

**VILLAGE OF SALEM**

**ZONING LAW**

**PROPOSED ZONING LAW**

**FOR THE**

**VILLAGE OF SALEM**

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## **ZONING LAW FOR THE VILLAGE OF SALEM**

**A local law regulation and restricting the location, construction and use of buildings, structures and the use of land in the village of Salem and for said purposed dividing the Village into districts.**

**The Board of Trustees of the Village of Salem in the County of Washington under the authority of Article 7 of the Village Law of the State of New York, herby ordains and enacts as follows:**

### **ARTICLE I**

#### **TITLE AND PURPOSE**

##### **1.10 Title**

**This local law shall be known and may be cited as the “Zoning Law of the Village of Salem, New York”**

##### **1.20 Purpose**

**The purpose of this local law is to promote the health, safety, morals and general welfare of the community. In accordance with the Village General Development Plan, this local law is designed to lessen congestion in the streets, to secure safety from fire, floods and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parts and other public requirements.**

## ARTICLE II

### ESTABLISHMENT OF DISTRICTS

#### **2.10 Names of Zoning Districts**

In order to fulfill the purpose of this Local Law, the Village of Salem is hereby Divided into the following types of districts.

- A Districts - Agricultural Districts
- RH Districts - High Density Residential Districts
- RM Districts - Medium Density Residential Districts
- RL Districts - Low Density Residential Districts
- C Districts - Commercial Districts
- I Districts - Industrial Districts
- FW Districts - Floodway Districts
- FP Districts - Flood Plain Districts

#### **2.20 Zoning Map.**

The districts cited above are bounded as shown on a map entitled “Zoning Map of the Village of Salem” adopted on September 3, 1975, and certified by the Village Clerk, which accompanies and which, with all explanatory matter is hereby made a part of this Local Law. (See the zoning map at the end of this document)

#### **2.30 Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- 2.31 Boundaries indicated as approximately following the center lines of streets or highways Shall be construed to follow such center lines.
- 2.32 Boundaries indicated as approximately following lot lines, property lines, or projections thereof, shall be construed as following such lines or projection thereof.
- 2.33 Boundaries indicated as approximately parallel to property lines, lot lines, center lines of or street lines of streets or highways or projections thereof, shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- 2.34 If the location of district boundaries cannot reasonably be determined and such determination cannot be made by the application of subsections a, b, or c above, then the Board of Appeals shall interpret the district boundaries.

**ARTICLE III**  
**DISTRICT REGULATIONS**

**3.10 Schedules of Regulations**

The restrictions and controls intended to regulate development in each district are set forth in the Schedules on the following pages. These regulations are supplemented in other sections of this Local Law.

**3.20 Application of Regulations**

Except as hereinafter provided:

**3.21 No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the districts in which it is located.**

**3.22 No building shall hereafter be erected or altered:**

- a. to exceed the height or bulk;**
- b. to accommodate or house a greater number of families;**
- c. to occupy a greater percentage of lot area;**
- d. to have narrower or smaller rear yards, front yards, or sideyards than is herein required for the district in which such building is located.**

**3.23 No part of a yard or other open space about any building required for the purpose of complying with the provisions of this law shall be included as a part of a yard or other open space similarly required for another building.**

**3.30 “A”Districts – Agricultural Districts.**

The agricultural areas are those areas which contain soils which are valuable for agricultural purposes and which will probably remain active farming areas. These districts encompass those lands that are currently located within Washington County Agricultural District #3. The purpose of this district is to protect agricultural activity from intense development.

<u>Permitted Uses</u>	<u>Special Uses</u>	<u>Minimum Lot Size</u>		<u>Maximum</u>
		<u>Area in</u>	<u>Width in</u>	<u>Percentage of</u>
		<u>Acres</u>	<u>Feet</u>	<u>Lot to be Occupied</u>
1. One Family dwellings.	1. Public and non-profit outdoor recreational facilities.	5	200	6%
2. Farm, nursery, truck garden, greenhouse.	2. Cemeteries 3. Churches			
3. Retail sale of agricultural products grown on the same lot from a road stand.				
4. Forestry				
5. Mobile homes used as a farm residence.				
6. Accessory buildings and accessory uses.				

