

1986

ZONING ORDINANCE
Town of North Castle

TABLE OF CONTENTS

	<u>PAGE</u>
<u>ARTICLE I - PURPOSES.....</u>	1
Section 100 - Purposes.....	1
<u>ARTICLE II - DEFINITIONS.....</u>	2
Section 200 - Purpose of Definitions.....	2
210 - General Construction of Language.....	2
220 - Definitions.....	3
<u>ARTICLE III - ESTABLISHMENT OF DISTRICTS.....</u>	18
Section 300 - District Classification.....	18
310 - Zoning Map Establishment.....	18
320 - Interpretation of District Boundaries...	18
330 - Order of Restrictiveness.....	19
340 - Lots in Two or More Districts.....	19
<u>ARTICLE IV - REGULATIONS.....</u>	19
Section 400 - Application of Regulations.....	19
410 - General Regulations.....	20
411 - Buildings, Uses, Lots and Average Density Subdivisions.....	20
412 - Yards, Yard Improvements, Building Projections, Setbacks.....	23
413 - Signs.....	28
414 - Utilities.....	37
415 - Hilltops, Ridgelines and Steep Slopes.....	37
420 - District Regulations.....	38
421 - Schedule of Residence District Regulations.....	Inside Back Cover
422 - Schedule of Business District Regulations.....	Inside Back Cover
423 - Schedule of Office and Industrial District Regulations.....	Inside Back Cover
424 - Additional Residence District Regulations (Multi-Family).....	38
425 - Additional Business Regulations.....	51
425.1 - Shopping Center (SC) District...	51
425.2 - Central Business A (CB-A) District.....	51
425.3 - Central Business B (CB-B) District.....	55
425.4 - Central Business (CB) District..	56
425.5 - Roadside Business (RB) District..	57
425.6 - General Business (GB) District..	58
425.7 - Nursery Business (NB) District..	58

	<u>PAGE</u>
426 - Additional Office and Industrial Regulations.....	59
426.1 - Office Business District.....	59
426.2 - Professional Business Office 2A (PBO-2A) District.....	61
426.3 - Professional Business Office (PBO) District.....	61
426.4 - Planned Light Industry (PLI) District.....	61
426.5 - Research, Electronic and Light Industrial Park (RELIP) District	61
426.6 - Motels.....	62
426.7 - Development Density.....	64
426.8 - Residence Office (RO) District..	65
426.9 - Designed Office Business 20A (DOB-20A).....	65
427 - Conservation Subdivisions.....	75
430 - Special Permit Uses.....	84
440 - Individual Standards and Requirements for Special Permit Uses.....	87
440.01 Sale, Distribution and Storage of Liquified Petroleum Gas.....	87
440.02 Scientific Research Center Use..	88
440.03 Convalescent or Nursing Homes...	90
440.04 Additional Horses.....	91
440.05 Fast-Food Restaurants.....	92
440.06 Outside Display of Merchandise for Sale or Rent.....	92
440.07 Helistops.....	93
440.08 Churches or Other Places of Worship, Including Parish Houses, Church School Rooms, Convents, or Rectories; Private or Parochial Elementary or High Schools; Public Libraries.....	94
440.09 Membership Clubs Not Operated For Gain.....	95
440.10 Public Utility Substations.....	96
440.11 Accessory Apartments.....	97
440.12 Private Stables.....	102
450 - Site Development Plan Approval.....	103
460 - Off-Street Parking and Loading.....	107
461 - General.....	107
462 - Existing Structures and Uses.....	107
463 - Location, Improvement, Use, Design and Maintenance.....	108
464 - Schedule of Off-Street Parking Requirements.....	113
465 - Off-Street Loading Requirements...	115
466 - Driveways.....	116

	<u>PAGE</u>
470 - Performance Standards.....	118
471 - Conformance Required.....	118
472 - Purposes.....	119
473 - Standards.....	119
474 - Procedure.....	124
475 - Enforcement.....	124
480 - Non-Conforming Uses and Other	
Non-Conformities.....	125
481 - Continuing Existing Uses.....	125
482 - Non-Conforming Use of Land.....	125
483 - Non-Conforming Use of Buildings...	126
484 - Restoration of Damaged Buildings..	127
485 - Non-Conformity, Other Than Use....	128
486 - Improvement of	
Non-Conforming Use.....	128
490 - Minimum Dwelling Unit Size.....	129
<u>ARTICLE V - ADMINISTRATION AND ENFORCEMENT.....</u>	<u>131</u>
Section 500 - Enforcement.....	131
501 - General.....	131
502 - Building Inspector -	
Right to Enter.....	131
503 - Records and Reports.....	131
510 - Building Permits.....	132
520 - Certificate of Occupancy.....	135
530 - Violations and Penalties.....	137
540 - Board of Appeals.....	138
550 - Fees.....	141
<u>ARTICLE VI - AMENDMENTS.....</u>	<u>142</u>
Section 601 - Enabling Act.....	142
602 - Petition.....	142
603 - Planning Board.....	143
604 - Westchester County Planning	
Board Review.....	143
605 - Additional Notification.....	143
<u>ARTICLE VII - MISCELLANEOUS.....</u>	<u>144</u>
Section 700 - Severability.....	144
701 - Short Title.....	144
702 - Effective Date.....	144

ARTICLE I - PURPOSES

Section 100. Purposes:

This Ordinance is adopted for the protection and promotion of the public health, safety, morals and general welfare of the community, as follows:

101. To guide the future growth and development of the Town in accordance with a comprehensive plan of land use and population density that represents the most beneficial and convenient relationships among the residential, non-residential and public areas within the Town, considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and modes of living, and having regard for the use of land, building development and economic activity, considering such conditions and trends both within the Town and with respect to the relation of the Town to areas outside thereof.
102. To provide adequate light, air, and privacy; to promote safety from fire, flood, and other dangers; and to prevent over-crowding of the land and undue congestion of the population.
103. To protect the character and the social and economic stability of all parts of the Town, and to encourage the orderly and beneficial development of all parts of the Town.
104. To protect and conserve the value of land throughout the Town and the value of buildings appropriate to the various districts established by this Ordinance.
105. To bring about the gradual conformity of the uses of land and buildings through the comprehensive zoning plan set forth in this Ordinance, and to minimize the conflicts among the use of land and buildings.
106. To promote the most beneficial relation between the use of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and buildings throughout the Town.
107. To provide a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town.

108. To limit development to an amount equal to the availability and capacity of public facilities and services.
109. To prevent the pollution of water courses and wetlands; to safeguard the water table; to avoid hazardous conditions and excessive damage resulting from storm water runoff and flooding; and to encourage the appropriate use and sound management of natural resources throughout the Town.
110. To preserve the natural beauty of the physiography of the Town; to protect the Town against unsightly, obtrusive, and obnoxious land uses and operations; to enhance the aesthetic aspect of the natural and manmade elements of the Town, and to insure appropriate development with regard to those elements.
111. To promote the use of solar energy and solar energy collectors so far as conditions reasonably permit, and to provide adequate sunlight for their proper operation.

ARTICLE II - DEFINITIONS

Section 200. Purpose of Definitions:

For the purpose of this Ordinance, certain words and terms used herein are defined as follows:

210. General Construction of Language:

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. All words used in the present tense include the future tense; all words in the singular number include the plural number, and vice versa, unless the natural construction of the wording indicates otherwise; the word "person" includes corporations and all other legal entities; the words "lot", "plot" and "tract of land" shall one include the other; the word "premises" shall include land and buildings thereon; the word "building" shall include "structure" and vice versa; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied" unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory. Unless otherwise specified, all distances shall be measured horizontally. The word "Town" means the Town of North Castle; the term "Town Board" means the Town Board of said Town; the term "Board of Appeals" means the Zoning Board of Appeals of said Town; the term "Planning Board" means Town Planning Board of said Town; the term "Building Inspector" means the Building Inspector of said Town; the term "Town Plan" means the Plan adopted by the Town Planning Board pursuant to Section 272-a of the Town Law. The words "this Ordinance" shall mean the zoning ordinances as originally adopted on May 1, 1941 and as amended from time to time.

220. Definitions:

Alter: To change, enlarge or rearrange the structural parts of the exit facilities of a structure, or to move a building from one location or position to another.

Apartment, Accessory: A dwelling unit which is incidental and subordinate to a permitted principal single-family dwelling and located on the same lot therewith.

Arts and Crafts Occupation: Any use involving the individual creation, fabrication, storing and retail sale of items or articles considered by the Planning Board to be of an artistic nature, including drama, music, painting, pottery and sculpture studios, furniture, woodworking and ornamental iron studios.

Bar: A business enterprise primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. Prepared food and non-alcoholic beverages may be sold for consumption on the premises. See also "Cabaret".

Base Flood: That flood having a one percent (1%) chance of being equalled or exceeded in any given year.

Basement: That portion of a building wholly or partly underground, which extends no more than four (4) feet above the level from which the height of the building is measured. The word "basement" includes the word "cellar". A portion of a basement in which is located a boiler room, electronic, telephone, heating or cooling equipment, elevator equipment and similar equipment, and the accessway thereto, shall not be counted as part of the gross floor area. Such excluded mechanical/utility areas shall be entirely below the finished grade, have no windows and be clearly designed only for such mechanical/utility purposes.

Boarding House: A dwelling with non-transient boarders, roomers or lodgers in the household, of which there may be no more than two (2), who are lodged with or without meals, and in which there are provided such services as are incidental to its use as a residence for part of the occupants.

Breezeway: A non-supporting connection without front or rear wall between a garage or carport and the main building of the lot.

Building: Any structure having a roof, supported by columns and/or by walls or self-supporting, including a factory manufactured home, and intended for the shelter, housing or enclosure of persons, animals or chattel.

Building, Accessory: A building subordinate to the main building on the lot and used for purposes customarily incidental to that of said main building, including dwelling units for servants.

Building Area: The maximum horizontal cross-section of a main building and all accessory buildings, exclusive of: one (1) story open porches; bay windows which extend for one (1) story only and do not project more than five (5) feet; cornices, eaves, gutters or chimneys projecting not more than three (3) feet; steps and terraces.

Building Length: The least horizontal distance between the furthestmost walls of a building, including any carports and porches.

Building, Main: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building, Temporary: A "temporary building" or "temporary structure" is one erected, constructed or placed upon the premises, to exist there for a brief or temporary duration of time, not exceeding one year. All other buildings or structures shall be deemed and considered as permanent for the purposes of this Ordinance.

Cabana: Any building or structure that is used for a swimming pool or some similar recreational use, and not intended for human habitation, and that does not exceed two hundred (200) square feet in area and is not more than fifteen (15) feet in height.

Cabaret: An establishment of public resort, accommodation, assemblage, entertainment or amusement, where refreshments of any kind are served for gain or profit, and/or dancing, entertainments or exhibitions are given or permitted in connection therewith, or a place of public resort, accommodation, assemblage, entertainment or amusement where exhibitions or other forms of entertainment or amusement are given or conducted for gain or profit and dancing and serving of refreshments of any kind are permitted. The term "cabaret", as used herein, shall not include establishments providing music either by mechanical device or by band or orchestra for the entertainment of patrons and/or dancing by such patrons only.

Cafeteria: A business enterprise engaged in preparing and serving a full line of food and beverages primarily through the use of a cafeteria line where the customer serves himself or is served from displayed selections. Either table and/or booth seating facilities are provided, and some limited waiter or waitress service may be provided. See also "Cabaret", "Restaurant", and "Restaurant, Fast Food".

Carport: An accessory building or part of a main building with not more than two (2) enclosing walls that provide overhead protection for the permitted storage of motor vehicles for the owner's private use.

Club, Membership: Land, buildings, and facilities operated by a membership corporation, association, or fraternal order, for the purpose of accommodating recreational, athletic, social, literary, or similar activities. The members of the membership corporation, association, or fraternal order shall have a financial interest in, and method of control of, the assets and management of the club. A membership club shall not be operated primarily for profit, nor regularly render services to the general public.

Coin-Operated Amusement Device: A machine which is mechanically or electronically operated, including but not limited to baseball and football games, pinball machines, video games and other similar games in which points are tabulated in high scores by one or more persons, that is controlled and operated by the insertion of a coin or token or payment of a fee for the privilege of operating the machine and intended for the amusement or recreation of patron.

Convalescent Home or Nursing Home: Any establishment where three (3) or more persons suffering from, afflicted with, or convalescing from any infirmity, disease or ailment are habitually kept, boarded or housed for remuneration, other than municipal or incorporated hospitals, or establishments for the care of the mentally ill.

Coverage: That percentage of the land area covered by the combined area of all buildings on all or that portion of the lot within the same zoning district as the main building.

Coverage, Gross Land: That percentage of the land area covered by the combined area of all buildings, structures, and paved areas on all or that portion of the lot within the same zoning district as the main building.

Decibel: A unit of measurement of intensity of sound (the sound pressure level).

Density Unit: A density unit is defined as being equal to one or a proportionate combination of the following:

1. 1 one-family detached dwelling unit.
2. 1 dwelling unit containing four (4) or more bedrooms in a permitted type of dwelling other than a one-family detached unit.
3. 1-1/2 dwelling units containing three (3) bedrooms each in permitted dwellings other than one-family detached units.

4. 2 dwelling units containing two (2) bedrooms each in permitted dwellings other than one-family detached units.
5. 2-1/2 dwellings containing one (1) bedroom or less each in permitted dwellings other than one-family detached units.
6. 3 efficiency dwelling units in permitted dwellings other than one-family detached units.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, clearing, grading, paving, excavation or drilling operations.

Dish Antenna: A device, also known as a satellite dish or earth station, which normally contains three main components including an antenna in the form of a dish, a low noise amplifier and a receiver, and whose purpose is to receive communication or other signal from orbiting satellites.

Dry Cleaning: The process by which clothing and fabrics are cleaned through the use of primarily non-aqueous chemical solvents (they may include carbon tetrachloride, trichloro-ethylene, tetrachloro-ethylene, naptha, benzene, and other compounds), rather than through the use of water and cleaning agents used with water. Such an operation may be offered directly by employees who undertake the dry cleaning process as a service to customers or in the form of a self-service operation in which the customer operates the dry cleaning machine.

Dust: Solid particulate matter capable of being air or gas borne.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one (1) family.

Dwelling: A building containing one or more dwelling units.

Dwelling, Single-Family: A dwelling containing one (1) dwelling unit only.

Dwelling, Two-Family: A dwelling containing two (2) dwelling units only.

Dwelling, Multi-Family: A dwelling containing three (3) or more dwelling units.

Dwelling Unit, Attached: A dwelling unit having common walls, floors, or ceilings with two (2) or more other dwelling units.

Dwelling Unit, Semi-Detached: A dwelling unit which has a common wall, floor or ceiling with only one other dwelling unit.

Educational Institution, Private: Any non-public school or other organization or institution conducting a regularly scheduled curriculum of study similar to that of the public schools and operated under the Education Law of New York State.

Factory Manufactured Home: As defined in the Uniform Standards Code for Factory Manufactured Homes Act (Article 18-B of the Executive Law of the State of New York). See also "Mobile Home", "Motor Home", "Travel Trailer", and "Pick-up Coach".

Family: A group of related individuals or not more than four (4) unrelated individuals living and cooking together as a single housekeeping unit.

Farm Use: The use of a parcel of land for the purpose of producing agricultural, horticultural, floricultural, vegetable and fruit products of the soil, livestock, poultry, eggs, dairy products, nuts and honey, but shall not include the breeding, raising or maintaining of fur-bearing animals, pigs, goats, more than twelve (12) head of poultry, animal kennels, riding or livery stables. A garden, accessory to a residential use, shall not be deemed a farm use. A farm use shall not include the processing of farm products or operation of a roadside stand.

Filed Map: Any map, survey or plat filed in the County Clerk's office of Westchester County.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Plain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (see also "Flood").

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor Area, Gross: The sum of the horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls, or, in the case of a common wall separating two buildings, from the center line of such a common wall, and including any two-story or any

enclosed porch, or one having a roof and capable of being enclosed. See definition for "basement" for exclusion of basement/mechanical areas from "Floor Area, Gross."

Floor Area Ratio: The gross floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

Frequency: The number of oscillations per second of a vibration.

Frontage: The extent of a building or a lot along a street as defined herein.

Front Wall: The front wall of a building is the wall nearest to and facing the street on which the lot fronts.

Funeral Home: The establishment of a funeral director or undertaker, which may or may not include facilities for the conduct of funeral services.

Garage, Private: An accessory building or part of a main building used only for the permitted storage of motor vehicles for the owner's private use.

Garage, Public: A building or part thereof used for the storage, care and repair of motor vehicles for remuneration, with or without the sale of motor fuels dispensed from pumps located within the garage building, and any sale of motor vehicle accessories or where motor vehicles are kept for hire or sale.

Gasoline Filling Station: Any area of land, including structures thereon, or any building or part thereof that is used for the sale of motor fuels or motor vehicle accessories, and which may include facilities for lubricating, washing, or otherwise servicing motor vehicles, including body work, repairs, or painting thereof, but clearly accessory to the gasoline filling station use.

Grade, Established Street: The permanently established elevation of the center line of a street in front of the midpoint of the lot.

Grade, Finished: The finished grade of any point along the wall of a building shall be the elevation of the completed surfaces of lawns, walks, and roads adjoining the wall at that point.

Greenhouse: A "greenhouse" shall mean any building or structure constructed mainly of translucent material and used as a conservatory for the growing and protection of flowers and plants, and for the propagation and culture thereof.

Gross Land Coverage: See "Coverage, Gross Land".

Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes shall not be considered a "habitable floor".

Height of Building: The vertical distance to the level of the highest point of the roof, if the roof is flat or mansard, or to the mean level between the eaves and the highest point of the roof, if the roof is of any other type, measured as follows, unless otherwise provided in a particular district:

1. If the building adjoins the front property line or is not more than ten (10) feet distant therefrom: measured at the center of the front wall of the building from the established street grade; or, if no such grade has been officially established: measured from the average level of the finished grade across the front of the building.
2. If the building is more than ten (10) feet from the front property line: measured from the average level of the finished grade adjacent to the exterior walls of the building.
3. When a lot fronts two or more streets of different levels, the lower street, or the average elevation of the lot with regard to the abutting streets, may be taken as the base for measuring the height of the building.

Helistop: An area used for the landing and takeoff of passenger helicopters only but not including any auxiliary or related helicopter services such as refueling, maintenance, storage, or passenger or cargo landing facilities, except for outdoor tie-down space.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on only by the residents thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, does not have any exterior evidence of such secondary use other than a permitted name plate and does not involve merchandising, trade, or the exchanging of commodities by sale. The conducting of a clinic, hospital, barber shop, beauty parlor, photographer or artist salon, real estate and/or insurance office, tea room, tourist home, animal hospital, or any similar use, shall not be deemed to be a home occupation. Any business enterprise or activity which shall require a license or permit from the Town or from any bureau or department of the County or State, shall be deemed not to be a home occupation.

Hospital: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, and any other place for the diagnosis, treatment, or other care of human ailments, but not including those for epileptic, drug, liquor, insane or feeble-minded patients. The term shall not include a rest home, medical clinic, nursing or convalescent home.

Ice Cream and Frozen Custard Stand: A business enterprise primarily engaged in selling ice cream, custard, or other frozen ices for consumption either on or near the premises. "Take-home" packages also may be provided. See also "Restaurant" and "Restaurant, Fast Food".

Impact Vibration: Earth-borne oscillations occurring in discrete pulses at or less than one-hundred (100) per minute.

Junk Yard: The use of more than two-hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that adjoins any street, for the storage, keeping, or abandonment of junk or scrap materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, or any collection of two (2) or more old or second-hand motor vehicles no longer intended or in condition for legal use on the public highways.

Kennel: A use or building in which the principal activity is the keeping, raising, breeding or boarding of dogs or cats, or other animals which may be considered household pets. For the purpose of this Ordinance, any such activity, excluding boarding, shall not be considered a kennel where accessory to a principal residential use, provided that not more than four (4) animals exceeding six (6) months of age are kept.

Loading Space: Any off-street space available for the loading or unloading of goods, and complying with the requirements specified in Section 460 of this Ordinance.

Lot: A parcel of land, not divided by streets, devoted to or to be devoted to a particular use, or occupied or to be occupied by a building or buildings, together with such open spaces as are required under the provisions of this Ordinance, and having its principal frontage on a street as defined in this Ordinance.

Lot, Corner: A lot located at the junction of and fronting on the rights-of-way of two or more intersecting streets.

Lot Area: The total horizontal area included within lot boundaries.

Lot Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot Width: The mean horizontal distance between the side lot lines, measured at right angles to the lot depth.

Lot Lines: The property lines bounding a lot as defined herein.

Lot Line, Front: In the case of a lot abutting upon only one street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purpose of this Ordinance, have the privilege of electing any street lot line as the front lot line, except that where the majority of lots in any block are developed, the owner shall select the same front lot line as used by such other lots. In subdivisions approved by the Planning Board, said Board may designate the front lot line on any lot having frontage on more than one (1) street.

Lot Line, Rear: The lot line which is generally opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

Lot Line, Side: The property line or lines extending from the front lot line to the rear lot line.

Middle Income Dwelling Units: A dwelling unit the rental or sales price of which does not exceed the maximum allowable level established by Section 424.94 of this Ordinance.

Middle Income Families: Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application, but excluding the earnings of those under 21 years of age attending school full-time, shall not exceed the following multiple of the median annual Town-paid salaries of all full-time employees of the Town of North Castle as listed in the Town Budget for each year:

1 person family:	1.0
2 person family:	1.2
3 person family:	1.4
4 person family:	1.5
5 person family:	1.7
6 person family:	1.8
7 person family:	2.0
8 or more person family:	2.1

Mobile Home: As defined in Standards, Rules and Regulations for Mobile Homes (Article 19-AA of the Executive Law of the State of New York). See also "Factory Manufactured Home", "Motor Home", "Travel Trailer", and "Pick-Up Coach".

Motel: A building, or portion thereof, containing rooms occupied primarily by transient guests who are lodged with or without meals and which rooms have primary access from public halls; in which there are certain public rooms and halls for use of all guests; and in which are provided such services as are incidental to the use thereof as a temporary residence.

Motor Home: A portable, temporary dwelling designed to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle. See also "Factory Manufactured Home", "Mobile Home", "Travel Trailer", and "Pick-Up Coach".

Non-Conforming Use: A use of a building or of land that does not conform to the regulations as to use in the district in which it is situated, which use was lawful under the Zoning Ordinance at the time the use was established.

Nursery: Any place used as a garden for the open cultivation and growing of trees, shrubs and other plants, including the replanting of said plants grown at places other than the nursery.

Nursery, Day: A place, building or structure, designed to provide care or instruction for two (2) or more children under six (6) years of age.

Nursery School: Same as "Nursery, Day".

Nursing Home: See "Convalescent Home".

Octave Band: A means of dividing the range of sound frequencies into octaves, in order to classify sound according to pitch.

Octave Band Filter: An instrument, standardized by the American Standards Association, used in conjunction with a sound level meter to take measurements in specific octave bands.

Official Map: A map adopted by the Town Board, showing streets, highways and parks already laid out, adopted and established by law. Drainage systems may also be shown on this map.

Outdoor Display, Sales and Service: An accessory use of areas on a lot external to any building that represents the principal use of the lot for the purpose of displaying merchandise for sale or rent, for locating tables, chairs or

other furnishings to support such activity, or for the purpose of selling or serving food and beverages for consumption outdoors. Where related to a commercial use, outdoor display, sales and service shall include any extension of the permitted commercial use to outdoor areas or facilities.

Parking Area: An off-street area containing one or more parking spaces with passageways and driveways appurtenant thereto.

Parking Space: An off-street space available for the parking of one (1) motor vehicle on a transient basis, and complying with the requirements specified in Section 460 of this Ordinance.

Particulate Matter: Any finely divided liquid or solid matter, including smoke, capable of being air or gas borne.

Person: Any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Pick-Up Coach: A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation. See also "Factory Manufactured Home", "Mobile Home", "Motor Home" and "Travel Trailer".

Porch: A roofed-over structure, projecting out from the wall or walls of a main structure and often open to the weather.

Professional Person: A person who practices an occupation in which some department of science or learning is applied to the affairs of others, either advising or guiding them, or otherwise serving their interests or welfare in the practice of an art founded on such knowledge. The word "professional" implies attainments in knowledge as distinguished from mere skill, and the application of such knowledge to serve others. A professional license issued by the State of New York or validated membership in a national professional organization may be considered sufficient to establish the status of "professional person".

Recreation Center: A fully enclosed building used for athletic sports such as tennis, racquetball and other similar recreational activities.

Restaurant: A business enterprise engaged in serving and preparing food and beverages selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress, and consumed on the premises. See also "Cafeteria", "Cabaret", "Ice Cream and Frozen Custard Stand", and "Restaurant, Fast Food".

Restaurant, Fast-Food: A business enterprise primarily engaged in the sale of food and beverages selected by patrons from a limited line of prepared, specialized items such as hamburgers, chicken, pizza, tacos, and hot dogs, for consumption either on or off the premises, in a facility where the floor area available for dining is less than one-half (1/2) of the gross floor area, and a major portion of the sales to the public is at a drive-in or stand-up type

counter. The term fast-food restaurant shall not include bakeries, delicatessens, or similar types of retail establishments. See also "Cafeteria", "Cabaret", "Ice Cream and Frozen Custard Stand", and "Restaurant".

Ringelmann Smoke Chart: A chart for determining the density of smoke and which is issued by the Federal Bureau of Mines.

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Rooming House: See definition of "Boarding House".

School, Private: A kindergarten, primary or secondary school not operated by a public school district but furnishing a comprehensive curriculum of academic instruction similar to that of public school, or a nursery school specifically designed and used to provide care or instruction for two (2) or more children under six (6) years of age.

School, Public: An educational institution operated by a public school district under the laws of the State of New York.

Sign: Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, light, device, trademark or other representation used as an announcement, designation, direction, display or advertisement of any person, firm, group, organization, commodity, service, profession or enterprise when placed in such manner that it provides visual communication to the general public out-of-doors, but not including the following:

1. Signs maintained or required to be maintained by law or governmental order.
2. The flag or insignia of any government or governmental agency.
3. The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.
4. Religious or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.

Sign Area: Where a sign consists of a single board or face with information on one or both sides, the area which results by including the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports

which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of several individual faces, the area shall be the maximum projected area of all such faces which can be observed from any one point. Where the sign consists of individual letters or symbols attached to or painted on a building, the area shall be considered to be that of the smallest basic geometric shape (rectangle, triangle or circle) which encompasses all of the letters, symbols, and/or any background of a different color than the color of the building.

Solar Energy Collector: A device or combination of devices which relies upon solar radiation as an energy source that is employed for the purposes of heating or cooling a building, the heating of water or the generation of electricity.

Smoke: Any emission into the open air from any source, except emissions of uncontaminated water vapor.

Smoke Unit: A measure of the quantity of smoke being discharged and is the number obtained by multiplying the smoke density in a Ringelmann Smoke Chart by the time of emission in minutes. For example, the emission of Ringelmann Smoke Density Number 1 for one (1) minute equals one (1) smoke unit.

Sound Level Meter: An instrument, standardized by the American Standards Association, used for measurement of the intensity of sound and calibrated in decibels.

Stable, Private: Land, buildings, and other facilities wherein horses are kept for the private use and enjoyment of the horse owners.

Steady-State Vibrations: Continuous earth-borne oscillations. Discrete pulses that occur more than one-hundred (100) times per minute shall be considered steady-state vibrations.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the top of the ceiling beams next above it. A basement shall be counted as a story if the ceiling is more than four (4) feet above the level from which the height of the building is measured, if it is used for dwelling purposes by other than a janitor or watchman. In a non-residential building each basement in excess of one (1) shall be counted as a story.

Story, Half: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

Street: An existing State, County or Town Highway, or a way shown upon a subdivision plat approved by the Town Planning Board, as provided by law, or on a plat duly filed and recorded in the Office of the County Clerk prior to the appointment of the Town Planning Board and the grant to such Board of the power to approve subdivision plats.

Street Line: The dividing line between a street and a lot.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. On each residential lot, one example of anything equal to or less than sixty-four (64) square feet in area and eight (8) feet in height shall not be considered a "structure". For flood plain management purposes, a structure shall mean a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which exceeds fifty (50) percent of the value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration effects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Statewide Inventory of Historic and Cultural Resources.

Terrace: An uncovered flat platform of earth with or without a surface material or retaining walls. A terrace with a roof or awning shall be considered a porch.

Three Component Measuring System: A device for recording the intensity of any vibration in three (3) mutually perpendicular directions.

Town Development Plan: A comprehensive plan for development of the Town, prepared by the Planning Board pursuant to Section 272-a of the Town Law, which indicates the general location recommended for various public works and reservations, and for the general physical development of the Town, and includes any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Toxic or Noxious Matter: Any solid, liquid or gaseous matter, including but not limited to gases, vapors, dusts, fumes and mists containing properties which by chemical means are: (a) inherently harmful and likely to destroy life or impair health, or (b) likely to cause injury to the well-being of persons and living matter or damage to property.

Travel Trailer: A vehicular portable structure built on a chassis, designed to be used primarily as a temporary dwelling for travel, recreation, and vacation uses, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet. See also "Factory Manufactured Home", "Mobile Home", "Motor Home", and "Pick-Up Coach".

Use: The specific purpose for which land, water, or a building or structure is designed, arranged, intended, or for which it is or may be occupied or maintained.

Use, Accessory: A use which is customarily incidental and subordinate to the principal use on a lot, and located on the same lot therewith.

Utility, Public: Any person, firm, corporation or municipal agency, duly authorized to furnish to the public, under public regulation, electricity, gas, water, sewerage treatment, steam, cable TV, telephone or telegraph.

Variance: For the purposes of the Flood Insurance Program, a variance shall be a grant of relief by the Town of North Castle, or an official agency thereof, from the terms of a Flood Plain Management Regulation.

Yard: An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as may be specifically authorized in this Ordinance. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a building or the point of a group of buildings nearest to such lot line, and the measurement shall be taken at right angles from the line of the building as defined herein to the nearest lot line.

