

**ZONING ORDINANCE**  
**OF THE**  
**TOWN OF NORTH CASTLE**



**Amended to November 8, 1951**

**179**

**PRICE \$1.00**

# 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. An approved road shall be one which conforms to the provisions of Article 16, Section 280 of the Town Law.

(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".

(ll) "Dwelling Unit" shall mean a building or portion thereof, providing complete housekeeping facilities for one family.

(mm) "Housekeeping Unit," is a facility such as a kitchen for the regular preparation of meals.

(nn) "A Parking Space" shall mean an off street space available for the parking of one motor vehicle and having an area of not less than 200 sq. ft., exclusive of passageways and driveways appurtenant thereto, or of truck loading or unloading space, and having ingress and egress so arranged as not to require backing of any vehicle into any street."

### 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, by law and by this ordinance the Board of Appeals shall have and exercise the following powers and duties:

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 adminis-



trative 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 of the powers of such officer.

3. **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 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 five 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 any hearing by registered mail "return receipt requested" shall be upon all property owners within a distance of 250 feet on either side and fronting the property affected and in any case to the adjoining property owner on either side of the property affected.

4. **INTERPRETATION:** On appeal from an order, requirement, decision or determination made by an administrative official, or on request by any official, Board or agency of the Town, to decide any question involving the interpretation of any provision of this ordinance, including the determination of the exact location of any District boundary. Where the street or highway layout varies from that shown on the Zoning Maps, and shall apply the appropriate District designation 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.

5. **VARIANCES.** On appeal from an order, requirement, decision, or determination by an administrative official, to vary or adjust 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 condition as a result of which strict application 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 in the strict application of any provision of this ordinance shall be granted by the board of appeals unless it finds:

A. That there are special circumstances or conditions, fully described in the findings of the board, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings 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 hereof or not.

B. 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 building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish this purpose.

C. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

5.2. In granting any variance, the board of appeals shall prescribe any condition applying thereto that it may deem to be necessary or desirable.

5.3. 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.

5.4. 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 regulation 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.

6. **SPECIAL PERMITS.** The Board of Appeals shall have the power to issue a special permit supplementing an application to the building inspector for a building permit or a certificate of occupancy, as the case may be for any of the uses, or the erection, alteration, construction, enlargement of any building requiring special permits in the particular District. Every such permit shall be in full conformity with the general standards relating thereto that are specified in Art. 1, Sec. 6 b 5 of this Ordinance and with any other special standards and conditions, procedure or otherwise that are specified elsewhere in this Ordinance.

Before issuing such special permit the Board of Appeals shall hold a hearing after receipt of proof from the applicant that a notice thereof was duly published in a newspaper designated by the Board of Appeals and in addition was given at least ten days prior to the hearing by registered mail to the owners of all property located within a distance from the proposed special use that is specified elsewhere in this Ordinance.

7. **STANDARDS AND CONSIDERATIONS FOR THE ISSUANCE OF SPECIAL PERMITS.**

A. The types of uses for which special permits are required in each case shall be deemed to be permitted uses in their respective Districts provided however that each special use will conform to the following requirements and standards:



Each specific use for which a special permit is sought shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use.

1) The use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and ordinary development of the District in which it is situated and will not be detrimental to the orderly development of adjacent Districts; will not depreciate or tend to depreciate the value of property in the Town; will not create a hazard to health, safety, morals, or general welfare; will not be detrimental to the neighborhood or to the residents thereof; will not adversely alter the essential character of the neighborhood and will serve to promote the convenience and welfare of the residents of the Town.

2) Consideration shall be given to the accessibility of the premises for fire and police protection; whether a fire hazard may be created; access of light and air to the premises and adjoining property; the nature and intensity of the operations involved in or conducted in connection with it and its site layout, and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the predominant residential or other prevailing character of the neighborhood or be incongruous therewith or conflict with the normal traffic of the neighborhood, taking into account, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.

3) The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

B. The issuance of a special permit for any public utility use in any Residence district shall be subject to a finding that the establishment of the particular use in the particular location is necessary and convenient for the efficient operation of the public utility system of which the particular use is a part or for the satisfactory and convenient provision of service by the utility to the neighborhood in which the particular use is located.

