

Local Law Number ___ of 2013

Town of Inlet Zoning Law

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ARTICLE 1 GENERAL PROVISIONS REVISED

Section 100 Title and Enactment Authority

- A. The title of this law is the "Town of Inlet Zoning Law," or the "Zoning Law" and shall include this text and the official zoning map.
- B. Enactment of this Local Law by the Town is pursuant to the Municipal Home Rule Law of the State of New York.

Section 105 Purposes

The overall purpose of this law is to promote the health, safety, and general welfare by regulating the density of population, and the location, intensity and use of buildings, structures and land. Further purposes of this law are to implement the goals and policies of the Town of Inlet Comprehensive Master Plan as most recently adopted and/or amended.

Section 110 Prior Law

This law shall replace and supersede the prior existing §160 Zoning, of the Code of the Town of Inlet, and any amendments thereto. However, any complete application for site plan approval or for a special use permit submitted to the board with jurisdiction over that application prior to the effective date of this Zoning Law will be reviewed and determined under the standards in effect immediately prior to the effective date.

Section 115 Conflict with Other Laws

Whenever the requirements of this law are at variance with the requirements of any lawfully adopted rules, regulations, law or statutes, the most restrictive or those imposing the higher standard shall govern.

Section 125 Severability

Should any section of or provision of this law be decided by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE 2 PERMITS AND PROCEDURES

Section 200 Applicability to Land Use or Development

No land use or development shall be undertaken, maintained or altered except in conformity with all provisions contained in this Local Law relating to both the zoning district and the land use area in which the land, water, site, structure or use is located, or is proposed to be located, and in conformity with the permit requirements of this Local Law. Where this Local Law is more restrictive than covenants or agreements between parties, or other plans, or the regulations of the Adirondack Park Agency, the provisions of this Local Law shall control.

Section 205 Regulated Uses

- A. No person shall undertake any of the following unless a Town of Inlet Building Permit has been issued by the Codes and Zoning Enforcement Officer pursuant to §77-4 of the Code of the Town of Inlet.
 - 1. Construction of any new building or structure requiring a permit pursuant to §77-4 of the Code of the Town of Inlet.
 - 2. Expansion or enlargement of any existing structure requiring a permit pursuant to §77-4 of the Code of the Town of Inlet.
 - 3. Replacement of a mobile home located outside a mobile home park, except as allowed by §108-7 of the Code of the Town of Inlet.
 - 4. Change in the use of a building or of land, except as provided in Parts B and C of this section.
 - 5. Construction or enlargement of parking lots for non-residential uses.
 - 6. Erection and placement of certain signs, as provided in Article 6 herein.
- B. The following activities do not require the issuance of a Town of Inlet Building Permit, but must meet the building setbacks and other requirements of this law.
 - 1. Home occupations, as defined herein.
 - 2. Erection and placement of certain signs, as provided in Article 6.
 - 3. Keeping of farm animals, as provided in Section 814.
 - 4. Yard, porch, or garage sales, as provided in Section 826.
 - 5. Fences, refer to Fence Guidelines in the appendix.
- C. This law does not regulate the following activities.
 - 1. Construction not requiring a permit pursuant to §77-4 of the Code of the Town of Inlet.
 - 2. Expansion or enlargement of any existing structure not requiring a permit pursuant to §77-4 of the Code of the Town of Inlet.
 - 3. Interior structural alterations, or routine maintenance and improvement, which does not expand the exterior dimensions of a structure.
 - 4. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this law.
 - 5. Non-structural horticultural or gardening uses.
 - 6. The erection of chimneys, posts and other similar structures.
 - 7. Timber harvesting.
 - 8. Non-commercial sand or gravel extraction.

Section 210 Building Permit Types

Under the terms of this Law, the following classes of Building Permits may be issued.

- A. As-Of-Right Use. A Building Permit for an As-Of-Right use shall be issued by the Codes and Zoning Enforcement Officer upon determining the application is in compliance with the Uniform Code. (As-Of-Right permitted uses are shown with an “x” on Schedule B of this Law.)
- B. Allowed after Site Plan Approval. Uses designated by the letter “S” on Schedule B herein are permitted uses but require Site Plan Approval by the Planning Board. The Codes and Zoning Enforcement Officer shall issue a Building Permit after issuance of site plan approval by the Planning Board upon determining the application is in compliance with the Uniform Code, if applicable, and any conditions imposed by the Planning Board
- C. Allowed after a decision by the Zoning Board of Appeals. A Building Permit shall be issued by the Codes and Zoning Enforcement Officer after issuance of a variance by the Zoning Board of Appeals or as a result of a ruling on an appeal heard by the Zoning Board of Appeals upon

determining the application is in compliance with both the Uniform Code, if applicable, and any requirements imposed by the Zoning Board of Appeals.

- D. Allowed after approval of Special Use Permit. A Building Permit shall be issued by the Codes and Zoning Enforcement Officer after issuance of a special use permit by the Town Board upon determining that the application is in compliance with the Uniform Code, if applicable, and any conditions imposed by the Town Board.

Section 215 Required Information for Application

This section contains general submission requirements applicable to all applications for site plan approval, special use permits and variances. In addition to the requirements in this section, the applicant must submit information required in the relevant application form and the information required in the following sections as applicable; Site Plan Approval (Major) (Section 925); Special Use Permits (Section 910-A); Variance Applications (Section 1000).

- A. Map. Three (3) copies of a plot plan map, drawn to scale. Such map shall contain sufficient information to enable the Codes and Zoning Enforcement Officer, the Planning Board, the Zoning Board of Appeals or the Town Board to make an informed decision. Such map shall show as appropriate: dimensions and location of the lot, exact size and location of all existing and proposed buildings, proposed location of water and sewage disposal systems, parking areas, driveway location, watercourses, ponds, surface drainage patterns, flood hazard areas, and location of existing or proposed easements.

In the case of an application for Site Plan Approval, the applicant may submit a proposed site plan that conforms to the requirements of Section 925 instead of the Plot Plan Map.

- B. Tax map of parcel proposed for land use and development showing adjacent properties.
- C. Property Ownership or Control. Evidence of property ownership or an agreement or option to purchase, must be provided at the time of application. Alternatively, the applicant must provide evidence of the legal right to use the property and the owner's consent to file the application.
- D. Licenses. Any use currently licensed by Federal, State, County or Town Agencies and already operating within the town shall present evidence of currently valid licenses before any expansion permits are considered.
- E. Environmental Assessment Form, Part I, if required by the New York State Environmental Quality Review Act.
- F. Fee. The appropriate fee established by the Town Board in its fee structure shall be collected at the time of application.

Section 220 Fees

Application fees shall be established by resolution of the Town Board.

Section 225 Issuance of Building Permits

- A. When all requirements of this Law have been met, the Codes and Zoning Enforcement Officer shall issue a Building Permit and return one copy of the approved map to the applicant. One copy of the approved permit and approved map shall be filed in the Codes and Zoning Enforcement Office. If the permit has been denied, the reasons for denial shall be stated in writing and returned to the applicant.

- B. Building Permits will include all conditions imposed as a result of site plan approval, special use permits issued and any variances that have been issued. The permit will remain in full force and effect and will be binding on the permittee and the owner of the property, if different, until a certificate of occupancy or compliance is issued pursuant to Section 235 of this Zoning Law.
- C. Where an activity requires a Building Permit but is not subject to the Uniform Code (e.g. where the construction of a structure is not involved) or where there are any conditions imposed on the Building Permit that must be complied with after completion of construction and issuance of a certificate of occupancy, the Building Permit will remain in full force and effect unless it expires or is otherwise modified, revoked or suspended. The terms of the Building Permit will bind the owner or operator so long as the affected property is being used for the approved use, regardless of whether there is any change in ownership or operational control.
- D. To the extent that a condition is imposed on a discretionary approval that is intended to survive a change of use (e.g. an open space set aside), the terms of the condition or a memorandum thereof will be filed by the applicant in the office of the Clerk of Hamilton County with such records that would be searched in the ordinary course of business prior to a transfer of title. Proof of such filing will be presented to the board.

Section 230 Expiration of a Building Permit

- A. Except as provided for in paragraph D, a Building Permit for any building for which construction has not been commenced 12 months after issuance, or for any use which has not been commenced 12 months after issuance, shall expire, and such building and/or use may not be established nor construction begun unless a new permit has been issued.
- B. For purposes of this section, a use shall be considered as having been commenced when merely the following have been undertaken: digging of soil test pits, performing soil percolation tests and other minor site inspections, the staking of lots, or the securing of other approvals or permits required by law.
- C. Once a Building Permit for any building or use is revoked or has expired, construction shall cease and the use shall not be established.
- D. Prior to the expiration of a Building Permit under this section, the holder of the permit may apply for an extension of up to six months based on a showing that there is good cause for the delay and no changed circumstances. The application for an extension must be made to and approved by all boards that granted a discretionary approval. In the event that no such discretionary approval was involved, the holder must apply to and receive approval from the Codes and Zoning Enforcement Officer. Up to two consecutive extensions of six months may be granted.

Section 235 Certificate of Occupancy or Compliance

No person shall occupy or use a structure or area of land requiring a Building Permit until a Certificate of Occupancy or Compliance has been issued by the Codes and Zoning Enforcement Officer. The applicant shall notify the Codes and Zoning Enforcement Officer to perform all required inspections, as noted on the Building Permit, and to perform a final inspection after any outstanding issues have been resolved and the building or structure is ready for a final inspection. If satisfied that the applicable State and local regulations pertaining to the project have been complied with and that the project has been completed as specified on the approved application, the Codes and Zoning Enforcement Officer shall issue a Certificate of Occupancy or Compliance granting permission to occupy or use the structure.

ARTICLE 3 DEFINITIONS

Section 300 Word Interpretation

Except where specifically defined herein all words used in this law shall carry their customary meaning. Doubt as to the precise meaning of a word or phrase shall be decided by the Zoning Board of Appeals.

Section 310 Definitions

Accessory Use or Structure. A use or structure subordinate or supplemental to the main building or use on the same lot.

Adult Arcade. An establishment where film, slides, or any other images of “specified sexual activities” or “specified anatomical areas” are available for viewing by the public.

Adult Bookstore or Adult Video Store. A bookstore or video-store where as one of its principal business purposes offers for sale or rental any printed matter or video that depict “private or intimate parts” or “specified sexual activities.” For the purpose of this definition, a principal business purpose shall mean that part of the business that constitutes 20 percent or more of the printed material or videos for sale or rent in the establishment.

Adult Cabaret. A nightclub, bar, restaurant, juice bar, or similar establishment where persons appear in a state of nudity, or where there are live performances, films, videos or slides characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

Adult Entertainment Establishment. An establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or waitresses; strippers; topless hair care or massages; entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade; adult bookstore; or adult video-store.

APA. The Adirondack Park Agency.

Area, Building. The total ground area of a principal building and accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

As-Of-Right Use. A use permitted under this code which does not require any Discretionary Approval.

Assisted Living Facility. A residential facility that accepts persons who by reason of physical or other limitations are unable to live independently, and which is primarily for domiciliary care rather than nursing or medical care.

Bar/Tavern. An establishment used primarily for the serving of alcoholic beverages to the general public where food service may be an accessory activity.

Bed and Breakfast. A bed and breakfast (B&B) is a small lodging establishment that offers overnight accommodation and breakfast, but usually does not offer other meals. Typically, B&B's are owner-occupied private homes with 4 or fewer bedrooms available for commercial use.

Boathouse. A covered structure with direct access to a navigable body of water which (1) is used only for the storage of boats and associated equipment; (2) does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind; (3) does not contain kitchen facilities of any kind; (4) does not contain a heating system of any kind; (5) does not contain beds or sleeping quarters of any kind; (6) does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and all rigid roof surfaces have a minimum pitch of four on twelve, or, alternatively,

one flat roof covers the entire structure; and (7) has a footprint of 1200 square feet or less measured at the exterior walls (or in the absence of exterior walls, at the perimeter of the roof), and a height of fifteen feet or less. For the purpose of this definition, the height of a boathouse shall be measured from the surface of the floor serving the boat berths to the highest point of the structure.

Building Line. A line established by law or by agreement beyond which no part of a structure may extend.

Building, Floor Area. The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Building. Any roofed structure intended for the shelter, housing or enclosure of persons, animals, or property. When a building is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

Complete Application. An application which is in an approved form and is determined by the board with jurisdiction over the application to be complete for the purpose of commencing review of the application but which may need to be supplemented during the course of review in order to enable such board to make the findings and determinations required by law. No application subject to State Environmental Quality Review Act ("SEQRA") is complete unless the applicant portion of the appropriate form of the environmental assessment form has been adequately completed and submitted. An application for which a positive declaration is made pursuant to SEQRA can only be complete upon the submission of a draft environmental impact statement that is accepted by the lead agency as satisfactory with respect to scope, content and adequacy.

Comprehensive Plan. The Town of Inlet Comprehensive Master Plan adopted on December 8, 2009 as updated and modified from time to time.

Conservation Subdivision. A subdivision that employs a flexible design and allows for a variance of dimensional requirements of the Zoning Code in order to conserve open space.

Day Care Center. A site or building, or portion thereof designed and/or operated to provide day care and/or instruction for four or more persons, and operated for a fee, excepting state licensed "group family day care" and "family daycare" facilities for children operating solely within dwellings as provided in Section 390 of the Social Services Law of New York State.

Discretionary Approval. Any approval which involves the exercise of discretion by the issuing officer or board. In the context of this Law, the principal discretionary approvals are site plan approval (Planning Board); area and use variances (Zoning Board of Appeals); Special Use Permits (Town Board); and Sign Permits (Planning Board). Building Permits and certificates of occupancy issued pursuant to the Uniform Code are not discretionary approvals.

Dock. A floating or fixed structure that: (1) extends horizontally (parallel with the water surface) into or over a lake, pond or navigable river or stream from only that portion of the immediate shoreline or boathouse necessary to attach the floating or fixed structure to the shoreline or boathouse; (2) is no more than eight feet in width, or in the case of interconnected structures intended to accommodate multiple watercraft or other authorized use, each element of which is no more than eight feet in width and not more than 100 square feet total.

Dwelling Unit. One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities, designed for occupancy by one family.

Dwelling. A building or portion thereof designed or used as the living quarters for one or more families.

