

BUILDING ZONE ORDINANCE

of the

TOWN OF HUNTINGTON

Chapter II of the  
Ordinances of the  
Town of Huntington

Recompiled December 10, 1949

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HUNTINGTON TOWNSHIP CHAMBER OF COMMERCE, Inc.

## INTRODUCTION

The following copy of the Building Zone Ordinance of the Town of Huntington is a careful recompilation of the ordinance and all amendments thereto down to date. The basic text is the ordinance that was adopted by the Town Board on December 5, 1934. An ordinance was originally adopted on June 26, 1931 under the authority of Chapter 715 of the Laws of 1926 of the State of New York. This ordinance was radically amended and re-enacted on December 5, 1934 under authority of Chapter 634 of the Laws of 1932 of the State of New York (Article 16 of the Town Law).

Footnotes have been supplied by the compiler giving the dates of the amendments. The dates given are those on which the amending resolutions were adopted by the Town Board. These resolutions are included in the minutes of Town Board meetings on those dates.

Three Addenda are supplied at the end of the text with explanatory introductions to each.

E. MERRITT WEIDNER  
Town Attorney

December 10, 1949.

## ARTICLE I

### Section 1.

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

## ARTICLE II DEFINITIONS

### Section 1.

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

- (a) Words used in the singular number include <sup>the</sup> plural and vice versa, and the word "building" includes the word "structure", "lot" includes the word "plot", the word "shall" is always mandatory.
- (b) **Accessory Building:** A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.
- (c) **Single Family Dwelling:** A building designed for and occupied exclusively as a home or residence for not more than one family.
- (d) **Two Family Dwelling:** A building designed for and occupied exclusively as a home or residence for two families.
- (e) **Multiple Family Dwelling or Apartment House:** A building, not a Single Family Dwelling nor a Two Family Dwelling, designed and occupied exclusively for dwelling purposes.
- (f) **Lot Area:** The area of a lot on which a building and its accessories are located; provided that the area shall be measured to the street line only.
- (g) **Building Area:** The aggregate of the maximum horizontal cross-section area of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than eighteen (18) inches, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than five (5) feet, balconies and terraces.

- (h) **Front Yard:** The required open space extending along the street line of any street on which the lot abuts.
- (i) **Side Yard:** The required open space extending along the side lot line from the front yard to the rear yard.
- (j) **Rear Yard:** The required open space extending along the rear lot line (not a street line) throughout the whole width of the lot.
- (k) **Private Garage:** A building used for the storage of automobiles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot.
- (l) **Minor Garage:** A building not a Private Garage, one story in height, used for the storage of automobiles (not trucks) and not used for making repairs thereto.
- (m) **Public Garage:** A building, other than a Private or a Minor Garage, one or more stories in height, used for storage or repair of automobiles.
- (n) **Height:** The height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof; provided that chimneys, elevator penthouses, tanks and similar projections shall not be included in the height.
- (o) The "Ground or First Story" is the lowest story entirely above the level of the ground in front of the building.
- (p) A "Two and One-half Story Building" is one where the main eaves are below the mid-height of the third story.
- (q) "The Depth of a Lot" is the mean distance from a street line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot. The "width of a lot" is the mean width measured at right angles to its depth.
- (r) A "family" is any number of persons living and cooking together on the premises as a single housekeeping unit.

- (s) "Building Inspector" shall mean the Building Inspector of the Town of Huntington or any person appointed to act as such for the purposes of this ordinance by the Town Board.
- (t) An "acre" as applicable to this ordinance shall refer to the land exclusive of the street area.
- (u) "Lodge" as used in this ordinance shall mean the club house or club rooms of the local unit of a fraternal order, the majority of the members of which local unit are residents of the Town of Huntington. (See footnote)

Note: Added September 10, 1940

ARTICLE III DISTRICTS

Section 1.

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

- (1) Residence A Districts
  - (2) Residence B Districts
  - (2a) Residence B-1 Districts
  - (2c) Residence B-3 Districts
  - (3) Residence C Districts
  - (3a) Residence C-1 Districts
  - (4) Residence D Districts
  - (5) Residence E Districts
  - (6) Business Districts
  - (7) Light Industry Districts
  - (8) General Industry Districts
- (See footnote)

Section 2.

The boundaries of said districts shall be shown upon the map, attached to and made a part of this Ordinance, which shall be designated as the "Amended Building Zone Map of the Town of Huntington, Suffolk County, N. Y." The said map and all notations, references and other things shown thereon shall be as much a part of this Ordinance as if matters and things shown by said map were all fully described herein.

Section 3.

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

Note: B-1 District added Sept. 10, 1940.  
B-3 and C-1 Districts added April 29, 1947.  
"Industrial District" designated "General Industry District" and "Light Industry District" added Sept. 23, 1947

## Section 4.

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

## Section 5.

Business districts extend 150 feet back from the street or streets on which they front. Where the rear lot line is more than 150 feet distant from the street line, the Board of Appeals may permit the business use to extend back such additional distance but not over one half of the distance to the next parallel street or five hundred feet, whichever is the lesser. Where there is no such parallel street the Board of Appeals shall make such reasonable application of the foregoing rule as the circumstances warrant. (See footnote)

Industrial Districts extend 200 feet back from the street or streets on which they front or from lines of a railroad right of way, but not beyond the limits of a business district or district of other classification fronting on an adjacent parallel street. Where an Industrial District is shown on the Amended Building Zone Map and the property lines of an existing industry extend beyond the 200 foot limit or beyond limits indicated on such Map, it is understood that the full area within these existing property lines may be considered as an industrial district, providing this is approved by the Board of Appeals.

## Section 6. Land under water--filled land.

Streams, lakes, ponds, 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 Building Zone Map as being in a particular use district, shall be considered as being in the most restricted use district abutting thereon, and such zoning classification shall continue regardless of any filling or draining of such lands. (See footnote)

Note: Sec. 5 amended April 29, 1947.  
Sec. 6 added April 13, 1948.

## ARTICLE IV

## Section 1. Residence District Uses.

In any residence district no building or premises shall be used, and no building shall be erected or structurally altered which is arranged, intended or designed to be used, for other than one or more of the uses permitted in the district in which said building or premises is located. The uses permitted in each such residence district shall be as follows:

## A. Residence A, B and B-1 uses. (See foot note)

- (1) Single family dwelling.
- (2) Farm, Nursery, Truck Garden, Country Estate.
- (3) Church, School.
- (4) Golf Course.
- (5) Private club or lodge except a club or lodge the chief activity of which is a service customarily carried on as a business.
- (6) Municipal water supply reservoir, tank, or filter bed.
- (7) Town park, playground, athletic field, bathing beach, bath house, boathouse or Town recreational use, none of which uses are maintained or conducted as a commercial project. (See footnote)

## B. Residence C and D District Uses.

- (1) A use permitted in a residence A, B or B-1 District.
- (2) College, library, public museum, community building.
- (3) When permitted as a special exception by the Board of Appeals, a philanthropic institution, other than a penal or correctional institution. When permitted as a special exception by the Board of Appeals, a hospital or sanitarium, other than for the care of the insane or feeble minded and other than for liquor or drug addicts. (See footnote)
- (4) Fire Station.
- (5) Telephone exchange, provided that no public business office and no repair or storage facilities are maintained.

