

§ 160-3. Purpose. [Amended 2-9-2004 by L.L. No. 1-2004]

The purpose of this chapter is to promote the general welfare of the people. In accordance with the Village's Comprehensive Plan. Therefore, this chapter is designed to:

- A. Encourage the most appropriate use of Village land with regard to its natural beauty, so as to conserve and enhance the value of its property;
- B. Protect and conserve the aesthetic aspects, character, environment, social and economic stability of the Village;
- C. Provide adequate and suitably located commercial facilities;
- D. Regulate building densities in order to assure access of light and circulation of air, facilitate the prevention and fighting of fires, and prevent undue concentration of population;
- E. Assure privacy for residents and freedom from nuisance and things harmful to the senses;
- F. Protect the community against unsightly, obtrusive and noisy land uses and operations;
- G. Lessen congestion on streets and highways and provide efficient municipal services;
- H. Improve traffic circulation; plan for adequate off-street parking and loading facilities;
- I. Provide adequately for water, sewerage, educational facilities, parks, conservation and recreation areas;
- J. Protect streams and ponds from pollution and avoid hazardous conditions and excessive damage from stormwater runoff and flooding;
- K. Protect the water table and encourage wise use and sound management of natural resources so that they may be preserved;
- L. Assure future preservation of open space and recreation lands as an integral part of future development;
- M. Provide a variety of housing types and environments in order to afford the maximum opportunity for people to find a housing and living style suitable to their needs and desires.

ARTICLE II
Establishment, Designation and Intent of Districts

§ 160-4. Establishment of districts. [Amended 7-26-2006 by L.L. No. 1-2006]

The Village is hereby divided into the following 11 districts:

**Table 1
 Zoning Districts**

Designation	District
R	Rural
RLD	Residential Low Density
H-I	Hamlet I
H-II	Hamlet II
H-III	Hamlet III
RHD	Residential High Density
GB	General Business
C	Conservation
M	Mill District
M-II	Mill District II
RSC	Residence Senior Citizen

§ 160-5. Zoning Map. ¹

Said districts are bounded as shown on the map entitled "Zoning Map of the Village of Philmont" adopted and certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter. A larger scale map than the one provided is on display at the Village Hall where it may be viewed.

§ 160-6. Interpretation of boundaries.

A. Designation of district boundaries.

- (1) Article VII, entitled "Descriptions of Boundaries of Selected Zoning Districts" shall control whenever applicable;
- (2) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines of the right-of-way;
- (3) Boundaries indicated as approximately following Village limits shall be construed as following such Village limits;

1. Editor's Note: A copy of the Village Zoning Map is on file in the Village offices.

- (4) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
 - (5) Boundaries indicated as following shorelines shall be construed as following such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, ponds or other bodies of water shall be construed to follow such center lines;
 - (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections A(1) through (4) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
 - (7) Boundaries shall be construed as following property lines whenever possible.
- B. Determination of location of boundaries.
- (1) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A(1) through (4) above, the Zoning Board of Appeals shall interpret the district boundaries.
 - (2) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the majority area of the lot will determine zone designation, except those parcels which are within the Conservation District, which shall retain Conservation District designation for that portion within the district, regardless of the division of the lot.
 - (3) For purposes of determining single ownership as defined in Subsection B(2), adjoining parcels owned by the same owner originating out of separate deeds of conveyance shall not be considered a single lot, but shall be considered separate and distinct lots.

§ 160-7. Intent of districts. [Amended 2-9-2004 by L.L. No. 1-2004; 7-26-2006 by L.L. No. 1-2006]

The general intent in the establishment of zoning districts is to help carry out the Village Comprehensive Plan.

- A. The Rural (R) District is a variety of low-density uses: woodlands, agricultural, wetlands and residential uses. The intent is for the character to be maintained.
- B. The Residential Low Density (RLD) District encompasses a transitional area between low density and a traditional village housing area. Lot sizes tend to be one acre in size. This pattern should be maintained.
- C. The Hamlet I (H-I) District encompasses a typical village housing area. Lot sizes tend to be approximately 1/3 acre in size. This pattern should be maintained.
- D. The Hamlet II (H-II) District encompasses a similar typical village housing area where lot sizes tend to be approximately 1/2 acre in size. This pattern should be maintained.