Family. One or more persons, related by blood, adoption or marriage, living and cooking together, exclusive of household servants; a number of persons living together as a single housekeeping unit although not related by blood, adoption or marriage shall be deemed to constitute a family unit.

Forestry Use Structure. Any barn, shed, garage, or other such structure directly and customarily associated with forestry use.

Forestry Use. Any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems.

Front Building Setback. An open unoccupied space on the same lot with a building between the front line of the building and the street line or right of way, and/or the high water line of a lake or stream and extending the full width of the lot.

Gasoline Station. Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, including the painting or major repair thereof. The term gasoline station shall be deemed to include filling station and service station.

Green Space Buffer. An undeveloped, vegetated, area containing no buildings, structures, parking areas, storage areas, or roadways, excepting driveways or private roadways needed for ingress or egress to a property.

Gross Floor Area. The total floor area to be used or intended to be used by tenants of a dwelling, or for services to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, employee restrooms, fitting or alteration rooms or general maintenance or enclosed pedestrian malls or corridors.

Height, Building. The vertical distance measured from the established grade at the curb; or if no grade has been established at the curb, measured from the average level of the finished ground surface across the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Home Based Business with Vehicles or Equipment. Business operated by the resident of a residential property that involves the storage or parking on said property of a total of two or more, but not more than four (4), of the following vehicles or equipment: truck or trailer greater than 20 feet in length, any piece of earth moving equipment, any well-drilling rig, or any other similar heavy equipment or vehicle used in the conduct of the business. Such businesses include, but are not limited to, independent trucking, construction, well drilling, earth moving, logging, or tree cutting businesses.

Home Based Manufacturing. A commercial use located on the property where the business owner resides involving the manufacture and sale of goods, including but not limited to: wood products, furniture, boats, canoes, ceramics, quilts, baskets, crafts or electronic or computer equipment.

Home Occupation. Any personal or professional service conducted entirely within a dwelling and carried on only by resident members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in which there is kept no stock in trade.

Illuminated Sign. Any incandescent or other sign which gives forth its own light, or any transparent or translucent sign through which artificial lights are emitted, including, without limitation, any neon sign, fluorescent sign or advertising light display.

Indirectly Illuminated Sign. Any sign illuminated by a lighting device and reflecting the light thereof, but not emitting any light and therefore not an illuminated sign.

Land Use or Use. An activity or group of related activities having a common purpose being conducted at or upon a parcel of land. Land uses can be principal or secondary (accessory) and they may be temporary or long-term. For purposes of the Zoning Law, related activities with a common purpose have been assigned a single designation in Zoning Schedule B – Use Chart.

Launderette. A business premises equipped with individual clothes washing or cleaning machines for the use of retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

Light Industry. Manufacturing, production or assembly of goods or materials that does not include any of the following: (a) mining of sand, gravel or other minerals, (b) sawmills, chipping mills, pallet mills and similar wood using facilities; or (c) manufacturing or assembly that involves the manufacture of hazardous chemicals; the use of petroleum-based products except as incidental to the primary industrial use; the outdoor storage of scrap metal or junk; the creation of solid, liquid, or airborne hazardous wastes; the creation of smoke or airborne particulate matter except as incidental to the main industrial use; or the creation of noise which would have an adverse impact upon neighboring properties. Uses are further limited to those considered "low hazard" or "moderate hazard" as defined in Part 300 of the New York State Building Code.

Lot Area. The total horizontal area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

Lot Coverage. That portion of a lot that is covered by buildings or structures.

Lot. A lot is a parcel of land occupied or designed to be occupied by one or more buildings and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter, and such open spaces as are arranged and designed to be used in connection with such building.

Major Project. Any project involving one or more of the following:

- a. Construction of a multi-family structure on a lot or parcel, or on adjacent lots or parcels, as one project consisting of five (5) or more units.
- b. Construction of facilities or structures for a non-residential use covering more than twenty-five hundred (2500) square feet of building footprint.
- c. Alteration of existing structures or expansion of existing structures by more than one thousand (1000) square feet of ground area.
- d. Alteration and active use of more than five thousand (5,000) square feet of land, with or without structures, in connection with a use requiring site plan review and approval.

Marina. Any facility providing boat docks or moorings for a fee or other consideration and often offering supply, storage, repair and other services.

Minimum Front Setback. The required minimum distance between any building and the right-of-way of any public or private road.

Minimum Lot Width. The required minimum length of width of a lot measured parallel to the front lot line at a distance from the lot equal to the front yard specified for the district.

Minimum Road Frontage. The required minimum length of the front lot line along its boundary with any public road line or private road line.

Minor Project. Any project not defined as a Major Project, or any project that merely involves conversion of existing structures to another use.

Mobile Home Lot. A designated site of specific total land area which is located within a mobile home park for the accommodation of one mobile home and its occupants.

Mobile Home Park. Any parcel of land which is planned and improved for the placement of two or more mobile homes which are used as dwellings and for occupancy.

Mobile Home Stand. A durable surface located on a mobile home lot which is to be used for the placement and capable of supporting a mobile home.

Mobile Home. A movable or portable single unit designed and constructed to be towed on its own chassis comprised of frame and wheels or those of another vehicle, connected to utilities and designed and constructed without a permanent foundation, designed to be used and capable of being used as a detached single-family residence, and which is intended to be used for either seasonal or permanent year-round occupancy, containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, and plumbing and electrical connections for attachment to outside systems. A dwelling unit that is constructed in sections and transported to and assembled on the site is not considered a mobile home.

Motocross. A cross-country racecourse or trail designed or used for racing or sport by motorized vehicles for a fee, including but not limited to motorcycles, all terrain vehicles, automobiles, or snowmobiles. This term does not include: (a) trails open to the general public free of charge such as snowmobile trails designated under the Parks and Recreation Law of the State of New York, (b) other trails designated or owned by municipal, county or state governments, or (c) trails located on private property for occasional use where no fee is charged.

Motor Vehicle Service and/or Repair Shop. A building or site, or portion thereof, used for making repairs to motor vehicles such as automobiles, trucks, snowmobiles, all-terrain vehicles, or lawn tractors and garden equipment. This definition includes auto body shops.

Multi-Family Dwelling. A structure containing three (3) or more dwelling units separated from each other by common wall in the form of attached housing, or placed above or below one another.

Non-Conforming Building or Structure. Any building or structure in existence or substantially completed on the effective date of the Zoning Law which is not in the conformance with the area or bulk requirements of this Zoning Law but which was in conformance with the setback and building size and height requirements in effect immediately prior to that effective date.

Non-Conforming Lot. Any lot legally in existence on the effective date of the Zoning Law which does not conform to the lot size, width and frontage requirements of Zoning Law but which was in conformance with the dimensional requirements in effect immediately prior to that effective date.

Non-Conforming Use. The use established on a parcel on the effective date of the Zoning Law which is prohibited or restricted in the zone the parcel is located in under the Zoning Law but which was legal in all respects immediately prior to that effective date. The Non-Conforming Use is limited by the intensity of the use that was established prior to the effective date. Non-Conforming Uses may retain or lose this status pursuant to the provisions of Article 7 of the Zoning Law.

Off-Premises Sign Or Billboard. A sign that is not located on the same premises as the business or service it advertises or identifies.

One Family Dwelling. A building containing one dwelling unit.

Open Space Recreation Use, Motorized. A recreation use particularly oriented to and utilizing the outdoor character of an area that is used by motorized vehicles, including a snowmobile trail, a jeep trail, or an all-terrain vehicle trail, excepting motocross. (See definition of motocross.)

Open Space Recreation Use, Non-motorized. Any recreation use particularly oriented to and utilizing the outdoor character of an area including a cross-country ski trail, a hiking and backpacking trail, a bicycle trail, a horse trail; or a playground, picnic area, public park, public beach or similar use. This definition does not include any trail or open space area used by motorized vehicles such as a snowmobile trail, jeep trail, or all-terrain vehicle trail.

Parking Space. An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.

Personal Service Establishment. Includes barber, hairdresser, beauty parlor, shoe repair, photographic studio, massage parlor, and businesses involving the care of a person or his or her apparel.

Planned Residential Development. A residential development planned as a whole on a single parcel of land, or on multiple parcels of land constituting a subdivision, consisting of at least four (4) or more dwelling units and two (2) or more residential structures.

Planning Board. Town of Inlet Planning Board.

Pole Sign. A freestanding sign with the base of the actual sign area at least five feet above the ground supported by vertical pole(s).

Portable Sign. A sign, whether on its own trailer, wheels or otherwise, designed to be moveable and not permanently affixed to the ground, a building, structure or other sign.

Poster. A sign affixed to trees, other natural vegetation, rocks or utility poles.

Primary Business Sign. An establishment's principal sign, i.e. the sign which identifies the business to a passerby, communicating the most pertinent information.

Private or Intimate Parts. Human male or female genitals, pubic area or buttocks, with less than a full opaque covering, or the showing of the female breasts with less than a full opaque covering of any portion of the breast below the top of the nipple and areola, or the depiction of the covered male genitals in a discernible turgid state.

Properties of Historic Value. Any building, structure, district, area, site or object in the Town of Inlet listed or eligible for listing pursuant to National Historic Preservation Act or the State Historic Preservation Act or which have been designated by the Town Board of local historic interest due to: (a) association with events that have made a significant contribution to the broad patterns of the Town or the region; or (b) association with the lives of persons significant in the Town's or region's history; or (c) the embodiment of distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Public or Semi-Public Buildings and Grounds. Any of the following, including grounds and accessory structures necessary for their use, but not including any open space recreation use as defined herein: (a) places of worship, parish houses, convents, rectories, parsonages and similar accessory buildings, (b) cemeteries, (c) nursery schools, elementary schools, high schools, colleges or universities, (d) public libraries and museums. (e) Not-for-profit fire, ambulance, and public safety buildings, (f) Hospitals, health care centers, (g) not-for-profit membership club or corporation established for cultural, social or recreational purposes, such as a Veterans of Foreign Wars meeting hall or similar buildings used by similar organizations, and (h) not-for-profit recreational facilities, used for swimming, tennis, platform tennis, bowling, hockey, ice-skating and other indoor or outdoor sports, but excluding any "open space recreation use, motorized" or "motocross."

Public Utility Use. Infrastructure incidental to supplying everyday necessities to the public at large, such as electricity, telephone service, natural gas, water and other essentials.

Rear Building Setback. An open, unoccupied space on the same lot with a building between the rear line of the building and the rear lot line and extending the full width of the lot.

Recreation or Entertainment Facility. A facility that offers activities, pastimes or productions that entertain, divert or amuse.

Restaurant. An establishment at which food is served to patrons on the premises, which may include the sale of alcoholic beverages provided that the sale of such beverages is clearly secondary and accessory to the serving of food.

Roof Sign. A sign erected on a roof or extending in height above the roofline of the building upon which the sign is erected or abuts.

Rooming or House. Any building or portion thereof containing more than two and less than 10 rooms that are used, rented or hired out to be occupied or that are occupied for sleeping purposes for compensation whether the compensation be paid directly or indirectly. The term "rooming house" shall be deemed to include boarding house, lodging house and tourist home.

Sawmill. Mill for processing timber into boards and lumber, as a commercial operation. For purposes of this law the term sawmill does not include portable devices used on a temporary basis for cutting timber harvested on the property where the portable device is temporarily located.

Secondary Business Sign. A sign which communicates accessory information, e.g., hours of operation, different types of products sold.

Senior Citizen Housing Development. A residential development that may contain attached dwelling units where at least one of the following conditions is true: (a) the federal Department of Housing and Urban Development has determined that the dwelling is specifically designed for and occupied by elderly persons under a Federal, State or local government program, (b) it is occupied solely by persons who are 62 years of age or older, or (c) it houses at least one person who is 55 years of age or older in a least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

Shopping Center. A single parcel of land with buildings or structures planned as a whole and intended for two (2) or more retail, office, service or similar establishments.

Side Building Setback. An open unoccupied space on the same lot with a building, situated between a building and the side lot lines and extending from the front yard to the rear yard.

Sign Area. The total area of all faces or surfaces of a sign upon which any writing, illustration, or expressive matter appears, excluding supporting framework such as brackets or posts if such framework is incidental to the display. The sign area of a sign having more than one face or surface shall be the total area of all such faces or surfaces, except where a sign consists of two faces back-to-back, in which case the face of the sign having greater area shall constitute the total sign area. The sign area of a group of connected or related signs shall be the sum of the sign areas of the signs belonging to it. The sign area of sign painted on or applied to a building shall be the smallest rectangle or other shape which encompasses all lettering, numbering, designs, logos or lights together with any background of a different color than the finish material of the building.

Sign. Any lettered, numbered, symbolic, pictorial, illuminated or other visual display designed to identify any activity, event, organization, people or place but not including signs erected and maintained pursuant to the discharge of governmental functions and regulations, or any national flag not associated with commercial activity.

Specified Sexual Activities. (a) Human genitals in a state of sexual stimulation or arousal, (b) acts of human masturbation, sexual intercourse or sodomy, or (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

Street. A public or private way which affords the principle means of access to abutting property. The term "street" includes the terms "road" or "highway."

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Swimming Pool. Any pool except those designed for a water depth of less than 24 inches and which are installed entirely above ground.

Telecommunication facility. Any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for cellular operation (also known as base transceiver station or BTS).

Telecommunication Tower. A structure on which one or more antenna will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, but excluding a structure used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications.

Temporary Sign. Any sign that is displayed only for a specified period of time and is not permanently mounted.

Tourist Accommodation. Any hotel, motel, resort, tourist cabin, bed and breakfast or similar facility designed to house the general public.

Town Board. Town of Inlet Town Board.

Travel Trailer Court. Land space and accommodations for parking of travel trailers.

Travel Trailer Park. Any parcel of land which is planned and improved for the placement of two or more travel trailers which are used as temporary living quarters and for occupancy.

Travel Trailer. A travel trailer, which shall also include motor homes, is any portable vehicle which is designed to be transported on its own wheels; which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes; and which may or may not include one or all of the accommodations and facilities included in a mobile home.

Trucking Facility. A facility for the storage of more than one truck exceeding gross vehicle weight of 18,000 pounds, or more than two smaller trucks, that are used principally for hire or for transporting goods not manufactured or warehoused on the site.

Two Family Dwelling. A building containing two dwelling units.

