

Zoning Law of the Town of Salem

The Town of Salem Zoning Law adopted April 1, 2016
including Amendments:
Town of Salem Local Law No. 3 of the year 2017
Town of Salem Local Law No. 4 of the year 2018
Amended – July 19, 2023

A LOCAL LAW REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, AND USE OF BUILDINGS, STRUCTURES, AND THE USE OF LAND IN THE TOWN OF SALEM AND FOR SAID PURPOSES DIVIDING THE TOWN INTO DISTRICTS.

The Board of Trustees of the Town of Salem, in the County of Washington, under the authority of Town Law of the State of New York, hereby ordains and enacts the following:

TABLE OF CONTENTS

ARTICLE I - TITLE AND PURPOSE.....	1
1.10 Title.....	1
1.20 Purpose.....	1
ARTICLE II - ESTABLISHMENT OF DISTRICTS.....	2
2.10 Names of Zoning Districts	2
2.20 Zoning Map.....	2
2.30 Interpretation of District Boundaries.....	2
ARTICLE III - DISTRICT REGULATIONS	3
__3.10 Application of Regulations	3
__3.20 Schedules of Regulations	3
3.30 Prohibited Uses	8
ARTICLE IV - SUPPLEMENTARY REGULATIONS	9
4.10 Parking.....	9
__4.20 Home Occupations	9
__4.30 Yards.....	10
__4.40 Height.....	10
__4.50 Accessory Uses.....	13
__4.60 Special Provisions Which Apply to the Floodway Districts.....	13
__4.70 Special Provisions Which Apply to the Floodplain Districts.....	14
__4.80 Motor vehicle Repair Service Facilities	14
__4.90 Multiple-Family Dwellings.....	153
__4.100 Mobile Homes and Mobile Home Parks.....	153
__4.110 Tourist Accommodations	153
__4.120 Apartments within Commercial (C) District.....	153
ARTICLE V - SPECIAL USES.....	16
5.10 General Procedures and Provisions	16
5.20 Standards Applicable to all Special Permit Uses	16
5.30 Special Use Permit Application Procedures.....	17
ARTICLE VI - NON-CONFORMING BUILDINGS, USES AND LOTS	19
6.10 Continuation.....	19
6.20 Discontinuance	19
6.30 Alterations, Renovations or Repair.....	19
6.40 Extension	19
6.50 Damage or Destruction.....	19
6.60 Construction Started Prior to Adoption of this Zoning Law.....	19
6.70 Changes.....	19

6.80 Existing Undersized Lots	20
6.90 Reduction in Lot Area.....	20
ARTICLE VII - ADMINISTRATION.....	21
7.10 Enforcement	21
7.20 Building Permits, Certificates of Occupancy	21
7.30 Zoning Board of Appeals.....	21
7.40 Violations and Penalties.....	24
7.50 Referral to County Planning Board.....	24
ARTICLE VIII - AMENDMENTS.....	26
8.10 Procedure	26
8.20 Protest by Owners.....	26
8.30 Publication and Posting.....	26
ARTICLE IX - INTERPRETATION AND APPLICATION.....	27
9.10 Conflict with Other Laws.....	27
9.20 Sevarability	27
9.30 Effective Date.....	27
ARTICLE X - DEFINITIONS	28

ARTICLE I - TITLE AND PURPOSE

1.10 Title

This local law shall be known and may be cited as the Zoning Law of the Town of Salem, New York.

1.20 Purpose

The Town of Salem hereby determines it is appropriate to continue zoning for the area of the Town formerly known as the "Village of Salem". In accordance with the former Village of Salem Comprehensive Plan and the recommendations of the Village of Salem Dissolution Plan, the Town of Salem hereby establishes this Zoning Law to promote the health, safety, morals, and general welfare of the community. This Zoning Law is designed to lessen congestion in the streets, to secure safety from fire, floods, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

ARTICLE II - ESTABLISHMENT OF DISTRICTS

2.10 Names of Zoning Districts

In order to fulfill the purpose of this Zoning Law, the Town of Salem is hereby divided into the following types of districts:

A	Agricultural
RH	High-Density Residential
RM	Medium-Density Residential
RL	Low-Density Residential
M	Mixed Use
C	Commercial
I	Industrial
FW	Floodway
FP	Floodplain
NZ	No Zoning

2.11 - All lands labeled "No Zoning" or "NZ" shall be exempt from this zoning law.

2.20 Zoning Map

The districts cited above are bounded as shown on the map entitled *Zoning Map of the Town of Salem* which accompanies and which with all explanatory matter is hereby made a part of this Zoning Law.

2.30 Interpretation of District Boundaries

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

2.31-Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center line.

2.32-Boundaries indicated as approximately following lot lines, property lines, or projections thereof, shall be construed as following such lines or projections thereof.

2.33-Boundaries indicated as approximately parallel to property lines, lot lines, center lines, or street lines of streets or highways or projections thereof shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.

