

CHAPTER 230-ZONING
ARTICLE IV: DISTRICT USE REGULATIONS ²

§ 230-9. One -Family Residence RA-40 District.

- A. In a One-Family Residence RA-40 District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following; and all uses and buildings shall conform to the district bulk and parking regulations in Article VI and the following regulations, whichever are more restrictive:
- (1) The raising of field and garden crops, vineyard and orchard farming, the maintenance of nurseries and the seasonal sale of the products thereof, provided that no building is erected and signs conform with § 230-44P(1)(e). [Amended 3-19-2001 by L.L. No. 3-2001]
 - (2) One-family detached dwellings not to exceed one such dwelling on each lot and subject to the district bulk and parking regulations in Article VI.
 - (3) Municipal buildings, structures and uses, subject to § 230-45.
 - (4) Places of worship, including parish houses, schools, philanthropic and eleemosynary institutions, hospitals and sanitariums for general medical care, nursing and convalescent homes and homes for the aged, libraries, arboretums, all subject to a special permit by the Village Board of Trustees and the following requirements. A special permit shall be required for the expansion, extension, reconstruction, rebuilding or relocation of any use or building described in this Subsection A, notwithstanding that it represents an expansion, extension, reconstruction, rebuilding or relocation of a use or building legally in existence on January 1, 2001.
 - (a) Any school permitted under this subsection shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such there-under.
 - (b) Any school permitted under this subsection shall occupy a lot with an area of not less than three acres.
 - (c) Any philanthropic or eleemosynary institution, hospital, sanitarium, nursing or convalescent home or home for the aged permitted under this subsection shall occupy a lot which shall have an area of not less than five acres and shall be housed only in a building which existed on July 28, 1931, with a total floor area of 3,000 square feet or more.
 - (d) No building or part thereof shall be erected nearer than 100 feet to any street or property line.
 - (e) The sum of all areas covered by all principal and accessory buildings shall not exceed 20% of the area of the lot.
 - (f) Courts shall conform to the requirements of § 230-43B hereof.
 - (5) Railroad and public utility rights-of-way and structures necessary to serve areas within the village; subject, however, to a special permit by the Village Board of Trustees and to such conditions, including appropriate lot size, yard and other bulk regulations, as said Board may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed. No high-voltage transmission line or tower permitted under this subsection shall exceed 100 feet in height or be located less than 75 feet from any residential property line.
 - (6) Annual membership clubs, on a lot having an area of not less than five acres, subject to a special permit by the Village Board of Trustees, and provided that any such club is incorporated pursuant to the provisions of the Not-For-Profit Corporation Law or the Benevolent Orders Laws of the State of New York, catering exclusively to members and their guests; and private playgrounds, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that:
 - (a) The following shall be prohibited:
 - [1] Outdoor entertainment, live or mechanical.
 - [2] The use of outdoor public address systems for any purpose.

² Editor's Note: See also Art. VI, District Bulk and Parking Regulations; Art. VII, Supplementary Regulations; and Art. VIII, Off-Street Parking, Driveways and Loading Facilities.

- [3] Exterior lighting, other than the essential for the safety of the users of the premises.
- (b) No building or outdoor recreational facility erected under the provisions of this subsection shall be erected nearer than 100 feet to any street or property line.
- (7) Subject to a special permit by the Village Board of Trustees, the operation, maintenance and preservation by a membership corporation or association not operated for profit of historic sites, buildings, restorations and landmarks, the maintenance and preservation of historic remains and objects and the exhibition and display of such sites, buildings, restorations, landmarks, remains and other objects to the public, whether indoors or outdoors and whether or not an admission fee is charged, including uses and buildings incidental to or necessary for such operations and also including, as incidental to the foregoing uses, the retail sale of gifts, souvenirs and other appropriate goods and the sale of refreshments, meals and lodging and motel or hotel accommodations. Such special permit shall be issued upon a finding by the Village Board of Trustees that the proposed use is an actual and bona fide historic restoration.
- (8) Funeral homes, subject to a special permit by the Village Board of Trustees, in any building in existence on July 28, 1931, with a total floor area in excess of 3,000 square feet situated on a lot of not less than one acre, provided that:
- (a) There shall be adequate off-street parking space, and in no event less than set forth in § 230-51A.
- (b) There shall be no signs other than those permitted in § 230-44P(1)(e). [Amended 3-19-2001 by L.L. No. 3-2001]
- (c) Visiting hours shall be prohibited after 10:00 p.m.
- (d) The principal building shall be located 40 feet or more from any lot or street line.
- (e) There shall be no indoor or outdoor loudspeaker system, floodlights or other outdoor lighting except as approved by the Village Board of Trustees.
- (9) (Reserved)³
- (10) Accessory Uses, limited to the following:
- (a) [Amended 1-21-1985 by L.L. No. 1-1985] Customary home occupations (which term shall exclude day-care centers and bed-and-breakfast establishments), provided that:
- [1] There shall be no signs other than those permitted in § 230-44P(1)(e). [Amended 3-19-2001 by L.L. No. 3-2001]
- [2] Such occupation is incidental to the residential use of the premises and is carried on by a resident thereon with no nonresident assistants; provided, however, that when the person conducting such home occupation has been legally declared blind or shall otherwise be physically handicapped to the point of being incapable of performing more than 20% of his usual regular work, he may, upon receiving a special permit from the Village Board of Trustees, engage the services of one assistant.
- [3] Such occupation is carried on in an area not exceeding 30% of the total floor area of the main building.
- (b) Professional office or studio of an architect, artist, dentist, engineer, lawyer, musician, teacher, physician, public accountant, chiropractor, city planner, insurance broker, optometrist, osteopath, real estate broker or ladies' hairdresser, but not including veterinarians, provided that:
- [1] Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant.
- [2] Such office or studio shall occupy not more than one floor of the main building.
- [3] Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
- (c) Garden house, toolhouse, playhouse, boathouse, greenhouse or swimming pool incidental to the residential use of the premises and not operated for gain, provided that swimming pools with an area of 150 square feet or more and a depth in excess of three feet shall be subject to the following requirements:

