

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
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**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 13 OF 2005**

MISCELLANEOUS
& STATE RECORDS

**A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE, ENTITLED
"ZONING."**

Section 1. Legislative Intent.

The Town Board of the Town of North Hempstead desires to regulate the concurrent sale of gasoline and grocery items at self-serve and full-serve stations, and to include regulations that address the impacts of gasoline service stations with on-site automotive repairs

Section 2.

Chapter 70 of the Town Code is hereby amended by amending Section 70-103 as follows:

§ 70-103. Off-street parking requirements. [Amended 10-10-1967; 1-30-1973; 8-12-1980 by L.L. No. 11-1980; 12-17-1985 by L.L. No. 13-1985; 3-25-1986 by L.L. No. 3-1986; 7-17-1990 by L.L. No. 5-1990; 12-16-1997 by L.L. No. 25-1997; 10-6-1998 by L.L. No. 16-1998; 6-8-1999 by L.L. No. 7-1999; 10-2-2001 by L.L. No. 8-2001]

A. Parking requirements. [Amended 9-30-2003 by L.L. No. 12-2003]

(1) All districts. The following off-street parking requirements shall apply in all districts in which the enumerated uses are authorized, except where otherwise provided in the article regulating such districts. All references to parking space contained in this section shall be interpreted in conformity with the definition of "parking space" contained in § 70-231 of this local law.

Use	One Parking Space for Each
Dwelling of any kind other than those specifically listed below	½ dwelling unit
Hospital, clinic	2 beds, plus 1 space per employee
Hotel	Guest room or suite, plus 1 space per employee
Industry	600 square feet of floor area
Place of public assembly (theater, lodge, club, hall, church, auditorium, bowling, etc.)	4 seats or 4 persons which can be legally accommodated, plus 1 space per employee
Restaurant/bar and grill	4 seats or 4 persons which can be

	legally accommodated, plus 1 space per employee. In the case of employee spaces, there shall be not less than 2 employee spaces, plus 1 employee space for every 10 seats. Parking for bar or waiting area, if any, shall be provided in addition to parking provided for dining room. If take-out service is provided, an additional 5 spaces shall be provided
Restaurant, fast-food	2 seats or 2 persons which can be legally accommodated for patrons. In addition, employee parking shall be provided as follows: a minimum of 1 space for every 15 seats. In no case shall fewer than 6 spaces be provided
Retail store, personal service shop	300 square feet of floor area in excess of 1,000 square feet
Wholesale establishment, warehouse	600 square feet of floor area
All other business	300 square feet of floor area in excess of 1,000 square feet
Gasoline Service Station /Convenience Store, as defined in § 70-231	300 square feet of floor area: service bays, drive aisles, and areas utilized for the pumping of gas shall not be counted as or defined as off-street parking
Game courts (tennis, squash handball, badminton)	1/8 of each game court, plus 10 spaces for each main structure
Medical, dental and similar offices of 1,000 square feet	150 square feet of floor in excess
All other offices	200 square feet of floor space in excess of 1,000 square feet
Public housing	Dwelling unit
Dwelling unit in a mixed-use building	Dwelling unit

Senior independent-living facility	.67 dwelling unit
Senior congregate-living facility	.67 dwelling unit
Senior assisted-living facility	Dwelling unit
Senior day care	500 square feet of gross floor area
Nursing home 2 beds	
Child care, nursery school or similar facility	1 staff member, plus 1 parking space per each 15 children capacity, or portion thereof

(2) Multiple Residence District. Within a Multiple Residence District, there shall be provided on the premises parking or garage facilities at the rate of 2 1/4 spaces for each apartment other than one basement apartment. Such garage facilities shall not include space for more than six cars in one accessory building, which shall conform architecturally to the main building. Parking for senior citizen facilities within a Multiple Residence District shall be provided at the rates indicated in § 70-103A(1). Parking for dwelling units in a Multiple Residence District located within the New Cassel Urban Renewal Area shall be provided at the rate of 1/2 parking space per bedroom in the multiple residence building(s), but in no instance shall there be less than one parking space per dwelling unit.

(3) Golden Age Residence District. Within a Golden Age Residence District there shall be provided off-street parking at the rate of 1 1/4 spaces for each one of the dwelling units.

B. The parking area required shall be located on the premises, except as otherwise permitted for places of public assembly pursuant to § 70-103L(1). Access driveways shall be marked with arrows indicating the proper flow of traffic and individual parking spaces shown. In satisfying the off-street parking requirements as set forth in this section, for nonmedical office use and industrial use up to but not exceeding 20% of the off-street parking spaces may have dimensions of not less than nine feet by 18 feet and shall be so designated. With respect to all other uses, all off-street parking spaces must have dimensions of not less than 10 feet by 20 feet. Whenever parking requirements are calculated on the basis of floor area or space, all calculations should be made using the gross floor area as defined in § 70-231.

C. All areas devoted to off-street parking and access driveways shall be surfaced in accordance with specifications not less than those of the Town of North Hempstead requiring 4 1/2 inches of broken stone (after compaction) and 1 1/2 inches of premixed bituminous material (after compaction) or a minimum of four inches of portland cement concrete in accordance with Nassau County specifications, Class B concrete.

D. Only one access road to a parking area shall be permitted where the property fronts on a state highway or other arterial road. Such access road shall provide separate means of ingress and egress with a traffic separator at the entrance.

E. Parking areas shall be illuminated at night only during the business hours of the stores or

buildings which they serve, which illumination shall be extinguished within ½ hour after the close of business. Where said parking areas directly abut residential districts, the lighting fixtures and equipment shall be so designed and installed as to reflect away from and to shield such residential districts from the lights of the parking areas.

F. Provision for off-street loading and unloading shall be made on premises used for a business purpose in a location that will not interfere with accessory parking and means of ingress and egress thereto, and such areas shall be surfaced in the same manner as the parking areas. The area to be allocated for loading and unloading shall be at least 10 feet in width, 25 feet in length and 15 feet in clear height for each 10,000 square feet or part thereof of floor area, provided that not more than three such spaces shall be required.

G. No part of any required parking area, access driveways or loading or unloading areas shall be used for the storage or abandonment of any article or material.

H. The parking requirements set forth in this article may be provided off the premises in an adjoining parking district where the plot in such parking district on which the parking area is to be established is in common ownership with the plot on which the use is to be located. For the purposes of this section, a parking district shall be considered adjoining in those cases where a public street or highway intervenes between the division line between districts.