Uniform Code. The New York State Uniform Fire Prevention and Building Code.

Wind Power Generating Facility, Residential. A wind conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which is intended primarily to reduce on-site consumption of utility power.

Zoning Board of Appeals. Town of Inlet Zoning Board of Appeals

ARTICLE 4 ZONING DISTRICT REGULATIONS

Section 400 Types of Districts

For the purposes of this law, the Town of Inlet is divided into the following zoning districts:

- R1 Residential District
- R1-NU Residential - North Uncas

RR	Resort Residential
C	Commercial District
TC	Town Center District

Section 405 Zoning Map

Zoning districts are located and bounded as shown on the “Town of Inlet Zoning Map” which, with all explanatory matter, is hereby made part of this law.

Section 410 Interpretation of District Boundaries on Zoning Map

- A. Zone district boundaries generally follow property lines, highways, or watercourses
- B. Where uncertainty exists with respect to the boundary of a zoning district in any individual case the Codes and Zoning Enforcement Officer (CZEO) shall make the determination as to its exact location. The CZEO may refer the matter directly to the Zoning Board of Appeals, who shall make a determination without a formal appeal. A decision of the CZEO regarding a zoning boundary may be appealed to the Zoning Board of Appeals.

Section 415 Use Regulations

- A. Schedule B, “Use Chart,” of this law shall govern the types of land uses that are permitted within each Zoning District.
- B. Permitted Uses. Land uses designated by an "A" on the Schedule B Use Chart are uses allowed As-Of-Right within the zoning district.
- C. Site Plan Review Uses. Uses designated by “SPR” on Schedule B are allowed uses only after Site Plan Review and Approval by the Planning Board as set forth in Article 9.
- D. Special Use Permit. Uses designated by “SUP” on Schedule B are allowed uses only after issuance of a Special Use Permit by the Town Board.
- E. A use shall be deemed to be prohibited within a zoning district if it is not listed on Schedule B either as a permitted use, allowed after Site Plan Approval or allowed after Special Use Permit issuance within that district.

Section 420 Lot Size and Dimension Chart

Schedule A, “Lot Size and Dimension Chart,” of this law shall govern minimum required lot size, minimum lot dimensions, maximum building height, maximum lot coverage, and minimum building setbacks.

Section 425 Large Lot Uses

The purpose of this section is to allow for uses which are important to the Town of Inlet, but which may create adverse impacts upon neighboring properties and the community if not situated on a sufficiently large lot and/or are not adequately buffered from surrounding lands.

- A. The following uses shall comply with part B of this section.
 - Industrial use, light
 - Commercial sand and gravel extraction

Junkyard
Landfill
Lumber yard
Mining
Sawmill
Trucking business
Warehousing

B. Requirements.

1. Minimum lot size shall be 40,000 square feet.
2. Minimum setback from any public highway right-of-way shall be 100 feet. Said setback shall apply to all structures, parking areas, storage areas, work areas, and excavations.
3. Minimum green space buffer around entire perimeter of the property, except for entries and exits, shall be 30 feet. The green space buffer must be maintained as a vegetated area. No parking lots or storage of materials or vehicles are permitted, nor shall the buffer be used as a work area.
4. At the time of Site Plan approval the Planning Board may reduce the minimum required width of the green space buffer on any side without the issuance of a variance, provided that it finds that the purpose of this section is fulfilled.
5. The Planning Board may require screening by means of vegetation or approved fencing to reduce visual impacts.

Section 430 Lots in Two or More Zoning Districts

If a lot lies in two or more zoning districts, each portion of the lot shall be governed by the regulations of the district in which it lies. Upon special authorization of the Zoning Board of Appeals, and after application and public hearing, the provisions of the less restricted portion of the lot may be extended up to 100 feet into the more restricted portion. An extension of more than 100 feet shall require a variance or a zoning map amendment.

Section 435 Measurement of Building Setbacks

- A. When establishing measurements to meet required setbacks, measurements shall be taken to the closest protruding part of the use or structure, to include such projecting facilities as porches, carports, and attached garages. Any accessory building physically attached to a principal building, including attachment by means of a breezeway or a roofed passageway with open or attached lattice sides, is deemed to be part of the principal structure in applying regulations.
- B. Corner lots. For purposes of determining required setbacks from lot lines, corner lots of rectangular shape shall be deemed to have two front yards and two side yards, and no rear yard.

Section 440 Maximum Height

The maximum height of any structure shall be thirty-five (35) feet; excepting houses of worship, chimneys, flagpoles, agricultural structures, electrical transmission poles and lines, telecommunications towers, wind generating facilities, and towers for fire, police and emergency communications for which there is no maximum height requirement.

Section 445 Rental of a Non-owner Occupied Dwelling in R1 Residential District

Legal rental of a non-owner occupied rental dwelling in the R1 Residential Zoning District shall be governed by Ordinance No. 1-2002 of the Town of Inlet, and any amendments thereto.

ARTICLE 5 PLANNED DEVELOPMENT DISTRICTS

Section 500 Purpose and General Applicability

- A. The purpose of this section is to permit and encourage alternative concepts of developing and adapting land areas within the Town for appropriate residential, recreational, or commercial, or a satisfactory combination of such uses, where clustering and other land development techniques will contribute to more effective and economic land use development, protection of existing land uses and natural resources, reduction of the need for extension of public services and systems, and the strengthening of the Town's economic base, without departing from the spirit and intent of the Comprehensive Plan and this Zoning Law.
- B. This Article contemplates the development of standards for the improvement of an entire tract of land harmoniously, consistent with the spirit and intent of the Comprehensive Plan. This Article may apply to tracts of vacant land, the redevelopment of improved lots or any combination of the two. It may provide flexibility in the mix of permitted uses, the application of dimensional requirements and other development standards employed in the traditional zoning districts.
- C. Planned Development Districts described in this Article are floating zones and will not be identified on the Zoning Map unless and until approved by the Town Board. Nothing herein shall obligate the Town to establish a Planned Development District or to adjust or waive permitted uses or development standards within any other district. An application for a Planned Development District must demonstrate that the development concept will be beneficial to the basic purposes of this chapter, the Comprehensive Plan and related Town objectives.

Section 501 Overview

- A. This Article addresses the rezoning a tract of land intended to be developed as a planned unit. The rezoning will establish a district known as a Planned Development District (PDD). This Article contains criteria for two such Planned Development Districts - the Planned Residential District (PD-R) and the Planned Recreational District (PD-Rec). The criteria established by the Town Board for these districts have been determined to be consistent with the Town's Comprehensive Plan. An applicant may apply to establish a PDD with different criteria but must show, among other things, that any such criteria are consistent with the Comprehensive Plan.
- B. The first step in the process is the rezoning of the identified tract of land. This action is subject to the approval the Town Board after receiving the recommendation of the Planning Board.
- C. An application for any type of PDD must be accompanied by an environmental assessment form as prescribed in 6 NYCRR Part 617. If the Town Board determines that the rezoning may have a significant impact on the environment, it will require the preparation of an environmental impact statement (EIS). Where the development may consist of multiple phases or otherwise when appropriate, the Town Board may elect to draft a generic EIS.
- D. If the Town Board approves the establishment of the PDD, the applicant will then apply to the appropriate town authorities for any required site-specific approvals (e.g. subdivision approval,

site plan approval, special use permit and building permit) according to the terms established by the Town Board in the rezoning and by this Zoning Law.

Section 505 *Planned Residential District (PD – R)*

- A. Minimum number of dwelling units. Four (4) dwelling units housed in at least 2 residential structures.
- B. Minimum size of district: 5 acres
- C. Minimum green space buffer around perimeter of district: 50 feet
- D. Dimensional Requirements, Number of Allowable Dwelling Units
 - 1. Separate dwelling units may be placed closer together than would otherwise be permitted by the minimum lot width, lot size, road frontage, building setback and other dimensional requirements in any other residential zoning district, provided that the total number of dwelling units on the parcel does not exceed: (a) the number as calculated in subdivision E below, and (b) the number permitted by the Adirondack Park Land Use and Development Plan.
 - 2. The maximum number of allowable dwelling units may be increased by 25% above the calculated number where it is demonstrated to the satisfaction of the Town Board that the particular location and site can reasonably sustain such increased density, provided that the number does not exceed the number permitted by the Adirondack Park Land Use and Development Plan.
- E. Calculation of Number of Allowable Dwelling Units. The maximum number of allowable dwelling units shall be calculated by dividing the area of the proposed PD-R, excluding water bodies, wetlands and land located within a public highway right-of-way, by 20,000 square feet, and then rounding to the nearest whole number.
- F. Permitted Uses. Permitted uses include, but are not limited to:
 - 1. One-family, two-family and multiple-family dwellings, or a combination thereof. One-family dwellings include dwellings on individual lots.
 - 2. Park, playground, swimming pool, golf course, and other developed or natural recreation areas and facilities.
 - 3. Accessory uses customarily incidental to the foregoing uses.
 - 4. Limited commercial uses compatible with and supporting of the residential uses within the district and otherwise clearly appropriate to surrounding uses and to the location within the Town, may be permitted. Specific permitted commercial uses will be determined by the Town Board on a case-by-case basis for each application.
- G. Natural shoreline preservation. In order to encourage maintenance of undeveloped shoreline, the Planning Board may recommend to the Town Board a cluster plan that limits the number of dwelling units close to the shoreline or otherwise preserves an open space buffer along the shore.
- H. Open space recreational use. An area for open space recreational use shall be provided as follows:
 - 1. Suitable and satisfactorily located lands comprising at least 5%, but not more than 10% of the area of the Planned Residential District shall be designated and reserved for open space recreational purposes. Such use may be either open space recreational use, motorized or non-motorized. Improvements and facilities to be provided as part of such area shall be acceptable to the Town.
 - 2. Such area may be offered for cession to the Town or retained in private ownership under an agreement for its improvement and maintenance satisfactory to the Town. In the instance

where satisfactory accommodation of open space recreation needs cannot be reasonably accomplished within the PD-R, the Town may, at its discretion, accept a payment in lieu of such land and its improvement that would represent a comparable value. Any such payment would be credited to a recreation fund for the explicit purpose of acquiring and/or improving recreational land and facilities in the Town that would reasonably serve the needs of the residents of the Planned Residential District and their guests.

3. The provision of such open space recreation area shall be in addition to lands otherwise reserved for minimum required setbacks, buffer areas and the preservation of unique or outstanding site characteristics.
- I. Conversion of existing use. Conversion of existing resort lodge, club facilities to one-family dwellings may be permitted through establishment of a Planned Residential District.
- J. Common docking area. A common docking area, rather than individual docking areas, shall be allowed for each Planned Residential District. That docking area cannot create a conflict with existing beach and/or a designated swimming area uses. The size of the docking area is limited to the density of the approved plan. No marina or other commercial services relating to boating activities is permitted.
- K. Maintenance plan. Any PD-R District must have an approved plan for garbage disposal, snow removal, and road maintenance.
- L. Boathouses. Boathouses will not be allowed on lake frontage.
- M. Circulation system design standards.
 1. All buildings shall be arranged to be accessible to emergency vehicles.
 2. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.
 3. Roads, pedestrian walks and open space shall be designated as integral parts of an overall site design. They shall be properly related to existing and proposed buildings, and appropriately landscaped.
 4. Buildings, vehicular circulation and open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
 5. Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
 6. Paving, lighting fixtures, retaining walls, fences, curbs, benches, and similar elements, shall be of good appearance and quality, easily maintained and, shall be constructed in accordance with the Town standards. The Planning Board may impose further requirements or stipulations it deems necessary.
- N. Landscape design standards.
 1. Landscape design plans shall be subject to review by the Planning Board.
 2. Landscape treatment for roads, sidewalks, service and parking areas shall be designated as an integral part of a coordinated landscape design for the entire project area.
 3. Primary landscape treatment shall consist of shrubs, ground cover, and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate the surrounding environment.
 4. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
 5. All streets bordering the project area shall be planted at appropriate intervals with street trees.

Section 510 Planned Recreation District (PD – Rec)

- A. Minimum size of district: 5 acres
- B. Minimum green space buffer around perimeter of district: 50 feet
- C. Maximum building coverage: 15%
- D. Maximum building height: 35 feet
- E. Number of tourist accommodation units: Shall not exceed the number permitted by the Adirondack Park Land Use and Development Plan.
- F. Permitted Uses. Permitted uses include, but are not limited to:
 - 1. Commercial recreation, tourist attraction
 - 2. Fishing, hunting club, lodge
 - 3. Group camp
 - 4. Resort lodge, club
 - 5. Recreational campsite
 - 6. Open space recreation use
 - 7. Such accessory uses as are customarily incidental to the foregoing uses
- G. Roadways. All roadways, access drives and parking areas shall be constructed in accord with Town standards and, any further requirements or stipulations deemed necessary by the Planning Board.

Section 515 Procedures

Application for a Planned Development District shall be processed in the following steps.

- A. Amendment to the Zoning Law. The approval of Planned Development District shall constitute an amendment of the Town of Inlet Zoning Map. The text of the Zoning Law may also be amended as part of the approval. Any such approvals will fully comply with the requirements of Town Law §265, Section 1140 of the Zoning Law and this Section.
- B. Sketch Plan Conference. An applicant may submit a sketch plan containing information identified in Appendix A to the Planning Board, and arrange to informally discuss a project with the Planning Board in order to identify key land use and development considerations and potential problems, if any, to be evaluated in future refinement of a Planned Development District proposal prior to making an application to the Town Board.
- C. Submission of Preliminary Plat/Plan. An applicant must submit an application to the Town Board for the establishment of a PD-R or PD-Rec District. Such application shall contain all of the information required in Appendix A for a Sketch Plan and a Preliminary plat/plan, accompanied by the preliminary plat or plan. In addition, the applicant will submit a draft master plan for the site which includes a description of the applicant's objectives and how such objectives relate to the Town's Comprehensive Plan. Such information shall fully explain and locate all proposed new and modified land use and development. In addition, the applicant will provide proof that it owns or controls the development rights to all of the land in the proposed PDD. When these documents together with the environmental assessment form (see paragraph D below) are submitted to the Town Board, at its earliest opportunity it shall refer same to the Town Planning Board for review and recommendation.
- D. State Environmental Quality Review Act.
 - 1. All such applications shall be subject to the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law, and all of the rules and regulations adopted pursuant thereto as set forth in 6 NYCRR, Part 617.