Yard, Front: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Yard, Side: A yard between the side line of the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front and rear lot line, as the case may be.

ARTICLE III. ESTABLISHMENT OF DISTRICTS

Section 300. District Classification

The Town of North Castle is hereby divided into the following classes of districts:

R-4A	One-family Residence District (4 acres)
R-2A	One-family Residence District (2 acres)
R-1.5A	One-family Residence District (1-1/2 acres)
R-1A	One-family Residence District (1 acre)
R-3/4A	One-family Residence District (3/4 acre)
R-1/2A	One-family Residence District (1/2 acre)
R-10	One-family Residence District (10,000 square feet)
R-5	One-family Residence District (5,000 square feet)
R-2F	Two-family Residence District (5,000 square feet)
R-MF	Multi-family Residence District
DOB-20A	Designed Office Business 20A District
OB	Office Business District
RO	Residence Office District
PLI	Planned Light Industry District
RELIP	Research, Electronic and Light Industrial District
PBO	Professional Business Office District
PBO-2A	Professional Business Office 2A District
IND AA	Industrial AA District
IND A	Industrial A District
NB	Nursery Business District
SC	Shopping Center District
RB	Roadside Business District
CB-A	Central Business A District
CB-B	Central Business B District
CB	Central Business District
GB	General Business District

Section 310. Zoning Map Establishment

Said districts are bounded and defined as shown on a map entitled, "Zoning Map of the Town of North Castle, N.Y.", adopted May 1, 1941 and revised November 8, 1951 and as amended from time to time and certified by the Town Clerk, which map is located at the end of this text and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

Section 320. Interpretation of District Boundaries: Where uncertainty exists as to the locations of any boundaries shown on the zoning map, the following rules shall apply:

- 320.01 District boundary lines are intended to follow streets, rights-of-way, water courses or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are fixed by dimensions, as shown on the zoning map.

- 320.02 Where district boundaries are intended as following approximately streets, rights-of-way, or water courses, the center lines thereof shall be construed to be such boundaries.
- 320.03 Where district boundaries are so indicated that they approximately follow the edge of lakes, ponds, reservoirs or other bodies of water, the mean high water lines thereof shall be construed to be the district boundaries.
- 320.04 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- 320.05 Where district boundary lines divide a lot or un-subdivided property, the location of any such boundary, if not indicated by dimensions, shall be determined by use of the map scale appearing thereon.
- 320.06 If the district classification of any land is in question, it shall be deemed to be in the most restrictive adjoining district.

Section 330. Order of Restrictiveness: Where residence districts are referred to as "more restrictive" or "less restrictive", the designation shall refer to the order in which the districts are named in Section 300, the first named being the most restrictive.

Section 340. Lots in Two or More Districts: Where a lot in one ownership of record is divided by one or more district boundary lines, the following shall apply:

- 340.01 Uses permitted in one district may not extend into another district where they would not otherwise be permitted.
- 340.02 Dimensional requirements shall be measured from lot lines and not zoning district lines.

ARTICLE IV - REGULATIONS

Section 400. Application of Regulations

401. Conformity Required: No building shall be erected, constructed, moved, altered, rebuilt or enlarged, nor shall any land, water or building be used, designed or arranged to be used for any purpose except in conformity with this Ordinance. No building, structure, motel, or premises shall be used, and no building or other structure shall be erected which is intended, arranged, or designed to be used for any trade, industry, business or purpose of any kind, that is dangerous to the comfort, peace, enjoyment, health or safety of the community, or tending to its disturbance, inconvenience, discomfort or annoyance.

402. Minimum Requirements: In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare.
403. Conflicting Standards: This Ordinance shall not be deemed to affect in any manner whatsoever any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater or lesser restriction upon the use of buildings or land, or upon the erection, construction, establishment, movement, alteration or enlargement of buildings than are imposed by other ordinances, rules, regulations, licenses, certificates or other authorizations, or by easements, covenants, or agreements, the more restrictive requirements shall prevail.

Section 410. General Regulations

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as are herein provided by the following general supplementary regulations.

411. Buildings, Uses, Lots and Average Density Subdivisions

411.01 Lot for Every Building

411.011 Every building hereafter erected shall be located on a lot as herein defined and, except as herein provided, there shall be no more than one main building and its accessory buildings on one lot, except for multi-family and non-residential buildings in districts where such uses are permitted.

411.012 Where a dwelling unit for a servant or servants is established as an accessory building, such building shall be located so that the site upon which it is situated could, in the opinion of the Planning Board, be subdivided in the future from the remainder of the parcel in such a way as to create a separate conforming lot for each dwelling unit, and provided, further, that each such dwelling unit shall comply with all other applicable requirements of this Ordinance.

411.02 Yard and Open Space for Every Building: No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the

yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot.

- 411.03 Subdivision of a Lot: Where a lot is formed hereafter from the part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this Ordinance with respect to the existing buildings and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this Ordinance.
- 411.04 Oversize Lots: A lot which does not conform to one or more of the minimum dimensional requirements of this Ordinance for the district in which it is located but contains within its boundaries the potential outlines for a lot which would conform to all of the applicable requirements of this Ordinance, shall be deemed to be a conforming lot within the meaning of this Ordinance.
- 411.05 Irregularly Shaped Lots: Where a question exists as to the proper application of any of the requirements of this Ordinance to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Board of Appeals shall determine how the requirements of this Ordinance shall be applied.
- 411.06 Lots Under Water or Subject to Flooding: No more than twenty-five percent (25%) of the minimum area requirement of a lot may be fulfilled by land which is under water or subject to flooding. Land which is under water that is open to use by persons other than the owner of the lot, shall be excluded entirely from the computation of the minimum area of that lot. For the purposes of this section, land in the bed of a stream not exceeding five (5) feet in width at mean water level, land in any pond not exceeding three-hundred (300) square feet in area, and land in any pond created subsequent to the creation of the lot shall not be considered as under water.
- 411.07 Required Street Frontage: No building permit shall be issued for any structure unless the lot upon which that structure is to be built has at least the amount of frontage required in the district in which

the lot is located on a street which has been suitably improved to Town road standards, or a bond posted therefor, all in accordance with the provisions of Section 280a of the Town Law.

- 411.08 Lots Not Conforming to Area, Frontage, or Other Dimensional Requirements: A building permit may be issued for the creation of a structure on a lot or parcel that does not conform to the area, frontage or other dimensional requirements of this Ordinance only when a valid conveyance has been signed and the conveyance recorded prior to the adoption of this Ordinance. In addition, the lot must have met the zoning requirements in place at the time the deed to the lot was recorded. All yard setbacks and other requirements which are in effect at the time of the obtaining of the building permit must be complied with, insofar as is feasible. However, if the owner of the lot owns a contiguous lot or lots, then the other lot or lots or so much thereof as may be necessary, shall be merged with the nonconforming lot in order to bring that lot into conformance or, to as great extent as is practical, to reduce or eliminate any nonconformities that may exist on any of the lots. At that time, a building permit may be issued for construction on the newly created lot.
- 411.09 Parts of Lot Not Counted Toward Area Requirements: For any lot created by subdivision subsequent to the effective date of this Ordinance, no part of such lot less in width than one-half (1/2) of the minimum requirement for the district in which it is located shall be counted as part of the minimum required lot area, except where such insufficient width is the result of the Planning Board having modified the frontage requirement of a lot abutting a turnaround terminating a dead end street.
- 411.10 Average Density Subdivisions: Simultaneously with the approval of a subdivision plat for property in any single-family residence district and pursuant to Section 281 of the Town Law, at the request of the applicant, the Planning Board is authorized to modify the zoning regulations with respect to lot area and dimensions, provided that the average size of all lots shown on the subdivision plat shall be equal to or greater than the permitted minimum lot area in such district, and that there shall not be a greater average density of population, or cover of the land with more buildings or building coverage than is permitted in such district, and further provided that no lot shall have less than eighty

percent (80%) of the minimum area and dimensions required for lots in such district. For the purpose of this section, "average density" shall be determined by the number of single-family residences which could be built under the zoning district standards contained in this Ordinance, in full conformity with the Town's Land Subdivision Regulations and all other applicable requirements. The basis for this determination by the Planning Board shall be a conventional preliminary subdivision plat for the subject property.

412. Yards, Yard Improvements, Building Projections, Setbacks

- 412.01 Terraces: A paved terrace shall not be considered in the determination of lot coverage, floor area ratio, or yard requirements, provided, however, that such terrace is without roof, awnings, screens, walls, parapets, or other forms of enclosure. Such terrace, however, may have a guard railing, low wall, or fence but such terrace shall not project into any yard to a point closer than five (5) feet from any lot line.
- 412.02 Porches, Carports and Garages: No porch may project into any required yard. Any two-story or any enclosed porch or garage, or one having a roof and capable of being enclosed, shall be considered a part of the building in determining the yard requirements, amount of lot coverage or floor area ratio.
- 412.03 Projecting Horizontal Architectural Features: Architectural features, such as window sills, belt courses, chimneys, cornices, eaves or bay windows, may project up to three (3) feet into any required yard, but not nearer than eight (8) feet from the lot line in any case, provided that the area of such architectural features on any wall shall not exceed one-fourth ($1/4$) the area of said wall.
- 412.04 Fire Escapes: Open fire escapes may extend into any required yard.
- 412.05 Projecting Features Above the Roof Level: The height limitations of this Ordinance shall not apply to flagpoles, antennas, church spires, belfries, cupolas and domes not used for human occupancy. They shall not apply to chimneys, ventilators, skylights, solar energy collectors, water tanks, bulkheads, or similar features, and necessary mechanical appurtenances usually carried above the roof level, provided that such features shall be screened in a manner approved by the Architectural Board of Review and shall be erected only to a

height necessary to accomplish the purpose they are intended to serve, but shall not extend more than nine (9) feet above the roof without the approval of the Board of Appeals, and except for solar energy collectors, that the total area covered by such features shall not exceed fifteen percent (15%) of the area of the roof on which they are located.

- 412.06 Parapet Walls: The provisions of this Ordinance shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament and without windows, extending above such height limit less than five (5) feet.
- 412.07 Walls and Fences: The yard requirements of this Ordinance shall not be deemed to prohibit any necessary retaining wall, nor to prohibit any fence or wall, provided that the finished side of such fencing erected along a street shall face the street, and provided that such fence or wall does not exceed six (6) feet in height, unless that part above such height is not less than three-fourths ($3/4$) open construction. However, no barbed wire fence or similar fence shall be erected in a residential area.
- 412.08 Visibility at Intersections: On a corner lot no fence, wall, hedge, or other structure or planting, more than three (3) feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines at points which are thirty (30) feet distant from the point of intersection, measured along said street right-of-way lines. The height of three (3) feet shall be measured above the road surface at the nearest edge of road travelled-way. This section shall not apply to existing trees, provided that no branches are closer than six (6) feet to the ground.
- 412.09 Corner Lots: On any corner lot, except in an R-5 District, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot.
- 412.10 Exception for Existing Alignment of Buildings: If on one side of a street within two hundred-fifty (250) feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater or less than the depth specified in the Schedule of Regulations, a front yard shall be required in connection with any new building which shall conform as nearly as practicable with those existing on the adjacent lots,

except that no such building shall be required to set back from the street a distance greater than seventy-five (75) feet.

- 412.11 Awnings: No awning or similar weather shielding feature projecting beyond the property line of any lot into the sidewalk portion of a street shall be erected or maintained on any building, unless such awning or feature shall be firmly attached to the building and is at all points at least eight (8) feet above the sidewalk area.
- 412.12 Swimming Pools: All swimming pools shall be considered structures and shall be set back from lot lines at least the minimum distance required for other buildings and structures. Also, such pools shall conform to the requirements of the Town Swimming Pool Ordinance.
- 412.13 Landscaping, Screening and Buffer Areas: All portions of multi-family and non-residential properties which are not used for locations for buildings, structures, off-street parking and loading areas, sidewalks or similar purposes, shall be suitably landscaped and permanently maintained with planting of trees and shrubbery, in accordance with specifications approved by the Planning Board as part of the site plan, so as to minimize erosion and storm water runoff and harmoniously blend such uses with the residential character of the Town as a whole.
- 412.131 On all multi-family and non-residentially developed properties, a landscaped buffer area shall be required to screen and protect neighboring residential properties from the view of uses and parking areas on the site. It shall:
- 412.1311 Be at least ten (10) feet in depth along any lot line abutting or directly across the street from a lot in a Residence District.
- 412.1312 Be of evergreen planting of such type, height and spacing as, in the judgment of the Planning Board, will effectively screen the activities on the lot from view of persons standing on adjoining properties. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.

- 412.1313 A wall or fence, of location, height and design approved by the Planning Board, may be substituted for the required planting.
- 412.132 Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.
- 412.133 Maintenance: All planting shown on an approved site development plan or special permit plan shall be maintained in a vigorous growing condition throughout the duration of the use, and plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 412.14 Exterior Lighting: All exterior lighting accessory to a multi-family or non-residential use, and all lighting of recreational facilities accessory to a residential use, including the lighting of signs, shall be of such type and location and shall have such shading as will prevent the source of the light from being seen from any adjacent residential property. Hours of lighting may be limited by the Planning Board in acting on any site development plan. Where site development plan approval is not required, the Building Inspector shall refer the Building Permit application to the Town Engineer, who may limit the hours of lighting as a condition of Building Permit approval.
- 412.15 Refuse Disposal: Adequate facilities for disposal of refuse shall be provided in all districts. No incinerators shall be permitted. In multi-family and non-residential districts all refuse disposal units or locations for deposit must also be screened from view and designed in such fashion as to be fireproof and to prevent access by rodents and blowing away of refuse.
- 412.16 Dish Antennas: Satellite dish antennas shall be permitted as an accessory use in any zoning district subject to the following requirements. A property owner may appeal to the Zoning Board of Appeals pursuant to Town of North Castle Zoning Ordinance Section 542.3 if he believes that conformance with any of the provisions of this section will result in practical difficulty or unnecessary hardship which would deprive him of the reasonable use of his property.

- 412.161 All dish antennas installed prior to the effective day of this Ordinance shall be registered with the Building Inspector within 3 months of the effective date of this Ordinance and shall be brought into compliance with Sections 412.163, 412.164, 412.165, 412.170 and 412.171 within one year of the effective date of this Ordinance.
- 412.162 Dish antennas shall be located in an area which will most mitigate their observation from surrounding properties.
- 412.163 Dish antennas shall not be located in any front yard, and shall comply with all rear and side yard setback requirements.
- 412.164 A free-standing dish antenna shall be screened from its back and sides when possible and practicable in light of the purchase and installation cost of the equipment, through the use of architectural features, earth berms, landscaping or other screening which will harmonize with the character of the property and surrounding area.
- 412.165 Dish antennas may only be painted black, grey, brown or green. The paint shall not be florescent or reflective.
- 412.166 Where a dish antenna is to be installed on a pitched roof, it shall be installed on that side of the pitched roof not facing any public or private road. Where a dish antenna is to be installed on a flat roof, it shall be installed on that portion of the roof which is least visible from any public or private road.
- 412.167 The height of a dish antenna shall be measured vertically to the highest point of the antenna when positioned in its most vertical position.
- 412.168 A free-standing dish antenna shall not exceed fifteen (15) feet in height above ground level. A dish antenna located on a building shall not exceed twelve (12) feet in height measured from the point of building attachment.

- 412.169 A dish antenna shall not exceed eleven (11) feet in diameter.
- 412.170 Any solid fiberglass dish antenna three feet or greater in diameter installed on a roof, shall be considered a structure as defined in Section 220 of this Ordinance and shall require a building permit and a certificate of compliance issued by the Building Inspector.
- 412.171 Any dish antenna greater than eight (8) feet in diameter or greater than eight (8) feet in height shall be considered a structure as defined in Section 220 of this Ordinance and shall require a building permit and a certificate of compliance issued by the Building Inspector.
- 412.172 Any dish antenna greater than eleven (11) feet in diameter or greater than fifteen (15) feet in height above ground level, or greater than twelve (12) feet in height measured from the point of building attachment, shall be considered a structure as defined in Section 220 of this Ordinance and shall require a building permit issued by the Building Inspector. The Building Inspector shall refer any application for a building permit for a dish antenna pursuant to this section, to the Architectural Review Board for review and approval subject to the requirements of this Ordinance and Local Law No. 1-1980 (Architectural Review Board).

413. Signs:

413.1 Conformity Required: No sign or billboard shall be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged, or structurally altered except in conformity with and as expressly authorized by the provisions of this Ordinance.

413.2 Relationship to a Permitted Use: All signs must pertain to a use conducted on the same property on which they are located. In OB, DOB-20A, PBO-2A, PBO, PLI, RELIP, and IND-AA Districts, signs shall give only the name of the occupant or company occupying the premises, and/or the name of the industrial park.

413.3 General Regulations:

413.31 Window Signs: Except as required by law or as otherwise permitted in this Section, no signs or other advertising material shall be affixed on either the interior or exterior of any glass surface.

413.32 Directional Signs: In addition to other permitted signs, necessary small directional signs are permitted on access roads and parking areas, providing that the area of each sign shall not exceed one (1) square foot, except in an OB District where it shall not exceed six (6) square feet.

413.33 Placement: No sign shall be so located as to obscure a sign displayed by public authority for the purpose of giving traffic instruction or directions, or other public information; be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow; or be so located as to interfere with the access of light or air. No sign shall be attached to a utility pole or to a live tree.

413.34 Setback: In districts where required front yard setbacks exceed one hundred (100) feet, one (1) freestanding identification sign shall be permitted at each access drive, provided that:

413.341 The property on the opposite side of the street is not in residential use;

413.342 The area of the sign does not exceed thirty (30) square feet;

- 413.343 The height of the sign does not exceed ten (10) feet, measured from road grade or ground level at the sign.
- 413.35 Motion: No sign shall be of a type that has the whole or any part in motion by rotating, fluttering or any other means.
- 413.36 Illumination: Signs may be illuminated, provided such illumination shall not be twinkling, flashing, intermittent, or of changing degrees of intensity; nor shall any illumination tubing or strings of light outline roof lines, doors, windows, or wall edges of any building; nor shall the source of such illumination, i.e. the light bulb itself, be visible beyond the boundaries of the lot on which it is located.
- 413.37 Temporary Signs: The following signs shall not be illuminated or contain any luminous or reflective material, shall be erected for a period not to exceed thirty (30) consecutive days, except as noted below, and shall be removed by the owner when specified, or shall be removed by the Town at owner's expense. Temporary signs shall not be erected on public property on or over a public right-of-way, unless authorized by the Town Board as part of its review of a special permit application, pursuant to Section 430 of this Ordinance. Temporary signs shall not be attached to fences, utility poles, or live trees, and shall be erected subject only to the approval of the Building Inspector.
- 413.371 One (1) "For Sale" "For Rent" or "Sold" sign, placed by the owner or sales agent of the property, and not exceeding six (6) square feet in area and set back at least ten (10) feet along the frontage of each street upon which the property is located. Such signs shall be removed from the property ten (10) days following the sale or rental of the property.
- 413.372 Not more than one (1) temporary sign for each street frontage of the lot, identifying the architect, engineer, and/or contractor, and not exceeding six (6) square

feet in area in residential districts and thirty-two (32) square feet in non-residential districts, shall be permitted during the course of construction.

413.373 Temporary signs appertaining to and displayed only during campaigns, drives, or events of civic, philanthropic, educational, or religious institutions.

413.38 Maintenance: All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

413.39 Removal of Signs: The property owner shall remove or cause to be removed all signs related to non-residential uses within one (1) month of the time premises are vacated, except signs as regulated in Section 413.0371.

413.4 Permits: A sign shall be considered a structure, and a building permit shall be obtained for the erection, relocation, or structural alteration of any sign. A building permit shall be required for any temporary sign exceeding one (1) square foot in area and intended for display for more than seven (7) days. Temporary signs of one (1) square foot in area or less and intended for display for seven (7) days or less may be erected on private property without a permit. Site plan approval shall be required for any sign which pertains to a use for which site plan or special permit approval is required.

413.41 Permit Fee: Every applicant for a permit, before being granted such permit, shall pay to the Building Inspector a fee in the amount of five dollars (\$5.00) plus fifty cents (\$.50) for each square foot, or fraction thereof, in excess of ten (10) square feet of sign area. No temporary sign permit fee shall be required of any non-profit organization.

413.42 Site Plan Approval: In connection with its action on a site plan application, the Planning Board shall consider the relationship of each sign to the safety and convenience of the public.

413.43 Referral to Architectural Board of Review:
The Planning Board shall refer all sign plans to the Architectural Board of Review for approval of sign, type, size, color, illumination and location, as a condition of site plan approval. The Architectural Board of Review may approve, conditionally approve subject to specified modifications, or disapprove any applications referred to it, provided that the Board finds that the sign for which a permit was applied would, if erected or painted, be detrimental to property values or the harmonious development of the surrounding area for one or more of the following reasons:

- 413.431 A type or quality of design distinctively out of character with existing development in the affected vicinity;
- 413.432 A sign out of scale with outer signs upon surrounding buildings, or with architectural detail of surrounding buildings;
- 413.433 Colors which cover so large an area of the sign and which at the same time are so in conflict with the colors of the surrounding buildings as to appear out of place;
- 413.434 Lighting so intense and bright as to cause undue glare; or
- 413.435 Location in conflict with the character of the affected vicinity as established by conforming existing development, or as clearly intended by the nature of other applicable zoning regulations.

413.44 Coordinated Signage Plan: The Planning Board may propose, in consultation with the Architectural Board of Review, a coordinated signage plan, for any area or areas of the Town, to serve as a guide for each individual establishment within said area.

In areas where such an overall plan has not been prepared, the Planning Board may require, in conjunction with an application for site plan approval involving two or

more establishments, the submission of a signage plan for such area, which plan shall include, but is not limited to, material, color, texture, lighting, dimensions, location, and style of lettering.

413.5 Signs in Residence Districts: In residence districts, in conformance with all other regulations of this Ordinance, signs are hereby permitted as follows:

413.51 One (1) sign, not exceeding two (2) square feet in area, giving the name of the property and/or occupant, and any profession or occupation permitted as an accessory use on the lot.

413.52 For governmental and special permit uses, one (1) sign at each street frontage where the use has an access drive, provided the total area of such sign does not exceed thirty (30) square feet and no one sign exceeds fifteen (15) square feet in area.

413.53 No sign exceeding two (2) square feet in area shall be located nearer than five (5) feet to any property line.

413.6 Signs in Non-Residential Districts: In non-residential districts, in conformance with all other regulations of this Ordinance, signs are hereby permitted as follows:

413.61 Area:

District	Maximum Area of Building Sign	Maximum Area of Free- Standing Sign
SC	2 sq.ft. for each lineal foot of the front wall of the building, but not over 300 sq.ft.; height including background shall not exceed 3 feet	20 sq.ft.plus 1 sq.ft. for each 3 lineal feet that the front wall of the building exceeds 50 feet in length but not over 100 sq.ft.

District	Maximum Area of Building Sign	Maximum Area of Free- Standing Sign
NB	Total sign area, including both building signs and free-standing signs, shall not exceed 150 sq.ft.	20 sq.ft.
CB-A and CB-B	2 sq.ft. for each lineal foot of the front wall of the building, but not over 50 sq.ft.	10 sq.ft.
CB and RB	2 sq.ft. for each lineal foot of the front wall of the building, but not over 300 sq.ft.	20 sq.ft. plus 1 sq.ft. for each 3 lineal feet that the front wall of the building ex- ceeds 50 feet in length, but not over 100 sq.ft.
GB	2 sq.ft. for each lineal foot of the front wall of the building, but not over 50 sq.ft.	10 sq.ft.
OB	30 sq.ft.	30 sq.ft. and no dimension over 10 feet
RO	4 sq.ft.	8 sq.ft.
PBO-2A	30 sq.ft.	10 sq.ft.
PBO and RELIP	25 sq.ft.	10 sq.ft. and 5 feet in length
PLI	2% of the area of the building wall on which it is mounted or 20 sq.ft., whichever is greater, except as permitted in Section 413.69	"
IND-AA	10 sq.ft. and 5 feet in length	10 sq.ft. and 5 feet in length

District	Maximum Area of Building Sign	Maximum Area of Free- Standing Sign
IND-A	2 sq.ft. for each lineal foot of the front wall of the building but not over 150 sq.ft.; height including background shall not exceed 3 feet	20 sq.ft. plus 1 sq.ft. for each 3 lineal feet that the front wall of building exceeds 50 feet in length but not over 100 sq.ft.

413.62 Number of Signs, Letter Size, and Height of
Free-Standing Signs:

District	Maximum Number of Signs	Maximum Vertical Letter Size	Maximum Height of Free-Standing Sign (measured from the top of the sign)
SC	2 building signs; 1 freestanding sign on each street frontage of the lot	2.5 feet	20 feet
NB	2 building signs; 1 freestanding sign at the vehicular entrance to the site	2.5 feet	10 feet
CB-A and CB-B	1, or as deter- mined in accor- dance with Section 413.44	2 feet	6 feet
CB and RB	2 building signs; 1 freestanding sign on each street frontage of the lot	2.5 feet, except that the first letter or symbol may not exceed 4 feet	20 feet
GB	1, or as deter- mined in ac- cordance with Section 413.44	2 feet	6 feet

District	Maximum Number of Signs	Maximum Vertical Letter Size	Maximum Height of Free-Standing Sign (measured from the top of the sign)
OB	2	--	12 feet
RO	1 building sign; 1 free-standing sign	1 foot	5 feet
PBO-2A	"	2 feet, except that the first letter or symbol may not exceed 4 feet	12 feet
PBO	"	2 feet	10 feet
RELIP	1 building sign, and 1 free-standing sign in addition to that permitted in Section 413.63	2 feet, except as permitted in Section 413.69	4 feet, except as permitted in Section 413.63
PLI	1 building sign, except as permitted in Section 413.69, and 1 free-standing sign in addition to that permitted in Section 413.63	--	"
IND-AA	1	--	12 feet
IND-A	2	2.5 feet	20 feet

413.63 Industrial Parks: In PLI and RELIP Districts, for each industrial park subdivision which includes at least one new road, the following signs are permitted in addition to all other permitted signs:

413.631 One (1) free-standing directory sign, not exceeding forty (40) square feet in area, nor ten (10) feet in any dimension, and, measured from the top of the sign, no more than twelve (12) feet

- 413.69 Motel Signs: For a motel use, a maximum of three (3) signs shall be permitted, with a maximum combined area of one hundred-sixty (160) square feet. No letter or symbol shall exceed five (5) feet in height, nor may any one sign exceed eighty (80) square feet in area.
- 413.7 Non-Conforming Signs: Every sign which is made non-conforming by this Ordinance shall be discontinued and removed, or changed to conform to the standards of this Ordinance, within a period of eighteen (18) months from the date of notification of non-conformity by the Building Inspector. Any pre-existing non-conforming sign shall be subject to the removal or discontinuance provisions of the Ordinance which made it non-conforming.
414. Utilities: In order to achieve greater safety and improved appearance, where new streets are to be constructed in connection with a subdivision, all electric, telephone, cable TV and other wires and equipment for providing power and/or communication, shall be installed underground in the manner prescribed by regulations of the State, local and/or utility company having jurisdiction. This requirement shall apply to both new distribution cables along the new street and to the new service wires from the street to the new buildings. For buildings to be built on existing streets with existing aerial wires, the Planning Board may, at its option, require, as a condition of subdivision or site plan approval, that all wires from the street to the building be buried underground. Where compliance with this section is determined by the Planning Board to be not feasible, the Board may waive this requirement or require, as a condition of subdivision or site plan approval, the posting of a bond or other suitable legal agreement covering the cost of such improvements at such time as the Planning Board may determine it to be feasible.
415. Hilltops, Ridgelines and Steep Slopes: For the purpose of preventing erosion, minimizing stormwater runoff and flooding, preserving the Town's underground water resources, and protecting the Town's character and property values, it is the intent of this Ordinance to prevent the development of hilltops, ridgelines, and steep slopes. Toward this end, wherever possible, new construction shall avoid such areas and existing vegetation in such areas shall not be disturbed. The Planning Board, the Zoning Board of Appeals, and the Building Inspector shall take this objective into consideration in reviewing and acting on any plans submitted pursuant to the provisions of this Ordinance. For purposes of this section, steep slopes shall be considered to be those areas with an average slope of or greater than twenty-five percent (25%) over a horizontal distance of twenty-five (25) feet or more.

above ground level. Any such sign shall be located at or near the entrance of the new road to the main road.

- 413.632 One (1) free-standing park name sign, not exceeding twenty-five (25) square feet in area, nor twenty (20) feet in length. Measured from the top of the sign, the height shall not exceed six (6) feet above ground level.
- 413.64 Building Sign Type: In PBO-2A, PBO, PLI, and RELIP Districts, building signs shall be mounted on and parallel to the wall of the building.
- 413.65 Multi-Tenanted Buildings: In multi-tenanted buildings, the allowable sign area shall be divided among the tenants, in shares proportionate to the amount of the building used. These shares shall be transferable. In addition, one (1) nameplate, not exceeding four (4) square feet in area, may be affixed to the building wall adjacent to each tenant's principal entrance door, or alternatively applied to the door itself; and a second nameplate, not exceeding two (2) square feet in area, may be similarly located at each tenant's freight or service entrance, if such entrance exists.
- 413.66 Building Sign Height: No sign shall be placed on the roof or project above the walls of the structure on which it is placed, except in CB and RB Districts, where a sign may project not more than two (2) feet above the top of the exterior wall at the location of the sign.
- 413.67 Building Sign Projection: In PBO-2A, CB, and RB Districts, no building sign shall extend more than nine (9) inches from the face of the building upon which it is attached.
- 413.68 Placement: Except in CB, CB-A and RB Districts, no sign shall face and be readable from any lot line of an adjoining lot which is in residential use and in a residence district.

Section 420. District Regulations

420.01 The accompanying Schedules of Regulations (Sections 421, 422 and 423) list and define the use of land and buildings, the height of buildings, the yards and other open space to be provided in connection with buildings, the area of lots, and other matters. The regulations listed for each district as designated are hereby adopted and prescribed for each such district, subject to the provisions of this Section and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

421. Schedule of Residence District Regulations: (See schedule inside back cover.)

422. Schedule of Business District Regulations: (See schedule inside back cover.)

423. Schedule of Office and Industrial District Regulations: (See schedule inside back cover.)

424. Additional Residence District Regulations

424.1 Multi-Family (R-MF): In an R-MF District, all such uses shall be subject to site plan approval in accordance with Section 450 of this Ordinance.

