

Topic:	Planned Unit Development; Comprehensive Planning; Zoning; Subdivision Regulations
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of North Hempstead
Year (adopted, written, etc.):	1997-2004
Community Type - applicable to:	Suburban; Rural
Title:	Town of North Hempstead Planned Unit Development District
Document Last Updated in Database:	May 8, 2017

Abstract

Chapter 79, Article XD requires certain zoning specifications for The Planned Unit Development District (PUD). These specifications relate to: landscaping, water conservation, utilities, sewage, disposal, garbage and refuse facilities, signs and fences and other aspects of the PUD. In erecting the development, building's population, density, height, plot area, setbacks, lot coverage, and parking facilities must all be considered.

Resource

Town of North Hempstead NY Planned Unit Development District
Code of the Town of North Hempstead NY
Chapter 79: Zoning
General Code
ARTICLE XD Planned Unit Development District - A [Added 7-15-1997 by L.L. No. 12-1997]

§ 70-98.10. Application of provisions.

Pursuant to the provisions of Article XC, Planned Unit Development District, the requirements of this article and the set of drawings entitled "Harbor Links Master Plan," approved by the Town Board on July 15, 1997, comprise the master plan and zoning standards for the parcel of 452.6 acres formerly known as the "Morewood Property." Upon adoption of this article, the parcel shall be depicted on the Official Zoning Map as "PUD - Planned Unit Development District - A."

§ 70-98.11. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BASEMENT — That portion of a building which is partly below grade with less than half of its floor-to-ceiling height below the average of the adjoining ground. Any such area otherwise meeting this definition but having at least one exterior entrance at grade, exclusive of garages, will not be considered a basement for the purposes of this article. However, such area will be considered a full story.

BUILDING HEIGHT — Except where otherwise specified under the applicable subdistrict regulations, building height shall be defined as the vertical distance measured from the average level of the adjoining grade to the highest point of the roof, in the case of a flat roof, or to the mean level between the eave and the highest point of the roof, in the case of other than a flat roof. A parapet wall, not to exceed four feet, and enclosures for exterior fire exits and mechanical equipment, not to exceed eight feet, may extend beyond the roof peak. Architectural features such as spires or chimneys shall not be included in roof height calculations.

CONGREGATE CARE RESIDENTIAL COMMUNITY — A senior life care community, as defined by Article 46 of the Public Health Law of the State of New York, or its substantial equivalent.

DEDICATED PARKLAND — Lands to be dedicated for a public park or recreational use that may not be converted to a use other than for a public park or recreation without the express authorization of the State Legislature under the New York Parks, Recreation and Historic Preservation Law.

DROUGHT-TOLERANT PLANTINGS — Those species of grasses, plants and trees that are generally indigenous to the region and require a minimal amount of watering.

DWELLING UNIT — A house, apartment, room, cottage or other area set aside for the exclusive use of one or more residents. In the case of a congregate care facility, each nursing bed shall count as one dwelling unit.

INTEGRATED PEST MANAGEMENT — The practice of landscape maintenance that minimizes the use of pesticides by utilizing alternative methods of pest control.

SENIOR CITIZEN — Persons age 55 years or older.

WATER-SAVING PLUMBING FIXTURE — Faucets, shower heads, water closets and drinking fountains that meet the performance standards set forth in New York State Environmental Conservation Law and the Nassau County Water Conservation Ordinance.

§ 70-98.12. General provisions.

The following standards and requirements in §§ 70-98.13 through 70-98.20 are applicable to all components of the PUD.

§ 70-98.13. Landscaping.

The use of drought-tolerant grasses and plantings shall be required for all common landscaped areas. The use of integrated pest management practices shall also be required for all common landscaped areas.

§ 70-98.14. Water conservation.

The use of water-saving or low-flow plumbing fixtures shall be required for all buildings within the PUD. All irrigation systems shall be equipped with moisture sensors capable of detecting a 1/8 inch of rainfall and automatically interrupting and preventing the irrigation system from operating.

§ 70-98.15. Utilities.

Overhead or above-ground installations of utility lines, wires and cables, including electric, gas, telephone, cable television and water servicing any lot, shall be prohibited.

§ 70-98.16. Sewage disposal.

All buildings within the PUD must be connected to a public sewer system prior to the issuance of any certificate of occupancy. Private septic systems are not permitted.

§ 70-98.17. Garbage and refuse facilities.

All garbage and refuse facilities, including but not limited to dumpsters, compactors, bins and containers, shall be fully screened from view. All food service uses within commercial and multiple-residence (greater than five dwelling units) buildings shall install a refrigerated garbage locker within the building with no outdoor storage of putrescible waste.

§ 70-98.18. Signs.

