

ZONING LOCAL LAW
TOWN OF KIRKWOOD

ARTICLE III
APPLICATION OF REGULATIONS

SECTION 301. Districts

For purposes of this Local Law the Town of Kirkwood is hereby divided into the following districts:

- A. Residence (R), Residence (R-1), Agricultural/Rural Residence (A/R-R), and Residence Multi (R-M); See Section 301.1.
- B. Business One (B-I), Business Two (B-2), Business Two – Entertainment (B-2-E); See Section 301.2.
- C. Industrial Development (I-D), Industrial Development-Recycling (ID-R), and Industrial Development - Power Plant Facility (ID-PPF); See Section 301.3.
- D. Planned Unit Development (PUD); See Section 301.4.
- E. Aquifer Protection (AP); See Article VIII.
- F. Mining (M); See Article X.
- G. Automobile Sales (AS); See Article XI.
- H. Commercial Composting Facility; Removed by recommendation from Town of Kirkwood Comprehensive Plan.
- I. Construction Equipment (CE); See Article XIII.

SECTION 301.1 Residential Districts

- A. Establishment.
 - 1. The residential districts are listed below. When this Zoning Ordinance refers to residential or R zoning districts, it is referring to one of the following:

Residential Districts -Table 1

District Name	Map Symbol
Residence	R
Residence 1	R-1
Agricultural/Rural Residence	A/R-R
Residence Multifamily	R-M

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2. The residential district names and map symbols are intended to provide a general indication of what is allowed in the district by denoting the residential densities (urban, suburban, or rural) and dominate housing type (single-family, two-family, or etc.).

B. District Purposes

1. **Residence.** The purpose of the Residence District is to preserve the traditional village neighborhoods within the Town and to support the goals and objectives contained in the Town of Kirkwood Comprehensive Plan. These neighborhoods are generally characterized by owner-occupied, single-family, detached homes placed on lots 13,400 square feet in size or larger. The R District is established to maintain the character and lifestyle offered by these single-family neighborhoods.
2. **Residence 1.** The purpose of the Residence 1 District is to preserve and balance the traditional village neighborhoods and the rural community within the Town and to support the goals and objectives contained in the Town of Kirkwood Comprehensive Plan. These neighborhoods are generally characterized by owner-occupied, single-family, detached homes placed on lots 13,400 square feet in size or larger and agricultural uses. The R-1 District is established to maintain the character and lifestyle offered by these single-family neighborhoods.
3. **Agricultural/Rural Residence.** The purpose of the Agricultural/Rural Residence District is to balance residential development with the preservation of rural character and farming activities within the Town and to support the goals and objectives contained in the Town of Kirkwood Comprehensive Plan. This district will promote suitable placement of buildings and accessory structures in relation to the site and surrounding areas in order to minimize the potential for loss of productive agricultural resources and the disruption of environmentally sensitive areas.
4. **Residence Multifamily.** The purpose of the Residence Multifamily District is to provide the broadest range of residential living opportunities within the Town and to support the goals and objectives contained in the Town of Kirkwood Comprehensive Plan. These neighborhoods may contain a mix of single- or two-family homes as well as higher-density developments, such as apartments or townhouses, on lots that may be as small as 12,000 square feet in size. Developments in this district shall employ techniques to minimize

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negative impacts (including circulation, parking, glare, noise, etc.) on existing residential areas.

C. Uses

Uses are allowed in residential or R zoning districts in accordance with Table 2.

1. Uses identified with a "P" in Table 2 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.
2. Uses identified with a "SP" in Table 2 may be allowed if reviewed and approved in accordance with the special permit procedures in Article V, Section 503.
3. Uses not listed and those identified with a "--" are expressly prohibited.

P = Permitted
SP = Specially Permitted
— = Prohibited

Permitted and Specially Permitted Uses - Table 2

Land Use	R	R-1	A/R-R	R-M
Single-Family detached	P	P	P	P
Single-Family attached (Townhouse)	—	—	—	P
Two-Family	P	P	P	P
Multifamily	—	—	—	P
Mobile Home ⁽¹¹⁾	—	P	P	—
Accessory Uses	P	P	P	P
Church or Religious Institution	P	P	P	P
Educational Institution	P	P	P	P
Public Parks and open space Recreational Areas not for profit	P	P	P	P
Electrical Distribution Stations and other Public Utility Structures	SP	SP	SP	SP
Public Buildings	P	P	P	P
Veterinarian Hospital	—	P	P	—
Nursing Homes ⁽¹⁸⁾	—	—	—	SP
Hospitals	—	—	—	SP

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Permitted and Specially Permitted Uses - Table 2

Land Use	R	R-1	A/R-R	R-M
Medical Office	—	—	—	SP
Professional Offices	SP	SP	SP	SP
Agriculture	—	P	P	—
Day Care Centers	P	P	P	P
Cemetery	—	P	P	—
Commercial Solar Energy Systems (Amended 9/6/22 LL#6)	SP	SP	SP	—

