Chapter 66

ZONING

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[HISTORY: Adopted Rye Town Board 9-7-54. Amendments noted where applicable.]

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ARTICLE I
Purposes

§ 66-1. Establishment.

There is hereby established a comprehensive zoning plan for the unincorporated part of the Town of Rye, New York, (hereinafter referred to as the "town"), which plan is set forth in the text, maps and schedule which constitute this ordinance. Said plan is adopted for the purposes set forth in Article 16, Chapter 62, of the Consolidated Laws of the State of New York and more particularly for the protection and promotion of public health, safety and welfare, in the following manner:

A. Guiding the future growth and development of the town in accordance with a comprehensive plan of land use and population density that represents the most beneficial and convenient relationships among the residential, commercial and public areas of the town, having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses, as indicated by existing conditions and trends in population, in the direction and manner of the use of land, in building development and in economic activity, considering such conditions and trends both within the town and with respect to the relation of the town to areas outside thereof.

B. Providing adequate light, air and privacy; securing safety from fire and other danger; and preventing overcrowding of the land and undue congestion of population.

C. Protecting the character and the social and economic stability of all parts of the town, and encouraging their orderly and beneficial development.

D. Protecting and conserving the value of land throughout the town and the value of buildings appropriate to the various districts established by this ordinance.

E. Bringing about the gradual conformity of the uses of land and buildings throughout the town through the comprehensive zoning plans set forth in this ordinance, and minimizing conflicts among the uses of land and buildings.

F. Aiding and bringing about the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the town, having particular regard to the avoidance or congestion in the streets and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the town.

G. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment and other economic activities relating to uses of land and buildings throughout the town.

Apply a minimum to all areas identified by the Administrator of Federal Insurance (Department of Housing and Urban Development) as floodplain areas having special flood hazards. **[Added 4-16-74]**

H. Take into account floodplain management programs, if any, already in effect in neighboring areas. **[Added 4-16-74]**

I. Provide that, within the floodplain area having special flood hazards, the laws and ordinances concerning land use and central and other measures designed to reduce flood losses shall take precedence over any conflicting laws, ordinances or codes. **[Added 4-16-74]**

ARTICLE II
Definitions

§ 66-2. Definitions.

For the purpose of this ordinance, certain words and terms used herein are defined as follows:

All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The word "use" shall be deemed also to include "designed, intended or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally. The word "town" means the unincorporated part

of the Town of Rye, the term "Town Board" means the Town Board of Councilmen of said Town; the term "Board of Appeals" means the Zoning Board of Appeals of said Town; the term "Planning Board" means the Town Planning Board of said Town.

ALLEY — A passage or way open to public travel affording generally a secondary means of access to abutting property.

AREA, BUILDING — Total of areas taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets and steps.

AREA, SITE — The total area within the property lines of a site, excluding external streets.

AUTOMOBILE COURT — A building or a group of detached or semi-detached buildings containing rooms or suites of rooms with automobile parking or storage space serving such rooms provided directly or closely in connection therewith, which building or group of buildings is designed, intended or used primarily for the provision of sleeping accommodations for automobile travelers.

BASEMENT — A portion of a building partly underground which has more than one-half (½) its height, measured from finished floor to finished ceiling, above the average grade of the adjoining ground; and not deemed a story unless the finished ceiling is five (5) feet or more above the average finished grade adjoining the building. **[Amended 11-9-66]**

BUILDING — Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY — A subordinate building, the use of which is customarily incidental to that of a main building on the same lot.

BUILDING, MAIN — A building in which is conducted the main or principal use of the lot on which said building is situated.

CELLAR — A portion of a building partly underground having one-half (½) or more than one-half (½) its clear height, from finished floor to finished ceiling, below the average finished grade adjoining the building. **[Added 11-9-66]**

CLUB, MEMBERSHIP — An organization catering exclusively to members and their guests, or premises and buildings for social, recreational or athletic purposes, which are not conducted primarily for gain, providing that there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COURT — An open unoccupied space other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

COURT, INNER — A court enclosed on all sides by the exterior walls of a building.

COURT, OUTER — A court extending to a street line or opening upon any front, side or rear yard.

COVERAGE — That percentage of the lot area covered by the building area.

DISTRICTS — The term "R District" shall mean any Residential District. The term "C District" shall mean any Commercial District. The term "OB District" shall mean any Office Building District.

DWELLING — A building designed or used exclusively as living quarters for one (1) or more families; the term shall not be deemed to include automobile court, rooming house or tourist home.

DWELLING, 1-FAMILY — A detached building containing one (1) dwelling unit only.

DWELLING, 2-FAMILY — A detached building containing two (2) dwelling units only.

DWELLING, MULTI-FAMILY — A building, or portion thereof, containing three (3) or more dwelling units.

DWELLING GROUPS — A group of two (2) or more two-family or multifamily dwellings occupying a lot in one (1) ownership and having a yard or yards in common.

DWELLING UNIT — A building, or portion thereof, providing complete housekeeping facilities for one (1) family.

EXECUTIVE LEARNING CENTER — A building or buildings designed for classes, seminars, meetings and similar activities and related accessory uses, such as restaurants, overnight lodgings and recreational facilities. **[Added 10-7-80]**

FAMILY — One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit with kitchen facilities and other rooms used in common.

FLOOR AREA RATIO — The ratio of the aggregate floor area of a building, exclusive of cellar and basement areas used only for storage or services incidental to the operation or maintenance of the building, to the net site area of the lot on which the building is located.

GARAGE, PRIVATE — An accessory building or part of a main building used only for the storage of motor vehicles as an accessory use.

GARAGE, PUBLIC — A building, or part thereof, used for the storage, care and repair of motor vehicles for remuneration, including any sale of motor vehicle accessories, or where motor vehicles are kept for hire.

GASOLINE STATION — Any area of land, including structures thereon, or any building or part thereof that is used for the sale of gasoline, or other motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including painting thereof by any means.

GRADE, FINISHED — The finished grade at any point along the wall of a building is the elevation of the completed surfaces of lawns, walks and roads adjoining the wall at that point.

GROSS FLOOR AREA — The sum of the horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls or, in the case of a common wall separating two (2) buildings, from the center line of such a common wall, and including any two-story or any enclosed porch or one having a roof and capable of being enclosed. **[Added 10-7-80]**

HEIGHT OF BUILDING — The vertical distance to the level of the highest point of the roof's surface if the roof is flat or inclines not more than one (1) inch vertical in one (1) inch horizontal, or to the mean level between the eaves and the highest point of the roof if the roof is of any other type, measured as follows:

(1) If the building adjoins the front property line or is not more than ten (10) feet distant therefrom: measured at the center of the front wall of the building from the established grade of the curb; or if no grade has been officially established, from the elevation of the existing curb; or if no grade has been officially established and no curb exists, measured from the average level of the finished ground surface across the front of the building.

(2) If the building is more than ten (10) feet from the front property line: measured from the average level of the finished grade adjacent to the exterior walls of the building. Where the finished ground surface is made by filling, the level of such finished grade, for the purpose of this definition, shall not be deemed to be more than three (3) feet above the established grade of the curb.

HOME OCCUPATION — Any use customarily conducted entirely within a dwelling and carried on only by the residents thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital, barbershop, beauty parlor, tearoom, rooming house, tourist home, animal hospital or any similar use shall not be deemed to be a home occupation.

HOSPITAL — Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, rest home, nursing home, convalescent home and any other place for

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the diagnosis, treatment, or other care of human ailments, but not to include contagious diseases except incidentally, alcoholism, drug addiction, epilepsy or mental diseases.

HOTEL — A building, or portion thereof, containing rooms occupied primarily by transients who are lodged with or without meals, and in which are provided such services as are incidental to the use thereof as a temporary residence.

HOUSE TRAILER — Any portable or mobile vehicle used or designed to be used for living purposes, and with its wheels, rollers or skids in place.

JUNK YARD — A place where junk, waste or discarded or salvaged materials are kept, stored or abandoned, including the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery, or parts thereof.

LOADING SPACE — Any off-street space available for the loading or unloading of goods; not less than fifteen (15) feet wide, twenty-five (25) feet long, and fourteen (14) feet high, and having direct usable access to a street or alley, except that where once such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve (12) feet.

LOT — A parcel of land occupied or to be occupied by a building or buildings and accessory buildings, together with such open spaces as are required under the provisions of this ordinance, and having its principal frontage on a street or on such other means of access as may be deemed in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT, CORNER — A lot of which at least two (2) adjacent sides abut for their full length on streets or public

places not less than forty (40) feet in width. For the purposes of this ordinance such lot must have an interior angle of more than forty-five degrees (45°) and of less than one hundred and thirty-five degrees (135°) at the intersection of the two (2) street lot lines. Any other lot is an "interior lot." That portion of a corner lot in excess of one hundred (100) feet from the widest street on which the lot abuts shall be considered an interior lot.

LOT, INTERIOR — A lot other than a corner lot.

LOT AREA — The total horizontal area included within lot lines.

LOT DEPTH — The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT WIDTH — The mean width of a lot measured at right angles to its depth.

LOT LINES — The property lines bounding a lot as defined herein.

LOT LINE, FRONT — In the case of a lot abutting upon only one (1) street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purpose of this ordinance, have the privilege of electing any street lot line as the front lot line.

NONCONFORMING USE — A use of a building or of land that does not conform to the regulations as to use in the district in which it is situated, which use was lawful at the time this ordinance or amendments thereto became effective.

NURSERY SCHOOL — A "nursery school" is a school designed to provide daytime care or instruction for two (2) or more children from two (2) to five (5) years of age inclusive.

PARKING SPACE — An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred seventy-five (175) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

ROOMING HOUSE — Any building or portion thereof containing more than two (2) and less than ten (10) rooms that are used, rented or hired out to be occupied or that are occupied for sleeping purposes for compensation, whether the compensation be paid directly or indirectly. The term "rooming house" shall be deemed to include lodging house and boardinghouse, but not tourist home, automobile court, or multi-family dwelling.

SIGN — Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insigne of any governmental agency, or any civil, charitable, religious, patriotic or fraternal or similar organization.

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 the floor and the ceiling next above it. A basement shall be counted as a story if the ceiling is more than five (5) feet above the level from which the height of the building is measured, or if it is used for business purposes, or for dwelling purposes by other than a janitor or watchman.

STORY, HALF — A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

STREET — A way, whether public or private, permanently open to common and general use which affords the principal means of access to abutting property.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

STRUCTURAL ALTERATION — Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

TOURIST HOME — A building of residental character, offering lodging with or without meals to transients for compensation.

USE — The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

USE, ACCESSORY — A use which is customarily incidental and subordinate to the principal use of a lot or a building and located on the same lot therewith.

YARD — An open space of uniform width or depth on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except for certain features specified in § 66-6 of Article IV. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a building or the point of a group of buildings nearest to such lot line, exclusive of certain features specified in the aforesaid section as not to be considered in measuring yard dimensions or as being permitted to extend in to any front, side, or rear yard, respectively, and the measurement shall be taken at right angles from the line of the building to the nearest lot line.

YARD, FRONT — A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

YARD, REAR — A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

YARD, SIDE — A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front and rear lot line as may be.

ARTICLE III
Establishment of Districts

§ 66-3. Classes of districts.

A. The Town of Rye is hereby divided into the following classes of districts:

R-20 One-Family Residential Districts
R-15 One-Family Residential Districts
R-12 One-Family Residential Districts
R-10 One-Family Residential Districts
R-7 One-Family Residential Districts
R-5 One-Family Residential Districts
R2F Two-Family Residential Districts
RA1 Restricted Multi-Family Districts
OB1 Office Building and Research Laboratory Districts[1]
OB2 Office Building Districts
OB3 Office Building Districts[2]
OB-S Office Building and Business Districts[3]
CI-P Planned Neighborhood Retail Districts
C-I Neighborhood Retail Districts

1 Editor's Note: Amended 4-4-59.
2 Editor's Note: Added 8-9-66.
3 Editor's Note: Added 5-21-63.

B. Said districts are bounded and defined as shown on a map entitled "Zoning Map of the Town of Rye, New York," adopted Sept. 7, 1954, and certified by the Town Clerk, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

C. Where districts are referred to as "more restricted" or "less restricted," the designation shall refer to the order in which the districts are named above, the first named being the most restricted.

D. Where uncertainty exists as to the locations of any boundaries shown on the Zoning Map, the following rules shall apply.

(1) District boundary lines are intended to follow street, alley or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are fixed by dimensions, as shown on said Zoning Map.

(2) Where district boundaries are indicated as following approximately street or alley lines or proposed street or alley lines, such lines shall be construed to be such boundaries.

(3) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be boundaries.

(4) In unsubdivided property or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on said map, shall be determined by the use of the map scale shown thereon.

(5) If all or any portion of any public street, alley, right-of-way, easement, or land, which is not included in these districts, should ever revert to or come into private ownership, or should ever be used for any purpose other than a public purpose, at such time the land and any structures that are included within such public street, alley, right-of-way, easement or

land or portion thereof, shall be subject to all of these regulations which apply within the district immediately adjacent thereto or within the more restricted of the immediate adjacent districts if there be more than one (1).

ARTICLE IV
Regulations

§ 66-4. General provisions.

In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of the public health, morals, safety, comfort, convenience and general welfare. This ordinance shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or land, or upon the erection, construction, establishment, moving, alteration or enlargement of buildings than are imposed by other ordinances, rules, regulations, licenses, certificates or other authorizations, or by easements, covenants or agreements, the provisions of this ordinance shall prevail. Except as hereinafter provided, the following general regulations shall apply:

A. No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with this ordinance for the district in which such building or land is located.

B. Every building hereafter erected shall be located on a lot as herein defined. There shall be not more than one (1) main building and its accessory buildings on one (1) lot, except for nonresidential buildings and multifamily dwellings in districts where such uses are permitted.

C. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building; no yard or any other

open space on one (1) lot shall be considered as a yard or open space for a building on any other lot. Should a lot hereafter be formed from the part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this ordinance with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this ordinance.

