

**TOWN OF NORTH EAST
ZONING REVIEW COMMITTEE (ZRC)**

**RECOMMENDED DRAFT TO TOWN BOARD
DRAFT ZONING AMENDMENTS
NOVEMBER 10, 2024**

1. – REPEAL EXISTING Attachments and REPLACE with the following NEW Attachments:

Attachment 1R – Residential Districts – Schedule of Permitted Principal Uses

Attachment 2R – Residential Districts – Schedule of Accessory Uses”

Attachment 3R -Residential Districts - Schedule of Lot Area and Bulk Standards

Attachment 1NR – Non-Residential Districts – Schedule of Permitted Principal Uses

Attachment 2NR – Non-Residential Districts – Schedule of Accessory Uses”

Attachment 3NR – Non-Residential Districts – Schedule of Lot Area and Bulk Standards

Attachment 1P – Schedule of Off-Street Parking Spaces

SEE NEW “ATTACHMENTS” LOCATED AT THE END OF THIS DOCUMENT...

2. – REPEAL EXISTING § 180-5 and REPLACE with following:

§ 180-5 Definitions

Certain words and terms used in this chapter are defined for the purposes thereof as follows:

ACCESSORY APARTMENT

A self-contained dwelling unit accessory to a detached one-family dwelling having its own exterior entrance and which is subordinate to the principal residence, and shares no kitchen, bath facilities, living, or sleeping accommodations with the principal residence.

ACCESSORY BUILDING

See Building, Accessory

ACCESSORY USE OF BUILDING

See Building, Accessory Use of

ALTERATION OF BUILDING

See Building, Alteration of

AGRICULTURE / FARM

The growing and harvesting of crops, plants, vines and/or trees, and/or the raising of and caring for domesticated livestock, poultry, and bees, associated with a farm for commercial purposes, as those terms are defined in Article 25-AA, §301 of the New York State Agriculture and Markets Law, as may be amended, including a public stable as defined herein. Nothing herein shall be deemed to prohibit gardening, the raising of animals or other agricultural activities conducted for private use or consumption as an accessory use to a one-family or two-family dwelling.

AGRICULTURE, ACCESSORY

An agricultural use, in conjunction with and accessory to a principal permitted manufacturing use that is operated by and located on the same lot as the principal manufacturing use.

AGRICULTURE, INDOOR

The commercial growing of agriculture crops, plants, vines, and trees, including by means of hydroponics (the process of growing plants in sand, gravel, or liquid, with added nutrients but without soil) inside a building, including the storing and processing of same inside a building, for wholesale sale and distribution off-premises.

FARM, CAGE-TYPE POULTRY

A structure in which 5,000 or more birds are housed, one or more to a cage, in meshwork floored cages elevated above the main floor of the structure, and in which all normal processes relating to live birds are accomplished without removing the birds from the cage.

FARM, NURSERY

Any tract of land on which trees, shrubs and flowers are grown for transplanting, for use as stocks for budding and grafting or for sale.

FARM, PIG

Any tract of land on which five or more pigs are kept.

FARM AND HARVEST FESTIVAL

A special event held by an otherwise permitted “farm market” designed to provide agricultural marketing and promotional activities for the farm and/or the region’s agricultural producers. A farm festival may include such activities not usually conducted by a farm market, such as entertainment, dancing, cultural and educational activities, and food service. It is anticipated that a farm and harvest festival will be designed to attract large numbers of attendees to the farm market.

FARM EQUIPMENT SALES and RENTAL

The sale and/or rental of equipment, tools, and related supplies for use in agriculture, excluding farm vehicles sales and rental.

FARM MARKET

A structure operated as an accessory use to a farm, for the sale of agricultural and farm products, as permitted by § 180-68.

FARMERS' MARKET

An occasional use of property and/or buildings and structures where two or more producers of local and regional farm food and beverage products offer those products for direct retail sale to consumers.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

ALLEY

A public way with a right-of-way width of twenty (20) feet or less.

AREA, BUILDING

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps. All dimensions shall be measured between the exterior faces of walls.

AREA, LAND

When referring to the required area per dwelling unit, meaning net land area, the area exclusive of streets and other public open space.

ARTISAN WORKSHOP

A hybrid commercial use where an artisan or craftsman (an individual who practices one of the fine, design, graphic, musical, literary, computer or performing arts, including but not limited to an artist, craftsman, photographer, woodworker, furniture maker, jewelry maker or similar); or an individual whose profession relies on the application of the above-mentioned skills to produce creative products, produces, repairs, restores, demonstrates the making thereof and/or displays their work, including the ancillary sale of such. Associated temporary outdoor exhibit displays (not for purposes of promoting retail sales) may be accommodated, provided such does not conflict with driveways, parking areas, walkways, site landscaping and buffers, and are respective of applicable minimum yard areas.

BANK

A commercial use in which financial transactions are conducted or wherein professional advice on financial insurance or tax matters is given, including savings and loans, finance companies, insurance and brokerage uses, and tax preparers, but not including same day loans, payday loans, pawn shops or check cashing stores.