D. Lot, area, and setback requirements.

The following lot, area, and setback requirements shall apply to the residential districts within the Town:

Permitted and Specially Permitted Uses - Table 3

Land Use	R	R-1	A/R-R	R-M
<u>Minimum lot size (with public water and sewer)</u> ^{(1), (3), (11), (12)}				
Single-Family detached (square feet)	13,400	29,185	58,370	13,400
Single-Family attached (Townhouse) (square feet) ^{(16), (17)}	—	—	—	2,000
Two-Family (square feet)	13,400	29,185	58,370	13,400
Multifamily (square feet)	—	—	—	13,400
Nonresidential uses (square feet)	13,400	29,185	58,370	13,400
<u>Minimum lot size (with no public water and sewer)</u> ^{(1), (3), (11), (12)}				
Single-Family detached (square feet)	20,000	43,560 (1 Acre)	87,120 (2 Acres)	20,000
Single-Family attached (Townhouse) (square feet) ^{(16), (17)}	—	—	—	2,000
Two-Family (square feet)	20,000	43,560 (1 Acre)	87,120 (2 Acres)	20,000
Multifamily (square feet)	—	—	—	20,000

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Permitted and Specially Permitted Uses - Table 3

Land Use	R	R-1	A/R-R	R-M
Nonresidential uses (square feet)	20,000	43,560 (1 Acre)	87,120 (2 Acres)	20,000
<u>Minimum lot width (with public water and sewer)</u> ^{(1), (3), (12)}				
Single-Family detached (feet)	84	84	134	84
Single-Family attached (Townhouse) (feet)	—	—	—	20
Two-Family (feet)	134	134	134	134
Multifamily (feet)	—	—	—	134
Nonresidential uses (feet)	134	134	134	134
<u>Minimum lot width (with no public water and sewer)</u> ^{(1), (3), (12)}				
Single-Family detached (feet)	125	125	200	125
Single-Family attached (Townhouse) (feet)	—	—	—	20
Two-Family (feet)	200	200	200	200
Multifamily (feet)	—	—	—	200
Nonresidential uses (feet)	200	200	200	200
<u>Minimum front setback</u> ^{(4), (5)}				
Single-Family detached (feet)	30	50	50	35
Single-Family attached (Townhouse) (feet)	—	—	—	35
Two-Family (feet)	30	50	50	35
Multifamily (feet)	—	—	—	35
Nonresidential uses (feet)	30	50	50	35
Accessory Uses (feet)	(2), (8)	(2), (8), (9)	(2), (8), (9), (10)	(2), (8)
<u>Minimum side setback</u> ⁽⁶⁾				
Single-Family detached (feet)	15	20	20	15
Single-Family attached (Townhouse) (feet) ^{(13), (14), (15)}	—	—	—	0
Two-Family (feet)	15	20	20	15

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Permitted and Specially Permitted Uses - Table 3

Land Use	R	R-1	A/R-R	R-M
Multifamily (feet)	—	—	—	15
Nonresidential uses (feet)	15	20	20	15
Accessory Uses (feet)	15	15	15	15
<u>Minimum rear setback</u>				
Single-Family detached (feet)	25	25	25	35
Single-Family attached (Townhouse) (feet)	—	—	—	35
Two-Family (feet)	25	25	25	35
Multifamily (feet)	—	—	—	35
Nonresidential uses (feet)	25	25	25	35
Accessory Uses (feet)	15	15	15	15

E. Bulk requirements.

The following bulk requirements shall apply to the residential districts within the Town:

1. Maximum density permitted per lot is 1 principal building.
2. Minimum gross floor area is 750 square feet per dwelling unit.
3. Maximum building height ⁽⁷⁾ is 35 feet with the exception of multifamily uses which is 45 feet. All accessory uses are 16 feet in height ⁽⁹⁾.
4. Maximum lot coverage by buildings is 30% with the exception of the R-M district which is 35%.

F. Additional Use Requirements.

Site Plan Review is required for all non-residential uses and buildings as described in Article V, Section 502. Sign requirements are described in Article V, Section 504 and Off-street Parking and Loading requirements are described in Article V, Section 505.

G. Accessory Uses.

The following accessory uses are permitted in residential districts:

1. Customary home occupations by Special Permit which Meet the requirements in Article V, Section 503.6 - Home Occupations.
2. Storage and parking in the open of no more than one (1) unregistered/unlicensed motor vehicle, motor home, travel trailer, or boat. Not more than a total of two (2) motor homes,

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travel trailers, or boats is allowed. Any such item stored or parked on any property must be at least sixty (60) feet behind from the highway right-of-way, or within the boundaries of an existing driveway and cannot be occupied. Items specified in this section are not allowed between October 1st and May 1st if located in a flood plain.