D. New construction or substantial improvements of residential structures within the area of special flood hazards shall have the lowest floor, including the basement elevated to or above the level of the one-hundred-year flood. **[Added 4-16-74]**

E. New construction or substantial improvement of nonresidential structures with the area of special flood hazards shall have the lowest floor, including the basement elevated to or above the level of the one-hundred-year flood or, together with attendant utility and sanitary facilities, shall be floodproofed up to the level of the one-hundred-year flood. **[Added 4-16-74]**

F. In riverine situations, until a floodway has been designated, no use, including landfill, may be permitted within the floodplain area having special flood hazards unless the applicant for the land use has demonstrated the proposed use, where combined with all other existing and anticipated uses, will not increase the water surface elevation of the one-hundred-year flood more than one (1) foot at any point. **[Added 4-16-74]**

§ 66-5. Schedule of Regulations.[1]

The Schedule of Regulations appended hereto, which defines the uses of land and buildings, the height of buildings, the yards and other open spaces to be provided contiguous to or in con-

[1] **Editor's Note: Provisions of the schedule are in Article VIII. To facilitate inclusion of amendments, these provisions are set in style to conform to rest of Zoning Ordinance instead of using original chart form. Information regarding uses of a particular district may be found under separate section headings in Article VIII.**

nection with buildings, the area of lots, off-street parking space, loading space, and all other matters contained herein, as indicated for the various districts by this ordinance, is hereby adopted and declared to be a part of this ordinance, and may be amended in the same manner as any other part of this ordinance. The regulations listed for each district as designated, reading from left to right across the schedule are subject to the provisions of §§ 66-6 and 66-7 of this Article, and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application. The listing of any use in said schedule either as being permitted in or being excluded from any particular district shall be deemed to be an exclusion from any more restricted district, unless such use is permitted in such more restricted district under the language set forth in the schedule applying thereto.

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§ 66-6. Supplementary regulations — general.

The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following general supplementary regulations.

A. Lots.

(1) Lots in two districts.

Where a district boundary divides a lot in one (1) ownership of record at the time when such line is adopted, regulations for the less restricted portion of such lot may extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

(2) Dwellings on small lots.

A permit may be issued for the erection of a one-family dwelling on a lot or parcel for which a valid conveyance or contract of sale has been executed and delivered prior to the date of the adoption of this ordinance, notwithstanding that the area or dimensions of such lot or parcel are less than that required for the district in which such parcel or lot lies, providing that all yards setbacks and other requirements are complied with, and providing such lot or parcel does not fall within the provisions of the following paragraphs:

(a) Where the owner of a lot or parcel smaller than is required by this ordinance for the district in which it lies, also owned or had under contract to purchase at the time of the passage of this ordinance, other lots or parcels contiguous thereto, such other lots or parcels, or as much thereof as may be necessary, shall be combined with the original lot or parcel to make a single conforming lot or parcel, whereupon a permit for the erection of a one-family dwelling may be

issued, but only for such combined lots or parcels even though their total be less in area than required by this ordinance for the district in which they lie.

(b) Requirements of paragraph "a" above may be waived as to any such lot or parcel of land which has been owned under a deed acquired not less than five (5) years prior to the date of adoption of this ordinance, or which is shown on any subdivision map duly filed and recorded not less than five (5) years prior to the date of this ordinance.

(3) Frontage on improved street required.

No building permit shall be issued for any structure unless the lot upon which the structure is to be built fronts on a street or highway as defined in Section 280-a of the Town Law, which street or highway shall have been suitably improved to the satisfaction of the Planning Board as provided by the Town Law.

B. Yards and setbacks.

(1) Yards.

(a) Terraces. A paved terrace shall not be considered in determination of lot size or yard coverage, provided, however, that such terrace is unroofed and without walls, parapets or other forms of enclosure. Such terrace, however, may have an open guard railing not over three (3) feet high, and shall not project into any yard to a point closer than four (4) feet from any lot line.

(b) Unenclosed porches. No porch may project into any required yard.

(c) Enclosed porches. Any two-story or any enclosed porch, or one having a solid foundation, capable of being enclosed, shall be considered a part of

the building in the determination of the size of yard or amount of lot coverage.

(d) Projecting architectural features. The space in any required yard shall be open and unobstructed except for the ordinanry projection of the window sills, belt-courses, cornices, eaves and other architectural features, provided, however, that such features shall not project more than two (2) feet into any required yard.

(e) Bay windows. Bay windows including their cornices and eaves may project into any required yard not more than two (2) feet, provided, however, that the sum of any such projections on any wall do not exceed one-fourth (¼) the length of any said wall.

(f) Fire escapes. Open fire escapes may extend into any required yard not more than six (6) feet, provided, however, that such fire escape shall not be closer than four (4) feet at any point to any lot line.

(g) Walls and fences. The yard requirements of this ordinance shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, providing that any residence district no fence or wall shall exceed four (4) feet in height in any front or side yard or six (6) feet in height in any rear or side yard back of the front yard setback line, measured above the finished grade.

(h) Accessory buildings. Accessory buildings shall comply with all yard setback requirements, except that a detached accessory building which does not exceed one (1) story nor fifteen (15) feet in height may be located in a side or rear yard, provided that no part shall be nearer than five (5) feet to a property line, and further

provided that front yard and corner lot side yard setbacks are observed. If any acessory building is attached to a main building, including by means of a breezeway or a roofed passageway with open or latticed sides, it shall comply in all respects to the requirements of this ordiance applicable to the main building. Detached accessory buildings shall be at least twelve (12) feet from the main buildings.

(i) Corner lots. On a corner lot in any residence district there shall be provided a side yard on the side street equal in depth to the required front yard on said side street.

(j) Exception for existing alignment of buildings. If on one (1) side of a street within a given block and within one hundred fifty (150) feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater or less than the depths specified in the Schedule of Regulations, a front yard shall be required in connection with any new building which shall conform as nearly as practicable with those existing on the adjacent lots, except that no such building shall be required to set back from the street a distance greater than fifty (50) feet.

(2) Visibility at intersections.

On a corner lot in any residence district, no fence, wall, hedge or other structure, or planting, more than three (3) feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection, measured along said street line. The height of three (3) feet shall be measured above the curb level.

(3) Usable open space.

Included in every lot hereafter developed in whole or in part for residence, there shall be provided at least the area of open space specified in the Schedule of Regulations for each dwelling unit, which space shall be available and usable for outdoor recreation use and for household activities which are normally carried on outdoors. No such area shall have a dimension smaller than twenty (20) feet.

(4) Courts.

(a) Inner court. The least dimension of any inner court at the sill level of the lowest windows shall be equal to the height of the highest wall forming part of such court.

(b) Outer court. The depth of any outer court shall not exceed one-half (½) its width, and such width shall not be less than fifteen (15) feet.

C. Heights.

(1) Height exceptions.

(a) The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes, not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads or similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve, and the total area covered by such features shall not exceed twenty-five percent (25%) of the roof area.

(b) The provisions of this ordinance shall not prevent the erection above the building height limit of a parapet wall or cornice, for ornament and

without windows extending above such height limit not more than five (5) feet.

(2) Awnings.

No awning projecting beyond the property line of any lot into the sidewalk portion of a public street shall be erected or maintained on any building or structure, unless such awning be at all points at least eight (8) feet above the level of said sidewalk, nor may any such awning project beyond said property line a distance greater than six (6) feet. Any such awning shall be firmly affixed to the building.

D. Minimum house size.

(1) Minimum house size.

No building in any R-20, R-15, R-12, R-10, R-7, R-5, OB1 or OB2 District, used for one-family residence, and erected or created by alteration, subsequent to the adoption of this ordinance, shall have a floor area less than that required by the Schedule of Regulations. Such floor area shall include all floor area used for human occupancy within the exterior wall of the building as defined in the Building Code[1] of the Town of Rye, but shall not include open porches or breezways, basements or uninhabitable or unfinished attic space.

E. Uses.

(1) Accessory uses.

(a) Nothing in this ordinance shall be deemed to prohibit the following accessory and incidental uses, in addition to those provided in the schedule and any notes appended thereto, constituting § 66-5 of this Article.[2]

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1 Editor's Note: See Ch. 14, p. 1401, supra.
2 Editor's Note: See schedule beginning on p. 6663.

(1a) Customary recreation, refreshment, and service uses and buildings in any public park, reservation, playground or other public recreational area, incidental to the recreational use of such area.

(2a) The excavating of natural materials to permit the constructing of a building on the lot.

(2) Excavations.

Clay, sand, gravel or other natural mineral deposit may be excavated for use on the premises in any district in connection with any use permitted in the district. Clay, sand or gravel may be excavated for commercial purposes only if permitted by a temporary special permit obtained from the Town Board, as provided in § 66-12 of Article V,[1] and in any case such permission shall be subject to compliance with the following regulations:

(a) The final slope of material in any excavation or pit shall not exceed the normal limiting angle of repose of such material.

(b) Both the base and the top of such slope shall not be nearer than fifty (50) feet to any street line or property line.

(c) A specific plan of the approved excavation shall be prepared and filed with the Town Board.

(3) Deposit of waste materials.

No garbage, rubbish, refuse or other waste material, except soil, gravel, rock or other natural material deposited for the purpose of regrading or landscaping the land on which it is deposited, shall be dumped or deposited in any district within a distance of one hundred (100) feet from any highway, water body, srteam or property line nor elsewhere

[1] **Editor's Note:** **See p. 6658.**

except after obtaining a permit therefore from the Building Inspector, subject to such regulations as the Town Board may prescribe and further subject to any applicable regulations of the Westchester County Department of Health and the requirement that such dumping or deposit:

(a) Will not be objectionable by reason of dust, fumes, smoke or odor, or be otherwise detrimental to the public health or safety, and

(b) Will not interfere with drainage to the extent of being injurious to adjacent land or buildings.

(4) Business entrances on residential streets.

Where a residence district is bounded by a portion of a business district, then any side street extending through such residence district into such business district shall not be used for any business purpose, except as herein set forth. The business structure erected in such business district shall face and open upon the street set aside for business purposes except that show windows in such business structures may be built and exposed on said side street within the area set aside as part of said business district and an entrance may be made at the corner of such business and residential streets. All other entrances thereto, except to residential parts of the structure, must face on the business street, except that any second means of egress required by applicable law and access to and from off-street parking facilities shall be permitted.

(5) Prohibited uses.

The following shall be prohibited from all districts:

(a) Gas compressor station.

(b) Operation of a junk yard.

(c) House trailers except that one (1) trailer may be parked or stored in an enclosed garage or accessory building, provided that no living quarters shall be maintained nor any business conducted in connection therewith while said trailer is stored.

(d) Any building in the rear of a main building on the same lot and used for residence purposes, except for domestic employees of the owners or tenants of the main building, which employees may lawfully occupy such a building provided it shall not be over two (2) stories or thirty (30) feet in height, shall conform to all open space requirements, and shall not be within thirty (30) feet of any main building on the lot.

F. Nonconforming uses.

(1) Continuing existing uses.

Except as otherwise provided in this section, the lawfully permitted use of land or buildings existing at the time of the adoption of this ordinance may be continued although such use does not conform to the regulations specified by this ordinance for the district in which such land or building is located. Said uses shall be deemed nonconforming uses.

(2) Nonconforming use of land.

Where no building is involved, the nonconforming use of land may be continued provided, however, that no such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this ordinance, nor shall any such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the

time of the adoption of this ordinance; provided, further, that if such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than thirty (30) days or is charged to a conforming use, any future use of the land shall be in conformity with the provisions of this ordinance.

(3) Nonconforming use of buildings.

(a) A building or structure the use of which does not conform to the use regulations for the district in which it is situated shall not be enlarged or extended unless such building or structure, including such enlargement or extension, is made to conform to all regulations, including use, for the district in which it is situated.

(b) Such nonconforming building shall not be structurally altered unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be permitted; and provided further that any such nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of the adoption of this ordinance.

(c) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use which, in the opinion of the Board of Appeals, either by general rule adopted on a request by the Building Inspector or on a specific finding on appeal of a particular case, is of the same or of a more restricted nature.

(d) If any nonconforming use of a building ceases for any reason for a continuous period of more

than six (6) months, or is changed to a conforming use, or if the building in or on which such use is conducted or maintained is moved for any distance whatever, for any reason, then any future use of such building shall be in conformity with the regulations specified by this ordinance for the district in which such building is located.

(e) If any building in or on which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building thereon shall be in conformity with the regulations specified by this ordinance for the district in which such land or building is located.

(4) Restoration of damaged buildings.

If any nonconforming building shall be destroyed by any means to an extent of more than fifty percent (50%) of the assessed valuation thereof, according to its assessment by the Town Assessor for the year during which such destruction occurs, no repairs or reconstruction shall be made unless every portion of such building and the use thereof are made to conform to all the regulations of this ordinance for the district in which it is located. Where the destruction of such nonconforming building is less than fifty percent (50%) of the assessed valuation, as above determined, it may be restored and the nonconforming use continued, provided that the total cost of such restoration does not exceed fifty percent (50%) of the valuation of the building at the time of the destruction, and further provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

(5) Nonconforming signs.

Regardless of any other provision of this ordinance, every sign which, after the adoption of this ordinance, may exist as a nonconforming use in any district shall be discontinued and removed, or changed to conform to the regulations of said district within a period of two (2) years from the date of this ordinance, or of the date of the amendment that made such signs nonconforming. Subject to the provisions of this paragraph, all of the provisions of this section shall apply to every nonconforming sign.
[Amended 9-21-61]

(6) Completion of buildings under construction.

Any building for which a permit has been duly granted, and the construction of which has been started before the effective date of this ordinance, may be completed in accordance with plans on file with the Building Inspector, provided that such construction is diligently prosecuted and such building is completed within one (1) year of the date of this ordinance.

(7) Existing special uses deemed conforming.

Any use lawfully existing at the time of the adoption of this ordinance in the district in which such use is classified herein as a special use shall, without further action, be deemed to be a conforming use in such district.

G. Off-street parking and vehicular access.

(1) Off-street parking.

(a) It is the intention of this ordinance that all structures and land uses be provided with a sufficient amount of off-street automobile parking to meet the needs of persons employed at or making use of such structures or land uses. No permit for the erection or substantial alteration of

a structure, or for the development of a land use, shall be issued unless off-street automobile parking and loading facilities shall have been laid out in plan, in accordance with the appropriate requirements for structures and uses set forth in the Schedule of Regulations herewith, and approved by the Building Inspector as provided in Paragraph (d) of this subsection.

(b) Structures and land uses in existence, or for which building permits have been approved, at the time of the adoption of this ordinance, shall not be subject the requirements set forth in the Schedule of Regulations, provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking facilities for such structures or uses, as well as for any enlargement or extension, shall, however, be provided as a condition for the issuance of any building permit for such enlargement or extension in the future. In case of practical difficulty or unnecessary hardship to such properties, arising out of this requirement, appeal may be made to the Board of Appeals which shall require only such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming, but shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or extension, and shall not permit reduction or elimination of whatever quantity of parking may already be in existence unless it is in excess of such requirements. Required off-street parking facilities which, after development, are later dedicated to and accepted by the town shall be deemed

to continue to serve the uses or structures for which they were originally provided.