BAR or TAVERN

An establishment licensed under the laws of New York State for the sale of alcoholic beverages and their consumption on the premises accessory to a Restaurant.

BASEMENT

A story partly underground but having at least half (1/2) of its height above the average outside ground level.

BEVERAGE and LIQUOR STORES

A retail establishment whose primary business is the retail sale of containerized beverages (alcohol and non-alcohol based).

BLOCK

The length of a street between two (2) street intersections. Where street intersections are at intervals greater than 1,200 feet (1,200 feet shall be considered the length of block for purposes of this chapter).

BOARDINGHOUSE and/or ROOMING HOUSE

An owner-occupied dwelling, wherein no more than three (3) unrelated boarders are housed with or without ancillary services provided by the owner such as meals, laundry or similar for compensation.

BREW PUB (MICRO BREWER)

A commercial use with a valid "micro brewer" license duly issued by the New York State Liquor Authority for the manufacture, containerization, storage, sale, and distribution of beer it produces on-site, including the sale for on-site consumption of said manufactured beer and any other New York State labeled beer directly to retail consumers.

BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, ACCESSORY

A building, the use of which is customarily incidental and subordinate to that of a principal building and which is located on the same lot as that occupied by the principal building.

BUILDING, ACCESSORY USE OF

A use customarily incidental and subordinate to the use of a principal building.

BUILDING, ALTERATION OF

Any addition to a building, a change or rearrangement in the structural parts or exit facilities, or any change in the use from one district classification to another, or removal of a building from one location to another.

BUILDING, HEIGHT OF

The vertical distance measured from average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eave and ridge of a gable, hip, or gambrel roof.

BUILDING LINE, FRONT

The line of that face of a principal building nearest the street line. In the case of a corner lot or a through lot any building line nearest to a street line shall be considered a "front building line."

BUILDING OR STRUCTURE, NONCONFORMING

A building or structure that lawfully existed prior to and at the time of the adoption of this chapter or any amendment thereto which, because of its inherent nature of construction, does not conform to and with the provisions of this chapter for the district in which it is located.

BUILDING, PRINCIPAL

A building, including covered porches, in which the principal use of the lot on which it is situated is conducted. In any residence district any dwelling shall be deemed the "principal building" of the lot on which it is situated.

BUILDING AREA

See Area, Building

BUILDING INSPECTOR

Shall be known as the Code Enforcement Officer appointed pursuant to § 180-83 of this chapter.

BUILDING PERMIT

A permit issued pursuant to §180-85 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended, or extended pursuant to any provision of this chapter.

BUILDING SUPPLY STORE

A retail use supplying tools, equipment, hardware, garden, building and/or lumber materials to contractors and/or the general public, including incidental general repair and installation services related thereto.

CANNABIS DISPENSARY

A New York State licensed adult-use cannabis retail dispensary in accordance with and subject to Chapter 7-A of the Consolidated Laws of New York, as may be amended, which is authorized to sell cannabis products.

CATERER / COMMERCIAL KITCHEN (also known as shared-use kitchen, commissary kitchen, incubator kitchen)
A commercial use with a "commercial kitchen" space as approved by the Dutchess County Department of Health, in which individuals, caterers, or businesses prepare value-added food products and meals. Such an establishment provides facilities where chefs, bakers, caterers, and other culinary professionals can prepare their goods. Such establishments do not include public facilities for consumption of the food products prepared on the premises.

CELLAR

A portion of a building having more than 1/2 of its height below the average outside ground level.

CEMETERY

Land used or intended to be used for the burial of dead human beings and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated with and within the boundary of such cemetery.

CENTER LINE OF STREET OR ROAD

A line midway between and parallel to two street or road property lines, or as otherwise defined by the Planning Board.

CERTIFICATE OF OCCUPANCY

A type of certificate issued pursuant to § 180-88 of this chapter for structures or portions thereof to be occupied by persons.

CERTIFICATE OF USE

A type of certificate issued pursuant to § 180-89 of this chapter stating that materials and products meet specified standards or that work is done in compliance with approved construction documents.

CHURCH or OTHER PLACE OF WORSHIP

A facility for an established body organized to sustain faith based and/or religious services on a regular basis, like a church, synagogue, temple, mosque, or other similar facility.

CODE ENFORCEMENT PERSONNEL

The Code Enforcement Officer and all inspectors shall also be known as "Code Enforcement Officers."

COMPLIANCE ORDER

An order issued by the Code Enforcement Officer pursuant to §180-97A of this chapter.

CONSTRUCTION, FIRE-RESISTANT

That type of construction in which the walls, partitions, columns, floors, and roof are noncombustible, with sufficient fire resistance to withstand the effects of a fire and prevent its spread from story to story.

CONVERSION

An existing building, modified to create in it up to twelve (12) separate dwelling units, depending on the size of the building, the size of the lot and the zoning district in which the building is located.

COUNTRY INN

See §180-40 of Article VIII.

COURT

An unoccupied open space, other than a yard. An "outer court" is one that extends to the street or to the front or rear yard. An "inner court" is any other "court."