3. Overnight parking of Semi-Trucks of a gross vehicle weight of 10,000 lbs or more on either public highways or private property is prohibited, except the registered owner of such Semi-Truck without Semi-Trailer may park not more than one (1) such vehicles on property which is his/her principal residence or on adjacent property with the written consent of the owner of such adjacent property. This written consent must be submitted to the Town of Kirkwood. For purposes of this section, such Semi-Truck may be registered to (1) a corporation of which the property resident is the majority owner of the stock of said corporation, or (2) a limited liability company of which the resident is a member of said company owning a majority interest therein.
4. Temporary Storage Containers by Special Permit that meets the requirements of Article V, Section 503.11.
5. No more than three customary incidental accessory buildings & uses not conducted as a business, ie. private garage, tool house, swimming pool. However, no more than one of each incidental accessory buildings per lot.
6. Garage/yard sales by the owner/occupant. No more than two (2) garage/yard sales are allowed per calendar year, and no sale may be longer than three (3) consecutive days.
7. Roadside stands
 - a. Temporary stands for agricultural product sales produced primarily on the premises may operate between May 1 and Dec. 31.
 - b. Minimum setback 15'.
 - c. Minimum of 3 off-street parking spaces required.
8. Wind Turbines via site plan approval and by Special Permit that meets the requirements of Article V, Section 503.10.
9. In the A/R-R and R-1 district, farm buildings and structures customarily incidental to agricultural uses.
10. Harboring of Domestic Chickens in Residential (R) and Residential 1 (R1) district by Special Permit which meet the requirements in Article V, Section 503.13.

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11. Seasonal Businesses in Residential Districts by Special Permit which meet the requirements in Article V, Section 503.14.
12. Non-Commercial Solar Energy Systems shall be allowed as an accessory use in accordance with the requirements of this Chapter. (Amended September 6, 2022, LL#6-2022)

NOTES:

- 1) Or the most common lot size on the block in which the lot is located.
- 2) Not permitted in Front Yard.
- 3) LOT WIDTH & AREA EXCEPTIONS. Lot widths and lot area may be reduced by 33% where connections are installed to a public sewer system approved by the Broome County Health Dept.
- 4) VISIBILITY AT INTERSECTIONS. On corner lots, clear vision shall be maintained within that triangular area formed by the intersecting street lines and a straight line at points which are 20' distant from the points of intersection measured along said street lines. In such area no shrubbery, fence or other obstruction shall be permitted higher than 3' from the accepted street grade, nor shall branches or foliage of trees be permitted less than 10' from the ground.
- 5) CORNER LOTS. Where side property lines are also street lines, no principal building shall be erected closer than 20' from such property or street lines.
- 6) SIDE YARD ENCROACHMENTS. Cornices, eaves, gutters, chimneys and bay/bow windows extending not more than 2' from the building line are permitted.
- 7) HEIGHT EXCEPTIONS. A. The limitations of height shall not apply to chimneys, ventilators, skylights, aerials & other necessary features usually carried above roofs, nor to towers or spires of churches or other buildings if such features are in no way used for living purposes. B. Principal non-residential structures may be erected to a height greater than 35' provided that front, side, and rear yards shall be increased by 2' for each 1' by which such building exceeds the 35' height limitation.
- 8) WIND TURBINES. For setback requirements from side & rear property lines & structures, See Article V, Section 503.10
- 9) Accessory buildings (farm) shall not be located closer than 100' to any "R" or "R-M" district. Farm buildings, structures as part of an agricultural operation may be erected to a height of fifty (50) feet.
- 10) No unoccupied mobile home shall hereafter be parked or otherwise placed within the Town of Kirkwood outside a licensed mobile home park.
- 11) Add 3,500 square feet per dwelling unit beyond two.
- 12) In R-M Districts lot widths may be reduced to 70' and lot area reduced by 33% where connections are installed to a public sewer system, approved by the Broome County Health Department.
- 13) Corner lot requires 15' side yard.
- 14) There shall be firewall construction between units with a minimum three (3) hour rating.
- 15) There shall be a 15' yard between buildings.
- 16) May require application through Town Subdivision Regulations.
- 17) Separate public water and sewer hookup required for each unit.
- 18) Nursing homes require public sewer and water.
- 19) No surface water should flow to any adjacent properties.

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Section 301.2 Business Districts

A. Establishment.

1. The business districts are listed below. When this Zoning Ordinance refers to Business 1, Business 2, and Business 2 - Entertainment, it is referring to one of the following:

Business Districts -Table 1

District Name	Map Symbol
Business 1	B-1
Business 2	B-2
Business 2 - Entertainment	B-2-E

2. The district name and map symbol are intended to provide a general indication of what is allowed in the district, with the “B-1”, “B-2”, and “B-2-E” denoting the business uses.