The following signs shall be permitted in the Planned Unit Development District:

A. Main entrance signs. At the intersection of Spine Road with Roslyn - West Shore Road, the following signs may be erected:

- (1) Primary entrance sign, double-sided, to be located within the Spine Road median. The display area of this sign shall not exceed 150 square feet per side. The area of the total structure, including display area, support mechanisms and decorative elements, shall not exceed 500 square feet per side. The maximum height of the

total structure shall not exceed 15 feet.

- (2) Secondary entrance signs may be located at each shoulder of the intersection of Spine Road and Roslyn - West Shore Road. Such signs may be comprised of up to three panels, with one panel reserved for Town use, one panel reserved for the operators of the Senior Residential Community, and one panel reserved for future commercial operators. The display area for each panel may not exceed 50 square feet for an aggregate total of 150 square feet for the three panels. Other dimensional requirements are the same as Subsection (1) above.
- B. Directional signs. Along Spine Road, signs may be posted as necessary directing visitors to the various developments within the PUD. Such signs may not exceed 10 feet in height. Display area may not exceed 15 square feet (15 square feet per side if double-sided).
- C. Subdistrict entrance signs. Detached or ground signs identifying the business or activity conducted on the premises upon which the sign is located are permitted. Specific dimensional standards may be found under the regulations for each subdistrict.
- D. Wall-mounted signs are permitted, provided that:
- (1) There shall be only one sign for each wall where such sign is permitted.
 - (2) The sign on a building wall shall not exceed two square feet per linear foot of wall or a total of 50 square feet, whichever is greater.
 - (3) The sign does not extend beyond the sides, roof or any other element of the wall on which it is affixed.
 - (4) Mounting height of the sign shall not exceed 20 feet.
- E. The following general sign prohibitions and restrictions shall apply to all uses of land in the Planned Unit Development District:
- (1) No tower signs, as defined in §70-196 of this ordinance, are permitted.
 - (2) No exposed neon signs, no flashing, moving, intermittently illuminated signs, reflection signs (other than for traffic regulatory signs) or signs painted in luminous materials that glow in the dark are permitted.
 - (3) Signs may be illuminated by means of exterior lighting only. No light boxes or

other means of interior illumination are permitted.

- (4) The design, location and content of all signs, other than traffic regulatory signs, shall be approved by both the Commissioner of Buildings and the Commissioner of Planning prior to installation.

§ 70-98.19. Fences.

Except where otherwise provided under the applicable PUD subdistrict regulations, the height of any fence or barrier wall may not exceed six feet. The use of barbed wire or electrified fencing is prohibited. The design and location of all fences must be approved by both the Commissioner of Buildings and the Commissioner of Planning prior to installation.

§ 70-98.20. Applicability of Town Law.

The time periods provided in Town Law § 274-a, Subdivision 11, shall govern the review by any court of competent jurisdiction of the adoption of this law, any master plan adopted pursuant thereto and any site plan approved for property located in the Planned Unit Development District.

§ 70-98.21. Designation of subdistricts. [Amended 5-11-2004 by L.L. No. 3-2004]

In order to adopt dimensional standards applicable to the specific land uses within the PUD, the following subdistricts are hereby established and shall be spatially defined on the Harbor Links Master Plan:

PUD-SRC Senior Residential Community

PUD-GRR Golf and Related Recreation

PUD-CR Commercial Recreation

PUD-NC Neighborhood Commercial

PUD-NP Nature Preserve

PUD-PCF Public and Community Facility District

§ 70-98.22. Subdistrict regulations.

In addition to the general provisions of this article, the following regulations apply to the specific subdistricts established in § 70-98.21.

§ 70-98.23. Senior Residential Community.

This subdistrict, designated PUD-SRC on the Harbor Links Master Plan, shall consist of 42 acres to be developed as a planned residential community for senior citizens.

§ 70-98.24. Permitted uses - SRC.

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article and for no other:

A. A senior life care community as defined under Article 46 of the Public Health Law of the State of New York, or its substantial equivalent; subsequently referred to as a Congregate Care Residential Community (CCRC). Permitted accessory uses contained within the building that are deemed necessary to and customarily incidental to the primary use are permitted as follows:

- (1) Administrative/sales office, not to exceed 5,000 square feet.
- (2) Assembly or meeting rooms, not to exceed a total of 10,000 square feet.
- (3) Banking service/financial office, not to exceed 1,000 square feet.
- (4) Barber/beauty shop, not to exceed 1,000 square feet.
- (5) Board room, not to exceed 1,000 square feet.
- (6) Craft rooms, not to exceed a total of 5,000 square feet.
- (7) Food service kitchen and dining area(s), not to exceed 500 seats, limited to service of residents of the PUD-SRC and their guests.
- (8) Game room, not to exceed 2,000 square feet.
- (9) General store/gift shop, not to exceed 2,000 square feet.
- (10) Greenhouse, not to exceed 2,500 square feet.
- (11) Health club/exercise room, not to exceed 5,000 square feet.

(12) Indoor swimming pool, limited to the use of residents of the PUD-SRC, not to exceed 10,000 square feet.

