

ZONING ORDINANCE  
OF THE  
TOWN OF NORTH CASTLE



Adopted May 1, 1941

**ZBA-L.D.**

# ZONING ORDINANCE OF THE TOWN OF NORTH CASTLE

An Ordinance applying to the Town of North Castle, regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot area that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land, and for the purposes thereof, dividing the town into districts or zones, providing for the enforcement of the ordinance and for fines and penalties for the violation thereof,—and further providing for a Board of Appeals with power, among others, to determine and vary the application of its provisions in harmony with general purpose, scope and intent of the ordinance.

The Town Board of the Town of North Castle, County of Westchester and State of New York, in accordance with the provisions of Article 16 of the Town Law as enacted by Chapter 634 of the Laws of 1932, and as amended having heretofore duly appointed a zoning commission, and said commission having heretofore made a preliminary report and held public hearings thereon, and it having submitted to this Town Board its final report in respect thereto, as required by law, and the Town Board thereafter having duly noticed and held a public hearing on the proposed ordinance, and otherwise having complied in all respects with the provisions of the aforesaid law,—now, therefore, for the purpose set forth therein and in accordance therewith, the Town Board of the Town of North Castle does hereby enact and ordain, as follows:

## ARTICLE I

### GENERAL ADMINISTRATION

#### Section 1. Purpose and Interpretation

The provisions and regulations herein contained are made in accordance with a comprehensive plan designed to secure and promote the general welfare and to provide security and protection to person and property within the Town; all reasonable consideration, among other things, as to the character of the zone or district and its peculiar suitability for particular purposes and uses, and with a view to conserving the values of land and buildings and encouraging the most appropriate use of the land throughout the Town.

In the interpretation and application of the provisions of this Ordinance, they shall be held to be minimum requirements. Wherever any provision or provisions of this Ordinance require a greater width or area of yards, courts or other open spaces, or a lower height of buildings or less number of stories, or that a greater percentage of lot area be left unoccupied, or imposes other higher standards than are required otherwise, the provisions of this Ordinance shall apply and govern. Wherever the provisions of other law, ordinance or regulations require greater or higher standards than the provisions of this Ordinance, the provisions of such law, ordinance or regulations shall govern. It is not intended by this Ordinance to repeal, abrogate, annul or interfere with any existing rules or regulations not inconsistent herewith or with any provision contained in any easement, covenant or agreement imposing a greater restriction than is imposed by the provisions of this Ordinance.

#### Section 2 — Definitions

The meaning of certain words and phrases, as used in this Ordinance, are defined for the purposes thereof, as follows:

(a) Words denoting,—the singular number include the plural and vice versa, present tense includes the future; the word "person" includes corporations and all other legal entities; the words "lot" "plot" "tract of land" and "premises", shall one include the other. "premises" shall include land and buildings thereon; "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",—the word "shall" is always mandatory.

(b) "Sign" means any structure, or any lettering, wording or design, arranged, designed, intended or used as an advertisement, announcement or direction. It shall include a "bill-board" and/or any other device used for such purposes.

(c) A "lot" is a plot of land, which is or may be occupied by one main building and such accessory buildings or uses permitted under this Ordinance as customarily



incident thereto, including such open spaces as are required or are capable of being so occupied.

(d) A "corner lot" is a parcel of land located at the junction of two or more streets and bordering thereon.

(e) An "interior lot" is one other than a corner lot.

(f) The "depth of a lot" is the mean distance from the frontage lot or street line to the opposite rear boundary of the lot measured in the general direction of its side lines. The "width of lot" is its mean width measured at right angles to its depth.

(g) A "street line" is the dividing line between a street and a lot; the "frontage street line" or "frontage lot line" is the boundary or dividing line between the lot and the street upon which it fronts, being opposite the rear line of such lot. In the case of a corner lot, the owner may elect which of the two or more street lines shall become the frontage street line or frontage lot line, provided he so indicates on the plans which he may file with the Building Inspector. A "rear lot line" is the lot line opposite to the frontage line. A "side lot line" is one other than a frontage line or a rear lot line. A "lot line" is a boundary line.

(h) A "front yard" or "front yard area" is that portion of the premises between the lot side lines extending from the street line to the nearest point in the front wall of the principal building.

(i) A "rear yard" or "rear yard area" is that portion of the premises between the side lot lines extending frontward from the rear lot line to the nearest portion of the principal building.

(j) A "side yard" or "side yard area" is that space between a side lot line and that portion of the principal building nearest thereto, and extending from the front yard area, or from the frontage street line where no front yard is required, to the rear yard, or where no rear yard is required then to the rear lot line.

(k) The words "street, avenue, highway, public highway, public thoroughfare, road", and all other similar expressions denoting places of public vehicular travel, shall include the other; and each shall include any private road, or other private place of vehicular travel, over which two or more dominant estates or premises have a right of way.

(l) An "inner court" is an open, unoccupied space on the same lot with the principal building and not extending to either the street or to a front yard or rear yard. An "outer court" is an open unoccupied space on the same lot with the principal building extending to either a street or to a front or rear yard.

(m) The "width of an inner court" on any story level is the minimum distance between the side lot line or its vertical projection and the side walls of the building, or between the two nearest opposite walls of a Court, if not facing on a lot line.

(n) The "minimum distance" from a building to a lot line or street line shall be measured on a line at right angles to the line perpendicular to such lot line or street line.

(o) The "depth of a rear yard" is the mean distance from the rear lot line or its vertical projection to the part of the building that is nearest thereto at any story level.

(p) The "height of a building" in the case of flat roofs is the vertical distance measured from the curb level to the highest point of the roof-beams adjacent to the street wall, and in the case of a pitched roof from the curb level to the average height of the gable. In case of both flat and pitched roofs, the measurement shall be made through the center of the street facade. Where no roof beams exist or where there are structures wholly or partly above the roof, the height measurement shall be from the curb level to the highest point of such building. Where the walls of a building do not adjoin the street, the average level of the ground along the main front wall of the building, instead of the curb level, shall be taken in measuring its height.

(q) The "building area" is the maximum horizontal area of a principal building and its accessories at the ground level.

(r) The "front wall" of a building is the wall nearest to and facing the street on which it fronts. The depth of the front yard shall be measured from the street line to the nearest part of the wall, pier or support of the projection, if any, nearest to such street line.

(s) A "story" is that part of a building between a floor and the floor above, or in its absence the ceiling or roof above, except that, a basement which is less than one-half above curb level and is not used or designed or intended to be used for resident purposes or a work shop or gathering place shall be considered a story. The space under a pitched roof at the top of a building, the floor of which is less than two feet below the plate, shall be counted a half story.

(t) The "curb level" is the permanently established grade of the street in front of the mid point of the lot. Where the lot level is higher than the curb level, the average lot level along the wall in question may be taken as the base for measuring the height



of a side yard or inner or outer court. Where a lot adjoins two or more streets of different levels, the curb level of the higher may be taken as the base for measuring the height of open spaces and buildings to a distance one hundred (100) feet from such street. Where no grade has been established the existing level in front of the mid-point of the lot may be used in lieu of a curb level or established grade.