COVERAGE

That percentage of the lot covered by the building area.

CURB LEVEL

The officially established grade of the curb in front of the midpoint of the lot.

DORMITORY

A facility used for housing, with or without dining facilities, of students attending a private school as defined herein.

DRIVE-THROUGH

An accessory means of serving establishment patrons via an exterior walk-up or drive-up service window along a side or rear building wall of the interior of the establishment.

DRIVEWAY

Land situated on a lot used or intended to be used to provide street access to it by vehicular traffic.

DUMP

Land used for the disposal, by abandonment, dumping, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof or waste material of any kind, either liquids or solids.

DWELLING

A house or other building designed or used primarily for residential human habitation. The word "dwelling" shall not include tourist homes, mobile homes, motels, hotels, or other structures designed, used or rented for transient habitation. A bus, recreational vehicle or similar vehicle shall not be construed to be a "dwelling unit."

DWELLING, ACCESSORY APARTMENT

See Accessory Apartment

DWELLING, AFFORDABLE HOUSING

See § 180-72.5

DWELLING, AGRICULTURE EMPLOYEE

A dwelling to house persons employed in agriculture on the farm where the dwelling is located; such dwelling may be located on an unsubdivided portion of the farm.

DWELLING, ATTACHED

A building containing more than one dwelling unit.

DWELLING, DETACHED

A building containing a single dwelling unit.

DWELLING, MULTIFAMILY

Three (3) or more attached or detached dwelling units on a single lot which may have common and/or shared joint services or facilities, or both, such as common mechanical, storage, parking, external entrances to interior lobby or hall, recreation or similar services or facilities.

DWELLING, ONE-FAMILY

A dwelling unit designed, used, and/or occupied for residential purposes by a single family.

DWELLING, RENTAL APARTMENTS ABOVE COMMERCIAL

Studios, one (1) bedroom and two (2) bedroom dwelling unit(s) for rent contained within an upper floor of an existing or proposed commercial use building.

DWELLING, SEMIDETACHED

A detached building containing two (2) one-family dwelling units separated by a party wall, each having one side yard.

DWELLING, TWO-FAMILY

A building on a single lot containing two (2) attached dwelling units for occupancy by two families living independently with the units being side by side or above and under each other and sharing one (1) or more common wall and/or ceiling with no openings.

DWELLING UNIT

One (1) or more rooms designed, occupied, and/or intended for occupancy that contains cooking, sleeping and sanitary facilities.

EARTH MATERIALS

Soil, gravel, stone or rock extracted from the ground.

ECHO (ELDER COTTAGE HOUSING OPPORTUNITY) UNIT

A separate, detached, temporary dwelling unit, with its own cooking, sanitary and sleeping facilities, accessory to a one-family dwelling, for the use of and occupied by the elderly relatives of the occupants of the one-family dwelling.

EDUCATIONAL CENTER

A center organized to promote and foster education in the arts, humanities, or sciences, with facilities for, but not limited to, libraries, archives, seminars, lectures, conferences, and workshops, which is not a college or university giving general academic instruction.

ELECTRIC VEHICLE (EV)

Any vehicle partially or fully powered by electricity for propulsion, including either battery 100% electric vehicles or plug-in hybrid electric vehicles.

ELECTRIC VEHICLE (EV) CHARGING LEVELS

The standardized indicators of electrical power, at which an EV's battery is recharged:

- Level 1 is considered slow charging, taking approximately 40-50 hours to charge.
- Level 2 is considered medium charging, taking approximately 4-10 hours to charge.
- Level 3 is considered fast or rapid charging, taking less than 60 minutes to charge.

ELECTRIC VEHICLE (EV) CHARGING STATION

Battery charging equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle (EV) while parked.

ELECTRIC VEHICLE (EV) PARKING SPACE

A dedicated electric vehicle parking space accessible to an EV charging station.

ENERGY CODE

The State Energy Conservation Construction Code currently in effect and hereafter as amended from time to time.

FACADE

That portion of a building wall containing the business's main public entrance, which corresponds to the height and width of the interior space rented or owned by the tenant of the business establishment.

FAMILY

One (1) or more persons who live together in one dwelling unit and maintain a common household, which may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption and may also include domestic staff and occasional, nonpaying visiting guests. This definition does not intend to prohibit group homes and/or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided such facilities are licensed and permitted under the authority of the appropriate state department or agency.

FAMILY HOME or FAMILY CARE HOME

A facility for mentally ill or mentally disabled adults and children. The home is intended for the admission of such individuals, who are provided with a program of services and protective supervision in a home setting.

FLOODPLAIN

The areas of special flood hazard for the Town of North East, as identified and defined on the Federal Emergency Management Agency's Flood Insurance Rate Map, effective May 2, 2012, as may be amended from time to time.

FLOOR AREA (OF A BUILDING)

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

FLOOR AREA RATIO

The gross floor area of a building, divided by the area of the lot upon which it is located.

