
Chapter 183, ZONING

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville 5-12-1980 by L.L. No. 48-1980. Amendments noted where applicable.]

GENERAL REFERENCES

- Board of Appeals -- See Ch. 4.**
- Planning Board -- See Ch. 24.**
- Advertising materials -- See Ch. 35.**
- Animals -- See Ch. 39.**
- Building construction -- See Ch. 49.**
- Carnivals and circuses -- See Ch. 55.**
- Fire prevention -- See Ch. 81.**
- Flood damage prevention -- See Ch. 88.**
- Freshwater wetlands -- See Ch. 92.**
- Garage sales -- See Ch. 95.**
- Nuisances -- See Ch. 116.**
- Property maintenance -- See Ch. 130.**
- Signs -- See Ch. 144.**
- Stormwater management and erosion and sediment control -- See Ch. 150.**
- Streets and sidewalks -- See Ch. 152.**
- Swimming pools -- See Ch. 157.**
- Trailers and storage containers -- See Ch. 166.**
- Storage of vehicles -- See Ch. 174.**

ARTICLE I, General Provisions

§ 183-1. Definitions and word usage.

- A. Word usage. Words used in the present tense include the future tense. The singular number includes the plural and vice versa. The word "person" includes a corporation. The word "building" includes the word "structure." The word "lot" includes the word "plot." The word "shall" is always mandatory. "To erect" means "to construct" or "to build" and includes to excavate for a building and to relocate a building by moving it from one location to another. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." The word "premises" includes a lot and all buildings thereon.

B. Definitions. For the purpose of this chapter, certain terms and words used herein shall be interpreted or defined as follows:

ACCESSORY BUILDING -- A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building. An "accessory building" attached to another building shall be deemed a part of such other building.

ACCESSORY USE -- A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

BOARDINGHOUSE – A dwelling, other than a motel or hotel, where lodging and/or meals are provided for compensation, with no individual cooking facilities.

BOATHOUSE, PRIVATE ~~–~~ A building used for the keeping and storage of a boat or boats for the private use of the owner or occupant of a lot and as a customary accessory use to the lot, not for the keeping of boats for sale, for hire or for commercial use.

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BOAT STORAGE RACK ~~–~~ Any structure, boat storage device or multilevel watercraft storage rack, whether indoors or out of doors, enclosed or open, designed or used for the purpose of storing watercraft which covers a ground or floor area in excess of 150 square feet. It does not include incidental boat carriers, cradles or racks used to store or transport small craft such as canoes, dinghies and small sailboats and like craft which are typically capable of being carried by no more than two people. [Added 7-10-1989 by L.L. No. 8-1989]

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BOATYARD [Added 7-10-1989 by L.L. No. 8-1989] -- A premises used or occupied:

- (1) For the constructing, repairing or storing of boats, marine equipment, materials and accessories thereto.
- (2) For the sale of new or used boats, marine equipment and products.
- (3) By a boat storage rack building in the B-3 Marine Business District.

BUILDING AREA -- The total of the horizontal cross-section area of the buildings on a lot exclusive of cornices, eaves, gutters, chimneys and bay windows projecting not more than 18 inches, and steps projecting not more than five (5) feet.

Deleted: bay windows not extending through more than one story and not projecting more than five feet, uncovered porches or balconies or terraces,

BUILDING, FRONT LINE OF -- The line of that face of the building nearest the front street line of the lot. This face includes bay windows and porches, whether enclosed or not, and steps extending more than five (5) feet.

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COIN-OPERATED AMUSEMENT DEVICE -- Any amusement machine or device operated by means of the insertion of a coin, token or similar object for the purpose of

amusement or skill and for the playing of which a fee is charged. [Added 9-14-1981 by L.L. No. 9-1981]

~~CORNER LOT~~ -- A lot where at least two adjacent sides abut on streets or public places.

Deleted: CONDOMINIUM -- Real property containing two or more dwelling units, whether attached or detached, on a single plot, whose units are individually owned, and whose remaining areas are owned in common, established pursuant to the Real Property Law.

~~CURB LEVEL~~ -- The grade of the curb along the front street line of the lot established by the Village Engineer and in the absence of a curb the crown of the road.

Deleted: That portion of a "corner lot" in excess of 150 feet from a street shall be considered an interior lot.

DEPTH OF A LOT -- The average distance from the front street line to the rear line of the lot measured in a general direction normal to the front street line.

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DRY-DOCK STORAGE MARINA -- A business which must be licensed pursuant to the terms of Article VIII of Chapter 107 of this Code, involving the use of a boat storage rack building to temporarily store boats and watercraft when not in use in between the occasional removal and use of them between June 1 and September 30 of any year. [Added 7-10-1989 by L.L. No. 8-1989]

DWELLING -- A building or a portion of a building designed or arranged to provide living facilities for one or more families. "Dwellings" are classified as follows:

- (1) ONE-FAMILY DWELLING -- A detached house consisting of or intended to be occupied as a residence by one family only, as family is hereafter defined. In no case shall a nursing home, an adult home, a lodging house, boardinghouse, fraternity house, sorority house or multiple dwelling be classified or construed as a "one-family dwelling."
- (2) TWO-FAMILY DWELLING -- A building ~~occupied exclusively as a home or residence for two families living independently of each other.~~
- (3) MULTIPLE DWELLING -- A building ~~occupied exclusively as a residence for three or more families living independently of each other, including apartment houses, group houses, apartment hotels, condominiums and cooperative apartments.~~
- (4) MIXED-USE DWELLING -- A building, a portion of which is used for dwelling purposes for not more than two families and the remaining portion of which is used for business purposes.
- (5) PROFESSIONAL-MIXED USE DWELLING -- A building containing not more than three units for office use or dwelling purposes but for not more than two families; the office unit or units of which may be used only for professional offices of architects, attorneys, chiropractors, dentists, professional engineers, medical doctors, optometrists, osteopaths, podiatrists, real estate or insurance brokers, surveyors or physical therapists. All references of limitations, costs and fees set forth in this Code which apply to mixed-use dwellings shall also apply to professional-

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mixed use dwellings, unless specifically stated otherwise. [Added 3-12-1990 by L.L. No. 11-1990]

FAMILY – A single person or collective group of persons related by kinship, adoption, blood or marriage, or the functional and factual equivalent of a natural family, living and cooking together as a single housekeeping unit of a permanent and distinct domestic character.

FUNCTIONAL AND FACTUAL EQUIVALENT OF A NATURAL FAMILY – A single housekeeping unit, not a framework for transients or transient living, leading a non-profit family-like existence which functions in every sense but a biological one as a single family unit.

FAST-FOOD ESTABLISHMENT -- Any store, restaurant, cafe or other business selling or serving food or beverages which makes use of a drive-in, drive-through or drive-up window, for any of its customers. [Added 4-8-1996 by L.L. No. 3-1996]

Deleted: FAMILY -- One or more persons living and cooking together as a single housekeeping unit, but no more than three persons 18 years of age or older who are not related by blood, adoption or marriage. [Amended 11-28-1988 by L.L. No. 10-1988] ¶

FINISHED GRADE -- The curb level at the midpoint of the front street line of the lot, and in the absence of a curb, the midpoint of the crown of the road.

FRONTAGE OR FRONT STREET LINE OF A LOT -- That boundary line which abuts a public street. If there is more than one street abutting, it means the street designated as the front street by the owner. The rear of a lot is the side opposite the front.

GARAGE, PRIVATE -- A building used for the storage of not more than three automobiles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot. Where such garage is attached to the principal building by a covered porch or breezeway, it shall be deemed an attached garage.

Deleted: GAME ROOM -- A building or portion thereof used or intended to be used for the operation of more than two coin-operated amusement devices for the use of the general public or specific invitees. [Added 9-14-1981 by L.L. No. 9-1981] ¶

GARAGE, PUBLIC -- Any garage other than a private garage, available to the public, operated for gain, including the use of land or building for the sale of new or used cars or for the storage, repair, rental or servicing of automobiles or motor vehicles, or for a gasoline filling station.

GARBAGE -- Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food and readily combustible material such as paper, cardboard, wood, excelsior and cloth; also food cans, glass food containers and bottles; also dead birds, cats, dogs and other small animals. [Added 7-9-1990 by L.L. No. 14-1990]

GRADE OF STREET -- The elevation of the line of a street as established by the Board of Trustees or its designee.

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HABITABLE SPACE -- A space in a building for living, sleeping, eating or cooking, or used as a home occupation. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

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HEIGHT OF A BUILDING -- The vertical distance from the curb level to the highest point of the roof, provided that the chimneys, spires, towers, elevator enclosures and similar enclosures shall not be included in the "height", and provided further that if the front yard setback of the building is more than 50', said height shall be measured from the average grade of the ground surrounding such building.

Deleted: The floor space used for residential purposes, including halls and stairways, measured between exterior faces of walls, but not including basements, open porches or areas where the ceiling is less than four feet in height.

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JUNKYARD - A premises where articles that have outlived their usefulness in their original form are purchased, stored, and sold to be re-conditioned, or for some other purpose including junk shops, junk stores, auto wreckers, salvage yards, and yards for collecting or dealing in junk motor vehicles. This definition shall include "junk metal" and "junk dealer" as defined in Section 60 of the General Business Law.

LOT -- A plot or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by common interest or use, and the customary accessory uses or buildings and open spaces belonging to the same.

Deleted: JUNKYARD -- In addition to its ordinary meaning, includes any premises where two or more abandoned, wrecked or dismantled motor vehicles are kept for 30 days or more. ¶

NONCONFORMING USE -- A structure or land occupied by a use that does not conform to the regulations of the district in which it is situated.

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PORCH -- Any porch, veranda, gallery, balcony, terrace, piazza, portico, breezeway or similar projection from or connected with a main wall of a building.

(1) COVERED PORCH -- One with a roof.

(2) ENCLOSED PORCH -- One covered by a roof and fully enclosed with walls.

(3) UNENCLOSED PORCH -- Any other porch.

Deleted: having a permanently fixed window sash

RUBBISH OR DEBRIS -- Includes ordinary household or store trash of a flammable character, such as barrels, cartons, boxes, crates, furniture, appliances, wood, cloth, rugs, clothing, rags, mattresses, blankets, small tree trimmings, grass clippings, small stumps and similar garden waste; hay, fodder, feed, meal or other discarded animal or vegetable matter originally intended for animal consumption; planing mill waste, shavings, sawdust and such other materials not otherwise defined herein as may be readily consumed by incineration.

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[Added 7-9-1990 by L.L. No. 14-1990]

SCHOOL

- (1) PRIVATE SCHOOL -- A school giving special or limited instruction such as business, art, music, dancing, riding, camp activities or operated for private gain, or requiring the payment of tuition or other charges.
- (2) PUBLIC SCHOOL -- A school maintained for the purpose of giving a regular course of instruction to students of school age during the full school year under the Education Law of the State of New York and not requiring the payment of tuition.

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SECURITY GATE -- A barrier, screen or cover located behind a door, window or other opening used for purposes of securing premises by preventing access or blocking passage to the interior of the premises but which enables the viewing of the interior of the premises from outside the premises. [Added 11-13-1995 by L.L. No. 10-1995]

SOLID WASTE -- Any discarded material or substances, including but not limited to garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining and agricultural operations and from community activities, but not including sewage and other like diluted water-carried materials or substances or those in gaseous form or solid or dissolved materials or irrigation return flows or industrial discharges, toxic or hazardous substances as defined by applicable federal or state law, or source of any special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended. [Added 7-9-1990 by L.L. No. 14-1990]

STORY -- That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between any floor and the ceiling next above it, provided that the distance between the floor and the highest point of the ceiling is not less than seven feet. The first story is the lowest story entirely above the elevation of the finished grade.

- (1) ONE-STORY BUILDING -- A building having only one floor above the level of the finished grade.
- (2) ONE-AND-A-HALF-STORY BUILDING -- A building having two stories, but with the main eaves below the mid-height of the second story.
- (3) TWO-STORY BUILDING -- A building having two floors above the level of the finished grade.
- (4) TWO-AND-A-HALF-STORY BUILDING -- A building having three stories but with the main eaves below the mid-height of the third story.

STORY ABOVE GRADE - Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

- (1) More than 6 feet (1829 mm) above grade plane.
- (2) More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter.
- (3) More than 12 feet (3658 mm) above the finished ground level at any point.

STRUCTURE -- Any combination of materials forming any construction and includes, among other things, stadiums, tents, trailers (whether movable or stationary), platforms, stagings, radio towers, gasoline pumps, tanks, standpipes, outdoor pools, walls, fences, trellises, pergolas, gates, display signs, bulkheads and docks.

SUBDIVISION -- The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways. [Amended 5-9-1988 by L.L. No. 7-1988]

YARD -- The part of a lot unoccupied by any building.

- (1) FRONT YARD -- The space on the same lot with the main building extending the full width of the lot between the front street line and the front of the building projected to the side lines of the lot. The depth of a front yard is the distance between the front line of the building and the street line.
- (2) REAR YARD -- The space on the same lot with the main building extending the full width of the lot between the building and the rear lot line. The depth of a rear yard is the distance between the rear of the building and the rear lot line.
- (3) SIDE YARD -- The space on the same lot with the building between the building and the side lines of the lot and extending through from the street or front yard to the rear yard or rear lot line. Any lot line not a rear lot line or a front lot line or a street line is a side lot line.

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§ 183-2. Interpretation and applicability; prevalence of higher standards.

In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of public health, safety, morals and general welfare. This chapter shall not invalidate any applicable statutes, local laws or regulations of the state, county, town or Village not in conflict with this chapter, provided that where this chapter imposes greater restrictions as to width of side yards or courts, or requires a lower height of buildings or lesser number of stories, or a greater percentage of lot to be left unoccupied, or other higher standards than such statutes, local laws or regulations, this chapter shall control.

§ 183-3. Establishment of districts.

For the purposes of this chapter, the Village is hereby divided into 13 districts, which shall be designated as follows:

A	Residence Districts
BB	Residence Districts
B	Residence Districts
C	Residence Districts
H	Historical Districts
PM	Professional-Mixed Use Districts [Added 3-12-1990 by L.L. No. 11-1990]
B-1	Retail Business Districts
B-2	General Business Districts
B-3	Marine Business Districts Industrial Districts
PAC	(Planned Adult Community) Residence Districts
SC	Senior Citizen Residence Districts [Added 12-10-1990 by L.L. No. 18-1990]
FH	Floating Home District

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§ 183-4. Zoning Map.

The boundaries of the districts designated in § 183-3 shall be as shown upon the map, attached to and made a part of this chapter, which shall be designated as the "Building Zone Map of the Village of Amityville, Suffolk County, New York."^{EN} Said map and all notations, references and other things shown thereon shall be as much a part of this chapter as if the matters and things shown by said map were all fully described herein.

§ 183-4.1. Establishment of Bay Village architectural theme. [Amended 7-12-1999 by L.L. No. 4-1999]

The Board of Trustees hereby establishes a Bay Village architectural theme, which theme

shall be the basis for exterior alteration and new construction in all districts except the Industrial District. Such Bay Village architectural theme shall blend the design of the Village's 19th Century Victorian-style buildings with the influence of simple, traditional maritime construction. The Planning Board shall review proposed exterior alterations and new construction in said districts for compatibility with such architectural theme in addition to its other responsibilities for approval in said districts.

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§ 183-5. Interpretation of district boundaries.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way or such lines extended or lines parallel thereto. Where figures are shown on the Building Zone Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the map measured from a given line. Where the actual street layout on the ground varies from the street layout shown on the Building Zone Map, the designation shown on the mapped streets shall apply in such a way as to carry out the intent and purposes of this chapter for the particular area in question.

§ 183-6. District boundary dividing lot in single ownership.

Where a district boundary line divides a lot which was held in single ownership on August 4, 1930, or on the date of adoption of any subsequent amendment to the Zoning Map, the Zoning Board of Appeals may permit the less restricted use to extend to the whole or any part of such lot, except that the front, side and rear yard setback requirements of the more restricted zone shall apply to that part of the lot within the more restricted zone.

§ 183-7. Compliance with district regulations required.

No building or land shall be used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which such building or land is located.

ARTICLE II, A Residence Districts

§ 183-8. Applicability.

In an A Residence District the regulations in this article shall apply.

§ 183-9. Permitted uses.