(u) A "one-family detached dwelling" is a house intended to accommodate but a single family and having two side yards.

(v) A "two-family detached dwelling" is a house intended to accommodate but two families, with one family living over the other, or side by side with a party wall or walls in common between the two adjacent houses.

(w) A "family" is any number of individuals or persons living and cooking together on the premises as a single housekeeping unit.

(x) An "accessory building" is a building subordinate to the main or principal building on a lot and used for purposes customarily incidental to those of the main building.

(y) A "public garage" is one available to the general public,—operated as a business and for gain.

(z) "Building Inspector" shall mean the building inspector of the Town of North Castle, or any person appointed to act as such for the purposes of this Ordinance.

(aa) An "accessory use" is one customarily incidental to the main use.

(bb) A "temporary building", "stand", 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 nine months. All other buildings or structures shall be deemed and considered as permanent for the purposes of this ordinance.

(cc) The term "structurally altered" shall mean the alteration of the main part or frame-work of a building by which the building has been substantially changed in whole or part;—any addition thereto or enlargement thereof shall be considered as a structural alteration.

(dd) A "filling station" or "service station" is any commercial establishment conducted primarily for the purpose of supplying gasoline or its equivalent to motor vehicles from storage tanks above or below the ground surface, with or without other incidental service; it does not include such use where had for private or club use, only.

(ee) A "non-conforming use" is one that does not conform or agree with the regulations and restrictions applicable to the district within which it is situated.

(ff) A "camp" shall mean and include any land or premises upon which are erected any kind or combination of two or more tents, cabins or other similar shelters or structures.

(gg) A "picnic ground" shall mean any land or premises used by more than one family, among other things, for the open partaking of food and/or for lounging purposes in the open. It shall include a "camp" provided food is served upon the premises and eaten out of doors or in the open.

(hh) A "nursery" shall mean any place used as a garden for the open cultivation and growing of trees, shrubs and other plants.

(ii) A "greenhouse" shall mean any building or structure, constructed mainly of glass, and used as a conservatory for the growing and protection of tender flowers and plants, and for the propagation and culture thereof.

(jj) A "kennel" shall mean the keeping of five (5) or more dogs over the ages of five (5) months.

(kk) "Commercial poultry raising" shall mean the raising, keeping of, selling of, chickens, fowls, eggs or poultry mainly for the purpose of profit. The keeping of one hundred birds over the age of one year shall be considered as "commercial poultry raising".

### Section 3—Permits Required,—Application therefor.

No building, structure, sign, or part thereof, shall be erected, constructed, added to, structurally altered or excavation made therefor, or work begun thereon, unless and until a permit therefor shall have been duly issued in accordance with the administrative provisions of the Building Code of the Town of North Castle and of this Ordinance.

Before any such permit shall be issued, written application therefor on official town forms, accompanied by specifications and plans drawn to scale, shall be made and filed, in triplicate with the Building Inspector, or with the Clerk of the Board of Appeals, as the case may be. The papers filed shall show the actual dimensions, shape, radii and angles of the lot to be built upon, the exact size and location on the lot of the building or addition, as the case may be, and all accessory buildings erected or to be erected thereon,—the use to be made of such building or addition thereto and the accessory buildings,—the height and number of stories, cost of construction, the number of families or housekeeping units the building is designed to accommodate, together with such further information, plans, and specifications, as in the opinion of the Building Inspector or Board of Appeals,

may be necessary for a proper determination of the matter before him or it, as the case may be. When approved by the Building Inspector or by the Board of Appeals, as the case may be, the required permit, together with a copy of the plans and specifications, shall be delivered to the owner or applicant, either in person or by mail. Such permit shall, among other things, briefly describe the premises, the nature of the improvement, the estimated cost and the intended use or purpose to be made of the improvement and premises. It shall bear date of issuance and be subscribed by the official issuing the same. Any such permit issued by the Board of Appeals shall be subscribed by a majority of the members thereof and attested by the Clerk of said Board. The original application and a duplicate copy of the plans, specifications and permit issued shall be filed immediately in the office of the Town Clerk. No building, land or premises shall be used for any purpose other than that stated in the permit.

Where a parcel of land is to be or is being sub-divided or where a lot is being formed, or is about to be formed from a plot already improved, no permit under this Ordinance shall be issued unless the division or separation is effectuated in such a manner as not to violate or impair any provision of this ordinance, whether relating to the then existing plot or improvement or to the newly formed lot or improvement.

Where in the opinion of the Town Board, any permit hereafter 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. Any person or party feeling aggrieved by any such revocation of permit, may appeal to the Board of Appeals in the same manner as provided herein for other appeals to the Board of Appeals.

#### Section 4 — Certificate of Occupancy

(a) Except as otherwise herein provided, no person shall use or permit the use of any building, structure, or part thereof, hereafter erected, created or constructed, or which is hereafter altered, converted or enlarged in whole or part in its use or structure, or to use or permit the use of any land or premises, unless and until a Certificate of Occupancy shall have been duly issued. Among other things, such certificate shall show that any such building or part thereof, and the proposed use are in conformity with the provisions of this Ordinance.

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 of One (\$1.00) Dollar, except where no fee is charged for building permit.

#### Section 5 — Enforcement

(a) Unless otherwise provided, the Building Inspector, or other person designated to act in his stead, 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 and his assistants 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 hereof.

(b) The Building Inspector shall keep a complete record of all matters and things appertaining to his office. He shall forthwith report to the town board any violations, or alleged or threatened violations. He shall also perform such other duties as may, from time to time, be required of him by law, or imposed upon his office by the town board or the Board of Appeals, or by any other duly authorized person, board or body.

#### Section 6 — Zoning Board of Appeals

(a) Upon this Ordinance becoming effective, the Town Board shall appoint a Board of Appeals, consisting of five members and shall designate the Chairman thereof. They shall be appointed and shall hold office as now provided by law. Each and every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed immediately in the office of the Town Clerk and shall be a public record.

(b) In addition to the powers and duties otherwise conferred upon it, the Board of Appeals shall have and exercise the following:

1. It 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.

2. It shall, after giving due notice and a public hearing thereon, hear and decide appeals from, and review any order, requirement, decision or determination of the administrative officer charged with the enforcement hereof, and shall hear and decide all matters referred to it or upon which it is required to pass under the provisions of this Ordinance. In so doing, it may



reverse, or affirm, wholly or partly, or may modify the order, requirement, decision or determination of such administrative officer, as in its opinion ought to be made in the premises, and to that end, it shall have all the powers of such officer.

And the Board of Appeals may, in specific, proper and appropriate cases, subject to suitable conditions, regulations and safeguards, and after due notice and a public hearing thereon exercise the following powers and duties:-

3. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of any provision or provisions of this Ordinance, or where the effect of the strict application thereof is or may be arbitrary the Board of Appeals shall have the power in passing upon appeals, or on a direct application made to it, to vary or modify the application of any rules, regulations, or provisions of this Ordinance relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit and intent of the Ordinance shall be observed, public health, safety and welfare secured, and substantial justice done.