I. All lighting of premises, other than places of public assembly, shall be directed away from any adjoining residences and shall not exceed a height of 20 feet above the grade of the premises. The location, candlepower and type of fixture to be installed shall be first approved by the Building Official.

J. All exits from parking areas fronting on a state highway or other arterial road shall have posted in a conspicuous place directional signs, with letters sufficiently large to be visible to the average motorist, directing traffic to flow from the exits in the direction of the traffic in the nearest lane to such exit.

K. Parking on vacant lots. Accessory parking of more than five automobiles or other motor vehicles on a vacant lot or lots situate within business or industrial districts may be permitted by the Board of Zoning and Appeals for a limited duration of time and subject to such conditions and safeguards as the Board may deem proper. The use of such lot or lots shall not include any other use or any storage, servicing or dismantling of automobiles or other motor vehicles. Such parking area shall not be used for any gainful purpose.

L. Off-street parking for places of public assembly.

(1) The off-street parking area required for places of public assembly pursuant to Article XII, § 70-103B, may be located not more than 500 feet distant from the place of public assembly which it shall serve.

(2) All off-street parking areas for places of public assembly as set forth in Subsection L hereof, when within 15 feet of any residence district, shall be screened from said residential district by a six-foot stockade-type fence along the property lines. In addition thereto, a fifteen-foot strip of land along said fence shall be planted with shrubs and trees of sufficient height and density to act as an additional screening between the residences and/or residential district and the area used for the parking of automobiles or vehicles.

(3) All of the parking areas for places of public assembly as set forth in this section shall comply with the requirements set forth in § 70-103B to E.

(4) All lighting of parking areas used in conjunction with places of public assembly as set forth in this section shall be directed away from the adjoining residences and shall not exceed a height of eight feet above the grade of the paved portion thereof. The location, candlepower and

type of fixtures to be installed shall be first approved by the Building Official.

M. **Parking or repair of vehicles in front yards.** No space for the parking of motor vehicles shall be installed or maintained on any plot in the area required for the front yard of such plot in any district except when such a plot is used for one- or two-family dwellings and the parking is limited to the required parking or when permitted by the Board of Zoning and Appeals upon a finding that the enforcement of this prohibition will cause the occupant of the plot undue hardship and is not required in the public interest. No mechanical repair of motor vehicles or painting, repainting or repairs to the exterior bodies of motor vehicles shall be performed on any plot in the areas required or utilized for front yards pursuant to this local law.

N. **Size of access aisles and parking spaces within a Hospital District.** The width of access aisles and the length of parking spaces shall be measured perpendicular to the direction of traffic flow in the access aisle. The length of the parking space, measured as described above, shall be known as the "stall-to-curb dimension." The access aisle shall be the pavement providing ingress to and egress from the parking space, as well as general circulation in the parking area. These dimensions shall vary according to the angle formed by the parking space stripe and the direction of traffic flow in the aisle in accordance with the following table:

**Space Size = 9 Feet 0 Inches
x 18 Feet 0 Inches**

Parking Angle (degrees)	Stall to Curb (feet)	Access Aisle Width (feet)
0	9 (by 23 long)	12
30	16 5/6	12
45	19 1/6	13
60	20 1/6	18
90	18	26

**Space Size = 10 Feet 0 Inches
x 20 Feet 0 Inches**

Parking Angle (degrees)	Stall to Curb (feet)	Access Aisle Width (feet)
0	10 (by 23 long)	12
30	18 2/3	12
45	21 1/4	13
60	22 1/3	18
90	20	24

O. **Size of access aisles and parking spaces in all districts other than the Hospital District.** The width of access aisles and length of parking spaces shall be measured perpendicular to the direction of traffic flow in the access aisle. The length of the parking space, measured as described above, shall be known as the "stall-to-curb dimension." The access aisle shall be the pavement providing ingress to and egress from the parking space, as well as general circulation

in the parking area. These dimensions shall vary according to the angle formed by the parking space strip and the direction of traffic flow in the aisle in accordance with the following table:

Parking Angle (degrees)	Space Size = 9 Feet 0 Inches x 18 Feet 0 Inches	
	Stall to Curb (feet)	Access Aisle Width (feet)
0	9 (by 23 long)	12
30	16 5/6	12
45	19 1/6	13
60	20 1/6	18
90	18	24

Parking Angle (degrees)	Space Size = 10 Feet 0 Inches x 20 Feet 0 Inches	
	Stall to Curb (feet)	Access Aisle Width (feet)
0	10 (by 23 long)	12
30	18 2/3	12
45	21 1/4	13
60	22 1/3	18
90	20	20

P. All parking spaces provided on a site located in the Business AA, Business A, Business B, Industrial A and Service Commercial and Industrial B Districts shall be open-air, ground-level parking. No building or structure or portion thereof may be constructed over any parking space. [Amended 2-15-2000 by L.L. No. 1-2000]

Q. Off-street parking for senior citizen housing facilities.

(1) No parking shall be located in any required yard or buffer except when provided in accordance with landbanking provisions.

(2) No parking area shall be located within 10 feet of any window in a residential unit.

R. In the New Cassel Urban Renewal Area, off-street parking requirements shall be reduced by the number of on-street parking spaces located on the Prospect and Union Avenue street frontages, to be determined by dividing the total street frontage by a factor of 25. [Added 9-30-2003 by L.L. No. 12-2003]

Section 3.

Chapter 70 of the Town Code is hereby amended by amending Section 70-203 as follows:

§ 70-203. Public health, safety and general welfare. [Amended 7-26-1966; 12-3-1985 by L.L. No. 12-1985; 3-25-1986 by L.L. No. 3-1986]