2.34-If the location of district boundaries cannot reasonably be determined and such determination cannot be made by the application of Paragraphs 2.31, 2.32, or 2.33 above, then the Board of Appeals shall interpret the district boundaries.

ARTICLE III - DISTRICT REGULATIONS

3.10 Application of Regulations

Except as hereinafter provided:

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

3.12-No building shall hereafter be erected or altered: a) to exceed the height or bulk; b) to accommodate or house a greater number of families; c) to occupy a greater percentage of lot area; d) to have narrower or smaller rear yards, front yards, or side yards than is herein required for the district in which such building is located.

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

3.14-All new land use activities within the Town shall require site plan review and approval before being undertaken in accordance with the Town of Salem Site Plan Law.

3.20 Schedules of Regulations

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

3.21 A- Agricultural Districts

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

Permitted Uses

1. One-family dwellings.
2. Farm, nursery, greenhouse.
3. Roadside stand.
4. Forestry.
5. Mobile homes used as a farm residence.
6. Accessory buildings and accessory uses.

Special Uses

1. Public and non-profit outdoor recreational facilities.
2. Cemeteries.
3. Religious Institutions.

Minimum Lot Size:

5 acres and 200 feet wide

Maximum Percentage of Lot to be Occupied:

6%

3.22 **RH- High-Density Residential Districts**

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

Permitted Uses

1. One- and two-family dwellings.
2. Religious Institutions.
3. Public schools, libraries, public parks, and playground.
4. Hospitals and clinics.
5. Nursing, convalescent, and group homes.
6. Home occupations.
7. Essential services.
8. Accessory buildings.

Special Uses

1. Multiple-family dwellings.
2. Tourist accommodations.

<u>Minimum Lot Size:</u>	10,000 square feet & 100 feet wide
<u>Maximum Percentage of Lot to be Occupied:</u>	60%
<u>Maximum Height of Building:</u>	50 feet

3.23 **RM- Medium Density Residential District**

Most of these areas have poorer soils that are restricted primarily because of an excessively high water table during the spring. However, since the Medium Density Residential District is located adjacent to the high-density area, they have been designed to accommodate growth emanating out from these areas.

Permitted Uses:

1. One- and two-family dwellings.
2. Nursing, convalescent, and group homes.
3. Home occupations.
4. Accessory buildings.

Special Uses:

1. Multiple-family dwellings.
2. Tourist accommodations.

<u>Minimum Lot Size:</u>	20,000 square feet & 100 feet wide
<u>Maximum Percentage of Lot to be Occupied:</u>	30%
<u>Maximum Height of Building:</u>	30 feet

3.24 **RL-Low Density Residential District**

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

Permitted Uses:

1. One- and two-family dwellings.
2. Home occupations.
3. Accessory buildings.
4. Animal Husbandry.

Minimum Lot Size: 3 acres & 200 feet wide

Maximum Percentage of Lot to be Occupied: 10%

Maximum Height of Building: 30 feet

3.25 **M-Mixed Use District**

The mixed use district allows for a variety of commercial and residential services in close proximity to each other at a medium density. This district serves as the gateway into the Town of Salem and allows for limited commercial services to promote economic development in the Town.

Permitted Uses:

1. One- and two-family dwellings,
2. Home occupations
3. Accessory buildings
4. Accessory uses.

Special Uses:

1. Multiple-family dwelling
2. Tourist accommodations
3. Retail business
4. Personal Services
5. Restaurants
6. Public facilities
7. Clinic

Minimum Lot Size: 20,000 square feet & 100 feet wide

Maximum Percentage of Lot to be Occupied: 30%

Maximum Height of Building: 30 feet

Screening: May be required if deemed appropriate by the Planning Board

- Outdoor lighting to be directed such that it does not impact adjoining residential properties.
- All trash and trash receptacles shall be concealed from public view and trash shall be properly contained
- Structures shall be constructed such that they blend with the residential and historical character of the Town.

The Zoning Map of the Town of Salem is hereby amended to change the zoning designation of tax map parcels Nos. from Medium Density Residential (RM) District to Mixed Use (M) District as follows:

*209.-1-70 (13 South Main Street, Town of Salem, Washington County, New York),
209.-1-70.1 (17 South Main Street, Town of Salem, Washington County, New York),
209.-1-71 (25 South Main Street, Town of Salem, Washington County, New York),
209.-1-72 (31 South Main Street, Town of Salem, Washington County, New York),
209.-1-73 (37 South Main Street, Town of Salem, Washington County, New York),
209.-1-74 (45 South Main Street, Town of Salem, Washington County, New York),
209.-1-80.1 (53 South Main Street, Town of Salem, Washington County, New York),
209.-1-61 (44 South Main Street, Town of Salem, Washington County, New York),
209.-1-62 (38 South Main Street, Town of Salem, Washington County, New York),
209.-1-63 (26 South Main Street, Town of Salem, Washington County, New York),
209.-1-64 (24 South Main Street, Town of Salem, Washington County, New York),
209.-1-65 (22 South Main Street, Town of Salem, Washington County, New York),
209.-1-66 (14 South Main Street, Town of Salem, Washington County, New York),
209.-1-67 (South Main Street, Town of Salem, Washington County, New York),
209.-1-68 (1830 County Route 64, Town of Salem, Washington County, New York),*

3.26 C- Commercial District

These areas are located where physical features allow development to occur. The Commercial District is found in the center of the Hamlet of Salem along Main Street and Broadway with the purpose of clustering commercial enterprises to provide a more convenient and prosperous commercial hub for the Town.

