

Chapter 155. ZONING

Article I. General Provisions

§ 155-1. Adoption of provisions.

There is hereby established and adopted, pursuant to Article 7 of the Village Law of the State of New York, and for the purposes set forth therein, a Zoning Law in accordance with a comprehensive plan for the development of the Village of Kiryas Joel in the Town of Monroe, Orange County, New York. This chapter embodies a comprehensive plan designed for the protection and promotion of the public health, safety and welfare.

§ 155-2. Findings and purposes.

A. Plan findings. The Village of Kiryas Joel is a densely populated and growing community with strong cultural ties and a heavy pedestrian orientation. The character of the community is one of strong neighborhoods. The Village Board of the Village of Kiryas Joel hereby finds as follows:

(1) The character and quality of people are in a large measure the result of the home environment. The home and its intrinsic influences are the very foundation of good citizenship and any factor contributing to the establishment of homes and the fostering of home life doubtless tends to the enhancement, not only of community life, but of the life of the nation as a whole.

(2) The zoning of the Village for mixed, but primarily residential, use ensures the development and strengthening of neighborhoods where residents can walk to shopping, worship and work. It also offers inducements not only to the wealthy, but also to those of moderate means to conduct their own businesses and own their own homes. With ownership comes stability, the welding together of family ties and better attention to the rearing of children. With ownership comes increased interest in the promotion of public agencies, which have for their purpose a desired development of the moral and mental make-up of the citizenry of the country. With ownership of one's home comes recognition of the individual's responsibility for his share in the safeguarding of public welfare of the community. The pride in achievement that derives from personal participation in the activities of the neighborhood ensures continuous community betterment.

(3) The implementation of this plan will serve to promote and perpetuate the community legacy in preserving a serene and tranquil life steeped in tradition and veneration of community heritage.

B. This chapter and plan have the following purposes:

(1) Guide the future growth and development of the Village in accordance with a comprehensive plan that represents the most beneficial and convenient relationships among the areas within the Village, considering the suitability of the various uses in each area and the potential for such uses as indicated by existing conditions, having regard for conditions and trends both within the Village and in relation to adjoining areas.

(2) Provide adequate light and air; secure safety from fire, flood and other danger and prevent overcrowding of the land and undue congestion of population.

(3) Protect the character and the social and economic stability of all parts of the Village and ensure that all development shall be orderly and beneficial.

(4) Protect and conserve the value of buildings in the various districts established by this chapter.

(5) Bring about the gradual conformity of the uses of land and buildings throughout the Village to the comprehensive plan set forth in this chapter, and minimize conflicts among the uses of land and buildings.

(6) Promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Village, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Village.

(7) Serve as a guide for public policy and action in the efficient provision of public facilities and services, and for private building development and other activity relating to uses of land and buildings throughout the Village.

(8) Assure that public service providers will provide the necessary public facilities and service needed for anticipated and needed new development.

(9) Prevent the pollution of waters, ponds and streams; safeguard water resources and encourage the wise use and sound management of natural resources throughout the Village in order to preserve the integrity, stability and beauty of the community and the value of the land.

Article II. Definitions and Word Usage

§ 155-3. General construction of language.

All words used in the present tense include the future tense, all words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the working indicates otherwise. The word "lot" includes the word "plot," the word "building" includes the word "structure" and the word "shall" is mandatory. The word "person" includes any legal entity, as well as an individual. The word "use" shall be deemed also to include "designed, intended or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally. The word "Village" means the Incorporated Village of Kiryas Joel; the term "Village Board" means the duly elected Village Board of Trustees of said Village; the term "Board of Appeals" means the duly appointed Board of Appeals of said Village; the term "Planning Board" means the duly appointed Planning Board of said Village.

§ 155-4. Definitions.

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

ALTER

To change or rearrange the structural parts of the existing facilities or a building or structure, including extension on a side or increase in height, or the moving from one location or position to another.

AREA, FLOOR

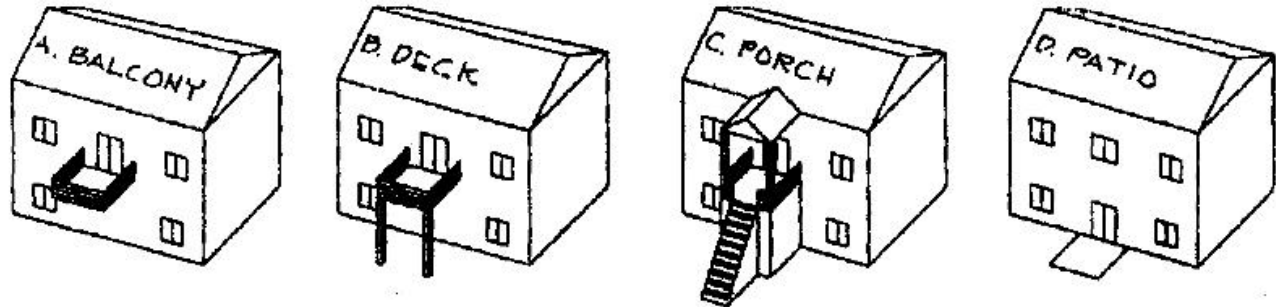
All floor area within the exterior walls of a building.

ATTIC

The space enclosed by roof beams or trusses above and floor joists immediately below. Attics shall be used only for storage or mechanical equipment, not as habitable space. Attics shall have no windows, doors or porches. Maximum height of an attic shall be defined by the height from attic floor to roof ridge. Attic height shall be 10 feet maximum for 4 story buildings, 15 feet maximum for buildings of 3 stories or less.

BALCONY

An exterior floor that projects from the wall of a building, supported by a structure that is without additional independent supports, and surrounded by a railing. (See also definitions for "deck" and "porch/stoop" and the illustration following).



BASEMENT

That portion of a building extending no more than six (6) feet above average finished grade on a level site, no portion exceeding eight (8) feet above grade on a front or side wall if the slope from front to back equals or exceeds eight (8) feet, and no portion exceeding twelve (12) feet above grade on a rear wall if the slope from side to side equals or exceeds twelve (12) feet. Any basement used as habitable space must have windows in similar proportion to upper floors, and must provide a direct means of egress to the outside.

BASEMENT, SUB

A level below the basement only allowed on very steeply sloping sites where the grade from front to back or from side to side exceeds 10 feet. Subbasements shall be used only for mechanical equipment and storage, not as habitable space.

