

R-R, RURAL RESIDENTIAL

Sec. 24-183. RR district.

(a) *Scope.* This section applies to the RR district.

(b) *Lot size.*

(1) *Findings.* Residential development in approved subdivisions with public sewer and water is more desirable than rural residential development. The cost of providing public fire and emergency services is more economical in approved subdivisions, and the lack of permeable soil creates substantial problems in rural residential areas. The impermeable soils in rural residential areas in the town combined with grades of over fifteen (15) percent on twenty-five (25) percent of the property cause serious hazards. Private sewage systems are often inadequate and have a short useful life. Wells for water often have to be redug in areas where development has occurred, and drainage

problems have plagued rural development where subdivision regulations do not control development. Dwellings in rural residential areas that are distant from the road can be difficult to service with emergency vehicles in bad weather. The town finds that it is desirable to limit and regulate the construction in rural residential areas.

(2) *Minimum lot size.*

a. The minimum frontage is two hundred forty (240) feet, except as provided in paragraph (6) of this subsection.

b. A rectangle measuring two hundred forty (240) feet by two hundred forty (240) oriented as parallel as possible to the lot frontage shall fit on the lot with at least one (1) point touching the lot frontage.

c. Lot size requirements for properties that have remained in the unaltered shape and size may be considered a legal lot for use, and as detailed in paragraph (b)(5), provided the following dates and sizes are existing.

1. Properties established and proven by an accurate deed, from 1946—1961 which have not less than sixty (60) feet frontage and twelve thousand five hundred (12,500) square feet in area.

2. Properties established and proven by an accurate deed, from 1962—March 15, 1971 which have not less than one hundred (100) feet frontage and twenty thousand (20,000) square feet in area.

(3) *Sewer system setback.* The minimum setback is the minimum area required by the county health department for the sewer system, plus room for expansion of the minimum area by fifty (50) percent. The sewer system shall not be closer

- than twenty (20) feet to the front property line nor closer than fifteen (15) feet to all side and back property lines.
- (4) *Location of building.* Subject to considerations of topography, preservation of trees, drainage, roadways, water and sewer systems, and as otherwise practical, the placement of the building on the parcel shall be in a manner that will facilitate future subdivisions into lots having eighty (80) feet of frontage. To obtain this purpose, the permit officer may make reasonable requirements of plot plan layout. Such requirements shall be subject to review by the zoning board of appeals.
- (5) *Nonconforming uses.* Nonconforming uses must meet the requirements of the county health department as to the adequate area and conditions to provide for proper sanitary disposal. However for the purpose of this subsection, and despite contrary language elsewhere in this chapter, a parcel which was zoned agricultural RA-1 or RA-1 and RA-2 immediately prior to the adoption of the local law from which this paragraph is derived shall be presumed to be in single and separate ownership without reference to the ownership of adjacent properties if the instrument creating such separate parcel was recorded in the county clerk's office on or before March 15, 1971. If two (2) or more contiguous parcels are reconveyed after March 15, 1971, so as to create one (1) parcel, and a copy of the instrument is recorded in the county clerk's office, then the parcels shall, for the purpose of this subsection, be considered a single and separate ownership from March 15, 1971.
- (6) *Special permits.* The zoning board of appeals may grant a special permit to build on lots not having two hundred forty (240) feet of frontage and depth, subject to the following:
- a. An application for a special permit pursuant to this subsection shall be accompanied by the following:
 1. A plot plan showing existing and proposed elevations.
 2. The location of all proposed wells and the location of all existing wells on adjoining properties within five hundred (500) feet.
 3. Location of the proposed structure.
 4. Location of the driveway and type of construction of the driveway.
 5. Such information on drainage as the zoning board of appeals may determine to be necessary.
 6. Location and type of sewage system.
 - b. The lot shall have a minimum frontage on an accepted street, owned in fee by the lot owner, of not less than fifty (50) feet.
 - c. The area of the lot shall be a minimum of two and one-half (2½) acres.
 - d. The building permit shall indicate the location of the well, which shall be at least two hundred forty (240) feet from all wells on neighboring properties.
 - e. The zoning board of appeals must find that there are both practical difficulties and unnecessary hardships necessitating the special permit and that the appropriate use of neighboring property will not be injured thereby.
 - f. The zoning board of appeals shall make such conditions to the special permit as are desirable to protect the neighboring properties.
 - g. The decisions of the zoning board of appeals shall be filed by the applicant with the county clerk in miscellaneous records, and no building permit shall be issued until proof of filing is presented to the code enforcement officer.

