

- 1972 -

CHAPTER 62

CODE OF THE TOWN OF HUNTINGTON  
(ZONING)

**CERTIFICATION**

**Town of Huntington**

**Office of the Town Clerk**

I, MARY ROSE McGEE, Town Clerk of the Town of Huntington, hereby certify that the copies of ordinances and local laws contained in this volume entitled Chapter 62 of the Code of the Town of Huntington (Zoning) are correct transcripts of the original enactments of the Town Board of the Town of Huntington as adopted by said Board on June 3, 1969 and as amended through December 31, 1972, all of which enactments are duly filed in the office of the Town Clerk of the Town of Huntington.

Given under my hand and the seal of the Town of Huntington at Huntington, Suffolk County, New York, this 30th day of May, 1973.

*Mary Rose McGee*  
MARY ROSE McGEE  
Town Clerk

**OFFICIALS  
OF THE  
TOWN OF HUNTINGTON**

<b>JEROME A. AMBRO</b>	<b>Supervisor</b>
<b>LEONARD L. HORN</b>	<b>Councilman</b>
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<b>MARY ROSE MCGEE</b>	<b>Town Clerk</b>

**(12/31/72)**

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**CHAPTER 62**

**ZONING**

**ARTICLE 1**

**Title and Purpose**

**SECTION 62-1.**

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and general welfare in the Town of Huntington. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water supply, sewage disposal, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.



## ARTICLE 2

### SECTION 62-2.1 DEFINITIONS

For the purposes of this Chapter certain terms and words are hereby defined. Words used in the present tense include the future, words in the singular include the plural, and words in the plural include the singular; the word "building" includes the word "structure," the word "shall" is mandatory; the word "lot" includes the word "plot." The word "Ordinance when used herein shall mean this Chapter of the Code of the Town of Huntington.

**Accessory Building:** A subordinate building, the use of which is clearly incidental to, or customarily found in connection with, the main building or principal use, and which is located on the same lot as such main building or principal use. An accessory building shall not exceed the size of the main building.

**Accessory Use:** A use which is clearly incidental to, or customarily found in connection with and subordinate to, the principal use of the premises, and which is conducted on the same lot.

**Apartment:** A part of a building containing cooking and housekeeping facilities, consisting of a room, or suite of rooms, intended, designed, or used as a residence by an individual or a single family.

**Apartment Hotel:** A building arranged for or containing apartments with or without housekeeping facilities, and which furnishes services ordinarily provided by hotels, such as maid, desk, and laundry service, and may include a dining room, with internal entrance, primarily for use of tenants of the building. An apartment hotel shall not include public banquet halls, ballrooms, or meeting rooms.

**Automotive Service Station:** An establishment in which the principal activity is the retail sale of gasoline, oil, grease, and

petroleum products, and the motor vehicle servicing related to such sales. An automotive service station use shall be deemed to include the retail sale and installation of tires, tubes, lamps and ignition parts, batteries, and other minor repairs. Servicing and repair activity shall not include motor, transmission, or rear or front end overhauls, nor body and fender repair or painting.

**Automotive Repair Shop:** An establishment in which the principal activity is the general servicing and repair of motor vehicles including regular maintenance; sales, installation, and replacement of parts and accessories; motor, transmission, chassis, rear and front end repair and overhaul; body and fender repair and painting.

**Basement:** A story partly below grade, and having not more than one-half of its height below grade.

**Boarding House:** A dwelling where lodging, or lodging and meals are provided for compensation for not more than 5 persons, with no individuals cooking facilities and no accommodations for transient guests.

**Building:** Any structure designed for the housing or enclosure of persons or property of any kind.

**Building Area:** The total of areas measured in a horizontal plane at the main grade level of the principal building and all accessory buildings.

**Building Inspector:** The Director of the Department of Building and Housing, his subordinates, and any other official designated to administer and enforce the provisions of this Chapter.

**Cellar:** A story having more than one-half its height below grade. A cellar is not included in computing the number of stories for the purpose of building height measurement.

**Club, Private:** Buildings and facilities owned and operated by a

membership corporation, association, or fraternal order, for the purpose of accommodating recreational, athletic, social, literary, or similar activities. A private club shall not be operated primarily for profit, nor regularly render services to the general public.

**Court:** An open space which may or may not have direct street access, and around three or more sides of which is arranged a single building or a group of related buildings.

**Dairy:** An agricultural activity in which cattle are kept or raised for the production of milk and milk products. All processing of milk or milk products such as pasteurizing or bottling shall be accessory to the keeping of dairy cattle, and shall be limited to products produced on the premises.

**Drive-in Restaurant:** Changed effective 10/9/72.

A retail food dispensing or eating establishment where food or drinks are served, mainly in disposable containers, or where patrons are permitted to park cars on the premises for the purpose of being served, or sold, food or drinks therein, or for the purpose of consuming food or drinks outside the building but on the premises, or where the patron may approach the building for the purpose of transacting the purchase of foodstuffs or drinks of any kind without leaving the vehicle or combination of the foregoing types whether or not there are eating counters or tables inside or outside the building.

**Dwelling, Single-family:** A building designed for use or occupied exclusively by one family.

**Dwelling, Two-family:** A building designed for or occupied exclusively by two families living independently of each other.

**Dwelling, Multiple-family:** A building or group of buildings designed for or occupied exclusively by three or more families living independently of each other.

**Dwelling Unit:** A room or group of rooms occupied or intended to be occupied as separate living quarters by a family.

**Family:** Any number of individuals, related by blood, marriage, or adoption, or not more than five (5) individuals who are not so related, living, sleeping, cooking and eating together as a single non-profit housekeeping unit.

**Farm:** The use of land or buildings either as a principal or accessory activity for the production of vegetive crops such as, but not limited to: grains, field crops, market garden crops, fruits, sod, and fiber plants, and in which the maintenance or keeping of poultry or farm animals is accessory and incidental to the use of the premises for agricultural or residential purposes. For the purposes of this Ordinance, a farm shall not include any plant or other facility for the processing of any product except as necessary to crate, package, or prepare the raw products grown on the premises for market. Farming shall not include the commercial raising of dogs, cats, furbearing animals, or dairy cattle. For the purposes of this Ordinance, the operation of greenhouses shall not be considered as farming.

**Floor Area, Gross:**

(a) Commercial, business and industrial buildings or buildings containing mixed uses: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including attic space providing headroom of less than seven feet, or cellar space used entirely for utility installations or for storage.

(b) Residential buildings: The gross horizontal area of the several floors of a dwelling, exclusive of garages, basements, cellars and open porches, measured from the exterior walls.

**Garage, Private:** An accessory building, or part of a building, designed or used for the storage of motor vehicles owned and used

by the occupants of a building to which it is accessory. In any Residence District, garage space for three motor vehicles may be provided for a single family or two family dwelling. Not more than 250 square feet of area in a detached garage building shall be provided for each motor vehicle accommodated.

**Garage, Public:** A building, or portion thereof, other than a private garage, designed or used for equipping, repairing, renting, parking or storing motor vehicles.

**Grade:** The elevation from which the height of a building or structure is measured.

(a) For buildings having a wall or walls facing one street only, the elevation of the curb, or crown of the roadway, at the center of the wall facing the street.

(b) For buildings having a wall or walls facing more than one street, the average elevation of the curb, or crown of the roadway, at the centers of all walls facing the streets.

(c) For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall located within one hundred (100) feet of a street line shall be considered as facing the street.

(d) In any case, where the proposed finished ground elevation between a wall of the building and any street bounding the lot differs by more than ten (10) feet from the natural grade, the height of the building shall be measured from such natural grade at the center of such wall.

**Height of Building:** Changed effective 1/19/70.

The vertical distance from grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**Urban Renewal:** In connection with an urban renewal plan for all or part of an urban renewal area which has been designated as such under the provisions of Article 15 of the General Municipal Law, the Town Board may approve a plan providing for the height of a building to be measured from a point 16 feet above grade wherever automobile parking is provided on grade level within that building.

**Home Occupation:** Changed effective 3/22/71.

Any occupation or activity which is clearly accessory and incidental to the use of the premises for dwelling purposes as the principal place of abode of the practitioner, and which is carried on wholly within a building by one or more members of the family residing on the premises, in connection with which there is no advertising other than an identification sign and no other display, or exterior storage of materials, or variation from the residential character of the building. Not more than two persons outside the family shall be employed, and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat, glare or electronic interference. When within the above requirements, a home occupation includes but is not limited to the following: (a) Artist's studio, but not including an art gallery; (b) Dressmaking; (c) Professional Office of a physician, dentist, lawyer, architect, engineer, accountant, or other similar occupation deemed similar by the Zoning Board by reason of education, training and experience; (d) Teaching, with musical instruction limited to one or two pupils at a time. A home occupation shall not be interpreted to include barber shops, beauty parlors except as provided in Article 11, or restaurants. A home occupation shall not use more than 50 percent of the main floor area of the principal building.

A home occupation shall not be interpreted to include animal clinics, professional offices of a veterinarian or the practice of veterinary medicine.

**Hotel:** A building in which lodging, or boarding and lodging, are provided for persons primarily transient and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised

by a person in charge at all hours. A hotel may include an accessory restaurant or coffee shop, or other facilities primarily for the service of tenants.

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

**Light Industry:** The manufacture, assembly, compounding, processing or packaging of goods or products from raw materials refined elsewhere, in which the goods produced are generally of high value in relation to bulk, and which do not generate offensive noise, vibration, glare, dust, smoke, gas or other effluent.

**Loading Space or Loading Berth:** A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

**Lot:** A parcel of land, which may include one or more platted lots, occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, the yard areas, and parking spaces required by this Ordinance, and having its principal frontage upon a public street, or other way which provides safe and adequate access.

**Lot Area:** The total horizontal area within the exterior lines of the lot to be used for a building and its accessories. Required lot area in any district shall not include any part of a street right-of-way.

**Lot, Corner:** A lot abutting upon two or more streets at their intersection.

**Lot Frontage:** The distance along which the front boundary of the lot and the street line are coincident. On a corner lot the principal frontage shall be the shorter of the street frontages, measured from the point of intersection of the lot lines abutting such streets, or the projection of such lot lines to a point of intersection in appropriate cases.

**Lot Depth:** The distance from the front street line to the rear lot line measured perpendicular to the front street line from its midpoint. Where the front street line is curvilinear, the lot depth shall be measured perpendicular to its chord from the midpoint of its arc. In the case of triangular lots where there is no rear lot line, such rear lot shall be established perpendicular to the line of measurement of lot depth, and shall not be less than ten feet in length.

**Lot, Interior:** A lot whose side line or lines do not abut upon any street.

**Lot, Through:** An interior lot having frontages on two streets.

**Lot Width:** The minimum width of the lot measured perpendicular to the depth of the lot at the minimum zoning setback line established for the district.

**Marina:** A boat basin or pier, or series of piers or floats, with facilities for berthing, launching and securing privately-owned recreational craft.

**Motel, Motor Court, Motor Hotel, Motor Lodge:** Same as hotel, except that the building or buildings are designed to provide only rental accommodations to serve transient persons traveling by automobile, and parking facilities adequate to serve all rentable units are provided on-site.

**Municipal Use:** A use or facility operated for the benefit of the public by the Town, or by a public district within the Town, which derives all or part of its revenues from local property assessment.

**Nonconforming Use:** Any building, structure, or use of land lawfully existing at the time of enactment of this Ordinance, or any amendment thereto, which does not conform to the zoning regulations of the district in which it is located by reason of the enactment of this Ordinance or subsequent amendment, or because of alteration in street alignment.

**Nursery:** An agricultural enterprise wherein trees, shrubs, or other ornamental plants are field-grown for profit. A greenhouse shall not be part of a nursery enterprise except where accessory and subordinate to the principal activity of growing stock out of doors, and used principally for the propagation of such stock. Any greenhouse wherein flowers are offered for sale at retail to the public shall be considered a commercial enterprise.

**Parking Space:** A surfaced area, enclosed in a building or unenclosed, having an area of not less than 350 square feet

including driveways, designed for the temporary storage of one automobile and connected with a street by an all-weather surfaced driveway which affords satisfactory ingress and egress.

**Planned Industrial Park:** Any land or plot in an industrial district, intended for development as a unified project to accommodate 3 or more principal buildings, in which sites together with buildings thereon are to be offered for sale or lease, and which requires the installation of a new street.

**Planning Board:** The Huntington Town Planning Board as established pursuant to Section 271 of the Town Law.

**Premises:** A lot, together with all buildings and structures thereon.

**Screening (Buffer Strip):** A strip of land running the length of a lot line or part thereof in which is planted shrubs or trees which will form a dense year-round growth designed to protect adjoining properties. Alternatively, screening may be a solid wall or barrier of wood, concrete, brick or other material, or a combination of fencing and planting. Screening shall not be less than six feet in height.

**Sign:** Any structure or part thereof, or any device or group of letters attached to, painted on, or represented on a building, fence, or other structure, upon which is displayed or included any letter, symbol, trademark, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device. A sign shall not include a similar structure or device painted upon awnings or located within a building, except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag or pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit, or of any charitable, educational, philanthropic, civic, or religious organization.

**Sign, Advertising:** Any sign which directs attention to a business, product, service, or attraction conducted, manufactured, sold or displayed elsewhere than upon the lot on which such sign is displayed.

**Sign, Identification:** A sign which identifies a business, industry, service, or attraction conducted upon the lot on which the sign is displayed, or which attracts attention to a commodity sold or displayed upon the lot or premises.

**Sign, Directional:** A sign which indicates the route or direction to an establishment.

**Sign, Directory:** A sign on which are listed the names of two or more persons or agencies in a place or location common to all.

**Sign, Directly Illuminated:** A sign which gives forth artificial light directly or through a transparent or translucent material from a source of light connected to the sign or part of the sign structure.

**Sign, Indirectly Illuminated:** A sign illuminated by a source of light which is detached from the sign structure and which is shielded so that: (1) illumination is directed upon the sign, and (2) - the source of light is not visible from an adjoining property or street.

**Sign, Facial:** A sign affixed to the wall of a building, the display surface of which does not extend more than 18 inches beyond such wall at any point of measurement.

**Sign Area:** That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building or part thereof, shall not be included in the sign area.

**Sign, Flashing:** Any illuminated sign on which the artificial or

reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign or revolving luminary device shall be considered a flashing sign..

**Sign, Illuminated:** Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it then the space between such floor and the ceiling next above it. A mezzanine shall be considered a story if it exceeds 25 percent of the area of the floor immediately below.

**Story, Half:** A space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate.

**Street:** A public or private thoroughfare which affords the principal means of access to abutting property.

**Street Line:** A dividing line between a lot, tract, or parcel of land and a contiguous street. For the purposes of this Ordinance, a street line and a right-of-way line are the same.

**Street, Major:** Any public thoroughfare existing or proposed which has been designated as a major street on a plan officially adopted by the Town or an agency thereof having jurisdiction over such matters. For the purposes of this Ordinance, any thoroughfare or part thereof which has been designated as a state or county road shall be considered as a major street.

**Structure:** Anything constructed or erected, which requires location on the ground, or attached to some thing having a location on the ground, including advertising signs. For the purposes of this Ordinance, a structure shall not include a fence not more than six (6) feet in height.

**Structural Alterations:** Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**Use:** The purpose for which land or a building thereon is designed, arranged, or intended for use or for which it is or may be occupied or maintained.

**Yard:** An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

**Yard, Front:** A yard across the full width of the lot extending from the front line of the building to the front street line of the lot.

**Yard, Rear:** A yard extending the full width of the lot between a principal building and the rear lot line.

**Yard, Side:** A yard between the main building and the adjacent side of the lot, and extending from the front yard to the rear yard thereof.

**Zoning Board:** The Zoning Board of Appeals of the Town of Huntington as established pursuant to Section 267 of the Town Law.

**ARTICLE 3**

**DISTRICTS, ZONING MAPS, SCOPE OF CONTROLS,  
GENERAL PROVISIONS**

**SECTION 62-3.1. DISTRICTS**

For the purposes of this Ordinance the Town of Huntington outside of incorporated villages is hereby divided into districts as follows:

R-80	Residence Districts
R-40	Residence Districts
R-20	Residence Districts
R-15	Residence Districts
R-10	Residence Districts
R-7	Residence Districts
R-5	Residence Districts
R-3M	Garden Apartment Special Districts
R-RM	Retirement Community Districts
C-1	Office-Residence Districts
C-2	Single Purpose Office Building Districts
C-3	Special Business Districts
C-4	Neighborhood Business Districts
C-5	Planned Shopping Center Districts
C-6	General Business Districts
C-7	Highway Business Districts
C-8	General Business A Districts
C-9	Harbor Use Districts
C-10	Planned Motel Districts
C-11	Automotive Service Station Districts
C-12	Professional Districts
I-1	Light Industry Districts
I-2	Light Industry Districts
I-3	Light Industry Districts
I-4	Light Industry Districts
I-5	General Industry Districts
I-6	Generating Station Districts
S-1	Historic Districts

### **SECTION 62-3.2. ZONING MAP**

The boundaries of the districts enumerated in Section 62-3.1 of this Ordinance are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington, Suffolk County, N.Y.", hereafter referred to as Zoning Map. The said map together with all notations, references and every other detail shown thereon shall be as much a part of this Ordinance as if the map and every other detail shown thereon were fully described herein. Section 62-10 contains symbols on the map for the aforesaid districts.

### **SECTION 62-3.3. INTERPRETATION OF DISTRICT BOUNDARIES**

(1) 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.

(2) Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that said line runs parallel to the street line at a distance in feet therefrom equivalent to the number so indicated.

(3) Where a district boundary is shown as following a Town or Village boundary, or a lot line or property line, or a projection of any such line, said boundary shall be such line or projection thereof.

(4) Where a district boundary is shown approximately parallel to a street line or railroad right-of-way, and where such line does not follow a lot line or property line or is not established by ordinance or dimension on the zoning map, the following shall apply:

(a) General Business Districts extend 150 feet back from the street or streets on which they front.

(b) Highway Business Districts extend 400 feet back from the street or streets on which they front.

(c) Industrial Districts extend 200 feet back from either the

street or streets on which they front, or from a railroad right-of-way, but not beyond the limits of any other district fronting on an adjacent parallel street.

(5) When the location of a district boundary line is not otherwise indicated, it shall be determined by the use of the map scale. Where the street layout on the ground varies from the layout shown on the zoning map, the map designation shall apply in such a way as to carry out the intent and purpose of this Ordinance for the particular area in question.

#### **SECTION 62-3.4. LAND UNDER WATER-FILLED LANDS**

Streams, lakes, ponds, harbors, salt marshes, and portions of Long Island Sound and its various bays and estuaries lying within the boundaries of the Town of Huntington, any of which are not indicated on the zoning map as being in a particular district, shall be considered as being in the most restricted Residential use district and such zoning classification shall continue regardless of any filling or draining of such lands, unless and until amended by action of the Town Board.

#### **SECTION 62-3.5. GENERAL PROVISIONS**

Except as hereinafter provided:

(1) No land may be used except for a purpose permitted in the district in which it is located.

(2) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or part thereof be used except for a use permitted in the district in which the building is located.

(3) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.

(4) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for

the district in which the building is located.

(5) No building shall be erected, and no existing building shall be enlarged or structurally altered except in conformity with the off-street parking and loading regulations of this Ordinance.

(6) The minimum yards, parking space, open spaces, and lot area per family as required by this Ordinance shall not be considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.

(7) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on one lot.

#### SECTION 62-3.6. MEASUREMENT OF LOT WIDTH

The minimum width of lot specified in this Ordinance for any district shall be measured perpendicular to the lot depth at the zoning setback line established for the district. In addition, the following rules shall apply:

(1) In connection with subdivision plot approval pursuant to Section 276 of the Town Law, the Planning Board may establish a building setback line other than the zoning setback line at which the required lot width for the district may be measured. Such line may be established by the Board where, by reason of irregular shape of property or unusual topographic conditions, the orderly development of the property or the neighborhood will be benefitted thereby. Such line shall be shown on the plat. The Planning Board shall not establish a building setback line closer to the street than the minimum zoning setback line for the district except where, by reason of unusual topographic conditions, excessive clearing and regrading or excessive removal of earth would otherwise be required.

(2) In cases other than plat approval pursuant to Section 276 of the Town Law, the establishment of a building setback line other than the zoning setback line shall lie with the Board of Appeals, in

accordance with Article 17, and the standards and conditions set forth in paragraph (1), Section 62-3.6 shall apply.

(3) The provisions of this Section shall not apply to lots shown on a map approved by the Planning Board prior to December 7, 1965 which has been duly filed with the Suffolk County Clerk, nor to buildings for which a valid permit had been issued prior to December 7, 1965.



## ARTICLE 4

### RESIDENCE DISTRICTS

#### SECTION 62-4.1. R-80 RESIDENCE DISTRICTS

**Use Regulations:** In the R-80 Residence District a building or premises shall be used only for the following:

- (1) Single family dwellings
- (2) Farm, nursery, truck garden, country estate
- (3) Churches, temples, parish houses, convents, monasteries
- (4) Public Schools

(5) Private elementary and secondary schools providing full time day instruction and having a course of study approved by the New York State Department of Education, colleges and universities, provided that the plot shall comprise at least eight acres and that the building and site development plans have been first submitted to and approved by the Planning Board as providing adequate parking, traffic control, set backs and recreation areas for the proposed use. The Planning Board may make any reasonable modifications in such plans to promote safety, health and general welfare of the community, preserve the general character of the neighborhood and conserve property values, and no building permit shall be issued until such plans have been approved.

(6) Library, museum, or art gallery, conducted to serve primarily the residents of the Town and operated by a municipal agency or by a non-profit agency organized or chartered locally for the purpose.

(7) Town park, playground, athletic field, beach, bathhouse, boat-house, marina, or other Town recreational use.

- (8) Municipal parking field

(9) Fire station.

(10) Municipal water supply reservoir, tank, standpipe, pumping station or filter bed, provided any tank or standpipe shall be set back from all lot lines a distance equal to the height of the structure.

#### SECTION 62-4.1A. ACCESSORY BUILDINGS

Accessory buildings and uses as follows:

(1) A temporary sales office or building accessory to a permitted real estate development or construction operation, provided such building shall be removed upon completion of the operation, or at the end of a period of two years from the date of issuance of the permit.

(2) Home occupations

(3) Retail sale of agricultural products grown on the premises or of animals raised thereon, provided that any stand for the display of products shall be subject to the issuance of a Special Use Permit by the Zoning Board of Appeals, and shall not be placed closer than 30 feet to any street or road.

(4) The keeping or raising of dogs, cats, or small animals and birds commonly considered to be household pets, but excluding cattle, poultry and mink. Such activity shall be clearly accessory and incidental to the principal residential use, and the breeding, keeping or raising of such animals or pets as a business activity shall not be permitted. No structure, fenced run or other enclosure for the shelter of such animals or pets shall be located within a required front yard nor within 25 feet of any side or rear lot line.

(5) The keeping or raising of saddle horses or other equine livestock provided that: such activity shall be accessory to the principal residential use of the property; the activity shall be conducted for the use of the resident; and no boarding, or rental of livestock shall be permitted. In addition the following limitations shall apply:

(a) Not more than three (3) such animals per acre shall be kept except where the Board of Appeals shall find, after hearing, that the lot area and stabling facilities are adequate to assure that no adverse effect will be exerted upon adjoining property as a result of noise, smell, vermin, or safety hazard.

(b) No barn, stable or roofed structure for the shelter of horses shall be located within 30 feet of any side or rear property line, nor within any front or side yard which lies between the principal residential structure and the street, except that such setback need not exceed 75 feet.

(c) No fenced run or other unroofed enclosure for the sheltering or restraint of horses shall be located within 10 feet of any side or rear property line, nor within any front yard which lies between the principal residential structure and the street. In the case of a corner lot where the side yard abuts a street, a fenced run or other unroofed enclosure may be located in accordance with the side yard requirements of the district but the setback shall not be less than 15 feet in any case.

(6) Any and all accessory buildings or enclosures, fences or runs for the restraint of saddle horses or equine livestock legally in existence at the enactment of this Ordinance may be continued and maintained for such use.

(7) Any use or building clearly accessory to a permitted use including, but not limited to, private garages, dwellings for servants or employees engaged in work upon the premises, barns, swimming pools, accessory off-street parking and loading areas.

(8) Identification signs as regulated in Article 14.

Off-Street Parking and Loading Regulations: See Articles 8 and 9.

Height, Area, and Bulk Regulations: See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:**  
See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**SECTION 62-4.2. R-40 RESIDENCE DISTRICT**

**Use Regulations:** In the R-40 Residence District a building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-80 Residence District.

(2) Any accessory use or structure permitted in the R-80 Residence District subject to the same limitations and restrictions enumerated in Section 62-4.1A.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:**  
See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**SECTION 62-4.3. R-20 RESIDENCE DISTRICT**

**Use Regulations:** In the R-20 Residence District a building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-80 Residence District.

(2) Any accessory use or structure permitted in the R-80 Residence District subject to the same limitations and restrictions enumerated in Section 62-4.1A.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9.

Height, Area, and Bulk Regulations: See Article 10.

Supplementary Use Regulations and Conditionally Permitted Uses:  
See Article 11.

Supplementary Height, Area, and Bulk Regulations: See Article 15.

**SECTION 62-4.4. R-15 RESIDENCE DISTRICTS**

Use Regulations: In the R-15 Residence District a building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-80 Residence District.

(2) Any accessory use or structure permitted in the R-80 Residence District subject to the same limitations and restrictions enumerated in Section 62-4.1A.

(3) Telephone exchange, provided that no public business office and no repair or storage facilities are maintained. Telephone exchange buildings shall conform to the yard requirements for the district, but shall not be located closer to any side or rear yard than the height of the building.

Off-Street Parking and Loading Regulations: See Articles 8 and 9.

Height, Area, and Bulk Regulations: See Article 10.

Supplementary Use Regulations and Conditionally Permitted Uses:  
See Article 11.

Supplementary Height, Area, and Bulk Regulations: See Article 15.

**SECTION 62-4.5. R-10 RESIDENCE DISTRICT**

Use Regulations: In the R-10 Residence District a building shall be used only for the following purposes:

(1) Any use permitted in the R-80 Residence District.

(2) Any use permitted in the R-15 Residence District.

(3) Any accessory use or structure permitted in the R-80 Residence District subject to the same limitations and restrictions enumerated in Section 62-4.1A.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

#### **SECTION 62-4.6. R-7 RESIDENCE DISTRICT**

**Use Regulations:** In the R-7 Residence District a building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-80 Residence District.

(2) Any use permitted in the R-15 Residence District.

(3) Any accessory use or structure permitted in the R-80 Residence District subject to the same limitations and restrictions enumerated in Section 62-4.1A.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**SECTION 62-4.7. R-5 RESIDENCE DISTRICT**

**Use Regulations:** In the R-5 Residence District a building or premises shall be used only for the following purposes:

- (1) Any use permitted in the R-80 Residence District.
- (2) Any use permitted in the R-15 Residence District.
- (3) Two-family dwellings.

(4) Any accessory use or structure permitted in the R-80 Residence District subject to the same limitations and restrictions enumerated in Section 62-4.1A.

**SECTION 62-4.7A. CONDITIONAL USES AS FOLLOWS:**

Subject to the issuance of a Special Use Permit by the Board of Appeals under the provisions of Article 11.

(a) Boarding houses.

(b) Conversion of single family dwellings to two-family dwellings as limited in Article 11.

**Off Street Parking and Loading Regulations:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**SECTION 62-4.8. R-3M GARDEN APARTMENT SPECIAL DISTRICT**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance and applicable to this District, are intended to provide

for an intermediate to low density of multiple residence use. The regulations are adaptable to the construction of garden-type apartments in older residential sections of the community where such development is appropriate.

**Use Regulations:** In the R-3M Apartment District, a building or premises shall be used only for the following purposes:

(1) Any use, permitted in the R-80, R-15 and R-5 Residence Districts.

(2) Multiple family dwellings which constitute an approved public housing project to be owned, maintained and operated by the Housing Authority of the Town of Huntington.

(3) Multiple family dwellings where such dwellings constitute an element in a formally approved land use or reuse plan for all or part of an urban renewal area which has been designated as such under the provisions of Article 15 of the General Municipal Law.

(4) Any accessory use or structure permitted in the R-80 Residence District subject to the same limitations and restrictions enumerated in Section 62-4.1A.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area and Bulk Regulations:** See Article 15. In addition, the following shall apply:

(1) Changed effective 1/19/70.

In connection with an urban renewal plan for all or part of an urban renewal area which has been designated as such under the provisions

of Article 15 of the General Municipal Law, the Town Board may approve a plan providing for residential density of not more than 40 dwelling units per acre and may approve a building height for such residential structures of not more than five stories or 45 feet.

**Site Development Plan:** Building and site development plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made. The Director of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit may be issued until the plan has been approved.

#### **SECTION 62-4.9. R-RM RETIREMENT COMMUNITY DISTRICT**

**Use Regulations:** In the R-RM Residence District a building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-80 Residence District.

(2) Multiple residences designed to provide living and dining accommodations, including social, health care, or other supportive services and facilities for aged persons, to be owned and operated by a nonprofit corporation organized for such purposes under the laws of the State of New York.

(3) Any accessory use or structure permitted in the R-80 Residence District subject to the same limitations and restrictions enumerated in Section 62-4.1A.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following shall apply:

(a) The minimum side and rear yard setback for one story buildings shall be 75 feet.

(b) Regardless of height, no building shall contain more than two habitable floors.

**Supplementary Use Regulations and Conditionally Permitted Uses:**  
See Article 11. In addition, the following shall apply:

(a) A lot shall have frontage on a major street, and circulation facilities shall be so designed that vehicular traffic generated by the use is not directed primarily over minor residential streets.

