Mixed-Use Eaton

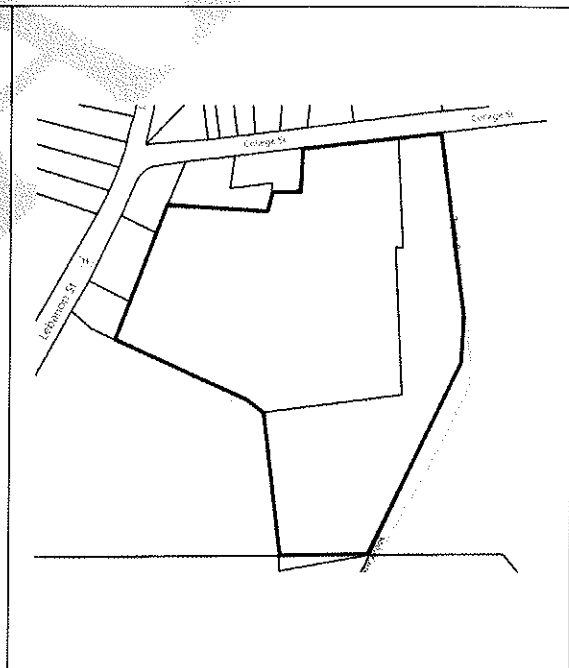
Figure No. 174-24.B(4): Mixed Use Perimeter



(Utica, Montgomery, Eaton)



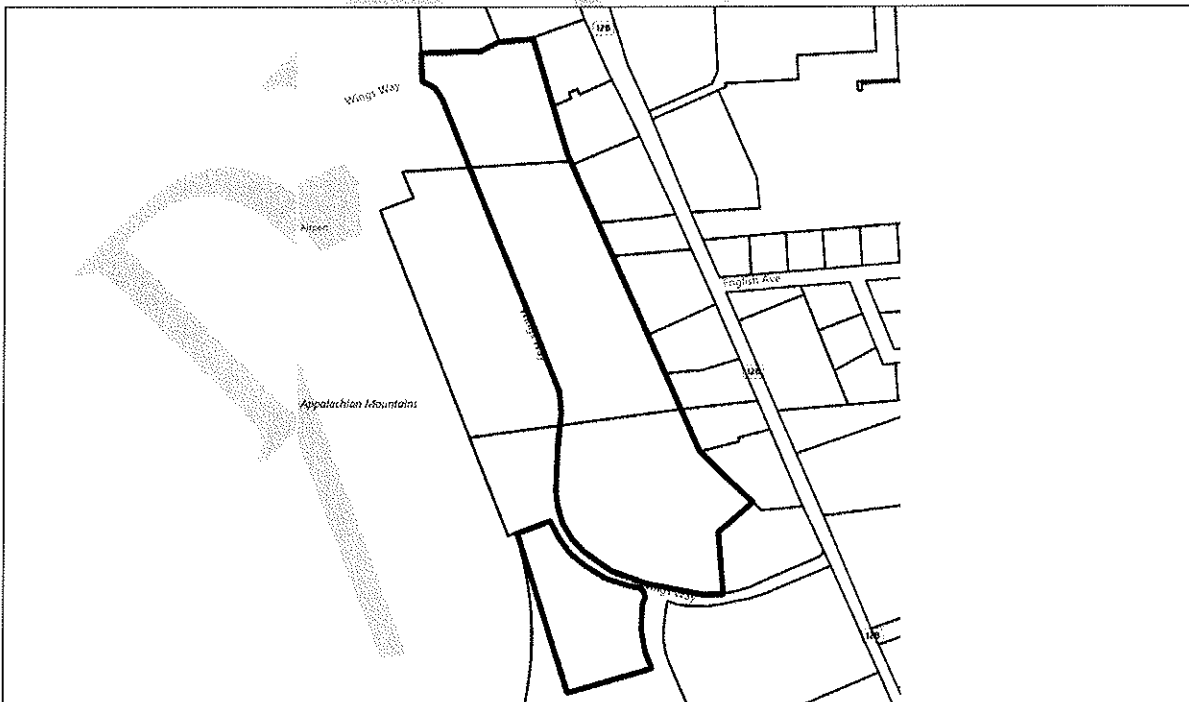
(Milford, Lebanon)



(College St.)