BUILDING

Any fixed structure having a roof and intended for the shelter, housing or enclosure of persons or chattel.

BUILDING OR STRUCTURE, ACCESSORY

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

BUILDING COVERAGE

That portion of a lot that is covered by permanent structures, including building extensions that project beyond the foundation, but excluding unenclosed patios; unenclosed stairways to decks, porches or stoops; and eaves.

BUILDING, MAIN

A building in which is conducted the main or principal use of the lot on which such building is situated.

BUILDING GROUP, RELATED

More than one primary use building on a lot may be allowed as an exception if the Planning Board determines there are compelling reasons such as related use.

COMMUNITY ROOM

A room set aside for community functions, which shall not be used as living quarters.

DECK

An exterior roofless floored area adjoining a residential structure, and supported on at least two opposing sides by an adjoining structure and/or posts, piers or other independent supports.

DWELLING

A building designed or used exclusively as living quarters for one or more families, and shall not be deemed to include a motel, hotel, rooming house or tourist home, mobile home, trailer, camping car, tent or other similar temporary or mobile structure.

A. ONE-FAMILY — A detached building or manufactured home, designated for or occupied exclusively by one family and containing not more than one dwelling unit.

B. TWO-FAMILY — A property used for not more than two individual attached or detached dwelling units entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

C. MULTIFAMILY — A building or portion thereof used or designed as a residence for three or more dwelling units.

DWELLING UNIT

A building or portion thereof used or designed as a residence for no more than one family.

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, storm drainage systems, sanitary sewer or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare.

FAMILY

One or more persons occupying a dwelling unit and living as a housekeeping unit in a domestic relationship.

FENCE

Fences shall be allowed in front, side and rear yards. Front yard fences must allow views through the fence, e.g. chain link or picket, and are limited in height to four (4) feet. Side and rear yard fences may be opaque for privacy, and are limited in height to four (4) feet.

FRONTAGE

The extent of a parcel of land along a public or private street, opposite the front of the building as defined by the Planning Board.

FRONT YARD SETBACK LINE

A line parallel to the front lot line and at a distance equal to the required minimum front yard setback for the district in which a lot is located.

GARAGE, PRIVATE

An accessory building or part of a main building used primarily for the storage of motor vehicles as an accessory use.

GRADE, FINISHED

The elevation, at any point along a wall of a building, of the completed surfaces of lawns, gardens, walls or roads adjoining such wall at that point.

HEIGHT OF BUILDING OR STRUCTURE

The vertical distance measured from the average elevation of the 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 the eaves and ridge for gable, hip and gambrel roofs.

HOME OCCUPATION

Any business, trade or profession, conducted in a dwelling or basement, that is carried on by members of the household residing on the property, with or without nonresident employees, and that is clearly an accessory use in relation to the residential use of the premises. See Section 155-21.C (1) (b) for the maximum space a home occupation may occupy.

Home occupations are divided into the following classes:

A. CLASS I (Minimal Impact) — A home occupation whose base of operation is carried out within the residence, that does not involve the parking of any business vehicles on site and that will not generate customer traffic, use an accessory building, receive deliveries by other than letter or parcel carriers or pose an environmental, safety or

health hazard. Class I Minimal Impact Home Occupations are permitted accessory uses in all zones, requiring a permit from the Building Inspector.

B. CLASS II — A home occupation whose base of operation is carried out within the residence or basement and which will generate customer traffic or receive deliveries, may have environmental, safety or health impacts, or may affect the quality of life of residents in the building. Class II home occupations shall require site plan and special permit review and approval by the Planning Board and a permit from the Building Inspector.

IMPERVIOUS SURFACE COVERAGE

Impervious surface shall include any material, including buildings and pavement, that reduces or prevents absorption of stormwater into previously undeveloped land. Land that is replanted with grass, landscaping, trees or other vegetation shall not be considered impervious. The amount of impervious surface as a percentage of total lot area constitutes impervious surface coverage.

LOT

A parcel of land, not divided by or lying within a street or streets, occupied or to be occupied by a building or buildings and accessory buildings, together with such open spaces as are required under the provisions of this chapter, and having its principal frontage on a street or on such other means of access as may be deemed, in accordance with the provisions of law, to be adequate for purposes of issuing a building permit on such land.

LOT, AREA

The total area included within lot lines.

LOT, CORNER

A lot of which at least two adjacent sides abut on streets or public places.

LOT, DEPTH

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

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE, FRONT

The property or lines separating the lot from the street or streets. The front lot line shall, in the case of structures fronting on a private street, be measured from the edge of the right-of-way or, where there is no formal right-of-way, from the edge of sidewalk.

LOT LINES

The property lines bounding a lot as defined herein.

LOT WIDTH

The width of a lot measured at right angles to its depth, measured at the main building line.

MANUFACTURED HOME

A sectional prefabricated home intended to be permanently set on a foundation as a single family dwelling or attached to other units as a component in a multifamily structure.

MOBILE HOME

Any self-contained HUD-approved one-family dwelling unit designed for long-term occupancy; containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported, after fabrication, on its own wheels or on flatbed or other trailer; and arriving at the site where it is to be occupied as a dwelling complete. Mobile homes are not typically set on permanent foundations.

NONCONFORMING USE

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

PARKING SPACE

An off-street space, available for the parking of one motor vehicle on a transient basis, having dimensions of not less than 9 feet by 18 feet, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct usable access to a street or right-of-way.

PATIO

An outdoor space for dining or recreation, not elevated above the surrounding grade, that adjoins a dwelling and is improved for that purpose by paving or the placement of bricks or stones on a sand, gravel or crushed stone base.

PLAYGROUND or TOTLOT

An improved recreation area containing facilities for young children to play upon, including but not limited to items such as slides, sandboxes and similar items.

PORCH or STOOP

A covered platform on a plane higher than the adjacent ground area, and typically having a separate roof at an entrance to a building.

PRIVATE DRIVE

A vehicular access serving a single principal structure of no more than four dwelling units in the case of residential properties.

SIGN

Any device for visual communication with words, letters, numbers or other graphic representations which is used for the purpose of bringing the subject to the attention of the public. The maximum size of sign for a home occupation shall be four (4) square feet, with no one side longer than four (4) feet. The maximum size of a commercial sign shall be ten (10) square feet, with no one side longer than ten (10) feet. Billboard signs are not permitted.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above, then the space between the floor and the ceiling next above it. A basement shall be counted as a "story" if its ceiling is more than six feet above the average grade from which the height of the building is measured.