(c) Off-street automobile parking facilities shall be provided as follows:

(1c) Each single-family or two-family house shall be provided with one (1) off-street automobile parking space for each family dwelling unit.

(2c) Each apartment or multi-family building designed to house three (3) or more families shall be provided with one and one-fourth (1¼) off-street automobile parking spaces for each dwelling unit, at least one-third (⅓) of which parking spaces shall be directly accessible to and within one hundred (100) feet of each main entrance, so as to be convenient for use by visitors as well as occupants.

(3c) Each professional office or home occupation permitted in a residence zone as an incidental accessory use shall be provided with one (1) off-street automobile parking space in addition to the number of spaces required for the residence use.

(4c) Each hotel, boarding, rooming or lodging house shall be provided with one (1) off-street automobile parking space for every two (2) guest sleeping rooms, in addition to one (1) off-street parking space for each six hundred (600) square feet of nonrentable floor space exclusive of basements.

(5c) Each retail business establishment such as a grocery, meat market, drug, hardware, clothing or variety store, and each service establishment such as a bank, barber shop,

beauty parlor, shoe repair, dyeing and dry cleaning, laundry, plumbing shop or appliance repair shop shall be provided with one (1) off-street automobile parking space for every two hundred (200) square feet of business floor area.

(6c) A business or professional office building or use, or a public building or use other than a school, shall be provided with one (1) off-street automobile parking space for each separate office or suite of offices of a given tenancy, plus one (1) space for every three hundred (300) square feet of floor area used for office purposes or purposes essentially similar.

An office building or office and laboratory building shall be provided with off-street automobile parking space for not less than eighty percent (80%) of the total number of employees, which shall be computed at one (1) employee for each one hundred fifty (150) square feet of office area and one (1) employee for each three hundred (300) square feet of laboratory area. **[Added 11-22-66]**

(7c) Each restaurant, or similar place dispensing food or drink or refreshments, shall be provided with one (1) off-street automobile parking space for every one hundred (100) square feet of floor area devoted to patron use.

(8c) Each hospital, clinic, sanitarium or convalescent home shall be provided with four (4) off-street automobile parking spaces for every five (5) patient beds excluding bassinets.

(9c) A theatre, auditorium, stadium or other place of public assembly other than a church, the capacity of which can be measured in terms of seats, shall be provided with one (1) off-street automobile parking space for every six (6) seats in such place of assembly.

(10c) A bowling alley shall be provided with five (5) off-street parking spaces for each alley. A skating rink, or other center of public amusement, the capacity of which cannot be measured in terms of seats, shall be provided with one (1) off-street automobile parking space for every two hundred (200) square feet of floor space devoted to patron use.

(11c) A wholesale, storage, utility, manufacturing or other industrial building or use shall be provided with one (1) off-street automobile parking space for every two (2) persons for which the building or use is designed.

(12c) Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above shall be determined in each case by the Board of Appeals, which shall consider all factors entering into the parking needs of such use.

(13c) Where two (2) or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements for each individual use on the lot; except that the Board of Appeals may approve the joint use of parking space by two (2) or more establishments on the same or contiguous lots, the total capacity of which space is less than the sum of the spaces required for each, provided that the Board finds that the capacity to be provided will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments and provided that such approval of such joint use shall be automatically terminated upon the termination of the operation of any such establishments.

(14c) In an OB-1 District. **[Added 11-9-66; amended 10-7-80]**

(aa) Executive learning center: (a) one (1) space for each guest room; (b) one (1) space for every three (3) employees; (c) one (1) space for every four (4) seats in permanent dining rooms; (d) one (1) space per three hundred (300) square feet of floor area devoted to retail use; and a total minimum of parking spaces for an executive learning center shall be eighty percent (80%) of the sum of the spaces required in Subsection G(1)(c)(14c)(a) through (d) above, but in no event less than one (1) space for each guest room.

(bb) For research and testing laboratories: one (1) space per one thousand (1,000) square feet of gross floor area devoted to such uses.

(cc) For office and all other uses: one (1) space per three hundred (300) square feet of gross floor area devoted to such uses.

(dd) Where the Town Board finds during site plan review that the circumstances of the particular case warrant a different standard, such Board may adjust the parking requirements by ten percent (10%), plus or minus.

(ee) Where at least fifty (50) parking spaces are provided for the sole use of employees who use such spaces on a nontransient basis (car parked at least three (3) hours in the same space), the Town Board may, in conjunction with site plan approval, allow up to twenty-five percent (25%) of the these parking spaces to be designed and reserved for compact cars. Such spaces shall be at least eight (8) feet wide and fifteen (15) feet long, shall be grouped in one (1) or more locations on the lot and shall be clearly marked as being reserved for compact cars only.

(ff) Where the Town Board determines, in connection with its action on a site plan, that less than the required number of parking spaces will satisfy the intent of this ordinance, because of variation in the probable time of maximum use by joint users, the provision of van-pooling or for any other reason, said Board may waive all or part of the improvement, but not more than fifty percent (50%), of the number of parking spaces required. In all cases, it shall be expressly

demonstrated on the site plan that sufficient space remains for the provision of the total amount of off-street parking required, and the site plan shall bear such designation. All such undeveloped parking space shall be used and maintained as additional landscaped grounds until required for parking. Written guaranties, satisfactory to the Town Attorney, shall be submitted by the applicant for the eventual improvement of any such spaces which may have been waived. Such spaces must be constructed within six (6) months of the date of written notice to the property owner by the Town Board that such spaces have been determined as necessary.

(d) Layout and location of off-street parking facilities.

(1d) The required off-street parking facilities for structures and land uses which are hereafter developed shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two (2) adjoining lots may be provided in a single common facility on one (1) or both of said lots and except that the Board of Appeals may permit all or part of the required spaces to be located on any lot within five hundred (500) feet of the building, and within a district where such use is permitted, if the Board determines that it is impractical to provide parking on the same lot with the building.

(2d) In any residence district, except an RA-I District, no unenclosed off-street parking

facility shall be developed within twenty-five (25) feet of a front lot line or shall be developed within two and one-half (2½) feet of a side or rear lot line except as provided in Subsection (5d) below. In Residence RA-1 District, no unenclosed off-street parking facility shall be developed within five (5) feet of any lot line.

(3d) The plans for any new building or any replacement or reconstruction of an existing building, when submitted to the Building Inspector for a building permit, shall show specifically the location and size of the off-street parking facilities required to comply with this section and the means of access to such space from the public streets or highways, and except for single-family and two-family residences, the plan for traffic access, traffic circulation and general layout of the parking facility shall be approved by the Town Planning Board with regard to safety to traffic on the public street, to safety to pedestrians on public sidewalks and to safety and adequacy of access for cars and pedestrians using the parking facility, before a building permit may be issued.

(4d) Required off-street parking facilities may be enclosed in a structure or may be open, provided that all required parking facilities shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Building Inspector to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. In appropriate situations the Building Inspector may require suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

(5d) In any R District, a parcel of land that lies contiguous to the boundary of a C District, and that is contiguous at not more than one (1) property line thereof to a side lot line in an R District, may be used for the parking of motor vehicles, but not for any sales or servicing in connection therewith, for a distance of not exceeding two hundred (200) feet from the boundary of said C District. A parcel of land shall not be considered con-

(Cont'd on page 6635)

tiguous to a C District if it is separated from the C District by a street or alley. The following limitations and requirements shall apply thereto:

(aa) There shall be no parking of vehicles nearer to any boundary of such parcel than a distance of five (5) feet, except any part contiguous to the boundary of the C District.

(bb) The portion of the parcel that is used for the parking of vehicles shall be bordered on all sides not contiguous to the boundary of the said C District by a wall or fence, supplemented by landscaping, approved by the Planning Board as being adequate to assure that the use of said parcel for the parking of vehicles will not be detrimental to the use of adjacent land in said R District. Such wall or fence and landscaping shall be adequately maintained at all times.

(cc) There shall be no entrance to the parking area at a distance of more than one hundred (100) feet from the boundary of such C District, and such entrance shall be limited to the street on which the adjoining business buildings have frontage.

(dd) The plan for traffic access, traffic circulation and general layout of the parking facility shall be approved by the Planning Board with regard to the safety of traffic on the public street, to safety of pedestrians on public sidewalks, and to safety and adequacy

of access for cars and pedestrians using the parking facility.

(ee) No sign shall be displayed on such parcel except one (1) identification sign not exceeding twelve (12) square feet in area, and no such sign shall be located outside of the portion of the parcel that is used for the parking of vehicles, nor at a distance of more than fifty (50) feet from the boundary of such C District.

(e) Operation and maintenance of off-street parking facilities.

Required off-street parking facilities shall be maintained as long as the use or structure exists which the facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses except when dedicated to and accepted by the town as public parking areas.

(2) Driveways. **[Amended 2-19-63]**

(a) No driveway or road, to or from any property, shall be so located at its juncture with a public highway as to create a danger or a menace to the community or to the convenience or proper use of the adjoining property.

(b) Driveway grades shall not exceed fifteen percent (15%) from the property line for the entire length of the driveway.

(c) Where a driveway leads to a garage whose floor is below the level of the street, and below the level of the ground along both sides of such driveway, a drain of sufficient size [but not less

than four (4) inches] shall be installed in front of the garage door or doors and be connected to the storm sewer in the street.

(d) Where a storm water sewer is not available, the drain shall be connected to a dry well with earth floor, of forty (40) cubic feet capacity, built of masonry units laid with open joints, capped with flagstone or concrete as the Building Inspector may direct. The dry well shall not be filled with stone, brick or other material.

H. Special permits.

(1) General requirements.

(a) The types of uses for which special permits are required by this ordinance shall be deemed to be permitted uses in their respective districts, subject, as to each specific use, to the satisfaction of the requirements and standards set forth herein. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

(b) Application for required special permits shall be made to the Town Board. Each such application shall be referred by the Town Board to the Planning Board for report, which report shall be rendered at least ten (10) days prior to the date of public hearing on such application. The Town Board may, after public notice and hearing, in the same manner as required by law for zoning amendments, authorize the issuance of said permits provided it shall find that:

(1b) With respect to all uses listed as requiring special use permits:

The use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts.

(2b) With respect to the uses listed as requiring special permits in residential districts:

(aa) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, and its relation to streets giving access to it, shall be such that it will not be hazardous, inconvenient or detrimental to the predominantly residential activities and character of the neighborhood.

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

(cc) The proposed use shall be provided with off-street parking adequate for its needs, considering the assemblage of persons and vehicles in connection with the use, at least meeting the standards of Article IV, § 66-4G and such parking area or areas shall be suitably screened from adjoining residential uses and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisance.

(3b) With respect to uses listed as requiring special permits in commercial districts:

The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relationship to streets giving access to it shall be such that:

(aa) It will be harmonious part of the commercial district in which it is situated and will not hinder the appropriate development or impair the value thereof.

(bb) Vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, taking into account, among other things, vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.

(cc) Its operations will not be objectionable to nearby dwellings, by reason of noise, fumes, vibrations or flashing of lights, to a greater degree than is normal with respect to the proximity of commercial or industrial uses to residential uses.

(4b) With respect to the uses listed as requiring special permits in Office Building and Research Laboratory Districts:
[Amended 4-4-59]

(aa) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, shall be such that it will not cause or result in

(1aa) Dissemination of dust, noise, vibration, excessive light, odor, smoke, observable or detectable gas or fumes or other atmospheric pollutant, or any harmful discharge of industrial waste materials beyond the boundaries of the site on which such use is conducted;

(2aa) Menace by reason of fire, explosion or other physical hazard, including radiation;

(3aa) Interference with radio or television reception beyond the immediate site of the building in which such use is conducted, or scientific testing of devices or instruments which requires the flying of aircraft over the building in relationship to activities in the buildings in such a manner as to cause a public nuisance;

(4aa) Unusual traffic congestion on the streets and highways giving access to the site;

(bb) The Town Board shall specifically describe the industrial use being permitted under its resolution which makes the above findings.

(5b) With respect to the uses listed as requiring special permits in OB-S Districts:
[Amended 2-21-63]

(aa) The location and size of the use, the nature and intensity of the operations

involved in or conducted in connection with it shall be such that it will not cause or result in:

(1aa) Dissemination of dust, noise, vibration, excessive light, odor, smoke, observable or detectable gas or fumes or other atmospheric pollutant or any harmful discharge of industrial waste materials beyond the boundaries of the site on which such use is conducted.

(2aa) Menace by reason of fire, explosion or other physical hazard, including radiation.

(3aa) Interference with radio or television reception beyond the immediate site of the building in which such use is conducted or scientific testing or devices or instruments which require the flying of aircraft over the buildings in such a manner as to cause a public nuisance.

(4aa) Unusual traffic congestion on the streets and highways giving access to the site.

(bb) No manufacturing or industrial use shall be permitted.

(cc) Site plan review by the Planning Board as required. In reviewing this site plan, the Planning Board shall take into consideration, but not necessarily limit itself to, the recommendations of the general plan for development, the proposed location, height and bulk of buildings, traffic circulation within and without the site, provisions for drainage and sewage treatment, provision of off-street parking spaces, exterior lighting, buffer areas and other open spaces, display of

signs, location and screening of garbage and trash containers, location and screening of trailer parking and loading and landscaping, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and adjacent neighborhoods and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. **[Added 8-16-77]**

(2) **[Amended 12-21-71]** Hospitals and convalescent and nursing homes. In addition to the above listed standards:

(a) A building intended for use as a hospital, convalescent home or nursing home shall be located no closer than two hundred (200) feet to the boundary of any adjacent property zoned for one-family residence, unless a lesser distance to such adjacent property shall have been agreed to, in writing, by the owner thereof, or if any such adjacent property is not within the area of the Town of Rye or is owned by a religious, educational, public or charitable institution, corporation or association or is used or intended for any of the uses permitted in § 66-19C, in any of which cases said hospital, convalescent home or nursing home shall not be located within one hundred twenty-five (125) feet of the boundary of such adjacent property.

(3) Nursery schools.

With respect to nursery schools, in addition to the above listed standards:

(a) The location, size and character of the school shall be such that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be

detrimental to the value of property in the neighborhood.

(b) The lot on which such school is operated shall not be less than one-half (½) acre in area.

(c) The lot on which any school is maintained shall contain at least one thousand (1,000) square feet of suitably fenced rear or side yard play area for each five (5) children or part thereof, and each such play area shall be located not less than thirty (30) feet from any lot line, except where the rear or side yard lot line abuts a public street, park or parkway property, and not less than fifty (50) feet from any residential structure on any adjoining lot, and such play area shall be suitably screened with planting or other means to avoid a noise nuisance to adjoining properties.

