Building Zone Ordinance of the Town of Huntington, Suffolk County, N.Y., as adopted by the Town Board on Thursday 31st day of July, 1930, said meeting being adjourned Friday, 1st day of August, 1930, at 12.30 A.M.

William B Trainer
Town Clerk
Huntington, N.Y.

As Reported Aug 5/30

FINAL REPORT

of the

ZONING COMMISSION OF THE TOWN OF HUNTINGTON

Dated, June 20, 1930

SCHUYLER M. MEYER,
Chairman

HENRY D. BIXBY
FRED H. KOSTER
JOHNSTON DEFOREST
L. B. GILDERSLEEVE
WILLIAM B. TRAINER,
Secretary

RICHARD SCHERMERHORN, JR.,
Consulting Engineer

MRS. ALMA J. JACOBSEN,
Corresponding Secretary

BUILDING ZONE ORDINANCE

for the

TOWN OF HUNTINGTON, SUFFOLK CO., N. Y.

Classifying, regulating and restricting the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; establishing the boundaries of districts for said purposes; so as to promote the health, safety, morals or general welfare of the Town of Huntington with reasonable consideration, among other things, to the most desirable use for which the land of each district may be adapted, the peculiar suitability for particular use of a district, the conservation of property values, and the direction of building development in accordance with a well-considered plan and also to establish penalties for violation of these regulations.

Whereas the requirements provided under Article 6 of the Town Law, in order that the Town of Huntington may avail itself of all the benefits conferred by said Law, having been complied with, Now, Therefore,

The Town Board of the Town of Huntington, in the County of Suffolk, State of New York, under authority of Chapter 715 of the Laws of 1926 of the State of New York, hereby ordains, enacts and publishes as follows:

ARTICLE I.

SECTION 1. This Ordinance shall be known and may be cited as "The Building Zone Ordinance of the Town of Huntington."

Article II.

Definitions.

Section 1. Unless otherwise expressly stated the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

(a) Words used in the singular number include the plural and vice versa, and the word "building" includes the word "structure," "lot" includes the word "plot," the word "shall" is always mandatory.

(b) Accessory Building: A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

(c) Single Family Dwelling: A building designed for and occupied exclusively as a home or residence for not more than one family.

(d) Two Family Dwelling: A building designed for and occupied exclusively as a home or residence for two families.

(e) Multiple Family Dwelling: A building, not a Single Family Dwelling nor a Two Family Dwelling, designed for and occupied exclusively for dwelling purposes.

(f) Lot Area: The area of a lot on which a building and its accessories are located; provided that the area shall be measured to the street line only.

(g) Building Area: The aggregate of the maximum horizontal cross-section area of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than eighteen (18) inches, steps, one-story open porches, bay windows not extending through more than one story and

not projecting more than five (5) feet, balconies and terraces.

(h) Front Yard: The required open space extending along the street line of any street on which the lot abuts.

(i) Side Yard: The required open space extending along the side lot line from the front yard to the rear yard.

(j) Rear Yard: The required open space extending along the rear lot line (not a street line) throughout the whole width of the lot.

(k) Private Garage: A building used for the storage of automobiles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot.

(l) Minor Garage: A building, not a Private Garage, one story in height, used for the storage of automobiles (not trucks) and not used for making repairs thereto.

(m) Public Garage: A building, other than a Private or a Minor Garage, one or more stories in height, used for storage or repair of automobiles.

(n) Height: The height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof; provided that chimneys, elevator penthouses, tanks and similar projections shall not be included in the height.

(o) The "Ground or First Story" is the lowest story entirely above the level of the ground in front of the building.

(p) A "Two and One-Half Story Building" is one where the main eaves are below the mid height of the third story.

(q) "The Depth of a Lot" is the mean distance from a street line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot. The "width of a lot" is the mean width measured at right angles to its depth.

(r) A "Family" is any number of persons living and cooking together on the premises as a single housekeeping unit.

(s) "Building Inspector" shall mean the Building Inspector of the Town of Huntington, or any person appointed to act as such for the purposes of this Ordinance by the Town Board.

(t) "An Acre" as applicable to this Ordinance shall refer to the land exclusive of the street areas.

Article III.

Districts.