**3.31 “RH” Districts – High Density Residential Districts**

The High Density Residential Districts are areas that are generally suitable for urban development and are located in and around the existing developed areas. Physical characteristics in these areas are generally amenable to development. The purpose of this district is to encourage growth in areas that already have been developed to reduce the scattered development in the more open parts of the Village. Minimum lot sizes have been designated to match the lot sizes now existing in these areas.

<u>Permitted Use</u>	<u>Special Uses</u>	<u>Minimum Lot Size</u>		<u>Maximum Percentage of Lot to be Occupied</u>	<u>Maximum Height of Building (Feet)</u>
		<u>Area in Sq. Ft.</u>	<u>Width in Feet</u>		
1. One and two family dwellings	1. Multiple Family dwellings	10,000	100	60%	50
2. Churches and similar places of worship.	2. Tourist Accommodations				
3. Public schools, libraries, public parks and playgrounds.					
4. Hospitals and Clinics.					
5. Nursing and convalescent homes.					
6. Home occupations.					
7. Essential Services.					
8. Accessory buildings.					

**3.32 “RM Districts – Medium Density Residential District**

Most of the areas have poorer soils that are restricted primarily because of an excessively high water table during the spring. However, since the Medium Density Residential Districts are located adjacent to the high density area, they have been designed to accommodate growth emanating out from these areas. Because of the general soil condition, density is to be kept at a one acre per residence minimum.

<u>Permitted uses</u>	<u>Special Uses</u>	<u>Minimum Lot Size</u> <u>Area in</u> <u>Width in</u>		<u>Maximum</u> <u>Percentage</u> <u>of Lot to be</u> <u>Occupied</u>	<u>Maximum</u> <u>Height of</u> <u>Building</u> <u>Feet</u>
		<u>Sq. Feet</u>	<u>Feet</u>		
1. One and two family dwellings	1. Multiple Family Dwellings. .	20,000	100	30%	30
2. Nursing and convalescent homes.	2. Tourist Accommodations				
3. Home Occupations.					
4. Accessory Buildings.					

**3.33 “RL” Districts - Low Density Residential Districts**

These areas have soils which cannot support intense development; however low density residential development can be successfully located in these areas. These districts will provide a type of development which will be suburban in character and which are located adjacent to higher density districts.

<u>Permitted Uses</u>	<u>Minimum Lot Size</u>		<u>Maximum Percentage of Lot to be Occupied</u>	<u>Maximum Height of Building (Feet)</u>
	<u>Area in Acres</u>	<u>Width in Feet</u>		
1. One and two family dwellings.	3	200	10%	30
2. Home Occupations				
3. Accessory Buildings				

**3.34 “C” Districts – Commercial Districts**

These areas are located where physical features allow development to occur. the Commercial Districts are found in the central area of the Village with a purpose of clustering the commercial enterprises to provide a more convenient and prosperous commercial hub for the Village.

<u>Permitted Uses</u>	<u>Special Uses</u>	<u>Minimum Lot Sizes</u>		<u>Maximum Percentage of Lot to be Occupied</u>	<u>Maximum Building Height (Feet)</u>
		<u>Area in Sq. Feet</u>	<u>Width in Feet</u>		
1. Offices	1. One & two family dwellings.	5,000	50	65%	50
2. Retail Stores	2. Multiple family dwellings.				
3. Personal Services	3. Automobile service Stations.				
4. Restaurants	4. Automobile sales and repair facilities.				
5. Banks	5. Research or testing laboratory.				
6. Tourist Accommodations.					
7. Public facilities					
8. Apartments as uses accessory to commercial uses.					
9. Accessory uses.					