(13) Library/computer room, not to exceed 2,000 square feet.

(14) Medical office/clinic, not to exceed 5,000 square feet.

(15) Multipurpose room, not to exceed 7,500 square feet.

(16) Post office, not to exceed 2,500 square feet.

(17) Social room/cocktail lounge, not to exceed 5,000 square feet.

B. A multiple-residence dwelling or dwellings specifically designed for use and occupancy by senior citizens; subsequently referred to as the "mid-rise building." Permitted accessory uses contained within the building that are deemed necessary to and customarily incidental to the primary use are permitted as follows:

(1) Administrative/sales office, not to exceed 2,500 square feet.

(2) Assembly or meeting rooms, not to exceed a total of 5,000 square feet.

(3) Health club/exercise room, not to exceed 5,000 square feet.

(4) Indoor swimming pool for the exclusive use of residents of the PUD-SRC, not to exceed 10,000 square feet.

(5) Single-family townhouses, duplexes and detached houses (villas) on individual lots specifically designed for use and occupancy by senior citizens, to be referred to as "freestanding units."

C. Outdoor recreational areas such as swimming pools and tennis courts for the exclusive use of residents of the PUD-SRC and their guests. However, no swimming pool or tennis court may be located on the lot of any freestanding housing unit. An accessory building not to exceed 7,500 square feet, containing lockers, showers, community room(s), meeting room(s) and administrative/sales office(s) may be built in proximity to these uses.

D. An accessory structure, containing a gatehouse or guard booth, not to exceed 750 square feet, may be located at the main entrance gate.

§ 70-98.25. Population density - SRC.

The maximum allowable number of dwelling units permitted within the PUD-SRC Subdistrict is 675. Of this total, no fewer than 400 units are to be located in the CCRC. Of the remaining units, there may be no more than 275 units in total, of which not more than 150 units may be freestanding villas, duplexes or townhouse units as defined in this article. The remainder of the 275 allowable units may be located in the mid-rise building. At the developer's option, up to 150 units may be located in the mid-rise building, provided that the total number of units in the mid-rise building, the freestanding villas, the duplexes and the townhouses does not exceed the overall limit of 275.

§ 70-98.26. Residency eligibility requirements - SRC.

A. The freestanding units in the PUD-SRC Subdistrict may be occupied only by the following:

- (1) Persons who shall have attained the age of 55 years or older (hereinafter "senior citizens").
- (2) The spouse of said senior citizen.
- (3) One or more children of said senior citizen or of the spouse of said senior citizen, provided that each said child has attained the age of 18 years.

B. The mid-rise building or CCRC in the PUD-SRC Subdistrict may be occupied only by the following:

- (1) A senior citizen.
- (2) The spouse of said senior citizen.

§ 70-98.27. Basement apartments - SRC.

No basement apartments shall be permitted in any multiple dwelling other than one such apartment for the use of the superintendent, custodian or other person in charge of the maintenance of such dwelling.

§ 70-98.28. Subdivision of land - SRC.

Prior to the issuance of a building permit for a building or structure pursuant to this article, a preliminary subdivision plat of the entire development and a final plat for the section under consideration shall be submitted to and approved by the Nassau County Planning

Commission under the regulations for the subdivision of land pursuant to § 334-a of the Real Property Law and Section 1610 of the County Government Law of Nassau County.

§ 70-98.29. Required open space - SRC.

Of the 42 acres comprising the PUD-SRC Subdistrict, a minimum of two acres must be designated on the Master Plan as permanent open space on which no buildings or improvements other than replacement or enhancement of landscaping shall be permitted.

§ 70-98.30. Height - SRC.

- A. Congregate Care Residential Communities and mid-rise building may not exceed either six stories or 65 feet as measured from the average adjoining grade to the eave of the roof. The peak of the roof shall be no greater than 15 feet above the eave. A cupola for an elevator or mechanical equipment enclosure covering not more than 10% of the horizontal roof area may extend a maximum of 26 feet above the eave.
- B. No other building used exclusively for residence purposes, whether attached or detached, shall exceed either three stories or 36 feet in height as defined in § 70-98.11.
- C. No building accessory to any residential use shall exceed 20 feet in height.

§ 70-98.31. Plot area, setbacks and lot coverage - SRC.

The following dimensional standards shall apply to the various housing components within the PUD-SRC Subdistrict. In all cases, the maximum coverage of land by all buildings, including accessories, shall not exceed 35% of the total site area.

	Villa Units	Duplex Units	Townhouse Units	Mid-rise Building	Congregate Residential Community	Care Community
Front yard (feet)				10	10	
Rear yard (feet)				10	10	
Side yard (feet)				10	10	
Minimum lot size (square feet)	3,300	3,000	2,100	3 acres	7 acres	
Maximum coverage	lot 75%	80%	80%	50%	50%	

Maximum G.F.A.** 4,200 3,900 3,500 325,000 750,000
(square feet)

NOTES:

* Villa units adjoining the championship golf course must have a minimum rear yard of 25 feet.