FUNERAL HOME

A commercial use in which deceased persons are prepared (not including crematory services) for burial, including facilities for the arrangement and conduct of funeral services, as well as the display and sale of funeral merchandise.

FURNITURE STORE, NEW and USED

A retail use selling new and/or used furniture, rugs, household goods, lighting, and other household decorative items.

GALLERY

A use displaying works made by artisans and craftsman (an individual who practices one of the fine, design, graphic, musical, literary, computer or performing arts, including but not limited to an artist, craftsperson, photographer, woodworker, furniture maker, jewelry maker or similar), including the sale of such. Associated temporary outdoor exhibit displays (not for purposes of promoting retail sales) may be accommodated, provided such does not conflict with driveways, parking areas, walkways, site landscaping and buffers, and are respective of applicable minimum yard areas.

GARDEN CENTER RETAIL

A retail use primarily engaged in the selling of horticultural, nursery and residential gardening materials, supplies, tools, equipment and similar related products, including but not limited to the inside and outside growing, cultivation and sale of garden plants, flowers, trees, shrubs and garden materials such as mulch, stone, peat moss, seed and similar.

GAS STATION CONVENIENCE STORE

A commercial use for the retail sale and dispensing of gasoline or other combustible motor vehicle fuels via outdoor dispensers, excluding the repair or servicing of motor vehicles, in combination with a retail establishment.

GENERAL MERCHANDISE RETAIL

A retail use engaged in the selling of goods, wares, packaged foods and beverages, merchandise or similar directly to the ultimate consumer for immediate purchase and off-premises personal use or household consumption, and/or rendering services incidental to the sale of such, from within an enclosed building. Such use may also include retail sales via mail order, online or phone but these sales shall not be the primary business operation.

GENERAL MERCHANDISE RETAIL, ONLINE CALL CENTER

A general merchandise retailer, exclusively selling via mail order, online or phone and which does not include a storefront for interaction with walk-in patrons.

GENERAL REPAIR BUSINESS

A commercial use providing repair services to the general public for household appliances, computers, furniture, etc. No outdoor display or storage of products shall be permitted.

GRADE, ESTABLISHED

The elevation of the center line of the streets as officially established by the municipal, county or state highway authorities.

GRADE, FINISHED

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GROCERY STORE

A retail use where 80% or more of the floor area is devoted to the sale of consumer processed, prepackaged and perishable food products (a minimum of 30% of the floor area shall be devoted to perishable food products) for home preparation and consumption, but where other typical home and personal care products may also be sold.

HEIGHT OF BUILDING

See Building, Height of

HIGHWAY, ARTERIAL

For the purposes of the Zoning Code of the Town of North East, Routes 22, 44, and 199 are considered arterial highways.

HOME OCCUPATION

An accessory nonresidential use located on the premises of a residence not otherwise permitted in residential districts, which is clearly incidental and subordinate to the residential use of the property and conducted by the resident occupants.

HOSPITAL

An establishment for temporary occupation by the sick or injured for the purpose of medical diagnosis and treatment, including sanitarium, and shall be limited to the treatment or other care of humans.

HOSPITAL, ANIMAL OR VETERINARY CLINIC

An establishment for temporary occupation by sick or injured animals for the purpose of medical diagnosis and treatment and shall exclude the treatment or other care of humans.

HOTEL

A commercial use providing for a fee, short-term (less than 30 consecutive days) transient lodging accommodations (maid service, furnishing and upkeep of furniture, bed and bath linens and supplies, telephone, television, internet and similar) to the general public where access to all guest rooms is from interior lobbies, courts or hallways, may include incidental accessory facilities and services such as restaurants, meeting rooms, sundry retail goods, and recreational facilities primarily serving the transient guests of the hotel.

INDOOR RECREATION

A commercial use providing indoor (inside a building) facilities for recreational activities, health and fitness activities, sports, sports training, swimming, bowling, or similar activities, including related instruction, for a fee, with or without membership, and accessory sales of apparel and sports related items covering no more than 5% of the principal floor area.

INSPECTOR

An inspector appointed pursuant to § 180-83D of this chapter.

INSTRUCTIONAL RETAIL

A retail use offering for a fee, personal or group lessons of specified instruction in a specific field, artistic endeavor, or other specialized form of expression, such as dance, painting, glass, music, learning support, martial arts or similar; or supported self-application in the creation of an artistic endeavor such as candle making, glazing of pottery, canvas painting, or similar craft activities.

JUNKYARD

A lot, land or structure, or part thereof over 200 square feet in area, used primarily for the collecting, storage and/or sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof, except as accessory to a principal industrial use of the lot. Two (2) or more motor vehicles not in operating condition shall be deemed to constitute a junkyard, except as otherwise permitted with a motor vehicle repair shop or motor vehicle body shop.

KENNEL

Any establishment, including cages, dog runs and structures, wherein more than four dogs which are over six months old are harbored.

LAND AREA – See Area, Land**LAUNDRY (SELF or FULL SERVICE)**

A commercial use providing laundry and/or dry-cleaning services, including temporary and temperature-controlled storage of clothing articles, or equipped with individual clothes washing and drying and/or cleaning machines for the principal use of retail customers, including drop off and pick up facilities with or without such equipment.