Section 1. For the purposes of this Ordinance the Town of Huntington outside of incorporated villages and cities, is hereby divided into classes of districts, which shall be designated as follows:

Residence Districts
Business Districts
Industrial Districts

Section 2. The boundaries of said districts shall be shown upon the map, attached to and made a part of this Ordinance, which shall be designated as the "Building Zone Map of the Town of Huntington, Suffolk County, N. Y." The said map and all notations, references and other

things shown thereon shall be as much a part of this Ordinance as if the matters and things shown by said map were all fully described herein.

Section 3. The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights of way, or such lines extended or lines parallel thereto. Where figures are shown on the zoning map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the map measured from a given line. Where the street layout actually on the ground varies from the street layout as shown on the Building Zone Map, the designation shown on the mapped streets shall apply in such a way as to carry out the intent and the purposes of this ordinance for the particular area in question.

Section 4. Where a district boundary line divides a lot in a single ownership at the time of the passage of this Ordinance, the Board of Appeals, as hereinafter provided, may permit the less restricted use to extend to the whole or any part of such lot.

Section 5. Business districts extend 100 feet back from the street or streets on which they front. Where rear lot line is more than 100 feet distant from the street line, they may extend back such additional distance over 100 feet, but not over 150 feet from the street line.

Industrial districts extend 200 feet back from the street or streets on which they front or from lines of a railroad right of way, but not beyond the

limits of a business district or district of other classification fronting on an adjacent parallel street. Where an industrial district is shown on the Zoning Map and the property lines of an existing industry extend beyond this 200 foot limit or beyond limits indicated on the Zoning Map, it is understood that the full area within these exisiting property lines may be considered as an industrial district, providing this is approved by the Board of Appeals.

Article IV.

Residence Districts.

Section 1. In a Residence District the following regulations shall apply:

Section 2. A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

(a) Single family or two family detached dwelling; multiple family dwelling when permitted as a special exception by the Board of Appeals, as hereinafter provided.

(b) Club, fraternity house or lodge, except where the principal activity is one customarily carried on as a business.

(c) Hotels, lodging and boarding houses when permitted as a special exception by the Board of Appeals as hereinafter provided.

(d) Educational, religious or philanthropic use, excluding correctional institutions and including hospital, sanitarium and dormitory of an educational institution.

(e) Farm, greenhouse, municipal recreational use, railway passenger station, telephone exchange, air port or golf course.

(f) Accessory use on the same lot with and customarily incidental to any of the above permitted uses, including a private garage. This shall be understood to include the professional office or studio of a doctor, dentist, masseur, teacher, artist, architect, engineer, real estate broker, musician, lawyer, magistrate or practitioner of a similar character, or rooms used for home occupations, including dressmaking, millinery, laundry or similar handicrafts; provided the office, studio or occupational room is located in a dwelling in which the practitioner resides, or in a building accessory thereto, and provided further no advertisement is shown other than a sign not larger than twelve (12) inches by eighteen (18) inches bearing only the name and occupation (words only) of the practitioner.

(g) Minor garages when authorized as a special exception by the Board of Appeals, as hereinafter provided, but before the Board of Appeals can act the petitioner must file with the Board of Appeals the consents duly acknowledged of the owners of eighty per cent (80%) or more of the frontage deemed by the Board of Appeals to be immediately affected by the proposed garage.

(h) One real estate sign, not larger than three feet by four feet, on one lot, advertising the sale or letting of only the premises on which it is maintained; except where acreage, available for or in process of subdivision, is advertised for sale or letting, one real estate sign not larger than six feet high and twelve feet long will be permitted on each five hundred to one thousand feet of frontage or one real estate sign three feet high by four feet long on each five hundred or less feet of street frontage, provided said signs are set back not less than thirty (30) feet from the

street line; said three feet of height shall be construed to mean the height of the sign itself and not the height from the ground or curb line.

(i) Where a lot abuts on a parkway, the lot may be considered to have a front and front yard on the street and also on the parkway and where the building accords with this section a private accessory garage may be incorporated in the building or attached thereto regardless of distances from streets.

Height.

SECTION 3. In case of a single family or a two family dwelling no building shall be greater than two and one-half (2½) stories in height.

SECTION 4. In case of a building other than a single family or a two family dwelling no building shall be greater than four (4) stories or sixty (60) feet in height.

SECTION 5. No tower, steeple, fence or pole shall be erected to a greater height than sixty (60) feet.

Building Area.