** Gross floor area, exclusive of garages and unenclosed exterior balconies, patios and terraces.

§ 70-98.32. Required setbacks - SRC.

No building or structure shall be closer than 10 feet to a public street or PUD-SRC Subdistrict boundary line.

§ 70-98.33. Off-street parking - SRC.

A. For the purposes of this article, "street" shall refer to the private circulation and access roads within the SRC. "Public street" shall refer to the Spine Road that will be owned and maintained by the Town.

B. Off-street parking facilities shall be provided as follows:

Use	Parking Requirement
Freestanding units	2 spaces per dwelling unit
Mid-rise building	1.5 spaces per dwelling unit, plus 1 space for each building employee per shift, plus 1 visitor space for every 8 dwelling units
CCRC	0.75 spaces per independent dwelling unit, plus 1 space for each building employee per shift, plus 1 visitor space for every 8 dwelling units

C. Congregate Care Residential Communities shall require two loading areas for service and one loading area for refuse collection. Mid-rise building shall require one loading area for service and one loading area for refuse collection.

§ 70-98.34. Standards for off-street parking areas - SRC.

- A. The entrance to any off-street parking or loading/unloading area shall be from an internal roadway and not from a public street.
- B. Provision for off-street loading and unloading shall be made on the premises in a location that will not interfere with accessory parking or means of access. Each space to be devoted to loading and unloading shall be at least 15 feet in width, 25 feet in length and 15 feet in clear height.
- C. All areas devoted to off-street parking shall be surfaced in accordance with the specifications of the Town of North Hempstead and shall be comprised of spaces having dimensions of not less than nine feet in width by 18 feet in length. Access aisles shall be a minimum of 20 feet in width. Up to 30% of the spaces provided may be designated as compact car spaces and may have dimensions of not less than eight feet in width by 15 feet in length.
- D. Parking areas located along the PUD-SRC Subdistrict boundary shall be suitably screened by landscaping and permanently improved and maintained in a state of good repair.
- E. Parking areas and walkways may be illuminated at night. The location, candlepower and type of fixture to be installed shall be first approved in accordance with this ordinance. All light poles shall be directed away from residences and streets and shall not exceed a height of 20 feet above grade.

§ 70-98.35. Underground parking facilities - SRC.

In the case of the CCRC and mid-rise building, up to 100% of the required off-street parking may be provided in an underground parking structure which may be operated as self-parking or valet service. A fee may be charged for the use of this facility. The parking structure may not exceed three underground levels and shall be designed to accommodate spaces with minimum dimensions of nine feet in width and 18 feet in length. Access aisles shall have a minimum width of 20 feet. Up to 30% of the spaces provided may be designated as compact car spaces and may have dimensions of not less than eight feet in width by 15 feet in length. If the parking structure is to be operated as a valet service, the requirement to provide marked spaces and aisles may be waived by the Commissioner of Buildings. A minimum vertical clearance of six feet eight inches must be provided.

§ 70-98.36. Garage and parking facilities for freestanding units - SRC.

In the case of a duplex or townhouse, there shall be provided on the premises parking or garage facilities as per § 70-103. Such garage facilities shall not include space for more than four cars in one accessory building.

§ 70-98.37. Access to lots - SRC.

All building lots within the PUD-SRC Subdistrict must have direct access to a private street or access road within the development. No individual building lot, with the exception of the CCRC service road may have direct access to any Town or public road. For purposes of zoning and subdivision approval, such private roads shall be recognized as the functional equivalent of a public road and shall be mapped in accordance with the requirements of Article 16, § 280-a of Town Law.

§ 70-98.38. Entrance roads - SRC.

There shall be one main entrance road and one service road to the development from any Town or public road. There may be an additional emergency entrance road, provided that such road is equipped with gates or other means of restricting access to emergency vehicles only.

§ 70-98.39. Landscaping - SRC.

Common lands or areas, as defined in any homeowners' association or condominium declaration, which abut the Spine Road right-of-way shall be landscaped where and as appropriate. A landscaping plan shall be submitted with any site plan application as specified in § 70-219J(13).

§ 70-98.40. Signs - SRC.

A. In addition to the requirements of § 70-98.18, identification signs may be installed at the main entrance to the PUD-SRC, provided that:

- (1) There shall be one primary sign and no more than two accessory signs or plaques at the main entrance.
- (2) Aggregate display area for all such signs may not exceed 150 square feet in area. The display area of any accessory sign or plaque may not exceed 50 square feet.
- (3) No such sign shall exceed 15 feet in height.

B. A directional sign conforming to the requirements of § 70-98.18 may be posted at the intersection of the CCRC service road and the Spine Road.

§ 70-98.41. Fences, walls and berms - SRC.

