

**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 sixteen (16) districts:

- A. Residence (R) See Attachment I
- B. Residence (R-1) See Attachment II
- C. Agricultural/Rural Residence (A/R-R) See Attachment II
- D. Residence Multi (R-M) See Attachment II
- E. Business One (B-1) See Attachment III
- F. Business Two (B-2) See Attachment IV
- G. Industrial Development (I-D) See Attachment IV
- H. Planned Unit Development (PUD) See Attachment V & VI
- I. Business Two – Entertainment (B-2-E) See Attachment VII
- J. Industrial Development-Recycling (ID-R) See Attachment IV
- K. Industrial Development - Power Plant Facility (ID-PPF) See Attachment VIII
- L. Aquifer Protection (AP) See Attachment VIII
- M. Mining (M) See Attachment VIII
- N. Business Three (B-3) See Attachment IX
- O. Composting (C) See Attachment VII
- P. Construction Equipment (CE) See Attachment IX

(See Fold-out Schedules in Back of Book)

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SECTION 302. Zoning Map

- A. Said Districts are shown, defined and bounded on a map entitled, "Town of Kirkwood Official Zoning Map," dated 6/05 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.
- 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 center lines, 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.

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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 Non-Conforming 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.

SECTION 306.2 Changes

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

SECTION 306.3 Cessation of Non-Conforming Use

Whenever a non-conforming 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.