

§ 235-8. Permitted and conditional uses.

A. Permitted uses. In R-R, R-1, R-2 and R-3 Residential Districts, the following uses are permitted:

- (1) Single-family dwellings.
- (2) Churches or similar places of worship, parish houses, convents, rectories or parsonages.
- (3) Private, nonprofit, elementary or secondary schools accredited by the New York State Department of Education, public hospitals, public libraries and municipal and special district buildings, provided that no such buildings shall be located within 50 feet of any adjoining lot line.
- (4) Fire stations without club facilities.
- (5) Public parks, playgrounds and trails, and similar public recreational areas.
- (6) Farms, greenhouses, plant nurseries and riding stables lawfully existing on the effective date of this chapter, provided that:
 - (a) No new building or structure shall be constructed nor existing buildings or structures enlarged, converted or moved in which horses or other farm animals are kept, unless such building is at least 100 feet from any lot line.
 - (b) No storage of manure or other odor- or dust-producing substance shall be permitted within 100 feet of any lot line.
- (7) Home occupations.
 - (a) "Home occupation" is defined for the purpose of this section as any activity involving the sale, manufacture or provision of goods and/or services for monetary gain. The home occupation must be incidental and subordinate to the use of the premises as a residential dwelling unit. The home occupation cannot require exterior alteration of the property that changes the residential character of the home or otherwise negatively affects the residential character of the neighborhood.
 - (b) Home occupations shall include: general office, business, and professional services (e.g., computer services, doctors, counselors, bookkeeping, etc.); studios/work spaces for crafts, fine arts, cooking, etc.; direct sales product distribution; and individual or small group instruction (e.g., music lessons, etc.).
 - (c) Home occupations shall not include the following: retail sales; firewood sales; firearms sales; medical or nursing home facilities; funeral home; restaurant; motel, hotel, rooming house, kennels, animal hospital, mortuary; personal services (e.g., spa, piercing, tattoo, hairdresser); welding; large appliance repair; storage facility; repair, storage and/or painting of motorized vehicles or boats; place of amusement; dance, aerobic exercise, martial art studio; and any use similar to the above.
 - (d) The following limits and restrictions apply to permitted home occupations:
 - [1] Not more than 25% of the total gross floor area of the primary dwelling unit

may be used for a home occupation.

- [2] All home occupations shall be conducted wholly within the primary dwelling unit exclusive of any accessory structures.
 - [3] Outside storage and/or display of goods is prohibited. Interior display and/or storage of goods shall not be visible from the outside of the residence.
 - [4] No more than one employee in addition to the resident(s) of the dwelling unit.
 - [5] No home occupation shall require trash and recyclables pickup in excess of that required normally in single-family dwelling residential areas.
 - [6] No signage related to the home occupation shall be displayed on the property.
 - [7] The use of noxious, combustible, corrosive, flammable, explosive, radioactive or other materials that would endanger the health and safety of the occupants and the surrounding residents is prohibited. The use shall not produce offensive noise, odors, vibrations, smoke, fumes, heat, or dust detectable to normal sensory perception beyond the premises.
- (e) Application and approval required.
- [1] Owners of home occupations shall submit a completed home occupation application form, with applicable fee, to the Director of Community Development for approval. If the resident is not the property owner, the application must include written and signed permission from the property owner.
 - [2] Home occupation approval ceases at the time the property is sold.
 - [3] If the application is denied, the owner of a home occupation may appeal the decision of the Director of Community Development to the Zoning Board of Appeals.

B. Conditional uses.

- (1) In the R-R, R-1, R-2 and R-3 Residential Districts, the following uses are permitted only if a special use permit is granted by the Town Board:
 - (a) Offices and facilities associated with a nonprofit organization;
 - (b) Child-care center and group child-care facilities;
 - (c) "Tiny house"; and
 - (d) One additional in-law dwelling unit, attached or detached, subject to the bulk regulations provided in §§ 235-9, 235-10 and 235-11.
- (2) Review and approval required.
 - (a) Application. An application for special use permit shall be submitted to the Town's Department of Community Development and include the required form(s) and

supporting document(s) set forth by that Department.

