



Incorporated Village of Island Park
NASSAU COUNTY
Island Park, New York

Zoning Ordinance No. 51

Nº 279

Price: \$5.00

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Island Park, New York
- Town
- Village

Local Law No. 2 of the year ~~20~~ 1991

A local law Amending Zoning Ordinance #51
(insert title)
"Height of Buildings"

Be it enacted by the Mayor and Board of Trustees of the
(Name of Legislative Body)

- County
- City of Island Park that Local Law 2 of 1991 as follows:
- Town
- Village

1. Article IV; Section 5 of Zoning Ordinance #51 is amended so that said Section 5 shall be deleted and in its place the following is enacted:
2. Section 5 - HEIGHT OF BUILDINGS:
No building shall be raised, erected or altered in Residential A District, the height of which exceeds two stories and/or the height of which exceeds the following
 - a) On a plot less than 40 feet by 100 feet - twenty-two (22) feet;
 - b) On a plot at least 40 feet by 100 feet, but less than 50 feet by 100 feet, twenty-three (23) feet;
 - c) On a plot at least 50 feet by 100 feet, but less than 60 feet by 100 feet, twenty-four (24) feet;
 - d) On a plot at least 60 feet by 100 feet - twenty-six (26) feet;
 - e) In case of a church, school or library - sixty-five (65) feet.
3. Article II, Section 1 (30) of said Ordinance is amended so as to delete the same and to substitute:
"Height, Building": The vertical distance measured from the curb level or center line of street, whichever is lower, to the highest point of the building."

(If additional space is needed, attach pages the same size as this sheet, and number each.)

VILLAGE OF ISLAND PARK

An ordinance to regulate and restrict the height and bulk of buildings; to regulate and determine the area of yards; to regulate and restrict the location of trades and industries and the buildings designed for specified uses, and for such purpose to divide the Village of Island Park into Districts, as shown on the map entitled "Official Zoning & Use Map, Incorporated Village of Island Park, Nassau County, New York" dated November, 1978 prescribe for each such district the trades and industries that shall be excluded or subject to special regulations, and the uses for which buildings may not be erected or altered; said regulations being designed to promote the public health, safety and general welfare; being made with reasonable consideration among other things to the most desirable use to which the land of each district may be adapted, the peculiar suitability for particular use of a district and the conservation of property values, and the direction of building development in accordance with a well considered plan.

Be IT RESOLVED that the Board of Trustees of the Village of Island Park by virtue of the authority in it by law vested, does hereby ordain and enact the following Ordinance:

ZONING ORDINANCE NO. 51 BY REPEALING
PRESENT ZONE ORDINANCE NO. 51 AND
ENACTING THE FOLLOWING NEW ZONE
ORDINANCE NO. 51 HEREIN.

VILLAGE OF ISLAND PARK
NEW YORK

ARTICLE 1

KIND OF DISTRICT

Section 1. For the purpose of promoting the public health, safety, morale and general welfare of the community, the said Village of Island Park is hereby divided into the following types of districts:

1. Residence District;
2. Business District;
3. Commercial A District (Added September 17, 1964.)
4. Commercial B District (Added September 17, 1964.)
5. Commercial C District (Added March 4, 1976.)

Said districts are bounded and defined as shown on a map entitled, "Official Zoning and Use Map, Incorporated Village of Island Park, Nassau County, New York" dated November 1978, which accompanies this ordinance and is hereby made a part hereof.

ARTICLE II

DEFINITIONS

Section 1. For the purpose of this ordinance certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number include the plural.

The word "person" includes a corporation, as well as partnership, association or an individual.

The term "shall" is always mandatory.

The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.

The word "building" includes the words "structure" and "premise" and the word "premises" includes the "building and land", and also includes the words "vacant land".

The words "vacant land" shall include the word "premises".

1. "Abandonment" means the actual cessation of a "non-conforming use", coupled with the intent not to put the premises again to same use. Where there is a non-user of a non-conforming use for a period of one year, the use shall be deemed abandoned, unless there be proof offered of the intent not to abandon such non-conforming use.

2. "Accessory Building" is a building subordinate to the main building on a lot and used for a purpose customarily incidental to the uses of the main building.

3. "Accessory Use": A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

4. "Alterations, Structural": Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

5. "Apartment House" or "Multiple Dwelling": A building arranged, intended or designed to be occupied by three or more families living independent of each other.

6. "Area, Building": The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory building exclusive of uncovered porches, terraces, and steps.
7. "Automobile service station", "gas service station", "gasoline station" or "filling station": A building, land or premises where the business carried on is the sale of gasoline, oil, accessories for motor vehicles, the servicing of or washing of motor vehicles and includes only minor repairs and adjustments.
8. "Basement": That space of a building that is partly below grade which has more than one-half $\frac{1}{2}$ of its height, measured from floor to ceiling, above the established finished grade of the ground adjoining the building. A basement shall be included as a story for the purpose of height measurement. (Amendment enacted February 23, 1962.)
9. "Block" is a territory or street, sometimes called a square block, which is commonly used to designate that section of a square block so-called fronting on a street between two intersecting streets.
10. "Boarding House": Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with or without meals.
11. "Building" or "Premises": Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals or chattels. "Building or Premises" shall mean and apply to both vacant and improved real property.
12. "Building, Front Line of": The line of that face of the building nearest the front line of the lot.
13. "Cellar": A story partly underground and having more than one-half of its clear heights below the average level of the adjoining ground. A cellar shall not be considered a story for purposes of height measurement, in determining the permissible number of stories.
14. "Club" is an association of persons for social, fraternal or religious purposes whose activities are confined to the members and their guests and are not extended to the general public; including premises and building for recreational or athletic purposes whether or not the facilities are extended to the general public. (Amendment enacted August 14, 1969.)
15. "Court": An open unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines.
16. "Court, Outer": A court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
17. "Curb Level": The officially established grade of the curb in front of the mid-point of the lot and for the purpose of measuring the height of any portion of a building; is the mean level of the curb along the street frontage. Where no curb level exists the grade will be determined by the official map of the Village, and/or the Village engineer.

18. "Depth of Lot" is the mean distance from the street line of a lot to the rear line measured at right angles to the street line.
19. "Dwelling": A building designed or used exclusively as the living quarters for one or more families.
20. "Dwelling Unit": A dwelling or portion thereof providing complete living facilities for one family.
21. "Dwelling, One-Family": A detached building designed for or occupied exclusively by one family. Servants living in shall, for the purpose of this definition, be considered members of the family.
22. "Dwelling, Two-Family": A building designed for or occupied exclusively by two families living independently of each other.
23. "Dwelling, Multiple": A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment house, apartment hotels.
24. "Existing Use": The actual lawful use of the premises at the time the zoning ordinance is adopted or at the time a permit has been issued provided work has been actually done thereon or a valid contract made for such work within the intent of the permit and before the amendment of this ordinance, insofar as it affects the use allowed under the permit, or the adoption of a new zoning ordinance.
25. "Family" is any member of individuals related by blood, marriage or adoption, living and cooking together on the premises as a single housekeeping unit and may include servants living in or not more than two paying lodgers or boarders.
26. "Frontage" is that part of a building or land which fronts on or is bounded by a public street, place or walk.
27. "Garage, Private": A garage used for storage purposes only and having a capacity of not more than 3 automobiles in one or two family dwellings, or not more than 1 automobile per family housed in the building to which such garage is accessory, whichever is greater. Space therein may be used for not more than 1 commercial vehicle and space may be rented for not more than 2 vehicles of other than occupants of the building to which such garage is accessory. Garage for apartment house or multiple dwelling (see Article X hereof, Sec. 1, Subd. (d)).
28. "Garage, Public": Any garage, other than a private garage, available to the public, operated for gain, and which is used for storage, rental, greasing, washing, servicing or adjusting of automobiles or other motor vehicles.
29. "Grade, Established": The elevation of the center-line of the street as officially established by the village authorities.
- 29a. "Grade, Finished" Natural surface of the ground or surface of ground after completion of any change in contour. (Added on February 23, 1962.)