(b) A buffer strip not less than 25 feet in width consisting of massed trees and shrubbery shall be maintained along property lines adjacent to residentially zoned property.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**Site Development Plan:** Building and site development plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made. The Director of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit may be issued until the plans have been approved.

## ARTICLE 5

### COMMERCIAL DISTRICTS

#### SECTION 62-5.1. C-1 OFFICE-RESIDENCE DISTRICT

The regulations set forth in this Article, or set forth elsewhere in this Ordinance and applicable to the C-1 Office-Residence District, are intended to encourage office development of a high character compatibly mixed with residence uses, principally for areas in which a similar pattern of use has occurred, or for areas in which an office-residence pattern is appropriate between high intensity commercial districts and residential neighborhoods.

**Use Regulations:** In the C-1 Office-Residence District, a building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-80, R-15 and R-5 Residence Districts.

(2) Business and professional offices, medical offices, and office buildings provided that no building may be constructed or altered to provide a show window, display window or store front; there shall be no display of products in windows nor any storage of merchandise on the premises or in the building.

(3) Undertaking business or establishment or funeral home, provided that no off-street parking area shall be allowed in front of the building or within a yard which lies between the side of the building and the street if on a corner lot. All accessory vehicles shall be garaged when not in use.

(4) Studios for an artist, musician, photographer, sculptor, including the teaching of art, music or other artistic instruction.

(5) Accessory buildings and uses, including identification signs as regulated in Article 14.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:**  
See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**SECTION 62-5.2. C-2 SINGLE-PURPOSE OFFICE BUILDING DISTRICT**

**Use Regulations:** In the C-2 Single Purpose Office Building District a building or premises may be used only for the following purposes:

- (1) Single-purpose office buildings.
- (2) Institutions engaged in research and testing of electronic, electrical and mechanical devices, including ancillary laboratories and related activities, provided that:
  - (a) No noise or vibration from accessory machinery is discernible by human senses at any lot line.
  - (b) No odor, dust, or dirt is transmitted to the exterior of the building.
  - (c) Not more than one permitted institution or business similar in definition to Single Purpose Offices shall occupy a premises.
- (3) Bank or financial institution.
- (4) Accessory uses and buildings including employee cafeteria or auditorium, storage of records and materials incidental to the permitted use, off-street parking and loading, signs as regulated in Article 14. Incidental sale of products is permitted, but shall not include storage of merchandise or delivery to the customer on the premises. All storage shall be within a building.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9. In addition, off-street loading areas shall be located only at the side or rear of the lot, but no such area shall occupy a side yard which adjoins a Residence District boundary, and no loading area shall be located within 10 feet of such boundary.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**Site Development Plan:** Buildings and site development plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made. The Director of Planning shall review such plans and act thereupon as specified and limited in Article 18, and no building permit may be issued until the plan has been approved.

#### **SECTION 62-5.3. C-3 SPECIAL BUSINESS DISTRICT**

**Use Regulations:** In the C-3 Special Business District a building or premises may be used only for the following purposes:

- (1) Single family and two-family dwellings.
- (2) Photographic studio, confectionary shop, gift shop.
- (3) Custom dressmaking and tailoring, shoe repair, watchmaking and repairing.
- (4) Antique shops and decorators shops including upholstering, but not including furniture repair except where accessory and incidental to the sale of antiques.
- (5) Undertaking business or establishment, or funeral home.

(6) Deleted effective 5/29/72.

(7) Florist, including garden shop or greenhouse accessory thereto.

(8) Business and professional offices, office buildings, banks and post offices.

(9) A use of the same general character as those specifically permitted in this Section, when authorized as a special exception by the Board of Appeals under the provisions of Articles 11 and 17.

(10) Accessory uses and buildings including off-street parking and loading areas, but not including outdoor display of merchandise offered for sale other than nursery stock; identification signs as regulated in Article 14.

**Off-Street Parking and Loading Regulations:** See Article 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:**  
See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**SECTION 62-5.4. C-4 NEIGHBORHOOD BUSINESS DISTRICT** *added 6/28/64*

The Regulations set forth in this Section, or set forth elsewhere and referring to this Section, are intended to provide for convenience-type retail and service outlets designed principally for residential neighborhood service.

**Use Regulations:** In the C-4 Neighborhood Business District a building or premises shall be used only for the following purposes:

(1) Single family dwellings subject to height, area, yard, and bulk

limitations of the R-10 Residence District except that the minimum front yard depth shall be as specified for the Neighborhood Business District.

(2) Retail stores, but not including wholesale establishments nor uses such as automotive sales or service establishments, sales or service of trucks, tractors, trailers, farm machinery or contractors equipment, nor lumber yards, building material yards, plumbing supply or similar establishments.

(3) Personal service shops including barber and beauty shops, photographic studios, stationery and newspapers, confectionary, gift shop, decorator or upholstery shop.

(4) Custom dressmaking and tailoring, shoe repair, watchmaking and repairing.

(5) Undertaking establishment.

(6) Restaurants which provide only table service within the building, and not including drive-in restaurants, or similar establishments.

(7) Retail florist and garden shop accessory thereto.

(8) Business and professional offices, office buildings, banks, post offices, municipal uses.

(9) Accessory buildings and uses including identification signs as regulated in Article 14, and off-street parking and loading areas. Outdoor display of merchandise is specifically prohibited.

**Conditional Uses as Follows:**

Subject to the issuance of a Special Use Permit by the Board of Appeals pursuant the provisions of Section 62-11.1.

(a) Laundry or dry-cleaning pick-up stations, excluding on-premises cleaning or laundering.

(b) Self-service laundry or dry-cleaning establishment provided that all such activity shall be limited to the use of individual automatic machines operated by or for the customer.

(c) Drive-in food shop, provided that there shall be sufficient on-site area for no less than 10 (ten) motor vehicles in each service lane, and no driveway entrance shall be located within fifty (50) feet of a street intersection.

(d) Any other retail or personal service establishment, including a drive-in window accessory to and part of a regular banking institution, where the patron remains in his vehicle while being served.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9. In addition, the following shall apply:

(a) No parking area shall be located within a required front yard, except that the Zoning Board may waive this requirement upon determination that traffic circulation, public safety or neighborhood character will be substantially improved by such waiver.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following shall apply:

(a) There shall be a front yard of not less than fifty (50) feet, except where buildings on the same side of the street within the block, or within 100 feet of a proposed building, shall have setbacks of greater or less dimension. In such cases the front yard shall conform to established setbacks but shall not be less than twenty (20) feet, and need not be greater than sixty (60) feet.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**Site Development Plan:** Building and site development plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made. The Director of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit may be issued until the plans have been approved.

#### **SECTION 62-5.5. C-5 PLANNED SHOPPING CENTER DISTRICT**

The regulations set forth in this Section, or set forth elsewhere and referring to this Section, are established to provide for retail shopping facilities composed principally of groups of retail and service establishments of integrated design, intended to serve community-wide or regional needs as well as those of local neighborhoods.

**Use Regulations:** In the C-5 Planned Shopping Center District a building or premises shall be used only for the following purposes:

(1) Office building, bank, financial institution, public utility office, post office.

(2) Retail sale of food, packaged liquors, drugs, hardware, house furnishings, shoes, clothing, toys, stationery and periodicals, fabrics and decorators goods, furniture, jewelry, musical instruments, sheet music and records, paint and wallpaper, household appliances, optical and scientific goods and instruments, gifts.

(3) Bakery and candy making provided all goods are offered at retail from the premises.

(4) Restaurants, lunch rooms, taverns and bars, provided all food and beverage service is conducted inside a building.

(5) Personal service shops including, but not limited to barber, beautician and photographers studio.

(6) Tailor shops and dry cleaning shops, provided that no processing shall be allowed where such activity requires the use of

flammable or otherwise hazardous cleaning fluids, or results in the emission of noxious, toxic or explosive fumes or other effluent.

(7) Laundry pick-up station excluding bulk processing. Laundering shall be limited to the use of individual automatic machines operated by or for the customer.

(8) Theaters, provided the Zoning Board shall determine after study of the plans therefor, that on-site parking facilities are adequate to prevent undue congestion.

(9) Retail sale of automotive supplies, accessories, and minor replacement parts, excluding fuels. No vehicle servicing shall be allowed except for the installation of goods purchased on the premises, and such servicing shall be conducted entirely within a building. No body, fender, chassis, or paint work shall be allowed, nor shall any repairs to engines or power trains. In any use established pursuant to this paragraph, the floor area ratio of service area to sales and display area shall not exceed 4:1.

(10) Bus station, waiting room, or shelter operated for the convenience of shopping center patrons or employees of a permitted use.

(11) Any similar retail business use upon finding by the Board of Appeals that such use is compatible with uses specifically enumerated in this Section. Prior to any grant made pursuant to this paragraph, the Zoning Board shall make appropriate findings as specified in Section 62-11.1.

(12) Accessory uses including identification signs, as regulated in Article 14, off-street parking and loading areas. Accessory buildings are specifically prohibited.

**Off-Street Parking and Loading Regulations For Permitted Uses:**  
See Articles 9 and 10. In addition, loading areas and accessways thereto shall be designated on the site plan, and located in such a way that no truck using such area shall block the passage of other vehicles on a service drive or interfere with traffic flow on any

street or way used for general circulation.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following shall apply:

(a) No building shall exceed two stories or 36 feet in height, except that this height limit may be exceeded for not more than thirty percent of the building area but such excess height shall not be more than three stories or 55 feet in any case.

(b) Required off-street parking and loading space shall be provided for the expanded building area as specified in Articles 8 and 9.

(c) Except for buildings for which a permit was issued prior to December 5, 1967, no appurtenant structures such as stair towers, ventilating devices, cooling towers or air conditioning machinery, shall project above the parapet line on any building which exceeds 36 feet in height. In cases where projections above the roof line are permitted, the Planning Board may establish requirements for structural screening as may be needed to promote or preserve good building design.

(d) No building shall exceed 36 feet in any case unless the minimum front, side and rear yard setbacks are increased two feet for each foot of height in excess of 36 feet.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**Site Development Plan:**

(1) Building and site development plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made.

(2) The Director of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit may be issued until the plans have been approved. In addition, shopping center buildings shall be designed and constructed as a single, integrated project but may be built in stages in accordance with an approved construction schedule. If such project is not completed within three (3) years from the date of final approval, the Director of Planning may restudy conditions in the area and changes therein and amend the original approval of the site plan to meet changing conditions.

#### SECTION 62-5.6. GENERAL BUSINESS DISTRICT

A. Use Regulations: In the C-6 General Business District a building or premises shall be used only for the following purposes:

- (1) Churches, temples, or other religious or philanthropic uses.
- (2) Hospitals or sanitariums.
- (3) Fire and police stations, post offices, municipal uses.
- (4) Public utility buildings, sub-stations, business offices, or other structures including telephone exchanges and railway or bus passenger stations.
- (5) Municipal or non-profit cultural and recreational facilities including libraries, museums, art galleries, parks, playgrounds, community buildings.
- (6) Clubs, fraternity houses or lodges.
- (7) Professional and medical offices, business offices and office buildings, banks, financial institutions.
- (8) Personal service establishments including, but not limited to, barber and beauty shops, shoe repairs, self-service laundry and dry cleaning, tailor, dressmaker, photographer.

(9) Schools for instruction in art, music, dancing, and clerical or vocational training.

(10) Any retail sales establishment when conducted entirely within a building.

(11) Restaurant, bakery, candy, confectionery, or ice cream shop, but not a drive-in restaurant or food shops except where authorized as a special exception by the Zoning Board on findings pursuant to Section 62-11.1.

(12) Retail or wholesale florist shop, nursery sales, including accessory greenhouses.

(13) Radio or television broadcasting studio or office, but not including transmission towers.

(14) Establishments for the service and repair of household appliances and business machines.

(15) Newspaper establishment, job printing, bookbinding, blue-printing.

(16) Automobile parking lots.

(17) New automobile sales, and repair and service facilities accessory thereto, provided that no mechanical or body work shall be conducted outside a building.

(18) Undertaking establishment or funeral home.

(19) Carpentry; cabinet making, custom furniture or upholstery shop.

(20) Research and development activity, including the manufacture or assembly of prototype equipment related thereto, but not including general manufacture or assembly.

#### B. Additional Uses

The following uses, provided that there shall be no outside storage or display of products, inventory or other material.

(1) Boat sales and display.

(2) Offices and shops of building contractors including plumbing, heating, electrical, painting, roofing, and decorating contractors.

(3) Distribution centers for consumer products such as food, milk, or bakery goods but not including packaging, bottling or general warehousing.

(4) Sale, repair, rental, storage, and service of trucks, trailers, farm machinery, contractors equipment.

(5) Monument sales, including stone cutting, sand blasting, and related activity accessory thereto.

#### C. Conditional Uses

The following conditional uses, subject to the issuance of a Special Use Permit by the Zoning Board pursuant to Section 62-11.1.

(1) Outside storage or display of inventory, products, or other material, where accessory to a permitted use.

(2) Used car lots.

(3) Lumber yards or building material yards, including plumbing supplies, provided that any permitted outside storage area shall be screened by a solid fence or evergreen screen not less than 8 feet in height, and no outside display of goods shall be permitted in a front yard in any case.

(4) Auto laundry or car washing establishment, provided that all activity shall be conducted within an enclosed building, and not less

than ten (10) off-street parking spaces shall be provided for each service line or washing machine.

(5) Changed effective 3/22/71.

Animal Hospitals, clinics, professional offices of a veterinarian and the practice of veterinary medicine, but not including open kennels, fenced runs, or similar outside enclosures.

(6) Theaters, bowling alleys, skating rinks, and similar places of amusement.

(7) Commercial laundry, dyeing or dry cleaning plants.

(8) Metal working, blacksmithing or tinsmithing shops.

(9) Uses similar in character to those permitted unconditionally in the district.

(10) Accessory uses include off-street parking and loading areas, accessory storage, signs as regulated in Article 14; and accessory buildings not exceeding one story in height for the storage of vehicles used in connection with a permitted use or for the storage of materials, excluding explosives or inflammables.

#### D. Prohibited Uses

The following uses are specifically prohibited:

(1) New dwellings.

(2) Any general manufacturing or assembly activity or general warehousing.

**Parking Regulations:** In the C-6 General Business District, off-street parking shall be provided as set forth in Article 8 for any new building. In addition, the following will apply:

(a) When an existing building is expanded or altered so as to increase the gross floor area, additional off-street parking shall be provided as specified in Article 8, to the extent required by

the area of the expansion or alteration.

(b) When the use of a building is changed to a more intensive use, additional off-street parking shall be provided as specified in Article 8, to the extent required by the change in intensity of use.

**Off-Street Loading Regulations:** There are no off-street loading requirements for the C-6 General Business District.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following shall apply:

(a) Accessory buildings shall not exceed one story in height and shall not be located within 2 feet of any side or rear lot line, nor within 65 feet of any front lot line.

(b) No building or part thereof used as a dwelling shall be extended or structurally altered for such use except in conformance with the area and bulk requirements of the R-5 Residence District as set forth in Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

#### **SECTION 62-5.7. C-7 HIGHWAY BUSINESS DISTRICT**

The regulations set forth in this Section, or set forth elsewhere and referring to this Section, are intended to establish regulations for the control of predominantly open highway commercial areas where property depths are adequate to provide modern standards for intensity of use, parking, and traffic circulation.

**A. Use Regulations:** In the C-7 Highway Business District, a building or premises shall be used only for the following purposes:

(1) Uses as permitted, specified, and limited in Section 62-5.6 of the C-6 General Business District.

**B. Prohibited Uses:** The following uses are specifically prohibited:

(1) New dwellings.

(2) Any general manufacturing or assembly activity or general warehousing.

**Off-Street Parking and Loading Regulations for Permitted Uses:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

#### **SECTION 62-5.8. C-8 GENERAL BUSINESS A DISTRICT**

**Use Regulations:** In the C-8 General Business A District, a building or premises shall be used only for the following purposes:

(1) Uses as permitted, specified, and limited in Section 62-5.4 of the C-4 Neighborhood Business District.

**Off-Street Parking and Loading Regulations for Permitted Uses:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**SECTION 62-5.9. C-9 HARBOR USE DISTRICT**

**Use Regulations:** In the C-9 Harbor Use District a building or premises shall be used only for the following purposes:

- (1) Fire and police stations, post offices, municipal uses.
- (2) Municipal or non-profit cultural and recreational facilities including libraries, museums, art galleries, parks, playgrounds; municipal docks, marinas, or launching ramps; community buildings.
- (3) Offices and office buildings, banks.
- (4) Automobile parking lots provided that no parking spaces shall be located within 10 feet of a front lot line.
- (5) Rental of rowboats, outboards, or other small craft, including the sale of bait and tackle, and storage and maintenance of boats provided all sales, maintenance and storage activities are conducted within an enclosed building. Party boat charter enterprises are specifically prohibited.
- (6) Yacht club or boat club including a restaurant accessory thereto, provided that all food service activity shall be conducted within a building.
- (7) Sales, storage and maintenance of pleasure craft provided that no storage of boats shall be allowed within a required front yard.
- (8) Service facilities and shops including, but not limited to, barber and beauty shops, hardware, camera and photo supplies, hobby shop and model making, self-service laundry and dry cleaning enterprise pick up station, confectionery, drugs, stationery, newspaper, bars, restaurants but not including drive-in restaurants or drive-in food shops.
- (9) Construction, rebuilding or fitting of boats including the installation and overhaul of propulsion machinery, subject to the issuance of a Special Use Permit by the Board of Appeals, provided that

all such activity shall be conducted within a building.

(10) A use similar in character to those specifically enumerated upon finding by the Board of Appeals that such use is dependent upon the use of waterfront property. Prior to making any grant pursuant to this paragraph, the Board shall make findings as specified in Section 62-11.1.

(11) Accessory uses and structures including docks, launching ramps, off-street parking and loading areas, identification signs as regulated in Article 14, marine railways and overhead cranes when permitted by the Board of Appeals.

New dwellings are specifically prohibited in the C-9 Harbor Use District.

Off-Street Parking and Loading Regulations for Permitted Uses: See Articles 8 and 9.

Height, Area, and Bulk Regulations: See Article 10. In addition, no rack storage facility for boats shall be erected to a height exceeding fifteen (15) feet.

Supplementary Use Regulations and Conditionally Permitted Uses: See Article 11.

Supplementary Height, Area, and Bulk Regulations: See Article 15.

#### SECTION 62-5.10. C-10 PLANNED MOTEL DISTRICT

Use Regulations: In the C-10 Planned Motel District, a building or premises shall be used only for the following purposes:

(1) Motel, provided that the principal structure shall contain lobby, public rest rooms, registry desk and manager's office designed as an integrated service grouping, and principal access to all rental units must be from the lobby by means of a corridor or covered passageway. The principal structure may also contain rentable units.

(2) Restaurant, only where part of an integrated motel-restaurant complex to be operated under joint management, provided that the gross site area shall not be less than five (5) acres, and the site area shall not be less than five (5) acres, and the site area devoted to restaurant use, including accessory parking and loading, shall be excluded from the calculation of rentable unit density in the motel.

(3) Accessory structures and uses including off-street parking and loading areas, identification signs as regulated in Article 14, swimming pools, and air conditioning machinery provided such machinery shall be sound-proofed and located so that noise therefrom shall not adversely affect rentable units or dwellings on adjoining premises.

**Off-Street Parking and Loading Regulations for Permitted Uses:** See Articles 8 and 9. In addition, the following shall apply:

(1) For each rentable unit in the principal building one off-street parking space shall be provided within 100 feet thereof.

(2) For each rentable unit in other buildings, one off-street parking space shall be provided adjacent thereto.

(3) No parking or loading areas shall be located within 50 feet of a street, nor within 10 feet of a Residence District boundary or 5 feet of any other lot line.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, Bulk Regulations:** See Article 15.

**Site Development:** Building and site development plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made. The Director of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit may be issued until the plans have been approved.

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**SECTION 62-5.11. C-11 AUTOMOTIVE SERVICE STATION DISTRICT**

**Use Regulations:** In the C-11 Automotive Service Station District, a building or premises shall be used only for the following purposes:

- (1) Automotive service stations in which the principal activity is the retail sale of gasoline, oils, grease and other petroleum products related to the servicing of motor vehicles.
- (2) Retail sale of minor repair and replacement parts for motor vehicles, such as tires, tubes, lamps, spark plugs, or batteries, where accessory to the sale of motor fuels.
- (3) Servicing and minor repairs normally accessory and incidental to the sale of motor fuels, but not including; overhaul of engines, motors, transmissions, steering or drive mechanisms, body and fender repair, or painting.
- (4) Accessory structures and appurtenances such as gasoline pumps, storage tanks, parking areas, identification signs as specified in Article 14.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9. In addition, the following shall apply:

- (a) No parking or loading area shall be located within a required yard.
- (b) Overnight parking out-of-doors shall be limited to automobiles awaiting repair, and not more than four (4) such vehicles shall be stored at any time. No wrecked vehicles incapable of self-propulsion shall be stored out-of-doors.
- (c) All parking and loading areas, and vehicle circulation ways shall be curbed.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following shall apply:

- (a) There shall be not less than 150 feet of frontage on each street on which the lot fronts.
- (b) No side or rear yard adjacent to a Residence District boundary shall be less than 50 feet.
- (c) No gasoline pump, service island, sign, pole, parking area, or structure shall be located within a required front, side, or rear yard.
- (d) Storage tanks for gasoline and oil shall be placed underground, and shall not be located closer than 35 feet to any street or property line nor less than 20 feet from any other structure. Any such storage facility shall comply with The Code of the Town of Huntington.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15. In addition, the following shall apply:

- (a) Where an Automotive Service Station District abuts a Residence District boundary, or abuts property used for residential purposes, the construction of a brick, stone or architectural stone wall and/or such other fencing and screening as may be necessary to diminish any adverse effect, may be required.
- (b) All street frontages shall be curbed, and there shall be no more than two (2) curb cuts on any frontage.
- (c) All circulation and parking areas shall be designated on the site plan and shall be paved.

**Site Development Plan:** Building and site development plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made. The Director of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit may be issued until the plans have been approved.

**SECTION 62-5.12. C-12 PROFESSIONAL DISTRICT**

**Use Regulations:** In the C-12 Professional District a building or premises shall be used only for the following purposes:

(1) Professional offices for a licensed medical doctor or doctors; a licensed dentist or dentists, or a public school official or officials.

**Off-Street Parking and Loading Regulations:** See Articles 8 and 9.

**Height, Area, and Bulk Regulations:** See Article 10.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11, except that accessory buildings are specifically prohibited.

**Site Development Plan:** Building and Site Development Plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made. The Department of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit may be issued until the plans have been approved.



## ARTICLE 6

### INDUSTRIAL DISTRICTS

#### SECTION 62-6.1. I-1 LIGHT INDUSTRY DISTRICT

Use Regulations: In the I-1 Light Industry District, a building or premises shall be used only for the following purposes:

- (1) Farming, floriculture, nurseries and greenhouses and dairies.
- (2) Laboratories for scientific and industrial research, testing and development.
- (3) Office buildings and banking institutions, provided that such banking institutions are located within or constitute a portion of the structure of an office building and do not occupy more than twenty (20) percent of the gross floor space of such structure.
- (4) Cold storage plant, pasteurizing plant or creamery.
- (5) Warehousing and distributing plant but not including the outdoor storage of goods or materials, and not including the storage or sale of lumber, ice, coal, petroleum or petroleum products as a principal use.
- (6) Light industrial uses in which the principal activity shall be the manufacture, intermediate processing or assembly of goods for consumer use as follows:
  - (a) Manufacture, storage or distribution of food products including beverage blending or bottling, bakery products, candy manufacture, ice cream and dairy products, fruits and vegetables, but not including distillation of beverages, or slaughtering and meat packing.
  - (b) Manufacture of cigars and cigarettes.
  - (c) Manufacture of textiles, leather goods, and clothing.

(d) Publishing, printing, bookbinding.

(e) Manufacture or assembly of furniture and cabinets.

(f) Manufacture or assembly of toys, games, musical instruments, watches, clocks.

(g) Manufacture, assembly or repair of mechanical, optical, photographic, scientific, electrical or electronic instruments

(h) Compounding of cosmetics and pharmaceuticals.

(i) A light manufacturing use of the same general character as those specifically permitted in this section when authorized as a special exception by the Board of Appeals, and upon finding by the Board that such use is a Light Industrial use as defined in this Ordinance. In addition the Board shall make findings pursuant to Section 62-11.1 of this Ordinance.

(7) Municipal or Town use permitted in a Residence District.

(8) Deleted. Effective Date 1/5/70.

(9) Uses clearly accessory and incidental to a permitted use including, but not limited to, the following:

(a) Buildings for the storage of materials necessary to a permitted use.

(b) Retail sale of the products of a permitted use, provided such products are manufactured, assembled, or produced on the premises.

(c) Employee cafeteria or restaurant.

(d) Signs, as regulated in Article 14.

**Off-Street Parking Regulations:** See Article 8. In addition, the following regulations shall apply:

(a) Changed effective 6/1/70.

No parking area shall be located within 50 feet of a Residence District boundary or within 25 feet of side and rear lot lines.

(b) No parking area shall be located within a required front yard except that space for not more than 10 automobiles may be so located, provided such space shall not be within 50 feet of a front lot line.

**Off-Street Loading Regulations:** See Article 9. In addition, the following regulations shall apply:

(a) No off-street loading area shall be located within a required front yard, nor within 50 feet of a Residence District boundary.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following regulations shall apply:

(a) No building other than a detached accessory dwelling shall be located within 100 feet of a Residence District boundary.

(b) Side and rear yards for detached accessory dwellings shall not be less than 25 feet.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**Site Development Plan:** Building and site development plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made. The Director of Planning shall review such plan and act thereon as specified and limited in Article 18, and no building permit shall be issued until the plans have been approved.

**SECTION 62-6.2. I-2 LIGHT INDUSTRY DISTRICT**

**Use Regulations:** In the I-2 Light Industry District a building or premises shall be used only for the following purposes:

(1) Uses permitted in the I-1 Light Industry District.

**Off-Street Parking Regulations:** See Article 8. In addition, the following regulations shall apply:

(a) No parking area shall be located within 50 feet of a Residence District boundary.

(b) No parking area shall be located within a required front yard except that space for not more than 10 automobiles may be so located, provided that such space shall not be within 20 feet of a front lot line.

**Off-Street Loading Regulations for Permitted Uses:** See Article 8. In addition, the following regulations shall apply:

(a) No off-street loading area shall be located within a required front yard, nor within 50 feet of a Residence District boundary.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following regulations shall apply:

(a) No building other than a detached accessory dwelling shall be located within 100 feet of a Residence District boundary.

(b) Side and rear yards for detached accessory dwellings shall not be less than 25 feet.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**Site Development Plans:** Building and site development plans for a proposed use shall be submitted to the Planning Department before an application for a building permit is made. The Director of Planning shall review such plan and act thereon as specified and limited in Article 18, and no building permit shall be issued until the plans have been approved.

**SECTION 62-6.3. I-3 LIGHT INDUSTRY DISTRICT**

**Use Regulations:** In the I-3 Light Industry District a building or premises shall be used only for the following purposes:

(1) Uses permitted in the I-1 Light Industry District.

**Off-Street Parking Regulations for Permitted Uses:** See Article 8. In addition, the following regulations shall apply:

(a) No parking area shall be located within 20 feet of a Residence District boundary.

(b) No parking area shall be located within a required front yard, except that space for not more than 10 automobiles may be so located provided that such space shall not be within 20 feet of a front lot line.

**Off-Street Loading Regulations for Permitted Uses:** See Article 9. In addition, the following regulations shall apply:

(a) No off-street loading area shall be located within a required front yard, nor within 20 feet of a Residence District boundary.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following regulations shall apply:

(a) No building other than a detached accessory dwelling shall be located within 50 feet of a rear lot line where such line abuts a Residence District boundary.

(b) Side and rear yards for detached accessory dwellings shall not be less than 25 feet.

**Supplementary Use Regulations and Conditionally Permitted Uses:**  
See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**Site Development Plan:** Building and site development plans for a proposed use shall be submitted to the Planning Department before an application for a building permit is made. The Director of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit shall be issued until the plans have been approved.

#### **SECTION 62-6.4. I-4 LIGHT INDUSTRY DISTRICT**

**Use Regulations:** In the I-4 Light Industry District, a building or premises shall be used only for the following purposes:

(1) Uses permitted in the I-1 Light Industry District as specified and limited in Section 62-6.1.

(2) Lumber yards, furniture and cabinet manufacture, but not general woodworking mills.

(3) Laundries, dry cleaning establishments, dyeing works subject to the issuance of a Special Use Permit by the Board of Appeals, on findings by the Board pursuant to Section 62-11.1.

**Off-Street Parking Regulations for Permitted Uses:** See Article 8.

**Off-Street Loading Regulations for Permitted Uses:** See Article 9.  
In addition, the following regulations shall apply:

(a) No off-street loading area shall be located within a required front yard.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following regulations shall apply:

(a) Towers and penthouses for the enclosure of machinery may be erected to a height not exceeding 50 feet but shall not exceed 400 square feet of ground area covered in any case.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**Site Development Plan:** Building and site development plans for a proposed use shall be submitted to the Town Planning Department before an application for a building permit is made. The Director of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit shall be issued until the plans have been approved.

#### **SECTION 62-6.5. I-5 GENERAL INDUSTRY DISTRICT**

**Use Regulations:** In the I-5 General Industry District a building or premises shall be used only for the following purposes:

(1) Uses permitted in the I-1 Light Industry District.