Permitted Uses:

1. Mixed Use Structure.
2. Offices.
3. Retail business.
4. Personal services.
5. Restaurants.
6. Banks.
7. Tourist accommodations.
8. Public facilities.
9. Apartments (accessory use to a mixed use structure only).
10. Accessory uses.

Special Uses:

1. Motor vehicle repair service facility.
2. Motor vehicle sales.
3. Research Facility.

<u>Minimum Lot Sizes:</u>	5,000 square feet & 50 feet wide
<u>Maximum Percentage of Lot to be Occupied:</u>	65%
<u>Maximum Height of Building:</u>	50 feet

3.27 I- Industrial Districts

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

Permitted Uses:

1. Industrial.
2. Research Facilities.
3. Offices.
4. Public facilities.
5. Wholesale business.
6. Warehousing.
7. Truck Terminals.

<u>Minimum Lot Size:</u>	50,000 square feet & 200 feet wide
<u>Maximum Percentage of Lot to be Occupied:</u>	75%
<u>Maximum Height of Building:</u>	50 feet

3.28 FW-Floodway District

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

Permitted Uses:

1. Farming.
2. Animal husbandry.
3. Roadside Stand.
4. Open recreation uses.
5. Wildlife, game, and forest preserves.
6. Off-street parking areas, providing that no overnight parking is permitted.
7. Historic, scientific, and scenic area preservation.

Special Uses:

1. Buildings associated with the permitted uses except for dwellings.
2. Community centers.
3. Kennels.
4. Dairies.
5. Circuses, carnivals, and similar transient amusement enterprises.
6. Railroads, streets, bridges, utility transmission lines and pipe lines.
7. Country clubs.
8. Excavation and removal of sand, gravel, stone, loam, dirt, or other earth products.

<u>Minimum Lot Sizes:</u>	20,000 square feet & 100 feet wide
<u>Maximum Percentage of Lot to be Occupied:</u>	30%
<u>Maximum Height of Building:</u>	35 feet

3.29 **FP- Floodplain Districts:**

The Floodplain District is designed to protect the health, safety, and welfare of the inhabitants of the Town from hazards due to periodic but infrequent flooding. This shall include the protection of persons and property, the preservation of water quality, and the minimizing of expenditures for relief insurance and flood control projects.

Any proposed development in the Floodplain District shall be reviewed by the Town Floodplain Manager prior to any issuance of a special use permit or a building permit.

Special Uses:

1. One- and two-family dwellings.
2. Nursing, convalescent, and group homes.
3. Home occupations.
4. Accessory buildings.
5. Multiple-family dwellings.
6. Tourist accommodations.

<u>Minimum Lot Size:</u>	3 acres & 200 feet wide
<u>Maximum Percentage of Lot to be Occupied:</u>	10%
<u>Maximum Height of Building:</u>	30 feet

3.30 **Prohibited Uses**

Any use not listed specifically within the Schedule of Regulations shall be considered a prohibited use in all districts under this law. Where permitted or special permit uses are identified by generic words or descriptions, the Zoning Board of Appeals shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Zoning Board of Appeals shall consider to what extent the proposed use is similar to the class of use indicated in the Schedule of Regulations. If a use is specifically listed elsewhere in the Schedule of Regulations, it is excluded from a generic classification.

ARTICLE IV - SUPPLEMENTARY REGULATIONS

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

4.10 Parking

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

For Mixed Use and Retail businesses the Planning Board may reduce the total number of parking spaces required if it can be demonstrated that the required number of spaces is excessive for that use or to provide for more open space.

Use	Parking Spaces Required
Residential - One- and Two-Family Dwellings	2 per dwelling unit
Residential - Multifamily	2 per dwelling unit
Mixed Use Structure	1 for every 150 square feet of floor space plus 2 per dwelling unit
Mobile homes	2 per unit
Tourist accommodations	1 per guest room
Religious institution or school	1 per 2 seats in principal assembly room
Professional offices, business services, home occupations	1 for every 200 square feet of floor space
Retail businesses and personal service establishments	1 for every 150 square feet of floor space
Restaurants and eating establishments	1 for every 2 seats
Hospitals and clinics	1 for every 300 square feet of floor space
Nursing, convalescent and group homes	1 per 3 beds at design capacity
Motor vehicle repair service facility	3 per service bay
Industrial	1 per employee, based on the highest expected average employee occupancy
Research facilities	1 per employee, based on the highest expected average employee occupancy
Wholesale businesses	1 for every 1,000 square feet of floor space
Truck terminals	1 for every 3,000 square feet of floor space

4.20 Home Occupations

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

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

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

4.23-Off-street parking shall be provided in accord with the provisions listed in this zoning law.