Note: B-1 Dist. added Sept. 10, 1940.  
 ART. IV Sec. 1. A. (7) amended Sept. 10, 1940.  
 ART. IV Sec. 1. B. (3) amended Sept. 10, 1940.



## C. Residence E District Uses.

- (1) A use permitted in a Residence A, B, B-1, C or D District.
- (2) Two family dwelling.
- (3) Multiple family dwelling or apartment house.
- (4) Boarding and lodging houses and hotels when permitted as a special exception by the Board of Appeals.

## D. Residence B-3 Uses. (See footnote)

- (1) All uses permitted in A, B and B-1 Districts.
- (2) Notwithstanding other provisions of this ordinance restricting the height of buildings and housing density and imposing yard limitations, multiple family dwellings singly or in groups are permitted subject to the following limitations:
  1. No lot shall be used for such purpose that contains less than three acres.
  2. Total area of all buildings erected on such lot including accessory buildings, if any, shall not exceed 25% of the lot area.
  3. No building shall be erected nearer than 50 feet to any street frontage, nor nearer than 35 feet to any lot line other than a street frontage.
  4. Buildings shall not exceed two stories nor 35 feet in height.
  5. Population density shall be limited to not more than twenty-four families per acre and buildings shall not be designed nor altered to house more than that number of families.
  6. Garage space, under cover, shall be provided at the rate of at least one space for each apartment.
  7. Buildings shall be of "ordinary construction" as defined in the Building Code of the Town of Huntington, or better.
  8. Adequate service drives and off-street parking shall be provided.
  9. Before any building permit shall be issued for such multiple family dwellings, a performance bond shall be supplied to the Town of Huntington by the applicant, which bond shall be of a reliable surety company and be approved by the Town Board as to form and amount and conditioned on the completion of the buildings applied for in compliance with all provisions of this ordinance and of the Building Code of the Town of Huntington.

Note: Subsection D added April 29, 1947.

## E. Residence C-1 Uses. (See footnote)

- (1) All uses permitted in Residence C districts.
- (2) Notwithstanding other provisions of this ordinance restricting the height of buildings and housing density and imposing yard limitations, multiple family dwellings singly or in groups, are permitted subject to the same limitations as are given under Art. IV Sec. 1. D. (2).

- F. Except when used wholly or in part for multiple family dwellings, property lying within a "B-3" district shall conform to the requirements of a "B-1" district, and except when used wholly or in part for multiple family dwellings property lying within a "C-1" district shall conform to the requirements of "C" districts, except as otherwise provided in Art. XII of the Building Zone Ordinance.  
(See footnote)

## Section 2. Accessory Uses in Residence Districts.

In any residence districts the following uses shall be permitted provided they are accessory to an authorized use:

- (1) The sale at retail of farm, garden or nursery products produced on the premises or of animals raised on the premises, but no stand for the display or sale of such products shall be kept or maintained within thirty (30) feet of any street or highway upon which such property may front except with the consent of the Board of Appeals under appropriate restrictions and regulations.
- (2) Dwellings for servants or other employees employed on the premises or for non-paying guests.
- (3) Garages, subject to the limitations of subdivision A of Article V.
- (4) An announcement sign, as accessory to the following uses only and subject to the following limitations:
  - (a) In connection with an authorized professional or customary home occupation there may be displayed a small name plate with a simple statement of the profession or of the nature of the occupation.

Note: Subsections E and F added April 29, 1947.

- (b) In connection with the sale of farm, garden or nursery products or of animals there may be displayed one sign, not to exceed 12 square feet in area, on each road frontage.
  - (c) In connection with the sale, renting or improvement of real estate there may be displayed one sign, not to exceed 24 square feet in area, on each road frontage.
  - (d) In connection with a church, school, golf course, club, college, library, hotel, museum, community building, hospital or institution there may be displayed one sign, not to exceed 20 square feet in area, on each road frontage.
- (5) A temporary sales office as an accessory to a real estate subdivision or development.
  - (6) Office of a physician, surgeon, dentist or other professional person provided such office is located in the dwelling or apartment used by such professional person as a private residence.
  - (7) Any customary home occupation provided <sup>the</sup> same is carried on in the dwelling or apartment occupied as a private residence by the person carrying on such home occupation.
  - (8) A restaurant, public dining room or other service customary to a hotel or apartment house, where the same is located in such hotel or apartment house and is incidental to its residential use.
  - (9) Any use or building clearly accessory to an authorized use, provided that no use enumerated in Articles VI and VII shall be allowed as an accessory use except those specifically provided for in the preceding paragraphs of this subdivision. No poultry house, yard or barn or stable shall be erected within 65 feet of any street or road except with the approval of the Board of Appeals. (See footnote)

### Section 3. Height Regulations.

- A. Height Limits. No building shall be erected to a height in excess of the following:

Note: ART. IV Sec. 2. (9) amended May 22, 1935 and re-amended Sept. 10, 1940.

- (1) In a Residence A, B, or B-1 district - 50 feet.
- (2) In a Residence C or D district - 35 feet.
- (3) In a Residence E district - 45 feet.

B. Exceptions.

- (1) In any district any portion of a building may be erected to a height in excess of the foregoing limits provided that such portion of such building is set back from all street, lot and required yard lines one foot for each one foot of such additional height.
- (2) The provisions of this section shall not apply to restrict the height of a church spire, tower or belfry, or of a flagpole, monument, chimney or water tank.
- (3) Nothing in these regulations shall apply to prevent the erection above the height limit of a parapet wall or cornice for ornament and without windows extending above such height limit not more than 5 feet.

Section 4. Lot and Yard Regulations - Housing Density.

A. Area of lot.

For buildings hereafter erected, the minimum lot area for each building together with the accessory buildings appurtenant thereto shall be as follows:

- (1) In a residence A district - 2 acres.
- (2) In a residence B district - 1 acre.
- (2a) In a residence B-1 district - 20,000 square feet.
- (3) In a residence C district - 10,000 square feet.
- (4) In a residence D district - 7500 square feet.
- (5) In a residence E district - 5000 square feet, except for apartment houses there shall be a population density of not over 70 families per acre.

B. Width of lot.

For buildings hereafter erected, the minimum average width of lot for each building together with the accessory buildings appurtenant thereto shall be as follows:

- (1) In a residence A district - 150 feet.
- (2) In a residence B district - 100 feet.
- (2a) In a residence B-1 district - 100 feet.