(2) Municipal storage and repair garages, municipal animal shelters, municipal incinerators.

(3) Warehousing, wholesaling and storage, including lumber yards, building material and supply yards or contractors equipment yards provided that no storage or display of materials or goods shall be permitted in a required front yard.

(4) Retail business establishments where permitted as a special exception by the Board of Appeals, on findings pursuant to Section 62-11.1.

(5) Public utility facilities and installations but not including generating stations.

(6) Industrial uses not specifically mentioned elsewhere in this Section subject to the issuance of a Special Use Permit by the Board of Appeals on findings pursuant to Section 62-11.1. Such uses may include generally the storage and distribution of goods, and the manufacturing, compounding, processing or packaging of products from raw materials processed elsewhere, provided that no nuisance or hazard shall be exerted upon residential districts by reason of fire or explosion, toxic or corrosive fumes, gas smoke, odor or radioactivity, or offensive noise, vibration or effluent.

(7) Automobile wrecking, baling, storage or processing of junk, scrap metal, paper and similar material where permitted as a special exception by the Board of Appeals upon finding by the Board pursuant to Section 62-11.1. No such activity shall be conducted within 200 feet of a Residence District boundary, and the entire premises devoted to such use shall be enclosed within a solid fence or planting screen not less than 8 feet in height. All baling and compressing shall be conducted indoors.

(8) Advertising signs as regulated in Article 14.

(9) Accessory buildings and uses including, but not limited to: storage buildings, identification signs as regulated in Article 14, retail outlets accessory to a permitted industrial use, off-street parking and loading areas.

**Off-Street Parking Regulations for Permitted Uses:** See Article 8. In addition, the following regulations shall apply:

(a) No parking area shall be located within 20 feet of a Residence District boundary.

**Off-Street Loading Regulations for Permitted Uses:** See Article 9. In addition, the following regulations shall apply:

(a) No off-street loading area shall be located within a required front yard, nor within 20 feet of a Residence District boundary.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following regulations shall apply:

(a) A principal building may exceed 45 feet in height provided that the depth of all required yards shall be increased 2 feet for each foot of height in excess of 45 feet, but no building shall exceed 75 feet in any case.

**Supplementary Use Regulations and Conditionally Permitted Uses:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

#### **SECTION 62-6.6. I-6 GENERATING STATION DISTRICT**

**Use Regulations:** In the I-6 Generating Station District a building or premises shall be used only for the following purposes:

(1) Generation of electrical energy, including facilities and appurtenances for the transmission and distribution thereof in the Town of Huntington and to other places, by a corporation subject to the jurisdiction of the Public Service Commission of the State of New York.

(2) Municipal uses and buildings.

(3) Changed effective 3/20/72.

Accessory buildings and uses including but not limited to; the storage of fuel, and dock facilities for the receiving and discharge thereof; off-street parking and loading areas. All accessory buildings and uses including the storage of fuel and dock facilities for the receiving and discharge of fuel and off-street parking and loading areas shall be solely for the use of the operator of the generating facility and for no other purpose.

(4) Marine biological laboratory for the propagation and cultivation of oysters and other shellfish, including pure and applied research and experimental production in the science of aquaculture. For the purpose of this section, a marine information center and museum operated in conjunction with the marine laboratory and in the same building, open

to the public for a reasonable number of hours not less than six days a week, of which no more than two days shall be for group tours, shall be permitted as an accessory use.

**Off-Street Parking and Loading Areas:** Adequate off-street areas shall be provided for employee parking and for the loading and unloading of delivery and service vehicles, and such areas shall be paved, and maintained at all times.

**Height, Area, and Bulk Regulations:** See Article 10. In addition, the following regulations shall apply:

(a) Whenever a peripheral screening area or buffer strip shown on an approved site plan of a premises in a Generating Station District is zoned for residential purposes, and such buffer strip is owned by a corporation described in the use regulations of this Section, or by the Town of Huntington or any other municipal corporation, body, agency, authority or special improvement district thereof, such buffer strip shall be included in computing the required yards and building setbacks.

(b) No building or premises shall be located within 200 feet of a property line or Residence District boundary except as provided in this Section.

**Supplementary Use Regulations:** See Article 11.

**Supplementary Height, Area, and Bulk Regulations:** See Article 15.

**Site Development Plan:** Building and site development plans for a proposed use shall be submitted to the Planning Department before an application for a building permit is made. The Director of Planning shall review such plans and act thereon as specified and limited in Article 18, and no building permit shall be issued until the plans have been approved.

**ARTICLE 7**

**HISTORIC DISTRICT, BUILDINGS AND LANDMARKS**

**SECTION 62-7.1A. DECLARATION OF POLICY AND PURPOSE.**

The Town Board of the Town of Huntington hereby finds:

- (1) That there exists in various sections of the Town of Huntington places, sites, buildings and landmarks of:
  - (a) special historic character by reason of their association with historic or famous events, or by reason of the antiquity or uniqueness of architectural design or construction of such buildings and landmarks, or
  - (b) unusual aesthetic interest or value by reason of being representative of a style or period of architecture or by reason of extraordinary architectural merit.
- (2) That the conservation, protection and perpetuation of such sites, places, buildings and landmarks is a public necessity in harmony with the Comprehensive Town Plan, and will promote the health, safety and general welfare.
- (3) Now, therefore, the Town Board hereby declares that the purpose of this section is to accomplish the conservation, protection and perpetuation of such sites, places, buildings and landmarks.

**SECTION 62-7.1B. DESCRIPTIONS**

- (1) Each of the following parcels of land in the Town is hereby designated by the Town Board as an Historic District or site, and each shall be appropriately delineated on the official Building Zone Map of the Town of Huntington.

- (a) Added effective 10/9/72.

LONG ISLAND MOTOR PARKWAY also known as Vanderbilt Parkway. The right-of-way of the above named highway from Half Hollow Road to the border between Huntington and Smithtown.

- (2) Changed effective 8/23/71.

Each of the following buildings or landmarks is hereby defined and designated by the Town Board as an Historic Building or Landmark, and each shall be appropriately delineated by metes and bounds and/or street address.

- (a) All that certain premises at 246 Walt Whitman Road, being located between Walt Whitman Road and New York State Route 110 north of Schwab Road, known as the birthplace of Walt Whitman.
- (b) Changed effective 8/9/71.  
"Peace & Plenty Inn", No. 107 Chichester Road.
- (c) Changed effective 8/9/71.  
"Whitman Rome House", No. 85 Chichester Road.
- (d) Added effective 4/27/70.  
"Five Gates" residential structure, north side of Half Hollow Road, approximately 250 feet west of Hart Place.
- (e) Added effective 4/27/70.  
Residential dwelling, No. 269 Park Avenue.
- (f) Added effective 4/27/70.  
Residential dwelling, No. 420 Park Avenue.
- (g) Added effective 4/27/70.  
Residential dwelling, No. 495 Park Avenue.
- (h) Added effective 4/27/70.  
Residential dwelling, No. 518 Park Avenue.

- (i) Added effective 4/27/70.  
Residential dwelling west side of Harbor Road at Water's Edge, approximately 200 feet north of the foundation of the old grist mill; designated as "Millsite".
- (j) Added effective 4/27/70.  
Universalist Church, No. 6 Nassau Road.
- (k) Added effective 8/9/71.  
"Conklin House", No. 2 High Street.
- (l) Added effective 8/9/71.  
"Powell House", No. 434 Park Avenue.
- (m) Added effective 8/9/71.  
"Soldiers and Sailors Memorial Building", No. 228 Main St.
- (n) Added effective 8/9/71.  
"Old Burial Ground", Southwest corner of Main and Nassau Streets.
- (o) Added effective 8/9/71.  
"Old Trade School", No. 209 Main Street.
- (p) Added effective 8/9/71.  
"Huntington Village Green", Main Street and Park Avenue.
- (q) Added effective 8/23/71.  
"The Arsenal", No. 425 Park Avenue.
- (r) Added effective 8/23/71.  
"Fleet-Jarvis House", No. 424 Park Avenue.
- (s) Added effective 8/23/71.  
"Buffet House", No. 159 West Rogues Path.

- (t) Added effective 9/27/71.  
"Solomon Smith House", s/s High Hold Drive.
- (u) Added effective 9/27/71.  
"Old First Church", No. 125 Main Street.
- (v) Added effective 9/27/71.  
"Marion Carl Farm", w/s Commack Road.
- (w) Added effective 11/1/71.  
"Old Buffet House", No. 169 West Rogues Path.
- (x) Added effective 11/1/71.  
Hewlett House, No. 559 Woodbury Road.
- (y) Added effective 2/28/72.  
Ehm Cottage, 47 West Neck Road.
- (z) Added effective 3/20/72.  
Dr. Conklin House, No. 130 Old Country Road, Melville.
- (aa) Added effective 3/20/72.  
L'Hommedieu House, 127 Old Country Road, Melville.
- (bb) Added effective 3/20/72.  
Colyer House, 26 Mt. Misery Road, Huntington.
- (cc) Added effective 4/17/72.  
Gilbert Potter House, No. 111 Wall Street, Huntington.
- (dd) Added effective 4/17/72.  
Carl Homestead, No. 49 Melville Road, Huntington Station.
- (ee) Added effective 4/17/72.  
Old Manse, No. 152 Old Country Road, Melville.
- (ff) Added effective 4/17/72.  
Valentine House, No. 389 West Hills Road, Huntington.

**SECTION 62-7.1C. REGULATIONS**

(1) No permit shall be granted by any Town agency for the construction, reconstruction, moving, alteration, or demolition in whole or in part, which will affect the exterior design or appearance of any structure, building or any other improvement in an Historic District, except in compliance with a Certificate of Approval issued by the Town Board.

(2) Every application for a Certificate of Approval relating to an Historic District or to an Historic Building or Landmark shall contain plans of the work to be done together with such further information consistent with the standards as may be required by the Town Board.

(3) Every such application shall be filed in triplicate with the Director of Building and Housing who shall file one copy with the Town Board, and one copy with the Huntington Historic Preservation Commission. The filing fee shall be Twenty-five (\$25.00) Dollars in addition to any fee payable for a building permit.

(4) Changed effective 8/23/71.  
The Town Board shall call a public hearing on said application to be held not less than thirty (30) days nor more than sixty (60) days subsequent to the date of filing with the Town Board, which hearing shall be advertised in a newspaper of general circulation in the Town at least ten (10) days prior to such hearing, and notice thereof shall be served by mail upon the owners shown by the tax rolls of the Town of all property lying within 200 feet of the exterior boundary lines of the subject parcel, building or landmark.

(5) The Huntington Historic Preservation Commission shall act in an advisory capacity to the Town Board.

(6) The Town Board on its own motion may call witnesses, including architects, engineers, planning consultants or other experts, and may introduce other evidence at such hearing. In considering any

such application, the Board shall bear in mind the purpose of this Article, and shall give consideration to any report of the Huntington Historic Preservation Commission and advice of the Town Historian, the general design, arrangement, architectural style, texture, material and colors of the building or structures in question, the location on the plot of ground and the relation of such features to other buildings, structures, trees or other forms of growth, landmarks, public or private roads, and all other factors pertaining to the renovation, installation, or conservation, of any building or improvement, which would be obviously incongruous with the historic aspects of the surrounding area.

(7) Within 45 days of the date of public hearing, the Town Board shall approve, modify and approve, or deny the application. Any modifications or special conditions shall be reasonable, and shall be consistent with the standards set forth in paragraph 6 of this section. If the Board shall not act within 45 days the application shall be deemed to have been denied as submitted. Any applicant aggrieved by an action of the Town Board pursuant to this Ordinance may petition the Assessor for a review of the assessed valuation of the affected premises. In making such review, the Assessor shall consider the specified requirements of the Town Board, and shall determine whether the property owner merits compensation as a result of excessive financial outlay incurred in meeting Town Board requirements. On making such findings, the Assessor shall arrange a reduction in taxes of the affected property so as to provide reasonable and adequate compensation for a specified period of time.

(8) In every case where a Certificate of Approval has been issued by the Town Board, the decision of the Board and accompanying papers shall be forwarded to the Director of Building and Housing who shall promptly examine the record and issue a building permit for the application providing it otherwise complies with the provisions of the Building Code and other pertinent statutes, ordinances and regulations.

## ARTICLE 8

### OFF-STREET PARKING REGULATIONS

#### SECTION 62-8.1. GENERAL REQUIREMENTS

Notwithstanding any other provisions of this Ordinance, no building in a district other than a C-6 General Business District shall be erected nor shall any such building be structurally altered so as to increase the gross floor area nor shall any such building be converted for a more intensive use, unless off-street parking spaces as specified in Section 62-8.5, the Table of this Article, or in other Sections of this Article are provided for the entire premises.

#### SECTION 62-8.2. COMMERCIAL AND INDUSTRIAL DISTRICTS

Changed effective 11/27/72.

(1) In commercial and industrial districts, no new building shall be erected unless off-street parking spaces as specified in Section 62-8.5, the Table of this Article, are provided.

(2) When a building is to be expanded, or altered so as to increase the gross floor area, or the use of the building is changed to a more intensive use in a commercial or industrial district, additional off-street parking as specified shall be provided to the extent that it is required by the expansion of the building or by the change in intensity of its use.

(3) With respect to expansion or alteration of a building so as to increase gross floor area but not to increase intensity of use, Municipal parking facilities within 300 feet from the building in commercial districts and not more than 500 feet from the building in industrial districts may be used to satisfy all or part of the requirements as a special exception, subject to the approval of the Zoning Board of Appeals on findings that the conditions set forth in Section 62-11.1 have been met.

#### SECTION 62-8.3. INTERPRETATION AND MODIFICATION

(1) The requirements of this Article do not limit more restrictive requirements which may be established in connection with the issuance of any Special Use Permit.

(2) Parking requirements for a use not listed in Section 62-8.5 shall be the same as for a listed use of the same general characteristics of demand generation.

(3) Where more than one use occupies a building or premises, the parking requirements shall be equal to the sum of the requirements for each use.

(4) When an applicant for a permit for a building or use shall find that required off-street parking is in excess of the demand generation of the use or building proposed, the Board of Appeals, may reduce the extent of parking area to be improved, upon finding that: (a) any proposed modification shall be sufficient to serve the demand generation, and (b) that no hazard or traffic congestion shall result. The approved site plan shall show both the reduced area to be improved and the total requirement established by this Ordinance, and the applicant shall submit a properly executed instrument in a form approved by the Town Attorney specifying that all required spaces shall be improved upon subsequent finding by the appropriate board that such improvement is needed as a result of increased demand generation.

(5) No rental or use charge shall ever be imposed for any parking spaces required by this Article.

#### SECTION 62-8.4. JOINT USE, OFF-SITE USE

(1) Changed effective 5/24/71.

Required parking spaces shall be located on the same lot with the use served, except that where an increase is required, or joint use of facilities by two or more establishments has been provided, required spaces may be located not more than 300 feet from the building in Business Districts and not more than 500 feet from the building in Industrial Districts.

(2) Up to 50 percent of the required parking for a theater, bowling alley, auditorium, night club or similar use and up to 100 percent of the required space for a church may be provided and used jointly by banks, offices, retail stores, and similar uses not normally open or operated during the same hours, provided that a formal agreement properly executed and in a form approved by the Town Attorney is filed with the Town.

SECTION 62-8.5. TABLE OF MINIMUM SPACES REQUIRED

USE OR USE CATEGORY	BASIC UNIT OR MEASUREMENT	ADDITIONAL REQUIREMENT
One or Two Family	1 Per Dwelling Unit	
Boarding House or Rooming House	1 Per Rentable Room	
Multiple Dwelling	1 Per Dwelling Unit	Plus 1 for each 3 units or fraction thereof
Retirement Community Projects	1 Per 3 Dwelling Units	Plus 1 for each employee
Hotel, Motel, Apartment Hotel	1 Per Sleeping Room or Suite	Plus 1 for each 4 units or fraction thereof
Church, Temple, Auditorium, or place of assembly	1 Per each 5 seats or seating spaces	
College or High School	3 Per Classroom or Teaching Station	Plus 1 Per Staff Member (Teaching and Non-Teaching)
Elementary School	1 Per each 8 seats in main Assembly Room	or 2 per classroom, but not less than 10 in any case.
Nursery School	1 Per each 10 seats in Main Assembly Room	or 1 per classroom, but not less than 10 in any case

## SECTION 62-8.5. TABLE OF MINIMUM SPACES REQUIRED

USE OR USE CATEGORY	BASIC UNIT OR MEASUREMENT	ADDITIONAL REQUIREMENT
Library, Art Gallery, Museum, Community Center	10 Per Use	Plus 1 per each 300 sq. ft. of gross floor area over 2,000 sq. ft.
Private Club, Country Club, Yacht Club, Fraternity or Lodge	1 per 3 Families or individual members	or 2 per 3 sleeping rooms, whichever is greater
Golf Course	3 per hole	Plus 1 for each tee position on a driving range
Sanitarium, Hospital, Nursing Home or Convalescent Home	1 Per each 3 beds	Plus 1 per each full time professional staff member and 1 per each 2 employees on the maximum shift
Funeral Homes	10 Per Parlor or Chapel	Not less than twenty in any case
Restaurant, Tavern or other establishment for on-premises consumption of food or drink	1 Per 75 sq. ft. of gross floor area*	
Drive-in Restaurant	1 Per 45 sq. ft. of gross floor area**	
Department Store, Personal Service Store not specifically designated elsewhere in this Section.	1 per 200 sq. ft. of gross floor area	

\* Changed effective 10/9/72.

\*\* Changed effective 10/9/72.

SECTION 62-8.5. TABLE OF MINIMUM SPACES REQUIRED

USE OR USE CATEGORY	BASIC UNIT OR MEASUREMENT	ADDITIONAL REQUIREMENT
Furniture or Appliance Store, Machinery, New Auto Sales	1 Per 500 sq. ft. of gross floor area	
Used Auto Sales, Boat Sales, Commercial Nurseries Selling at Retail	5 spaces for each use to be specifically designated for customer parking.	Plus 1 for each 5,000 sq. ft. of lot area
Auditorium, Gymnasium, Stadium, Arena, Theater	1 Per 5 seats or seating spaces	
Bowling Alley	5 Per Alley	
Commercial Amusement Place	1 Per 100 sq. ft. of gross floor area	Plus 10 spaces for each site-acre used for outdoor amusement or recreation facilities
Professional or administrative Office, Studios	1 Per 250 sq. ft. of gross floor area*	
Medical and Dental Offices	5 For Each Practitioner or Suite	Plus 1 for each employee
Marina	1.25 Per 4 Employees	

62-71

\* Changed effective 3/23/70.

SECTION 62-8.5. TABLE OF MINIMUM SPACES REQUIRED

USE OR USE CATEGORY	BASIC UNIT OR MEASUREMENT	ADDITIONAL REQUIREMENT
Non-Retail General Service or Repair Establishment, Printing, Publishing, Plumbing, Heating	3 Per 4 Employees	
Manufacturing Establishment, Research or Testing Laboratory	1 Per 500 sq. ft. of gross floor area	or 3 per 4 employees on maximum work shift, whichever is greater
Administrative, Engineering or Data Processing	1 Per 300 sq. ft. of gross floor area	or 2 per 3 employees on maximum work shift, whichever is greater
Wholesale Establishment, Warehouse or Distribution Plant	1 Per 500 sq. ft. of gross floor area	or 3 per 4 employees on maximum work shift, whichever is greater

NOTE: for requirements for other uses refer to Section 62-8.3 (2)

#### **SECTION 62-8.6. DESIGN STANDARDS**

(1) Required off-street parking areas, including drives and accessways, shall be paved with an all-weather hard-surface material in conformance with applicable specifications of the Town, or alternate hard-surface material as approved by the Town Engineer.

(2) Whenever a parking area adjoins a Residence District, fencing or a buffer strip not less than 5 feet in width consisting of dense evergreens, or fencing, or a combination of both, shall be provided in accordance with a specification to be provided by the Building Inspector.

(3) Any night lighting of parking areas shall be shaded away from adjoining properties and highways.

(4) No parking area shall be located within 5 feet of a lot line nor within 10 feet of a Residence District boundary except that where two parking areas for two permitted non-residential uses adjoin each other, this requirement may be waived by joint agreement of the two parties subject to the approval of the Director of Building and Housing. No parking area required for a non-residential use, including permitted home occupations, within a Residence District shall be located in the front yard except that this shall not prohibit short-term parking in an existing driveway.

(5) A parking space shall be a surfaced area, enclosed in a building, or unenclosed, having an area of not less than 350 square feet including driveways, designed for the temporary storage of one automobile and connected with a street by an all-weather surfaced driveway which affords satisfactory ingress and egress. Each dead storage bay or space shall have a dimension of not less than nine (9) feet by twenty (20) feet, except that a width of eight feet shall be considered adequate for one and two family dwellings.

#### **SECTION 62-8.7. MODIFICATION BY ZONING BOARD OF APPEALS**

(1) The Zoning Board of Appeals may reduce the requirements for

off-street parking as set forth in the chart of this Article by not more than 50 percent on finding that the amount of space to be provided is adequate to reasonably serve the use proposed.

(2) Changed effective 11/27/72.

The Zoning Board of Appeals may grant a special exception to the provisions of Section 62-8.2 in regard to an existing building and authorize the expansion or alteration of such building, without requiring additional parking, on finding that such variance is reasonably necessary to the continuance of an existing use.

## ARTICLE 9

### OFF-STREET LOADING REGULATIONS

#### SECTION 62-9.1.

Except for buildings or structural alterations for which a permit was issued prior to June 21, 1966, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 50 percent or more, or any building is hereafter converted, for any use listed in Column 1 of the Chart (Section 62-9.5) of this Article, accessory off-street loading spaces shall be provided as required in Column 3, or as required in subsequent Sections of this Article.

#### SECTION 62-9.2. INTERPRETATION OF THE CHART OF SECTION 62-9.5

(1) The loading space requirements apply to all districts except the General Business District where no requirements are imposed.

(2) The loading requirements in this Article do not limit additional or special requirements which may be imposed in connection with Special Use Permits.

#### SECTION 62-9.3. MIXED USES IN ONE BUILDING

(1) Where a building is used for more than one use and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum, off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required.

#### SECTION 62-9.4. DESIGN STANDARDS

(1) A loading space is a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

(2) A loading space for a funeral home shall be 10 x 25 feet, with a vertical clearance of not less than eight feet.

SECTION 62-9.5. TABLE OF REQUIRED LOADING SPACES

COLUMN 1 USE OR USE CATEGORY	COLUMN 2 FLOOR AREA* SQUARE FEET	COLUMN 3 LOADING SPACES REQUIRED*
Retail Store, department store, restaurant, wholesale house, warehouse, repair general service, manufacturing or industrial establishment	5,000-10,000	One
	10,000-20,000	Two
	20,000-40,000	Three
	40,000-60,000	Four
	Each 50,000 over 60,000	One additional
Apartment building, apartment hotel, hotel, offices or office building, hospital or similar institution, places of public assembly	5,000-10,000	One
	10,000-100,000	Two
	100,000-200,000	One
	Each 100,000 over 200,000	One additional
Funeral home or mortuary	2,500-4,000	One
	4,000-6,000	Two
	Each 10,000 over 6,000	One additional

\*Refer to definition of Gross floor area in Section 62-2.



**ARTICLE 10**

**HEIGHT, AREA, AND BULK REQUIREMENTS**

**SECTION 62-10.1. CHART OF HEIGHT, AREA AND BULK  
REQUIREMENTS**

SECTION 62-10J CHART OF HEIGHT, AREA AND BULK RE  
 HEIGHT, AREA AND BULK REQUIREMENTS FOR THE VARIOUS DISTRICTS.  
 REFER TO THE SPECIFIC DISTRICT REGULATIONS FOR SPECIAL

SYMBOL	SECTION NUMBER	DISTRICT	USES MAXIMUM PERCENT OF LOT COVERED BY BUILDING
	62-4.1	R-80 RESIDENCE	ALL USES
	62-4.2	R-40 RESIDENCE	ALL USES
	62-4.3	R-20 RESIDENCE	ALL USES
	62-4.4	R-15 RESIDENCE	ALL USES
	62-4.5	R-10 RESIDENCE	ALL USES
	62-4.6	R-7 RESIDENCE	ALL USES
	62-4.7	R-5 RESIDENCE	SINGLE F TWO FAMI
	62-4.8	R-3M RESIDENCE	ALL USES
	62-4.9	R-RM RESIDENCE	ALL USES 25%
	62-5.1	C-1 OFFICE RESIDENCE DISTRICT	SINGLE FA TWO FAMIL MULTIPLE F OTHER USE
	62-5.2	C-2 SINGLE PURPOSE OFFICE BUILDING DISTRICT	OFFICES & 25%
	62-5.3	C-3 SPECIAL BUSINESS DISTRICT	DWELLING OTHER USE
	62-5.4	C-4 NEIGHBORHOOD BUSINESS DISTRICT	DWELLING OTHER USE 40%
	62-5.5	C-5 PLANNED SHOPPING CENTER DISTRICT	ALL USES 25%
	62-5.6	C-6 GENERAL BUSINESS DISTRICT	ALL USES
	62-5.7	C-7 HIGHWAY BUSINESS DISTRICT	ALL USES 25%
	62-5.8	C-8 GENERAL BUSINESS "A" DISTRICT	DWELLINGS OTHER USE 50%
	62-5.9	C-9 HARBOR USE DISTRICT	ALL USES
	62-5.10	C-10 PLANNED MOTEL DISTRICT	ALL USES 25%
	62-5.11	C-11 AUTOMOTIVE SERVICE STATION DISTRICT	ALL USES 25%
	62-5.12	C-12 PROFESSIONAL DISTRICT	ALL USES
	62-6.1	I-1 LIGHT INDUSTRY DISTRICT	ALL USES 30%
	62-6.2	I-2 LIGHT INDUSTRY DISTRICT	ALL USES 33 1/3%
	62-6.3	I-3 LIGHT INDUSTRY DISTRICT	ALL USES 40%
	62-6.4	I-4 LIGHT INDUSTRY DISTRICT	ALL USES 60%
	62-6.5	I-5 GENERAL INDUSTRY DISTRICT	ALL USES
	62-6.6	I-6 GENERATING STATION DISTRICT	ALL USES

**SECTION 62-10.2. HEIGHT EXCEEDING 25 FEET**

Notwithstanding any other provision of this Ordinance, no permit shall be issued for any building where any structure appurtenant thereto, including exhaust stacks, chimneys, cooling towers, elevator housings, heating or air-conditioning machinery, tanks, cupolas, steeples, or similar projection, is designed to exceed the specified building height limit for the district by more than twenty-five (25) feet, until the Town Board has reviewed and approved the site and building plans. Prior to the grant of any such approval, the Town Board shall determine that such excess height is reasonably necessary to the proper conduct of the use, that the public health, safety and welfare are adequately safeguarded, and that the character of the neighborhood is not adversely affected. Prior to the approval of any application under this paragraph, the Town Board may conduct a public hearing after due notice, and may compel the attendance of witnesses and take sworn testimony.



## ARTICLE 11

### SUPPLEMENTARY USE REGULATIONS, CONDITIONALLY PERMITTED USES

#### SECTION 62-11.1. CONDITIONAL USES

(1) The conditional uses listed in this Article possess characteristics of a nature such as to require special review and the application of special standards before locating in districts where they are not permitted by right, in order to assure an orderly and harmonious arrangement of land uses in the district and in the community. Such uses may be permitted conditionally by the Board of Appeals, or the Town Board as specified, after public hearing. A conditional use shall be authorized by a special use permit and before such permit is issued, the appropriate Board shall find that the proposed use: (a) will be properly located in regard to transportation, water supply, waste disposal, fire protection, or other facilities; (b) will not create undue traffic congestion or traffic hazard; (c) will not adversely affect the value of property, character of the neighborhood, or the pattern of development; (d) will encourage an appropriate use of land consistent with the needs of the Town; (e) will not impair the public health, or safety, and will be reasonably necessary for the public health or general welfare and interest.

(2) Before any Special Use Permit is issued, the appropriate Board shall determine that all applicable requirements of this Ordinance have been met, and may impose any additional requirements to assure that the proposed use will be in harmony with the character of the district and will not materially impair the use or value of adjacent properties. Before imposing such conditions, the Board shall consider the following: (a) location and intensity of use; (b) location and height of buildings; (c) traffic access and circulation; (d) location and extent of parking and loading areas; (e) location, extent and types of exterior artificial lighting devices and advertising devices; (f) landscaping, screening, and fencing; (g) probable extent of noise, vibration, smoke, dust or other adverse influence as compared to similar influences incident to unconditionally permitted uses in the district. The Board may impose a limit on hours of operation on finding that such limit is necessary to the conditions set forth in Section 62-11.1.

(3) Conditions: See Section 62-17.5 for conditions that may be imposed.

#### SECTION 62-11.2. SUBMISSION OF PLANS

A building and site development plan together with detailed statements as to the nature of the proposed use shall be submitted for any conditionally permitted use. Such plans shall show the location of buildings and structures, property lines, ownership of adjacent property at the time of hearing, proposed accessways and parking areas, landscaping, and other details required by the appropriate Board for a proper review of the use.

#### SECTION 62-11.3. USES PERMITTED BY THE BOARD OF APPEALS

The Board of Appeals may authorize the following uses after making all of the required findings, and after public hearings as provided in Article 17. Plans for parking and loading facilities for a proposed use shall be referred to the Planning Department for a technical evaluation and advisory report and no decision shall be made until the report has been received, or 30 days has elapsed. Landscaping, and fencing and screening, may be required in connection with any use permitted under this Section.

(1) Cemeteries, in any district.