A. Fences or barrier walls shall have a maximum rail height of six feet. Decorative piers spaced at regular intervals may extend to a maximum height of eight feet. For a distance

not to exceed 100 feet from either side of the main entrance gate, rail and pier heights may be increased to eight feet and 12 feet, respectively.

- B. Retaining walls, where required, shall not exceed 20 feet in height as measured from the lowest adjoining grade. Every effort shall be made, whether by regrading or by the use of landscaped berms, to minimize the height of retaining walls.
- C. A landscaped berm may be provided in lieu of, or in addition to, a fence or decorative wall. The design and locations of fences, berms, decorative or retaining walls shall be approved by both the Commissioner of Buildings and the Commissioner of Planning of the Town of North Hempstead prior to installation. This review will be based on the following criteria:
 - (1) Appropriate size and choice of materials for intended purpose (i.e., security, slope stabilization, views, etc.).
 - (2) Appropriateness of size to location.
 - (3) Availability of alternate treatments for retaining walls.
 - (4) Impact on adjacent landowners.
 - (5) Visual impacts from all sides of the structure.
 - (6) Maximization of landscaping.
 - (7) Impact on drainage and erosion.

§ 70-98.42. Golf and related recreation.

This subdistrict, designated PUD-GRR on the Harbor Links Master Plan, shall consist of 350 acres owned by the Town to be used entirely for public recreational purposes.

§ 70-98.43. Permitted uses - GRR.

A building or structure may be erected, altered or used and a lot or premises may be utilized for any of the purposes set forth in this article and for no other:

- A. A golf course, a golf driving range with one or two levels of stalls, a golf instruction area, a miniature golf course, athletic fields (baseball, softball, football, soccer, field hockey, etc.), a skating rink, tennis courts or a swimming pool.

- B. Accessory buildings, enclosed structures and uses necessary to and customarily incidental to a use permitted in Subsection A above, including a clubhouse, pro shop, maintenance and instruction areas, putting green, a practice chipping-and-sand-trap area, an instructional area and a snack bar, restaurant and/or catering facility.
- C. Any use of the same general character, i.e., traditional park uses, as any of the uses hereinbefore specifically permitted may be authorized by the Town Board after a public hearing under the provisions of this article.
- D. Within 100 feet of the western and northern boundaries of the GRR, the only permitted uses shall be water catchment structures and a nature preserve with no public access. No recreational or other use shall be allowed. Access will be limited to maintenance personnel working on the Town's behalf.

§ 70-98.44. Height - GRR.

The height of any building or structure shall not exceed 40 feet, except that netting for a golf driving range may be of a sufficient height necessary for the confinement of golf balls as provided in § 70-98.49.

§ 70-98.45. Lot coverage - GRR. [Amended 12-14-1999 by L.L. No. 14-1999]

The total coverage of buildings or covered structures shall not exceed 10% of the total area of the PUD-GRR Subdistrict. The balance of the plot area shall be divided among outdoor recreational facilities, other unpaved areas, including required landscaping, and the accessory parking of automobiles.

§ 70-98.46. Required yards - GRR.

The minimum distance from any building to a public street or subdistrict boundary line shall be 25 feet.

§ 70-98.47. Landscaping - GRR.

All lands abutting a public roadway shall consist of a landscaped area bordering the street or highway, with a minimum depth of 10 feet. Such landscaped area shall be planted with drought-tolerant species as defined in § 70-98.11. Off-street parking areas shall be substantially screened.

§ 70-98.48. Lighting - GRR.

Golf driving ranges and miniature golf courses shall not be illuminated after 11:00 p.m., except by approval of the Town Board. All lighting fixtures shall be fitted with glare reduction reflectors, shields or baffles as needed to prevent any off-site spillover of light.

Illumination levels for these facilities shall not exceed 50 footcandles measured at ground level.

§ 70-98.49. Fencing - GRR.

Fencing or netting in the area of a golf driving range or tennis courts shall consist of cyclone-type fencing and/or netting attached to upright poles or supports and may exceed six feet in height as is customary with similar installations. Such fencing shall be approved by the Building Commissioner.

§ 70-98.50. Parking requirements - GRR.

A. Off-street parking shall be required as follows:

Use	Parking Requirement
18-hole golf course	4 spaces per hole
Golf driving range	1 space per stall
Catering/dining hall	1 space for every 2 seats
Athletic fields	16 spaces for each field
9-hole golf course	4 spaces per hole
Miniature golf	50 spaces for every 18 holes

NOTE: For all uses, provide one additional space for every employee per shift.

B. All areas devoted to off-street parking shall be surfaced in accordance with the specifications of the Town of North Hempstead and shall be comprised of spaces having dimensions of not less than nine feet in width by 18 feet in length. Access aisles shall be a minimum of 20 feet in width. Up to 30% of the spaces provided may be designated as compact car spaces and may have dimensions of not less than eight feet in width by 15 feet in length.