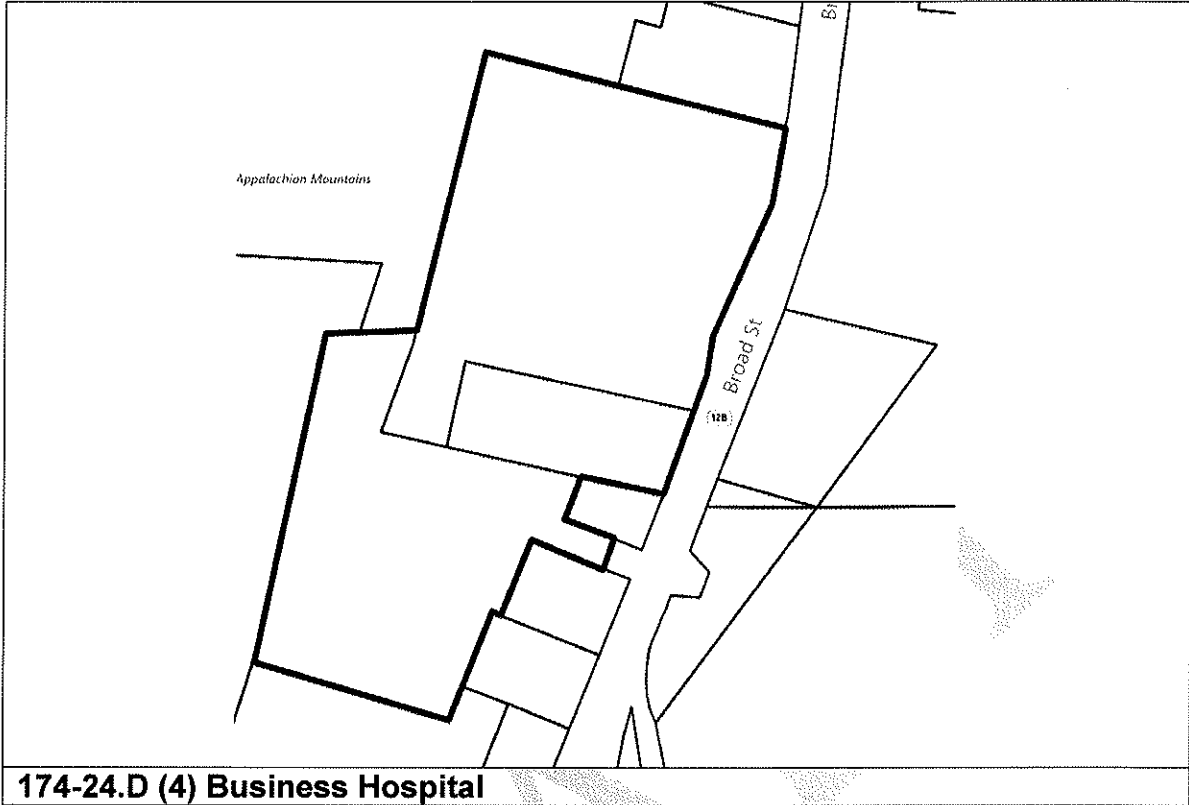
174-24.D (1) Business North



174-24.D (2) Business Development



174-24.D (3) Business Aviation



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§ 174-25. Regulations and Controls.

A. In any Mixed Use or Business Use District, regulations and controls for permitted land uses or activities having special conditions applied thereto, or requiring a special permit, are set forth in Appendix A, Schedule I, of this chapter.