LIGHT INDUSTRY

A commercial use conducted entirely within an enclosed building, including accessory offices, engaged in the assembly, fabrication, manufacture, packaging and incidental storage of products made predominantly from previously made parts, pieces and materials not made on-site, as well as the research and development of said products, which results in little or no impact on the natural environment and so that noise, odor, dust and glare of such operations are completely confined within the building. Such use does not include concrete and asphalt batch plants; slaughter plants, packing houses, animal by-products rendering, and other such animal processing activities; processing or production of oil, natural gas, geothermal resources or other hydrocarbons; foundries; medical, biological or hazardous materials facilities; bulk chemicals; explosives; sulfuric, sulfurous, nitric or hydrofluoric acids; pesticides, insecticides and herbicides; on-site sale to the general public; or any prohibited use as set forth in this chapter.

LIGHTING

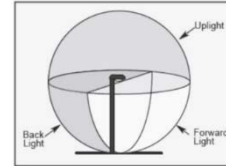
Man-made illumination and the equipment used to produce it, including associated components as defined and regulated by this chapter.

AVERAGE FOOTCANDLES

The average level of illuminance for a given area measured at ground level with a light meter placed parallel to the ground.

BUG RATING

An IESNA rating system of the Backlight, Uplight and Glare (forward) light distribution of an outdoor light fixture.

**COLOR RENDERING INDEX (CRI)**

Number from 0 to 100, representing the ability of a light source to accurately reproduce the colors of an illuminated object. Higher index numbers indicate greater accuracy.

CORRELATED COLOR TEMPERATURE (CCT)

The perceived color of the light emitted by a lamp, expressed in kelvin (K) units (temperature scale measurement used to characterize the color of light emitted by a lamp). The lower the kelvin rating, the "warmer" or more yellow the light; the higher the rating, the "cooler" or more blue the light.

DARK SKY LIGHTING

Lighting that is fixed, full-cutoff and aimed straight downward (does not emit any light above the horizontal plane) and employs warm-toned (2,700 Kelvin and lower) light sources.

ESSENTIAL LIGHTING

Light used for a specified period of time that is necessary for a specific purpose while said purpose is actively being served. This includes lighting that is necessary to promote location identification, public circulation, public safety, and fully shielded security lighting.

EXCESSIVE LIGHTING

Light that exceeds the amount that is needed to perform a visual task at night or is required for safety.

FIXED

A light fixture whose means of support (pole, arm or other) or mounting is not adjustable but rather the angle and direction of the light emitting part or reflectors/lenses, if any, are incapable of being adjusted once the fixture has been installed, so the direction of light cannot be moved or repositioned.

FIXTURE

The complete lighting assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, starter and/or photo control, and/or a refractor or lens; also referred to as a "luminaire."

FLOOD- OR SPOTLIGHT

Any light fixture or lamp that incorporates a reflector, a refractor, or a prismatic lens to concentrate the light output into a directed beam in a particular direction.

FLUORESCENT

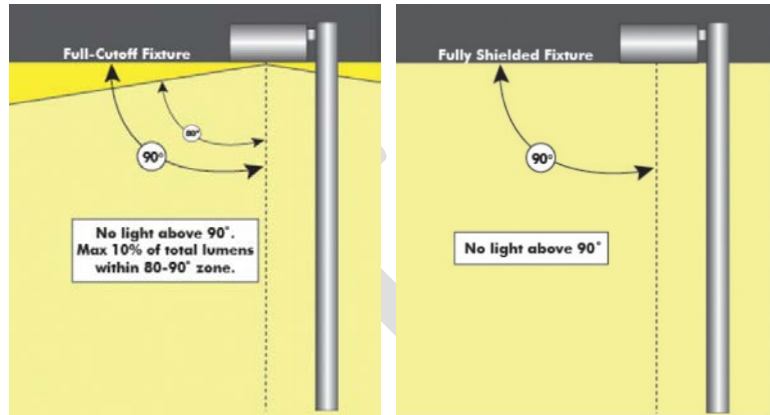
A type of discharge lamp that employs mercury vapor and phosphors.

FOOTCANDLE

The unit of measurement used to quantify the amount of light falling on a surface. One (1) footcandle is the amount of illuminance produced to saturate a surface one (1) foot square with one (1) lumen of light from a distance of one (1) foot.

FULL CUTOFF

A light fixture which delivers 100% of the total lumens within the 0° to 90° zone with a maximum of ten (10%) percent of total lumens delivered within the 80° to 90° zone. Full-cutoff fixtures are considered fully shielded (see figure).

**FULLY SHIELDED**

A fixture constructed and installed in a fixed position and in such a manner that all light emitted is projected below the horizontal plane through the fixture's lowest light-emitting part (see illustrative figure). Unlike a full-cutoff fixture, a fully shielded fixture is not engineered to limit lumen distribution in the 80° to 90° zone. A fully shielded fixture has a maximum BUG Uplight rating of zero (0) and Backlighting and Glare rating as close to zero (0) but not exceeding three (3).