- (b) Town Board review. The Town Board must adopt a resolution acknowledging receipt of the complete application for special use permit. At that time, the public hearing date will be set, and the application will be referred to the Planning Board and any other required agency(ies) for comment on the proposed use.
- (c) Public hearing and decision. Once the public hearing has been conducted and closed, the Board may render its decision.
- (d) Projects requiring site plan approval. Application to the Planning Board for site plan approval will be required for any proposed conditional use that involves the creation of an additional in-law dwelling unit (accessory apartment or detached accessory structure), the construction or installation of a new principal structure, and/or any development classified as an "unlisted" or a "Type I" action under the State Environmental Quality Review Act (SEQRA), in accordance with Article XV of this chapter. For proposed tiny houses, the Planning Board's discretion to establish required setbacks during site plan review and/or the Town Engineer.

§ 235-13. Accessory structures.

- A. Accessory structures and uses are permitted only in connection with a principal use lawfully existing and in compliance with all applicable requirements of this section and/or this chapter.
- B. Accessory structures and uses shall include, but are not necessarily limited to, the following: private garages, sheds and storage structures greater than 30 square feet, pergolas, gazebos, private swimming pools, decks, children's playhouses, tennis courts, animal shelters greater than 16 square feet, and other such structures or uses as may be similar in area, extent and purpose.
- C. Accessory structures and uses shall meet all of the following requirements:
 - (1) Detached accessory structures and uses shall not be located within the front yard.
 - (2) Corner lots. Detached accessory structures installed or constructed on a corner lot shall be located behind the front building line of the principal structure as measured from either street.
 - (3) Side and rear setbacks. Detached accessory structures and uses, excluding private garages, shall be located no closer than four feet to the rear or side property lines and no closer than six feet to the principal building.
 - (4) Height. Detached accessory structures, excluding private garages, shall not be higher than the principal structure or 12 feet, whichever is less. Bulk requirements for private garages are provided in § 235-13D.
 - (5) Accessory structures attached to the principal structure or within six feet of the principal structure, excluding attached decks, shall be considered to be an integral part thereof, and the front, side, and rear setback requirements for the applicable district shall apply.

- (6) Accessory structures and uses shall be included in the calculation of lot coverage.
- (7) Storage structures larger than 200 square feet in floor area shall comply with the regulations set forth in § 235-13D.

D. Private garages. The following regulations apply to private garages:

- (1) Maximum height and ground square footage for private garages.
 - (a) In R-1, R-2 and R-3 Districts, the height of any private garage(s) on premises shall not exceed the height of the principal structure or 12 feet, whichever is less. The total ground square footage of the private garage shall not exceed the total floor square footage of the primary structure. Total maximum ground floor square footage shall be 900 square feet, and maximum frontage width shall be 30 feet.
 - (b) In R-R Districts, the height of any private garage(s) on premises shall not exceed the height of the principal structure or 15 feet, whichever is less. The total ground square footage of the private garage shall not exceed the total floor square footage of the primary structure. Maximum ground floor square footage shall be 1,500 square feet, and maximum frontage width shall be 30 feet.
- (2) Detached garage setbacks.
 - (a) In R-1, R-2 and R-3 Districts, a detached private garage requires a setback of four feet to the rear and side lines of the lot and a setback of eight feet from the residence.
 - [1] On a corner lot, the detached garage requires a thirty-foot setback to the side street line. For lots less than 70 feet in width, the detached garage requires a minimum setback of 15 feet from the street side lot line.
 - (b) In R-R Districts, a detached private garage shall not be located nearer than 15 feet to the rear or side lines of the lot, nor closer than 25 feet from any building used for residential purposes. If erected on a corner lot, the detached garage shall not be located nearer than 50 feet to the side street line. On through lots in R-R Districts, such garages shall be located no closer than 50 feet to either street or right-of-way line.
- (3) Attached garages shall not protrude more than 10 feet in front of the building line where the home's primary entrance (i.e., front door) is located.
- (4) No business, occupation, service or residence shall be permitted or conducted in a private garage. An attached garage may provide living quarters on the second floor, but not create a second dwelling unit.
- (5) Vehicle repairs or maintenance conducted in a private garage must be performed by the resident(s) of the property and only on vehicle(s) owned or leased by the resident(s) of the premises by a resident of the premises.