B. In any mixed-use or business district, regulations for lot size, yards, lot coverage, building height and similar area or dimensional requirements are set forth in Appendix A, Schedule II, of this chapter.

C. An outline of supported and prohibited uses in the Mixed-Use Districts.

(1) Mixed Use Core District

(a) Uses supported (P, SC, or SP) in the MC District include, but are not limited to, most retail, personal service, professional or administrative offices, restaurant and food service including catering, facilities for serving alcohol, museum, performing arts center, clinic or medical center, residential, boardinghouse, rooming house, bed and breakfast, multi-unit residence, university related off-campus activity.

(b) Use prohibited in the MC District include, but are not limited to, drive in services; motels; educational uses by degree granting institutions; banqueting facilities; playground; automotive sales; auto wash; gasoline station, sexually oriented business; industrial uses; residential on the ground floor.

(2) ME District

(a) Uses supported (P, SC, or SP) in the ME District include, but are not limited to, most retail, personal service, professional or administrative offices, restaurant and food service including catering, facilities for serving alcohol, supplemental parking, museum, performing arts center, clinic or medical center, residential, boardinghouse, rooming house, bed and breakfast, multi-unit residence, university related off-campus activity.

(b) Uses prohibited in the ME District include, but are not limited to, drive in services; motels; educational uses by degree granting institutions; playground; automotive sales; auto wash; gasoline station, sexually oriented business; industrial uses; residential on the ground floor.

(3) MG District

(a) Uses supported (P, SC, SP) in the MG District include, but are not limited to, municipal, library, institutional, residential, bed and breakfast, office, personal service, university related off-campus activity.

(b) Uses prohibited in the MG District include, but are not limited to, retail, boarding house, post-secondary educational, industrial.

(4) MP District

(a) Uses supported (P, SC, or SP) in the MP District include but are not limited to residential, office; supplemental parking; personal service; studio; social center; existing light manufacturing, printing,

processing, or industrial uses; catering; clinic and diagnostic center; day care center or nursery school; museum; parking lot; group residence; boardinghouse; bed and breakfast; university related off-campus activity.

(b) Uses prohibited in the MP District include, but are not limited to, new light industrial; retail; post-secondary educational; auto sales; new gasoline station; junkyard; new auto repair.

(5) MS District

(a) Uses supported (P, SC, or SP) in the MS District include, but are not limited to, residential, townhouse, office, post office, personal service, retail. ??

B) Uses prohibited in the MS District boarding house, gas or fuel station, ??

D. Outline of supported and prohibited uses in the Business districts

(1) BN District

(a) Uses supported (P, SC, or SP) in the BN District include, but are not limited to, retail; personal service; office; entertainment; restaurant; bar or facility to service alcoholic beverages; banqueting facility; clinic or diagnostic center; gasoline station; vehicle repair; parking lot; museum; performing arts; nursing home; university related off-campus activity.

(b) Uses prohibited in the BN District include but are not limited to nursery school; farm or livestock; light manufacturing; residential on the first floor.

(2) BD District

(a) Uses supported with special conditions (SP) in the BD District include but are not limited to clinic or diagnostic center; light manufacturing, industry, or processing, administrative, office, wholesale storage, warehouse or distribution center, farm brewery, research and testing facility, municipal facility.

(b) Uses prohibited in the BD District include but are not limited to residential; Retail; Personal service other than clinic and diagnostic; educational; banqueting or restaurant (except for farm brewery); museum; performing arts; library

(3) BA District

(a) Uses supported (P, SC, SP) in the BA District include but are not limited to aviation related service, recreational, and commercial uses; parks; and agricultural uses.

(b) Uses prohibited in the BA District include but are not limited to non-aviation-dependent or retail, commercial, industrial, educational or residential uses.

(4) BH District

(a) Uses supported by right (P, SC, or SP) in the BH District include but are not limited to medical services, especially those provided by Community Memorial Hospital.

(b) Uses prohibited in the BH District include, but are not limited to, retail, industrial, personal service, educational, commercial, retail.