(2) Commercial places of amusement and recreation in General Business Districts and Highway Business Districts including but not limited to motion picture theaters, billiard parlors, golf driving ranges, "slot-car" racing establishments, except that drive-in theaters are specifically prohibited.

(3) Marinas in C-7 Harbor Use Districts, and in Residence Districts where accessory to a private club.

(4) Public utility uses and buildings, excluding gas storage facilities and generating stations, in any district provided that in the case of

Residence Districts the Board shall find that such use of building is necessary to the service of the neighborhood, or that its location is fixed by the technical requirements of the utility system. On making such finding, the Board may also vary the minimum lot area and width requirements only upon finding as follows:

(a) That the proposed facility is necessary to provide service to a primary area within a radius of not more than one mile.

(b) That the minimum yard requirements for the district in which the facility is to be located have been met.

(c) That no equipment or vehicles, except as necessary to the provision of the utility service in the location proposed, shall be stored or serviced on the premises.

(d) The maintenance of the full lot area and width requirements for the district are not necessary to the proposed facility nor to the maintenance of neighborhood character.

(e) The design of the proposed building or structure shall be in keeping with the character of the neighborhood, or that separation of structures and screening will be adequate to nullify any adverse effect upon adjoining properties.

(f) That no parcel of land proposed for any such public utility use shall be less than 10,000 square feet in area, except that in districts where the minimum lot area is less than 10,000 square feet such minimum lot area shall apply, but shall not be reduced.

(g) That no adjoining parcel of land shall be made non-conforming as a result of the grant of such variance.

(5) Storage of fuel oil, liquid fuels, and other inflammable liquids, and gas storage facilities, including facilities for the discharge, handling, and distribution of such products principally in the local retail market. Such facilities may be located in Harbor Use Districts, and in General

Industry Districts provided: (a) no storage tank shall exceed 500,000 gallon capacity, and no such tank shall be more than 25 feet in height above the finished grade around it; (b) all tanks constructed above ground shall be surrounded by a concrete dike which form a basin equal in capacity to the capacity of the tank; (c) no tank constructed above ground, nor basin, nor truck loading dock shall be located closer to a property line, street line, or bulkhead line than a distance equal to 25 percent of the depth of the district, and such distance shall not be less than 25 feet in any case. As a part of any approval granted under this paragraph the location, size and extent of tanks, buildings, pumps and other appurtenances, setbacks, landscaping, screening and fencing, may be modified or required as necessary to insure public safety and the maintenance of the character and value of property in the neighborhood.

(6) Radio beacons, and radio or television broadcasting stations licensed primarily to serve the local community, including accessory facilities and structures. Such uses may be permitted in any district, provided that: (a) antenna towers shall be set back from all property lines a distance at least equal to the height of the tower plus fifty (50) feet; (b) in Residence Districts no building shall be located within 100 feet of any property line except where such building is of residence-type construction in harmony with the established character of the neighborhood.

(7) Facilities and installations for the handling, storage, or loading of bulk materials in transit by land or water including docks or processing yards. The Board may impose any special requirements for the control of traffic, dust, noise, or hours of operation which are found necessary for the protection of surrounding properties. Such uses shall be permitted only in Harbor Use Districts and in General Industrial Districts.

(8) Tanks, pumps and related appurtenances for the storage and dispensing of gasoline or other motor fuels in connection with any use requiring such facilities as a normal accessory, excluding automotive service stations.

(9) Private club, lodge, community building, private playground, park or similar outdoor recreational facility, or lodge in a Residence District or Business District provided: (a) the chief activity is not a service customarily carried on as a business; (b) no lot shall be less than 3 acres; (c) no building shall be located within 25 feet of any property line on a waterfront lot, nor within 100 feet of any property line on any other lot; (d) permanent dwelling facilities shall be limited to the quarters of a watchman or other custodial person. The Board of Appeals may vary the minimum lot size in the case of a yacht club, boat club, or beach club on waterfront property upon finding that: (a) the nature of the use is compatible with the neighborhood and no adverse effect will be created as a result of such reduction; (b) adequate yard spaces and screening are provided for the protection of adjoining properties. No lot shall be less than one acre in any case, and required off-street parking shall not be varied.

(10) General hospital, sanitarium, nursing home, or convalescent home excluding institutions operated principally for the care of mental patients or persons addicted to drugs or alcohol. Such uses may be permitted in Residence Districts other than R-80 Districts provided that:

(a) The lot shall contain not less than five (5) acres.

(b) Not more than twenty-five (25) percent of the lot shall be covered by buildings.

(c) The lot shall have frontage on a major street, and circulation facilities shall be so designed that vehicular traffic generated by the use is not directed primarily over minor residential streets, except that in cases involving the extension or enlargement of such institutions in existence prior to January 19, 1965, the Board of Appeals may waive this requirement in whole or on part where it finds that all other requirements of this Section have been satisfied.

(d) No building shall be located within 100 feet of a front or side property line, nor within 75 feet of a rear property line.

(e) Landscaping and screening shall be provided along side and rear property lines as deemed necessary by the Board of Appeals to protect adjoining properties from the adverse effects of noise, dust and glare. No required planting screen shall be less than ten (10) feet in horizontal depth.

(f) No signs shall be permitted other than one indirectly illuminated identification sign on each major street frontage. Such sign or signs shall not be more than 20 square feet in area and shall not be more than ten (10) feet above grade level in maximum height.

(g) Exterior illumination other than for identification signs shall be limited to the illumination of the building exterior, parking areas, and accessways, for security and safety, and the intensity of such illumination shall be the minimum necessary for such purposes. Lighting devices shall be so shielded and directed that no illumination shall extend beyond the limits of the lot.

(h) The provisions of this Section shall not apply to non-profit, voluntary, general hospitals in existence on January 19, 1965.

(11) Private nursery schools, or any similar type of school except private elementary and secondary schools providing full time day instruction and having a course of study approved by the New York State Department of Education, may be established and operated in any Residence District, provided that:

(a) The plot shall comprise at least two acres.

(b) The proposed building or buildings are reasonably in keeping with the character of the neighborhood and of neighboring structures.

(c) The approval of the Suffolk County Board of Health must be secured as a prerequisite to the issuance of a Certificate of Occupancy.

(12) Institutions of higher learning offering courses of study approved by the New York State Department of Education, and dormitories or other residence facilities accessory thereto, in any Residence District provided that the lot shall not be less than 10 acres in area, and buildings shall not occupy more than 25 percent of the area of the lot. The approval of the Suffolk County Board of Health shall be secured prior to the issuance of a Certificate of Occupancy.

(13) Summer camps, day camps or health camps in R-80, R-40 and R-20 Residence Districts provided that: (a) the lot shall not be less than 10 acres; (b) no overnight residence facilities shall be permitted except for one permanent dwelling for the use of a caretaker or other custodial person; (c) other camp buildings shall comply with the requirements of the Building Code for accessory buildings in Residence Districts; (d) no building shall be located within 100 feet of any property line. The approval of the Suffolk County Board of Health shall be secured prior to the issuance of a Certificate of Occupancy. The Special Use Permit shall not be issued for a period in excess of three years, and may be reviewed by the Zoning Board in the event of substantial change in the manner of operation, or on receipt of evidence of any change in the nature or the intensity of the use. In connection with the issuance of a permit for such use, the Board of Appeals may specify the maximum number of persons to be accommodated.

(14) Dairies, commercial riding stables or "academies," or facilities for the boarding of horses in R-80, R-40 and R-20 Residence Districts provided that: (a) the lot shall not be less than 10 acres in area; (b) there shall be a minimum street frontage of 100 feet; (c) no building for the shelter of animals shall be located within 100 feet of any property line; (d) no fenced run or similar enclosure shall be located within 50 feet of a property line; (e) no nuisance shall be exerted upon surrounding property by reason of odor, dust, noise or vermin. The Board of Appeals shall specify the number of off-street parking spaces to be provided, and may specify the maximum number of animals to be kept in relation to the size of the lot.

(15) Non-commercial greenhouses in Residence Districts, only where accessory to a principal residential use provided that: (a) no such

structure shall be more than 15 feet in height; (b) no greenhouse shall be located within 25 feet of any property line; (c) no chimney shall, in any case, exceed the height limit for the district as specified in Article 10.

(16) Kennels or other establishments for the keeping or raising of dogs, cats, poultry, or fur-bearing animals provided that: (a) the lot shall not be less than three acres in area; (b) the lot frontage shall not be less than 100 feet; (c) no building or structure for the shelter of animals shall be located within 100 feet of any lot line; (d) no adverse effect or nuisance shall be exerted on surrounding property by reason of odor, dust, noise or vermin.

(17) Boarding houses in R-5 and R-3M Residence Districts, and C-1 Business Districts.

(18) Beauty parlors as a home occupation in Residence Districts provided that: (a) all general requirements for home occupations shall apply; (b) there shall be no external evidence of the use, nor structural change in the dwelling as a result of the use; (c) employment shall be limited to members of the resident family, except that not more than one employee not a member of the resident family shall be permitted. Any Special Use Permit issued for a beauty parlor shall be issued to the applicant and shall not run with the land. Such permit shall be issued for a period not to exceed 5 years, but may be reissued by the Board for successive 5-year periods after hearing.

(19) Conversion of a single family dwelling to a two-family dwelling in R-5 and R-3M Residence Districts, and C-1 Business Districts in cases where the lot area is less than 10,000 square feet and/or the lot width is less than 100 feet, provided that: (a) the dwelling is five years of age or more at the time of application; (b) that the minimum lot width is not less than 50 feet; (c) that the converted dwelling will be reasonably in keeping with the character of the neighborhood and with neighboring dwellings; (d) the owner can show hardships which require that the conversion be permitted; (e) the conversion will not impair the character of the neighborhood or adversely affect property values.

(20) Public garages, automobile repair shops, and car washing establishments in C-6 and C-7 Business Districts and in I-4 and I-5 Industry Districts.

(21) Professional offices in R-5 Residence Districts, either as a principal or an accessory use provided the Board of Appeals shall find:

(a) that the nearest portion of the property to be so used is either:

(1) not more than 500 feet, or only in the case of medical or dental offices not more than 1,000 feet from the boundaries of a General Business District, or

(2) not more than 500 feet, or only in the case of medical or dental offices not more than 1,000 feet from the plot on which the main building of the Huntington Hospital is located, provided that if so located, the plot on which such professional offices are located shall contain not less than 80,000 square feet.

(b) that the plot on which such use is to be located shall not be less than 20,000 square feet in area, except as provided in paragraph above.

(22) An off-street parking area in any Residence District when contiguous to and within 100 feet of a Business District and where such area serves a use located in the Business District, provided that: (a) all access shall be from the Business District; (b) fencing or screening or both shall be installed along all property lines which adjoin residential properties or face such properties across a street; (c) the establishment of such parking area will relieve traffic congestion in the area.

(23) Added effective 9/27/71. Day Care Centers may be established and operated by duly recognized non-profit organizations, in any Residence District, provided that:

(a) The plot shall comprise no less than ½ acre and no less than twice the minimum area requirement of the Residence District where it is to be located.

- (b) The proposed building or buildings are reasonably in keeping with the character of the neighborhood and of neighboring structures.
- (c) The approval of the Suffolk County Board of Health must be secured and there must be compliance with all State and County Laws and Regulations before a Certificate of Occupancy can be issued.

Any use listed in this Article, and lawfully existing on the effective date of passage of these regulations shall be a non-conforming use unless within one year it has been approved, upon application, by the appropriate Board, or has previously been approved by the Board of Appeals.

#### SECTION 62-11.4. PROHIBITED USES

Any other provision of this Ordinance notwithstanding, uses listed in this Section are prohibited in all districts:

- (1) Manufacturing uses involving the primary processing or compounding of the following products from raw materials: Asphalt, coke, cement, creosote, carbide, disinfectants, dyes (aniline), ammonia, caustic soda, chlorine, cellulose, industrial alcohol, nitrates (of an explosive nature), potash, plastics and synthetic resins.
- (2) Chemical works; handling or production of explosive or corrosive materials, gas, or acids in bulks; nitrating of cotton.
- (3) Smelting, refining, reducing, alloying of metals and metal ores; refining of petroleum products; distillation of wood, bones or coal; reduction and processing of wood pulp and fiber.
- (4) Manufacture of fireworks, glue, size, gelatine, fertilizer, emery cloth, sandpaper, oilcloth, linoleum, matches, paint, rubber, soap, polishes and waxes, lampblack, salt, paint, varnishes and turpentine.
- (5) Milling of starch, flour, feed or grain.

- (6) Manufacture or storage of explosives.
- (7) Tar distillation, tar roofing and waterproofing manufacture.
- (8) Abattoir, slaughtering of animals, fish processing, stockyards.
- (9) Rendering of fat, or manufacture of yeast, tallow, or lard; wool pulling or scouring; tanning, curing or bulk storage of leather.
- (10) Dumps, except where owned or operated by the Town.
- (11) Open burning of garbage or other refuse.

#### **SECTION 62-11.5. MAIN BUILDING REGULATION**

(1) More than one main building may be located on a lot used for a permitted multiple residence or institutional use, and required yards shall apply to the periphery of the lot.

(2) In the case of Business and Industrial Districts there shall be only one main building on a lot.

#### **SECTION 62-11.6. DISTANCE LIMITS**

No public garage, automotive repair shop, automotive service station, or commercial amusement place shall be located in any district within 200 feet of the lot line of a premises used for a school, library, church, hospital, or similar public or semi-public use.

#### **SECTION 62-11.7. DRAINAGE**

Drainage of storm water incident to any school, any commercial or industrial use, or use requiring the issuance of a Special Use Permit, or use requiring the review and approval of site development plans, shall be disposed of on the site.

**SECTION 62-11.8. ELECTRICAL MACHINERY**

Machinery which is accessory to an industrial use shall be electrically operated except for vehicles or machinery used for loading or hauling, and individual power plants shall be permitted to those required for emergency or standby use.

**SECTION 62-11.9. VISION CLEARANCE**

No wall, fence, hedge, shrub, advertising or identification sign, or other structure or growth more than 3 feet high, nor any other obstruction to vision, shall be erected or maintained on a corner lot within the triangular area bounded by the lines connecting the street corner of the lot and a point 25 feet from such corner on each of the intersecting street lines.

**SECTION 62-11.10. RESUBDIVISION**

No lot shall be subdivided, and no portion of a lot shall be sold, where such subdivision or sale shall result in the establishment of one or more parcels that are non-conforming in respect to the minimum area, yard, or other requirements for the district in which the lot is located.

**SECTION 62-11.11. STORAGE OF BOATS AND TRAILERS**

No boat, house trailer, mobile home or camp trailer, in excess of fifteen (15) feet in overall length, shall be stored or kept in the area between the street right-of-way and the front line of the main building projected to side lot lines on any lot in a Residence District, and no such boat or trailer shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.

**SECTION 62-11-12. LANDSCAPING AND SCREENING**

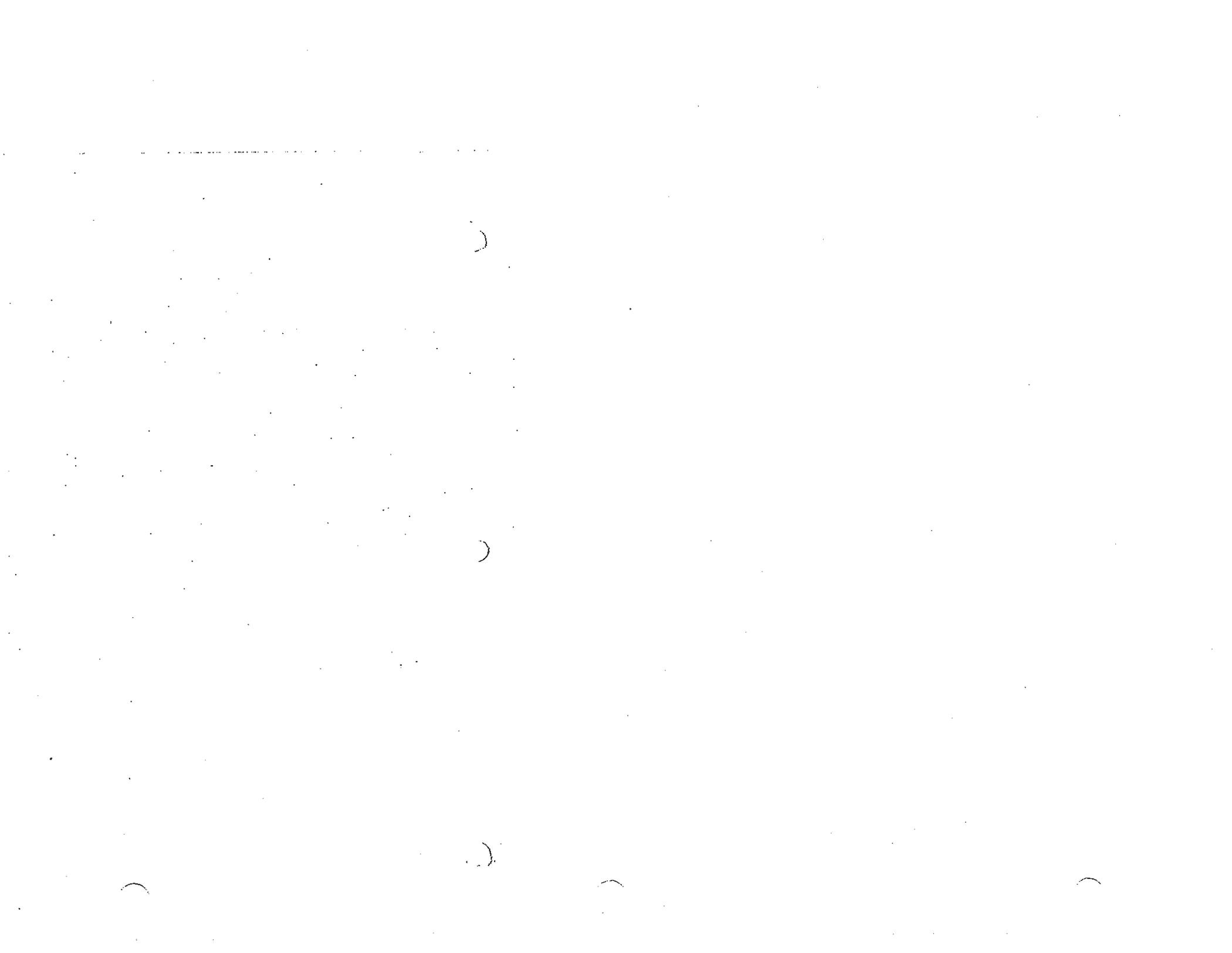
Landscaping and screening as defined and required in this Ordinance is designed to provide for: a high standard of aesthetic character; maintenance and improvement of property values; protection of persons and property; protection of residential areas from the adverse effects of

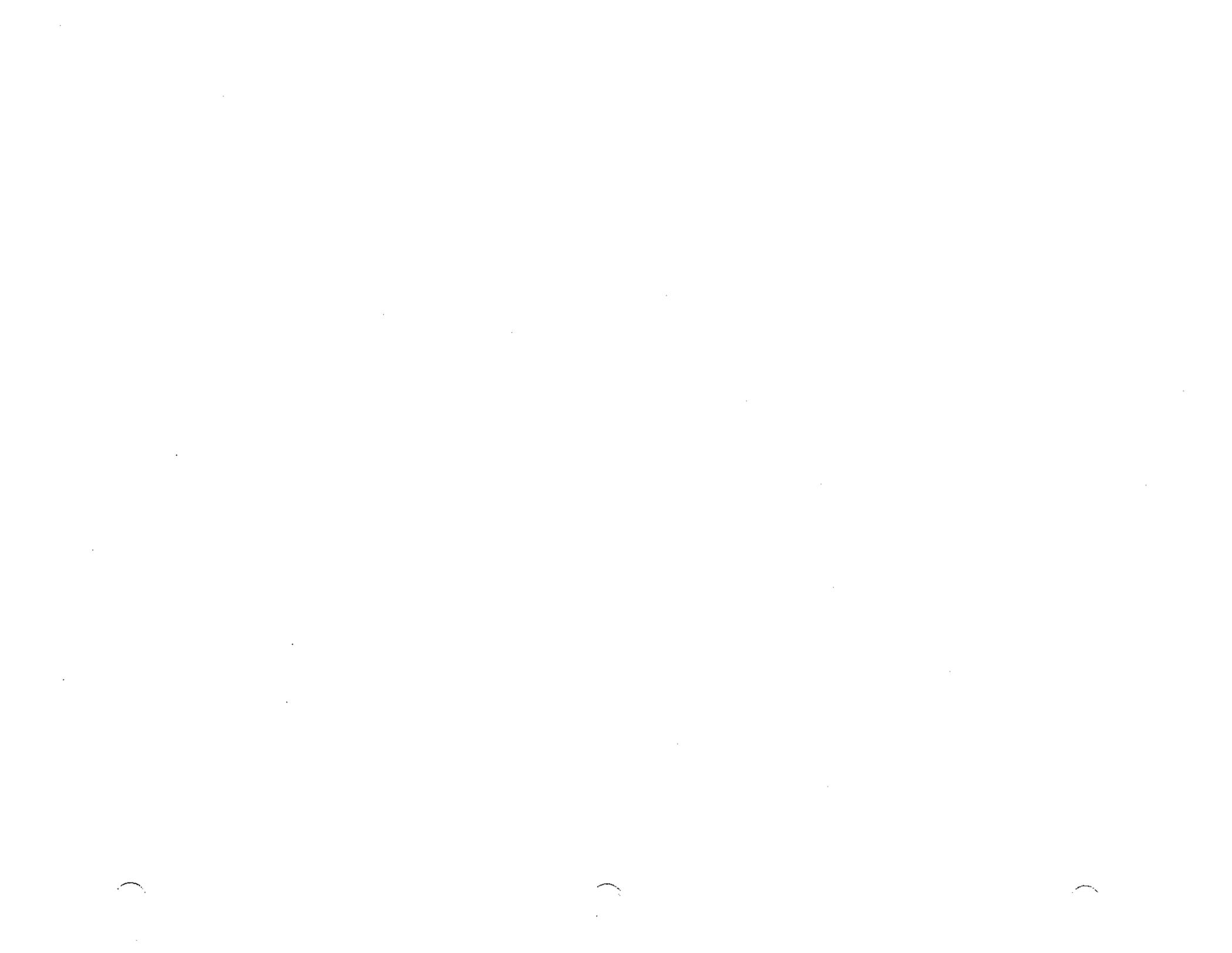
non-residential development resulting from the transmission of dust, glare and noise.

(1) Screening or Fencing. In any district, screening or fencing shall be required along any lot line of a premises used for non-residential purposes where such premises abuts a Residence District boundary, or where specified elsewhere in this Ordinance. A screening strip shall not be less than ten (10) feet in width except where a lesser or greater width is specified in the district regulations. Screening requirements may be waived or reduced by the Board of Appeals, on finding that such screening is unnecessary by reason of topographic conditions or other site characteristics.

(2) Landscaping. All areas of any lot not used for structures, parking and loading areas, or accessways, shall be planted in grass, shrubs and trees in conformance with a landscape plan approved by: (a) any Board of official empowered to approve site plans; (b) the Board of Appeals in the case of Special Use Permits; (c) the Building Inspector in all other cases. Such landscaping areas shall be regularly maintained so as to assure the viability of all required plant material, and lack of such maintenance shall constitute a violation of this Ordinance.

(3) Watering Systems. In I-1 and I-2 Light Industry Districts, all site plans shall be required to show landscape watering systems adequate to cover all required landscaping areas which lie between the front line of the main building, as projected from side line to side line, and the street right-of-way line, and such systems shall be installed prior to the issuance of a Certificate of Occupancy.







(8) Changed effective 2/16/70.

Removal of and piling of earth incident to the installation, enlargement or repair of a cesspool, septic tank, dry well or swimming pool, provided that a fence or suitable barrier not less than 4 feet in height shall be erected around the area of such excavation if the area is unguarded.

### SECTION 62-12.3. APPLICATION FOR PERMIT, SITE DEVELOPMENT PLANS

Before any excavation for which a Special Use Permit is required shall be commenced, an application shall be submitted to the Director of Engineering on form prescribed by him. Site plans and statements shall accompany such application as follows:

(1) A detailed statement of the proposed operation.

(2) A plan of the premises or site showing: (a) a boundary survey; (b) the area or areas proposed for excavation or topsoil removal; (c) condition of the premises before operations are commenced; (d) proposed condition of the premises after work is completed; (e) streets which adjoin or lie within 200 feet of the property; (f) location, size and use of existing buildings on the premises. The plan shall be prepared by an engineer or land surveyor, currently licensed by the State of New York, and shall be drawn to scale.

(3) A topographic survey of the premises showing contours at ten (10) foot intervals based on Coast and Geodetic Survey datum, and prepared by an engineer or land surveyor currently licensed by the State of New York. In cases where the Director of Engineering shall determine that adequate findings cannot be made with ten foot contours, he shall specify more precise contour data not to exceed two (2) foot intervals.

(4) A duly acknowledged consent for the proposed operation executed by the owner of the premises and mortgagee, if any, including the addresses of such parties.

(5) Certification that all taxes and assessments against the property described in the application have been paid, in the form of receipted tax bills or photostatic copies thereof, or a letter signed by the Receiver of Taxes of the Town, or by the Suffolk County Treasurer, or by a title insurance company licensed to do business in Suffolk County.

(6) The names and addresses of all owners of record of property within 200 feet of the exterior boundaries of the premises described in the application, except that where all contiguous properties are owned by the applicant such lists shall be the names and addresses of all owners of record within 200 feet of the exterior boundary of all contiguous property owned or controlled by the owner or applicant.

(7) A proposed comprehensive plan for the rehabilitation of the premises together with a schedule of progress therefor. Such plan shall indicate the proposed final grades and contours to be established at the completion of the operation, and shall describe the areas to be refilled, topsoiled and seeded, and shall specify the amount and extent of rehabilitation to be completed before December 31st of the year for which a permit or renewal of permit is requested.

(8) An estimate of the total number of cubic yards of material to be removed from the premises during the period for which a permit or renewal thereof is requested. Such estimate shall be prepared by an engineer or land surveyor currently licensed by the State of New York, and shall be verified by the Department of Engineering.

(9) An application for a permit for a sod farm shall include a plan of the area to be used for the purpose showing existing conditions and buildings and adjacent streets, and statements describing the proposed farming operation and the condition of the property after the operation is completed. In addition, only the information described in paragraphs (4) and (6) of this Section above shall be required.

The Director of Engineering shall review the application, and supporting plans and engineering information, and shall transmit such application to the Board of Appeals within thirty days of the time that all required information is received in correct form.

#### SECTION 62-12.4. PROCEDURE

The Board of Appeals may, after public hearing, authorize the issuance of a Special Use Permit for a use regulated by this Section. Such authorization shall not be granted unless all applicable provisions of this Ordinance have been met, and unless the Board shall find that:

(1) The proposed operation will not interfere with the surface water drainage of the area, nor endanger any street, road or highway.

(2) The plan is adapted to the location and terrain in such a way that rehabilitation can be accomplished, and the area will not become desert or wasteland on completion of the operation.

(3) The circumstances of location and terrain are such that the premises will not constitute an "attractive nuisance" or threat to the safety of children.

(4) The use will not cause undue traffic hazards.

(5) The use will not cause undue vibration, noise, or wind-blown dust or sand.

(6) The use will not change the established character of the neighborhood, nor depress the value of property in the neighborhood.

#### SECTION 62-12.5. ADDITIONAL REQUIREMENTS

The Board of Appeals may impose any appropriate conditions and safeguards to assure that the intent and purpose of this Ordinance has been met, and shall require compliance with the following regulations as a condition of the issuance of an original permit and its continuing validity, and of the validity of any renewal of the permit.

(1) Rehabilitation of the premises when a rehabilitation plan has not been waived, on finding by the Board that such is necessary to

further the intent and purpose of this Ordinance. Rehabilitation of the premises shall be in accordance with a plan approved by the Board of Appeals and filed with the Director of Engineering, and a schedule of progress which requires partial rehabilitation in stages over the total time that the operation is conducted may be established by the Board. The rehabilitation plan need not show any delineation of streets.

(2) Barriers of "chain link" or "cyclone" fencing, or the equivalent, shall be required on finding that such protection is necessary for the public safety. The Board of Appeals shall consider the particular circumstances of terrain and location in relation to the need for fencing and shall specify height of fences and location and number of gates.

(3) Bank and pit excavations shall not extend into, and topsoil shall not be stripped from, the area within 20 feet of an exterior property line, except where incident to a cellar excavation. A bank excavation which does not extend below the grade of an adjoining street may begin at the street line.

(4) All excavated slopes shall be maintained at all times at safe angles of repose so as to prevent lateral displacement of adjoining properties, and to prevent erosion or collapse of the slopes or upper grade surfaces above. Final slopes shall not be inclined steeper than 1 foot vertical on 1½ feet horizontal, and all slopes shall be protected against erosion by the installation of proper drainage ditches, or berms, back of the lip or edge thereof.

(5) Dust-down or a similar dust layer shall be spread on access roads and other traveled areas to protect the public and surrounding countryside from wind-blown sand and dust.

(6) Topsoil shall not be removed from the premises until rehabilitation of the site has been completed. Any topsoil in excess of that required to allow a cover of at least 6 inches over areas to be rehabilitated may be removed after the completion of rehabilitation. The requirements of this paragraph shall not apply to an approved sod farming operation.

(7) Upon completion of any operation, the excavation area shall be refilled and graded to a reasonable level as specified in the approved rehabilitation plan, and all material used as fill shall be free from garbage, refuse, offal, or other combustible or deleterious material.