- 29b. "Gross Floor Area": It is the area included within surrounding walls of a building.
30. "Height, Building": The vertical distance measured from the finished grade or the elevation of eight (8) feet above mean sea level, whichever is the lower, to the highest point of the building. (Amendment enacted February 23, 1962.)
31. "Hotel": A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building, or in an accessory building. It may include newsstands and other accessory services primarily for serving its occupants and only incidently the public.
32. "Industries": Is intended to mean that branch of trade employing capital and labor in a business for money making as distinguished from a profession.
33. "Launderette": An establishment where the public may wash and/or iron their clothes or textiles by hand or machine of home automatic type furnished by the establishment and operated for gain.
34. "Laundry, Public": A building where laundry work is performed for the public by employees of the establishment for the purpose of gain, and in which the washing and ironing of clothes and other textiles is accomplished by hand or machine, or by both.
35. "Light Manufacturing": Is the manufacture of articles or the assembling of finished or unfinished manufactured parts by hand or machine, or both, as distinguished from heavy industry. Repairing is intended to be included within the meaning of light manufacturing except that the repairing of shoes, leather goods and wearing apparel shall not come within the definition of light manufacturing.
36. "Line, Street": The dividing line between the street and the lot.
37. "Lot": Means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building that is united by a common interest, or use, and the customary accessories and open spaces belonging to same.
38. "Lot, Corner": A parcel of land at the junction of and fronting on two or more intersecting streets.
39. "Lot, Interior": A lot other than a corner lot.
40. "Lot Lines": Any line dividing one lot from another.
41. "Lot, Through": An interior lot having frontage on two (2) parallel or approximately parallel streets.
42. "Lot, Width of": The mean width measured at right angles to its depth.
- 42a. "Major Repairs": All repairs other than those listed as minor repairs.
43. "Make and Manufacture": Are synonymous and mean work upon raw materials or upon finished or unfinished parts into a finished product, the assembling of parts into a finished product.
- 43a. "Mean Sea Level": The average height of the sea at Sandy

Hook, New Jersey, all stages of the tide being considered as determined by the U.S. Coast Geodetic survey. *

44. "Minor Repairs": Intended to mean the following: to fix and repair tires, installation or repair of distributor points; clean, adjust and re-install spark plugs; renew and install new ignition wiring; replace hose connections; whether connected with wind-shield wipers or circulation system; repair or replace gasoline strainer or oil filter; adjust brakes, renew and replace all headlights, other light bulbs, the accessories thereto, and switches; repair or replace fuel pump; repair or replace coil; renew, recharge and replace battery repair ammeter; and such other removal, replacement and adjustment, and repairs similar in nature or character to the above.

All other work not included in the above will be regarded and deemed to be major repairs.

45. "Motor Vehicle Repair Shop": A building or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

46. "Non-conforming Use": A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

47. "Parking Field": Ground or land upon which motor vehicles are transiently placed and does not include the grounds of a private house, hotel, residential hotel, apartment or multiple dwelling or garden type apartment.

48. "Parking Space": The area required for parking one automobile which in this ordinance is held to be an area of eight (8) feet wide and twenty (20) feet long exclusive of passageways for ingress or egress.

49. "Porch" means what is generally known and designated as a porch, veranda, gallery, terrace, piazza, portico or a substantially similar common projection from any wall of a building and not more than one story in height, without excavation below the same.

50. "Roof, Flat": of any building is a roof having a pitch of not more than $\frac{1}{4}$ inch per foot. All one and two family dwellings shall have a roof other than a flat roof. (Amendment enacted on November 19, 1959).

51. "Roof, Pitched": of any building is a roof having a pitch of more than $\frac{1}{4}$ inch per foot.

52. "Sign": shall mean any movable board or contrivance upon which an advertisement appears. This shall not include the use of the name or emblem upon the building nor shall it include the usual board notices in or about church property.

53. "Space" having to mean where premises arranged for or capable of use for living purposes.

54. "Stand, or Vendor's Stand" is a place in the open where articles are displayed for the purpose of sale or promotion of sales or of samples or merchandise to be sold, whether contained upon boxes, crates, or a framework of temporary or permanent character.

*(Amendment enacted February 23, 1962.)

Such display in store or building within ten (10) feet of an open show window facing the street is hereby defined also as a stand or vendor's stand.

55. "Story": That portion of a building which is between one floor level and the next higher floor level or the roof. A basement shall be deemed to be a story. An attic shall be deemed to be a story if finished and used as living accommodations for one or more persons. (Amendment enacted February 23, 1962.)

56. "Structure" means a combination of materials other than a building to form a construction that is safe and staple and includes among other things, stadiums, platforms, towers, sheds, storage, bins, fences and display signs.

57. "Wall, Front": The main wall of a building fronting on the street excluding a porch, front bay windows, vestibules and chimney.

58. "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 street line 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 or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

59. "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.

60. "Yard, Side": An open unoccupied space on the same lot between the building and side lot line and extending through from the front building line to the rear yard and where no rear yard is required to the rear line of the lot. A court on the lot line is also defined as a side yard.

ARTICLE III

Section 1. (A) Any lawful use existing in any building or premises at the time of the passage of this ordinance and not conforming to the regulations of the use district in which it is maintained may be continued therein.

(B) (1) No building damaged by fire or other causes to the extent of more than 50% of the replacement value of such building shall be repaired or rebuilt except in conformity with the regulations of this ordinance.

(B) (2) Before any repairs or reconstruction be begun or made on such damaged or destroyed building, permit must be obtained from the Board of Trustees upon an application made therefor upon

plans and information furnished to such Board pursuant to this ordinance and other village ordinances or codes applicable thereto.

(C) Whenever a non-conforming use has been discontinued for a period of one year or more, such use shall be deemed abandoned with the right to the owner or lessee to give proof before the Board of Trustees that there was no intention to abandon such non-conforming use.

(D) No non-conforming use if changed to a conforming use, shall thereafter be changed back to a non-conforming use.

(E) Displacement -- No non-conforming use shall be extended to displace a conforming use.

Section 2. Applications for building permits shall be made to the Board of Trustees. The application shall contain such plans, surveys and written information as may be necessary to show that the proposed construction or use will comply with the provisions of this ordinance and such other village ordinance and code as may be applicable.

(A) Limitation: Any permit under which no work is commenced within six (6) months of the time of issuance shall expire by limitation. Any permit may be renewed prior to the six (6) month expiration period upon payment of a \$5.00 fee. (Added on May 17, 1963.) Any project which is not completed within 2 years from the date of issuance of a building permit shall be deemed abandoned. (Amendment enacted August 18, 1966.)

Section 3. Nothing contained in this ordinance or amendment thereof shall require any change in the plans, construction or designated use of the building for which a permit has been issued, provided construction or use thereof has been started prior to the adoption hereof, or to an amendment hereto or where valid contracts for such construction or use have been entered into prior to the adoption of this ordinance or amendment made thereto.