C. In acting on any application for a special permit, as provided herein, the Board of Appeals may impose any condition that it deems necessary to accomplish the reasonable application of the foregoing standards, and may deny any such application, but only in accordance with the foregoing standards.

8. 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 therein, provided, however, that the procedural requirements set forth in this ordinance shall not operate to deprive an applicant or appellant of the right of application or appeal if such applicant or appellant has substantially observed such procedural requirements.

9. All appeals and applications made to the board of appeals shall be in writing, on forms prescribed by the board and approved by the planning board, and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application 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 use for which the special permit is sought or the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted. Every decision of the board of appeals 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 is based. At least 10 days before the date of the hearing required by law on an 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 the date of said hearing, submit to the board of appeals an advisory opinion on said application or appeal. Every decision of the board of appeals shall be by resolution and each such resolution shall be filed in the office of the town clerk by case number under one or another of the following headlines: Interpretation; Special Permits; Variances; together with all documents pertaining thereto. The board of appeals shall notify the planning board and the building inspector of its decision in each case. The board of appeals shall report to the town board periodically, at intervals of not greater than three 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.

## 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  
 Restricted Business "A" Districts  
 Business "A" Districts  
 Business "A-1" Districts  
 Business "A-2" Districts  
 Business "B" Districts  
 Industrial "A" Districts  
 Zone "F" 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 used in connection therewith, public and private school buildings, libraries, municipal buildings, playgrounds, golf courses, parks and reservations; which specific uses may be granted only upon special permit of the Board of Appeals after public hearing thereon.

(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.

(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 3a — Restricted Business "A" Districts

Within any Restricted Business "A" District as indicated and shown on the Zoning Map of the Town of North Castle, as same may be amended from time to time, no land, building, or premises shall be used, and no building, structure, or part thereof shall be erected, located, enlarged, altered, 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 3 of said Ordinance, and in addition thereto for the following uses only:

1. Any business of the general nature of banks, printing establishments, or plants, offices, supply houses, commercial distribution plants, warehouses, and storage plants; provided that the said business can be conducted without noxious or offensive odors or noise and will not endanger the comfort, peace, enjoyment, health or safety of the community, or tend to cause disturbance, inconvenience, discomfort or annoyance.

2. No manufacturing or processing shall be allowed or permitted except as may be incidental to the packaging and handling of the merchandise or articles used or distributed or handled in such permitted businesses.

3. No motor power other than electric shall be used in the conduct of said business; and to an extent no greater than one horse power for each 1000 sq. ft. of lot or area occupied by the building in which the use is required or located.

4. All operations incidental to the said businesses herein permitted shall be carried on and confined within the plant buildings.

5. No buildings shall be constructed, maintained, or used in said District without the approval of the plans and specifications therefor by the Town Board of the Town of North Castle.

6. Yard and set-back requirements are to be the same as permitted in a "Business 'A' District."

7. Proper facilities for loading and unloading merchandise must be provided on the premises by the owner or occupant thereof.

8. No more than two outdoor advertising signs, not exceeding a total of 150 sq. ft. and advertising only the firms doing business on the premises or the products handled by them shall be permitted. Each 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 feet above the ground level. No such sign shall be within, or extend into any street or highway.

9. Storage in an amount not to exceed 300 gallons of lubricating or other inflammable oils above ground shall be permitted provided it is kept or stored in either steel drums or other equally portable sealed metal containers and located not nearer than 50 feet from any street or property line or boundary line.

### 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 outdoor display for sale of motor vehicles, boats, motors, motorcycles, vehicles of any kind or description, empty crates, barrels, or other containers; and building materials of any kind, except where a permit for construction has been issued and excepting therefrom garden, lawn, and farm equipment.
10. Storage above ground of fuel oil in excess of 300 gallons.
11. Any use or purpose not expressly permitted in, under or by subdivision "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 fifty square feet in the aggregate 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. "The Board of Appeals is hereby empowered and authorized to permit signs in excess of 50 sq. ft. in the aggregate but not more than 150 sq. ft. in any event."

