

§ 199-54. Dwellings on nonconforming lots within districts that permit residential uses.

Notwithstanding the limitations imposed by any other provision of this chapter, any lot held in single and separate ownership prior to the adoption of this chapter or any lot which was part of a subdivision or part of a section of a subdivision that received final approval of the Planning Board of the Town of Mamakating and was filed in the office of the Clerk of Sullivan County prior to the adoption of this chapter that is located in a zoning district that allows residential uses and whose area or width is less than the specified minimum lot requirement for the district in which it is located may be used by right provided that:

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- A. Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
- B. Such lot has an area of at least 8,000 square feet, complies with § 199-54G and has a minimum lot width of at least 50 feet if it is to be used for residential purposes.
- C. The following minimum yard dimensions shall be maintained for residences:

For Lots With Width (feet)	Minimum Side Yard (feet)	Total Both Side Yards (feet)	Required Front Yard	Required Rear Yard
100 to 149	20	50	30% of average lot depth, but no greater than required in zone	20% of average lot depth, but no greater than required in zone
80 to 99	12	30		
50 to 79	10	25		

- D. The maximum development coverage permitted on a nonconforming lot shall be 35%.
- E. All other bulk requirements for that district are complied with, including building height and number of stories.
- F. In any district where residences are permitted, such undersized nonconforming lots may be used for not more than one single-family dwelling.
- G. In addition to the requirements contained in § 199-54A through F above, the applicant must demonstrate that the lot is suitable for residential construction, including water availability and quality (in accordance with NYSDOH Administration Rules and Regulations, 10 NYCRR Part 5, Appendix 5-B, Standards for Water Wells) and suitable sewage disposal (in compliance with Appendix 75-A, Wastewater Treatment Standards, as promulgated by the NYSDEC) and appropriate drainage as certified by a licensed professional engineer in the State of New York. The Building Department shall not issue a building permit unless this condition is satisfied.
- H. Existing dwellings on any lot whose area or width is less than the specified minimum lot requirement may be extended, provided the requirements of § 199-54A through G above are maintained.

§ 199-54.1. Nonconforming residential subdivisions in IO, LIO or PO Districts.