424.11 Intent: This district is established in order to increase the supply of dwelling units suitable for smaller families or individuals, to preserve significant open space, to secure superior land planning, and to increase the supply of moderate cost housing. Site location shall conform to the standards set forth in the Town Development Plan.

424.12 Allowable Density

424.121 Maximum Density: The average gross density shall not exceed one (1) density unit (as defined in Section 220 of this Ordinance) per 25,000 square feet of land area except (as defined in Section 424.122) that the permitted density may be increased by not more than forty-five percent (45%) if the applicant constructs at least forty percent (40%) of the

increase as middle income dwelling units. The Planning Board may limit the increase in density where the Board determines that such may be necessary or appropriate because of the specific characteristics of the individual site.

- 424.122 Net Density: To further the achievement of the objectives of the State Freshwater Wetlands Act, (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law), the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law), the North Castle Town Wetlands and Drainage Law, the North Castle Town Environmental Quality Review Law, the North Castle Town Development Plan and Section 415 of this Ordinance, the total lot area used in the calculation of maximum density in the R-MF District shall be a net lot area. The area of any controlled areas (as defined in the North Castle Town Wetlands and Drainage Law), exclusive of any adjacent land within the controlled area serving as a buffer area and the area of any steeply sloped land (as defined in Section 415) shall be determined and multiplied by a factor of 0.75. The resulting number shall then be deducted from the gross total lot area to yield the net lot area. The net lot area shall then be used in calculating the maximum allowable density.

- 424.13 Bedrooms: The Planning Board shall be responsible for determining the number of bedrooms in each dwelling unit, in connection with its review of site development plans.

- 424.14 Water and Sewerage Facilities: All attached, semi-detached or multi-family dwellings shall be served by public water and sewerage treatment facilities, and no

certificate of occupancy shall be issued until all dwelling units are connected to approved and functioning public water and sewerage treatment systems. Where, in the opinion of the Planning Board, connection to or establishment of public water facilities is not possible, or not warranted, a central water supply system shall be designed and constructed to serve all dwelling units in accordance with the standards and subject to the approval of the Westchester County Department of Environmental Conservation. Such central system shall be designed and located in such way as to readily permit its connection and/or conversion to an off-site system at such time as it is constructed.

Where, in the opinion of the Planning Board, the geology of an area is such that wells of large capacity will adversely impact existing wells on nearby properties, individual water meters for each dwelling unit shall be installed, this impact will be studied in any environmental impact statement, sufficient measures as directed by the Planning Board shall be taken by the applicant to prevent such adverse impact or to indemnify the owners of such impacted wells, and/or, where feasible, an off-site source of water supply shall be developed.

424.15 Antenna System: A central television antenna, a dish antenna or cable service where available, shall be provided for each group of attached dwelling units.

424.16 Open Space and Recreation Area: At least fifty percent (50%) of the gross area of the site shall be preserved as permanent open space, free of buildings and parking area, and shall be landscaped or left in its natural state in accordance with the provisions of Section 412.13.

424.161 Character: Such area shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, dimensions, location, topography and extent of improvements suitable, in the opinion of the Planning Board, for the intended purposes.

424.162 Preservation in Developments Comprised Solely of Rental Units: Permanent preservation of such open space and recreation areas shall be legally assured, to the satisfaction of the Planning Board, by the filing of appropriate covenants, deed restrictions, easements, or other agreements. It shall be the property owner's responsibility to maintain all open space and recreation areas, and such other common areas within the owner's control such as, but not limited to, foyers, hallways, streets, driveways, curbs, sidewalks, landscaping, and lighting in a safe, clean and orderly condition. Such maintenance shall include removal of snow from internal streets and driveways. In the event that the maintenance, preservation and/or use of the conserved land areas ceases to be in compliance with any of the requirements of this Section or any other requirements specified by the Planning Board when approving the site plan, the Town shall be granted the right to take all necessary action to assure such compliance and to assess against the property owner all costs incurred by the Town for such purposes.

424.163 Preservation in all Other Developments: Permanent preservation of such open space and recreation areas shall be legally assured, to the satisfaction of the Planning Board and the Town Attorney, by the filing of appropriate covenants, deed restrictions, easements, or other agreements. Except where all or parts of such areas are deeded to and accepted by the Town of North Castle or a recognized conservation organization, ownership of such areas shall be divided

proportionally among all property owners within the development, and a property owners association, membership in which shall be mandatory for all owners in the development, shall be incorporated, which association shall be responsible for maintenance, liability insurance and local taxes. Such association shall be empowered to levy assessments against property owners to defray the cost of maintenance, and to acquire liens, where necessary, against property owners for unpaid charges or assessments. In the event that the property owners association fails to perform the necessary maintenance operations, the Town of North Castle shall be authorized to enter upon such premises for the purpose of performing such operations, and to assess the cost of so doing, plus a penalty of ten percent (10%), against the association and/or each individual property owner equally.

424.164 Improvement: Within such common open space areas, a total of not less than 300 square feet per density unit shall be improved with common recreational facilities, such as swimming pools, tennis, basketball, volleyball, and shuffleboard courts, playground equipment, etc., for the use of the residents of the premises and their guests, which facilities shall not be operated for profit. Where special recreational considerations must be met, such as for senior citizens, the site plan shall contain elements encompassing and satisfying these needs.

424.17 Design Considerations: In order that multi-family developments will be properly planned in relation to the community and personal needs of people, the following

design elements shall be considered by the Planning Board and the Architectural Board of Review in addition to the normal factors examined in site plan review:

424.171 Visual privacy should be preserved for residents through the proper design of rear yards and/or patio spaces. Proper screening through the use of vegetation, fencing and partially or fully enclosed patios should be provided.

424.172 Audio privacy should be maintained by requiring proper standards for solid party walls that will satisfactorily limit sound transmission between adjoining dwelling units.

424.173 Appropriate scale should be preserved through limiting building height to, in general, no more than two (2) stories of living quarters.

424.18 Required Parking:

424.181 Parking spaces shall be provided in number and design according to the provisions of Section 460 of this Ordinance.

424.182 At least one-third ($1/3$) but not more than two-thirds ($2/3$) of the minimum required parking spaces shall be enclosed within garages or carports.

424.183 All self-propelled maintenance equipment, including accessories, shall be stored in enclosed structures only, which structures shall conform in architectural theme to the residential buildings of the development.

424.184 The Planning Board may require, if deemed appropriate, the provision of a suitably screened parking area solely for the storage of boats, motor homes,

travel trailers, and pick-up coaches belonging to inhabitants of the development.

424.19 Middle Income Dwelling Units:

424.191 Distribution: Such units shall be available for sale, resale, or continuing rental only to "Middle Income Families" as defined in Section 220 of this Ordinance. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one, two, three or four bedroom units in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of North Castle.

424.192 Minimum Floor Area: Minimum gross floor area per dwelling unit shall not be less than the following:

Efficiency - 450 square feet

1 Bedroom - 700 square feet

2 Bedrooms - 900 square feet

3 Bedrooms - 1,100 square feet
(including at least 1-1/2 baths)

4 Bedrooms - 1,300 square feet
(including at least 1-1/2 baths)

For purposes of this section, the Planning Board may allow balconies or paved terraces to be counted toward the minimum gross floor area requirement in an amount not to exceed five percent (5%) of that requirement.

424.193 Occupancy Standards: In renting or selling, the following schedule shall apply to middle income dwelling units:

<u>No. of Bedrooms</u>	<u>No. of Persons</u>	
	<u>Minimum</u>	<u>Maximum</u>
Efficiency	1	1
1	1*	2
2	2	4
3	3	6
4	6	8

*Only if efficiency is not available. Tenants should be transferred to efficiency when one becomes available and lease should so provide.

424.194 Maximum Rent and Sales Price:

424.1941 Rental: The maximum monthly rent for a middle income dwelling unit shall not exceed one and eight-tenths percent (1.8%), excluding utilities (gas, oil, and electricity), or two percent (2.0%) if utilities are included, of the maximum aggregate family income for a middle income family as defined in Section 220 of this Ordinance, for the maximum size of family eligible for such unit as set forth in Section 424.193 above.

424.1942 Sales: The maximum gross sales price for a middle income unit shall not exceed two (2) times the maximum aggregate family income

for a middle income family as defined in Section 220 of this Ordinance, for the maximum size of family eligible for such unit as set forth in Section 424.193 above.

424.1943 Mortgages: The applicant shall, if possible, obtain from the lending institution chosen for the development a commitment to provide for all middle income units mortgages for up to ninety-five percent (95%) of unit cost, or for the maximum amount for which the mortgagor qualifies, whichever is less.

424.195 Eligibility Priorities: Middle Income families applying for middle income dwelling units shall be selected on the basis of the following categories of priority:

- 424.1951 Residents of the Town of North Castle;
- 424.1952 Town of North Castle municipal employees;
- 424.1953 Town of North Castle School District employees;
- 424.1954 Other persons employed in the Town of North Castle;
- 424.1955 Relatives of residents of the Town of North Castle;
- 424.1956 Other residents of Westchester County;
- 424.1957 All others.

424.196 Selection Priorities: Within each of these categories, applicants shall be selected according to the following categories:

424.1961 Families displaced by governmental action;

424.1962 Families of which the head or spouse is 62 years or older;

424.1963 Families of which the head or spouse is handicapped (certified by a physician).

424.197 Continued Eligibility:

424.1971 Rental: Applicants for middle income rental units referred to in this section shall, if eligible, and if selected for occupancy by the owner or manager of the development, sign leases for a term of no more than two (2) years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered a two (2) year renewal of the lease. If a resident's annual gross income should subsequently exceed by more than twenty percent (20%) the maximum then allowable, as defined in Section 220 of this Ordinance, and if there is at that time an otherwise eligible applicant within one of the categories in Section 424.195 above, said resident may complete

his current lease term and shall be offered a non-"middle income" rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one (1) additional one (1) year lease for the middle income dwelling unit he occupies but shall not be offered a renewal of the lease beyond the expiration of said term.

424.1972 Sales: In the case of owner-occupied middle income dwelling units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then maximum sales price for said unit, as determined in accordance with Section 424.1942 of this Section, or the sum of the following, whichever is greater.

424.19721 The amount of any principal payment made by the home buyer;

424.19722 The remaining principal on any mortgage(s);

424.19723 The value of any fixed improvements made by the home buyer, and not included with 424.19721 or 424.19722 above;

424.19724 Reasonable and necessary expenses incidental to the resale.

424.198 Administration:

424.1981 The Town Board shall establish a town housing agency which shall be responsible for the administration of the middle income housing requirements of this section as well as for the promulgation of such rules and regulations as may be necessary to implement such requirements.

424.1982 At the time of the issuance of a Certificate of Occupancy, the Building Inspector shall send a copy of such Certificate to the town housing agency who shall then inform the applicant of the maximum rental or sales charge which may be established for the middle income dwelling units in such development, and the maximum annual gross

family income for eligibility for occupancy of said units.

424.1983 The town housing agency shall certify as eligible all applicants for rental or sales middle income dwelling units, and shall annually re-examine or cause to be re-examined each occupant family's income.

424.1984 On or before March 30th of each year thereafter, the town housing agency shall notify the owner or manager of each multi-family development containing middle income units as to the rent, sales and income eligibility requirements for such units based upon figures derived from the Town Budget for that year.

424.1985 The owner or manager of such multi-family development shall certify to the town housing agency on or before May 31st of each year that the current rental or sales prices of all middle income dwelling units comply with the terms of this Ordinance.

424.199 Tax Assessment: The limited rental income and/or sales value of middle income units shall be taken into consideration by the Town Assessor in determining the full value basis for assessments on such units.

425. Additional Business Regulations:

425.1 Shopping Center (SC) District: Traffic access to a use in an SC District shall be from a public street of adequate capacity and design to handle the expected traffic from the business use safely and conveniently.

425.2 Central Business A (CB-A) District:

425.21 Intent: This district is established for the convenience of persons residing in a major residential area of the Town and is intended to be limited primarily to businesses serving the ordinary shopping needs of the residents. It is further intended that property values shall be enhanced by requiring the highest standards of building, structure and site design and maintenance. In order to achieve a practical balance between the existing and future business and commercial facilities, and the off-street parking to serve these facilities, "building areas" and "parking areas" are established in this district. These areas are delineated on the CB-A Zoning District Map of the Town of North Castle. The uses permitted in these areas shall be regulated as prescribed herein and in Section 422.

425.22 Building Areas: In a building area of a CB-A District, no building or premises shall be used and no building or group of buildings, or part of any building or structure shall be erected, constructed enlarged, altered, arranged, used or designed to be used, in whole or in part, except for one or more of the uses permitted in Section 422. Only those uses specifically listed shall be permitted. Such structure or use must be located within the building area designated for the affected property, as provided in this Section, except that the Planning Board may in its discretion permit minor variations from such building areas provided that the resulting building design is in accord with the general spatial arrangement of "building areas" and "parking areas" delineated on CB-A Zoning District Map. Furthermore the Planning Board may in its discretion permit covered walks or canopies to extend or project outside the building

area where such walk, passageway or canopy is designed and intended to protect shoppers and pedestrians from inclement weather. Such covered walks may be attached to the building by the use of roof overhanging or cantilever construction, or may be supported by columns outside the building area, but the covered area, regardless of design, shall not interfere with the movement and circulation of vehicles in the parking areas or access drives, and shall not decrease the number of parking spaces in the Parking District; and the curbs, columns (if any), grade, paving and lighting of the covered area must be designed to afford safe use of the parking areas and access drives by vehicles and pedestrians. No part of any such overhang, passageway or canopy shall be used for the sale or display of merchandise or for the storage of goods or refuse material, and any such permitted covered walk shall be maintained, repaired, lighted, and kept clean by the owner of the structure or structures served by such walk.

425.23 Parking Areas: No building or structure shall be erected or altered within a parking area, and no use shall be permitted other than the ground level parking, loading, unloading, and movement of automobiles and other vehicles, as accessory to the permitted uses and buildings in the adjoining building areas. The foregoing permitted uses shall not be construed to include the storage, servicing, or dismantling of automobiles and other vehicles in parking areas. No parking spaces shall be reserved except those for the handicapped.

425.231 Exceptions: Structures or uses operated by or on behalf of the public parking district having jurisdiction over the improved parking areas shall be permitted in a parking area, as, for example, structures for the storage of parking area maintenance equipment and materials. Structures and buildings may also be permitted in a parking area by the Planning Board pursuant to Section 425.22.

425.232 Required Open Spaces: The areas to be provided as front, side and rear yards on each property have been shown on the CB-A Zoning District Map as lying outside the Building Area. No setbacks from the limits of the Building Areas are required, except that if, within any one building area, separate buildings are constructed, the minimum distance between buildings shall not be less than six (6) feet, or one-half (1/2) the height of the taller building, whichever distance is the greater.

425.24 Off-Street Parking and Loading

425.241 Parking Requirements Deemed Served: In a CB-A District, the individual requirements to provide off-street parking spaces for any existing or proposed buildings or structures shall be deemed to have been satisfied, and no additional parking spaces shall be required for the issuance of a building permit for any permitted use.

425.242 Additional Parking Permitted: The establishment of parking areas in accordance with this Section shall not be interpreted to prevent the voluntary creation of or continuation of existing parking and loading facilities within the building areas hereby established, provided such facilities are compatible with the design of the parking facilities established in the parking areas with respect to traffic and pedestrian safety; do not require separate driveway access, and are approved by the Planning Board in accordance with the procedures of Section 450. Such parking facilities may be restricted for use by the patrons and employees of the building or structure they are intended to serve, and shall be maintained privately. No such

private parking facilities shall be permitted in the front yard of any building or structure, except in those cases, such as gasoline filling stations, where such front yard parking is clearly for the temporary use of patrons and is essential to the conduct of a principal permitted use.

- 425.243 Off-Street Loading: Off-street loading spaces shall be provided in accordance with the provisions of Section 460. Such loading spaces shall be located so that when in use, they will not interfere with the safe movement of pedestrians and vehicles to, from, or within the parking area.

425.25 General Regulations:

- 425.251 No fabrication or manufacturing shall be permitted, except that which is incident to and on the same premises with a permitted use, and further provided that such incidental fabrication or manufacturing shall not occupy more than twenty-five percent (25%) of the gross floor area of the use nor use motor power other than electric.
- 425.252 No residential use or occupancy shall be permitted in any building used for business, except in a separate apartment unit, which unit shall conform with all requirements for a residential use and shall have a separate entrance from the exterior of the building.
- 425.253 Performance Bond for Removal of Buildings: In acting on a site plan relating to a property on which a structure or part thereof extends into a parking area established by this Section, the Planning Board may require, as a condition to the approval of a site plan, the posting of a performance bond in an amount

sufficient to insure the removal of the non-conforming building or non-conforming part thereof. Such bond shall be posted with the Town Board, which shall approve the form, sufficiency and manner of execution of such bond.

425.254 Architectural Motif: In order to achieve an appearance and style of development in harmony with the character of surrounding properties, all buildings and structures shall be of a "Traditional Eastern American" design and coloration.

425.255 Architectural Review: To insure the maintenance of the chosen architectural motif, architectural review shall be undertaken by both the Planning Board and the Architectural Review Board, prior to site plan approval. In addition to its review and action pursuant to the Town Architectural Review Board Ordinance, the Architectural Review Board shall review the building and site design and shall report its findings and recommendations to the Planning Board. In addition to its review of all other elements of a site plan, pursuant to Section 450, the Planning Board shall review and approve, disapprove or approve with modifications the architectural features of any site plan of a property in the CB-A District.

425.256 Design and Maintenance: The design and maintenance standards of the following table shall apply:

ITEMLOCATIONSPECIFICATIONMAINTENANCE

Sitting areas

-For each individual building, at least one outdoor sitting area for 4 persons shall be provided.

-Free standing benches made of wood or metal in a "colonial" design.

-or-

masonry sitting walls and/or raised planters.

-No railroad ties or landscape timbers will be permitted.

Fences

-Where required to define access, to protect planted areas, or to provide screen from adjacent properties.

-Painted wood fencing, either spaced colonial pickets or vertical boards.
-Fence and gate hardware shall be of colonial wrought iron design.

-Paint fences every 2 years or when needed.
-Repair broken or damaged fencing, reset posts as required.

Refuse control

-Each building shall have at least one enclosed refuse storage area which is readily accessible to tenants and pick-up crews. Storage areas shall be integrated into the building design and attached to buildings wherever possible. Provision shall be made for expansion of refuse storage areas.
-No refuse, trash, or debris shall be left in the open.
-No dumpsters or similar devices will be permitted.

-Storage areas shall have complete wood enclosures on washable concrete slabs. Doors with self-latching or self-closing devices shall be provided. Each area shall contain space for:
* standard 30 to 50 gallon trash cans. (Number to be determined by tenant usage and frequency of pick-up).
* storage of boxes, cartons, and large items.
* a pedestrian trash receptacle.

-Refuse shall be picked up at least twice a week.
-Storage areas shall be hosed down and/or swept out at least once a month.

Drainage

-Surface drainage shall be provided for all paved areas. All roof drains and air conditioner drainage shall be piped into the storm drainage system.

-Minimum paving pitch 1-1/2%. No depressions greater than 1" allowed.
-Catch basins and drain inlets shall have cast iron gates with 1" maximum openings. No steel or plastic grates will be allowed.

-Repair paving as required to maintain drainage flows.
-Clean basins and inlets twice a year.

<u>ITEM</u>	<u>LOCATION</u>	<u>SPECIFICATION</u>	<u>MAINTENANCE</u>
Street and parking area paving	-All streets and parking areas.	-2 course asphalt (binder and finished course) -6" minimum N.Y. State Item #4 subbase 1-1/2% minimum grade; 5% maximum grade.	-Blow and/or sweep surface monthly or minimum of 3 times a year. -Provide snow and ice removal. Use of de-icing salts shall be limited to only those amounts needed for safety. -Repair potholes, sunken areas, or broken paving.
Painted lines and arrows	-Parking spaces to be painted as per site plan dimensions. -Handicapped spaces (5% of total spaces) provided at convenient points with drop-curb access. -Traffic arrows to be provided at all parking area entrances and exits.	-Yellow or white traffic paint 4" wide stripes. -Handicapped spaces to be 12' wide, and identified with International Symbol on pavement.	-Repaint at 2-year intervals or when not easily visible.
Pedestrian crosswalks	-To be provided at all major crossings to direct pedestrians and to slow down vehicles.	-Belgian Block or high-strength brick paving units. -Dropped curbs at each end of cross walk.	-Repair damaged or broken units.
Loading zones	-Provided as required by zoning ordinance and where shown on site plan.	-Belgian Block or high-strength brick paving unit.	-Repair damaged or broken units.
Curbing	-To enclose and define all roads and parking areas.	-Belgian Block set in concrete.	-Repair damaged or broken units.
Walks and plazas	-As shown on site plan, and where needed to facilitate pedestrian movement and to provide open space and sitting areas.	-Brick pavers shall be the predominant paving material. Poured concrete paving may be used where necessary and to provide contrast. Interlocking "Z" pavers or precast concrete blocks and slabs may <u>not</u> be used.	-Repair damaged or broken pavers, and repair or replace any paving that becomes unsightly or presents a safety hazard. -Hose down and/or sweep walks weekly. - <u>De-icing salts shall not be used on sidewalks or adjacent to planted areas.</u>

<u>ITEM</u>	<u>LOCATION</u>	<u>SPECIFICATION</u>	<u>MAINTENANCE</u>
Utilities	<ul style="list-style-type: none"> -All telephone and electric service shall be underground. Electric meters, gas meters, and telephone equipment shall be integrated into the building design or hidden from public view. -Water valve boxes, sewer man-holes, and cleanouts shall be located away from pedestrian walks wherever possible. 	<ul style="list-style-type: none"> -Boxes, cleanouts, or man-holes, when installed in walkways, shall be installed with extra precaution taken to prevent lifting, settling, or other safety hazards. 	<ul style="list-style-type: none"> -Repair or re-set unsafe utility structures.
Exterior lighting	<ul style="list-style-type: none"> -Safety lighting shall be provided for all parking areas and pedestrian walks by means of post-mounted fixtures or lights attached to building entrances or facades. -Low-level security lighting shall be provided as needed. -No high-intensity light sources will be permitted. -Ground-mounted lights may be used for aesthetic purposes, for building illumination or advertising. -Lights adjacent to residential areas shall be shielded to prevent direct glare. 	<ul style="list-style-type: none"> -Fixtures shall be copper or brass of pre-1850 design, similar to the "Deerfield" fixture manufactured by McQuarry-Niccum, Inc. -Posts shall be decorative. 	<ul style="list-style-type: none"> -Replace bulbs as soon as possible.

<u>ITEM</u>	<u>LOCATION</u>	<u>SPECIFICATION</u>	<u>MAINTENANCE</u>
Signs	<ul style="list-style-type: none"> -Directory signs will be provided at major inter-sections. -Directional signs will be provided where there is a need to direct vehicles or pedestrians to premises which are not immediately visible from streets. -Operational signs shall be placed where necessary to: <ul style="list-style-type: none"> * designate special parking areas and loading zones * provide information or assistance 	<ul style="list-style-type: none"> -All signs shall be painted wood or engraved metal, or a design approved by the Architectural Review Board. -No plastic, bright metal or neon signs will be permitted. -All on-premise signs shall conform to the Zoning Ordinance. 	<ul style="list-style-type: none"> -Clean and/or re-paint signs as needed. -Repair damaged or defaced signs and posts.
Landscaping	<ul style="list-style-type: none"> -Trees shall be provided in parking islands and in plazas where space allows. -Shrubs shall be provided in parking islands and elsewhere to provide visual enhancement, screening, and space definition. -Lawn areas all be used whenever possible to provide uniformity and open space. -Flower beds, boxes, or planters shall be used for color accents and winter decoration. 	<ul style="list-style-type: none"> -One tree, 3" minimum caliper shall be provided for each 10 parking spaces. -A minimum of 10% of each parking area shall be curbed and landscaped with trees and shrubs. At least 30% of all shrubs shall be evergreen and 30% shall have conspicuous flowers or fruits. -All lawn shall have a uniform dense stand or turf within 3 months of installation. -At least 1 square foot of flower area shall be provided for each linear foot of building face. 	<ul style="list-style-type: none"> -Remove stakes and guys one year after planting. -Fertilize trees and add mulch yearly. -Replace dead or dying trees. -Prune trees to maintain store-front visibility and to prevent pedestrian injury. -Prune and fertilize shrubs yearly. -Weed and mulch shrub beds when needed. -Replace dead or dying shrubs. -Fertilize, lime, and apply pre-emergence herbicide each spring. -Replace, re-seed or sod bare areas. -Mow lawns weekly and remove clippings. -Blow and rake leaves in fall. -Install and replace seasonal displays on a regular basis so that no dead or unsightly material remains.

425.3 Central Business B (CB-B) District

- 425.31 Intent: This District is established in order to secure an attractive, efficient, and well coordinated local business center for the convenience of persons residing in a major residential portion of the Town, and is intended to be limited primarily to businesses serving the ordinary shopping needs of residents thereof. It is further intended that stores in this District be located toward the front of each lot, with the smaller front yard being reserved for pedestrian uses, and the larger rear yard being used for parking in a common parking area serving a group of businesses.
- 425.32 Open Space: In addition to the requirements of Section 422, building locations shall comply with the following conditions, except that where, in the judgment of the Planning Board, greater setback distances are necessary or appropriate for the orderly and harmonious development of the CB-B District and adjoining area, such greater requirements shall be complied with.
- 425.321 Front Yard: On State and County roads, all buildings shall be set back a distance, measured from the center line of the existing roadway, of at least the required front yard, plus fifty (50) feet. Unless specifically approved by the Planning Board as part of site plan approval, the front yard area shall not be used for any purposes other than landscape planting and pedestrian access. The Planning Board may reduce the front yard setback requirement by up to twenty (20) feet where said Board determines, in accordance with its action on a site development plan,

that the potential location for future road widening is such that a full front yard setback will not be required.

425.322 Side Yard: None required, but if provided, side yards shall be at least six (6) feet in width. If a side yard is used for vehicular access, it shall be at least twenty-five (25) feet in width. The width of side yards abutting a Residence District boundary shall be at least fifty (50) feet. The Planning Board, however, in passing on a site plan, may approve such lesser distance as it finds will provide equivalent protection of an adjoining residential area by virtue of topographic differences, evergreen screening, fencing, or other appropriate means.

425.33 General

425.331 No fabrication or manufacturing shall be permitted, except that which is incident to and on the same premises with a permitted use, and further provided that such incidental fabrication or manufacturing shall not occupy more than twenty-five percent (25%) of the gross floor area of the use nor use motor power other than electric.

425.332 No residential use or occupancy shall be permitted in any building used for business, except in a separate apartment unit, which unit shall conform with all requirements for a residential use and shall have a separate entrance from the exterior of the building.

425.4 Central Business (CB) District)

425.41 No fabrication or manufacturing shall be permitted except that which is incident to and on the same premises with a permitted use, and further provided that such

incidental fabrication or manufacturing shall not occupy more than twenty-five percent (25%) of the gross floor area of the use nor use motor power other than electric.

- 425.42 No residential use or occupancy shall be permitted in any building used for business, except in a separate apartment unit, which unit shall conform with all requirements for a residential use and shall have a separate entrance from the exterior of the building.

425.5 Roadside Business (RB) District

- 425.51 Existing Lots: After approval of site plan as hereinafter set forth, the Building Inspector is authorized to issue a building permit for the erection of a building on any existing lot which fails to have requisite area, frontage, width or depth by virtue of an amendment to the Zoning Ordinance or Zoning Map.

- 425.511 Where a lot is less than 200 feet in depth, the following schedule of front and rear yards shall apply:

<u>Depth of Lot</u>	<u>Minimum Rear Yard</u>	<u>Minimum Front Yard</u>
175 to 200'	50'	75'
170 to 175'	45'	75'
165 to 170'	40'	70'
160 to 165'	35'	75'
155 to 160'	30'	75'
150 to 155'	25'	75'
145 to 150'	20'	75'
140 to 145'	15'	75'
135 to 140'	10'	75'
130 to 135'	10'	70'
125 to 130'	10'	65'
120 to 125'	10'	60'
115 to 120'	10'	50'

- 425.512 Where such existing lot has less than 200 feet of depth, the Planning Board may, in approving a specific site plan, reduce the front, rear and side yards required in Section 425.511, but only to the extent necessary to

conform to existing building lines, or to permit construction of a practicable business building.

- 425.513 An area, at least ten (10) feet deep along the front line and along the rear lot line and where abutting residential properties except where driveway entrances and exits are located, shall be suitably landscaped with planting of grass, shrubbery and trees in accordance with specifications to be approved by the Planning Board as part of the site plan.

425.6 General Business (GB) District

- 425.61 No fabrication or manufacturing shall be allowed except in conjunction with Arts and Crafts occupations, or as incidental to, and on the same premises with any other permitted use, provided that such incidental fabrication or manufacturing shall not occupy more than twenty-five percent (25%) of the gross floor area of the use nor use motor power other than electric.
- 425.62 No residential use or occupancy shall be permitted in any building used for business, except in a separate apartment unit, which unit shall conform with all requirements for a residential use and shall have a separate entrance from the exterior of the building.

425.7 Nursery Business (NB) District

- 425.71 Intent: This District is established in order to create a transitional area of limited commercial nature where a residential area abuts areas of higher intensity use. It is intended to be limited to those areas of Town which are shown on the Town Development Plan Map as areas to be developed at hamlet or semi-urban density and which are served by a State or County highway.

- 425.72 No bulk fertilizers or bulk manure shall be stored on the premises, and garden ornaments, supplies, and equipment shall not be stored outdoors, except as otherwise permitted.
- 425.73 Required landscaping shall be of a permanent nature and may not consist of planting or nursery stock which is for sale.