B. District Purposes.

1. Business 1. The purpose of the Business 1 District is to foster a concentration of small-scale, mixed use activity and to support the goals and objectives contained in the Town of Kirkwood Comprehensive Plan. The B-1 District is established to maintain and enhance the traditional mix of retail, office, civic and residential uses within the Town. Development in this district should reinforce compact, pedestrian-oriented development and preservation of traditional historic character.
2. Business 2. The purpose of the Business 2 District is to encourage commercial development and to support the goals and objectives contained in the Town of Kirkwood Comprehensive Plan. The B-2 District is established to provide areas for intensive commercial activities that primarily depend upon a large volume of vehicular traffic and serve the daily shopping needs of the community-at-large and surrounding areas. This district encourages the application of site design and buffering techniques to mitigate the impacts of commercial operations and traffic on adjacent uses and the traveling public.
3. Business 2 - Entertainment. The Business 2 - Entertainment district is established to prevent deteriorating property values, higher crime rates, traffic congestion, and depressed neighborhood conditions in the Town of Kirkwood, to promote the health, safety, general welfare, and good order of the community by setting forth a community standard regulating

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the concentration of adult uses in the Town of Kirkwood; and to restrict adult uses in the Town.

C. Uses.

Uses are allowed in Business zoning districts in accordance with Table 2.

1. Uses identified with a "P" in Table 2 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.
2. Uses identified with a "SP" in Table 2 may be allowed if reviewed and approved in accordance with the special permit procedures in Article V, Section 503.
3. Uses not listed and those identified with a "--" are expressly prohibited.

P = Permitted
SP = Specially Permitted
-- = Prohibited

Permitted and Specially Permitted Uses - Table 2

Land Use	B-1	B-2	B-2-E
Multifamily ⁽¹⁾	P	—	—
Retail and personal service stores	P	P	P
Business and professional office	P	P	P
Lodges or fraternal organizations	P	P	P
Restaurants or Lunch counters	P	P	P
Motor Vehicle Fueling Station ^{(4), (5), (6), (7), (15), (16)}	P	P	P
Funeral parlors	P	P	P
Hospital and Nursing homes	P	P	P
Public buildings	P	P	P
Banks	P	P	P
Self-Service Storage Facility ⁽⁸⁾	P	P	P
Hotel and motel	—	P	P
Motor Vehicle Repair Shop and/or Garage	—	P	P
Theaters	—	P	P
Bowling Alleys	—	P	P

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Permitted and Specially Permitted Uses - Table 2

Land Use	B-1	B-2	B-2-E
Trailer Sales	—	P	P
Wholesale establishments	—	P	P
Farm supply and implement sales	—	P	P
Gardens, nurseries, and greenhouses	—	P	P
Food processing ⁽¹⁰⁾	—	P	P
Manufacturing ⁽¹¹⁾	—	P	P
Truck stop facility	—	P	P
Machine shops	—	SP	SP
Temporary storage of new in transit modular and mobile homes	—	SP	SP
Heavy rigging operations	—	P	P
Sales, service, auction and repair of construction equipment ⁽¹⁴⁾	—	P	P
Electrical Distribution Stations and other Public Utility Structures	SP	SP	SP
Sales, service, and repair of the fixtures or equipment of the above permitted uses	—	P	P
Rental or leasing of any of the above permitted uses	—	P	P
Adult Entertainment ⁽¹²⁾	—	—	P

D. Lot, area, and setback requirements.

The following lot, area, and setback requirements shall apply to the Business districts within the Town:

Business Lot, Area, and Setback Requirements - Table 3

Land Use	B-1	B-2	B-2-E
<u>Minimum lot size</u>			
Multifamily (Square Feet)	7,500	—	—
Business Use (Square Feet)	7,500	7,500	7,500

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Business Lot, Area, and Setback Requirements - Table 3

Land Use	B-1	B-2	B-2-E
Accessory Use (Square Feet)	—	—	—
<u>Minimum lot width (with no public water and sewer)</u>			
Multifamily (Square Feet)	150	—	—
Business Use (Square Feet)	150	150	150
Accessory Use (Square Feet)	—	—	—
<u>Minimum lot width (with public water and sewer)</u>			
Multifamily (Feet)	80	—	—
Business Use (Feet)	80	80	80
Accessory Use (Feet)	—	—	—
<u>Minimum front setback</u>			
Multifamily (Feet)	30	—	—
Business Use (Feet)	30	30	30
Accessory Use (Feet)	(2)	(2)	(2)
<u>Minimum side setback⁽⁹⁾</u>			
Multifamily (Feet)	10	—	—
Business Use (Feet)	10	10	10
Accessory Use (Feet)	10	10	10
<u>Minimum rear setback⁽⁹⁾</u>			
Multifamily (Feet)	20	—	—
Business Use (Feet)	20	20	(3)
Accessory Use (Feet)	10	10	10

E. Bulk requirements.

The following bulk requirements shall apply to the business districts within the Town:

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1. Maximum density permitted per lot may be more than one (1) principal building after Site Plan review per Article V, Section 502.
2. Maximum building height is 35 feet.
3. Maximum lot coverage by buildings is 40%.

F. Additional Use Requirements.

1. Site Plan Review is required for all non-residential uses and buildings as described in Article V, Section 502.
2. Sign requirements are described in Article V, Section 504.
3. Off-street Parking and Loading requirements are described in Article V, Section 505.
4. No outdoor vehicle and equipment repair.
5. No parking or storage in the setback areas.
6. Must supply a spill prevention plan.
7. Amortization of illegal, nonconforming uses as described in Section 306.