C. A clubhouse shall require one loading area for service. Such loading area shall be at least 12 feet in width, 20 feet in length and 12 feet in clear height.

§ 70-98.51. Dedicated parkland - GRR.

All land within the PUD-GRR Subdistrict is to be dedicated as parkland and may not be disposed of or used for other than public park or related purposes without the express authority of an act of the New York State Legislature.

§ 70-98.52. Commercial recreation.

This subdistrict, designated PUD-CR on the Harbor Links Master Plan, shall consist of no greater than 10 acres to be used for privately owned and operated recreational facilities.

§ 70-98.53. Permitted uses - CR.

A building or structure may be erected, altered or used and a lot or premises may be utilized for any of the purposes set forth in this article and for no other:

- A. Commercial recreational uses which may include and shall be limited to tennis, squash, volleyball, handball, badminton, racquetball and similar courts and ice skating rinks. Such uses shall be conducted in a fully enclosed building. The architectural style and structural type of any proposed building shall be in harmony with the general architectural style and character of development in the remainder of the Planned Unit Development District.
- B. Accessory building on the same lot with and customarily incidental to any of the above permitted uses in accordance with a site plan approved by the Town Board.
- C. Any use of the same general character as any of the uses hereinbefore specifically permitted may be authorized by the Town Board after a public hearing under the provisions of this article.

§ 70-98.54. Conditional uses - CR.

A building or structure may be erected, altered or used and a lot or premises may be utilized for any of the following purposes only when authorized by the Town Board after a public hearing:

- A. Outdoor recreational uses, such as swimming pools, tennis courts and skating rinks.
- B. Spa, health club or sports training facility.
- C. Roller-skating rink.
- D. Accessory uses, such as a pro shop or concession stand, provided that the floor area for such use does not exceed 10% of the gross floor area of the principal building.

§ 70-98.55. Minimum plot area - CR.

The minimum plot area shall be three acres.

§ 70-98.56. Height - CR.

The height of any building or structure shall not exceed two stories or 50 feet.

§ 70-98.57. Lot coverage - CR.

The total coverage of buildings or covered structures shall not exceed 35% of the plot area. The balance of the plot area shall be divided among outdoor recreational facilities, other unpaved areas, including required landscaping, and the accessory parking of automobiles.

§ 70-98.58. Required setbacks - CR.

- A. Front yard: 40 feet.
- B. Side yard: 20 feet.
- C. Rear yard: 25 feet.

§ 70-98.59. Landscaping - CR.

- A. The front yard of all lots within the PUD-CR Subdistrict shall consist of a landscaped area bordering the public street with a minimum depth of 10 feet.
- B. The side and rear yards shall have a landscaped area of at least five feet in depth along the entire side and rear yard of the subject premises, except where such side or rear yard abuts the PUD-NP Subdistrict boundary, in which case, such side or rear yard areas shall be landscaped to a width of at least 15 feet. Such landscaped areas shall be planted with drought-tolerant species as defined in § 70-98.11 to substantially screen the premises from any adjoining property.

§ 70-98.60. Entrance signs - CR.

Detached or ground signs advertising only the business conducted on the premises upon which the sign is located are permitted, provided that:

- A. There is only one such sign on the premises.

- B. Such sign shall not exceed 36 square feet in area or 15 feet in height from the mean level of the ground.
- C. Such sign shall be located not less than 10 feet from any property line.
- D. Such sign shall otherwise conform to the requirements of § 70-98.18.

§ 70-98.61. Parking requirements - CR.

- A. Parking shall be provided in accordance with the following requirements:

Use	Parking Requirement
Game courts (tennis, squash, handball, badminton, etc.)	8 spaces for each game court, plus 10 spaces for each main structure
Skating rink	1 space for every 4 persons which can be legally accommodated, plus 1 space per employee
All other uses	1 space for every 300 square feet of gross floor area

- B. Where more than one category of use is contained in a building, the off-street parking requirement shall be the sum of the requirements of the floor area devoted to each use.
- C. All areas devoted to off-street parking shall be surfaced in accordance with the specifications of the Town of North Hempstead and shall be comprised of spaces having dimensions of not less than nine feet in width by 18 feet in length. Access aisles shall be a minimum of 20 feet in width.
- D. Parking areas shall be illuminated at night only during the business hours of the buildings which they serve. All lighting fixtures shall be directed away from any adjoining properties, shall not exceed a height of 20 feet above grade and shall be extinguished within one hour after the close of business. The location, candlepower and type of fixture to be installed shall be first approved by the Town Board during site plan review.
- E. Provision for off-street loading and unloading shall be made on the premises in a location that will not interfere with parking or means of access. Such areas shall be surfaced in the same manner as the parking areas. The area to be allocated for loading and unloading shall be at least 10 feet in width, 25 feet in length and 15 feet in clear height for each principal building or structure.

§ 70-98.62. Neighborhood Commercial.