(8) Topsoil shall be respread in a uniform layer not less than 6 inches deep over the land from which material has been removed excepting areas laid out as streets, and areas to be occupied by parking lots or buildings.

(9) All areas on which topsoil has been spread shall be prepared and seeded with grass, or shall be covered with other plant material, as specified in the approved rehabilitation plan.

#### **SECTION 62-12.6. PUBLIC HEARING REFERRAL**

The Board of Appeals shall hold a public hearing prior to authorizing the issuance of any original Special Use Permit for a use regulated by this Article, but such hearing need not be held on renewals of permits previously issued provided that the area covered does not extend beyond the area of operation previously approved. At least 20 days notice of the time and place of public hearing shall be published in the official Town newspaper, and notice of the application for a Special Use Permit shall be mailed to all owners whose names and addresses are set forth in the list submitted pursuant to 62-12.3 paragraph (5), of this Article.

Notice of the public hearing shall be mailed to the Director of Engineering at least 15 days prior thereto, and he shall investigate the facts and circumstances of drainage, effect upon streets and roads, and the need for rehabilitation, incident to the proposed operation. The Director shall submit an advisory report in writing which may be made public at the discretion of the Board of Appeals but the content of such report, or failure to submit, shall not restrain the board from acting upon the application.

**SECTION 62-12.7. PERMITS, FEES**

Changed effective 5/15/72.

A Special Use Permit, or renewals thereof, may be issued for a period not exceeding one year, provided that successive renewals shall be based on: (a) submission of information required in Section 62-12.3, paragraphs (7) and (8); (b) payment of fees based on material to be removed; (c) furnishing any additional bond or security sufficient to insure compliance with these regulations during the renewal period. Before any permit is issued, the applicant shall pay to the Clerk of the Zoning Board the sum of \$25.00 for a permit for sod farming or for any other operation where a rehabilitation plan has been waived, and in all other cases a fee of five cents per cubic yard of material to be removed during the period covered by the permit or renewal thereof. Regardless of amount of material to be removed, the yardage fee shall not be less than \$25.00.

**SECTION 62-12.8. BOND OR CASH DEPOSIT**

Before the issuance of a permit, the applicant and the owner of record of the premises shall execute and file with the Town Clerk, a surety company bond approved by the Town Board as to form and sufficiency, and conditioned upon the faithful and punctual performance of the work required to be performed by the approved plan of rehabilitation on the area covered by the permit and upon compliance with the other regulations contained in this Article, and to indemnify the Town of Huntington and/or the Superintendent of Highways for any damage to Town property and for the cost of taking over such performance in case of default. In case of any default or failure to perform the work required to be performed and to furnish the materials required to be furnished by said approved plan of rehabilitation at or before the times specified in the schedule of progress approved in connection therewith, or to do any of the things required to be performed by this Article, such bond shall be forfeit upon written notice of such default or failure being mailed by registered mail to the permittee at the address stated in the application and upon failure by the permittee to cure such default within sixty (60) days after the mailing of such notice. The sixty-day notice of such default or failure of

performance may be given at any time after such default or failure of performance shall be deemed waived or excused by any delay or failure to mail notice thereof or by any subsequent renewal of a permit under this Article.

Said bond shall remain in full force and effect until released or until the original amount thereof is reduced by the Town Board upon issuance of a certificate of completion or of partial completion by the Town Engineer, certifying that all provisions of this Article and conditions of the permit have been fully complied with. Application for such certificate shall be made by the permittee, owner, lessee or his agent on forms to be furnished by the Town Engineer and shall be accompanied by a map drawn to scale showing the affected property, giving elevations thereof at ten (10) foot intervals, prepared by a duly licensed engineer or land surveyor of the State of New York after the completion of the operations who shall also certify as to the amount of topsoil remaining upon ground required to be spread with topsoil and that such area has been seeded in compliance with this Article, and that the other conditions of the approved plan of rehabilitation have been fulfilled.

In lieu of such bond a cash deposit or deposit of negotiable securities may be made with the Supervisor subject to the approvals, conditions and forfeitures specified herein in the case of a bond.

**ARTICLE 13**  
**PERFORMANCE STANDARDS**

**SECTION 62-13.1. PURPOSE AND SCOPE**

For the purpose of limiting the creation or effects of Dangerous or Objectionable Elements incident to the use of land or buildings, certain specified non-residential uses shall be subject to the performance standard limitations of this Article. Dangerous and Objectionable Elements are disturbances which are hazardous, injurious, noxious or otherwise offensive by reason of fire, explosion, radioactivity or other hazard; noise or vibration; smoke, dust, odor, effluent discharge, or other pollution; electrical or other disturbance; glare or flash; storage or discharge of waste or other material conducive to the breeding of insects, rodents or other vermin. The following non-residential uses shall not hereafter be established except in conformance with the performance standards of this Section:

- (1) Commercial raising or keeping of animals or livestock.
- (2) Storage of fuel oil or other inflammables in bulk.
- (3) Commercial greenhouses.
- (4) Junk yards, auto wrecking yards and similar waste reclaiming operations.
- (5) Industrial and manufacturing uses.
- (6) Public utility sub-stations and generating plants.
- (7) Incinerators of any kind except where incidental to a dwelling.

**SECTION 62-13.2. PROCEDURE**

An application for a building permit and certificate of occupancy for a use subject to performance standards shall be accompanied by a

plan of the proposed use including a description of proposed machinery, operations and products, and specifications for devices and techniques to be used in restricting the emission of Dangerous or Objectionable Elements, but no description of secret processes need be submitted. An affidavit signifying that the use applied for meets the standards of this Article shall accompany the permit application.

On determination by the Building Inspector that the proposed use conforms to the applicable standards, he shall issue a permit provided that all other requirements of this Ordinance have been met. If any reasonable doubt as to compliance with performance standards exists, the Building Inspector shall refer the application to the Board of Appeals for determination. The Board may employ expert consultants to investigate and report upon the proposed use, and shall specify a time within which the report shall be received. A public hearing shall not be held until the report of the consultants has been received. Any reasonable cost of such investigation and report shall be paid by the applicant, and an estimate thereof shall be furnished before a consultant is retained by the Board.

Any use subject to performance standards shall conform to the following regulations as applicable.

#### SECTION 62-13.3. MEASUREMENT AT THE POINT OF EMISSION

The existence of the following Dangerous and Objectionable Elements shall be determined at the location of the use creating same or at any point inside the premises and these shall be limited as follows:

**Fire and Explosion Hazards:** All activities and all storage areas for flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate fire-fighting and fire-suppression equipment and devices shall be provided and maintained. Storage of explosives is prohibited.

**Radioactivity or Electrical Disturbance:** No activities which emit dangerous radioactivity at any point shall be permitted. No

electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment other than that of the creator of such disturbance shall be used.

**Smoke:** No emission at any point, from any chimney or otherwise, of visible grey smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines, except that visible grey smoke of a shade not darker than No. 2 on said chart may be emitted for not more than four minutes in any thirty minutes. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

**Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution:** No emission shall be allowed which can cause any damage to health, to animals, or to vegetation, or which can cause any excessive soiling at any point. In no event shall any emission, from any chimney or otherwise, of solid or liquid particles exceed concentrations of 0.3 grains per cubic ft. of the conveying gas or air at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.

**Liquid or Solid Wastes:** No discharge shall be made at any point into any private sewage disposal system, stream, or waterway, or into the ground of any materials in such a way or of such nature or temperature as can contaminate any water supply, or swimming area, or otherwise cause the emission of Dangerous or Objectionable Elements, except in accordance with: (a) standards approved by the suffolk County Department of Health or Suffolk County Sewer Agency or both, or (b) in the event neither agency has jurisdiction over the particular use involved, then standards equivalent to those approved by either agency or both for similar uses shall apply. No accumulation of solid wastes conducive to the breeding of rodents or insects shall be allowed.

#### SECTION 62-13.4. MEASUREMENT AT THE LOT LINE

The existence of the following Dangerous and Objectionable Elements shall be determined at the lot line of the use creating same or at any point beyond said lot line, and these shall be limited as follows:

**Vibration:** No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting," on any structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this Article.

**Noise:** At the specified points of measurement the sound pressure level of noise radiated continuously from an establishment at nighttime shall not exceed the values given in the Table of Section 62-13.5 in any octave band of frequency. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association.

#### SECTION 62-13.5. TABLE OF PERMISSIBLE SOUND PRESSURE LEVELS

Maximum permissible sound pressure levels at specified points of measurement for noise radiated continuously from an establishment between the hours of 10 P.M. and 7 A.M.

Frequency Band Cycles per Second	Sound Pressure Level Decibels re 0.0002 dyne/cm <sup>2</sup>
20-75	69
75-150	54
150-300	47
300-600	41

Frequency Band Cycles per Second	Sound Pressure Level Decibels re 0.0002 dyne/cm <sup>6</sup>
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600-1,200	37
1,200-2,400	34
2,400-4,800	31
4,800-10,000	28

If the noise is not smooth and continuous and is not radiated between the hours of 10 P.M. and 7 A.M., one or more of the corrections in the Table of Section 62-13.6 below shall be added to or subtracted from each of the decibel levels given above in the Table of Section 62-15.5.

Type of Operation -or Character of Noise	Correction Decibels
--	------------------------

Daytime operation only	+ 5
Noise source operates less than 20% of any one-hour period	+ 5*
Noise source operates less than 5% of any one-hour period	+10*
Noise source operates less than 1% of any one-hour period	+15*
Noise of impulsive character (hammering, etc.)	- 5
Noise of periodic character (hum, screech, etc.)	-5

\*Apply one of these corrections only.

**Odors:** No emission of odorous gases or other odorous matter shall be made in such quantities as to be offensive at the specified points of measurement. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

**Glare:** No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise shall be generated so as to be visible at the specified points of measurement.

#### **SECTION 62-13.7. CONTINUING ENFORCEMENT**

The Building Inspector shall investigate any alleged violation of performance standards by a subject thereto, and if there is reasonable evidence of such violation he shall act to abate the same. The continued validity of a Certificate of Occupancy shall be subject to compliance with performance standards.

ARTICLE 14

SIGNS AND ADVERTISING DEVICES —  
ARTIFICIAL ILLUMINATION

These regulations are intended to control signs and advertising devices and illumination, except where special provisions are set forth elsewhere. No sign or advertising device shall be erected, altered, or maintained except in conformance with the provisions set forth in this Article, or set forth elsewhere in this Ordinance. Signs shall be permitted in districts specified, as follows:

SECTION 62-14.1. SIGNS PERMITTED IN ALL DISTRICTS

(1) Danger or cautionary signs relating to a premises, or notices required by law or legal proceeding, when installed by a public authority.

(2) Directional, directory or announcement signs not more than 18 square feet in area erected and maintained by the Town in connection with a public or semi-public building or attraction.

(3) Non-illuminated directional or directory signs not more than 2 square feet in area.

(4) One free standing non-illuminated directional or directory sign, not more than 4 square feet in area nor more than 8 feet in height, at each point of access to or from a premises used for non-residential purposes.

(5) One nameplate, and one sign identifying a permitted home occupation, each not more than 2 square feet in area, and non-illuminated except for a sign indicating the office of a physician.

(6) One non-illuminated sign not more than 12 square feet in area, announcing the sale of agricultural products or animals raised on the premises.

(7) One temporary sign not more than 12 square feet in area indicating the sale or rental of the premises.

(8) One directly or indirectly illuminated announcement sign accessory to a permitted club, institution, or public or semi-public use including customary church bulletin boards provided that such sign shall not be more than 20 square feet in area.

(9) Non-illuminated announcement signs not more than 6 square feet in area if permanent, nor more than 36 square feet in area if temporary for a period of not more than 30 days, erected or maintained by a municipal or public or semi-public agency or institution.

(10) Signs for the information or safety of the general public maintained by a public utility or public carrier.

(11) Traffic signs or signals erected by the Town, County, or State.

**SECTION 62-14.2. R-3M and R-RM RESIDENCE DISTRICTS, C-1 OFFICE-RESIDENCE DISTRICTS, C-12 PROFESSIONAL DISTRICTS**

(1) One directly or indirectly illuminated sign not more than 10 square feet in area, for permitted apartment residence uses, indicating only the name and address of the building or the management thereof.

(2) For permitted office buildings in C-1 and C-12 Districts, one indirectly illuminated sign not more than 10 square feet in area, indicating only the name and address of the building and the management thereof; and one non-illuminated nameplate not more than one square foot in area, attached to the face of the building, for each office occupant.

**SECTION 62-14.3. C-2 SINGLE PURPOSE OFFICE BUILDING DISTRICTS, AND I-1, I-2, I-3 and I-4 LIGHT INDUSTRY DISTRICTS**

(1) One directly or indirectly illuminated identification sign on each of two frontages of a building provided that no such sign shall be more than 4 feet in vertical dimension. Such signs shall be facial signs and no

free-standing identification signs shall be permitted.

**SECTION 62-14.4. C-3, C-4, C-9, C-10 and C-11 BUSINESS DISTRICTS**

(1) One directly or indirectly illuminated identification sign for each business establishment. The total area of all identification signs allowed for any permitted structure shall not exceed 30 square feet for each business establishment therein, or 15 percent of the area of the principal frontage of the building, whichever shall be greater.

**SECTION 62-14.5. C-5, C-6, C-7 and C-8 BUSINESS DISTRICTS**

(1) One directly or indirectly illuminated identification sign for each business establishment. The total area of all identification signs allowed for any permitted structure shall not exceed 60 square feet for each business establishment therein, or 15 percent of the area of the principal frontage of the building, whichever shall be greater.

**SECTION 62-14.6. I-5 GENERAL INDUSTRY DISTRICTS**

(1) Not more than one directly or indirectly illuminated identification sign on each of two frontages of a building, provided that no such sign shall be more than 4 feet in vertical dimension. Such signs shall be facial signs and no free-standing identification signs shall be permitted.

(2) Indirectly illuminated advertising sign or billboard subject to the issuance of a Special Use Permit by the Board of Appeals, provided that such sign shall not exceed 25 feet in length or 12 feet in height. No such sign shall be located within 100 feet of any public street, or intersection, or curve of a highway, nor within 200 feet of a traffic sign or signal, nor within 300 feet of any cemetery, park, school, playground, church, or place of historic interest, nor within 500 feet of a state parkway. A Special Use Permit shall be issued for a specified period not to exceed 5 years, and such permit may be revoked if the sign and its structure are not kept in a good state of repair or if the premises are not properly maintained.

**SECTION 62-14.7. I-6 GENERATING STATION DISTRICT**

(1) One indirectly illuminated identification sign on each street frontage, provided that such sign shall not be more than 100 square feet in area and not more than 15 feet in height, and no such sign be erected within 50 feet of a street line.

**SECTION 62-14.8. PROHIBITED SIGNS**

The following types of signs are prohibited in all districts:

- (1) Revolving signs and signs which are lighted with intermittent or flashing illumination.
- (2) Free-standing or "pylon" signs.
- (3) Signs which project more than 18 inches over a street line or sidewalk.
- (4) Any sign, or artificial lighting source or reflector connected or to be used therewith, where such sign or lighting conflicts with, or may be mistaken for, a traffic signal.
- (5) Illuminated signs or lighting devices outlining any part of a building such as a gable, roof, sidewalk, or corner.
- (6) Changed effective 9/27/71.  
Any sign, painted, erected, affixed or maintained on the roof of a building, or on any telephone, telegraph, electric, or lighting pole, or on any traffic device, or on any tree, stone or other natural object.

**SECTION 62-14.9. ADDITIONAL SIGN ALLOWANCES**

(1) The number and size of identification signs permitted in this Section shall apply to each street frontage in the case of corner lots and

through lots, except where the secondary frontage of a through lot in any Business District or Industrial District faces a Residential District.

(2) Signs placed on the rear or side wall of any building which is on a parcel of land adjacent to or abutting a municipal parking lot shall not be self illuminating in any respect nor exceed twenty-four square feet in area, with the long axis horizontal to the ground, for all of the establishments located in the building. not more than one such sign shall be placed on such wall and such signs shall show only the names of the establishments located in the building and the products or services furnished therein and no letter contained on any such sign shall exceed eighteen inches in height.

#### **SECTION 62-14.10. LOCATION AND HEIGHT OF SIGNS**

(1) In any Residence District, no sign shall be erected to a total height in excess of 10 feet, from grade to the highest point of the sign structure, and no sign more than 10 square feet in area shall be located within 10 feet of a street line.

(2) No directly illuminated sign in any "C" Business District or "I" Industrial District shall be located within 150 feet of a Residence District boundary unless any lighted face of such sign shall be placed at an angle of not less than 90 degrees to the Residence District boundary.

(3) No sign attached to a building shall project above the roof line, nor shall any sign be attached to the roof.

(4) A marquee may be permitted where accessory to a permitted hotel or theater, and any accessory identification sign allowance shall include any sign on a marquee. No marquee shall project more than 18 inches over a public street or sidewalk.

#### **SECTION 62-14.11. ILLUMINATION OF SIGNS**

Changed effective 11/8/70.

Any source of illumination for an indirectly illuminated sign shall not be cast toward a Residence District, nor interfere with vehicular traffic.

**SECTION 62-14.12. BOARD OF APPEALS -- CONDITIONAL SIGN ALLOWANCES**

The Board of Appeals may grant a permit for a free-standing or pylon-type identification sign in "C" Business Districts subject to the following limitations;

(1) No such sign shall exceed 30 feet in maximum height from grade to the top of the sign structure.

(2) No variance shall be granted so as to permit a sign larger in dimension than provided in this Article for the particular district, and the area of any such free-standing sign shall be included in computing the total sign allowance.

(3) Not more than one such sign shall be permitted for each business structure regardless of the number of enterprises housed therein.

(4) No sign shall be erected within 10 feet of a street right-of-way line.

(5) No directly illuminated free-standing sign which exceeds 10 feet in height shall be located within 50 feet of a Residence District boundary.

(6) Before granting any such permit the Board of Appeals shall find that: (a) the sign is necessary for the identification of the enterprise; (b) the sign does not contribute to the devaluation of property in the area, nor to the deterioration of the neighborhood; (c) the sign does not create, or contribute to the creation of, any traffic hazard.

**SECTION 62-14.13. SIGN PERMITS -- FEES**

No permit shall be required for signs specified in Section 62-14.1, and no fees shall be charged therefor except that the Building Inspector shall approve the location of any free-standing sign.

All signs other than those exempted in the previous paragraph shall be subject to the issuance of a permit by the Building Inspector. Application for such permit shall be made on forms provided by him, and no sign shall be erected until the Building Inspector determines that the sign complies with all applicable regulations, and until the permit has been issued.

Fees for the issuance of a sign permit shall be:

(1) For erecting or placing a new sign, \$.15 per square foot of sign area including each side visible to the public, with a minimum fee of \$5.00 per sign.

(2) For altering, relocating, or enlarging an existing sign, the fees specified above shall apply, and the minimum fee shall be \$5.00.

#### **SECTION 62-14.14. RENEWALS**

Sign permits shall be renewed every two years upon payment of the renewal fee of \$5.00, and each application for a renewal permit shall be accompanied by a certification that the sign is securely hung in a safe manner and that the sign in every way complies with the provisions of this Ordinance.

#### **SECTION 62-14.15. ILLUMINATION OF BUILDINGS AND PARKING AREAS**

Any floodlighting of buildings and parking areas shall be arranged in such a way that no direct glare shall be cast toward any residential property in a Residence District, and luminary devices shall be hooded or arranged so that the source of illumination is not visible from such residential property or highway.

In Business and Industrial Districts, any floodlighting, other than for a permitted sign, shall be limited to the illumination of the building for security purposes and to the lighting of parking area and accessways

as necessary for the safe movement of vehicular traffic. Lighting intensity shall be limited to that which is necessary to afford minimum adequate illumination for the purposes set forth in this paragraph. The height, location, and intensity of luminary devices shall be approved by: any Board, agency, or official having the power to review site plans; the Board of Appeals in connection with the issuance of Special Use Permits; and the Building Inspector in other cases.

No free-standing luminary device shall in any case exceed 30 feet in height, except that where a lesser height shall be specified elsewhere in this Ordinance, said lesser height shall control.

#### SECTION 62-14.16. PERMIT NUMBERS TO BE AFFIXED TO SIGNS

Added effective 8/9/71.

All free standing or other signs for which permits have been issued by the Department of Engineering, Building and Housing shall have the assigned permit number in arabic numerals no less than one (1) inch in height and three-quarter (¾) inch in width permanently affixed in a prominent place on the face thereof, and the failure to affix the assigned permit number shall constitute a cause for the revocation of the permit by the Department of Engineering, Building and Housing, in addition to any other penalties prescribed by law. This section applies to any and all new permits issued after the effective date of this ordinance and includes the renewal of existing sign permits.

**ARTICLE 15**

**SUPPLEMENTARY HEIGHT, AREA  
AND BULK REQUIREMENTS**

The regulations set forth in this Article modify or supplement the district regulations set forth elsewhere in this Ordinance.

**SECTION 62-15.1. MODIFICATION OF HEIGHT REGULATIONS**

(1) The height limitations of this Ordinance shall not apply to:

- (a) Belfries or church spires
- (b) Flagpoles
- (c) Public monuments
- (d) Municipal water tanks, towers or standpipes
- (e) Radio and television towers, antennas or beacons

(2) Elevator housings, ventilating and air conditioning devices, and similar appurtenances usually carried above roof level may exceed the height limits by fifty (50) percent of the building height but not more than 12 feet, provided that the total area covered is not more than 25 percent of the roof area.

(3) Public or semi-public buildings such as hospitals, institutions, schools, churches or temples may be erected to a height in excess of that permitted for the district provided that all minimum yard requirements shall be increased one foot for each foot of height in excess of the limit for the district, but no such building shall exceed 75 feet.

**SECTION 62-15.2. MODIFICATION OF YARD REQUIREMENTS**

(1) Every part of a required yard shall be open and unobstructed to the sky except for permitted accessory buildings and structures, and the

ordinary projection of sills, cornices, decorative features, window air conditioning units and chimneys which may extend not more than 24 inches into a required yard.

(2) Where a lot is to be used for hospital, institutional, educational, or dwelling purposes including motels, such buildings may be arranged around a court which is unobstructed except for permitted off-street parking areas or roofed passageways at ground level and which is open on at least one side facing a street. Any such court between buildings which are parallel or within 45 degrees of being parallel shall have an average width of not less than 30 feet for one and two story buildings plus 10 feet additional for each additional story, and the least horizontal dimension of such court shall not be less than 20 feet.

(3) The least dimension of any yard upon which the principal entrance of a multiple dwelling may face shall be 20 feet.

(4) An open, unenclosed, unroofed porch or terrace which does not extend above the level of the first floor may extend into a required side or rear yard but shall not be placed within 5 feet of a side or rear lot line.

(5) An uncovered accessory swimming pool, or barbeque grill, may be located within a required rear yard but shall not be placed within 5 feet of a side or rear lot line.

(6) Changed effective 6/8/70.

Where a lot used for industrial or commercial purposes abuts a residence district boundary, the side or rear yard requirements of the residence district side which abuts the lot shall apply to any such use, except that where district regulations for the industrial, or commercial use impose higher requirements, such higher requirements shall apply.

(7) On through lots the required front yard shall be provided on each street.

(8) Open or lattice enclosed fire escapes, and the ordinary projection of chimneys and flues may project into a required rear yard a distance of not more than 4 feet.

(9) In R-5 and R-3M Residence Districts, and C-1 Business Districts, a fire escape, entry porch or stair affixed to and running parallel with the wall of a residence structure may project into a required side or rear yard a distance of not more than 4 feet.

(10) No required yard or open space about one building shall be included in determining the required yard or open space about any other building.

(11) Where an official line has been established for the future widening or opening of a street upon which a lot abuts, the required depth of a front or side or side yard shall be measured from such official line.

(12) Notwithstanding the provisions of this Article, no projection of a structure or appurtenance into a required yard used for residence purposes shall be allowed if the unobstructed width of the side yard is thereby reduced to less than 5 feet.

#### SECTION 62-15:3. ACCESSORY BUILDINGS AND STRUCTURES

(1) Except as provided in this Article or in the district regulations, no accessory building shall be located within a required yard.

(2) Accessory buildings shall be included in computing the maximum percentage of lot which may be covered by buildings.

(3) In a Residence District, a detached accessory building shall not exceed the following height limits and may occupy not more than 40 percent of a required rear yard: R-80, R-40, R-20 Districts, 30 feet; R-15, R-10 Districts, 20 feet; R-7, R-5 Districts, 16 feet.

(4) In a Residence District, no detached accessory building shall be located within the following distances of a side or rear lot line: R-80 Districts, R-40, R-20, R-15 Districts, 10 feet; R-10, R-7, R-5 Districts, 2 feet.

(5) In the case of a corner lot, an accessory building shall occupy

the innermost quarter of the lot and shall not project beyond the required yard line along either street.

(6) An accessory garage or other building which is attached to the main building shall be considered part of the main building in determining yard requirements, except that such attached accessory building or garage may occupy part of a rear yard subject to the limitations of paragraphs (3) and (4) of this Section.

(7) In the C-1, C-3, C-6 and C-7 Business Districts, no accessory building shall be located closer to any street line than the main building on the lot, and no accessory building shall be located within 2 feet of a side or rear lot line.

## ARTICLE 16

### Non-Conforming Uses

#### SECTION 62-16.1. CONTINUATION

The lawful use of any land, building, or structure existing at the time of passage of this Ordinance may be continued, and such use may be extended throughout a building but shall not be extended in use of the land, except as otherwise provided in this Article, although such use does not conform to the provisions of this Ordinance.

#### SECTION 62-16.2. STRUCTURAL ALTERATION

A non-conforming building or a building occupied by a non-conforming use shall not be extended or structurally altered except: (a) when required by law; (b) to adapt the building to a conforming use provided such extension or alteration does not create any new non-conforming bulk in the building.

#### SECTION 62-16.3. CHANGE OF USE

A non-conforming use may be changed to a conforming use or, on application to, and with approval of, the Board of Appeals, to any use which the Board shall find to be less intensive and more in character with the uses permitted in the district in which the non-conforming use is located. Once changed to a conforming use, or to a use approved by the Board of Appeals under this paragraph, the former non-conforming use shall be deemed to have terminated, and no building or land shall revert to a former non-conforming use.

#### SECTION 62-16.4. CESSATION OF USE

If active and continuous operation of a non-conforming use is not carried on for a period of one year, the building or land on which such use was conducted shall thereafter be used only in conformance with the regulations of the district in which the premises is situated. The casual or intermittent use of land shall not establish the existence of a lawful non-conforming use.

**SECTION 62-16.5. DAMAGE AND DESTRUCTION**

(1) No building damaged by any cause to the extent of more than 50 percent of the reconstruction cost of the total structure shall be reconstructed except in conformance with the regulations of the district in which it is located.

(2) If a building occupied by a non-conforming use is damaged by any cause to the extent of less than 50 percent of the reconstruction cost of the total structure, it may be reconstructed and used as before the time of damage provided that such reconstruction shall be substantially completed within one year of the date of such damage.

**SECTION 62-16.6. TERMINATION OF CERTAIN NON-CONFORMING USES**

Within 3 years of the date of adoption of this Ordinance, or applicable amendments thereto, any use specified herein which is, or becomes, a non-conforming use shall comply with the following requirements:

(1) The use of a required yard for the storage or display of merchandise or materials in connection with a business or manufacturing establishment shall be terminated.

(2) The use of open land for a junk yard, storage yard, or auto wrecking yard shall be terminated unless a solid fence or planting screen is installed around the entire perimeter of the premises, and unless the use conforms to performance standards specified in Article 13. Required fencing shall be at least eight feet in height, unbroken except for entranceways, and the Board of Appeals shall approve the type of fencing or screening, or both, and the location of entranceways. Materials stored shall not be higher than the required fence. Whenever any special ordinance, local law, or other regulation shall impose higher standards than set forth in this Ordinance, such standards shall apply.

(3) In any Residence District, a sign not of a conforming type but greater than twice the sign area permitted, shall be removed unless within the 2 year period it shall be made to conform with the appropriate regulations.

(4) In any district other than a Residence District, a sign with a sign area greater than the maximum area permitted, or otherwise non-conforming by reason of height or location, may be continued for 3 years after the effective date of this regulation, and such sign shall be made conforming, or shall be removed at the expiration of such 3 year period.

(5) Added effective 5/1/72.

In any district other than a residential district, a sign which is otherwise prohibited by this ordinance, than by reason of area, location, or height, may be continued for one year after the effective date of this regulation, and such sign shall be made conforming, or shall be removed at the expiration of such one year period.

(6) Added effective 5/1/72.

All such non-conforming signs which are made conforming shall also comply with Section 62-14.13 (SIGN PERMITS - FEES) and Section 62-14.16 (PERMIT NUMBERS TO BE FIXED TO SIGNS).

#### SECTION 62-16.7. EXTENSION OR REMODELING OF STRUCTURES USED FOR NON-CONFORMING NON-RESIDENTIAL USES

Notwithstanding any other provision of this Ordinance, a structure used for a non-conforming use on non-residentially zoned premises, excepting non-conforming uses or structures situated in a General Industry District, may be extended or remodeled, provided no structure devoted to such non-conforming use may be extended or remodeled to an extent exceeding 25 percent of its gross floor area existing at the time of the enactment of this Ordinance or any amendment thereto, and provided further that the Board of Appeals shall find that;

(1) Practical difficulties prevail in operating the premises or structures in the presently existing non-conforming manner, and that the proposed extension or remodeling would constitute a reasonable adjustment of the existing non-conforming use.