STORY, HALF

A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

STREET

A public or private thoroughfare devoted to vehicular and pedestrian movement, including a road or right-of-way, over which abutting properties or dwellings have the rights of access, air and light.

STRUCTURE

Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something having fixed location on the ground, including but not limited to buildings, porches, stoops, decks, free-standing signs, swimming pools, retaining or other types of walls and fences.

SUBDIVISION

The division of any parcel of land into two or more lots, blocks or sites for any purpose including, but not limited to, sale, transfer of ownership or development. The term "subdivision" may also include any alteration of lot lines or dimensions of any lots shown on a plat previously approved and filed in the office of the County Clerk.

USE

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

USE, ACCESSORY

A use which is customarily incidental and subordinate to the principal uses of a lot or a building and located on the same lot therewith and limited to the uses specifically permitted for the zoning district in which it is located. (Accessory use is distinguished from accessory building or structure.)

YARD

A required open space of uniform width or depth, as the case may be on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the appropriate lot line and is unoccupied and unobstructed from the ground upward.

YARD, FRONT

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

YARD, REAR

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

YARD, SIDE

A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard.

Article III. Establishment of Districts

§ 155-5. District classification.

The Village of Kiryas Joel is hereby divided into the following districts:

R Residential District

C Commercial District

§ 155-6. Zoning Map.

Said districts are bounded and defined as shown on a map entitled "Zoning Map, Village of Kiryas Joel, Orange County, New York," which, with all explanatory matter thereon, including the date of adoption by the Village, is hereby made a part of the chapter.

§ 155-7. (Reserved)

§ 155-8. Location of boundaries.

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

A. District boundary lines are intended to follow streets, rights-of-way, watercourses or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are fixed by dimensions, as shown on the Zoning Map.

B. Where district boundaries are indicated as following approximately streets or rights-of-way, the center lines thereof shall be construed to be such boundaries.

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

§ 155-9. (Reserved)

Article IV. District Regulations

§ 155-10. Application or regulations.

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

§ 155-11. Conformance required for all land and buildings.

No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any lot or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with this chapter and, particularly, with the specific regulations for the district in which such building or land is located. Any use not specifically permitted by this chapter is prohibited.

§ 155-12. Lot required for every building.

Every building hereafter erected shall be located on a lot as herein defined. There shall be not more than one main building on any such lot unless specifically approved by the Planning Board as a related building group.

§ 155-13. Yards and open space applicable to only one building.

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

§ 155-14. Subdivision of lots.

- A. Should a lot hereafter be formed from the part of a lot already occupied by a building, such separation shall be affected in such a manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this chapter and any rules and regulations which have been or may be adopted for the subdivision of the land.
- B. The Planning Board shall be authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks, or sites, with or without streets or highways, within the Village of Kiryas Joel, pursuant to § 7-738 of NYS Village Law. It shall do so pursuant to the procedures of said Village Law and according to the standards contained herein. It shall be further authorized, for this purpose, to prepare and adopt additional regulations governing subdivisions for Village Board approval.
- C. The Planning Board shall also be authorized and empowered, pursuant to § 7-738 of NYS Village Law and simultaneously with the approval of a plat or plats, to modify applicable provisions of this Zoning Law, subject to the conditions set forth in § 7-738 of the Village Law.

D. The Planning Board shall also be authorized and empowered to simultaneously grant preliminary and final approvals of those subdivisions not involving the construction of new improvements ("minor subdivisions"), provided that lots intended for zero lot line development shall not be granted final approval until such time as building foundations are installed and final lot line metes and boundaries are matched to such foundations.

E. Minor lot line adjustments of no more than 500 square feet shall be exempt from the subdivision procedural requirements contained herein, provided three copies of a plan prepared by a licensed land surveyor or professional engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the situation fits the criteria below. To qualify as a minor lot line adjustment, the action shall:

- (1) Involve the transfer of land between two existing parcels that will:
 - (a) Improve the ability of one or both parcels to comply with setback or other building standards; or
 - (b) Increase suitability of one or both parcels for building development; or
 - (c) Add to the availability of open space; or
 - (d) Resolve a boundary line dispute or produce a corrected deed; and,
- (2) Not reduce the ability of either lot to comply with the applicable standards of this law.

F. The Planning Board shall, within 30 days of the receipt of the lot line adjustment plans, determine whether they comply with the exemption criteria found above. Should it fail to act in the provided time or find the plans do not meet the criteria, such plans shall be processed in accordance with subdivision requirements. If it finds they do qualify as a lot line adjustment, the Board shall sign the plans with the following notation: "These plans are acknowledged by the Village of Kiryas Joel, and for recording purposes only, to represent an exempt lot line adjustment in accord with § 155-14E of the Village of Kiryas Joel Zoning Law. No subdivision approval is required or given." No person shall record plans for any lot line adjustment without so first obtaining the Planning Board's acknowledgement.

§ 155-15. Irregularly shaped lots.

Where a question exists as to the proper application of any of the regulations of this chapter to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Planning Board shall determine how such regulations shall be applied.

§ 155-16. Required width of street access.

No permit shall be issued for any structure unless the lot upon which the structure is to be built has a frontage of at least 18 feet on a street or highway, which street or highway shall have been suitably improved or a bond posted therefor.

§ 155-17. Lots under water or subject to periodic flooding.

No portion of the minimum area requirement of a lot may be achieved by including land under water, land with an elevation below mean high water or land subject to periodic flooding. All minimum front, side and rear yard requirements must be satisfied by measurement on dry land.

§ 155-18. Accessory buildings, structures and uses.

All accessory buildings, structures and uses shall be located on the same lot with the principal uses to which they are accessory. Such accessory buildings, structures or uses shall comply with all setbacks applicable to principal structures. No accessory building or structure shall be

used for human occupation or business. No storage container, trailer, mobile home, or similar equipment shall be employed as an accessory building or structure.

§ 155-19. Residential district uses and requirements.

In any Residential District, no building or lot shall be used, and no building or group of buildings, or part of a building or structure, shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more of the uses set forth below. Only those uses specifically listed as being permitted shall be permitted.

A. Permitted principal uses, all of which shall be subject to site plan review and approval by the Village Planning Board (see § 155-21), are as follows:

- (1) One-family and two-family dwellings.
- (2) Multifamily dwellings.
- (3) Village hall, Village fire station, Village police station or other Village use.