426. Additional Office and Industrial Regulations

426.1 Office Business District

An office building development shall conform to the following standards:

- 426.11 Each lot devoted to office building use shall have frontage on an existing public street, or on a street approved by the Planning Board in the same manner as is prescribed by State Law for the approval of plats of subdivisions and in accordance with the requirements applicable to streets therein. In approving any such street, the Planning Board may require that:
- 426.111 It shall be laid out so that it will not be necessary for the principal traffic between existing streets and the office building or buildings to travel through any areas having residential frontage on such streets, or that may be developed with residential frontage thereon.
- 426.112 Its connection to an existing street shall be adequate in location, design and capacity so as to avoid unsafe conditions or traffic congestion.
- 426.12 Access and service drives shall be laid out in such a manner that connections with the street or streets on which the lot has frontage are located and designed so as to avoid unsafe conditions or traffic congestion.
- 426.13 No building shall be located at a distance less than one hundred fifty (150) feet from the street on which such building fronts, except that gate houses, bus stop shelters

and security offices where such buildings are one story in height, may be located at a distance not less than twenty-five (25) feet from the street, and one-story accessory buildings may have such lesser setback when approved by the Planning Board. No building shall be located at a distance less than three hundred (300) feet from all other boundaries of the lot, except that where a contiguous lot is in a non-residential zoning district, such distance may be reduced to not less than one hundred (100) feet on each side where such lots adjoin, and except that one-story accessory buildings may have such lesser setbacks when approved by the Planning Board, in connection with its action on a site plan.

- 426.14 No buildings shall exceed three (3) stories or forty-five (45) feet in height, and the third story shall not exceed in area twenty-five percent (25%) of the entire ground floor area of the buildings, except that there shall be no such limitation on the area of the third story providing the building is at least five hundred (500) feet from the boundaries of the lot. The height of a building shall be measured from the average level of the finished grade adjacent to the main front wall of the building.

The height limitations of this section shall apply to chimneys for central heating and power plants.

- 426.15 Parking areas shall be set back from all lot boundaries at least fifty (50) feet, except that in connection with its action on a site plan, the Planning Board may approve a lesser distance between parking areas of adjoining office building developments.
- 426.16 In connection with its action on a site plan, the Planning Board shall consider the location and height of office buildings and related uses with respect to the topography of the lot, with the objective of securing the maximum harmony of such buildings and uses with the surrounding landscape. The Planning Board may limit the maximum size of the use, in terms of numbers of

employees or other appropriate measure, in order to limit the impact of potential traffic on the capacity of the street system that serves it.

- 426.2 Professional Business Office 2A (PBO-2A) District:
The required landscaped buffer area shall be at least twenty-five (25) feet in depth along any lot line abutting a residence district.
- 426.3 Professional Business Office (PBO) District: No parking may be maintained within twenty (20) feet of a side or rear line where such line abuts a Residence District.
- 426.4 Planned Light Industry (PLI) District: The following standards shall be observed in site plan design:
- 426.41 A ten (10) foot deep landscaped foundation planting shall be provided along all building walls, except at access points, in interior courts, or where waived by the Planning Board. A sidewalk not exceeding four (4) feet in width may be located in such required foundation parking area.
- 426.42 All two-way access driveways shall be at least twenty-five (25) feet wide. Parking shall be prohibited in all access driveways.
- 426.43 Off-street loading areas shall be screened from general off-site view by building walls, fences, berms or plantings.
- 426.44 Site planning and building design shall assure that all portions of the site shall be appropriately landscaped and that all sides of buildings shall have appropriate finishes so that a PLI District may be attractive from all viewpoints.
- 426.5 Research, Electronic and Light Industrial Park (RELIP) District:
- 426.51 No parking may be maintained within twenty-five (25) feet of a side or rear line; no parking may be maintained within fifty (50) feet of a side or rear line where such line abuts a residential district. Where a rear line abuts land dedicated for park purposes, parking may be maintained to such line.

- 426.52 The required landscaped buffer area shall be at least twenty-five (25) feet in depth along any lot lines abutting a residence district.
- 426.53 All two-way access driveways shall be at least twenty-five (25) feet wide. Parking shall be prohibited in all access driveways.
- 426.6 Motels: Motels are subject to the following standards and conditions:
- 426.61 Use: Use of a motel site and any buildings or structures thereon shall be limited to the usual motel activities, as defined herein, and accessory uses incidental to the operation of a motel, and of the same general character, including but not necessarily limited to the following, provided that all accessory uses shall be planned as an integral part of the motel and located on the same site therewith:
- 426.611 One house or apartment with or without kitchen facilities for the use of the motel manager and caretaker and his family.
- 426.612 Restaurants, serving either motel guests exclusively or the general public, provided that no music or other sound shall be audible beyond the boundaries of the lot on which the use is conducted.
- 426.613 Amusement and sport facilities for the exclusive use of motel guests, including swimming pools, childrens playgrounds, tennis or other game courts, and game or recreation rooms, and not including membership clubs.
- 426.614 Automobile parking garages or carports for the exclusive use of motel patrons, and off-street parking spaces.
- 426.615 Office and lobby, provision of which shall be mandatory for each motel

426.62 Occupancy: Occupancy for any guest shall be limited to not more than thirty (30) days in any ninety (90) day period. In no case are motel units to be used as apartments for non-transient tenants.

426.63 Dimensions:

426.631 Site: The site for each motel shall have a frontage of at least four hundred feet on a State or County highway.

426.632 Setback:

	<u>Minimum Setback from All Roads</u>	<u>Minimum Setback from All Property Lines Adjacent to Residence Districts</u>	<u>Minimum Setback from All Other Property Lines</u>
Motels and Restaurants	50 feet	100 feet	50 feet
Signs	25 feet	50 feet	25 feet
All Other Buildings and Structures and All Out-Door Facilities	50 feet	100 feet	100 feet

426.633 Coverage: All principal and accessory buildings shall cover a total of not more than twenty percent (20%) of the site.

426.634 Building Height: No buildings or structures shall be more than thirty-five (35) feet in height, except as permitted by Section 412.05.

426.64 Motel Room:

426.641 Motel sleeping rooms shall not be interconnected by interior doors in groups of more than two.

426.642 The maximum length of any motel building shall not exceed three hundred (300) feet.

- 426.643 Each sleeping room shall have an area, inclusive of bathroom and closet space, of at least 225 square feet.
- 426.65 Access and Service Roads: Access and service roads shall be properly related to public streets and highways so as to avoid unsafe conditions and traffic congestion. Points of ingress and egress shall be limited to a total of two (2) on any street. No backing of cars into any highway shall be permitted.
- 426.66 Off-Street Parking: As required by Section 460. Where a motel includes a restaurant, or other eating and drinking facilities, required parking space shall be provided for such facilities, in addition to required parking spaces for sleeping rooms and other floor space.
- 426.67 Signs: Signs shall be subject to Section 413, except that no sign shall be erected which faces an adjacent school, park, or residential property, and except as set forth above. A sign shall be considered to face a school, park, or property if it is located within two hundred (200) feet of and/or can be read from such school, park, or property.
- 426.7 Development Density: To further the achievement of the objectives of the State Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law), the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law), the North Castle Town Wetlands and Drainage Law, the North Castle Town Environmental Quality Review Law, the North Castle Town Development Plan, and Section 415 of this Ordinance, the total lot area used in the calculation of maximum density in the OB, PLI, RELIP, DOB-20A, IND-AA, PBO and PBO-2A Districts shall be a net lot area.

The area of any controlled area (as defined in the North Castle Town Wetlands and Drainage Law), exclusive of any adjacent land within the controlled area serving as a buffer area, and the area of any steeply sloped land (as defined in Section 415) shall be determined and multiplied by a factor of

0.75. The resulting number shall be deducted from the gross total lot area to yield the net lot area. The net lot area shall then be used in calculating the maximum allowable density.

426.8 Residence Office (RO) District:

426.81 This district is established in order to protect an area of historical buildings which relate to each other harmoniously with regard to style, scale, and site arrangement. It is further intended that the design of new buildings should complement the existing historic character of the area.

426.82 No outdoor storage or display of products or material for sale, and no manufacturing or servicing of any type shall be permitted. All activities shall be conducted entirely within the building. The Planning Board may limit the hours of operation in acting on any site plan.

426.83 In evaluating any proposal to construct or alter any structure or building in this district, the Planning Board and the Architectural Board of Review shall, in order to insure that all new construction and exterior alterations will result in an appropriate visual composition which will be in harmony with the character of the district, take into consideration the outside dimensions of the front facade and the appearance thereof, the visual relationships between the property in question and existing structures, the character of the district, architectural style, heights and sizes of buildings, location and arrangement of buildings, setbacks, materials, line, color and detail.

426.84 Except for necessary access drives, required off-street parking facilities for permitted non-residential uses shall not be located in the front or side yards of any lot in this district.

426.9 Designed Office Business - 20A (DOB-20A)

426.91 Policy:

It is the purpose of this section to provide for the implementation of the recommendation, as contained in the Town

Development Plan of the Town of North Castle, for the establishment of additional areas for office business use as shown on the Town Development Plan Map, and subject to the other limitations and conditions as recommended in the Town Development Plan. Specifically this zone is designed to provide for low density, high quality non-residential development provided requisite highway access and proximity to the Interstate Highway System is available.

It is the policy of the Town of North Castle that Designed Office Business Districts will be mapped by the Town Board on a site-by-site basis, after taking into consideration the positive benefits to the orderly and economic development of the Town which it offers, the suitability of the location, and its consistency with the goals and policies expressed in the Town Development Plan.

426.92 Criteria for Designed Office Business District Establishment:

426.921 Location and Access: It is the intent of the Town Board to permit the establishment of Designed Office Business Districts in locations consistent with the Town Development Plan Map of the Town of North Castle, when such development will be of positive benefit to the orderly economic development of the Town.

426.922 Minimum Site Area: All sites proposed for DOB-20A designation shall have an area of not less than twenty (20) acres, except that the Town Board may reduce this minimum by up to one-third ($1/3$) where the site adjoins New York City Watershed property, permanent open space lands, or where the Town Board determines that because of other similar factors, its establishment should be consistent with the intent of these regulations and compatible with surrounding development.

- 426.923 Access: Each DOB-20A site shall have frontage on the access to major road as shown on the Town Development Plan Map. Traffic from within the DOB-20A shall not be permitted to enter directly upon any local residential roads. Access and service drives shall be laid out in such a manner that connections with the street or streets on which the lot has frontage are located and designed in such manner as to avoid unsafe conditions or traffic congestion.
- 426.924 Topography: Sites should be of relatively level (0-15%) or moderate (15-25%) grade, and with suitable soil (non-wetland) and foundation (adequate bearing capacity) conditions so that the proposed development will be possible without detriment to adjoining properties or the natural environment. Those sites or portions of sites characterized by poorly drained soils listed in the Town of North Castle Wetlands and Drainage Law and as regulated therein shall be avoided.
- 426.925 Utility Services: DOB-20A sites shall be located where they can be provided with safe and adequate water supply and waste disposal facilities when developed.
- 426.93 Site Development Standards and Requirements: All development standards and requirements applicable to lots in the Office Business District (Section 426.1) shall be applicable in the Designed Office Business District, where such requirements are equal to or more restrictive than those set forth herein.
- 426.931 Minimum Lot Area: The minimum lot area of a Designed Office Business District shall be twenty (20) acres, except where, in conjunction with its action on establishing a Designed Office Business District, the Town Board has approved a district of lesser size.

426.932 Minimum Yards: The development standards for minimum yards of the Office Business District, as defined in Section 426.13 shall apply here.

MINIMUM YARDS. No building shall be located at a distance less than one hundred fifty (150) feet from the street on which such building has frontage, except that gate houses, bus stop shelters and security offices where such buildings are one story in height may be located at a distance not less than twenty-five (25) feet from the street, and one-story accessory buildings may have such lesser setback when approved by the Planning Board. No building shall be located at a distance less than three hundred (300) feet from all other boundaries of the lot, except that where a contiguous lot is in a non-residential zoning district, such distance may be reduced to not less than one hundred (100) feet on each side where such lots adjoin, and except that one-story accessory buildings may have such lesser setbacks when approved by the Planning Board, in connection with its action on a site plan.

426.933 Maximum Building Height: The maximum permitted height of buildings on lots containing twenty (20) or more acres shall be three (3) stories, forty-five (45) feet. Where the Town Board has, in conjunction with its approval of the rezoning application, approved a lot area of less than twenty (20) acres, the maximum permitted building height shall be reduced by one (1) foot, for each twenty thousand (20,000) square feet that the parcel is less than the twenty (20) acres in area. The height of the building or structure shall be measured in feet from the average level of the surrounding finished grade.

426.934 Landscaping and Buffer Areas: In addition to the standards, requirements and procedures generally applicable to the design of buffer areas, the required minimum buffer area adjoining any lot in a residence district or any public roadway shall be seventy-five (75) feet.

Required buffer strips in the DOB-20A District shall be left in a natural woodland, or if not already wooded, shall be planted with dense evergreens and suitably maintained.

In the DOB-20A District, internal circulation roadways may be located within a required buffer strip provided that they shall not be within 100 feet of any property line. In a DOB-20A District, landscaped parking areas and internal circulation roadways may be located within a required buffer strip adjoining an Interstate or State Highway as shown on the Town Development Plan provided that they shall not be within 50 feet of the property line.

426.935 Drainage: Storm water drainage systems within Designed Office Business Districts shall be designed so that the rate of runoff from any site during a one hundred (100) year storm will not exceed that rate which would have occurred prior to construction. The calculation of such runoff rates and the design of the drainage retention system shall be subject to review by the Town Engineer and the approval of the Planning Board.

426.936 Parking: Parking spaces shall be provided in number and design according to the provisions of Section 460 of this Ordinance, identical to the provisions regulating lots zoned OB-20.

426.937 Water Supply Protection: Where, in the opinion of the Planning Board, the geology of an area is such that wells of the capacity required will adversely impact existing wells on adjoining properties, sufficient measures shall be taken by the applicant to prevent such adverse impact or to indemnify the owners of such impacted wells, and/or, where feasible, an off-site source of water supply shall be developed.

426.94 Application Procedure:

The procedure for the establishment of a DOB-20A District shall involve a two-stage review and approval process, as follows:

- (a) Approval by the Town Board of the preliminary development concept plan and of the zoning reclassification, and
- (b) Approval by the Planning Board of the site plan and, where appropriate, the subdivision plat.

426.941 Submission to Town Board: Application for the reclassification of land into a DOB-20A District and the approval of a preliminary development concept plan therefor shall be submitted to the Town Board in fifteen (15) copies at a regularly scheduled meeting of said Board. The application shall include at least the following:

- (a) The names and addresses of the property owner, the applicant (if other than the owner), and of the planner, engineer, architect, surveyor and/or other professional person engaged to work on the project.
- (b) Where the applicant is not the owner of the property, written authorization from the owner for the submission of the application.

(c) A preliminary development concept plan including at least the following items of information:

1. The area of the property, in both acres and square feet.
2. Existing terrain conditions, including topography with a vertical contour interval of no more than two feet, identification of all soil types, indication of all existing drainage features, major rock outcroppings, existing vegetation, views, and the relationship of the site to neighboring properties, buildings and land use.
3. A site location map indicating the location of the property in respect to all neighboring streets and properties. The map must also identify all adjacent property owners and all other properties in the vicinity owned by the applicant. This map must also show the present zoning of the area and the location of all zoning district boundaries.
4. A preliminary development concept plan showing the proposed nature, scope and location of the planned land uses, provisions for access to those land uses, the location of buffer areas, provided means of sewage disposal, water supply, storm water drainage and retention, and other

similar types of information, all of which shall be presented in graphic and/or written form, as appropriate.

5. A generalized time schedule for the staging and completion of the proposed development.
6. A Draft Generic Environmental Impact Statement assessing the basic off-site impacts likely to be generated by the proposed development if approved and constructed. Impacts which can and should be more appropriately addressed at the time of site plan or subdivision approval, may be excluded or reduced in detail in such Statement, subject to the submission of a site specific Environmental Impact Statement at the time of site plan or subdivision approval.
7. An application review fee in the amount of \$100 per acre, or major fraction thereof, of all land proposed for classification within the DOB-20A District.

426.942 Referral to Planning Board: Upon receipt of a properly completed application for the reclassification of land into a DOB-20A District and for the approval of a preliminary development concept plan therefor, eight (8) copies of such application shall be referred to the Planning Board for review and report. Within sixty-five (65) days of the date of the Planning Board meeting at which such referral is received, the Planning Board shall report its recommendations with respect to both the reclassification and the preliminary development concept plan to the Town Board. No action shall be taken by the Town Board until receipt of the Planning Board report or until the expiration of the Planning Board review period, whichever comes first. Said review period may be extended by mutual consent of the Planning Board and the applicant.

426.943 Planning Board Report: The Planning Board, in its report to the Town Board, may recommend approval, either with or without modifications, or disapproval of the proposed application. In the event of a recommendation for disapproval, the Planning Board shall state in its report the reasons therefor.

In preparing its report and recommendation, the Planning Board shall take into consideration the recommendations of the North Castle Town Development Plan, the purposes as set forth in Section 429.91 hereof, the relationship of the proposed zone to neighboring properties, the adequacy of access, utility services, community facilities available to service the proposed development,

the suitability of the proposed development concept plan with respect to the site and surrounding areas, the application's compliance with the standards and requirements of this Ordinance, and such other factors as the Planning Board may determine to be appropriately related to the public health, safety and general welfare, and to the furtherance of the purposes of this Ordinance. Comments on the DEIS shall be included in the Planning Board's report to the Town Board.

426.944 Town Board Public Hearing: Within forty-five (45) days of the date of the Town Board receipt of the Planning Board's report and recommendation, or the expiration of the Planning Board review period, as the case may be, the Town Board may schedule and hold a public hearing on the application for both the establishment of a DOB-20A District and the approval of the preliminary development concept plan therefore.

426.945 Town Board Action: Within forty-five (45) days of the date of the close of the public hearing, the Town Board shall act either to approve, approve with modifications, or disapprove the establishment of the DOB-20A District and the preliminary development concept plan. Approval or approval with modifications is required for, and shall be deemed to authorize, the applicant to proceed with the detailed design of the proposed development in accordance therewith. A copy of the resolution containing the Town Board's decision shall be forwarded to the Planning Board and to the applicant. A copy shall also be placed on file in

the office of the Town Clerk and, if in the form of an approval, the Town zoning map shall be amended accordingly.

426.946 Extension of Time Limits: Any of the above time limits may be extended by the Town Board where necessary to conform to the requirements of the State and Local Environmental Quality Review Acts.

427. Conservation Subdivisions: Simultaneously with the approval of a subdivision plat and pursuant to Section 281 of the Town Law, at the written request of the applicant, the Planning Board is authorized to modify the zoning regulations in residence districts with respect to lot area and dimensions, provided that:

- 427.1 Purposes: Such modifications result in design and development which promotes the most appropriate use of the land, facilitates the adequate and economical provision of streets and utilities and preserves the natural and scenic qualities of open lands.
- 427.2 Eligibility: This authorization shall be applicable to all residentially zoned lands within the Town of North Castle, and shall be utilized only when the property owner makes written application for the use of this procedure and the Planning Board determines that its utilization will benefit the Town.
- 427.3 Permitted Use: The permitted uses within a conservation subdivision shall be the same as those otherwise permitted in the zoning district in which it is located, except that single-family attached and semi-detached dwelling units shall also be permitted in subdivisions the area of which, whether all or partially within the Town of North Castle, is adequate in size to accommodate fifty (50) building lots of the minimum lot size normally required for single-family detached dwellings in the district in which it is located, or on smaller parcels when specifically authorized by resolution of the Town Board, following a determination by the Town Board that the proposed conservation subdivision is compatible with adjacent land uses as determined by the procedure set forth in Section 427.41 below.
- 427.4 Development Standards and Controls: Except as specified herein, all development standards and controls normally applicable to other residential subdivisions shall also be applicable to conservation subdivisions:
- 427.41 Density: The number of building lots permitted in a conservation subdivision shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to all normally applicable requirements of the Town Zoning Ordinance, the Land Subdivision Regulations, the Westchester County Health Department Regulations, and all other applicable requirements. The basis for this determination by the Planning Board shall be a conventional preliminary subdivision plat for the subject property, plus such other information as may be required by said Board.

- 427.42 Type and Arrangement of Buildings: The type of residential dwelling units permitted within a conservation subdivision shall be, at the discretion of the Planning Board and subject to the conditions set forth below, in detached, semi-detached, and/or attached buildings.
- 427.43 Minimum Required Lot Area: In subdivisions the area of which is not adequate in size to accommodate fifty (50) building lots of the minimum lot size normally required for single-family detached dwellings in the district in which it is located, and when not specifically authorized by the Town Board, as determined by the procedure set forth in Section 427.41 above, the minimum required area for building lots within a conservation subdivision shall be one acre, except that larger minimums may be required in specific instances where determined necessary or appropriate by the Planning Board or the Westchester County Health Department. In subdivisions the area of which is adequate in size to accommodate fifty (50) building lots of the minimum lot size normally required for single-family detached dwellings in the district in which it is located, or on smaller parcels when specifically authorized by resolution of the Town Board, as determined by the procedure set forth in Section 427.41 above, dwelling units may be grouped on one or more separate parcels of land, or located on individual lots, for which there is no minimum size requirement.
- 427.44 Minimum Lot Dimension Requirements: Where the minimum required lot area is one acre, the minimum lot frontage, width, depth, and yard setback requirements for building lots within a conservation subdivision shall be the same as required in the R-1A Residence District, except that where a building lot within a conservation subdivision abuts an existing residential lot complying with conventional lot dimensional standards, any front, side, or rear yard adjoining such property shall comply with the normally applicable setback requirements of the zoning district in which it is located.

Where there is no minimum required lot area and dwelling units in a conservation subdivision abut or are directly across the street from a privately owned residential property, the minimum front, side or rear yard adjoining or facing such property shall be equal to at least twice the normally applicable setback requirement for detached one-family dwellings in the zoning district in which it is located, but not less than one-hundred (100) feet, or as otherwise determined appropriate by the Planning Board for parcels specifically authorized by the Town Board but not less than twice the normally applicable setback, measured from the boundary of the conservation subdivision. In reviewing the development plan, the Planning Board shall consider the setback and proposed screening of parking and active recreation areas and may require setbacks up to twice the normally applicable setback requirement for one-family dwellings in the zoning district in which the conservation subdivision is located.

- 427.45 Building Dimension Requirements: The maximum permitted building height and building coverage, and the minimum dwelling unit size, shall be the same as that normally applicable to the dwellings and buildings in the zoning district in which the building is located, except that for semi-detached and attached dwelling units the minimum dwelling unit size shall be as follows:

Efficiency	-	450 square feet
1 Bedroom	-	700 square feet
2 Bedroom	-	900 square feet
3 Bedroom	-	1,100 square feet
4 Bedroom	-	1,300 square feet

- 427.46 Off-Street Parking: Parking shall be the same as otherwise required in conventional development, but for attached or semi-detached dwelling units the following standard shall prevail: one (1) space per dwelling unit plus one-half (1/2) space per bedroom. No less than one-third (1/3) nor more than two-thirds (2/3) of the required off-street parking spaces shall be enclosed. Of the unenclosed parking spaces, an amount equal to at least

one-third (1/3) of the total number of required spaces shall not be reserved for specific dwelling units and shall be open and available for the use of visitors and guests.

For conservation subdivisions having no minimum required lot area, the following shall apply:

427.461 All self-propelled maintenance equipment, including accessories, shall be stored in enclosed structures only, which structures shall conform in architectural theme to the residential buildings of the development.

427.462 The Planning Board may require, if deemed appropriate, the provision of a suitably screened parking area solely for the storage of boats, motor homes, travel trailers, and pick-up coaches belonging to inhabitants of the development.

427.5 Design Considerations: For conservation subdivisions having no minimum required lot area, in order that such subdivisions will be properly planned in relation to the community and personal needs of people, and after referral to the Architectural Review Board for review and report, the following design elements shall be considered by the Planning Board in addition to the specific provisions of the Land Subdivision Regulations and the normal factors examined in development plan review:

427.51 Need for Personal Privacy:

427.511 Visual privacy shall be preserved for residents through the proper design of rear yards and/or patio spaces. Proper screening through the use of vegetation, fencing and partially or fully enclosed patios shall be provided.

427.512 Audio privacy shall be maintained by requiring proper standards for solid party walls that will satisfactorily limit sound transmission between adjoining dwelling units.

- 427.52 Need for Maintaining the Scale of Buildings to Insure Compatibility With Natural and Man-Made Surroundings: Four (4) dwelling units shall be the normal maximum permitted per building to insure that attached and semi-detached units will be compatible in scale with the character of surrounding development and to insure a pleasant environment for the residents of such units through maximizing views and by providing a close relationship to immediately adjacent open space at the sides of units as well as to the front and rear. The Planning Board may, where it deems necessary, limit the number of dwelling units per building to less than four (4), and may permit up to six (6) units in circumstances where building layout or natural terrain conditions can help assure aesthetic design, adequate private and semi-private open space areas and significant views.
- 427.53 Need for Preserving Existing Neighborhood Identity and Community Scale: In large scale subdivisions (such as those exceeding one-hundred (100) dwelling units) the Planning Board shall consider the layout of small neighborhoods or clusters within the development, each having some open space immediately surrounding it, as a goal of proper site plan so that a large, massive concentration of units, with little or no differentiation, can be avoided, and so that the character of the conservation subdivision will match the character of the neighborhood in which it is located. In this manner a sense of small neighborhood communities can be preserved, open space can be provided in direct relationship to the living units and the sense of a semi-rural character can be retained. This guideline, however, should not be arbitrarily applied where intrinsic land capabilities and natural terrain features could not be properly respected or where it can be proven, to the satisfaction of the Planning Board, that a particular design of a large subdivision would be more ecologically sensitive through the concentration of development on a particular section of land.

427.54 Water and Sewerage Facilities: All dwelling units in conservation subdivisions having no minimum required lot area shall be served by public water and sewerage treatment facilities, and no certificate of occupancy shall be issued until all dwelling units are connected to approved and functioning public water and sewerage treatment systems. Where, in the opinion of the Planning Board, connection to or establishment of public water and/or sewerage treatment facilities is not possible, or not warranted, a central water supply and sewerage treatment shall be designed and constructed to serve all dwelling units in accordance with the standards and subject to the approval of the Westchester County Department of Health and the New York State Department of Environmental Conservation. Such central systems shall be designed and located in such way as to readily permit their connection and/or conversion to off-site systems at such time as they are constructed.

Where, in the opinion of the Planning Board, the geology of an area is such that wells of large capacity will adversely impact existing wells on adjoining properties, individual water meters for each dwelling unit shall be installed, sufficient measures shall be taken by the applicant to prevent such adverse impact or to indemnify the owners of such impacted wells, and/or, where feasible, an off-site source of water supply shall be developed.

427.55 Antenna System: A central television antenna system, a dish antenna or cable service where available, shall be provided for each group of attached dwelling units.

427.6 Conserved Land Areas: Conservation subdivisions shall result in the preservation of open space areas having meaningful scenic, ecological, environmental and/or recreational characteristics, with such access, shape, size and location as determined appropriate by the Planning Board to satisfy the intended purpose. The permanent preservation of such open space areas shall be legally assured to the satisfaction of the Planning Board and the Town Attorney, by the filing of appropriate covenants, deed restrictions, easements, or other agreements.

427.61 Ownership of Conserved Land Areas: The ownership of conserved land areas shall be divided equally among all owners of building lots within the conservation subdivision, except where all or an appropriate portion of the conserved land areas are deeded to a recognized conservation organization dedicated to the preservation of open space and such dedication is acceptable to the conservation organization and to the Town Planning Board, or offered for dedication to the Town of North Castle and the Town Board has voted to accept such offer. Except in those cases where the ownership of the conserved land areas is to be vested in the Town of North Castle or an approved conservation organization, the subdivider shall execute and file with the Planning Board such documents as, in the opinion of the Town Attorney, will be sufficient to create a property owners association responsible for the continued ownership, use and maintenance of all conserved land areas in accordance with the following requirements:

- 427.611 Membership in the association must be mandatory for each property owner within the subdivision and for any successive property owners.
- 427.612 All restrictions on the ownership, use and maintenance of conserved land areas must be permanent.
- 427.613 The association must be responsible for liability insurance, local taxes and the maintenance of the conserved land areas, including any active recreation areas and related facilities.
- 427.614 Each lot owner within the subdivision shall be made responsible for paying his proportionate share of the association's costs, and the assessment levied by the association shall become a lien on the property if not paid.

427.615 The association shall have the power to adjust assessments to meet changing needs.

427.616 In the event that the maintenance, preservation and/or use of the conserved land area(s) ceases to be in compliance with any of the above requirements or any other requirements specified by the Planning Board when approving the subdivision plat, the Town shall be granted the right to take all necessary action to assure such compliance and to assess against the association and/or each individual property owner within the subdivision, all costs incurred by the Town for such purposes.

427.617 The establishment of such an association shall be required prior to the final approval of the plat.

427.62 Permitted Uses in Conserved Land Area:
Except where otherwise approved by the Planning Board, conserved land areas shall be preserved in their natural state and the use of such areas shall be limited to appropriate conservation, open space and recreation purposes as determined by the Planning Board. A portion of the conserved land area(s) may be designated "active recreation area" on the subdivision plat, in a location approved by the Planning Board. Such "active recreation area" shall not exceed five percent (5%) of the total area of the proposed subdivision. Within such area structures and facilities for active recreational purposes, including playground equipment, swimming pools, tennis courts and so forth may be constructed and operated for the use of the property owners in the conservation subdivision and their guests. Where determined appropriate, the Planning Board may specify a phased construction schedule for such structures and facilities. Enlargement of such structures and facilities, or establishment of such

432. Application for a Special Permit Use: Application for issuance of a Special Permit Use shall be submitted in five (5) copies to the Town Clerk. It shall be considered officially submitted at the next following meeting of the Town Board. If approval for a Special Permit Use under Section 440.11 is sought, application shall be made to the Planning Board. For special permit approval to either Board, the application shall include the following:

432.1 The name and address of the applicant, property owner(s) if other than the applicant, and of the planner, engineer, architect, surveyor and/or other professionals engaged to work on the project. Where the applicant or owner is a corporation, the Town Board may require the names and addresses of all officers, directors and principal stockholders of said corporation. Written authorization from the owner(s) to submit the application shall be required where the applicant is not the owner of the affected property.