In an A Residence District a building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

- A. ~~One (1) One-family detached dwelling.~~
- B. ~~Public libraries, public schools, public parks, public playgrounds or recreation areas and municipal uses.~~
- C. ~~The following uses, provided that a special exception from the Zoning Board of Appeals is first obtained and subject to such conditions and safeguards as deemed appropriate and imposed by such Board:~~
 - (1) Private schools.
 - (2) Recreational uses of a noncommercial nature, such as boat clubs, yacht clubs, tennis courts and private parks.
 - (3) ~~Churches, parish houses and convents.~~
 - (4) ~~One (1) Owner –Occupied Two-family detached dwelling.~~
 - (5) ~~Private boathouse without a main building on a lot. Such boathouse shall comply with all requirements as to area, height and setbacks as an accessory building unless the Zoning Board of Appeals, in its discretion, shall grant an area variance as to any of such requirements. [Added 9-28-1998 by L.L. No. 5-1998]~~
- D. ~~Accessory uses on the same lot with and customarily incidental to any of the permitted uses herein including private garages and boathouses.~~

§ 183-10. Lot size. [Amended 3-7-1988 by L.L. No. 3-1988; 5-9-1988 by L.L. No. 7-1988; 10-24-1994 by L.L. No. 6-1994]

In an A Residence District, each lot shall have a frontage of at least 100 feet, a depth of at least 100 feet and an area of at least 15,000 square feet, except that, if a plot having a frontage of not less than 50 feet was in one single and separate ownership on September 10, 1945, or if a plot having a frontage of not less than 60 feet was in such ownership on May 4, 1946, or if a plot having a frontage of not less than 70 feet was in such ownership on the 26th day of June 1954 or if a plot having a frontage of not less than 100 feet and an area of not less than 12,000 square feet was in such ownership on the 28th day of May 1987, a building may be erected on such plot, provided that all other provisions of this Code are complied with, and further provided that such single and separate ownership is continuously maintained following the aforesaid dates.

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Deleted: Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including private garages and boathouses. This shall be understood to include the professional office or studio of an accountant, architect, artist, attorney, chiropractor, dentist, doctor, insurance agent, engineer, teacher or other professional; or a room used for customary home occupations, including dressmaking, millinery or similar handicrafts, excluding, however, a laundry; and provided that such office, studio or occupational room is located in a dwelling in which the practitioner resides, or in a building accessory thereto, and does not occupy more than 20% of the total habitable space; and provided further that no goods are publicly displayed on the premises and no sign or advertisement is shown other than a sign not larger than one square foot in area, bearing only the name and occupation (words only) of the professional. A second detached dwelling on a lot is not an accessory use and shall not be ... [1]

Deleted: by special exception from the Zoning Board of Appeals, subject to such conditions and safeguards as deemed appropriate and imposed by said Board.

§ 183-11. Size of dwelling.

In an A Residence District:

- A. No one-story dwelling shall contain less than 1,000 square feet of habitable floor space.
- B. No one-and-one-half-story dwelling shall contain less than 1,200 square feet of habitable floor space.
- C. A dwelling of two or more stories shall contain not less than 1,500 square feet of habitable floor space.
- D. No dwelling shall be less than 24 feet in width exclusive of unenclosed porches and bay windows.

Deleted: single- or two-family dwellings

§ 183-12. Height of Buildings or Structures. [Amended 5-14-2001 by L.L. No. 5-2001]

In the A Residence District, no building or structure shall exceed 32 feet in height.

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§ 183-13. [Reserved].

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§ 183-14. Pitch of roof.

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In an A Residence District, no building shall have a roof pitch which is less than four inches to each one foot on the main part thereof, except that, upon due cause being shown, the Zoning Board of Appeals may grant a special exception.

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Deleted: In the case of a building or structure in an A Residence District, other than a single-family or two-family dwelling, no building or structure shall be greater than three stories or 45 feet in height, except a church. ¶

§ 183-15. Percentage of lot coverage. [Amended 3-7-1988 by L.L. No. 3-1988]

In an A Residence District, the building area shall not exceed 20% of the lot area.

§ 183-16. Front yards.

- A. In an A Residence District the required front yard depth shall be no less than the average front yard depth of the existing buildings within 200 feet on each side of the lot and within the same block, or if there are no existing buildings on the same side of the street, the average front yard depth of existing buildings within 200 feet on each side directly opposite the lot, but no front yard shall be required to have a depth greater than 50 feet. The foregoing provision shall not affect the required front yard between the proposed building and the side street in case of a corner lot.
- B. Where a building in an A Residence District is not controlled by Subsection A above, there shall be a front yard the depth of which shall be at least 30 feet. In case of a corner lot, a front yard shall be required on each side on which the lot abuts a street, provided

that if on August 4, 1930, any corner lot was held in single and separate ownership with a width of less than 70 feet, the depth of the front yard on one side of the lot may be decreased, except in the case of a two-family dwelling, when authorized as a special exception by the Zoning Board of Appeals as hereinafter provided.

§ 183-17. Side yards for buildings or structures. [Amended 3-7-1988 by L.L. No. 3-1988]

All buildings or structures, except accessory buildings in an A Residence District, shall have two side yards, one on each side, the aggregate widths of which shall be at least 32 feet. Neither side yard shall be less than 16 feet wide.

§ 183-19. [Reserved]

§ 183-20. Rear yards,

A building or structure other than an accessory building, shall have a rear yard the depth of which shall be at least 25 feet, provided that if on August 4, 1930, any lot was held in single and separate ownership with a depth of less than 100 feet, the depth of the rear yard shall be at least 15 feet.

§ 183-21. [Reserved]

§ 183-22. [Reserved]

§ 183-23. Accessory buildings.

Accessory buildings in an A Residence District shall contain an area of not more than 1,000 square feet and an average height of not more than 14 feet as measured by the average grade adjacent to such building except boathouses which shall have an average height of no more than 18 feet. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of the lot area which may be built upon. No part of an accessory building shall be nearer the rear or side lot line than four feet. No lot shall have more than three (3) accessory buildings and no accessory building shall have interior plumbing or habitable space.

§ 183-24. [Reserved]

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In the case of a two-family dwelling in an A Residence District, there shall be two side yards, one on each side of the main building, the aggregate widths of which shall be at least 30 feet. Neither side yard shall be less than 12 feet wide. ¶

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In the case of any building in an A Residence District other than a single-family or two-family dwelling or a building accessory thereto, there shall be two side yards. If such building is not over 40 feet high, the width of each of the two side yards shall be at least 30 feet, and if such building is over 40 feet ... [2]

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ARTICLE III, BB Residence Districts

§ 183-25. Applicability.

In a BB Residence District the regulations in this article shall apply.

§ 183-26. Permitted uses.

In a BB Residence District a building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

A. One ~~(1)~~-family detached dwellings.

~~B. Public libraries, public schools, public parks, public playgrounds or recreation areas and municipal uses.~~

~~C. The following uses, provided that a permit from the Zoning Board of Appeals is first obtained, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board:~~

~~(1) Private schools.~~

~~(2) Recreational uses of a noncommercial nature, such as boat clubs, yacht clubs, tennis courts and private parks.~~

~~(3) Churches, parish houses and convents.~~

~~(4) One (1) Owner-Occupied Two-family detached dwelling.~~

~~(5) Private boathouse without a main building on a lot. Such boathouse shall comply with all requirements as to area, height and setbacks as an accessory building unless the Zoning Board of Appeals, in its discretion, shall grant an area variance as to any of such requirements. [Added 9-28-1998 by L.L. No. 5-1998]~~

~~D. Accessory uses on the same lot customarily incidental to any of the above permitted uses including private garages and boathouses.~~

§ 183-27. Lot size. [Amended 3-7-1988 by L.L. No. 4-1988; 5-9-1988 by L.L. No. 7-1988; 10-24-1994 by L.L. No. 6-1994]

In a BB Residence District, each lot shall have a frontage of at least 90 feet, a depth of at least 100 feet and an area of at least 12,500 square feet, except that, if a plot having a frontage of not less than 50 feet was in one single separate ownership on September 10, 1945, or if a plot having a frontage of not less than 60 feet was in such ownership on January 6, 1947, or if a plot having a frontage of not less than 70 feet was in such ownership on the 26th day of July 1954 or if a plot having a frontage of not less than 90 feet and an area of not less than 10,000 square feet was in such ownership on the 28th day of May 1987, a building

Deleted: B. Churches or similar places of worship, parish houses and convents. ¶
C

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Deleted: Philanthropic or eleemosynary uses other than camps, hospitals, sanatoriums, sanitariums, correctional institutions, nursing homes, rest homes or convalescent homes.

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Deleted: provided that a special exception from the Board of Appeals is first obtained, based upon a showing of unnecessary hardship and practical difficulty, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board. ¶
F.

Deleted: Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including private garages and boathouses. This shall be understood to include the professional office or studio of an accountant, architect, attorney, chiropractor, dentist, doctor, insurance agent, engineer, teacher or other professional; or a room used for customary home occupations, including dressmaking, millinery or similar handicrafts, excluding, however, a laundry; and provided that such office, studio or occupational room is located in a dwelling in which the practitioner resides, or in a building accessory thereto, and does not occupy more than 20% of the total habitable space; and provided further that no goods are publicly displayed on the premises and no sign or advertisement is shown other than a sign not larger than one square foot in area bearing only the name and occupation (words only) of the professional. A second detached dwelling on a lot is not an accessory use and shall not be permitted. ¶
G. .

Deleted: by special exception from the Zoning Board of Appeals, subject to such conditions and safeguards as deemed appropriate and imposed by said Board

may be erected on such plot, provided that all other provisions of this Code are complied with, and further provided that such single and separate ownership is continuously maintained following the aforesaid dates.

§ 183-28. Size of dwelling.

In a BB Residence District:

- A. No one-story dwelling shall contain less than 750 square feet of habitable floor space.
- B. No one-and-one-half-story dwelling shall contain less than 1,000 square feet of habitable floor space.
- C. A dwelling of two or more stories shall contain not less than 1,150 square feet of habitable floor space.
- D. No dwelling shall be less than 24 feet in width exclusive of unenclosed porches and bay windows.

Deleted: single- or two-family dwellings.

§ 183-29. Height of buildings or structures. [Amended 5-14-2001 by L.L. No. 5-2001]

No building or structure in the BB Residence District, shall exceed 30 feet in height.

Deleted: In the case of either a single-family or a two-family dwelling

§ 183-30. [Reserved]

Deleted: no building

Deleted: 2 1/2 stories and 35

§ 183-31. Pitch of roof.

In a BB Residence District no building shall have a roof pitch which is less than four inches to each one foot on the main part thereof, except that, upon due cause being shown, the Zoning Board of Appeals may grant a special exception.

Deleted: Height of other than single- or two-family dwellings. ¶
In the case of a building or structure in a BB Residence District, other than a single-family or two-family dwelling, no building or structure shall be greater than three stories or 45 feet in height, except a church.

§ 183-32. Percentage of lot coverage. [Amended 3-7-1988 by L.L. No. 4-1988]

In a BB Residence District, the building area shall not exceed 20% of the lot area.

§ 183-33. Front yards.

- A. In a BB Residence District the required front yard depth shall be no less than the average front yard depth of the existing buildings within 200 feet on each side of the lot and within the same block, or, if there are no existing buildings on the same side of the street, the average front yard depth of existing buildings within 200 feet on each side directly opposite the lot, but no front yard shall be required to have a depth greater than 50 feet. The foregoing provision shall not affect the required front yard between the proposed

building and the side street in case of a corner lot.

B. Where a building in a BB Residence District is not controlled by Subsection A above, there shall be a front yard the depth of which shall be at least 30 feet. In the case of a corner lot, a front yard shall be required on each side on which the lot abuts a street, provided that if on August 4, 1930, any corner lot was held in single and separate ownership with a width of less than 70 feet, the depth of the front yard on one side of the lot may be decreased, except in the case of a two-family dwelling, when authorized as a special exception by the Zoning Board of Appeals as hereinafter provided.

§ 183-34. Side yards for buildings or structures. [Amended 3-7-1988 by L.L. No. 4-1988]

A building or structure other than an accessory building, shall have two side yards, one on each side, the aggregate widths of which shall be at least 28 feet. Neither side yard shall be less than 14 feet wide.

§ 183-35. [Reserved]

§ 183-36. [Reserved]

§ 183-37. Rear yards for buildings and structures.

A building or structure other than an accessory building shall have a rear yard the depth of which shall be at least 25 feet, provided that if on August 4, 1930, any lot was held in single and separate ownership with a depth of less than 100 feet, the depth of the rear yard shall be at least 15 feet.

§ 183-38. [Reserved]

§ 183-39. [Reserved]

§ 183-40. Accessory buildings.

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- Deleted: single-family dwelling in a BB Residence Distric
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- Deleted: of the main building,
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- Deleted: 2
- Deleted: Side yards for two-family dwellings.
- Deleted: In the case of a two-family dwelling in a BB Residence District, there shall be two side yards, one on each side of the main building, the aggregate widths of which shall be at least 30 feet. Neither side yard shall be less than 12 feet wide. ¶
- Deleted: Side yards for buildings other than dwellings.
- Deleted: In the case of any building in a BB Residence District other than a single-family dwelling or two-family dwelling or a building accessory thereto, there shall be two side yards. If such building is not over 40 feet high, the width of each of the two side yards shall be at least 30 feet, and if such building is over 40 feet high, this width shall be increased five feet for each 12 feet, or portion thereof, by which the building exceeds 40 feet in height.
- Deleted: single-family dwellings.
- Formatted: Font: Bold
- Deleted: In the case of a single-family dwelling in a BB Residence District, there shall be
- Deleted: Rear yards for two-family dwellings.
- Deleted: In the case of a two-family dwelling in a BB Residence Distri (... [7]
- Deleted: Rear yards for buildings other than dwellings.
- Deleted: In the case of a building in a BB Residence District other than (... [8]

Accessory buildings in a BB Residence District shall contain an area of not more than 800 square feet and an average height of not more than 14 feet as measured by the average grade adjacent to such building except boathouses which shall have an average height of no more than 18 feet. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of the lot area which may be built upon. No part of an accessory building shall be nearer the rear or side lot line than four feet. No lot shall have more than two (2) accessory buildings and no accessory building shall have interior plumbing or habitable space.

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Deleted: § 183-41. Population density. ¶
A. No building in a BB Residence District shall hereafter be erected or altered to accommodate or make provision for more than one family for each 12,500 square feet of the area of the lot. [Amended 3-7-1988 by L.L. No. 4-1988] ¶
B. In the case of a two-family dwelling in a BB Residence District, each lot shall have a minimum frontage of 90 feet and a minimum depth of 120 feet, except in the case of a corner lot where there shall be a minimum frontage of 110 feet on each street.

ARTICLE IV, B Residence Districts

§ 183-42. Applicability.

In a B Residence District the regulations in this article shall apply.

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§ 183-43. Permitted uses.

In a B Residence District a building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

Deleted: Churches or similar places of worship, parish houses and convents. ¶
C. .

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- A. One (1) One-family detached dwelling.
- B. Public libraries, public schools, public parks, public playgrounds or recreation areas and municipal uses.
- C. The following uses, provided that a permit from the Zoning Board of Appeals is first obtained, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board:
 - (1) Private schools.
 - (2) Recreational uses of a noncommercial nature, such as boat clubs, yacht clubs, tennis courts and private parks.
 - (3) Churches, parish houses, and convents.
 - (4) One (1) Owner-Occupied Two-family detached dwelling.
 - (5) Private boathouse without a main building on a lot. Such boathouse shall comply with all requirements as to area, height and setbacks as an accessory building unless the Zoning Board of Appeals, in its discretion, shall grant an area variance as to any of such requirements. [Added 9-28-1998 by L.L. No. 5-1998]
- D. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses including private garages and boathouses.

Deleted: Philanthropic or eleemosynary uses other than camps, hospitals, sanatoriums, sanitariums, correctional institutions, nursing homes, rest homes or convalescent homes.

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Deleted: Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including private garages and boathouses. This shall be understood to include the professional office or studio of an ... [9]

Deleted: by special exception from the Zoning Board of Appeals, subject to such conditions and safeguards as deec ... [10]

§ 183-44. Lot size. [Amended 3-7-1988 by L.L. No. 2-1988; 5-9-1988 by L.L. No. 7-1988; 10-24-1994 by L.L. No. 6-1994]

In a B Residence District, each lot shall have a frontage of at least 75 feet, a depth of at least 100 feet and an area of at least 7,500 square feet, except that, if a plot having a frontage of not less than 40 feet was in one single separate ownership on September 10, 1945, or if a plot having a frontage of not less than 50 feet was in one single separate ownership on May 14, 1946, or if a plot having a frontage of not less than 60 square feet and an area of not less than 6,000 square feet was in such ownership on the 28th day of May 1987, a building may be erected on such plot, provided that all other provisions of this Code are complied with, and further provided that such single and separate ownership is continuously maintained following the aforesaid dates.