- E. The Residence Senior Citizen (RSC) District encompasses an area suitable for affordable senior citizen housing and shall meet a pressing Village need.
- F. The Residential High Density (RHD) District allows for a variety of housing opportunities, including units that may be smaller and more affordable than the prevailing housing stock, including mobile homes. Lot sizes tend to be 1/4 acre. It is intended that this pattern be maintained.
- G. The Hamlet III (H-III) District is similar to the RHD area and is located within walking distance to the commercial center. Lot sizes tend to be 1/4 acre. It is intended that this pattern be maintained.
- H. The General Business (GB) District is largely developed. Should changes occur, ideally there should be a planned concept with a site plan and architectural style that respects the character of the Village of Philmont.
- I. The Conservation (C) District contains areas of environmental concern that are deemed to be of special quality and protected. Limited use of this area may be allowed.
- J. The Mill (M) District contains areas of unique and historical structural concern that are deemed to be of special quality and protected. Use of this area is aimed at allowing future commercial use of the property consistent with the character of the Village.
- K. The Mill District II (M-II) is a mixed-use commercial and residential area. It contains areas of unique and historical structural concern that are deemed to be of special quality and consistent with the character of the Village. Use of this area is aimed at allowing future low-impact commercial uses of property that respect the residential quality of the area and encourage walkability. Such uses should utilize low-impact lighting, have low impact on traffic and low noise impacts as well as utilize existing structures. Such uses should not pose an unreasonable fire hazard. Businesses that bring artisans of the area to the attention of consumers are especially encouraged.

ARTICLE III District Regulations

§ 160-8. Application of regulations.

Except as hereinafter otherwise provided:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.
- B. No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- C. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any

manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.

- D. Within the R, RLD, H-I, H-II, H-III, RHD, C and RSC Districts, a building, a structure, or a lot shall only be used for one of the uses indicated in Table 2, Permitted Uses and Special Use Permits,² for the specific district in which it is located on the Zoning Map and in accordance with the particular classification of that use in that district. Further, any such building, structure or lot shall only be utilized in conformance with the provisions of Table 3, Bulk Regulations/Coverage Limitations.³ In addition, such use shall also comply with all other applicable provisions of this Code. [Added 7-26-2006 by L.L. No. 1-2006]

§ 160-9. General regulations.

The provisions of this chapter shall be subject to such exceptions, additions or modifications as hereinafter provided by the following general supplementary regulations:

- A. Lot for every building. Every building hereafter erected shall be located on a lot as herein defined, and there shall be not more than one principal building on one lot, except as specifically permitted elsewhere in this chapter. If more than one lot is located on a piece of property, each lot must meet the requirements of this chapter.

2. Editor's Note: Table 2, Permitted Uses and Special Use Permits, is included at the end of this chapter.

3. Editor's Note: Table 3, Bulk Regulations/Coverage Limitations, is included at the end of this chapter.

ZONING

160 Attachment 1

Village of Philmont

Table 2

Permitted Uses and Special Use Permits

[Amended 7-26-2006 by L.L. No. 1-2006; 6-23-2010 by L.L. No. 1-2010]