2. In addition to the thresholds established in 6 NYCRR 617.4, all such applications which propose a project which is situated within the APA hamlet area of the Town and bounded by Fourth Lake and New York State Route 28 and the South Shore Road, regardless of size of the proposed project, and in all other proposed projects of 25 new residential units or more, shall be considered a Type I Action as defined by SEQRA and the applicant shall submit a full environmental assessment form (EAF) as required by Section 6 NYCRR 617.5 with the application which shall be referred to the Town Planning Board with the application.
 3. In any application for a Planned Development District, the Town Board will take any measures necessary to be designated as the lead agency in a coordinated review.
 4. At its earliest opportunity, the Planning Board will review the EAF and make recommendations to the Town Board regarding the determination of significance required pursuant to 6 NYCRR 617.7. The Planning Board may hold a public meeting or hearing prior to make its recommendation.
 5. Upon receiving the Planning Board recommendation, the Town Board will determine whether an EIS is required. If an EIS is required, the application will not be complete until a draft EIS has been accepted by the Town Board for public review.
- E. Planning Board Review of Preliminary Plat/Plan and Proposed Zoning Amendment. The Planning Board shall review such application including all documents submitted pursuant to the SEQRA.
1. The Planning Board may recommend such changes in the preliminary plan as are found to be necessary to meet the requirements of this Article, to protect established permitted uses and natural resources in the vicinity, to promote the orderly growth and sound development of the Town and to minimize adverse environmental impacts in order to comply with the requirements of SEQRA. In evaluating the proposal and in making a recommendation regarding the preliminary plans and the zoning amendment, the Planning Board shall consider and make findings regarding the following:
 - a. The need for the project.
 - b. The degree to which the plan is or is not consistent with the stated purposes of the Planned Development District.
 - c. The extent to which the plan departs from zoning regulations formerly applicable to the property in question, including but not limited to permitted uses, bulk, density and other standards, and its relationship to the Adirondack Park Act and the Adirondack Land Use and Development Plan Map.
 - d. The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood.
 - e. The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height.
 - f. The provision for pedestrian circulation and open space in the planned development, the reliability of the proposal for maintenance and conservation of the common open space and pedestrian circulation as related to the proposed density and type of development.
 - g. The recognition and satisfactory accommodation of important natural and physical features on or adjoining the site and limitations and opportunities of such features.
 - h. The traffic circulation features within the site including the amount of, location of, and access to vehicular parking, loading, and related service areas.
 - i. The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards such as inadequate site distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes.

- j. The provision for storm drainage, sanitary and solid waste disposal, water supply, and other services on and adjacent to the site.
 - k. The proposed location, type and size of signs and landscape features.
 - l. The physical design of the plan and the manner in which said design does or does not make adequate provision for service demands (water, sewer, fire, etc.), provide adequate control over vehicular traffic, and further the amenities of light, air, visual enjoyment, and natural resource protection.
2. The Planning Board shall report its findings and make its recommendation to the Town Board within 45 days. It may recommend approval, disapproval or conditional approval subject to modifications regarding the proposed development.
 3. The Planning Board may retain the services of a professional planner or such other professionals as are necessary to evaluate the proposal. The reasonable cost of such services will be the expense of the applicant. The Planning Board may require the payment of such costs, or installments thereon, by the applicant into an escrow account held by the Town as escrow agent in order to ensure payment to retained professionals.

F. Hearings; amendment of Zoning Map; Conditions.

1. After the receipt of the recommendations of the Planning Board, the Town Board shall hold a public hearing after public notice as required for any amendment to this chapter. And shall consider the report and recommendations of the Planning Board and all other comments, reviews and statements pertaining thereto. To the extent practicable, any such hearing will be combined with any hearing required pursuant to SEQRA.
2. Where a draft EIS has been prepared, no decision on establishing a Planned Development District until at least 10 days after the final EIS has been adopted.
3. The Town Board may amend the zoning map, with or without conditions, amend the text of this Zoning Law or refuse to adopt any amendment. Any such amendment may be adopted only after compliance with the procedures in the Municipal Home Rule Law for amending a local law.
4. In addition, where the proposed project will be subject to the approval of the APA, the Town Board may delay the effective date of the amendment until the project has been approved by the APA. If the approval is inconsistent with the zoning amendment, the Town Board may take the necessary steps to conform the zoning amendment. In the event that the APA denies the permit for the project (and all judicial appeals have been exhausted) or in the event the Town Board determines that the APA application has been abandoned, the Town Board will take the necessary steps to revoke the zoning amendment and the existing zoning will continue in effect.
5. The Town Board may, with all proposed projects consisting of 24 or less new residential units, amend the Zoning Map to establish and define the type and boundaries of the Planned District and in so doing may state specific conditions in addition to those provided in the section further restricting the nature or design of the above development.
6. The Town Board may with all proposed projects consisting of 25 or more new residential units proposed in the APA hamlet area of the Town, conditionally approve amending the Zoning Map to establish and define the type and boundaries of the Planned District and in so doing may state specific conditions in addition to those provided by this section further restricting the nature or design of the above development. If the Town Board conditionally approves the amending of the Zoning Map to create a Planned Development District which proposes 25 or more new residential units in a hamlet area, then pursuant to § 810, Subdivision (1)(a)(2) of the Adirondack Park Agency Act, Executive Law, Article 27, such projects shall constitute a Class A Regional Project and shall be subject to the jurisdiction of the Adirondack Park Agency.
7. The amending of the Zoning Map creating a Planned District for projects described in Subsection E(2) above will not occur until the APA has fully reviewed the proposed project

and has issued its approval of such project, at which time the Town Board shall amend the Zoning Map to establish and define the type and boundaries of the Planned District in conformity with all of the conditions set forth in the APA approval and may state specific conditions in addition thereto and in addition to those provided in this article further restricting the nature or design of the above development. The APA review and the Town's approval process set forth in this section may run concurrently. In no event will the Town issue a permit pursuant to said section until such time as the APA review has been completed and it has issued its approval of the project.

G. Planning Board Approval of development within an established Planned District:

1. Amendment of the Zoning Map to establish a Planned District shall not constitute authorization to undertake any construction and development in the district.
2. In order to proceed with the project the applicant shall
 - a. Submit to the Planning Board such further plans and specifications, supporting documents and data as are required under final plat/plan in Appendix A;
 - b. Obtain site plan review and approval pursuant to Article 9 of this Zoning Law;
 - c. Comply with any other requirements or conditions imposed by the Town Board in the zoning amendment; and
 - d. Where applicable, obtain approval from the APA.

Section 525 Expiration of Permit

If construction in accordance with the approved plan has not commenced within one year after the date of the resolution authorizing issuance of the permit, the permit shall become null and void, and the approval shall be deemed revoked and vacated; except that such time period may be extended upon application to and authorization by the Planning Board.

Section 530 Residential Unit

A residential unit, for the purposes of this section, shall include a residential lot, parcel or site or residential unit whether designed for permanent, seasonal and transient use.

Section 535 Fees and Costs

- A. Every application for a Planned Development District pursuant to this section will be accompanied by a check payable to the Town of Inlet in an amount determined by a fee schedule established by the Town Board. The application charge is a flat fee to cover direct administrative expenses and is nonrefundable regardless of the final decision on the application.
- B. The applicant shall agree in writing to pay all reasonable costs for professional review of the application, including engineering, legal, planning, and other expenses connected with the review of the application.
- C. Additionally, each applicant shall agree in writing to pay all reasonable costs for the Town's inspection of the constructed improvements.
- D. All such costs for review and inspection and testing must be paid before any construction permit is issued and all remaining costs must be paid in full before any occupancy of the premises is permitted or a certificate of occupancy issued.
- E. If an applicant desires a court reporter, the costs of taking testimony and transcribing it and providing a copy of the transcript to the Town of Inlet shall be at the expense of the applicant who shall arrange for the reporter's attendance.

ARTICLE 6 SIGNS

Section 600 Purpose.

The Town Board of the Town of Inlet finds that signs are a necessary means of communication that can benefit and detract from the community and neighborhood character. The purpose of this sign article is to promote and protect the public health, welfare and safety, and to ensure optimum overall preservation and enjoyment of the scenic, aesthetic and open space resources of the Town of Inlet. These regulations are intended to safeguard property values, create a more attractive climate for tourism and other business, protect open country scenery along roadways, and generally provide a more aesthetically pleasing community. These regulations are further intended to reduce obstructions and distractions that may contribute to traffic accidents, and to minimize hazards that may be caused by signs hanging or projecting over public rights-of-way. At no time should these provisions be interpreted to regulate any aspect of the content of any sign.

Section 605 Applicability

After the effective date of this article and except as otherwise herein provided, it shall be unlawful and a violation of this article for any person to erect, construct, alter, relocate, reconstruct, or display or cause to be erected, constructed, altered, relocated, or displayed within the Town of Inlet any sign except in conformity with this article.

Section 610 Regulations for all Zoning Districts

The following regulations apply to all signs, regardless of zoning district.

- A. All signs shall be constructed of durable materials and maintained in good condition. The following design elements shall be encouraged: (1) use of natural construction materials such as stone, brick, and wood, (2) landscaping, and (3) simplicity of design and color scheme.
- B. Signs, other than official traffic signs, shall not project beyond the property lines of the lot on which the sign is located, nor obstruct the view of an authorized traffic sign or signal.
- C. No sign shall be placed on an inoperative, unregistered or unlicensed motor vehicle, except for a temporary sign advertising the sale of that motor vehicle.
- D. No sign or part thereof shall contain or consist of any banner, pendant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. No sign or part thereof may rotate or move back and forth.
- E. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. Any permitted illuminated signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity.
- F. No sign or exterior lighting shall physically or visually impair vehicular or pedestrian traffic by design, illumination, color, or placement. All signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the road or highway and, if illuminated, the light shall not be directed toward any public highway or adjacent residential use.
- G. Not more than one pole sign shall be erected or maintained upon the premises of any gasoline or automotive service station, and no pole sign shall have a sign area greater than 16 square feet.

- H. No sign shall exceed 20 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.

Section 615 Prohibited Signs

The following types of signs are prohibited:

- A. Off-premises signs and billboards
- B. Roof signs
- C. Posters
- D. Portable signs

Section 620 Signs Authorized without Municipal Approval

- A. One 911 non-illuminated sign is authorized on each property in any zoning district, without any municipal approval, provided that it complies with the requirements of this section and any other requirements imposed by these regulations.
- B. In Residential (R) Districts, the following signs are authorized, without any municipal approval, provided that they comply with this section and any other requirements imposed by these regulations:
 - 1. Locational and street address sign. One non-illuminated sign, not exceeding six square feet of sign area, on said property identifying the property name or residents and the official street address. In the case of a corner lot, such sign shall be located on the principal street frontage of the dwelling unit.
 - 2. One non-illuminated business sign directly related to any permitted home occupation in the above-identified residential districts. The business sign shall not exceed 16 square feet of sign area. In the case of a corner lot, any business signs shall front on the street on which the building fronts. The definition of "home occupation" contained in Article 3 of this law shall apply.
 - 3. Two signs not exceeding 16 inches in length and 16 inches in height, provided that neither of these two signs contain commercial copy.
- C. In Commercial (C) and Town Center (TC) Districts, the following signs are authorized, without any municipal approval, provided that they comply with this section and any other requirements imposed by these regulations:
 - 1. Signs permitted in Residential (R) Districts.
 - 2. One primary and one secondary business sign is permitted.
 - 3. The sign area of any business sign in a C or TC District shall not exceed two (2) square feet of sign area per linear foot of building frontage for non-illuminated signs or one (1) square foot of sign area per linear foot of building frontage for illuminated signs.
 - 4. In any C District, a primary business sign shall not exceed 30 square feet of sign area, and a secondary business sign shall not exceed 10 square feet of sign area.
 - 5. In any TC District, a primary business sign shall not exceed 20 square feet of sign area, while a secondary business sign shall not exceed 10 square feet of sign area.
 - 6. In the case of a corner Commercial (C) or Town Center (TC) lot, any primary and secondary business signs shall front on the street on which the building fronts.

Section 623 Standards For Issuing Sign Permits.

- A. General standards. Unless explicitly stated otherwise, all signs that require permits are subject to the following standards:
 - 1. (i) Signs should be a subordinate part to the streetscape; (ii) signs in a particular area or district should create a unifying element and exhibit visual continuity; (iii) whenever feasible, multiple signs should be combined into one to avoid clutter; (iv) signs should be as close to the ground as possible, consistent with legibility considerations; (v) a sign's design should be consistent with the architectural character of the building on which it is placed and not cover any architectural features on the building; and (vi) garish colors should be avoided.
- B. On Commercial (C) and Town Center (TC) lots with dual access points, one additional secondary business sign beyond those provided in 620(C)(2) may be permitted. Alternately, the owner or operator of a Commercial (C) and Town Center (TC) business may present a comprehensive sign plan for review by the Planning Board. Number, size, and design of all signs will then be subject to review and approval in accordance with the general standards in Paragraph A.
- C. Notwithstanding the limitation in paragraph (B), where more than one primary activity is proposed or conducted on a single Commercial (C) or Town Center (TC) lot, such as in the case of a shopping center or multiple commercial facility, the following standards shall apply: (i) a single freestanding sign not to exceed 40 square feet of sign area and 20 feet in height may be erected to identify the center or facility as a whole; and (ii) the overall sign plan for such a center or facility shall be subject to the review and approval of the Planning Board. Such sign shall not contain advertising matter but may incorporate the names of individual businesses in the center. In addition, where more than one primary activity is proposed or conducted on a single Commercial (C) and Town Center (TC) lot, one primary and secondary business sign may be erected for each separate principal activity, such as a shop or store.

Section 625 Permit procedures.