- (3) In a residence C district - 100 feet.
- (4) In a residence D district - 75 feet.
- (5) In a residence E district - 50 feet. Except that for a two-family dwelling, multiple dwelling or apartment house, telephone exchange, hospital or sanitarium, such required minimum width shall be 60 feet.

C. Open Space.

In any district for every building hereafter erected for residence use on the first floor, there shall be an open space equal to at least 60 per cent of the area of the lot provided such building is not more than three stories in height and for a building more than three stories in height there shall be one square foot of open space for each two square feet of gross floor area of such building, except floor area of basements or attics not used for residence purposes. Required yards may be included as part of such open space.

D. Courts.

In any district every living or sleeping room in a dwelling or apartment house shall have at least one window opening directly, either upon a street, a front yard, a rear yard, a side yard, or a court. The width and area of such courts shall comply with the requirements of the Building Code of the Town of Huntington, as set forth in Article III Sec. 2. G (c) 1 & 2 thereof. Such court shall be open and unobstructed to the sky except for the ordinary projections of window-sills, belt courses and other ornamental features to the extent of not more than 4 inches. (See footnote)

E. Exception.

On any lot with an average width of not less than 40 feet in separate ownership or under contract of purchase at the time of the passage of this ordinance any use permitted in the district in which said lot is located shall be permitted even though the lot does not conform to the lot area and lot width requirements of this section, and the front, rear, and side yard restrictions of the nearest lot area classification shall apply.

Note: ART. IV Sec. 4. D. amended Sept. 23, 1947.

## F. Exception.

On any lot with an average width of not less than 40 feet in separate ownership or under contract of purchase at the time of the passage heretofore or hereafter of any amendment to this ordinance increasing the restrictions as to lot area, lot width, and front, rear and side yard requirements of the district in which such lot is located, any use permitted in said district after such amendment shall be permitted as to such lot even though the lot is too small to permit conformity to the lot area, lot width, and front, rear and side yard requirements of such amendment, and there shall be applied to such lot the lot area, lot width, and front, rear and side yard requirements of the highest classification that can be applied to such lot consistent with its adaptability to the uses permitted in such district after such amendment. (See footnote)

## Section 5. Front yards.

## A. General.

Along all frontages in residential districts there shall be a front yard of the following minimum depth:

- (1) In a residence A, B, or B-1 district - 50 feet.
- (2) In a residence C district - 30 feet.
- (3) In a residence D district - 25 feet.
- (4) In a residence E district - 20 feet.

## B. Exception.

In a block in a residence C, D or E district in which 25 per cent of the frontage on one side of the street is improved with buildings, the front yard of a building hereafter erected shall extend at least to the alignment of existing buildings, provided that no building hereafter erected in such residence district shall have a front yard less than 10 feet in depth or need have a front yard of greater than 40 feet.  
depth

Note: ART. IV Sec. 4. F. added July 8, 1941.

## C. Corner lots.

A corner lot shall have a front yard along its principal frontage of the depth required by the preceding subdivisions of this section. A corner lot shall also have a front yard along its side street frontage of a minimum depth:

- (1) In a residence A, B, or B-1 district - 30 feet.
- (2) In a residence C district - 20 feet.
- (3) In a residence D or E district - 15 feet.

## D. Through lots.

A through lot shall have a front yard on each frontage.

## E. Permitted structures in front yard.

The space in a front yard shall be open and unobstructed except that in a residence district cornices or eaves on the main building may project not more than 2 feet into the front yard and that on any lot having an area of 2 acres or more, not to exceed 600 square feet of a front yard may be occupied by a gate house not over 20 feet in height.

## F. Vision clearance.

On any corner lot on which a front yard is required by this ordinance no wall, fence or other structure shall be erected and no hedge, tree, shrub or other growth shall be maintained in such location within such required front yard space as to cause danger to traffic by obstructing the view.

## Section 6. Rear and Side yards.

## A. Rear Yards.

In a residence district every building hereafter erected shall have a rear yard the minimum depth of which shall be as follows:

- (a) In a residence A, B or B-1 district - 50 feet.
- (b) In a residence C, D or E district - 25 feet and not less than the height of the building but need not exceed 35 feet in any case.

## B. Side Yards.

In a residence district every building hereafter erected shall have a side yard along each lot line, other than a street line or rear line, the minimum width of which shall be as follows:

- (a) In a residence A, B or B-1 district - 25 feet.
- (b) In a residence C district - 12 feet.
- (c) In a residence D district - 7 feet, and the sum of the widths of the side yards shall not be less than 15 feet.
- (d) In a residence E district, including 40 foot lots, described in subdivision E of Section 4, 5 feet, and the sum of the widths of the side yards shall not be less than 13 feet, except in the case of apartment houses when each side yard shall not be less than 10 feet for all buildings 45 feet in height or under.

## C. Exceptions.

The space in a side yard or rear yard shall be open and unobstructed except for the ordinary projections of window-sills, belt courses, cornices and other ornamental features to the extent of not more than 4 inches, except that if the building is not over  $2\frac{1}{2}$  stories in height the cornice or eaves may project not more than 18 inches into such yard. A building and any accessory building erected on the same lot shall for the purpose of side and rear yard requirements be considered as a single building, except as follows: a garage or other accessory building not over 30 feet in height in a residence A, B or B-1 district, not over 20 feet in height in a residence C district and not over 16 feet in height in a residence D or E district, may occupy not to exceed 40 per cent of the rear yard area. Provided, however, that:

- (1) Every garage or other accessory building shall be located at least 65 feet from the front line of the lot in any residence district, and at ~~least the following~~ distances from the rear and side lines of the lot: - in a residence A district - 20 feet; in a residence B or B-1 district - 10 feet; in a residence C, D or E district - 2 feet.



- (2) In case of a corner lot having frontage on two streets, every garage and/or accessory building shall be located on the innermost corner of the lot and at least the following distances from the rear and side lines thereof:- In a residence A district - 20 feet; in a residence B or B-1 district - 15 feet; and in a residence C, D or E district - 2 feet; except that, in case of a corner lot 100 feet or more in width, such garage or accessory building may be located not less than 30 feet from that side line of the lot which abuts upon a street.

Section 7. Exceptions. (See footnote)

The provisions of sections 5 and 6, other than side yard restrictions and regulations therein contained, shall not apply to the following indicated lots in sections of the Map of Huntington Beach as follows:

Section One: Lots 1 to 80 inclusive, 435 to 492 inclusive, 330 to 371 inclusive, 390 to 417 inclusive.

Section Two: Lots 1 to 129 inclusive, 130 to 191 inclusive, 234 to 289 inclusive, 290 to 403 inclusive.

Section Three: Lots 150 to 159 inclusive, 133 to 149 inclusive, 65 to 67 inclusive, 68 to 70 inclusive, 110 to 113 inclusive, 23 to 25 inclusive.

Section Four: Lots 1 to 45 inclusive, 133 to 225 inclusive.

Section Five: Lots 1 to 4 inclusive, 152 to 156 inclusive, 291 to 342 inclusive, 352 to 366 inclusive.