- A. No trade, industry, purpose or use shall be conducted in such a manner as to create corrosive or toxic fumes, gas, smoke or odors, obnoxious dust, vapor or wastes or offensive noise or vibration which may be detrimental to the public health, safety and general welfare.
- B. On any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained so as to obscure the view and create a dangerous traffic hazard. For the purpose of this local law, a "traffic hazard" is deemed to be created by any fence, wall or other structure or any hedge, tree, shrub or other growth maintained on premises located at highway intersections and which fence, wall or other structure, hedge, tree, shrub or other growth, in the opinion of the Nassau County Police Department or a local police department having jurisdiction within any portion of the unincorporated area of the Town, so obstructs the view of operators of motor vehicles as to create traffic hazard. [Amended 8-12-2003 by L.L. No. 10-2003]
- C. Courts, where permitted by this local law, shall be governed by the provisions of the Multiple Dwelling Law.
- D. No accessory building or structure or part thereof used for the housing of fowl or domestic animals, other than dogs or cats, shall be less than 50 feet from any property line. All existing buildings or structures not in conformity with the provisions of this section shall, within two years from the adoption of this local law, be removed or be relocated to conform to this section.
- E. In any use district, no premises may be used or occupied and no structure may be erected or maintained for the keeping, maintaining or harboring of pigeons, swine, goats, rabbits or foxes, minks, skunks or other similar furbearing animals, bees or snakes, such as but not limited to racers, boas, water snakes and pythons, except when authorized by the Board of Zoning and Appeals under the provisions of Article XXIV. [Amended 4-28-1987 by L.L. No. 10-1987]
- F. Where a parking district, business district or industrial district is within 15 feet of any residence district or where such district is within 15 feet of land owned and maintained by the Long Island State Park Commission as a state park or parkway, there shall be provided a landscaped area of at least 15 feet in depth adjoining such district or districts or such park or parkway. Such landscaped area shall be located within such parking district, business district, or industrial district and not within the adjacent residence district, unless development of the property located within the parking district, business district, or industrial district existed prior to the effective date of Local Law No. 11 of 2002EN and does not include an expansion of the existing development. Such landscaping shall consist of trees and shrubs which shall be so located and of sufficient density to effectively screen the parking, business and industrial districts from any residence district or from land owned and maintained by the Long Island State Park Commission. Said screening shall be subject to the approval of the Building Official. Any site plan required under this local law shall designate the trees and/or shrubs intended to be planted and the location thereof. Landscaped area shall consist of a staggered double row planting strip seven feet on center to be planted with coniferous material of six-foot height. The provisions of this section shall not apply where the parking, business and industrial districts and any residence district or the land owned and maintained by the Long Island State Park Commission are separated by a street, road or highway. [Amended 4-1-1997 by L.L. No. 8-1997; 8-13-2002 by L.L. No. 11-2002]
- G. Any planting strip required by § 70-203 shall be maintained by the owner of the property. This shall include, but not be limited to, the replacement of trees and shrubs of whatsoever type which may die and/or otherwise be destroyed and/or fences required by the Board of Zoning and

Appeals which may become in disrepair. The owner shall, within 10 days upon the order of the Manager of the Building Department, replace any shrubbery and/or trees and/or repair any fence required by the Board of Zoning and Appeals.

H. In the event of failure of the owner to replace any shrubbery and/or trees or repair any fence required by the Board of Zoning and Appeals as directed in § 70-203G, the Town Board may thereupon notify the owner that, unless said work is completed within 15 days, the Town will accomplish the necessary work and the cost thereof will be assessed by the Town Board on the real property, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other charges. The notice to the owner to replace trees or shrubs or to repair any fence shall be mailed to such owner, addressed to his last known address, and shall be sufficient notice thereof.

I. Where a fence is provided along the front property line in a parking, business or industrial district, the vehicular entrance gates shall be set back a minimum of 18 feet and an open, unoccupied space shall be maintained between said gates and the street line.

J. All theaters, churches and other place of public gathering hereafter erected shall provide garbage facilities which shall be a part of and affixed to the main structure and/or building.

K. No public garage, motor vehicle repair shop or gasoline service station shall be erected, altered or used within 200 feet of any premises used for a public school, public library, church, hospital or orphanage. [Added 4-28-1987 by L.L. No. 10-1987]

L. No public garage, motor vehicle repair shop or gasoline service station shall be located within 40 feet of any residence district. [Added 4-28-1987 by L.L. No. 10-1987]

M. All mechanical repairs to motor vehicles or painting, repainting and repairs to the exterior bodies of motor vehicles must be performed within a building. This restriction does not apply to the furnishing of those services of maintenance, supply, installation and minor adjustments customarily furnished at a gasoline service station. [Added 4-28-1987 by L.L. No. 10-1987]

N. No building or premises shall be used or occupied hereafter as a public garage, motor vehicle repair shop or service station for supplying to motor vehicles or other similar operated means of transportation gasoline or other oil or liquid that will generate an inflammable vapor at ordinary temperatures, unless it is used in connection with a building occupied exclusively as a public garage, motor vehicle repair shop, service station or automobile showroom or has been heretofore legally used for such purpose and except those used or occupied pursuant to a valid permit issued in compliance with § 70-203O. [Added 4-28-1987 by L.L. No. 10-1987; amended 9-12-1989 by L.L. No. 7-1989]

O. No permits for the construction or alteration of gasoline service stations shall be issued without first obtaining approval from the Town Board after a public hearing.

(1) No self service gasoline service station shall be permitted without first obtaining approval from the Town Board after a public hearing, and shall be subject to the following conditions:

(a) The permittee shall provide an air compressor capable of inflating automobile tires for the use of motorists and shall do so at no charge to the user thereof.

(b) A gasoline service station granted a permit shall provide at least one full-service pumping station between the hours of 7:00 a.m. and 7:00 p.m., prevailing time.

(c) A gasoline service station granted a permit shall be subject to such other lawful conditions as may be imposed by the Town Board, which conditions shall be embodied in a covenant signed by the applicant and recorded at the expense of the applicant in the office of the

Clerk of the County of Nassau. Such conditions shall include, unless exempted by the Town Board, the following:

- [1] That the service island be covered by a canopy or similar structure to protect the patrons of the service station from the elements.
 - [2] That all fire-suppression and fire-prevention devices shall be installed in accordance with the requirements of, and subject to the approval of, the Nassau County Fire Marshal. Such systems shall, to the extent most practicable and functionable, be enclosed within the canopy or similar aesthetically acceptable structure.
 - [3] That there shall be no overnight storage of motor vehicles or trailers on the premises.
 - [4] That all lighting shall be directed so as to illuminate only the site and shall not cause any annoyance or interference by substantial transgression of illumination on adjoining properties.
 - [5] That the operator of the station shall provide appropriate automobile window cleaning devices for use by patrons at no charge.
 - [6] That the operator of the station shall have available for sale to customers motor oil, transmission fluids and windshield cleaning solvents.
 - [7] That the operator of the station shall provide full service, and gasoline at self-service price, to all automobiles with handicapped license plates, between the hours of 7:00 a.m. and 7:00 p.m., prevailing time.
 - [8] That such facility shall conform to all zoning requirements except as the Board of Zoning and Appeals may, in its discretion, vary or modify.
- (2) The Town Board, after a public hearing, may grant approval for a self-service or full-service gasoline station to concurrently sell products unrelated to the use and operation of motor vehicles, provided that such gasoline service station/convenience stores as defined in § 70-231, meet the following requirements:
- (a) Only prepackaged items, excepting coffee, tea or cocoa, shall be sold or offered.
 - (b) No trash or refuse shall be stored or kept on the site except where permitted by the Town Board.
 - (c) The station shall be supervised by the owner or employee of the owner on the premises at all times when the station is open for operation.
 - (d) There shall be no exterior display or storage of materials, merchandise, supplies or accessories, except in the area(s) indicated on the approved site plan.
 - (e) Site circulation shall be designed so that fuel tankers servicing the gasoline service station do not obstruct ingress or egress to the site and pedestrian ingress and egress to the convenience store, and do not make use of any portion of public right-of-way or landscaped areas.
 - (f) Perimeter Landscaping Requirements: Along the parcel of land which abuts a street, exclusive of vehicular access points, a perimeter landscape area shall be provided. The perimeter landscape area shall be designed so as not to obstruct site lines from the subject property.
- (3) An application to permit a gasoline service station/convenience store as defined in § 70-231, shall be reviewed by the Commissioner of Planning, shall include the items required for submission in § 70-219 and shall demonstrate compliance with the requirements provided herein.
- (4) In considering applications for a permit hereunder, the Town Board shall consider the general standards set forth in § 70-225B of this Code.