ARTICLE IV

RESIDENTIAL "A" DISTRICT

(See also General Provisions)

Section 1. In this district, no building or premises shall be used and no building shall be erected or altered, which is arranged, intended or designed to be used for other than one or more of the following specified uses:

(a) One family dwelling. (Amendment enacted May 21, 1969.)

(b) Public school, parochial school or private school recognized by or under the jurisdiction of the State of New York, public library, churches upon issuance of a special permit as provided in Article XI, Section 24. (Amendment enacted August 14, 1969.)

(c) Municipal playground or park.

(d) Farming, gardening, nursery or greenhouse, provided it is not for commercial purposes.

(e) Usual accessory uses which are necessary to the above uses when located in the same building or upon the same lot.

(f) Repealed August 18, 1966.

(g) Repealed October 10, 1974.

(h) Hospitals and nursing homes. No such use, however, shall be established or permitted on a parcel of land less than 3/4 acres in area or with less than 375 feet frontage, nor shall any part or portion of such use be permitted closer than 20 feet to any adjoining structure. (Amendment enacted June 2, 1966.)

(h) Veterans organization upon issuance of a special permit, as provided in Article XI, Section 24. (Addition enacted July 3, 1969.)

(i) Exempt Firemen's Benevolent Association of the Island Park Volunteer Fire Department upon issuance of a special permit, as provided in Article XI, Section 24. (Amendment enacted May 20, 1971.)

Section 2. In this district no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used for any of the following specified uses:

(a) Cemeteries or Crematories.

(b) Clinics or dispensaries including but not limited to drug addiction or abuse centers or clinics. (Amended August 14, 1969.)

(c) Clubs, except as such are ordinarily a part of church work.

(d) Repealed June 2, 1966.

(e) Repealed June 2, 1966.

(f) Kindergarten, nursery or private school when carried on as a business or on a commercial basis and when not recognized by or under the jurisdiction of the Department of Education of the State of New York.

(g) Mortuary undertaking or embalming parlor or similar plant or an office for such establishment or business.

(h) Philanthropic or charitable institutions.

(i) Public or private hospitals or other places or buildings where persons suffering from mental or other diseases of any kind whatsoever are kept or treated except this shall not prohibit a doctor in his own office, when conducted within a dwelling from making diagnosis or treating patients.

(j) A home for animals or in which animals are boarded or a hospital or place where animals are boarded, treated, cared for or sold.

(k) There is prohibited in Residential "A" Districts all uses prohibited in the following districts: Residential "AA" Districts, Residential "AAA", Business District, Light Manufacturing or Industrial District.

Section 3. No Billboards, signboards, or advertising signs shall be allowed upon the building or premises in this district except upon the permit issued by the Board of Trustees, and except that a small sign showing the premises to be for rental or sale may be used, provided such sign shall be at least ten (10) feet back from the street line and does not exceed four (4) square feet in size.

AREA OF LOT AND BUILDING.

Section 4. No dwelling shall be erected on a lot that has less than sixty (60) feet frontage. In the case of a lot held in single

and separate ownership at the effective date of this amendment having a frontage of less than sixty (60) feet, a dwelling may be built thereon when authorized as a special exception by the Board of Appeals. Each dwelling must have a separate lot area of at least 6,000 square feet. In case of a one family dwelling there shall be not less than 900 square feet of living space above the foundation, In case of a two family dwelling there shall be not less than 900 square feet of living space for the first dwelling unit and not less than 500 square feet of living space for the second dwelling unit. In the case of a two family dwelling authorized as a special exception on a lot having less than 40 feet frontage, the first dwelling unit may have not less than 750 square feet of living space and the second dwelling unit may have not less than 500 square feet of living space. Each such dwelling authorized as a special exception may have a lot area of not less than 4,000 square feet. All buildings, including accessory buildings shall not cover more than 35 per cent of the area of the lot. (Amendment enacted June 21, 1962.)

HEIGHT

Section 5. No building shall be raised, altered or erected in this District that exceeds two (2) stories or twenty seven (27) feet in height, except a church, school or library which shall not exceed sixty five (65) feet in height. In the case of a lot held in single and separate ownership at the effective date of this ordinance with less than the required frontage or area the height shall not exceed one (1) story or twenty two (22) feet in height. (Amendment enacted December 16, 1976.)

FRONT YARDS OR SET-BACKS

Section 6. No building or part thereof shall be erected or altered in this district that is nearer the street line upon which it fronts than the average set-back of the two existing buildings adjoining the lot on each side with the same block and the same use district. When all lots on any side of a block are vacant no street wall of a building need be set nearer than twenty five (25) feet to the street line. In no event shall any building or portion of a building be less than fifteen (15) feet from the street line. On corner lots the set-back distance from the street line other than the street upon which the building front shall be not less than fifteen (15) feet. (Amendment enacted December 16, 1976.)

SIDE YARDS

Section 7. Two side yards, one on each side of the building, the aggregate widths of which shall be at least sixteen (16) feet are required. Neither side yard shall be less than (6) feet. The following encroachments are permitted: cornices, eaves, gutters or chimneys projecting not more than eighteen (18) inches. (Amendment enacted December 16, 1976.)

REAR YARDS

Section 8. A rear yard equal to a minimum of twenty five (25) percent of the depth of the lot shall be required on each lot. In no case shall the depth of the rear yard be less than fifteen (15) feet. (Amendment enacted Dec., 16, 1978.)

ACCESSORY BUILDINGS

Section 9. Accessory buildings may occupy forty percent (40%) of the required area of the rear yard up to an average height of twelve (12) feet. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of the lot area which may be built upon. No accessory building shall be nearer any front property line than forty-five (45) feet and must be at least two (2) feet from the rear and side property lines. (Amendment enacted December 16, 1976.)

Section 10. No accessory buildings, including garages, shall be hereafter altered so that any part thereof shall contain a room or rooms designed for dwelling purposes.

ARTICLE V RESIDENTIAL "AA" DISTRICT

(Repealed November 16, 1978)

ARTICLE VI RESIDENTIAL "AAA" DISTRICT

(Repealed November 16, 1978)

ARTICLE VII

BUSINESS DISTRICT

(See General Provisions)

Section 1. In a Business District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used for other than one or more of the following uses:

- (a) Repealed October 10, 1974.
- (b) Advertising signs may be used upon roofs when the uppermost part of the sign is within the height limit of buildings in this district, no sign to protrude beyond the building line.
- (c) Any retail or wholesale business or wholesale sample room.
- (d) Bank, office, studio, telephone exchange.
- (e) Dry-cleaning limited to taking orders, pick-up and delivery; cleaning process excluded, except when (1) approved by Board of Fire Underwriters, (2) accessory to laundering, tailoring and pressing and (3) using inflammable liquid which has a flash point or ignites at a temperature above 100 degrees Fahrenheit.
- (f) Firehouse.