Section Six: Lots 46 to 91 inclusive, 92 to 132 inclusive, 226 to 247 inclusive.

Section Seven: Lots 1 to 94 inclusive, 241 to 286 inclusive.

Section Eight: Lots 160 to 164 inclusive, 95 to 132 inclusive, 199 to 224 inclusive, 267 to 318 inclusive, 165 to 167 inclusive.

Section Nine: Lots 45 and 46, 47 and 48, 56 and 57, 61 and 62, 63 and 64, 347 and 348, 37 to 39 inclusive, 71 to 73 inclusive, 79 and 80, 92 to 100 inclusive, 120 to 123 inclusive, 145 to 238 inclusive, 250 to 254 inclusive, 118 and 119, 292 to 301 inclusive.

excepting that no dwelling may be built upon any of said lots above mentioned in locations nearer than thirteen (13) feet to the dwelling built upon the lot adjoining, or less than 5 feet from the lot line.

Note: ART. IV Sec. 7. amended Sept. 10, 1940.

For other excepted properties, see ADDENDA.

## ARTICLE V.

## Section 1. Garages, Filling Stations, Storage Tanks and Motor Vehicle Repair Shops.

## A. Garages as Accessory Uses in Residence Districts.

- (1) The number of motor vehicles for which space may be provided as accessory to an authorized use in a residence district shall be as follows:
  - (a) In any residence district, 2 motor vehicles; and for each 4000 square feet by which the area of the lot exceeds 4000 square feet, space for one additional motor vehicle may be provided.
  - (b) For a two family or multiple family dwelling or apartment house, garage space may be provided for one motor vehicle for each family for which such dwelling or apartment house is arranged.
- (2) Not in excess of 160 square feet of floor area for each motor vehicle authorized in the preceding paragraph shall be provided, but floor area so located with respect to walls, doors or permanent obstructions that it cannot be used for the storage of motor vehicles shall not be included.
- (3) Space in a garage accessory to a multiple family dwelling or an apartment house or hotel shall be rented only to occupants of the premises. One or more attendants may be employed. Such attendants may make minor adjustments to cars kept therein and may wash cars, change tires or perform similar services for tenants, provided that such work is done entirely within the building and no machinery of any kind, other than an air pump, is employed.

## B. Garages and filling stations in Business and Industrial Districts.

In a Business District or an Industrial District, plans for the erection or structural alteration of any garage for more than five motor vehicles, or of any filling station, shall be approved by the Board of Appeals; and said Board may require such change therein in relation to yards, location of pumps and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

C. Motor Vehicle Repair Shops as Accessory Uses in Business Districts.

In a business district a motor vehicle repair shop shall not be permitted as an accessory use unless the plans for such accessory use, including the kind of work to be done, the type of machinery to be used and methods of operation to be employed shall have been approved by the Board of Appeals. The Board of Appeals shall not approve plans for any such operations that in its judgment will produce excessive noise or endanger public safety.

D. No tanks or other containers for the storage of oil, gasoline or kerosene shall be erected above the ground in any district without the consent of the Board of Appeals.

Section 2. Commercial Poultry Farms in Residential Districts.

- (a) The provisions of this section shall be in addition to any other provisions of these ordinances applicable to accessory or other buildings and land used for the raising of poultry of any kind, and in any manner, for commercial purposes.
- (b) In any residence district, no poultry farm for the raising of fowl, or the sale of eggs or both, for commercial use and profit shall be maintained except upon consent of the Zoning Board of Appeals and upon the following conditions:
- (1) The lot shall have a frontage of not less than 100 feet.
  - (2) The lot shall contain one acre or more in area.
  - (3) No building used in connection with such farm shall be erected within 100 feet of any street or road, or within 10 feet of any side or rear line of the lot. (See footnote)

Note: ART. V. Sec. 2. added February 5, 1937.

## ARTICLE VI. BUSINESS DISTRICTS

Section 1. In a business district the following regulations shall apply:

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

- (a) Single family or two family detached dwelling, multiple family dwelling, apartment house when such multiple family dwelling or apartment house is used for commercial purposes on the street or first floor. (See footnote)
- (b) Club, fraternity house or lodge.
- (c) Hotels, lodging and boarding houses.
- (d) Government, educational, religious or philanthropic use, excluding correctional institutions, and including hospital, sanitarium and dormitory of an educational institution.
- (e) Farm, greenhouse, Town recreational use, railway passenger station. (See footnote)
- (f) Office, bank, financial institution, telephone, telegraph, gas or electric business.
- (g) Store.
- (h) Place of amusement.
- (i) Restaurant, bakery, pastry, candy, confectionery or ice cream shop. (See footnote)
- (j) Carpenter, cabinet making, furniture or upholstery shop, electrical shop, metal working, blacksmith, tinsmith, plumbing, gas, steam or hot water fitting shop, paint store and paper hanger.
- (k) Laundry, dry cleaning or dyeing, tailoring, dress-making, shoemaking and repairing.
- (l) Jewelry, watches, clocks or optical goods and musical, professional or scientific instruments manufacture.

Note: ART. VI. Sec. 2. (a) amended April 29, 1947.  
 ART. VI. Sec. 2. (e) amended September 10, 1940.  
 ART. VI. Sec. 2. (i) amended April 29, 1947.

- (m) Newspaper or job printing, bookbinding.
- (n) Undertaking and embalming.
- (o) Minor garage.
- (p) Public garage or an automobile service or gas station, or repair shop when approved by the Board of Appeals.
- (q) Accessory use on the same lot with and customarily incidental to any of the above permitted uses and any use permitted in a residence district.
- (r) Any use of the same general character as any of the uses hereinbefore specifically permitted, when authorized as a special exception by the Board of Appeals as hereinafter provided. No use shall be permitted, however, in which articles are manufactured fabricated or assembled except for sale at retail on the premises. (See footnote)

### Section 3.

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

### Section 4. Height.

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

### Section 5. Building Area.

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

### Section 6. Rear Yard.

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

Note: ART. VI Sec. 2. (r) amended April 29, 1947.  
ART. VI Sec. 3. amended April 29, 1947.

Section 7. Density of Population.

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

## ARTICLE VII INDUSTRIAL DISTRICTS (See footnote)

## Section 1. Light Industry districts.

- (1) In a light industry district no building or premises shall be used and no building shall be erected or structurally altered to be used for any other than one or more of the following uses:
- A. A single family dwelling, private garage accessory to a dwelling, nursery, truck garden, farm accessory building.
  - B. Cold storage plant, creamery, ice cream factory, bottling works, baking plant, food or drink distribution plant, dairy.
  - C. Candy, cigar and cigarette manufacture.
  - D. Textile manufacture, including knitting, weaving and spinning.
  - E. Cloth finishing and clothing manufacture.
  - F. Luggage, hand bag, leather goods and findings manufacture.
  - G. Publishing, printing and bookbinding.
  - H. Toys, games, novelties manufacture.
  - I. Florists and greenhouses.
  - J. Pharmaceutical preparation and cosmetic manufacture.
  - K. Optical, photographic, scientific and electronics instrument manufacture.
  - L. Lumber yards, furniture and cabinet manufacture, but not general wood working mills.
  - M. When permitted as a special exception by the Zoning Board of Appeals - laundries, dry cleaning establishments, dyeing.
  - N. Retail business establishments conducted as part of a permitted industrial use, or otherwise, when permitted as a special exception by the Zoning Board of Appeals.