This subdistrict, designated PUD-NC on the Harbor Links Master Plan, shall consist of no more than three acres, privately owned, to be used for those retail and service uses prescribed in §§ 70-98.63 and 70-98.64.

§ 70-98.63. Permitted uses - NC.

- A. A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article and for no other:
- (1) Bank, shops for personal service, which shall include barbershops, beauty shops, shops for dry cleaning (drop off only), repair of clocks, watches and jewelry, tailors, dressmakers, millinery and shoe repair.
 - (2) Retail stores for the sale of dry goods, hardware, clothing, stationery, books, optical goods, watches, clocks and jewelry, plants and flowers, drugs and cosmetics, provided that no individual store may exceed a gross floor area of 7,500 square feet.
 - (3) Medical, dental or professional office on second floor.
 - (4) Accessory building on the same lot with and customarily incidental to any of the above permitted uses in accordance with a site plan approved by the Town Board.
- B. The architectural style and structural type of any proposed building shall be in harmony with the general architectural style and character of development in the remainder of the Planned Unit Development District.

§ 70-98.64. Conditional uses - NC.

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth below when authorized by the Town Board under the provisions of this article and for no other:

- A. Restaurant, ice cream parlor, delicatessen or convenience store.
- B. Medical, dental or professional office on first floor.
- C. Any use of the same general character as any of the uses hereinbefore specifically permitted may be authorized by the Town Board after a public hearing under the

provisions of this article.

§ 70-98.65. Prohibited uses - NC.

No drive-through service or window may be provided in connection with any permitted or conditional use within this subdistrict.

§ 70-98.66. Plot area - NC.

The plot area shall be no less than two acres nor greater than three acres.

§ 70-98.67. Height - NC.

The height of any building or structure shall not exceed two stories or 25 feet.

§ 70-98.68. Lot coverage - NC.

The total coverage of buildings or covered structures shall not exceed 30% of the plot area. The maximum gross floor area is 25,000 square feet.

§ 70-98.69. Required setbacks - NC.

- A. Front yard: 25 feet.
- B. Side yard: 10 feet.
- C. Rear yard: 20 feet.

§ 70-98.70. Landscaping - NC.

- A. The front yard of all lots within the PUD-NC Subdistrict shall consist of a landscaped area bordering the public street with a minimum depth of 10 feet.
- B. The side and rear yards shall have a landscaped area of at least five feet in depth along the entire side and rear yard of the subject premises. Such landscaped areas shall be planted with drought-tolerant species as defined in § 70-98.11 to substantially screen the premises from any adjoining property.

§ 70-98.71. Entrance signs - NC.

Detached or ground signs advertising only the business conducted on the premises upon which the sign is located are permitted, provided that:

- A. There is only one such sign on the premises.
- B. Such sign shall not exceed 36 square feet in area or 15 feet in height from the mean level of the ground.
- C. Such sign shall be located not less than 10 feet from any property line.
- D. Such sign shall otherwise conform to the requirements of § 70-98.18.

§ 70-98.72. Wall signs - NC.

All wall signs within the PUD-NC Subdistrict must be uniform in size, color and material.

§ 70-98.73. Parking requirements - NC.

- A. For all permitted uses, provide one parking space for every 300 feet of gross floor area. All parking stalls shall have dimensions not less than 10 feet by 20 feet with access aisles not less than 20 feet.
- B. Parking areas shall be illuminated at night only during the business hours of the stores or buildings which they serve. All lighting fixtures shall be directed away from any adjoining properties, shall not exceed a height of 20 feet above grade and shall be extinguished within thirty minutes after the close of business. The location, candlepower and type of fixture to be installed shall be first approved by the Town Board during site plan review.
- C. Provision for off-street loading and unloading shall be made on the premises in a location that will not interfere with parking or means of access. Such areas shall be surfaced in the same manner as the parking areas. The area to be allocated for loading and unloading shall be at least 10 feet in width, 25 feet in length and 15 feet in clear height for each 10,000 square feet or part thereof of floor area, provided that not more than three such spaces shall be required.

§ 70-98.74. Nature preserve.

This subdistrict, designated PUD-NP on the Harbor Links Master Plan, shall consist of not less than six acres owned by the Town to be used entirely for a nature trail and preserve. All land within this subdistrict is to be dedicated as parkland and may not be disposed of or

used for other than public park or related purposes without the express authority of an act of the State Legislature.

§ 70-98.75. Public and community facility district. [Added 5-11-2004 by L.L. No. 3-2004]

This subdistrict, designated PUD-PCF on the amended Harbor Links Master Plan, shall consist of no greater than five acres to be used for public and community facility, religious or institutional type uses only.

