

PROPOSED ZONING ORDINANCE OF THE TOWN OF NORTH CASTLE

ZONING ORDINANCE

An ordinance to establish building lines and to require all buildings hereafter erected to be within such lines, to regulate the character and location of buildings hereafter erected, to regulate and restrict the height and bulk of such buildings, to regulate and determine the area of yards, courts, side lines and other open spaces, to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses and for such purposes to divide the TOWN OF NORTH CASTLE into districts so as to promote public health, safety and general welfare, with reasonable consideration, among other things, to the most desirable use for which the land in each district may be adapted, the peculiar suitability for the particular use of each district, the conservation of property values and the direction of building development in accordance with a comprehensive and well considered plan and also to establish penalties for the violation of these regulations, restrictions, determination and limitations, and methods for abating such violations.

THE TOWN BOARD OF THE TOWN OF NORTH CASTLE, in the County of Westchester and State of New York, pursuant to the provisions of Article 6 of the Town Law and acts amendatory thereof and supplemental thereto, hereby enacts and ordains as follows:

WHEREAS, in order to accomplish the purposes set forth in the foregoing title and to conserve property values and to encourage, protect and promote the building of homes and residences within the Town, the following provisions and resolutions which shall be known as "Zoning Ordinance", are hereby adopted:

ARTICLE I.—"USE" DISTRICTS
Section 1.

(a) For the purposes of this Ordinance, the Town of North Castle is hereby divided into six classes of districts as follows:

- Residence "A" District
- Residence "B" District
- Residence "C" District
- Business "D" District
- Industrial "E" District
- Zone "F" District

Boundaries of each of these districts are hereby established as shown on the maps or plans thereof entitled "Zone Map of the Town of North Castle, Subdivision No. 1 and Subdivision No. 2" dated December 18, 1929, a copy of each of said maps or plans, identified by the signatures of the members of the Town Board are filed herewith in the office of the Town Clerk, and which said maps and plans are hereby declared to be a part of this ordinance.

(b) Except as hereinafter provided, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used except in conformity with the provisions of this zoning ordinance which apply to the district in which such building or premises may be located. However, any non-conforming use existing at the time of the passage of this zoning ordinance may be continued or changed to another non-conforming use which is no more harmful or objectionable in the opinion of the Board of Appeals and Town Board, provided that the building or premises involved shall be neither altered nor enlarged unless the use of the altered or enlarged portion shall be changed to a use permitted in the district. Nothing in this ordinance shall prevent the restoration or remodeling to a safe condition of any wall declared unsafe by the Building Inspector.

(c) A yard, court or other open space located on the same lot and conforming to the requirements of this ordinance shall be provided wherever needed to adequately light and ventilate any room in which persons live, sleep, work or congregate.

(d) No lot shall be so reduced in area that any required open space will be smaller than is prescribed in this ordinance for the district in which it is located.

(e) Along and within ten feet of any boundary line between two different kind of districts, side yards, rear yards and lot line courts where required in the less restricted districts shall be increased in minimum width and depth by an amount equal to one-half of the difference between the required minimum widths and depths for such yards and courts in the two kinds of districts.

RESIDENCE "A" DISTRICT
Section 2.—"Use" Provisions.

In any Residence "A" District building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified purposes:

(a) A dwelling for one family or one house-keeping unit on one lot; nothing herein shall prevent the taking of boarders or the leasing of rooms, provided there is no display or advertising on the premises.

(b) The office or studio of a professional person, doctor, physician, surgeon, dentist, teacher, artist, musician, lawyer, architect, residing on the premises, provided there is no display of goods or advertising on the premises, except for a small profession name plate.

(c) Clubs, lodges, social and community center buildings, except those a chief commercial activity which is a service customarily carried on as gainful business.

(d) Municipal play grounds or parks with customary or incidental structures.

(e) Schools, provided there is no display or advertising on the premises.

(f) Churches and other places of worship, Parish houses, Sunday School buildings, community houses.

(g) Incorporated hospitals and sanitariums, not for contagious diseases, nor for the care of the insane, epileptic, drug or alcoholic patients, adapted to serve the needs of the town and managed by a Board of Officers, approved by the Town Board, and in case of epidemics or other emergencies, such temporary hospital and sanitarium as the Town Board may deem necessary.