- (g) Launderettes, to be permitted only, as and when the Incorporated Village of Island Park has sewers.
- (h) Mortuary, undertaking or embalment parlor.
- (i) Restaurant, tea room, and lunch counter when used in conjunction with a restaurant and within the same premises. Nothing in this article contained shall be construed to permit any use in a business district of or for a lunch wagon, or vehicle, or a stand for the purpose of serving food or drink, whether such vehicle, wagon, or stand be movable or immovable.
- (j) Shop for custom work or for the making of storing of articles which shall be sold on the premises.
- (k) Places of amusement when permitted as a special exception by the Village Board of Trustees. (Amendment enacted January 17, 1963.)
- (l) Printing Office.
- (m) Shoe repairing shop, bootblack, hat cleaning shop.
- (n) Showrooms for the display or sale of motor vehicles with the right to have as an accessory use thereof, a repair shop with or without gasoline service for the servicing of cars provided the gasoline be in tanks underground and provided further that a permanent structure complying with the building code requirements of the Incorporated Village of Island Park, and provided further that the portion of the premises to be used for repair shop be limited to 50% of the area of the ground floor showroom with no more than five men employed at repair work in such repair shop. Not more than two (2) pumps for the service of gasoline may be installed or used and must be contained inside the building.
- (o) There is permitted in this district any kind of manufacturing treatment or assembling of a permitted product where the major portion of the business is conducted as a retail business on the premises provided that not more than 25% of the total floor area of the building is used for such manufacturing or treatment of a product or where not more than five (5) workers are continuously employed in the aforementioned work.
- (p) Tailor repairs with hard dry-cleaning accessory thereto, wholesale cleaning process excluded, except as stated in "F".
- (q) Bake shop or bakery where bread or cake or both products are baked or sold at retail only.
- (r) Multiple dwellings for senior citizens when authorized by the Board of Trustees. (Amendment enacted April 20, 1978.)

Section 2. No building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

- (a) Bottling or distribution station.
- (b) Billboards or advertising signs, except on roofs or walls of buildings as otherwise provided, and except further that the placing of not more than one wooden or metal sign or two attached back to back no larger than 4 feet by 18 inches in connection with the conduct of a garage, gasoline service station or automobile repair shop, constructed on a standard securely imbedded in the ground and no higher than 10 feet from the ground, shall be permitted

as an accessory use, and except further that the Board of Trustees may grant a permit for such time and upon such conditions as it deems necessary to the public interest for the erection and maintenance of a larger sign in connection with the sale, rental, construction or improvement of the premises or conduct of a business on which such sign is erected or maintained as an accessory use.

(c) Carpenter Shop.

(d) Carpet or rug cleaning establishment, except when as in SECTION 1 (e) hereinabove.

(f) Contractor's plant.

(g) Convalescent home.

(h) Establishment for cleaning and dyeing of clothes, goods, wares or merchandise except as defined in SECTION 1 (e) hereinabove.

(i) Gas manufacturing or storage, (illuminating or heating).

(j) Gasoline service station.

(k) Lumber yard.

(l) Public garage, dance hall, used car lot or stand, storage of junk, scrap metal, wrecked or abandoned automobiles, used automobile parts or accessories, paper or rags (sorting or bailing) storage and/or sale of automobiles, except as are on sale within salesrooms, and other use which is harmful or dangerous as to the customs or character of the surrounding property shall not be permitted, nor shall any use be permitted which has the effect of omitting odor, dust, smoke, gas or noise into the public street or thoroughfare, except as otherwise in this ordinance provided.

(m) Public or private hospitals or other places where persons suffering from mental or any kind of contagious disease whatsoever are kept or treated.

(n) Public stable, or the storage of hay, grain, feed, excelsior, straw or other inflammable materials.

(o) Railroad spur or freight yard.

(p) Repair shop for motor vehicles, unless the same be used in conjunction with a show-room as herein otherwise provided under subdivision (o) of SECTION 1.

(q) Saw mill planing or wood working mill.

(r) Stone or monumental works.

(s) Storage and/or sale of automobiles, except such as are on sale within salerooms.

(t) Upholstery -- a shop or place where upholstery work is performed.

(u) Vehicles shall not be stored upon vacant lots or plots.

(v) Veterinary, animal hospital, kennel and boarding of animals.

(w) All uses expressly prohibited in the Light Manufacturing and Industrial Districts.

(x) Apartment house or multiple dwellings. (Amendment enacted April 23, 1963.)

(y) One or two family dwelling, multiple dwelling, boarding house, lodging house, hotel. (Amendment enacted October 10, 1974.)

Section 3. (Repealed April 20, 1978.)

Section 4. Whenever a blower may be required for the purpose of eliminating dust, smoke, gas, emission of odors or stenches from the premises, such blower shall be used provided the noise thereof shall be confined within the building and provided the same shall extend not more than four (4) feet above the roof level of the building.
HEIGHT.

Section 5. No building or part thereof shall be erected, altered or raised in this district that is more than two stories in height and which two stories shall not exceed 30 feet in height. (Amendment enacted May 24, 1962.) Multiple dwellings for senior citizens shall not exceed three stories or 40 feet in height. (Amendment enacted April 20, 1978.)

SIDEYARDS:

Section 6: None required. (Amendment enacted April 20, 1978.)

FRONTYARDS:

Section 6A: No building or part thereof shall be erected or altered in this district that is closer to the street line than 5 feet. In the case of multiple dwellings for senior citizens a set-back from the street line of 10 feet is required. (Amendment enacted April 20, 1978.)

Section 7. Rear Yards are required of not less than ten (10) feet, except property adjoining a railroad right-of-way. (Amendment enacted June 18, 1964.)

Section 8. (Repealed April 20, 1978.)

ARTICLE VII-A

COMMERCIAL DISTRICTS

Section 1. Commercial A District - Boundary Description.
(See Zoning Map dated November 1978.)

Section 2. Commercial B District - Boundary Description.
(See Zoning Map dated November 1978.)

Section 2A. Commercial C District - Boundary Description.
(See Zoning Map dated November 1978.) (Amendment enacted March 4, 1976.)

Section 3. Commercial A District.

(A) In a Commercial A District, No building or other structure shall be used, built, altered or erected to be used, and no land shall be used for any purpose other than that of:

- (1) Offices, Yacht clubs and restaurants.
- (2) Marinas including establishments limited to the sale and display of new and used boats, marine supplies, sporting goods and fishing equipment.
- (3) The servicing and repair of boats, marine engines, and marine equipment, in or out of the water.
- (4) The storage and dockage of boats in and out of water, and other customary auxiliary uses.
- (5) The retail sales of marine fuels, bait, fish, ice and cooking fuels.
- (6) The operation of commercial party and charter fishing boats, boat livery.
- (7) Residential quarters for a caretaker or an owner shall be permitted auxiliary use.