GAS DISCHARGE or HIGH-INTENSITY DISCHARGE (HID) LIGHTING

A light source consisting of any type of gas discharge lamp, including but not limited to mercury vapor (MV) lamps (a type of high-intensity discharge lamp that uses mercury as the primary light-producing element), metal-halide lamps (a type of high-intensity discharge lamp that uses mercury and several halide additives as light-producing elements), and high or low-pressure sodium lamps (a type of discharge lamp that primarily employs sodium).

GLARE

A visual effect produced when a "light source" within the field of view is brighter than the level to which the eyes are adapted. Glare may cause annoyance, discomfort, loss of visual acuity, or momentary blindness. Note: This is not synonymous with the term "Glare" as used regarding "BUG Rating" defined above.

HOLIDAY LIGHTING

Temporary low voltage decoration lighting of various types and colors installed in connection with federal, state and local holidays or religious holiday observances, provided illumination of such is limited to a reasonable time period associated with the duration of the related holiday and removed thereafter.

ILLUMINANCE

The amount of light falling on a surface, measured in footcandles (lumens per square foot).

LAMP

A light bulb or other component of a fixture that changes electricity into visible light.

LAMP TYPE

The category to which a lamp belongs by virtue of the process by which it produces light. The principal categories are incandescent, fluorescent, low-pressure sodium, high-intensity discharge (HID) (which includes high-pressure sodium, metal halide, and mercury vapor), and LED (light-emitting diode). The categories vary in terms of:

- Efficiency, as in the amount of light output (lumens) per watt consumed.
- Lamp life.
- The color of the light emitted (Correlated Color Temperature).
- The accuracy with which colors of an illuminated object are reproduced (Color Rendering Index).

LED (Light-Emitting Diode)

A semiconductor device that emits visible light when electrical current passes through it. As a result of its efficient nature, LED lights can produce more light using less energy.

LIGHT LEVEL

The illuminance as measured by a light meter or reported in photometric calculations. Light levels are indicated in footcandle measurements and may also be expressed as uniformity ratios, maximum or average to minimum.

LIGHT POLLUTION

Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, visual clutter, nuisance lighting, nonessential lighting, excessive or unnecessary lighting, or any artificial light that unnecessarily diminishes the ability to view the night sky or is disruptive to the natural environment.

LIGHT SOURCE

The light-emitting part or parts of a light fixture, consisting of the lamp or lamps and any transparent or translucent covering over the lamp, as well as any refractors, reflectors, prismatic lenses, mirrors, or diffusers which emit or transmit light.

LIGHT TRESPASS

Light projected onto an abutting property or into the public right-of-way from a light source on a different property.

LUMEN

The unit of measurement used to quantify the amount of light produced by a lamp or emitted from a fixture (as distinct from “watt,” which is a measurement of the electrical power). Measurements in lumens shall refer to “initial lamp lumens” (as opposed to “maintained lamp lumens”) as rated by the manufacturer when the lamp is new, as listed on the packaging.

LUMINAIRE

See Fixture.

MOUNTING HEIGHT

For freestanding lights, the vertical distance measured from the average elevation of the existing natural grade or average elevation of the approved grade (if cut/fill activities are proposed) to the lowest light-emitting part of the freestanding light. For building and structure mounted lights, the vertical distance measured from the area to be lit directly below the fixture to the lowest light-emitting point on the light fixture.

NONCONFORMING LIGHTING

Lighting which does not meet the requirements and specifications contained in this chapter.

NONESSENTIAL LIGHTING

Lighting that is unnecessary for pedestrian passage or other tasks (i.e., decorative and landscape lighting). This includes lighting intended for a specific task or purpose when said task or purpose is not being actively performed (e.g., parking lot illumination and wall mounted perimeter lights after business hours).

NONRESIDENTIAL LIGHTING

Any outdoor lighting intended for use on a lot with a business (except home occupation and agriculture), industrial, institutional use, or multifamily residential (or, if undeveloped, is zoned for such use).

NUISANCE LIGHTING

Any outdoor lighting that creates a potential hazard to the public or light trespass or glare to neighboring properties, thereby causing loss of enjoyment, comfort, or repose.

OUTDOOR LIGHTING

Lighting that provides illumination to a surface, building, structure, device, or other outdoor feature. Any fixture located indoors that is intended to illuminate something outdoors such as to call attention to the premises as viewed from the outdoors is considered outdoor lighting for the purposes of this Chapter.

PHOTOMETRIC(S) or PHOTOMETRY

A map plotting of light distribution and performance of a fixture, including but not limited to showing graphically and in tables candlepower distribution data, cutoff, or other light distribution classification, footcandle chart, etc. specific to the light fixtures existing or proposed for a site.

REPAIR

Any service normally provided to a light fixture or lighting installation, including replacement, modification, or relocation of any of the following: poles, mounting arms, wiring, housings, or any component within or attached to a light fixture. Replacement of a user-serviceable lamp (i.e., light bulb) shall not by itself be considered a repair.