(2) The proposed extension or remodeling will reduce the deleterious effect on the neighborhood of the existing non-conforming use. In determining deleterious effect, the Board of Appeals shall take

into consideration, among other things: Traffic generated, nuisance characteristics, hours and manner of operation, total ground area covered by structures, and appearance and condition of premises.

(3) The proposed extension or remodeling will not be more incompatible with, nor adversely alter the nature and character of the neighborhood and neighborhood structures, or prejudice value of adjoining properties.

(4) Adequate on-site parking and loading space will be provided for all potential users.

(5) The proposed extension or remodeling will not cause or increase traffic congestion or traffic hazards and will not unduly restrict fire and police protection of the premises.

(6) In addition, the Board of Appeals in granting a Special Use Permit under this section may also prescribe such further conditions or restrictions with respect to both the proposed extension or remodeling and the existing non-conforming structures or use as in its opinion will increase the compatibility of the non-conforming use, as extended or remodeled, with the general neighborhood including, but not limited to landscaping, redecoration, structural improvements, manner of operation, and elimination of offensive uses or procedures.

## ARTICLE 17

### Board of Appeals

#### SECTION 62-17.1. CONTINUATION

The Zoning Board of Appeals consisting of seven members previously appointed in accordance with the provisions of section 267 of the Town Law, as amended, shall be continued.

#### SECTION 62-17.2. POWERS

The Board of Appeals shall have the following general powers with respect to this Ordinance:

(1) To hear and decide appeals from any order, requirement, decision or determination of the Building Inspector where it is alleged that there is error in any such action.

(2) To decide any question involving the interpretation of a provision of this Ordinance, and to determine and establish the true location of district boundaries in a disputed case.

(3) To hear and decide special exceptions or conditional uses upon which such Board is required to pass under the terms of this Ordinance, and to grant any Special Use Permit or Special Exception where the provisions of this Ordinance reserve such grant to the Board of Appeals.

(4) To authorize, upon appeal from a determination of the Building Inspector, a variance or modification in the strict application of the terms of this Ordinance where literal enforcement would result in practical difficulty or unnecessary hardship.

(5) Changed effective 10/23/72.

To permit such variation of the yard, open space, lot area or lot width regulations as may be necessary to secure an appropriate improvement of a parcel of land where such parcel was separately owned or under contract of sale at the time of the passage of the 1934 Building Zone Ordinance of the Town of Huntington, or at the time of passage of an amendment there-

to increasing the requirements of such regulations, where the variation of lot area applied for does not exceed fifty per centum of the lot area requirement at the time the application is made. Proof of single and separate ownership in the form of a certification by a title company licensed by the Department of Insurance of the State of New York shall be submitted to the Clerk of the Zoning Board of Appeals at the time the application is filed.

Where the variation of lot area applied for exceeds fifty per centum of the lot area requirement at the time the application is made, the Zoning Board of Appeals may permit such variation only upon finding as follows:

- (a) That the sewage disposal system proposed and the introduction of sanitary wastes into the ground will not adversely affect the groundwater;
- (b) That the development of the site will not result in increased surface water runoff from the site;
- (c) That the development of the site will not result in erosion or in siltation of surface waters; and
- (d) That the development of the site will not result in the destruction of trees other than those required by the erection of a structure.

(6) To permit additions or structural alterations to special uses approved by the Town Board, or to uses in special districts approved by the Planning Board, where such additions or structural alterations do not require variance or modification of the conditions originally set forth.

(7) To determine the proper location for a building on a lot or to determine the proper location and extent of yards and setbacks as required by this ordinance where, in the case of irregularly shaped lots, the Building Inspector shall find that he is unable to make such determination.

#### SECTION 62-17.3. SPECIAL PERMITS AND SPECIAL EXCEPTIONS

The Board of Appeals is hereby authorized to issue Special Use Permits and Special Exceptions where such issuances are made subject to the approval of the Board of Appeals. Before granting any such special use permit or exception, the Board of Appeals shall make such findings as are set forth in Section 62-11.1 of this Ordinance, and the issuance of

such permit or special exception shall be subject to the special requirements and conditions specified for the use and to the district regulations or other regulations of this Ordinance. In the case of any conflict between special requirements and other regulations the regulations which impose the more restrictive standards shall apply to any special use permit or special exception.

A Special Use Permit or special exception may be issued for a specified period of time, or may be issued subject to periodic renewal, and such renewal, or extension, shall be subject to the procedures specified for the original permit unless otherwise specified in this Ordinance. The record relating to the issuance of a Special Use Permit or special exception shall specify the conditions and requirements under which such permit was issued, and in cases where the Board of Appeals shall deny a Special Use Permit or special exception the reasons for such denial shall be set forth.

#### SECTION 62-17.4. OTHER POWERS

In addition to powers and duties conferred upon the Board of Appeals elsewhere in this Ordinance, the Board is authorized to grant Special Exceptions in the following cases, and may authorize the issuance of permits in appropriate instances:

(1) Depth Extension: Where a Business District is 150 feet or less in depth, the Board may permit a proposed business use to extend not more than 100 feet in additional depth. The applicant shall specify the need for such depth extension, and the Board of Appeals shall find that such extension is required for the reasonable use of the property.

(2) Lot Adjacent to Non-Conforming Use: The Board may permit such modification of the provisions of this Ordinance as are necessary to secure an appropriate development of a lot bounded on two or more sides by premises on which the buildings are non-conforming.

(3) Lots Bisected by Zone Line: Where a use district boundary line crosses a lot the Board may permit the extension of a building, or the location of an accessory off-street parking or loading area, or the extension of a use of either classification into the whole lot provided that: (a) the character and value of adjoining properties will be safeguarded; (b) such extension will not increase the ground floor area of a building by more than 50 percent; (c) such extension shall not exceed one-third the area, frontage or depth of the lot.

(4) Overnight Parking – Outside Storage: The Board may authorize, with proper safeguards, and screening where necessary, the use of part of a lot for overnight parking of commercial vehicles or outside storage of materials where such uses are accessory to a permitted use, and necessary to its operation, and are not otherwise specifically permitted in the district regulations. Overnight parking areas, and outside storage areas, shall be designated on the site plan and shall not be located within any portion of a front yard, or streetside yard on a corner lot.

(5) Golf Courses: The Board may authorize the establishment of a golf course in a Residence District, subject to the following:

(a) Any such golf course shall consist of tees, greens and grass fairways with a minimum distance of 50 yards between each tee and green. There shall be no more than an average of one hole for each two gross site acres, in the total tract.

(b) A practice driving range shall be permitted only where accessory and incidental to a golf course, provided that there shall be no more than one driving tee for each acre in the total tract, and no artificial lighting shall be allowed.

(c) There shall be no more than one accessory club house or other building designed to provide for lockers, enclosed eating facilities without take-out privileges, and shop for the sale of golf equipment.

(d) An accessory building for the storage and maintenance of equipment and machinery used in connection with a golf course may be permitted.

(e) No parking or loading area shall be located within a required side or rear yard, nor within 25 feet of the front property line.

(f) No building or structure shall in any case exceed two and one half stories or 35 feet, including fences and lighting standards.

(g) No artificial illumination installed for the purpose of allowing nighttime use of a golf course or accessory driving range shall be permitted.

(h) No bullhorns, loud speakers or other means of sound amplification shall be permitted where such use will adversely affect adjacent properties.

(i) Front, side and rear yards shall not be less than 100 feet in depth, and the plot shall not be less than twenty (20) acres.

**SECTION 62-17.5. ACTION BY BOARD OF APPEALS, CONDITIONS OF GRANT**

This section changed effective 9/25/72.

In any case where the Board of Appeals is empowered to issue a Special Use Permit, approve a special exemption or authorize a variance, said Board may impose such conditions or restrictions as are deemed necessary in the specific case in order to: (a) minimize the effects of the use, exception, or variance upon other property in the neighborhood; (b) assure a harmonious arrangement of uses; or (c) implement the spirit and objectives of this Ordinance. Any such conditions or restrictions shall become a part of any building permit or certificate of occupancy thereafter issued for the premises involved, and failure to comply with such conditions and restrictions shall constitute a violation of this Ordinance. Any such failure to comply may thereafter constitute grounds for denial or revocation of the building permit or certificate of occupancy or for any other appropriate remedies. Such failure to comply shall be a violation subject to prosecution under Section 62-22.5 of this Ordinance and upon conviction for the imposition of the fine and penalty as set forth in said section. Special conditions or limitations may include any of the following:

- (1) Location of principal and accessory buildings.
- (2) Limitation of signs or advertising devices including number, size, location, type, illumination.
- (3) Limitation of amount, location, intensity and direction of exterior illumination.
- (4) Amount, location, and improvement of off-street parking and loading space.
- (5) Type, location, and design of drainage and drainage structures.
- (6) Control of access, and circulation within the premises.
- (7) Grading, and the location and type of retaining walls or structures.
- (8) Landscaping, screening, fencing and walls, including the location and type of planting and fencing required for screening purposes.

(9) Hours of operation.

(10) Structural changes including the installation of storefronts.

(11) Control or elimination of smoke, dust, gas, noise, vibration, odor and lighting.

(12) Sound amplification devices

(13) Other conditions found by the Board to be necessary.

**SECTION 62-17.6. PROCEDURE, NOTICE, and HEARING**

(1) The Board of Appeals shall make rules as to the manner of filing appeals, or applications for Special Use Permits, or Special Exceptions or Variances from the terms of this Ordinance, and any other matter requiring action by said Board.

(2) Upon the filing with the Board of Appeals of an appeal, or application for a Special Use Permit, or Special Exception, or Variance from the terms of this Ordinance, and upon payment of required fees, the Board shall fix a time and place for a public hearing thereon and shall give notice of such hearing as follows:

(a) By publishing a notice thereof once a week for two weeks in the official Town newspaper.

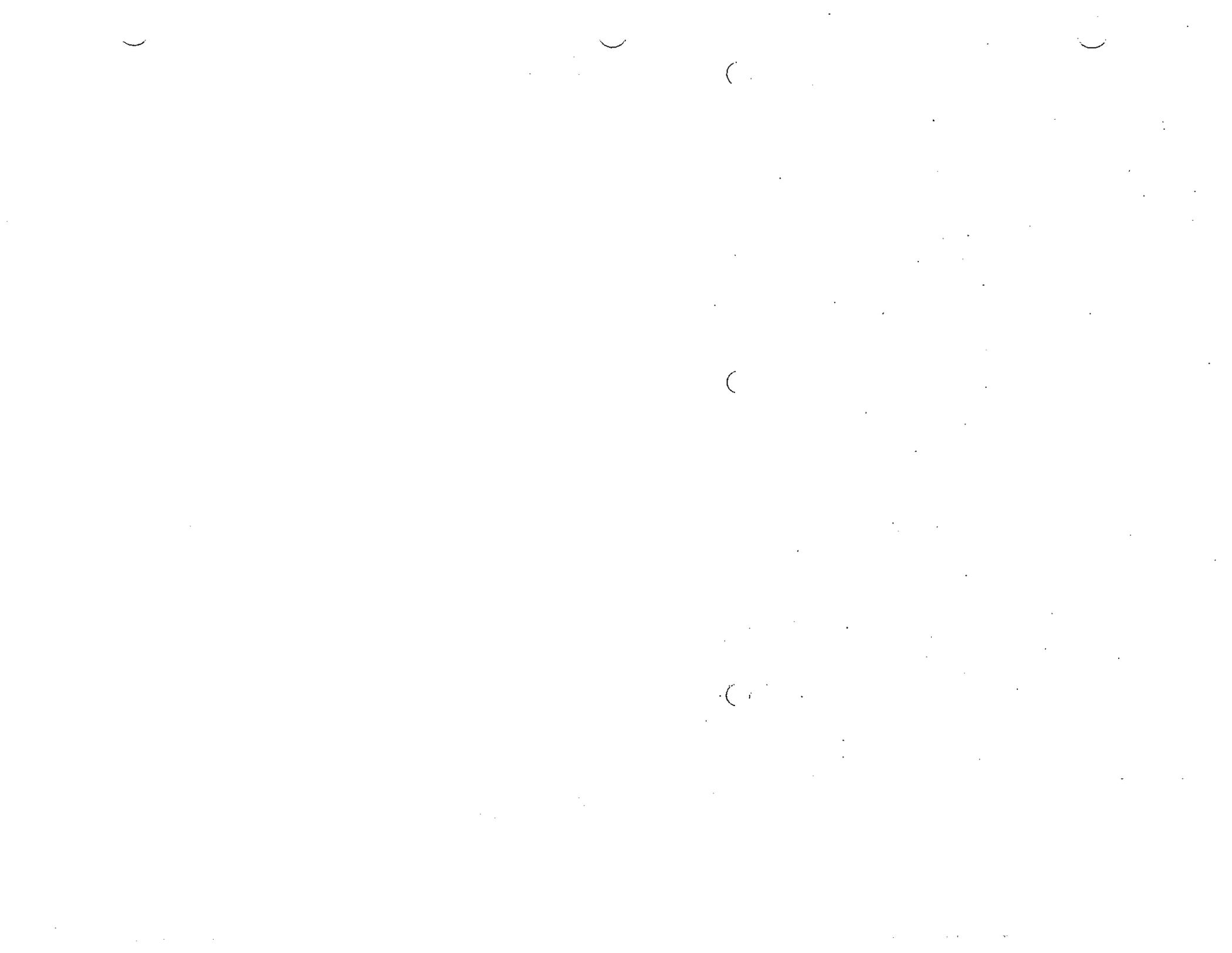
(b) By mailing or serving a notice thereof to the Town Clerk, to the Town Supervisor, and to the owners of all adjoining property within two hundred feet of the exterior limits of the applicant's total property holding, as shown on the latest assessment roll.

(c) Notice of hearing shall state the location of the building or premises, the name of the owner and applicant, and the general nature of the application.

**SECTION 62-17.7. LAPSE OF A SPECIAL PERMIT OR VARIANCE**

After the Board of Appeals has approved the issuance of a Special Use Permit, or a Special Exception, or a Variance, such approval or

grant shall expire at the end of one year unless a building permit shall have been issued. The Board of Appeals may extend such permit for an additional year on finding that conditions and circumstances incident to the original grant have not changed, and no hearing shall be required as a basis for making such determination.



ARTICLE 18

APPROVALS BY PLANNING BOARD, OR  
PLANNING DIRECTOR

SECTION 62-18.1. MODIFICATION OF ZONING REGULATIONS

Simultaneously with the approval of any plat upon which the Planning Board is empowered to act, pursuant to Section 276 of the Town Law, such Board may make any reasonable modification of the zoning regulations applicable to the land so platted, as authorized by Section 281 of the Town Law, and as specified in this Article. Any such modification of the zoning regulations shall be made to: encourage the most appropriate use of land consistent with the character thereof, and with the general welfare of the community; to afford adequate facilities for the housing, circulation, convenience, safety, health and welfare of the population; to safeguard the appropriate use and value of adjoining property; or to conserve the general character and value of property in the district. Unless otherwise specified in this Article, any modification of the zoning regulations made by the Planning Board in connection with plat approval shall be limited to size of lot, minimum yard dimensions, location of buildings, location and extent of parking and loading areas, and provision of public recreation areas including parks and playgrounds, or public school sites.

**Procedure:** No modification shall be made in the zoning regulations applicable to any land shown on a plat until the final map has been submitted to the Planning Board, and a public hearing has been held thereon. The Board may approve, modify and approve, or reject such plat in keeping with the intent and purpose of this Ordinance. If the plan is approved, the Planning Board shall make appropriate modifications of the zoning regulations simultaneously with the approval of the final plat and such modification shall be noted in detail thereon. When a final plat of lands for which modifications of zoning are sought is submitted for public hearing, such plat shall be an overall plan for the total project area, and shall be filed as such, although several sections may be filed simultaneously.

**SECTION 62-18.2. SUBDIVISION OF LAND FOR INDUSTRIAL USE - PLANNED INDUSTRIAL PARKS**

When a site development plan or plat of a tract of land 50 acres or more in area is submitted to the Planning Board, and such tract is located in an I-1 or I-2 Light Industry District, the Board simultaneously with the approval of the plat may establish special design criteria for lot area and yards as necessary to encourage sound industrial development patterns and good land use practice. Such special design criteria shall be limited as follows:

(1) The minimum site area for a principal building may be reduced by not more than one-third, for not more than one-third of the total building sites within the project, but the average site area of all building sites therein shall not be less than 6 acres for I-1 Districts nor less than 3 acres for I-2 Districts.

(2) No building site reduced in area as provided in Section 62-82, paragraph (1) shall have principal frontage on a major street.

(3) Minimum lot width, for lots reduced in area, may be reduced to not less than 300 feet in I-1 Districts and not less than 200 feet in I-2 Districts.

(4) Minimum front yard depth, for lots reduced in area, may be reduced to not less than 60 feet.

(5) Minimum street frontage, for lots reduced in area, may be reduced to not less than 150 feet.

(6) No special design criteria shall be applied to lots or building sites adjacent to Residence District boundaries.

**SECTION 62-18.3. BUILDING AND SITE DEVELOPMENT PLANS**

Whenever the district regulations require the submission of building and site development plans before a building permit is issued, the Director of Planning shall act thereon within sixty (60) days after the

date of submission unless an extension of time is mutually agreed upon in writing, otherwise such plan shall be deemed to have been approved. Building and site development plans shall show: the site area and location of all buildings thereon; off-street parking and loading areas; location and size of signs; landscaping and screening; on-site drainage; proposed illumination of buildings, sites and signs, original and proposed final contours; and means of access. The plans may be approved, modified and approved, or rejected in order to promote the spirit and intent of this Ordinance, and no building permit shall be issued until the plans have been approved. In approving such plans, the appropriate determinations set forth in Article 11 for Special Uses shall be considered. The Director of Planning shall notify the applicant in writing of his action on such site plan. The applicant may, if aggrieved, request a hearing before the Town Board to review the action of the Director of Planning. Said request shall be filed with the Town Clerk within two (2) weeks of notification of the action, and shall state the reason or reasons for such grievance. The Town Board shall schedule a public hearing to consider the grievance, and such hearing shall be held within thirty (30) days of the filing of the request for hearing, and the Board shall act thereon within forty-five (45) days of such date. Any person may have the determination of the Town Board reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the civil Practice Law and Rules provided the proceeding is commenced within thirty (30) days after the filing of the determination in the office of the Town Clerk.

#### **SECTION 62-18.4. PROCEDURAL REQUIREMENTS**

The Planning Board may adopt rules and regulations for the processing of matters referred to the board under the provisions of this Ordinance, and may provide for the issuance of a building permit for a building in a planned industrial park prior to the approval of a final plat where: (a) a preliminary map has been approved; (b) the plot has frontage on an existing major street and; (c) no modification of the zoning requirements applicable to the plot have been requested.

## SECTION 62-18.5 DEVELOPMENT OF REAL PROPERTY

This section added effective 1/19/70, and changed effective 2/14/72.

WHEREAS, in order to provide for the orderly, uniform and harmonious future growth and development of the Town of Huntington and to afford adequate facilities for the housing, welfare, recreation, including adequate facilities for parks and playgrounds, transportation and distribution including water mains, sidewalks, curbs, gutters, comfort, convenience, safety and health of its population, it is in the public interest to require the filing of maps showing lots, blocks or sites of real property in the Town of Huntington, New York.

### A. DEFINITIONS

**Subdivision:** The division or development of any real property into more than one lot, block or site, with or without streets, not on a map previously filed in the office of the Clerk of Suffolk County pursuant to Section 335 of the Real Property Law and shall include property fronting on existing streets.

**Resubdivision:** The redivision or redevelopment of lots, blocks or sites already shown on a map filed in the office of the Clerk of Suffolk County, pursuant to Section 335 of the Real Property Law.

**Lot:** The smallest portion of a subdivision or other parcel of land upon which a building may be legally constructed under that section of the Zoning Chapter of the Code of the Town of Huntington for the District where the land is located. A lot is also to mean plot.

**Conveyance:** A transfer of title to real property with or without consideration or a mortgage of real property.

### B. REQUIREMENT FOR FILING MAP

In order to carry out the purpose and intention of this chapter, every person, corporation, partnership and association, incorporated or unincorporated, other than a church-cemetery organization attached to a

religious parish within the County of Suffolk, who engages in the subdivision or resubdivision of real property in any zoning district of the Town of Huntington shall be required to obtain the approval of the Planning Board of such subdivision or resubdivision and to file a map of such subdivision or resubdivision in the office of the Clerk of Suffolk County in accordance with Section 335 of the Real Property Law and shall comply with the Subdivision Regulations and Site Improvement Specifications of the Town of Huntington, New York.

#### C. MODIFIED PROCEDURES

The following procedure when approved by the Planning Board shall apply to a parcel of land which has the capability of being subdivided into lots conforming in all respects to the Zoning Chapter of this Code. One lot may be conveyed provided said conveyance is to a church organization, a cemetery association, or to a member of the family of the owner. The remaining portion of the parcel shall remain as such unless and until subdivision is instituted with the Planning Board. The condition imposed hereinabove shall be covenanted by the owner and shall be filed in the office of the Clerk of the County of Suffolk; the covenant shall bind the grantor as well as all future owners, assigns and successors in interest.

#### D. EFFECT OF NON-COMPLIANCE WITH LOCAL LAW

In addition to any penalty provided by law the following shall result from non-compliance:

A building permit shall not be issued for the construction of any building on a lot subject to a conveyance after the effective date of this Local Law which is not on a map filed and approved under this Local Law nor shall a building permit be issued for the alteration, moving, conversion, extension or demolition of a building on a lot on a map not filed and approved as provided herein.

## ARTICLE 19

### BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, FEES

#### SECTION 62-19.1. BUILDING PERMITS

(1) No building or structure shall be erected, constructed, altered, moved, converted, extended or demolished until the owner has first obtained a building permit therefor, and no building permit shall be issued until the Building Inspector has determined that the proposed building or structure complies with the provisions of this ordinance.

(2) A duly issued building permit shall remain in force and effect under the conditions applicable at the date of issuance, but shall become null and void under the conditions specified in the Building Code unless the foundation has been completed and construction has been commenced, within the time specified in the Building Code.

(3) All applications for building permits shall be made in a manner specified by the Building Inspector, and shall be accompanied by all information necessary to a proper finding of compliance with the provisions of this Ordinance, as determined by him. No permit shall be issued until all required information has been submitted and the Building Inspector has determined that the proposed construction complies with all applicable codes, regulations, and Ordinances.

#### SECTION 62-19.2. CERTIFICATE OF OCCUPANCY

(1) No land shall be occupied or used and no building hereafter erected shall be used wholly or partially for any purpose until a Certificate of Occupancy has been issued by the Building Inspector. Such Certificate of Occupancy shall be required for all uses and structures.

(2) No change or extension of use, nor any alteration, shall be made in a non-conforming use or premises until the Building Inspector has issued a certificate attesting that the change, extension or alteration

conforms to applicable provisions of this Ordinance.

(3) Application for a Certificate of Occupancy shall be made at the time of application for a building permit, and the certificate shall be issued within 10 days of the date that the Building Inspector determines that the completed building or structure complies with the provisions of this Ordinance, and on-site improvements have been completed. An application for a Certificate of Occupancy shall expire at the end of three years from the date of issuance of a building permit, and no certificate shall thereafter be issued unless the building conforms to applicable regulations at the time of reapplication.

#### **SECTION 62-19.3. REVOCATION OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY**

The Building Inspector may revoke any building permit or Certificate of Occupancy upon finding as follows:

(1) A false statement or misrepresentation of fact has been made in any application for a Certificate of Occupancy or building permit.

(2) Work performed under a building permit has not been prosecuted in accordance with the provisions of this Ordinance, or special determination by the Town Board, Board of Appeals, Planning Board, or Director of Planning.

(3) Any person to whom a permit or certificate has been issued refuses to comply with a stop order issued by the Building Inspector.

(4) Substantial violation of any provision of a grant by the Town Board, Board of Appeals or Planning Board exists.

(5) The owner or other person against whom a notice of violation has been issued have been given reasonable opportunity to comply with any terms or provisions of this Ordinance or a special grant and have failed to comply therewith.

**SECTION 62-19.4. FILING FEES**

(1) Building Permit -- Certificate of Occupancy: A fee shall be charged for every Building Permit or Certificate of Occupancy issued. Such fee shall be as set forth in the Code.

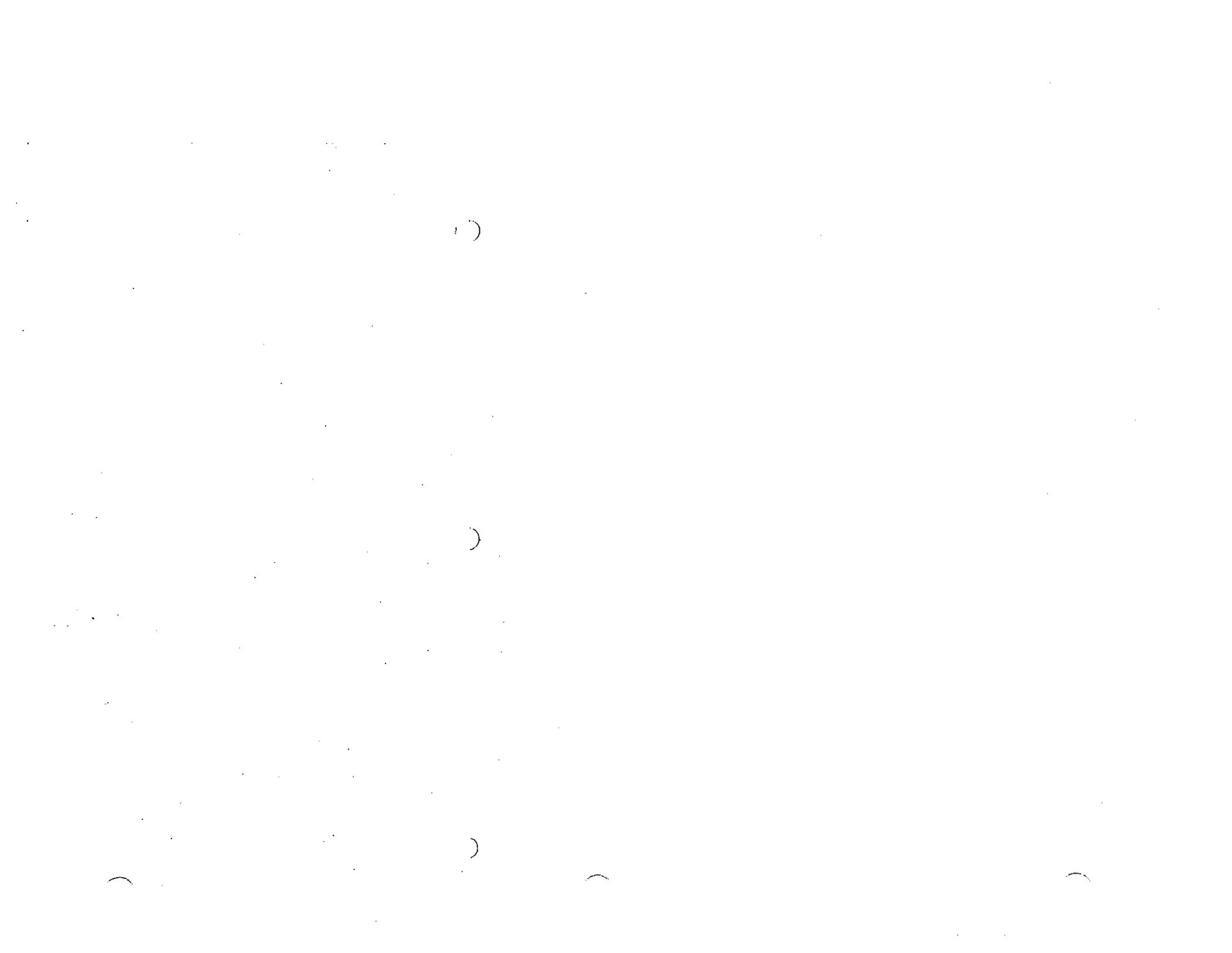
(2) Special Use -- Special Exception: Upon filing with the Board of Appeals of an application for a Special Use Permit or Special Exception, the applicant shall pay to the Clerk of the Board the sum of \$100.00.

(3) Other Applications: Upon filing with the Board of Appeals of any other application, the applicant shall pay to the Clerk of the Board the sum of \$25.00.

(4) Extension of Period of Validity: Upon filing with the Board of Appeals for an extension of the period of validity of a Special Use Permit, Special Exception or Variance upon which no building Permit has been issued and construction undertaken, or upon which the use permitted has not been commenced, the applicant shall pay to the Clerk of the Board a fee of \$10.00.

(5) Changed effective 6/8/70.

Change of Zone. Upon filing with the Town Board of a request for a change of zone or amendment to the zoning ordinance or map, the applicant shall pay to the Town Clerk the sum of \$125.00. The Town Board may call a public hearing to consider such application, but shall not schedule any such hearing until the fee has been paid. No fee paid pursuant to this paragraph shall be refunded.



## ARTICLE 20

### AMENDMENTS

#### SECTION 62-20.1. AMENDMENT

The Town Board may from time to time amend, supplement, modify, repeal, or change this Ordinance or the Zoning Map on its own motion, or on petition, application, or on recommendation of the Planning Board.

#### SECTION 62-20.2. PLANNING BOARD REFERRAL

The Town Board may refer a proposed amendment to the Planning Board for recommendation and written report thereon. The Town Board may specify a reasonable time within which such report shall be submitted, and no public hearing shall be held upon any amendment until such report has been received, or the specified time has elapsed without such report having been received.

#### SECTION 62-20.3. APPLICATION

Application to amend this Ordinance may be made by any property owner. The Town Board may schedule a public hearing to consider such application.