(h) Farms, truck gardens, nurseries or green houses, provided there is no display of products other than in growth, and no advertising, and provided that there is no power plant, and that any green house heating plant is at least 20 feet distant from each side lot line, and also from the rear lot line of a corner lot. The Board of Appeals with the concurrence of the Town Board may, on application, grant temporary permits of not more than one year's duration, for the sale and display of farm products, nursery or greenhouse stock grown on the premises.

(i) Real estate signs not larger than 2 feet by 3 feet, advertising the sale, rental or lease, of only the premises on which they are maintained, and set back not less than 15 feet from the property line.

(j) Accessory uses, customary or incident to the above uses and located on the same lot with them. Except as provided above, "accessory uses" shall not include any uses customarily carried on as a business, nor any driveway or walk giving access thereto, or any billboard or advertising signs.

(k) A private garage is permitted on the same lot with a dwelling provided that no business, service or industry connected directly or indirectly with motor vehicles is carried on. No such garage shall provide storage for more than one motor vehicle for each 2500 square feet of lot areas, except that two vehicles shall be permitted in any case. Not more than one such vehicle shall be a commercial vehicle and of not more than one and one-half tons weight or capacity. Space for not more than one non-commercial vehicle may be leased. The same regulations as for private garages shall apply also for private stables except that one horse and one horse drawn vehicle shall be the equivalent of one motor vehicle.

RESIDENCE "B" DISTRICT
Section 3.—"Use" Provisions.

Within any Residence "B" District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the uses specified as permitted in Residence "A" District and in addition for:

(a) A detached or semi-detached dwelling for two families in each dwelling or each half of a semi-detached dwelling.

RESIDENCE "C" DISTRICT
Section 4.—"Use" Provisions.

Within any Residence "C" District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the uses specified as permitted in Residence "A" or Residence "B" District and in addition for:

(a) Apartment houses;
(b) Hotels or lodging houses, provided there is no display or advertising

except a small announcement sign;

(c) Home occupations, provided there is no display of goods or advertising visible from any street, and provided such uses shall not occupy more than one-quarter of the total floor area of the building, and provided further that they shall not be carried on in any accessory building, but shall be carried on in the home of the proprietor;

(d) Railway or public service passenger station or central telephone office.

(e) Public and semi-public buildings;
(f) A private garage or a group of single garages as specified above for Residence "B" District is permitted except that the minimum lot area for each motor vehicle storage shall be 1,000 square feet of lot area. Space for one non-commercial vehicle may be leased for each 25 feet of frontage on one street only.

BUSINESS "D" DISTRICT
Section 5.—"Use" Provisions.

(a) Within any Business "D" District as indicated on the Zone Map no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used in any part for any of the following specified purposes:

Blacksmith shop or horseshoeing establishment.

Carpet, rug or bag cleaning establishment.

Car barns.

Coal and lumber yards.

Milk bottling or distributing stations.

Storage or baling of scrap paper, rags or junk.

The storage of oil in quantities exceeding 100 gallons except when the oil is consumed on the premises, and has a specified gravity, corresponding with a Beaume density of not over 36 degrees and is stored in tanks located not less than 20 feet from any of the Boundary lines of the property.

Any kind of manufacturing other than the manufacture of products sold at retail on the premises to the ultimate consumer.

Any trade, industry or use prohibited in an Industrial "E" and Zone "F" District.

No "Use" permitted in a Residence District shall be excluded from a Business District.

(b) No building or premises or any structures whatsoever, shall be used or erected which is arranged, intended or designed to be used for any trade, industry, business or purpose of any kind that is noxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas or noise, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community, or tending to its inconvenience, discomfort, disturbance or annoyance. Fire and explosion menaces shall be properly isolated.

(c) A public or private garage or stable is permitted, provided that no part of the storage space or workshop shall be nearer than 25 feet to any public street, and that all entrance driveways shall have an unobstructed width of at least ten feet, except that such driveway may be reduced to eight feet in width, where not more than five automobiles are stored. Not more than five rated horsepower shall be used on the premises. There shall be no opening in the side or rear walls or roof of such a garage within 15 feet of any side or rear lot line, except for a fixed wire glass sash in a non-combustible frame. No automobile commercial repair work, except emergency work, shall be carried on out of doors.