G. Accessory Uses.

The following accessory uses are permitted in residential business districts:

1. Accessory buildings & uses as permitted from the “R-M” District.
2. Accessory buildings and uses as customary for the principal uses.
3. Storage and parking of not more than one unregistered motor vehicle for every enclosed bay in a Motor Vehicle Fueling Station and Motor Vehicle Repair Shop and/or Garage Station.
4. Non-Commercial Solar Energy Systems shall be allowed as an accessory use in accordance with the requirements of this Chapter. (Amended September 6, 2022, LL#6-2022)

NOTES:

- 1) Refer to R-M District requirements in Resident District (Article III Section 301)
- 2) Not permitted in Front Yard.
- 3) 10% of lot depth.
- 4) No Motor Vehicle Fueling Station and Motor Vehicle Repair Shop and/or Garage Station lot shall be located within 250’ from any lot or parcel occupied by a public or private school, hospital, library, church, nursing home.
- 5) Pumps, lubricating, or other devices shall be located at least twenty feet from any street or highway right of way.
- 6) No Motor Vehicle Fueling Station and Motor Vehicle Repair Shop and/or Garage Station shall be located on a lot of an area less than 20,000 sq. ft. and shall have a contiguous street frontage of not less than 150’.

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- 7) No Motor Vehicle Fueling Station and Motor Vehicle Repair Shop and/or Garage Station building shall be located closer than 10' to any side or rear lot line.
- 8) Not permitted in Aquifer Protection District.
- 9) Side and rear yards abutting a residence or agriculture district require a 50' side or rear yard plus a required screening as required in Article V, Section 501.10 - Open/Outdoor Storage.
- 10) Exception: slaughter houses provided the use shall not be noxious or injurious to adjacent property.
- 11) Manufacturing as incidental to articles sold on the premises, or performing a service for local residents.
- 12) Subject to standards of Article V, Section 507.
- 13) No surface water should flow to any adjacent properties.
- 14) See Article XIII
- 15) Site area traveled by motor vehicles shall be hard surfaced (i.e. asphalt, concrete, or any other dust-free surface).
- 16) Gasoline Stations:
 - 1. Site plan for gasoline stations should include location, number, capacity, and type of fuel storage tank, the number of pumps to be installed, and the depth to the tanks
 - 2. Attendant on duty during the hours of operation
 - 3. fuel pumps located no closer than 50 feet from property lines
 - 4. Storage facilities for fuel, oil, gasoline or similar substances shall be underground and shall be at least 25 feet from any property line. Tanks shall be installed and maintained in accordance with all state and federal standards.
 - 5. Prior to installation, the Code Enforcement Officer shall be provided with a copy of the specifications and the date of the proposed installation. No tank shall be covered until inspected and approved.
 - 6. If leak is detected, the owner shall immediately make the necessary repairs. If, at the discretion of the Administrative Officer, the condition results in a threat to public safety, the gasoline service station may be shut down until repairs are made.
 - 7. Pumps and canopies shall be considered structures and shall not be located in any required yard.
 - 8. A decommissioning plan to the then current environmental standards.

Section 301.3 Industrial Development Districts

A. Establishment.

- 1. The industrial district is listed below. When this Zoning Ordinance refers to industrial, manufacturing, or I-D zoning districts, it is referring to the following:

Industrial Districts -Table 1

District Name	Map Symbol
Industrial Development	I-D
Industrial Development - Recycling	ID-R
Industrial Development - Power Plant Facility	ID-PPF

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2. The district name and map symbol are intended to provide a general indication of what is allowed in the district, with the "I-D" denoting the industrial or manufacturing uses.

B. District Purposes.

The purpose of the Industrial Development District is to encourage a wide range of industrial, manufacturing, and distribution activities in order to support the goals and objectives contained in the Town of Kirkwood Comprehensive Plan. Developments in this district shall employ techniques to minimize negative impacts (including traffic, parking, glare, noise, etc.) on adjacent non industrial uses, especially established industrial districts and environmentally sensitive areas.

C. Uses.

Uses allowed in Industrial Development or I-D zoning districts are set forth in Table 2.

1. Uses identified with a "P" in Table 2 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.
2. Uses identified with a "SP" in Table 2 may be allowed if reviewed and approved in accordance with the special permit procedures in Article V, Section 503.
3. Uses not listed and those identified with a "--" are expressly prohibited.