- h. Thirty (30) days' notice of the application shall be given to the conservation advisory commission, the town engineer, the fire marshal, the town board and planning board and to all property owners within five hundred (500) feet of the property. Notice shall be given by the town clerk and a fee of thirty dollars (\$30.00) shall be charged therefor, in addition to the standard required fee.
- i. A special permit may only be granted for a parcel containing ten (10) acres or less upon a finding by the zoning board of appeals that the lot was not, within the ten (10) years prior to the granting of the special permit, part of a larger tract of land which has been divided into five (5) or more parcels within the ten-year period.

(c) *Other lot limitations.*

- (1) *Minimum yard dimensions.* The minimum yard dimensions from lot lines to principal building are as follows:
 - a. For the front yard, thirty (30) feet.
 - b. For each side yard, seven (7) feet. On a corner lot, the side yard adjacent to the street shall be not less than twenty (20) feet in width. Accessory buildings shall observe a thirty-foot setback in the side yard.
 - c. For the rear yard, thirty-five (35) feet.
 - d. Minimum yard dimensions in feet from lot lines to principal building on corner lots shall be administered on the basis of a written election by the owner setting forth which side of his lot is to be considered the front. The written election must be filed with the administrative officer.
- (2) *Accessory buildings.* The minimum yard dimension from accessory building to:
 - a. The principal building is ten (10) feet.

- b. The front lot line is thirty (30) feet.
- c. Side lot lines is seven (7) feet. On a corner lot, the side yard adjacent to the street shall be not less than thirty (30) feet in width.
- d. The rear lot line is seven (7) feet.
- e. Accessory buildings for residential use purposes shall not exceed:
 - 1. Two (2) stories.
 - 2. Twenty-five (25) feet in height.
- f. Accessory buildings solely for agricultural use as permitted and occurring on the property, shall not exceed:
 - 1. Two-and-one-half (2 ½) stories.
 - 2. Thirty (30) feet in height.

- (3) *Subdivision approval.* In no event shall the planning board approve a subdivision unless the subdivision can meet all the requirements of this section, including but not limited to a frontage of two hundred forty (240) feet, a depth of two hundred forty (240) feet and a sewer system setback, together with all the other requirements of this section.

(d) *Building limitations.* Principal buildings shall not exceed:

- (1) Three (3) stories.
- (2) Fifty (50) feet in height, provided that the maximum height does not exceed the capabilities of town firefighting equipment.

(e) *Exception.* No principal or accessory building used for farming purposes shall be located closer than one hundred (100) feet to any RA-1, RA-2 or RC district.

(f) Towers and other accessory use structures shall not exceed.

(1) Fifty (50) feet in height.
(Code 1966, § 44-IV-5(E)—(G); L.L. No. 9 of 2007, § 1; L.L. No. 5 of 2016, §§ 5(a)—5(c))

Editor's note—L.L. No. 5 of 2016, adopted Oct. 12, 2016, amended § 24-183, and in so doing changed the title of said section from "ER district" to "RR district," as set out herein.

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 24-151. Permitted uses—Residential districts.