D. Design Standards for Mixed Use and Business Districts

(1) Purpose: to apply design standards in commercial and mixed use portions of the Village.

(2) Procedure and controls.

(a) Compliance with Design Standards will be a necessary component of all building permits within the Mixed Use and Business Districts.

(b) The Code Enforcement Officer may not issue a Building Permit before determining compliance with Design Standards.

1. The Code Enforcement Officer may solicit the advice of the Planning Board before determining compliance or non-compliance to design standards within renovation projects that alter the exterior of the buildings on facades with street frontage or facades within 50 feet of the family residential district.

2. For new commercial and mixed-use construction, determination of compliance will be part of the site plan review.

3. The integration and balance of the multiple provisions of these Design Standards within individual projects is the responsibility of the Planning Board and will be part of the site plan review process.

(3) Standards applicable to all commercial and mixed use structures in the Business and Mixed Use Districts

(a) Building Materials in MC, MG, ME, MP, MS, BN, BH districts

1. Preferred building materials are brick, stone, and wood.

Limited use of concrete and concrete block is acceptable if detailed and finished to be compatible with surrounding buildings.

2. The use of exposed corrugated concrete and "cinder block" is prohibited.

3. Tile, stucco, and metal wall surfaces are not typical building materials in the Hamilton area, but may be acceptable in limited applications.

4. Siding.

a. Artificial siding should be detailed to be consistent with traditional wood construction. Asphalt and asbestos wall surfaces are prohibited.

b. Newer types of building materials, if compatible in appearance with surrounding buildings, may be acceptable. Such materials should be able to be maintained so that they do not deteriorate with age.

(b) Building Materials and Design Standards in the BD and BA districts should be appropriate to the use.

(4) Design Standards for the Mixed-Use Core (MC)

(a) Relationship of Buildings to the Street and to Each Other

1. Where party wall buildings currently exist, or where new ones are constructed, the buildings should generally be connected to form a wall along the street. This wall encloses public space and makes the street space feel like an "outdoor room."

2. Party wall buildings should be related in height, with storefront windows, doors at street level, and simple roof shapes.

3. Downtown buildings have traditionally maintained a continuous wall at the building line. Therefore, new buildings and additions to existing buildings should maintain the street wall. The building line is generally the front property line or the line of the sidewalk, and a minimum of 60% of the building's front face should sit on that line.

a. Setbacks for up to 40% of the building front may be appropriate, but only if the area between the setback and the sidewalk is developed as a plaza accessible to the public. (Figure VI. 1) This area shall not be used for parking.

b. Buildings on corner lots should hold the corner by meeting (a) on both street frontages. Parking lots on corners are not allowed.

c. Parking lots in front of buildings are not allowed.

4. For party wall construction, a zero foot side setback is best. Side setbacks of between zero and six feet and over 15 feet are prohibited. Narrow gaps are likely to be dark and dangerous, and do not make good pedestrian spaces. Gaps of more than 15 feet between buildings disrupt the continuity of the street wall and should not be allowed, except to create outdoor public or semipublic spaces or where parking is required and cannot be placed behind the building. Side yards of more than 10 feet should be landscaped, and may be used as driveways, pedestrian pathways, or semipublic spaces such as restaurant patios.

5. In order to define the edge of public space on the street and encourage mixed use buildings, all new buildings and major additions must be between two and four stories tall, with a maximum elevation of 45 feet.

6. Upper-level apartments and offices are encouraged and should be accessible from entries on the sidewalk. Secondary entrances located on rear alleys or parking lots are also acceptable.

7. Small, separated one-story buildings set back from the street are not permitted.

(b) Architectural Features and Character of Buildings.