- (4) Public parks and playgrounds and other recreation facilities intended for general public use.
- (5) Public parking lots.
- (6) Essential services.
- (7) Synagogues, ritual baths, public schools, private schools, and other places of worship or religious observance and instruction.

B. Permitted accessory uses shall be as follows:

- (1) Private garden house, toolhouse, playhouse, greenhouse or similar private accessory use not used for commercial or public purposes.
- (2) Private garage or carport for housing private passenger cars of residents living on the premises.
- (3) Home occupations with special permit for Class II home occupations.
- (4) Signs used on the same lot in conjunction with a permitted principal or accessory use provided that such signs are not illuminated or painted with reflective or luminous-type paint, and are mounted on the building (not free-standing).

C. Residential District requirements. There is hereby established, and declared to be a part of this chapter, the following schedule of development standards for the Residential District. The requirements are subject to all other provisions of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

Requirement	R District Standard
Minimum lot area (square feet)	2,000
<u>Requirements for 3 story buildings or lower:</u>	
Minimum front yard setback for a public road (feet)	30 (from property line)
Minimum front yard setback for a private road (feet)	20 (from edge of sidewalk)
Minimum side yard, main and accessory buildings (feet)	15
Minimum rear yard, main and accessory buildings (feet)	15

Maximum building height:

In stories, above basement	3
In feet, from grade to ridge	50
In feet, from grade to top floor ceiling	40
In feet, above top floor ceiling	10

Minimum building separation

Front to side or rear (feet)	45
Front to front (feet)	60
Side to side (feet)	30
Rear to rear (feet)	30

Requirements for 4 story buildings:

Minimum front yard setback for a public road (feet)	40 (from property line)
Minimum front yard setback for a private road (feet)	20 (from edge of sidewalk)
Minimum side yard, main and accessory buildings (feet)	20
Minimum rear yard, main and accessory buildings (feet)	20

Maximum building height:*

In stories, above basement	4
In feet, from grade to ridge	60
In feet, from grade to top floor ceiling	50
In feet, above top floor ceiling	10

Minimum building separation

Front to side or rear (feet)	60
Front to front (feet)	80
Side to side (feet)	40
Rear to rear (feet)	40

* Planning Board may authorize greater heights, subject to limits imposed by New York State Building Code and the following proportional increases. For every additional story, add 10 feet to front yard, 5 feet to side and rear yards, 15 feet to front to side or rear separation, 20 feet to front to front separation, 10 feet to side to side separation, 10 feet to rear to rear separation.

§ 155-20. General regulations for residential districts.

The provisions of this chapter shall be subject to such expectations, additions or modifications as herein provided by the following general supplementary regulations:

A. Yards and setbacks.

(1) Terraces, patios, decks, balconies, stairways and porches.

(a) A patio, deck or balcony of at least 100 square feet shall be provided for each dwelling unit with 2 bedrooms. For each additional bedroom an additional 30 square feet of patio, deck or balcony shall be provided.

(b) A terrace, patio, deck, balcony, enclosed stairway or porch/stoop shall be considered a part of the building in determination of yard size. All such structures shall be completely outside all setback areas. All structures requiring a guard rail shall provide same to the height and specifications required by the NYS Building Code. (c) Any unenclosed stairway shall not be considered a part of the building in the determination of the size of the yard, and may extend into any yard. Unenclosed stairways shall be a maximum of one story in height with no roof, and shall have a maximum of twenty (20) stairs. No habitable space shall be allowed under unenclosed stairs.

(2) Walls and fences. The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall, including one used in conjunction with landscaping or terracing, nor to prohibit any fence or wall, provided that in any R district such fence or wall shall not exceed four feet in height in any required yard.

(3) Visibility at intersections. At any street intersection in any R district, no fence, wall or other structure or planting more than three feet in height shall be erected, placed or maintained so as to impair sight distances or otherwise create an unsafe traffic condition.

(4) Corner lots. On a corner lot in any R district, there shall be provided a yard on each street equal in depth to the required front yard on such streets. A rear yard shall be provided on each corner lot, and the owner shall elect which yard is the rear yard.

(5) Zero lot line development. A dwelling unit may be placed on one interior side property line (a zero setback), provided such property line also serves as the side lot line for the lot opposite. There shall, to maintain privacy, be no windows, doors, air conditioning units, or any other type of openings in the wall along the zero lot line. Any building wall separating two or more dwelling units located on the lot line shall be of a firewall construction.

B. Height exceptions. The height limitation of this chapter shall not apply to chimneys, ventilators, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve.

C. General Residential Building Regulations

(1) Maximum size of a residential building shall be 10,000 square feet per floor, outside dimensions. Maximum building length shall be 200 feet, outside dimensions.

(2) All basements in residential buildings must be assigned a use at the time of site plan review.

(3) All dwelling units shall have at least one window facing the street to allow observation of outdoor play spaces and bus arrivals. All windows 10 feet or higher from the ground shall have window gates.

(4) A second means of egress shall be required for all dwelling units.

(5) One light/dark detector controlled floodlight shall be provided above each main entrance.

(6) Each dwelling unit shall be provided with a minimum of ten (10) square feet in a fully enclosed solid waste enclosure. Enclosures for trash cans shall have a top.

§ 155-21. Site plan requirements for residential and commercial zones.

All permitted principal uses shall be subject to site plan review and approval by the Village Planning Board as set forth below.

A. Application for site plan review. Application for site plan review shall be made to the Village Planning Board; and the Planning Board shall be authorized to undertake all necessary reviews and make all determinations, including approvals or disapprovals, of such applications. The Planning Board, shall, before approving a site plan hereunder, find that all of the following conditions and standards have been met, which shall be in addition to those applicable to the Commercial District as set forth in § 155-22 and such other requirements as are applicable to specific uses and set forth below:

(1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

(2) Operations in connection with any special use will not be more objectionable to nearby properties than would be the operations of any permitted use not requiring a special permit.

(3) Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit will be laid out so to achieve maximum safety. Parking areas shall include sufficient area for a vehicle to safely maneuver in and out of every space.

(a) Residential uses shall be provided with one (1) off-street parking space per dwelling unit of 999 square feet and larger; two (2) off-street parking spaces per three (3) dwelling units smaller than 999 square feet.; and two (2) off-street parking space per 2,500 square feet of un-renovated basement. Parking area for basement uses shall be set aside at the time of site plan approval. Parking needs with respect to all other uses shall be determined in conjunction with site plan review.