#### Section 4A — Business "A-1" Districts

Within any Business "A-1" District, as indicated on the Zoning Map, as same may be amended from time to time, 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. The selling and display of nursery and greenhouse stock, of garden plants, trees and shrubs (whether grown on the premises or not), of seeds, bulbs, packaged fertilizers, insecticides, garden tools not exceeding 1,000 lbs. in weight per unit, and garden ornaments, fixtures or equipment including trellises, birdbaths, sundials, lawnchairs and garden benches. No bulk fertilizers or bulk manure shall be stored on the premises. Garden implements, tools and ornaments shall not be stored out of doors.
2. 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 not be less than three (3) feet above the ground level. No such sign shall be within, or extended into, any street or highway. No neon or illuminated signs shall be allowed to be erected or maintained on the premises.

#### Section 4B — Business "A-2" Districts

Within any business "A-2" District as indicated on the Zoning Map as same may be amended from time to time, 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 as a shopping center.

1. As used in this Section, a Shopping Center shall mean a development of land and buildings for mercantile and business purposes under an approved plan, providing for off-street parking facilities, landscaped and park areas, and without uses or buildings for such purposes on any existing public highway.
2. Before any land in such district may be used for the purposes permitted hereunder, or any building, structure, or part thereof erected, enlarged, altered, arranged or designed to be used for such purposes, an application upon a form approved by the Town Board must be filed with the Building Inspector, and a permit issued by the Building Inspector.
3. No permit shall be issued by the Building Inspector unless the following conditions are complied with by the applicant:
  - a) The land area to be included within the Shopping Center shall be at least 25 acres.
  - b) The plan of development for said Shopping Center shall be approved by the Town Board after reference to and recommendations by the Planning Board. Such plan of development shall show among other things, the access and interior roads as proposed and for immediate construction; the location of buildings as proposed and for immediate construction; the location of landscaped and park areas; the location of parking facilities as proposed and for immediate construction; the walks as proposed and for immediate construction; and any buildings to be removed or re-located.



c) No buildings, premises, or land may be used for the purposes permitted in this Section upon any highway, and all buildings, premises, or uses shall be erected or used facing interior roads, subject to the set-back restrictions contained herein; and all loading shall be off street.

d) The following shall be the minimum set-back requirements within such Shopping Center:

1. At least 100 feet from any existing public highway.
2. At least 100 feet from any adjoining land.

4. Within such Shopping Center the following uses only shall be permitted after permits and certificates of occupancy shall have been obtained from the Building Inspector, as hereinafter provided for under this Ordinance, or in any other Ordinance applicable thereto:

a) Those uses permitted in a Business "A" District, with the exception of those set forth in Subdivisions 4, 5 and 7 thereof but a bowling alley may be permitted.

b) No place of amusement or entertainment or amusement facilities shall be permitted, except upon the approval by the Town Board which may impose such conditions as may be deemed necessary and proper to protect property rights of residents in the vicinity.

5. Landscaped and park areas shall separate said Shopping Center from any existing public highway by a distance of at least 75 feet and shall be landscaped and properly maintained at all times in accordance with the plan of development.

6. An Open-Air Drive-In Motion Picture Theatre may be permitted by the Town Board within such Shopping Center as an accessory use and in conjunction with such Shopping Center. The term "Accessory Use" shall not be construed to prevent the construction of the Open-Air Drive-In Motion Picture Theatre simultaneously with the construction of the Shopping Center.