§ 70-98.76. Permitted uses — PCF. [Added 5-11-2004 by L.L. No. 3-2004]

A building or structure may be erected, altered or used; and a lot or premises may be utilized for any of the purposes set forth in this article and for no other:

- A. Philanthropic or eleemosynary uses.
- B. Churches and other types of religious buildings.
- C. Schools.
- D. Day-care facilities.
- E. Fire stations.
- F. Indoor recreational facilities in conjunction with any of the above uses.
- G. Accessory building(s) or uses on the same lot with and customarily incidental to any of the above permitted uses in accordance with a site plan approved by the Town Board.
- H. Any use of the same general character as any of the uses hereinbefore specifically permitted may be authorized by the Town Board after a public hearing under the provisions of this article.

§ 70-98.77. Conditional uses — PCF. [Added 5-11-2004 by L.L. No. 3-2004]

A building or structure may be erected, altered or used; and a lot or premises may be utilized for any of the following purposes only when authorized by the Town Board after a public hearing:

- A. Outdoor recreational uses, such as swimming pools, tennis courts and skating rinks in conjunction with any of the above listed primary uses.

§ 70-98.78. Minimum plot area — PCF. [Added 5-11-2004 by L.L. No. 3-2004]

The minimum plot area shall be four acres.

§ 70-98.79. Height — PCF. [Added 5-11-2004 by L.L. No. 3-2004]

The height of any building or structure shall not exceed two stories or 50 feet, exclusive of any church spires, belltowers, domes, flagpoles or other uninhabitable structures that are strictly ornamental in nature, and no more than 10% of the plot area shall have a building with a height greater than 35 feet. Ornamental structures that are located atop the roof of a primary or accessory building shall not exceed 35 feet in height, measured as the vertical distance between the bottom of the ornamental structure and its highest point, and the area of any such structure at its widest point shall not exceed 20% of the area of the roof which it is atop. The maximum height of all structures, including both freestanding ornamental structures, including but not limited to flagpoles and belltowers, and ornamental structures located atop the roof of a primary or accessory building, shall not exceed 75 feet as measured from the lowest point of adjacent grade to the highest point of the structure.

§ 70-98.80. Lot coverage — PCF. [Added 5-11-2004 by L.L. No. 3-2004]

The total coverage of buildings or covered structures shall not exceed 25% of the lot area.

§ 70-98.81. Required setbacks — PCF. [Added 5-11-2004 by L.L. No. 3-2004]

Required setbacks shall be as follows:

- A. Front yard: 30 feet.
- B. Side yard: 10 feet.
- C. Rear yard: 25 feet.

§ 70-98.82. Landscaping — PCF. [Added 5-11-2004 by L.L. No. 3-2004]

- A. The front yard of all lots within the PUD-PCF Subdistrict shall consist of landscaped area bordering the public street with a minimum depth of 20 feet.
- B. The side and rear yards shall have a landscaped area of at least five feet in depth along the entire side and rear yard of the subject premises. Such landscaped areas shall be planted with drought-tolerant species as defined in § 70-98.11 to substantially screen the premises from any adjoining property.

§ 70-98.83. Entrance signs — PCF. [Added 5-11-2004 by L.L. No. 3-2004]

Detached or ground signs advertising only the business conducted on the premises upon which the sign is located are permitted, provided that:

- A. There is only one such sign on the premises.
- B. Such sign shall not exceed 32 square feet in area or four feet in height from the lowest point of adjacent grade.
- C. Such sign shall be located not less than 10 feet from any property line.
- D. Such sign shall otherwise conform to the requirements of § 70-98.18.

§ 70-98.84. Parking requirements — PCF. [Added 5-11-2004 by L.L. No. 3-2004]

- A. Parking shall be provided in accordance with the following requirements:

Use	Parking Requirement
Church, gymnasium, school, and any place of public assembly	1 space for every 4 persons who can be legally accommodated, plus 1 space per employee
All other uses	1 space for every 300 square feet of gross floor area

- B. Where more than one category of use is contained in a building, the off-street parking requirement shall be the sum of the requirements of the floor area devoted to each use.
- C. All areas devoted to off-street parking shall be surfaced in accordance with the specifications of the Town of North Hempstead and shall be comprised of spaces having dimensions of not less than nine feet in width by 18 feet in length. Access aisles shall be a minimum of 20 feet in width. Handicapped accessible parking spaces shall be provided in the number, size and location as required by law.
- D. Parking areas shall be illuminated at night only during the business hours of the buildings which they serve. All lighting fixtures shall be directed away from any adjoining properties and shall not exceed a height of eight feet above grade unless otherwise approved by the Town Board during site plan review. All lighting shall be extinguished within one hour after the close of business. The location, candlepower and type of fixture to be installed shall be first approved by the Town Board during site plan

review.

- E. Provision for off-street loading and unloading shall be made on the premises in a location that will not interfere with parking or means of access. Such areas shall be surfaced in the same manner as the parking areas. The area to be allocated for loading and unloading shall be at least 10 feet in width, 25 feet in length and 15 feet in clear height for each principal building or structure.