(b) All site plans shall include a parking calculation table. Handicapped parking shall be provided in the location and quantity to meet the guidelines of the Americans with Disabilities Act (ADA). All parking spaces must be built before a Certificate of Occupancy is issued.

(c) The amount of nonresidential parking required shall be based on the type of use listed below.

Use	Parking Requirement
Commercial/retail/industrial uses	1 space per 250 square feet floor area
Places of public assembly	1 space per 50 square feet public floor area
Home occupations (Class II)	1 space per 350 square feet of floor area devoted to use in addition to the residential parking requirement

(d) Each parking space shall consist of not less than an average of 270 square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, and driveways not in the public right-of-way may be considered parking spaces. The minimum size parking space shall be 9 feet in width and 18 feet in depth.

(e) Any lighting used to illuminate any off-street parking shall be so shielded as to deflect the light away from adjoining premises and public rights-of-way and avoid light spillage onto adjacent properties.

(f) All parking areas which are designed to accommodate 12 or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control.

(g) Parking areas should be designed such that no vehicle might directly back out onto a pedestrian walkway or sidewalk. Traffic flows through a parking area should be minimized and limited to connections from one lot to another and to the public street or through road.

(4) Any building erected, converted or enlarged for commercial, retail, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials and no loading area shall be designed so as to require the backing of vehicles out over a sidewalk or into the street.

(a) The minimum size loading space shall be 60 feet in depth and 12 feet in width, with an overhead clearance of 14 feet.

(5) Access to and from all nonresidential off-street parking, loading and vehicle service areas shall comply with all permitting requirements and standards of the Village of Kiryas Joel, County of Orange or New York Department of Transportation standards, as the case may be. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits. All nonresidential parking and loading areas shall be separated from the paving edge of a street or adjoining property line by a planting strip at least 10 feet in depth.

(6) A minimum of one (1) shade tree of 2-1/2 inch trunk caliper, and 12-14 feet in height, shall be planted per each dwelling unit or 2500 square feet of commercial space, on the lot in a location approved by the Planning Board or, if offsite, as directed by the Village Department of Public Works.

(7) Identification signs for non residential uses, not illuminated and visible to the public from the street giving access, will be permitted, subject to determination by the Planning Board that the design and location of said sign or signs will, to the maximum extent possible, not be objectionable to nearby residential properties. Refer to sign definition for size requirements.

(8) All non residential uses shall provide space for garbage enclosures adequate for anticipated solid waste.

B. Required plans. Plans for a proposed development shall be submitted with a completed site plan application. Plans for a proposed special permit use shall be submitted with a completed special permit application. The plans shall show the location of all existing and proposed buildings, parking areas, traffic access and circulation drives, water supply lines, sanitary

sewers, storm drainage facilities, street lighting, open spaces, landscaping, topography, special features and any other pertinent information about neighboring properties that may be necessary to determine and provide for the enforcement of this chapter.

The proposed site plan shall show the general layout of roads, driveways, parking areas, and buildings, including their general character, height, and proposed uses, means of access and egress, and such other features as shall enable the evaluation of the plan, including its relationship to existing and proposed development in the vicinity of the site plan.

The following drawings will be required for a complete application. All drawings must be signed and sealed by an architect, engineer, surveyor or landscape architect, as appropriate.

Cover Sheet with Location Map and List of Plans

Architectural Rendering – architectural elevation views showing color and materials for all building sides, roof and decks

Existing Conditions Survey – show topography, structures, surface types, property boundaries, adjacent features within 200 feet, utilities

Site Plan - show roads, curbs, sidewalks, walkways, walkway easements, ADA ramps, driveways, buildings, parking, pavement markings, traffic control signs, trash enclosures

Grading Plan - show Site Plan features with existing and proposed grading

Utility Plan - show water service, sewer, electric connections, hydrants

Lighting Plan – show location of fixtures, light intensity (lumens) across the site

Drainage Plan – show stormwater pipes and structures, stormwater management features

Landscape Plan – show street trees, lawn, building foundation and other plantings

Details Plan(s) – show all relevant construction details, e.g. pavement, curb and storm inlet details, trash enclosures, light fixtures, etc.

C. Planning Board Review

(1) All site plan applications will be subject to review in accordance with the regulations of the NY State Environmental Quality Review Act (SEQRA) prior to any site plan decisions.

(2) The Planning Board will follow all requirements for site plan review stipulated in NYS Village Law.

(3) All site plan applications must be approved by a majority vote of the Planning Board, except in the case where a County mandated review under Section 239m of General Municipal Law recommends modification or disapproval of a proposed action, in which case a vote of a majority plus one will be required.

(4) All site plan applications shall require drawings signed and sealed by appropriate professional(s) licensed by the State of New York Department of Education.

(5) All site plan approvals will include a resolution specifying what the approval is for, and listing all conditions of approval. All site plan denials will include a resolution specifying the reasons for the denial.

(6) A site plan approval is valid for two (2) years unless a building permit has been issued and construction initiated, in which case the approval will be extended to the approved closing date of the building permit.

D. Site plan hearing. After review of the site plan application materials, the Planning Board shall set a public hearing in accordance with Article 7 of the Village Law. The Planning Board shall thereafter render a report which approves, disapproves or approves subject to stated modification. An approval shall also constitute special permit approval, and the applicant developer may thereafter apply for all required building permits in accordance with such special permit and may be required to post performance bonds to assure the installation of all necessary roads, utilities and other required features.

E. Supplementary standards applicable to particular uses.

(1) Home occupations. Home occupations, as defined herein, shall be subject to the following regulations and standards, whether permitted as an accessory use (Class I) or Special Permit Use (Class II):

(a) More than one Class I (Minimal Impact) home occupation may occur on a single residential premises. However, the cumulative impacts must fall within the limits of these standards.

(b) The home occupation activity, whether located within the dwelling or in a basement, shall occupy an enclosed space of no more than 1,000 square feet or 50% of the gross floor area, whichever is less.

(c) An outdoor entrance, separate from the residential entrance, must be provided for all home occupation spaces.

(d) There shall be no indication of the home occupation from the exterior of the building except for a single sign not exceeding four square feet. Modifications to a structure shall not alter its primary residential character.

(e) No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted in the front yard of the premises. Such goods, equipment or materials may be displayed or stored elsewhere on the property if appropriately screened by a fence or natural vegetation, provided that any such outdoor storage does not occur within 20 feet of an adjacent property line.