§ 183-45. Size of dwelling.

In a B Residence District:

- A. No one-story dwelling shall contain less than 750 square feet of habitable floor space.
- B. No one-and-one-half-story dwelling shall contain less than 1,000 square feet of habitable floor space.
- C. No two-story dwelling shall contain less than 1,150 square feet of habitable floor space.
- D. No dwelling shall be less than 24 feet in width exclusive of unenclosed porches and bay windows.

§ 183-46. Height of buildings and structures. [Amended 5-14-2001 by L.L. No. 5-2001]

In the B Residence District, no building or structure shall exceed 28 feet in height.

§ 183-47. [Reserved].

§ 183-48. Pitch of roof.

No building in a B Residence District shall have a roof pitch which is less than four inches to each one foot on the main part thereof, except that, upon due cause being shown, the Zoning Board of Appeals may grant a special exception.

§ 183-49. Percentage of lot coverage. [Amended 3-7-1988 by L.L. No. 2-1988]

In a B Residence District, the building area shall not exceed 32% of the lot area.

Deleted: single-family or detached two-family dwellings

Deleted: In the case of either a single-family dwelling or a two-family dwelling

Deleted: 2 1/2 stories and 35

Deleted: Height of other than single-family or detached two-family dwellings

Deleted: In the case of a building or structure in a B Residence District, other than a single-family dwelling or a detached dwelling for two families, no building or structure shall be greater than three stories or 45 feet in height, except a church. ¶

§ 183-50. Front yards.

- A. In a B Residence District the required front yard depth shall be no less than the average front yard depth of the existing buildings within 200 feet on each side of the lot and within the same block, or, if there are no existing buildings on the same side of the street, the average front yard depth of existing buildings within 200 feet on each side directly opposite the lot, but no front yard shall be required to have a depth greater than 40 feet. The foregoing provision shall not affect the required front yard between the proposed building and the side street in case of a corner lot.
- B. Where a building in a B Residence District is not controlled by Subsection A above, there shall be a front yard the depth of which shall be at least 30 feet back from the street line. In case of a corner lot, a front yard shall be required on each side on which the lot abuts a street, provided that if on April 23, 1946, any corner lot was held in a single and separate ownership with a width of less than 50 feet, the depth of the front yard on one side of the lot may be decreased when authorized as a special exception by the Board of Appeals as hereinafter provided.

§ 183-51. Side yards for buildings or structures. [Amended 3-7-1988 by L.L. No. 2-1988]

A building or structure other than an accessory building shall have two side yards, one on each side, the aggregate widths of which shall be at least 24 feet. Neither side yard shall be less than 12 feet wide.

§ 183-52. [Reserved]

§ 183-53. [Reserved]

§ 183-54. Rear yards.

A building or structure other than an accessory building shall have a rear yard, the depth of which shall be at least 25 feet, provided that if on August 4, 1930, any lot was held in single and separate ownership with a depth of less than 100 feet, the depth of the rear yard shall be at least 15 feet. In the case of a building over 40 feet high, the depth shall be increased five feet for each 12 feet, or portion thereof, by which the building exceeds 40 feet in height.

Deleted: single-family dwellings

Deleted: In the case of single-family dwellings in a B Residence District, there shall be

Deleted: of the main building

Deleted: Side yards for two-family dwellings. [Amended 3-7-1988 by L.L. No. 2-1988]

Deleted: In the case of a two-family dwelling in a B Residence District, there shall be two side yards, one on each side of the main building, the aggregate width of which shall be at least 25 feet. Neither side yard shall be less than 12 feet wide.

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Deleted: Side yards for other than single-family or detached two-family dwellings

Deleted: In the case of any dwelling in a B Residence District other than a single-family dwelling or a detached dwelling for two families, when permitted as a special exception as hereinbefore provided, or a building accessory thereto, there shall be two side yards. If such building is not over 40 feet high, the width of each of the two side yards shall be at least 25 feet, and if such building is over 40 feet high, this width shall be increased five feet for each 12 feet, or portion thereof, by which the building exceeds 40 feet in height.

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§ 183-55. Accessory buildings.

Accessory buildings in a B Residence District shall contain an area of not more than 500 square feet and an average height of not more than 14 feet as measured by the average grade adjacent to such building, except boathouses which shall have an average height of no more than 18 feet. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of lot area which may be built upon. No part of an accessory building shall be nearer the rear or side lot line than two feet. No lot shall have more than two (2) accessory buildings and no accessory building shall have interior plumbing or habitable space.

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§ 183-56. Reserved

Deleted: Population density.
[Amended 3-7-1988 by L.L. No. 2-1988]

Deleted: A. . No building in a B Residence District shall hereafter be erected or altered to accommodate or make provision for more than one family for each 7,500 square feet of lot area, except that, in the case of a two-family dwelling, when authorized as a special exception, the minimum area of the lot shall be 10,000 square feet. ¶
B. . In the case of a two-family dwelling in a B Residence District, each lot shall have a minimum frontage of 75 feet and a minimum depth of 100 feet, except in the case of a corner lot where there shall be a minimum frontage of 100 feet on each street.

ARTICLE V, C Residence Districts

§ 183-57. Applicability.

In a C Residence District the regulations in this article shall apply.

§ 183-58. Permitted uses.

In a C Residence District a building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

- A. One-family detached dwellings.
- B. Public libraries, public schools, public parks, public playgrounds or recreation areas and municipal uses.
- C. Two-family dwellings.
- D. Multiple dwellings.
- E. The following uses, provided that a permit of approval from the Zoning Board of Appeals is first obtained and subject to such conditions and safeguards as deemed appropriate and imposed by such Board:
 - (1) Private schools.
 - (2) Recreational uses of a noncommercial nature, such as boat clubs, yacht clubs, tennis courts and private parks.
 - (3) Churches, parish houses and convents.

Deleted: Churches or similar places of worship, parish houses and convents. ¶
C. .

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Deleted: Philanthropic or eleemosynary uses other than camps, hospitals, sanatoriums, sanitariums, correctional institutions, nursing homes, rest homes or convalescent homes.

F. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses.

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§ 183-59. Applicability of requirements for B Residence District.

The requirements specified for premises or structures in the B Residence District shall apply in the C Residence District for all uses except for use as a multiple dwelling.

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Deleted: Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including private garages and bathhouses. This shall be understood to include the professional office or studio of an accountant, architect, artist, attorney, chiropractor, dentist, doctor, insurance agent, engineer, teacher or other professional; or a room used for customary home occupations, including dressmaking, millinery or similar handicrafts, excluding, however, a laundry; and provided that such office, studio or occupational room is located in a dwelling in which the practitioner resides, or in a building accessory thereto; and provided further that no goods are publicly displayed on the premises and no sign or advertisement is shown other than a sign not larger than one square foot in area, bearing only the name and occupation (words only) of the professional.

§ 183-60. Height of multiple dwellings. [Amended 3-24-1986 by L.L. No. 5-1986; 5-14-2001 by L.L. No. 5-2001]

No multiple dwelling in the C Residence District shall exceed 2 stories and 32 feet in height.

§ 183-61. Lot size for multiple dwellings. [Amended 3-7-1988 by L.L. No. 5-1988]

A lot in a C Residence District used for multiple-dwelling purposes shall contain at least 43,500 square feet and shall be occupied by not more than twelve (12) dwelling units per acre.

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Deleted: . For the purpose of computing the same, a studio apartment or a sleeping alcove containing more than 80 square feet shall be counted as a bedroom

§ 183-62. Percentage of lot coverage. [Amended 3-7-1988 by L.L. No. 5-1988]

In a C Residence District, all buildings, including accessory buildings, shall cover not more than 40% of the area of the lot.

§ 183-63. Yard requirements.

Yards of the following minimum depths shall be provided in a C Residence District:

A. Front yard: 30 feet. In the case of a corner lot, a front yard shall be required on each side on which the lot abuts a street. There shall be no parking permitted in the front yard.

[Amended 3-24-1986 by L.L. No. 5-1986]

B. Side yard: each yard, 1/3 of the height of the building but not less than 14 feet. There shall be a side yard on each side of the dwelling. [Amended 3-7-1988 by L.L. No. 5-1988]

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C. Rear yard: equal to the height of the building, but not less than 25 feet. There shall be no parking permitted in the rear 25 feet of the rear yard. [Amended 3-24-1986 by L.L. No. 5-1986]

Deleted: Court dimension requirements.

§ 183-64. [Reserved]

§ 183-65. Distance between buildings.

In a C Residence District no principal building shall be closer to any other principal building than the average of the heights of said buildings but not closer than thirty (30) feet. Principal buildings connected by covered walks or canopies shall be considered separate buildings.

Deleted: In a C Residence District the width of any outer court upon which windows from a living room, bedroom or dining room open shall be not less than the height of any opposing wall forming said court. The depth of an outer court formed by walls on three sides shall be not greater than 1 1/2 times the width. The width of any other outer court shall be not less than 2/3 the height of any opposing wall forming said court, and the depth shall not be greater than 1 1/2 times the width. ¶

§ 183-65.1. Review of application for multiple dwellings. [Amended 3-24-1986 by L.L. No. 5-1986]

Every application for the erection of a multiple dwelling shall require the approval of the Planning Board of the Village following a public hearing. Said application shall include an elevation drawing and an appropriately detailed site plan illustrating proposed improvements, landscaping, drainage, type and location of site lighting, parking, fences, refuse container location and any other items deemed necessary and appropriate by the Planning Board.

§ 183-65.2. Landscaping for multiple dwellings. [Amended 3-24-1986 by L.L. No. 5-1986]

There shall be suitable landscaping of multiple dwellings throughout the premises, and there shall be required, along the rear and side lot lines, an automated sprinklered buffer planting strip, at least five feet in width, with landscaping to screen surrounding properties as determined by the Planning Board.

Deleted: consisting of a fence, four feet in height, with hemlocks planted and maintained therein, to be five feet in height, when planted, and planted six feet on center apart.

§ 183-65.3. Drainage plan for multiple dwellings.

No building for use as a multiple dwelling shall hereafter be erected unless a drainage plan providing for the collection, storage and disposal of stormwater runoff from the site has been approved by the Planning Board.

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Deleted: Utility area for multiple dwellings

§ 183-65.4. [Reserved]

Deleted: .

Deleted: A designated utility area and service platform shall be provided for laundry and garbage areas in the rear or side yard of the multiple-dwelling premises. Commercial-type garbage bins must be provided with covered steel containers in concrete pads and shall be kept clean at all times. The utility area shall consist of 20 square feet for each dwelling unit, screened by stockage fencing or such screening approved by the Planning Board.

ARTICLE VI, Historical Districts

§ 183-66. [Reserved]

Deleted: Purpose.

▼

§ 183-67. Applicability.

In an H Historical District the regulations in this article shall apply.

Deleted: It is the purpose of the regulations of this article to protect, enhance and perpetuate places, buildings and structures having an historic interest or value. Such regulations are adopted in the exercise of the police power, to promote the general welfare and to conserve property values

§ 183-68. Permitted uses.

In an H Historical District a building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

- A. ~~One (1)~~ One-family detached dwelling.
- B. Churches or similar places of worship, parish houses and convents.
- C. Public libraries, public schools, public parks, public playgrounds or recreation areas and municipal uses.
- D. Business, professional or banking offices, funeral homes and retail stores.
- E. Stores for the sale of goods at retail or for the performance of customary personal services or services clearly incidental to retail sales, but no processing or fabrication or manufacturing except as is incidental to and in the same premises with such retail sales, provided that such incidental processing, fabrication or manufacturing is conducted entirely within a building and does not occupy more than 20% of the floor area used for business purposes.

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F. The following uses provided that a special exception from the Zoning Board of Appeals is first obtained and subject to such conditions and safeguards as deemed appropriate and imposed by such Board.

Deleted: Private schools, provided that a permit from and the approval of the Board of Appeals is first obtained and subject to such conditions and safeguards as deemed appropriate and imposed by said Board.

- (1) Two family dwellings
- (2) Mixed use dwellings
- (3) Private schools.

Deleted: G. Two-family dwellings and mixed-use dwellings, provided that a special exception from the Board of Appeals is first obtained, based upon a showing of unnecessary hardship and practical difficulty, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board.

H. The following uses, provided that they are necessary and incidental to and on the same lot with any of the above permitted uses: ¶
(1) Private garage. ¶
(2) Studio of an artist, musician, dance teacher, photographer, provided that such studio is in a dwelling in which the practitioner resides or in a building accessory thereto.

▼

§ 183-69. Review and approval of changes.

- A. In an H Historical District no permit shall be issued to erect a structure or building (excluding signs) or to alter or add to an existing structure or building, in such manner as to change the outside dimensions or to change the exterior appearance thereof, unless approved by the Planning Board. [Amended 7-12-1999 by L.L. No. 4-1999]
- B. On all applications to the Planning Board under this article, in addition to all other requirements and standards, the Board shall, in making its determination, consider the following:
 - (1) Whether the proposed building or structure or proposed alteration of an existing

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building or structure is in harmony with and is consistent in appearance with and will preserve and enhance the value of neighboring and adjacent buildings and structures and the district as a whole or a part thereof.

- (2) The visual relationship between the property in question and existing structures and the character of the district as regards architectural style in relationship to properties which are within view of existing structures or buildings of historical significance or of meritorious architectural quality.
 - (3) Heights and masses of buildings, and the location and arrangement thereof, including the screening from view of any feature deemed visually inappropriate in the district.
 - (4) The maintenance of the visual character of the district as indicated by such matters as landscaping, setbacks, heights, materials, mass, line, color and detail.
- C. The considerations hereinabove set forth shall be applied so as to assure that new construction and alteration of existing construction will result in a visual composition which will be in harmony with the character of the district.

§ 183-70. Lot size. [Amended 3-7-1988 by L.L. No. 6-1988; 5-9-1988 by L.L. No. 7-1988; 10-24-1994 by L.L. No. 6-1994]

In an H Historical District, each lot shall have a frontage of at least 100 feet, a depth of at least 100 feet and an area of at least 15,000 square feet, except that, if a plot having a frontage of not less than 100 feet and an area of not less than 12,000 square feet was in one single separate ownership on May 28, 1987, a building may be erected on such plot, provided that all other provisions of this Code are complied with, and further provided that such single and separate ownership is continuously maintained following the aforesaid date.

§ 183-71. Size of dwelling.

In an H Historical District:

- A. No one-story dwelling shall contain less than 1,000 square feet of habitable floor space.
- B. No one-and-one-half-story dwelling shall contain less than 1,200 square feet of habitable floor space.
- C. A dwelling of two or more stories shall contain not less than 1,500 square feet of habitable floor space.
- D. No dwelling shall be less than 24 feet in width exclusive of unenclosed porches and bay windows.

Deleted: single- or two-family dwellings

§ 183-72. Height of buildings and structures. [Amended 5-14-2001 by L.L. No. 5-2001]

~~No building or structure~~ in the H Historical District shall exceed ~~32~~ feet in height.

Deleted: In the case of either a single-family or two-family dwelling

§ 183-73. ~~Reserved~~

Deleted: , no building

Deleted: 2 1/2 stories and 35

Deleted: Height of other than single- or two-family dwellings.

§ 183-74. **Pitch of roof.**

Deleted: In the case of a building or structure in an H Historical District other than a single-family or two-family dwelling, no building or structure shall be greater than 35 feet in height, except a church.

In an H Historical District, no building shall have a roof pitch which is less than four inches to each one foot on the main part thereof, except that, upon due cause being shown, the Zoning Board of Appeals may grant a special exception.

§ 183-75. **Front yards.**

- A. In an H Historical District the required front yard depth shall be no less than the average front yard depth of the existing buildings within 200 feet on each side of the lot and within the same block, or, if there are no existing buildings on the same side of the street, the average front yard depth of existing buildings within 200 feet on each side directly opposite the lot, but no front yard shall be required to have a depth greater than 30 feet. The foregoing provision shall not affect the required front yard between the proposed building and the side street in case of a corner lot. Parking shall not be allowed between the front line of a building and the front street line of the lot on which the building is located, for the entire width of said lot.
- B. Where a building in an H Historical District is not controlled by Subsection A above, there shall be a front yard the depth of which shall be at least 30 feet. In the case of a corner lot, a front yard shall be required on each street on which the lot abuts.

§ 183-76. **Side yards.** [Amended 3-7-1988 by L.L. No. 6-1988]

In an H Historical District, there shall be two side yards, one on each side, the aggregate widths of which shall be at least 24 feet. Neither side yard shall be less than 12 feet wide.