(d) The area used for nursery school purposes inside any building shall be on the first floor only and shall not be less than thirty-five (35) square feet for each child in such school exclusive of space in cloakrooms, lavatories, storage rooms or hallways. No basement area shall be used for child care or instruction purposes.

(e) The school shall not have more than fifteen (15) children in any case, except if the building is of fireproof or semifireproof construction as defined by the Building Code of the Town of Rye.

(Cont'd on page 6643)

(4) Membership clubs.

With respect to membership clubs and similar social uses not operated for profit, in addition to the above listed standards:

(a) Each such building or use of land, for other than off-street parking purposes, shall be located not less than fifty (50) feet from the property line in an R2F or RA-1 District, nor less than one hundred (100) feet from the property line in an R-20, R-15, R-12, R-10, R-7, R-5, OB-1 or OB-2 District.

(5) Bowling alleys.

With respect to bowling alleys, in addition to the above listed standards:

(a) The lot used for a bowling alley shall be bordered on all sides contiguous to the boundary of a residential district by a strip of land at least twenty-five (25) feet in depth, not to be used for the parking of vehicles. Within the twenty-five-foot strip, a compact screen of evergreens, of height and depth approved by the Town Board, and other plants and shrubs of such character as may also be approved by the Town Board, shall be maintained.

(b) Driveway entrances and exits shall be located at least one hundred (100) feet from the boundary of a residential district.

(c) A bowling alley, and the building so occupied, including the entrances and exits, shall be designed and constructed according to the best standards of sound-proofing. On the sides of a building containing bowling alleys, there shall be no windows. No entrance or exit, except a required fire exit, shall be permitted to face toward adjoining residential districts.

(d) Exterior spot-lighting or other illumination shall be so installed as to eliminate any detrimental effect on adjoining residential districts or to traffic on the streets. No unshaded light sources shall be permitted.

(e) Any single advertising sign shall be limited to fifty (50) square feet in area on one facing.

The Town Board, in granting a special permit, may place limits on the hours of operation of a bowling alley.

I. Modifications in connection with approval of subdivisions.

(1) Where the owner of any tract of land presents a plat for the subdivision of such tracts the Planning Board, after public notice and hearing pursuant to Section 281 of the Town Law, and consistent with the spirit and intent of this ordinance, may authorize the following modifications with respect to not more than ten percent (10%) of the lots in such plat, providing that all such modifications are necessary to achieve a good subdivision design:

(a) In an R-20 District, modifications of required minimum width of lot, and of required minimum side yard setbacks correspondingly, providing that no reduction shall exceed twenty percent (20%) of the required minimum for the district in which the lot is located.

(b) In an R-12, R-15 or R-20 District, modifications of required minimum depth of lot and of required minimum front and rear yard setbacks correspondingly, providing that no reduction shall exceed twenty percent (20%) of the required minimum for the district in which the lot is located.

(2) No modifications of the permitted use regulations or of the minimum required lot area shall be approved.

Each approved modification shall be specifically stated on the plat, and before it shall be signed with the approval of the Planning Board, the Planning Board shall state in its minutes the reasons for each such modification.

§ 66-7. Supplementary regulations — special.

The provisions of this ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following special supplementary regulations:

A. Apartment developments. Within any district where multifamily residence is a permitted use, no building housing ten (10) or more families and no group of buildings shall be erected on any lot unless a site development plan has been approved by the Planning Board in the same manner as is prescribed by state law for the approval of subdivisions. Subsequent to issuance of such approval, no building permit shall be issued except for building in conformity with the approved site development plan. In approval of such plan, the Planning Board shall determine that all applicable standards are met.

B. **[Amended 4-4-59; 9-8-61; 5-21-63; 8-9-66; 11-9-66; 11-22-66; 10-7-80]** Office building developments. Office building and research laboratory developments within any OB-2, OB-3 and OB-5 District where office buildings for business and professional use and research laboratories are permitted; no such building shall be erected on any lot unless a site plan for its development has been approved by the Planning Board, after public notice and hearing, as being in conformity with the following standards:

(1) (Reserved)

(2) For OB-2 District and OB-S District. Sites shall be of at least ten (10) acres and have at least five hundred (500) feet of frontage on an existing street or highway, except that the Board may approve plans to subdivide and develop such sites into sites of not less than five

(5) acres and with at least three hundred (300) feet of street frontage, except that any lot less than five (5) acres and more than three (3) acres zoned for "Business" as of May 21, 1952, and described as a tax lot on the Tax and Assessment Map as of said date, and now located in an OB-2 District, shall be deemed to meet the acreage requirement, provided that all other standards set forth herein are met and that arrangements are made for common access and service roadways where necessary to avoid traffic hazards or congestion, and further, except that any smaller parcel so zoned and so identified on the Tax and Assessment Map of the Town of Rye as of said date and now in the OB-2 District shall be deemed to meet the lot size requirement, provided that the owner of the lot owned no adjoining property on that date and that the size of said parcel shall not be reduced.

(3) For OB-3 District.

(a) Sites shall be at least five (5) acres and shall have at least three hundred fifty (350) feet of frontage on an existing street or highway.

(b) Access and service roads from existing streets or highways shall properly relate to the public street and highway system so as to avoid unsafe conditions and traffic congestion.

(c) Parking space shall be provided on the site to accommodate the motor vehicles of employees and visitors. Parking areas shall be permanently improved and suitably screened with planting and shall be set back from street and side lines of the site at least fifty (50) feet, except that permanent arrangements may be approved for a lesser distance between parking areas of adjoining office building developments.

(4) (Reserved)

(5) For OB-2 District. Buildings on any site may cover a total of no more than fifteen percent (15%) of the site

area, of which area any office or laboratory building may not cover more than one hundred thousand (100,000) square feet of the site area. The buildings shall be set back at least one hundred (100) feet from all property lines, and such office or laboratory buildings shall be not more than eight (8) stories high nor more than one hundred twenty (120) feet in height measured from the average finished grade to roof, but not including elevator and utility penthouses above the roof.

(6) For OB-3 District. Buildings on the site may cover no more than twelve percent (12%) of the site area and shall be set back at least one hundred (100) feet from a street, one hundred (100) feet from rear lot line and sixty (60) feet from each side line.

(7) There shall be no advertising signs other than one (1) facing each public street, announcing the name of the company or companies housed in the office building, nor shall there be exterior spotlighting or other illumination such as will be an annoyance to any adjoining residential districts. Necessary safety lighting of roads and buildings and necessary direction signs shall be permitted.

(8) The Planning Board, in acting upon site plans as required by this section, may modify the application of the above standards where necessary in particular situations because of topographical or other site conditions and where the general public interest will be served, provided that the general purpose and intent of the standards is observed. In each such case, however, the Planning Board must enter upon the record the specific reason or reasons for each modification granted.

C. Business developments. Within a C-1 or a CI-P District, no business or shopping center buildings or uses shall be erected or established on any lot unless the site plan for its development has been approved by the Planning Board,

after public notice and hearing, as being in conformity with the provisions of this ordinance and with the additional requirements that access and service roads from existing streets and highways shall properly relate to the public street and highway system so as to avoid unsafe conditions and traffic congestion. Special permit uses shall be excepted from the procedure of this subsection.

D. Airport Zones.

(1) Establishment of zones. The area within two (2) miles of the boundaries of the Westchester County (Rye) Airport within the Town of Rye shall be divided into four (4) classifications: instrument approach zones, sight approach zones and inner and outer turning zones as follows:

(a) Instrument Approach Zones — Z1. An instrument approach zone beginning at the end of each landing strip or runway designed for

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instrument approaches, proceeding from a width of one thousand (1,000) feet at such end to a width of four thousand (4,000) feet two (2) miles distant therefrom, its center line being a continuation of the center line of each such runway or runways or landing strips.

(b) Sight Approach Zones — Z2.

A sight approach zone beginning at the end of each other landing strip designed for visual or sight approaches proceeding from a width of five hundred (500) feet at such end to a width of two thousand five hundred (2,500) feet two (2) miles distant therefrom, its center line being a continuation of the center line of such runway or runways or landing strips.

(c) Inner Turning Zones — Z3.

An inner turning zone between each two (2) approach zones extending outward for a distance of one-half (½) mile.

(d) Outer Turning Zones — Z4.

An outer turning zone between each two (2) approach zones extending from the outer edge of the inner turning zone to an outer boundary described as follows:

The outer boundary of such approach and outer turning zones shall be determined by swinging a series of intersecting arcs completely around the airport; each arc being swung from a point midway of the end of each runway or graded landing strip and each having a radius of two (2) miles, the outer boundary of such area being such arcs and connecting straight lines tangent to the arcs thus described. The inner edge of such outer turning zone which is also the outer edge of the inner turning zone shall be established by

swinging from the ends of each runway or graded landing strip arcs with a radius of one-half (½) mile and connecting by straight lines the points where such arcs intersect the edges of each approach zone. The airport zones shall be superimposed upon residential and other zones established in this ordinance.

(2) Height limits for control of future development.

Except as may be permitted by variances granted by the Zoning Board of Appeals as elsewhere provided in this ordinance, no structure shall hereafter be erected, altered or increased in height, and no object of natural growth shall be grown, permitted to grow or increase in height in such a way that in any:

(a) Instrument Approach Zone its topmost height above the elevation of the end of the graded landing strip to which such approach zone is appurtenant is greater than one-fortieth (1/40) of its horizontal distance from the end of such graded landing strip, or in any

(b) Sight Approach Zone its topmost height above the elevation of the end of the graded landing strip to which such approach zone is appurtenant is greater than one-thirtieth (1/30) of its horizontal distance from the end of such graded landing strip, or in any

(c) Inner Turning Zone its topmost height is greater than seventy-five (75) feet above the level of and measured at right angles to a line drawn between the midpoints of the ends of any two (2) adjacent landing strips, (from which midpoints such half mile arcs were described) or in any

(d) Outer Turning Zone its topmost height is greater than the permissable height in the inner turning zone [to wit seventy-five (75) feet] plus one (1)

foot of increased height for each thirty (30) feet of distance measured horizontally outward at right angles from the boundary between the inner and outer turning zone, (to wit, such half-mile line) and extending thence outward to the outer boundary of such outer turning zone.

(3) Permits.

(a) Upon the receipt of an application for a building permit from the owner of any property situated within any airport zone, the Building Inspector before passing upon the suitability of such proposed structure, with respect to other requirements of this ordinance, shall refer such application to the Town Engineer or such other engineer as may be designated by the Town Board, who, after satisfying himself that the proposed building if erected upon the site specified in the application to the height called for in the plans filed with such application will not exceed the limits set forth in Section (2) above, shall so certify to the Building Inspector; if such Town or other designated Engineer shall find that the proposed building, at the site named in the application, will exceed the height limits established under Section (2) above, he shall ascertain and report to the applicant, the Building Inspector, and to the County Attorney, whether elsewhere on land owned by the applicant such proposed building may be lawfully erected, and if not, to what extent such proposed building upon the original site selected therefor would have to be reduced in height to comply with the regulations contained in Section (2). The Building Inspector shall thereupon pass upon other aspects of the proposed building under the Zoning Ordinance and Building Code and, in the light of all the facts pre-

sented, grant or refuse such application. The Building Inspector, on his own initiative or upon complaint of an existing or threatened hazard filed with him by the officer in charge of such airport, shall refer to the Town or other designated Engineer, for survey and report, the matter of any tree or other natural object, the growth of which, since the adoption of this section, has encroached or threatens to encroach upon or project through the ceiling of permissible heights established by this ordinance under any approach or turning zone. The report of such Engineer, as to the extent of or likelihood of such encroachment, the seriousness of the hazard occasioned thereby, and other pertinent facts, shall be filed simultaneously with the Building Inspector, the County Attorney, and officer in charge of such airport, and the property owner notified thereof. Thereafter the Building Inspector shall issue such order of abatement as may be appropriate in the circumstances. The property owner affected thereby shall abate such violation within thirty (30) days after which the penalties provided in this ordinance shall apply. If such property owner believes that the report is at variance with the facts, or that the violation does not constitute a hazard, he may appeal to the Board of Appeals for a variance, whereupon such Board shall fix the time and place of the hearing thereon after giving due notice to the County of Westchester and the officer in charge of such airport, and to the public, as required by law.

(b) In the event of report of any permit, or the issuance of any order because of the operation of Section (2) above, full explanation shall be afforded to the owner or applicant, with information as to the changes required to make possible

compliance with Subsection (2). For such examination and report no fee shall be charged other than the usual fee for a building permit.

(c) An appeal from any decision of the Building Inspector under this section shall lie to the Zoning Board of Appeals in the same manner as in other appeals under this Zoning Ordinance.

(d) At least ten (10) days' notice of the hearing on such appeal shall be given to the appellant, and the County Attorney and to the public, in the same way and manner that notice is given to the public as provided in the town Zoning Ordinance. On such an appeal, the Board, for the purpose of deciding whether to affirm, modify or reverse the decision of the Building Inspector, shall consider whether any reasonable modification of the proposed building or site plan will permit the erection of a usable and suitable building for the fulfillment of a proper purpose and which would constitute a fair and reasonable use of the land and the air rights, which would be permitted under existing zoning regulations in force at the time of the adoption of this amendment in the applicable zones.

(e) Any such decision by the Board of Appeals pursuant to this section, shall be subject to review by certiorari order issued out of the Supreme Court and in which the County of Westchester shall be made a party.

(4) Certain uses prohibited.

(a) Within the airport zones hereinbefore defined, no permit shall be granted to erect any building or structure for the installation of any machinery or apparatus of any kind or to install any such machinery or apparatus in any existing building or structure which, if so operated in said building or said structure, would interfere with the transmission and receipt of radio and other com-

munications between the control station of the Westchester County (Rye) Airport and planes approaching or departing from such airport or traveling in the turning zones hereinbefore established.

(b) Within the airport zones hereinbefore defined, no machinery or apparatus of any kind shall be so operated as to interfere with the transmission and receipt of radio or other communications between the control station of the Westchester County (Rye) Airport, and planes approaching and departing from such airport or traveling in the turning zones hereinbefore established.

E. Planned Unit Development District. **[Added 6-19-73]**

(1) Purposes. In addition to the purposes set forth in Article I of the Town of Rye Zoning Ordinance, the PUD-Planned Unit Development District shall have among its purposes the following:

(a) To provide for an increase in the amount and variety of housing in the town in an era of increasing urbanization, development costs and awareness of the importance of natural resource preservation thereto; to encourage distinguished architectural expression and innovative design so that these needs may be met by greater variety, type, design and layout of buildings and by a conservation of, and more efficient use of, open space in support of said buildings.