7. No permit shall be issued by the Town Board for the construction of such Open-Air Drive-In Motion Picture Theatre unless the following conditions are complied with by the applicant:

a) The site of the Open-Air Drive-In Motion Picture Theatre shall be located at least 750 feet distant from any existing public highway.

b) The construction, maintenance and use thereof shall be as provided by the Town Board in accordance with the within Ordinance and any regulatory Ordinance adopted and applicable thereto.

c) The said Open-Air Drive-In Motion Picture Theatre shall include a Screen Tower not to exceed 65 feet in height; a projection booth; refreshment building, comfort stations, rain shelters and ticket booths, and such other facilities incidental to and commonly employed in the conduct of such business, all of which shall be subject to approval of Town Board after application and Public Hearing thereon.

d) No more than two advertising signs not exceeding in the aggregate more than 500 square feet shall be permitted. Said signs shall only advertise the said business and shall be so located as not to obstruct traffic or vision upon the highway, and shall be securely fastened either to the Screen Tower, poles or posts. In no event is any sign to exceed 250 square feet and such signs shall be subject to the approval of the Planning Board.

e) The minimum set-back requirements for the conduct of such Open-Air Drive-In Motion Picture Theatre herein permitted shall be:

Front, rear and side yards shall be at least 100 feet from any adjoining land, and at least 750 feet from any existing highway.

f) No parking shall be permitted along the side of any public streets adjacent to the Open-Air Drive-In Motion Picture Theatre, nor shall vehicles be permitted to stand in the streets for servicing the establishment. Parking and servicing area for the principal building and for all accessory buildings shall be provided for on the site.

g) Access to and egress from the said Open-Air Drive-In Motion Picture Theatre shall be provided in such manner as prescribed by the Planning Board of the Town of North Castle, and shall be maintained in accordance with the requirements of all Ordinances applicable thereto.

9. Notwithstanding anything to the contrary as hereinabove provided no such business is to be or shall be conducted without a permit or license renewable annually and obtained in accordance with such applicable Ordinance of the Town of North Castle referable thereto.

10. A Motion Picture Theatre may be permitted within such Shopping Center only as an accessory use and in conjunction with such Shopping Center.

11. No permit shall be issued by the Town Board for the construction of such a theatre unless the following conditions are complied with by the applicant:

a) The building in which said theatre is to be operated shall be one of the buildings forming part of the Shopping Center, and the site thereof and set-back restrictions relative to said theatre shall be the same as those set forth pertaining to said Shopping Center.

b) Before the erection, construction, or alteration of a building, or part thereof to be used as a motion picture theatre there must be filed with the Building Inspector complete plans and a detailed statement of the specifications therefor, which shall comply with the provisions of the within Ordinance and any other Ordinance referable or applicable thereto.

c) No more than two advertising signs not exceeding in the aggregate more than 500 square feet shall be permitted. Said signs shall only advertise the said business and shall be so located as not to obstruct traffic, or vision, upon the highway, and shall be securely fastened either to the building, poles or posts. In no event is any sign to exceed 250 square feet.



d) No parking shall be permitted along the side of any streets adjacent to the motion picture theatre nor shall vehicles be permitted to stand in the street for servicing the establishment. Parking and servicing area for the theatre shall be provided for on the site.

12. Access to and egress from the said motion picture theatre shall be provided in such manner as prescribed by the Planning Board of the Town of North Castle and shall be maintained in accordance with the requirements of all Ordinances applicable thereto.

13. Notwithstanding anything to the contrary as hereinabove provided no motion picture theatre is to be or shall be conducted without a permit or license renewable annually and obtained in accordance with the applicable Ordinance or Ordinances of the Town of North Castle referable thereto.

14. In the event that any of the foregoing provisions shall be violated, the Building Inspector may revoke the permit for a Shopping Center previously granted by him, in which event all of the uses permitted hereunder shall cease and terminate. This remedy shall be in addition to any other remedy provided for by this Ordinance or by law.

## **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. Underground storage of fuel oil of not more than 25,000 gallons, in steel tanks of 5000 and 10,000 gallons capacity each, provided no such tank is within ten 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.
- 1a. "Dwellings" except for a caretaker or watchman.
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. However, upon the written approval of the Board of Appeals after a public hearing thereon, the erection of a lubritorium in an existing gasoline or filling station shall be permitted.
- (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) Upon approval of the Board of Appeals, after a public hearing, where it appears that adjoining property would not be damaged or adversely affected, commercial poultry raising shall be allowed in any Residence "A" or "A-1" District, providing that no building or other structure pertinent to such use, excepting a residence, be erected or maintained on a plot less than five (5) acres in area, nor within 100 feet of any street or highway boundary line, or within 50 feet of any other property boundary line, and further providing that such use shall be subject to any other conditions or limitations including the distance of set-backs of enclosure or fences prescribed by the Board of Appeals of any effect and degree not less stringent than these provisions.