(f) Visitation to the dwelling for purposes of the home occupation by any persons other than members of the household shall be limited to the business hours of 8:00 a.m. to 6:00 p.m., Sunday through Friday. Only members of the household occupying such dwelling shall be employed on the premises in the conduct of a home occupation outside of these hours.

(g) Sufficient off-street parking shall be provided in accordance with Section 155-21.A (4) (a). Such spaces shall be accessed from the residence driveway and designed so as to minimize disturbance to adjacent units or properties, including screening if necessary.

(h) The home occupation shall be fully consistent with all other provisions of this chapter. When the use exceeds the relevant home occupation standards, the use shall no longer be considered such a home occupation. Any home occupation that exceeds these requirements shall, upon notice from the Building Inspector, cease and desist all activity related to such use until such time as a permit as provided hereunder for an allowed principal use has been obtained from the Village Building Inspector or the operation has been made to again conform with the applicable limitations for a home occupation.

(i) The home occupation shall not utilize substantially more water than a residential use. The home occupation shall comply with all necessary Health Department requirements in regards to the utilization of water or solid waste disposal and shall be subject to separate water and solid waste disposal charges for the home occupation.

(j) If any home occupation causes traffic congestion on the street, the cost of traffic control and/or improving the street, shall be borne by the owner of the building or unit in which the home occupation is housed. This requirement shall be enforced by the Department of Public Safety or the Department of Public Works as appropriate.

(2) Multifamily dwellings. The following design criteria shall apply to multifamily developments:

(a) There shall be no more than 35 dwellings in each multifamily building. Fire wall separations, vertical and horizontal, shall be constructed in the locations and with the materials meeting NYS Building Code standards.

(b) No building shall be constructed within ten (10) feet of the edge of any parking area. All buildings shall be fully subject to the yard, setback and other development standards of § 155-19C. Setbacks shall apply to both public and private streets and other accesses serving multiple dwelling units.

(c) Access roads through the development and other private streets shall comply with Village of Kiryas Joel street requirements (Chapter 124) and no parking space shall be designed such that a vehicle would be backing or driving out over a walkway. There shall be a defined entrance and exit to and from each parking area.

(d) No multifamily development shall be served by more than one entrance and one exit (combined) from any public highway, unless topography or other physical circumstances would preclude the use of a single entrance in a safe manner.

(e) All off-street parking shall be adequately lighted and so arranged as to direct lighting away from residences.

(f) All multifamily developments shall provide a minimum of 50 square feet of playground area per unit, with play equipment. Playground space shall be aggregated to achieve areas of sufficient size to provide tot lot equipment. Tot lots shall be located in an area convenient for use of residents and as approved by the Planning Board.

(g) The amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where stormwater facilities are impractical for engineering reasons, the Planning Board may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow that can be achieved under the circumstances.

(h) Maintenance of a multifamily project shall be vested in:

[1] An association, condominium board or other legal entity organized prior to the offering of the first unit for occupancy; or

[2] A manager, who may be the developer, or a person designated by the developer before the developer offers a unit for occupancy; or

[3] The owners or occupants of units themselves if the total number of owners or occupants within the development is not more than five.

(i) The association or manager, as the case may be, shall be responsible for maintenance, repair and replacement of the common areas of the development including buildings and, if applicable, the furniture, fixtures and equipment within the units. The project instruments shall specify the expenses that the maintenance organization may incur and collect from purchasers as a maintenance fee and secure maintenance of the project and enforcement of applicable covenants and restrictions in perpetuity.

(j) All general regulations of residential districts listed in 155-20 shall be required.

§ 155-22. Commercial District uses and requirements.

A. Purpose. The Commercial District is intended to enable the development of various commercial and related retail uses in a planned pattern. Permitted uses, and the intensity of development of such uses, shall be in accordance with site plan reviews and approvals. All other proposed principal or accessory uses shall be subject to the site plan and special permit procedures herein required.

B. Permitted principal uses.

(1) Permitted principal uses, all of which shall be subject to site plan review by the Planning Board, shall be as follows:

(a) Institutions, including educational and religious uses, nursing homes and cemeteries

(b) Offices

(c) Warehouses, industrial, light industrial and storage uses

(d) Indoor gyms

(2) Prohibited uses shall include casinos and gambling, outdoor sports facilities, theaters and adult entertainment.

C. Special permit uses.

(1) Local retail uses. Such uses shall be permitted in the Commercial District, subject to approval of a site plan in conjunction with an application for a special permit.

D. Commercial District requirements. There is hereby established, and declared to be a part of this chapter, the following schedule of development standards for the Commercial District. The requirements are subject to all other provisions of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

Requirement	C District Standard
Minimum lot area	2 acres
<u>Setbacks:</u>	
Minimum front yard setback	50 (from property line)
Minimum side yard, main and accessory buildings (feet)	35
Minimum rear yard, main and accessory buildings (feet)	35
Maximum building height	
In stories, above basement	6

E. Standards for development. A proposed development in the Commercial District shall consist of at least two acres and shall demonstrate proper relationship of site plan elements to adjoining uses and activities.

(1) Planning intent. It is intended that the application of these regulations for the Commercial District shall result in a unified pattern of uses within such district. It is further intended that in that same vicinity there shall be a concentration of the highest density of residential development.

(2) No building shall exceed six (6) stories in height. All buildings shall be sited so as to enable convenient pedestrian access to community facilities and local shopping areas.

(3) Off-street loading and unloading areas for delivery of materials and supplies as well as arriving buses or other forms of public transportation shall be provided. Such facilities shall be sufficient in size to accommodate the volume of activity anticipated, and be located away from adjoining residences, or screened from them with landscaping and/or fences, to the maximum extent possible.

§ 155-23. Nonconforming uses.

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

A. Nonconforming use of buildings.

(1) A building or structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended unless such building or structure, including such enlargement or extension, is made to conform to all regulations, including use, for the district in which it is situated; provided, however, that where the public welfare, health or safety warrants a reasonable and necessary extension, such extensions may be temporary or permanent, and permission therefor shall be obtained by application to and approval by the Planning Board.

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

(3) A nonconforming use of a building may be changed only to a conforming use.

(4) If any nonconforming use of a building ceases for any reason for a continuous period of more than 120 days, or is changed to a conforming use, or if the building in or on which such uses is conducted or maintained is moved for any reason, then any further use of such building shall be only in conformity with regulations specified by this chapter for the district in which such building is located.