(b) To protect, conserve and enhance natural resources, outstanding natural topography and geological features such as trees, vistas, soil stability, man-made landscaping and other features and to encourage the efficient use of land in relation to public and private facilities and utilities.

(c) To conserve the economic value of land and to strengthen and sustain its taxable potential.

(d) To provide a review procedure which can relate the type, design and layout of residential and nonresidential development to a particularly large site or parcel and to a particular demand for housing, office, commercial, recreational and other supportive uses in a manner consistent with the preservation of property values within and adjacent to established residential and other developed areas, and which will ensure that the increased flexibility over land development authorized herein is subject to administrative standards designed to encourage good development while assuring that such development shall further the purposes of the Town of Rye Zoning Ordinance and of the Comprehensive General Plan for Development of the Town of Rye.

(2) Standards and requirements. In accordance with the standards, requirements and procedures hereinafter specified, all planned unit developments (PUD's), shall conform to and meet the following:

(a) Minimum area. The minimum area required to qualify for a PUD shall be thirty (30) contiguous acres.

(b) Ownership. The parcel of land for a PUD project may be owned, leased or controlled either by a single person, a corporation, or by a group of individuals or corporations. An application must be filed by the owner, contract vendee or jointly by owners of all property included in a PUD project. In the case of multiple ownership, the approved plan shall be binding on all owners.

(c) Location. The PUD District may be applicable to any qualifying area of the town adjacent to or north of the Hutchinson River Parkway. In addition, all such districts shall have at least seventy-five (75) feet of frontage on a state, county or major town road.

(d) Permitted uses. All uses within a PUD District shall be determined by the provisions of this section and the approved plan of the PUD project concerned. The proportion, rate of construction and intensity of each use shall be approved by the Town Board and shall depend upon the unique location, physical factors and economic considerations of each proposed project within and adjacent thereto. Permitted uses may include, and shall be regulated by, the following:

[1] Multifamily residential uses. The development of up to two hundred fifty (250) garden apartments, containing a total of four hundred fifty (450) bedrooms, with an average of one and eight-tenths (1.8) bedrooms per dwelling, constructed at a density of approximately seven (7) units per gross acre may be permitted. Dwelling units designed and used for rental purposes shall not exceed an average size of one thousand four hundred fifty (1,450) square feet per apartment. Their maximum size may be increased to one thousand six hundred (1,600) square feet and their minimum size shall not be less than one thousand one hundred (1,100) square feet. "Bedrooms" shall be defined as any space designed or used in whole or in part as sleeping quarters and shall be designated as such on the approved site plan and drawings, which shall thus describe the permitted use of all rooms in each dwelling.

[2] Professional or business office and research laboratory type uses as permitted in the OB-1 District, not to exceed two (2) stories or thirty-five (35) feet in height, whichever is less, or not to have a floor area ratio which exceeds one hundred forty-five thousandths (.145). Should the entire office and research

laboratory area be placed under long-term lease to, or the ownership of, a single corporate tenant, the floor area ratio may be increased one hundred ninety thousandths (.190), provided that there is reasonable evidence that the traffic in the vicinity of the site can be adequately controlled.

[3] Open spaces, either landscaped or left in their natural state, including Subsection (f) below.

[4] Customary accessory or associated uses such as garages, indoor storage spaces, recreational and community activities, utilities and facilities as may be appropriate in relation to the principal uses listed above. Parking shall be as required in other sections of this ordinance, except that multifamily residential uses shall provide at least one and one-half (1½) parking spaces for each dwelling plus one-fourth (¼) for each bedroom.

(e) Buffer areas. Where the PUD abuts residential districts, the required setback of all structures and parking along the abutting property line shall be at least equal to the minimum lot depth of the abutting residential district or one hundred fifty (150) feet, whichever is greater. Such minimum setback may be increased or decreased by a maximum of one-third (⅓) by the Town Board upon recommendation by the Planning Board on the basis of field inspection of existing conditions and recommended required buffer planting. Such setback or buffer areas created shall not be disturbed except that their use for passive recreation, landscaping, circulation drives and their temporary disruption for the provision of utilities and facilities may be recommended for approval by the Planning Board in the course of site plan approval. Additional buffer zones may be required for the preservation of community character, health, welfare and to minimize disturbance.

(f) Land for general town use.

[1] Private common property. In a PUD District, an area or areas may be reserved, together with improvements thereon, for the use and enjoyment of the residents or occupants of the PUD District. Where such private common property exists, satisfactory arrangements shall be made for the improvement, operation and maintenance of such areas and facilities, which shall be approved by the Town Board.

[2] Public area. In a PUD District, at least ten percent (10%) of the total site area shall be offered and dedicated to the town for general town use. Such lands may be included in the allocation of land for determining the maximum density and intensity of land use. Such land shall be exclusive of, and in addition to, areas devoted to public streets, park reservations, private common property and/or utilities.

[3] Easements and on-site improvements. On-site improvements and easements shall be provided as required by the town for adequate circulation, convenience and safety in, through and adjacent to the proposed development. The developer may offer to provide, subject to governmental approval, pedestrian overpasses or underpasses and pedestrian and bicycle easements wherever deemed necessary by the town in the interest of safety and convenience and to show community benefit.

(3) Procedure.

(a) Authority. The Town Board shall be the municipal authority designated to grant approval under the PUD District. Whenever any PUD District is proposed, before any special permit for

the erection of any building or use in such development shall be granted and before any subdivision plat for any part thereof may be filed in the office of the Westchester County Clerk, the developer or his agent shall apply for and secure approval of such planned unit development in accordance with the following procedures:

(b) Application. The developer shall submit a written application request, including maps where appropriate and an illustrated project plan, to the Town Board containing or making provision for the furnishing of the following: the name and address of the applicant; the location of the land proposed to be developed; a map of existing natural and man-made conditions on and adjacent to the site; the nature of the applicant's interest in the land; the density of land use to be allocated to various parts of the site; the location and size of any common open space; the form or organization proposed to own and maintain common open space, if any; the use, height, bulk, location and general design of buildings and other structures; the proposed provision of water supply and disposition of stormwater and sanitary sewage; the substance of any covenants, grants, easements or any other restrictions proposed to be imposed upon the land or buildings, including easements for public utilities; provisions for parking; locations and widths of streets and pedestrian easements and ways; modifications from the existing town ordinances governing streets or land use being requested, if any; the projected schedule for development; and the approximate times when final approval would be requested. The above information may be supported by a report stating why the public interest would be served by the proposed development and setting forth the manner in which the proposed planned unit development would meet the objectives of this ordinance and the town Development Plan.

(c) Review fee. An application for rezoning to a PUD District shall be accompanied by a fee of ten dollars ($10.) per gross acre or part thereof.

(d) Planning Board referral. Within thirty (30) days of the receipt, the application shall be referred by the Town Board to the Planning Board for review and report as required in Article IV, § 66-6H(1)(b) of the Town of Rye Zoning Ordinance, except as modified below.

(e) Planning Board recommendations. Within ninety (90) days of the application, the Planning Board shall either recommend the granting of tentative approval of the PUD District and project plan as submitted; or recommend the granting of tentative approval, subject to specific conditions and/or requirements; or recommend denial of tentative approval. In recommending the granting or denial of tentative approval, the Planning Board shall set forth in writing its findings as to why the plan would or would not be in the public interest; in what respects the plan is or is not consistent with the objectives of a Planned Unit Development District.

(f) Public hearing. Within thirty (30) days after the filing of the Planning Board report, a public hearing on said application shall be held by the Town Board in the manner prescribed for hearings on zoning amendments.

(g) Final review and approval. If the Town Board grants tentative approval of the project plan, with or without conditions, there shall be set forth in the written resolution as a condition to the time within which an application for final approval of the detailed site plan shall be filed, or, in the case of a site plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The tentative approval shall

authorize the submittal by the applicant of a written report for detailed site plan approval. The tentative approval shall be valid for a period not to exceed twelve (12) months unless an application for site plan approval shall have been filed within that period.

[1] The application for detailed site plan approval shall be made to the Town Board, shall contain the information normally required for site plan approval as well as additional information which may be required by the Town Board and, upon receipt, shall be referred to the Planning Board for a report and recommendations. Such application shall include all necessary drawings, specifications, and such covenants, easements, conditions and performance bonds as were set forth at the time of special permit approval. A public hearing on an application for approval of the site plan shall not be required, unless deemed appropriate and conducted by the Planning Board, provided that the plan submitted for such approval is in substantial compliance with the plan previously given special permit approval.

[2] Within sixty (60) days of referral of the detailed site plan application to the Planning Board for site plan approval, the Planning Board shall either recommend the granting of site plan approval of the plan as submitted; or recommend the granting of site plan approval subject to specific conditions and/or requirements; or recommend denial of site plan approval, provided that such approval may be denied only in instances in which the final site plan is not in substantial compliance with the plan previously given tentative approval. Said recommendations

shall be in writing and shall clearly set forth the findings upon which the Planning Board decision was based.

[3] The Town Board shall take final action on the detailed site plan within forty-five (45) days of receipt of the Planning Board's report.

[4] The final detailed site plan, as approved, shall be incorporated into the Town of Rye Zoning Ordinance, and the Comprehensive Development Plan of the Town of Rye by the Planning Board, and the Building Inspector shall issue all necessary permits in accordance herewith. The site plan shall also be recorded as a deed restriction applying to the area of the Planned Unit Development District in its entirety.

[5] In the event that the applicant fails, in the opinion of the Town Board, to begin a substantial portion of the planned unit development within twelve (12) months from the date of final detailed site plan approval, then said approval shall be deemed null and void unless said time period is extended by the Town Board. Any performance bond guaranty shall be forfeited or returned to the applicant, at the discretion of the Town Board.

(h) Petition for review. At any time following approval of the final site plan, including the issuance of permits for any part thereof, the applicant may petition for review of the previously approved plan. The Town Board, upon finding that such petition and reasons are reasonable and valid, may reconsider the design of the PUD District and the detailed site plan thereof, and shall follow, in full, the procedure and conditions herein required for original submittal.

Each application for modification shall require a separate filing fee.

(i) Improvements or performance guaranties. As a condition of final approval, the applicant shall install all site improvements or the town shall require the posting of adequate guaranties to insure the installation of said improvements in the manner required by the Planning Board for the guarantee of improvements in subdivisions.

(j) Residential maintenance. The applicant shall comply with Article 9B of the Real Property Law of the State of New York in regard to condominium ownership and before the issuance of any building permits. The applicant shall execute a covenant running with the land as to the use and maintenance of open spaces, ponds, roads and buildings to be approved by the Town Attorney and the Town Board, which shall include but not be limited to the following:

[1] The Homeowners Association shall be established before the houses are sold.

[2] Membership shall be mandatory for each immediate and successive lot or homeowner.

[3] The open space restrictions shall be permanent.

[4] The Association shall be responsible for liability insurance, local taxes or common elements, and the maintenance of all common element areas and facilities, open space and recreational areas, roads and related facilities.

[5] Homeowners shall pay their proportionate share of the Association's costs, and the assessment levied by the Association shall become a lien on the property if not paid.

[6] The town, if necessary, shall be permitted to step in and perform any maintenance work

which may not have been done or properly accomplished by the Association, and to assess the cost for such work, as well as any taxes which may not have been paid, equally against all property owners within the subdivision.

(k) Miscellaneous. In order to ensure that any plan submitted hereunder progresses in accordance with the intent of this ordinance and with other applicable ordinances, rules and regulations of the Town of Rye, County of Westchester and State of New York, the Town Board may retain such independent architectural and/or engineering services as are necessary to properly and competently supervise and evaluate the appropriateness, quality and progress of a plan, the cost of which independent services shall be borne by the town and/or the applicant upon such terms and in such proportion as are acceptable to both the town and the applicant. All referrals to federal, state, county, municipal and special districts normally required for amendments to the Town of Rye Zoning Ordinance shall be followed as a condition for PUD and site plan approval.

(4) Every structure or group of structures and uses, including those of institutional or public nature, and every group of structures having services, facilities or utilities in common ownership or control by its occupants, or which functions as an independent corporate property owner or agent or management, shall be located upon and within a lot or plot of land which shall be fully dimensioned and designated as representing the area of responsibility. The extent of each individual or group ownership, or management as may be established by ownership, in full or partial fee, or leased under deed covenant, contract, or such other conditions of usage or occupancy, shall be legally established and recorded. A description or plan of such lots shall be filed as part of the planned unit

development with the Town Tax Assessor. The applicant shall provide for and establish an organization for the ownership and maintenance of any common open space, and such organization shall not dissolve, nor shall it dispose of any common open space by sale or otherwise, except to an organization conceived and established to own and maintain the common open spaces.

ARTICLE V
Administration and Enforcement

§ 66-8. Enforcement.

A. No Board, agency, officer or employee of the town shall issue, grant or approve any permit, license, certificate or other authorization, including special permits by the Planning Board and adjustments by the Board of Appeals, for any construction, reconstruction, alteration, enlargement or moving of any building, or for any use of land or building that would not be in full compliance with the provisions of this ordinance. Any such permit, license, certificate or other authorization, issued, granted or approved in violation of the provisions of this ordinance shall be null and void and of no effect, without the necessity of any proceedings or revocation or nullification thereof, and any work undertaken or use established

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pursuant to any permit, license or certificate or authorization shall be unlawful, and no action shall be taken by any board, agency, officer or employee of the town purporting to validate any such violation.

B. This ordinance shall be enforced by the Building Inspector in accordance with the administrative provisions of the Building Code and of this ordinance.

C. In the event of a controversy arising from a complaint that an industrial use is not in compliance with the standards and conditions applying to a special permit issued for such use, the Town Board may require the occupant of the property to submit evidence, including technical tests, where necessary, that the use is in full compliance with said standards and conditions. **[Added 4-4-59]**

§ 66-9. Building permits and licenses.

A. No building or structure shall be erected, enlarged, structurally altered or moved until a permit therefor has been issued by the Building Inspector. Except upon a written authorization of the Board of Appeals, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition, alteration, moving or use thereof would be in violation of any of the provisions of this ordinance.

B. There shall be submitted with all applications for building permits two (2) copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings existing and the lines within which the building or structure is to be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units that the building is de-

signed to accommodate, and such other information with regard to the lot and neighboring lots that may be necessary to determine and provide for the enforcement of this ordinance. One (1) copy of such plan shall be returned to the owner when such plans shall have been approved by the Building Inspector. All dimensions shown on this plan relating to the location and size of the lot to be built upon shall be based on an actual survey and the lot shall be staked out on the ground before construction is started.

§ 66-10. Certificate of occupancy.

