

ARTICLE 3  
BASIC DISTRICT REGULATION

§ 3.1 Enumeration of Districts

The Town of Deerpark is hereby divided into the following types of districts:

RS	Residential Settlement District
RR	Rural Residential District
NR	Neighborhood Residential District
HM-U	Hamlet/Mixed Use District
IB	Interchange Business District
I-I	Industrial District
RRC	Recreational River Corridor District

PRD Planned Residential Development Districts and floodplain overlay districts are also provided for under § 5.3 and § 4.3 hereof, respectively.

§ 3.2 Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of the Town of Deerpark, as amended this date or hereafter, which is attached hereto and made a part of this law.

§ 3.3 Interpretation of District Boundaries

1. Zoning district boundary lines are intended generally to follow or connect the center lines of rights-of-ways; existing lot lines; the mean water level or rivers, streams, and other waterways; or Town boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension or relationship to such a line.
2. Where a district boundary line divides a lot of record at the time such line is established, the Planning Board may allow the extension of activities permitted in one district to the other as a Special Use. This is to permit more flexibility in the use of large parcels.
3. When the specific location of a zoning district boundary line cannot be ascertained, the Zoning Officer, Building Inspector, Planning Board, or Town Board, as the case may be, shall request the Zoning Board of Appeals to render an interpretation which shall then be used as the basis for applying zoning standards.

§ 3.4 Schedule of District Regulations

The restrictions and controls intended to regulate development in each district are set forth in the following Schedule of District Regulations which is then supplemented by other sections of this Law and other laws of the Town of Deerpark. Any use identified as a Principal Permitted Use shall be permitted as a matter of right upon application to the Building Inspector or to the Zoning Officer, provided the proposed use is in compliance with these regulations. Permitted Use with Planning Board Approval or Special Uses are subject to site plan review and, specifically, Planning Board approval as prerequisites to issuing a permit for their establishment. Accessory Uses are permitted to accompany or precede Principal Permitted and Special Uses and permits for these uses shall be issued directly by the Building Inspector with concurrence by the Zoning Officer.

§ 3.5 Setbacks with Regard to Construction Adjacent to Hunting Club Properties within the Town (Local Law No. 1 of 2005; filed with the Town Clerk on Jan. 24, 2005)

1. Legislative Purpose: The Town of Deerpark is one of the last rural towns in Orange County, New York. The Town, under significant pressure from developers and new construction, both present and proposed, is increasing in population.

In order to protect the citizens and visitors to the Town of Deerpark as well as to protect the hunting lands still remaining within the Town, the Town Board has adopted the following regulations:

2. Five Hundred (500') Foot Setback from Hunting Club Boundaries: New construction shall be set back five hundred (500') feet from the property line where such property line adjoins established hunting club property. The setback shall be measured from the property line in toward the proposed new construction on lots adjacent to hunting club properties. In the alternative, the new construction owner will have the option of giving the hunting club written permission to hunt within five hundred (500') feet of the dwelling and up to the property line for a period of ninety-nine (99) years from the date of said written consent and agreement. The Agreement shall be in recordable form and shall run with the land to the benefit of the hunting club and shall burden the lands where the new construction shall take place.
3. This local law may conflict with applicable portions of the Town Law of the State of New York. It is the stated intention of the Town to exercise its authority to supersede and amend, as granted under the Municipal Home Rule Law of the State of New York Section 10. The Town hereby provides notice that is exercising its authority to supersede and amend pursuant to Municipal Home Rule Law of the State of New York Section 22.

§ 3.6 Amendment of Certain Sections of Articles II, III, and VII of the Zoning Law of the Town of Deerpark, Orange County, New York and Repealing Section 230-49 of the Deerpark Town Code (Zoning Law) (Local Law No. 5 of 2010; filed with the Town Clerk on Sept. 23, 2010)

1. Purpose: The purpose of this local law is to make the Interchange Business District (IB) enumerated within the Zoning Law of the Town of Deerpark a more viable area for the orderly and desirable development and use of the land within said District. The proposed amendments set forth herein are intended to provide more appropriate features in order to guide new development to facilitate desirable change in this district of the Town.
2. Legislation: Section 230-4 of Article II of the Zoning Law of the Town Deerpark has been amended to specifically repeal the definition of "HOTEL"; in the place and stead of said repealed definition a new definition has been included in Article II as per this Local Law.
3. A definition entitled "PERMITTED USE WITH PLANNING BOARD APPROVAL" has been added to Article II of the Town's Zoning Law as per this Local Law.
4. Article VII of the Town's Zoning Law has been changed to read "PERMITTED USES; PERMITTED USES WITH PLANNING BOARD APPROVAL; SPECIAL USES AND SITE PLAN REVIEW PROCEDURES".
5. The following sentence has been added to the end of Section 230-40 of the Town's Zoning Law: "All enumerated procedures and regulations set forth in this Article shall also apply to site plans submitted for review and approval for all permitted uses and all permitted uses with Planning Board approval".