4. Issue or grant a permit wherever it is provided in this Ordinance that the approval of the Board of Appeals is or may be required. Every such permit shall be in writing and signed by a majority of the members of such Board, and shall be subject to revocation by such Board, upon due notice in writing to such licensee, if in its opinion the premises are not being used in accordance with the provisions and conditions specified herein or in such permit, or that the provisions of said permit are being violated.

5. In cases of extreme hardship, it may permit the extension of an existing or proposed building into a more restricted district under such conditions as will safeguard the character of the more restricted district.

6. Where the necessity therefor exists within the district, the Board of Appeals may permit a public or private utility building and uses within any such district.

7. Where a lot or plot of land already separately owned, is too narrow, shallow, irregular, steep, or of insufficient area suitable to permit the construction of a required or otherwise suitable building or buildings thereon in accordance with the provisions and regulations of this Ordinance as to set-backs, yard, courts and the like, the Board of Appeals may vary or modify such provisions and regulations in harmony therewith so as to allow and permit such construction and use.

8. Where the street or highway layout varies from that shown on the Zoning Maps, it shall apply the appropriate district designation on the ground to the improperly mapped street or highway in such a way as to carry out the intent and purpose of this Ordinance and such Maps.

## ARTICLE II

### DIVISION INTO DISTRICTS

#### Section 1. Classes of Districts

For the purpose of this Ordinance, the Town of North Castle is hereby divided into classes of districts or zones, as follows:

Residence "A" Districts  
Residence "A-1" Districts  
Residence "A-2" Districts  
Residence "A-3" Districts  
Residence "A-4" Districts  
Residence "B" Districts  
Residence "C" Districts  
Business "A" Districts  
Business "B" Districts  
Industrial "A" Districts  
Zone "R" Districts

The boundaries of each of these several districts or zones are hereby established as shown on a certain map, or plan thereof, entitled, "Zoning Map, Town of North Castle, Westchester County, New York" approved by the Town Board of the Town of North Castle on the 1st day of May 1941, a copy of which so approved and signed in writing thereon by the members of the Town Board is on file in the office of the Clerk of said Town and is hereby declared and ordained to be and is hereby made a part of this Ordinance.

#### Section 2 — Zone Boundaries

Zone or district boundary lines, as indicated on the aforesaid zoning maps and plans

are designed and intended to follow lot and/or property lines wherever possible as they existed at the time of the passage of this Ordinance; but where such a boundary line obviously does not coincide with the lot or property line, or where it is not located by dimensions on such maps or plans, it shall be deemed to be no less than one hundred (100) feet back from and parallel with the nearest street line to which it is drawn. However where doubt exists as to the exact location of a boundary line, it shall be the duty of the Board of Appeals to interpret the maps and plans so as to carry out the purpose and spirit of this Ordinance.

### ARTICLE III

#### USES OF BUILDINGS, STRUCTURES AND PREMISES

##### Section 1 — Residence "A", "A-1", "A-2", "A-3", and "A-4" Districts

Within any Residence "A", "A-1", "A-2", "A-3" or "A-4" District as indicated on the Zoning Map, no land, building or premises shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or part, except for one or more of the following uses or purposes, and with one or more of the permitted accessory buildings and/or uses:

(a) A detached house or dwelling for not more than one family or housekeeping unit.

(b) A church or other place of religious worship, parish houses and Sunday School Buildings.

(c) Upon the written approval of the Board of Appeals, after a public hearing thereon, public or private schools and public libraries, provided that there shall be no display or advertising on the premises.

(d) Upon the written approval of the Board of Appeals after a public hearing thereon municipal buildings, free public playgrounds, golf courses, parks and reservations for public recreation with usual or customary incidental structures.

(e) Upon the written approval of the Board of Appeals, after a public hearing thereon, incorporated hospitals and sanitariums adopted to serve the general needs of the people of the town, and managed by a board of officers approved by the Town Board, provided all buildings are set back at least one hundred (100) feet from any street or property line. This provision shall not be construed to include convalescent homes, or hospitals or sanitariums for contagious diseases, insane persons, epileptics, correctional purposes, or drug or alcoholic persons.

(f) General agricultural and/or dairy farming, truck gardens, nurseries and greenhouses, together with the customary permanent buildings; provided, however,—that no such building or accessory building or structure, for such use, is less than seventy-five (75) feet from any street or fifty (50) feet from any property line; that no commercial fertilizer be kept or stored within seventy-five (75) feet of any such street or property line; that no advertising sign exceeding twenty-five (25) square feet in area, or to be placed within twenty-five (25) feet of any street or property line, shall be erected or maintained on such premises. The Board of Appeals may, after a public hearing, grant a permit or a renewal thereof for a period not exceeding one year for an advertising sign not larger than seventy (70) square feet to be set back at least seventy-five (75) feet from any street or property line. More than one sign is permitted provided such signs are more than five-hundred (500) feet apart. Only products grown on the premises may be advertised on such signs and sold on the premises. The Board of Appeals may, upon written application therefor, grant temporary permits of not more than nine (9) months duration, for the erection and maintenance of *temporary* buildings or stands for the purpose of display and sale of such products, provided that such buildings or stands are placed and maintained not less than twenty-five (25) feet distant from any property line and further provided that such buildings or stands are made of sectional frame construction not exceeding ten (10) feet in height and two hundred fifty (250) square feet in area, and capable of being taken down and stored, and further provided that such buildings or stands shall be taken down and stored when not actually in use for the sale of such products. Any permit so issued shall not be renewed within three months following the expiration thereof, nor shall a new permit for such use and purpose be issued within such time.

(g) Real estate signs not larger than six (6) square feet, advertising for sale, rental or lease of only the premises on which they are maintained, provided such signs are set back not less than fifteen (15) feet from any street or property line.

(h) A temporary sales office as an accessory to a real estate subdivision or development is permitted, if located upon the property or tract being offered for sale. No general real estate business is to be conducted in such a sales office.

(i) The following accessory uses when used or had by the occupant in connection with his residence, are permitted:-

(1) Office or studio of a resident professional person, including a small professional name plate or sign as the only display or advertising.



(2) Customary home occupations carried on in the residence of the occupant, and incidental to such residence.

(3) The leasing of rooms in the family residence, provided that not more than six (6) roomers are had at any one time, and further provided that there is no display or advertising therefor on the premises.

(4) Private garages of one or two stories are permitted on the same lot or parcel with a dwelling provided no business, service or industry of a commercial nature connected directly or indirectly with motor vehicles is carried on. Garages shall provide storage for not more than one motor vehicle for each 2500 square feet of lot area, except that storage for two vehicles shall be permitted in any case. Not more than two of such motor vehicles may be of a commercial type, their respective capacities may not exceed two tons, if used for other than agricultural or horticultural purposes. Space for not more than one non-commercial motor vehicle may be leased. The same regulation as for a private garage shall also apply to private stables, except that one horse and a one horse drawn vehicle shall be the equivalent of one motor vehicle.