A. It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, in its use or structure, until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate shall state that such building or premises or part thereof and the proposed use thereof are in complete conformity with the provisions of this ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy, provided that he is satisfied that the building and the proposed use of the building or premises conform with all the requirements herein set forth. A certificate of occupancy shall be applied for the coincident with an application for a building permit.

B. Under such rules and regulations as may be established by the Town Board, a temporary certificate of occupancy for part of a building may be issued.

C. No nonconforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued by the Building Inspector therefor.

D. A certificate of occupancy shall be deemed to authorize, and is required for, both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect as long as such building and the use thereof or of such land is in full conformity with the provisions of this ordinance and any requirements made pursuant thereto. On the serving of notice of any violation of any of the said provisions or requirements in respect to any building or the use thereof, or of land, the certificate of occupancy for such use shall thereupon become null and void and a new certificate of occupancy shall be required for any further use of such building or land.

E. [Amended 1-18-72] Upon written request from the owner, and by payment by him to the town of a fee of five dollars ($5.) for building cost under twenty thousand dollars ($20,000.) value; ten dollars ($10.) for twenty thousand dollars ($20,000.) to fifty thousand dollars ($50,000.) value; fifteen dollars ($15.) for fifty thousand dollars ($50,000.) to one hundred thousand dollars ($100,000.) value; twenty-five dollars ($25.) for building cost over one hundred thousand dollars ($100,000.) value, the Building Inspector shall issue a certificate of occupancy for any building or premises existing at the time of the enactment of this ordinance, certifying, after inspection, conformity with the provisions of this ordinance.

§ 66-11. Pending applications for building permits.

All permits issued prior to the enactment of this ordinance for buildings or structures which are contrary to the provisions of this ordinance shall be null and void unless substantial work has been done toward the completion of said building or structure. If any of the above requirements shall not have been fulfilled within one (1) year, as stated in Article IV, § 66-6F(6) above, or if building operations are discontinued for a period of six (6) months, any other construction shall be in conformity with the provisions of this ordinance.

§ 66-12. Violations and penalties.

A. Any owner, lessee, tenant, occupant, architect or builder, or the agent of any of them, who violates, or is accessory to, the violation of any provisions of this ordinance, or who fails to comply with any of the requirements thereof, or who erects, constructs, alters, enlarges, converts or moves, uses any building, or uses any land, in violation of any detailed statement or plans submitted by him and approved under the provisions of this ordinance, shall be guilty of a misdemeanor, and shall be liable to a fine which shall not exceed fifty dollars ($50.) to be recovered with costs, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate offense. Violations shall be prosecuted and penalties collected in the manner prescribed by law or ordinance effected in the Town of Rye.

B. Any building erected, constructed, altered, enlarged, converted, moved, or used contrary to any of the provisions of this ordinance, and any use of any land or any building which is conducted, operated or maintained contrary to any of the provisions of this ordinance shall be and the same is hereby declared to be unlawful. Proper town authorities may institute an injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection, construcon, alteration, enlargement, conversion or use in violation of any of the provisions of this ordinance. Such action may also be instituted by any three (3) taxpayers who may be aggrieved by any violation of this ordinance by the procedure of Section 268 of the Town Law. Proper town authorities shall serve notice by regular mail addressed to the premises of such violation on the person or corporation committing or permitting the same, and if such violation does not cease within such time as the proper town authorities may specify, and a new

(Cont'd on page 6659)

certificate of occupancy is not obtained, they shall institute such of the foregoing action as may be necessary to terminate the violation. Such notice may also be served by posting on the premises.

C. The remedies provided for herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

§ 66-13. Board of Appeals.

A. Organization.

A Board of Appeals is hereby created as provided by law.

B. Powers and duties.

The Board of Appeals shall have all the powers and duties prescribed by law, and by this ordinance, which powers and duties are summarized and more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any of the power of the Board of Appeals that is conferred by general law.

(1) Interpretation.

On appeal from an order, requirement, decision or determination made by an administrative official, or on request from any official or agency of the town, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary line if uncertainty remains after reference to the rules specified in Article III.

(2) Adjustments.

Where the strict application of any of the requirements of this ordinance in the case of an exceptionally irregular, narrow, shallow or steep lot, or other exceptional physical conditions, as a result of which strict application would result in prac-

tical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case, the Board of Appeals shall have the power, upon appeal, to vary or adjust the strict application of the regulations or provisions of this ordinance. No adjustment in the strict application of any provision of this ordinance shall be granted by the Board of Appeals unless it finds:

(a) That there are special circumstances or conditions, fully described in the findings of the Board of Appeals, applying to the building or land for which the adjustment is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant subsequent to the date of adoption of the regulation or regulations appealed from, whether or not in violation of the provisions herein.

(b) That, for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the particular application of the conditions of this ordinance would deprive the applicant of the reasonable use of such land or building and the granting of the adjustment is necessary for the reasonable use of the land or building, and that the adjustment as granted by the Board is the minimum adjustment that will accomplish this purpose.

(c) That the granting of the adjustment will be in harmony with the general purposes and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any adjustment, the Board of Appeals shall prescribe any conditions or safeguards applying thereto that it may deem necessary or desirable.

(3) Conditions and safeguards.
In all cases where the Board of Appeals authorizes the issuance of a building permit or occupancy permit under any of the above powers, it shall be the duty of said Board to attach such conditions and safeguards as may be required to protect the public health, safety, morals and general welfare.

C. Appeals — how taken.
All appeals and applications to the Board of Appeals shall be taken in the manner prescribed by law, and within such time as shall be prescribed by the Board of Appeals by general rule. All such appeals and applications shall be in writing, on forms prescribed by the Board, and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the adjustment that is applied for and the grounds for which it is claimed that the same should be granted, or the use for which a special permit is sought. Every decision of the Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and the findings on which the decision was based.

ARTICLE VI
Amendments

§ 66-14. Amendments.

A. The Town Board may from time to time on its own motion, on petition or on recommendation of the Planning

Board, amend, supplement or repeal the regulations and provisions of this ordinance in the manner provided by Town Law.

B. Every such proposed amendment or change, whether initiated by the Town Board, or by petition, shall be referred to the Planning Board for report thereon before the public hearing provided for in Section A above. In recommending the adoption of any such proposed amendment, the Planning Board shall state its reasons for such recommendation, describing any condition that it believes makes the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the comprehensive plan of land use for the town and would be in furtherance of the purposes set forth in Article I of this ordinance. On recommending the rejection or revision of any proposed amendment, the Planning Board shall similarly state its reasons.

C. No amendment of this ordinance, of whatever nature, that has not been approved by the Planning Board, shall be adopted, except by at least a two-thirds (⅔) vote of the Town Board; provided, that failure on the part of the Planning Board to report to the Town Board its recommendation relative to any proposed amendment initiated by proposed resolution or amendment of the Town Board within sixty (60) days after initiation of proceedings therefor shall be deemed to be approval thereof, unless such proceedings have therefore been terminated.

ARTICLE VII
Miscellaneous

§ 66-15. Separability clause.

If any section, subsection, sentence, clause, phrase, or other part of this ordinance is for any reason held by any court of jurisdiction to be invalid, such decisions shall not affect the

validity of the remaining portion of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and other part thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or other parts be declared invalid.

§ 66-16. Short title.

This ordinance shall be known as and may be cited as the Town of Rye Zoning Ordinance.

§ 66-17. Repealer.

An ordinance adopted November 12, 1931 by the Town Board of the Town of Rye, heretofore known as the Zoning Ordinance of the Town of Rye, together with any amendments thereto, is hereby repealed.

§ 66-18. Effective date.

This ordinance shall take effect immediately upon adoption, publication and posting as provided by law.

ARTICLE VIII

Schedule of Regulations

§ 66-19. R-20 — One-Family Residential Districts.

A. Permitted principal uses.

(1) One-family dwellings.

(2) Churches and other places of worship.

(3) Public elementary and high schools.

(4) Agricultural uses, subject to the provisions of Article IV, § 66-6E(3) and not including the maintenance of any separate building for the sale of products of any such agricultural uses.

B. Permitted accessory uses.

(1) Offices and studios of physicians, dentists, architects, engineers and similar professional persons, when conducted in dwellings by the inhabitants thereof and provided that not more than one (1) nonresident assistant be employed.

(2) Keeping of not more than two (2) nontransient roomers or boarders in any dwelling.

(3) Garden house, tool house, playhouse, stable or greenhouse, not used for commercial purposes.

(4) Private garage for one (1) passenger vehicle for each two thousand (2,000) square feet of lot area.

(5) Parish house, rectory, Sunday School rooms.

(6) Signs not exceeding two (2) square feet in area, identifying a professional office or home occupation as permitted in Paragraph C.

(7) Signs not exceeding six (6) square feet in area pertaining to any other permitted use including sale, rent or lease of land or building on which displayed.

(8) Customary home occupations as defined in this ordinance, providing approval is obtained from the Board of Appeals.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).

(1) Nursery schools.

(2) Parochial and private elementary and high schools.

(3) Religious, charitable and eleemosynary institutions, not including institutions for the insane or feeble-minded.

(4) Hospitals, as defined in this ordinance.

(5) Public utility buildings (not including material-storage yards or buildings), serving the local area only.

(6) Governmental buildings and uses; libraries, parks and recreation facilities.

(7) Membership clubs and similar social uses not operated for profit.

D. Maximum floor area ratio.[1]
None.

E. Minimum size of lot.

(1) Area — twenty thousand (20,000) square feet.

(2) Width — one hundred twenty-five (125) feet.

(3) Depth — one hundred fifty (150) feet.

F. Minimum yard dimensions in feet.

(1) Front — forty (40) feet.

(2) Side —

(a) Least one — fifteen (15) feet.

(b) Total of two — forty (40) feet.

(3) Rear — forty (40) feet.

G. Maximum height of building.

(1) In stories — two (2) stories.

(2) In feet — thirty (30) feet.

H. Minimum usable open space on lot as required by Article IV § 66-6B(3).

[1] See definitions in § 66-2.

One thousand two hundred (1,200) square feet for each dwelling unit.

I. Mandatory off-street loading space as defined in Article II.
None.

J. Minimum floor area of dwellings (see Article IV § 66-6D.)[1]
One thousand five hundred (1,500) square feet.
[Amended 1-17-61]

K. Other provisions and requirements.
For parking space requirements, see Article IV, § 66-G(1).[2]

§ 66-20. R-15 — One-Family Residential Districts.

A. Permitted principal uses.
Same as in R-20 District.

B. Permitted accessory uses.
Same as in R-20 District.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).[3]
Same as in R-20 District.

D. Maximum floor area ratio.
None.

E. Minimum size of lot.
(1) Area — fifteen thousand (15,000) square feet.
(2) Width — one hundred (100) feet.
(3) Depth — one hundred twenty-five (125) feet.

F. Minimum yard dimensions in feet.
(1) Front — forty (40) feet.

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1 Page 6622.
2 Page 6628.
3 Page 6637.

(2) Side —

(a) Least one — fifteen (15) feet.

(b) Total of two — forty (40) feet.

(3) Rear — forty (40) feet.

G. Maximum height of building.

(1) In stories — two (2) stories.

(2) In feet — thirty (30) feet.

H. Minimum usable open space on lot as required by Article IV § 66-6B(3).[1]

Same as in R-20 District.

I. Mandatory off-street loading space.

None.

J. Minimum floor area of dwellings (see Article IV, § 66-D.)[2]

Same as in R-20 District.

K. Other provisions and requirements.

Same as in R-20 District.

§ 66-21. R-12 — One-Family Residential Districts.

A. Permitted principal uses.

Same as in R-20 District.

B. Permitted accessory uses.

Same as in R-20 District.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).

Same as in R-20 District.

D. Maximum floor area ratio.

None.

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[1] Page 6621.

[2] Page 6622.

E. Minimum size of lot.

(1) Area — twelve thousand five hundred (12,500) square feet.

(2) Width — one hundred (100) feet.

(3) Depth — one hundred twenty-five (125) feet.

F. Minimum yard dimensions in feet.

(1) Front — thirty-five (35) feet.

(2) Side —

(a) Least one — fifteen (15) feet.

(b) Total of two — forty (40) feet.

(3) Rear — thirty-five (35) feet.

G. Maximum height of building.

(1) In stories — two (2) stories.

(2) In feet — thirty (30) feet.

H. Minimum usable open space on lot as required by Article IV, § 66-6B(3).[1]

Same as in R-20 District.

I. Mandatory off-street loading space.

Same as in R-20 District.

J. Minimum floor area of dwellings (see Article IV, § 66-6D.)[2]

One thousand two hundred (1,200) square feet.

[Amended 1-17-61]

K. Other provisions and requirements.

Same as in R-20 District.

§ 66-22. R-10 — One-Family Residential Districts.

A. Permitted principal uses.

Same as in R-20 District.

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1 Page 6621.

2 Page 6622.

B. Permitted accessory uses.

Same as in R-20 District.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).[1]

Same as in R-20 District.

D. Maximum floor area ratio.

None.

E. Minimum size of lot.

(1) Area — ten thousand (10,000) square feet.

(2) Width — seventy-five (75) feet.

(3) Depth — one hundred (100) feet.

F. Minimum yard dimensions in feet.

(1) Front — thirty (30) feet.

(2) Side —

(a) Least one — ten (10) feet.

(b) Total of two — twenty-five (25) feet.

(3) Rear — thirty (30) feet.

G. Maximum height of building.

(1) In stories — two (2) stories.

(2) In feet — thirty (30) feet.

H. Minimum usable open space on lot as required by Article IV, § 66-6B(3).[2]

Same as in R-20 District.

I. Mandatory off-street loading space as defined in Article II.

None.

J. Minimum floor area of dwellings (see Article IV, § 66-6D.)[3]

Same as R-12 District. **[Amended 1-17-61]**

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[1] Page 6637.
[2] Page 6621.
[3] Page 6622.

K. Other provisions and requirements.

Same as in R-20 District.

§ 66-23. R-7 — One-Family Residential Districts.

A. Permitted principal uses.

Same as in R-20 District.

B. Permitted accessory uses.

Same as in R-20 District.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).

Same as in R-20 District.

D. Maximum floor area ratio.

None.

E. Minimum size of lot.

(1) Area — seven thousand five hundred (7,500) square feet.

(2) Width — sixty (60) feet.

(3) Depth — one hundred (100) feet.

F. Minimum yard dimensions in feet.

(1) Front — twenty-five (25) feet.

(2) Side —

(a) Least one — eight (8) feet.

(b) Total of two — twenty (20) feet.

(3) Rear — twenty (20) feet.

G. Maximum height of building.

(1) In stories — two (2) stories.

(2) In feet — thirty (30) feet.