P = Permitted
SP = Specially Permitted
-- = Prohibited

Permitted and Specially Permitted Uses - Table 2

Land Use	I-D	ID-R	ID-PPF
Manufacturing, research and development facilities, pilot plants, processing, or fabricating ⁽¹⁾	P	P	P
Offices, support services, and administration centers.	P	P	P
Warehouse	P	P	P
Truck Terminal	P	P	P
Construction Equipment ⁽⁵⁾	P	P	P
Child Day Care Centers ⁽³⁾	P	P	P
Restaurants, cafes, and delicatessen	P	P	P
Scrap Metal Processing, Recyclables handling and recovery facilities	—	SP	—
Electrical Distribution Stations and other Public Utility Structures	SP	SP	SP

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Permitted and Specially Permitted Uses - Table 2

Land Use	I-D	ID-R	ID-PPF
Hotels and motels	P	P	P
Power Plant Facility	—	—	P
Commercial Solar Energy Systems (Amended 9/6/22, LL#6-2022)	SP	—	—

D. Lot, area, and setback requirements.

The following lot, area, and setback requirements shall apply to the Industrial districts within the Town:

Industrial Development Lot, Area, and Setback Requirements - Table 3

Land Use	I-D	ID-R	ID-PPF
<u>Minimum lot size</u>			
Industrial Use (Square feet)	15,000	15,000	15,000
<u>Minimum lot width (with no public sewer)</u>			
Industrial Use (feet)	150	150	150
Accessory Use (Feet)	—	—	—
<u>Minimum lot width (with public sewer)</u>			
Industrial Use (feet)	100	100	100
Accessory Use (Feet)	—	—	—
<u>Minimum front setback</u>			
Industrial Use (feet)	10	10	10
Accessory Use (Feet)	(2)	(2)	(2)
<u>Minimum side setback</u>			
Industrial Use (feet)	20	20	20
Accessory Use (Feet)	20	20	20
<u>Minimum rear setback</u>			
Industrial Use (feet)	20	20	20
Accessory Use (Feet)	20	20	20

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E. Bulk requirements.

The following bulk requirements shall apply to the industrial districts within the Town:

1. Maximum density permitted per lot may be more than one (1) principal building after Site Plan Review per Article V, Section 502.
2. Maximum building height is 50 feet for industrial buildings, and 62 feet for office buildings.
3. Maximum lot coverage by buildings is 40%.

F. Additional Use Requirements.

Site Plan Review is required for all non-residential uses and buildings as described in Article V, Section 502. Sign requirements are described in Article V, Section 504 and Off-street Parking and Loading requirements are described in Article V, Section 505.

G. Accessory Uses.

The following accessory uses are permitted in industrial districts:

1. Accessory building and uses related to the principal use of the property.
2. Outdoor storage suitably screened.
3. Flea Market/Farmer's Market by Special Permit that meets the requirements of Article V, Section 503.9.
4. Non-Commercial Solar Energy Systems shall be allowed as an accessory use in accordance with the requirements of this Chapter. (Amended September 6, 2022, LL#6-2022)

NOTES:

- 1) Such use shall operate within the limits specified in Article V, Section 501.
- 2) Not permitted in Front Yard.
- 3) Licensed by the State of New York.
- 4) No surface water should flow to any adjacent properties.
- 5) See Article XIII

Section 301.4 Planned Unit Development Districts

A. Establishment.

1. The Planned Unit Development Districts (PUD) are listed below. When this Zoning Ordinance refers to planned unit development zoning districts, it is referring to the following:

Planned Unit Development Districts -Table 1

District Name	Map Symbol
Planned Unit Development	PUD

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2. The district name and map symbol are intended to provide a general indication of what is allowed in the district:

B. District Purposes.

The Planned Unit Development (PUD) Zoning District allows for an alternative process to develop a unified and integrated development plan in the Town. PUD Zoning Districts promote flexible development opportunities that would not otherwise be possible through the strict application of the land use and development regulations of this chapter, and allow diversification in the uses permitted and variation in the relationship of uses, structures, and open spaces. The PUD District results in a cohesive and unified project based on unique standards and regulations developed for a particular site or sites. Planned Unit Development Districts shall achieve the following objectives:

1. An alternative development pattern in harmony with the objectives of various Town land use and development plans.
2. A creative use of land and related physical development allowing an orderly transition from one land use to another.
3. Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and height of structures in developments conceived as cohesive unified projects.
4. Unique standards for site and building design.
5. The preservation and enhancement of desirable site characteristics, such as open space, natural topography, vegetation and geologic features and the prevention of soil erosion.
6. To encourage a more efficient and economical arrangement of land uses, buildings, circulation system and utilities, resulting in a smaller network of utilities and streets and a lessened burden of traffic on streets and highways.

C. Uses.

Uses allowed in Planned Unit Development zoning districts are set forth in Table 2.

1. Uses identified with a "P" in Table 2 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.
2. Uses identified with a "SP" in Table 2 may be allowed if reviewed and approved in accordance with the special permit procedures in Article V, Section 503.
3. Uses not listed and those identified with a "--" are expressly prohibited.