(d) No billboards or advertising signboards shall be erected or maintained that are less than three feet clear above the ground level, or that are more than 15 feet in length, or that are more than 10 feet in height, or that are less than 15 feet away from any lot line or 50 feet from any other such board, or that are less than 150 feet from the center of any street intersection, or that are not well lighted on both sides all night.

(e) Gasoline, oil and auto service stations may be permitted in Business, Industrial and Zone "F" Districts, upon the written permission of a majority of the Board of Appeals only after satisfactory proof is furnished to said Board that traffic congestions and difficulties, and fire hazards, will not be increased, and that property located within the immediate vicinity will not be harmed. Plans for the erection or structural alteration of any gasoline

or other motor fuel or service stations in a Business Industrial and Zone "F" District shall be approved by the Board of Appeals and said Board may require such changes therein in relation to location of pumps and buildings, type of construction and yards as it may deem necessary and proper.

INDUSTRIAL "E" DISTRICT

Section 6.—Industrial "Use" Provisions.

(a) In any Industrial District no building or premises shall be used and no building shall be erected or structurally altered which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

Acetylene gas manufacture for commercial purposes.

Asphalt manufacture or refining.

Assaying (other than gold or silver).

Boiler shops, structural steel fabrication shops, steel car shops, locomotive shops and railway repair shops; and any metal working shop operating pneumatic or electric reciprocating hammers or chisels, within 100 feet of any boundary line of any masonry building.

Blast furnaces for steel making.

Brick, tile or terra cotta manufacture.

Carbon, lampblack, stove blacking, graphite or stove polish manufacture.

Celluloid and other cellulose products manufacture.

Coal tar products manufacture.

Coke ovens.

Creosote treatment or manufacture.

Crematory or cemetery.

Electro-plating shops, except those having artificial ventilation systems.

Electric central power plant.

Explosives, fireworks, or match manufacturing, assembling or storage in bulk.

Fish smoking or curing.

Forge shop.

Manufacture or storage of illuminating gas above ground.

Iron, steel, brass or copper foundry or works.

Lime, gypsum, cement, paper or plaster of paris manufacture.

Lindoleum or oil cloth manufacture.

Manufacture of iron, copper, tin, zinc or lead.

Perfume and extract manufacture.

Pyroxlyn Plastic manufacture or of the manufacture of articles therefrom.

Rubber or gutta percha manufacture from the crude or scrap material.

Sand paper and emery cloth manufacture.

Stock yards.

Stone crusher.

Sugar refining.

Vinegar manufacture.

Wool manufacture.

Yeast manufacture.

Amon'a, chlorine or bleaching powder manufacture.

Distillation of coal, wood or bones.

Fat rendering.

Fertilizer manufacture.

Glue, size or gelatine manufacture or processes involving recovering from fish or animal offal.

Paint, oil, varnish, turpentine, shellac or enamel manufacture.

Petroleum refining.

Printing ink manufacture.

Raw hides or skins, storing, coloring, curing, dressing or tanning.

Reduction of garbage, offal, dead animals or refuse.

Slaughtering of animals.

Soap, soda or washing compound manufacture.

Starch, glucose or dextrose manufacture.

Sulphurous, sulphuric, nitric, or hydro chloric acid manufacture.

Tallow, grease, candle or lard manufacture or refining.

Tar distillation or manufacture of dyes.

Tar roofing or tar waterproofing manufacture.

Disinfectant or insecticide manufacture.

Sewage disposal plant, except where operated by a municipality.

Carpet, rag or bag cleaning employing more than two skilled workers.

Dyeing or dry cleaning where more than one dyer is employed.

Medicine preparation, where obnoxious odors or other nuisances are created.

Poultry killing, dressing, or live storage employing more than one skilled worker.

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Aviation field or landing stations used or designed to be used by heavier or lighter than air machines.

Dumping grounds.

A public or private garage or stable is permitted and shall conform to the provisions of Section 5 (c).

Billboards and advertising signboard shall conform to Section 5 (d).