4.24-The home occupation shall not exceed 30% percent of the principal or accessory structure area.

4.30 Yards

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

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

Zoning District	Minimum Yard Dimensions (in feet)		
	Front Yard	Side Yard	Rear Yard
A	50	50	15
RL	50	50	15
FW	75	30	50
FP	50	20	50

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

4.33-Yards, as required herein, shall not be used for the storage of merchandise, equipment, building materials, junk, vehicles, vehicle parts or any other material or for signs except as special provision made therefore.

4.40 Height

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

Cell towers, chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, grain elevators, steeples, barns or silos, water towers, ornamental towers, or necessary mechanical appurtenances may be erected but shall not exceed 100 feet in height. No towers shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display, or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank, or other structure which extends above the height limitations listed in this Zoning Law.

4.50 Accessory Uses

4.51-All non-farm accessory structures shall comply in all respects with the yard requirements of this law applicable to the principal building.

4.52-An accessory non-farm structure which is not attached to a principal structure may not exceed twenty (20) feet in height.

4.60 Special Provisions Which Apply to the Floodway Districts

No structure (temporary or permanent), fill for any purpose, deposit, obstruction, storage of materials or equipment, or other uses shall be permitted which, acting alone or in combination with existing or future uses, will unduly affect the efficiency or the capacity of the floodway or unduly increase flood heights, cause increased velocities, or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.

Structures shall not be used for human habitation, shall have a low flood damage potential, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters (i.e., longitudinal axis parallel to the direction of flood flow, and placement approximately on the same flood flow lines as those of adjoining structures), and shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings, and other narrowing of the stream or river. Service facilities such as electrical and heating equipment shall be constructed at or above the flood protection elevation for the particular area or shall be flood-proofed.

The Planning Board shall require that the applicant submit a plan certified by a registered professional engineer that the flood-proofing measures are consistent with the flood protection elevation and associated flood factors for the particular area. Flood-proofing measures may be required for all buildings and structures, other than those which have low flood damage potential. Such measures may include the following where appropriate:

- a) Anchorage to resist flotation and lateral movement.
- b) Reinforcement of walls to resist water pressures.
- c) Installment of watertight doors, bulkheads, and shutters.
- d) Use of paints, membranes, or mortar to reduce seepage of water through walls.
- e) Addition of mass or weight to resist flotation.
- f) Installation of pumps to lower water levels in structures.
- g) Construction of water supply and waste treatment system so as to prevent the entrance of flood waters.
- h) Pumping facilities to relieve hydrostatic water pressure on external walls and basement floors.
- i) Elimination of gravity flow drains.
- j) Construction to resist rupture or collapse caused by water pressure or floating debris.
- k) Elevation of structures to or above the necessary flood protection elevation.

4.70 Special Provisions Which Apply to the Floodplain Districts

No use permitted within the Town by any provision of this Zoning Law shall be permitted within a Floodplain District without a special use permit, issued pursuant to the provisions of Article V of this Zoning Law.

Any use permitted within the Town by this Zoning Law, shall, if located within a Floodplain District, meet the following requirements in addition to those otherwise applicable to it under this Zoning Law:

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

4.72-On-site waste disposal systems shall be located so as to avoid impairment or contamination from the systems during flooding.

4.73-Residential structures shall have the lowest habitable floor elevated to at least one foot above the 100-year flood.

4.74-In addition to the above, any such use shall meet the following requirements:

- a) Such use shall include flood-proofing measures consistent with the flood protection elevation and associated flood factors for the particular area in which construction is to take place; or
- b) Any structure built on pilings shall be constructed with the lowest floor elevated to at least one foot above the 100-year level; or
- c) Any structure built on solid fill shall be constructed at an elevation of the 100-year flood level with the lowest floor elevated to at least one foot above the 100-year level.

4.80 Motor vehicle Repair Service Facilities

- a) The following minimum distance requirements shall be adhered to: 12 feet from pump island to any lot line; 20 feet from building to each side lot line; at least 1,000 feet shall be maintained between motor vehicle repair service facilities (this distance shall be measured along or across the street frontage unless intersected by a street, distance to be measured from lot lines); at least 500 feet shall be maintained in any direction from place of public assembly (including schools, religious institutions, parks, theater, etc.); access drives from the street frontage shall not be less than 20 feet from any property corner, and not wider than 50 feet; no access drive shall be closer than 10 feet to any lot line; at least 300 feet shall be maintained to a residential district where the residential district fronts on the same street as the motor vehicle repair service facility, or faces the motor vehicle repair service facility, and in any other case, such distance shall not be less than 200 feet from the nearest lot line of the motor vehicle repair service facility.

- b) A suitable fence or screen planting six (6) feet in height shall be provided where motor vehicle service stations abut a residential street.
- c) Driveways and service areas shall be surfaced with a non-dust-producing surface. Lights shall be directed onto the lot of the motor vehicle service station in such a manner as to prevent any beam of light or unnecessary glare from shining onto other property or the highways.