H. Minimum usable open space on lot as required by Article IV, § 66-6B(3).

Same as in R-20 District.

I. Mandatory off-street loading space as defined in Article II.

None.

J. Minimum floor area of dwellings (see Article IV, § 66-6D).

One thousand (1,000) square feet.

K. Other provisions and requirements.

Same as in R-20 District.

§ 66-24. R-5 — One-Family Residential Districts.

A. Permitted principal uses.

Same as in R-20 District.

B. Permitted accessory uses.

Same as in R-20 District.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).

Same as in R-20 District.

D. Maximum floor area ratio.

None.

E. Minimum size of lot.

(1) Area — five thousand (5,000) square feet.

(2) Width — fifty (50) feet.

(3) Depth — one hundred (100) feet.

F. Minimum yard dimensions in feet.

(1) Front — twenty (20) feet.

(2) Side —

(a) Least one — six (6) feet.

(b) Total of two — sixteen (16) feet.

(3) Rear — thirty (30) feet.

G. Maximum height of building.

(1) In stories — two (2) stories.

(2) In feet — thirty (30) feet.

H. Minimum usable open space on lot as required by Article IV, § 66-6B(3).

Same as in R-20 District.

I. Mandatory off-street loading space as defined in Article II.

None.

J. Minimum floor area of dwellings (see Article IV, § 66-6D).

Same as in R-7 District.

K. Other provisions and requirements.

Same as in R-20 District.

§ 66-25. R2F — Two-Family Residential Districts.

A. Permitted principal uses.

(1) All uses permitted in R Districts above, as permitted therein.

(2) Additional dwelling units as in Paragraph K.

(3) Rooming houses.

(4) Two-family dwellings.

B. Permitted accessory uses.

(1) Same as in R-20 District, except that limitation on garages is waived to the extent necessary to comply with the off-street parking requirement.

(2) One (1) commercial-type vehicle may be garaged on a lot.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1):

(1) Same as in R-20 District.

(2) **[Added 8-21-62]** Nursery for the growing and sale of trees, plants, shrubs and horticultural supplies, including the maintenance of separate buildings incidental thereto. The minimum lot size for this use shall be as follows:

(a) Area — one (1) acre.

(b) Width — one hundred fifty (150) feet.

(c) Depth — two hundred fifty (250) feet.

(3) Professional office space for use by physicians, surgeons, dentists, attorneys, accountants, insurance agencies or similar professions, not residents of the premises, in dwellings on the northerly and southerly side of Bowman Avenue between South Ridge Street and the Port Chester Village boundary line, and in dwellings on the northerly and southerly side of Westchester Avenue between North Ridge Street and the Port Chester Village boundary line; presently zoned R2F, provided that there shall not be more than two (2) such professional persons occupying any one (1) dwelling, and provided further that there shall be no hospital facilities in connection therewith in any case. Off-street parking space shall be provided for at least three (3) cars for each office or suite of offices of a given tenancy or for every three hundred (300) square feet of floor area used for such office purposes, whichever is the greater, and that the front entrance to such professional office space be from Bowman Avenue or Westchester Avenue only. Signs for the professional occupying the space shall not exceed two (2) square feet in area, identifying a professional office. **[Added 2-20-73; amended 7-15-75]**

D. Maximum floor area ratio: none.

E. Minimum size of lot.

(1) Area — five thousand (5,000) square feet.

(2) Width — fifty (50) feet.

(3) Depth — one hundred (100) feet.

F. Minimum yard dimensions in feet.

(1) Front — twenty (20) feet.

(2) Side —

(a) Least one — six (6) feet.

(b) Total of two — sixteen (16) feet.

(3) Rear — thirty (30) feet.

G. Maximum height of building.

(1) In stories — two (2) stories.

(2) In feet — thirty (30) feet.

H. Minimum usable open space on lot as required by Article IV, § 66-6B(3): same as R-20 District.

I. Mandatory off-street loading space: none.

J. Minimum floor area of dwellings (see Article IV, § 66-6D): none.

K. Other provisions and requirements.

(1) For parking requirement, see Article IV, § 66-6G(1).

(2) Any dwelling existing at the time of the adoption of this ordinance may be converted for use by more than one (1) family provided all of the following standards are met and maintained:

(a) Floor space, exclusive of basement and attic areas but including hallways, must average seven

hundred fifty (750) square feet per family to be housed.

(b) No changes are made in the exterior appearance of the building except for any required fire escapes.

(c) Service access from the rear yard of the building is provided for each apartment.

(d) The required parking space is provided as specified in Article IV, § 66-6B(1), and the required usable open space is provided as specified in this schedule, Subsection K(2).

§ 66-26. RA-1 — Restricted Multi-Family Districts.

A. Permitted principal uses.

(1) All uses permitted in R2F District, as permitted therein.

(2) Multifamily dwellings as provided in Subsection K.

B. Permitted accessory uses.

(1) Same as in R2F District.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).

(1) Same as in R-20 District.

D. Maximum floor area ratio.

(1) None.

E. Minimum size of lot.

(1) Area: ten (10) acres and two thousand (2,000) square feet per family.

(2) Width: one hundred fifty (150) feet.

(3) Depth: one hundred fifty (150) feet.

F. Minimum yard dimensions in feet.

(1) Front: seventy-five (75) feet.

(2) Side:

(a) Least one: fifty (50) feet.

(b) Total of two: one hundred (100) feet.

(3) Rear: fifty (50) feet.

G. Maximum height of building.

(1) In stories: two (2) stories.

(2) In feet: thirty (30) feet.

H. Minimum usable open space on lot as required by Article IV § 66-6B(3).

(1) Two hundred (200) square feet for each dwelling unit.

I. Mandatory off-street loading space as defined in Article II.

J. Minimum floor area of dwellings. (See Article IV, § 66-6D.)

(1) None.

K. Other provisions and requirements.

(1) For parking space requirement, see Article IV, § 66-6G(1).

(2) No building of a group on the same lot shall be closer to any other building of the group than one hundred (100) feet, except that in the case of two (2) end walls without windows facing each other, when such buildings shall be no closer than thirty-five (35) feet, except that if one (1) or both such end walls has windows, such distance shall be increased to fifty (50) feet.

(3) Site plan of developments with ten (10) or more dwelling units or more than one (1) building shall be approved by the Planning Board as provided in Article IV, § 66-7A.

(4) Conversion of existing building for use by more than one (1) family, as in R2F above.

§ 66-27. OB-1 — Campus Office Building Districts. [Amended 4-4-59; 4-20-59; 10-7-80]

A. Permitted principal uses.

(1) Any use which is legally in existence as of June 1, 1980.

(2) Office buildings for business and professional uses, research and testing laboratories.

(3) Executive learning centers.

(4) Banks.

B. Permitted accessory uses.

(1) In executive learning centers, accessory uses may include banquet facilities, restaurants and other facilities for the consumption of food and beverages on the premises, athletic facilities, including but not limited to open or enclosed swimming pools, open or enclosed tennis courts, platform tennis courts, paddleball courts and other court games, golf course, playgrounds, health clubs and hiking and jogging trails.

(2) In all other permitted principal uses, accessory uses may include customary personal service and restaurant uses, provided that:

(a) The aggregate areas devoted to such customary personal service and restaurant uses shall not exceed ten percent (10%) of the gross floor area of the permitted principal use to which it is accessory.

(b) Access to such uses shall only be through the interior access system of the building in which such uses are located. There may be no separate

entrance leading directly from the outside of the building.

(c) No such use shall be indicated by any sign or similar device visible from beyond the property on which the use is located.

C. Uses permitted at discretion of Town Board pursuant to procedures specified in Article IV, § 66-6H(1).

(1) Laboratories and similar light technical, light manufacturing or business uses and storage facilities that are an integral part of an office or research and testing laboratory use and are located in the same building, or a group of buildings, devoted to either or both office or research and testing laboratory use.

(Cont'd on page 6675)

D. Maximum floor area ratio.

(1) On sites of less than thirty (30) acres: twenty-five hundredths (0.25).

(2) On sites of thirty (30) or more acres: thirty hundredths (0.30).

(3) Any portion of a structure devoted to parking motor vehicles shall not be considered in computing the floor area ratio for the site.

E. Minimum size of lot.

(1) Area: fifteen (15) acres.

(2) Frontage: at least five hundred (500) feet on an existing state or county highway or major town road, but nothing contained herein shall require the individual buildings on the site to have frontage on an existing state or county highway or major town road.

F. Minimum yard dimensions in feet.

(1) On sites of less than thirty (30) acres: one hundred (100) feet from street lines and one hundred (100) feet from all other property lines. In addition, parking spaces shall be set back from street and side lines of the site at least seventy-five (75) feet, except that permanent arrangements may be approved in site plan review for a lesser distance between parking areas of adjoining office building developments, and in addition, parking spaces shall be set back from all property lines of the site an amount to be set by the Town Board during site plan review.

(2) On sites of thirty (30) acres or more: two hundred (200) feet from street lines and one hundred (100) feet from all other property lines. In addition, parking spaces shall be set back from street and side lines of the site at least one hundred (100) feet except that permanent arrangements may be approved in site plan review for a lesser distance between parking areas of adjoining office building developments.

(3) Where the construction, on a portion of the site, of all or a portion of a state or county highway or major town road is determined by the Town Board to be likely, such Board may set appropriate standards for setback from such proposed road during site plan review, on recommendation of the Planning Board.

G. Maximum height of building.

(1) On sites of less than thirty (30) acres: two (2) stories and thirty-five (35) feet.

(2) On sites of thirty (30) acres or more: four (4) stories and fifty (50) feet measured from the average grade at the building entrance.

(3) Portions of an executive learning center may reach five (5) stories, as long as the height of the building does not exceed fifty (50) feet measured from the average level of the finished grade adjacent to the exterior walls of the building.

(4) Mechanical and utility penthouses shall not be included in the computation of height but they shall be screened by an appropriate architectural treatment, and no more than twenty-five percent (25%) of the roof area shall be used for such mechanical and utility equipment.

(5) Where two (2) stories only are permitted, an additional story not exceeding twelve (12) feet, for the purpose of covered parking, may be added, provided that the maximum height of the building does not exceed thirty-five (35) feet.

(6) Where four (4) stories are permitted, an additional story not exceeding twelve (12) feet, for the purpose of covered parking, may be added, provided that the building or structure as viewed from the main entrance does not exceed four (4) stories or fifty (50) feet measured from the average grade at the building entrance.

H. Minimum usable open space on lot as required by Article IV, § 66-6B(3).

(1) None.

I. Mandatory off-street loading space.

(1) None.

J. Minimum floor area of dwellings. (See Article IV, § 66-6D.)

(1) None.

K. Other provisions and requirements.

(1) The executive learning center and all of its accessory facilities shall be available for use by persons attending the executive learning center (including the members of their families) or for persons regularly employed at one (1) of the buildings located in the OB-1 District (including members of their families) and may be offered for use by members of the general public.

(2) In an executive learning center, there shall be no more than thirteen (13) sleeping rooms per acre, and each sleeping room shall have an area, inclusive of bathroom and closet, of at least two hundred twenty-five (225) square feet.

(3) The maximum gross land coverage, which is that percentage of the land area covered by the combined area of all buildings, structures and paved areas, shall be sixty percent (60%).

(4) Parking shall be provided in accordance with Article IV, § 66-6G(1).

(5) A detailed sign plan shall be submitted as part of the site plan application to the Town Board.

(6) Exterior lighting or other illumination shall be permitted, provided that the light source shall be shielded from any adjacent residence district or public streets.

(7) A detailed, specific planting plan to buffer adjoining properties shall be submitted as a part of the site plan application to the Town Board.

(8) No building permit shall be issued, and no structure or use shall be established or changed, except in conformity with a site plan approved by the Town Board, after review and report by the Planning Board, and no certificate of occupancy for such structure or use shall be issued until all the requirements of such site plan and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

§ 66-28. OB-2 — Office Building Districts.

A. Permitted principal uses.

(1) All uses permitted in R-10 District, as permitted therein.

(2) Office and professional buildings, research and testing laboratories. **[Amended 11-22-66]**

B. Permitted accessory uses.

(1) Permitted accessory uses listed in § 66-19B(1) through (8), same as in R-20 above, except as provided in Article IV, § 66-7B.

(2) Accessory building for garage, heating, air-conditioning and other utilities and for storage of supplies and materials and for all other facilities necessary for the proper functioning and operation of the business or profession of the occupants, including, but not limited to cafeterias for employees, storage areas, auditoriums, meeting and conference rooms and areas for heating, air conditioning and other utilities. **[Added 11-22-66]**

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).

(1) For residential uses: same as in R-20 above.

(2) Office building uses in compliance with the provisions in Article IV, § 66-7B.

(3) The conversion of existing residences to limited professional office use as defined in Article VIII, § 66-19B, except that said professional office use may be conducted by persons other than the inhabitants thereof and shall not be limited to one (1) nonresidential assistant or employee. In such special permit approval, site plan approval by the Planning Board shall be required and shall include the coordination of one (1) or more elements of site plan review, such as occupancy, traffic circulation, parking and drainage, in the interest of ensuring the ultimate development of a coordinated, safe and convenient system of land use and development at an appropriate density for the site and neighborhood. The Planning Board shall adopt said plan upon the granting of the special permit by the Town Board and shall require its consideration in future development. In the interest of obtaining safe and unified development in such instances, the Planning Board may require the filing of deed restrictions or covenants permitting coordinated access, parking, drainage and other functional activities and uses from one property to others. [Added 6-15-82]

§ 6-28.1. OB-3 — Office Building Districts. [Added 8-9-66]

A. Permitted principal uses.

(1) Office building uses as provided in Article IV, § 66-7B.

B. Permitted accessory uses: same as in R-20 above, except as provided in Article IV, § 66-7B.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).

(1) For residence uses: same as in R-20 above.

(2) Office building uses in compliance with the provisions of Article IV, § 66-7B.

D. Maximum floor area ratio: none.[1]

E. Minimum size of lot.

(1) Area: five (5) acres.

(2) Width: two hundred fifty (250) feet.

(3) Depth: four hundred fifty (450) feet.

F. Minimum yard dimensions in feet.

(1) Front: one hundred (100) feet.

(2) Side:

(a) Least one: sixty (60) feet.

(b) Total of two (2): one hundred twenty (120) feet.

(3) Rear: one hundred (100) feet.

G. Maximum height of building.

(1) In stories: two (2) stories.

(2) In feet: thirty (30) feet.