(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 purpose and as a part of this Ordinance there is hereby established the following schedule relating to "Principal buildings, minimum land area per dwelling unit required, minimum width fronting on an approved road per dwelling unit, side of yards required and the bulk and arrangements 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:

##### (A) Minimum Requirements for Dwellings

Class of District	*Minimum Land Area Per Lot	**Minimum Lot Width Fronting on an Approved Road	Front Yard	Each Side Yard	Rear Yard
Residence					
"A"	2 Acres	150'	50'	30'	30'
"A-1"	1 Acre	125'	50'	25'	30'
"A-2"	½ Acre	100'	30'	15'	25'
"A-3"	10,000 sq. ft.	100'	30'	10'	20'
"A-4"	5,000 sq. ft.	50'	30'	8'	20'
"B"	5,000 sq. ft.	50'	20'	6'	15'
"C(a)"	5,000 sq. ft.	50'	15'	6'	15'
Multi-family (a) dwellings	1,250 sq. ft. per family	50'	15'	6'	15'

NOTE: \* Where no public water or public sewer facilities exist, all new subdivisions are subject to the rules and regulations of the Westchester County Sanitary Code and the Westchester County Board of Health.

\*\* These requirements shall be modified with respect to any lots abutting a turn around terminating a dead end street or along sharp curves. In such cases, the minimum street frontage required shall be 25 feet. The minimum lot width established in the above schedule will be required at the point of the building nearest to the street line. Said minimum lot width shall be determined by measuring the shortest straight line between the two sides of the said lot passing through the point of the building nearest to the street. Where the provisions of this paragraph apply no building shall be set back from the street line more than 100 feet without approval of the Zoning Board of Appeals.

Whenever a one or two family dwelling is to be erected in any Business Zone, such dwelling must conform to the area, front, side and rear yard requirements of the least restrictive Residential District adjoining the said lot.

No building permit shall be issued for this erection or occupancy of any building or structure, which is to be used, or designed to be used in whole or in part for business or commercial uses or purposes, unless such building or structure be located on a plot in conformity with the following table.

##### (B) Minimum Requirements for Business Buildings

Class of District	Minimum Land Area	Minimum Width Fronting on an Approved Road	Front Yard	Each Side Yard	Rear Yard
All Business					
"A" Districts	5,000 sq. ft.	50'	6'	0'	10'
Restricted					
Business "A"	5,000 sq. ft.	50'	6'	0'	10'
Business "B"	5,000 sq. ft.	50'	6'	0'	10'
Industrial "A"	5,000 sq. ft.	100'	0'	0'	0'
Zone "F"	0	0'	0'	0'	0'

(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 ( $\frac{1}{2}$ ) 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. In no case shall any building be erected within six (6) feet of any street or highway line. No housekeeping unit shall be installed in any accessory building unless the main dwelling conforms with the area required in the above schedule, and in addition thereto the lot contains an additional light area for each such housekeeping unit; and such additional area shall be deemed part of the appurtenant required open space.

Notwithstanding the above provisions of this Sub-Section relating to the location of accessory buildings upon lots no accessory building with a housekeeping unit shall be erected, altered, or used except in conformity with the size of yards set forth in the above schedule required for the main building.

(g) No building permit shall be issued for the construction, alteration, or occupancy of any residence unless provision is made therein for not less than 500 sq. ft. of liveable floor area space, exclusive of basement for each family unit."

(h) No building permit shall be issued for the construction, alteration, or occupancy of any residence of more than one floor construction unless provision is made therein for not less than 750 sq. ft. of liveable floor area space, exclusive of basement for each family unit.

(i) The Board of Appeals is empowered and authorized to grant a special permit for a building permit for a dwelling for less than the minimum floor area heretofore fixed herein, but in no case less than 400 sq. ft. of liveable floor area space exclusive of basement; on condition, that the owner applying for said special permit execute and deliver his agreement in proper form to be recorded, containing the covenant that no more than two persons shall regularly occupy said premises unless and until additional floor area is created in order to conform with the minimum requirements for dwelling use per family as hereinbefore provided.

