Building Zone Ordinance

AS AMENDED AND ADOPTED BY THE

HUNTINGTON TOWN BOARD

DECEMBER 5, 1934

CHAPTER TWO OF THE ORDINANCES

of the

TOWN OF HUNTINGTON

ORDINANCE

AMENDED AND ADOPTED BY

HUNTINGTON TOWN BOARD

DECEMBER 5, 1934

MRS. NORMAN D. BAKER,
MRS. B. TAPPEN FAIRCHILD,
HENRY MESSEMER,
Members

MORTIMER D. METCALFE, Chairman

MRS. ALMA J. JACOBSEN, Secretary

HUNTINGTON
PLANNING BOARD

RICHARD SCHERMERHORN, JR., Consultant
342 Madison Avenue,
New York City

BUILDING ZONE ORDINANCE

for the

TOWN OF HUNTINGTON

SUFFOLK COUNTY, N. Y.

AS AMENDED BY THE TOWN BOARD OF HUNTINGTON, ON WEDNESDAY, DECEMBER 5, 1934.

Whereas the Town Board of Huntington did on June 26, 1931, under authority of Chapter 715 of the Laws of 1926, of the State of New York, enact an ordinance

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

And whereas it is deemed necessary to amend said ordinance , Now, therefore, pur-

suant to and under authority of Article 16, chapter 634 of the Laws of 1932 of the

(To Precede Article I)

and to be known as Chapter 2 of the Ordinances of the Town of Huntington.

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

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

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

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

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

(e) Multiple Family Dwelling or Apartment House: A building, not a Single Family

Dwelling nor a Two Family Dwelling, designed and occupied exclusively for dwelling purposes.

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

(g) Building Area: The aggregate of the maximum horizontal cross-section area of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than eighteen (18) inches, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than five (5) feet, balconies and terraces.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III

Districts

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

(1) Residence A Districts
(2) Residence B Districts
(3) Residence C Districts
(4) Residence D Districts
(5) Residence E Districts
(6) Business Districts
(7) Industrial Districts

Section 2. The boundaries of said districts shall be shown upon the map, attached to and made a part of this Ordinance, which shall be designated as the "Amended Building Zone Map of the Town of Huntington, Suffolk County, N. Y." The said map and all notations, references and other things shown thereon shall be as much a part of this Ordinance as if matters and things shown by said map were all fully described herein.

Section 3. The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights of way, or such lines extended or lines parallel thereto. Where figures are shown on the zoning map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line

at a distance therefrom equivalent to the number of feet so indicated. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the map measured from a given line. Where the street layout actually on the ground varies from the street layout as shown on the Amended Building Zone Map, the designation shown on the mapped streets shall apply in such a way as to carry out the intent and the purpose of this ordinance for the particular area in question.

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

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

Industrial districts extend 200 feet back from the street or streets on which they front or from lines of a railroad right of way, but not beyond the limits of a business district or district of other classification fronting on an adjacent parallel street. Where an industrial district is shown on the Amended Building Zone Map and the property lines of an existing industry extend beyond the 200

foot limit or beyond limits indicated on such Map, it is understood that the full area within these existing property lines may be considered as an industrial district, providing this is approved by the Board of Appeals.

ARTICLE IV

Section 1. Residence District Uses. In any residence district no building or premises shall be used, and no building shall be erected or structurally altered which is arranged, intended or designed to be used, for other than one or more of the uses permitted in the district in which said building or premises is located. The uses permitted in each such residence district shall be as follows:

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

B. Residence C and D District Uses.

(1) A use permitted in a residence A or B district.

(2) College, library, public museum, community building.

(3) Philanthropic institution, other than a penal or correctional institution. Hospital or sanitarium, other than for the care of the insane or feeble minded and other than for liquor or drug addicts.

(4) Fire station.

(5) Telephone exchange, provided that no public business office and no repair or storage facilities are maintained.

C. Residence E District Uses.

(1) A use permitted in a Residence A, B, C or D district.

(2) Two family dwelling.

(3) Multiple family dwelling or apartment house.

(4) Boarding and lodging houses and hotels when permitted as a special exception by the Board of Appeals.

Section 2. Accessory Uses in Residence Districts. In any residence district the following uses shall be permitted provided they are accessory to an authorized use:

(1) The sale at retail of farm, garden or nursery products produced on the premises or of animals raised on the premises, but no stand for the display or sale of such products shall be kept

or maintained within thirty (30) feet of any street or highway upon which such property may front except with the consent of the Board of Appeals under appropriate restrictions and regulations.