P. Business or industrial buildings shall front only on business or industrial streets or on an approved parking district. No part of such buildings shall have a business frontage on residential streets, except for display purposes and a second means of exit as required by the New York Uniform Fire Prevention and Building Code and except for gasoline service stations which have access to secondary roads pursuant to permit of the Town Board under § 70-203O. [Added 4-28-1987 by L.L. No. 10-1987; amended 9-12-1989 by L.L. No. 7-1989]

Q. No person acting as a real estate broker, agent or salesperson, whether or not licensed by the State of New York, shall knowingly facilitate the use or occupancy of a detached dwelling or a two-family attached residence building in a manner which violates the use or occupancy of such dwelling or building which is permitted by the certificate of occupancy or certificate of existing use issued by the Building Commissioner for it or in a manner which violates the permitted use or occupancy of such dwelling or building under the Town's Housing and Rehabilitation Code (Chapter 28 of the Town Code). A person shall be deemed to facilitate a use or occupancy by, among other things, advertising or listing a dwelling or building, showing a dwelling or building to a prospective user or occupant or otherwise soliciting or encouraging another person to use or occupy a dwelling or building. Upon the conviction of a licensed broker, agent or salesperson for a violation of this subsection, in addition to the penalties provided for in § 70-235, the Town Attorney shall forward a record of such conviction to the New York Department of State's licensing bureau. [Added 5-25-1993 by L.L. No. 4-1993]

R. Dry cleaning establishments. [Added 5-19-1998 by L.L. No. 10-1998]

(1) No perchloroethylene-based dry-cleaning equipment shall be installed in premises sharing a common wall, floor, ceiling or basement with a dwelling unit or with a building containing a dwelling unit, or in premises whose exterior demising wall is within 200 feet of a dwelling unit, except where an existing business which conducts dry cleaning on site installs such equipment for the purpose of replacing or upgrading existing perchloroethylene-based equipment.

(2) An existing perchloroethylene-based dry-cleaning establishment made nonconforming by the previous subsection, which does not operate for a period of six months, shall be deemed abandoned and may not thereafter operate as a dry cleaner using perchloroethylene.

(3) All perchloroethylene-based dry-cleaning equipment shall be removed and disposed of in accordance with applicable laws, within 90 days of receipt of a notice from the Building Official, from any premises in violation of this section or §§ 70-96.5.1, 70-114.2, 70-187 or 70-195.7.1 of the Code.

(4) The provisions of this subsection shall be severable, and if any phrase, clause, sentence or provision of this section or the applicability thereof to any person or circumstance shall be held invalid, the remainder of this section and the application thereof shall not be affected thereby.

Section 4.

Chapter 70 of the Town Code is hereby amended by amending Section 70-231 as follows:

§ 70-231. Definitions.

For the purpose of this ordinance, the terms used herein are defined as follows:

ABATTOIR -- A slaughterhouse for the slaughtering of livestock other than poultry.

ACCESSORY BUILDING OR USE -- A subordinate building or use customarily incidental to

and located on the same lot occupied by the main building or use.

AFFORDABLE SENIOR CITIZEN FACILITY [Added 6-8-1999 by L.L. No. 7-1999] -- A residential dwelling unit made available for sale or rent such that the shelter portion of the housing cost is below the market price of such units, to be determined as follows:

A. Units for rent. Rent shall not exceed 80% of the county median income, as determined by the United States Department of Housing and Urban Development (HUD), times 30%.

B. Units for sale. Sales price shall not exceed 45% of the average sales price of single-family homes in the county for the prior 12 months, and be for sale to households whose income is 80% of the county median income as determined by HUD.

AGRICULTURE -- The cultivation of the soil for food products or other useful or valuable growths, crops or products of the field or garden, tillage or husbandry, but shall not include dairying, raising of livestock, fowls or birds where the same is carried on as a gainful operation.

ALTERATION -- As applied to a building or structure, the change or rearrangement of the structural parts or any enlargement, whether by extending on any side or by increasing in height, or the moving from one location to another. It does not include ordinary repairs to buildings or structures.

AMUSEMENT ARCADE -- Any premises where three (3) or more amusement devices are available for operation. [Added 9-13-1983 by L.L. No. 6, 1983]

AMUSEMENT DEVICE -- Any coin or token-operated machine, apparatus or contrivance which is used or which may be used as a game of skill or amusement wherein or whereby the player initiates, employs or directs any force or action to, or generated by, the machine, including, but not limited to billiard tables; casino-type games; computerized games; electronic bowling; electronic shuffleboard; pinball machines; shooting galleries; and skill boards.

"Amusement devices," for the purpose of this local law, shall not include bowling alleys and duckpin bowling alleys. [Added 9-13-1983 by L.L. No. 6, 1983]

BAR AND GRILL -- Any business use in which the primary service offered is the sale of alcoholic beverages for consumption on the premises, regardless of whether food is also served and entertainment of any type is offered. [Added 2-1-1977 by L.L. No. 2, 1977]

BASEMENT -- That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building. [Added 2-19-1991 by L.L. No. 5-1991; amended 12-14-1999 by L.L. No. 14-1999]

BILLBOARD or POSTER PANEL -- A sign erected and maintained by an outdoor advertiser.