432.2 A written statement describing the nature of the proposed special use and how it will serve to implement the intent and purposes of this Ordinance.

432.3 A detailed development plan complying with the requirements of Section 450 and any additional special requirements for such use set forth in Section 440 of this Ordinance.

432.4 Pursuant to the requirements of the Environmental Quality Review Law of the Town of North Castle, the applicant shall consult with the Town Board to determine whether the action for which special permit approval is sought may have a significant adverse effect on the environment. If a draft environmental impact statement is required, it shall be made a part of the application for issuance of a special permit, and any public hearing for the draft environmental impact statement shall be held concurrently with the public hearing for the special permit application.

433. Review by Other Agencies: Upon receipt of a completed application for a special permit, the Town Board shall forward for review and report two (2) copies of such application to the Planning Board and, where determined appropriate, one (1) copy each to the Conservation Board and the Town Engineer. In addition, copies shall be forwarded to the Westchester County Planning Board when such proposed development abuts a State or County highway, park, drainage channel or building site, and to the Clerk of any abutting municipality where the property proposed for such development is located within five hundred (500) feet of

structures and facilities not shown on the filed plat, shall be subject to site plan approval procedures as set forth in the Town of North Castle Zoning Ordinance.

427.7 Application Procedure: In addition to compliance with any special standards, requirements and procedures as set forth in this section, conservation subdivisions shall also be subject to review and public hearing by the Planning Board in accordance with the same procedures as would otherwise be applicable to conventional subdivisions. The proposed development plan, as required by Town Law Section 281(e) and including areas within which the structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, and streets, driveways and all other physical features as shown on said plat or otherwise described, accompanied by a statement setting forth the nature of such modifications, changes, or supplementations of existing zoning provisions as are not shown on said development plan, and in the case of conservation subdivisions having no minimum required lot area, floor plan of each dwelling unit design, shall likewise be subject to the same review and public hearing by the Planning Board. For conservation subdivisions having no minimum required lot area, the Planning Board shall forward one (1) copy of the proposed development plan to the Conservation Board, the Architectural Review Board, and the Town Engineer. Upon filing of the plat in the Office of the County Clerk, a copy shall also be required to be filed with the Town Clerk, who shall make the appropriate notations and references thereto on the official copy of the Town Zoning Map.

Section 430. Special Permit Uses

431. General Provisions: The special uses for which conformance to additional standards is required by this Ordinance (see Schedule of Regulations - Sections 421, 422, and 423) shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein including such requirements as may be specified by the Town Board or Planning Board according to the provisions of Sections 435 and 436, in addition to all other requirements of this Ordinance. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

such municipality in accordance with Sections 451 and 452 of Article 15 of the Westchester County Administrative Code. Said agencies shall have thirty (30) days from the date of forwarding to submit a report. No public hearing may be held until all requested reports have been received by the Town Board, or the thirty (30) days have elapsed, whichever comes first.

434. Public Hearing: A public hearing on an application for a special permit shall be scheduled and conducted by the Town Board within sixty (60) days of the date the application is received, unless this time limit is waived by the applicant. Public notice shall be the same as that required for zoning amendments, and a copy of such notice shall be mailed to owners of record of property within two hundred-fifty (250) feet of the property included in the application, at the applicant's expense.

435. Town Board Action: Within sixty (60) days of the date of the public hearing and within one-hundred and twenty (120) days of the date of the Town Board meeting at which such application was originally submitted, the Town Board shall file with the Building Inspector a report on said application. The applicant may grant extensions of either of the above-stipulated review periods, provided, however, that any extension of time granted to the Planning Board shall equally extend the time to act for the Town Board. The Board may authorize the issuance of a permit, provided it finds that all of the following conditions and standards have been met:

435.1 The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in this Ordinance.

435.2 The location, nature and height of buildings, walls, fences, and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

435.3 Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit.

- 435.4 Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.
- 435.5 Where required, the provisions of the Town Flood Hazard Ordinance.
- 435.6 The Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment.
436. Conditions and Safeguards: The Town Board shall attach such conditions and safeguards to any proposed use and development plan as are, in its opinion, necessary to ensure initial and continual conformance to all applicable standards and requirements.
437. Expiration of Special Permit: A special permit shall be deemed to authorize only the particular use or uses specified in the permit, and unless other provisions are set forth by the Town Board in connection with their issuance of that permit, shall expire if work is not initiated pursuant thereto within one (1) year, or if said use or uses shall cease for more than one (1) year for any reason or if all required improvements are not completed within two (2) years from the date of issue or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

Section 440. Individual Standards and Requirements for Special Permit Uses

A Special Permit Use shall conform to the following individual standards and regulations, where applicable, in addition to all other regulations for the zoning district in which the Special Permit Use is located. In all cases, whichever regulations are more restrictive shall apply.

- 440.01 Sale, Distribution and Storage of Liquified Petroleum Gas: The Town Board may permit the sale, distribution and storage of combustible liquified petroleum gas (bottled gas) only in portable tanks, cylinders, or containers at a location to be approved by the Town Board, and as incidental to the conduct of a regular business for the sale, distribution and servicing of household appliances, fixtures and kitchen equipment, subject to the following conditions and regulations:

- 440.011 Not more than one hundred-twenty-five (125) portable tanks, cylinders, or containers, totaling in the aggregate not more than 2,500 gallons capacity, shall be permitted to be stored at any time on the premises.
- 440.012 The storage must at all times be maintained on a loading platform above ground level situated in a cleared area maintained not less than seventy-five (75) feet to the rear of the principal business building and at least twenty-five (25) feet from both side lines, completely enclosed by a permanent chain link fence not less than six (6) feet in height with gates and suitable locking device. The cleared area must at all times be maintained to a distance of not less than ten (10) feet surrounding the fence. Warning signs as required by the approved plan shall be conspicuously posted and maintained along said fence at all times.
- 440.013 The loading platform must be constructed on concrete or steel piers and shall be constructed so that no portion thereof will extend above the height of the fence surrounding it.
- 440.014 The gates of such fenced area must be kept locked at all times when said area is not in use.
- 440.015 Adequate dry powder extinguishers as required must be maintained at all times in the storage area and in the principal business building.
- 440.016 Shrubbled area and screening of the premises as required by the approved plan shall at all times be maintained to protect adjoining residential or other areas.
- 440.02 Scientific Research Center Use: Scientific research centers shall conform to the following additional standards:
- 440.021 The site for each scientific research center shall have a minimum area of fifty (50) acres, a minimum width of 1,000 feet, a minimum depth of 1,000 feet, and a minimum frontage of 1,000 feet along a major or secondary road as shown on the Town Development Plan.

- 440.022 Use of a scientific research center site shall be limited to research in the natural sciences by a non-profit organization, plus incidental educational activities including seminars, lectures, biological laboratory study, group discussions and field study, with residence on a permanent basis limited to only those employees and their families necessary for the operation and maintenance of the facility.
- 440.023 The maximum number of persons permitted to occupy, attend, or be present at scientific research center sites at any one time shall be equal to no more than two persons for each one acre of site area except that gatherings lasting not longer than one day of no more than four persons for each acre of site area, may be held four times in any calendar year.
- 440.024 Temporary guests shall be permitted to reside on the site provided they are participating in the activities of the Center, provided the density standards of Section 440.023 are not exceeded, and further provided that such guests are not in residence on the site for a period exceeding ten (10) days, except that scientific institute participants may reside on the premises of the institute for a period which shall not exceed six (6) weeks in any calendar year.
- 440.025 Off-street parking for scientific research centers shall be provided on the basis of at least two (2) spaces per resident family, one (1) space per employee, and one (1) space per three (3) guests intended to occupy the site at any one time.
- 440.026 Setbacks for new main buildings shall be at least three hundred (300) feet from any adjoining residential properties, one hundred-fifty (150) feet from any roads and fifty (50) feet from any adjoining business properties. Setbacks for all new accessory buildings and parking areas shall be at least one hundred (100) feet from any adjoining residential properties, one hundred (100) feet from any roads and twenty-five (25) feet from any adjoining business properties. Lesser setbacks for accessory buildings and parking areas may

be approved by the Town Board in acting on any plan submitted in accordance with Section 430 of this Zoning Ordinance, provided proper protection is provided to neighboring residential areas.

440.027 The maximum height limitations for all buildings on a scientific research center site shall be two and one-half (2-1/2) stories and thirty (30) feet, and the maximum building coverage shall be limited to five percent (5%) of the total site area.

440.03 Convalescent or Nursing Homes:

440.031 Location: Convalescent or nursing homes shall be permitted only in locations fronting on or having direct access to a major or collector road.

440.032 Site Size: The minimum site size shall be four (4) acres.

440.033 Density: The maximum permitted density shall not exceed twelve (12) patient beds per acre.

440.034 Coverage: Building coverage, including accessory buildings, shall not exceed ten percent (10%) of the lot area, nor shall the sum total of land covered with buildings and parking, including driveways, exceed thirty percent (30%) of the lot area, within any residence district.

440.035 Setbacks: All buildings shall be set back from adjoining properties in residence districts, and from street lines directly opposite properties in residence districts, a distance equal to at least twice the height of such buildings, but in no case less than twice the maximum yard requirement for the district. Off-street parking areas shall not be permitted in any required front yard, nor in any required side or rear yard within twenty (20) feet of any adjoining property in a residence district.

440.036 Occupancy and Building Type: The building may be occupied only by patients, staff members, and the family of the owner or of one staff member. Any building to be

used for convalescent or nursing home purposes shall be of fireproof construction and not more than two (2) stories in height.

440.037 Off-Street Parking and Loading: Minimum off-street parking requirements shall be as provided in Section 460. One (1) off-street loading space shall be provided for each one-hundred (100) patient beds or major portion thereof.

440.038 Buffer Area: A landscaped buffer area, meeting at least the minimum requirements of Section 412.13 of this Ordinance, shall be required along all lot lines adjoining properties in residence districts.

440.039 Other Requirements: In addition to the special standards described above, convalescent and nursing homes shall comply with any other requirements of this Ordinance, any other special requirements deemed appropriate by the Town Board in accordance with the provisions of Section 430 herein, and all other applicable laws and regulations governing convalescent and nursing homes.

440.04 Additional Horses: Where more than two (2) horses are kept, the following additional requirements shall be met:

440.041 Use: Horses shall be solely for the use of residents and their guests.

440.042 Special Setback Requirements: All buildings and grazing and exercising areas shall be set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district except that the Town Board may either increase or decrease this setback requirement because of relationships to neighboring properties, topography or the installation of buffer, landscaping and/or fencing. In no case, however, shall the minimum setback from adjacent residential property boundaries be less than twenty-five (25) feet.

440.05 Fast-Food Restaurants: Fast-food restaurants shall comply with the following additional requirements:

- 440.051 They may only be located in multi-tenanted buildings.
- 440.052 No consumption of food or beverages shall be allowed in automobiles parked upon the premises, or at other locations on the premises outside of any building.
- 440.053 Parking and loading spaces shall be provided in accordance with Section 460, but in no case shall less than one (1) loading space be provided.
- 440.054 In order to limit traffic generation to no more than 1,400 trips in any twenty-four (24) hour period or one hundred-seventy-five (175) trips in any one (1) hour period, gross floor area shall not exceed 2,500 square feet.
- 440.055 Adequate receptacles shall be provided for the deposit of waste materials.
- 440.056 Waste materials which tend to create a public nuisance on the premises shall be disposed of at least once in every twenty-four (24) hours, Sundays and holidays excepted.
- 440.057 Quiet and good order shall be maintained upon the premises and disorderly conduct or loitering shall not be permitted.
- 440.058 The Town Board may, in connection with its action on a Special Permit application, set any other additional requirements it deems appropriate, including but not limited to, limiting the hours of operation.

440.06 Outside Display, Sales and Service: In specified Business Districts and in Residential Districts where directly related to a permitted principal non-residential use, outdoor display, sales or service shall be permitted as an accessory use provided that the Town Board finds that such a use is essential to the permitted principal use on the lot and provided that the following standards are met:

440.061 Location: Merchandise shall not be displayed, nor any tables, chairs or other furnishings placed in such a way so as to interfere with ingress and egress by pedestrian and/or vehicular traffic. Where sidewalk areas are to be used, there shall be a clear, unobstructed path for pedestrians no less than four (4) feet in width measured from the edge of the curb. In the CB-A District, in addition to the above, merchandise shall not be displayed nor shall tables, chairs or other furnishings be located outside of the "building area" for the particular lot. In all cases the area to be used shall be entirely on the same lot as the principal use.

Outdoor display, sales and service shall not be located in any yard adjacent to or across the street from a residential district nor shall such use be located within any yard adjacent to an occupied residence located within a non-residential district where the Town Board determines that such residence would be negatively impacted.

440.062 Area: The total area for outdoor display, sales or service shall not exceed the following:

Business Districts	CB, CB-B, and GB
	25% of the unused portion (i.e. the area of the lot not used for buildings, required parking spaces, aisles, access drives and any required buffer areas) of the lot
CB-A District	25% of the unused portion of the "building area"
Residential Districts	5% of the lot area

The Town Board may waive the above requirements for fairs, tag sales, or other events of a short term duration not exceeding five (5) days. The Town Board shall reduce the allowable area where it

finds that the effects of the use would negatively impact on areawide traffic conditions, that noise levels would exceed levels permitted in the North Castle Noise Control Law (Local Law No. 1-1985) or that any adjacent uses would be negatively impacted.

440.063 Parking: The Planning Board shall review the parking needs of both the principal use and the proposed special permit accessory use and shall provide a recommendation to the Town Board with regard to the adequacy of the existing parking and any additional parking that should be provided to serve the use. If the Town Board determines, based on the Planning Board's recommendation, that additional parking is needed, the Town Board shall not grant the special permit unless such spaces can be provided and shall require the improvement of such spaces either prior to or as a condition of the issuance of the special permit.

440.064 Materials and Landscaping: Materials shall be displayed and tables, chairs and other furnishings shall be placed on a paved surface that shall be located and designed so as to provide for cleanliness and ease of maintenance and to prevent any disturbance to landscaping. Areas shall be suitably landscaped to provide attractive and effective buffering and screening. The Town Board shall refer the design to the Architectural Review Board for its review and report regarding the proposed type and arrangement of outdoor furnishings, the relationship to existing structures uses, and other aesthetic considerations.

440.065 Application: Application procedures shall be as stated in Section 432 of this Ordinance. However, the Town Board may waive the submission of a detailed development plan required in Section 432.3 where it deems appropriate. In such cases, the applicant shall submit a drawing of an appropriate scale with details and dimensions sufficient to be easily discernible in the field. Where the proposed use is a seasonal activity so that such use may be temporarily discontinued

for a period not to exceed twelve (12) months and where not precluded by the Town Board, the special permit application may be renewed by application to the Town Building Inspector prior to the display of merchandise or placement of tables and chairs outside, provided that the location and arrangement is the same as that approved by the Town Board. The fee for such renewal shall be twenty dollars (\$20).

In Section 421 Schedule of Residence District Regulations, add the following as a new accessory use.

Column 3

Permitted Accessory Uses

- *20. Outdoor Display, Sales and Service where accessory to a permitted principal non-residential use.

In Section 422 Schedule of Business District Regulations,
replace #5 Outdoor display of merchandise for sale or
rent, with the following in the specified location:

Column 1

District
CB-A

CB-B

Column 3

Permitted Accessory Uses
*5 Outdoor display, sales
and service

*5 Outdoor display, sales
and service

MSB/12:go

- 440.043 No less than one (1) acre of land shall be available for each additional horse.
- 440.044 Permitted Grazing and Exercising Areas: Horses must be fenced and shall not be permitted to graze, exercise, or in any way intrude into any areas designated as controlled areas under the Town's Wetlands and Drainage Law.
- 440.045 Grooms Quarters: Apartments may be provided for grooms and any other employees required to manage the horses to be stabled on the site. Such apartments shall be used only by such employees and occupied only during that period of the year when horses are stabled on the site. There shall be no more than one (1) bedroom for every five horses stabled on the site. To the maximum extent practicable, the arrangement of such apartments shall be so designed so that kitchen and bathroom facilities are shared in common.
- 440.046 Additional Application Requirements: In addition to the general application requirements for special permit uses specified above, the application requirements for Additional Horses shall contain the following:
- 440.0461 The designation of areas where existing vegetation will be cleared for grazing and/or exercising areas. The type of grasses and other vegetation to be replanted in these areas for grazing will be described. A planting schedule should also be provided.
- 440.0462 The designation of areas for the storage of manure and other materials that could negatively affect air quality and surface and groundwater quality. The method of such storage will also be described. If off-site disposal of such materials is proposed, the location of the off-site disposal area should be specified.

No storage of manure shall be permitted to exceed ten (10) cubic yards in quantity or be located within one hundred (100) feet of a property line, water course, or controlled area.

440.0463 All feed shall be stored in rodent-proof containers.

440.0464 A detailed management plan specifying the number of horses and the planned schedule over the course of the year when horses will be kept on the site. The management plan should discuss the potential impacts on the environment of keeping the proposed number of horses and the method to mitigate those impacts. This requirement may be waived at the discretion of the Town Board.

440.0465 A detailed plan of the proposed stables showing the use of floor space by type of use and floor level.

440.05 Fast-Food Restaurants: Fast-food restaurants shall comply with the following additional requirements:

- 440.051 They may only be located in multi-tenanted buildings.
- 440.052 No consumption of food or beverages shall be allowed in automobiles parked upon the premises, or at other locations on the premises outside of any building.
- 440.053 Parking and loading spaces shall be provided in accordance with Section 460, but in no case shall less than one (1) loading space be provided.
- 440.054 In order to limit traffic generation to no more than 1,400 trips in any twenty-four (24) hour period or one hundred-seventy-five (175) trips in any one (1) hour period, gross floor area shall not exceed 2,500 square feet.
- 440.055 Adequate receptacles shall be provided for the deposit of waste materials.
- 440.056 Waste materials which tend to create a public nuisance on the premises shall be disposed of at least once in every twenty-four (24) hours, Sundays and holidays excepted.
- 440.057 Quiet and good order shall be maintained upon the premises and disorderly conduct or loitering shall not be permitted.
- 440.058 The Town Board may, in connection with its action on a Special Permit application, set any other additional requirements it deems appropriate, including but not limited to, limiting the hours of operation.

440.06 Outside Display of Merchandise for Sale or Rent: Merchandise for sale or rent may be displayed or stored outside, provided:

- 440.061 The Town Board finds that such display or storage is essential to a permitted use.
- 440.062 Its area does not exceed fifteen percent (15%) of the lot area, is appropriately located, and suitably screened.

440.07 Helistops: Helistops shall comply with the following additional requirements:

- 440.071 Helistops shall be permitted only on lots having an area of at least fifty (50) acres, and shall be set back at least five-hundred (500) feet from any street, property line, or occupied building.
- 440.072 If a helistop is to be located within 1,000 feet of any residence building in a Residence District, the applicant shall be required to submit noise tests conducted on the property by an independent acoustical consultant utilizing approved sound detection equipment and relating his findings to the Farnborough Intrusiveness Scale or other similarly recognized standard.
- 440.073 All landings and take-offs shall be during the daylight hours only and shall be carried out in accordance with Visual Flight Rules weather conditions.
- 440.074 Any helicopters using such a facility shall be jet powered, unless it is determined to the satisfaction of the Town Board that a different type of helicopter will result in a comparable or lesser noise level, and shall have a capacity of no more than eight (8) passengers.
- 440.075 The use of a helistop shall be limited to persons occupying or employed on the premises and their visitors and guests.
- 440.076 The helipad (landing surface) shall be paved and maintained free from dust, dirt, and other loose material which could be blown onto adjoining properties by the air wash.
- 440.077 All Federal and/or State licenses or approvals which are necessary for the operation of such a facility shall be obtained by the applicant and shall be maintained throughout the duration of the use, and all applicable Federal and/or State rules and regulations shall be strictly complied with.

- 440.078 In connection with its action on a Special Permit application, the Town Board may require submission of any additional studies and/or other information which it determines appropriate and may impose any additional standards and requirements as it deems necessary to promote the health, safety, and general welfare of the community, including, but not limited to, limitations on the number and/or frequency of flights and the location of ingress and egress routes.
- 440.079 No helistop shall be permitted unless its location will permit the final ingress and egress routes within one-half (1/2) mile of such location to be over non-residential lands.
- 440.08 Churches or Other Places of Worship, Including Parish Houses, Church School Rooms, Convents, or Rectories; Private or Parochial Elementary or High Schools; Public Libraries:
- 440.081 Location: The uses listed in this subsection may be permitted only in locations fronting on or having direct access to major or collector roads as determined by the Planning Board and shown on the Town Development Plan Map.
- 440.082 Coverage: Building coverage, including accessory buildings, shall not exceed twenty percent (20%) of the lot area, nor shall the sum total of the land covered with buildings and parking area, including driveways, exceed fifty percent (50%) of the lot area.
- 440.083 Setbacks: All new buildings shall be set back from adjoining properties in residence districts, and street lines directly opposite properties in residence districts, a distance equal to at least twice the normally applicable front yard setback requirement for detached one-family dwellings in the zoning district in which they are located, but in no case less than fifty (50) feet. Off-street parking areas shall not be permitted in any required front yard, nor in any required side or rear yard within twenty (20) feet of any

adjoining property in a residence district. Setback requirements may be modified by the Town Board in cases of conversions of existing buildings.

440.084 Buffer Area: A landscaped buffer area, meeting at least the minimum requirements of Section 412.13 of this Ordinance, shall be required along all lot lines adjoining properties in residence districts.

440.085 Other Requirements: In addition to the special standards described above, uses shall comply with any other requirements of this Ordinance and any other special requirements deemed appropriate by the Town Board in accordance with the requirements of Section 430 herein.

440.09 Membership Clubs Not Operated For Gain:

440.091 Location and Use: Where clubs do not front on or have direct access to a major collector road as shown on the Town Development Plan Map, the intensity of use shall be limited by the Town Board to the extent necessary to assure that the expected average traffic generation of such use will not exceed that which would be expected if the premises were developed for permitted residential purposes.

440.092 Buffer Area: A landscaped buffer area, meeting at least the minimum requirements of Section 412.13 of this Ordinance, shall be required along all lot lines adjoining properties in residence districts.

440.093 Special Setback Requirements: All active recreational facilities, such as tennis courts and swimming pools, shall be located out-of-doors except where the scale of buildings and setbacks are such that they will relate harmoniously to the existing residential character of the district in which they are located, and shall be set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district except that the Town Board may permit a reduction of this additional setback requirement where, because of topography or the installation of additional buffer landscaping and/or

fencing, the Town Board determines that any potential adverse external effect of such use can be effectively reduced.

- 440.094 Financial Statement: Suitable evidence, such as tax records or organizational documents, shall be provided as a part of the Special Permit application to prove that the club will not be operated for gain.
- 440.095 Other Requirements: In addition to the special standards described above, any club shall comply with any other requirements deemed appropriate by the Town Board in accordance with the requirements of Section 430 herein.

440.10 Public Utility Substations:

- 440.101 Public utility substations shall be subject to a finding, in addition to all other findings required by Section 430, that a public necessity exists for a utility substation in a residential area, and that the particular site for which application is made is the least objectionable of possible sites from the public standpoint and takes into consideration future, as well as present, needs.
- 440.102 The lot on which the utility substation is located shall have an area of at least 10,000 square feet. The station shall be set back at least twenty-five (25) feet from all property lines and enclosed by protective fencing with a gate which shall be closed and locked except when necessary to obtain access thereto.
- 440.103 The installation shall be so designed, enclosed, painted or colored, and screened with evergreens that it will be harmonious with the residential area in which it is located. The entire property shall be suitably landscaped and maintained in reasonable conformity with the standards of property maintenance of the neighborhood in which it is located.

440.11 Accessory Apartments

440.111 Purposes: It is the specific purpose and intent in allowing accessory apartments in single-family residence districts to provide opportunity and encouragement for the development of small, rental housing units designed to meet the special housing needs of persons of low and moderate income, especially the young and the old, and of relatives of families living in North Castle. It is also the purpose and intent of this provision to allow the more efficient use of the Town's existing stock of dwellings and accessory buildings, to provide economic support for present families of limited income, and thereby promote the protection and preservation of property values. Further, it is the purpose and intent of these regulations to assure the maintenance of the single-family character and property values of neighborhoods through resident owner occupancy of lots and dwellings where an accessory apartment might be located. To help achieve these goals and to promote the other objectives of this section, the following specific standards are set forth for such accessory apartment uses:

440.112 Application: Application for a special permit for an accessory apartment shall be made to the Planning Board, and shall be in the form as required for all special permit uses outlined in Section 432. The applicant must be the resident owner of the property. Said plan shall be prepared by a registered architect or licensed and registered engineer, and shall contain or be accompanied by the following information: a map showing the applicant's entire property at a scale of from 1" = 20' to 1" = 100'; a location map showing adjacent properties and streets; the location and design of all buildings and structures; the proposed division of the principal dwelling, showing the accessory unit, if appropriate; a detailed plan of the use of floor space by type of use and floor level; existing topography and proposed grade elevations; location of driveway(s) and parking; and description of method of water supply and sewage disposal and location of such facilities. Where

13
previous knowledge of a site and the potential accessory apartment location permit, the Planning Board may waive preparation of a site plan, except for interior floor plan descriptions. Upon receipt of a complete application, the Planning Board shall forward one (1) copy to the Building Inspector, and copies to other agencies where determined appropriate.

440.113 Occupancy: The owner of the lot on which the accessory apartment is located shall occupy the larger of the dwelling units on the premises. Owner occupancy of this larger dwelling unit shall continue for the duration of the special permit. Alternate forms of ownership may include but are not limited to corporate ownership, partnership ownership, an estate or trust ownership, subject to review by the Town Attorney to insure that the intent of this section and Section 440.11 are fulfilled.

→ 440.114 Location and Waiting Periods: Accessory apartments are only permitted in any of the single-family residence districts. Accessory apartments may be located in a principal residence or in an accessory building, provided such accessory building existed prior to October 11, 1984 and conforms with the other requirements of this Ordinance, unless a variance therefor shall have been granted by the Zoning Board of Appeals.

No accessory apartment shall be permitted until seven (7) years after the issuance of the initial Certificate of Occupancy for the principal dwelling and no accessory apartment shall be permitted in a structure until at least two (2) years after the current owner has acquired title to the property, whichever comes later. See also Section 440.125 regarding Change of Ownership.

However, the above provision shall not apply if an approved accessory apartment was in existence and was occupied at least six months prior to the change in title to the property.

Adopted October 9, 1986

13

In the event the accessory apartment is subsequently vacated by the hold-over occupant no accessory apartment shall be permitted until at least two (2) years after the current owner has acquired title to the property.

440.115 Number of accessory apartments per lot:
There shall be no more than one (1) accessory apartment per lot.

→

Adopted October 9, 1986

- 440.116 Exclusion from Pre-Existing Boarding Houses: No accessory apartment shall be permitted in any dwelling unit utilized as a boarding house previously established under provisions of this Ordinance.
- 440.117 Exclusion for Professional Offices or Home Occupation Uses: No accessory apartment shall be permitted on any lot currently utilized as an office of a professional person or home occupation, as defined in Section 220, and as regulated in items 1 and 2, Column 3, Section 421.
- 440.118 Conformance with Other District Standards: Any principal or accessory building in which an accessory apartment is proposed shall meet all applicable setback requirements and other standards for the district in which it is located.
- 440.119 Off-Street Parking and Location: Off-street parking for accessory apartments in residence districts shall be provided in accordance with the requirements of Section 460. Where practicable, the Planning Board shall require that off-street parking for accessory apartments be located in the side or rear yard of the lot, and in no case less than twenty (20) feet from a front property line.
- 440.1110 Exterior Appearance: If an accessory apartment is located in the principal dwelling, the entry to the unit and its design shall be such that the appearance of the dwelling shall remain as a single-family residence.
- 440.1111 Apartment Size: The minimum size of an accessory apartment within a principal dwelling shall be three hundred (300) square feet. Where the gross floor area of the dwelling is less than or equal to two-thousand (2,000) square feet, the accessory apartment shall in no case exceed thirty-three percent (33%) of such area. Where the gross floor area of the dwelling is greater than two-thousand (2,000) square feet, the permitted maximum size of the accessory apartment may be increased by twenty-five percent (25%) of the gross floor area in excess of 2,000 square feet. In cases of accessory apartments established prior to October 11, 1984, upon

recommendation of the Building Inspector, the Planning Board may, at its option increase these percentage to no more than 35% and 27%, respectively. The minimum size of an accessory apartment located in an accessory building shall be at least three hundred (300) gross square feet. There shall be no more than two (2) bedrooms per accessory apartment.

- 440.1112 Building Inspector Review and Report: Within 30 days of receipt of a completed application which indicates conformance to all dimensional standards as set forth above, the Building Inspector and the Fire Inspector shall conduct an on-site inspection of the residence and shall report on such inspection to the Planning Board, and shall include in these reports the compliance of the proposed accessory unit with the requirements of this section, as well as building and fire codes, and other information as may be requested by the Planning Board.
- 440.1113 Public Hearing and Planning Board Action: A public hearing shall be held by the Planning Board in accordance with the same requirements as set forth in Section 434. The applicant shall be responsible for the publication of notice in official Town newspapers, and shall mail to all other required recipients a copy of the public hearing notice by registered or certified mail, return receipt requested. All such return receipts shall be returned to the office of the Building Inspector, who shall also receive from the applicant a separate typewritten list of all such required recipients at least twelve (12) days prior to the date of the public hearing. The notice of public hearing shall bear the signed approval of the Building Inspector, and shall be maintained as part of Town records of the accessory apartment application. Following approval of the public hearing notice text, the Building Inspector shall be responsible for publication in official Town newspapers. Following the close of such public hearing, the Planning Board shall approve, conditionally approve, or disapprove on the special permit application, in accordance

with the schedule and requirements of Section 435. The applicant may grant extensions of any review period to the Planning Board

The decision to grant or deny an application for a permit for an accessory apartment under this Ordinance is entirely discretionary on the part of the Planning Board on a case-by-case basis. Permission granted for any accessory apartment shall not be construed to be a precedent or to be a factor in favor of the grant of an accessory apartment to any other applicant. The Planning Board shall be required to give substantial weight to evidence of the potential cumulative impact on population density, traffic, noise, availability of potable water, waste water disposal, solid waste disposal and any other potential changes in the single-family character of the neighborhood or street to be affected by the subject application. An applicant's compliance with the minimum standards required by this Ordinance shall not reduce the responsibility of the Planning Board to exercise its mandate of discretion in order to protect and preserve the basic single-family character of the neighborhood or street in question.