(2) Dwellings for servants or other employees employed on the premises or for non-paying guests.

(3) Garages, subject to the limitations of subdivision A of Article V.

(4) An announcement sign, as accessory to the following uses only and subject to the following limitations:

(a) In connection with an authorized professional or customary home occupation there may be displayed a small name plate with a simple statement of the profession or of the nature of the occupation.

(b) In connection with the sale of farm, garden or nursery products or of animals there may be displayed one sign, not to exceed 12 square feet in area, on each road frontage.

(c) In connection with the sale, renting or improvement of real estate there may be displayed one sign, not to exceed 24 square feet in area, on each road frontage.

(d) In connection with a church, school, golf course, club, college, library, hotel, museum, community

building, hospital or institution there may be displayed one sign, not to exceed 20 square feet in area, on each road frontage.

(5) A temporary sales office as an accessory to a real estate subdivision or development.

(6) Office of a physician, surgeon, dentist or other professional person provided such office is located in the dwelling or apartment used by such professional person as a private residence.

(7) Any customary home occupation provided the same is carried on in the dwelling or apartment occupied as a private residence by the person carrying on such home occupation.

(8) A restaurant, public dining room or other service customary to a hotel or apartment house, where the same is located in such hotel or apartment house and is incidental to its residential use.

(9) Any use or building clearly accessory to an authorized use, provided that no use enumerated as a business or industrial use in Articles VI and VII shall be allowed as an accessory use except those specifically provided for in the preceding paragraphs of this subdivision. No poultry house, yard or barn or stable shall be erected within 100

feet of any street or road, except with the approval of the Board of Appeals.

Section 3. Height Regulations.

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

(1) In a residence A or B district—50 feet.

(2) In a residence C or D district—35 feet.

(3) In a residence E district—45 feet.

B. Exceptions.

(1) In any district any portion of a building may be erected to a height in excess of the foregoing limits provided that such portion of such building is set back from all street, lot and required yard lines one foot for each one foot of such additional height.

(2) The provisions of this section shall not apply to restrict the height of a church spire, tower or belfry, or of a flag pole, monument, chimney or water tank.

(3) Nothing in these regulations shall apply to prevent the erection above the height limit of a parapet wall or cornice for ornament and without windows extending above such height limit not more than 5 feet.

Lot and Yard Regulations

Section 4. Housing Density.

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

(1) In a residence A district, 2 acres.

(2) In a residence B district, 1 acre.

(3) In a residence C district, 10,000 square feet.

(4) In a residence D district, 7,500 square feet.

(5) In a residence E district, 5,000 square feet, except for apartment houses there shall be a population density of not over 70 families per acre.

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

(1) In a residence A district, 150 feet.

(2) In a residence B district, 100 feet.

(3) In a residence C district, 100 feet.

(4) In a residence D district, 75 feet.

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

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

D. Courts. In any district every living or sleeping room in a dwelling or apartment house shall have at least one window opening directly, either upon a street, a front yard, a rear yard, a side yard, or a court. The least dimension of such court shall not be less than 6 inches for each foot of the height of the highest wall of such court. Such court shall be open and unobstructed to the sky except for the ordinary projections of window-sills, belt courses and other ornamental features to the extent of not more than 4 inches.

E. Exception. On any lot with an average width of not less than 40 feet

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

Section 5. Front Yards.

A. General. Along all frontages in residence districts there shall be a front yard of the following minimum depth:

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

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

C. Corner Lots. A corner lot shall have a front yard along its principal frontage of the depth required by the preceding subdivisions of this section. A corner lot shall also have

a front yard along its side street frontage of a minimum depth:

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

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

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

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

Section 6. Rear and Side Yards.

A. Rear Yards. (1) In a residence district every building hereafter erected shall have a rear yard the minimum depth of which shall be as follows:

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

B. Side Yards. (1) In a residence district every building hereafter erected shall have a side yard along each lot line, other than a street line or rear line, the minimum width of which shall be as follows:

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

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

height in a residence C district and not over 16 feet in height in a residence D or E district, may occupy not to exceed 40 per cent of the rear yard area. Provided, however, that:

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

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

Section 7. Exceptions. The provisions of Sections 5 and 6 shall not apply to the following indicated lots in Sections of Map of Huntington Beach, as follows:

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

Section Two: Lots 1 to 129 inclusive, 130

to 191 inclusive, 234 to 289 inclusive, 290 to 403 inclusive.