#### SECTION 62-20.4. NOTICE REQUIREMENTS

By resolution adopted at a regular meeting of the Board, the Town Board shall fix the time and place of any public hearing upon an amendment to this Ordinance, and shall give at least ten (10) days notice thereof by: (a) publishing a notice in the official town newspaper as required by law; (b) posting a printed copy of such notice on the sign board maintained by the Town Clerk pursuant to Section 30, Subdivision 6 of the Town Law.

In addition to the foregoing requirements, notice of any public hearing called pursuant to Section 62-20.3 of this Ordinance to consider

an amendment to the zoning map shall be given by mailing or serving a notice thereof to the owners of all adjoining property within two hundred feet of the exterior limits of the applicant's total property holding, as shown on the latest assessment roll. The applicant shall be required to make such notification, and proof of service shall be submitted to the Board at the time of hearing. Such notice shall be given not less than thirty (30) days prior to the date of hearing. The Town Board shall not call a public hearing upon any proposed zoning amendment until the applicant excluding the Town Board or Planning Board, has paid the required filing fee to the Town Clerk, and complied with the requirements of this section and with applicable disclosure requirements.

Notice of hearing shall state the location of the building or premises, the name of the owner and applicant, and the general nature of the application.

#### SECTION 62-20.5.

Any applicant or petitioner who requests an amendment to the zoning map shall submit to the Town Clerk with the application for such amendment an original drawing and 3 copies thereof, of a survey of the property for which an amendment is requested, prepared by a land survey or engineer currently licensed by the State of New York. The original survey shall be in ink on tracing cloth on a sheet size of 8½ x 11 inches, and shall show the property in question and adjoining property on which the zoning is designated by standard symbols shown on the official zoning map. The bottom 5 inches of the survey map shall remain blank for insertion of a written description of the proposed amendment by the Town Clerk. A written description of the proposed amendment shall accompany the survey and application.

#### SECTION 62-20.6.

Any amendment to these regulations shall, upon adoption, be entered in the minutes of the Town Board, and shall be published and posted according to law.

**ARTICLE 21.**

**INTERPRETATION, PURPOSE AND CONFLICT**

**SECTION 62-21.1.**

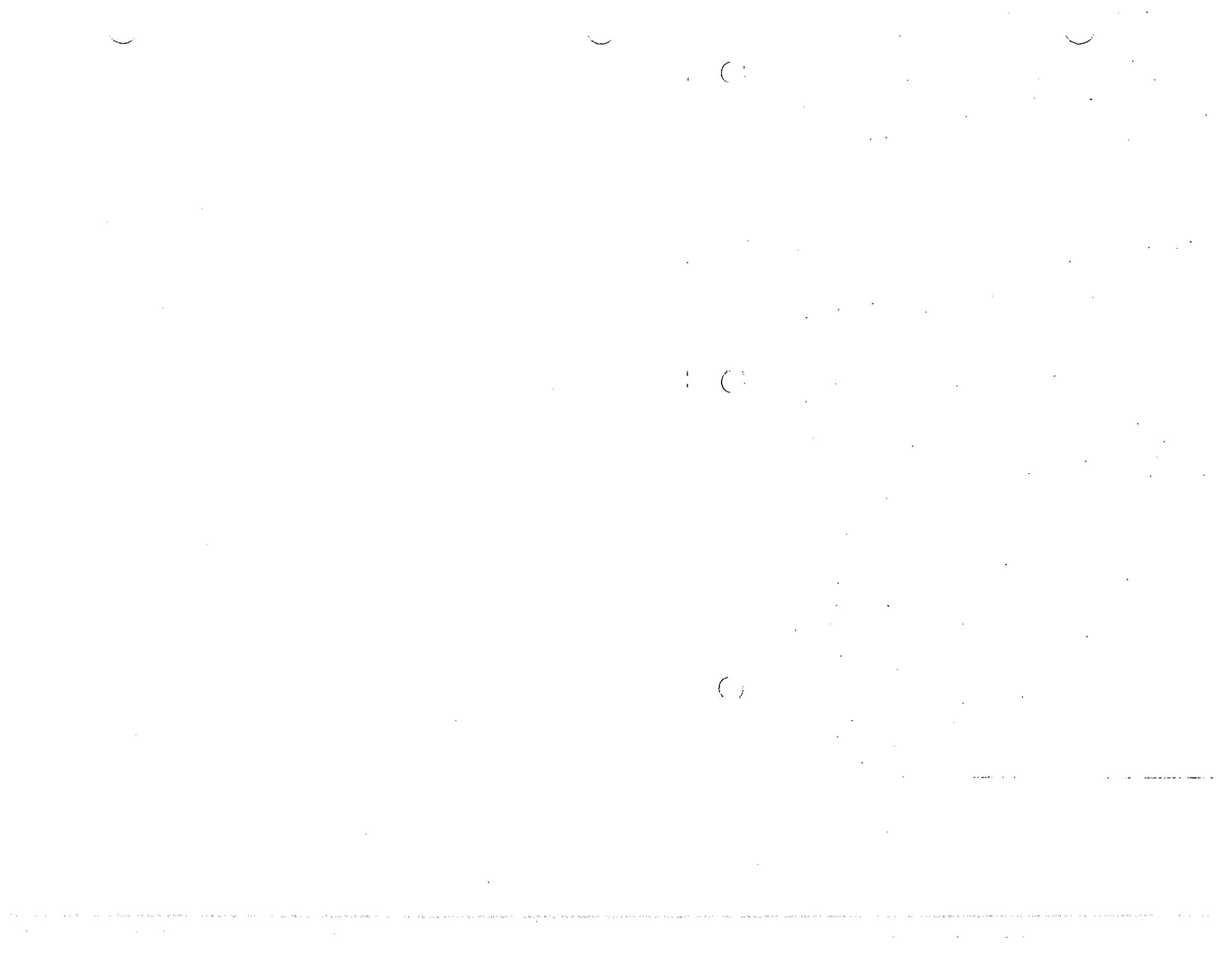
The regulations of this Ordinance are to be considered to be minimum provisions for the protection and promotion of the public health, safety, morals, convenience or the general welfare, and the Ordinance should be liberally construed so as to further these purposes.

**SECTION 62-21.2.**

This Ordinance is not intended to interfere with, or abrogate or annul any other Town ordinance or code, or regulation or rule adopted thereunder, or agreement between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces that are imposed or required by such ordinances or rules and regulations or agreements, the provisions of this Ordinance shall control.

**SECTION 62-21.3.**

This Ordinance, or any amendment thereto, is not intended to abrogate or annul any building permits, certificates of occupancy, variances or special permits lawfully issued before the effective date of this Ordinance or amendment provided that any permit or certificate shall be implemented as provided herein within the specified period of time during which it is valid.



## ARTICLE 22

### ENFORCEMENT, VIOLATIONS, PENALTIES

#### SECTION 62-22.1.

It shall be the duty of the Building Inspector to enforce the provisions of this Ordinance, and said Building Inspector and any other official designated by the Town Board is hereby empowered to enforce any such provisions.

#### SECTION 62-22.2.

The Building Inspector is authorized to inspect any building or premises to determine whether any violations of this Ordinance have been committed or exist, and to take any appropriate action to put an end thereto. The Building Inspector in appropriate cases shall inform the Town Attorney of violations of this Ordinance and with the issuance of an order in writing shall take all necessary steps to enforce the provisions of this Ordinance.

#### SECTION 62-22.3.

The Building Inspector shall remove any sign or advertising device erected or altered in violation of this Ordinance. Before taking such action he shall notify the owner, tenant or lessee of the premises on which such sign or device is located, and upon request of such owner, tenant or lessee shall not remove such sign or device for a period of thirty (30) days from the date of notification.

#### SECTION 62-22.4.

In case any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or any building, structure or premises is used in violation of this Ordinance, or amendment, or regulation made pursuant, thereto, any appropriate action or proceeding may be instituted to prevent or abate such violation.

Page 62-148:

SECTION 62-22.5.

Changed effective 2/28/72. .

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 exists, and the lessee or tenant of a premises where such violation has been committed or exists, and the agent, architect, contractor or other person who knowingly commits, takes part in, or assists in any violation, shall be held liable on conviction thereof to a fine or penalty not exceeding two hundred fifty (\$250.00) dollars or imprisonment for a period not to exceed fifteen (15) days, or both, for each and every offense, and each week that such violation continues following notification by the Building Inspector or service of a summons shall constitute a separate offense punishable in like manner.

ARTICLE 23

VALIDITY

SECTION 62-23.1.

If any section, paragraph, or other provision of this Chapter shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional such adjudication shall not affect the validity of the Chapter as a whole or any part thereof.



ARTICLE 24

Special Exemptions

(1) June 30, 1937

BE IT FURTHER RESOLVED AND ORDAINED that each and every of the lots and plots hereinafter set forth situate in "Shorewood" at Centerport in the Town of Huntington, County of Suffolk, New York, be excepted from the provisions of Article IV, Section 4, Subdivision B (paragraph 5) so as to permit each and every of said lots and plots to be built upon as they now exist and in accordance with their present respective widths as shown by Map No. 1080 filed in the Office of the Clerk of the County of Suffolk on May 25, 1932, Map No. 816 filed in the Office of the Clerk of the County of Suffolk on September 10, 1926, Map No. 88 filed in the Office of the Clerk of the County of Suffolk on September 9, 1927 and Map No. 197 filed in the Office of the Clerk of the County of Suffolk on December 11, 1928;

On Map 1080, filed in Suffolk County Clerk's Office on May 25, 1932: 47, 48, 83, 86, 89, 90, 96, 98, 109, 110, 114B, 128, 136, 140, 150, 153, 164, 165, 167, 169, 171, 180, 181, 183, to 189 inclusive, 193, 195, to 198 inclusive, 202, 211 to 216 inclusive, 218, 220, 222, 225, 247, 250 to 252 inclusive, 254, 256, 259, 265, 277, 291, 292, 295A, 296, 298 to 300 inclusive, 307A, 310.

On Map 816, filed in Suffolk County Clerk's Office on September 10, 1926: 1 to 4 inclusive, 8 to 15 inclusive, 18 to 21 inclusive, 24, 25, SE 1-2 of 30, 31, 33.

On Map 88, filed in Suffolk County Clerk's Office on September 9, 1927:

Block A

6 to 8 inclusive, 10 to 19 inclusive, 24 to 26 inclusive, 28, 29.

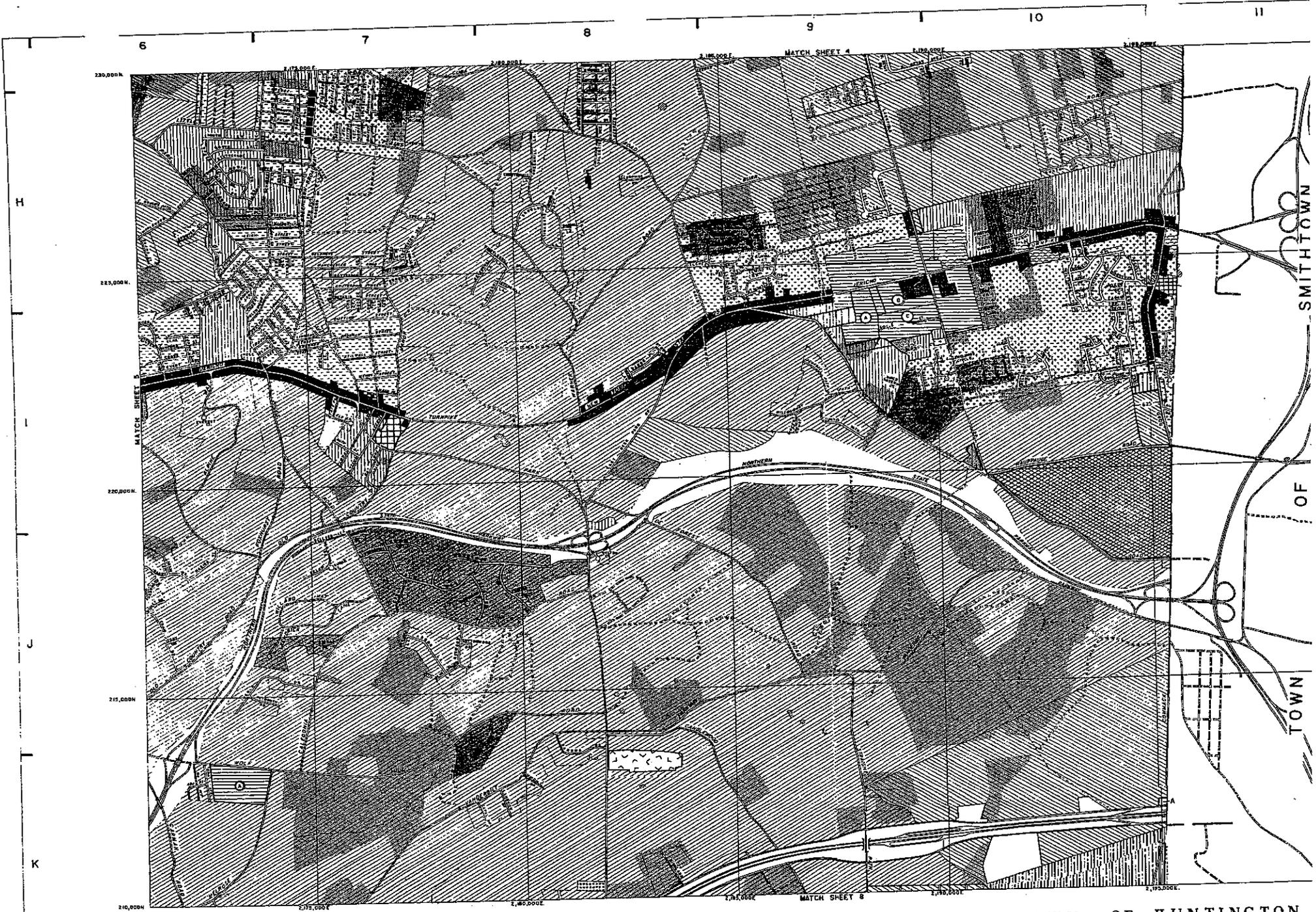
By changing from Res. "E" to Res. "D" all land lying within the boundaries of the filed map of "Shorewood Sec 1 to 4" inclusive, EXCEPT THAT ALL LOTS WITHIN THIS AREA THAT ARE UNBUILT UPON ON THE EFFECTIVE DATE OF THIS AMENDMENT SHALL BE EXEMPTED FROM THE AREA, WIDTH AND SIDE YARD REQUIREMENTS OF SAID RES. "D" ZONE, BUT SHALL CONTINUE TO COMPLY WITH THE AREA, WIDTH AND SIDE YARD REQUIREMENTS OF RES. "E" ZONE.

LIST OF AMENDMENTS TO THE ZONING CHAPTER

	Effective Date
1. Deletion. Sec. 62-6.1(8) ..... Page 62-54	1/5/70
2. Change. Sec.62-2.1 ..... Page 62-7	1/19/70
3. Change. Sec.62-4.8 ..... Page 62-28	1/19/70
4. Addition. Sec.62-18.5 ..... Page 62-138	1/19/70
5. Addition. Sec. 62-12.2(4)a ..... Page 62-98	2/16/70
6. Change. Sec.62-12.2(8) ..... Page 62-99	2/16/70
7. Change. Sec. 62-8.5 ..... Page 62-71	3/23/70
8. Addition. Sec. 62-7.1 B.2.b ..... Page 62-64	4/27/70
9. Addition. Sec. 62-7.1 B.2.c ..... Page 62-64	4/27/70
10. Addition. Sec. 62-7.1 B.2.d ..... Page 62-64	4/27/70
11. Addition. Sec.62-7.1 B.2.e ..... Page 62-64	4/27/70
12. Addition. Sec.62-7.1 B.2.f ..... Page 62-64	4/27/70
13. Addition. Sec.62-7.1 B.2.g ..... Page 62-64	4/27/70
14. Addition. Sec.62-7.1 B.2.h ..... Page 62-64	4/27/70
15. Addition. Sec.62-7.1 B.2.i ..... Page 62-64a	4/27/70
16. Addition. Sec.62-7.1 B.2.j ..... Page 62-64a	4/27/70

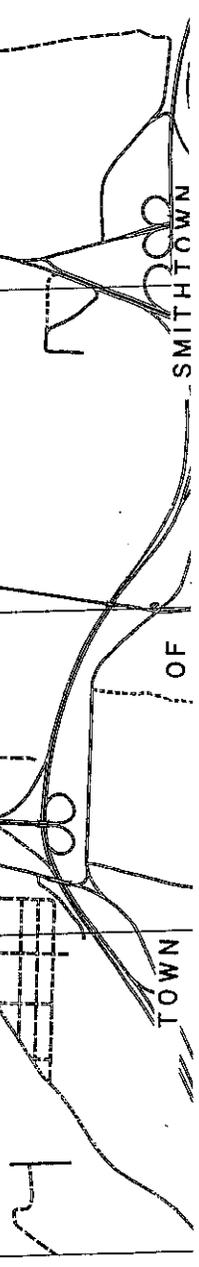
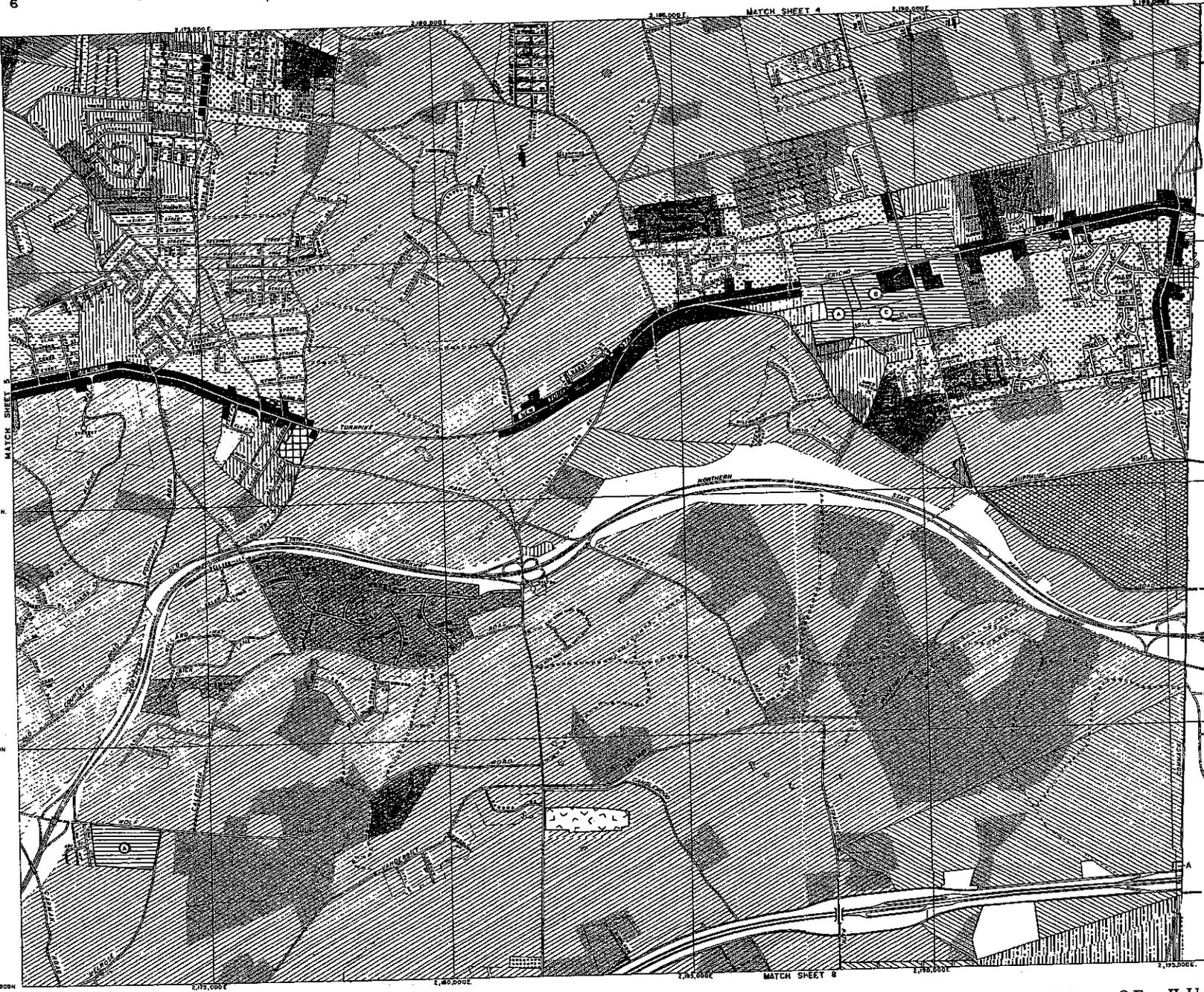
17. Change. Sec.62-6.1 .....6/1/70  
Page 62-55
18. Change. Sec.62-15.2 .....6/8/70  
Page 62-119
19. Change. Sec. 62-15.2.6 ..... 6/8/70  
Page 62-120
20. Change. Sec.62-19.4(5) ..... 6/8/70  
Page 62-141
21. Change. Sec.62-14.11 .....11/8/70  
Page 62-115
22. Change. Sec.62-2.1 .....3/22/71  
Page 62-8
23. Change. Sec.62-5.6 C.5 .....3/22/71  
Page 62-43
24. Change. Sec.62-8.2 .....5/24/71
25. Change. Sec.62-8.4.1 .....5/24/71  
Page 62-68
26. Change. Sec.62-14.8.6 .....7/19/71
27. Change. Sec.62-7.1 B.2.b .....8/9/71  
Page 62-64
28. Change. Sec.62-7.1 B.2.c .....8/9/71  
Page 62-64
29. Addition. Sec.62-7.1 B.2.k .....8/9/71  
Page 62-64a
30. Addition. Sec.62-7.1 B.2.l .....8/9/71  
Page 62-64a
31. Addition. Sec.62-7.1 B.2.m .....8/9/71  
Page 62-64a
32. Addition. Sec.62-7.1 B.2.n .....8/9/71  
Page 62-64a

33.	Addition. Sec.62-7.1 B.2.o	8/9/71
	Page 62-64a	
34.	Addition. Sec.62-7.1 B.2.p	8/9/71
	Page 62-64a	
35.	Addition. Sec.62-14.16	8/9/71
	Page 62-118	
36.	Change. Sec.62-7.1 B.2	8/23/71
	Page 62-64	
37.	Addition. Sec.62-7.1 B.2.q	8/23/71
	Page 62-64a	
38.	Addition. Sec.62-7.1 B.2.r	8/23/71
	Page 62-64a	
39.	Addition. Sec.62-7.1 B.2.s	8/23/71
	Page 62-64a	
40.	Change. Sec.62-7.1 C.4	8/23/71
	Page 62-65	
41.	Addition. Sec.62-7.1 B.2.t	9/27/71
	Page 62-64b	
42.	Addition. Sec.62-7.1 B.2.u	9/27/71
	Page 62-64b	
43.	Addition. Sec.62-7.1 B.2.v	9/27/71
	Page 62-64b	
44.	Addition. Sec.62-11.3.23	9/27/71
	Page 62-91	
45.	Change. Sec.62-14.8.6	9/27/71
	Page 62-114	
46.	Addition. Sec.62-7.1 B.2.w	11/1/71
	Page 62-64b	
47.	Addition. Sec.62-7.1 B.2.x	11/1/71
	Page 62-64b	
48.	Change. Sec.62-18.5	2/14/72
	Page 62-138	



230,000  
225,000  
220,000  
215,000  
210,000

H  
I  
J  
K

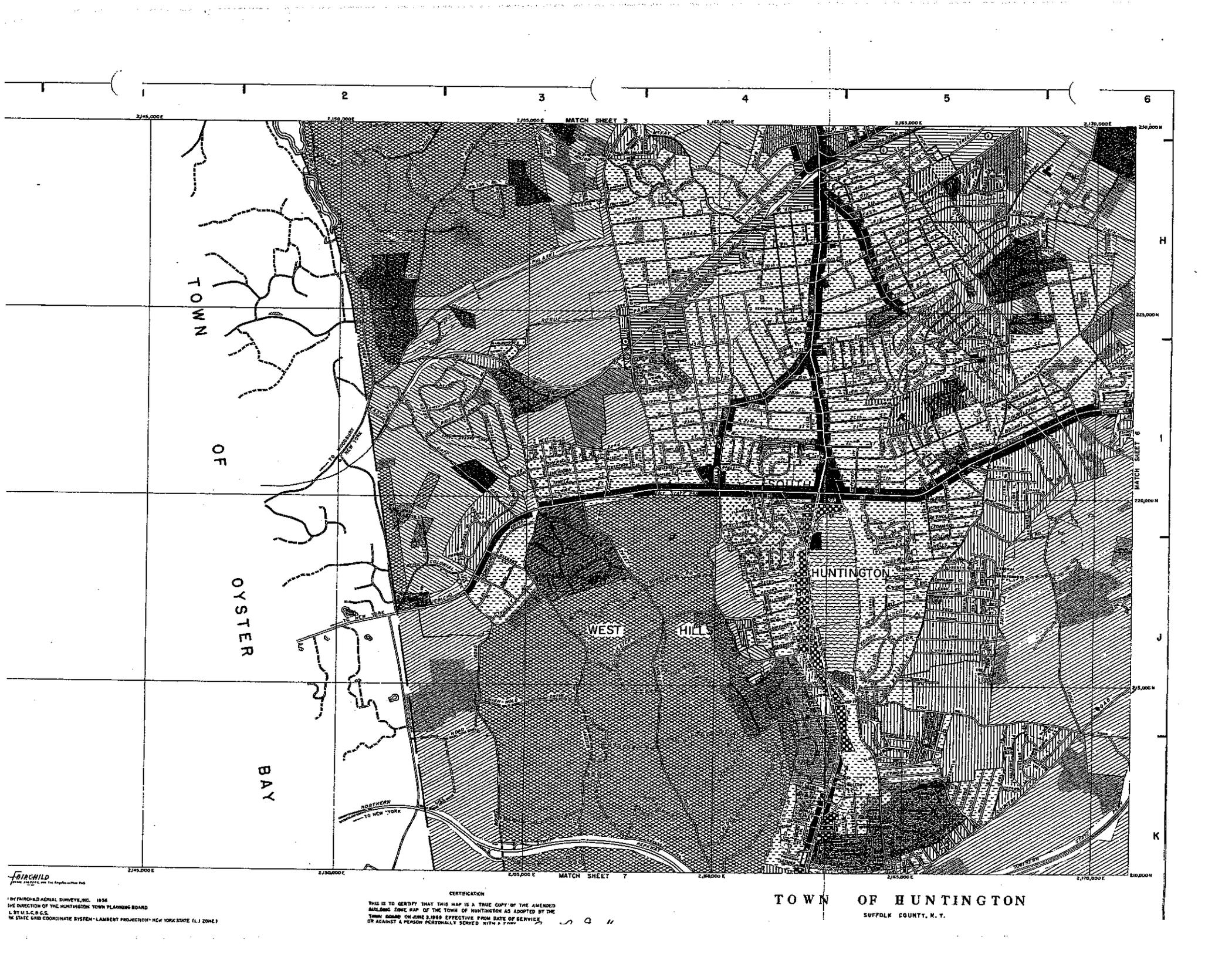


**FAIRCHILD**  
Aerial Photography and Mapping Division  
MAPPED BY FAIRCHILD AERIAL SURVEYS, INC. 1954  
UNDER THE DIRECTION OF THE HUNTINGTON TOWN PLANNING BOARD  
PRINTED BY H. C. F. & S. C.