440.1114 Utility Service: Prior to the issuance of a building permit for the establishment of an accessory apartment, the existing septic disposal system shall be reviewed by the Westchester County Department of Health, except where public sewer is provided. The Building Inspector shall reject all applications for building permits for accessory apartments in those cases where the Health Department report indicates that the septic system is inadequate for the requested use, or contains recommendations for improvements to the system until such time as such recommended improvements are installed. The applicant shall demonstrate to the Building Inspector that the septic disposal system has been cleaned within one (1) year of the date of application. For

properties provided with water supply from an on-site well, the applicant shall also collect a sample of well water for microbiological analysis to determine the presence of the coliform group. Such sample shall be analyzed by a state-approved laboratory, and the results reported to the Building Inspector and Health Department.

440.1115 Reinspection: Accessory apartments which have been approved by the Planning Board, following due notice and public hearing, shall be reinspected by the Building Inspector every three (3) years. The purpose of such continuing reinspection of the accessory unit shall be to determine if all required conditions of approval continue to be complied with, and report on such findings to the Planning Board. At the same time of such inspection, the Building Inspector shall also review and report on compliance with off-street parking requirements. If the Building Inspector finds that additional parking is necessary for the lot, he shall report such finding to the Planning Board and recommend the number of additional spaces to be provided. On the recommendation of the Building Inspector, the Planning Board may make a finding that the original conditions

of special permit approval continue to be complied with, modify the conditions of special permit approval in accordance with the Building Inspector's recommendations, or revoke the accessory apartment special permit approval.

440.1116 Change of Ownership: Special Permit uses for accessory apartments shall terminate upon change of ownership. See also the provisions of Section 440.114 regarding application only after two (2) years after change of title.

440.1117 Severability: Section 440.11 shall expire on April 30, 1986, unless affirmed by resolution of the Town Board.

440.12 Private Stables

440.121 Location: Private stables shall be permitted only on lots of not less than twenty-five (25) acres.

440.122 Special Setback Requirements: All buildings and grazing and exercising areas shall be set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district except that the Town Board may either increase or decrease this setback requirement because of relationships to neighboring properties, topography or the installation of buffer landscaping and/or fencing. In no case, however, shall the minimum setback from adjacent residential property boundaries be less than one hundred (100) feet.

440.123 Density: At no time shall the maximum number of horses exceed two (2) per acre.

440.124 Permitted Grazing and Exercising Areas: Horses must be fenced and shall not be permitted to graze, exercise, or in any way intrude into any areas designated as controlled areas under the Town's Wetlands and Drainage Law.

440.125 Grooms Quarters: Apartments may be provided for grooms and any other employees required to manage the horses to be stabled

on the site. Such apartments shall be used only by such employees and occupied only during that period of the year when horses are stabled on the site. There shall be no more than one (1) bedroom for every five horses stabled on the site. To the maximum extent practicable, the arrangement of such apartments shall be so designed so that kitchen and bathroom facilities are shared in common.

440.126 Additional Application Requirements: In addition to the general application requirements for special permit uses specified above, the application requirements for Private Stables shall contain the following:

440.1261 The designation of areas where existing vegetation will be cleared for grazing and/or exercising. The type of grasses and other vegetation to be replanted in these areas for grazing will be described. A planting schedule should also be provided.

440.1262 The designation of areas for the storage of manure and other materials that could negatively affect air quality and surface and groundwater quality. The method of such storage will also be described. If off-site disposal of such materials is proposed, the location of the off-site disposal area should be specified.

440.1263 A detailed management plan specifying the number of horses and the planned schedule over the course of the year when horses will be kept on the site. The management plan should discuss the potential impacts on the environment of keeping the proposed number of horses and the method to mitigate those impacts.

440.1264 A detailed plan of the proposed stables showing the use of floor space by type of use and floor level.

Section 450. Site Development Plan Approval:

450.1 Approval Required: No building permit shall be issued, and no structure or use shall be established or changed, other than for one (1) single-family dwelling or a special permit use approved in accordance with the procedures specified in Section 430 of this Ordinance, except in conformity with a site development plan approved and endorsed by the Planning Board with its date of approval, and no certificate of occupancy for such structure or use shall be issued until all the requirements of such site plan and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same

approval procedure. Where the Building Inspector finds that a change of use or occupancy will not require an increase in the number of off-street parking or loading spaces, as required by Section 460, beyond that required for the previous use, site plan approval requirements shall be waived.

- 450.2 Application for Site Development Plan Approval: An application for site development plan approval shall be made in seven (7) copies to the Building Department by the Wednesday before the next Planning Board meeting. It shall be accompanied by a detailed development plan prepared by a registered architect or professional engineer, which plan shall contain or be accompanied by the following information: a map showing the applicant's entire property and adjacent properties and streets, at a convenient scale; the proposed location, use and design of all buildings and structures; any proposed division of buildings into units of separate occupancy; detailed breakdowns of all proposed floor space by type of use and floor level; existing topography and proposed grade elevations; location of drives thereto; location of any outdoor storage; location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences; description of method of water supply and sewage disposal and location of such facilities; location, design, and size of all signs; location and design of lighting, power, and communication facilities. In an Industrial District, specific uses proposed, number of employees for which buildings are designed, type of power to be used for any manufacturing process, type of wastes or by-products to be produced by any manufacturing process, and proposed method of disposal of such wastes or by-products shall also be shown. In a Multi-Family District, floor plans of each dwelling unit design shall be shown and elevations and cross-sections also may be required. The name and address of the applicant, property owner(s) if other than the applicant, and of the planner, engineer, architect, surveyor and/or other professionals engaged to work on the project shall be shown. Where the applicant or owner is a corporation, the Planning Board may require the names and addresses of all officers, directors and principal stockholders of said corporation. Written authorization from the owner(s) to submit the application shall be required where the applicant is not the owner of the affected property. Any other pertinent information as may be necessary to determine and provide for the proper enforcement of this Ordinance shall also be provided. An

application fee, in accordance with Section 551.03, shall be submitted with each application. For minor site development plans, or in other appropriate circumstances, the Planning Board may waive the provision of any items of information listed in this Section, and the Town Engineer may waive the requirement to have the site plan prepared by a registered architect or professional engineer.

450.3 Action by Planning Board: Within thirty-five (35) days of the date of the first Planning Board meeting on or after the date of receipt of a properly completed application, the Planning Board shall act to either approve, disapprove, or approve with modifications the site plan application and shall specify what modifications, if any, are necessary. This deadline may be extended, at the request of the applicant. The decision of the Planning Board shall immediately be filed in the office of the Town Clerk and a copy thereof mailed to the applicant.

450.4 Standards for Site Development Plan Approval: In acting on any site development plan application, the Planning Board shall take into consideration the recommendations of the Town Development Plan, the provisions of the Town Flood Hazard Ordinance and the Environmental Quality Review Law of the Town of North Castle, the proposed location, height, and bulk of buildings, traffic circulation within and without the site, provision of off-street parking space, location and provision of off-street parking for the handicapped, exterior lighting, buffer areas and other open spaces, appearance of utility lines, and display of signs, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Where determined appropriate, the Planning Board may forward for review and report one (1) copy each of the application to the Conservation Board (mandatory in the case of properties listed on the Open Space Index), the Architectural Review Board, Town housing agency, and the Town Engineer.

450.5 Planning Board Initiative: The Planning Board may, on its own initiative, propose a general or specific site plan for a particular area where site development plan approval may be required in the future, using as a guide the requirements of this Zoning Ordinance.

- 450.6 Environmental Impact Studies: In accordance with the requirements of the Environmental Quality Review Law of the Town of North Castle, the Planning Board may require the applicant, at his own expense, to furnish impact studies covering aspects of the environment such as traffic, noise, and air quality. The basic components of these studies shall be:
- 450.61 A description of the proposed action and the area of activities affected.
 - 450.62 A discussion of adverse and beneficial environmental impacts. Environmental impacts are to be interpreted in the broadest sense, and shall include not only hydrologic, atmospheric, geologic, vegetative, scenic and historic considerations, but also socio-economic components.
 - 450.63 An analysis of available alternatives and their environmental effects including conventional development according to the standards of the district in which the land is located.
 - 450.64 Potential mitigating measures to minimize the negative environmental impacts.
- 450.7 "As-Built" Site Plan: Upon completion of construction, and unless waived by the Planning Board, two (2) copies of an "as-built" site plan shall be submitted to the Planning Board, which plan shall show all elements of the site as actually constructed. No Certificate of Occupancy may be issued until the site plan has been reviewed by the Planning Board and the Building Inspector and found to be in compliance with the approved site plan, or has been approved by the Planning Board as the final site plan, or a performance bond has been posted, in form and sufficiency acceptable to the Town Board to insure compliance with the approved site plan.
- 450.8 Expiration of Site Development Plan Approval: A site development plan approval shall be deemed to authorize only the particular use or uses shown on the approved site plan, and shall expire if work is not initiated in accordance therewith within one (1) year, or if the uses for which site development plan approval was granted ceases for more than one (1) year from the date of the issuance of the Certificate of Occupancy, or if all required improvements are not completed within eighteen (18)

months of the date of approval, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

Section 460. Off-Street Parking and Loading

461. General:

- 461.1 All structures and land uses hereafter erected, enlarged, moved, created, changed in intensity, or substantially altered shall be provided with the amount of off-street parking and loading space required by the terms of this Section to meet the needs of persons occupying or using such structures or land.
- 461.2 Site plans, and plans accompanying an application for a building permit, shall show specifically the location, size and type of improvement of the off-street parking or loading space required to comply with this Ordinance and the means of access to such space from the public streets or highways. No certificate of occupancy shall be issued for any building or land use until the required off-street parking space has been established or a performance bond has been posted, in form and sufficiency acceptable to the Town Board.

462. Existing Structures and Uses:

- 462.1 Structures and land uses in existence, or for which building permits have been approved at the time of the adoption of this Ordinance, shall not be subject to the parking or loading space requirements of this Ordinance, provided that any parking and loading facilities then existing to serve such structures or uses shall not in the future be reduced, or redesignated to serve other structures or uses except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking and loading facilities for the existing portion of such uses shall, however, be provided at the time of any enlargement of such existing structures or uses or the further development of the property upon which they are located in the future.
- 462.2 In case of exceptional difficulty or unusual hardship to such properties arising out of this requirement, appeal may be made to the Board of Appeals which shall require such degree of compliance as it may deem reasonable for that part of the structure or use that is legally

non-conforming but shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or expansion and shall not permit reduction or elimination of whatever quantity of parking that may already exist, unless it is in excess of requirements.

463. Location, Improvement, Use, Design and Maintenance:

463.01 Location: The required off-street parking facilities shall be provided on the same lot or premises with the structure or land use they serve, except:

463.011 Off-street parking and loading spaces required for structures or land uses on two or more adjacent lots may be provided in a single common facility on one or more of said lots, provided that the total amount of parking and loading facilities shall be the sum of the requirements of each individual use.

463.012 The Planning Board may permit all or part of the required parking spaces to be located on any lot within two hundred-fifty (250) feet of the building in the same zoning district or another zoning district where such parking is a lawful use, if the said Board determines that it is impractical to provide parking on the same lot with the building.

Where said Board approves the location of such parking spaces in a single common facility or on a different lot than the lot occupied by the use served by the parking spaces, the Board shall require as a condition of approval, a legal instrument satisfactory to the Town Attorney assuring the continued existence and use of said parking spaces in connection with the land uses and structures they serve. Such instrument shall also guarantee that upon the termination of such joint use, each individual participant will provide off-street parking facilities for its own use in accordance with all requirements of this section.

463.02 Improvement of Parking Facilities: Required off-street parking facilities may be enclosed in a structure or may be open, provided that all required parking facilities shall be graded, surfaced, drained, and suitably maintained to the extent deemed necessary by the Town Engineer to avoid nuisances of dust, erosion, or excessive water flow

across public ways or adjacent lands. Parking areas in multi-family and non-residential districts shall be suitably improved with surfacing consisting of six inches (6") of granulated base and two inches (2") of asphaltic concrete top, poured concrete curbs, and other adequate drainage facilities, which surfacing, curbing and other drainage facilities shall be properly maintained.

463.03 Waiver of Improvement: Where the Planning Board determines, in connection with its action on a site plan, that poured concrete curbs are not appropriate or that less than the required number of parking or loading spaces will satisfy the intent of this Ordinance, because of variations in the probable time of maximum use by joint users or for any other reason, said Board may waive all or part of the improvement, but not more than fifty percent (50%) of the number of parking spaces required according to Section 464 herein. In all cases, it shall be expressly demonstrated on the site plan that sufficient space remains for the provision of the total amount of off-street parking required and the site plan shall bear such designation. All such undeveloped parking space shall be used and maintained as additional landscaped grounds until required for parking. Written guarantees, satisfactory to the Town Attorney, shall be submitted by the applicant for the eventual improvement of any such spaces which may have been waived. Such spaces must be constructed within six (6) months of the date of written notice to the property owner by the Planning Board that such spaces have been determined as necessary.

463.04 Size of Parking Spaces: Each parking space shall be at least nine (9) feet wide and twenty (20) feet long if unenclosed and at least ten (10) feet wide and twenty (20) feet long if bordered by walls or columns on two (2) or more sides. Where parking spaces are defined by curbs providing space for overhang of vehicles such spaces may be reduced in depth to eighteen (18) feet, provided that vehicles will not overhang sidewalks or other pedestrian areas.

463.05 Aisles: Backup and maneuvering aisles between rows of parking spaces shall be at least twenty-five (25) feet wide, except:

463.051 If the parking angle is between 80° and 90° and the parking spaces are at least ten (10) feet wide, aisles shall be at least twenty-four (24) feet wide.

463.052 If the parking angle is less than 80° and aisles are designed for one-way traffic only, aisle width shall conform to at least the following standards:

Parking Angle	0°-44°	45°-59°	60°-79°
Minimum Aisle Width	12'	13'	19'

463.06 Compact Car Parking: In non-residential districts where at least fifty (50) parking spaces are provided for the sole use of employees who use such spaces on a non-transient basis (car parked at least three hours in the same space), up to twenty-five percent (25%) of these parking spaces may, with Planning Board approval, be designed and reserved for compact cars. Such spaces shall be at least eight (8) feet wide and fifteen (15) feet long, shall be grouped in one location on the lot, and shall be clearly marked as being reserved for compact cars only.

463.07 Access: Unobstructed access to and from a street, so designed as to not require the backing of any vehicle across a sidewalk or into the street right-of-way, shall be provided for all parking and loading spaces. Such access shall consist of at least one (1) twelve (12) foot wide lane for parking areas with less than thirty (30) parking spaces and at least two (2) ten (10) foot wide lanes for parking areas with thirty (30) parking spaces or more.

463.08 Landscaping: Except for parking spaces accessory to a single or two-family dwelling, all off-street parking and loading areas shall be curbed and landscaped with appropriate trees, shrubs, and other plant materials and ground cover, as approved by the Planning Board based upon consideration of the adequacy of the proposed landscaping, to assure the establishment of a safe, convenient, and attractive parking facility needing a minimum amount of maintenance, including plant care, snow plowing, and the removal of leaves and other debris. At least one tree, not less than three inches (3") caliper at time of planting, shall be provided within such parking area for each ten (10) parking spaces.

463.081 Wherever possible, raised planting islands, at least eight (8) feet in width, shall be provided to guide vehicle movement, and to separate opposing rows of parking spaces so as to provide adequate space for plant

growth, pedestrian circulation and vehicle overhang. Such raised planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles, and to provide relief from the visual monotony and shadeless expanse of a large parking area. Curbs of such islands shall be designed so as to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.

463.082 In all off-street parking areas containing twenty-five (25) or more parking spaces, at least ten percent (10%) of the interior of the parking area shall be curbed and landscaped with threes, shrubs and other plant material.

463.083 No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area, and a line drawn between points along such street line and access drive thirty (30) feet distant from their point of intersection.

463.09 Grades and Marking: The maximum slope within a parking area shall not exceed seven percent (7%). In multi-family and non-residential districts, the Planning Board may require the provision of suitable markings to indicate individual parking spaces, maneuvering areas, entrances, and exits.

463.10 Traffic Circulation: In order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Town Attorney, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities.

- 463.11 Alternate Method of Providing Parking Spaces: Where, because of limitations of size, dimensions, or topography of lot, an applicant for a building permit in a non-residential district finds it impractical to provide all or a portion of the off-street parking spaces required in connection with a proposed building or addition, he may offer to grant and convey to the Town, or a Town parking district, appropriately and conveniently located and developed land for parking in an equivalent amount. Upon report to the Town Board by the Planning Board stating that it concurs in such findings and the appropriateness of the proposed land for parking, the Town Board, at its discretion, may accept such developed land in lieu of that portion of the applicant's parking requirement, providing it is permanently dedicated to the Town.
- 463.12 Parking District: Where the Town has established a parking district, required off-street parking for any land use within that parking district may be provided in accordance with the provisions of said district. Continued conformance with the provisions of said district shall be required for the continued validity of any certificate of occupancy or other permit issued for said land use.
- 463.13 Operation and Maintenance: Required off-street parking facilities shall be maintained as long as the use or structure exists which the facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed or make use of such structures and land uses. Required off-street parking facilities which, after development, are later dedicated to and accepted by the Town, shall be deemed to continue to serve the uses or structures for which they were originally provided.
- 463.14 Reserved Parking for Handicapped Persons: In accordance with Chapter 203, the Vehicle and Traffic Law, in non-residential districts where at least twenty (20) parking spaces are to be provided for the use of employees or patrons, at least five percent (5%) or ten (10) spaces, whichever is less, shall be reserved for handicapped persons. Such spaces shall be at least twelve (12) feet wide by eighteen (18) feet long. Parking spaces reserved for handicapped persons shall be clearly identified by use of blue striping and appropriate markings or the international symbol of access.

464. Schedule of Off-Street Parking Requirements: Off-street parking spaces shall be provided as follows except that the Town Board or Planning Board may modify these provisions as a condition of the issuance of a special permit according to the provisions of Sections 430 and 440.

<u>Use</u>	<u>Minimum Off-Street Parking</u>
Accessory Apartment	1 space for each bedroom.
1 and 2 family dwellings	2 spaces for each dwelling unit.
Multi-family dwelling	1 space for each dwelling unit plus 1/2 space for each bedroom.
Professional office or home occupation permitted in a residential district	2 spaces in addition to spaces required for the residential use except that there shall be 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use.
Motel	1 space for each guest sleeping room and in addition 1 space for each 600 square feet of non-rentable floor space exclusive of basements.
Places of worship, theater, auditorium, athletic field, or other place of public assembly	1 space for each 3 seats or, in places without seats, 1 space for each 100 sq.ft. of floor space used for public assembly.
Bowling alley	4 spaces for each bowling lane.
Nursing home	1 space for each 3 patient beds and 1 space for each employee, including medical, nursing, and service staff.

UseMinimum Off-Street Parking

Retail or service
business

1 space for each 150 sq.ft. of
gross floor area.

Nursery business

1 space for each 150 sq.ft. of
gross floor area plus 1 space for
each 1,500 sq.ft. of outdoor
sales or display area. For
non-retail nursery or greenhouse
area, 1 space per employee plus 1
space for each commercial vehicle
garaged on the lot.

Restaurant, cafeteria,
cabaret

1 space for each 3 seats or 1
space for each 75 sq.ft. of gross
floor area, whichever is greater.

Fast-food restaurant

1 space for each 50 sq.ft. of
gross floor area.

Professional or business
office or studio (other
than accessory to a
residential use)

1 space for each 250 sq.ft. of
gross floor area, except in an OB
District, where 0.9 spaces per
employee, but not less than 1
space for each 350 sq.ft. of
gross floor area, shall be
required.

Funeral home

1 space per employee, plus 1
space per 50 sq.ft. of gross
floor space in assembly rooms,
plus 1 space for each commercial
vehicle garaged on the lot.

Veterinary office

1 space per employee plus 1 space
per 400 sq.ft. of gross floor
area.

Manufacturing or
industrial use

1 space per employee, but not
less than 1 space per 375 sq.ft.
of gross floor area, plus 1 space
for each commercial vehicle
garaged on the lot.

Wholesale, utility or
other similar commercial
use

1 space per employee, but not
less than 1 space per 750 sq.ft.
of gross floor area, plus 1 space
for each commercial vehicle
garaged on the lot.

Use

Minimum Off-Street Parking

Warehouse or storage use	1 space per employee, but not less than 1 space per 1,200 sq.ft. of gross floor area, plus 1 space for each commercial vehicle garaged on the lot.
--------------------------	--

Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above shall be determined by the Planning Board upon consideration of all factors entering into the parking needs of each such use.

465. Off-Street Loading Requirements:

Off-street loading and unloading facilities shall be located on the same site with the use to be served except as provided in Section 463.01 and shall be provided as follows:

465.1 Size: Each off-street loading space shall be at least fifteen (15) feet in width, at least forty (40) feet in length, and at least fourteen (14) feet in height, exclusive of access and turning areas, except that adjacent loading spaces may be each twelve (12) feet in width.

465.2 Location: Off-street loading spaces may be located within any structure, within a side or rear yard, or within a required off-street parking area provided such spaces do not bar access to such parking area or any parking space.

465.3 Required Number of Spaces:

465.31 For retail and service business establishments, restaurants, cafeterias, fast-food restaurants, and cabarets, a minimum of one (1) space for the first 4,000 square feet of gross floor area or major portion thereof and one (1) additional space for each additional 10,000 square feet of gross floor area or major portion thereof.

465.32 For office establishments, a minimum of one (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 15,000 square feet of gross floor area or major part thereof, except that no spaces are required for buildings of less than 5,000 square feet of gross floor area.

465.33 For wholesale business, industry, storage, warehouse, and other commercial establishments, a minimum of one (1) space for each establishment, and one (1) additional space for each 10,000 square feet of gross floor area or major portion thereof in excess of 4,000 square feet of gross floor area.

465.34 Upon consideration of all factors entering into the loading and unloading needs of each use, the Planning Board may make appropriate reductions in the loading requirements of the above structures and uses and may determine reasonable and appropriate loading requirements for structures and uses which do not fall within the categories listed above.

465.35 The Town Board, in granting a special permit application, may require additional reasonable and appropriate off-street loading spaces where it determines that such is necessary for the loading and unloading needs of such use.

465.4 Improvement of Loading Facilities: Off-street loading and unloading facilities shall be subject to the same minimum improvement requirements as set forth for parking facilities in Section 463, except that the Planning Board may, on recommendation of the Town Engineer, require the surfacing of all or part of any such loading area to consist of reinforced poured or reinforced prefab concrete.

466. Driveways

466.1 General: For reasons of traffic and pedestrian safety, both on and off street, as well as to provide for possible future road widening or other improvements, all new driveways and sidewalk crossings entering onto any street shall comply with all requirements of these Regulations and shall be subject to the approval of the Town Engineer except where such are part of a use subject to special permit or site development plan approval, in accordance with Sections 430 and 450, in which case they shall be subject to Planning Board and/or Town Board approval.

466.2 Driveway Grades:

- 466.21 The maximum grade for any new driveway accessory to a single-family dwelling, and connecting its off-street parking area to a street, shall be fourteen percent (14%) except that where it can be demonstrated to the satisfaction of the Town Engineer that, because of practical difficulty or unreasonable hardship affecting a particular property, the construction of a driveway grade of less than fourteen percent (14%) is impractical, the construction of a steeper driveway shall be permitted, provided the increase in driveway grade is the minimum increase required.
- 466.22 The maximum grade for new driveways accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed seven percent (7%) except that the Town Engineer shall have the same power to permit increased grades here as in Section 466.21 above.
- 466.23 Notwithstanding the maximum permitted grades specified in Section 466.21, no driveway serving a single-family dwelling shall have a grade in excess of four percent (4%) in the platform area, which is that portion of the driveway which is within thirty-five (35) feet of the center line of the travelled-way of the street, or within ten (10) feet of the right-of-way line of the street, whichever distance is greater, except that the Town Engineer shall have the same power to permit increased grades here as in Section 466.21 above.
- 466.24 Notwithstanding the maximum permitted grades specified in Section 466.22, no driveway serving a use other than a single-family dwelling shall have a grade in excess of three percent (3%) in the platform area, which is that portion of the driveway which is within fifty (50) feet of the center line of the travelled-way of the street, or within twenty-five (25) feet of the right-of-way line of the street, whichever distance is greater, except that the Town Engineer shall have the same power

to permit increased grades here as in Section 466.21 above. The Planning Board may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated.

- 466.3 Driveway Alignment and Location: Any driveway entering into a street shall be located and aligned in such a way as to create the minimum possible traffic hazard. The platform portion of the driveway, as required by Section 466.2 above, shall be aligned at approximately right angles to the street, or as recommended by the Town Engineer.
- 466.4 Sight Distance: Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform area of any new driveway will have an unobstructed view of the highway for at least two hundred (200) feet in either direction, and so that the driver of an automobile travelling on the highway shall have a similar view of the automobile in the driveway.
- 466.5 Driveway Surface: All driveways shall be improved and suitably maintained to the extent deemed necessary by the Town Engineer to avoid nuisances of dust, erosion, or excessive water flow across public ways or adjacent lands, except where such are part of a use subject to special permit or site development plan approval, in accordance with Sections 430 and 450, in which case they shall be subject to Planning Board and/or Town Board approval.

Section 470. Performance Standards

471. Conformance Required:

No non-residential use shall hereafter be established, altered, moved, or expanded unless it complies with the performance standards set forth in this Section. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy. Central utility systems serving three (3) or more dwelling units, including but not limited to systems providing heat, water, air-conditioning, sewage treatment, garbage collection, and electrical power, shall be deemed to be non-residential uses for the purposes of this Section.

472. Purposes:

Consistent with the general purposes of this Ordinance, performance standards shall set specific controls on potentially objectionable external aspects of non-residential uses so as to:

- 472.1 Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor or other atmospheric pollutant outside the building in which the use is conducted.
- 472.2 Control noise perceptible beyond the boundaries of the site of the use.
- 472.3 Prevent the discharge of untreated or insufficiently treated wastes into any watercourse.
- 472.4 Prevent the dissemination of vibration, heat, or electromagnetic interference beyond the immediate site on which the use is located.
- 472.5 Prevent physical hazard by reason of fire, explosion, radiation, or any similar cause.
- 472.6 Regulate and control the generation and flow of vehicular traffic so as to prevent hazardous conditions, traffic congestion, and excessive noise in the streets.

473. Standards:

473.1 Noise:

- 473.11. Method Measurement: For the purpose of measuring the intensity and frequency of sound, sound level meters and octave band filters shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1. 6-1960, Preferred Frequencies for Acoustical Measurements) shall be used with Table 473.121, Preferred Frequencies, and octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z24. 10-1953, Octave Band Filter Set) shall use Table 473.122, Pre-1960 Octave Bands below. Sounds of short duration, which cannot be measured accurately with the sound level meter, shall be measured with an impact noise analyzer in order to determine the peak

value of the impact. For impact sounds measured with the impact noise analyzer, the sound pressure levels set forth in Tables 473.121 and 473.122 may be increased by six (6) decibels in each octave band.

473.12 Maximum Permitted Sound Pressure Level:
The decibels resulting from any activity, whether open or enclosed, shall not exceed at any point, on or beyond any lot line, the maximum decibel level for the designated octave band as set forth in the following tables, except that where the lot lies within two hundred (200) feet of a residence district, whether within or without the Town, the maximum permitted decibel level at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level set forth in the table, and further, except that such reduction shall also apply to any sound emitted between the hours of 9 P.M. and 7 A.M., and all day Sunday.

473.121 Preferred Frequencies:

<u>Center Frequency</u> <u>Cycles Per Second</u>	<u>Maximum Permitted Sound</u> <u>Pressure Level, Decibels</u>
31.5	65
63	67
125	66
250	59
500	52
1,000	46
2,000	37
4,000	26
8,000	17

473.122 Pre-1960 Octave Bands

<u>Octave Band</u> <u>Cycles Per Second</u>	<u>Maximum Permitted Sound</u> <u>Pressure Level, Decibels</u>
20- 74	67
75- 149	66
150- 299	61
300- 599	54
600- 1,199	47
1,200- 2,399	39
2,400- 4,799	29
4,800- 20,000	20

473.13 Exemptions: The following uses and activities shall be exempt from the noise level regulations:

473.131 Noises not directly under the control of the property user.

473.132 Noises emanating from construction and maintenance activities between 8 A.M. and sunset.

473.133 The noises of safety signals, warning devices, emergency pressure relief valves, or other emergency warning signals.

473.134 Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.

473.2 Vibration:

473.21 Method of Measurement: For the purposes of measuring vibration, a three component measuring system approved by the Town Engineer shall be employed.

473.22 Maximum Permitted Steady State and Impact Vibration Displacement: No activity shall cause or create a steady state or impact vibration on any lot line with a vibration displacement by frequency bands in excess of that indicated in the following table:

Frequency (cycles per second)	Vibration Displacement (in inches)	
	<u>Steady-State</u>	<u>Impact</u>
Under 10	.0005	.0010
10 - 19	.0004	.0008
20 - 29	.0003	.0006
30 - 39	.0002	.0004
40 and over	.0001	.0002

473.3 Smoke, Dust and Other Atmospheric Pollutants:

473.31 General Control: The emission of smoke and other particulate matter shall not be permitted, regardless of quantity, if it will be in any way detrimental to the public health, safety, welfare or comfort, or a source of damage to property.