#### 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, 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:

(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 paragraphs 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.



## Section 10 — Off Street Parking

1. Except in a Residential District, one parking space for each 100 sq. ft. of floor area, exclusive of storage space, must be provided for off street parking.
2. No building shall hereafter be erected, nor shall any existing building be structurally altered, enlarged, rebuilt, or moved, nor shall any open space contiguous to any building be encroached upon or reduced in any manner except in conformity with the above parking space regulation.
3. Required off street parking space shall be provided either (a) on the same lot with such use; or (b) within a distance of 250 feet from such use but not in any Residential District.
4. The Board of Appeals is hereby empowered and authorized to grant a variance from the provisions of this Section where undue difficulty or hardship may result in the adherence to the provisions prescribed herein.

## Section 11 — Utility Buildings

The Board of Appeals is hereby empowered and authorized to permit public or private utility buildings and uses within any District where the necessity therefor exists.

## Section 12 — Golf Driving Range

A Golf Driving Range is permitted in any Business District. If such property in a Business District is insufficient in depth to permit the use thereof for a golf driving range, the Board of Appeals may grant a special permit pursuant to the authority conferred by Article 1, Section 6, of the within Ordinance and in accordance with the provisions thereof, permitting the use of any adjoining land within a Residential District adjacent to and within a distance of 1000 feet from said Business District, as open space to be used as a fairway for said golf driving range; provided the said open space area contains no building or buildings thereon and is properly landscaped and complies with any other conditions that may be imposed by the Board of Appeals.

# 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 and amendments on file in my said Office, and that the same is a true and correct transcript of said original, as modified by the amendments that were adopted from time to time through and including Nov. 8, 1951.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 10th day of November, 1951.

JOSEPH T. MILLER,  
Town Clerk.

## **Supplement No. 1**

### **ZONING ORDINANCE, TOWN OF NORTH CASTLE**

**Amendments from November 8, 1951 to January 1, 1953.**

**FEBRUARY 14, 1952.**

1. Amend Article III., Section 4(a) "Prohibited Uses" by adding subdivision 10a as follows:  
10a) Refreshment Stands, Ice Cream Stands, Custard Stands, Vegetable or Fruit Stands and Shooting Galleries.
2. Amend Article III., Section 4(b) "Permitted Uses" by deleting and striking out all the subdivisions thereof and substituting in the place thereof the following:
  - 1) Grocery Stores, Meat Market, Delicatessen Store, Stationery Store, Bakery, selling merchandise at retail to be consumed or used off the premises.
  - 2) Stores or businesses for the performance of customary personal services at retail, except Dyeing and Cleaning Establishments.
  - 3) Professional Offices, Art and Photography Studios, Financial Institutions, Telephone or Telegraph Business or Exchanges.
  - 4) Theatres, Clubs, Super-markets, Department Stores, Motels or Over-night Cabins, Restaurants, Taverns, Diners, Luncheonettes, Hotels and any other permitted businesses herein which cause gathering of substantial number of customers and employees with attendant traffic hazards and parking problems in the vicinity of said businesses; only upon special permit of the Zoning Board of Appeals.
  - 5) No fabricating, manufacturing, converting, altering, finishing or assembling shall be permitted in any of the above, except if incidental to sale and no motor power other than electric shall be used and to an extent not greater than one horsepower for each 1,000 square feet of usable floor area of the said business; unless the Zoning Board of Appeals shall grant a special permit granting greater amount of horsepower.
  - 6) In any building wherein any permitted business use is carried on, no residential use or occupancy shall be permitted, except in a separate apartment unit, which conforms with the other requirements of this Ordinance and having separate and distinct entrance way thereto.