6. The final sentence of Section 230-48 of the Town's Zoning Law entitled "EFFECT OF SITE PLAN APPROVAL" has been amended as per this Local Law. The final sentence now reads: "Permitted use, permitted use with Planning Board approval, special use or accessory use which has been discontinued for a period of five (5) years or more years shall also be deemed to have lapsed".
7. Section 230-8 of Article III of the Town's Zoning Board has been amended to adopt a new Schedule of District Regulations for the Interchange Business District (IB) as attached to the Local Law.

§ 3.7 Applicability of Regulations

Whenever any owner or occupant of any property in the Town of Deerpark shall, for any purpose or in any manner:

1. establish a new use;
2. commercially clear, excavate or grade land for purposes of making permanent structural improvements to a property;
3. change an existing use;
4. make permanent structural improvements to a property;
5. erect a new building;
6. move, alter, add to or enlarge any existing land use or building

such owner or occupant shall first comply with the requirements of this Law and obtain a building/zoning permit, unless specifically exempted from such requirements by this Law. A building/zoning permit shall be required whenever a change in land use occurs, regardless whether any new construction is involved or not, excepting that agricultural harvesting, grazing, tilling, and crop rotation shall be exempt from all permit requirements. **All requirements of this ordinance are to be subject to the Zoning Officer's direction.**

§ 3.8 Lot Development Standards

1. Minimum Development Standards: The development standards contained herein are minimums and shall apply to each dwelling unit unless otherwise specifically provided. A two-family dwelling shall, for example, require the equivalent of two minimum size lots insofar as lot area, as will any two dwelling units on the same property. Single studio apartments occupied by immediate family members shall, however, be exempt from this requirement.
2. Minimum Dwelling Standards: All detached dwellings shall provide at least 1,000 square feet of living area, possess a minimum dimension of 24 feet, longitudinally or transversely, be erected on a permanent foundation with/without basement and be equipped for year-round occupancy. Detached dwellings of less than 1,000 square feet in dwelling area that do not serve as the principal permitted use on a lot or are used for seasonal purposes only may be individually permitted as Special Uses.
3. Corner Lot: No obstruction to vision (other than an existing building, post, column or tree) exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between points along such street lot lines seventy-five (75) feet distant from their points of intersection.
4. Through Lot Requirements: A through lot shall be considered as having two (2) street frontages, both of which shall be subject to the front yard requirements of this Law.

5. Minimum Lot Frontage: All residential lots shall have a front lot line with a minimum length of fifty (50) feet.
6. Flag Lots: The development of interior lots with limited lot frontage consisting of only an access right-of-way shall be permitted provided:
  - a. The right-of-way is a minimum of fifty (50) feet in width, is improved according to Section 4.9.18 of the Town of Deerpark Subdivision Law and meets the requirements of the Town of Deerpark's Standard Driveway Entrance and Exit Crossing Requirements (Local Law No. 2 of 1996, as amended).
  - b. The lot area shall be exclusive of that portion used as a right-of-way for purposes of meeting minimum lot area and all other development standards for the District.
  - c. No right-of-way shall be established over an existing parcel of land to reach a new lot to the rear which would reduce the length of the front lot line of the existing parcel to **less than fifty (50) feet nor create any non-conforming lot or building**. Such front lot shall also front on the right-of-way serving the lot or lots to the rear.
  - d. All flag lot access right-of-ways shall be titled in fee-simple ownership to the flag lot property owner and shall not be used to access any property not part of the original tract. Such owner shall bear responsibility for maintenance of the improvements.
  - e. **DELETED.**

### § 3.9 Height Restrictions

No building or structure shall exceed in building height the number of feet permitted as a maximum on the Schedule of District Regulations for the district where such building or structure is located.

### § 3.10 Yard Regulations

1. Side Yard Exception: Where the side wall of a building is not parallel with the side lot line or is irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such yard shall not be narrower at any point than one-half (1/2) the otherwise required minimum width.
2. Front Yard Exception: When an unimproved lot is situated adjacent to or between improved lots already having a principal building within the required front yard, the front yard for the unimproved lot may be reduced to the average depth of the front yards for the two (2) nearest adjacent improved lots, but not less than thirty (30) feet from the centerline.
3. Provision of Yard or Other Open Space: No yard or other open space provided about any buildings for the purpose of complying with the provisions of the law shall be considered as providing a yard or open space for any other building, and no yard or other open space on another lot shall be considered as providing a yard or open space for a building on any other lot.
4. Waterfront Yards: Any yard which borders on a New York State Department of Environmental Conservation classified lake, stream, or body of water shall be not less than one-hundred (100) feet in depth except for boathouses and docks.