Note: ARTICLE VII completely rewritten September 23, 1947.

O. Any similar industry whose process of manufacture does not, in the estimation of the Zoning Board of Appeals, emit to the outer air a greater amount of noise, dust, fumes or smoke than those industries permitted by this section, or any other purposes which, in the estimation of the Zoning Board of Appeals are not inconsistent with the generally accepted definition of the term "Light Industry", and where, in the estimation of the Zoning Board of Appeals the enterprise in question will be beneficial to the town as a whole and to the neighborhood in which it is to be located.

(2) Notwithstanding other provisions of this ordinance, in a light industry district, buildings and premises for industrial use shall conform to the following limitations:

- A. No building shall be erected to a height in excess of one story or 35 feet.
- B. The lot area of each individual enterprise shall comprise not less than 3 acres.
- C. Each lot shall have a frontage of at least 100 feet on a street and shall have an average width of not less than 200 feet.
- D. No industrial building or industrial accessory building shall be erected nearer than 50 feet to any street line or 10 feet to any other property line.
- E. Not more than 60 per cent of the lot area may be covered by buildings or structures, including accessory buildings.
- F. Provision must be made by each permitted industry or enterprise for all loading, unloading and employee parking to be accommodated within the premises.
- G. Notwithstanding other height limitations, towers and pent houses to enclose machinery may extend to a height of not more than 50 feet but shall be limited to one for each building or group of buildings constituting a single enterprise, and such towers and pent houses shall be limited to 400 square feet of ground area covered.



H. No individual power plant, either steam, gasoline or Diesel operated (except emergency equipment), nor any smoke stack more than 55 feet high will be permitted. No process that emits to the outer air noise, dust, fumes or odors will be permitted even though the industry as a whole may be a permitted use.

(3) Plans for all buildings intended for industrial use and to be located in a light industry district shall be submitted to the Town Board for their approval, in consultation with the Board of Appeals for Building, as to their structural safety and the effect their presence may have on the neighborhood.

## Section 2. General Industry Districts.

In a general industry district a building may be erected, altered or used, and a lot or premise may be used for any lawful purpose, except that no person shall erect, alter or use any building or use any premises for any of the following:

(1) Prohibited uses.

- A. Multiple family dwelling, apartment house.
- B. Retail business establishments except those conducted as part of a permitted industrial use or otherwise when permitted as a special exception by the Zoning Board of Appeals.
- C. Abattoir.
- D. Gas or chemical works.
- E. Celluloid or plastics manufacture, or any industry whose processes involve the handling of explosive or corrosive materials in bulk.
- F. Disinfectant, creosote, coke or asphalt manufacture or processing.
- G. Processes involving the distillation of bones, coal or wood.
- H. Manufacture of dye stuffs, fire works, glue, size, gelatine, fertilizer, emery cloth, sandpaper, oil, oilcloth, linoleum, matches, paint, rubber, soap, stove polish, floor wax, acids, lampblack, salt.

- I. Fat rendering, stock yards, smelters, ore reduction, tallow, grease, lard manufacture or refining, tanning, curing or storage of leather in bulk.
- J. Tar distillation, tar roofing, and water-proofing manufacture.
- K. Yeast manufacture, wool pulling or scouring.
- L. Any use which may, in the opinion of the Zoning Board of Appeals be noxious or offensive by reason of the emission to the outside air of odors, dust, fumes, gas, vibration, fly ash or noise.

(2) Height Limitation.

- A. In a general industry district no building shall be erected whose height is in excess of 6 stories or 75 feet.
- B. Provision must be made by each permitted industry or enterprise for all loading, unloading and employee parking to be accommodated within the premises.
- C. No individual power plant, either steam, gasoline or Diesel operated, (except emergency equipment), nor any smoke stack more than 55 feet high will be permitted. No process that emits to the outer air noise, dust, fumes or odors will be permitted even though the industry as a whole may be a permitted use.

Section 3. Residential use in industry districts.

In a general industry district or a light industry district, if a building or premises are used for a single family dwelling as permitted under Sec. 1. (1) A. above and Sec. 2. above, said building and premises shall comply in all respects to the requirements of Res. "D" zone districts.

## ARTICLE VIII APPLICATIONS AND PERMITS

## Section 1.

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

## Section 2.

The building inspector shall require that the application for a building permit shall contain all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of this ordinance.

## Section 3.

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

## Section 4.

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

## Section 5.

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever, except for the alteration of or addition to a dwelling until a **certificate of occupancy** shall have been issued by the building inspector stating that the premises or building complies with all the provisions of this ordinance. No change or extension of use and no alteration shall be made in a non-conforming use or premises without a certificate of occupancy having first been issued by the building inspector that such change, extension or alteration is in conformity with the provisions of this ordinance.

A Certificate of Occupancy shall be applied for at the same time that the building permit is applied for and shall be issued within ten days after the erection or alteration of the building shall have been completed.

A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected. No permit for excavation shall be issued before application has been made for a certificate of occupancy. No building or premises for which a certificate of occupancy is required may be occupied until such certificate shall have been issued.

Section 6.

A fee shall be charged for every permit or certificate of occupancy issued. The amount of such fee shall be determined from time to time by the Town Board.

Section 7.

Each and every permit issued by the building inspector under the provisions of this section shall expire and become null and void at the expiration of 90 days from the date of issuance, unless, within such period, the foundation has been built and actual erection and/or construction of the building under such permit shall have been commenced, or unless, within such period, an extension of such permit has been duly obtained from the building inspector. The provisions of this paragraph shall apply to any such extension.

## ARTICLE IX BOARD OF APPEALS

### Section 1.

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

### Section 2.

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

- A. Grant a permit wherever it is provided in this ordinance that the approval of the Board of Appeals is required.
- B. Grant a permit for any public utility in any district.
- C. Grant a permit in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance.
- D. Permit in any district such modifications of the requirements of these regulations as said board may deem necessary to secure an appropriate development of a lot where adjacent to such lot on two or more sides there are buildings that do not conform to these regulations.
- E. Permit such modification of the yard or open space or 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 separate contract of purchase at the time of the passage of this ordinance, and is of such restricted area or exceptional topography that it cannot be appropriately improved without such modification.
- F. Permit the erection in a residence district of a single family dwelling on a lot having an area of not less than 4,000 square feet and an average width of not less than 40 feet when said lot is in a plat of a subdivision recorded with the County Clerk at the time of the passage of this ordinance showing said area divided into lots having a general width of twenty feet or more. Such authorization may also include a reduction of side yard requirements to those of the residence E district.