Use	R	RLD	H-I	H-II	H-III	RHD	M	M-II	GB	C	RSC
Accessory apartment	SP	SP	SP	SP	X	X	P	P	P	X	X
Accessory structure	P	P	P	P	P	P	P	P	P	X	X
Adult homes	X	SP	SP	SP	X	X	SP	X	SP	X	X
Agriculture and animals	P	X	X	X	X	X	X	X	X	SP	X
Agriculture no animals	P	P	X	X	X	X	X	X	X	SP	X
Bar	X	X	X	X	X	X	X	X	P	X	X
Bed-and-breakfast	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X
Betting parlor (OTB)	X	X	X	X	X	X	X	X	SP	X	X
Boarding stables	P	X	X	X	X	X	X	X	X	X	X
Churches	SP	SP	SP	SP	SP	SP	SP	X	SP	X	X
Clubhouse	SP	X	X	X	X	X	SP	SP	SP	X	X
Commercial self-storage units	X	X	X	X	X	X	X	X	X	X	X
Community buildings	SP	SP	SP	SP	X	X	SP	SP	SP	X	X
Essential services	P	P	P	P	P	P	P	P	P	X	X
Funeral home	X	X	X	X	X	X	SP	SP	SP	X	X
Gas stations/auto repairs	X	X	X	X	X	X	X	X	SP	X	X
Group homes	X	SP	SP	SP	X	X	SP	X	SP	X	X
Home occupation/office	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X
Indoor theater	X	X	X	X	X	X	P	SP	P	X	X
Inn	SP	X	X	X	X	X	X	SP	SP	X	X
Laundry	X	X	X	X	X	X	X	X	SP	X	X
Manufacture of goods on premises	X	X	X	X	X	X	SP	X	X	X	X
Medical building with office	X	X	X	X	X	X	SP	SP	SP	X	X
Mobile home park	X	X	X	X	X	X	X	X	X	X	X
Non-nuisance industry	X	X	X	X	X	X	X	SP	SP	X	X
Office for business or professional use	X	X	X	X	X	X	P	SP	P	X	X
Outdoor recreation	P	P	P	P	P	P	P	P	P	P	X
Personal service shop/store	X	X	X	X	X	X	SP	SP	SP	X	X
Places of public assembly	SP	SP	SP	SP	X	X	SP	SP	SP	X	X

PHILMONT CODE

Use	R	RLD	H-I	H-II	H-III	RHD	M	M-II	GB	C	RSC
Preschools	SP	SP	SP	SP	X	X	SP	X	X	X	X
Residences:											
Single-family	P	P	P	P	P	P	P	P	P	X	X
Two-family	SP	SP	P	P	X	X	P	P	P	X	X
Multifamily	X	X	X	X	X	X	P	X	P	X	X
Mobile home	X	X	X	X	X	P	X	X	X	X	X
Restaurants	X	X	X	X	X	X	SP	SP	SP	X	X
Retail establishments:											
Less than three	X	X	X	X	X	X	P	P	P	X	X
Three or more	X	X	X	X	X	X	SP	X	SP	X	X
Riding school	P	X	X	X	X	X	X	X	X	X	X
Senior citizen housing	X	X	X	X	X	X	X	X	X	X	SP
Veterinary offices	X	X	X	X	X	X	X	X	SP	X	X

NOTES:

- X = Not permitted
- SP = Special use permit required
- P = Permitted

ZONING

160 Attachment 2

Village of Philmont

Table 3
Bulk Regulations/Coverage Limitations
[Amended 5-14-2007 by L.L. No. 3-2007]

Use	R	RLD	H-I	H-II	RHD	H-III	GB	M	C	RSC	M-II
Minimum Lot Dimensions:											
Area (acres)	2	1	1/3	1/2	1/4	1/4	4,000 sq. ft.	4,000 sq. ft.	2	2	1/3
Width (feet)	200	100	75	75	50	50	40	40	200	200	75
Depth (feet)	150	125	150	150	75	75	100	100	150	200	150
Minimum Yard Dimensions:											
Front (feet)	75*	35*	25*	25*	25*	25*	10*	10*	75	35	25*
Each side (feet)	40	25	10	10	10	10	—	25	25	10	10
Rear (feet)	30	30	30	30	30	30	15	10	30	30	30
Maximum Height of Buildings:											
Feet	35	35	35	35	35	35	35	35	NP	35	35
Stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5	3	NP	2.5	2.5
Maximum Lot Coverage:											
Percentage	30	30	30	30	30	30	85	85	NP	50	30

NOTES:

NP = Not Permitted

* or consistent with all buildings within 200 feet on either side (See § 160-11B.)