SECTION 6. The building area shall not exceed fifty per cent (50%) of the lot area.

Front Yard.

SECTION 7. No building shall be nearer to the street line of any street on which it faces than the average alignment of the existing buildings within 200 feet on each side of the lot and within the same block, or if there are no existing buildings on the same side of the street, the average alignment of existing buildings within 200 feet on each side directly opposite the lot shall govern,

but no front yard shall be required to have a greater depth than thirty (30) feet.

SECTION 8. Where the front yard is not controlled by Article VI, Section 7, there shall be a front yard, the depth of which shall be at least twenty (20) feet.

SECTION 9. In case of a corner lot, a front yard as provided in Article VI, Section 8 shall be required on each street on which the lot abuts. Provided that, if at the time this Ordinance becomes effective any corner lot is held in single and separate ownership with a width of less than sixty-five (65) feet, the depth of the front yard on the long side of the lot may be decreased when authorized as a special exception by the Board of Appeals as hereinafter provided.

Side Yards.

SECTION 10. In case of a single family or a two family dwelling, there shall be two side yards, one on each side of the main building, the aggregate widths of which shall be at least thirteen (13) feet. Neither side yard shall be less than five (5) feet wide. Provided that in the case of a lot held in single and separate ownership at the effective date of this Ordinance, of a width of less than forty (40) feet, a single family dwelling may be built thereon with side yards of less width, when authorized as a special exception by the Board of Appeals in accordance with the later provisions of this Ordinance: and provided further that in case of a single family dwelling constructed with its greater dimension parallel with the front street, a one-story porch, either enclosed or unenclosed, may project into one of the side yards, provided the width of such yard is not thereby reduced to less than the required minimum of five (5) feet.

SECTION 11. In case of a building other than a single family or a two family dwelling or a building accessory thereto, there shall be two side yards. If such building is not over forty (40) feet high, the width of each of the side yards shall be ten (10) feet; and if such building is over forty (40) feet high, this width shall be increased three (3) feet for each twelve (12) feet or portion thereof, by which the building exceeds forty (40) feet in height.

Rear Yard.

SECTION 12. There shall be a rear yard, the depth of which shall be at least fifteen (15) feet. In case of a building over forty (40) feet high, the depth shall be increased five (5) feet for each twelve (12) feet or portion thereof by which the building exceeds forty (40) feet in height.

Accessory Buildings.

SECTION 13. Accessory buildings may occupy forty per cent (40%) of the required area of the rear yard up to an average height of fourteen (14) feet. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of the lot area which may be built upon. No part of an accessory building shall be nearer the rear lot line or the side lot line than two (2) feet, nor nearer the street than thirty (30) feet. Such building shall not be higher than eighteen (18) feet. Accessory garages may have a party wall.

Density of Population.

SECTION 14. No one or two family dwelling shall hereafter be erected or altered to accommodate or make provision for more than eighteen

(18) families on any acre of land or more than a proportional number of families on a fractional part of any acre of land.

ARTICLE V.

Business Districts.

SECTION 1. In a Business District the following regulations shall apply:

SECTION 2. A building may be erected, altered or used, and a lot or premises may be used for any of the following purposes and for no other:

(a) Single family or two family detached dwelling, multiple family dwelling.

(b) Club, fraternity house or lodge.

(c) Hotels, lodging and boarding houses.

(d) Educational, religious or philanthropic use, excluding correctional institutional, and including hospital, sanitarium and dormitory of an educational institution.

(e) Farm, greenhouse, municipal recreational use, railway passenger station.

(f) Office, bank, financial institution, telephone, telegraph, gas or electric business.

(g) Store.

(h) Place of amusement.

(i) Restaurant, bakery, pastry, candy, confectionery or ice cream shop or factory.

(j) Carpenter, cabinet making, furniture or upholstery shop, electrical shop, metal working, blacksmith, tinsmith, plumbing, gas, steam or hot water fitting shop, paint store and paper hanger.

(k) Laundry, dry cleaning or dyeing, tailoring, dressmaking, shoemaking and repairing.

(l) Jewelry, watches, clocks or optical goods and musical, professional or scientific instruments manufacture.

(m) Newspaper or job printing, bookbinding.

(n) Undertaking and embalming.

(o) Minor garage.

(p) Public Garage.

(q) Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

(r) Any use of the same general character as any of the uses hereinbefore specifically permitted, when authorized as a special exception by the Board of Appeals as hereinafter provided.