(b) No building or premises or any structure whatsoever, shall be used or erected which is arranged, intended or designed to be used for any trade, industry, business or purpose of any kind that is noxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas or noise, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community, or tending to its disturbance, inconvenience, discomfort, or annoyance. Fire or explosion menaces shall be properly isolated.

Notwithstanding the provisions hereinabove contained no manufacture of any kind shall be permitted within the industrial zone unless the same shall be operated by electricity.

ZONE "F" DISTRICTS

Section 7.

(a) In the district designated "Zone F" on the maps mentioned in this ordinance, no building or premises shall be used and no building shall be erected or structurally altered which is arranged, intended or designed to be used for any of the following purposes:

Amonia, Chlorine or bleaching powder manufacture.

Distillation of coal, wood or bones.

Glue, size or gelatine manufacture or processes involving recovering from fish or animal offal.

Paint, oil, varnish, turpentine, shellac or enamel manufacture.

Petroleum refining.

Printing ink manufacture.

Reduction of garbage, offal, dead animals or refuse.

Soap, soda or washing compound manufacture.

Starch, glucose or dextrine manufacture.

Sulphurous, sulphuric, nitric or hydro chloric acid manufacture.

Tallow, grease, candle or lard manufacture or refining.

Acetylene gas manufacture for commercial purposes.

Asphalt manufacture or refining.

Assaying (other than gold or silver).

Boiler shops, structural steel fabrication shop, steel car shops, locomotive shops and railway repair shops; and any metal working shop operating pneumatic or electric reciprocating hammers or chisels, within 100 feet of any boundary line of any masonry building.

Blast furnace for steel making, not including cupola or converter furnaces used in foundries and in which no wood is used as fuel.

Brick, tile or terra cotta manufacture.

Carbon, lampblack, stove blacking, graphite or stove polish manufacture.

Celluloid and other cellulose products manufacture.

Coal tar products manufacture.

Coke ovens.

Creosote treatment or manufacture.

Crematory or cemetery.

Electro-plating shops, except those having artificial ventilation systems.

Electric central power plant.

Explosives, fireworks, or match manufacturing, assembling or storage in bulk.

Fish smoking or curing.

Forge shop.

Manufacture or storage of illuminating gas above ground.

Iron, steel, brass or copper foundry or works.

Lime, gypsum, cement, paper or plaster of paris manufacture.

Linoleum or oil cloth manufacture.

Ore reduction or the smelting of iron, copper, tin, zinc or lead.

Perfume and extract manufacture.

Pyroxylin plastic manufacture or the manufacture of articles therefrom.

Rubber or gutta percha manufacture from the crude or scrap material.

Sand paper and emery cloth manufacture.

Stock yards.

Stone crusher.

Sugar refining.

Vinegar manufacture.

Wool manufacture.

Yeast manufacture.

Fat rendering.

Fertilizer manufacture.

Raw hides or skins, storing, coloring, curing, dressing or tanning.

Slaughtering of animals.

Tar distillation or manufacture of dyes.

Tar roofing or tar waterproofing manufacture.

Sewage disposal plant, except where operated by a municipality.

Carpet, rag or bag cleaning employing more than two skilled workers.

Dyeing or dry cleaning where more than one dyer is employed.

Medicine preparation, where obnoxious odors or other nuisances are created.

Poultry killing, dressing or live storage employing more than one skilled worker.

Aviation field or landing stations used or designed to be used by heavier or lighter than air machines.

Dumping grounds.

A public or private garage or stable is permitted and shall conform to the provisions of Section 5 (c).

Billboard and advertising signboard shall conform to Section 5 (d).

(b) No building or premises or any structure whatsoever, shall be used for any trade, industry, business or purpose of any kind that is noxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas or noise, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community, or tending to its disturbance or annoyance. Fire or explosion menaces shall be properly isolated.

Notwithstanding the provisions hereinabove contained no manufacture of any kind shall be permitted within the "F" zone unless the same shall be operated by electricity.

ARTICLE II.—AREA DISTRICTS

Section 8.—Front Yards.