BUILDING -- A combination of materials other than a structure to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residence, business or storage purposes; the term "building" shall be construed as if followed by the words "or part thereof."EN

BUILDING DEPARTMENT -- The Building Department of the Town of North Hempstead.

BUILDING HEIGHT -- The vertical distance measured from the average level of the preexisting grade at the perimeter of the building to the highest point of the roof. [Amended 2-26-1985 by L.L. No. 4-1985; 12-14-1999 by L.L. No. 14-1999; 6-25-2002 by L.L. No. 9-2002]

BUILDING OFFICIAL -- The officer or other person specifically charged by the Town Board with the administration and enforcement of this ordinance, or his duly authorized representative.

CELLAR -- That portion of a building with half or more of its floor-to-ceiling height below the average level of the adjoining ground. A "cellar" shall not be used or occupied as living or sleeping quarters.

CHILD-CARE FACILITY -- Any program or facility providing care for children for more than three hours but less than 24 hours per day per child on a regular basis away from the child's residence, in which care is provided by someone other than the parent, step-parent, guardian, or other relative within the third degree of consanguinity of the parent or step-parent. [Added 10-2-2001 by L.L. No. 8-2001]

A. This definition shall apply whether or not care is given for compensation.

B. This definition shall include any facility that provides child-care services as defined in § 390 of the New York State Social Services Law.

C. This definition shall not include child-care facilities located in private dwellings and multiple-dwelling units licensed and operated in accordance with the regulations set forth by the New York State Office of Children and Family Services.

D. Medical care or delinquency correction may not be the principal use of the facility.

E. Child-care facilities shall be licensed by and operated in accordance with the regulations set forth by the New York State Office of Children and Family Services.

COMMERCIAL PARKING LOT -- Any lot or premises, other than one owned or maintained by the municipality, used for parking automobiles or other motor vehicles by the public upon the payment of a fee, whether or not such use is an accessory use.

CONVENIENCE STORE -- A retail sales area that offers for sale prepackaged food or beverages for off-site consumption. Such retail sales area shall not exceed seven hundred fifty (750) square feet, including the cashier area. A convenience store shall co-locate or coexist only with a gasoline service station or automobile service station, and only as approved by the Town Board.

CORNER LOT -- A lot situated at the intersection or junction of two or more streets.

COURT -- A required open and unoccupied space on the same lot and enclosed on at least three sides by walls of a building.

DEPARTMENT OF HEALTH -- The Department of Health of the County of Nassau and any other Health Board or department established pursuant to the laws of the State of New York and entrusted with the regulations, control and/or supervision of matters pertaining to and affecting the public health in the Town of North Hempstead.

DEPTH OF A LOT -- The mean distance from the street line of the lot to its opposite rear line, measured along the side lines of the lot.

DISPLAY SURFACE -- The total number of square feet of sign space on one side of a sign, exclusive of moldings.

DWELLING -- A building containing not more than two dwelling units occupied principally for residential uses. [Added 2-19-1991 by L.L. No. 5-1991]

DWELLING UNIT -- A portion of a row dwelling housing not more than one family.

EAVE HEIGHT -- The top of the uppermost wall plate, as measured from the average level of the preexisting grade at the perimeter of the building. [Added 6-25-2002 by L.L. No. 9-2002]

ELEEMOSYNARY -- A not-for-profit organization, public or private, primarily engaged in charitable activities or primarily supported by charitable contributions. [Added 3-12-2002 by L.L. No. 2-2002]

ERECTED -- Includes constructed, reconstructed, altered, placed or moved.

EXISTING BUILDING -- A building erected prior to the effective date of this ordinance.

FAMILY -- One individual or a collective group of individuals either: [Amended 10-15-1968; 1-28-1997 by L.L. No. 2-1997EN]

A. Related to each other by blood, marriage or adoption who live together in the same dwelling unit, cook together and function as a single, stable housekeeping unit with common

access to all rooms and facilities; or

B. Not related by blood, marriage or adoption but who together constitute the functional equivalent of a natural family, all living together in the same dwelling unit, cooking together and generally functioning as a single, stable housekeeping unit, all with common access to all rooms and facilities, with no member or members of such group subletting, subleasing or otherwise controlling any part of the dwelling separately from the others.EN

FOOD SERVICE -- See definition of "restaurant" contained in this section. [Added 3-25-1986 by L.L. No. 3, 1986]

FRONT OF BUILDING -- On an interior lot, the exterior wall facing the street. The "front of a building" on a corner lot is the exterior wall where the main entrance is established.

FRONT STREET -- The street upon which a lot abuts. If a lot abuts upon more than one (1) street, it means the street upon which the lot has the most frontage in an application for a building permit.

FRONT YARD -- A yard across the full width of the lot extending from the front line of the building to the front line of the lot measured between the side property lines.

GASOLINE SERVICE STATION or AUTOMOBILE SERVICE STATION (used synonymously in this chapter) -- The use of premises for the dispensing of motor fuels, lubricants and other materials used in the operation of motor or other vehicles and/or where minor repairs to motor or other vehicles are made. [Amended 12-31-1974 by L.L. No. 22, 1974; 2-1-1977 by L.L. No. 2, 1977]

GASOLINE SERVICE STATION/CONVENIENCE STORE -- The co-location of a gasoline service station and a convenience store. No use other than a convenience store may coexist or co-locate with a gasoline service station. A gasoline service station/convenience store contains a convenience store that offers for sale prepackaged food or beverages for off-site consumption, in conjunction with the sale of automotive fuel. Other prepackaged goods, household items, automotive fluids and wiper blades, automotive cleaning supplies, oils, waxes and windshield fluids, newspapers, magazines may also be sold at a gasoline service station/convenience store.

GROSS FLOOR AREA (NONRESIDENTIAL) -- The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured from the exterior faces of the walls of each such floor, including roofed porches having more than one (1) wall. The "gross floor area" of accessory buildings shall include the floor area of accessory buildings on the same lot, measured the same way. In computing the "gross floor area," there shall be excluded any floor area of a story whose ceiling is less than four (4) feet above grade at the nearest building line and attic space having a headroom of less than seven (7) feet, provided that those areas are non-habitable and are used for storage or mechanical equipment. [Added 12-17-1985 by L.L. No. 13, 1985; amended 3-25-1986 by L.L. No. 3, 1986]

GROSS FLOOR AREA (RESIDENTIAL) -- The sum of the gross horizontal area of all habitable floors of a dwelling as measured to the outside surfaces of exterior walls as well as attached garages, enclosed porches and roofed porches having more than 50% of the perimeter enclosed or screened and basements with ceiling heights in excess of eight feet. The gross floor area of detached garages greater than 300 square feet shall be included in their entirety. Gross floor area in dwellings for areas exceeding 10 feet in height shall be counted at 1.5 times the actual floor area. [Added 2-19-1991 by L.L. No. 5-1991; amended 12-14-1999 by L.L. No. 14-1999; 3-11-2003 by L.L. No. 1-2003]

GROUND OR FIRST STORY -- The lower story entirely above the average level of the ground

surrounding a building.