H. Minimum usable open space on lot as required by Article IV, § 66-6B(3): same as in R-20 above.

I. Mandatory off-street loading space: none.

J. Minimum floor area of dwellings (See Article IV, § 66-6D.): same as in R-20 above.

K. Other provisions and requirements: same as in R-20 above.

(Cont'd on page 6679)

[1] **Editor's Note: The requirements of office building uses are to be in compliance with the provisions of Article IV, § 66-7B. The requirements of Subsections D through K are those for residential uses.**

§ 66-29. OB-S — Office Building and Business Districts. [Added 5-21-63]

A. Permitted principal uses.

(1) Office building uses, as provided in Article IV, § 66-7B as to OB-2 Districts.

B. Permitted accessory uses.

(1) Same as in R-20 above, except as provided in Article IV, § 66-7B.

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).

(1) Art studio, publishing, printing, lithographing, photography, photoengraving, laboratory and similar light technical or business uses and storage facilities in connection with the same, but no industrial use or manufacturing, conducted in the same building by the person or firm having executive or administrative offices therein.

(2) **[Added 8-16-77]** All principal and accessory uses permitted in the C1-P District, except a drive-in, open front or curb service restaurant and/or bowling alley, subject to the controls listed in § 66-30 for said C1-P District, except as hereinafter modified:

(a) Maximum floor area ratio: thirty-hundredths (0.30); maximum coverage: twenty-five percent (25%). **[Amended 3-16-82]**

(b) Minimum size of lot: as required by Subsection E hereof.

(c) Minimum frontage on a state or county road or highway: one hundred fifty (150) feet.

(d) In addition to the findings required by § 66-6H(1)(b) for special permits in an OB-S District, the Town Board shall ensure that the requirements of § 66-6H(1)(b)(3b) are satisfied.

(e) Use of floor area in cellars. [Added 3-16-82]

[1] Floor area in a cellar may be devoted to permitted principal, permitted accessory and special permit uses, provided that:

[a] Such area does not exceed fifteen percent (15%) of the maximum gross floor area permitted on the lot, including as much thereof as may be located in an adjacent municipality; and

[b] Such area is leased to the same tenant as the tenant of the main-level area above it, and the two are operated as a single, integrated unit with the same uses on the two (2) levels or uses ancillary to one another which are commonly found in a single retail store; and

[c] Such area is accessible to the public by direct stairway or other connection from the main-level area sufficiently distant from the front entrance to ensure appearance as a single integrated unit; and

[d] The initial floor plan for such area and any modification thereof are approved in accordance with the special permit procedure hereunder.

[2] This subsection shall not apply to the floor area in a cellar used only for storage or services incidental to the operation or maintenance of the building.

D. Maximum floor area ratio: thirty-five hundredths (0.35).

E. Minimum size of lot.

(1) Area — three (3) acres.

(2) Width — two hundred fifty (250) feet.

(3) Depth — two hundred fifty (250) feet.

F. Minimum yard dimensions in feet.

(1) Front — sixty (60) feet.

(2) Side:

(a) Least one — fifty (50) feet.

(b) Total of two (2) — one hundred (100) feet.

(3) Rear — fifty (50) feet.

G. Maximum height of building.

(1) In stories — one (1) story.

(2) In feet — twenty (20) feet.

(3) When coverage is limited to fifteen percent (15%) of the lot area, three (3) stories not more than forty-five (45) feet in height are permitted, but the third story shall not cover more than twenty-five percent (25%) of the area of ground floor.

H. Minimum usable open space on lot as required by Article IV, § 66-6B(3).

(1) As required by Article IV, § 66-6G(1).

I. Mandatory off-street loading space.

(1) As required by Article IV, § 66-6G(1).

J. Minimum floor area of dwellings. (See Article IV, § 66-6D.)

(1) Same as in R-20 above.

K. Other provisions and requirements.

(1) For parking space requirement, see Article IV, § 66-6G(1).

§ 66-30. C1-P — Planned Neighborhood Retail Districts. [Amended 9-21-61]

A. Permitted principal uses.

(1) All uses permitted in R Districts as permitted therein.

(2) Store for sale of goods at retail or performance of customary personal services or services clearly incidental to retail sales, but no fabrication, manufacturing, converting, altering, finishing or assembly, except incidental to such retail sale on the premises.

(3) Office for business, professional or banking purposes.

(4) Restaurant, cafe or other place serving food or beverages.

(Cont'd on page 6681)

(5) Parking lot for motor vehicles but not for storage of used or new motor vehicles for sale or hire.

(6) The procedure specified in Article IV, § 66-7C, shall be complied with in respect to retail business uses.

(7) Bowling alleys.

B. Permitted accessory uses.

(1) All uses permitted in R Districts as permitted therein.

(2) Any accessory building or use customarily incident to a permitted use.

(3) Signs pertaining to a permitted use conducted on the lot where such signs are displayed, provided such signs:

(a) Are attached to a building and do not extend above the roof nor project more than twelve (12) inches from the face of the building.

(b) Do not face any side lot line of any adjoining lot which is in a residence district.

(c) Are not of a flashing or moving type.

(d) Do not exceed three (3) feet in height.

(e) Do not exceed two (2) square feet in area for each foot of front wall of the individual store unit on which the sign or signs are placed; except that each lot may have one (1) freestanding, double-faced sign for each street frontage, each such sign not to exceed an area of fifty (50) square feet on each face of the sign. In addition, there may be necessary small directional signs on access drives and in parking areas; and, in a shopping center where a canopy is located over a sidewalk in front of individual store units, there may be one (1) small uniform sign not over six (6) inches in height under such canopy in front of each individual store unit.

(f) A building permit shall be obtained before the erection of any sign. For every freestanding or wall sign, a fee of five dollars ($5.) plus twenty-five cents ($0.25) per square foot of sign area shall accompany each application. [Amended 1-18-72]

C. Uses permitted at discretion of Town Board, pursuant to procedure specified in Article IV, § 66-6H(1).

(1) Same as in R-20 above.

(2) Theatre or playhouse. [Added 1-25-63]

D. Maximum floor area ratio.

(1) Zero, decimal point four (0.4).

E. Minimum size of lot.

(1) Area — one (1) acre.

(2) Width — one hundred fifty (150) feet.

(3) Depth — two hundred fifty (250) feet.

F. Minimum yard dimensions in feet.

(1) Front — seventy-five (75) feet.

(2) Side — no requirement except as specified in Subsection K.

(3) Rear — thirty (30) feet.

G. Maximum height of building.

(1) Two (2) stories or thirty (30) feet, except for fireproof or semifireproof construction, where three (3) stories or forty (40) feet shall be permitted, as permitted in the Building Code of the Town of Rye.

H. Minimum usable open space on lot, as required by Article IV, § 66-6B(3).

(1) No requirement except that requirements shall be the same as in RA-1 above for any dwelling units.

I. [Amended 3-16-82] Mandatory off-street loading space as defined in Article II.

(1) Requirement for nonresidential uses: one (1) space for each ten thousand (10,000) square feet of floor area or major portion thereof up to fifty thousand (50,000) square feet, plus one (1) space for each twenty-five thousand (25,000) square feet of floor area or major portion thereof in excess of fifty thousand (50,000) square feet.

J. Minimum floor area of dwellings (See Article IV, § 66-6D.): none.

K. Other provisions and requirements.

(1) Same as in R-20 above.

(2) No side yard required, but, if provided, shall be at least four (4) feet, except where the lot adjoins any R District line, when a side yard of six (6) feet shall be required.

(3) On a corner lot which adjoins or is within fifty (50) feet of any R District line on the same block, on the same side of the street, a side yard equal to one-half (½) of the front yard required in such R District shall be required.

§ 66-31. C1 — Neighborhood Retail Districts.

A. Permitted principal uses.

(1) All uses permitted in C1-P District as permitted therein, except that the procedure specified in Article IV, § 66-7C, is not required.

B. Permitted accessory uses.

(1) All uses permitted in C1-P District, as permitted therein, except that the signs on walls may not exceed one (1) square foot for each foot of front wall of the individual store front on which the sign or signs are

placed and shall not exceed eighteen (18) inches in height. **[Amended 9-21-61]**

C. Uses permitted at the discretion of the Town Board, pursuant to the procedure specified in Article IV, § 66-6H(1).

(1) Gasoline stations.

(2) Lot or building for motor vehicle storage, service or sales or public garage.

D. Maximum floor area ratio: one and zero-tenths (1.0).

E. Minimum size of lot: none.

F. Minimum yard dimensions in feet.

(1) Front: thirty (30) feet.

(2) Side: same as in C1-P above.

(3) Rear: thirty (30) feet.

G. Maximum height of building: same as in C1-P above.

H. Minimum usable open space on lot as required by Article IV, § 66-6B(3): same as in C1-P above.

I. Mandatory off-street loading space.

(1) For retail business uses, hotels, restaurants, cafes and other places serving food and beverages: one (1) space for each four thousand (4,000) square feet of floor area or major portion thereof used for business purposes.

J. Minimum floor area of dwellings (See Article IV, § 66-6D.): none.

(Cont'd on page 6685)

K. Other provisions and requirements.

(1) For parking space requirement see Article IV, § 66-6G(1).

§ 66-32. Airport Zone.

A. Regulations.

(1) See Article IV, § 66-7D for supplementary height and use regulations for land in Airport Zone [area within two (2) miles of Westchester County Airport].

§ 66-33. H-1 — Hotel District. [Added 12-15-70]

Hotels are subject to the following standards and conditions:

A. Definition.

HOTEL — A building or buildings or portion thereof containing rooms occupied primarily by transient guests who are lodged with or without meals, which rooms have primary access from public halls and in which there are certain public rooms and meeting rooms and in which are provided such services as are incidental to the use thereof.

B. Use. Use of a hotel site and buildings or structures thereon shall be limited to the usual hotel activities and accessory uses incidental to the operation of a hotel and of the same general character, provided that all accessory uses shall be planned as an integral part of the hotel and located on the same site as therewith. The issuance of a building permit for a hotel shall be predicated upon site plan approval by the Planning Board. (11/4/82)

C. Hotel rooms.

(1) Each sleeping room shall have an area, inclusive of bathroom and closet, of at least two hundred twenty-five (225) square feet.

(2) No sleeping rooms shall contain cooking facilities.

D. Site.

(1) The developer or holder of the fee shall deed in fee simple to the town ten percent (10%) of the total acreage to be subdivided for recreational use by the town as specified in the Town of Rye Subdivision Regulations[1] or as such regulations may be amended. Alternatively such developer or holder shall pay a recreation fee, in amount to be determined by the Town Board, pursuant to Town Law, Sec. 277. (11/4/82)

(2) The minimum site for a hotel and accessory buildings shall consist of ~~twenty (20)~~ Ten (10) acres. (11/4/82)

(3) The site shall have a frontage of at least four hundred (400) feet on a ~~highway with a right of way State Highway or County Rd.~~ (11/4/82)

E. Coverage.

(1) The total coverage of a hotel and accessory buildings shall be not more than twelve percent (12%) of the site.

(2) There shall be no more than (13) sleeping rooms per acre.

(3) Gross floor area ratio shall not exceed twenty-five percent (25%).

F. SETBACKS. Buildings shall be set back at least one hundred (100) feet from street lines, seventy-five (75) feet from all other property lines, and one hundred seventy-five (175) feet from any property line of a property in residential use. Furthermore, where the site consists of twenty (20) acres or more, buildings shall be set back 175 feet from all property lines. (11/4/82)

G. BUILDING HEIGHT. No building shall be more than three (3) stories in height, except that on a site of at least twenty (20) acres, no building shall be more than 4 stories in height and in no event more ~~than 40 feet in height measured from the average grade to the~~ eaves. In the event that a building is constructed with a pitched roof, the height to the ridge line or the highest point of the building measured from the average grade shall not be more than forty-five (45) feet.

H. Off-street parking and loading space. Off-street parking, loading and unloading space shall be required as follows:

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[1] **Editor's Note: See Land Subdivision Regulations, Appendix, Part II, § 3E(1).**

Amendments shown adopted 10/19/82, effective 11/4/82.

(1) One (1) space for each guest room.

(2) One (1) space for every three (3) employees.

(3) One (1) space for every four (4) seats in permanent dining rooms.

(4) One (1) space per one hundred (100) square feet devoted to assembly or conference rooms which may be used for dispensing food or drink.

(5) One (1) space per three hundred (300) square feet of floor area devoted to retail use.

(6) The total minimum of parking spaces shall be eighty percent (80%) of the sum of the spaces required in Subsection H(1) through (5) above, but in no event less than one (1) space for every guest room.

I. Roads and parking areas.

(1) No parking areas shall be located closer than one hundred (100) feet from any property line.

(2) Roads shall not be less than one hundred (100) feet from property lines except where necessary to allow access ~~onto a state highway.~~ on a street. (11/4/82)

(3) Each parking unit and its access passageways, driveways, turning areas and paths shall be surfaced in accordance with town regulations.

(4) Access and service roads shall be properly related to public streets and highways so as to insure safety conditions.

J. Planting. A detailed specific planting plan to buffer adjoining properties shall be submitted to the Planning Board for approval. The area between the parking areas and any streets shall be improved with such walls, fences, earth beams and plantings as will achieve complete visual screening of the parking areas. (11/4/82)

K. Signs.

(1) Freestanding highway signs will only be permitted adjacent to ~~streets or highways of one hundred feet~~ state highways or County Roads. Such signs shall have not more than a maximum of one hundred (100) sq. ft, shall not exceed fifteen (15) feet in height and shall be set back a minimum of twenty (20) feet from the street line and, on a site of at least twenty (20) acres, not less than one hundred fifty (150) feet from the property line. 11-25-71

Amendments adopted 10/19/82, effective 11/4/82

rights-of-way. Such signs shall have not more than a maximum of one hundred fifty (150) square feet, shall not exceed thirty-five (35) feet in height and shall be set back a minimum of ten (10) feet from the street line and not less than one hundred fifty (150) feet from the property line.

~~(2) One (1) sign facing in a single direction and containing not more than one hundred (100) square feet maximum may be attached to the roof of a building, provided that it does not extend more than ten (10) feet above the roof, but in any case it shall not exceed a height of fifty (50) feet above the average grade.~~ 11/4/82

(2) Signs may be illuminated, but no sign will be permitted which has blinking or moving lights or moving parts or which will interfere with traffic control devices.

(3) All signs shall require approval by the Planning Board, AS TO DESIGN, CONSTRUCTION, MATERIALS AND MESSAGE. (11/4/82)

L. Exterior lighting. Exterior lighting or other illumination shall be permitted, provided the light source shall be shielded from any adjacent residence district or public street.

Chapter 67

(RESERVED)

This Reserve chapter page is part of your Code. It has been inserted here to allow for the integration of future enactments, the subject of which will fall alphabetically into this part of the Code.