Deleted: of the main building,

§ 183-77. **Rear yards.**

In an H Historical District there shall be a rear yard the depth of which shall be at least 25 feet, or at least equal to the height of the building, whichever is greater.

§ 183-78. **Accessory buildings.**

Accessory buildings in an H Historical District may occupy 1,000 square feet of the required area of the rear yard up to an average height of 14 feet as measured by the average grade adjacent to such building. No part of an accessory building shall be nearer the rear or side lot line than four feet.

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§ 183-79. Percentage of Lot Coverage.

Deleted: Population density.

In the H Historical District, the building area shall not exceed 32% of the lot area.

Deleted: A. No building shall hereafter be erected or altered in an H Historical District to accommodate or make provisions for more than one family for each 15,000 square feet of the area of the lot. In the case of a two-family dwelling, each lot shall have a minimum frontage of 100 feet and a minimum depth of 125 feet, except in the case of a corner lot where there shall be a minimum frontage of 125 feet on each street. [Amended 3-7-1988 by L.L. No. 6-1988] ¶
B. In the case of a single-family dwelling in an H Historical District existing on November 1, 1941, on a lot less than 100 feet in width, conversion of the same to a two-family dwelling may be allowed when authorized as a special exception by the Board of Appeals, provided that the lot is at least 60 feet wide, and the dwelling as converted will comply with the other requirements applying to two-family dwellings.

ARTICLE VIA, PM Professional-Mixed Use District [Added 3-12-1990 by L.L. No. 11-1990]

§ 183-79.1. Purpose.

It is the purpose of this zoning classification to provide the opportunity for the location of professional offices in mixed-use dwellings, defined herein as "professional-mixed use dwellings," in transitional areas between business development and residential development, in areas which currently consist of such professional-mixed use dwellings and in areas which are not necessarily appropriate for standard commercial, industrial or residential activity.

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§ 183-79.2. Applicability.

In a PM Professional-Mixed Use District the regulations of this article shall apply.

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§ 183-79.3. Permitted uses.

In a PM Professional-Mixed Use District a building may be erected, altered or used and a lot or premises may be used for any of the following purposes and for no other:

- A. Any use permitted in a Residence A, BB or B District.
- B. Professional offices of architects, attorneys, chiropractors, dentists, professional engineers, medical doctors, optometrists, osteopaths, podiatrists, real estate or insurance brokers, surveyors or physical therapists.
- C. Professional-mixed use dwellings.
- D. By special permit of the Board of Trustees, the professional offices of a person or persons determined by said Board to be engaged in a profession similar to those set forth in Subsection B above.

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§ 183-79.4. Architectural Review.

- A. In the PM Professional-Mixed Use District, ~~any exterior construction or reconstruction requiring a building permit shall be approved by the Planning Board for architectural review prior to the issuance of such building permit.~~
- B. Nothing contained in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural features on premises which does not involve a change in design, material, color or the outward appearance thereof.
- C. There shall be no exterior display nor any interior display visible from the exterior of merchandise or advertising, no retail trade, no exterior storage of materials or equipment and no other exterior indications of the use except for one sign, which shall be in conformance with the provisions of Chapter 144 of the Code.

Deleted: design; maintenance; signs and exterior displays.

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Deleted: , the architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline and building elevations shall be conservative and dignified and of such character as to harmonize and be compatible with the neighborhood so as to protect property values in the neighborhood and to improve the appearances and beauty of the community. New constructions shall adhere to the purposes of this district. ¶
(1) Buildings shall be designed to achieve small scale and residential appearance. ¶
(2) Pitched-roofed buildings shall be required. ¶
(3) Rooftop mechanical equipment shall be prohibited, except for energy conservation systems such as solar panels. ¶
(4) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

§ 183-79.5. Lot size. [Amended 10-24-1994 by L.L. No. 6-1994]

In a PM Professional-Mixed Use District, each lot shall have a frontage of at least 75 feet, a depth of at least 100 feet and an area of at least 7,500 square feet, except that, if a plot having a frontage of not less than 50 feet and containing an area of not less than 7,500 square feet was in one single and separate ownership on December 11, 1989, a building may be erected or altered on such plot, provided that all provisions of this Code are complied with, and further provided that such single and separate ownership is continuously maintained following the aforesaid date.

§ 183-79.6. Size of dwelling.

In a PM Professional-Mixed Use District:

- A. No one-story dwelling shall contain less than 750 square feet of habitable floor space.
- B. No one-and-one-half-story dwelling shall contain less than 1,000 square feet of habitable floor space.
- C. No two-story dwelling shall contain less than 1,150 square feet of habitable floor space.
- D. No dwelling shall be less than 24 feet in width, exclusive of porches and bay windows.

§ 183-79.7. Building height.

In a PM Professional-Mixed Use District, no building ~~or structure~~ shall exceed ~~32~~ feet in height.

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§ 183-79.8. Pitch of roof.

No building in a PM Professional-Mixed Use District shall have a roof pitch which is less than four inches to each one foot on the main part thereof, except that, upon due cause shown, the Zoning Board of Appeals may grant a special exception.

§ 183-79.9. Percentage of lot coverage.

In a PM Professional-Mixed Use District, the building area shall not exceed 40% of the lot area.

§ 183-79.10. Front yards.

In a PM Professional-Mixed Use District, the required front yard depth shall be the same as the average yard depth of the existing buildings within 200 feet on each side of the lot on the same side of the street, but no front yard shall be required to have a depth greater than 40 feet. Where the foregoing does not control, the minimum depth shall be 30 feet back from the street line.

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§ 183-79.11. Side yards.

In a PM Professional-Mixed Use District, there shall be two side yards, one on each side, the aggregate widths of which shall be at least 24 feet. Neither side yard shall be less than 12 feet wide.

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§ 183-79.12. Rear yards.

In a PM Professional-Mixed Use District, there shall be a rear yard, the depth of which shall be at least 25 feet.

§ 183-79.13. Accessory buildings.

Accessory buildings in a PM Professional-Mixed Use District shall contain an area of not more than 600 square feet and an average height of not more than 14 feet as measured by the average grade adjacent to such building. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of lot area which may be built upon. No part of an accessory building shall be used for office or dwelling purposes; nor shall any part of an accessory building be nearer the rear or side lot line than five feet.

No lot shall have more than two (2) accessory buildings.

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Deleted: § 183-79.14. Population density. ¶
No building in a PM Professional-Mixed Use District shall hereafter be erected or altered to accommodate or make provision for more than one family for each 7,500 square feet of lot area, except that in the case of a two-family dwelling, when authorized as a special exception, or in the case of a professional-mixed use dwelling containing two dwelling units, the minimum area of the lot shall be 10,000 square feet. ¶

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§ 183-79.14. Landscaping; buffer strips.

There shall be suitable landscaping on lots containing a professional-mixed use dwelling and there shall be required, along the rear and side lot lines, a buffer planting strip, at least five feet in width, ~~with automated sprinklered landscaping to screen surrounding properties as determined by the Planning Board.~~

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Deleted: consisting of a fence, four feet in height, with hemlocks planted and maintained thereat, to be at least five feet in height, when planted, and planted six feet on center apart.

ARTICLE VII, Business Districts

§ 183-80. Applicability.

In a Business District the regulations in this article shall apply.

§ 183-81. Uses permitted in B-1 Retail Business District. [Amended 11-27-1995 by L.L. No. 11-1995]

In a B-1 Retail Business District, a building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

- A. No building or premises shall be used, and no building or part of building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:
- (1) One-family detached dwellings.
 - (2) Churches or similar places of worship, parish houses and convents.
 - (3) Public libraries, public schools, public parks, public playgrounds or recreation areas and municipal uses.
 - (4) Stores for the sale of goods at retail or for the performance of customary personal services or services clearly incidental to retail sales, but no processing or fabrication or manufacturing except as is incidental to and in the same premises with such retail sales, provided that such incidental processing, fabrication or manufacturing is conducted entirely within a building and does not occupy more than 20% of the floor area used for business purposes.
 - (5) Business, professional or banking offices, theaters, utility offices, funeral homes and similar community service buildings.
 - (6) Retail bakeries, confectionary stores, restaurants, cafes, ice cream stores or other places preparing and serving food or beverages; however, no such business shall be operated in whole or in part as a fast-food establishment, as defined in § 183-1 of this Code, except as otherwise provided herein. [Amended 4-8-1996 by L.L. No. 3-1996]
 - (7) Fast-food establishments, as defined in § 183-1 of this Code, provided that a special

exception from the Zoning Board of Appeals is first obtained and subject to reasonable conditions and safeguards imposed by such Board, except that no such establishment shall be permitted along any two-lane street, road, route, avenue, highway or public way. [Added 4-8-1996 by L.L. No. 3-1996^{VEN}]

(8) ~~The following uses, provided that a special exception from the Zoning Board of Appeals is first obtained and subject to such conditions and safeguards as deemed appropriate and imposed by such Board:~~

(a) Private schools.

(b) Mixed use dwellings.

~~(9) Other uses which, in the opinion of the Zoning Board of Appeals, are of the same general character as any of the uses hereinbefore specifically permitted and which are authorized by such Board as a special exception. However, the prohibited uses set forth in § 183-93 of this Code are prohibited throughout the Village and shall not be authorized by the Zoning Board of Appeals as a special exception.~~

B. No outside storage of materials or articles of any nature shall be permitted in the B-1 Retail Business District unless such storage is approved by the Zoning Board of Appeals as special exception.

Deleted: Parking lot areas for transient motor vehicles, but not for the storage of new or used motor vehicles for sale or for hire. ¶
(9)

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Deleted: Recreational uses of a noncommercial nature, such as boat clubs, yacht clubs, tennis courts and private parks. ¶
(c) Philanthropic or eleemosynary uses other than camps, hospitals, sanatoriums, sanitariums, correctional institutions, nursing homes, rest homes or convalescent homes.

Deleted: (10) Two-family detached dwellings, provided that a special exception from the Board of Appeals is first obtained, based upon a showing of unnecessary hardship and practical difficulty, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board. ¶
(11) Mixed-use dwellings when approved by and subject to conditions and safeguards imposed by the Board of Appeals as a special exception. ¶
(12) Any customary uses incidental to a permitted use, but not including any outdoor storage, provided that a second detached dwelling on a lot shall not be considered an incidental use and shall not be permitted. ¶

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§ 183-82. Uses permitted in B-2 General Business District. [Amended 9-14-1981 by L.L. No. 9-1981; 7-10-1989 by L.L. No. 8-1989; 11-27-1995 by L.L. No. 11-1995; 4-8-1996 by L.L. No. 3-1996; 4-10-2006 by L.L. No. 1-2006]

In a B-2 Retail General Business District, a building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other.

A. No building or premises shall be used, and no building or part of building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purposes, except the following:

- (1) One-family detached dwellings.
- (2) Churches or similar places of worship, parish houses and convents.
- (3) Public libraries, public schools, public parks, public playgrounds or recreation areas and municipal uses.
- (4) Stores for the sale of goods at retail or for the performance of customary personal services or services clearly incidental to retail sales, but no processing or fabrication or manufacturing except as is incidental to and in the same premises with such retail sales, provided that such incidental processing, fabrication or manufacturing is conducted entirely within a building and does not occupy more than 20% of the floor area used for business purposes.
- (5) Business, professional or banking offices, theaters, utility offices, funeral homes and similar community service buildings.

- (6) Retail bakeries, confectionery stores, restaurants, cafes, ice cream stores or other places preparing and servicing food or beverages; however, no such business shall be operated in whole or in part as a fast-food establishment, as defined in § 183-1 of this Code, except as otherwise provided herein.
- (7) Fast-food establishments, as defined in § 183-1 of this Code, provided that a special exception from the Zoning Board of Appeals is first obtained and subject to reasonable conditions and safeguards imposed by such Board, except that no such establishment shall be permitted along any two-lane street, road, route, avenue, highway or public way.
- (8) ~~Billiard or pool parlors, bowling alleys, health and fitness facilities, or other indoor recreation uses.~~
- ~~(9) Clubs, fraternity houses or lodges, private schools and hotels.~~
- (10) The following when, and only when, approved by and subject to safeguards imposed by the Zoning Board of Appeals as a special exception:
 - (a) ~~Mixed-use dwellings.~~
 - (b) ~~Outdoor storage.~~
 - (c) ~~Two-family detached dwellings.~~
- (11) Any customary uses incidental to a permitted use, provided that a second detached dwelling on a lot ~~and~~ boat storage racks shall not be considered an incidental use and shall not be permitted.
- (12) Other uses which, in the opinion of the Zoning Board of Appeals, are of the same general character as any of the uses hereinbefore specifically permitted and which are authorized by such Board as a special exception, provided that motor vehicle sales, service or repair and the uses prohibited in § 183-93 of the Code shall not be authorized as special exceptions.

~~Deleted: Studios, shops for making articles or products to be sold at retail on the premises, newspaper and job printing, and bookbinding. ¶ (9) .~~

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~~Deleted: Recreational uses of a noncommercial nature, such as boat clubs, yacht clubs, tennis courts, private parks.~~

~~Deleted: Philanthropic or eleemosynary uses other than camps, hospitals sanatorium, sanitariums, correctional institutions, nursing homes, rest homes or convalescent homes,~~

~~Deleted: Boatyards, boat building and accessories, but not boat storage racks or boat storage rack buildings.~~

~~Deleted: ¶ (d) . Marine sales, services and repairs. ¶ (e) . Mixed-use dwellings. ¶ (f) . Outdoor storage. ¶ (g) . Game rooms. ¶ (h) . Two-family detached dwellings.~~

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~~Deleted: Churches or similar places of worship, parish houses and convents. ¶ (4) . Public libraries, public schools, public parks, public playgrounds or recreation areas and municipal uses. ¶ (5) .~~

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§ 183-83. Uses permitted in B-3 Marine Business District. [Amended 7-10-1989 by L.L. No. 8-1989; 11-27-1995 by L.L. No. 11-1995]

In a B-3 Marine Business District, a building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

- A. No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:
 - (1) Boatyards, ~~including boat storage racks,~~
 - (2) One-family detached dwellings.
 - (3) ~~The following uses, provided that a special exception from the Zoning Board of Appeals is first obtained and subject to such conditions and safeguards as deemed appropriate and imposed by such Board.~~

- (a) Private schools.
- (b) Recreational uses of a noncommercial nature such as boat clubs, yacht clubs, tennis courts and private parks.
- (c) Owner-occupied two family detached dwellings.
- (d) Fishing stations.
- (e) Rowboat or outboard motorboat rental stations.
- (f) Party boat stations.
- (g) Bait stations.

Deleted: Philanthropic or eleemosynary uses other than camps, hospitals, sanatoriums, sanitariums, correctional institutions, nursing homes, rest homes or convalescent homes.

Deleted: (6) . Two-family detached dwellings, provided that a special exception from the Board of Appeals is first obtained, based upon a showing of unnecessary hardship and practical difficulty, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board. ¶

(7) . Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including private garages and bathhouses. This shall be understood to include the professional office or studio of an accountant, architect, attorney, chiropractor, dentist, doctor, insurance agent, engineer, teacher or other professional; or a room used for customary home occupations, including dressmaking, millinery or similar handicrafts, excluding, however, a laundry; and provided that such office, studio or occupational room is located in a dwelling in which the practitioner resides, or in a building accessory thereto, and does not occupy more than 20% of the total habitable space; and provided further that no goods are publicly displayed on the premises and no sign or advertisement is shown other than a sign not larger than one square foot in area, bearing only the name and occupation (words only) of the professional. A second detached dwelling on a lot is not an accessory use and shall not be permitted. ¶

(8) . Gasoline filling stations for boats, provided that a special exception from the Board of Appeals is first obtained, based on a showing of unnecessary hardship and practical difficulty, and subject to such conditions and safeguards as ... [11]

Deleted: (9) . Nothing herein shall be construed to permit, in conjunction with the above permitted uses or separately, the following: ¶

- (a) . Fishing stations. ¶
- (b) . Rowboat or outboard motorboat rental stations. ¶
- (c) . Party boat stations. ¶
- (d) . Bait stations. ¶
- (e) . Any of the uses set forth in § 183-93 of this Code.