- G. Permit the reconstruction of a building occupied by a non-conforming use, or permit the extension of a non-conforming use throughout the building occupied for such use at the time of the passage of this ordinance.
- H. Determine and establish the true location of district boundaries in any disputed case.
- I. Hear and decide appeals where it is alleged there is error in any requirement, decision or determination made by the building inspector in the enforcement of this ordinance.

### Section 3.

The Board of Appeals shall make rules as to the manner of filing appeals or applications for special exceptions or variances from the terms of this ordinance and any other matters requiring action by said board.

### Section 4.

Upon the filing with the Board of Appeals of an appeal or of an application for special exception or variance from the terms of this ordinance, and upon deposit and payment of the cost of advertising and mailing notice as hereinafter required, the Board of Appeals shall fix a time and place for a public hearing thereon and shall give notice thereof as follows:

- (a) By publishing a notice thereof once a week for two (2) weeks in a newspaper of general circulation published in the town.
- (b) By mailing a notice thereof to the town clerk and to the Supervisor of the Town, and the owners of all adjoining property.
- (c) By mailing a notice thereof to every resident and association of residents of the town in the area affected as determined in Article IX, Section 3, that shall have registered its name and address for this purpose with the Board of Appeals.

### Section 5.

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

## ARTICLE X ADVERTISING SIGNS OR BILLBOARDS (See footnote)

## Section 1.

No advertising sign or billboard shall be erected in any residence or business district except as hereinafter provided in Section 8 of this Article.

## Section 2.

No billboard shall be erected in an industrial district -

- (a) Within one hundred (100) feet of the intersection of a highway with another highway or within one hundred (100) feet of any curve, corner, angle or turn of any highway.
- (b) Within two hundred (200) feet of any official traffic signs.
- (c) Within one hundred (100) feet of the outside edge of the right of way of any public road.
- (d) Within three hundred (300) feet of a cemetery, public park, school, playground, church or railroad station.
- (e) At a point where it would obstruct or interfere with the clear view of a train upon an intersecting railway or of another vehicle on the same or intersecting highway or at a point where it will interfere with safety.
- (f) Within three hundred (300) feet of a place of historical interest.
- (g) Exceeds 25 feet in length or 12 feet in height, or is within 100 feet of any other billboard.
- (h) Unless all portions of the base line of the structure are at least 18 inches and not more than 3 feet above the surface of the ground upon which said structure is erected.

## Section 3.

No advertising sign shall be hereafter erected in any district, except marquees and signs designating a theatre or hotel, unless -

- (1) it is a facial sign or a vertical sign not over six (6) feet in height, and in either case, does not extend out more than 18 inches over a public sidewalk or street, or
- (2) it is a "V" shaped sign, the center point of which does not extend out more than eighteen (18) inches over a public highway or street.

## Section 4.

No advertising sign or billboard shall be painted, erected or maintained, on the roof of any building, or affixed to or painted or erected upon stones, trees, or other natural objects.

## Section 5.

No advertising sign or billboard, except signs permitted by Article IV, Section 2 (4), and signs having an area of one square foot or less of a public utility necessary or convenient for the direction, information or safety of the public, shall be hereafter erected in any district, unless a permit therefor has been obtained from the Building Inspector upon application to him in writing, and payment of a fee of Two Dollars (\$2.00). Forms of application shall be provided by the Building Inspector. It shall be the duty of the Building Inspector, upon the filing of such application to investigate the circumstances thereof before issuing the permit.

## Section 6.

Advertising signs now erected or maintained in a business or an industrial district, and advertising the nature of the business conducted on the premises and/or the articles sold therein, which do not comply with Sections 2, 3 and 4 of this Article X, may nevertheless be temporarily kept and maintained by the owner thereof, provided he shall, within thirty (30) days after this amendment becomes effective, obtain from the Building Inspector, a permit to maintain such sign. Such permit shall be granted for a period terminating June 30, 1944. Each such permit shall be issued only upon written application to the Building Inspector, on a form provided by him, and on



satisfactory proof that the sign is in good state of repair and safely constructed and erected, and on payment of a fee of Five Dollars (\$5.00). This section shall not apply to non-facial signs which do not extend more than one (1) foot over a public sidewalk or street or erected prior to January 1, 1942.

#### Section 7.

Any advertising sign or billboard which shall violate the regulations of this ordinance is hereby declared to be a public nuisance and if now erected in a residential district, shall be removed or made to conform by the owner, tenant or lessee of the land within six months after the passage of this ordinance, unless such time is extended by the Board of Appeals upon application therefor.

#### Section 8.

The following advertising signs are permitted:

- (a) In all districts, signs permitted by Article IV, Section 2, Subdivision (4), and signs having an area of one (1) square foot or less of a public utility necessary or convenient for the direction, information or safety of the public.
- (b) In business or industrial districts, signs for which a permit has been granted, as provided by Section 5, advertising at the place of business the owner of and/or the nature of the business conducted thereon and/or the articles sold therein, provided that such signs comply with Sections 3 and 4 of this Article X, and provided further that there shall not be more than two (2) such signs referring to each separately conducted business on any one street-front affixed to any one building or parcel of land.
- (c) Danger or cautionary notices relating to the premises; advertisements or notices required by law or in any legal proceedings or put up by public authority.
- (d) Notices of any railroad or other transportation or transmission company necessary for the direction or information or safety of the public or announcing the name of any station or office of such company, or signs or advertisements or advertising devices maintained and displayed on or in any car of a corporation subject to the provisions of the public service commission law.

- (e) Any sign, if intended for permanent use, containing six square feet or less -- and if intended for temporary use not exceeding thirty days containing 36 square feet or less -- and bearing an announcement by a fire district, incorporated fire company, chamber of commerce, church, library, museum, ecclesiastical, educational, charitable or historical society and advertising its meetings, buildings or attractions, whether maintained at public or private expense.
- (f) Any sign maintained by the Town of Huntington for directional purposes and containing not exceeding 18 square feet, relating to any museum, educational, charitable or historical society, library, church, chamber of commerce, hotel or other local activity or attraction.
- (g) Any sign now existing, constructed and maintained in connection with a theatre or hotel, although not complying with Sections 3 and 4 of this Article X, provided the person responsible for the maintenance thereof files with the Building Inspector within two weeks after this amendment becomes effective and annually thereafter, satisfactory written proof on a form to be provided by the Building Inspector, that such sign is being maintained in good condition and safely constructed and erected, and pays to the Building Inspector a fee of Five Dollars (\$5.00) annually.
- (h) In a business or industrial district, a non-facial sign erected prior to January 1, 1942, which does not extend more than 1 (one) foot over a public sidewalk or street, and signs painted on awnings or glass windows or interior signs.