SECTION 3. No building may be erected, altered or used, and no lot or premises may be used, for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration or noise. No internal combustion engine shall be used unless objectionable noise and vibration be eliminated and it is equipped and supplied with an effective muffler or silencer.

Height.

SECTION 4. No building shall exceed six (6) stories in height.

Building Area.

SECTION 5. In the case of any building erected, altered or used in whole or in part as a dwelling, the building area shall not exceed seventy per cent (70%) of the lot area.

Rear Yard.

SECTION 6. If a building on a lot is used in whole or in part as a dwelling, there shall be a rear yard, the depth of which shall be at least fifteen (15) feet. In case of such a building over forty (40) feet high, the depth shall be increased five (5) feet for each twelve (12) feet or portion thereof by which the building exceeds forty (40) feet in height.

Density of Population.

SECTION 7. No dwelling shall hereafter be erected or altered to accommodate or make provision for more than seventy (70) families on any acre of land or more than a proportional number of families on a fractional part of any acre of land.

ARTICLE VI.

Industrial Districts.

SECTION 1. In an Industrial District the following regulations shall apply:

SECTION 2. A building may be erected, altered or used and a lot or premises may be used for any lawful purpose, except the following:

Abbattoirs
Acetylene manufacture
Acid manufacture
Ammonia, bleaching powder or chlorine manufacture
Arsenal
Asphalt manufacture or refining
Candle manufacture
Celluloid manufacture
Coke ovens

Creasote treatment or manufacture
Disinfectants manufacture
Distillation of bones, coal or wood
Dyestuff manufacture
Exterminator and insect poison manufacture
Emery cloth and sandpaper manufacture
Fat rendering
Fertilizer manufacture
Fireworks or explosive manufacture or storage
Glue, size or gelatine manufacture
Lampblack manufacture
Match manufacture
Oil cloth or linoleum manufacture
Oiled or rubber goods manufacture
Ore reduction
Paint, oil, shellac, turpentine or varnish manufacture
Petroleum refining
Plating works
Potash works
Printing ink manufacture
Pyroxlin manufacture
Rubber, caoutchouc or gutta percha manufacture or treatment
Salt works
Shoeblacking manufacture
Smelters
Soap manufacture
Soda and compound manufacture
Stock yards
Stove polish manufacture
Sulphuric, nitric or hydrochloric acid manufacture
Tallow, grease or lard manufacture or refining
Tanning, curing or storage of leather, rawhides or skins
Tar distillation or manufacture

Tar roofing and waterproofing manufacture
Woolpulling or scouring
Yeast plant.

Any use which may be noxious or offensive by reason of the emission of odor, dust, fumes, smoke, gas, vibration or noise.

Rear Yard.

SECTION 3. If a building on a lot is used in whole or in part as a dwelling, there shall be a rear yard, the depth of which shall be at least fifteen (15) feet. In case of such a building over forty (40) feet high, the depth shall be increased five (5) feet for each twelve (12) feet or portion thereof by which the building exceeds forty (40) feet in height.

Density of Population.

SECTION 4. No dwelling shall hereafter be erected or altered to accommodate or make provision for more than seventy (70) families on any acre of land or more than a proportional number of families on a fractional part of any acre of land.

ARTICLE VII.

Applications and Permits.

SECTION 1. It shall be the duty of the building inspector and he is hereby given the power and authority to enforce the provisions of this ordinance.

SECTION 2. The building inspector shall require that the application for a building permit and the accompanying plot plan shall contain all the information necessary to enable him to ascertain

whether the proposed building complies with the provisions of this Ordinance.

SECTION 3. No building permit shall be issued until the building inspector has certified that the proposed building or alteration complies with all the provisions of this Ordinance.

SECTION 4. It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor.

ARTICLE VIII.

Board of Appeals.

SECTION 1. The Town Board shall appoint a Board of Appeals consisting of five members, as provided by the Town Law.

SECTION 2. The Board of Appeals may in a specific case after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the regulations herein established in harmony with their general purpose and intent as follows:

(a) Grant a permit wherever it is provided in this Ordinance that the approval of the Board of Appeals is required.

(b) Grant in undeveloped sections of the town temporary and conditional permits for not more than two (2) years for structures and uses in contravention of the requirements of this Ordinance.

