

**ZONING LOCAL LAW  
TOWN OF KIRKWOOD**

**ARTICLE XI – AUTOMOBILE SALES**

**Local Law #23-2004  
Adopted June 1, 2004**

Section 1101. Purpose and Intent

The purpose and intent of the Automobile Sales District of the Town of Kirkwood, New York is to guide the future development of the Town in regard to the establishment and location of automobile sales businesses in commercial districts of the Town so as to promote the health, safety and general welfare of the inhabitants of the Town.

Section 1102. Scope and Authority

A Business-Three (B-3) District for automobile sales shall be considered as overlaying any portion of a Business-Two (B-2) District so designated by the Kirkwood Town Board as provided hereafter.

Section 1103. Designation of District Area

Automobile sales shall be allowed in areas of the Business-Two (B-2) District at any location deemed appropriate and so designated as a Business-Three District (B-3) by the Town Board; provided, however, that the Town Board shall consider the factors specified in section 1105 in determining whether to create a Business-Three (B-3) District.

Section 1104. Permitted Uses and Other Regulations

A. Principal Use:

Sale of new and used automobiles as defined in Section 201(4) of this Zoning Local Law

B. Accessory Uses:

Accessory buildings and uses related to the principal use of the property

C. Density Permitted:

More than one (1) principal building may be permitted after Site Plan Review. Article V, Section 502

D. Lot Required:

Area: 7,500 sq.ft.

Width: 150'; 80' with public sewer

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**E. Yard Required**

1. Principal Use

- a. Front: 30'
- b. Each side: 10'
- c. Rear: 10% of lot depth

2. Accessory Use:

- a. Front: Not permitted in front yard
- b. Each side: 10'
- c. Rear: 10'

**F. Maximum Lot Coverage by Buildings:**

40%

**G. Maximum Building Height:**

- 1. Principal: 35'
- 2. Accessory: not to exceed main structure

**H. Required (off street) Parking:**

Same as “B 1” District

**I. Required (off street) Loading:**

Same as “B-1” District

**J. Display of Vehicles:**

A physical barrier shall be erected to prevent automobiles from being stored and/or displayed within highway right-of-way or within ten (10) feet of the property line.

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**K. Lighting:**

Display areas may be illuminated by a steady light provided such lighting does not illuminate adjacent property. Flashing, oscillating and revolving lights are not permitted.

**L. Paving:**

All parking and display areas must be paved. If more than ten (10) parking or display spaces are provided, an oil separator is required.

**M. Maintenance and Repair Facilities:**

(Amended 3-2-10 by LL #8-2010 by removing oil separator requirement.)  
A spill prevention plan shall be required.

**N. Site Plan Review:**

1. Required for all uses and structures.

a. Site plan review by the Town of Kirkwood Planning Board is required for all uses and structures, incident to which the Planning Board shall determine the maximum number of motor vehicles that may be displayed on a lot at anytime, using the following formula:

i. Square footage of lot less square footage of all structures, required parking areas for customers and employees, areas of ingress and egress, fire lanes and any area devoted to other permitted uses. The remaining number of square feet are to be divided by 180.5 (9'6" by 19' of area per vehicle), which will then equal the maximum number of vehicles permitted on that lot.

**O. Signs:**

Same as "B-1" District

**P. Standards:**

The Remarks listed as III-1 through III-4 on the Schedule of Regulations, Attachment III, for a Business-1 (B-1) District shall apply to this district.

**Section 1105. Procedure for Obtaining a Change in Zone.**

A. The procedure for obtaining a change in zone to permit development as a Automobile Sales (B-3) District shall be as follows:

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1. The owner (or agent thereof, hereinafter referred to as “owner”) of the land shall apply in writing and shall submit four (4) copies of a preliminary development plan and application for change of zone as described in part 2 of this section to the Town Board, which shall refer the same to the Planning Board to prepare recommendations with regard to the preliminary development plan and the proposed change of zone.

2. Such preliminary development plan shall include at least the following information:

- a. Survey of the property, showing existing features of the property, including contours, buildings, structures, trees over four inches in trunk diameter, streets, utility easements, right-of-way and adjacent land use.
- b. Proposed site plan, showing building locations occupancy and land use (automobile display) areas.
- c. Proposed traffic circulation, parking and landscaping.

3. The Planning Board, after determining that the requirements of the Zoning Local Law dealing with Automobile Sales District have been met, shall recommend the approval, approval with modifications, or disapproval of the zone change to the Town Board. The Planning Board shall enter its reasons for such action in its record, and transmit its findings by resolution to the Town Board within seventy-five (75) days of receipt of the application. Failure to act within seventy-five (75) days of receipt of the application will permit the Town Board to act without the Planning Board’s recommendation. The Planning Board may recommend the establishment of an Automobile Sales District provided that it finds the facts submitted with the preliminary development plan establish that:

- a. The uses proposed will not be detrimental to present and potential surrounding uses,
- b. The proposed change to an Automobile Sales District is in conformance with the general intent of the Comprehensive Plan of the Town of Kirkwood.
- c. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.

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d. Existing utility services are adequate for the proposed development.

e. The proposed development, as it is proposed to be completed, contains the required parking spaces, landscape and land use (automobile display) areas necessary for creating and sustaining a desirable and stable environment.

4. After receipt of the Planning Board’s written recommendations, public notice shall be given and public hearing held by the Town Board.

5. After the public hearing the Town Board may amend the Zoning Local Law so as to define the boundaries of the Automobile Sales District, but such action shall have the effect only of granting permission for development of the approved preliminary development plan proposal, in accordance with the Zoning Local Law within the area so designated. If the zone change is approved by the Town Board, appropriate notation to that effect will be made on the face to four (4) copies of the preliminary development plan. One (1) copy will be retained by the Town Clerk, one (1) copy will be given to the Planning Board, one (1) will be returned to the owner, and one (1) copy given to the Town Building inspector.

6. The resolution by the Town Board amending the Zoning Local Law for Automobile Sales shall specify the time period for completion of the development planned and shall indicate that the appropriate action will be taken to revert the zoning if the development deadline is not met.