§ 183-83.1. Boat storage racks; dry-dock storage marinas. [Added 7-10-1989 by L.L. No. 8-1989]

- A. A boat storage rack shall be situated and designed so as to have minimal detrimental impact on adjacent and surrounding properties zoned or used for residential purposes. The location and orientation of a boat storage rack shall be approved by the Planning Board following its review as provided for in § 183-85 of this Code. The Planning Board shall give consideration to minimizing the loss of the view of the water from any existing residence within 500 feet of the proposed boat storage rack and shall also seek to minimize the visual impact created by the boat storage rack as viewed from the public streets and waterways abutting the subject premises.
- B. No boat storage rack shall be higher than 16 feet, nor shall any boat storage rack be designed to allow more than three levels of storage of boats on it, including ground level.
- C. No boat storage rack shall be situated closer than 20 feet to any property line, nor shall any boat storage rack be situated closer than 30 feet to any paved street or bulkhead.
- D. Before a building permit for a boat storage rack shall be issued, a planted buffer zone, 10 feet in depth, shall be established along any lot line that abuts property zoned or used for residential purposes. Said buffer zone shall consist of such permanent high-growing evergreen and flowering woody plants and low- to moderate-level vegetation as the Planning Board shall direct.
- E. No watercraft shall be placed on or taken off a boat storage rack prior to 8:00 a.m. nor after sunset.
- F. No boat storage rack shall be used for dry-dock storage marina purposes until a license for such use is first obtained from the Board of Trustees pursuant to the requirements of Chapter 107 of this Code.

§ 183-84. Prohibited uses in all business districts.

In all business districts, no building may be erected, altered or used, and no lot or premises may be used for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration or noise. No internal combustion engine shall be used unless objectionable noise and vibration are eliminated and the engine is equipped and supplied with an effective muffler or silencer.

Deleted: A. . Nothing contained in this article shall be construed to permit the uses colloquially known and recognized as a "farmers' market," or "flea market," whether the same is conducted within or without a building or from a truck, vehicle, stand or other structure or by private sale or by auction. ¶
B. .

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§ 183-84.1. Security gates prohibited; phaseout.

- A. No security gate, as defined in Section 183-1 of this Code, shall be installed on any building within the village after the effective date of this section.
- B. Any security gate installed in accordance with the Code prior to the effective date of this section shall be removed on or before five (5) years from said effective date.
- C. Any security gate which was not installed in accordance with the Code prior to the effective date of this section shall be removed immediately.

Deleted: § 183-84.1. Boat storage rack buildings; dry-dock storage marinas. [Added 7-10-1989 by L.L. No. 8-1989] ¶

A. . A boat storage rack building shall be situated and designed so as to have minimal detrimental impact on adjacent and surrounding properties zoned or used for residential or other noncommercial or nonindustrial purposes. The location and orientation of a boat storage rack building shall be approved by the Planning Board following its review as provided for in § 183-85 of this Code. The Planning Board shall give consideration to minimizing the loss of the view of the water from any existing residence within 1,000 feet of the proposed boat storage rack building and shall also seek to minimize the visual impact created by the boat storage rack building as viewed from the public streets and waterways abutting the subject premises. ¶ (... [12])

§ 183-85. Review and approval of construction. [Amended 7-10-1995 by L.L. No. 7-1995]

In order to prevent the inappropriate use of property, which would tend to depreciate values or cause neighborhood deterioration, all exterior construction in business zones requiring a building permit shall be approved by the Planning Board prior to the issuance of the building permit.

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§ 183-86. Building height. [Amended 7-10-1989 by L.L. No. 8-1989]

In a business district no building shall exceed three stories or 35 feet in height.

Deleted: F. . All security gates which have been installed in accordance with a duly issued building permit and (... [13])

§ 183-87. Percentage of lot coverage. [Amended 7-10-1989 by L.L. No. 8-1989]

The area occupied by the buildings and structures, including boat storage racks, on any plot

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in a business district shall not exceed 60% of the lot area.

§ 183-88. Compliance of one- and two-family dwellings with other provisions.

Any one- or two-family dwelling in a business district shall comply with the building area, size of building and lot area and lot width requirements which apply in a B Residence District for the same type dwelling.

§ 183-89. Compliance of mixed-use dwellings with other provisions.

Any mixed-use dwelling in a business district shall comply with the building area, size of building, lot area and lot width requirements for ~~such~~ dwelling in the ~~PM Professional-Mixed Use~~ District. Such dwelling shall comply in all other respects with the requirements of a structure erected for business purposes, including among other things the manner and type of construction.

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§ 183-90. Size of dwelling.

In a business district:

- A. No one-story dwelling shall contain less than 750 square feet of habitable floor space.
- B. No one-and-one-half-story dwelling shall contain less than 1,000 square feet of habitable floor space.
- C. No two-story dwelling shall contain less than 1,150 square feet of habitable floor space.
- D. No dwelling shall be less than 24 feet in width, exclusive of porches and bay windows.

§ 183-91. Front yards of dwellings.

In the case of dwellings in a business district, the required front yard depth shall be the same as the average yard depth of the existing buildings within 200 feet on each side of the lot on the same side of the street, but no front yard shall be required to have a depth greater than 40 feet. Where the foregoing does not control, the minimum depth shall be 25 feet back from the street line.

§ 183-91.1. Buffer strips. [Added 7-10-1995 by L.L. No. 6-1995]

Wherever a parcel zoned B-1 Retail Business District, B-2 General Business District or B-3 Marine Business District shall abut upon any parcel that is residentially developed or residentially zoned, there shall be a buffer strip ~~ten (10)~~ feet wide erected, planted and thereafter maintained on the business parcel pursuant to Planning Board requirements unless

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the Planning Board or other provisions of this Code shall require a greater or larger buffer strip.

ARTICLE VIII, Industrial Districts

§ 183-92. Applicability.

In an Industrial District the regulations in this article shall apply.

§ 183-93. Prohibited uses.

A. In an Industrial District, a building may be erected, altered or used, and a lot or premises may be used, for any lawful purpose except the following:

- Abattoirs
- Acetylene, natural or any type of gas manufacture or storage
- Acid manufacture, all types and kinds, as a principal industry
- Airfield, airport or airpark
- Ammonia, bleaching powder or chlorine manufacture
- Arsenal
- Asphalt manufacture or refining
- Atomic reactor or nuclear power plant
- Automobile wrecking and/or automobile salvage yard
- Bag cleaning
- Blast furnace
- Boiler works
- Brick, tile or terra cotta manufacture
- Burlap manufacture

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Candle manufacture
Celluloid manufacture
Cement, lime, gypsum or plaster of paris manufacture
Chemical works and manufacture
Coal tar products manufacture
Coke ovens
Concrete batching
Crematory (not connected with cemetery)
Creosote treatment or manufacture
Disinfectant manufacture
Distillation of bones, coal or wood
Dyestuff manufacture
Emery cloth and sandpaper manufacture
Explosives, manufacture or storage
Exterminator and insect poisons manufacture
Farmers' market or flea market
Fat rendering
Fertilizer manufacture and bone grinding
Fiberglass Product Manufacture
Fireworks or explosive manufacture or storage
Fish smoking and curing
Forge plant
Garbage, offal or dead animals reduction, dumping or incineration

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Gas manufacture (all types)

Glue, size or gelatine manufacture

Gunpowder manufacture

Ink manufacturer

Incineration or reduction of garbage, dead animals, offal or refuse

Incineration or reduction of residential, commercial or medical solid or nonsolid waste, garbage, dead animals, offal or refuse. [Added 10-24-1994 by L.L. No. 5-1994]

Iron, steel, brass or copper foundry

Junkyards

Lampblack manufacture

Match manufacture

Oilcloth or linoleum manufacture

Oiled, rubber or leather goods manufacture

Oil reduction

Open-air stands

Ore reduction

Paint, oil, shellac, turpentine or varnish manufacture

Paper and pulp manufacture

Petroleum products, refining or wholesale storage of petroleum

Manufacture of plastic compounds

Plating works

Potash works

Printing ink manufacture

Pyroxyline manufacture

Reduction, screening, separating, sorting, collecting, storage or transfer of garbage, rubbish, debris or solid waste in the Industrial District of the Village of Amityville [Added 7-9-1990 by L.L. No. 14-1990]

Rock crusher

Rolling mill

Rubber or gutta-percha manufacture or treatment

Salt works

Salvage yards

Sand, gravel or cement plants, structures, hoppers, buildings, machines or mechanisms of any nature

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Sauerkraut manufacture

Sausage manufacture

Shoe blacking manufacture

Smelters

Soap manufacture

Soda and compound manufacture

Stone mill or quarry

Stockyards

Storage or baling of scrap paper, iron, bottles, rags or junk

Stove polish manufacture

Tallow, grease or lard manufacture or refining from animal fat

Tanning, curing or storage of leather, rawhides or skins

Tar distillation or manufacture

Tobacco (chewing) manufacture or treatment

Tar roofing or waterproofing manufacture

Vinegar manufacture

Wool pulling or scouring

Yeast plant

B. Any other use which shall be noxious or offensive by the emission of odor, dust, fumes, gas, vibration or noise shall be prohibited.

§ 183-94. Residential uses prohibited.

Any and all residential uses are prohibited in the Industrial District.

§ 183-95. Use of internal combustion engine restricted.

In an Industrial District no internal combustion engine shall be used unless objectionable noise and vibration are eliminated, and it is equipped and supplied with an effective muffler or silencer.

§ 183-95.1. Adult uses. [Added 11-28-1988 by L.L. No. 9-1988]

Adult uses shall be allowable in the Industrial District only.

A. Purposes and considerations.

- (1) ~~It is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.~~
- (2) It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Village of Amityville.
- (3) These special regulations are itemized in this section to accomplish the primary purposes of preventing a concentration of these uses in any one area and restricting their accessibility to minors.

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B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADULT BOOKSTORE -- An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and videotapes and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT DRIVE-IN THEATER -- A drive-in theater that customarily presents motion pictures that are not open to the public generally but excludes any minor by reason of age.

ADULT ENTERTAINMENT CABARET -- A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers, or other similar entertainments, and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT MOTEL -- A motel which is not open to the public generally but excludes minors by reason of age or which makes available to its patrons in their rooms films, slide shows or videotapes, which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.

ADULT THEATER -- A theater that customarily presents motion pictures, films, videotapes or slide shows that are not open to the public generally but exclude any minor by reason of age.

MASSAGE ESTABLISHMENTS -- Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

PEEP SHOWS -- A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

C. The adult uses as defined in Subsection B above are to be restricted as to location in the following manner in addition to any other requirements of this Code:

- (1) Any of the above uses shall not be located within a three-hundred-foot radius of any property used for residential purposes or zoned A, BB, B or C Residence, H Historic, PAC Residence or SC Senior Citizen Residence, pursuant to the further terms of this chapter. [Amended 5-22-1995 by L.L. No. 5-1995]
- (2) Any of the above uses shall not be located within a one-half-mile radius of another such use.
- (3) Any of the above uses shall not be located within a five-hundred-foot radius of any school, church or other place of religious worship, park, playground or playing field.

D. No more than one of the adult uses as defined above shall be located on any lot.

Deleted: E. . By amortization, the right to maintain a legal nonconforming adult use shall terminate in accordance with the following schedule: ¶

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§ 183-96. Outside storage of materials.

No outside storage of materials or articles of any nature shall be permitted in the Industrial District unless such storage is approved by the Zoning Board of Appeals as a special exception.

§ 183-97. Drainage, paving, landscaping and seeding.

In the Industrial District drainage, paving, landscaping and seeding shall be subject to the approval of the Planning Board.

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§ 183-98. Lot size.

- A. In the Industrial District no building shall be erected or altered on a lot having an area less than 12,500 square feet.
- B. Single and separate ownership. A building may be erected on a plot having an area less than 12,500 square feet if such plot was in single and separate ownership on August 4, 1930.

§ 183.99. Lot Frontage

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In the Industrial District each lot shall have a minimum frontage of at least seventy-five (75') feet.

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§ 183-100. Height of buildings or structures. [Amended 9-26-2005 by L.L. No. 6-2005]

In the Industrial District, no buildings or structures shall exceed 35 feet in height.

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§ 183-101. Front yards.

In the Industrial District the required front yard depth shall not be less than 20 feet.

§ 183-102. **Front yards on double-frontage lots.**

In the Industrial District the required front yard on double-frontage lots shall be provided for on both streets.

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§ 183-103. **Front yards on corner lots.**

In the Industrial District corner lots shall have a front yard on each street of 20 feet.

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§ 183-104. **Rear yards.**

In the Industrial District there shall be a rear yard equal to the height of the building but not less than 25 feet.

Deleted: In the Industrial District the total building area shall not exceed 40% of the total lot area. ¶
§ 183-106. Conversion of existing one-family dwelling to two-family dwelling. ¶
A conversion of a nonconforming one-family dwelling to a two-family dwelling shall comply with the requirements for a two-family dwelling in the B Residence District. Such conversion shall be authorized only with the approval of the Board of Appeals as a special exception. ¶

§ 183-105. **Side yards.**

In the Industrial District there shall be two side yards, one on each side, the aggregate widths of which shall be at least 20 feet. Neither side yard shall be less than five feet wide.

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§ 183-106. **Percentage of lot coverage. [Amended 8-28-1989 by L.L. No. 10-1989] In the Industrial District the total building area shall not exceed 40% of the total lot area.**

Deleted: Determinations and findings.

ARTICLE IX, PAC (Planned Adult Community) Residence Districts

Deleted: A. It has been determined by the Board of Trustees that: ¶
(1) Many residents of Amityville Village have reached the age where their housing needs are different from those of younger groups. ¶
(2) The special needs of these older persons include suitable and adequate accommodations and facilities, properly located, for social, cultural and recreational activities which will afford them a pleasant and productive way of life. ¶

§ 183-107. **[Reserved]**

§ 183-108. **Permitted uses.**

A. In the PAC (Planned Adult Community) Residence District, no building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be erected or altered unless otherwise provided in this article, except for the following uses:

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- (1) **One to two bedroom attached or detached dwelling units.**
- (2) **Necessary accessory buildings and uses, including facilities for maintenance, and administration, offices, gatehouses, and community recreation center.**

Deleted:) Residential accommodations including units ... [18]

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B. The planned adult community shall be limited to persons who are 55 years of age or over, with the following exceptions: [Amended 2-26-1990 by L.L. No. 8-1990]

Deleted: off-street parking, storage facilities, laundry rooms and prof ... [19]

- (1) At least one owner or tenant is 55 years of age or over.
- (2) Children or grandchildren residing with their parents or grandparents where one of said parents or grandparents with whom the child or children or grandchild or grandchildren are residing is 55 years of age or older, provided that said child or children or grandchild or grandchildren are over the age of 19 years.
- (3) Adults under 55 years of age may be admitted as permanent residents if it is established to the satisfaction of the Board of Trustees that the presence of such person is essential for the physical care or economic support of an eligible older person who is also a resident.

Deleted: A husband or wife under the age of 55 years who is residing with his or her spouse or member of the immediate family who is 55 years of age or over.

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Deleted: Supplemental requirements.

Deleted: A. . Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling. Handrails and ample places for rest shall be provided. Gradients or walks shall not exceed 10%, and single riser grade changes in walks shall not be permitted. All outdoor areas available to the residents shall permit them to move about without danger and with minimum effort. ¶

B. . The architectural design of all buildings, the site selection and recreational facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for a group of older persons and should take into account the desires and needs of older persons for privacy, participation in social an ... [20]

Deleted: A. . All applications for a planned adult community shall be accompanied by a preliminary si ... [21]

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Deleted: B. . Final site development plan approval. ¶ (1) .

Deleted: accordance with the approved preliminary site development plan, as modified or amended by the Plan ... [22]

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Deleted: as to the section or sections submitted by the developer. The developer must file a final site ... [23]

§ 183-109. Site development plan required; minimum requirements.

In the PAC Residence District no building, structure or land shall be used, erected, altered, enlarged or maintained unless it is in accordance with a site development plan and its amendments, approved by the Planning Board as hereinafter described. Such a site development plan shall meet at least the following minimum requirements:

- A. Minimum area. The minimum area shall be 20 acres.
- B. Residential density. There shall not be more than 10 dwelling units per gross acre of land planned and approved under this article.
- C. Building area. Principal and accessory buildings shall together not cover more than 20% of the gross area.
- D. Height. No building shall exceed 32 feet and 2 stories, whichever is less. There shall be no height limit on flagpoles, domes, spires, chimneys, skylights, television antennas and other necessary appurtenances usually placed above the roof level, provided that they shall be erected only to the minimum height necessary to accomplish the purpose they are intended to serve and which present no hazard to abutting properties.
- E. Yard requirements. No building or structure other than garages, entrance gatehouses, walls or fences shall be located within 30 feet of any exterior boundary line.
- F. Off-street parking. There shall be provided at least 1.5 parking spaces for each dwelling unit.

§ 183-110. [Reserved]

§ 183-111. Review and approval of site development plans.