- 473.32 Method of Measurement of Smoke: For the purpose of grading the density of smoke, the Ringelmann Smoke Chart shall be used to determine the total smoke units emitted. A reading shall be taken every minute for an hour, or if less than an hour until the total smoke units emitted exceed the number allowed by these Regulations. Each reading shall be multiplied by the number of minutes during which it was observed and the products added.
- 473.33 Maximum Permitted Emission of Smoke: There shall be no measurable emission of smoke, gas or other atmospheric pollutant. The emission of one smoke unit per hour and smoke with discernible density of Number 1 on the Ringelmann Smoke Chart shall be prohibited.
- 473.34 Maximum Permitted Emission of Dust:
- 473.341 The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pounds of dust per thousand pounds of flue gas adjusted to fifty percent (50%) excess air for combustion.
- 473.342 There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating.
- 473.343 All properties shall be suitably improved and maintained with appropriate landscaping and paving, or other type of improvement, so that there will be no measurable wind-blown dust or other similar types of air pollution created.
- 473.4 Odorous Matter: No land use shall be permitted which emits any discernible odor outside the building in which the use is conducted.
- 473.5 Toxic or Noxious Matter: No use shall be permitted which will cause any dissemination whatsoever of toxic or noxious matter outside the building in which the use is conducted.

473.6 Radiation and Electromagnetic Interference:

473.61 Radiation: The handling, storage or disposal of radioactive material or waste by-products, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," as amended, and in accordance with any other applicable laws or regulations.

473.62 Electromagnetic Interference: No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area within or without the Town.

473.7 Fire, Explosive Hazard, Heat, and Glare:

473.71 Fire and Explosive Hazard: No storage or manufacture of explosives shall be permitted, nor shall solid materials or solid products which burn actively or which have a low ignition temperature, a high rate of burning, or create great heat, under ordinary temperature conditions, be permitted.

473.72 Heat: There shall be no emission of heat which would cause a temperature increase in excess of 1° Fahrenheit (.5° Centigrade) along any adjoining lot line, whether such change be in the ground, or in any watercourse or water body.

473.73 Glare: No use shall produce glare so as to cause illumination beyond the boundaries of the property on which it is located in excess of 0.5 footcandles. Flashing or intrinsically bright sources of illumination shall be prohibited.

473.8 Liquid or Solid Wastes: The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws, and regulations of the Westchester County Health Department, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid

waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.

- 473.9 Vehicular Traffic: No non-residential use shall be permitted where it is determined by the Planning Board that the type and number of vehicle trips it is estimated to generate would be expected to produce unusual traffic hazards or congestion, or cause or induce emissions which may be expected to interfere with the maintenance of air quality standards established by the U.S. Environmental Protection Administration, the New York State Department of Environmental Conservation, or other regulatory agency having jurisdiction, due to the design or capacity of the state or local highway system, the relationship of such proposed use to surrounding or nearby industrial, commercial or residential uses, or other factors affecting air pollution arising from mobile source activity.

474. Procedure

- 474.1 In the case of any application for the establishment of a use subject to the performance standards, the Planning Board may require the applicant, at his own expense, to provide such evidence as it deems necessary to determine whether the proposed use will conform to said standards.
- 474.2 If the Planning Board deems it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant, as a condition of further consideration of his application. The report of any expert consultants shall be promptly furnished to the applicant.
- 474.3 During the course of site plan review, the Planning Board will determine if the applicant's proposal will conform to the performance standards.

475. Enforcement

If, in the judgment of the Building Inspector or of the Town Board, there is a violation of the performance standards:

- 475.1 The Building Inspector shall give written notice, by registered or certified mail, with a copy to the Town Board, to the owner and tenants of the property upon which the alleged violation occurs, describing the particulars of the alleged violation and the reasons why it is believed that there is a violation in fact, and shall require an answer or correction

of the alleged violation to the satisfaction of the Building Inspector within ten (10) working days. The notice shall state, and it is hereby declared, that failure to reply, or to correct the alleged violation to the satisfaction of the Building Inspector within the time limit, constitutes admission of a violation of this Ordinance. The notice shall further state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Town.

- 475.2 If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the Building Inspector, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his records.
- 475.3 If there is no reply within the time limit set (thus establishing admission of a violation of this Ordinance) and the alleged violation is not corrected to the satisfaction of the Building Inspector within the time limit set, he shall proceed to take action in accordance with Section 530 of this Ordinance.

Section 480. Non-Conforming Uses and Other Non-Conformities

481. Continuing Existing Uses

Except as otherwise provided herein, particularly in Section 486, the lawfully permitted use of lands or buildings existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the standards specified in this Ordinance for the zone in which such lands or buildings are located. Said uses shall be deemed non-conforming uses.

482. Non-Conforming Use of Land

The non-conforming use of land may be continued, provided, however, that no such non-conforming use shall be enlarged, increased, or intensified, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this Ordinance, unless specifically allowed by other provisions in this Ordinance, nor shall any such non-conforming use be moved in whole or in part to any other portion of the lot or parcel of land

occupied by such non-conforming use at the time of the adoption of this Ordinance, provided, further, that if such non-conforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than six (6) months, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of this Ordinance. No non-conforming use of land shall be changed to another non-conforming use.

483. Non-Conforming Use of Buildings:

- 483.1 A building or structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended unless the use therein is changed to a conforming use (see also Section 485).
- 483.2 Such non-conforming building shall not be structurally altered to an extent greater than fifty percent (50%) of its actual value as determined by the Town Assessor, unless such alterations are required by law or by the provisions of Section 486, provided, however, that such maintenance and repair work as is required to keep a non-conforming building or structure in sound condition shall be permitted; and provided further that any such non-conforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of the adoption of this Ordinance.
- 483.3 A non-conforming use of a building may be changed only to a conforming use.
- 483.4 If any non-conforming use of a building ceases for any reason for a continuous period of more than one (1) year, or is changed to a conforming use, or if the building in or on which such use is conducted or maintained is moved for any distance whatever for any reason, then any future use of such building shall be in conformity with the standards specified by this Ordinance for the district in which such building is located.
- 483.5 If any building in which any non-conforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located, and the subsequent use of any buildings thereon, shall be in conformity with the standards specified by this Ordinance for the district in which such land or building is located.

484. Restoration of Damaged Buildings:

Nothing in the Ordinance shall prevent the strengthening or restoring to a safe condition of any wall declared unsafe by the Building Inspector.

484.1 If any non-conforming building shall be destroyed by any means to an extent of more than seventy-five percent (75%) of its fair market value, as determined by the Town Assessor after any necessary consultation with the Building Inspector and the Town Engineer, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of this Ordinance for the district in which it is located, except as provided in Section 484.2.

484.2 If any non-conforming building shall be destroyed by any means to an extent greater than fifty percent (50%) but less than seventy-five percent (75%) of its fair market value, as determined by the Town Assessor after any necessary consultation with the Building Inspector and the Town Engineer, the Zoning Board of Appeals may, after application by the owner of the building, determine whether, and to what degree, reconstruction shall conform to the provisions of Section 484.1 or of Section 484.3, or of any combination thereof. The Board shall consider the extent of the non-conformity, the value of the original structure, the relationship of neighboring properties, conformity with the Town Development Plan, and any other consideration it deems appropriate.

484.3 If any non-conforming building shall be destroyed by any means to an extent less than fifty percent (50%) of its fair market value, as determined by the Town Assessor, it may be restored and any accompanying non-conforming use continued, provided:

484.31 that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the building at the time of its destruction;

484.32 that the resumption of an accompanying non-conforming use takes place within eighteen (18) months of the time of its interruption, which period may be extended by the Building Inspector for a maximum of six (6) months;

484.33 that the restoration is commenced within six (6) months of the date of such damage and completed within eighteen (18) months of said date, which periods may each be extended by the Building Inspector for a maximum of six (6) months;

484.34 that where such restoration can reasonably be accomplished so as to result in greater conformity with this Ordinance, then the restoration shall be so done.

485. Non-Conformity, Other Than Use:

A building that is conforming in use but does not conform to the height, yard, lot area, lot dimension, land coverage, off-street parking, loading, minimum house size, or similar dimensional requirements of this Ordinance, shall not be considered to be non-conforming within the meaning of Sections 483 and 484. No permit shall be issued that will result in the increase of any such non-conformities.

486. Improvement of Non-Conforming Uses:

In order that non-conforming uses may be gradually brought into greater conformity with the requirements of this Ordinance, or that the adverse external effects of such non-conforming use may be reduced, an applicant may present and the Planning Board may review, or the Planning Board may propose a plan whereby, through landscaping, screening and buffer areas, the control of noise, smoke, odors, lighting and other external characteristics, architectural changes, the location and layout of parking areas and access drives, or by other appropriate means, will serve to reduce the adverse external effects of the non-conforming use and improve its relationship to neighboring properties and the community. As part of its review, the Planning Board shall determine that the proposed modifications to the non-conforming use shall not include any increase in the types of operation or intensity of such uses, although they may involve the relocation and redesign of activities and facilities on the property. Such plan shall be presented to the Town Board which, after public notice and hearing, may approve such plan. Within a period of not more than three (3) years from the date the Town Board approves such plan, the owner of the property where the non-conforming use is located shall bring such use into compliance with such plan as a condition of continuing its legal non-conforming status under this Ordinance. The Town Board may, as a condition of approval, require that all improvements be completed simultaneously, or in accordance with a schedule established as part of any approval.

Section 490. Minimum Dwelling Unit Size

491. Livable Floor Area:

No building permit shall be issued for the construction of a new dwelling in any zoning district unless the building plans indicate that each dwelling unit contains at least the required livable floor area as set forth in the following schedule:

<u>District</u>	<u>Required Livable Floor Area</u>
R-4A	1,600
R-2A	1,400
R-1.5A	1,300
R-3/4A	1,000
R-1/2A	900
R-10	900
R-5	800
Business Zones Where Residence is Permitted	800
R-2F	800
R-MF	As in Section 424.92

492. "Livable floor area" shall include all floor area used for human occupancy within the exterior walls of the proposed dwelling above first floor beams, excluding therefrom open porches, storage room, or utility room for furnace, hot water heater, water storage tank, or fuel storage tank, or breezeway, or garage.

493. Non-Conformance With the Applicable Minimum Square Feet:

Where it appears by the affidavit of the owner and by the supporting certificate of the owner's registered architect or civil engineer, in form as prescribed by the Town Board, that a majority of the constructed dwellings within five hundred (500) feet of the proposed dwelling and within the same zoning district do not conform with the applicable minimum square feet area therein, the Building Inspector may issue a building permit for a floor area equal to the

average livable area of the dwellings within said five hundred (500) feet, counting vacant lots as full livable area in said zoning district. Said floor area shall not, however, be less than two hundred (200) square feet below the required minimum for said area and in no case less than eight hundred (800) square feet.

ARTICLE V. - ADMINISTRATION AND ENFORCEMENT

Section 500. Enforcement

501. General:

No board, agency, officers, or employees of the Town shall issue, grant or approve any permit license, certificate, or other authorization for any construction, reconstruction, alteration, enlargement, or moving of any building or structure, or for any use of land or building that would not be in full compliance with the provisions of this Ordinance, except as permitted under Section 542.3. Any such permit, license, certificate, or other authorization issued, granted or approved in violation of the provisions of this Ordinance, shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof.

502. Building Inspector - Right to Enter:

Unless otherwise provided, the Building Inspector and any other person designated for the purpose, shall enforce the provisions of this Ordinance, and any rules and regulations made, or as may be made, in furtherance thereof. For such purposes he, or other designated person, may, from time to time and at reasonable hours, enter and inspect any such building, structure or premises, and may perform any other act or duty necessary for the proper enforcement thereof.

503. Records and Reports:

- 503.1 The Building Inspector shall keep a permanent record, including all pertinent maps and plans, of all applications for building permits and certificates of occupancy.
- 503.2 The Building Inspector shall also keep a permanent record of all violations of this Ordinance, whether reported by private citizens or by any board, agency, officer or employee of the Town, or identified by the Building Inspector, and such record shall show the disposition of all such violations.
- 503.3 The Building Inspector shall make a report to the Town Board in writing, at least once each month, reporting the number and type of building permits and certificates of occupancy issued, and listing all reported or continuing violations of this Ordinance, and disposition or pending action of such violation.

Section 510. Building Permits

511. No building or structure shall be erected, constructed, enlarged, altered, or moved, or excavation made therefor, or work begun thereon, nor shall any land shown in Zone A on the Flood Hazard Boundary Map of the Town of North Castle be mined, dredged, filled, cleared, graded, paved, or excavated, nor shall any drilling operations, except as required for individual water supply, be commenced thereon, until a permit therefor has been issued by the Building Inspector. A Building Permit shall be required for: additions, structural alterations; structural repairs; structures; swimming pools; fences; fireplaces, including wood burning stoves; fuel tanks; interior and exterior commercial alterations; signs, and all other buildings and structures as required by the Building Inspector. In accordance with Article VII of the Westchester County Sanitary Code, written approval for any separate disposal system shall be obtained before any building permit may be issued. Except upon a written authorization of the Board of Appeals, under circumstances set forth in Section 542.3, no building permit shall be issued for any land, building, or structure where said action would be in violation of any of the provisions of this Ordinance.
512. Before any permit shall be issued, written application therefor shall be made in duplicate on official Town forms. All applications shall be accompanied by a fee, in accordance with the fee schedule set by the Town Board, and two (2) copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of all buildings proposed to be built on the lot, and of any existing buildings or structures that shall remain, the existing and intended use of each building or part of the building, the estimated cost, the official base flood elevation data provided by the Federal Insurance Administration, or, in the event such data is not yet available, any base flood elevation data which is approved by the Town Engineer and is available from Federal, State, County or Town agencies, or other sources, and such other information with regard to the lot and neighboring lots that may be necessary to determine and provide for the enforcement of this Ordinance. Except for a permit exclusively for a sign, a plot plan shall also show all public service lines, septic tanks, and other sanitary facilities, the number of families that the building is designed to accommodate, the nature of the improvement, and the intended use or purpose to be made of the improvement and premises. One (1) copy of such plan, properly endorsed, shall be returned to the owner, either in person or by mail, when such plans shall have been approved by the Building Inspector. In riverine situations, the Building Inspector

shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration.

513. The Building Inspector may require a topographic survey showing at two (2) foot intervals the contours of the lot, or, in the case of large lots, of that area between the street and the proposed structure and extending to each side and to the rear thereof as far as the Building Inspector may deem necessary for the enforcement of this Ordinance.

The Building Inspector, upon consulting with the Town Engineer, shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If the proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement must be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure; be constructed with materials and utility equipment resistant to flood damage; be constructed by methods and practices that minimize flood damage; and assure that the flood carrying capacity within any altered or relocated portion of any watercourse is maintained. It is specifically required for mobile homes that (a) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long requiring one additional tie per side; (b) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side; (c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (d) any additions to the mobile homes be similarly anchored.

Based upon the base flood elevation data, the Building Inspector shall require that:

- 513.1 All new construction and substantial improvements of residential structures shall have the lowest floor (including basements) elevated to or above the base flood level, and
- 513.2 All new construction and substantial improvements of non-residential structures shall have the lowest floor (including basements) elevated or floodproofed to or above the base flood level.

The Flood Hazard Boundary Map for the Town of North Castle, as such may be issued by the Federal Insurance Administration, and any officially published revisions thereto, shall be the official map for the enforcement of

this Ordinance. Zone A on said map delineates the area within which the flood plain requirements of this Ordinance shall be enforced.

514. A building permit shall, among other things, briefly describe the premises, the nature of the improvement, the estimated value, and the intended use or purpose to be made of the improvement and premises. It shall bear data of issuance and be signed by the official issuing the same. Such official shall review the proposed action to assure that all necessary permits have been received from governmental agencies as required by Federal and State law, including Section 404 of the Federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. 1334, and shall require as a condition to the issuance of the permit, any additional measures which he determines are necessary to comply with the requirements of this Ordinance. The Building Inspector may revoke a building permit for any structure or building that does not comply with any such additional measures that were required at the time of the issue of the permit. The original application and a duplicate copy of the plans, specifications and permit issued, shall be filed immediately in the office of the Building Inspector. No building, land or premises shall be used for any purpose other than that stated in the permit. A duplicate copy of the building permit shall be prominently posted on the premises prior to the initiation of any work for which said permit has been granted.

Where in the opinion of the Town Board, any permit hereinafter issued by the Building Inspector was improperly or unlawfully issued, or was procured through fraud or deception, the Town Board may direct the Building Inspector to revoke the same.

515. No building permit shall be issued for a use requiring special permit approval, except in conformity with the procedure set forth in Section 430. No building permit shall be issued for any use requiring site plan approval, except in conformity with the provisions of Section 450. No building permit shall be issued for a use requiring approval under the Town Flood Hazard Ordinance, except in conformity with the provisions of that Ordinance.
516. A building permit shall be void if construction is not started within a period of twelve (12) months, or is not completed within a period of two (2) years of the date of said permit, except where a special permit is required, in which case the more restrictive provisions of Section 437 of this Ordinance shall be complied with.
517. Any building, extension, or alterations for which a permit has been duly granted, the construction of which has been started before the effective date of this Ordinance, or of

an amendment thereto, and the ground story framework of which, including the second tier of beams, has been completed within one (1) year after the adoption of this Ordinance or an amendment thereto, may be completed in accordance with plans on file with the Building Inspector, provided that such construction is diligently prosecuted and the building is completed within one (1) year of the adoption of this Ordinance or an amendment thereto. If any of the requirements shall not have been fulfilled within the prescribed period, or if the building operations are discontinued for a period of six (6) months, any other construction shall be in conformity with the provisions of this Ordinance.

518. Wherever the Town Board, by resolution, authorizes a public hearing on a proposed amendment to this Ordinance, for a period of sixty (60) days following the date of such resolution, no building or structure shall be erected, enlarged or altered, and no permit shall be issued for the erection, enlargement or alteration of any building or structure or for the occupancy of any land or building in any manner that would be contrary to the provisions of the proposed amendment.
519. Upon completion of the foundation wall of a building, the owner or his authorized agent shall submit to the Building Inspector a certified plot plan prepared by an engineer or land surveyor licensed to practice in the State showing the location of such foundation walls on the lot. If the building is located within Zone A of the North Castle Flood Hazard Boundary Map, the plot plan shall also show the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, whether or not such structures contain a basement, and, if the structure is to be floodproofed, the elevation (in relation to mean sea level) to which the structure will be floodproofed. The Building Inspector shall maintain a record of all such information. No building shall thereafter be constructed above the foundation walls until said plot plan survey has been approved by the Building Inspector as complying with the pertinent provisions of this Ordinance. No certificate of occupancy shall be issued until a certified survey showing the completed building and all appurtenances upon the property has been submitted to and approved by the Building Inspector.

Section 520. Certificate of Occupancy

521. It shall be unlawful for an owner to use or permit the use of any building or premises, or part thereof, hereinafter created, erected, changed, converted or enlarged, wholly or partially in its use or structure, until a Certificate of

Occupancy shall have been issued by the Building Inspector. In accordance with Article VII of the Westchester County Sanitary Code, no Certificate of Occupancy may be issued unless a certificate of completion has been issued. In the event of a change of use or occupancy of any existing building or premises, except for one (1) single-family dwelling, site plan approval in accordance with the standards and procedure of Section 450 of this Ordinance shall be required prior to the issuance of a Certificate of Occupancy. Such Certificate shall state that such building or premises, or part thereof, and the proposed use thereof are in complete conformity with the provisions of this Ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy provided that the building or premises conform with all of the requirements herein set forth.

522. Application for such a certificate shall be made on official form and filed with the Building Inspector. Within ten (10) days thereafter, the Building Inspector shall act thereon by either issuing a certificate or by denying the application. He shall forthwith notify such owner or applicant in writing personally, or by mail, of his decision. Every applicant for a Certificate of Occupancy shall pay therefor, to the Building Inspector, a fee as stated on the Building Permit application.
523. A temporary Certificate of Occupancy for a residential or commercial building or part thereof may be issued for a period not to exceed ninety (90) days provided that said building or part thereof must be completely enclosed, watertight and have been passed by the Building Inspector on both the footing and framing inspections. All electrical systems must be installed and the Board of Fire Underwriters' final inspection must be completed and a certificate of final inspection must have been issued to the applicant. The heating system must be permanently installed in accordance with the manufacturer's directions. Temporary controls may be used to operate said heating system. Domestic water must be available for said premises or portion thereof if required. A septic system must be installed or a sanitary sewer connection shall be completed. In accordance with Article VII of the Westchester County Sanitary Code, no temporary certificate of occupancy may be issued unless a certificate of completion has been issued. Provided that good cause be shown, the Building Inspector shall have the power to grant two extensions of such temporary permit for an additional period of ninety (90) days each.
524. A Certificate of Occupancy is required for both initial, continued, or changed occupancy and use of building or land to which it applies. It shall continue in effect as long as such building and the use thereof, and the use of such land

is in full conformance with the provisions of the Ordinance at the time of approval and any requirements made in connection therewith at the time of the issuance thereof. The details of any plan or site plan approved by the Town Board, Planning Board, or Board of Appeals acting under the terms of this Ordinance, and any conditions attached to such approval, shall be deemed to be such requirements. In the event of a change of use or occupancy of any existing building or premises, a Certificate of Occupancy shall become null and void unless the building and/or premises are in conformance with the provisions of any required approved site plan within six (6) months of the date of approval of said site plan.

525. Thirty (30) days after the service of notice by the Building Inspector of any violation of any of the provisions or requirements with respect to any building or the use thereof, or of land, the Certificate of Occupancy for such use shall thereupon become null and void.
526. A copy of an existing Certificate of Occupancy shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected. Upon request, and by payment to the Town of a fee of two dollars (\$2.00), the Building Inspector may issue a Certificate of Occupancy for any building or premises, certifying, after inspection, that the extent and kind of use and disposition conforms with the provisions of this Ordinance.

Section 530. Violations and Penalties

531. Any person, firm, corporation or other entity, who shall violate any provision of this Ordinance, or who shall violate any other regulation made under authority conferred thereby, or who shall knowingly assist any other in the violation thereof by any architect, engineer, builder, contractor, sub-contractor, employee or other person, lawfully employed upon his premises, or in connection therewith, or who shall fail to comply therewith, or with the requirements thereof, or who shall build, add to, alter, or locate any building or other structure in violation thereof or in violation of any detailed plan or statement submitted and approved as in this Ordinance provided, or who shall knowingly assist therein, or who shall use any land, building, or premises in violation thereof, or who shall design any building or other structure to be used in violation of this Ordinance or such regulations made supplemental thereto, shall be guilty of an offense as set forth in Section 268 of the Town Law and liable to a fine for a first violation not to exceed three hundred and fifty (\$350.) dollars; for a second violation within five (5) years a minimum fine of three hundred and fifty (\$350.) dollars and maximum fine of seven hundred (\$700.) dollars;

and for a third or subsequent violation within five (5) years a minimum fine of seven hundred (\$700.) dollars and a maximum fine of one thousand (\$1,000.00) dollars, or by imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation thereof shall constitute a separate additional violation. In addition to

the foregoing punitive and remedial provisions, the Town shall have such other remedies for any violation or threatened violation of this Ordinance, as now or hereafter may be provided by law.

532. In case any building or structure is erected, constructed, reconstructed, altered, converted, located, or maintained, or any building, structure, land or premises is used in violation of this Ordinance or any regulation made pursuant thereto or under authority conferred thereby, in addition to other lawful remedies, any appropriate action or proceedings may be instituted to prevent such unlawful erection, construction, alteration, conversion, repair, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building land, or premises, or to prevent any illegal act, conduct, business, or use in or about such premises. The Building Inspector shall serve written notice, either by personal service or by certified mail, "return receipt requested," addressed to the premises of such violation, on the person or corporation committing or permitting the same and, if such violation does not cease within such time as the Building Inspector shall specify, which shall be not less than five (5) days, he may institute such of the foregoing actions as may be necessary to remove the violation. Such notice may also be served by posting on the premises.

Section 540. Board of Appeals

541. Organization:

A Board of Appeals, as heretofore established by the Town Board, is hereby maintained.

542. Powers and Duties:

- 542.1 General: The Board of Appeals shall have all the powers and duties prescribed by Town Law and by this Ordinance, which powers and duties are summarized and more particularly specified as follows, provided that none of the following sections shall be deemed to limit any of the powers of the Board of Appeals that are conferred by the Town Law. The Board of Appeals shall adopt such rules and regulations as may be necessary or proper to the performance of its powers and duties hereunder, and may amend or repeal the same. All provisions of this Ordinance relating to the Board of Appeals shall be strictly construed. The Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this Ordinance and in strict compliance with all limitations contained herein.

542.2 Interpretation: On appeal from an order, requirement, decision, or determination made by an administrative official charged with the enforcement of this Ordinance, or on request from any official or agency of the Town, the Board of Appeals shall have authority to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact application of the rules specified in Section 320.

542.3 Variances: On appeal from an order, requirement, decision, or determination made by an administrative official charged with the enforcement of this Ordinance, the Board of Appeals shall have the power to vary or adjust the strict application of the regulations or provisions of this Ordinance, where the strict application of any of the requirements of this Ordinance, in the case of an exceptionally irregular, narrow, shallow, or steep lot, or other exceptional physical conditions, would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance shall be granted by the Board of Appeals unless it finds:

542.31 That there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or structure for which the variance is sought, which circumstances or conditions are peculiar to such land or structure and do not apply generally to land or structures in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of this Ordinance, whether in violation of the provisions thereof or not.

542.32 That, for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or structure, and the granting of the variance is necessary for the reasonable use of the land or structure, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.

542.33 That the granting of the adjustment is in harmony with the general purpose and intent of this Ordinance and of the Town Development Plan, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

542.4 Conditions and Safeguards: In all cases where the Board of Appeals authorizes the issuance of a building permit or Certificate of Occupancy, under any of the above powers, it shall be the duty of said Board to attach such conditions and safeguards as may be required to protect the public health, safety, morals, and general welfare.

543. Appeals - How Taken to Board of Appeals:

All appeals and applications to the Board of Appeals shall be taken in the manner prescribed by law and within such time as shall be prescribed by the Board of Appeals by general rule. All such appeals and applications to the Board shall be made by the owner or agent duly authorized, in writing, and shall be on forms prescribed by the Board. Each appeal or application shall fully set forth the circumstances of the case; shall refer to the specific provision of the Ordinance involved; and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the adjustment that is applied for, and the grounds for which it is claimed that the same should be granted.

544. Notice of Hearing:

Notice of any hearing before the Board of Appeals shall be published in a newspaper circulating within the Town of North Castle, at least ten (10) days prior to the date of said hearing, and any mailing of notices that may be required by the Board of Appeals shall be at least ten (10) days before such hearing. The preparation and cost of publication and mailing of any notice required for such hearing shall be at the cost and expense of the applicant.

Notice of hearing shall be sent by certified mail "return receipt requested" to all property owners within a distance of two hundred-fifty (250) feet of the property lines on both sides of the street on which the property fronts, and to the adjoining property owner or owners to the rear of the property affected. In addition, the Board shall give any other notice required by law.

545. Referral to Planning Board:

At least ten (10) days before the date of the hearing required by law on any application or appeal to the Board of Appeals, the secretary of said Board shall transmit to the

secretary of the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing, and the Planning Board may, prior to or on the date of said hearing, submit to the Board of Appeals an advisory opinion on said application or appeal.

546. Action by Board of Appeals:

Every decision of the Board of Appeals shall be by resolution; shall be recorded in accordance with standard forms adopted by the Board, and shall fully set forth the circumstances of the case and the findings on which the decision was based. Timely notice of all decisions shall be given to all parties to the proceedings. The Board shall decide on matters referred to it within sixty (60) days after the final hearing, and shall within ten (10) days thereafter file a copy of each such resolution in the Office of the Town Clerk, together with all supporting documents, and a copy of said resolution with the Planning Board and the Building Inspector and one (1) copy of said resolution shall be mailed to the applicant. The Board of Appeals shall report to the Town Board periodically, at intervals of not greater than three (3) months, summarizing all applications and appeals made to it since its last previous report, and summarizing its decisions on such applications and appeals. A copy of such report shall be filed with the Planning Board and the Building Inspector at the same time that it is filed with the Town Board.

547. Expiration:

A variance shall be deemed to authorize only the particular use or uses specified in the decision, and unless other provisions are set forth by the Board of Appeals in connection with their decision, shall expire if work is not initiated pursuant thereto within one (1) year, or if said use or uses shall cease for more than one (1) year.

548. Court Review - How Taken on Board of Appeals Actions:

Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, board or bureau of the Town, may apply to the Supreme Court for relief in the manner provided for by law.

Section 550. Fees

551. For the purpose of defraying administrative costs involved in the review of applications and appeals and the legal notices required by law, the following actions shall be accompanied by a fee, in the amount prescribed and payable to the Town of North Castle:

- 551.01 Each application or petition requesting any amendment, supplement, change, modification, or repeal of the zoning regulations or district boundaries, submitted in accordance with Section 600 of this Ordinance.....\$100.00.
- 551.02 Each application for a special permit, in accordance with Section 430 of this Ordinance.....\$100.00 plus \$4.00 for each required off-street parking space.
- 551.03 Each application for site plan approval in accordance with Section 450 of this Ordinance: For new buildings.....\$100.00 plus \$3.00 for each required off-street parking space. For existing buildings.....\$.50 for each required off-street parking space (minimum fee \$25.00). For multi-family dwellings in multi-family residence districts.....\$50.00 for each proposed dwelling unit.
- 551.04 Each appeal or application taken to the Board of Appeals, in accordance with Section 540 of this Ordinance.....\$25.00.
552. The above schedule of fees is in addition to any and all other fees required by this or any other section of this Ordinance, or any other Town Ordinance or Regulation.

ARTICLE VI. - AMENDMENTS

Section 600. Amendments

601. Enabling Act:

The Town Board may from time to time on its own motion, on petition, or on recommendation of the Planning Board, amend, supplement, or repeal the regulations and provisions of this Ordinance in the manner provided by Town Law.