4.90 Multiple-Family Dwellings

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

4.100 Mobile Homes and Mobile Home Parks

All mobile homes and mobile home parks shall comply with the Town of Salem Regulation of Mobile Homes, Travel Trailers, Mobile Home Parks and Travel Trailer Parks. A statement certifying such compliance shall be filed as part of the Application for a Building Permit.

4.110 Tourist Accommodations

- a) Minimum floor area for each unit of a tourist accommodation shall not be less than 200 square feet.
- b) Minimum land area per each unit shall not be less than 2,000 square feet.
- c) Approval of water supply and sewage disposal by the New York State Department of Health shall be mandatory.

4.120 Apartments within Commercial (C) District

- a) Apartments shall be accessory to a mixed use **structure**.
- b) Apartments shall be prohibited on the first floor.

ARTICLE V - SPECIAL USES

5.10 General Procedures and Provisions

All uses of land listed in the Schedules of Regulations as Special Uses shall be allowed upon issuance of a Special Use Permit by the Town of Salem Planning Board **and in accordance with Town of Salem Site Plan Law.**

The Special Uses shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Law. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

5.11-A plan for the proposed development of a site for special use shall be submitted with an Application for a Special Use Permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, special features, and any other pertinent information, including such information about neighboring properties as may be necessary to determine and provide for the enforcement of this Zoning Law.

5.12-Applications for required Special Use Permits shall be filed with the Code Enforcement Officer, who shall forward each application to the Planning Board for decision.

5.13-A non-refundable fee as determined by the Town of Salem Town Board, to cover the cost of processing Special Use Permits and applications therefore, shall accompany any Application for a Special Use Permit, and shall be in addition to any building permit fee as described in this Zoning Law.

5.14-A Special Use Permit shall be deemed to authorize only one particular special use, and such permit shall be considered null and void if, within one year from the date of issue all improvements required for this special use are not completed, and if the special use shall cease for more than one year for any reason, unless otherwise provided in the Planning Board's approval of said use.

5.15-A use authorized by Special Use Permit may be revoked by the Code Enforcement Officer if it is found and determined that there has been a failure of compliance with any one of the terms, conditions, limitations, or requirements imposed by said Permit.

5.16-The Planning Board shall attach such conditions and safeguards to the Special Use Permit as are necessary to assure continual conformance to all applicable standards and requirements.

5.20 Standards Applicable to all Special Permit Uses

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

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

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

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

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

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

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

5.30 Special Use Permit Application Procedures.

The Planning Board shall act on all special permit uses in accordance with the procedure specified herein:

5.31- Public notice and hearing. A public hearing is required for each special use permit. The Board shall fix a time and place for a public hearing on any such special use permit application and shall provide notice and execute required referrals, with said public notice appearing at least five days prior to the public hearing in the official newspaper of the town.

5.32- Agency and consultant review. In its review, the Planning Board may consult with the Town Building Inspector, the Superintendent of Highways, other local, county, state and federal officials, and/or its designated private planning and engineering consultants as may be determined necessary.

5.33- Required referral. A full statement of any special use permit application, including all applicable SEQR documentation, that meets the referral requirements of § 239-l and 239-m of the General Municipal Law shall be referred prior to the public hearing to the Washington County Planning Board for its review. No action shall be taken by the Town of Salem Planning Board on such application until an advisory recommendation has been received from the Washington County Planning Board or 30 calendar days have elapsed since the Department received such full statement. In the event that the Washington County Planning Board recommends disapproval of the proposal or recommends modification thereof within such time period or at a later date prior to final action by the Town of Salem Planning Board, the Town of Salem Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within 30 calendar days after such final action, the Town of Salem Planning Board shall file a report of the final action it has taken with the Washington County Planning Board.

5.34- Decisions. Every decision of the Town of Salem Planning Board with respect to a special use permit application shall be made by resolution within 62 calendar days of the close of the public hearing, which resolution shall clearly state the decision, including findings, and any modifications attached thereto. The time within which the Town of Salem Planning Board shall render its decision may be extended by mutual consent of the applicant and the Town of Salem Planning Board. Each such decision shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof shall also be mailed to the applicant. No time periods for decision-making in this subsection shall begin to run until the lead agency has either accepted a draft environmental impact statement as complete or adopted a negative declaration under SEQR.

ARTICLE VI - NON-CONFORMING BUILDINGS, USES AND LOTS

6.10 Continuation

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

6.20 Discontinuance

Whenever a building or land used for or occupied by a non-conforming use has been discontinued for a period of 2 years, such use shall not thereafter be used for or occupied as a non-conforming use.

6.30 Alterations, Renovations or Repair

A non-conforming structure may be renovated, altered, or repaired within its present dimensions and building footprint but shall not increase its non-conformity.

6.40 Extension

A non-conforming use shall not be expanded, extended, or increased in size whether located in a non-conforming structure or a conforming structure. However, a lawful use may be extended into any portion of a non-conforming building.