(a) In any Residence District no story of any building shall be nearer to the street line of any street on which it faces than the average alignment of the corresponding stories of existing buildings within 100 feet on each side of the lot and within the same block. In any case for the purpose of this Ordinance no story of any building shall be required to set back more than 30 feet from any street line, and one street frontage on a corner lot shall be exempt from these provisions.

(b) Where a building is not controlled by the above Section 8 (a) in any Residence "A" District, all parts of a building above the ground shall set back at least 30 feet, and all underground story parts at least 15 feet from the street line on each street on which the lot faces, except that on a corner lot, on one street frontage to be elected by the owner, these set-back distances may be reduced to 15 feet and 10 feet respectively and except where the slope of any lot or plots, as now laid out, to or from the street, is 25% or more, all parts of any building erected thereon shall be set back at least ten feet from the street.

(c) Where a building is not controlled by Section 9 (a) in any Residence "B" District, all parts of a building above the ground shall set back at least 20 feet and all underground parts at least 15 feet from the street line of each street on which the lot faces, except that on a corner lot these set back distances may be reduced to 15 feet and 10 feet respectively on any one street frontage to be elected by the owner.

(d) In any Residence "C" District all parts of a building above the ground shall set back at least 10 feet and all underground parts may set along the street line of each street along which the lot faces. On a corner lot the set back distances shall be 10 feet on both streets as to all parts of the building above the ground.

Section 9.—Rear Yards.

(a) In any Residence "A" or "B" District, a rear yard is required on each lot. The rear yard shall be at least 30 feet deep behind a three or more story building or rear projection, 25 feet deep behind a two story building or rear projection and 15 feet deep behind a one story building or rear projection. Where a lot is less than 100 feet deep at the time of the passage of this Ordinance, one-half of the diminution in the depth of the lot below 100 feet shall be subtracted from the prescribed depth of the rear yard, provided that no rear yard shall be less than 10 feet in depth. Only one or two story structures for permitted accessory uses, including private garages, may occupy in the aggregate not over 20% in Residence "C" District of the area of the lot. Such structures shall be everywhere distant at least 10 feet from each side or rear lines and may be located in part within the required rear yard. No part of any accessory building shall be used for sleeping or living quarters except that the regular employees of any family may have sleeping quarters in accessory buildings.

(b) In any Residence "C" District a rear yard is required on each lot. A rear yard shall be 15 feet deep behind a three or more story building or rear projection, 10 feet behind a two story building or rear projection. Where a lot is less than 100 feet deep at the time of the passage of this ordinance, one-half of the diminution in the depth of the lot below 100 feet shall be subtracted from the prescribed depth of the rear yard, provided that no rear yard shall be less than 10 feet in depth. Only one or two story structures for permitted accessory uses, including private garages, may occupy in the aggregate not over 20% in Residence "C" District of the area of the lot. Such structures shall be everywhere distant at least 10 feet from each side or rear lines and may be located in part within the required rear yard. No part of any accessory building shall be used for sleeping or living quarters except that the regular employees of any family may have sleeping quarters in accessory buildings.

(c) In any Business "D" District, a rear yard is required in the rear of any building except that a one story building where not used for residence purposes may cover the whole area of the lot up to a height of 20 feet above the curb level to within not less than 10 feet of the rear lot line. Where no part of a building is used for residence purposes except for a janitor or caretaker a rear yard shall be 20 feet deep behind a four, five or six story building or rear projection, 15 feet deep behind a three story building or rear projection and 10 feet deep behind a two or one story building or rear projection. The depth of a rear yard behind the lowest story used in the rear for residence purposes and for each story above it shall be at least 15 feet more per story than prescribed above. Where a lot is less than 100 feet deep at the time of the passing of this Ordinance, one-quarter of the depth of the lot below 100 feet shall be subtracted from the prescribed depth of the rear yard, provided that no rear yard, any part of which is more than 60 feet from any street line shall be less than 10 feet in depth. Where a ground story is used for residence purposes 50% of the area of the required rear yard may be occupied by accessory buildings, up to a height of 20 feet above the curb level.

Section 10.—Side Yards.

(A) In any Residence "A" District, a side yard is required along each side of lot line. No wall of any building or accessory building shall be nearer than six feet to any side line except that any accessory building not over two stories high and over 60 feet from any street line, may be within not less than three feet of any lot line intersecting such street. If a plot is irregular in shape, the line which shall be most nearly parallel to and at the greatest average distance from the street line shall be deemed to be the rear line and all other lot lines, excepting the street line, shall be deemed to be side lot lines.

