

**A LOCAL LAW** to amend Russell Gardens Code Chapter 60 entitled “Zoning.”

Section One. Russell Gardens Code Chapter 60 entitled “Zoning” Article I entitled “Definitions and Word Usage” subsection 60-2 entitled “Definitions” is hereby amended to include the following additional definition:

§ 60-2. Definitions.

RELIGIOUS USE – A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held and which is operated other than for profit, including parish houses and religious school buildings and uses customarily accessory thereto. The owner and operator of any “religious use” shall be a tax-exempt religious organization pursuant to the Internal Revenue Code, as evidenced by a determination letter or ruling from the Internal Revenue Service.

Section Two. Russell Gardens Code Chapter 60 entitled “Zoning” Article III entitled “Residence AA District” subsection 60-11 entitled “Permitted Uses” subsection B is hereby amended as follows:

B. ~~Church or other building used exclusively as a house of worship.~~ Religious uses provided a special use permit is granted pursuant to Article XIII.

Section Three. Russell Gardens Code Chapter 60 entitled “Zoning” Article IV entitled “Residence A District” subsection 60-19 entitled “Permitted Uses” subsection B is hereby amended as follows:

B. ~~Church or other building used exclusively as a house of worship.~~ Religious uses provided a special use permit is granted pursuant to Article XIII.

Section Four. Russell Gardens Code Chapter 60 entitled “Zoning” Article VII entitled “Business District” subsection 60-48 entitled “Off-street parking facilities” subsection H is hereby amended as follows:

**TABLE  
OFF-STREET PARKING FOR NONRESIDENTIAL,  
COMMERCIAL AND BUSINESS USES**

Type of Use	Parking Spaces Required in Relation to Specified Unit of Measurement
<del>Church or Synagogue</del> <u>Religious Use</u>	<del>1 per 5 fixed seats</del> <u>1 per every 2 fixed seats or 1 for every 2 persons who can be legally accommodated, whichever is greater</u>

Section Five. Russell Gardens Code Chapter 60 entitled “Zoning” is hereby amended by the

addition of a new Article XIII entitled “Religious Uses” to read as follows:

ARTICLE XIII. Religious Uses.

§60-69. Special use permit; Board of Trustees.

Religious uses are permitted in residential and business districts in the Village with the permission of the Board of Trustees, subject to compliance with the requirements set forth in this section to protect the public health, safety and general welfare of the community.

§60-70. Minimum lot size.

No religious use shall be established, operated, maintained or located on a lot having an area less than 30,000 square feet.

§60-71. Maximum building height.

No building used for any religious use shall have a height greater than permitted for any other structure in the zoning district in which it is located.

§60-72. Required off-street parking.

No religious use shall be commenced or maintained unless there is available on the same premises where such use is located a sufficient number of off-street parking spaces to accommodate the reasonable needs of such use. No such use shall be commenced or maintained unless the off-street parking available on the premises consists of at least one parking space per two fixed seats or two parking spaces for each two persons who can be legally accommodated. A site plan for each parking area on the premises, including aisles and appropriate landscaping for screening and decorative purposes, shall be approved by the Board of Trustees before any such parking area shall be utilized for the parking of motor vehicles.

§60-73. Special use permit conditions.

The Board of Trustees may impose such conditions as may be reasonable and proper to mitigate or prevent any adverse effects which such use, or the buildings and structures intended to be used for such use, may have or cause upon the adjoining properties or the neighborhood or the community.

§60-74. Special use permit criteria.

When considering an application for a special use permit, the Board of Trustees shall ensure, at a minimum, that the proposed use:

- (1) Will be properly located in regard to transportation, water supply, waste disposal, fire protection and other facilities;
- (2) Will not create undue traffic congestion, traffic hazard, or circulation conflicts;
- (3) Will not adversely affect the value of property, character of the neighborhood or the pattern of the development;
- (4) Will encourage an appropriate use of land consistent with the needs of the Village; and
- (5) Will not impair the public health or safety.

Section Six. This local law shall take effect immediately upon filing with the Secretary of State.