- A. A sign permit shall be required for any sign not authorized in §620. Sign permit applications shall be accompanied by either a sketch or full description of (i) all proposed signs showing dimensions, materials, color and text, (ii) the location of the building, structure or land upon which the sign now exists or is to be erected, (iii) the location on the premises, specifically its position in relation to adjacent buildings, structures, property lines, other signs, lighting fixtures, walls and fences, (iv) the method of illumination, if any, and the position of lighting or other such extraneous devices, and (v) written consent or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.
- B. All applications for a sign permit will be submitted to the CZEO. Upon receipt of an application, the CZEO will determine whether the sign requested is explicitly prohibited either by section 610 or 615 of the Zoning Law. In such event, the CZEO will inform the applicant in writing that the requested permit is denied, the reason for the denial and of the right to apply for a variance to the ZBA. Otherwise, the CZEO promptly will transmit the permit application to the Planning Board together with any recommendations.
- C. All applications for a sign permit must be approved by the Planning Board relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. The Board may approve, approve with conditions, or disapprove signs. Approval is based on consistency with the design criteria listed in this article. With respect to conditional approval, the Board may require modifications in sign features permitted by this article that are more restrictive in order to ensure compatibility. All decisions of the

Planning Board will be filed with the Town Clerk within five (5) days of issuance and a copy sent to the applicant.

- D. After a sign permit has been approved by the Planning Board, the CZEO shall issue the permit consistent with the approval. However, in issuing the permit the CZEO shall ensure the structural features of the sign are adequate.

Section 630 Sign Variances

Whenever, pursuant to Section 625, the CZEO determines that the granting of a sign permit application is prohibited by Sections 610 or 615 of the Zoning Law, the applicant may request a variance from the ZBA. All requests for variances must be filed with the ZBA within 30 days of the date of the written determination of the CZEO. Requests for variances shall be reviewed by the ZBA in accordance with the criteria set forth in §1010 (Requirements for Area Variances).

Section 635 Nonconforming signs and amortization

Any sign which legally was exhibited on the effective date of this revised Article 6 to the Zoning Law became effective and which does not conform to the provisions herein shall be deemed a nonconforming sign. If 60% or more of a nonconforming sign is damaged, deteriorated or destroyed, the sign must be removed or replaced with a conforming sign. Any nonconforming sign shall be terminated upon the transfer of ownership of the land upon which it sits. .

Section 640 Enforcement

- A. The Codes and Zoning Enforcement Officer, or other authorized Town official, is hereby given the power and authority to enforce the provisions of these regulations pursuant to Article 12 of the Zoning Law.
- B. Whenever it shall appear to the Codes and Zoning Enforcement Officer or other authorized Town official that any sign is unsafe or insecure, or is in such condition as to be a menace to the safety of the public, the Codes and Zoning Enforcement Officer or other authorized Town official is authorized to pursue the procedures and remedies available pursuant to Section 77-9 of the Town Code, Unsafe Building and Structures.

ARTICLE 7 SUPPLEMENTAL REGULATIONS

Section 700 Residential Buildings Per Lot

There shall be only one residential building per lot, except in an approved Planned Development District. For purposes of this section, a residential building means a building used as a single-family, two-family or multi-family dwelling, but does not include accessory buildings. A single building containing a commercial use that is also used as a residence shall be considered to be one residential building for purposes of this section.

Section 705 Pre-Existing Undersized Lots of Record

- A. Any vacant lot legally recorded prior to the adoption of this law that at the time of such recording was in compliance with all dimensional requirements for single family dwellings in effect at the time, and that does not meet the minimum lot size, minimum lot width, or minimum highway frontage requirements as specified on Schedule A herein, shall be

considered as a legal non-conforming lot, and no variance shall be required for use of the lot for single-family residential purposes, provided that: (i) such lot does not adjoin any other parcels held by the same owner which if combined with said lot would result in a larger lot, (ii) minimum front, side and rear building setbacks as specified on Schedule A herein are satisfied, and (iii) there is adequate provision for wastewater treatment and disposal.

- B. Existing buildings and structures located on such undersized lots of record may be reconstructed or expanded without the issuance of a variance provided that minimum front, side and rear building setbacks as specified on Schedule A are satisfied; except that in the event of damage by fire, flood, wind, hurricane, tornado or other acts beyond the control of man, §715 D. shall apply.

Section 710 Pre-Existing Buildings and Setbacks in Approved Subdivisions

- A. Buildings and structures existing prior to the adoption of this Zoning Law which are placed closer to front, side or rear lot lines than permitted by Schedule A herein shall not be expanded within such setback areas without a variance from the Zoning Board of Appeals. Nothing in this section shall confer legal status on a building or structure that was not in conformance with the requirements of the prior zoning law.
- B. A residential lot created by a subdivision approved by the Planning Board will not be subject to an increase in side, rear or front yard set back requirements in excess of those applicable to lots under the provisions of the zoning law in force and effect at the time of the filing of the of the approved residential subdivision plat or first section thereof for a period of three years after the filing of the approved plat or first section thereof.

Section 715 Pre-Existing Uses and Structures

Uses of land or structures that lawfully existed at the time this law was adopted and which would be prohibited or restricted by these regulations may be continued or maintained subject to the conditions stated in this section regardless of who owns and/or occupies the land. Such uses are considered to be legal non-conforming or "grandfathered," and include all uses and structures that are violation of any standard stated on Schedules A or B or this law, or of any other provision of this law. Such uses may continue without meeting the standards stated in this law provided that they are in compliance with parts A through G of this section.

- A. Enlargement of buildings and structures. Buildings and structures which contain a non-conforming use may not be enlarged without issuance of a variance by the Zoning Board of Appeals. Any such variance will be treated as an area variance and subject to the requirements of Section 1010 of the Zoning Law.
- B. Expansion of area. No non-conforming use may expand to occupy a greater area of land without the issuance of a variance by the Zoning Board of Appeals. Any such variance will be treated as an area variance and subject to the requirements of Section 1010 of the Zoning Law.
- C. Increase in intensity. No non-conforming use may increase in the intensity or in the character of the use that was established as of the effective date of this Zoning Law without issuance of a variance by the Zoning Board of Appeals. Any such variance will be treated as a use variance and subject to the requirements of Section 1020 of the Zoning Law.
- D. Unsafe buildings and structures. Any legal non-conforming building or structure or portion thereof declared unsafe pursuant to section 77-9 of the Town of Inlet Code may be restored to a safe condition within one year of such declaration. Upon application to the Zoning Board of Appeals, this period may be extended upon a showing of good cause. If not restored within

one year or any extended period, the building must be removed or modified so as to be fully conforming with the requirements of the Zoning Law.

- E. Restoration. Any building, structure or use which is nonconforming to the use, bulk or area provisions of this law, which is damaged by fire, flood, wind, hurricane, tornado, or other acts beyond the control of man may be repaired or rebuilt according to its original use, bulk and area, provided such rebuilding or repair be accomplished within two (2) years after such damage occurs.
- F. Discontinuance. Whenever a non-conforming use has been discontinued for a period of one year there will be a presumption that it has been abandoned, except as provided in paragraph D above, where the presumption will arise after two (2) years. The presumption that the use has been abandoned will be irrefutable unless prior to the expiration of the identified period, an application is submitted to the Town Board for an extension and such application is granted. The Town Board will extend the period upon a showing that there is intent to continue the use and that there are realistic plans to reestablish it. In granted an extension, the Town Board may impose reasonable conditions. In the event that a non-conforming use is abandoned, all future uses shall be in conformity with these regulations.
- G. Changes. Once changed to a conforming use, no building, structure or land so changed shall be permitted to revert to a non-conforming use without the issuance of a variance.
- H. Ownership. Any non-conforming use conducted on a parcel which is sold to another party may be continued, provided that such use is continued, or if discontinued, re-established within one year of the sale.

Section 720 Off-Road Parking

- A. All uses shall provide adequate off-street parking for all vehicles parked during typical peak use periods.
- B. Parking areas should be designed to eliminate the necessity to back out or to park on the shoulder of public roads.
- C. A parking space shall not be less than 9 ft. x 20 ft. exclusive of access ways and driveways.
- D. Existing uses must comply with these minimum off-road parking requirements if the use changes, if the use expands its gross floor area by twenty-five (25) percent or more during a three year period, or if the use is discontinued for a period of one year and seeks to be reestablished.
- E. All applicable laws pertaining to handicapped accessible parking spaces must be complied with.
- F. In calculating the number of required parking spaces, fractional portions shall be rounded to the nearest whole number.
- G. Floor areas for the purpose of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.
- H. For uses not specifically listed in part J below, the requirement shall be the same as for the most similar use listed, as otherwise provided in this law, or as determined by the Planning Board.
- I. The Planning Board shall have the authority to reduce or increase the requirements stated in part K of this Section at the time of Site Plan Approval. Requirements may be reduced if the applicant can demonstrate the need for fewer parking spaces.

J. Minimum number of parking spaces:

Residential use, except senior citizen housing development and 2d or 3d story apartment in the TC district	2 spaces per unit
Senior citizen housing, 2d or 3d story apartment in the TC district	1 space per unit
Tourist accommodation	1 space per guest unit
Professional office	1 space per 400 s.f. of office area
Retail store or service shop	1 space per 250 s.f. of gross floor area
Place of public assembly (church, meeting hall, funeral home, and similar uses)	1 space per 3 seats
Nursing or convalescent home	1 space per 4 beds
Tavern, restaurant	1 space per 2 customer seats
Bowling alley	5 spaces per alley
Campground/RV Park	As specified in §108-6 of the Code of the Town of Inlet
Place of employment	1 space per employee

Section 725 Off-Road Loading

Off-road loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or vehicular traffic on the public highway or street.

Section 730 Boathouse Regulations

- A. Setbacks for docks and boathouses. Setbacks for docks and boathouses shall be such that any dock or boathouse shall not be within 10 feet of any side yard lot lines, as those lines are extended on the same course into a body of water from the point where the lot line touches said body of water at the shoreline at the mean high water mark. The front yard setback requirements are not applicable to a boathouse or dock. Only one boathouse shall be permitted on any shoreline lot. No boathouse or dock shall be constructed to dam, deflect or impede the flow of water at the mean high water elevation or interfere with navigation or with access to adjoining lots.
- B. Boathouses must conform to APA guidelines.

Section 735 Storage of Petroleum Based Products

Any storage of petroleum based products, including but not limited to gasoline, oil or kerosene, shall include adequate provision for insuring that leaks are prevented, and that any leak, rupture or spill will be contained and not introduced into any reservoir, pond, stream, creek or any other water body.

Section 740 Outdoor Lighting

Outdoor lighting shall be the minimum required to meet any legal requirements and ensure patron safety. Lighting devices shall be oriented and shielded to minimize disturbance on surrounding properties. Lighting shall be directed onto the lot in such a manner that no direct beam of light or excessive glares shine onto other properties or the highway.

Section 745 Fences

- A. Fences, refer to Fence Guidelines in Appendix

ARTICLE 8 ADDITIONAL REGULATIONS FOR CERTAIN USES

Section 800 Adult Entertainment Establishment

- A. No adult use and entertainment establishment shall be located within 500 feet of the property line of any: public or semi-public building or grounds; dwelling; religious building, facility, or grounds; group camp; or campground.
- B. No adult entertainment establishment shall be located within 100 feet of any property line.
- C. Any adult entertainment shall be set back at least 100 feet from any highway right-of-way.
- D. No person shall appear in such manner as to show or expose his or her private or intimate parts of his or her body with less than a full opaque covering while said person is entertaining or performing in a play, exhibition, show or entertainment.
- E. The adult use shall be conducted entirely within an enclosed building. No “private or intimate parts” or “specified sexual activity” (see definitions) shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.
- F. No outside displays or advertising other than an approved sign shall be permitted.
- G. The serving of alcoholic beverages shall be prohibited unless specifically permitted by the Planning Board in their review of the site plan.

Section 802 Campground, Recreational Vehicle Park

Campgrounds and recreational parks shall comply with Chapter 108, “Mobile Homes,” of the Town of Inlet Code.

Section 804 Condominium and Cooperative Development

- A. Requirements of this law, including use restrictions and dimensional requirements, shall be determined by the physical form and proposed use of the development, not by the form of ownership.
- B. In a single-family housing development which is also a condominium or cooperative development each dwelling shall meet the minimum lot size and setback requirements for single family dwellings.
- C. All state regulations pertaining to the creation of condominium or cooperative developments shall be satisfied.

Section 806 Home Based Business with Vehicles or Equipment

- A. The following may be parked or stored on the property where the business owner resides, provided that any such trucks, trailers or equipment are parked and/or stored under conditions and in a location approved by the Planning Board: any truck or trailer, any piece of earth moving equipment, any well-drilling rig, or any other similar heavy equipment or vehicle used in the conduct of the business. Sufficient off-street parking shall be provided to accommodate all vehicles at all times.
- B. Any materials stored outdoors on the property for use in such business must be stored under conditions and in a location approved by the Planning Board.
- C. No use shall create a nuisance on any surrounding property, including but not limited to, noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or traffic hazard.

Section 808 Home Based Manufacturing

- A. Home based manufacturing must be conducted within a dwelling that is a bona fide residence of the principal practitioner, or within an accessory building on the residential property such as a garage or barn.
- B. Not more than two persons other than a resident of the dwelling shall be employed as part of the home occupation.
- C. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home based manufacturing exists.
- D. Materials used in the business may be stored out-of-doors, but shall not be visible from any neighboring property or from any public highway.
- E. Goods for sale may be displayed out of doors in locations approved by the Planning Board.
- F. Not more than one truck or trailer greater than 20 feet in length used in connection with the home occupation shall be parked or stored on the property at any time, except for temporary, but not overnight, parking for purposes of pick-up or delivery of merchandise.
- G. There shall be sufficient off-street parking spaces provided such that at no time are delivery, employee, or customer vehicles parked along public roadways.

Section 810 Home Occupation

- A. A home occupation must be conducted within a dwelling that is a bona fide residence of the principal practitioner, or within an accessory building on the residential property such as a garage.
- B. Not more than one person other than a resident of the dwelling shall be employed as part of the home occupation.
- C. In no way shall the appearance of the structure be altered or the operation within the dwelling be conducted in a manner which would cause the residence to differ from its residential character either by use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
- D. No use shall create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than usually

experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

- E. There shall be no outdoor display of goods or products. There shall be no outdoor storage of materials used in the home occupation.
- F. Not more than one truck or trailer greater than 20 feet in length used in connection with the home occupation shall be parked or stored on the property at any time, except for temporary, but not overnight, parking for purposes of pick-up or delivery of merchandise.
- G. There shall be sufficient off-street parking spaces provided such that at no time are vehicles parked along public roads or highways.
- H. Signage shall comply with Article 6 of this law.
- I. A home occupation shall not include any of the following: repair or maintenance of motor vehicles; commercial stables and kennels; restaurants; tourist homes; rooming or boarding houses; clinics; musical and dancing instruction to groups exceeding four (4) pupils at any one time; convalescent homes; mortuary establishments; and other trades and businesses of a similar nature. A home occupation shall not include any trucking business, construction business, well-drilling business, excavation business or similar business that involves parking or storing on the property at any time any truck or trailer greater than 20 feet in length, any piece of earth moving equipment, any well-drilling rig, or any other similar heavy equipment or vehicle used in the conduct of the business.