6.50 Damage or Destruction

A non-conforming structure that is damaged or destroyed by any unintentional cause may be restored, repaired or rebuilt to its nonconforming dimensions and footprint provided that the building permit for reconstruction is obtained within one (1) year after the damage occurs and a Certificate of Occupancy is obtained within two (2) years from the date of issuance of building permit.

6.60 Construction Started Prior to Adoption of this Zoning Law

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

6.70 Changes

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

6.80 Existing Undersized Lots

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

6.81-Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.

6.82-Such lot has an area of at least 5,000 square feet and a minimum width of at least 50 feet at the required setback line if it is to be used for residential purposes.

6.83-The following minimum yard dimensions are maintained for residences:

Front Yards	15% of lot depth but not less than 25 feet
Rear Yards	15% of lot depth but not less than 25 feet
Side Yards	Each 20% of lot width but not less than 8 feet
In no case need the above yard dimensions exceed those for the district in which located.	

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

6.90 Reduction in Lot Area

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

ARTICLE VII - ADMINISTRATION

7.10 Enforcement

This Zoning Law shall be enforced by the Code Enforcement Officer. No building permit or certificate of occupancy shall be issued unless all the provisions of this Zoning Law have been complied with.

7.20 Building Permits, Certificates of Occupancy

No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Code Enforcement Officer.

The Town Board shall, by resolution, establish and amend a Schedule of Fees for the applications and permits required or contemplated by this Zoning Law; the current schedule shall be on file with the Code Enforcement Officer and with the Town Clerk. Such fees shall be payable to the Town Clerk at the time of application or, as appropriate, at the time of issuance of a permit.

There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Zoning Law.

One copy of such layout or plat plan shall be returned when approved by the Code Enforcement Officer together with such permit to the applicant upon the payment of a fee determined by the Town of Salem Town Board.

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

7.30 Zoning Board of Appeals

A Zoning Board of Appeals is hereby created. Said Board shall consist of three (3) to five (5) members. A chairman and all members of the Zoning Board of Appeals shall be appointed by the Town Supervisor with the approval of the Town Board. The Zoning Board of Appeals shall have all the power and duties prescribed by law and by this Zoning Law which are more particularly specified as follows:

7.31-Interpretation: Upon appeal from a decision by the Code Enforcement Officer, to decide any question involving the interpretation of any provision of this Zoning Law including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

7.32-Variances

1) Area Variance. Area variances may be granted where the dimensional or physical requirements of this law cannot be reasonably met, including but not limited to minimum highway frontage, minimum building setbacks, maximum height of buildings, and maximum size or height of signs.

In making its determination the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as balanced against the detriment to the health, safety, and welfare of the neighborhood or community. In making such determination the board shall consider:

- a) Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by the granting of the area variance.
- b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
- c) Whether the requested variance is substantial.
- d) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.
- e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals must grant the minimum area variance that it deems necessary and adequate for the applicant to make reasonable use of the property, while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.

2) Use Variances. A variance to allow within a district a use other than a permitted use or a use allowable by Special Use Permit may be granted where the Zoning Board of Appeals explicitly makes all of the following findings:

- a) That the strict application of the use provisions of this law would result in a specified unnecessary hardship to the applicant which arises because of exceptional or extraordinary circumstances applying to the property, and not applying generally to other properties in the same district, and which results from lot size or shape legally existing prior to the date of this law, or topography, or other circumstances over which the applicant has had no control;
- b) That the property in question cannot yield a reasonable return if used for any permitted use or use allowable by Special Use Permit applicable to the district in which the property is located;
- c) That the variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same district or similarly classified districts possess without such a variance; and,

- d) That the variance would not materially be detrimental to the purposes of this law, or to property in the district in which the property is located, or otherwise conflict with the purpose of the district, and that the variance requested is the minimum variance which would alleviate the specific unnecessary hardship found by the Zoning Board of Appeals to affect the applicant.

The Zoning Board of Appeals must grant the minimum use variance that it deems necessary and adequate for the applicant to make reasonable use of the property, while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.

7.33-Variance Procedures & Approval Process

1)-Upon receipt of a complete application the Zoning Board of Appeals shall take the following actions:

- a) Upon receipt of an application, the Zoning Board of Appeals shall refer one copy to the Town Planning Board.
- b) Within 15 days of receipt of a final and complete application for a variance, the Zoning Board of Appeals shall give notice of a public hearing to be held on the application not fewer than fifteen (15) days or more than sixty (60) days after the notice.
- c) A copy of said notice of hearing, together with a description of the application shall be sent by the Zoning Board of Appeals to the Planning Board simultaneously with the giving of notice under this section and shall request that the Planning Board submit to the Zoning Board of Appeals its opinion on said application, the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.
- d) The Town shall notify, by proof of mailing, all property owners adjoining the project site's property boundary of the date, time, place, and subject of the public hearing at which the variance will be reviewed. Proof of such mailing shall be submitted to the Zoning Board of Appeals prior to the public hearing.
- e) Conduct a public hearing on the matter as scheduled.
- f) Within sixty-two (62) days of the close of the public hearing, the Zoning Board of Appeals shall render a decision to grant, grant with conditions, or deny the variance. Said time period may be extended by mutual consent of the applicant and the Board.