Cornices shall not project more than one-quarter of the width of the required open space within the lot over which they project. Belt courses, window sills and other ornamental features shall not project more than six inches into such required open space. Within the limits of a side yard, no fence or wall—except a retaining wall—shall be more than four feet high unless the part above such height be not more than one-quarter solid.

A private garage not a part of a house shall be everywhere distant at least 70 feet from the street line (when erected on inside lots) and at least 3 feet from each lot line. In the case of a corner lot no part of such garage shall be less than 20 feet from the side street line without the approval of the

Board of Appeals. A private garage shall be permitted as a part of a residence building provided the same is located not less than 30 feet of any street line on which the plot fronts, and on corner lots not less than 15 feet from the side street line.

(b) In a residence district for every building hereafter erected there shall be a side yard along each lot line other than a street or rear line. The width of each side yard for any building other than a dwelling shall be not less than one-sixth of the height of such building. For a dwelling the width of each side yard shall be not less than 3 feet and the sum of the widths of the two side yards shall be not less than 25 per cent. of the width of the lot for any lot under 48 feet in width, nor less than 12 feet for any lot 48 feet or more in width. In a Residence "A" district the width of each side yard for a two-family dwelling, hotel, telephone exchange, fire station, hospital, sanitarium or philanthropic institution shall be not less than 12 feet.

Fences or walls excepting retaining walls, over four feet high shall conform to the provisions of Section 10 (a).

A private garage shall conform to the provisions of Section 10 (a).

(c) In a residence district every building hereafter erected shall have a rear yard. The depth of a rear yard shall be not less than 20 feet.

(d) The space in a side or rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than 4 inches, except that if the building is not over two and one-half stories in height the cornice or eaves may project not more than eighteen inches into such yard. An open fire escape may project not more than 4 feet into a side or rear yard. A building and any accessory building erected on the same lot shall for the purpose of side and rear yard requirements be considered as a single building, provided that 40 percent of the area of the rear yard may be occupied by a private garage or accessory building not over 15 feet in height.

(e) But in all such Residence Districts a different rule shall apply with respect to side yards where lots are less than 50 feet in width, in subdivisions, existing at the time of the enactment of this Ordinance, which said side yards shall be of the following size:-

Lots less than thirty (30) feet in width, two (2) feet;

Lots of thirty (30) feet or more but less than forty (40) feet in width; three (3) feet;

Lots of forty (40) feet or more but less than fifty (50) feet in width, four (4) feet.

(d) In any Business "D" District, no side yard is required but if provided in the case of a lot line outer court, it shall be of equal width to an outer court.

Section 11.—Courts.

(a) In any Residence District no outer court shall be longer than four times its minimum width, unless for each added ten feet of length six inches shall be added to the minimum width for each story of height. The minimum width of an inner court or of an outer court, not on a lot line shall be at least 20 feet for a four or more story building, 16 feet for a three story building, 12 feet for a two and one-half story building or less. Such inner court shall always be at least twice as long as its least dimension at any story level or such inner court shall be of an equivalent area. No fence or wall—except a retaining wall—more than four feet high and one-quarter solid above such height as defined in Section 10 (a) shall exist within the limits of any required lot line court where such fence wall is distance less than two and one-half feet from any lot line.

(b) In any Business "D" District where any part of an upper story of a non-residence building is used for offices, studios or workshops, not adequately lighted from a street or a rear yard, a court is required along at least one side lot line starting not over 50 feet back from the main front wall. All required courts shall conform with the requirements prescribed above in section 12 (a), except that the ground story shall be considered to be at the level of the sill of the second story windows but in no case over 20 feet above the curb level. Where any part of a story is used for residence purposes

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and is not adequately lighted from a street or rear yard, such courts shall be required 35 feet back from the main front wall and in any case over two rooms in depth from the main front wall. If no part of a building is thus occupied for offices or residences no court is required.

(c) No cornice, belt course or other projection shall extend more than six inches into any required court.