#### Section 9.

The Building Inspector may remove any advertising sign or billboard which shall violate any provision of this ordinance. Before doing so he shall notify the owner, tenant or lessee of the land upon which such sign or billboard is erected, personally or by mail if such person cannot with reasonable diligence be found, of his intention to remove said sign or billboard. If such owner, tenant or lessee shall thereupon and within ten days serve upon the Building Inspector objection in writing to such removal, the said sign or billboard shall not be removed until forty days after the service of said objections.

**Section 10. Definitions.**

The term "advertising sign" or "sign" as used in this ordinance means any outdoor advertising sign, advertising medium, structure, device or anything which advertises or calls attention to any business conducted on, or to articles sold on the premises, to which the sign is affixed, but shall not include signs painted on awnings, glass windows or attached to the interior of any building.

The term "facial sign" shall mean a sign whose base line is substantially parallel to the street or curb line and the back of which is flat against the structure to which it is affixed.

The term "vertical sign" shall mean a sign whose edge is parallel to the face of the structure to which it is affixed, and whose face is at right angles thereto.

The term "billboard" as used in this ordinance shall mean any outdoor advertising sign, advertising medium, structure, device, or anything which advertises or calls attention to any business not conducted on or to articles not sold on the premises, to which the sign is affixed.

**Section 11. Marquees, theatre and hotel signs.**

No marquees or signs constructed and maintained in connection with a theatre or hotel shall be hereafter erected which extends more than eighteen (18) inches over a public sidewalk or street, except by special permission of the Zoning Board of Appeals.

**Section 12.**

No permit issued under this Article X shall be construed or used as evidence of the safety of any advertising sign, billboard or marquee device described therein or relieve the owner or advertiser from liability for negligence in the erection or maintenance thereof.

## ARTICLE XI AMENDMENTS

## Section 1.

The Town Board may from time to time amend, supplement, change, modify or repeal (hereinafter referred to as "amend") this ordinance, including the Building Zone Map, by proceeding in the following manner:

## Section 2.

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

- (a) By publishing a notice thereof once a week for three (3) successive weeks in a newspaper of general circulation published in the town. *Amend. Nov. 23, 51*
- (b) (See footnote)
- (c) By posting printed copies of such notice in such manner and in such places as the Town Board may direct.
- (d) The notices shall state the general nature of the proposed amendment.

## Section 3.

Should a property owner desire to "amend" this ordinance, including the map or the regulations pertaining thereto, the Board of Appeals, on the written request of the Town Board or the property owner, shall determine the area affected by such desired amendment. Whenever the owners of fifty per centum (50%) or more of the area so determined and fifty per centum (50%) of the total number of owners in such affected area shall present to the Town Board a petition duly signed and acknowledged requesting such amendment, the Town Board shall call a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 2 of this article.

Note: ART. XI Sec. 2. (b) repealed April 29, 1947.

Section 4.

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

Section 5.

The Town Board shall not be required to call a public hearing unless the cost of advertising and posting such notice, as determined by the Town Board, shall have first been deposited with the Town Clerk.

## ARTICLE XII GENERAL PROVISIONS

### Section 1.

No building shall exceed eighty-five feet in height.

### Section 2.

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

### Section 3.

In any district no public garage for more than three (3) motor vehicles and no gasoline vending station shall be erected within two hundred (200) feet of the lot line of any premises used for a school, public library, church, hospital or orphanage, except with the approval of the Board of Appeals after a public hearing thereon. In any district, no theater, motion picture theater, pool or billiard room, bowling alley or roller skating rink shall be erected within two hundred (200) feet of the lot line of any premises owned and occupied on or before the effective date of this ordinance by a school having at least seventy-five (75) full-time students, a public library, church, hospital or orphanage, except with the approval of the Board of Appeals after a public hearing thereon. (See footnote)

### Section 4.

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

### Section 5. Non-conforming Uses.

The lawful use of land or a building or structure existing at the time of passage of this ordinance may be continued, although such use does not conform with the provisions of this ordinance, and such use may be extended throughout the building or structure, but not the land, lawfully acquired previous to the said date, except that billboards and other advertising media may not be continued to be used more than six months, if in a residence district, after this ordinance, as hereby amended,

**Note:** ART. XII Sec. 3. First sentence amended May 22, 1935.

Second sentence added November 26, 1948.

Said second sentence was declared invalid by Supreme Court, Queens County, Special Term Part I, in Matter of Westneck Realty Co. Inc. vs Fasbender (N.Y.L.J. January 11, 1949, Pg. 126)

takes effect except with permission of the Board of Appeals. A non-conforming use may be changed to a use of higher classification according to the provisions of this ordinance. Whenever a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a use of a lower classification. No building which has been damaged by fire or other cause shall be repaired, altered or rebuilt for any other non-conforming use, and such building when repaired, altered or rebuilt, shall not exceed the original building in height or lot area covered. Nothing in this ordinance shall prevent the lawful taking of shell fish from or upon the waters and the land under the water in the Town of Huntington.

#### Section 6. Validity.

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

#### Section 7. Interpretation, Purpose and Conflict.

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

**Section 8. Remedies.**

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

**Section 9. Penalties.**

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

**Section 10.**

This ordinance shall become effective immediately.



## ADDENDA I

## Changes of a Special Nature

In conjunction with certain amendments to the Building Zone Ordinance the Town Board passed two resolutions or amendments which did not change the text of the ordinance yet went further than a mere change in classification of property. These changes are here printed in full. The dates given are the dates on which the resolutions were passed and the resolutions will be found in the Town Board minutes of those dates.

(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, s. e. 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  
Block B  
1, 6 to 8 inclusive, 17 to 25 inclusive, 30  
Block C  
2, 5, 8 to 17 inclusive, 20 to 26 inclusive  
Block D  
1 to 4 inclusive, 6 to 8 inclusive, 12 to 27 inclusive  
Block E  
3 to 5 inclusive, 9, 10  
Block F  
1 to 7 inclusive, 9, 11

On Map 197, filed in Suffolk County Clerk's Office on  
December 11, 1928:

Block A  
14, 22, 41, 42  
Block C  
1, 2, 4, 6 to 11 inclusive  
Block D  
2 to 8 inclusive, 13 to 15 inclusive, 18, 19  
Block E  
9 to 13 inclusive, 15 to 17 inclusive, 22, 23  
Block F  
1 to 10 inclusive, 12 to 30 inclusive, 32  
Block G  
1, 3, 4, 8 to 12 inclusive, 14 to 28 inclusive  
Block H  
1 to 25 inclusive

(2) September 23, 1947

BE IT RESOLVED that the Town Board of the Town of Hunting-  
ton does hereby amend the Building Zone Ordinance and Building  
Zone Map of the Town of Huntington in the following manner:

\* \* \* \* \*

By changing from Res. "E" to Res. "D" all that property  
lying within the boundaries of the filed maps of "Denton  
Hills," bounded on the north by Washington Drive and Center-  
port Road, on the east by the filed map of "Shorewood," on  
the south by Route 25-A, on the west by land of or formerly  
Vellor and Washington Drive, EXCEPT THAT ALL LOTS WITHIN  
THIS AREA THAT ARE UNBUILT UPON AT THE EFFECTIVE DATE OF THIS  
AMENDMENT SHALL BE EXEMPTED FROM THE AREA, WIDTH, AND SIDE  
YARD REQUIREMENTS OF RES. "D" ZONE BUT SHALL CONTINUE TO  
COMPLY WITH THE AREA, WIDTH AND SIDE YARD REQUIREMENTS OF  
RES. "E" ZONE.