Section 812 Individually Sited Mobile Home or Travel Trailer

Mobile homes and travel trailers located outside of mobile home/travel trailer parks shall be governed by §108-7 of the Code of the Town of Inlet.

Section 814 Keeping of Animals

- A. This section shall apply to any livestock, cow, horse, pony, donkey, hog, pig, sheep, fowl or other such farm animal, but shall *not* apply to household pets such as any dog, cat or other smaller animal kept as pet.
- B. Regulations for keeping of animals as a commercial operation
 - 1. Minimum lot size: 5 acres
 - 2. There shall be at least one-half acre of unconstrained land per each large animal, such as a horse, pony, donkey, other equine, or head of cattle.
 - 3. Adequate landscaping or fencing shall be provided to create a visual buffer between such facility and adjacent property.
 - 4. All buildings, structures, other accessory uses, refuse piles, compost piles, or waste piles shall be at least 100 feet from side and rear lot lines, at least 100 feet from any public highway as measured from the edge of the highway right-of-way, at least 100 feet from any well, and at least 50 feet from any watercourse or water body.
 - 5. In order to approve a Site Plan the Planning Board shall find that the proposed keeping of animals will not interfere with the reasonable use and enjoyment of neighboring properties.
 - 6. The Planning Board shall condition their approval to minimize adverse impacts to neighboring properties. If sufficient mitigation is not possible, the Planning Board shall not approve the site plan.
- C. Regulations for keeping of animals for personal use.
 - 1. No animal shall be kept: within 100 feet of any neighboring property line or within 100 feet of any well.

2. In order to approve a Site Plan the Planning Board shall find that the proposed keeping of animals will not interfere with the reasonable use and enjoyment of neighboring properties.
3. The Planning Board shall condition their approval to minimize adverse impacts to neighboring properties. If sufficient mitigation is not possible, the Planning Board shall not approve the site plan.

Section 816 Marina

- A. Any marina shall provide the following:
 1. Restrooms for use of its customers or clientele.
 2. Trash disposal receptacles sufficient to accommodate all trash generated by the marina's clientele or customers, maintained in a clean and useable condition.
 3. Adequate off-street parking as determined by the Planning Board.
- B. The marina shall be designed to avoid navigational hazards.
- C. The marina shall be designed to avoid water contamination due to leakage, spills of fuels, lubricants, waste products or other pollutants.
- D. A dockominium or quick launch facility, as defined herein, shall be deemed to be a marina and be subject to the provisions of this section.

Section 820 Motor Vehicle Service and/or Repair

- A. All vehicles awaiting service, pick-up by customers, or otherwise stored overnight on the lot shall be parked within a vehicle parking area approved by the Planning Board.
- B. All junk wastes such as discarded parts or portions of vehicles shall be stored in an enclosed structure or fenced area so as to not be visible from adjacent properties.
- C. The Planning Board may require a green space buffer, vegetative screening and/or solid or picket fencing in order to reduce visual impact upon surrounding properties.

Section 822 Retail Gasoline Sales

- A. Gasoline and/or fuel pumps and above ground or underground fuel storage tanks shall not be located closer to any side or rear lot line than the minimum setbacks for buildings as specified in Schedule A of this law.
- B. Gas pumps shall be set back far enough from the road line so as to not present a traffic hazard as a result of vehicles waiting in line at the gas pumps.

Section 824 Wind Power Generating Facility, Residential

- A. A residential wind power generating facility shall not create sound levels exceeding 55 dBA as measured from the closest property line.
- B. Minimum setback from any lot line shall be 100 feet plus the height of the tower.
- C. For purposes of this section, the height of tower shall be measured from the ground to the top of the fixed portion of the tower, excluding the wind turbine itself.

Section 826 Yard, Porch or Garage Sales

Yard sales, porch sales, garage sales and sales of a similar nature shall be conducted in a manner so as to not constitute a traffic hazard. Signs must be placed and removed in accordance with Article 6 of this law.

ARTICLE 9 SITE PLAN REVIEW AND APPROVAL

Section 900 Site Plan Review and Approval, General Provisions

- A. Applicability. All uses designated by "SPR" on Schedule B herein shall require Site Plan Review and Approval.
- B. Purpose. The purpose of Site Plan Review and Approval is to insure that the design, layout and operation of an allowed use within a district: (a) minimizes adverse impacts upon neighboring properties, the natural and man-made environment, roadways, and the community in general, (b) is in keeping with the character of the area in which it is located, and (c) is consistent with the goals and policies of the Town of Inlet Comprehensive Plan.
- C. Planning Board Authority. The Planning Board is hereby authorized to review and approve site plans. The Planning Board shall approve no site plan unless it finds that the standards stated in this article are satisfied, and that adverse impacts are mitigated to the extent practicable.
- D. Public Hearing. A public hearing is optional, at the discretion of the Planning Board, for uses requiring Site Plan Review and Approval.
- E. Application for area variance. Notwithstanding any provision of law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to Article 10 of this Zoning Law without the necessity of a decision or determination of the Codes and Zoning Enforcement Officer.

Section 905 General Site Plan Approval Standards

The following standards shall apply to all uses requiring Site Plan Approval, in all zoning districts.

- A. Impact Upon Surrounding Properties. Land use and development shall be planned and undertaken so as to avoid adverse impacts on adjoining and nearby land uses, especially residential uses, and shall not adversely affect the character of the neighborhood. The proposed use shall not create a significant adverse impact upon nearby properties by reason of traffic, noise, fumes, odors, vibration, flashing lights, litter, surface water or groundwater contamination, air pollution, drainage, visual impact, excessive night time lighting, creation of a safety hazard, risk of fire or explosion, or any other cause. The location, nature and height of buildings, walls and fences shall not discourage the appropriate development and use of adjacent land and buildings, nor significantly impair their value.
- B. Vehicular Access. Proposed vehicular access points shall be adequate in width, grade, alignment and visibility; not located too near road intersections or places of public assembly; and meet similar safety considerations.

To the extent practicable, intersections with and entries onto any public road shall be designed so that minimum safe sight distances and other standards set forth in "Policy and Standards for Entrances to State Highways," State of New York Department of Transportation publication number M.A.P. 7.12-34, shall be maintained. As set forth in the above cited publication, the

minimum unobstructed line of sight in each direction at the entrance to a public road shall be as follows:

Design Speed of Highway	Left Turn	Right Turn
30 mph	396 feet	286 feet
40 mph	583 feet	484 feet
50 mph	814 feet	770 feet

Said distances shall be measured from the point of entry onto the public road. (Said distances represent the safe braking distance for traffic along the public road.) It is not the intent of this provision to deny the ability to develop any particular lot, but to insure that among the alternative locations available, the best location for access onto a public highway is chosen.

- C. Emergency Vehicle Access. All proposed buildings, structures, equipment and materials shall be readily accessible for fire and police protection.
- D. Buffers, Screening. The Planning Board may require that any use which has a potential significant adverse visual impact upon another property, or upon the view from public highways, be substantially screened from view of neighboring properties and/or public highways at all seasons of the year by vegetation or by fencing of a design and type approved by the Planning Board.
- E. Landscaping Plan. The Planning Board may require that a landscaping plan be submitted and approved that shows size of species to be planted or to be retained on the site. The Planning Board may require that such plan be prepared by a professional or landscape architect, engineer, landscaper, or planner.
- F. Drainage and Erosion Control. Adequate provision shall be made for drainage of the site, and to insure that stormwater runoff does not create an adverse impact upon nearby lands or water bodies or watercourses. Appropriate erosion control measures shall be taken to prevent the pollution of waterways by silt and sediment. The Planning Board may require that an erosion and stormwater control plan be prepared by a licensed engineer or other person with expertise in erosion and stormwater control. All NYS Department of Environmental Conservation rules and regulations pertaining to erosion and runoff control shall be satisfied.
- G. Water Quality Protection. Adequate provision shall be made to insure that any leak, spill or other discharge of petroleum based products or other chemical potentially harmful to surface water or groundwater supplies are contained and are prevented from being introduced into such waters. Approval may require that potentially harmful materials be stored on an impervious pavement, enclosed by an impervious dike high enough to contain the volume of liquid kept in the storage area, and/or be separated from any shoreline, watercourse, or storm water runoff channel by adequate setback.
- H. Lighting. Exterior lighting shall be directed down and away from adjoining residential properties and public roads, and shall not constitute a traffic hazard. Lighting shall be shielded from shining into the nighttime sky so as to prevent light pollution. High intensity lighting shall be minimized.
- I. Water supply. Adequate provision shall be made for water supply.
- J. Sewage disposal. All uses which will generate wastewater must be connected to a municipal wastewater facility or provide an on-site disposal system that complies with all applicable state and local regulations.
- K. Noise. Where surrounding properties may be adversely impacted by noise, sound levels exceeding 55 dBA between the hours of 7 AM and 11 PM, or exceeding 45 dBA between the hours of 11 PM and 7 AM, as measured at the property line, shall be avoided.

- L. Historic properties. Properties of Historic Value, whether of national, state or local significance, shall be protected from adverse impact arising from neighboring properties. The Planning Board may require additional building setback, green space buffer, and/or vegetative or other screening in order to minimize adverse visual and other impacts.

Section 910 Design Standards

- A. This section shall apply to all uses requiring Site Plan Approval located within all zoning districts.
- B. Buildings shall be designed to be in keeping with traditional architectural styles found in the Town of Inlet and the surrounding Adirondack region. Such character shall be determined by the Planning Board, who shall consider building designs, color schemes and building materials. In general, clapboard siding, log construction, or wood siding combined with earth tone color schemes shall be preferred. Building colors should blend with the neighboring area so that the development does not take on a visual prominence. Overly bright, garish, brilliant, luminescent or Day-Glo colors shall be avoided. Vertical plywood siding such as T-111 and asphalt shingles shall be avoided. Asphalt or composite shingle, slate or standing seam metal are preferred materials for visible roofing. Roof colors should be neutral to dark. Untreated “galvanized” roofing and highly reflective roofing shall be avoided.

Section 915 Conditions

In approving a Site Plan the Planning Board shall have the authority to impose such conditions and restrictions on the design, layout and operation of a proposed land use and development that it deems reasonable to fulfill the purposes of this law, including but not limited to:

- A. Requiring landscaping or vegetative screening, and/or the retention of existing vegetation, to minimize adverse visual impact.
- B. Increasing building setback or other dimensional requirements.
- C. Limiting the size or height of buildings, structures, parking areas or facilities.
- D. Specifying the location and design of entrances, exits, and off-street parking space.
- E. Requiring that materials be stored indoors or certain activities be conducted indoors.
- F. Limiting hours of operation to reduce noise impacts on neighboring properties.
- G. Requiring storm water retention ponds or other drainage and pollution control devices.
- H. Requiring clustering of structures and uses in order to minimize the burden on public services, and/or to preserve open space character or open spaces of special significance or importance to the community.
- I. Requiring more stringent shoreline restrictions for particular projects.
- J. Reservation of parkland on site plans containing residential units.
 - 1. Before the Planning Board may approve a site plan containing residential units, such site plan shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes.
 - 2. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for

park and recreational facilities in the Town based on projected population growth to which the particular site plan will contribute.

3. In the event the Planning Board makes a finding pursuant to paragraph (b) of this subdivision that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the Planning Board may require a sum of money in lieu thereof to be established by the Town Board. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of property.
 4. Notwithstanding the foregoing provisions of this subdivision, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved Chapter 143 of the Town Code, the Planning Board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of resubdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.
- K. Performance bond or other security. As an alternative to the installation of required infrastructure and improvements, prior to approval by the Planning Board, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning Board or a town department designated by the Planning Board to make such estimate, where such departmental estimate is deemed acceptable by the Planning Board, shall be furnished to the town by the owner. Such security shall be provided to the town pursuant to the provisions of subdivision nine of section two hundred seventy-seven of the New York State Town Law.

Section 920 Application for Site Plan Approval, Minor Project

An application for approval of a minor project, as defined herein, shall include all information required by §215.

Section 925 Application for Site Plan Approval, Major Project

- A. An application for approval of a major project, as defined herein, shall include all information required by §215 and Parts B and C below.
- B. The following plans.
 1. A vicinity map at a scale of 1 inch = 2000 feet that shows the relationship of the project to the surrounding area. Such map may be superimposed on a NYS Department of Transportation planimetric quadrangle map of the area that shows land contours as well as other features.
 2. Three copies of a site plan map, drawn to an approved scale, prepared by a professional architect, landscape architect, engineer, or surveyor registered or licensed in New York State. The map shall include as applicable:
 - a. Title of drawing, including name and address of the applicant, the landowner (if different), and the person responsible for preparation of such drawing.

- b. North arrow, scale and date.
- c. Boundaries of the property plotted to scale.
- d. Land contours at appropriate intervals.
- e. Existing watercourses, bodies of water, drainage patterns.
- f. Flood hazard areas as shown on the Federal Insurance Administration Flood Hazard Boundary Map or Flood Hazard Rate Map.
- g. Proposed grading and drainage plan and/or storm water management plan.
- h. Location, design, type of construction, proposed use and exterior dimensions of all proposed buildings.
- i. Location, proposed use and height of all buildings, structures and site improvements including culverts, drains, retaining walls, and fences.
- j. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
- k. Location of outdoor storage, if any.
- l. Provision for handicapped access.
- m. Description of the method of sewage disposal and location of the facilities.
- n. Identification of water sources; if well, locate.
- o. Location, size and design and construction materials of all proposed signs.
- p. Location and characteristics of all buffer areas, including existing vegetative cover.
- q. Location and design of outdoor lighting facilities.
- r. Landscaping plan.
- s. Other information as required by the Planning Board.