RESIDENTIAL LIGHTING

Any outdoor lighting on a lot having a structure or structures whose principal use is agriculture and/or residential (or, if undeveloped, is zoned for such use), excluding multifamily residential.

SEARCHLIGHT

Lighting that is designed to project a high-intensity beam of light that is typically used to sweep the sky for promotional purposes.

SENSOR (MOTION)

A device that causes a light fixture to turn on or off in response to motion or light, infrared radiation, or a combination thereof.

SHIELD or SHIELDED

An opaque device that is attached to a light fixture to prevent light from being emitted in certain directions, including auxiliary "back" or "house-side" shielding added to an already fully shielded fixture to help limit trespass where a fixture is located near a property line.

SKYGLOW

The brightening of the night sky or the overhead glow from artificial light that is directed upward or from light reflected upward from the ground or off other surfaces. Skyglow is caused by the reflection of light off moisture and dust particles in the atmosphere, reducing the ability to view the natural night sky.

STREETLIGHTING

Permanent outdoor lighting that is owned and maintained by a municipality or other public utility and that is specifically intended to illuminate streets for automotive vehicles and may also incidentally light sidewalks and private property.

TEMPORARY LIGHTING

Lighting which is intended to be used for a specified purpose and for a limited time and is removed thereafter.

UNIFORMITY RATIO

A ratio that describes uniformity of illuminance across an area. The uniformity ratio may be a ratio of the maximum to minimum illuminance or the average to minimum illuminance.

UNSHIELDED

A fixture designed or installed so that it is not fully shielded, i.e., emits light above the lowest light-emitting part of the fixture.

WATT

The standard unit of measurement of electrical power. Incandescent lamps are typically specified in terms of watts; however, Watt is not a unit of measure for light output.

LIQUOR STORE

See Beverage and Liquor Stores

LOT

A piece, parcel or plot of land occupied or designed to be occupied by a principal building and its accessory building or buildings and including the yards and other open spaces required by this chapter.

LOT, CORNER

A lot fronting on two (2) or more intersecting streets.

LOT DEPTH

The horizontal distance from the street line of the lot to its opposite rear line, measured along the median between the two side lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

The lines that bound a lot as defined herein.

LOT OF RECORD

Any lot which has been established as such by plat, survey, record, or deed prior to the date of this enactment as shown on the records of the Dutchess County Clerk's office.

LOT, THROUGH

An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH

The distance between the side lot lines measured along the front building line as determined by the front yard requirement prescribed by this chapter.

MAKERSPACE

A collaborative indoor workspace for making, learning, exploring, and sharing with a hands-on focus and creation of technology, art and/or practical construction of objects, software, and media. Makerspaces may also provide facilities for do-it-yourself repairs of various types of devices, providing access to a variety of tools and equipment to facilitate same. Makerspaces help prepare a person with skills in the fields of science, technology, engineering, and math (STEM) by providing hands on learning, help with critical thinking skills, and the boosting of self-confidence. Some examples of the skills that are learned in a makerspace pertain to electronics, 3D printing, 3D modeling, coding, robotics, woodworking or similar.

MANUFACTURED HOME

A free-standing dwelling unit that is placed or assembled on-site from prefabricated components and attached to a foundation and is constructed in accordance with federal and state manufactured housing construction and safety standards and regulations in effect at the time of construction.

MEAN HIGH WATER LINE

Refers to the line on a streambank, pond or lake shore that denotes a long-trending high water mark. The line or high water mark is identified by the upper limit of bare soil, a change in vegetation, a line of deposited debris or a combination of such features.

MEDICAL CLINIC

A medical use licensed by the State of New York, providing same day primary medical care and treatment, and/or outpatient surgical procedures not requiring hospitalization, excluding drug and alcohol dependency treatment.

MEDICAL RADIOLOGY / DIAGNOSTICS LAB

A medical use, licensed by the State of New York, providing out-patient health and medical diagnostic services to the general public on a walk-in or licensed medical physician basis; may also be accessory to a pharmacy or medical clinic.

MEMBERSHIP ORGANIZATION

An association of persons forming a private membership corporation, registered under the Corporation Law of the State of New York as a not-for-profit organization, with bona fide dues-paying members, where the members of the facility financially control its assets and management. Premises of the organization are devoted principally for use by an organization's members and their guests for charitable, fraternal, recreational, social, or cultural purposes pursuant to a common interest or activity, not extended to the general public or for pecuniary gain.

MOBILE FOOD VENDOR

Any vehicle or conveyance-mounted unit, cart, trailer, kiosk or other similar apparatus, used to store, prepare, display or serve food and/or beverages, sited on public or private property for a limited duration. A mobile food vendor shall be mounted on wheels or other method of moveable design and must be readily moveable. If the operation is not immediately mobile, it shall be considered a "building" or "structure" and shall be required to comply with applicable regulations for such.