P	=	Permitted
SP	=	Specially Permitted
--	=	Prohibited

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Permitted and Specially Permitted Uses - Table 2

Land Use	PUD
One and two family dwelling unit	P
Multi-family dwelling unit	P
Business Offices	P
Public Buildings	P
Automobile repair shop	P
Construction Storage Yard	P
Cemetery	P

D. Lot, area, and setback requirements.

The following lot, area, and setback requirements shall apply to the PUD districts within the Town:

PUD Lot, Area, and Setback Requirements - Table 3

Land Use	PUD
<u>Minimum lot size (with public water and sewer)</u> ^{(1), (3), (10), (11)}	
Single-Family detached (square feet)	13,400
Single-Family attached (Townhouse) (square feet) ⁽¹⁵⁾	—
Two-Family (square feet)	13,400
Multifamily (square feet)	—
Nonresidential uses (square feet)	13,400
<u>Minimum lot size (with no public water and sewer)</u> ^{(1), (3), (10), (11)}	
Single-Family detached (square feet)	20,000
Single-Family attached (Townhouse) (square feet) ⁽¹⁵⁾	—
Two-Family (square feet)	20,000
Multifamily (square feet)	—
Nonresidential uses (square feet)	20,000
<u>Minimum lot width (with public water and sewer)</u> ^{(1), (3), (11)}	

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PUD Lot, Area, and Setback Requirements - Table 3

Land Use	PUD
Single-Family detached (feet)	84
Single-Family attached (Townhouse) (feet)	—
Two-Family (feet)	134
Multifamily (feet)	—
Nonresidential uses (feet)	134
<u>Minimum lot width (with no public water and sewer)</u> ^{(1), (3), (11)}	
Single-Family detached (feet)	125
Single-Family attached (Townhouse) (feet)	—
Two-Family (feet)	200
Multifamily (feet)	—
Nonresidential uses (feet)	200
<u>Minimum front setback</u> ^{(4), (5)}	
Single-Family detached (feet)	30
Single-Family attached (Townhouse) (feet)	—
Two-Family (feet)	30
Multifamily (feet)	—
Nonresidential uses (feet)	30
Accessory Uses (feet)	(2), (8)
<u>Minimum side setback</u> ⁽⁶⁾	
Single-Family detached (feet)	15
Single-Family attached (Townhouse) (feet) ^{(12), (13), (14)}	—
Two-Family (feet)	15
Multifamily (feet)	—
Nonresidential uses (feet)	15
Accessory Uses (feet)	15

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PUD Lot, Area, and Setback Requirements - Table 3

Land Use	PUD
<u>Minimum rear setback</u>	
Single-Family detached (feet)	25
Single-Family attached (Townhouse) (feet)	—
Two-Family (feet)	25
Multifamily (feet)	—
Nonresidential uses (feet)	25
Accessory Uses (feet)	15

E. Bulk requirements.

The following bulk requirements shall apply to the PUD districts within the Town:

1. Maximum density permitted per lot is 1 principal building.
2. Minimum gross floor area is 750 square feet per dwelling unit.
3. Maximum building height ⁽⁷⁾ is 35 feet with the exception of multifamily uses which is 45 feet. All accessory uses are 16 feet in height ⁽⁹⁾.
4. Maximum lot coverage by buildings is 30% with the exception of the R-M district which is 35%.

F. Additional Use Requirements.

Site Plan Review is required for all non-residential uses and buildings as described in Article V, Section 502. Sign requirements are described in Article V, Section 504 and Off-street Parking and Loading requirements are described in Article V, Section 505.

G. Accessory Uses.

The following accessory uses are permitted in PUD districts:

1. Customary home occupations. (Article V, Section 503.6).
2. Storage and parking in the open of no more than one (1) unregistered/unlicensed motor vehicle, motor home, travel trailer, or boat. Not more than a total of two (2) motor homes, travel trailers, or boats is allowed. Any such item stored or parked on any property must be at least sixty (60) feet behind from the highway right-of-way, or within the boundaries of an

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existing driveway and cannot be occupied. Items specified in this section are not allowed between October 1st and May 1st if located in a flood plain.

3. Overnight parking of Semi-Trucks of a gross vehicle weight of 10,000 lbs or more on either public highways or private property is prohibited, except the registered owner of such Semi-Truck without Semi-Trailer may park not more than one (1) such vehicles on property which is his/her principal residence or on adjacent property with the consent of the owner of such adjacent property. For purposes of this section, such Semi-Truck may be registered to (1) a corporation of which the property resident is the majority owner of the stock of said corporation, or (2) a limited liability company of which the resident is a member of said company owning a majority interest therein.
4. Temporary Storage Containers by Special Permit which meets the requirements in Article V, Section 503.11.
5. No more than three customary incidental accessory buildings & uses not conducted as a business, ie. private garage, tool house, swimming pool.
6. Garage/yard sales by the owner/occupant. No more than two (2) garage/yard sales are allowed per calendar year, and no sale may be longer than three (3) consecutive days.
7. Roadside stands
 - a. Temporary stands for agricultural product sales produced primarily on the premises may operate between May 1 and Dec. 31.
 - b. Minimum setback 15'.
 - c. Minimum of 3 off-street parking spaces required.
8. Wind Turbines via site plan approval & special permit. (Article V, Section 503.10).
9. In the A/R-R and R-1 district, farm buildings and structures customarily incidental to agricultural uses.
10. Non-Commercial Solar Energy Systems shall be allowed as an accessory use in accordance with the requirements of this Chapter. (Amended September 6, 2022, LL#6-2022)