**3.35 I' Districts – Industrial Districts**

**These area provide for the continuation of industrial activities in areas already containing this type of activity. Sufficient additional area has been allocated to provide for more industrial growth or the expansion of these facilities.**

<u>Permitted uses</u>	<u>Minimum Lot Size</u>		<u>Maximum Percentage of Lot to be Occupied</u>	<u>Maximum Height of Building (Feet)</u>
	<u>Area Feet</u>	<u>Width in Feet</u>		
1. Any manufacture, compounding, processing, packing, treatment, or warehousing of goods and products provided the use meets the standards of the State of New York.	50,000	200	75%	50
2. Research & testing laboratories.				
3. Offices.				
4. Public facilities				
5. Wholesale Business				
6. Warehousing and Trucking terminals.				

**3.36 “ F” Districts – Floodway Districts**

The unmanaged use, alteration of topography, excessive filling, channel encroachment or other acts affect the natural discharge of water through flood plains and constitute a threat to the health, safety and welfare of the inhabitants of the Village, and to the economic vitality of the community. The purpose of the Floodway District is to protect the inhabitants of the Village from hazards due to periodic flooding.

<u>Permitted Uses</u>	<u>Special Uses</u>	<u>Minimum Lot Sizes</u>		<u>Maximum Percentage of Lot to be Occupied</u>	<u>Maximum Height of Building (Feet)</u>
		<u>Area in Sq. Feet</u>	<u>Width in Feet</u>		
1. General Farming.	1. Buildings associated with the permitted uses except for dwellings.	20,000	100	30%	35
2. Animal husbandry.	2. Community centers.				
3. Sale of agricultural products grown, raised or produced on the premises.	3. Kennels.				
4. Open recreation uses.	4. Dairies.				
5. Wildlife, game and forest preserves.	5. Circuses, carnivals and similar transient amusement enterprises.				
6. Off street parking areas, providing that overnight parking is permitted.	6. Railroads, streets, bridges, utility transmission lines and pipe lines.				
7. Historic, scientific and scenic area preservation.	7. Country clubs.				
	8. Excavation and removal of sand, gravel, stone, loam, dirt or other earth products.				

**3.37 “FP” Districts – Flood Plain Districts**

The Flood Plain Districts are designed to protect the health, safety, and welfare of the inhabitants of the Village from hazards due to periodic but infrequent flooding. This shall include the protection of persons and property, the preservation of water quality, and the minimizing of expenditures for relief insurance and flood control project.

<u>Special Uses</u>	<u>Minimum Lot Size</u>		<u>Maximum Percentage of Lot to be Occupied</u>	<u>Maximum Height of Building (Feet)</u>
	<u>Aria in Sq. Feet</u>	<u>Width in Feet</u>		
1. One and two family dwellings.	20,000	100	30%	30
2. Nursing and convalescent homes.				
3. Home Occupations.				
4. Accessory Building				
5. Multiple family dwellings.				
6. Tourist Accommodations.				

**ARTICLE IV**

**SUPPLEMENTARY REGULATIONS**

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

**4.10 Parking**

With exception of the commercial districts, off-street parking spaces shall be provided in any district in accordance with the specifications in this section whenever any new use is established or existing use is enlarged. In the commercial districts, the parking requirements are waived where it can be demonstrated that public on-street parking is available.

<u>Use</u>	<u>Parking spaces required</u>
Residential	2 per dwelling unit
Lodging House	1 per lodging unit
Church or School	1 per 2 seats in principal assembly room
Professional offices	1 for every 200 sq. ft. of floor space
Business services	
Home occupations	
Retail business & personal service establishments	1 for every 150 sq. ft. of floor space
Restaurants & eating establishments	1 for every 2 seats
Industrial	1 for each employee, based on the highest expected average employee occupancy

**4.20 Home Occupations**

Any home occupation such as barber shops, beauty shops, dressmaking, teaching, or the professional office of a physician, dentist, lawyer, engineer, architect or accountant shall be permitted as an accessory use in residential districts if it complies with the requirements of this section.

4.21 The home occupation shall be located within the principal or accessory structures and it shall be carried on by a member of the family residing in the dwelling unit only. Two employees who are not members of the family are permitted.

4.22 Exterior displays or signs exceeding 3 square feet of sign area, exterior storage of materials, and variation from the residential character of the principal structure shall not be permitted.