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

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

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

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

Section Seven: Iots 1 to 94 inclusive, 241 to 266 inclusive.

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

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

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

ARTICLE V

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

A. Garages as Accessory Uses in Residence Districts.

(1) The number of motor vehicles for which space may be provided as accessory to an authorized use in a residence district shall be as follows:

(a) In any residence district, 2 motor vehicles; and for each 4000 square feet by which the area of the lot exceeds 4000 square feet, space for one additional motor vehicle may be provided.

(b) For a two family or multiple family dwelling or apartment house, garage space may be provided for one motor vehicle for each family for which such dwelling or apartment house is arranged.

(2) Not in excess of 160 square feet of floor area for each motor vehicle authorized in the preceding paragraph shall be provided, but floor area so located with respect to walls, doors or permanent obstructions that it cannot be used for the storage of motor vehicles shall not be included.

(3) Space in a garage accessory to a multiple family dwelling or an apartment house or hotel shall be rented only to occupants of the premises. One or more attendants may be employed. Such attendants may make minor adjustments to cars kept therein and may wash cars, change tires or perform similar services for tenants, provided that such work is done entirely within the building and no machinery of any kind, other than an air pump, is employed.

B. Garages and Filling Stations in Busi-

ness and Industrial Districts. In a business district or in an industrial district, plans for the erection or structural alteration of any garage for more than 5 motor vehicles, or of any filling station, shall be approved by the Board of Appeals; and said Board may require such change therein in relation to yards, location of pumps and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

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

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

ARTICLE VI

Business Districts

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

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

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

(b) Club, fraternity house or lodge.

(c) Hotels, lodging and boarding houses.

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

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

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

(g) Store.

(h) Place of amusement.

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

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

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

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

(m) Newspaper or job printing, bookbinding.

(n) Undertaking and embalming.

(o) Minor garage.

(p) Public garage or an automobile service or gas station, or repair shop when approved by the Board of Appeals.

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

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

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

Height

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

Building Area

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

Rear Yard

Section 6. If a building on a lot is used in whole or in part as a dwelling, there shall

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

Density of Population

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

ARTICLE VII

Industrial Districts

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

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

Abbatoirs.

Acetylene manufacture.

Acid manufacture.

Ammonia, headache powder or chlorine manufacture.

Arsenal.

Asphalt manufacture or refining.

Candle manufacture.

Celluloid manufacture.

Coke ovens.

Creosote treatment or manufacture.

Disinfectants manufacture.

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

Tallow, grease or lard manufacture or refining.
Tanning, curing or storage of leather, rawhides or skins.
Tar distillation or manufacture.
Tar roofing and waterproofing manufacture.
Woolpulling or scouring.
Yeast plant.
Any use which may be noxious or offensive by reason of the emission of odor, dust, fumes, smoke, gas, vibration or noise.

Rear Yard

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

ARTICLE VIII

Applications and Permits

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

Section 2. The building inspector shall require that the application for a building permit shall contain all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of this Ordinance.

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

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

Section 5. No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever, except for the alteration of or addition to a dwelling until a certificate of occupancy shall have been issued by the building inspector stating that the premises or building complies with all the provisions of this ordinance. No change or extension of use and no alteration shall be made in a non-conforming use or premises without a certificate of occupancy having first been issued by the building inspector that such change, extension or alteration is in conformity with the provisions of this ordinance.

A Certificate of Occupancy shall be applied for at the same time that the building permit is applied for and shall be issued within ten days after the erection or alteration of the building shall have been completed. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest

in the building affected. No permit for excavation shall be issued before application has been made for a certificate of occupancy. No building or premises for which a certificate of occupancy is required may be occupied until such certificate shall have been issued.

Section 6. A fee shall be charged for every permit or certificate of occupancy issued. The amount of such fee shall be determined from time to time by the Town Board.

Section 7. Each and every permit issued by the building inspector under the provisions of this section shall expire and become null and void at the expiration of 90 days from the date of issuance, unless, within such period, the foundation has been built and actual erection and | or construction of the building under such permit shall have been commenced, or unless, within such period, an extension of such permit has been duly obtained from the building inspector. The provisions of this paragraph shall apply to any such extension.