GROUND SIGN and POLE SIGN -- A "ground sign" is one securely fastened to the ground by means of two or more supporting posts. A "pole sign" is one attached to the upper part of a single pole securely fastened to the ground.

GROUP GARAGE -- A building one story in height divided into separate units or with a common means of access, used for the storage of noncommercial automobiles, but not used for servicing or making repairs to automobiles.

HABITABLE FLOOR AREA IN A DWELLING -- Rooms occupiable by one or more persons for living, eating and/or sleeping, but not including garages, open porches or terraces, or rooms in cellars. On the first floor, it shall be construed to mean all finished floor area having a clear headroom of 7 ½ feet or over, including stairwells; on all floors above the first, it shall include all finished or unfinished floor area having a clear headroom of 7 ½ feet or over for a minimum horizontal measurement of six feet, including all floor area with a height of 5 ½ feet or greater. [Amended 12-14-1999 by L.L. No. 14-1999; 3-11-2003 by L.L. No. 1-2003]

HALF STORY -- A half story is that part of any building above a story and having at least two opposite exterior walls meeting a sloping roof at a level no higher above the floor than ½ the floor to ceiling height of the story below. [Added 12-14-1999 by L.L. No. 14-1999]

HOTEL -- A commercial building primarily for transient guests, consisting of three (3) or more stories and having only one (1) dining room and one (1) kitchen for the serving of food to be consumed primarily in said dining room.

INDUSTRIAL PARK -- A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. [Added 12-17-1985 by L.L. No. 13, 1985]

INDUSTRY -- The manufacturing, fabricating, finishing, assembly, treating or processing of articles to be sold at wholesale or retail on a scale exceeding a maximum of five (5) horsepower and requiring more than five (5) operators.

INTERIOR LOT -- A lot other than a corner lot.

JUNKYARD -- The use of any space, whether open or enclosed, for the collecting, handling, sale, discarding, wrecking, salvage, storage, keeping or abandonment of worn, salvaged, dismantled, used or discarded wastepaper, junk, rags, scrap, metals, materials, articles, equipment, machinery, vehicles inoperative or not intended to be repaired or any parts thereof.

LANDBANKED PARKING AREA -- A designated area or areas on a plot specifically allocated and designed for parking but which is not immediately developed as such. The location of landbanked parking areas shall be in conformance with all restrictions relating to required parking and to any other restrictions specified within this chapter or by any decision of a board or commission having jurisdiction over a specific application. [Added 6-8-1999 by L.L. No. 7-1999]

LODGE -- A building used by fraternal organizations.

LOT -- Includes plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed and apportioned for sale or other purpose.

LOT AREA -- The area of a lot measured within the boundaries thereof.

LOT COVERAGE -- The area of the maximum horizontal cross section of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than 24 inches, steps, one-story open porches, bay windows extending not more than one story and projecting not more than five feet, balconies and terraces. [Added 12-14-1999 by L.L. No. 14-1999]

MAIN BUILDING -- The building which houses the principal purpose for the utilization of the lot, as permitted under this ordinance.

MIXED USE -- The combination of retail or office use, accessible to the public, with residential use in the same structure. [Added 9-30-2003 by L.L. No. 12-2003]

MOTHER-DAUGHTER RESIDENCE [Added 4-28-1987 by L.L. No. 10-1987; amended 5-21-1997 by L.L. No. 9-1997]

A. A one-family home or residence altered to include an apartment for which a conditional use permit shall have been duly approved by the Board of Zoning and Appeals pursuant to § 70-225B(6) and which complies with the following conditions:

- (1) The apartment is no larger than 700 gross square feet;
- (2) The cooking facilities in the apartment do not exceed 60 square feet;
- (3) The fee owner resides within the premises;
- (4) The apartment resident is either the parent or the child of the fee owner;
- (5) The premises do not have a separate entrance for the exclusive use of the apartment;
- (6) There is no exterior stairway to the second floor of the building;
- (7) The premises have only one set of stairs leading from any one floor to any other floor;
- (8) The premises are served by only one meter for each utility supplied; and
- (9) There is no exterior deck attached to any floor above ground level.

B. If any of the conditions listed above cease to exist, then the premises shall cease to be a mother-daughter residence, the conditional use permit shall expire immediately and the cooking facilities shall be removed in accordance with § 70-225B(6).

MOTOR VEHICLE REPAIR SHOP -- A use or building or portion of a building in which mechanical, electrical or other similar power is used in the repair of motor vehicles or in which commercial motor vehicle repair work is done.

MULTIPLE-FAMILY DWELLING -- A residence building accommodating three or more families living independently of each other and allowed to do their own cooking on the premises.

NEW CASSEL URBAN RENEWAL PLAN -- The urban renewal plan, as same may be amended from time to time, formulated and considered in accordance with Article 15 of the General Municipal Law, and approved by the Town Board of the Town of North Hempstead at its meeting held on August 12, 2003, pursuant to Resolution No. 280-2003. [Added 9-30-2003 by L.L. No. 12-2003]

NONCONFORMING BUILDING OR USE -- One that does not conform to the regulations of the district in which it is situated.

NURSERY SCHOOL -- A social and educational program, not located in a private residence, that provides care for three to five year olds, and often follows a school-year schedule. Care is restricted to a maximum of three hours per day per child. [Added 10-2-2001 by L.L. No. 8-2001]

NURSING HOME -- A skilled nursing facility licensed by the State of New York to provide full-time convalescent or chronic health care under medical supervision to individuals of any age who are unable to fully care for themselves, but not including facilities for surgical care or institutions dedicated to the care and treatment of mental illness, alcoholism or narcotics addiction. No nursing home shall contain any uses other than those permitted pursuant to applicable regulations of the State of New York and the nursing home's operating certificate issued pursuant thereto. [Added 6-8-1999 by L.L. No. 7-1999]

OPEN PORCH -- A roofed open structure projecting from the outside wall of a building without a window sash or any other form of enclosure. [Amended 12-14-1999 by L.L. No. 14-1999]