4.23 Off-street parking shall be provided in accord with the provisions listed in section 4.10.

**4.30 Yards**

All uses permitted by this local law shall be designed and constructed so that adequate yards are provided. In no case shall the front, rear and side yards be less than 15 feet in width and in no case shall any structure be placed on a lot in a position that is closer to the center line of the abutting street than structures located on adjacent lots.

4.31 Greater minimum yard dimensions are required in certain districts as follows:

<u>Zoning District</u>	<u>Minimum Yard Dimensions (In Feet)</u>		
	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
“RL”	50	50	15
“FW”	75	30	50
“FP”	50	20	50

4.32 Every part of a required yard must be uncovered by structures and unobstructed except for accessory buildings in a rear or side yard, and except for the ordinary projection of open porches, balconies, steps, sills, belt courses, cornices and for ornamental features projecting less than two feet

**4.40 Height**

4.41 No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which building or structure is located, except as noted elsewhere in this local law.

- 4.42 Chimneys, cooling towers, elevators, bulkhead, fire towers, gas tanks, grain elevators, steeples, barns or silos, water towers, ornamental towers or necessary mechanical appurtenances, may be erected to any height with the exception that none shall exceed 100 feet in height. No towers shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations listed in sections 3.30 through 3.37 of this local law.

#### 4.50 Accessory Uses

- 4.51 Accessory structures, which are not attached to a principal structure, may be erected in accordance with the following requirements:

- a. An accessory non-farm structure may not exceed twenty (20) feet in height and may occupy not more than thirty (30) percent of a required rear yard.
- b. No accessory non-farm structure shall be located within five (5) feet of side or rear lot lines.

- 4.52 When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this law applicable to the principal building.

#### 4.60 Special Provisions Applying to the Floodway Districts

- 4.61 No structure (temporary or permanent), fill for any purpose, deposit, obstruction, storage of materials or equipment, or other uses shall be permitted which, acting alone or in combination with existing or future uses, will unduly affect the efficiency or the capacity of the floodway or unduly increase flood heights, cause increased velocities or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.
- 4.62 Structures shall not be used for human habitation, shall have a low flood damage potential, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters (i.e., longitudinal axis parallel to the direction of flood flow, and placement approximately on the same flood flow lines as those of adjoining structures), and shall be firmly anchored to prevent flotation which may result in damage to other structures, restrictions of bridge openings and other narrowing of the stream or river. Service facilities such as electrical and heating equipment shall be constructed at or above the flood protection elevation for the particular area or shall be flood-proofed.

- 4.63** The Board of Appeals shall require that the applicant submit a plan certified by a registered professional engineer that the flood-proofing measures are consistent with the flood protection elevation and associated flood factors for the particular area. Flood-proofing measures may be required for all buildings and structures, other than those which have a low flood damage potential. Such measures may include the following where appropriate:
- a. Anchorage to resist flotation and lateral movement.
  - b. Reinforcement of walls to resist water pressures.
  - c. Installment of watertight doors, bulkheads and shutters.
  - d. Use of paints, membranes or mortars to reduce seepage of water through walls.
  - e. Addition of mass or weight to resist flotation.
  - f. Installation of pumps to lower water levels in structures.
  - g. Construction of water supply and waste treatment system so as to prevent the entrance of flood waters.
  - h. Pumping facilities to relieve hydrostatic water pressure on external walls and basement floors.
  - i. Elimination of gravity flow drains.
  - j. Construction to resist rupture or collapse caused by water pressure or floating debris.
  - k. Elevation of structures to or above the necessary flood protection elevation.

**4.70** Special Provisions Applying to the Flood Plain Districts

No use permitted within the Village by any provision of this zoning law shall be permitted within a Flood Plain District without special permit, issued pursuant to the provisions of Article V of this law.

Any permitted within the Village by this zoning law, shall, if located within a Flood Plain District, meet the following requirements in addition to those otherwise applicable to it under this zoning law.