ARTICLE IX

Board of Appeals

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

Section 2. The Board of Appeals may in in specific case after public notice and hearing, and subject to appropriate conditions and

safeguards, determine and vary the application of the regulations herein established in harmony with their general purpose and intent as follows:

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

B. Grant a permit for any public utility in any district.

C. Grant a permit in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance.

D. Permit in any district such modifications of the requirements of these regulations as said board may deem necessary to secure an appropriate development of a lot where adjacent to such lot on two or more sides there are buildings that do not conform to these regulations.

E. Permit such modification of the yard or open space or lot area or lot width regulations as may be necessary to secure an appropriate improvement of a parcel of land where such parcel was separately owned or under separate contract of purchase at the time of the passage of this ordinance, and is of such restricted area or exceptional topography that it cannot be appropriately improved without such modification.

F. Permit the erection in a residence district of a single family dwelling on a lot

having an area of not less than 4,000 square feet and an average width of not less than 40 feet when said lot is in a plat of a subdivision recorded with the County Clerk at the time of the passage of this ordinance showing said area divided into lots having a general width of twenty feet or more. Such authorization may also include a reduction of side yard requirements to those of the residence E district.

G. Permit the reconstruction of a building occupied by a non-conforming use, or permit the extension of a non-conforming use throughout the building occupied for such use at the time of the passage of this ordinance.

H. Determine and establish the true location of district boundaries in any disputed case.

I. Hear and decide appeals where it is alleged there is error in any requirement, decision or determination made by the building inspector in the enforcement of this Ordinance.

Section 3. The Board of Appeals shall make rules as to the manner of filing appeals or applications for special exceptions or variances from the terms of this Ordinance and any other matters requiring action by said Board.

Section 4. Upon the filing with the Board of Appeals of an appeal or of an application for special exception or variance from the

terms of this Ordinance, and upon deposit and payment of the cost of advertising and mailing notice as hereinafter required, the Board of Appeals shall fix a time and place for a public hearing thereon and shall give notice thereof as follows:

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

(b) By mailing a notice thereof to the town clerk and to the Supervisor of the Town, and the owners of all adjoining property.

(c) By mailing a notice thereof to every resident and association of residents of the town in the area affected as determined in Article IX, Section 3, that shall have registered its name and address for this purpose with the Board of Appeals.

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

ARTICLE X

Advertising Signs or Billboards

Section 1. No advertising sign or billboard shall be erected in any residence or business district except as hereinafter provided in Section 9 of this Article.

Section 2. No advertising sign or billboard shall be erected in an Industrial district—

(a) Within one hundred (100) feet of

the intersection of a highway with another highway or within one hundred (100) feet of any curve, corner, angle or turn of any highway.

(b) Within two hundred (200) feet of any official traffic signs.

(c) Within one hundred (100) feet of the outside edge of the right of way of any public road.

(d) Within three hundred (300) feet of a cemetery, public park, school, playground, church or railroad station.

(e) At a point where it would obstruct or interfere with the clear view of a train upon an intersecting railway or of another vehicle on the same or intersecting highway or at a point where it will interfere with safety.

(f) Within three hundred (300) feet of a place of historical interest.

Section 3. No billboard shall exceed 25 feet in length.

Section 4. No billboard shall exceed 12 feet in height or be erected within 100 feet of any other billboard.

Section 5. No advertising sign or billboard shall be erected unless all portions of the base line of the advertising structure thereof are at least eighteen (18) inches and not more than three (3) feet above the surface of the ground upon which the said structure is erected.

Section 6. No advertising sign or device to extend out over a public sidewalk or street shall be hereafter erected.

Section 7. No advertising signs shall be attached or affixed to, or painted or erected upon stones, trees or other natural objects.

Section 8.—Any advertising sign or billboard which shall violate the regulations of this ordinance is hereby declared to be a public nuisance and if now erected in a residential district, shall be removed or made to conform by the owner, tenant or lessee of the land within six months after the passage of this Ordinance, unless such time is extended by the Board of Appeals upon application therefor.

Exceptions

Section 9. Certain advertising signs excepted. The following classes of advertising signs even when otherwise falling within the category of outdoor advertising, are excepted from the foregoing sections of this Ordinance:

(a) Signs permitted by Article IV, Section 2, Subdivision 4.