(5) Accessory buildings may be used as a living quarters for a chauffeur, gardener or household servant of the family, or as a studio or guest cottage in connection with the premises. Any such accessory building shall not be located within twenty-five (25) feet of the main residence or building, and shall otherwise comply with the provisions of this Ordinance.

(6) Upon the written approval of the Board of Appeals, after a public hearing thereon, such board may permit the business of interior decorating and the sale of antiques and the like, provided that, (a) no advertising, or advertising signs other than one sign not exceeding six (6) square feet in area, be displayed upon the premises, and (b) that no object thereof for display or sale, be displayed outside of any building. Any permit so allowed shall be for a period not exceeding two (2) years duration, and may be renewed for a like period upon application and after a public hearing thereon.

#### Section 2 — Residence "B" Districts

Within any Residence "B" District as indicated on the Zoning Map, no land, building or premises shall be used, and no building or part thereof shall be erected, constructed, enlarged, altered, arranged or designed to be used, either in whole or part, except for one or more of the following uses or purposes with the permitted accessory buildings and uses:

(a) Any use or purpose permitted within a Residence "A", "A-1", "A-2", "A-3" or "A-4" District.

(b) A two family dwelling or a pair of semi-detached one family dwellings with a party wall constructed of fire resisting materials.

(c) A private garage, as hereinbefore specified for a residence district, or a group of one-story single garages, except that the minimum lot area for each motor vehicle storage shall be not less than one thousand five hundred (1500) square feet of lot area. A space for one non-commercial vehicle may be leased for each twenty-five (25) feet of frontage on one street only. It shall otherwise comply with the provisions of this Ordinance in respect to such buildings and uses.

#### Section 3 — Residence "C" Districts

Within any Residence "C" District as indicated on the Zoning Map, no land, building or premises shall be used, and no building or part thereof shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or part, except for one or more of the following uses or purposes with the permitted accessory buildings and uses:

(a) Any use or purpose permitted within a Residence "A", "A-1", "A-2", "A-3", "A-4" or Residence "B" District.

(b) Apartment houses or multi-family dwellings.

(c) Hotels and lodging houses provided there is no display of advertising except a small announcement sign, not exceeding six (6) square feet in area.

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

(e) Garage facilities for not to exceed one (1) auto for each two hundred fifty (250) square feet of lot area. Such facilities to be used only by persons residing on the premises.

#### Section 4 — Business "A" Districts

##### (a) Prohibited Uses

Within any Business "A" District as indicated on the Zoning Map, no land, building or premises shall be used, and no building or part thereof shall be erected, enlarged, altered, arranged or designed to be used in whole or part, for any industry, trade, use or purpose prohibited in either a Business "B" or an Industrial "A" District, or for any of the following specified uses or purposes:

1. Blacksmith or horseshoeing shop.
2. Car Barns.
3. Cleaning establishments.
4. Coal, coke, lumber, cement, stove or brick yards.
5. Veterinary Hospitals.
6. Dumping grounds.
7. Gasoline filling station or public garage.
8. Milk bottling, condensing or distribution station.
9. Outdoor storage, or display for sale, of motor vehicles.
10. Storage above ground of fuel oil in excess of 300 gallons.
11. Any use or purpose not expressly permitted in, under or by sub-division "b" of this section.

(b) PERMITTED USES

Within any Business "A" District, as indicated on the Zoning Map, no land, building or premises shall be used, and no building, structure, or part thereof, shall be erected located, enlarged, altered, arranged or designed to be used, in whole or in part for other than one or more of the uses specified in Sections 1, 2 and 3 of Article III of this Ordinance, as permitted in Residence Districts, and in addition thereto for:

1. Any personal service or profession.
2. Any retail business not expressly prohibited in, by and under sub-division (a) of this section, and including such manufacturing only as may be incidental to the preparation or handling of articles or products to be sold primarily on the premises, provided that no motor power other than electric shall be used therefor, and to an extent no greater than one horsepower for each 1000 square feet of lot or land area occupied by the building or that part of the building, in which the use is had or located.
3. Banks, theatres, offices, clubs, restaurants and hotels, and similar places or services of a local nature.
4. Storage of not to exceed 300 gallons of lubricating or other inflammable oils above ground, provided it is kept or stored in either steel drums or other equally portable sealed metal containers and located not nearer than fifty (50) feet from any street or property line or boundary.
5. Storage in a garage or parking of not more than one (1) motor vehicle for each 250 square feet of lot area or for the stabling or not more than one (1) horse for each 2000 square feet of lot area.
6. Public utilities, bus terminals, electric sub-stations, telephone exchanges, telegraph or express offices and printing establishments or plants.
7. Bowling alleys and pool or billiard parlors.
8. Outdoor advertising signs not exceeding one hundred and fifty (150) square feet, and advertising only the firms on the premises or the products handled by them. Every such sign must be securely fastened either to a building or to a pole, and shall be so located as not to obstruct traffic or vision upon the highway. Where such sign is fastened to a pole it shall be not less than three (3) feet above the ground level. No such sign shall be within, or extend into, any street or highway.

Section 5 — Business "B" Districts

(a) Prohibited Uses

Within any Business "B" District as indicated on the Zoning Map, no land, building or premises shall be used and no building or part thereof shall be erected, enlarged, altered, arranged or designed to be used, in whole or in part, for any industry, trade, use or purpose prohibited in an Industrial "A" District or for any of the following specified business or purposes:

1. Concrete or cinder block manufacture.
2. Car Barns.
3. Dumping grounds.
4. Veterinary hospitals.
5. Any use or purpose not expressly permitted in, under or by sub-division "b" of this section.

(b) Permitted Uses

Within any Business "B" District, as indicated on the Zoning Map, no land, building or premises shall be used, and no building, structure, or part thereof shall be used, in whole or part, for other than one or more of the uses specified in Sections 1, 2, 3. and 4 of Article III of this Ordinance, as permitted in Residence Districts and Business "A" Districts and in addition thereto for:-