(c) Exempt a proposed building, either in whole or in part, from the front-yard requirements. This relief shall, however, be granted only in cases where the proposed building adjoins on either or both sides of existing building that do

not conform to the minimum setback line or where compliance with the minimum setback line would cause unnecessary hardship without any compensating benefit to the community.

(d) Grant a permit for any public utility in any district.

SECTION 3. The Board of Appeals shall make rules as to the manner of filing appeals or application for special exceptions or variance from the terms of this Ordinance.

SECTION 4. Upon the filing with the Board of Appeals of an appeal or of an application for special exception or variance from the terms of this Ordinance, the Board of Appeals shall fix a time and place for a public hearing thereon and shall give notice thereof as follows:

(a) By publishing a notice thereof once a week for two (2) weeks in a newspaper of general circulation published in the town.

(b) By mailing a notice thereof to the town clerk and to the supervisor representing the election district or ward in which the lot or building is located.

(c) By mailing a notice thereof to every association of residents of the town that shall have registered its name and address for this purpose with the Board of Appeals.

SECTION 5. The notices required by Article VIII, Section 4 shall state the location of the building or lot and the general nature of the question involved.

Article IX.

Amendments.

Section 1. The Town Board may from time to time amend, supplement, change, modify or repeal this Ordinance, including the Building Zone Map, by proceeding in the following manner:

Section 2. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:

(a) By publishing a notice thereof once a week for three (3) successive weeks in a newspaper of general circulation published in the town.

(b) By mailing a notice thereof to every association of residents of the town that shall have registered its name and address with the Board of Appeals.

(c) The notices shall state the general nature of the proposed amendment.

Section 3. Whenever the owners of fifty per centum (50%) or more of the frontage in any district or part thereof shall present to the Town Board a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for or of the Building Zone Map including such district or part thereof, it shall be the duty of the Town Board to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Article IX, Section 2.

Section 4. At a public hearing full opportunity to be heard shall be given to any citizen and all parties in interest.

Article X.

General Provisions.

Section 1. No building shall exceed eighty-five (85) feet in height.

Section 2. No lot area shall be so reduced that the dimensions of any of the open spaces shall be smaller than herein prescribed.

Section 3. In any district no public garage for more than three (3) motor vehicles and no gasoline vending station shall be erected or altered and used within two hundred (200) feet of the lot line of any premises used for a school, public library, church, hospital or orphanage.

Section 4. On any corner lot, no wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained, which may cause danger to traffic on a street by obscuring the view.

Section 5. *Non-Conforming Uses.* The lawful use of a building or premises existing at the time of passage of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance, and such use may be extended throughout the building or premises lawfully acquired previous to the said date. A non-conforming use may be changed to a use of the same or higher classification according to the provisions of this Ordinance. Whenever a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a higher classifica-

tion or to a conforming use, such use shall not thereafter be changed to a use of a lower classification. No building which has been damaged by fire or other cause shall be repaired, altered or rebuilt for any other non-conforming use, and such building when repaired, altered or rebuilt, shall not exceed the original building in height or lot area covered.

SECTION 6. *Validity.* Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole or any other part thereof.

SECTION 7. *Interpretation, purpose and conflict.* In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the health, safety, morals or the general welfare of the public. It is not intended by this Ordinance to interfere with or abrogate or annul any town building code or any rules and regulations adopted or issued thereunder, or the rules and regulations of the Board of Health of the town of Huntington, and not in conflict with any of the provisions of this Ordinance; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of the building, or requires larger open spaces than are imposed or required by such ordinances, rules and regulations, the provisions of this Ordinance shall control.

SECTION 8. *Remedies.* In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building structure or land is used in violation of this Ordinance or of any regulations made pursuant thereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

SECTION 9. *Penalties.* For any and every violation of the provisions of this Ordinance the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding twenty-five dollars (25.00) for each and every offense, and whenever such persons shall have been notified by the inspector or by the service of a summons in a prosecution or in any other way that he is committing such violation of this Ordinance, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

SECTION 10. This Ordinance shall become effective on its adoption.

I, C. W. B. Drainer, Town Clerk,
of the Town of Huntington Herby
certify that this ordinance
is a true and correct copy
of the original as filed and
passed by the Town Board at a meeting held
on Thursday evening, July 31, 1930 & Friday morning Aug. 1, 1930.

C. W. B. Drain