**JULY 10, 1952.**

1. Amend Article III., Section 4(b), "Permitted Uses" by adding subdivision 7 thereto as follows:  
7. Outdoor advertising signs not exceeding 50 square feet in the aggregate 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.  
The Board of Appeals is hereby empowered and authorized to permit signs in excess of 50 square feet in the aggregate but not more than 150 square feet in any event.
2. Amend Article III., Section 4(b) "Permitted Uses", Subdivision 5 thereof by deleting the same and in the place thereof substituting the following:  
5. No fabricating, manufacturing, converting, altering, finishing, or assembling shall be permitted in any of the above designated businesses, except if incidental to sale, and no motor power other than electric shall be used and to an extent not greater than 1 horsepower for each 500 square feet of the usable floor area of the said business, unless the Zoning Board of Appeals shall grant a special permit granting a greater amount of horsepower.  
The limitation as to power shall not apply to Air Conditioning Units, Refrigeration Units and servicing of lawn mowers, garden equipment and shoe repair business.



3. Amend Article III., Section 5(b), "Permitted Uses" by adding Subdivision 10 thereto as follows:

10. No more than two advertising signs not exceeding in the aggregate more than 300 square feet shall be permitted and said signs shall only advertise the said business and shall be so located as not to obstruct traffic or vision upon the highway and shall be securely fastened to poles or posts not less than three feet above the ground level. In no event is any sign to exceed 250 square feet without special permit granted by the Zoning Board of Appeals.

4. Amend Article III., Section 7(a), by adding Subdivision 58 thereto, as follows:

58. No more than two advertising signs not exceeding in the aggregate more than 500 square feet shall be permitted and said signs shall only advertise the said business and shall be so located as not to obstruct traffic or vision upon the highway and shall be securely fastened to poles or posts not less than three feet above ground level. In no event is any sign to exceed 250 square feet without special permit granted by the Zoning Board of Appeals.

5. Amend Article IV., Section 6, by adding Subdivision (j) as follows:

(j) Notwithstanding any of the provisions hereinabove set forth, all corner lots in any District shall have not less than six (6) feet setback from any street line; both front or rear thereof.

#### SEPTEMBER 11, 1952.

Amend Article IV., by adding thereto Section 13, as follow:

##### Section 13: Garbage and Refuse.

1. No public dumping ground may be created, established, or maintained in any District without special permit of the Zoning Board of Appeals after public hearing thereon.
2. No accumulation, storage, or dumping of garbage, refuse, rubbish, trash, litter, dismantled parts or portions of machinery and the like, shall be permitted in any District unless properly covered with good clean fill, such as ashes or earth, to a depth of not less than four inches, and in no event shall the same be maintained within 25 feet of any highway or lot line.

#### NOVEMBER 14, 1952.

1. Amend Article III., Section 3a "Restricted Business A Districts" Subdivision 1 thereof as heretofore adopted by adding after the word "warehouses" therein the following: "Manufacturing and processing of precision instruments, parts, tools and other similar articles;" and
2. Amend Article III., Subdivision 3a "Restricted Business A Districts" Subdivision 3 thereof, by deleting the existing Subdivision 3 and substituting in lieu thereof the following:
  3. No motor power other than electric shall be used in the conduct of said business; and to an extent no greater than 10 horsepower for any one motor used in connection with said business; which shall be exclusive of any horsepower required for refrigerating or air conditioning purposes. The Zoning Board of Appeals is hereby empowered to grant a special permit increasing the horsepower limits hereof.

#### NOVEMBER 28, 1952.

1. Amend Zoning Ordinance and Zoning Map by changing the Zoning classification of the following parcels of land as designated on the Town Tax Map to "RESIDENCE A-1 DISTRICT".

Section 2, Block 13, Lots numbered 32, 33, 34D, 35, 36, 37, 38, 39, 39A, 39B, 40A.

STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
TOWN OF NORTH CASTLE } ss.:

I, JOSEPH T. MILLER, Town Clerk of the Town of North Castle, Westchester County, New York, do hereby certify that the foregoing amendments to the Zoning Ordinance were duly adopted by the Town Board of the Town of North Castle on the dates indicated above and that I have compared the foregoing amendments with the original amendments on file in my office and that the same is a true and correct transcript of said originals.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 9th day of January, 1953.

JOSEPH T. MILLER, Town Clerk