1. Any retail business or service not expressly prohibited in, under and by subdivision (a) of this section.
2. Cleaning establishments employing not more than one skilled workman.
3. Coal, coke, lumber, cement or brick yards.
4. Milk bottling, condensing and distributing.
5. Woodworking shops.
6. Blacksmithing, horseshoeing shops or forge, wholesale or general storage except for junk yards, or for storage of structural iron or steel, or for the storage of used motor vehicles or used motor vehicle parts.
7. Storage of gasoline or other highly combustible fuels, above ground, up to 500 gallons in portable steel containers, and up to 5000 gallons in underground steel tanks of 2000 gallons capacity each, provided no such tank is located within ten (10) feet of any street or property line.
8. A public or private garage or stable is permitted, provided that no workshop shall be nearer than twenty-five (25) feet to any public street, and that all entrance driveways shall have an unobstructed width of at least ten (10) feet, except that such driveway may be reduced to eight (8) feet in width, where not more than five (5) automobiles are stored. Not more than fifteen (15) rated horsepower shall be used on the premises. There shall be no opening in the side or rear walls or roof of such a garage within fifteen (15) feet of any side or rear lot line, except for a fixed wire glass sash in a non-combustible frame. No automobile commercial repair work, except emergency work, shall be carried on out of doors. However, any such garage accommodating more than five (5) motor vehicles shall not have any entrance or exit for vehicles within two hundred (200) feet of an entrance or exit of any school, church, hospital, fire house, police station or home for aged persons or children.
9. Gasoline, oil and auto service stations may be permitted upon the written permission of a majority of the Board of Appeals after satisfactory proof is furnished to said Board that traffic conditions, fire hazards and other difficulties will not be increased and that property located within the immediate vicinity will not be harmed. Plans for the erection or structural alteration of any gasoline or auto service station are subject to the approval of the Board of Appeals and said Board may require such changes therein in relation to location of the pumps and buildings, and yards as it may deem necessary and proper, except that in no case shall pumps for dispensing motor fuel be located within fifteen (15) feet of any street line.

#### Section 6 — Industrial "A" Districts

##### (a) Prohibited Uses

Within any Industrial "A" District as indicated on the Zoning Map, no land, building or premises shall be used, and no building or part thereof shall be erected, enlarged, altered, arranged or designed to be used, in whole or part, for any of the following specified industries, trades, uses or purposes:

1. For the manufacture, refining, distilling, liquifying, heating, treatment, storage, loading, unloading or use of asphalt, or of asphaltic or bituminous materials, substances or derivatives, and all oils used for road surfacing or treatment.
2. Blast furnaces for steel or iron making.
3. Electricity generating plant or manufacture of any kind unless same is operated by electricity.
4. Acetylene gas manufacture for commercial use.
5. Ammonia, chlorine or bleaching powder manufacture.
6. Assaying (other than gold or silver).
7. Automobile wrecking yard or dump.
8. Aviation field or landing station used or designed to be used by air machines.
9. All outdoor advertising signs or devices, other than those permitted in either a Business "A" District or a Business "B" District.
10. Blast furnace for steel making, not including cupola or converter furnaces used in foundaries in which no wood is used as fuel.
11. Boiler works, structural steel fabrication or storage shop, steel car shops, locomotive shops and/or railway repair shops, and any metal working shop operating pneumatic or electric reciprocating hammers or chisels, within one hundred (100) feet of any property boundary line or outside of any masonry building.
12. Brick, tile or terra cotta manufacture.
13. Any business, trade, industry or purpose of any kind that is noxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas or noise or that is dangerous to the comfort, peace, enjoyment, health or safety of the

community or which tends to cause disturbance, inconvenience, discomfort or annoyance. Fire or explosion menaces shall be properly isolated.

14. Carbon, lampblack, stove blacking or polish graphite manufacture.
15. Carpet, rag or bag cleaning employing more than two skilled workers.
16. Celluloid and other cellulose products manufacture.
17. Coke ovens.
18. Coal tar products manufacture.
19. Creosote treatment or manufacture.
20. Crematory or cemetery.
21. Disinfectant, insecticide or poison manufacture.
22. Distillation of coal, wood or bones.
23. Dog racing tracks.
24. Dumping grounds for garbage or other refuse.
25. Dyestuff manufacture.
26. Dyeing or dry cleaning where more than one skilled worker is employed.
27. Electro-plating shops, except those having artificial ventilation systems.
28. Electric central power plant.
29. Explosives, fireworks or match manufacturing, assembling or the storage thereof in bulk, except as otherwise permitted.
30. Excelsior and fibre manufacture.
31. Fat rendering.
32. Fertilizer manufacture.
33. Fish smoking or curing.
34. Forge shop.
35. Gas manufacture or storage above ground.
36. Glue, size or gelatine manufacture.
37. Iron, steel, brass or copper foundry or works.
38. Lime, gypsum, cement, paper or plaster of paris manufacture.
39. Linoleum or oil cloth manufacture.
40. Lye works and/or soap making.
41. Preparation or manufacture of medicines, where obnoxious odors or other nuisances are created.
42. Ore reduction or the smelting of iron, copper, tin, zinc or lead.
43. Paint, oil, shellac, turpentine, enamel or varnish manufacture.
44. Perfume and extract manufacture.
45. Petroleum refining.
46. Potash works or storage of potash in bulk.
47. Poultry killing, dressing or live storage thereof employing more than one skilled worker.
48. Printing ink manufacture.
49. Pyroxylin plastic manufacture or the manufacture of articles therefrom.
50. Raw hides, or skins, storage, curing, coloring, dressing or tanning thereof.
51. Reduction of garbage, offal, dead animals or refuse.
52. Refining or reclaiming waste oil of any kind.
53. Rubber or gutta percha manufacture from the crude or scrap rubber.
54. Sandpaper and/or emery cloth manufacture.
55. Sewage disposal plant, except where operated by a municipality.
56. Slaughtering of animals.
57. Manufacture of soap, soda or washing compounds.
58. Starch, glucose or dextrine manufacture.
59. Stock-yards.
60. Stone crushers, except where operated for a municipality.
61. Sugar refining.
62. Sulphurous, sulphuric, nitric or hydrochloric or any other acid manufacture.
63. Manufacture of tallow, grease, candles or lard.
64. Tar or heavy road oil liquifying, treatment or distillation.
65. Manufacture of tar, roofing or tar water roofing.
66. Manufacture of vinegar.
67. Wool manufacture.
68. Yeast manufacture.
69. Distillery or brewery for the production of alcoholic beverages.
70. Junk yard.

#### (b) Permitted Uses

Any use, which is not prohibited, either in expressed terms or by a fair implication from the provisions hereof, are permitted, provided that, in any manufacturing or processing business not more than ten persons to each one thousand (1000) square feet of floor area and/or ground area will be employed, and further provided that no motor power other than electric will be used in such business.