- 4.71** New or replacement water supply systems shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

- 4.72 On-site waste disposal systems shall be located so as to avoid impairment or contamination from the systems during flooding.**
- 4.73 Residential structures shall have the lowest habitable floor elevated to at least one foot above the 100-year flood.**
- 4.74 In addition to the above, any such use shall meet the following requirements:**
- a. Such use shall include flood-proofing measures consistent with the flood protection elevation and associated flood factors for the particular area in which construction is to take place; or**
  - b. Any structure built on pilings shall be constructed with the lowest floor elevated to at least one foot above the 100-year level; or**
  - c. Any structure built on solid fill shall be constructed at an elevation of the 100-year flood level with the lowest floor elevated to at least one foot above the 100-year level.**

ARTICLE V

SPECIAL USES

**5.10 General Procedures and Provisions**

- 5.11 All uses of land listed in the Schedules of Regulation (Sections 3.30 through 3.37 of this Local Law) as Special Uses shall be allowed upon issuance of a Special Use Permit by the Village of Salem Zoning Board of Appeals.**

The special uses, shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Local Law. 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.

- 5.12 A plan for the proposed development of a site for special use shall be submitted with an application for a special use permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open space, landscaping, topography, special features, and any other pertinent information, including such information about neighboring properties as may be necessary to determine and provide for the enforcement of this Local Law.**
- 5.13 Application for required special use permits shall be filed with the Building Inspector, who shall forward the application to the Zoning Board of Appeals for decision.**
- 5.14 A non-refundable fee of \$3.00 to cover the cost of processing special use permits and applications therefore, shall accompany any application for a special use permit, and shall be in addition to the building permit fee as describe in this Local Law.**
- 5.15 Each application for a special use permit shall be referred to the Planning Board for a report, which report shall be rendered prior to 20 days after receipt by the Planning Board of the referred application. If the Planning Board does not submit a report to the Zoning Board of Appeals within 20 days, the application will be considered as having the Planning Board's approval.**
- 5.16 A special use permit shall be deemed to authorize only one particular special use, and such permit shall be considered null and void if, within one year from the date of issue all improvements required for this special use are not completed, and if the special use shall cease for more than one year for any reason, unless otherwise provided in the Zoning Board of Appeals' approval of said use.**

**5.17** A use authorized by special use permit may be revoked by the Zoning Board of Appeals if it is found and determined that there has been a failure of compliance with any one of the terms, conditions, limitations, and requirements imposed by said permit.

**5.18** The Zoning Board of Appeals shall attach such conditions and safeguards to the special use permit as are necessary to assure continual conformance to all applicable standards and requirements.

**5.20** Standards Applicable to all Special Permit Uses

Prior to the approval or disapproval of an application for Special Use Permit, the Zoning Board of Appeals shall take into consideration the public health, safety and welfare, the comfort and convenience of the Village in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may further the intent of this Local Law, and accomplish the following general standards:

**5.21** The proposed Special Use shall have adequate access for fire and police protection.

**5.22** The proposed Special Use shall be of such location, size and character that it will be in harmony with the orderly development of the district in which it is to be situated and such use will not be detrimental to the orderly development of adjacent properties.

**5.23** The proposed Special Use shall provide safe, convenient and adequate vehicular and pedestrian access to and from the use through the provision of adequate but not excessive points of ingress and egress which are of sufficient width, properly graded and aligned, provide clear visibility, and are not located too near street corners or places of public assembly.

**5.24** The proposed Special Use shall provide adequate off-street parking and loading areas which are properly located on the lot so as to provide safe and convenient circulation.

**5.24** The proposed Special Use, location and height of buildings shall be such that this special use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

**5.25** The proposed Special Use shall provide adequate landscaping and screening of all playgrounds, parking, loading and service areas so that such areas are screened all seasons of the year from the view of adjacent lots and streets.

**5.30 Uses Prohibited**

All uses of land, buildings, structures or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse, matter, odor, gas, fumes, noise, vibration or similar substances or conditions are prohibited, provided, however, that any uses may be permitted if approved by the Zoning Board of Appeals and subject to such conditions, restrictions and safeguards as may be deemed necessary by said Board for the purpose of protecting the health, safety, morals or the general welfare of the community.