(d) Vision Clearance on corner lots in all districts covered by this Ordinance. On a corner lot, no fence wall, structure, or other obstruction more than 3½ feet in height above the plane of the established grade of the streets shall be erected or placed on any part of a front or side yard herein established that is included within the street lines of intersecting streets and a straight line connecting said street lines at points which are 20 feet distant from their point of intersection, measured along said street lines.

ARTICLE IV.—HEIGHT DISTRICTS.

Section 12.—Height

(a) In residence "A" and "B" Districts no building shall exceed two and one-half stories in height.

(b) In Residence "C" and Business "D" Districts no building shall exceed 5 stories in height.

(c) In Industrial "E" District no building shall exceed four stories in height, not exceeding, however, in any event 45 feet in height from the surface of the ground.

(d) The provisions of this Ordinance with regard to height shall not apply to church spires, cupolas, belfries, chimneys, flag poles or water towers; nor to bulkheads, hose towers, elevator enclosures, water tanks or scenery lofts occupying an aggregate area of not over 25% of the ground area of the building.

(e) Nothing in this article shall prevent the erection above the height limit of parapet walls or cornice extending above such height limit not more than five feet.

ARTICLE V.—GENERAL ADMINISTRATION

Section 13.—Interpretation and Purpose

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of building or premises; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this Ordinance shall control.

Section 14.—Enforcement.

(a) This Ordinance shall be enforced by the Building Inspector under rules and regulations to be adopted by the Board of Appeals subject to the approval of the Town Board.

(b) No building or structure shall be erected, added to, or structurally altered until there has been filed with the Building Inspector a plan in duplicate, drawn to scale, showing the actual dimensions, radius, and angles of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans shall be returned to the owner when approved by the Building Inspector.

Section 15.—Board of Appeals

(a) A Board of Appeals is hereby established. The words "The Board" when used in this article refer to said Board. The Board shall consist of five members all of whom shall be resident free holders of the Town of North Castle, appointed by the Town Board for one, two, three, four and five years respectively. The Chairman of the Board shall be designated by the Town

Board and the members of said Board shall receive no compensation for their services.

Section 16.—Meetings

The meetings of the Board shall be held at least twice a month and at such other times as the Board may determine. The presence of four members shall be necessary for a quorum. All the meetings of the said Board shall be public. The Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating the fact.

Section 17.—Disposition of Appeals.

The final disposition of any appeal shall be in the form of a resolution either reversing, modifying or affirming the decision or determination appealed from. If a resolution fails to receive four votes in favor of the appellant, the decision or determination appealed from shall be deemed affirmed and an order to that effect entered upon the record.

Section 18.—Jurisdiction.

The Board of Appeals may, in a specific case, after a public hearing and subject to appropriate conditions and safeguards, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance vary or modify the application of any of the regulations or provisions of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.

Section 19.—Amendments

(a) The Town Board may, from time to time, on its own motion after a public hearing, or on petition after public hearing, amend, supplement, change or repeal the regulations and districts herein established.

(b) Whenever the owners of fifty per cent or more of the frontage in any district or part thereof between two or more intersecting streets shall present to the Town Board a petition duly signed and acknowledged, requesting an amendment, supplement, change or repeal of the regulations prescribed for any such district or such part thereof, it shall be the duty of the body to vote upon said petition within 60 days after the filing of such petition with the Town Clerk.

(c) But none of the trades, industries, businesses or uses specified in subdivision (a) of Section 6 and Subdivision (a) of Section 7 in Article II, shall by such amendment, supplement or repeal be permitted otherwise than as herein provided, save upon the application and consent of not less than 20% of the owners within the district in which such trade, industry, business or use is to be located.

(d) If any area is hereafter transferred to another district by a change in district boundaries by an amendment, as above provided, the provisions of this ordinance in regard to buildings or premises existing at the time of the passage of this ordinance shall apply to buildings or premises existing at the time of the passage of such amendment in such retransferred area.

In case a protest against a proposed amendment, supplement or change be presented, duly signed and acknowledged by the owners of 20% or more of the frontage of the property proposed to be altered, or by the owners of 20% of the frontage upon the street or streets immediately in the rear thereof, or by the owners of 20% of the frontage directly opposite the property proposed to be altered, such amendment shall not be passed except by a vote of four members of the Town Board.