No building permit or certificate of occupancy shall be issued for the construction or use of any building in a PAC Residence District except in accordance with a site plan and after architectural review of the proposed structures approved by the Planning Board. The

Planning Board shall approve such site plan, approve it with modifications or shall disapprove it and shall set forth its reasons for the action taken.

Deleted: No building permit shall be issued by the Building Inspector without such approval of the site plan and, in appropriate cases, authorization by special permit from the Board of Appeals and permits from any other appropriate municipal agencies having jurisdiction over the project, if required.

§ 183-112. ~~Reserved~~

§ 183-113. ~~Reserved~~

Deleted: (2) In any case where the site plan submitted by the applicant indicates that a variance will be required from the Board of Appeals in order to construct or use the premises as shown on said site plan, the applicant shall submit an application to the Board of Appeals simultaneously with the filing of this application for approval of the site plan with the Planning Board. Upon adoption by the Board of Appeals, a resolution granting the application for the variance shall be deemed to be incorporated in the site plan submitted by the applicant. ¶ (3) In any case, where it may do so by law, the Planning Board may modify or waive, subject to appropriate conditions, the provision of any or all of the improvements or requirements of this section as in its judgment of the special circumstances of a particular PAC project are not requisite in the interests of ... [24]

ARTICLE IXA, SC Senior Citizen Residence District [Added 12-1-1990 by L.L. No. 18-1990]

§ 183-114. **Permitted uses.** [Amended 1-28-1991 by L.L. No. 1-1991]

A. In an SC Senior Citizen Residence District, no building, structure or premises shall be used or occupied and no building or part thereof shall be so erected or altered except for apartments especially designed for senior citizens and their immediate families and accessory buildings directly incidental thereto. A "senior citizen" is considered any person 55 years of age or older. The senior citizen's immediate family is limited to the senior citizen's spouse, children and grandchildren 19 years of age or older. Adults under 55 years of age may be admitted as permanent residents if it is established to the satisfaction of the Village Board that the presence of such person is essential for the physical care or economic support of an eligible older person who is also a resident.

Deleted: Site development plan contents and procedures; fee.

Deleted: A. The preliminary site development plan may, if required by the Planning Board, contain the following ... [25]

Deleted: Time limitations on construction.

Deleted: A. A building permit shall be secured and construction begun in accordance with the final site ... [26]

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Deleted: B. In the case of apartments regulated by the condominium laws of New York State, the minimum area ... [27]

§ 183-114.1. **Front yard setback.**

In an SC Senior Citizen Residence District where a private street or road is provided on the site, the front yard setback shall be measured from the established curblineline of the unobstructed right-of-way.

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§ 183-114.2. **Height of buildings or structures.**

In an SC Senior Citizen Residence District, no building or structures hereafter erected or altered shall be more than 2 stories and no more than 32 feet above ground level. The roof shall be a peak roof only and shall have a pitch of not less than 4/12.

§ 183-114.3. Lot area. [Amended 1-28-1991 by L.L. No. 1-1991]

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- A. In a Senior Citizen Residence District, no building shall be erected or altered on a lot having an area of less than 1.75 acres.
- B. In a Senior Citizen Residence District, all buildings, including accessory buildings, shall cover not more than 20% of the area of the lot.
- C. In a Senior Citizen Residence District, no building shall occupy a lot having a street frontage of less than 200 feet along the front street line of the lot.

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§ 183-114.4. Front yards.

In a Senior Citizen Residence District, the front setback in any building unit shall not be less than 30 feet after street dedication. Balconies, porticoes or like open areas may extend not more than 10 feet into the front yard.

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§ 183-114.5. Corner lots.

In a Senior Citizen Residence District, such lot shall have a front yard along each street as provided in § 183-114.4.

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§ 183-114.6. Side yards.

In a Senior Citizen Residence District, there shall be two side yards, one on each side of a building containing living units, each having a minimum width of at least 20 feet, except that where there shall be two or more such buildings on the plot, there shall be a minimum distance between buildings of 30 feet, in addition to the twenty-foot side yard requirement along the side property lines of the entire plot.

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§ 183-114.7. Rear yards.

In a Senior Citizen Residence District, there shall be a rear yard having a minimum depth of 25 feet.

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§ 183-114.8. Encroachments into yard areas.

In a Senior Citizen Residence District, chimneys, cornices, eaves, gutters, bay windows projecting not more than 24 inches and one-story open porches and/or terraces not exceeding three feet in height are permitted encroachments into yard areas, except as otherwise provided herein.

§ 183-114.9. Dwelling unit intensity.

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In a Senior Citizen Residence District, no multiple-family dwelling or dwellings authorized hereby shall be erected or altered to accommodate or make provision for more than 20 one bedroom dwelling units per acre or more than a proportionate number of dwelling units on any fractional part of an acre, and for the purpose of this section, a "dwelling unit" shall be such combination of rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family, which shall consist of not more than four separate rooms, exclusive of bathrooms and hallways.

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§ 183-114.10. Living accommodations.

In a Senior Citizen Residence District, no basement or cellar shall be occupied as living or sleeping quarters. Living or sleeping quarters may be provided for management and/or custodial employees as designated by the Uniform Fire Prevention and Building Code. Each separately owned and operated complex under the provisions of this article may contain therein living and sleeping facilities for management or custodial employees comprising one additional dwelling unit in addition to the number provided pursuant to § 183-114.9 of this article. Such unit shall not be a rental unit.

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§ 183-114.11. Minimum floor area per unit.

In a Senior Citizen Residence District, the minimum habitable floor area for each dwelling unit shall not be less than 700 square feet.

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§ 183-114.12. Landscaping.

In a Senior Citizen Residence District, there shall be suitable landscaping, shrubbery, trees and screening as determined by the Planning Board.

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§ 183-114.13. Off-street parking. [Amended 1-28-1991 by L.L. No. 1-1991]

In a Senior Citizen Residence District, an off-street parking area conforming to the requirements of this chapter shall be provided for each living unit at a ratio of two spaces for each unit where garages are provided, they may be substituted for such off-street parking areas and shall conform architecturally to the principal buildings. Ten percent of the required parking shall be designated as "visitors parking." Said parking areas must meet the requirements of Article XII of this chapter and must be curbed, striped and have direction-of-travel lanes painted over the blacktop. However, the Planning Board may allow or direct that

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a portion of the designated parking area shall be left as green space and that it not be paved, provided that this shall not result in a reduction of paved parking of less than 1.5 spaces for each unit. The Planning Board may thereafter direct that the paved area be increased, but not beyond two spaces per unit, either on its own motion, by motion of the Board of Trustees or by application of the property owner; if the property owner then fails to comply, the Village or its agents may enter the premises, do the work required to comply and then assess the costs thereof, plus an administrative fee of 15%, against the premises, to be collected in the same fashion as Village real property taxes. This shall not limit the Village from enforcing the provisions of this section or collecting said costs by other legal means. Minimum paving and drainage specifications shall be designated by the Planning Board.

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§ 183-114.14. Common recreation areas.

In a Senior Citizen Residence District, common recreation areas shall be provided with a minimum size calculated at 80 square feet of usable area per dwelling unit, exclusive of sidewalks, driveways and parking areas.

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§ 183-114.15. Accessory buildings.

In a Senior Citizen Residence District, no garages or storage buildings shall exceed 14 feet in height as measured from the average grade adjacent to such building, or be built within six feet of any side or rear lot line or nearer than 50 feet to any street line. All other accessory buildings shall meet the requirements for setbacks set forth in this article.

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§ 183-114.16. Refuse containers.

In a Senior Citizen Residence District, commercial-type refuse containers must be provided and enclosed with six-foot slatted chain link fence and gate or other suitable material as designated acceptable by the Planning Board to be placed on concrete pads and kept clean at all times.

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Deleted: No on-site incinerating shall be permitted.

§ 183-114.17. Drainage plan to be approved.

In a Senior Citizen Residence District, no building shall hereafter be erected unless a drainage plan providing for the collection, storage and disposal of stormwater runoff from the site has been approved by the Planning Board.

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§ 183-114.18. Lighting.

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In a Senior Citizen Residence District, all parking areas, entries, corridors, passages, utility areas and front landscaping must be provided with adequate lighting for safety purposes. Lights shall be adjusted so as not to shine into adjacent properties. Lights must be controlled by a time clock or positive photocell switching so as to ensure adequate lighting during all dark hours.

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§ 183-114.19. Business activity not permitted.

In a Senior Citizen Residence District, no business or profession of any type shall be permitted.

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§ 183-114.20. Review of site plans and architectural review.

In a Senior Citizen Residence District, the site plan and the architectural design of all buildings and structures shall be approved by the Planning Board.

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§ 183-114.21. Buffer strips.

Wherever a Senior Citizen Residence zoned parcel shall abut upon a residential zoned parcel or any parcel used for residential purposes, there shall be a buffer strip ten (10) feet wide erected, planted and thereafter maintained on the plot unless the Planning Board shall require a greater or larger buffer strip.

§ 183-114.22. Affidavit required.

In a Senior Citizen Residence District, the owner of any building or premises used or erected as a residence designed primarily to provide living and dining accommodations for persons over the age of 62 shall file with the Village Clerk a signed, sworn affidavit, on or before the first day of January of every year, stating that all senior citizen residence housing age requirements mandated by law or regulations of the Village, county, state or federal government or agencies thereof are being and will continue to be complied with.

ARTICLE X, FH Floating Home District [Added 6-26-1989 by L.L. No. 5-1989^{vi}EN]

§ 183-115. Definitions.

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

FLOATING HOME -- Any vessel designated or in fact used or occupied as a dwelling unit, living and sleeping quarters, business office or source of any occupation or for any private or social club of whatever nature, including but not limited to a structure constructed upon a barge primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked, whether such vessel is self-propelled or not.

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§ 183-116. Prohibited locations for Floating Homes.

A. Floating homes moored or anchored over public lands under water shall be prohibited from all zoning districts.

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B. Floating homes moored or anchored over private lands under water shall be prohibited from all zoning districts except the FH Floating Home District.

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Deleted: C. Floating homes over private lands and used for business or professional purposes shall be prohibited from all zoning districts. ¶

§ 183-117. Permitted uses.

In the FH Floating Home District, no floating home shall be hereafter used or occupied, except for the following use:

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A. One-family dwelling.

Deleted: unless otherwise provided by this chapter,

Deleted: Business or professional uses prohibited.

§ 183-118. [Reserved]

§ 183-119. Height requirement.

Deleted: In the FH Floating Home District, the use of a floating home for any use other than as a single-family residence shall be prohibited. ¶

In the FH Floating Home District, no floating home shall be more than 21 feet high, as measured from the waterline.

Deleted: hereafter moored or altered

§ 183-119.1. Lot area.

In the FH Floating Home District, no floating home shall be moored or anchored on or over an underwater lot having an area of less than 7,500 square feet.

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§ 183-119.2. Building area.

In the FH Floating Home District, the total area of a floating home shall not exceed 25% of the underwater lot area.

§ 183-119.3. Mooring distance.

In the FH Floating Home District, there shall be a distance of five feet between the pier or bulkhead line and front wall of a floating home.

§ 183-119.4. Distance between floating homes.

In the FH Floating Home District where two or more floating homes are moored together, there shall be 24 feet of open water space between the side walls or floats of adjacent floating homes.

§ 183-119.5. Public utilities; sanitary facilities.

In the FH Floating Home District, all floating homes shall be provided with electricity, municipal water service and municipal sewage disposal facilities in accordance with the Suffolk County Sanitary Code.

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§ 183-119.6. Off-street parking.

In the FH Floating Home District, a minimum of two paved off-street parking spaces shall be provided for each floating home on the adjacent upland, unless there is a greater requirement pursuant to Section 183-129 of this Code.

- Deleted: used for one-family purposes; otherwise the provision of § 183-129 shall apply.

§ 183-119.7. Construction standards.

In the FH Floating Home District, all floating homes shall be subject to the provisions of the Uniform Fire Prevention and Building Code.

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- Deleted: ^{viiiEN} of the Village of Amityville.
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§ 183-119.8. Application for creation of district.

In the FH Floating Home District, every application for the creation of a Floating Home District shall be subject to the approval of the Planning Board of the Village of Amityville.

§ 183-119.9. Environmental quality review.

No application for a Floating Home District shall be approved without an environmental determination by the Planning Board as lead agency that such application will have no adverse environmental impact.

- Deleted: Each applicant shall be required to prepare an environmental assessment [similar to that required by the New York State Environmental Quality Review Act (SEQRA)
- Deleted: ^{viiiEN} and file this assessment with the Planning Board, and it shall accompany the site plan application.

ARTICLE XI, Nonconforming Uses

§ 183-120. Continuance of existing lawful uses.

The lawful use of a building or premises existing on the fourth day of August 1930, or authorized by a building permit issued prior thereto, may be continued, although such use does not conform to the provisions of this chapter.

§ 183-121. Enlarging, extending and reconstructing of non-conforming uses.

- A. No building which is designed or arranged for, or intended for or devoted to, a use not permitted in the district in which such building is located shall be enlarged, extended, reconstructed or structurally altered, except as set forth in Subsection B or C, unless such use is changed to a use permitted in the district in which such building is located.
- B. A building devoted to a nonconforming use may be reconstructed or structurally altered to an extent not greater than 50% of the current fair market value of the building, exclusive of foundations, provided that no use in such building is changed or extended.
- C. A nonconforming use of a building or premises shall not be extended, but the extension of a use to any portion of a building which portion was erected and designed for such nonconforming use on August 4, 1930, shall not be deemed an extension of a nonconforming use.

§ 183-122. Change of use.

A nonconforming use shall not be changed unless changed to a conforming use. No nonconforming use, if once changed to a use permitted in the district in which it is located, shall be changed back to a nonconforming use.

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§ 183-123. Discontinuance.

No nonconforming use which shall have been discontinued for a period exceeding one year shall be resumed or replaced by any other nonconforming use.

§ 183-124. Certificate of occupancy required.

It shall be the duty of every owner of land or building devoted to a lawful nonconforming use to obtain a certificate of occupancy therefor. The Code Enforcement Officer shall have the authority to issue such certificates upon submission of documentary evidence

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establishing such non-conforming use.

Deleted: B. . If a certificate of occupancy for any land or building devoted or claimed to be devoted to a lawful non-conforming use under this chapter shall not be obtained before January 1, 1953, any use for purposes other than the uses permitted in the district in which such premises are located shall be presumed to be unlawful and contrary to the provisions of this chapter, unless conclusive evidence to the contrary is submitted to the Building Inspector. ¶

ARTICLE XII, Off-Street Parking and Loading

§ 183-125. Applicability.

This article shall apply to any premises changed in use or a building built, enlarged or changed in use after December 12, 1949, except that an existing building may be rebuilt for continuance of a use which is the same or similar to that preexisting, without regard to the provisions of this article.

§ 183-126. Use deemed permitted accessory use.

The use of land in any district to provide the spaces required by this article shall be a permitted accessory use in such district.

§ 183-127. Use of land in residence district for parking requirements.

The Zoning Board of Appeals may authorize as a special exception the use of land in a Residence District which borders land in a Business or Industrial District to be used for the purpose of providing parking areas for such business or industrial use subject to such conditions and safeguards including an appropriate buffer zone as determined by said Board.

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Deleted: as it deems necessary for the public interest.

§ 183-128. Parking prerequisite to building permit or certificate of occupancy.

No building permit or certificate of occupancy shall be issued with respect to any building or premises as to which parking facilities are required by this article, unless such facilities are provided for in the plans and constructed accordingly.