³ Editor's Note: Former Subsection A(9) was repealed 1-23-1995 by L.L. No. 3-1995.

- [1] The edge of the pool shall be kept a distance of not less than 10 feet from all property lines.
- [2] If located within 30 feet of any property line, such pool shall be screened from the view of abutting properties.
- (d) Private garage, provided that only one space may be leased to a person not resident on the premises.
- (e) Keeping not more than one boarder or roomer.
- (f) Keeping domestic animals, except pigs, for individual domestic purposes or as pets, provided that not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals, except dogs or cats, or fowl shall be penned or housed within 50 feet of any lot line.EN
- (g) [Added 1-21-1985 by L.L. No. 1-1985] Day-care centers on a lot having a minimum area of 25,000 square feet, subject to the issuance of a special permit by the Board of Trustees and to the following conditions and limitations:
 - [1] There shall be no more than one day-care center per lot.
 - [2] The limits of any outdoor play or recreation area shall not extend closer than 20 feet to any residential property line.
 - [3] No recreational structure or equipment shall exceed 10 feet in height.
 - [4] The habitable floor area of the residence building used for day care shall not exceed 33.3% of the total habitable floor area of the building in which it is contained.
 - [5] The maximum number of children using the day-care center at any time shall not exceed 15.
 - [6] The hours of operation shall be limited to no earlier than 7:00 a.m. and to no later than 7:00 p.m.
 - [7] The operator of the day-care center shall be the owner and a full-time resident of the building, and there shall be no more than two nonresident employees.
 - [8] The day-care center shall comply with all applicable conditions and limitations of the New York State Department of Social Services relating to the operation and licensing of day-care centers and shall have all required licenses and certificates.
 - [9] The single-family character of the residence structure shall not be altered to accommodate the proposed use or the requirements of any other agency, code or regulation, and the applicant for a special permit shall submit to the Board of Trustees floor plans and elevations establishing compliance with this Subsection A(10)(g).
 - [10] Fourteen copies of an application for a special permit shall be submitted to the Board of Trustees, accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees.⁴ The special permit may be issued only after public hearing and upon determination that the proposed use is in compliance with the conditions set in this Subsection A(10)(g). The initial permit shall be valid for a period not to exceed two years, and a permit may be revoked at any time by the Board of Trustees upon noncompliance with the conditions set forth in this Subsection A(10)(g) or in the permit itself. The permit shall not be effective until the day-care center has been licensed by the New York State Department of Social Services. A renewal permit may be issued without fee for a period not to exceed five years. [Amended 5-7-1990 by L.L. No. 2-1990]
 - [11] Any new owner of the building in which a day-care center is operated must apply to the Board of Trustees for a special permit to continue a day-care center use.
- (h) [Added 1-21-1985 by L.L. No. 1-1985] Bed-and-breakfast establishments, subject to the issuance of a special permit by the Board of Trustees and to the following conditions and limitations:
 - [1] An application for special permit shall be accompanied by a fee in an amount set from time to time by resolution of the or Board of Trustees, as relevant, .⁵ The special permit may be issued only after public hearing and upon determination that the proposed use is