OPEN SPACE -- The area on a lot that is not covered by structures or paving for parking of

automobiles and the access to that parking. Open space includes all landscaped area and patios on grade. [Added 12-14-1999 by L.L. No. 14-1999]

PARKING SPACE -- The off-street paved or surfaced area available and usable for the parking of one (1) motor vehicle, having dimensions of not less than ten by twenty (10 x 20) feet, exclusive of aisles, driveways, passageways and other necessary space appurtenant thereto and having direct usable access to a street. In satisfying the off-street parking requirements as set forth in § 70-103, for nonmedical office use and industrial use, up to but not exceeding twenty percent (20%) of the off-street parking spaces may have dimensions of not less than nine by eighteen (9 x 18) feet and shall be so designated. With respect to all other uses, all off-street parking spaces must have dimensions of not less than ten by twenty (10 x 20) feet. Whenever parking requirements are calculated on the basis of floor area or space, all calculations should be made using the gross floor area, as defined in § 70-231. [Amended 8-12-1980 by L.L. No. 11, 1980; 12-17-1985 by L.L. No. 18, 1985]

PERSON -- Includes individual, firm, corporation, partnership, association or other agency of voluntary action.

PORTABLE SHED -- A structure of no more than one hundred (100) square feet, with a maximum height of ten (10) feet, not having a firm attachment to the ground, for the storage of garden and recreational equipment. [Added 3-25-1986 by L.L. No. 3, 1986]

PREEXISTING GRADE -- The elevation of the land prior to commencement of any alteration, grading or construction at the premises. [Added 3-18-1997 by L.L. No. 6, 1997]

PREMISES -- Includes the land and all buildings or structures thereon.

PRIVATE GARAGE -- A detached accessory building or part of the main building used for the storage of not more than two (2) noncommercial automobiles or one (1) commercial vehicle and one (1) noncommercial automobile, owned and used by the occupant of the plot on which the main building is erected and in which no business or service is conducted. Any such commercial vehicle must be kept within the garage at all times and shall not contain any flammable, combustible, explosive, toxic or offensive-smelling material. Such accessory structure shall not exceed twenty-six (26) feet in width and twenty-four (24) feet in depth, with garage doors not to exceed eight (8) feet in height. [Amended 7-23-1968; 4-28-1987 by L.L. No. 10, 1987]

PROFESSIONAL OFFICE -- An office maintained by a doctor, dentist, lawyer, teacher, artist, architect, engineer, accountant, ophthalmic dispenser or musician in the dwelling in which such person resides, provided that such office does not occupy more than fifty percent (50%) of the habitable floor space on the first floor or more than twenty-five percent (25%) of the habitable floor space of a one-story dwelling and not more than one (1) assistant or employee is employed by such person, and further provided that there is no alteration or change to the exterior of such dwelling which modifies its residential character or use or the use thereof has no feature which is offensive, annoying or harmful to public health, safety or general welfare by reason of noise, glare, vibration, odor, radiation, dust, fumes or undue traffic.

PUBLIC GARAGE -- A use or building or portion of a building used for the commercial storage, rental and/or minor repair of motor vehicles.

REAR YARD -- A yard across the full width of the lot extending from the rear line of the building to the rear line of the lot measured between the side property lines.

RESIDENCE UNIT -- A portion of a residence building housing not more than two (2) families and separated from another unit by a party wall. Such unit shall be considered a separate building.

RESTAURANT -- A business engaged in the preparation and sale of food and beverages

selected from a full menu and consumed on the premises by patrons seated at a table or counter and served by a waiter or waitress. [Added 3-25-1986 by L.L. No. 3, 1986; amended 12-16-1997 by L.L. No. 25-1997]

RESTAURANT, FAST-FOOD -- A business enterprise primarily engaged in the sale of ready to consume food and beverages generally served in disposable or prepackaged containers or wrappers and where patrons usually select their orders from a posted menu offering a limited number of specialized items, such as but not limited to hamburgers, chicken, fish and chips, hero sandwiches, pizza, tacos and hot dogs, which are prepared according to standardized procedures for consumption either on or off the premises in a facility where a substantial portion of the sales to the public is by drive-in or takeout services. [Added 12-16-1997 by L.L. No. 25-1997]

RETAINING WALLS -- All walls and other structures of any construction which are intended to, or which in fact, retain or support adjoining earth or rock. [Added 5-21-1996 by L.L. No. 8, 1996]

ROW DWELLING -- A building consisting of non-communicating one-family dwelling units, each having its own front and rear entrance. Where a row dwelling contains more than two (2) dwelling units, the walls separating dwelling units shall be constructed and have fire-resistant ratings as follows: The wall separating the second and third dwelling units shall be constructed of wire lath and cement plaster having a fire-resistant rating of not less than one (1) hour. The wall separating the fourth and fifth dwelling units shall be of eight-inch masonry construction with a fire-resistance rating of not less than four (4) hours. Similar construction of separating walls shall continue throughout the building, so that for a row dwelling containing the maximum of sixteen (16) families, there shall be four (4) separating walls of wire lath and cement plaster and three (3) separating walls of eight-inch masonry. The determination of the location of separating walls as required herein may be made from either the left or right exterior sidewalls of the building.

SANATORIUM -- An institution other than one required to be licensed under the Mental Hygiene Law of the State of New York.

SENIOR ASSISTED-LIVING FACILITY-- A building, portion of a building or group of buildings that provide dwellings in a residential environment where individual cooking facilities are limited to microwave ovens and/or cooktops, with assistance available by way of common meals, housekeeping and personal services. Occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older who may have difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR CITIZEN FACILITY-- A facility intended to provide for the specialized living and/or daily care giving needs of persons 62 years of age or older, including senior independent-living facilities, senior congregate-housing facilities, senior assisted-living facilities and senior day-care facilities. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR CONGREGATE-LIVING FACILITY-- A building, portion of a building or group of buildings containing three or more dwelling units where individual cooking facilities are limited to microwave ovens and/or cooktops, specially designed for use and occupancy by the elderly, including a common dining facility and other common amenities and whose occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR DAY-CARE FACILITY-- A facility with limited operating hours where specialized care-giving and supervision are provided for three or more adults who may have difficulties with

one or more essential activities of daily living, such as feeding or mobility, away from their own homes for less than 24 hours per day. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR INDEPENDENT-LIVING FACILITY-- A building, portion of a building or group of buildings containing dwelling units with full kitchens specially designed for use and occupancy by the elderly which may have common amenities but no common dining and whose occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR RESIDENCE DISTRICT (R-S)-- A building or group of buildings that contain any combination of two or more residential senior citizen facilities, nursing homes or senior day-care facilities on the same site restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older, not necessarily regulated under Article 46 of the New York State Public Health Law. [Added 6-8-1999 by L.L. No. 7-1999]

SHOPPING CENTER -- Any two (2) or more contiguous retail stores, restaurants, shops for personal services and other places of business, originally planned and developed as a single unit, with adjoining off-street parking. [Added 8-26-1980 by L.L. No. 13, 1980]

SIDE YARD -- A yard between the side of the building and the corresponding side line of the lot and extending from the front lot line to the rear lot line in the case of a single building on the front portion of the lot. In the case of a rear building on the back portion of a lot, the side yard shall be the yard between the side of said rear building and the corresponding side line of the lot and extending from the front face of said rear building to the rear line of the lot.