**5.40 Additional Standards for Certain Special Uses**

**5.41 Automobile Service Stations**

- a. The following minimum distance requirements shall be adhered to:  
12' from pump island to any lot line; 20' from building to each side lot line; at least 1,000' distance shall be maintained between automobile service stations (this distance shall be measured along or across the street frontage unless intersected by a street, distance to be measured from lot lines); minimum distance 500' in any direction from place of public assembly (including schools, churches, parks, theater, etc.); access drives from the street frontage shall not be less than 20' from any property corner, and not wider than 50; no access drive shall be closer than 10' to any lot line; a minimum of 300' of distance to a residential district where the residential district fronts on the the same street as the automobile service station, or faces the automobile service station, and in any other case, such distance shall not be less than 200' from the nearest lot line of the automobile service station.
- b. A suitable fence or screen planting six (6) feet in height shall be provided where automobile service stations abut a residential street.
- c. Driveways and service areas shall be surfaced with a non-dust-producing surface. lights shall be directed onto the lot of the automobile service station in such a manner that no direct beam of light or unnecessary glare shines into other property or the highways.

**5.42 Multiple Family Dwellings**

Lot area shall contain 7,000 square feet per dwelling unit. Each side yard shall be 30 feet, or the height of the buildings up to 60 feet, whichever is greater. Approval of water supply and sewage disposal by the New York State Department of Health shall be mandatory.

**5.43 Mobile Home Parks**

**All mobile home parks shall comply with the Village of Salem mobile home regulations. A statement certifying such compliance shall be filed as part of the application for a building permit.**

**5.44 Tourist Accommodations**

- a. Minimum floor area for each unit of a tourist accommodation shall not be less than 200 square feet.**
- b. Minimum land area per each unit shall not be less than 2000 square feet.**
- c. Approval of water supply and sewage disposal by the New York State Department of Health shall be mandatory.**

## NON-CONFORMING BUILDINGS, USES AND LOTS

### 6.10 Continuation

The lawful use of any building or land existing at the time of the enactment of this law may be continued although such use does not conform with the provisions of this Local Law.

### 6.20 Discontinuance

Whenever a building or land used for or occupied by a non-conforming use has been discontinued for a period of 3 years, such use shall not thereafter be used for or occupied by as non-conforming use.

### 6.30 Alterations, Extension

6.31 A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregation cost 50 percent of the appraised value of the building, unless the building is changed to a conforming use.

6.32 A non conforming use shall not be extended, but a lawful use may be extended into any portion of a non-conforming building.

### 6.40 Construction Started Prior to Adoption of this Local Law.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which construction shall have been diligently prosecuted prior to the effective date of this Local Law.

### 6.50 Changes

A non-conforming use of a building structure or land may be changed to another non-conforming use which is of the same or more restricted nature, however, once changed to a conforming use, or a more restricted use, no land or building shall be permitted to revert to the original non-conforming use. Such change shall require the approval of the Zoning Board of Appeals.

### 6.60 Existing Undersized Lots

6.61 Any vacant lot held in single and separate ownership prior to the adoption of this law and whose area and/or depth are less than the specified minimum lot requirements of this law and this district, may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:

- a. such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district;
- b. such lot has an area of at least 5,000 square feet and a minimum width of at least 50 feet at the required setback line if it is to be used for residential purposes;
- c. the following minimum yard dimensions are maintained for residences:

front yards – 15% of lot depth but not less than 25 feet.  
side yards - each 20% of lot width but not less than 8 feet.  
Rear yard – 15% of lot depth but not less than 25 feet.

In no case need the above yard dimensions exceed those for the district in which located..

6.62 In any district where residences are permitted, undersized non-conforming lots may not be used for more than one single family dwelling.

6.70 Reduction in Lot Area

No lot shall be reduced in area so that it creates a non-conforming lot in violation of this Local Law.