2)-The decision of the Zoning Board of Appeals shall be in writing and shall address each of the findings of Section 7.32, and the factual basis for each finding from the record of the hearing, which shall support the decision.

3)-Upon rendering a decision to grant a variance of this law, the Zoning Board of Appeals shall notify the Town Planning Board and the Code Enforcement Officer, by proof of mailing, of such decision.

4)-The coming into effect of a variance shall serve as authorization for the Code Enforcement Officer to issue a permit, provided that the project complies with all the provisions of this law and all other applicable regulations.

7.40 Violations and Penalties

7.41-Criminal Sanctions

1)-A violation of this law may be enforced by criminal sanctions as follows:

- a) First Offense: Conviction of a first offense shall be punishable by a fine not exceeding \$350 or six months imprisonment or both;
- b) Second Offense: Conviction of a second offense, both of which were committed within a period of five years, shall be punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and
- c) Third Offense: Conviction of a third or subsequent offense, all of which were committed within a period of five years, shall be punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both.

2)-Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

3)-The Code Enforcement Officer or agent may commence criminal proceedings in the justice court by issuing an appearance ticket to any alleged violator and/or by filing information and supporting deposition pursuant to the New York Criminal Procedure Law. In the alternative, the Code Enforcement Officer or agent or the Town Board may request the District Attorney to prosecute the violation or to appoint the Town Attorney as a special district attorney for that purpose.

4)-Such fines may be compromised or released as part of any disposition.

7.42-Civil Penalties

1) As an alternative to criminal sanctions, the Town may institute proceedings for civil penalties in the amounts stated herein for each such violation:

- a) First Offense: Civil penalty not exceeding \$350;
- b) Second Offense: Civil penalty not less than \$350 or more than \$700; and
- c) Third Offense: Civil penalty not less than \$700 nor more than \$1,000.

2) Each week's continued violation shall constitute a separate additional violation, for which separate and additional civil penalties may be imposed and recovered.

3) Such penalties may be compromised or released as part of any disposition.

7.50 Referral to County Planning Board

Before final action is taken on special permits, variances, or amendments to this Zoning Law, such matter should be referred to the Washington County Planning Board in accordance with the procedures required in Article 12-B Sections 239(l) and (m) of the General Municipal Law. Proposed actions shall be subject to the referral requirements if they apply to real property within five hundred feet of the following:

- 1) The boundary of any City, Village or Town; or
- 2) The boundary of any existing or proposed County or State Park or any other recreation area; or
- 3) The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway; or
- 4) The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines; or
- 5) The existing or proposed boundary of any County or State owned land on which a public building or institution is situated; or
- 6) The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.

ARTICLE VIII - AMENDMENTS

8.10 Procedure

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

Every such proposed amendment or change shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Planning Board shall have sixty-two (62) days to provide such recommendations to the Town Board. Failure to make such a recommendation within the required time period shall be decided an approval by the Planning Board. The Town Board of the Town of Salem by resolution shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

- a) By publishing a notice in a newspaper of general circulation in the Town of Salem;
- b) By giving written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any Village, Town, County, or State Park or parkway, which notice shall be given to the park commission having jurisdiction over such park or parkway at least ten (10) days prior to the date of such public hearing; and
- c) By giving written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any Town or County, which notice shall be given to the clerk of such municipality and to the Clerk of the Board of Supervisors at least ten (10) days prior to the date of such hearing.

8.20 Protest by Owners

In case, however, of a protest against such change signed by the owners of 20 percent or more of the area of land included in such proposed change or of that immediately adjacent extending 100 feet therefrom or of that directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of two thirds of the members of the Town Board of the Town of Salem.

8.30 Publication and Posting

Every amendment to this Zoning Law, including any map incorporated therein, shall be entered in the minutes of the Town Board of the Town of Salem and a copy thereof, exclusive of any map incorporated therein, shall be published once in the official newspaper of the Town and a copy of such amendment together with a copy of any map incorporated therein, shall be posted on a sign board maintained by the Town Clerk. Affidavits of the publication and posting thereof shall be filed with the Town Clerk. In addition, all Amendments to the Zoning Law must be filed with the Secretary of State of the State of New York.

ARTICLE IX - INTERPRETATION AND APPLICATION

9.10 Conflict with Other Laws

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

9.20 Severability

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

9.30 Effective Date

This Zoning Law, and any amendments, shall become effective on the twentieth day after its adoption, unless a different date is prescribed in the local law when filed with the Secretary of State of the State of New York pursuant to the Municipal Home Rule Law of the State of New York.

ARTICLE X - DEFINITIONS

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

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

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

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

Animal Husbandry: A branch of agriculture for the raising or nurturing and management of domesticated farm animals, including breeding, pasturing, ranching, and sale of such animals; such animals may include, but are not limited to, cattle, sheep, hogs, goats, horses, poultry, farmed deer, and other fur bearing animals; such use may or may not be part of a farm operation as defined by this Chapter and the New York State Agricultural Markets Law.