C. Accompanying data, to include the following as applicable

1. Application form and fee.
2. Name and address of applicant and any professional advisors.
3. Property deed, or authorization of owner if applicant is not the owner of the property.
4. Estimated project construction schedule.
5. Identification of any permits required from other governmental bodies.
6. Environmental Assessment Form, Part I.
7. Any additional endorsements, certifications or approvals required by the Planning Board.
8. Other information as the Planning Board may reasonably require to assess the proposed project; including but not limited to location of fire lanes and hydrants, provisions for pedestrian access, or designation of the amount of building area proposed for use for retail sales or other commercial activity.

Section 930 Waiver of Submission Requirements

The Planning Board may waive one or more submission requirements required in §925-B and §925-C above in the case of projects of an uncomplicated nature.

Section 935 Reimbursable Costs

Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant. Prior to incurring such costs the Planning Board shall discuss such costs with the applicant, and may require that an escrow account be established for such purpose.

Section 940 Procedure

Applications for Site Plan Approval shall be processed in the following steps.

- A. Preliminary Review. The Planning Board shall undertake a preliminary review of an application at its first regularly scheduled meeting after the application is submitted. At the review the Board shall determine: (a) whether the application is complete, (b) whether a public hearing will be required, (c) what further action will be necessary to fulfill the requirements of SEQRA (see Part C, below.). If the application is deemed to be incomplete, then the applicant shall be notified in writing of what additional information is required.
- B. SEQRA.
 - 1. Planning Board acting as lead agency. Pursuant to the New York State Environmental Quality Review Act (SEQRA) the Planning Board in its initial review of an application shall: (a) determine that no further action is necessary to fulfill the requirements of said act, or (b) require that the applicant submit a Full Environmental Assessment Form (EAF) for its review. Upon review of a Full EAF the Planning Board shall issue either a negative declaration, a conditioned negative declaration, or a positive declaration. If a positive declaration is issued, the Board shall require that an Environmental Impact Statement be prepared pursuant to SEQRA.
 - 2. Planning Board not acting as lead agency. Where another agency is acting as lead agency pursuant to SEQRA, the Planning Board shall coordinate its review with the SEQRA review of the lead agency to the extent practicable.
- C. Hearing. A public hearing is optional, at the discretion of the Planning Board, for uses requiring Site Plan Approval. Such hearing shall be conducted within sixty-two (62) days of the receipt of a complete application. Notice of the hearing shall be given to the applicant at least ten (10) days before the hearing, and shall be printed in a newspaper of general circulation in the town at least ten (10) days prior to the hearing.
- D. Decision. The Planning Board shall render its decision to approve, approve with conditions, or deny the application within sixty-two (62) days after the hearing, or within sixty-two (62) days of the receipt of a complete application if no hearing is held, unless an extension is mutually agreed upon. Notwithstanding this requirement, no decision may be issued unless and until the Planning Board has fully complied with its obligations under SEQRA
- E. Record of Decision. Within five (5) business days after such decision is rendered it shall be filed in the Office of the Town Clerk, and a copy shall be mailed to the applicant. All records of decision shall be in writing, and shall contain findings of fact that support the decision. The record shall contain any conditions or modifications required by the Planning Board and the basis for such conditions. If the site plan is disapproved the decision shall state the reasons for disapproval.

Section 945 Procedure if Variance Is Required

Should an application require both a variance and Site Plan Approval the Planning Board shall have the authority to approve the site plan, and the Zoning Board of Appeals shall have the authority to grant the variance. The applicant must meet all conditions required in both approvals.

ARTICLE 9-A SPECIAL USE PERMITS

Section 900-A Special Use Permit; General Provisions

- A. Applicability. All uses designated by "SUP" on Schedule B herein shall require a Special Use Permit.

- B. Purpose. The purpose of Special Use Permit is to ensure that certain permitted uses are in harmony with the Zoning Law and the Comprehensive Plan and will not adversely affect the neighborhood.
- C. Town Board Authority. All applications for Special Use Permits will be decided by the Town Board.

Section 910-A Applications

- A. All applications for Special Use Permits will include the information required pursuant to Section 215 of the Zoning Law.
- B. In addition, the Town Board may require such other information as it determines necessary to make an informed decision on the application.
- C. Application for area variance. Notwithstanding any provision of law to the contrary, where an application for a special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to Article 10 of this Zoning Law without the necessity of a decision or determination of the Codes and Zoning Enforcement Officer.

Section 920-A Procedures

- A. Within six-two (62) days of receiving a complete application for a special use permit, the Town Board will conduct a public hearing on the application. Public notice of the hearing will be printed in a newspaper of general circulation in the Town at least five days prior to the date of the hearing.
- B. At least ten (10) days before the hearing, the Town Board will mail notices to the applicant, to the county planning board or agency or regional planning council as may be required by Section 239-m of the General Municipal Law. The notice will be accompanied by a full statement of the proposed action as defined in Section 239-m of the General Municipal Law.
- C. The Town Board will comply with the provisions of SEQRA with respect to any decision to grant or deny the special use permit.
- D. Within sixty-two (62) after the hearing, the Town Board will make a final decision on the application. This time period may be extended upon mutual consent with the applicant. Notwithstanding, no final decision may be made until the requirements of SEQRA have been complied with.
- E. The decision on the application will be filed with the town clerk within five (5) business days after the decision is rendered and a copy of the decision mailed to the applicant.

Section 930-A Conditions

The Town Board is authorized to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon its granting of the special use permit, any such conditions must be met in connection with the issuance of a Building Permit by the CZEO.

Section 940-A Waiver of Requirements

When reasonable, the Town Board is authorized to waive any requirements for the approval, approval with modifications or disapproval of special use permits submitted for approval. Any such

waiver, which will be subject to appropriate conditions determined by the Town Board, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit.

Section 950-A Reimbursement

Costs incurred by the Town Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant. Prior to incurring such costs the Town Board shall discuss such costs with the applicant, and may require that an escrow account be established for such purpose.

ARTICLE 10 APPEALS to the Zoning board of appeals

Section 1000 Application for Variance

An applicant may initiate a request for a variance by filing an application with the Zoning Board of Appeals using forms supplied by the Board. The applicant shall include a copy of the tax map which shows the property; a map drawn to scale showing existing features and the planned variance; and other drawings or information the Zoning Board of Appeals deems necessary.

Section 1010 Requirements for Area Variances

- A. Area variances may be granted where the dimensional or physical requirements of this law cannot be reasonably met, including but not limited to minimum highway frontage, minimum building setbacks, maximum height of buildings, and maximum size or height of signs.
- B. In making its determination the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination the board shall consider:
 - 1. Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by the granting of the area variance.
 - 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - 3. Whether the requested variance is substantial.
 - 4. Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.
 - 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- C. Any area variance granted shall be the minimum necessary for the applicant to make reasonable use of the property.

Section 1020 Requirements for Use Variances

- A. A use variance may be granted to allow land to be used for a purpose which is otherwise not permitted by this law.
- B. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that the zoning regulations and restrictions have caused unnecessary hardship.

In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals each of the following:

1. For each and every permitted use within the zoning district where the property is located, the applicant cannot realize a reasonable return, provided that lack of return is substantial and is established by competent financial evidence.
 2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
 3. That the requested use variance, if granted, will not alter the essential character of the neighborhood.
 4. That the alleged hardship has not been self-created.
- C. Any use variance granted shall be the minimum necessary to address the unnecessary hardship proven by the applicant.

Section 1030 Grant of Variance with Conditions

In granting any variance the Zoning Board of Appeals shall have authority to impose such reasonable conditions as are related to the use of the property for the purpose of avoiding or minimizing any adverse impact the exercise of such variance may have on the neighborhood, community, or environment.

Section 1040 Appeals of a Decision by the Codes and Zoning Enforcement Officer (CZEO)

- A. Any appeal from a decision of the CZEO pursuant to this law shall be made within sixty (60) days after the CZEO files said decision.
- B. An appeal may be made by any person aggrieved by the decision, or by an officer, department, board or bureau of the Town.
- C. An appeal shall stay all proceedings in furtherance of the action appealed unless the CZEO certifies to the Zoning Board of Appeals that by reason in the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings may not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record.

Section 1050 Review and Approval Procedure

Upon receipt of a complete application the Zoning Board of Appeals shall take the following actions:

- A. Schedule a public hearing within sixty-two (62) days and provide notice of such hearing by publication in a newspaper of general circulation in the town at least ten (10) days prior to the date thereof.
- B. Conduct a public hearing on the matter as scheduled.
- C. Within sixty-two (62) days of the close of the public hearing, the Zoning Board of Appeals shall render a decision. Said time period may be extended by mutual consent of the applicant and the Board.
- D. All decisions shall be in writing, shall be filed with the Town Clerk within five (5) business days of the decision, and a copy thereof shall be provided to the applicant.

ARTICLE 11 ADMINISTRATION

Section 1100 Codes and Zoning Enforcement Officer

The duty of administering and enforcing the provisions of this Law is hereby conferred upon the Codes and Zoning Enforcement Officer (CZEO), who shall be appointed by the Town Board.

Section 1105 Duties of the Codes and Zoning Enforcement Officer

- A. Administer the Zoning Law. The CZEO shall review all applications for Building Permits and, if the requirements for such permit are met, he shall issue a permit. If the applicant's plans do not meet the Zoning or Building Code requirements, he shall deny the permit.
- B. Referral to the Zoning Board of Appeals. An applicant after being denied a Building Permit; or any aggrieved person, or any officer, department or board of the Town, may appeal the CZEO's findings to the Zoning Board of Appeals for an interpretation or variance. Should an appeal be requested the CZEO shall notify the Zoning Board of Appeals of the request and forward all necessary supporting information.
- C. Referral to Town Planning Board. The CZEO shall forward any application that requires Site Plan Approval to the Planning Board along with all supporting information.
- D. Referral to Town Board. The CZEO shall forward any application that requires a Special Use Permit to the Town Board along with all supporting information.
- E. Cite Zoning Violations. For any plans, construction, building, use or premise found in violation of this law, including any violation of any approved Site Plan, the CZEO shall order the responsible party, in writing, to remedy the conditions. The CZEO shall have the authority to secure from the Town Justice a stop order to restrain the continuance of the violation.
- F. Report to Town Board. The CZEO shall issue a monthly report to the Town Board describing and enumerating actions taken and permits issued.

Section 1107 Inspections By The CZEO.

- A. In addition to any inspections that are authorized pursuant to Chapter 77 of the Town Code or the Uniform Code, the CZEO may inspect properties to determine compliance with this Zoning Law and any conditions in a Building Permit.
- B. Whenever the CZEO has reason to believe that there is non-compliance with the Zoning Law or any approval, order, permit or agreement issued thereunder he/she or his/her duly appointed agent is authorized to conduct inspections that are reasonably necessary to determine the source of the non-compliance.
- C. Prior to any such inspection on private property, the CZEO will attempt to obtain consent to conduct the inspection from the occupant of the property or, in the event the property is unoccupied, from the Owner. In the event the CZEO is unable to obtain such consent, he/she will consult with the attorney for the Town (or such other attorney retained by the Town) to determine what steps are necessary to obtain access legally.
- D. Upon completion of the inspection, the CZEO will prepare a report, a copy of which will be sent to the Town Board and the attorney for the Town.

Section 1110 Planning Board

- A. The Town of Inlet's Planning Board consists of five members. In order to permit the Planning Board to operate more efficiently and not be delayed by reason of one or more members having a conflict of interest, or absences due to illness, vacation or other causes, the Town Board shall have the authority to appoint two alternate members. Alternate members of the Planning Board shall be appointed by resolution of the Town Board of the Town of Inlet for a term established by the Town Board and to serve when designated to participate in a matter by the Chairperson of the Planning Board. The alternate member or members designated to serve on a matter shall serve during the entire course of that matter, whether the original Planning Board member returns from his absence.
- B. The Town Board may select a chairperson of the Planning Board, or on failure to do so; the Planning Board shall elect a chairperson from its own members.
- C. The Planning Board shall adopt rules or bylaws for its operation.
- D. The Town Board shall provide an appropriation to the Planning Board to cover necessary expenses including the means for the Planning Board to maintain a written record of its meetings and public hearings.
- E. The existing Planning Board, as currently constituted as of the date of this local law, shall continue.

Section 1115 Powers and Duties of Planning Board

The Planning Board shall have the following powers and duties with respect to this law:

- A. Review and approval of Site Plans in accordance with the standards and procedures set forth herein.
- B. Submittal of an advisory opinion to the Town Board for any proposed amendment to this law.
- C. On the request of the Town Board, or on its own initiative, submittal of an advisory opinion to the Town Board in any matter relating to planning and zoning.
- D. Any other powers and duties as specified elsewhere in this law.

Section 1120 Meetings of the Planning Board

- A. Meetings shall be held at such meeting times as the Board may determine, or at the call of the chairperson.
- B. A quorum shall consist of a majority of its members, but any motion or resolution, including any decision to approve or disapprove a Site Plan, shall require for its adoption an affirmative vote of at least a majority of the entire membership.
- C. The Board shall keep minutes of its proceedings.
- D. All meetings and hearings of the Board shall be public. Every decision or determination shall be in writing, shall be filed in the office of the Town Clerk.

Section 1125 Zoning Board of Appeals

- A. The Town Board shall appoint a chairperson of the Zoning Board of Appeals. In the absence of a chairperson, the Zoning Board of Appeals may designate a member to serve as acting chairperson.

- B. The Zoning Board of Appeals may adopt rules or bylaws for its operation.
- C. A member of the Planning Board having a conflict of interest shall abstain from any discussion or voting on that matter.
- D. The Town Board shall provide an appropriation to the Zoning Board of Appeals to cover necessary expenses including the means for the Board to maintain a written record of its meetings and public hearings.
- E. The existing Zoning Board of Appeals, as currently constituted as of the date of this local law, shall continue.

Section 1130 Powers and Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall have the following powers and duties with respect to this law:

- A. Review and decide on requests for variances to this law.
- B. Hear and render a decision on appeals to a decision made by the Codes and Zoning Enforcement Officer.
- C. Upon appeal of a decision by the Codes and Zoning Enforcement Officer, decide any question involving interpretation of any provision of this law, or the location of any district boundary line on the Zoning district map.
- D. Upon request of the Planning Board relating to a matter pending before it, provide an interpretation of any provision of this law, including a determination of whether any use, building, lot, setback or sign is entitled to non-conforming status.
- E. In the case of lots in two or more zoning districts, grant special authorization to extend a zone district boundary up to 100 feet pursuant to Section 435 herein.