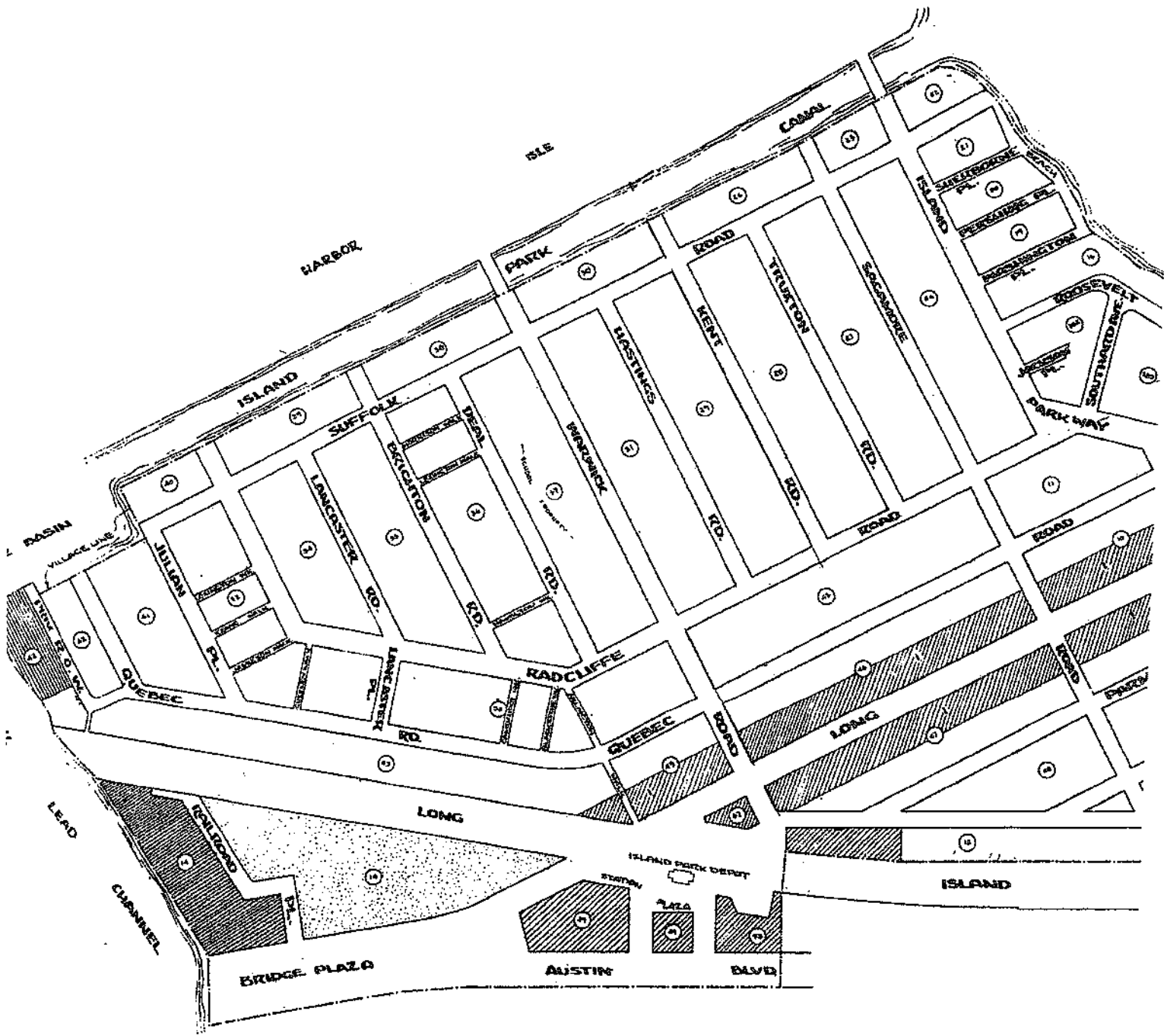
(B) The following uses are prohibited in a Commercial A District:

- (1) Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes, radiation, or which presents a hazard to public health and safety.
- (2) Any use which would create unusual traffic hazards or congestion by reason of the type of vehicles required in connection therewith or by reason of the manner in which traffic enters or leaves the site thereof.

Section 4. Commercial B District.

In a Commercial B District, no building or other structure shall be used, built, altered or erected to be used, and no land shall be used for any purpose other than that of:

- (a) All uses permitted in a Commercial A District, except the outdoor storage and the service and repair of boats, marine engines and equipment out of doors.
- (b) Business and Professional offices.
- (c) Research Laboratory.
- (d) Warehouse for the indoor storage of merchandise provided that there are no retail sales on the premises.
- (e) Any use consisting of those enumerated under (a), (b), (c) and (d) above, and any use consisting of the manufacture, fabrication, assembling or other handling of products shall be permitted provided that:
 - (1) No smoke, gas, dust, fumes, odors or any other atmospheric pollutant, radiation, noise, glare or vibration is disseminated beyond the building in which such use is conducted.
 - (2) Such use does not constitute a fire, explosive, radiation or other physical hazard.
 - (3) No water pollution or other health hazard results from the operation of such use.
 - (4) Such use does not create unusual traffic hazards or congestion by reason of the type of vehicles required in connection therewith or by reason of the manner in which traffic enters or leaves the site thereof and no storage of materials or merchandise takes place outside of the building.

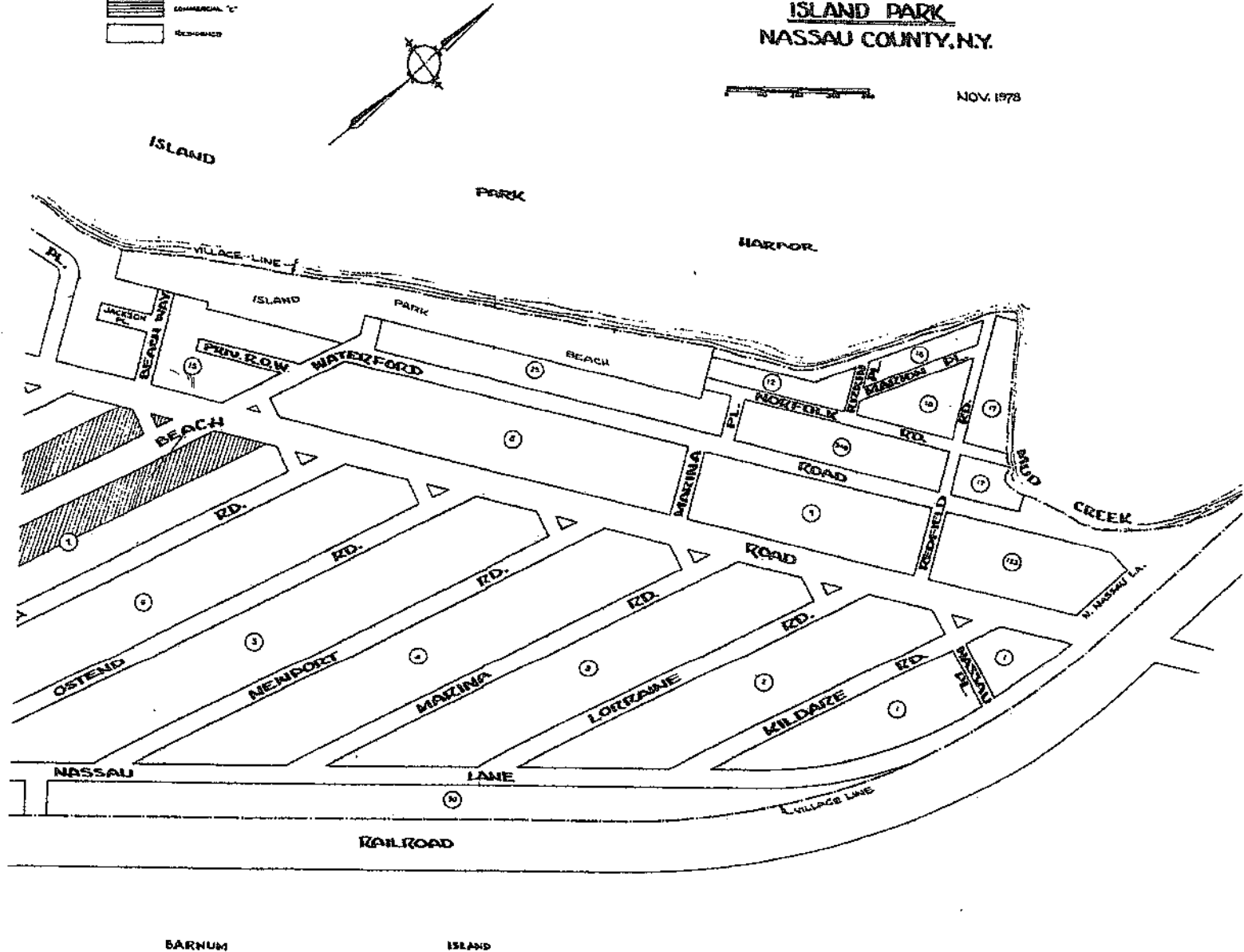


Legend

	BUSINESS
	COMMERCIAL "A"
	COMMERCIAL "B"
	COMMERCIAL "C"
	RESIDENCED

OFFICIAL ZONING & USE MAP
 THE INCORPORATED VILLAGE
 OF
ISLAND PARK
 NASSAU COUNTY, N.Y.