(b) Signs, announcements or devices advertising at the place of business the owner of and nature of the business conducted, provided such signs, announcements or devices hereinafter erected do not extend out more than 1 foot over a public sidewalk or street, and provided further not more than two such signs, announcements or devices affixed to any one building or parcel of land apply to each separately conducted business, except

labels affixed to the article or container of article to be sold.

(c) Danger or cautionary notices relating to the premises; advertisements or notices required by law or in any legal proceedings or put up by public authority.

(d) Notices of any railroad or other transportation or transmission company necessary for the direction or information or safety of the public or announcing the name of any station or office of such company, or signs or advertisements or advertising devices maintained and displayed on or in any car, station, or structure of a corporation subject to the provisions of the public service commission law.

(e) Any sign, if intended for permanent use, containing six square feet or less—and if intended for temporary use not exceeding thirty days containing 36 square feet or less —and bearing an announcement by a fire district, incorporated fire company, chamber of commerce, church, library, museum, ecclesiastical, educational, charitable or historical society and advertising its meetings, buildings or attractions, whether maintained at public or private expense.

(f) Any sign maintained by the Town of Huntington for directional purposes and containing not exceeding 18 sq. ft., relating to any museum, educational, charitable or historical society, library, church, chamber of commerce, hotel or other local activity or attraction.

Section 10. The Building Inspector may remove any advertising sign or billboard which shall violate any provision of this Ordinance. Before doing so he shall notify the owner, tenant or lessee of the land upon which such sign or billboard is erected, personally or by mail if such person can not with reasonable diligence be found, of his intention to remove said sign or billboard. If such owner, tenant or lessee shall thereupon and within ten days serve upon the Building Inspector objection in writing to such removal, the said sign or billboard shall not be removed until forty days after the service of said objections.

Section 11. Definitions. Either the words "Advertising Sign" or "Billboard" as used in this ordinance means any outdoor advertising sign, advertising medium, structure, device or billboard or anything which advertises or calls attention to any business article, substance or any other thing which is painted, printed, pasted, posted or affixed to any building, billboard, wall, fence, railing, natural object or structure of any kind on real property or upon the ground itself.

ARTICLE XI

Amendments

Section 1. The Town Board may from time to time amend, supplement, change, modify or repeal (hereinafter referred to as "amend") this Ordinance, including the

Building Zone Map, by proceeding in the following manner:

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

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

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

(c) By posting printed copies of such notice in such manner and in such places as the Town Board may direct.

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

Section 3. Should a property owner desire to "amend" this ordinance, including the map or the regulations pertaining thereto, the Board of Appeals, on the written request of the Town Board or the property owner, shall determine the area affected by such desired amendment. Whenever the owners of fifty per centum (50%) or more of the area so determined and fifty per centum (50%) of the total number of owners in such affected area shall present to the Town Board a petition duly signed and acknowledged requesting such amendment,

the Town Board shall call a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 2 of this article.

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

Section 5. The Town Board shall not be required to call a public hearing unless the cost of advertising and posting such notice, as determined by the Town Board, shall have first been deposited with the Town Clerk.

ARTICLE XII

General Provisions

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

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

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

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

Section 5. Non-Conforming Uses. The lawful use of land or a building or structure existing at the time of passage of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance, and such use may be extended throughout the building or structure, but not the land, lawfully acquired previous to the said date, except that billboards and other advertising media may not be continued to be used more than six months, if in a residence district, after this ordinance, as hereby amended, takes effect except with permission of the Board of Appeals. A non-conforming use may be changed to a use of higher classification according to the provisions of this Ordinance. Whenever a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a use of a lower classification. No building which has been damaged by fire or other cause shall be repaired, altered or rebuilt for any other non-conforming use, and such building when repaired, altered or rebuilt, shall not exceed the original building in

height or lot area covered. Nothing in this ordinance shall prevent the lawful taking of shell fish from or upon the waters and the land under the water in the Town of Huntington.

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

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

Section 8. Remedies. In case any building or structure is erected, constructed, re-

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

Section 9. Penalties. For any and every violation of the provisions of this Ordinance the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding twenty-five

dollars ($25.00) for each and every offense, and whenever such persons shall have been notified by the inspector or by the service of a summons in a prosecution or in any other way that he is committing such violation of this Ordinance, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

Section 10. This Ordinance shall become effective immediately.