1. Facade Treatments:

- a. Party wall buildings create continuity in the street wall, which should not be interrupted by complicated or dominating roof designs visible from the street.
- b. Parapets, projecting cornices, or decorative roof overhangs are encouraged, since they reinforce the line of the building wall. Flat roofs without cornices are prohibited. (Figure VI. 2)
- c. Buildings should have many windows and doors at street level to encourage pedestrian traffic and commercial activity. Frequent entries contribute to a lively pedestrian space. Entries onto the sidewalk should occur at least every 40 feet. (Figs. VI. 3 & 4)
- d. Blank, windowless walls are unacceptable; no building may have more than 15 horizontal feet of wall without a window or door.
- e. First-floor facades should include a minimum of 50% glass, while upper floors should have between 15% and 40% glass.
- f. Every building should have operable windows on the upper floors. Individual windows should be vertically proportioned between 1:2 and 3:5. Individual windows may be grouped, but continuous strip windows without major vertical divisions are prohibited, as are heavily tinted or reflective glass.
- g. Large storefront windows are required on ground floors and do not need to be operable.
- h. Balconies and bay windows are appropriate on upper floors, and may encroach beyond the building line by no more than four feet.
- i. Awnings and overhangs which provide shade and shelter for pedestrians are encouraged; they may encroach beyond the building line. Arcades should encroach on the sidewalk.
- j. Heating, ventilation, and air-conditioning equipment on the roof shall not be visible from the street.
- k. Heating, ventilation, and air-conditioning ducts and equipment located in alleyways within 20 feet of the streets shall be screened from views from the street.
- l. Trademark buildings, which identify the owner or occupant by a trademarked architectural style or by prominent advertising icon images shall be adapted to harmonize with the architectural character of the MC district as specified in these standards.

(5) Design Standard for Mixed Use Eaton

(a) Design Standards for all new construction or substantial exterior renovations on properties in the ME district

1. Buildings on corner lots shall follow these guidelines on both street frontages.
2. Parking lots in front of buildings are not allowed.
3. Upper floors should be accessible from well-lit entries on the front or side facades. Secondary entrances located on rear alleys or parking lots are also acceptable.
4. Small, separated one-story buildings set more than 20 feet back from the sidewalk of street frontage incompatible with the character of the ME district.
5. A substantial exterior renovation constitutes a modification of over 40% of the street facade.
6. Trademark buildings, which identify the owner or occupant by a trademarked architectural style, must conform to the design standards of this chapter. Franchise operations shall be designed to harmonize with downtown mixed-use areas.
7. Exterior fire escape construction may not be on the front facade nor within 25 of the property line or sidewalk.

(a) Mixed Use Eaton District Design Overlay 1. Those properties that front Eaton Street within the ME district shall be considered as occupying ME Design Overlay 1. The design standards reflect the standards of the MC district with accommodation of the onsite parking appropriate to the ME district.

1. Relation of Buildings to Street and to Each Other in the ME Design Overlay 1.

a. The ME Design Overlay 1 anticipates the extension of the downtown character of the MC without the focus on party wall construction. Therefore, new buildings and additions to existing buildings should maintain a strong sense of street enclosure. The building line is generally within a minimal setback.

2. Architectural Features of ME Design Overlay 1

a. Parapets, projecting cornices, or decorative roof overhangs are encouraged. Flat roofs without cornices are prohibited.

b. Buildings should have many windows and doors at street level to encourage pedestrian traffic and commercial activity.

c. Blank, windowless walls are unacceptable; no building may have more than 20 horizontal feet of wall without a window or door.

d. First-floor facades should include a minimum of 40% glass, while upper floors should have between 15% and 40% glass.

e. Every building should have operable windows on the

upper floors. Individual windows should be vertically proportioned between 1:2 and 3:5. Individual windows may be grouped, but continuous strip windows without major vertical divisions are discouraged, as are heavily tinted or reflective glass.

f. Large storefront windows are required on ground floors and do not need to be operable.

g. Balconies and bay windows are appropriate on upper floors, and may encroach beyond the front building line by no more than four feet.

h. Awnings and overhangs, which provide shade and shelter for pedestrians are encouraged; they may extend beyond the building line.

i. Heating, ventilation, and air-conditioning equipment on the roof shall not be visible from the street.

j. Heating, ventilation, and air-conditioning ducts and equipment located in alleyways within 20 feet of the streets shall be screened from views from the street.