602. Petition:

Upon presentation to the Town Board of a petition requesting an amendment, supplement, change, modification, or repeal of the regulations and/or restrictions prescribed for any such district or part thereof, or for a change or modification in such district's boundaries as shown on the Zoning Map, duly signed and acknowledged by the owners of at least fifty percent (50%) of the area included in the zoning district affected by such proposed amendment, it shall be the duty of the Town Board to hold a public hearing thereon within sixty (60) days thereafter.

603. Planning Board:

Every such proposed amendment or change shall be referred to the Planning Board for report thereon before the public hearing required by law. In recommending the adoption of any such proposed amendment, the Planning Board shall state, in writing, its reasons for such recommendation, describing any conditions that it believes make the amendment advisable, and specifically setting forth the manner in which, in its opinion, the amendment would be in accordance with the Town Development Plan, and be in furtherance of the purposes set forth in Article I of this Ordinance. In recommending the rejection or revisions of any proposed amendment, the Planning Board shall similarly state its reasons. Failure on the part of the Planning Board to report to the Town Board its recommendation with respect to any proposed amendment within thirty (30) days after the date of referral shall be deemed to be approval thereof, unless such proceedings have theretofore been terminated, or such time be extended by resolution of the Town Board.

604. Westchester County Planning Board Review:

At least ten (10) days prior to the public hearing at which such amendment is to be considered, the Town Board, in accordance with Section 451 of Article 15 of the Westchester County Administrative Code, shall refer to the Westchester County Planning Board all proposals affecting real property abutting:

- 604.1 The boundary of any State or County park;
- 604.2 The right-of-way of any State or County road, parkway, or expressway;
- 604.3 The right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines; and
- 604.4 The boundary of any County or State owned land on which a public building or institution is located.

605. Additional Notification:

In any case where said amendment affects any real property lying within five hundred (500) feet of the boundary of any municipality, the Clerk of said municipality shall be notified thereof at least ten (10) days prior to the public hearing at which such matter is to be considered, in accordance with Section 452 of Article 15 of the Westchester County Administrative Code.

ARTICLE VII. - MISCELLANEOUS

Section 700. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other portion of this Ordinance. The Town Board hereby declares that it would have adopted every section, subsection, paragraph, sentence, clause, and phrase of this Ordinance regardless of the fact that any other section, subsection, paragraph, sentence, clause or phrase be declared invalid.

701. Short Title:

This Ordinance shall be known and may be cited at the "Town of North Castle Zoning Ordinance."

702. Effective Date:

This Ordinance, as amended, together with the Zoning Map and Schedules of Regulations incorporated herein and made a part of this Ordinance, shall take effect ten (10) days after its publication and posting as required by Town Law.

SECTION 421: SCHEDULE OF RESIDENCE DISTRICT REGULATIONS

A use marked with an asterisk (*) is subject to conformance with additional standards as set forth in Section 430 and 440. Non-residential, two-family and multi-family uses are subject to site plan approval and performance standards in accordance with Sections 450 and 470. Standards shown are minimum requirements, unless otherwise noted. Any use not specifically listed shall be deemed to be prohibited. Dimensions are in feet, unless otherwise noted.															
DISTRICT	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES Only in conjunction with a permitted principal use.	Minimum Lot Size				Minimum Yards(c)			Maximum Height(h)	Maximum Building Coverage	Minimum Dwelling Unit Size (in square feet)	Refer also to these pertinent Sections	DISTRICT	
			Area	Front- age (a)	Width (b)	Depth	Front (d,e)	Side (f,g)	Rear (h)						
				5	6			9							10
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
R-4A	1. Single-family dwellings, not to exceed one on any lot.	1. Offices or studios of a professional person, when conducted in a dwelling by the inhabitant thereof, provided there are no more than two non-resident employees in such office or studio. If lot is at least four (4) acres, the office or studio may be in an accessory building.	4 Acres	250	250	150	75	50	50	2-1/2	30	6	1,600	Section 410 (General Regulations) Section 430 and 440 (Special Permits) Section 450 (Site Plan) Section 460 (Parking and Loading) Section 470 (Performance Standards)	R-4A
R-2A	2. Temporary storage of contractor's equipment, provided that the equipment has been in use on the property on which it is stored during the last thirty (30) days.	2. Customary home occupations, as defined in this Ordinance, employing only a person or persons resident on the premises. Such use shall not be carried on in an accessory building, and shall not occupy more than one-half (1/2) the area of one floor.	2 Acres	150	150	150	50	30	50	2-1/2	30	8	1,400		R-2A
R-1.5A	3. Governmental uses, parks, playgrounds, parkways, firehouses, police stations, or other municipal uses; not including incinerators or dumps, garages, or public works yards.	3. Boarding houses, provided:	1-1/2 Acres	150	150	150	50	30	40	2-1/2	30	10	1,300		R-1.5A
R-1A	4. Farm uses provided:	a. Rented quarters shall not exceed one-third of the total floor area of the dwelling.	1 Acre	125	125	150	50	25	40	2-1/2	30	12	1,200		R-1A
R-3/4A	a. None are located in a multi-family district.	b. The rented quarters shall not have cooking facilities, such as a stove or refrigerator.	3/4 Acre	125	125	150	40	25	40	2-1/2	30	15	1,000		R-3/4A
R-1/2A	b. No building pertaining to such use shall occupy an area in excess of two percent (2%) of the lot area or be located within fifty (50) feet of any residence on an adjoining property.	c. Where the renting of rooms is a two (2) persons, at least one (1) additional off-street parking space must be provided.	1/2 Acre	125	125	100	40	20	30	2-1/2	30	15	900		R-1/2A
R-10	c. No storage of manure or any other odor or dirt producing substance shall be permitted within 100 feet of a property line, water course or wetland area.	d. There is no advertising thereof on the premises.	10,000 Sq.Ft.	100	100	100	30	15	30	2-1/2	30	30	900		R-10
R-5	*5. Churches or other places of worship, including parish houses, church school rooms, convents or rectories.	e. None are located in two-family or multi-family districts.	5,000 Sq.Ft.	50	50	100	30	Least-8 Total Both Sides- 18	30	2-1/2	30	30	800		R-5
	*6. Public elementary or high schools.	f. The owner of the home in which the boarding house is located shall live, and continue to live in that home.													
	*7. Private or parochial elementary or high schools which meet the same site standards of the State Department of Education for a public school.	4. The keeping of dogs, cats and other animals which may be considered household pets, provided that not more than twelve (12) head of poultry and not more than four (4) other animals exceeding six (6) months of age are kept.													
	*8. Public libraries.	5. Private garden houses, tool houses, green-houses, garages, or similar private accessory uses not over one story and fifteen (15) feet in height, and limited to 800 square feet in area unless otherwise authorized by Special Permit.													
	*9. Religious or charitable institutions, other than a hospital, sanitarium, camp, correctional institution, or institution for the insane, drug addicted, or retarded.	6. Private tennis courts, swimming pools, cabanas or similar recreational facilities, provided such facilities conform to the same yard requirements as for the main building, and subject, where such facilities are accessory to multi-family uses, to site plan approval.													
	*10. Membership clubs, not operated for gain.	7. Private garages or car ports for housing non-commercial passenger vehicles of residents, not exceeding four (4) spaces. There shall be no living quarters in a private garage.													
	*11. Nurseries or greenhouses.	7A. Commercial vehicles may be stored, parked or maintained on a lot subject to the following:													
	*12. Public telephone booths.	a. On any lot, one (1) commercial vehicle used by the occupant exceeding 7,500 pounds as shown on the registration certificate provided the same be housed in a fully enclosed structure.	5,000 Sq.Ft.	50	50	100	20	6	15	2-1/2	30	35	800		R-2P
R-2P	1. Same as single-family residence districts.	b. On any lot of less than one-half (1/2) acre, one commercial vehicle used by the occupant having a gross weight not exceeding 7,500 pounds as shown on the registration certificate.													
R-MF	2. Two-family dwellings, not to exceed one such dwelling per lot.	c. On any lot of one-half (1/2) acre or more, one commercial vehicle used by the occupant having a gross weight not exceeding 7,500 pounds as shown on the registration certificate provided that such vehicle be garaged or suitably screened by a wall, fence or evergreen planting from view of persons standing on adjoining lots.	10 Acres	25	250	250	75 (k)	50 (k)	50 (k)	3	30	12	As in Section 424.192		R-MF
		d. Commercial vehicles having more than two (2) axles shall not be parked, maintained, garaged or stored on any lot.													
		e. Notwithstanding the foregoing, no more than one commercial vehicle may be stored, parked or maintained on any lot.													
		f. Commercial vehicles actually used for agricultural or horticultural purposes on the premises shall be exempt from the provisions of this section.													
		8. Off-street parking, as regulated in Section 460, on the same lot as principal uses permitted in this District.													
		9. Individual or joint private water supply and sewage facilities.													
		10. Storage of auto trailers and boats; unoccupied travel trailers, motor homes, and pick-up coaches; and other such recreational vehicles, provided:													
		a. On any lot of less than one-half (1/2) acre, any such vehicle, in excess of one (1) shall be garaged or suitably screened by a wall, fence or evergreen planting from view of persons standing on adjoining lots.													
		b. On any lot of one-half (1/2) acre or more any such vehicle shall be garaged or suitably screened by a wall, fence or evergreen planting from view of persons standing on adjoining lots.													
		c. Such storage shall conform to all yard and size requirements for accessory buildings.													
		11. Signs, as regulated in Section 413.													
		12. On any lot having a minimum area of one (1) acre, two (2) horses may be maintained. Additional horses may be maintained by Special Permit pursuant to Sections 430 and 440.													
		13. Temporary offices in connection with construction on a lot, which offices must be removed before a certificate of occupancy is issued for the new construction.													
		*14. Non-commercial radio transmitting towers.													
		15. Storage of building materials outside of a building provided a building permit has been issued and such materials are stored for the purposes set forth in such building permit.													
		16. Solar energy collectors.													
		17. Servants' quarters, subject to the requirements of Section 411.012.													
		*18. Accessory apartments, in single-family residence districts, subject to the requirements of Section 440.11.													
		19. Dish antennas, subject to the requirements of Section 412.16.													

NOTES: a. This requirement may be modified by the Planning Board with respect to any lot abutting a turnaround terminating a dead end street, provided that a minimum frontage of twenty-five (25) feet is provided.

b. As required by Sections 411 and 411.10.

c. On Interstate Highways, all buildings shall be set back a minimum distance of 200 feet from the nearest edge of pavement of the mainline section of such highway.

d. On streets with less than a fifty (50) foot right-of-way, all buildings shall be set back a distance, measured from the center line of the existing roadway, of at least the required front yard, plus one-half the proposed right-of-way dimension.

e. Where lot frontage is less than lot width, any building shall also observe any special setback lines established by the Planning Board on the subdivision plat of which the lot is a part.

f. Except as provided in Section 412.09.

g. Except for stables, accessory buildings may be located not nearer to any side or rear lot line than one-half (1/2) the distance established in the foregoing schedule for principal buildings in the respective districts, but not nearer to any street than the required front yard setback distance.

h. Except as provided in Section 412.05.

k. Except that the minimum setback from a common property line shared with land in an adjoining single-family residence district shall be no less than two (2) times the setback required from such common property line in that single-family district, but in no case less than is required elsewhere in this Ordinance.

SECTION 23: SCHEDULE OF OFFICE AND INDUSTRIAL DISTRICT REGULATIONS

A use marked with an asterisk (*) is subject to conformance to additional standards as set forth in Sections 430 and 440. All uses are subject to site plan approval and performance standards in accordance with Sections 450 and 470. Except as specifically permitted, all uses, including storage of materials and equipment, shall be within enclosed structures. Standards shown are minimum requirements, unless otherwise indicated. Any use not specifically listed shall be deemed to be prohibited. Dimensions are in feet, unless otherwise indicated.			Minimum Lot Size			Minimum Yards (b,c)			Maximum Building Coverage	Maximum Building Height (f)	Floor Area Ratio	Other Standards and Requirements	DISTRICT	
DISTRICT	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES Only in conjunction with a permitted principal use.	Area	Front- age (a)	Depth	Front	Side (d,e)	Rear	In % of Lot Area	Stories	Feet			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	1
OB Office Business	1. Any non-residential uses permitted in an R-4A District, as permitted and regulated therein, but not on any lot occupied by another type of use permitted in the OB District. 2. Office buildings for business and professional use (including administrative, executive, engineering, accounting, scientific, research and development, educational, statistical and financial purposes). 3. Research, development and sales development laboratories (such laboratories being included in the term "office building", as such term is hereinafter used), provided that there shall be no manufacturing or fabrication of products for sale.	1. Any accessory buildings or uses customarily incidental to a permitted use in an R-4 District. 2. Buildings and uses immediately and exclusively accessory to the uses permitted in the District, including automobile parking facilities, storage and maintenance of motor vehicles and other equipment, central heating and power plants, storage of documents and other property, training schools for employees, visitors and guests, lodges for temporary accommodation of employees, visitors and guests of the office building occupants, living quarters for custodial or caretakers of the office building or buildings, and the following uses where necessary for the comfort, convenience and exclusive use of the occupants, employees and business visitors of the building or buildings: a. Clinics, cafeterias, banks, post offices, and limited retail trade and service uses, when conducted within a main or accessory building. b. Recreation facilities, provided that all such necessary buildings and uses shall be planned as an integral part of the office building development. 3. Signs, in accordance with Section 413. 4. Necessary lighting of business and parking areas. *5. Helistops. 6. Solar energy collectors. 7. Below ground storage of not more than 12,000 gallons of gasoline or diesel fuel in fiber-glass tanks not exceeding 12,000 gallons capacity, and solely for the use of the principal permitted user of the premises. No storage or dispensing of such fuels will be within any required minimum yard, except where the Planning Board finds that by reason of landscaping or topography, storage may be permitted closer to a street or property line. 8. Dish antennas subject to the requirements of Section 412.16.	20 Acres	500	500	150	300	300	10	3	45	0.12 (See Sec. 426.7)	As in Sec. 426.1	OB Office Business
DOB-20A Designed Office Business	1. Permitted Principal Uses shall be those permitted in the OB District.	1. Permitted Accessory Uses shall be those permitted in the OB District. 2. Off-street parking in accordance with Section 460. 3. Dish antennas subject to the requirements of Section 412.16.	20 Acres	500	500	150	300	300	10	As per Section 426.933		0.15 (See Section 426.7)	As in Sec. 426.9	DOB-20A Designed Office Business
PBO-2A Professional Business Office 2A	1. Business and professional offices and studios. 2. Research and development laboratories. 3. Banks and financial institutions. 4. Any uses permitted in an R-2A District, as regulated therein, but not on any lot occupied by another type of use permitted in the PBO-2A District.	1. Any accessory buildings or uses customarily incidental to a permitted use. 2. Off-street parking and loading areas, in accordance with Section 460. 3. Signs, in accordance with Section 413. 4. Necessary lighting of business and parking areas. 5. Limited manufacturing or servicing when such is required to produce pilot or mock-up models of products, or at such other times as permitted by the Planning Board, provided said Board finds that such use is clearly subordinate and incidental to a permitted principal use. 6. Solar energy collectors. 7. Dish antennas subject to the requirements of Section 412.16.	2 Acres	200 (o)	200 (o)	50 (o)	50 (o)	50 (o)	20	3	35	0.30 (See Sec. 426.7)	As in Sec. 426.2	PBO-2A Professional Business Office
PBO Professional Business Office	1. Any uses permitted in an R-10 District as permitted and regulated therein. 2. Business and professional offices and studios, except those offering retail goods for sale from catalogues.	1. Any accessory buildings or uses customarily incidental to a permitted use. 2. Off-street parking and loading areas, in accordance with Section 460. 3. Signs, in accordance with Section 413. 4. Necessary lighting of business and parking areas. 5. Solar energy collectors. 6. Dish antennas subject to the requirement of Section 412.16.	10,000 Sq.Ft.	100	100	50	20 (h)	20	20	1	15	0.2	As in Sec. 426.3	PBO Professional Business Office
PLI Planned Light Industry	*1. Industrial uses using electric power only, where the use is conducted within fully enclosed buildings and the nature of the use is such that normally it will not be dangerous to the comfort, peace, enjoyment, health or safety of the community, and that it will be in harmony with the appropriate and orderly development of the district in which it is situated and adjacent districts. The Planning Board may impose any condition of use in order to insure continued compliance with the purpose and intent of such standards and performance standards as set forth in Section 470. 2. Motels, subject to Section 426.6 on a lot of at least five and one-half (5-1/2) acres and with not less than 1,600 square feet of lot area for each guest sleeping room. 3. Business and professional offices and studios. 4. Warehouses, excluding truck storage or truck terminal facilities.	1. Accessory uses as permitted in a PBO District. 2. Below ground storage of not more than 12,000 gallons of gasoline or diesel fuel in fiber-glass tanks not exceeding 12,000 gallons capacity, and solely for the use of the principal permitted user of the premises. No storage or dispensing of such fuels will be within any required minimum yard, except where the Planning Board finds that by reason of landscaping or topography, storage may be permitted closer to a street or property line.	4 Acres (m)	300 (m)	300 (m)	100 (r)	50 (o)	100 (o)	Gross land coverage shall not exceed 60%	3	35	0.30 (See Section 426.7)	As in Section 426.4	PLI Planned Light Industry
RELIP Research, Electronic and Light Industrial Park	1. Uses as in R's 1, 3, and 4 in a PLI District.	1. Accessory uses as permitted in a PBO District. 2. Below ground storage of not more than 12,000 gallons of gasoline or diesel fuel in fiber-glass tanks not exceeding 12,000 gallons capacity, and solely for the use of the principal permitted user of the premises. No storage or dispensing of such fuels will be within any required minimum yard, except where the Planning Board finds that by reason of landscaping or topography, storage may be permitted closer to a street or property line.	4 Acres (m)	300 (m)	300 (m)	100 (o)	50 (o)	100 (o)	Gross land coverage shall not exceed 60%	3	35	0.30 (See Section 426.7)	As in Section 426.5	RELIP Research, Electronic and Light Industrial Park
IND AA Industrial AA	1. Any non-residential uses permitted in an R-1A District, as permitted therein. 2. Business and professional offices and studios. 3. Motels, subject to the provisions of Section 426.6. 4. Business and light industrial uses meeting the standards and approved as required under item #1 of the PLI District.	1. Accessory uses as permitted in a PBO District.	2 Acres (n)	200 (o)	200 (o)	50 (o)	50 (o)	50 (o)	Gross land coverage shall not exceed 60%	2	30	0.30 (See Section 426.7)	-	IND AA Industrial AA
IND A Industrial A	1. Any non-residential uses permitted in an R-5 District, as permitted and regulated therein. 2. Business and professional offices and studios. 3. Supply houses, warehouses and other commercial distribution plants. 4. Manufacturing, fabricating, finishing or assembling of products. *5. Public utility exchanges or substations. 6. Retail fuel storage and sales, except that storage of gasoline or other highly combustible fuels above ground shall be limited to 500 gallons in portable steel containers and below ground to 12,000 gallons in fiber-glass tanks, and that the storage of fuel oil shall be limited to underground storage of not more than 25,000 gallons in fiberglass tanks not more than 10,000 gallons capacity each. No storage shall be located within 10 feet of any street or property line. 7. Public or private garages, provided that no automobile repair work, except emergency work, shall be done outdoors; no workshop shall be nearer than 25 feet to any street or residential lot line; no opening shall be located in any side or rear wall or roof facing any adjoining residential lot line, except as required by fire safety and building code regulations and no such opening shall be located within 15 feet of any other side or rear lot line, except for vehicles within 200 feet of a school, church, hospital, fire station, police station, or institution for aged persons or children. *8. Gasoline filling and service stations, not including auto or body repair work or the parking or storage of motor vehicles other than those in connection with the permitted use.(c)	1. Accessory uses as permitted in a PBO District. 2. Outdoor storage of materials and equipment, only when determined by the Planning Board as accessory and essential to a permitted use, and only when such storage areas do not exceed 15% of the lot area, are suitably screened, and are approved by the Planning Board as to location and screening.	5,000 Sq.Ft.	50	100	10	0	10 (q)	40	2	35	0.6	-	IND A Industrial A
RO Residence Office	1. Any uses permitted in an R-5 District as regulated therein. 2. Conversion to professional office of any main buildings which existed at the time of the adoption of this amendment.	1. Any accessory buildings or uses customarily incidental to a permitted use. 2. Off-street parking and loading areas in accordance with Section 460. 3. Signs in accordance with Section 413. 4. Necessary lighting of business and parking areas. 5. Residential uses, limited to one dwelling unit per building. Additional dwelling units may be permitted by special permit. 6. Solar energy collectors.	5,000 Sq.Ft.	50	100	30	Least-8 Total both sides-18	30	30	2-1/2	30	--	As in Section 426.8	RO Residence Office

NOTES: Where any part of a non-residential building is to be used for residence purposes, it shall meet all the requirements for a residence building, where such requirements are higher.

- On lots abutting a turnaround on a dead-end street, the Planning Board may permit the frontage to be reduced, where applicable, to not less than one hundred (100) feet.
- See Section 412 for special yard provisions.
- Gasoline pumps shall not be located nearer than fifteen (15) feet to a lot line.
- Where access to required parking space in the rear is through a side yard such side yard shall be determined by the Planning Board, but in no case to be less than sixteen (16) feet.
- Where a side line of a lot abuts the rear line of another lot, such side yard shall be at least equal to the required rear yard of such other lot.
- See Section 412.05 for special height provisions.
- Where a lot abuts a Residence District, the yard shall measure at least fifty (50) feet.
- Where a lot abuts a Residence District, required side yard shall be the same as that required in said Residence District, but in no case less than as required elsewhere in this Ordinance.
- See Section 425.51 for existing lots of less than minimum required size.
- Except that the Planning Board may approve one or more lots of at least 2 acres each and 200 feet of frontage and depth, as part of a subdivision whose lots average 4 acres each in area.
- Except that any lot of at least 1 acre, wholly within the Town of North Castle, existing on April 27, 1961 may be used provided it meets other standards.
- These requirements may be varied or reduced in connection with approval of the site plan by the Planning Board, where the size and/or shape of existing lots may warrant or require it.
- Where a rear line of a lot abuts lands dedicated for park use, such minimum setback may be reduced to 50 feet.
- Where the rear line of a lot abuts land utilized for rail transportation purposes, such minimum setback may be reduced or eliminated at the discretion of the Planning Board.
- May be reduced to sixty (60) feet if no parking spaces are located between the building and the street.

SECTION 422: SCHEDULE OF BUSINESS DISTRICT REGULATIONS

A use marked with an asterisk (*) is subject to conformance to additional standards as set forth in Sections 430 and 440. All uses are subject to site plan approval and performance standards in accordance with Sections 450 and 470. Except as specifically permitted, all uses, including storage of materials and equipment, shall be within enclosed structures. Standards shown are minimum requirements, unless otherwise indicated. Any use not specifically listed shall be deemed to be prohibited. Dimensions are in feet, unless otherwise indicated.															
DISTRICT 1	PERMITTED PRINCIPAL USES 2	PERMITTED ACCESSORY USES Only in conjunction with a permitted principal use. 3	Minimum Lot Size			Minimum Yards (b,c)			Maximum Building Coverage	Maximum Building Height (f)		Floor Area Ratio	Other Standards and Requirements	DISTRICT 1	
			Area 4	Front- age (a) 5	Depth 6	Front 7	Side (d,e) 8	Rear 9	In % of Lot Area 10	Stories 11	Feet 12	13	14		
SC Shopping Center	1. Stores and shops for the conduct of retail businesses, restaurants, cafeterias, bars, cabarets, personal service establishments, except those offering dry cleaning services that are not connected to a public sewer system, banks, and business and professional offices and studios.	1. Any accessory buildings or uses customarily incident to a permitted use. 2. Off-street parking and loading areas in accordance with Section 460. 3. Signs, in accordance with Section 413. 4. Necessary lighting of business and parking areas. 5. Three or fewer coin-operated amusement services. 6. Solar energy collectors. 7. Dish antennas subject to the requirements of Section 412.16.	4 Acres	300	300	75	0 (g)	30 (g)	20	2	30	0.25	As in Sec. 425.11	SC Shopping Center	
NB Nursery Business	1. Any uses permitted in an R-2A District, as permitted therein. 2. The selling and display of nursery and greenhouse stock, not exceeding 1,000 pounds in gross weight per unit, and hand garden tools, garden ornaments and supplies not exceeding 100 pounds in gross weight per unit. The latter shall be clearly accessory and incidental to the sale of nursery and greenhouse stock.	1. Any accessory buildings or uses customarily incidental to a permitted use. 2. Off-street parking and loading areas in accordance with Section 460. 3. Signs, in accordance with Section 413. 4. Necessary lighting of business and parking areas. 5. Outside storage of garden plants, produce, trees and shrubs. 6. Outside storage of packaged natural products, such as peat moss or fertilizer covering no more than five (5) percent of the lot area, and properly screened as approved by the Planning Board.	2 Acres	200	200	100	0 (m)	30 (m)	14	2	30	0.18	As in Sec. 425.7	NB Nursery Business	
CB-A Central Business A	The following uses are permitted providing they are conducted within the permitted building areas as shown on the adopted CB-A Zoning District Map: 1. Any non-residential uses permitted in an R-5 District, as permitted and regulated therein. 2. Any uses permitted in an SC District. 3. Theatres and clubs, in completely enclosed buildings. *4. Public utility exchanges or substations. 5. Printing establishments employing not more than three (3) full time employees. 6. Funeral homes. *7. Fast-food restaurants.	1. Any accessory building or uses customarily incident to a permitted use, provided they are conducted within the permitted building areas as shown on the adopted CB-A Zoning District Map. 2. The parking and loading of motor vehicles, in accordance with Section 460 and within the designated parking areas as shown on the adopted CB-A Zoning District Map. 3. Signs in accordance with Section 413. 4. Necessary lighting of business and parking areas. *5. Outside display of merchandise for sale or rent. 6. Residential uses, limited to one dwelling unit per building. Additional dwelling units may be permitted by Special Permit. 7. Three or fewer coin-operated amusement devices. 8. Solar energy collectors. 9. Dish antennas subject to the requirements of Section 412.16.	As permitted in accordance with the adopted CB-A Zoning District Map.								2	30	1.5 (Based upon the mapped building area)	As in Sec. 425.2	CB-A Central Business A
CB-B Central Business	1. Any uses permitted in an SC District. *2. Fast-food restaurants. 3. Theatres, in completely enclosed buildings.	1. Any accessory buildings or uses customarily incident to a permitted use. 2. Off-street parking and loading areas in accordance with Section 460. 3. Signs, in accordance with Section 413. 4. Necessary lighting of business and parking areas. *5. Outside display of merchandise for sale or rent. 6. Residential uses, limited to one dwelling unit per building. Additional dwellings units may be permitted by Special Permit. 7. Three or fewer coin-operated amusement devices. 8. Solar energy collectors. 9. Dish antennas subject to the requirements of Section 412.16.	5,000 Sq.Ft.	50	100	25	0	50	25	2	30	0.3	As in Sec. 425.3	CB-B Central Business B	
CB Central Business	1. Any use permitted in a CB-A District, as permitted therein.	1. Accessory uses as permitted in a CB-B District.	5,000 Sq.Ft.	50	100	10	0 (h)	30	35	2	30	0.4	As in Sec. 425.4	CB Central Business	
RB Roadside Business	1. Any uses permitted in a CB District, as permitted therein. *2. Recreation centers.	1. Accessory uses as permitted in a SC District. *2. Sale, distribution, and storage of liquified petroleum gas.	30,000 Sq.Ft.	100	300	75 (k)	0 (h)	50 (k)	25	2	24	0.3	As in Sec. 425.5	RB Roadside Business	
GB General Business	1. Any uses permitted in an R-1/2A District, as permitted and regulated therein. 2. Any uses permitted in an SC District. 3. Arts and Crafts Occupations. 4. Printing establishments with a gross floor area not exceeding 3,000 square feet. 5. Wholesale and storage uses, except junk yards, in completely enclosed buildings. 6. Automotive body shops in completely enclosed buildings and with a gross floor area not exceeding 2,000 square feet. 7. Theatres and clubs, in completely enclosed buildings. 8. Building materials storage and sales. 9. Public or private garages, provided that no automobile repair work, except emergency work, shall be done outdoors; no workshops shall be nearer than twenty-five (25) feet to any street or residential lot line; no opening shall be located in any side or rear walls or roof facing any adjoining residential lot line, except as required by fire safety and building code regulations; and no such opening shall be located within fifteen (15) feet of any other side or rear lot line, except for a fixed wire glass window in a noncombustible frame. No garage accommodating more than five (5) motor vehicles shall have an entrance or exit for vehicles within two hundred (200) feet of a school, church, hospital, fire station, police station, or institution for aged persons or children. *10. Public utility exchanges or substations. *11. Gasoline filling and service station, not including the parking or storage of motor vehicles other than those in connection with the permitted use. *12. Storage of contractor's equipment. *13. Recreation centers.	1. Accessory uses as permitted in a CB-B District.	10,000 Sq.Ft.	100	100	25	10	25	20	2	30	0.3	As in Sec. 425.6	GB General Business	

NOTES: Where any part of a non-residential building is to be used for residence purposes, it shall meet all the requirements for a residence building, where such requirements are higher.

a. On lots abutting a turnaround on a dead-end street, the Planning Board may permit the frontage to be reduced, where applicable, to not less than one hundred (100) feet.

b. See Section 412 for special yard provisions.

c. Gasoline pumps shall not be located nearer than fifteen (15) feet to a lot line.

d. Where access to required parking space in the rear is through a side yard, such side yard shall be determined by the Planning Board, but in no case to be less than sixteen (16) feet.

e. Where a side line of a lot abuts the rear line of another lot, such side yard shall be at least equal to the required rear yard of such other lot.

f. See Section 412.05 for special height provisions.

g. Where a lot abuts a Residence District, the yard shall measure at least fifty (50) feet.

h. Where a lot abuts a Residence District, required side yard shall be the same as that required in said Residence District, but in no case less than as required elsewhere in this Ordinance.

k. See Section 425.51 for existing lots of less than minimum required size.

m. Where a lot abuts a Residence District, the yard shall be at least twice that required in said Residence District.