## Section 7 — Zone "F" Districts

### (a) Prohibited Uses

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

1. Ammonia, chlorine or bleaching powder manufacture.
2. Distillation of coal, wood or bones.
3. Glue, size or gelatine manufacture or processes involving recovering from
4. Paint, oil varnish, turpentine, shellac or enamel manufacture.
5. Petroleum refining.
6. Printing ink manufacture.
7. Reduction of garbage, offal, dead animals or refuse.
8. Soap, soda or washing compound manufacture.
9. Starch, glucose or dextrine manufacture.
10. Sulphurous, sulphuric, nitric or hydro chloric acid manufacture.
11. Tallow, grease, candle or lard manufacture or refining.
12. Acetylene gas manufacture for commercial purpose.
13. Asphalt manufacture or refining.
14. Assaying (other than gold or silver).
15. Boiler shops, structural steel fabrication shop, steel car shops, locomotive shops and railway repair shops; and any metal working operating pneumatic or electric reciprocating hammers or chisels, within 100 feet of any boundary line of any masonry building.
16. Blast furnace for steel making, not including cupola or converter furnaces
17. Brick, tile or terra cotta manufacture.
18. Coal tar products manufacture.
19. Coke ovens.
20. Creosote treatment or manufacture.
21. Crematory or cemetery.
22. Electro-plating shops, except those having artificial ventilation systems.
23. Electric central power plant.
24. Explosives, fireworks, or match manufacturing, assembling or storage in bulk.
25. Fish smoking or curing.
26. Forge shop.
27. Manufacture or storage of illuminating gas above ground.
28. Iron, steel, brass or copper foundry works.
29. Lime, gypsum, cement, paper or plaster of paris manufacture.
30. Linoleum or oil cloth manufacture.
31. Ore reduction or the smelting of iron, copper, tin, zinc or lead.
32. Perfume and extract manufacture.
33. Pyroxylin plastic manufacture or the manufacture of articles therefrom.
34. Rubber or gutta percha manufacture from the crude or scrap material.
35. Sand paper and emery cloth manufacture.
36. Stock yards.
37. Stone crusher.
38. Sugar refining.
39. Vinegar manufacture.
40. Wool manufacture.
41. Yeast manufacture.
43. Fertilizer manufacture.
44. Raw hides or skins, storing, coloring, curing, dressing or tanning.
45. Slaughtering of animals.
46. Tar distillation or manufacture of dyes.
47. Tar roof or tar waterproofing manufacture.
48. Sewage disposal plant, except where operated by a municipality.
49. Carpet, rag or bag cleaning employing more than two skilled workers.
50. Medicine preparation, where obnoxious odors or other nuisances are created.
52. Poultry killing, dressing or live storage employing more than one skilled worker.
53. Aviation field or landing stations used or designed to be used by heavier or lighter than air machines.
54. Dumping grounds.
55. No billboard or advertising signboard shall be permitted unless it conforms to the provisions of Article III, Section 4 (b) 8.
56. No building or premises or any structure whatsoever shall be used for any trade, industry, business or purpose of any kind that is noxious or offensive by reason

of the emission of odor, dust, refuse matter, garbage, smoke, gas or noise, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community, or tending to its disturbance or annoyance. Fire or explosion menaces shall be properly isolated.

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

#### ARTICLE IV

##### REGULATIONS APPLYING TO MORE THAN ONE DISTRICT

###### Section 1 — Acts constituting Nuisance — Prohibited

No building, structure 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 noxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, fumes, gas, noise or vibration, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community, or tending to its disturbance, inconvenience, discomfort or annoyance. Fire or explosions hazards shall be properly isolated.

###### Section 2 — Non-conforming uses

The following provisions of this Section shall apply to non-conforming uses:

(a) A non-conforming use lawfully existing at the time of the passage of this Ordinance may be continued subject to such reasonable regulations as the Board of Appeals may deem necessary and proper for the protection of persons and property. The building or premises in or upon which such a use is situated shall not be enlarged or structurally altered, unless the use made of the enlarged or altered portion shall be one allowed within the district wherein the building or premises are located.

(b) A non-conforming use may be changed to a conforming use, but it cannot thereafter be changed back to a non-conforming use.

(c) Any non-conforming use existing at the time of the enactment of this Ordinance, and thereafter abandoned, shall not be resumed. A total cessation of ostensible operations for a continuous period of ninety (90) days shall be presumptive evidence of such abandonment.

(d) A non-conforming gasoline or oil filling station shall not be extended. The installation of additional pumps or other devices for dispensing motor vehicle fuels or oils shall be considered an unlawful extension thereof.

(e) In any area hereafter transferred from one district to another district which is more restricted, by a change in district boundaries or by the establishment of a new district of higher standards, the provisions of this Section shall apply to buildings and uses lawfully existing in such transferred area or in such newly established district at the time of such transfer or creation.

(f) Nothing in this Ordinance shall prevent the restoration within one (1) year of any building or part thereof which may be destroyed by fire, explosion, act of God, or act of public enemy, subsequent to the passage of this Ordinance, nor shall it prevent the continuance of such use therein as existing at the time of such damage. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any wall declared unsafe by the Building Inspector.

###### Section 3 — Poultry, dogs, pigs, goats and other animals

(a) Poultry raising of a non-commercial nature is permitted in a residence district, provided that any accessory building pertinent to such use shall not occupy an area in excess of two (2%) per cent of the lot or plot ground area. No such accessory building shall be located within fifty (50) feet of any residence on adjoining property. In all other respects it shall comply with the provisions of this Ordinance.

(b) The raising or keeping of pigs and/or goats in any district shall be subject to the following conditions and provisions, viz: that no pigs and/or goats may be raised or kept on a plot of less than once acre of area; that not more than five (5) pigs and/or goats over the age of one (1) year be kept at any one time for each acre of ground actually used for such purpose; that no garbage or other offensive material is brought to the premises to be fed to the pigs and/or goats;

No buildings, pen or structure for the use in the housing of pigs and/or goats shall be erected or maintained within seventy-five (75) feet of any street line, or twenty-five (25) feet of any other property boundary line, or within three (300) hundred feet of any residence except a residence or residences on the property so used.

All premises, buildings, pens and structures used in the raising of pigs and/or goats shall be maintained in conformity with Section 1. No premises within 25 feet of any property line shall be used for the harboring, pasturing or tethering of pigs and/or goats.



(c) Commercial poultry plants shall be allowed in any district provided that no commercial poultry plant shall be constructed on a plot containing less than one acre and that no building, or other structure shall be erected or maintained within seventy-five (75) feet of a street or highway line or within twenty-five (25) feet of any other boundary line.

(d) The provisions and conditions hereinabove set forth with respect to the location of buildings, pens or structures for use in the housing of goats, pigs and commercial poultry plants shall not apply or be deemed or construed as applying to any property in any district used for the raising or keeping of goats, pigs or commercial poultry on the date of the adoption of this ordinance, so long as goats, pigs or commercial poultry, as the case may be, are continuously maintained on any such property.

(e) Nothing contained in this Section 3 shall apply or be deemed or construed as applying to Zone F district.

(f) Subject to the general provisions of this Ordinance applicable thereto, and subject to the special provisions listed below in this sub-division, the Board of Appeals may, after a public hearing thereon, grant a permit or a renewal thereof, for a period not exceeding one (1) year, permitting and allowing the keeping of a dog kennel within any district, provided:

1. That not more than fifteen (15) dogs, exclusive of pups under five (5) months of age, are kept or harbored at any one time.
2. That dogs owned or possessed by others will not be received or kept for breeding, boarding, selling, training or for any other purpose.
3. That there will be no advertising sign either on or off the premises, except a small name plate not exceeding four (4) square feet in area placed upon the premises.
4. That no dogs or pups will be sold or offered for sale, except such as are incidental to the use.
5. That any kennel building or other accessory building or structure pertinent to such use, shall be made reasonably sound-proof, and shall be located no nearer than four hundred (400) feet to any street, highway or property boundary line.
6. That between the hours of seven (7) o'clock in the afternoon and seven (7) o'clock in the forenoon following, all such dogs shall be confined in such accessory building or buildings.