Apartment: Any building or portion thereof which contains dwelling units.

Building: A permanent, fixed structure intended for the shelter, housing, or enclosure of persons, animals or other property.

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

Cemeteries: Land used or dedicated for the interment of human or animal remains or cremated remains of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

Clinic: A facility, other than a hospital, providing medical, dental, surgical, or psychiatric services on an outpatient basis.

Dwelling: Any building or portion thereof designed or used primarily as the residence or sleeping place of one or more persons. A dwelling shall include group homes but not a hotel, motel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house, boardinghouse or other similar structure under the terms of this law.

Dwelling, One-Family: A detached building designed for or occupied exclusively by one family.

Dwelling, Two-Family: A building designed for or occupied exclusively by two families living independently of each other.

Dwelling, Multiple-Family: A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services, amenities, or facilities.

Essential Services: The construction, alteration, or maintenance by public utilities or governmental agencies of gas, electric, steam, or water transmission or distribution systems.

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

Farm: Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products as defined by New York State Agricultural and Markets Law. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of furbearing animals, riding academies, livery or boarding stables, and dog kennels. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

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

Floodplain: A land area adjoining a river, stream, watercourse, ocean, bay, or lake which is likely to be flooded.

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

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

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

Flood Protection Elevation: The 100-year flood elevation.

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

Hospital: An institution, licensed by the State Department of Health, providing primary health services and medical or surgical care to persons, including related facilities such as laboratories, outpatient facilities, or training facilities.

Industrial: A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging, of finished products, predominantly from previously prepared or refined materials, or from raw materials that do not need refining and are conducted wholly within an enclosed building. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. Such industrial use is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

Junk Vehicle: Any motor vehicle exposed to public view, whether automobile, bus, truck, tractor, motorcycle, motor bicycle, snowmobile, trailer, or any other contraption originally intended for travel or tow on the public highways which is abandoned, stored, left, or located by its owner or any other person on public or private premises in the Town of Salem, and which:

- A. Is not registered by the State of New York for operation on public highways and/or does not have a valid New York State inspection sticker; or is not in a condition to meet the requirements for valid New York State vehicle inspection; or
- B. Is being held or used for the purpose of resale of used parts therefrom for the purpose of reclaiming for use some or all of the materials therein or for the purpose of disposing of the same.

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

Lot, Corner: A parcel of land at the junction of and fronting on two or more intersecting streets.

Lot, Width of: The mean width measured at right angles to its depth.

Lot, Vacant: Lands or buildings that are not actively used for any purpose, including a lot or parcel which no improvements have been constructed.

Lot Lines: The lines bounding a lot as defined herein.

Mixed Use Structure: A development or structure which contains more than one type of land use with apartment dwellings located above the ground floor of an institutional, civic, office, or commercial use.

Manufactured Home: A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

Mobile Home: A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

Mobile Home Park: A parcel of land which has been planned for the placement of two (2) or more mobile homes, appurtenant structures, or additions and conforms with the Town of Salem Mobile Home Law.

Motor Vehicle Repair Service Facility: A facility for the general maintenance, repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

Motor Vehicle Sales: Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where service, repair, or body work is incidental to the operation of the new or used vehicle sales.

Non-Conforming Use: A building, structure, or use of land existing at the time of enactment of this Zoning Law which does not conform to the regulations of the district or zone in which it is situated.

Nursing Home, Convalescent and/or Group Home: A facility, licensed by the State of New York, which may provide nursing care and related medical services on a 24-hour per day basis to two or more individuals.

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

Personal Services: Establishments providing non-medically related services for individual necessities, including, but not limited to, barbershops, beauty salons and spas, clothing rental, Laundromats, dry cleaning services, shoe repair shops, and tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Public Facility: Any facility, including but not limited to buildings, property, and recreation areas, which are leased or otherwise operated or funded by a governmental body or public entity.

Recreational Facility: Any public or private establishment whose main purpose is to provide access to indoor recreation.

Recreation, Open: An establishment whose main purpose is to provide access to outdoor recreation, which may include partially enclosed or screened facilities used for recreational activities.

Religious Institution: A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events.

Research Facility: A structure or complex of structures designed or used primarily as research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products.

Roadside Stand: Buildings, structures, or vehicles totaling less than one-hundred (100) square feet in ground area for the sale of agricultural products and camp firewood. This definition does not include operations primarily for the sale of crafts or non-agricultural items.

Structure: Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions, and alterations thereof

Terminal, Truck: Any premises used by a motor freight company for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

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

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

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

Yard, Front: The required portion of a yard situated between the street line and the front line of a building.

Yard, Rear: The required portion of a yard situated between the rear lot line and the rear line of a building.

Yard, Side: The required portion of a lot situated between the side lot line and the nearest side line of a building and extending from the rear line of the front yard to the front line of the rear yard.