## ARTICLE VII

### ADMINISTRATION

#### 7.10 Enforcement

This Zoning Law shall be enforced by the Building Inspector, who shall be appointed by the Village Mayor with the approval of the Village Board of Trustees. No building permit or certificate of occupancy shall be issued by this officer unless all the provisions of this law have been complied with.

#### 7.11 Building Permits

- a. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Building Inspector.
- b. There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Local Law
- c. One copy of such layout or plat plan shall be returned when approved by the building Inspector together with such permit to the applicant upon the payment of a fee of \$5.00.

#### 7.12 Certificate of Occupancy

No land shall be used or occupied and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector in accordance with the provisions of this Local Law. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provision of the Local Law.

#### 7.20 Zoning Board of Appeals

7.21 **Creation, Appointment, and Organization:** A Zoning Board of Appeals is hereby created. Said Board shall consist of 3 to 5 members. A Chairman, and all members of the Zoning Board of Appeals shall be appointed by the Village Mayor with the approval of the Village Board of Trustees.

7.22 **Powers and Duties:** The Zoning Board of Appeals shall have all the power and duties prescribed by law and by this Local Law which are more particularly specified as follows:

**a. Interpretation**

Upon appeal from a decision by the Building Inspector, to decide any question involving the interpretation of any provision of this Local Law including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

**b. Special Use Permits**

To issue special use permits for any of the uses for which this Local Law requires the obtaining of such permits from the Zoning Board of Appeals.

**c. Variances**

To vary or adapt the strict application of any of the requirements of this Local Law in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provision of this law shall be granted by the Zoning Board of Appeals unless it finds:

- I. That there are special circumstances or conditions, fully described in the findings of the Board, applying to such land or buildings and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the land or building involved, but in no other case.
- II. That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
- III. That the granting of the variance will be in harmony with the general purpose and intent of this Local Law, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**7.23 Procedure:** The Zoning Board of Appeals shall act in strict accordance with the procedure specified by law and by this Local Law. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Zoning Law involved, and shall exactly set forth the interpretation that is claimed, the use for which the special use permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. At least 30 days before the date of the hearing required by law on an application or appeal to the Zoning Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal together with a copy of said application or appeal together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said application or appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal. Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case.

**7.30 Violations and Penalties**

**A violation of this Local Law is an offense punishable by a fine not exceeding \$50 or by imprisonment for a period not exceeding 6 months. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.**

**7.40 Referral to County Planning Board**

**Before final action is taken on special permits, variances, or amendments to this Local Law, such matter should be referred to the Washington County Planning Board in accordance with The procedures required in Article 12-B Sections 2391 and m of the General Municipal Law.**

## AMENDMENTS

### 8.10 Procedure

The village Board of Trustees may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend supplement or repeal the regulations and provisions of this Local Law after public notice and hearing.

Every such proposed amendment or change shall be referred to the Planning Board for report thereon before the public hearing hereinafter provide for. The Village Board of Trustees by resolution shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

- a. By publishing a notice in a newspaper of general circulation in the Village of Salem.
- b. By giving written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any village, town, county or state park or parkway shall be given to the park commission having jurisdiction over such park or parkway at least 10 days prior to the date of such public hearing.
- c. By giving written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any town or county shall be given to the clerk of such municipality and to the clerk of the Board of Supervisors at least 10 days prior to the date of such hearing.

### 8.20 Protest by Owners

In case, however, of a protest against such change signed by the owners of twenty percent or more of the area of land included in such proposed change or of that immediately adjacent extending 100 feet therefrom or of that directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of two thirds of the members of the Board of Trustees.

### 8.30 Publication and Posting

Every amendment to this Local Law, including any map incorporated therein shall be entered in the minutes of the Village Board of Trustees and a copy thereof, exclusive of any map incorporated therein, shall be published once in the official newspaper of the Village and a copy of such amendment together with a copy of any map incorporated therein, shall be posted on a sign board maintained by the Village Clerk. Affidavits of the publication and posting thereof shall be filed with the Village Clerk.