Section 20.—Certificate of Occupancy

(a) It shall be unlawful to use or permit the use of any building or premises or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, in its use or structure, until a Certificate of Occupancy shall have been issued by the Building Inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy within ten days after a request for the same shall have been filed in his office by any owner, after having determined that the building and the proposed use thereof conform with all the requirements herein set forth.

(b) Under such rules and regulations as may be established by the Building Inspector, a temporary Certificate of Occupancy for a part of a building may be issued by the Building Inspector.

(c) Upon written request from the owner, the Building Inspector shall issue a Certificate of Occupancy for any building or premises existing at the time of passage of this Ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, including the number of employees and whether such use conforms to the provisions of this Ordinance.

Section 21.—Restoration of Existing Buildings.

Nothing in this ordinance shall prevent the restoration of a building destroyed by fire, explosion, act of God, or act of the public enemy, to the extent of not more than fifty percent (50%) of its fair value, or prevent the continuance of the use of such building or part thereof or prevent a change of such existing use under the limitations provided in Section 7. But any building destroyed in the manner aforesaid to an extent exceeding fifty percent (50%) of its fair value at the time of such destruction may be reconstructed and thereafter used only in such a manner as to conform to all the provisions of this ordinance.

Section 22.—Nonconforming Uses.

Any use of property existing at the time of the passage of this ordinance that does not conform to the regulations prescribed in the preceding sections of this ordinance shall be deemed a nonconforming use. A nonconforming use may be continued subject to such regulations as to the maintenance of premises and conditions of operation as may in the judgment of the Board of Appeals be reasonably required for the protection of adjacent property. A nonconforming use shall not be extended, but the extension of a use to any portion of a building which portion was arranged or designed for such nonconforming use at the time of the passage of this ordinance shall not be deemed the extension of a nonconforming use. A building arranged, designed or devoted to a nonconforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding an aggregate cost of 25 per cent of the fair value of the building unless the use of said building is changed to a conforming use. A nonconforming use shall not be changed unless changed to a conforming use. A nonconforming use if changed to a conforming use may not thereafter be changed back to any nonconforming use. For the purpose of this ordinance a use shall be deemed to be changed if changed from a use listed in one of the numbered paragraphs of Section 2, 3, 5, or 6 hereof to a use not listed in such paragraph. A cemetery, icehouse, green house, sand pit, gravel pit, stone quarry, stone cutting, sewage disposal or treatment plant, dairy, public utility plant, hospital, sanitarium, correctional institution or municipal or state building or institution, existing in any use district at the time of the passage of this ordinance, or any industrial district use so existing in a commercial district shall be deemed a conforming use upon the plot devoted to such use at the time of the passage of this ordinance.

A building arranged, designed or devoted to a nonconforming use at the time of the passage of this ordinance which thereafter is abandoned as such nonconforming use, for a period of 90 days, may be continued only as a conforming use, subject to such regulations prescribed in the preceding sections of this ordinance.

Section 23.—Zoning Map Designations.

When definite distances in feet are not shown on the zoning map, the district boundaries on the zoning map are intended to be along existing street, alley or property lines or extensions of or from the same. 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 street layout actually on the ground varies from the street layout as shown on the zoning map, the Board of Appeals may apply the designations shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular area in question.

Section 24.—Violations and Penalties.

For any and every violation of the provisions of this ordinance, the own-

er, agent, contractor or other person interested as leasee, tenant or otherwise in any building or premises where such violation has been committed or shall exist, and who refuses to abate said violation within five days after written notice has been served upon him, either by mail or personal service, shall for each and every violation, and for each and every day that such violation continues, be subject to a fine of not more than one hundred dollars (\$100) and the collection thereof shall be prosecuted in the manner prescribed by law or ordinance effective in the Town of North Castle, or upon action of the Town Board appropriate proceedings to abate such violation may be brought in a court of equity.

Section 25.

Any permit heretofore issued under any prior ordinance or law for the erection or continuance of a gas tank or holder shall be valid notwithstanding anything herein to the contrary.

Section 26.—Validity.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

Section 27.

This Ordinance shall take effect immediately.