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

B. Nonconformity, other than use. A building that is conforming in use but does not conform to the height, yard or lot area requirements of this chapter shall not be considered to be nonconforming within the meaning of Subsection A. However, no permit shall be issued that will result in the increase of any such nonconformity.

C. New buildings on nonconforming lots.

(1) A permit may be issued for the erection of a building housing a permitted use on any lot which has been made nonconforming with respect to area, depth, width or frontage

requirements, by the adoption of this chapter or the Zoning Map, or any amendment thereto, provided that a valid conveyance has been recorded or a bona fide contract of sale for said lot has been executed and delivered prior to the date of the adoption of the provision of this chapter that made the lot nonconforming.

(2) In the case of a lot having nonconforming dimensions in a particular district, the minimum required front and rear yards shall be those of the Residential District in which said lot's depth would meet the requirements of this chapter and the minimum required side yards shall be those of the Residential District in which said lot's width would meet the requirements of this chapter, but in no case shall such yards be less than would have been required prior to the date of adoption of this chapter.

§ 155-24. Affordable housing.

The affordable housing requirements of Chapter 47 of the Village of Kiryas Joel Code shall apply to new residential development within the Village of Kiryas Joel.

A. A table demonstrating compliance with the affordable housing requirements of Chapter 47 shall be shown on the site plan of every applicable project application. The table shall include calculations of the minimum percentage allocation (MPA) for all qualifying owner and rental unit developments. The table shall indicate unit numbers, locations, sizes and any other required information relevant to MPS affordable housing. Corresponding unit numbers shall be clearly shown on the building plans.

§ 155-25. Community rooms.

The requirements of Chapter 60 of the Village of Kiryas Joel Code shall apply to community rooms within the Village of Kiryas Joel.

§ 155-25.1. Walkways and walkway easements.

A. Findings of fact; word usage. The Board of Trustees finds that environmentally friendly pedestrian travel, which produces healthful benefits for the residents, is a predominant form of transportation in the Village. Safe, properly designed and located pedestrian walkways are required to support residential development in the Village. The failure to provide and make available walkways and walkway easements is an adequate reason to deny development until such time as such walkways and walkway easements are provided. Walkways shall be integrated in an organized system to meet the pedestrian needs of the public. The term "walkways" and "sidewalks" may be used interchangeably, but shall not be limited in location to the sides of streets. The term "walkway" is inclusive of a sidewalk, which is typically a pedestrian walk located parallel to and next to a street curb.

B. Requirement for walkways and walkway easements on site plans and/or subdivision plats containing residential or nonresidential uses.

(1) Before the Planning Board may approve a site plan or subdivision plat containing residential or nonresidential uses, such a site plan or subdivision plat shall also show, when required by this chapter, walkways and walkway easements for public pedestrian use. Such walkways and walkway easements shall, at the discretion of the Planning Board, be classified in two classes. Class A walkways and walkway easements shall be those determined by the Planning Board to be immediately necessary. Class A walkways shall be suitably constructed by the developer prior to the issuance of a certificate of occupancy for any building shown on the site plan or subdivision plat. Class B walkways shall be those which may be constructed at a later time and may be constructed in conjunction with and for the benefit of later development. All walkways

and walkway easements shown on a site plan or subdivision plat shall be clearly designated as Class A or Class B, in accordance with this section, but the failure to so designate such walkways shall not prohibit the Village from requiring their construction.

(2) Prior to final approval, the developer shall deliver to the Village all offers of dedication, deeds, and/or easements, in fully executed final form for recording, together with executed recording documents and such other instruments which may be required. The Village Attorney shall approve such documents as to form.

(a) All walkways with walkway easements for public use shall be open to the public for that portion of the site for which a certificate of occupancy has been issued.

(3) Walkways shall be considered the same as sidewalks and are public improvements for the purposes of Article 7 of the New York State Village Law.

(4) All walkways shall be:

(a) A minimum of six feet wide and properly paved;

(b) Properly laid out to ensure safe usage and handicapped accessible. The grades shall be designed to be safely used by wheelchairs and carriages and shall conform to ADA standards;

(c) Properly illuminated in accordance with the street specifications having a minimum of one street light, or equivalent, located on the premises.

(5) All sidewalks shall be in compliance with specifications for sidewalks in Chapter 124, Street Specifications.

§ 155-26. Synagogues, schools and institutions.

All synagogues, ritual baths, public schools, private schools, colleges and universities, cemeteries and other places of worship or religious observance and instruction shall require review and approval of the Planning Board and shall meet the following standards:

A. All such uses shall include adequate provision for parking at times of maximum attendance or use of the premises, with landscaping and controls over lighting as may be required so as to protect and not adversely affect adjoining residential properties, and with means of ingress and egress which are properly related to the street system.

B. Off-street loading and unloading areas for delivery of materials and supplies as well as arriving buses or other forms of public transportation shall be provided. Such facilities shall be sufficient in size to accommodate the volume of activity anticipated, and be located in accordance with Planning Board approval.

C. The secondary use of such facilities for catering hall purposes shall require additional parking as may be required to accommodate the added activity. Structures used for this purpose shall be subject to side and rear yard requirements of 50 feet wherever the adjoining property is in residential use. Such secondary uses shall be subject to site plan review by the Village Planning Board, which may impose additional limits with respect to place, time and nature of the operation.

§ 155-27. Planned unit development.

A. The Village Board may establish new Planned Unit Development (PUD) districts to encourage development of functionally integrated residential neighborhoods and commercial areas. The Village Board shall establish PUD Districts in the following manner:

- (1) The owner(s) of the land in a proposed PUD District shall initially apply to the Planning Board for the establishment of a PUD District. The application shall be in writing and include a detailed sketch plan describing the proposed development's principal features and proposed phasing.
- (2) The Planning Board shall review the sketch plan and related documents and render a report to the applicant on the acceptability of the proposal along with recommendations for changes or improvements, if any. An unfavorable report shall state clearly the reasons therefor and, if appropriate, advise the applicant what revisions are necessary to receive acceptance.
- (3) Upon receipt of the Planning Board's report, which shall be made within 62 days of the meeting at which the sketch plan is initially presented, the applicant shall submit a preliminary site plan for the project to the Planning Board.
- (4) Within 62 days of the receipt of a completed preliminary development plan, the Planning Board shall review such submission, act upon the SEQRA submission, conduct a public hearing on the development plan and recommend action to the Village Board regarding establishment of a PUD District to accommodate the proposed project. It shall concurrently approve, disapprove or approve with the modifications the preliminary development plan, conditioning any approval on action of the Village Board with respect to the PUD District.
- (5) When the Planning Board has approved a development plan for a proposed district, the Village Board shall proceed to consider amendment of this Zoning Law in accord with the Village Law, conducting a hearing and acting upon the same within 90 days of the meeting at which the Planning Board's recommendation is received. The Village Board shall provide for County Planning Department review of the proposal as required by law and may attach conditions to its approval.
- (6) When any PUD district is not substantially developed in accordance with the approved preliminary development plan for a period of three years from the effective date of its establishment, and provided that it shall then appear that rights vested in persons acting in good faith in reliance on such zoning classification will not be prejudiced thereby, the Village Board, upon resolution and no earlier than 62 days following written notice to the applicant, may declare the change in classification to a PUD District voided. The Village hereby exercises its authority under § 10 of the Municipal Home Rule to supersede the New York State Village Law so as to permit voiding of a zoning change without resorting to further rezoning procedures.
- (7) After the Planning Board has approved the preliminary development plan, and provided the Village Board has approved the establishment of the PUD District, the applicant shall prepare a final development plan and submit it to the Planning Board for final approval. The final development plan shall conform substantially to the preliminary development plan approved by the Planning Board, incorporating any revisions or other features that may have been recommended by the Planning Board and/or the Village Board at the time of preliminary review. Within 62 days of the receipt of a completed application for final development plan approval, the Planning Board shall review and act on such submissions and so notify the Village Board. A copy of the approved final development plan shall be filed in the Orange County Clerk's office.

B. General requirements.

(1) Location. A PUD District may be permitted anywhere within the Village of Kiryas Joel.

(2) Permitted uses. All permitted principal and accessory uses shall be permitted in PUD Districts.

(3) Other zoning regulations. Setback and height requirements within a PUD District may be waived or modified by the Planning Board to accommodate innovative functionally integrated designs and site plans. Notwithstanding this, no structure shall be located within 75 feet of any rear or side lot line or 50 feet of any front lot line for the project as a whole and no structure shall exceed six stories or 75 feet in height. Such project shall also otherwise comply with all other provisions of this chapter.

§ 155-28. Landmark designations.

The Village of Kiryas Joel Village Board shall be authorized to designate historic districts and landmark sites, the improvement or modification of which shall be subject to site plan review for the purpose of ensuring that the historic integrity of the structure or site is maintained.

§ 155-29. Building Address

All buildings in the Village of Kiryas Joel must display the address (building number) of the property. The building number shall be displayed on the wall of the building above the main front door. The building number shall be a minimum of fifteen (15) inches high.

§ 155-30. (Reserved)

Article V. Enforcement and Administration

§ 155-31. Enforcement; penalties for offenses; other remedies.

A. Enforcement. The provisions of this chapter shall be carried out and shall be enforced by the Village in accordance with the provisions of the Village Law of the State of New York. The Village Building Inspector, Code Enforcement Officer and Public Safety Officers are all empowered to enforce the Zoning Code.

B. Penalties for offenses. Any owner, lessee, tenant, occupant, architect or builder, or the agent of any of them, who violates or is accessory to the violation of any provisions of this chapter or who fails to comply with any of the requirements thereof or who erects, constructs, alters, enlarges, converts, moves or uses any building or land in violation of any detailed statement or plans submitted by him and approved under the provisions of this chapter, on conviction, shall be subject to a fine of not more than \$500 for each such violation. If any person fails to abate any violation within five calendar days after written notice has been served personally upon him, or within 10 days after written notice has been sent to him by registered mail at his home or business address, or by posting such notice in a conspicuous place on any building or structure at any premises which are in violation of any of the provisions of this chapter, the Building Inspector may revoke any building permit or certificate of occupancy for any building or structure on the premises on which such violation occurs, and such person shall be subject to a civil penalty or not more than \$500 each and every day that said violation continues, recoverable by suit brought by the Village and retained by it.

C. Other remedies. Any building which is erected, constructed, altered, enlarged, converted, demolished, moved or removed or which is used contrary to any of the provisions of this chapter shall be deemed to be an unlawful use, and the same are hereby declared to violations of this chapter. The proper Village authorities may institute an injunction, mandamus, abatement or

any other appropriate action to prevent, enjoin, abate or remove any such erection, construction, alteration, enlargement, conversion or use which is in violation of any of the provisions of this chapter.

D. Compliance with chapter. No board, agency, officer or employee of the Village shall grant or approve any permit, license, certificate or other authorization, including special permits by the Village Board, for any construction, reconstruction, alteration, enlargement or moving any building, or for any use of land or building that would not be in full compliance with the provisions of this chapter.

E. Void permits. Any permit, license, certificate or other authorization, issued granted or approved in violation of the provisions of this chapter shall be null and void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license or certificate or authorization shall be unlawful.

§ 155-32. Building permits.

The provisions of this section shall apply to the issuance of building permits.

A. When required. No building or structure shall be erected, enlarged, structurally altered to create additional usable space or dwellings, demolished, moved or removed, wholly or partly, and no excavation for any building structure or use shall be made until a permit therefor has been issued.

B. Accessory buildings. No building permit shall be issued for the construction of any detached accessory building or structure, inclusive of garages, utility sheds, storage sheds or any other outbuildings, until such time as the principal building of approved bulk, size and arrangement has been substantially completed on a lot in all respects conforming with all applicable provisions of this chapter.

C. Duration. A building permit shall expire and become void if construction is not started within a period of one year of the date of issuance of said permit.

D. Permits prior to adoption of provisions. All permits for buildings or structures issued prior to the effective date of this chapter, or prior to the effective date of an amendment to this chapter shall be null and void unless substantial work has been done toward the completion of said building or structure within one year of the date of issuance of such permit.

§ 155-33. Fees.

Fees and charges shall be paid in connection with permit applications, as may be authorized by the Village Board.

§ 155-34. Board of Appeals.

A Board of Appeals consisting of five persons is hereby established by the Village Board. The Board of Appeals shall have such powers, duties and authority vested in it by Article 7 of the New York State Village Law.

Article VI. Miscellaneous Provisions

§ 155-35. Amendment of provisions.

This chapter may be amended from time to time in accordance with the provisions of Article 7 of the New York State Village Law.

§ 155-36. Short title.

This chapter shall be known as and be cited as the "Zoning Law of the Village of Kiryas Joel, New York."