3. Balconies are not permitted on street facades or on building facades that are direct toward a family residential district.

(b) Mixed Use Eaton District Design Overlay 2. Those properties that front Utica Street within the ME district shall be considered as occupying ME Design Overlay 2. The ME District Design Overlay 2 reflects a section of the Village that transitions from the design character of the MC district to that of the MP district.

1. A build-to line is set by the average of the structures (excluding parking lots) on the three properties on either side of the property.

(6) Design Standards for the Mixed Use Perimeter (MP), the Mixed Use South (MS) and the Mixed Use Green (MG) districts.

(a) The MP and MG districts primarily support independent structures of domestic character. While the uses of traditionally residential properties in these areas may change gradually, their general appearances should not change significantly. New uses should adapt to the character of the existing domestic buildings and should respect the traditional relationships between the buildings, the street, and adjoining buildings.

(b) The norm for new construction and renovation of old construction in the MP and MG districts will be detached buildings with domestic characteristics as outlined by these design standards.

(c) Minimal design standards for the new construction and exterior renovations of any structure in the MP and MG districts.

1. Building faces should be parallel to the street, with major roof ridges either parallel or perpendicular to the street.

a. On narrower lots (60 feet or less), the roof ridge should generally be perpendicular to the street.

2. An entry is required on the front façade.
3. Roof overhangs of 6 inches to 18 inches, exclusive of gutters, are required.
4. Windows and doors should be balanced in their placement on building facades. Though literal symmetry is not necessary, a general balance is required.
5. Glass areas per floor should be greater at ground floors than at upper level floors.
6. Windows should be vertical within the primary floors of the building.
7. Shaped windows are acceptable within the triangle created by converging roof planes, at decorative entries, in half-stories, and in decorative configurations in all floors.
8. Windows and doors should include trim of no less than 1"
9. No façade may be blank, except for facades of secondary structures within 10 feet of the property line.
10. A minimum of 1/3 of the building square footage (excluding basements) must be on the second floor.
11. Trademark buildings, which identify the owner or occupant by a trademarked architectural style or by prominent advertising icon images shall be adapted to harmonize with the architectural character of the mixed use or business district.

(d) Frontages and Screening

1. A build-to line is set by the average of the structures (excluding parking lots) on the three properties on either side of the property.
2. Fences and landscape screens of an appropriate nature (see illustration and 174.46) are encouraged along front property lines, especially where the continuity of buildings is interrupted by a vacant lot, a parking lot, or a building set back farther than the build-to line. Landscape screens should be set back no less than three feet from the sidewalk to avoid encroachment when the vegetation matures.
3. Fences, low walls, and hedges define walkways, can give pedestrian scale to the street, and maintain the historic character of the Village. They create a transition between public and private spaces and screen and separate potentially incompatible uses. Chain-link fences and tall walls or hedges create unfriendly barriers and block important public visual or pedestrian access.

(6) Design Standards for Business North

(a) Architectural Features and Character for new construction.

1. Facade Treatments:
 - a. First-floor facades should include a minimum of 40% glass, while upper floors should have between 15% and 40% glass.

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(Draft with Mixed Use South Included - 2017 0107)

b. Heating, ventilation, and air-conditioning equipment on the roof shall not be visible from the street.

c. Heating, ventilation, and air-conditioning ducts and equipment located in alleyways within 20 feet of the streets shall be screened from views from the street.

d. Where residential uses and commercial uses are integrated, pitched roofs and domestically scaled windows as per MP districts are strongly encouraged.

2. Where a flat roof is employed, architectural elaborations or parapets are required.

3. Trademark buildings, which identify the owner or occupant by a trademarked architectural style or by prominent advertising icon images shall be adapted to harmonize with the architectural character of the district as specified by these standards.