⁴ Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

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- in compliance with the conditions and limitations set forth in this Subsection A(10)(h). A permit shall be valid for a period not to exceed two years and may be revoked at any time by the or Board of Trustees, as relevant, upon noncompliance with the conditions set forth in this Subsection A(10)(h) or the permit itself. A renewal permit may be issued without fee for a period not to exceed two years. [Amended 5-7-1990 by L.L. No. 2-1990]
- [2] The applicant for a special permit shall submit to the or Board of Trustees, as relevant, 10 copies of the application and such plans of the structure and layout of the residence as the or Board of Trustees, as relevant, deems necessary to assure that the bed-and-breakfast usage complies with this Subsection A(10)(h). [Amended 5-7-1990 by L.L. No. 2-1990]
 - [3] The applicant shall obtain and submit to the or Board of Trustees, as relevant, statements on the adequacy of the premises for purposes of safety, fire protection and structural soundness from the Village Fire Department and the Village Engineer. Such statements shall include recommendations, if any, for improvements or changes deemed advisable, which will be considered by the or Board of Trustees, as relevant, in determining the merits of the application.
 - [4] The applicant shall be the owner of the premises and a full-time resident of the premises.
 - [5] Additions to the residence which increase the building perimeter and/or height or in any other way alter the external appearance of the residence shall not be permitted, and no special permit shall be granted for any residence for which a variance has been granted during the five-year period preceding the submission of the application for a special permit.
 - [6] The bedrooms and bathroom of the dwelling used for paying-guest accommodations shall not exceed 33.3% of the existing habitable floor area of the dwelling, and no more than two rooms shall be used as bedrooms for paying guests.
 - [7] No more than six guests per night shall be permitted in any bed-and-breakfast establishment, and the or Board of Trustees, as relevant, may fix a lower maximum in the permit. No paying guest shall stay on any one visit for more than 15 days.
 - [8] The residence in which a bed-and-breakfast establishment is operated shall have a minimum of three off-street parking spaces, and no permit shall be issued if a variance for off-street parking has been granted within five years of the date of the application for special permit.
 - [9] The residence in which a bed-and-breakfast establishment is operated shall not contain an accessory apartment.
 - [10] The only meals to be furnished shall be one daily morning meal per paying guest.
 - [11] [Amended 8-5-1996 by L.L. No. 2-1996; 3-19-2001 by L.L. No. 3-2001] One sign designating a bed-and-breakfast establishment shall be permitted, subject to the following conditions:
 - [a] There shall be no signs other than those permitted in § 230-44P(1)(e).
 - [12] Any new owner of the residence in which a bed-and-breakfast establishment is operated must apply to the or Board of Trustees, as relevant, for a special permit to continue a bed-and-breakfast use.
 - [13] No two bed-and-breakfast establishments shall be permitted within 1,000 feet of each other. [Added 8-5-1996 by L.L. No. 2-1996]
 - [14] The impact of a bed-and-breakfast establishment on the surrounding neighbors shall be considered as a condition of the issuance of a special permit.⁶ [Added 8-5-1996 by L.L. No. 2-1996]

⁶ Editor's Note: Former Subsection A(10)(i), Signs, which followed this section, was repealed 3-19-2001 by L.L. No. 3-2001. See now § 230-44P. In addition, original § 3.1.1.10(j), Dish Antennas, which followed the signs subsection, has been moved to Art. VII, §230-48 **note to Trustees: §230-48 has been deleted.**

- B. Prior to the issuance of a building permit or change of use or access permit, the site development plan for any use permitted in this district shall be subject to approval by the Planning Board or Board of Trustees, as relevant, in accordance with the provisions of Article XI hereof.

§ 230-10. One -Family Residence RA-25 District.

In a One-Family Residence RA-25 District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- A. Any use permitted in One-Family Residence RA-40 Districts and subject to all the regulations therefore.

§ 230-11. One -Family Residence RA-9 District.

In a One-Family Residence RA-9 District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- A. Any use permitted in One-Family Residence RA-40 Districts and subject to all the regulations therefore.

§ 230-12. One -Family Residence RA-5 District.

In a One-Family Residence RA-5 District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- A. Any use permitted in One-Family Residence RA-40 Districts and subject to all the regulations therefore.

§ 230-13. Two-Family Residence RB District.

In a Two-Family Residence RB District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- A. Any use permitted in One-Family Residence RA-40 Districts and subject to all the regulations therefore.
B. Two-family dwellings.
C. Boarding- or rooming house in which not more than three persons, in addition to the family residing therein, are housed or lodged for compensation with or without meals.

§ 230-14. Multiple Residence RC District.

A. In a Multiple Residence RC District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- (1) [Amended 5-7-1990 by L.L. No. 2-1990] Any uses permitted in One-Family Residence RA-9 Districts and in Two-Family Residence RB Districts, and subject to all the regulations therefore, except that:
(a) Not more than one professional office or studio, other than accessory to a use otherwise permitted, shall be permitted for each 20 dwelling units or major fraction thereof on the lot. Such office or studio shall be only on the street floor of any building or on the floor immediately above the street floor only if there is direct access to such office or studio from outside the building.
(2) A dwelling for three or more families, provided that the entire lot occupied by such dwelling shall be maintained in single ownership throughout the life of the building.

- B. Approval of site development plans. Prior to the issuance of a building permit or change of use or access permit, all site development plans for residences shall be subject to approval by the Planning Board in accordance with the provisions in Article XI hereof.

§230-15. Limited Office O-1 and O-2 [Amended 5-7-1990 by L.L. No. 2-1990]

§230-19. Waterfront Commercial WC District

- (3) Subject to the issuance of a special permit by the Board of Trustees, the following uses:
- (a) Restaurant
 - (b) Hotel, motel, or boatel
 - (c) Retail sales outlet for the supply to the ultimate consumer of goods and services immediately related to any uses listed in this section
 - (d) Marina
 - (e) Small boat repair facility
 - (f) Temporary fairgrounds
 - (g) Dock or pier for any of the uses listed in this section