**ARTICLE IX**  
**INTERPRETATION AND APPLICATION**

**9.10 Conflict with Other Laws**

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive shall govern.

**9.20 Separability**

Should any sections or provisions of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid

**9.30 Effective Date**

In accordance with the section 7-706 of the Village Law, this Local Law shall take effect ten (10) days after publication and posting.

**ARTICLE X**  
**DEFINITIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the law. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "structure" shall include the word "building", the word "used" shall include "arranged", "designed", "construction", "altered", "converted", "rented", "leased", or "intended", to be used; and the word "shall" is mandatory and not optional.

**ACCESSORY BUILDING:** A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

**ACCEESSORY USE:** A use customarily incidental and subordinate to the principle use pf a building and located on the same lot with such principal use.

**ALTERATION:** As applied to a building or structure, a change or rearrangement in the structural prats or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

**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, HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**DWELLING:** A building designed or used as the living quarters for one or more families. The term "dwelling", "one-family dwelling", "two-family dwelling", or "dwelling group", shall not be deemed to include automobile court, rooming house or tourist home.

**DWELLING, ONE-FAMILY:** A detached building designed for or occupied exclusively by one family.

**DWELLING, TWO-FAMILY:** A building designed for or occupied exclusively by two families living independently of each other.

**DWELLING, MULTIPLE FAMILY:** A dwelling or group of dwellings on one plot containing separate lving units for three or more families, but which may have joint services of facilities of both.

**DWELLING, SEASONAL:** A dwelling which is occupied, or is designed to be occupied, for only a portion of the year.

**ESSENTIAL SERVICES:** The construction, alteration or maintenance by public utilities or governmental agencies of gas, electrical steam or water transmission or distribution systems.

**FAMILY:** One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

**FARM:** Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of streams, rivers, or other inland areas of water, or (b) abnormally high tidal water or rising lake waters resulting from severe storms, hurricanes, or tidal waves.

**FLOOD PLAIN OR FLOOD PRONE AREAS:** A land area adjoining a river, stream, watercourse, ocean, bay or lake, which is likely to be flooded.

**FLOOD PLAIN AREA HAVING SPECIAL FLOOD HAZARDS:** That maximum area of the flood plain that, on the average, is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year) .

**FLOOD PLAIN MANAGEMENT:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures.

**FLOODPROOFING:** Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

**100-YEAR FLOOD:** The highest level of flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year).

**FLOOD PROTECTION ELEVATION:** The 100-year flood elevation.

**HOME OCCUPATION:** Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

**LOT:** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this law, having not less than the minimum area and width required by this law for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

**LOT, CORNER:** A parcel of land at the junction of and fronting on two or more intersecting streets.

**LOT, WIDTH OF:** The mean width measured at right angles to its depth.

**LOT LINES:** The lines bounding a lot as defined herein.

**MOBILE HOME:** A transportable single-family dwelling, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes and which conforms with Mobile Home Manufacturers Association "Mobile Home Standards for Plumbing, Heating and Electrical Systems."

**MOBILE HOME PARK:** A parcel of land which has been planned for the placement of two (2) or more mobile homes, appurtenant structures or additions.

**NON-CONFORMING USE:** A building, structure or use of land existing at the time of enactment of this law, and which does not conform to the regulations of the district or zone in which it is situated.

**PARKING SPACE:** An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

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

**TOURIST ACCOMMODATIONS:** A building or group of buildings, whether detached or in connected units, used as individual sleeping or temporary dwelling units, designed for transients and seasonal visitors. The term "tourist accommodations" includes buildings designated as tourist courts, motor lodges, motels, hotels, overnight cabins, housekeeping units, and similar facilities.

**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.

**YARD:** An unoccupied space open to the sky, on the same lot with a building or structure.

**YARD, FRONT:** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the center line of the abutting street and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches whether enclosed, shall be considered as part of the main building and shall not project into a required front yard.

**YARD, REAR:** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley if there be an alley, and the rear line of the building.

**YARD, SIDE:** An open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required the rear boundary of the side yard shall be the rear line of the lot.