#### Section 4 — Height of Buildings

(a) In any Residence "A", "A-1", "A-2", "A-3", "A-4", or "B" District, no dwelling hereafter erected shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

(b) In any Residence "C" District, or Business "A" District or Business "B" District, no building hereafter erected, shall exceed six (6) stories in height.

(c) In any Industrial "A" District, no building shall be more than six (6) stories in height, and shall not in any event exceed seventy-five (75) feet in height measured from the curb level.

(d) The provisions of this Ordinance with regard to height shall not apply to church spires, cupolas, belfries, chimneys, flagpoles, water towers, bulkheads, hose towers, elevator enclosures, water tanks on buildings or scenery lofts occupying any aggregate area of not more than twenty (20) per cent of ground area of the building.

(e) Nothing in this article shall prevent the erection of parapet walls or a cornice extending not to exceed five (5) feet above such height limits above specified.

#### Section 5 — Fence and Walls

(a) No fence or wall on any boundary line, except a retaining wall, shall exceed six (6) feet in height unless that part thereof above such height be not less than three-fourths (¾) open construction.

(b) Within any district, no barbed wire fence or similar fence shall be erected along the boundary line of any street or highway, or along the boundary line of any park, play-ground or other publicly used property, nor shall any such fence be erected or maintained along any other boundary line except in accordance with the provisions of the Town Law or other laws applicable thereto.

(c) No hedge, wall, structure or other construction, more than three feet in height above the plane of the established grade of intersecting streets, and no fence more than three feet in height unless the same shall be at least three-fourths open, shall be erected or maintained along or adjacent to any part of the front or side yard area of any corner lot in any District, within such street lines and a straight line connecting said street lines at points measured along them forty (40) feet distant from the point of the intersection thereof.

## Section 6. Areas, etc., to be occupied

(a) For the purposes and as a part of this Ordinance, there is hereby established the following schedule relating to "principal buildings", limiting the frontage and area of plots to be occupied, the size of yards required, and the bulk and arrangement of such buildings, accordingly. Except as in this ordinance otherwise provided, the specifications set forth in such schedule shall prevail. No building permit shall be issued for the erection or occupancy of any residence, unless said residence be located on a plot in conformity with the following table:

Class of District Residence	Minimum Area	Minimum Width	Front Yard	Each Side Yard	Rear Yard
"C"	5,000 sq. ft.	50'	10'	6'	10'
"B"	5,000 sq. ft.	50'	20'	6'	15'
"A-4"	5,000 sq. ft.	50'	30'	10'	20'
"A-3"	10,000 sq. ft.	100'	30'	10'	20'
"A-2"	½ Acre	100'	30'	15'	25'
"A-1"	1 Acre	125'	50'	25'	30'
"A"	2 Acres	150'	50'	30'	30'
Business					
"A"	5,000 sq. ft.	50'	6'	00'	10'
"B"	5,000 sq. ft.	50'	6'	00'	10'
Industrial					
"A"	5,000 sq. ft.	100'	0'	00'	00'
Zone "F"	0 sq. ft.	000'	0'	00'	00'

(b) No building or accessory building, or part or portion of either, except as may be allowed or permitted under Section 6 of Article I of this Ordinance, or such as are allowed under Sub-division "(c)" of this Section, shall extend or project into the respective minimum required front yard area.

(c) Within any Residence "A" or "B" District, where the surface of a lot or plot slopes upward from the frontage line on a grade of thirty (30%) per cent or more, a one story private garage may be located within the minimum front yard area, provided there is a set-back of not less than four (4) feet, and further provided that the floor level shall not be above the street level.

(d) Within any Residence District, any building hereafter erected or altered, shall be so erected or altered as not to be nearer to the frontage street line than the average alignment of existing buildings within 100 feet on each side of the lot and within the same block. However, in no event, shall any building be required to set back more than fifty (50) feet from the frontage street line.

(e) Accessory buildings may be located not nearer to any side or rear lot line respectively than one-half (½) of the distance established in the foregoing schedule for principal buildings in the respective districts, except that in case of corner lots, no buildings whatever shall be located within the minimum side yard area set forth in the foregoing schedule for principal buildings.

(f) Nothing in this Ordinance shall prevent the erection of a dwelling for one family only upon any lot separately owned at the time of the passage of this Ordinance, but if the area of such lot be less than sufficient to provide the yards required in the foregoing schedule, the location of such dwelling upon such lot shall be subject to the approval of the Board of Appeals.

## Section 7 — Courts

(a) In any Residence District, no outer court shall be longer than four (4) times its minimum width, unless for each added ten (10) feet of length six (6) inches for each story of height shall be added to such minimum width. An inner Court shall be at least twice as long as its least dimension at any story level. The minimum width of an inner or outer court shall be at least sixteen (16) feet for a three (3) or less story building and at least twenty (20) feet for a four (4) or more story building. No accessory building, or fence or wall exceeding four (4) feet in height except a retaining wall, shall be located within any required Court. Every required court shall be open to the sky unobstructed, except that cornices, gutters, belt courses, sills, pilasters and ornamental features may project into any such court not to exceed six (6) inches.

(b) In any Business "A" or "B" District where any part of any upper story of a building is to be used for residence purposes, offices, studios or workshop, and it is not adequately lighted from a street and/or rear yard area, a court is required along one side lot line. Such a court shall extend backward from a point not over forty (40) feet back from the face of the main front wall of the building and every such court shall conform with all of the requirements prescribed in the foregoing subdivision.





ZONING MAP  
FIRST AMENDMENT TO SHEET NO 16  
TOWN OF NORTH CASTLE  
WESTCHESTER COUNTY-NEW YORK  
ADOPTED BY RESOLUTION OF TOWN BOARD JUNE 27, 1941.