SIGN -- Includes every kind of billboard, signboard and other shape or device or display arranged, intended, designed or used as an advertisement, announcement or direction, including any text, symbol, marks, letters or figures painted on or incorporated in the composition of the exterior surface of a building or structure.

SINGLE-FAMILY DWELLING -- A building designed for and occupied exclusively as a home or residence for not more than one (1) family.

SKY EXPOSURE PLANE -- A theoretical inclined plane through which no portion of a building other than cornices or eaves projecting not more than 18 inches, gutters projecting not more than eight inches and chimneys may penetrate. It begins at a lot line or other predetermined plane and rises over the zoning lot at a ratio of vertical distance to horizontal distance as set forth in the district regulations. [Added 12-14-1999 by L.L. No. 14-1999]

STORY -- That part of any building between the surface of one floor, except a cellar or basement floor, and the surface of the next highest floor or, if there is no higher floor, then that part of the building between the surface of the highest floor and the ceiling above, except an attic ceiling. [Amended 12-14-1999 by L.L. No. 14-1999]

STREET -- Any public thoroughfare or space more than twenty (20) feet in width which may or may not have been dedicated or deeded to the public for public use.

STREET FRONTAGE -- The distance between the boundary lines of a lot when measured along any property line abutting a public street.

STREET LINE -- The line dividing a lot from a street.

STRUCTURE -- A combination of materials other than a building to form a construction that is safe and stable, including among others, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, wharves, sheds, commercial coal bins, display signs, fences, retaining walls, outdoor fireplaces, pools and pergolas. The term "structure" shall be construed as if followed by the words "or part thereof."

TELEPHONE EXCHANGE -- A building erected or used exclusively as a central station where telephone lines meet and where connections are made between them and where no trucks or materials are stored.

TERRACE -- An open porch without a permanent roof.

TOTAL LOT COVERAGE - That part of the lot that is covered by impervious surfaces including, but not limited to, buildings, structures, roads and parking areas.

TOWN OF NORTH HEMPSTEAD -- Includes all areas of the town unincorporated as a village on January 1, 1938, and all areas within the town and within a village incorporated prior to January 1, 1938, which did not have a valid zoning ordinance on January 1, 1938.

TRAFFIC SEPARATOR -- A structure of sufficient height and width to divide traffic flowing in opposite directions.

TRAILER or CAMP CAR -- Any vehicle designed or equipped to be used or used for sleeping, living or eating, and designed to move or be moved from place to place on wheels, and to be propelled by its own power or drawn or propelled by another vehicle.

TRANSFER STATION -- A solid waste management facility, other than a recyclables handling and recovery facility exclusively handling nonputrescible recyclables, that can have a combination of structures, machinery or devices, where solid waste is taken from collection vehicles and placed in other transportation units for movement to another solid waste management facility. For the purposes of this Chapter 70, the definitions of "solid waste" and "solid waste management facility" shall be those which appear at Chapter 46 of this Code.

[Added 7-9-1991 by L.L. No. 10, 1991]

TWO-AND-ONE-HALF-STORY BUILDING -- One where the provisions of the definition for "two-story building" are complied with and where the main eaves are below the midheight of the third story.

TWO-FAMILY ATTACHED RESIDENCE BUILDING -- Residence units, as defined by this ordinance, each arranged for two (2) families, separated by an eight-inch masonry fire wall as a party wall.

TWO-FAMILY DETACHED DWELLING -- A dwelling designed for and occupied exclusively as a home or residence for not more than two (2) families.

TWO-STORY BUILDING -- Any building where the area of the second floor is equal to at least seventy-five percent (75%) of the area of the first floor.

USES -- The listed uses permitted in various districts. The listing of any uses as being permitted uses in any district shall be deemed to mean that such uses and no other shall be permitted in such district unless specifically permitted in this chapter. The listing of any use as being permitted in or as being excluded from a particular district shall be deemed to be an exclusion of such use from any more restricted district unless specifically permitted by this chapter. Each of the hereinafter-named districts shall be deemed to be more restricted than the districts which succeed it and less restricted than the districts which precede it: Residence AAA, Residence AA, Residence A, Residence B, Residence C, Residence D, Multiple Residence, Public Housing Residence, Golden Age Residence, Parking, Transportation, Business AA, Business A, Business B, Planned Industrial Park, Industrial A, Modified Planned Industrial Park, Service Commercial and Industrial B Districts. [Amended 3-27-1979 by L.L. No. 3, 1979; 8-12-1980 by L.L. No. 12, 1980]

USED -- Includes designed, intended or arranged to be used.

WIDTH OF A LOT -- The mean width measured at right angles to its depth.

YARD -- An open and unoccupied space on the same lot with a building, open and unobstructed

from the ground to the sky, except as otherwise provided in this ordinance.

Section 5.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Dated: Manhasset, New York
November 15, 2005

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

Town of North Hempstead

Local Law No. 13 of the year 2005.

A local law amending Chapter 70 Entitled "Zoning."

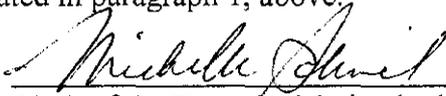
Be it enacted by the Town Board of the Town of North Hempstead as follows:

PLEASE SEE ATTACHED:

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 13 of 2005 of the Town of North Hempstead was duly passed by the Town Board on November 15, 2005, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



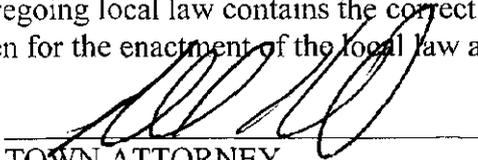
Clerk of the Town legislative body

Date: December 5, 2005

(Seal)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



TOWN ATTORNEY
TOWN OF NORTH HEMPSTEAD

Date: 12/1/05