The uses permitted in the districts listed below are as indicated. Uses not listed below are prohibited unless provided otherwise. In this table symbols have the following meanings:

<i>Symbol</i>	<i>Meaning</i>
-	Prohibited.
A	Allowable upon obtaining a special permit from the administrative officer after a favorable recommendation from the planning board.
I	Allowable as an accessory use.
P	Allowable as a use permitted by right.
T	Allowable upon obtaining a special permit from the town board.
Z	Allowable upon obtaining a special permit from the zoning board of appeals.

	<i>RA-1</i>	<i>RA-2</i>	<i>RC</i>	<i>RR</i>
Abattoir and/or animal reduction works	—	—	—	T
Accessory structures and uses customarily incidental for farm purposes	—	—	—	I
Accessory structures or uses, including detached private garage, garden house, greenhouse, toolhouse and similar uses, for residents only	I	I	—	I
Accessory use towers or structures other than buildings	—	Z	Z	Z
Agricultural activity, livestock and farming	—	—	—	P
Boarding house or rooming house	—	—	P	P
Boarding and/or rooming house providing accommodations, for not more than two (2) transient roomers, provided that off-street parking requirements can be met	P	—	—	—
Boarding and/or rooming house providing accommodations for not more than four (4) nontransient roomers and provided that off-street parking requirements are met	—	P	—	—
Cemetery	—	—	—	Z
Church and other place of worship, including Sunday school building and rectory, provided said lot has a minimum frontage of one hundred fifty (150) feet, a minimum depth of one hundred fifty (150) feet, and contains a minimum of twenty-two thousand five hundred (22,500) square feet	P	P	P	P
Commercial radio and television transmission or receiving towers and facilities	—	—	—	Z
Condominium	—	—	P	—
Cultivation of plants and plantings, when conducted by the occupants of the premises and incidental to the principal use	P	P	—	—
Cultural facility (library, art gallery, museum, etc.)	—	—	—	Z
Customary home occupations	—	I	—	I
Detached garages and recreational facilities located to the rear of the principal building	—	—	I	—
Electrical distribution substation and other public utility structures	Z	Z	Z	Z
Eleemosynary institution	—	Z	Z	Z
Golf course (containing 9 holes or more) and/or country club	—	—	—	Z
Heliport	—	—	—	T
Mobile home park	—	—	T	—
Multiple family dwelling	—	—	P	—
Normal forest management and wood lots	—	—	—	I
Not-for-profit camp	—	—	—	T
Nursing or convalescent home or sanitarium	—	—	Z	Z
One-family detached dwelling	P	P	—	P
One-family detached modular home	P	P	—	P
Park, playground and other open recreational area when operated by the town	P	P	P	—
Philanthropic institution	—	Z	Z	Z
Public building	—	—	P	P
Public elementary or secondary school; parochial school	P	P	P	P
Public library, museum and other public building	—	P	—	—
Recreational or transient trailer park (minimum size 8 acres)	—	—	—	T
Removable roadside stand for the sale of agricultural products on the premises	—	—	—	I
Residential dish antennas exceeding six feet in diameter	Z	Z	Z	Z
Swimming pool operated by a not-for-profit corporation, religious corporation or the owners of a multiple residence as an adjunct of a multiple residence	—	—	T	T
Temporary structure incidental to the development of land or to the erection of a permanent structure	P	P	—	—
Townhouse	—	—	P	—
Two-family attached dwelling	—	P	—	—
Two-family attached modular home	—	P	—	—
Two-family dwelling or modular home	—	—	—	P

(Code 1966, §§ 44-IV-2(A)—(D), 44-IV-3(A)—(C), 44-IV-4(A)—(D), (K), 44-IV-5(A)—(D), 44-IV-2, 44-XI-2(A), 44-XI-3(A), 44-XI-4, 44-XI-7(A), 44-XI-9(A), (B), 44-XI-11, 44-XI-12, 44-XI-15, 44-XI-16(B), (C), 44-XI-19; L.L. No. 8 of 1991, § 1; L.L. No. 5 of 2016, §§ 6(e), 11)