NOV. 1978



BARNUM

ISLAND

PREPARED BY
 ROBERT SCALLY
 LICENSED LAND SURVEYOR
 ISLAND PARK, N.Y.
 422,2244

- (5) No building permit or certificate of occupancy shall be granted without the approval of the site plan by the Village Board.
- (f) Tennis Courts, indoor and outdoor. (Amendment enacted September 25, 1972.)
- (g) Nursing Homes. (Amendment enacted June 15, 1970.)

Section 4A: Commercial C. District (A). In a Commercial C District, no building or other structure shall be used, built, altered or erected to be used, and no land shall be used for any purpose other than that of:

- (1) (Repealed November 16, 1978.)
- (2) Sales and display of new and used boats, marine supplies, sporting goods and fishing equipment.
- (3) The servicing and repair of boats, marine engines, and marine equipment, in and out of the water, except in the Island Park Canal.
- (4) The storage and dockage of boats in and out of water, except in the Island Park Canal.
- (5) The retail sales of marine fuels, bait, fish, ice and other assessorary products, except in the Island Park Canal.
- (6) The operation of commercial party and charter fishing boats, except in the Island Park Canal.
- (7) Sales of seafood, including its live storage in tanks.

B. The following uses are prohibited in a Commercial C. District.

- (1) Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes, radiation or which presents hazard to public health and safety.
- (2) Any use which would create unusual traffic hazards or congestion by reason of the type of vehicles required in connection therewith or by reason of the manner in which traffic enters or leaves the site thereof.
- (3) Storage of fuel oil, gasoline or other combustible products.
- (4) Processing, grinding, or storage of ~~moss~~ bunker or other similar fish except that small quantities may be stored for sale.
- (5) Any Marine use in the Island Park Canal.

Section 5. Bulk parking and loading requirements for Commercial District.

DISTRICT

	<u>Commercial A</u>	<u>Commercial B</u>	<u>Commercial C</u>
Maximum Building Height	2 stories to 35'	3 stories to 45'	2 stories to 35'
Minimum First Floor Area	None	None	None
Minimum Lot Area	None	20,000 Sq. Ft.	None
Minimum Lot Frontage	None	None	None
Maximum Land Coverage	50%	80%	30%
Minimum Front Yard	None	20'	15'
Minimum Rear Yard	15'	10'	15'
Minimum Side Yard	None (15' along a residential boundary)	None (15' along a residential boundary)	None (15' along a residential boundary)
Minimum Corner Yard	None	None	15'
Minimum Off Street Loading *	1 space for each 7,500 Sq. Ft. of building area.	1 space for each 7,500 Sq. Ft. of building area.	None
Minimum Parking **	1 space for each 1,000 Sq. Ft. of building area plus 1 space for each boat slip.	1 space for each 400 Sq. Ft. of floor area. Nursing Homes: 1 space for each 1,200 Sq. Ft. of floor area. Tennis Courts: 8 spaces for each court.	1 space for each 400 Sq. Ft. of floor area plus 1 space for each 2 boat slip plus 1 space for each 2 passengers on a commercial party boat.

* Off-street loading requirements may be waived for Business Parcels within 150' and located within the same block as a public parking field containing a uniform off-street loading facility.

** Parking requirements for a Business Parcel within 300' of a public parking field may be waived.

(Addition-Article VII A enacted on September 17, 1964.)

ARTICLE VIII
LIGHT MANUFACTURING DISTRICT

(Repealed November 16, 1978)

ARTICLE IX
INDUSTRIAL DISTRICT

(Repealed March 4, 1976)

ARTICLE X

GARAGES

Section 1(a). The following regulations shall apply to all districts:

1. The open air parking of any commercial vehicle is prohibited.
2. No vehicle shall be permitted on an open lot except as otherwise herein provided. (Amended November 16, 1978.)

Section 1(b). The following regulations shall apply in the residential districts:

1. The owner of each residence shall provide and maintain off-street parking or garage space equal to one (1) vehicle for each dwelling unit. (Amended November 16, 1978.)
2. Garage space or parking space for not more than two vehicles may be provided. For each 2,000 square feet that the area of a lot exceeds 4,000 square feet, one additional vehicle may be garaged or parked.
3. No required front yard shall be used for the open air parking or storage of any vehicle. This shall not prohibit the parking of one vehicle in a driveway located in a front yard which provides access to a garage.
4. The open air parking of any commercial vehicle is prohibited.
5. Garage space for one commercial vehicle limited to $\frac{1}{2}$ ton capacity may be provided. (Subdivisions 2 through 5 amended June 23, 1966.)

(c) (Repealed September 17, 1959.)

(d) Whenever a multiple dwelling shall hereafter be erected provisions shall be made on the same lot for parking spaces for private passenger automobiles in a number equal to at least one space for each dwelling unit, and shall be for the use only of the tenants or occupants of such multiple dwelling. In case of a garage erected upon the said premises the front, rear and side yards shall not be encroached upon and the height shall not exceed one story. (Amendment enacted January 6, 1962.)

Multiple dwellings for senior citizens shall provide parking spaces for private passenger automobiles in a number equal to at least (1) one space for each (2) two dwelling units. The parking spaces need not be located on the same plot as the multiple dwelling, but must be located within 100 feet of the subject plot. (Amendment enacted April 20, 1978.)

(e) (Repealed November 16, 1978.)

Section 2. The following parking space shall be provided and properly maintained in the business districts for each building hereafter erected enlarged and amended for use of any of the following purposes:

(a) Auditorium, theatre or other place of public assembly - at least one (1) parking space for each eight (8) seats provided for its patrons based on maximum seating capacity.

(b) Restaurants or other eating places - at least one (1) parking space for each five (5) seats.

(c) Stores - at least one (1) parking space for each sixty (60) square feet of store floor area.

(d) Office Buildings, including Banks - at least one (1) parking space for each three hundred (300) square feet of office floor area.

All parking spaces provided pursuant to this section shall be on the same lot with the building.

Section 3. All department stores, retail stores, and retail and wholesale food markets, warehouses, supply houses, buildings devoted to wholesale or manufacturing trade, hotels, hospitals or other buildings where large amounts of goods are received or shipped, erected in any zone after the date of adoption of this ordinance, shall provide loading and unloading space as follows:

One (1) permanently maintained truck loading and unloading zone space of not less than ten (10) feet in width and twenty-five (25) feet in length for each lot area of four thousand (4000) square feet or more on which building is to be erected. The minimum number of loading spaces shall be increased in accordance with the estimated volume of frequency of the loading and unloading requirements of the proposed use of the building.

ARTICLE XI

GENERAL PROVISIONS

Section 1. The provisions of this ordinance shall be subject to such exceptions, additions or modifications as herein provided for the following supplementary regulations:

USES.

Section 2. All uses permitted in the Village of Island Park shall be in a structure erected in accordance with the building code requirements of the said Village of Island Park and after a permit and certificate of occupancy have been issued.