NOTES:

- 1) Or the most common lot size on the block in which the lot is located.
- 2) Not permitted in Front Yard.
- 3) LOT WIDTH & AREA EXCEPTIONS. Lot widths and lot area may be reduced by 33% where connections are installed to a public sewer system approved by the Broome County Health Dept.
- 4) VISIBILITY AT INTERSECTIONS. On corner lots, clear vision shall be maintained within that triangular area formed by the intersecting street lines and a straight line at points which are 20' distant from the points of intersection measured along said street lines. In such area no

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- shrubbery, fence or other obstruction shall be permitted higher than 3' from the accepted street grade, nor shall branches or foliage of trees be permitted less than 10' from the ground.
- 5) CORNER LOTS. Where side property lines are also street lines, no principal building shall be erected closer than 20' from such property or street lines.
 - 6) SIDE YARD ENCROACHMENTS. Cornices, eaves, gutters, chimneys and bay/bow windows extending not more than 2' from the building line are permitted.
 - 7) HEIGHT EXCEPTIONS. A. The limitations of height shall not apply to chimneys, ventilators, skylights, aerials & other necessary features usually carried above roofs, nor to towers or spires of churches or other buildings if such features are in no way used for living purposes. B. Principal non-residential structures may be erected to a height greater than 35' provided that front, side, and rear yards shall be increased by 2' for each 1' by which such building exceeds the 35' height limitation.
 - 8) WIND TURBINES. For setback requirements from side & rear property lines & structures, See Article V, Section 503.10
 - 9) Accessory buildings (farm) shall not be located closer than 100' to any "R" or "R-M" district. Farm buildings, structures as part of an agricultural operation may be erected to a height of fifty (50) feet.
 - 10) Add 3,500 square feet per dwelling unit beyond two.
 - 11) Lot widths may be reduced to 70' and lot area reduced by 33% where connections are installed to a public sewer system, approved by the Broome County Health Department.
 - 12) Corner lot requires 15' side yard.
 - 13) There shall be firewall construction between units with a minimum three (3) hour rating.
 - 14) There shall be a 15' yard between buildings.
 - 15) Separate public water and sewer hookup required for each unit.
 - 16) No surface water should flow to any adjacent properties.

SECTION 302. Zoning Map

- A. Said Districts are shown, defined and bounded on a map entitled, "Town of Kirkwood Official Zoning Map," as amended and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Local Law.
- B. The Town Clerk shall engage the Broome County Department of Planning and Economic Development to use the Broome County Geographic Information System (GIS) to make changes on said map as directed by the Town Board. The original of said map shall be filed in the office of the Town Clerk and shall be available for public inspection.

SECTION 303. District Boundaries

Where uncertainty exists with respect to the boundary of any district as shown on the Town of Kirkwood Zoning Map, the following rules shall apply:

- A. Where district boundaries are so indicated as to approximately follow lot lines, such lot lines shall be construed to be such district boundaries.

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- B. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries.
- C. Where uncertainty exists in determining the precise location of any district boundary line, the Zoning Board of Appeals with advice from the Town Planning Board, shall interpret the intent and purpose of the zoning map.

SECTION 304. Lots in More than One District.

Where a district boundary line divides a lot the regulations for either portion of the lot may, at the owner's discretion, extend to the entire lot, but not more than twenty-five (25) feet beyond the boundary line of the district.

SECTION 305. Application of Regulations

- A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein set forth for the district in which it is located.
- B. Any parcel of land with an area or width less than that prescribed for a lot in the district in which such lot is located, which at the time of the adoption of this Local Law was under one ownership and when the owner thereof owns no adjoining land, may be used as a lot for any approved use in the district after proper review by the Zoning Board of Appeals and obtaining a variance from said Board.
- C. No owner in any district shall be permitted to divide a parcel of land conforming with required lot area and width into two (2) or more lots where a resulting lot would have an area or width less than that prescribed for lots in said district.
- D. Any principal use of a parcel, lot, land, building or structure not specifically permitted by this Local Law shall be deemed prohibited. This section shall not apply to accessory uses of land or buildings which are customarily incident to and located upon the same lot occupied by a principal use.

SECTION 306. Nonconforming Uses

SECTION 306.1 Continuation of Nonconforming Buildings or Uses

The lawful use of any building or the use of land existing at the time of the adoption of this Local Law may be continued, although such use or building may not conform with the provisions of this Local Law, except as hereinafter provided.

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SECTION 306.2 **Changes**

A nonconforming use may not be changed to a more intensive nonconforming use, nor shall a conforming use be changed to a nonconforming use. Any nonconforming use when changed to a conforming use shall not thereafter be changed back to a nonconforming use. A nonconforming use, building or structure shall not be enlarged.

SECTION 306.3 **Cessation of NonConforming Use**

Whenever a nonconforming use has ceased for a period of one (1) year, any future use shall be in conformity with the provisions of this Local Law.

SECTION 307. **Incorporated into Article IX, Siting of Wireless Telecommunications Facilities.**