By changing from Res. "D" and "C" to Res. "B" an area bounded on the north by Long Island Sound; on the east by the Smithtown Town line; on the south by Middleville Rd.; and on the west by a line 150 feet east of Fort Salonga Rd. (Route 25A), an existing Res. "E" area and the Northport and Asharoken Beach Village boundaries, except that all Res. "E" areas and "Business" areas lying within said boundaries shall be exempt from such proposed change and shall remain as at present constituted and EXCEPT THAT ALL LOTS ON FILED MAPS WITHIN THE AREA, WHICH FAIL TO COMPLY WITH THE REQUIREMENTS OF RES. "B" ZONE AS TO AREA WIDTH, SHALL BE EXEMPT FROM SUCH REQUIREMENTS, BUT SHALL BE SUBJECT TO THE REQUIREMENTS OF RES. "C" ZONE AS AT PRESENT and except that the area east of Bread and Cheese Hollow Road between Brookfield Road and Fort Salonga Road shall be exempt from such proposed change and shall remain as at present constituted.

After publication of the Recompiled Building Zone Ordinance on December 10, 1949 it was discovered that the following "change of a special nature" was inadvertently omitted:

(3) June 10, 1947

BE IT RESOLVED that the Town Board of the Town of Huntington does hereby amend the Building Zone Ordinance and Building Zone Map of the Town of Huntington in the following manner:

\* \* \* \* \*

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.

## ADDENDA II

## Changes in Classification Only

In addition to the above, various changes in property classification have been made. All such changes which occurred prior to April 27, 1948 have been incorporated in the revised map which was adopted as a part of and as an amendment to this ordinance on that date. The dates of the changes are here given for reference:

June 30, 1937  
July 21, 1937  
September 8, 1937  
May 25, 1938  
December 21, 1938  
May 3, 1939  
February 9, 1940  
May 3, 1940  
July 16, 1940  
July 8, 1941  
August 26, 1941  
November 10, 1942  
December 21, 1943  
February 27, 1945  
August 14, 1945  
March 26, 1946  
May 14, 1946  
July 15, 1946  
April 29, 1947  
June 10, 1947  
September 23, 1947  
April 27, 1948  
September 28, 1948  
April 12, 1949

## ADDENDA III

## Changes by Planning Board

Pursuant to delegated power from the Town Board under Section 281 of the Town Law the Planning Board has made the following changes and modifications in connection with the approval of subdivision maps:

Res. B to Res. B-1	Map of Broadfields
Res. C to Res. B-1	Map of Wychwood
Res. E to Res. B	Map of Landview
Res. E to Res. B-1	Map of Intervale
Res. C to Res. D	Map of Huntington Beach Section 10
Res. D & Res. C to Res. B-1	Map of Pembroke

March 16, 1949 Map of Rollingwood Section 2

RESOLVED that the Map of Rollingwood Section 2 is approved including the zoning modifications in respect to plot size as shown on the Preliminary Map.

March 23, 1949 Map of Eastbrook

RESOLVED that the Map of Eastbrook is approved on a basis of 17 plots, as shown on the Final Map of Eastbrook, and the zoning regulations are modified to conform to this plot layout in respect to plot sizes only.

July 14, 1949 Maps of Rollingwood Sections 3 & 4

RESOLVED that the zoning requirements of the area within the Map of Rollingwood Section 3 be modified to permit the establishment of a neighborhood shopping center in accordance with the plans for same which are attached to the map in the Planning Board files.

RESOLVED that the zoning requirements within the area of the Map of Rollingwood Section 4 be modified to permit the minimum size plots along the western edge of said map to be those shown on the Final Map of Rollingwood Section 4.

## October 19, 1949 Map of Sound Shore Bluffs

RESOLVED that the zoning of the area within the boundaries of said map be modified, pursuant to Section 281 of the Town Law, in the following manner:

Minimum size of plots shall be reduced from one acre to the sizes and dimensions shown on the Final Map of said subdivision.

No plot may be further reduced by sale, gift or other means, and no building permit shall be issued unless the dimensions of the plot in question correspond to those shown on said map.

The front yard requirements shall be modified as follows:

Plots 1-19 inclusive	shall be	50 feet
Plots 20-37 inclusive	shall be	40 feet
Plots 38-48 inclusive	shall be	40 feet
Plots 49-56 inclusive	shall be	35 feet
Plots 57-64 inclusive	shall be	50 feet
Plots 65-81 inclusive	shall be	25 feet
Plots 82-107 inclusive	shall be	35 feet
Plots 108-110 inclusive	shall be	30 feet
Plots 111-114 inclusive	shall be	50 feet
Plots 115-150 inclusive	shall be	40 feet

The side yard requirements for interior lots shall be not less than 12 feet except Lots No. 66-81 inclusive which shall be not less than 7 feet.

The side yard requirements for corner lots shall be not less than 20 feet on the side street frontage.

Rear yard requirements shall remain 50 feet.

Detached garages and other accessory buildings shall be located not less than 65 feet back from the front line of any lot and on corner lots shall be set back from the side street not less than 30 feet. Such garages and accessory buildings shall be located not less than 12 feet from the side and rear lot lines, except on Lots No. 66-81 inclusive, where garages and other accessory buildings shall be not less than 7 feet from side and rear lot lines.

November 16, 1949 Map of Fairvale

RESOLVED that the zoning requirements within the area covered by the Map of Fairvale shall be modified as follows:

Minimum size of plots to be those shown on the Final Map. No further reduction in the plot sizes shall be permitted. Average width of plots shall be not less than 100 feet. Side yard requirements shall be 12 feet on interior lots and 15 feet on the street side of corner lots. Rear yard requirement shall be a minimum of 50 feet. Front yard requirement shall be a minimum of 50 feet on Lots No. 1-18 inclusive; 24; 28-30 inclusive; 35-39 inclusive; 42-50 inclusive; 60-64 inclusive. On Lots No. 23, 25, 31 and 40 the front yard requirements shall be 40 feet. On Lots No. 21, 22, 26, 27, 32, 33, 34, 41, 53-59 inclusive, 65 and 66 the front yard requirement shall be 35 feet. On the combined Lot No. 19-20 the front yard requirement shall be 50 feet from all streets. All other requirements remain those of Residence B district.