Section 3. No building shall be erected or altered and no lot area shall be so reduced that thereby the minimum dimensions of yards, courts or other open spaces shall be less than prescribed by this ordinance, except where a practical and unnecessary hardship results.

Section 4. In no district shall there be permitted any show exhibitions, or performance, circus carnival, theatrical representation, moving picture shows, feats of horsemanship, caravan of animals, or of any animals, or artificial curiosity, unless same be housed in a permanent structure erected for theatrical or show purposes in conformity with the Building Codes of the Village of Island Park.

Section 5. In no district shall there be permitted the erection or maintenance of carousel, ferris wheel, gravity steeplechase, scenic cave, or scenic railway, bicycle carousel, striking machine, switch back or merry-go-round unless housed in an enclosed building, except by special permit from the Board of Trustees for a limited period of time only.

Section 6. The Village of Island Park may erect, alter or use in any district any building or premises for municipal use or purpose.

Section 7. The said Village of Island Park may license for use in Business, Light Manufacturing and Industrial Districts, any lot or plot for public parking, upon fee to be paid by the owner or lessee of said premises to the Village of Island Park, and said Village of Island Park may use for public parking, any lot or plot in the Village of Island Park.

Section 8. The Board of Appeals may in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards imposed by the said Board of Appeals for the health, safety, morale or general welfare of the public, determine

and vary the application of the use regulations contained in this article established in harmony with the general purpose of the zoning ordinances and within the limits of the state enabling acts and the intent thereof without the applicant being obliged to show practical difficulties or unnecessary hardship.

Section 9. The Board of Trustees reserves to itself the discretion, approval and authority to issue permits for the erection, enlargement or increase of buildings and uses for Public Utilities Companies for public utility use, upon such conditions as it may deem necessary for the public health, safety, morale and general welfare.

BILLBOARDS OR ADVERTISING SIGNS.

Section 10. No billboards shall be erected or maintained in the Village of Island Park.

DWELLINGS ON SMALL LOTS.

Section 11. (a) Notwithstanding the limitations imposed by any other provisions of this ordinance, the Board of Appeals may permit erection of a dwelling on any lot (except a lot in an industrial district), separately owned or under contract of sale and containing, at the time of the passage of this ordinance, an area or a width smaller than that required for a one or two family dwelling. In the event such a lot shall have an area of less than 4,000 square feet, the Board of Appeals may not permit to be built, altered, constructed or reconstructed thereon a two family house.

(b) Prior to the issuance of the building permit and/or certificate of occupancy allowing the construction of a one family dwelling on plot sizes of less than 4,000 square feet, the applicant shall submit a recorded deed containing the restriction that the said plot shall only permit a one family premise, (Amendment enacted November 19, 1964.)

REDUCED LOT AREA.

Section 12. If any plot on which a building has been erected shall be subdivided into two or more plots in such a manner that the resulting plot on which such building remains does not comply with the minimum area requirement for plots in that district, the right of the owner thereof maintaining such building on such plot shall immediately cease, and he shall remove the same on order of the Village Building Inspector. (Amendment enacted June 16, 1960.)

VISIBILITY OF INTERSECTIONS

Section 13. On a corner lot in any residence district no fence, wall, hedge or other structure or planting more than three and one half ($3\frac{1}{2}$) feet in height from the street level shall be erected, placed, or maintained within fifteen (15) feet of the street lines.

BAY WINDOWS.

Section 14. Bay windows, including their cornices and eaves, may project into any required yard not more than two (2) feet providing, however, that the sum of such projection on any wall does not exceed one-third (1/3) the length of said wall.

FIRE ESCAPES.

Section 15. Open fire escapes may extend into any required yard not more than four feet six inches.

Section 16. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than forty (40) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

Section 17. Where a residence district is bounded by a portion of a Business, Light Manufacturing or Industrial District, any side street extending through such residence district into such business district shall not be used for any business purpose except as herein set forth. The business structure erected in said business district shall face and open upon the street set aside for business purposes except that show-window in such business structure may be built and exposed upon said side street within the area set aside as a part of such business district and an entrance may be made at the corner of such business and residential street, and all other entrances thereto must face on the business street, except that entrances may be made from such residential street to the upper stories of such business structure.

SIDE YARD & REAR YARD TRANSITION

Section 18. Where a lot in a business or industrial district abuts a lot in a residential district there shall be provided along such abutting line a yard equal in width or depth to that required in the residential district. Such yard need not be in excess of ten (10) feet.

Section 19. No permit shall be issued for a use which is prohibited or which is permitted or not expressly permitted in an amendment of the zoning ordinances which has already been published until such amendment or ordinance has been either defeated or adopted and ordained. In the event it is defeated, then if the use is permitted by the old ordinance, a permit shall be issued therefor, if the applicant has complied with all the code and other Village requirements. If the use is prohibited by an adopted or ordained ordinance, then no permit shall be issued.

Section 20. When the Board of Appeals grants an "exception" referred to in Article 15 hereof, then it shall be guided in its determination and discretion by the same standard as is set out in said Article 15.

FENCES, HEDGES AND WALLS.

Section 21. Fences, Hedges, Walls or other property line demarcations shall not be erected or maintained from the property line fronting on a street to the front house line more than $3\frac{1}{2}$ feet in height and from the front house line to the rear property line of the property more than 6 ft. in height. (Amendment enacted July 21, 1960.)

MINIMUM ELEVATION FOR ERECTION OF STRUCTURES.

Section 22. No person shall erect any dwelling within the Village of Island Park having a first floor elevation less than $1\frac{1}{2}$ feet above the highest level of the ground water table for the location of such dwelling or dwellings as determined from the records of the Nassau County Department of Public Works. All exterior walls of any such dwelling below the elevation of 8 feet above mean sea level on any building plot, the grade of which is not wholly above the elevation of 8 feet above the mean sea level, shall be of monolithic construction without openings and all such walls and floors below the elevation of 8 feet shall be properly waterproofed with a waterproofing material approved by the Building Department.

In the case of a dwelling erected with flat slab construction without a cellar or crawl space, the surface of the slab shall not be constructed at an elevation less than 18" above the crown of the road at its highest point adjacent to the building plot, nor less than 8 feet above sea level, whichever is higher. (Addition enacted August 16, 1962.)

Section 23. In all residential districts "A", "AA" and "AAA" paving material of any kind, except for walks and parking strips when required and when authorized by the Building Department is prohibited on any front, side or rear yards fronting on a street. (Addition enacted June 18, 1964.)

Section 24, Special Uses:

(a) General Provisions: The special uses for which conformance to additional standards is required 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 ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

(b) Required Plan: A plan for the proposed development of a site for permitted use shall be submitted with an application for a special permit, and such plan shall show the location of

all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this ordinance.

(c) Standards Applicable to all special uses: The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of building, walls and fences will not discourage the appropriate development and use of adjacent land and building or impair the value thereof. (Amendment enacted July 3, 1969.)

(d): Standards applicable to special uses:

1. Clubs and Clinics.

A. One off-street parking space shall be provided for each 200 feet of floor area.

B. Landscaped screening shall be provided along all side and rear lot lines of a character and depth deemed necessary to screen buildings, structures, lights and signs.

C. A minimum set back of 25 feet shall be provided.

D. The main building shall not be closer than 200 feet to any residential district.

2. Churches.

A. One off-street parking space shall be provided for each 50 feet of floor space or for each three seats therein whichever provides more spaces. (Amendment enacted August 14, 1969.)