(7) Design Standards for Business Development (BD) and Business Aviation (BA).

(A) The design of structures in the BD and BA should be appropriate to their use.

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Figures to Support Village Design Standards

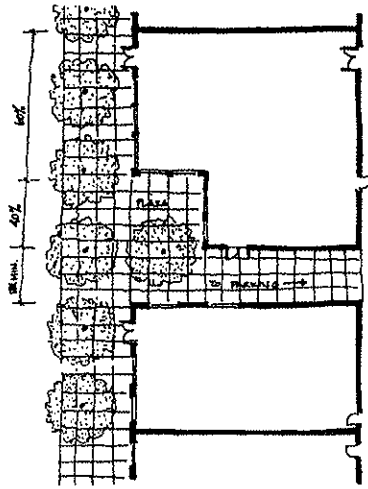


Figure VI. 1. Party Wall Frontage

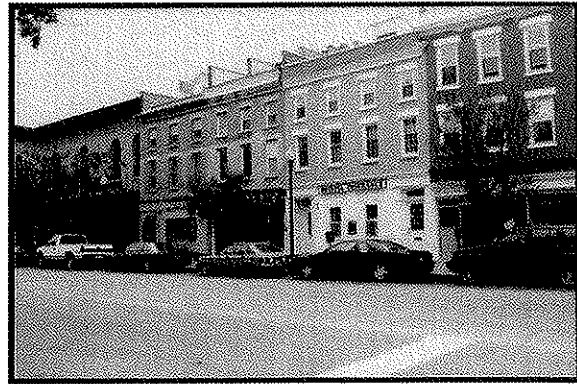


Figure VI. 2. Appropriate Cornice Treats for MC District.

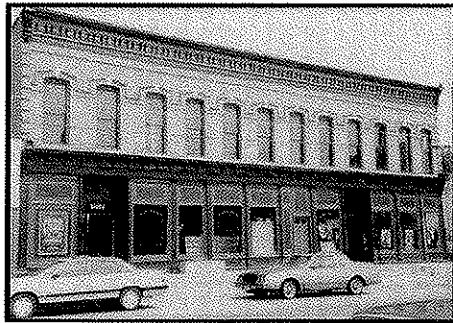


Figure VI. 3. Entry. Cornice, treatment in MC

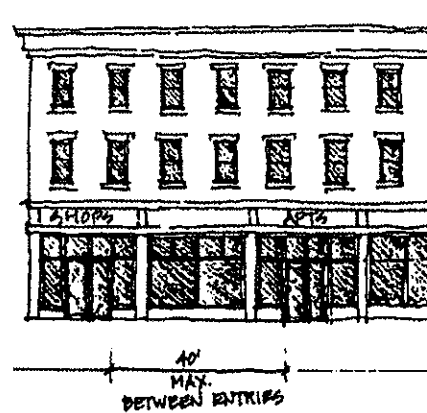
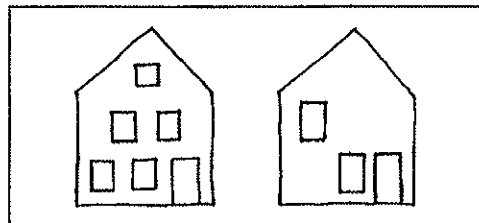


Figure VI. 4. Distance between entries in MC district.

Balanced



Unbalanced

Figure VI. 5. Appropriate balance for architectural features

<p>Figure VI. 6. Inappropriate distribution of windows and glass.</p>	<p>Fig. VI. 7. Appropriate distribution of glass across lower and upper floors.</p>
<p style="text-align: center;">Discouraged</p>	<p style="text-align: center;"><i>Appropriate Street-lining Elements</i></p>
<p>Fig. VI. 8. Inappropriate front yard fencing and hedges</p>	<p>Fig. VI. 9. Appropriate front yard fencing and hedges.</p>

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