Section 1135 Meetings of the Zoning Board of Appeals

- A. The Zoning Board of Appeals shall hold meetings at the call of the chairperson, or at the request of a majority of its full membership.
- B. The presence of a majority of its full membership shall constitute a quorum for the conduct of business before the Board. A concurring vote of a majority of its full membership shall be necessary to act on any application for variance or appeal.
- C. A member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.
- D. The Zoning Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from its own attorney, and may request its own attorney to attend its meetings.
- E. The Zoning Board of Appeals may require the Codes and Zoning Enforcement Officer to attend meetings as needed in order to present any facts relating to any matter before the Board.
- F. All meetings of the Zoning Board of Appeals shall be open to the public.
- G. The Zoning Board of Appeals shall keep minutes of all of its meetings. The Town Board shall provide a secretary for the Zoning of Board of Appeals.
- H. The Zoning Board of Appeals shall make factual record of all its proceedings.

- I. Every decision or determination of the Zoning Board of Appeals shall be in writing, and shall be filed in the office of the Town Clerk.

Section 1140 Amendments

- A. The Town Board may amend by supplementing, or repealing, provisions of this law and the Zoning Map after public notice, public hearing, and required referrals in accordance with the governing statutes.
- B. The Town Board, by resolution, shall fix the time and place of public hearing on the proposed amendment and shall cause notice to be given as follows:
 1. By publishing a notice at least ten (10) days in advance in the official newspaper of the Town.
 2. By referring the proposed amendments to each town and village within 500 feet of the Town of Inlet boundaries, and to any state park commission whose property lies within the Town or within 500 feet of its boundaries.
- C. Procedure. The procedure as to the notice of a public hearing on an enactment of a proposed amendment shall follow and be governed by Section 265 of the Town Law, and Section 239-m of the General Municipal Law, including all subsequent amendments thereto. The procedure shall also comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law.

ARTICLE 12 ENFORCEMENT

Section 1200 Violations

- A. It shall be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building, structure or premises, or portion thereof, in violation of any provision of this law, or to construct, alter or use and occupy any building, structure or premises in a manner not permitted by or inconsistent with a permit, approval or variance issued pursuant to this law, or to fail to comply with a notice, directive or order of the Codes and Zoning Enforcement Officer or agent thereof.
- B. Where a violation has occurred or exists, the potentially responsible persons shall include the owner of the real property involved or affected; any contractor, subcontractor, builder, construction superintendent, engineer, manager, or other person responsible for undertaking, managing or directing the illegal activity; and any agent of the foregoing.

Section 1201 Enforcement Process

The following are remedies the Town may pursue if the Zoning Law or the term or condition of any permit or other approval issued under authority of the Zoning Law is violated. These remedies are not exhaustive of those that may be pursued by the Town. The use of one or more of these remedies do not preclude of use of other remedies simultaneously or sequentially.

- A. Actions the CZEO is authorized to take:
 1. Issue Notice of Violation. Whenever the CZEO has reason to believe that there is a violation of the Zoning Law or an approval or order issued thereunder, the CZEO may issue a notice of violation to the site owner and to any other person responsible for such violation.

2. Stop Work Order. In addition to or instead of any Notice of Violation, the CZEO may issue an order to the site owner or any other person responsible for the violation directing such person or persons to stop any or all construction work at the site of a violation.
3. The CZEO is authorized to issue an appearance ticket in conformance with the requirements of the Criminal Procedure Law to any person responsible for violating this Chapter, such ticket to be returnable in the Town Court of Inlet. In such a case, the CZEO will file an accusatory instrument together with any supporting deposition in the Town Court prior to the return date.
4. Nothing in this section prevents the CZEO from seeking voluntary compliance from any responsible party, either alone or in conjunction with one or more of the actions authorized above. The CZEO, after consultation with the Town Attorney, may enter into an agreement with any person responsible for the violation or the owner of the property where the violation is occurring or did occur. The voluntary agreement will require the Owner and/or other responsible party to cease and desist such violation and to perform any necessary corrective and remedial measures. The voluntary agreement may also contain other provisions related to the violation, including the payment of a civil penalty. Any duly executed voluntary agreement will be legally binding and any violation of the voluntary agreement by the Owner or other responsible party will itself constitute a separate and distinct violation of the Zoning Law.
5. The Town Board may by resolution adopt criteria or identify particular violations that will require the CZEO to obtain Town Board approval prior to entering into a binding voluntary agreement.

B. Actions by the Town Board:

1. With respect to any violation of the Zoning Law, the Town Board may authorize the institution of a proceeding in Supreme Court
 - a. To obtain injunctive or remedial relief; in the case of any violation or threatened violation, the Town may institute any appropriate action or proceeding against the landowner and/or other responsible person(s) to prevent such unlawful action, to restrain, correct or abate such violation, and to compel compliance with the provisions of this law and any permit, approval or variance issued pursuant to its provisions. The relief specified herein may be sought in addition to an action or proceeding for criminal sanctions or civil penalties.
 - b. To obtain civil penalties pursuant to Section 1233 of the Zoning Law;
 - c. To modify, suspend or revoke any permit or other approval granted under the Zoning Law.
2. The Town Board may negotiate appropriate corrective, remediation, abatement, and restoration measures by entering into an enforceable settlement agreement or consent order with any violator and/or owner. Such agreements or orders may require the violator and/or owner to pay a monetary penalty which (1) covers exemplary or punitive damages and (2) reimburses actual costs incurred by the Town in connection with its enforcement action such as attorneys' fees, disbursements and costs of emergency and other corrective and restoration measures.
3. This section is not exhaustive of the remedies the Town Board may pursue and nothing herein limits the actions the Town Board may take that are otherwise authorized by law.

Section 1210 Stop Work Order

- A. The Order will identify the nature of the violation, the section of the Zoning Law or provision in any approval issued under such law that is being violated; the owner of the property where the violation is occurring and any other person responsible for the violation; and identify the actions that must be taken.
- B. The Order will be posted in a conspicuous location at the property where the alleged violation has occurred or is occurring. A copy of the Order will be personally served or sent by certified mail to the property owner and to any other responsible party who has been identified. Personal service will be by the same means provided for by the Civil Practice Rules and Laws (CPLR).
- C. The CZEO will file a copy of the Order with the Town Clerk within five (5) days of issuance.
- D. The Order will be effective upon the earlier of the posting on the property or the service upon the property owner. The failure to serve the property owner and/or any responsible party will not affect the validity of the Order so long as it is posted on the property.
- E. As soon as the Order becomes effective, all construction and/or other activity identified in the Order will immediately cease. The failure to cease the construction or other identified activity is itself a violation of this Chapter regardless of whether the identified violation is ultimately sustained on review.
- F. The owner and any other responsible party will take such other actions as are required by the Order.
- G. The Order will remain in effect until rescinded by the CZEO or as the result of an appeal.
- H. Any person subject to a Stop Work Order may request that it be rescinded, suspended or modified by presenting argument and/or evidence to the CZEO to demonstrate that the prerequisites for issuing the Order are not present or that the relief is not appropriate. Based on his/her review, the CZEO may grant the relief requested, grant some lesser relief or deny the relief. If the Order is rescinded, suspended or modified, the CZEO will file such rescission, suspension or modification with the Town Clerk within five (5) days of its issuance.
- I. Additionally or alternatively, any person issued a stop work order may appeal such order to the ZBA. Such appeal must be in writing and may be made no later than thirty (30) days from the date the Order or amended Order is filed with the Town Clerk.
- J. An appeal to the ZBA shall not stay the order unless the ZBA explicitly determines otherwise.

Section 1225 Criminal Justice Proceedings

- A. A violation of the Zoning Law or of any condition of an approval issued pursuant to the Zoning Law is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of the Zoning Law or of any condition of an approval issued pursuant to the Zoning Law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- B. The CZEO is authorized to issue an appearance ticket in conformance with the requirements of the Criminal Procedure Law to any person responsible for violating the Town of Inlet Sewer Use Law, such ticket to be returnable in the Town Court of Inlet. In such a case, the CZEO will file an accusatory instrument together with any supporting deposition in the Town Court prior to the return date on the ticket.

Section 1233 Civil Fines and Penalties

Anyone who violates the Zoning Law or any approval issued thereunder will be liable for civil fines and penalties. Each day the violation continues shall constitute a separate additional violation. Civil penalties will be recoverable in an action brought in Supreme Court.

Section 1240 Suspension of Administrative Review

Review of any application pursuant to the provisions of the Zoning Law may be suspended if the applicant, site owner or other responsible party is alleged to have committed a violation of the Zoning Law related to proposed project or project site which is the subject of the application. In such a case, the CZEO will provide written notice of suspension to the applicant together with a statement of facts concerning the alleged violation.

Section 1245 Revocation of Permit

Any permit, approval, certificate, or variance granted under the provisions of this law which was based upon or granted in reliance upon the applicant's false or material misrepresentation in an application or the applicant's failure to make known a material fact or circumstance may be revoked by the Codes and Zoning Enforcement Officer. A revocation action may be taken after written notice to the property owner or applicant/permittee and opportunity to present a written statement or evidence to the CZEO within the time limit provided for in the notice but no less than twenty (20) days. The CZEO will issue a written determination, which will be filed with the Town Clerk within five (5) days. If the permit, approval, certificate or variance is revoked, the affected party may appeal the revocation to the Zoning Board. Any such appeal will be filed within thirty (30) days after the CZEO's determination is filed with the Town Clerk.

ZONING SCHEDULE A, LOT SIZE AND DIMENSION CHART

ZONING SCHEDULE B, USE CHART

Appendix A, Required Submissions for Planned Development Districts

Required plats, plans and data to be submitted as required in accord with the procedures as outlined in Article 5 include:

A. Sketch plan

1. Site plan. To scale, in ink on minimum 8 1/2" x 11" sheet size to include:
 - a. Location map showing location of proposed development or project in the Town, boundaries of the tract, contiguous properties and any zoning districts and easements.
 - b. Existing features including existing land use, land and water areas, and other important elements of the site.
 - c. General layout, including lot and street arrangement, where appropriate.

2. Development data.
 - a.Total acreage of tract or parcel.
 - b.Proposed timetable or stages for sale or development.
 - c.Type of project, i.e., sale of lots, buildings, etc.
 - d.Existing and proposed utilities and service facilities.
 - e.Proposed number of lots and typical lot size.
3. Legal data. Names and addresses of owner, developer or subdivider and professional advisors.

B. Preliminary plat/plan.

1. Site plan. Minimum scale of 1" = 100', preferred scale of 1" = 40' to include:
 - a.Title, scale, north arrow and date.
 - b.Tract boundaries and owners of record of adjoining properties.
 - c.Topographic data based on USGS or equivalent and other site characteristics including soils, drainage and tree cover.
 - d.Existing land use on and immediately adjacent to the parcel.
 - e.Lot layout, including adequate means to identify each lot and each block, minimum setback or building line.
 - f.Street layout, including right-of-way and improved surface widths, street names and typical cross sections of proposed roadways.
 - g.Location and description of utilities on and adjacent to the tract and proposed connection thereto, or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.
 - h.Location, dimension and purpose of any easement.
 - i.Existing drainage ways and provision for collecting and discharging surface drainage and runoff.
 - j.Location, dimension and description of land or facilities to be dedicated or reserved for public use.
2. Development data.
 - a.As required for sketch plan, as it may have been amended
 - b.Feasibility data on sewer, water and storm water drainage, including documentation from on-site investigation.
 - c.Linear feet of streets, acres in park or recreation areas.
3. Legal data.
 - a.Application.
 - b.As required for sketch plan.
 - c.Required fee, if any.

C. Final plat/plan.

1. Site plan. Scale to be same as for preliminary plat/plan.
 - a.As required for preliminary plat/plan.
 - b.Tract boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions, bearings, radii, arcs, and central angles of all curves and location and description of all monuments.
 - c.Reference to adjoining platted land or names of owners of record of unplatted lands.
 - d.Topographic data showing contours at a minimum of two-foot intervals related to USGS or other permanent benchmark where natural contours are to be changed; otherwise at five-foot intervals.
 - e.All trees to be removed or within 50 feet of any area where the natural contour is to be

altered which are of eight-inch caliper or more as measured three feet above ground level.

- f. Typical cross sections of streets, including pavement, shoulders, ditches, and walks and cross-sections of drainage easements, as necessary.
- g. Profiles of street centerlines showing vertical curve data, slope of tangents and elevations of street intersections and other critical points.
- h. Profiles of storm and sanitary sewers, if any, showing diameter of pipe, and distance between manholes and catch basins.

2. Development data.

- a. As required for preliminary plat/plan.
- b. Detailed drawings and specifications for water supply, stormwater disposal, sanitary sewage disposal and any other required facilities, services or installations.

3. Legal data.

- a. As required for preliminary plat/plan.
- b. Certification of title showing that applicant is the landowner.
- c. Certification by surveyor or engineer of survey and plat accuracy.
- d. Protective covenants in form for recording, including covenants governing the maintenance of unceded public space or reservations.
- e. Offers of cession dedicating streets, easements, open space and other facilities.
- f. Approval by the State Departments of Health or Environmental Conservation, as is applicable, of sewer and water facility drawings and proposals.
- g. Copies of agreements showing the manner in which areas reserved by the subdivider or developer are to be maintained.
- h. Certificate by a licensed professional engineer, registered architect, licensed land surveyor and/or landscape architect as is appropriate, that required facilities have been designed to meet the minimum standards of this chapter or otherwise required by law.
- i. Any other data as may be required by the Planning Board or Town Board for the enforcement of this chapter.
- j. Required fee, if any.

4. As-built drawings.

As-built drawings will be filed upon completion of any required underground improvements. No certified check or performance bond shall be released until the drawings and documents listed below have been filed with and approved by the Planning Board.

- a. Facilities and improvements as located and constructed in accord with the final plat/plan, will be certified to by a licensed professional engineer, registered architect, licensed land surveyor and/or landscape architect or the responsible builder or contractor, as is appropriate.
- b. All offers of cession, deeds, abstracts and easements for any street, sewer, water or other facilities as approved and certified to by the Town Attorney.