ARTICLE XII

INTERPRETATION AND PURPOSES,
CONFLICT WITH OTHER LAWS.

Section 1. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of public health, morale, safety, or general welfare of this Village. Wherever the requirements of this ordinance are at variance with the requirements of any other adopted rules, regulations, codes or ordinances, the most restrictive or that imposing the higher standard shall govern.

ARTICLE XIII

ENFORCEMENT

Section 1. This ordinance shall be enforced by the Inspector of Buildings or such other person as the Board of Trustees may hereafter designate. No building permit or certificate of occupancy shall be issued by such inspector or other official appointed as aforesaid, except where the provisions of this ordinance or building code have been complied with.

Section 2. The Inspector of Buildings shall require that the application for a building permit and the accompanying plot plan, shall contain all the information necessary to enable him to ascertain whether the proposed building complies with provisions of this ordinance, and other codes and ordinances of the Village of Island Park. The application aforementioned shall be upon a form prepared by the Board of Trustees.

Section 3. No building permit shall be issued until the Inspector of Buildings has certified that the proposed building or alteration complies with all the provisions of this ordinance and of the building code and other codes and ordinances of the Village of Island Park applicable thereto, and approved by the Board of Trustees.

Section 4. It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor. Notice that such permit has been issued shall be kept posted in a conspicuous place on the premises until completion thereof. No permit shall be issued for the construction or alteration of any building for a use which is prohibited by the zoning ordinance. Where the ordinance does not expressly permit the use applied for, nor expressly prohibit such use, the permit applied for shall be denied by the Inspector of Buildings. The applicant shall have the right to take an appeal from such denial and to apply to the Board of Appeals for a variance. This provision shall also apply with respect to any application or petition concerning a change in front yard, side yard or rear yard requirements. It shall also apply to any application made for "exception" provided for in Article XI under the heading "General Provisions".

CERTIFICATE OF OCCUPANCY.

Section 5. No land shall be occupied or used 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

Inspector of Buildings or other person designated by the Board of Trustees in accordance with the provisions of the Building Code.

REMEDIES.

Section 6. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance or of any regulations made pursuant thereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or use in or about such premises.

Section 7. For every violation of the provisions of this ordinance the general agent, architect, builder, contractor, owner, or tenant or any other person who commits, takes part or assists in any violation of this ordinance, or who maintains any building or premises in which any violation of this ordinance shall exist, shall for each and every violation be imprisoned for a period not exceeding thirty (30) days or, be fined not exceeding two hundred fifty (\$250) dollars, or both. Each day that a violation is permitted to exist after notice to abate such violation shall constitute a separate offense. Any violation of this ordinance or any part thereof shall constitute disorderly conduct and any person violating the same shall be a disorderly person. (Amendment enacted December 20, 1973.)

ARTICLE XIV

AMENDMENTS

Section 1. The Board of Trustees may, from time to time, on its motion or on petition or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this ordinance pursuant to the provisions of the Village Laws of the State of New York.

All petitions presented to the Board of Trustees for amendment or change of the ordinance shall be duly signed and acknowledged by the petitioners or by subscribing witnesses. The Board of Trustees shall act upon such petition within a reasonable time and vote upon such petition after a duly held public hearing within sixty (60) days from the filing of such petitions, or as may be required by law. All petitions shall be accompanied by a fee of \$25.00.

Where a protest against any such amendment, supplement or change be presented at or before the public hearing, duly signed and acknowledged by the owners of 20% or more of either the area

of the lots included in such proposed change or the land immediately adjacent to the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite land, such amendment shall not become effective except by a favorable vote of all the members of the Board of Trustees.

ARTICLE XV

BOARD OF APPEALS

Section 1. A Board of Appeals is hereby established in accordance with the provisions of the Village Law to consist of five (5) members, each of whom shall serve for a term of three (3) years from such date of appointment which Board of Appeals shall hear and decide appeals from and review any order a requirement, decision or determination made by an administrative officer or board charged with the enforcement of any ordinance adopted pursuant to this act. It shall, also hear and decide all matters referred to it, or upon which it is required to pass under this ordinance or the Village Law of the State of New York. Appeal may be taken by any aggrieved person or by any officer, board or bureau of the Village. Such Board of Appeals shall have all the rights, powers and duties now granted or imposed upon it by the Village Law of the State of New York and by this ordinance.

Section 2. The Board of Appeals may in appropriate cases, after public notice and hearing and subject to appropriate conditions and safeguards imposed by the Board of Appeals for the health, safety, morale, or general welfare and in harmony with the general purpose and intent of the Zoning Laws of the State of New York applicable to villages and those zoning ordinances, and in conformity with the standard and guide established and grant relief to the applicant as follows:

(1) Where an appeal is taken for a variance to permit a use which is expressly prohibited, no variance or "Exception" shall be granted.

(2) Where an appeal is taken for a variance to permit a use which is not expressly permitted nor expressly prohibited. The Board may grant a variance upon the standard and guide herein set forth.

Section 3. In all matters where appeal is made to the said Board of Appeals for relief from the strict letter of the zoning ordinance when made upon the ground of "practical difficulties or unnecessary hardship" or for an "exception" set forth in the General Provisions (Article XI, hereof), The Board of Appeals shall

determine and vary the application of the provisions of this ordinance in harmony with the laws of the State of New York applicable to villages upon the standard and guide hereinafter set forth.

STANDARD & GUIDE.

Section 4. In any and all cases and matters coming before the said Board of Appeals for determination, the determination and decision of the Board shall be made in accordance with the provisions and intents of the Village Law of the State of New York concerning a comprehensive plan and designed as provided either in the said Village Law and in this ordinance to lessen congestion of the Streets; to secure safety from fire, panic and other dangers; to promote health, safety, morale or 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 provisions of transportation, water sewage, schools, parks, and other public requirements and whether the said premises can be put to a conforming use, without invading the rights of the owners or lessees in the property so that the limited use of the said property will amount to a confiscation of property.

The deliberations and determinations of the said Board shall be made with reasonable consideration, among other things as to:

- (a) The character of the district;
- (b) The peculiar suitability for particular uses;
- (c) The conservation of property values;
- (d) Encouraging the most appropriate use of land throughout the Village of Island Park.
- (e) The direction of building development;
- (f) That the practical difficulty or unnecessary hardship is created by the zoning ordinance and not by the act of applicant.
- (g) That such difficulty is not common to others in the neighborhood or district and such variance shall be within the spirit of this ordinance and in harmony therewith.

ARTICLE XVI

VALIDITY

Section 1. Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

Section 2. This ordinance shall take effect pursuant to law.

HAROLD J. SCULLY
Village Clerk

Dated: July 17, 1959
Island Park, New York

STATE OF NEW YORK)
COUNTY OF NASSAU) SS:
VILLAGE OF ISLAND PARK)

I, HAROLD J. SCULLY, Village Clerk of the INCORPORATED VILLAGE OF ISLAND PARK, Nassau County, New York, do hereby certify that the foregoing is a true and correct copy of Ordinance #51, as duly enacted by the Board of Trustees of the said Village, at a regular meeting of the said Board of Trustees, held at its regular meeting place on the 16th day of July, 1959 and of the whole thereof, including amendments thereto, as entered upon the minutes of the proceedings of said Board kept by me as said Clerk.

IN WITNESS WHEREOF, I have herewith set my hand and affixed the corporate seal of the said Village this day
of

HAROLD J. SCULLY,
Village Clerk of the
INCORPORATED VILLAGE
of ISLAND PARK.