§ 183-129. Required parking spaces; exceptions. [Amended 9-14-1981 by L.L. No. 9-1981; 8-29-1983 by L.L. No. 9-1983; 4-13-1987 by L.L. No. 5-1987]

In all districts there shall be provided a paved parking area or garage facilities, or both, together with means of access thereto from a public street of sufficient size, exclusive of access drive and turning areas, to provide parking space for vehicles in accordance with this article. However, parking areas for one-family dwellings may be graveled or paved. A "single parking space" is considered to be a space nine feet wide and 19 feet long. The

minimum width of driveways between parking spaces for adequate turning shall be 24 feet zero inches for parallel parking, 20 feet zero inches for ninety degree angle parking, 17 feet four inches for sixty degree angle parking and 12 feet eight inches for forty-five-degree angle parking. Such spaces shall be provided as follows:

Use	Parking Spaces Required
Dwelling houses, apartments or buildings partly used for dwelling purposes	<u>1 for each bedroom, but not less than 2 for each dwelling unit</u>
Theaters, auditoriums, community buildings, churches, clubs, lodges and funeral parlors	1 for each 4 seats
Hospitals, sanatoriums, homes for the aged or convalescent nursing homes	1 for each 3 beds
Dance halls and skating rinks	1 for each 200 square feet of floor space
Bowling alleys	3 for each alley
Bars, cabarets and other places of assembly not otherwise specifically mentioned	1 for each 4 units of patron capacity
Hotels and lodging houses	1 for each sleeping room
Restaurants, lunch wagons or other places providing dinner facilities	1 for each 4 seats, except that space provided for other uses herein may be credited against the requirements of this subsection
Department stores, retail stores, supermarkets, group stores or other retail business buildings and office buildings	1 for each 200 square feet of floor space
Professional-mixed use dwelling [Added 3-12-1990 by L.L. No. 11-1990]	2 for each family unit in such dwelling, plus 1 for each 200 square feet of floor space outside of the family unit areas; all such spaces to be in a side or rear yard only

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Wholesale, storage, warehouse, manufacturing or other buildings	1 for each 700 square feet of nonoffice floor space, plus 1 for each 200 square feet of office space	Deleted: Game room ... [28]
Yacht clubs, marinas, dry-dock storage marinas and parcels in the B-1, B-2 or B-3 Business Zones or Industrial Zones containing 3 or more boat slips, moorings, berths or boat spaces on a boat storage rack [Amended 7-10-1989 by L.L. No. 8-1989]	1 for each boat slip, berth or mooring in the water, plus 1 for each 2 boat spaces on a boat storage rack used for dry-dock storage marina purposes; for dry-dock storage marina purposes there shall not be less than 1 space for each 20 feet of length of the boat storage rack multiplied by the number of levels in said rack (required parking to be available and not otherwise occupied from June 1 through September 30 each year for this category only)	Deleted: building Deleted: building
Fast-food establishment [Added 4-8-1996 by L.L. No. 3-1996]	1 for each 2 seats, plus 1 for each 100 square feet of kitchen and food preparation area behind the service counter	Deleted: Senior citizen residence (as per Article IXA of this chapter) [Added 1-28-1991 by L.L. No. 1-1991] ... [29]

§ 183-130. Required off-street loading facilities.

There shall be provided in a side or rear yard, and on the same lot with any building or premises hereafter erected or altered or devoted to the following uses, space for off-street loading or unloading of vehicles, together with access thereto from a public street of sufficient size to comply with this section. A single unloading space is considered to be a space 10 feet wide and 30 feet long or 300 square feet. Such space shall be provided as follows:

Use	Off-Street Unloading Spaces Required	Formatted Table
Retail building with floor space over 5,000 square feet	1 for each building, and 1 additional for each 5,000 square feet over 5,000	
Wholesale establishments, storage buildings, coalyards, lumberyards, oil tank yards and industrial buildings over 2,500 square feet	1 each, and 1 additional for each 5,000 square feet of floor space or land devoted to such use in excess of 2,500 square feet	

§ 183-131. Reserved

Deleted: Landscaping of parking lots.

Deleted: In any parking facility for more than 10 cars, one shade tree of two inches minimum caliper shall be provided and maintained within the parking area for each 3,100 square feet of paved area.

ARTICLE XIII, Supplemental Regulations

§ 183-132. Uses requiring approval of Board of Appeals.

Where a use is allowed under this chapter in a residence district only if approval of the Zoning Board of Appeals is obtained, the clause is not severable, and such use is deemed prohibited under this chapter unless the Board grants such approval.

§ 183-133. Lot, yard and open space requirements.

- A. No lot shall be so reduced that the dimension of any of the open spaces shall be smaller than herein prescribed.
- B. No yard or other open space required about any building for the purpose of complying with this chapter shall be used as the yard or other open space for another building on the same lot.
- C. Where a lot is formed from a larger plot already occupied by a building, the separation shall be effected in such manner as not to impair the provisions of this chapter with respect to existing buildings, and no permit shall be granted for the erection of a building on the new lot thus created unless it complies with the provisions of this chapter.
- D. Where a front yard or frontage is required with respect to any building, such yard and frontage to the width required shall extend for the entire distance between the building and the street on which the lot fronts.

§ 183-134. Setbacks for accessory buildings.

- A. No detached accessory building shall be nearer the front street line than 60 feet.
[Amended 3-12-1990 by L.L. No. 11-1990]
- B. A garage attached to or connected with a dwelling by a covered porch or breezeway shall not be required to be set back from the street line a greater distance than the main building.
- C. No setback from a rear lot line shall be required in the case of a boathouse.

§ 183-135. Merger of substandard and other plots.

Notwithstanding any other provisions of this chapter, where reference is made to lot area or street frontage requirements in any and all use zones, and further reference to exceptions as to a lot in single and separate ownership as of a certain date, a combining of a substandard plot with another substandard plot or with a conforming plot into single ownership shall

constitute a merger of such plots, and thereafter use of such merged plots shall be in accordance with the requirements of this chapter in effect at the time of such merger. When such merger shall have been so effected, then to the extent that such merger shall have increased the size of the single ownership plot, the single and separate ownership exceptions to the requirements of this chapter shall still be applicable, and this interpretation shall apply in all zones.

§ 183-136. Division of land.

- A. It shall be unlawful to divide a parcel of land into two lots which will result in the creation of one or more undersized or substandard-sized plots with relation to area and street frontage requirements in force at the time of the division without a variance from the Zoning Board of Appeals.
- B. It shall be unlawful to divide a parcel of land into two or more lots without the approval of the Planning Board. No such subdivision shall be approved unless there is a stormwater pollution prevention plan for said lots which is in conformance with the requirements of Chapter 150 of the Code. [Amended 5-9-1988 by L.L. No. 7-1988; 9-25-2006 by L.L. No. 6-2006]

§ 183-137. Advertising properties for illegal use prohibited. ^{ixEN} [Added 5-11-1987 by L.L. No. 7-1987]

It shall be a violation of this Code to solicit or advertise, for purposes of selling or renting property or portions of property in the Village, that such property or portions thereof may be used for purposes which would constitute a violation of this Code.

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§ 183-138. Minimum habitable space for two-family and multiple dwellings.

Every apartment or dwelling unit in a two-family dwelling or a multiple dwelling shall contain a minimum of 500 square feet of habitable floor space.

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Deleted: No fence, trellis or pergola shall be erected without a fence permit issued by the Building Department. No trellis or pergola shall exceed 10 feet in height, and no fence or enclosure shall exceed four feet in height without a special exception issued by the Board of Appeals.

§ 183-139. Fences and similar structures.

A. No fence, trellis, pergolla or other similar structure shall be erected without a fence permit issued by the Code Enforcement Officer. No such structure shall exceed the following heights, as measured from the average grade adjacent to said structure, or be of a different design as hereafter specified, without a special exception from the Zoning Board of Appeals:

- 1) four (4') feet in height of non solid and see through design in the front yard of

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- any parcel, and in the portion of any yard abutting a waterway in the village.
- 2) five (5') feet in height of either solid or non solid design from the front building line in the side or rear yard of any parcel except waterfront parcels.
 - 3) six (6') feet in height of either solid or non-solid design from the front building line in the side or rear yard of any parcel adjacent to property used for non-residential purposes.
- B. Any fence which has a finished and an unfinished side shall be installed with the finished side facing the abutting property.
- C. No fence shall have barb wire or any razor-like wire.
- D. The design of the fence shall be the same or substantially similar to one of the samples in Exhibit A at the end of this chapter.
- E. The Board of Trustees shall establish the fee for fence permits by resolution.

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§ 183-140. Special use permit for public garages and gasoline stations. [Amended 2-23-1987 by L.L. No. 2-1987; 10-23-2006 by L.L. No. 10-2006]

No public garage and no gasoline service station shall be erected, or substantially altered, within 200 feet of any premises used for residential purposes in the Village without a special use permit from the Board of Trustees in accordance with § 7-725-b of the Village Law. Said special use permit shall be in addition to any relief required from the Zoning Board of Appeals and the Planning Board by this Code.

§ 183-140.1. Fast-food establishments. [Added 4-8-1996 by L.L. No. 3-1996]

- A. The minimum lot area required for any fast-food establishment shall be 40,000 square feet.
- B. Any parcel containing a fast-food establishment that abuts any other parcel that is zoned or used for residential use or for any noncommercial or nonindustrial purpose shall contain a planted buffer area at least 20 feet in width, which shall also contain an earth berm. The plantings in the buffer area shall consist of such permanent high-growing evergreen and flowering woody plants and low- to moderate-level vegetation as the Planning Board shall direct.
- C. No external speakers or amplified music shall be permitted.
- D. A stacking lane, servicing the drive-in, drive-through or drive-up window or windows shall be provided, which shall accommodate no less than 10 cars.

§ 183-141. Setback of buildings in business and industrial districts.

In a Business or Industrial District, no building shall be erected or altered more than 200 feet from any public street without the approval of the Board of Trustees.

§ 183-142. Amendment of provisions.

The Board of Trustees may from time to time amend, supplement, change, modify or repeal this chapter, including the Building Zone Map, after a public hearing as provided in this article.

§ 183-143. Public hearing on amendment.

The Board of Trustees shall fix the time and place of the hearing required in § 183-142 and cause at least 15 days' notice thereof to be given by the publication of a notice in a newspaper of general circulation in the Village specifying the time and place of such hearing and stating the general nature of the proposed amendment or change.

§ 183-144. Hearing on petition of property owners.

Whenever the owners of 50% or more of the frontage in any area of substantial size shall present to the Board of Trustees a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for or of the Building Zone Map, it shall be the duty of the Board of Trustees to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in § 183-143.

§ 183-145. Fee upon filing petition for amendment. [Amended 10-28-2002 by L.L. No. 2-2002]

Upon the filing of any petition with the Board of Trustees in accordance with § 183-144, or upon the written application of a property owner to rezone his property by local law, there shall be a fee paid to the Village Clerk in the sum of \$500.

§ 183-146. Parking or storage of commercial vehicles on residential property prohibited. [Added 8-7-1997 by L.L. No. 7-1997]

It shall be unlawful for the owner or occupant of a property used for residential purposes to park or store, or to allow another person to park or store on such premises a commercial vehicle as defined in the Vehicle and Traffic Law having a gross weight in excess of 6,000

pounds, heavy construction equipment or equipment trailer between the hours of 10:00 p.m. and 6:00 a.m. unless a permit therefore has been issued by the Village Clerk upon the approval of the Board of Trustees. For purposes of this section, "heavy construction equipment" shall mean a crane, bulldozer, front-end loader, backhoe or other similar vehicle used for earthwork, road work or building construction, and an "equipment trailer" shall mean a trailer capable of carrying any such equipment. The fee for such permit shall be established by resolution of the Board of Trustees and may be so modified from time to time.

[§183-147. Parking of vehicles in unpaved areas of residential property prohibited.](#)

[It shall be unlawful for the owner or occupant of a property used for residential purposes to park or store, or to allow another person to park or store a motor vehicle, as defined in the Vehicle and Traffic Law, or any portion of such property which is not paved with asphalt, concrete, paving stones, gravel or other similar material, unless a permit therefore has been issued by the Village Clerk upon the approval of the Board of Trustees. For purposes of this section, boats and boat trailers shall not be considered motor vehicles.](#)

DISPOSITION LIST

The following is a chronological listing of legislation of the Village of Amityville adopted since 01-01-2004, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for disposition of prior legislation.

§ DL-1. Disposition of legislation.

Local Law Number	Adoption Date	Subject	Disposition
1-2004	1-12-2004	Zoning Map amendment	NCM
2-2004	1-12-2004	Vehicles and traffic amendment	Ch. 172
3-2004	2-9-2004	Zoning Map amendment	NCM
4-2004	5-24-2004	Vehicles and traffic amendment	Ch. 172
5-2004	5-24-2004	Criminal history record checks amendment	Ch. 7
6-2004	6-14-2004	Zoning Map amendment	NCM

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7-2004	6-14-2004	Board of Appeals amendment; Planning Board: establishment; powers; application procedures amendment	Ch. 4; Ch. 24, Art. I
8-2004	6-28-2004	Board of Appeals amendment; Planning Board: establishment; powers; application procedures amendment; building construction amendment	Ch. 4; Ch. 24, Art. I; Ch. 49
9-2004	9-27-2004	Surcharge for violations of vehicles and traffic law	Superseded by state statute
10-2004	10-25-2004	Vehicles and traffic amendment	Ch. 172
11-2004	11-22-2004	Vehicles and traffic amendment	Ch. 172
1-2005	4-11-2005	Board of Appeals amendment; Planning Board: establishment; powers; application procedures amendment	Ch. 4; Ch. 24, Art. I
2-2005	4-11-2005	Vehicles and traffic amendment	Ch. 172
3-2005	6-13-2005	Vehicles and traffic amendment	Ch. 172
4-2005	6-13-2005	Zoning Map amendment	NCM
5-2005	9-26-2005	Zoning Map amendment	NCM
6-2005	9-26-2005	Zoning amendment	Ch. 183
7-2005	9-26-2005	Fire Department: service award program amendment	Ch. 12, Art. II
8-2005	11-14-2005	Vehicles and traffic amendment	Ch. 172
1-2006	4-10-2006	Zoning amendment	Ch. 183
2-2006	4-24-2006	Vehicles and traffic amendment	Ch. 172
3-2006	6-12-2006	Zoning Map amendment	NCM
4-2006	6-26-2006	Trailers and storage containers amendment	Ch. 166
5-2006	9-25-2006	Stormwater management and erosion and sediment control	Ch. 150
6-2006	9-25-2006	Planning Board: site plan review amendment; zoning amendment	Ch. 24, Art. II; Ch. 183
7-2006	9-25-2006	Veterans tax exemption amendment	Ch. 159, Art. III
8-2006	9-25-2006	Tax exemption for volunteer firemen	Ch. 159, Art. VI
9-2006	10-23-2006	Building occupancy	Ch. 50
10-2006	10-23-2006	Licensed businesses and occupations amendment; zoning amendment	Ch. 107; Ch. 183

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- xii Editor's Note: This local law also repealed former Ch. 51, Buildings, Unsafe, adopted during codification 5-12-1980 by L.L. No. 35-1980.
- xiii Editor's Note: The permit fees are on file in the office of the Village Clerk.
- xiv Editor's Note: This local law superseded former Ch. 88, Flood Hazard Areas, adopted 6-8-1987 by L.L. No. 8-1987, as amended.
- xv Editor's Note: Original provision was adopted 8-30-1976 as part of Local Law No. 1-1976.
- xvi Editor's Note: This local law also repealed former Art. II, Garbage Collection, as amended. For current provisions dealing with collection of solid waste, see Art. III.**
- xvii Editor's Note: See Ch. 116, Nuisances, Art. I, Lighting, and Ch. 144, Signs.
- xviii Editor's Note: Former Subsection C, regarding fees, was repealed 6-26-1989 by L.L. No. 4-1989.
- xix Editor's Note: Former § 107-12, License fee, was repealed 6-26-1989 by L.L. No. 4-1989.**
- xx Editor's Note: Former § 107-15, License fees, was repealed 6-26-1989 by L.L. No. 4-1989.**
- xxi Editor's Note: Former § 107-20, License fees, was repealed 6-26-1989 by L.L. No. 4-1989.**
- xxii Editor's Note: Former § 1-07-23, License fees, was repealed 6-26-1989 by L.L. No. 4-1989.**
- xxiii Editor's Note: This local law repealed former Ch. 114, Noise, adopted 5-12-1980 by L.L. No. 24-1980, as amended.
- xxiv Editor's Note: Former Subsection F, prohibiting neon tubular signs, which immediately followed this subsection, was repealed 7-12-1999 by L.L. No. 4-1999.
- xxvii Editor's Note: This local law also repealed former Art. III, Veterans Tax Exemption, adopted 9-24-1984 by L.L. No. 6-1984.**

xxviii Editor's Note: See Real Property Tax Law § 458-a.

xxix Editor's Note: This local law also provided that it shall take effect 6-1-1991.

xxx Editor's Note: This local law provided that the exemption granted herein shall be effective 6-1-2007.

xxxii Editor's Note: This local law also provided for the redesignation of Subsection I and J as J and K, respectively.

xxxiii Editor's Note: A copy of said map is on file in the office of the Village Clerk.

xxxvii Editor's Note: This local law also provided for the renumbering of former Subsection A(7) through (12) as Subsection A(8) through (13), respectively.

xxxviii Editor's Note: This local law provided that former Article X, Nonconforming Uses, be redesignated as Article XI and that sections be renumbered accordingly.

xli Editor's Note: Former § 187-137, Waterfront two-family dwellings prohibited, was repealed 8-29-1983 by L.L. No. 8-1983.

Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including private garages and boathouses. This shall be understood to include the professional office or studio of an accountant, architect, artist, attorney, chiropractor, dentist, doctor, insurance agent, engineer, teacher or other professional; or a room used for customary home occupations, including dressmaking, millinery or similar handicrafts, excluding, however, a laundry; and provided that such office, studio or occupational room is located in a dwelling in which the practitioner resides, or in a building accessory thereto, and does not occupy more than 20% of the total habitable space; and provided further that no goods are publicly displayed on the premises and no sign or advertisement is shown other than a sign not larger than one square foot in area, bearing only the name and occupation (words only) of the professional. A second detached dwelling on a lot is not an accessory use and shall not be permitted.

G.

Side yards for buildings other than dwellings.

In the case of any building in an A Residence District other than a single-family or two-family dwelling or a building accessory thereto, there shall be two side yards. If such building is not over 40 feet high, the width of each of the two side yards shall be at least 30 feet, and if such building is over 40 feet high, this width shall be increased five feet for each 12 feet, or portion thereof, by which the building exceeds 40 feet in height.

In the case of a single-family dwelling in an A Residence District

Rear yards for two-family dwellings.

In the case of a two-family dwelling in an A Residence District, there shall be a rear yard the depth of which shall be at least 40 feet.

Rear yards for buildings other than dwellings.

In case of a building in an A Residence District other than a single-family or two-family dwelling there shall be a rear yard of at least 25 feet, provided that where a building is more than 40 feet in height, the depth of the rear yard shall be increased five feet for each 12 feet or portion thereof by which the building exceeds 40 feet in height.

A. No building shall hereafter be erected or altered in an A Residence District to accommodate or make provision for more than one family for each 15,000 square feet of the area of the lot. In the case of a two-family dwelling, each lot shall have a minimum frontage of 100 feet and a minimum depth of 125 feet, except in the case of a corner lot where there shall be a minimum frontage of 125 feet on each street. [Amended 3-7-1988 by L.L. No. 3-1988]

B. In the case of a single-family dwelling in an A Residence District existing on November 1, 1941, on a lot less than 100 feet in width, conversion of the same to a two-family dwelling may be allowed when authorized as a special exception by the Board of Appeals, provided that the lot is at least 60 feet wide and the dwelling as converted will comply with the other requirements applying to two-family dwellings.

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In the case of a two-family dwelling in a BB Residence District, there shall be a rear yard the depth of which shall be at least 40 feet.

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In the case of a building in a BB Residence District other than a single-family or two-family dwelling, there shall be a rear yard of at least 25 feet, provided that where a building is more than 40 feet in height, the depth of the rear yard shall be increased five feet for each 12 feet or portion thereof by which the building exceeds 40 feet in height

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Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including private garages and boathouses. This shall be understood to include the professional office or studio of an accountant, architect, attorney, chiropractor, dentist, doctor, insurance agent, engineer, teacher or other professional; or a room used for customary home occupations, including dressmaking, millinery or similar handicrafts, excluding, however, a laundry; and provided that such office, studio or occupational room is located in a dwelling in which the practitioner resides, or in a building accessory thereto, and does not occupy more than 20% of the total habitable space; and provided further that no goods are publicly displayed on the premises and no sign or advertisement is shown other than a sign not larger than one square foot in area, bearing only the name and occupation (words only) of the professional. A second detached dwelling on a lot is not an accessory use and shall not be permitted.

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by special exception from the Zoning Board of Appeals, subject to such conditions and safeguards as deemed appropriate and imposed by said Board.

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- (6) Two-family detached dwellings, provided that a special exception from the Board of Appeals is first obtained, based upon a showing of unnecessary hardship and practical difficulty, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board.
- (7) Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including private garages and boathouses. This shall be understood to include the professional office or studio of an accountant, architect, attorney, chiropractor, dentist, doctor, insurance agent, engineer, teacher or other professional; or a room used for customary home occupations, including dressmaking, millinery or similar handicrafts, excluding, however, a laundry; and provided that such office, studio or occupational room is located in a dwelling in which the practitioner resides, or in a building accessory thereto, and does not occupy more than 20% of the total habitable space; and provided

further that no goods are publicly displayed on the premises and no sign or advertisement is shown other than a sign not larger than one square foot in area, bearing only the name and occupation (words only) of the professional. A second detached dwelling on a lot is not an accessory use and shall not be permitted.

- (8) Gasoline filling stations for boats, provided that a special exception from the Board of Appeals is first obtained, based on a showing of unnecessary hardship and practical difficulty, and subject to such conditions and safeguards as deemed appropriate and imposed by such Board.

§ 183-84.1. Boat storage rack buildings; dry-dock storage marinas. [Added 7-10-1989 by L.L. No. 8-1989]

- A. A boat storage rack building shall be situated and designed so as to have minimal detrimental impact on adjacent and surrounding properties zoned or used for residential or other noncommercial or nonindustrial purposes. The location and orientation of a boat storage rack building shall be approved by the Planning Board following its review as provided for in § 183-85 of this Code. The Planning Board shall give consideration to minimizing the loss of the view of the water from any existing residence within 1,000 feet of the proposed boat storage rack building and shall also seek to minimize the visual impact created by the boat storage rack building as viewed from the public streets and waterways abutting the subject premises.
- B. No boat storage rack building shall be higher than 16 feet, nor shall any boat storage rack building be designed to allow more than three levels of storage of boats on it, including ground level.
- C. No boat storage rack building shall be situated closer than 20 feet to any property line, nor shall any boat storage rack building be situated closer than 30 feet to any paved street or bulkhead.
- D. Before a building permit for a boat storage rack building shall be issued, a planted buffer zone, 10 feet in depth, shall be established along any lot line that abuts property zoned or used for residential or other noncommercial and nonindustrial purposes. Said buffer zone shall consist of such permanent high-growing evergreen and flowering woody plants and low- to moderate-level vegetation as the Planning Board shall direct.
- E. No watercraft shall be placed on or taken off a boat storage rack building prior to 8:00 a.m. nor after sunset.
- F. No boat storage rack building shall be used for dry-dock storage marina purposes until a license for such use is first obtained from the Board of Trustees pursuant to the requirements of Chapter 107 of this Code.

- F. All security gates which have been installed in accordance with a duly issued building permit and which are in existence prior to December 1, 1995, and which do not comply with the provisions of this section (Local Law No. 10 of 1995) shall be made to comply with the provisions of this Code on or before November 30, 2000, or they shall be removed. All security gates installed without a building permit shall be

removed immediately.

and, in cases where the subject parcel adjoins property residentially developed or zoned, the approval of the Planning Board shall be required in accordance with the above purpose and the standards set forth in § 24-7 of this Code.

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- A. It has been determined by the Board of Trustees that:
 - (1) Many residents of Amityville Village have reached the age where their housing needs are different from those of younger groups.
 - (2) The special needs of these older persons include suitable and adequate accommodations and facilities, properly located, for social, cultural and recreational activities which will afford them a pleasant and productive way of life.
 - (3) These special needs of older people are being met nationally by the creation of adult communities which are especially designed to offer such accommodations and facilities.
- B. The Board recognizes the needs of Amityville's adult citizens and the desirability of such adult communities, carefully planned to meet such needs, and that unless such needs are met, many older residents whose roots are in the Village of Amityville and who wish to reside therein close to their children and families may be obliged to leave, thereby causing the Village to lose a valuable human resource.
- C. The Board finds that the creation of a zoning district which will permit the construction of such adult communities is in the public interest and will promote the health, welfare and safety of the residents of the Village of Amityville, and the Board hereby enacts the following provisions.

-) Residential accommodations including units in one-and two-level townhouses, but not including motels, rooming houses or tourist homes. Dwelling units may have one or two bedrooms.
- (2) Recreational and cultural areas and facilities for the sole use of residents of the community and their guests, which may include but are not limited to the following:
 - (a) Lakes.
 - (b) Canals.
 - (c) Private marinas.
 - (d) Shuffleboard and tennis courts.
 - (e) Clubhouses.
 - (f) Picnic grounds.
 - (g) Sitting areas.
 - (h) Group game areas.
 - (i) Swimming pools.

off-street parking, storage facilities, laundry rooms and professional and medical offices, where the service to be rendered is primarily for the benefit of the residents of the community, and those facilities necessary to the operation of utility systems serving the community.

- A. Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling. Handrails and ample places for rest shall be provided. Gradients or walks shall not exceed 10%, and single riser grade changes in walks

shall not be permitted. All outdoor areas available to the residents shall permit them to move about without danger and with minimum effort.

- B. The architectural design of all buildings, the site selection and recreational facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for a group of older persons and should take into account the desires and needs of older persons for privacy, participation in social and community activities and access to community facilities.
- C. Adequate facilities shall be provided for the removal of snow, trash, garbage and for the general maintenance of the community.
- D. Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of the residents.
- E. Whenever natural ventilation is not adequate for comfort and health, mechanical ventilation shall be provided. Kitchens and bathrooms not having windows on exterior walls shall be provided with mechanical ventilation.
- F. Each dwelling unit shall have bath facilities, including as a minimum a lavatory, water closet and bathtub or stall shower. The size of the bathroom and arrangement of the fixtures, accessories and trim shall be selected for and provide the maximum features of design that contribute to the safety, convenience and aid to older persons. The floor finish shall be impervious to water and have nonslip characteristics.
- G. The Village shall have the right to require that the applicant execute such agreements and covenants as may be reasonably necessary to implement the requirements of this article. Said agreements or covenants shall be such as may be recorded in the County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may only be modified or released as set forth in said covenant or agreement or upon consent of the Board of Trustees.

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A. All applications for a planned adult community shall be accompanied by a preliminary site development plan for the entire property or such part or section of the property as may be submitted by the applicant to the Planning Board for its approval. No such application shall be approved until the preliminary site plan has been approved by the Planning Board.

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accordance with the approved preliminary site development plan, as modified or amended by the Planning Board, and in

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as to the section or sections submitted by the developer. The developer must file a final site development plan for the section or sections upon which he intends to build with the Planning Board for approval prior to the construction of any improvements on the property contained in the plan. There shall be submitted with the application for final site plan approval a copy of any restrictive covenant running in favor of the Village, or if there is no such restrictive covenant, the application shall furnish an affidavit to that effect. Such Board shall determine that all of the requirements of this article and all other applicable municipal ordinances, rules, regulations and laws have been complied with. The Planning Board shall review ingress and egress to and from

all public highways to the premises subject to the approval of the appropriate municipal agency having jurisdiction of such highways, all drainage facilities, the traffic pattern within the premises, the location and placement of signs on the premises, lights, parking spaces, parking areas, loading areas and spaces, curbs, sidewalks and access driveways as may be required under this article or by any municipal agency. The Planning Board shall also review the location of structures upon the site as well as height, length, spacing, open spaces and all other physical features and improvements.

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- (2) In any case where the site plan submitted by the applicant indicates that a variance will be required from the Board of Appeals in order to construct or use the premises as shown on said site plan, the applicant shall submit an application to the Board of Appeals simultaneously with the filing of this application for approval of the site plan with the Planning Board. Upon adoption by the Board of Appeals, a resolution granting the application for the variance shall be deemed to be incorporated in the site plan submitted by the applicant.
- (3) In any case, where it may do so by law, the Planning Board may modify or waive, subject to appropriate conditions, the provision of any or all of the improvements or requirements of this section as in its judgment of the special circumstances of a particular PAC project are not requisite in the interests of the residents of such project or of the public health, safety and general welfare.

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- A. The preliminary site development plan may, if required by the Planning Board, contain the following general information:
 - (1) The topography of the tract in the United States Coast and Geodetic Survey datum showing the location of woodland, streams and water areas and other significant land features.
 - (2) The general location, size and use of all structures.
 - (3) Streets, service driveways, parking lots and other proposed on-site development in sufficient detail to demonstrate the feasibility and compliance with this article.
 - (4) A comprehensive drainage plan with the proposed collection system and recharge basin.
 - (5) If a plan is not to be developed in its entirety, section lines shall be shown.
- B. Final site development plans.
 - (1) The developer may develop the site in sections, and at or after submission to the Planning Board for preliminary approval of the site development, the applicant shall submit final site development plans for the sections which it intends to develop. These final site development plans may be approved by the Planning Board if such plans are in general conformity with the preliminary site development plan, patterns and uses as theretofore approved by said Board. The final plans shall include the following:
 - (a) Final site plan.
 - (b) Utility distribution and lighting plan.
 - (c) Site grading and drainage plan.
 - (2) The final site plan required by the Planning Board shall contain a detailed plan of the property showing property boundaries, streets and the location, dimension

and use of all proposed structures. The location of all structures shall indicate by dimensions compliance with this article. The site grading and drainage plan required by the Planning Board shall contain a detailed plan of all proposed construction, i.e., buildings, streets, drainage structures, recreation facilities, etc., complete with elevations, dimensions and contours of the existing topography.

- C. The Planning Board may consider the preliminary site development plan from the point of view of standards and purposes of adult communities so as to achieve a maximum coordination between the proposed development of the surrounding uses, the conservation of woodland and the protection of watercourses from erosion and silting, and a maximum of safety, convenience and amenity for the residents of the community.
- D. If the Planning Board finds that a preliminary site development plan meets these requirements, it may approve the plan, approve it with modifications or deny it. If the Planning Board finds that the final site development plan, with respect to each section submitted, meets the requirements of this article and is in substantial conformity with the preliminary site development plan, it may approve such final site development plan. The Board shall notify the applicant in writing of its approval or disapproval promptly, but in no case later than 45 days after the filing of the application, except that the applicant may consent to the extension of this time limit. In the case of disapproval, the reasons therefor shall be given and the changes necessary for approval shall be stated.
- E. A preliminary site development plan approved in accordance with these regulations shall remain valid for a period of five years from its approval. If at the end of that time no application for any final site development plan has been filed, the preliminary site development plan shall be considered as having lapsed and shall be of no effect unless resubmitted as a new application to the Planning Board.
- F. The fee upon application for preliminary site plan approval shall be \$100 plus \$25 for each acre, or major fraction thereof, as shown on the proposed preliminary site plan. The fee upon application for final site plan approval shall be \$10 for each unit shown on the final site plan. There shall be an inspection fee of 2% of the cost of on-site development.

- A. A building permit shall be secured and construction begun in accordance with the final site development plan for the sections involved within one year from the effective date of final approval thereof by the Planning Board. Application may be made to the Planning Board for additional extensions of the time limit for commencement of construction, but such extensions of time shall not exceed a total period of one year. In the event that construction is not started within the specified time limit, the Planning Board shall review the zoning and the progress which has taken place and, if deemed necessary, initiate proceedings to reclassify the property in a manner consistent with the zoning map.
- B. All construction authorized in the final development plan approved by the Planning Board with respect to any section must be completed as to that section within two years of the date construction is commenced. Application may be made to the Planning Board for additional extensions of the time limit for commencement of construction, but such extensions of time shall not exceed a total period of one year.

A plan for stated development which will require more time than the limits contained herein may be approved by the Planning Board prior to or during the course of construction. In the event that construction is not started within the specified time limit, the Planning Board shall review the zoning and the progress which has taken place and, if deemed necessary, initiate proceedings to reclassify the property in a manner consistent with the zoning map.

§ 183-114. Recreational areas; fee.

- A. The owner of a planned adult community shall set aside areas for indoor and outdoor recreational purposes exclusively for the use of the occupants and their guests. These areas shall be delineated on the preliminary site development plan and on the final site development plan for each section. Areas for outdoor and indoor recreational purposes shall be equal to the number of units multiplied by 350 square feet for each dwelling unit. The amount of acreage devoted to recreational and cultural areas, such as and including those enumerated in § 183-108A(2), shall be given credit in determining the amount of area for outdoor recreational purposes required to satisfy this section. Such areas shall be improved, constructed and maintained at the expense of the owner thereof. Landscaped areas which are not developed for recreational purposes shall not be deemed to satisfy the requirements of this section.
- B. In addition, the owner shall pay to the Village of Amityville a recreational fee to be used for the acquisition and improvement of recreational areas within the Village. Such fee shall be \$50 for each unit approved in the final development plan.

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- B. In the case of apartments regulated by the condominium laws of New York State, the minimum age of 58 as stated above may be reduced by the Village Board to not less than 55 years.

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Game room 2 for each coin-operated amusement device, plus 1 for each employee

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Senior citizen residence (as per Article IXA of this chapter) 2 for each living unit, subject to the further provisions of § 183-114.14
[Added 1-28-1991 by L.L. No. 1-1991]