*Charles W. Snyder* SUPERVISOR

*Raymond E. Lebowitz*

*Alfred J. ...* COUNCILMEN

*John ...*

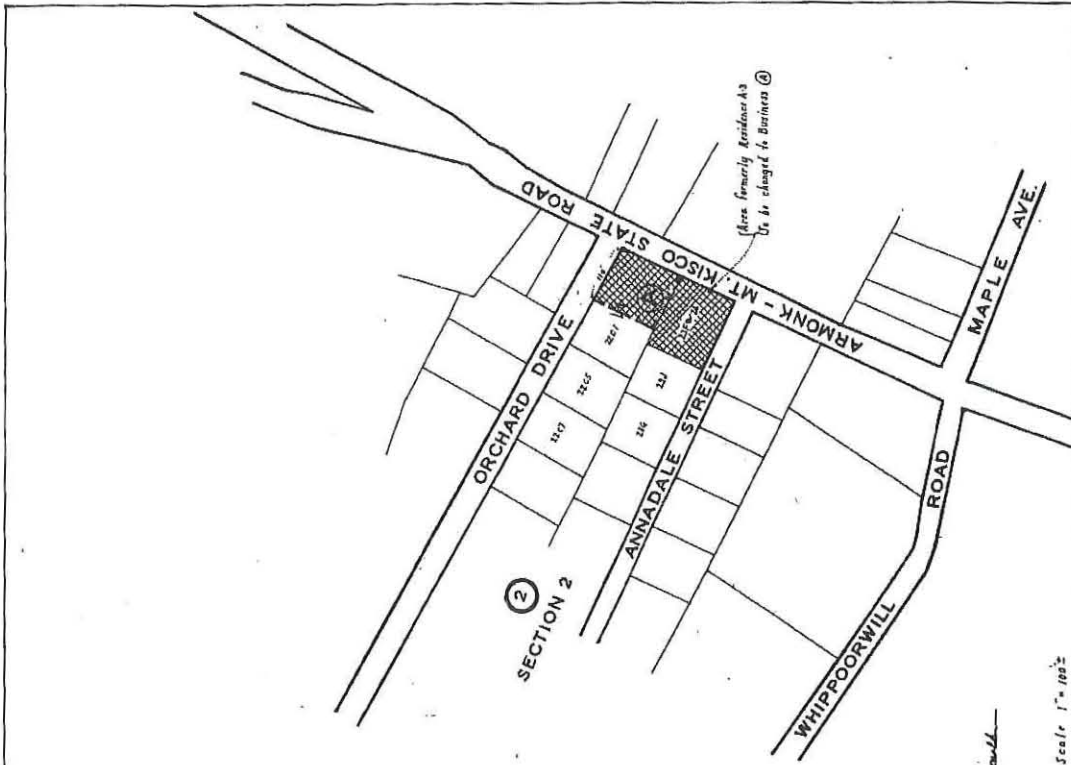
*James ...*

ATTEST *John H. Miller* TOWN CLERK

PREPARED JUNE 1941

*Robert J. McDonald*  
TOWN ENGINEER

Scale 1" = 100'







except that the Court may extend upward from the floor level of the story in which such living quarters, offices, studios or workshops are located instead of from the ground level or ground story.

(c) Along the boundary between two different kinds of districts, any court area in the less restricted district shall be increased in the minimum width by one-half ( $\frac{1}{2}$ ) the difference between the required minimum width for such courts respectively in the two districts.

#### Section 8 — Camps, etc.

The Board of Appeals as hereinbefore provided may grant temporary permits not to exceed one year in any district for a camp or picnic ground, provided:

(1) There are filed with such application the consent in writing duly acknowledged, of the owners of record of 50% of the area of land within twenty-five hundred (2500) feet of the boundaries of such property in all directions.

(2) At least ten (10) days' notice of such pending application is mailed by the Town Clerk to all persons recorded on the last preceding assessment roll as owning property within twenty-five hundred (2500) feet of the property in question.

(3) Provided no structure in such camp is within two hundred and fifty (250) feet of any property line.

(4) Renewal for additional periods of one (1) year, may be granted by the Board of Appeals under the same procedure as given in paragraph 1, 2 and 3 herein.

#### Section 9 — Gun Clubs, etc.

Gun clubs, rifle ranges, or courses for fire arms larger than revolvers shall not be allowed in any district. This paragraph shall not apply to rifle ranges which may be established by Federal, State, or Town authorities.

### ARTICLE V

#### AMENDMENTS, ENFORCEMENTS, VIOLATIONS, ETC.

##### Section 1 — Amendments

(a) The Town Board may, on its own motion or on petition made to it, as hereinafter provided, amend, change, modify, supplement or repeal the regulations, restrictions and provisions of this Ordinance, and the districts, boundaries and maps respectively, as from time to time may be required or deemed necessary. To consider or perfect any of such means or acts, the Town Board shall by resolution fix the time and place of a public hearing thereon. At least fifteen days' notice of such hearing shall be published in a paper of general circulation in the town. The Town Board may by resolution provide for such further notice of hearing as it may deem proper. Such notices shall briefly state the general nature and scope of the proposed amendment, change, modification, supplement or repeal, as the case may be.

(b) Upon presentation to the Town Board of a petition duly signed and acknowledged by the owners of at least fifty (50) per cent of the street frontage in any district, or part thereof between two or more intersecting streets, 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, it shall be the duty of the Town Board to hold a public hearing thereon within sixty days thereafter, in the form and manner prescribed in subdivision "A" hereof.

(c) Land or premises hereafter transferred to another district, shall immediately become subject to the regulations and restrictions prescribed for such district.

(d) Any proposed amendment, supplement, change, modification or repeal, herein provided for, shall not become effective except under the provisions of Article 16 of the Town Law.

##### Section 2 — Enforcement and Remedies

(a) The Building Inspector is hereby authorized and empowered to enforce the provisions of this Ordinance, subject to any rules and regulations adopted by the Town Board and/or adopted by the Board of Appeals and approved by the Town Board.

(b) 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, reconstruction, 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.

### Section 3 — Violations and Penalties

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 a misdemeanor and liable to a fine of not more than fifty (\$50.00) Dollars, or by imprisonment not to exceed (6) months, or by both such fine and imprisonment. Each week's continued violation thereof shall constitute a separate additional offense. 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.

### Section 4 — Validity

(a) The invalidity of any section, provision or part of this Ordinance shall not be held to invalidate any other section, provision or remaining portion thereof.

(b) In the event that any Court of competent jurisdiction shall hold invalid or unconstitutional any of the minimum area provisions of Section 6, of Article IV of this Ordinance, applying to any lot, plot or parcel of land in any residence district, the next lower minimum area provision or requirement of said Section and Article shall be deemed to apply thereto, and in place and stead of the area provision so declared or held invalid.

### Section 5 — Former Ordinance Repealed

Except as provided in Section 6 hereof, the former Zoning Ordinance entitled "Zoning Ordinance of the Town of North Castle", adopted January 13, 1930, and all amendments thereto and supplemental thereof, are hereby repealed.

### Section 6 — Saving Clause

The foregoing repeal of the former zoning ordinance of the Town of North Castle and of all amendments thereto and supplements thereof shall not affect, impair or invalidate any judgment, decree, order or adjudication, or any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of such repeal taking effect; and all and each of them, and all actions and proceedings, both civil and criminal, had or commenced under and by virtue of any provision of the ordinance, its amendments and supplements hereby repealed, and/or pending at the time of such repeal, may be enforced and prosecuted as fully and to the same extent as if such repeal had not been effected.

STATE OF NEW YORK :  
WESTCHESTER COUNTY :  
Town of North Castle : ss.

I, JOSEPH T. MILLER, Town Clerk of the Town of North Castle, Westchester County, New York, do hereby certify as follows: That the foregoing Ordinance was duly adopted by the Town Board of the Town of North Castle on the 1st day of May, 1941, at a regular meeting thereof at which time a quorum of said Town Board was present and voted thereon; That I have compared the foregoing with the original ordinance now on file in my said Office, and that the same is a true and correct transcript of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 9th day of May, 1941.

JOSEPH T. MILLER,  
Town Clerk.