CERTIFICATION  
THIS IS TO CERTIFY THAT THIS MAP IS A TRUE COPY OF THE AMENDED  
BUILDING ZONE MAP OF THE TOWN OF HUNTINGTON AS ADOPTED BY THE  
TOWN BOARD ON JUNE 3, 1969 EFFECTIVE FROM DATE OF SERVICE  
OR AGAINST A PERSON PERSONALLY SERVED WITH A COPY. *Paul Smith*

**TOWN OF HUNTINGTON**  
SUFFOLK COUNTY, N.Y.  
**ZONING MAP**

1 2



TOWN

OF

OYSTER

BAY

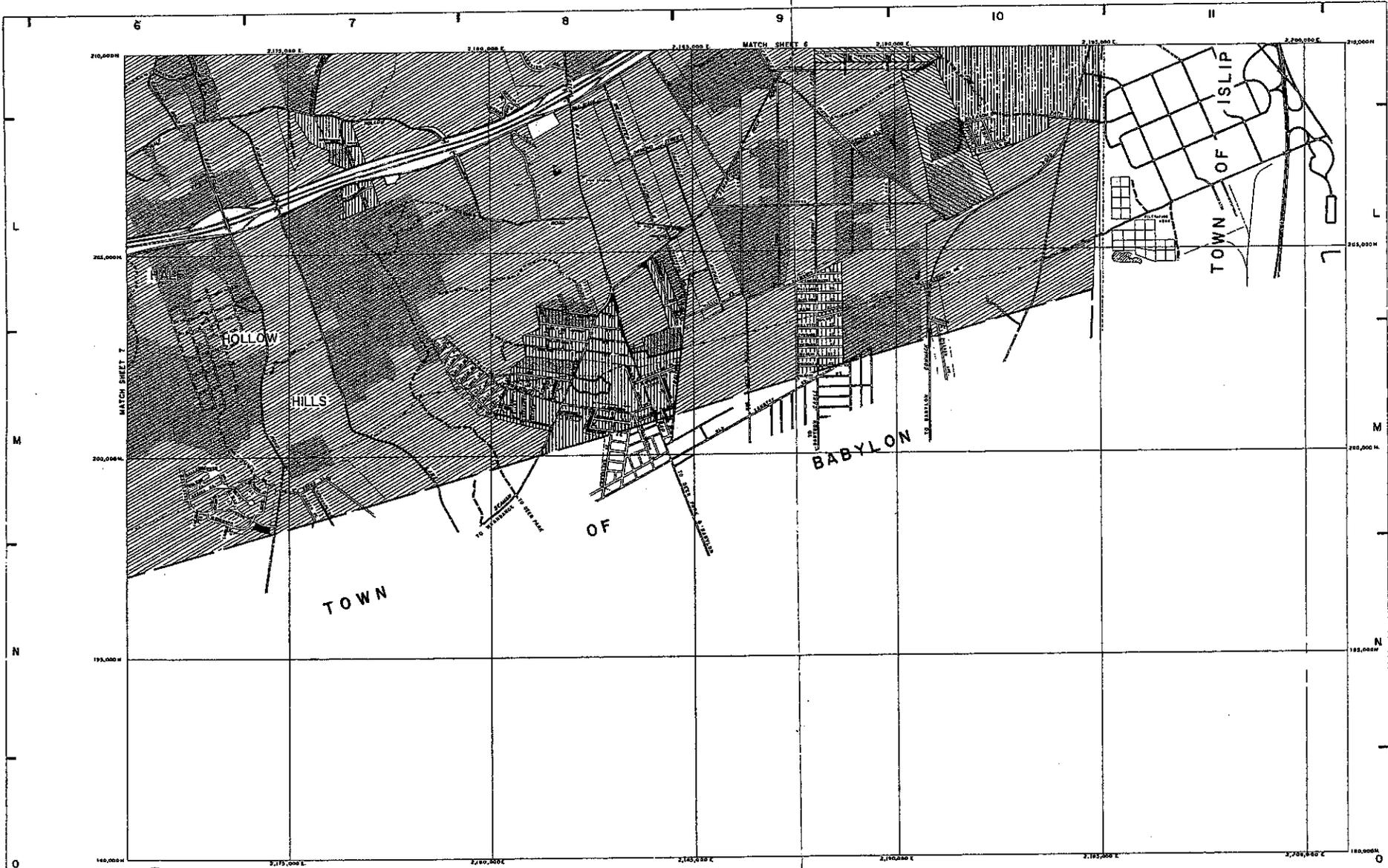
WEST HILL

HUNTINGTON

FAIRCHILD  
 ENGINEERING CORPORATION  
 100 WEST 42ND STREET, NEW YORK 36, N.Y.  
 THIS IS TO CERTIFY THAT THIS MAP IS A TRUE COPY OF THE AMENDED  
 BUILDING ZONE MAP OF THE TOWN OF HUNTINGTON AS ADOPTED BY THE  
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 BUILDING ZONE MAP OF THE TOWN OF HUNTINGTON AS ADOPTED BY THE  
 TOWN BOARD ON JUNE 3, 1959 EFFECTIVE FROM DATE OF SERVICE,  
 OR AGAINST A PERSON PERSONALLY SERVED WITH A COPY.

TOWN OF HUNTINGTON  
 SUFFOLK COUNTY, N. Y.



**Fairchild**  
 Mapping, Engineering, Surveying & Planning  
 100 West 17th Street, New York, N.Y. 10011  
 Telephone: (212) 850-1000

MAPPED BY FAIRCHILD AERIAL SURVEYS, INC. 1958  
 UNDER THE DIRECTION OF THE HUNTINGTON TOWN PLANNING BOARD  
 CONTROL BY R.C.S.B.S.  
 NEW YORK STATE GRID COORDINATE SYSTEM - LAMBERT PROJECTION - NEW YORK STATE PL.S. 1011  
 SHEET LINES ADJUSTED WITHIN INCORPORATED VILLAGES  
 AND NOT PART OF THIS MAP

THIS MAP IS NOT AN OFFICIAL MAP OF THE TOWN OF HUNTINGTON AS AUTHORIZED BY  
 SECT. 276 OF THE TOWN LAW NOR IS ANY REPRESENTATION MADE THAT THE STREETS  
 SHOWN HEREON ARE OFFICIAL STATE, COUNTY OR TOWN HIGHWAYS.

**CERTIFICATION**  
 THIS IS TO CERTIFY THAT THIS MAP IS A TRUE COPY OF THE AMENDED  
 ZONING ZONE MAP OF THE TOWN OF HUNTINGTON AS ADOPTED BY THE  
 TOWN BOARD ON JUNE 2, 1948 EFFECTIVE FROM DATE OF SERVICE OR  
 ISSUED & PREVIOUS PERSONALLY SERVED WITH A COPY THEREOF  
 AND EFFECTIVE TEN DAYS FOLLOWING PUBLICATION AND POSTING  
 THEREON DATE: 1948 JUNE 10, 1948 AND AS AMENDED EFFECTIVE  
 THROUGH DECEMBER 31, 1977

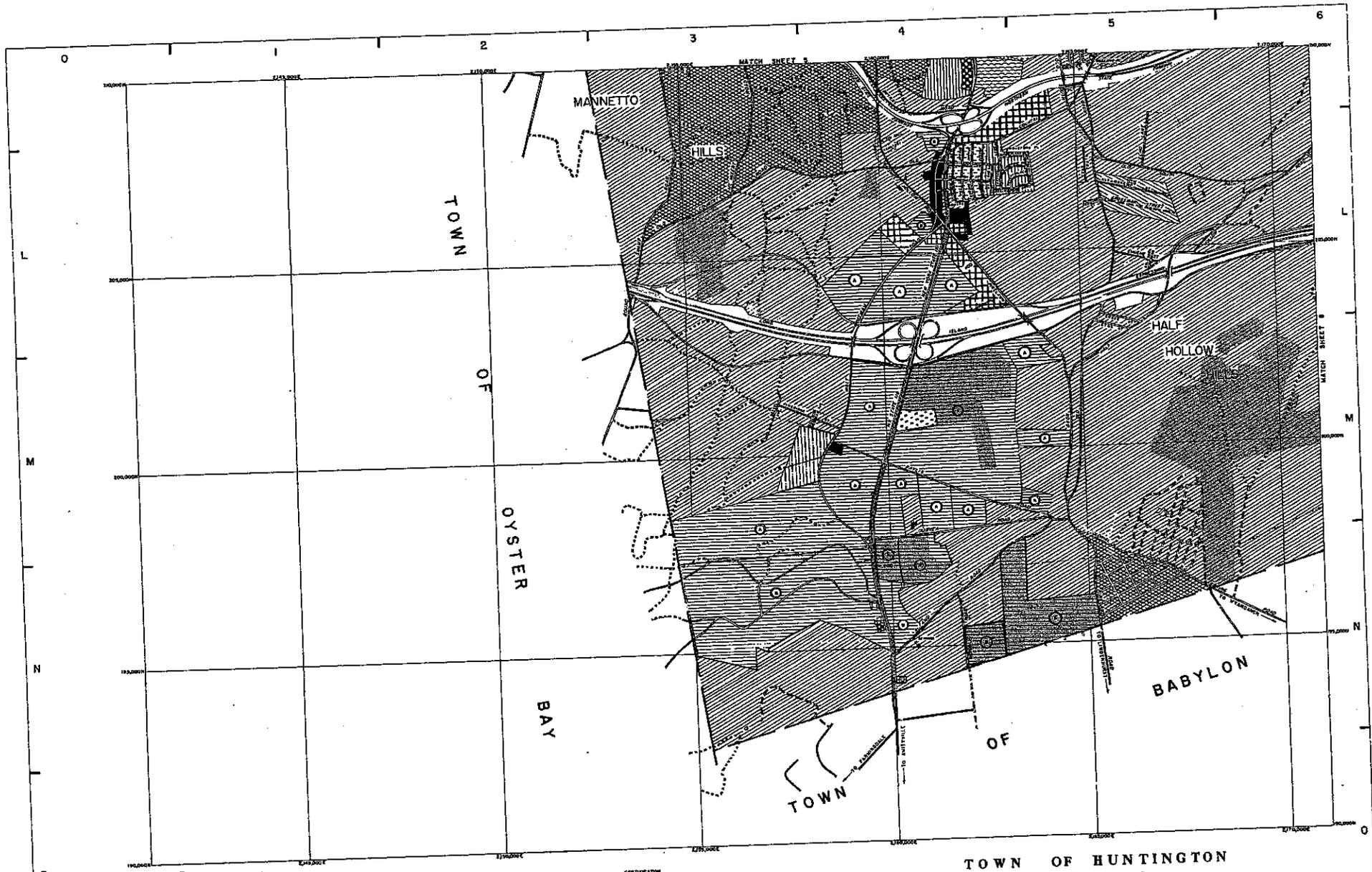
*Mary Rose Miller*  
 Town Clerk

0 1000 2000 3000 4000 5000 6000 FEET  
 SCALE 1" = 1000'

**TOWN OF HUNTINGTON**  
 SUFFOLK COUNTY, N.Y.  
**ZONING MAP**

1	2
3	4
5	6
7	8

SHEET LAYOUT



TOWN  
 OF  
 OYSTER  
 BAY

TOWN  
 OF  
 BABYLON

**TOWN OF HUNTINGTON**  
 SUFFOLK COUNTY, N. Y.  
**ZONING MAP**

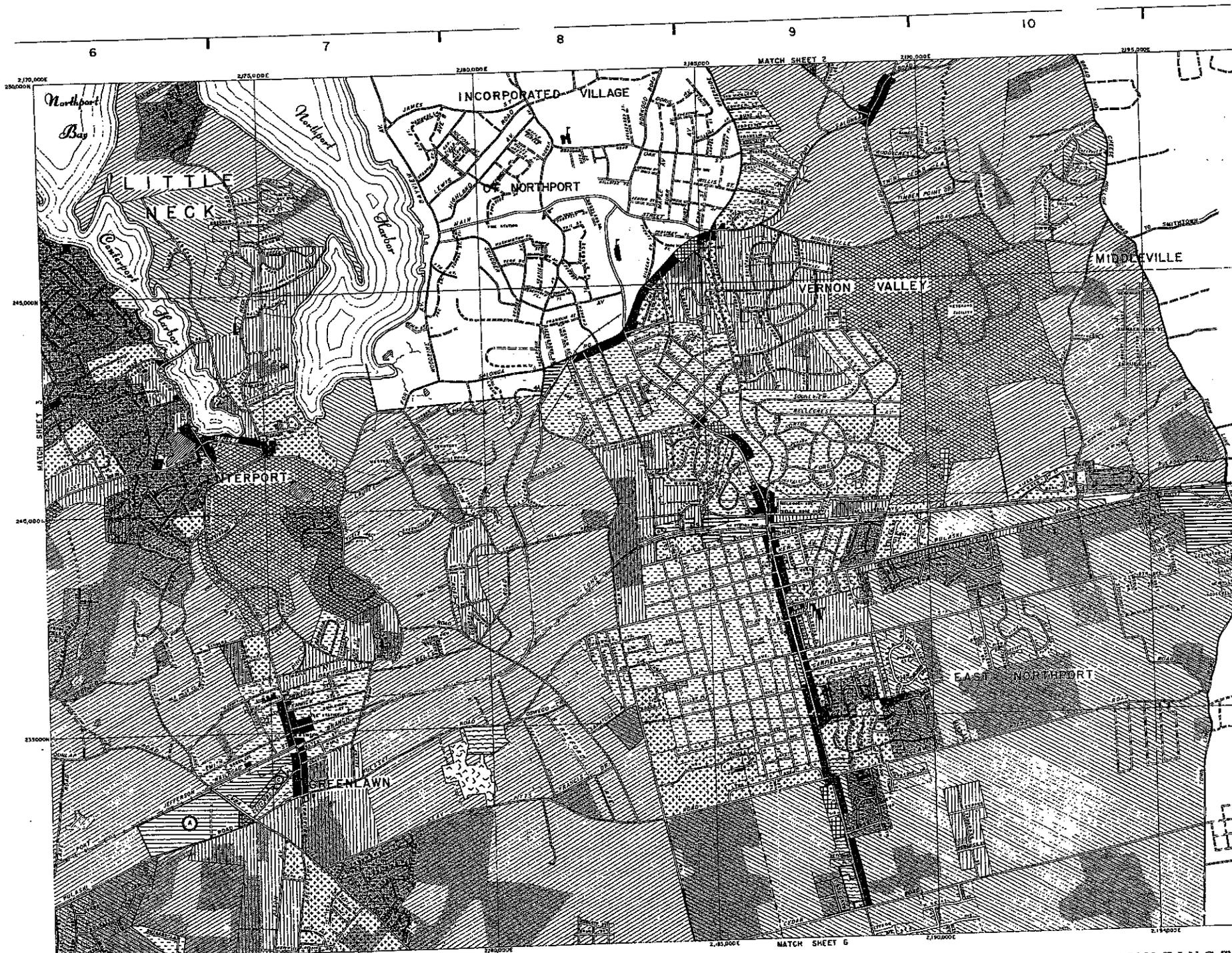
MAPPED BY FRIEWOLD AERIAL SURVEYS, INC. 1954  
 UNDER THE DIRECTION OF THE HUNTINGTON TOWN PLANNING BOARD  
 CONTROLLED BY U.S.G.S.  
 NEW YORK STATE GRID COORDINATE SYSTEM - LAMBERT PROJECTION - NEW YORK STATE (L.L.ZONE)  
 STREET LINES AND NAMES WITHIN INCORPORATED VILLAGES  
 FROM 1954 MAP

CERTIFICATION  
 THIS IS TO CERTIFY THAT THIS MAP IS A TRUE COPY OF THE RECORDED  
 VOLUME ZONING MAP OF THE TOWN OF HUNTINGTON AS ADOPTED BY THE  
 TOWN BOARD ON JUNE 3, 1968 EFFECTIVE FROM DATE OF RECORDING  
 ON MARCH 4, 1968 PERSONALLY SERVED WITH A COPY  
 THEREOF AND EFFECTIVE FOR DATE FOLLOWING PUBLICATION  
 AND PUTTING WHICH DATE WAS JUNE 15, 1968 AND IS  
 AN ORDERED EFFECTIVE THROUGH DECEMBER 31, 1972.

*Mary Rose Miller*  
 TOWN CLERK

0 1000 2000 3000 4000 5000 6000 FEET

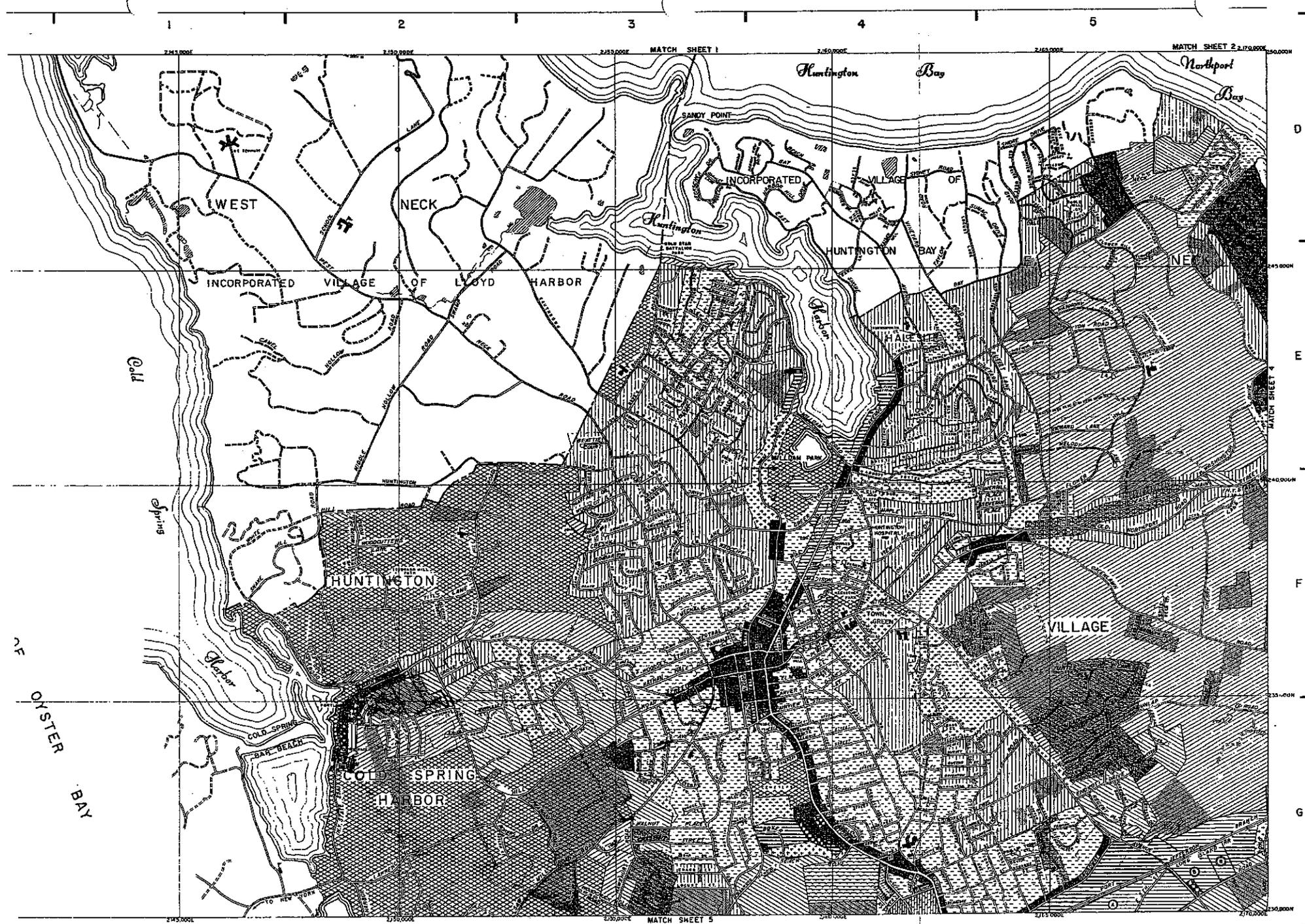
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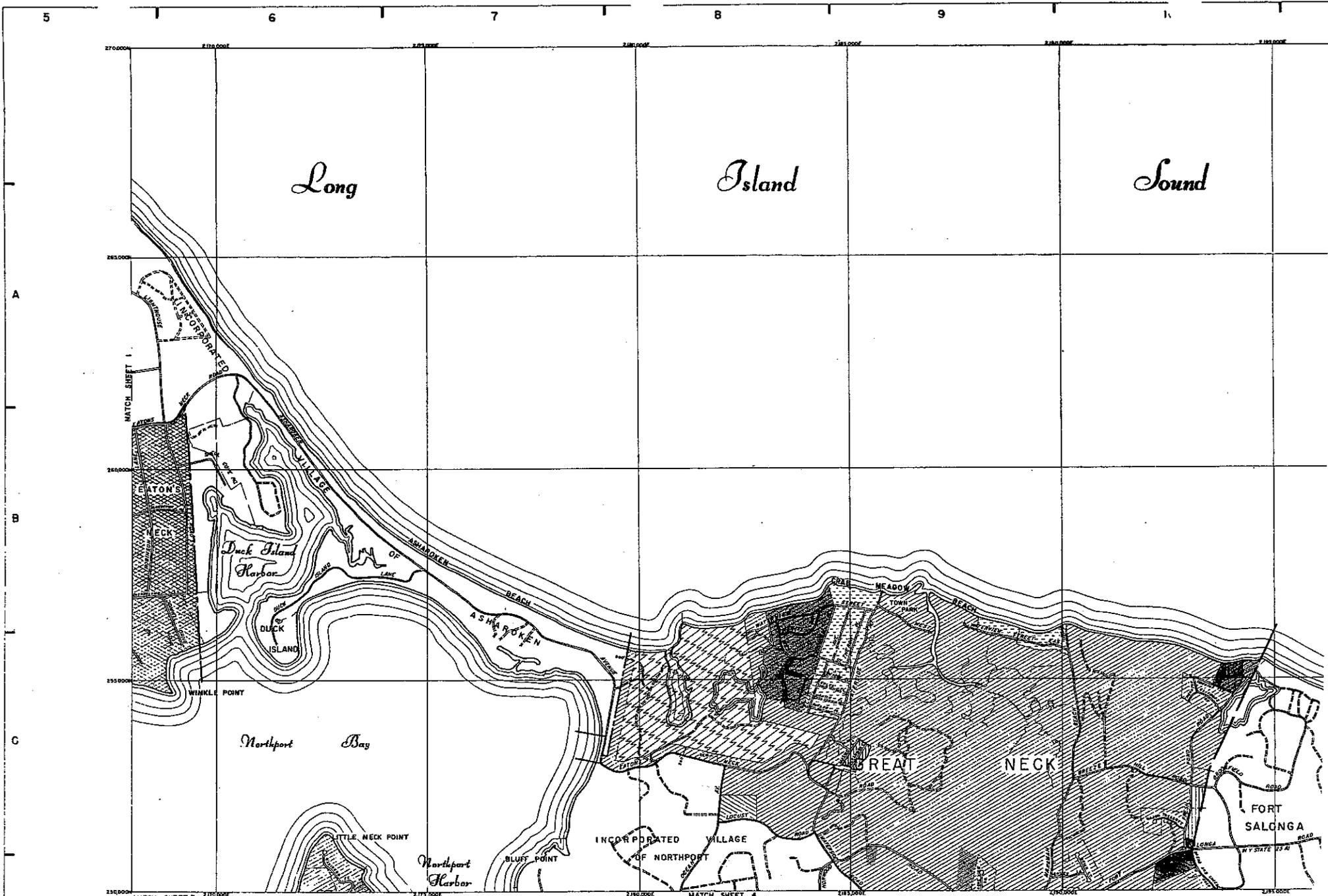


FAIRCHILD  
 PHOTOGRAPHIC SERVICE, INC.  
 100 WEST 42ND STREET, NEW YORK 36, N.Y.  
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CERTIFICATION  
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TOWN OF HUNTINGTON  
 SUFFOLK COUNTY, N. Y.



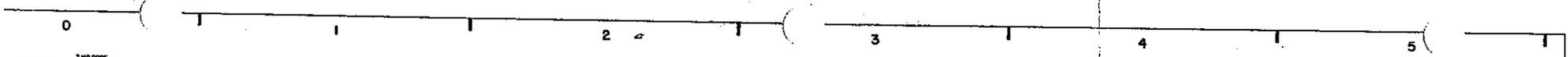


MATCH SHEET 3  
 MATCH SHEET 4  
 270,000 275,000 280,000 285,000 290,000  
 5 6 7 8 9 10 11  
 LONG ISLAND SOUND  
 NORTHPORT BAY  
 EATON'S NECK  
 DUCK ISLAND HARBOR  
 WINKLER POINT  
 LITTLE NECK POINT  
 BLUFF POINT  
 INCORPORATED VILLAGE OF NORTHPORT  
 GREAT NECK  
 FORT SALONGA  
 MAP BY FAIRCHILD AERIAL SURVEYS, INC. 1936  
 UNDER THE DIRECTION OF THE HUNTINGTON TOWN PLANNING BOARD  
 CONTROL BY U.S.C. & G.S.  
 NEW YORK STATE GRID COORDINATE SYSTEM - LAMBERT PROJECTION - NEW YORK STATE (L.L. 204E1)

CERTIFICATION  
 THIS IS TO CERTIFY THAT THIS MAP IS A TRUE COPY OF THE AMENDED BUILDING ZONE MAP OF THE TOWN OF HUNTINGTON AS ADOPTED BY THE TOWN BOARD ON JUNE 8, 1938 EFFECTIVE FROM DATE OF SERVICE ON AGAINST A PERSON PERSONALLY SERVED WITH A COPY THEREOF AND PUBLISHED WITH THESE DATES FOLLOWING PUBLICATION AND POSTING  
*Thom Rose Miller*

TOWN OF HUNTINGTON  
 SUFFOLK COUNTY, N. Y.  
**ZONING MAP**

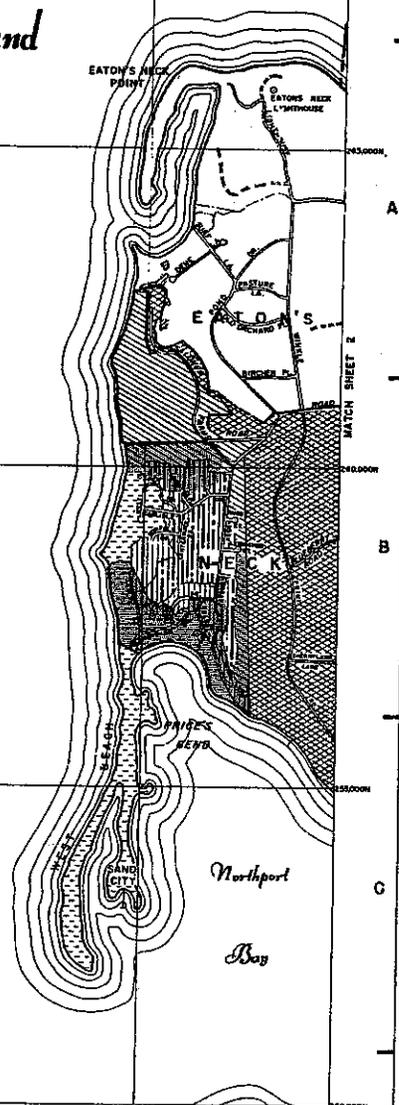
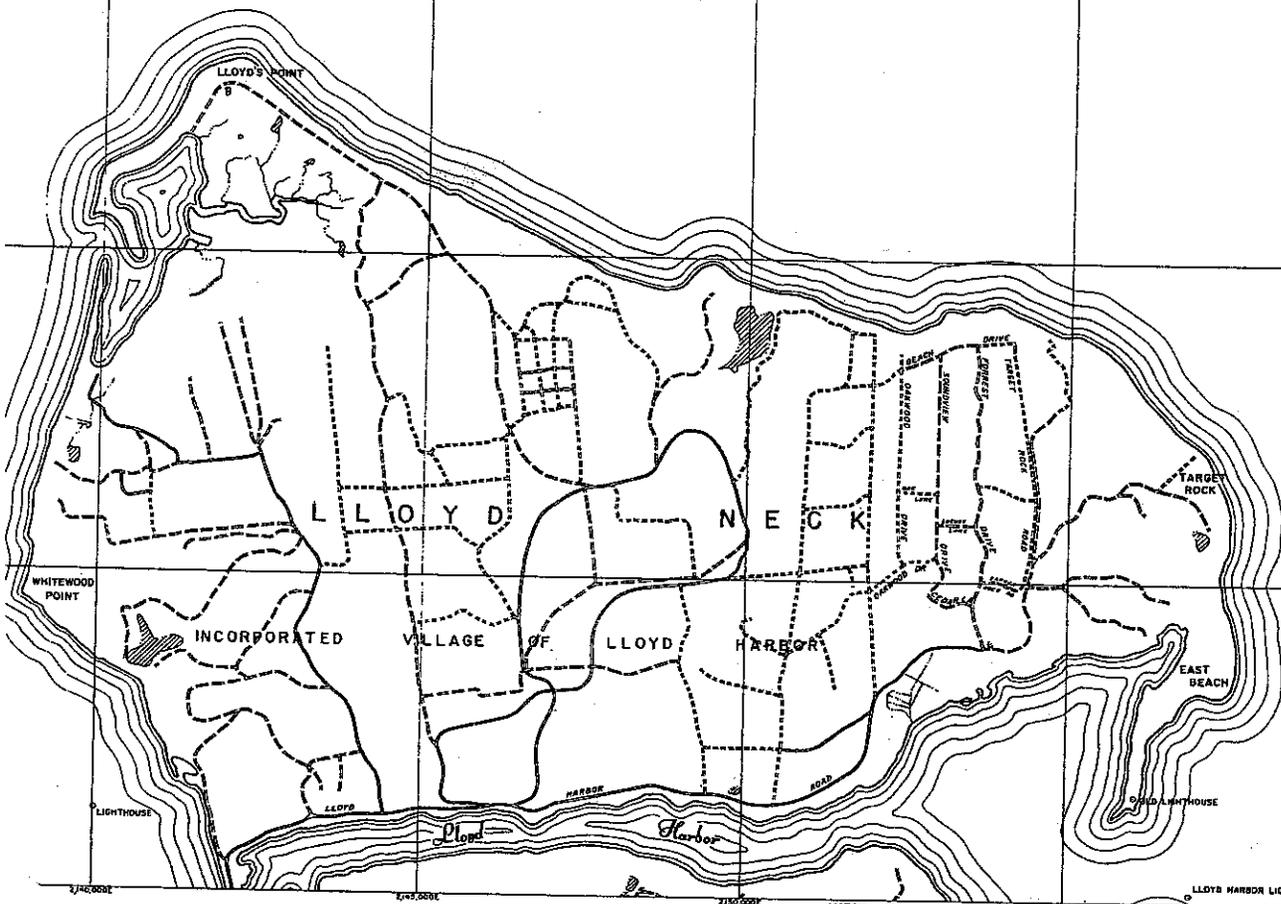
1	2
3	4



Long

Island

Sound



2742,000E 2743,000E 2744,000E 2745,000E 2746,000E  
 27, INC. 1954  
 HUNTINGTON TOWN PLANNING BOARD  
 STATE SYSTEM - LAMBERT PROJECTION - NEW YORK STATE (L.L. 50N2)

CERTIFICATION  
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 ZONING ZONE MAP OF THE TOWN OF HUNTINGTON AS ADOPTED BY THE  
 TOWN BOARD ON JUNE 3, 1958 EFFECTIVE FROM DATE OF SERVICE  
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*John Ross Miller*

TOWN OF HUNTINGTON  
 SUFFOLK COUNTY, N. Y.