---

§ 3.11 Accessory Structure and Use Standards

The location, limitation, and coverage of accessory buildings shall be as follows:

1. No accessory building permitted by this Law shall be placed in any required side or front yard except as provided in this Article.
2. **Accessory structures utilized for storage of farm equipment or farm storage, construction equipment, recreation equipment shall be allowed without a primary principle structure. However, if utilized for commercial endeavors, it must have Planning Board approval.**
3. The aggregate ground area covered by any accessory buildings in any rear yard shall not exceed fifty percent (50%) of the rear yard area.
4. Accessory structures not attached to a principal structure shall:
  - a. Be located not less than ten (10) feet from any side or rear lot line or in such a fashion as to prevent emergency firefighting access or to shade a residential structure on an adjoining lot. Any structure over 500 square feet in floor area shall meet setbacks for principal structures.
  - b. Be no closer to the street than any principal structure on the lot, except in the case of farm buildings **and swimming pools**. Accessory buildings to principal structures located more than one-hundred (100) feet from a lot line shall also be exempt. Accessory structures may, in these situations, be located in front of residences but not in required front yard areas.
5. Accessory structures of more than 1 story in height within required side or rear yards shall be Special Uses.
6. When an accessory structure is attached to the principal building, it shall comply with requirements for principal buildings **except that it may be located not less than 10 feet from one side or rear lot line, or in such fashion as to prevent emergency fire fighting access or to shade a residential structure on an adjoining lot.**
7. Railroad cars, mobile homes units and recreational vehicles shall not be used for purposes of accessory or principal structures in connection with any use. The use of storage trailers or bulk/shipping containers as an accessory use in connections with a commercial or institutional use shall be permitted on a Special Use basis where the trailers or containers can be substantially screened from view with evergreen plantings, fencing or earthen berms as may be required to accomplish the purpose.
8. Above ground or in-ground swimming pools, incidental to the residential use of the premises and not operated for gain shall require permits if more than two (2) feet deep. A private swimming pool shall not be located, constructed or maintained on any lot or land area, except in conformity with the following requirements:
  - c. Such pool shall not be located **within 10' of any property line.**
  - d. The entire portion of the premises upon which any pool of less than four (4) feet in height above the ground is located shall be entirely enclosed with a good quality chain link wire or equally sturdy fence of not less than four (4) feet in height.
  - e. Every gate or other opening in the fence enclosing such pool shall be kept securely closed and locked at all time when said pool is not in use.

## Town of Deerpark Zoning Law

---

- f. Such pool shall be not less than ten (10) feet from side and rear lot lines, and on lots with a width of fifty (50) feet or less the pool shall be located midway between the side lot lines.
  - g. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.
  - h. If the water for such pool is supplied from the public water supply system, the inlet shall be above the overflow level of said pool.
  - i. Such pool shall be constructed, operated, and maintained in compliance with the applicable provisions of the New York State Sanitary Code relating to public swimming pools.
  - j. No loudspeaker or amplifying device shall be permitted which can be heard beyond the bounds of the property lot where said pool is located.
  - k. Underwater lighting shall only be installed in accordance with the provisions of the National Electrical Code for such lighting.
9. Keeping of a reasonable number of domestic animals for household purposes, or as pets, and private stables shall be permitted in every district subject to the requirements of the Town of Deerpark Dog Law (Local Law No. 13 of 2000, as amended) and the following conditions:
- l. Not more than four (4) dogs over six (6) months old, nor more than one (1) litter under six (6) months shall be kept unless permitted as a commercial or not-for-profit kennel.
  - m. Not more than twenty-five (25) fowl, nor more than four (4) domestic animals other than dogs and cats shall be kept on any lot unless permitted as a commercial agricultural operation (see also Section 5.11 hereof).
  - n. There shall be no stable or similar animal or fowl housing or storage of manure within two-hundred (200) feet of any adjacent dwelling.
  - o. All animals, except dogs (see Town Dog Law), shall be contained by fence or leash within the boundaries of the owner's property. Any penning area less than one (1) acre in size shall be setback twenty-five (25) feet from any lot line.
10. Permanent fences erected for purposes other than confinement of farm livestock shall be located; a minimum of eighteen (18) inches from property lines **unless the Building Department receives an as-built survey of the fence certified by a New York State Licensed Surveyor; eight (8') feet from roadway surface;** and require permits under this Law. Vegetative fences shall be setback a distance sufficient to maintain all growth on the property affected. Fences erected in front yards and alongside lot lines outside of rear yards shall be a maximum of four (4) feet in height, except in RR Rural Residential **Districts (RRC and RS)** where six (6) feet high fences may be permitted. Fences erected in rear yards shall be a maximum of six (6) feet in height. Fences erected in I-I Industrial District rear yards or for commercial uses within HM-U Hamlet Mixed-Use Districts shall be a maximum of eight (8) feet in height. **Sight distance must be maintained. Fencing subject to Building Inspector's comments. Approval for fencing not complying with the above would be by Zoning Board of Appeals.**
11. **At all street intersections, no obstructions to vision shall be maintained, erected, or planted on any lot within the triangle formed by the intersecting street lines and a line drawn between points along such street lines for a thirty (30) foot distance from their point of intersection.**

12. Storage trailers or bulk/shipping containers may be used in connection with new construction or renovation for a period of up to one (1) year by permit only. Final C.O. shall be withheld by the Building Inspector until the container is removed from the property.