MOBILE HOME

A movable or portable unit without a permanent foundation designed and constructed to be towed on its own chassis, comprised of frame and wheels. The unit is designed to be connected to utilities and provide year-round living. A unit may contain parts that may be folded, collapsed, or telescoped when being towed and expanded later to provide additional interior cubic capacity. It may also consist of two or more separately portable components, designed to be joined into one integral unit capable of being again separated into the components for repeated portability.

MOBILE HOME PARK

Any lot on which two (2) or more mobile homes are located, regardless of whether or not a charge is made for such accommodation.

MOTOR VEHICLE

Automobiles, trucks, boats, motorcycles, cargo and other vehicle trailers, recreation vehicles, farm vehicles, or similar motorized vehicles (does not include motorized bicycles).

MOTOR VEHICLE, ELECTRIC

See Electric Vehicle (EV)

MOTOR VEHICLE BODY SHOP

A motor vehicle repair shop providing collision repair services, including body and frame straightening, replacement of damaged body and frame parts, and painting.

MOTOR VEHICLE REPAIR SHOP

A retail use providing services for the general repair and routine maintenance of motor vehicles, including the ancillary sale of motor vehicle replacement items and accessories such as tires, batteries, belts, windshield wipers, automotive accessories or similar, but excluding painting, chroming, fabrication, body work, and sale of used motor vehicles.

MOTOR VEHICLE SALES and RENTALS

A retail use for the sale and/or rental of new and/or used motor vehicles, including the incidental storage and/or display of such motor vehicles in an indoor showroom and/or a designated and approved outdoor area (not within driveways, travel lanes or minimum required yard areas) in conjunction with the sales or rental activities, excluding sale and rental of farm equipment and farm vehicles.

MUNICIPAL USES – TOWN OF NORTH EAST FACILITIES

Buildings, structures and land uses owned, leased or otherwise under the control of the Town of North East.

MUSEUM

A primarily indoor use operated as a repository and/or exhibit for a collection of literary, historical, natural or scientific curiosities or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, including the holding of meetings or seminars in the promotion and education of the exhibited items, as well as limited accessory sale of related materials contained in an area not exceeding 5% of the gross floor area of the principal building (specifically excluding the regular sale or distribution of the objects collected or exhibited). Associated temporary outdoor exhibit displays (not for purposes of promoting retail sales) may be accommodated, provided such does not conflict with driveways, parking areas, walkways, site landscaping and buffers, and are respective of applicable minimum yard areas.

NATURE PRESERVE

See Wildlife or Nature Preserve

NONCONFORMING BUILDING OR STRUCTURE

See Building or Structure, Nonconforming

NONCONFORMING LOT

A lot that lawfully existed prior to and at the time of the adoption or amendment of this chapter, which because of its inherent configuration or land conditions does not conform with the provisions of this chapter or amendment for the district in which such lot is located.

NONCONFORMING USE

A use or activity that was lawful prior to the adoption or amendment of this chapter but that fails by reason of such adoption or amendment to conform to the present requirements of this chapter.

NURSERY SCHOOL

A school designed to provide daytime care or instruction for two or more children from two to five years of age, inclusive, and operated on a regular basis.

NURSING OR CONVALESCENT HOME

Any establishment where persons are housed or lodged and furnished with meals and nursing care for hire.

OCCUPANCY

The utilization of a building, structure, or land.

OCCUPANCY, SEASONAL

Occupancy for a period not exceeding four (4) months during anyone (1) calendar year.

OFFICE

A room or group of rooms in a building in which the affairs of a business, professional, service industry or a public institution are conducted, typically furnished with desks, tables, chairs, files, computers, telephones, and other related equipment.

OFFICE BUILDING

A building consisting of one (1) or more offices.

OFFICE, BUSINESS/PROFESSIONAL

An office located entirely within an enclosed building or portion thereof utilized for the day-to-day transactions of the business, as well as executive/management, organizational, administrative and/or clerical functions of an agency, licensed professional, business, or organization, including Internet or phone sales offices.

OFFICE, MEDICAL and/or DENTAL

An office for New York State licensed physicians, dentists or other licensed medical practitioners for the examination and treatment of persons solely on an out-patient basis, including urgent care facilities.

OFFICE, TRADESMAN (and WORKSHOP)

The office and/or workshop of an electrician, plumber, painter, carpenter, general building contractor, heating/ventilating/air-conditioning contractors, refrigeration contractors, roofing contractors, and other such construction occupations, including ancillary display showroom contained in an area not exceeding 5% of the gross floor area of the principal building, indoor and outdoor vehicle parking, and storage of materials, equipment and supplies within a building. The definition of "tradesman office and workshop" does not include vehicle fueling facilities; storage yards; waste/refuse haulers; or haulers of chemical, flammable or hazardous materials.

OFFICIAL MAP, TOWN

A map adopted by the Town Board pursuant to the provisions of § 270 of the Town Law and which may be, or may have been, revised according to the provisions of § 273 of the Town Law, which shows streets, highways and parks theretofore laid out, adopted, and established by law and which may show drainage systems.

OPEN SPACE

An unoccupied space, open to the sky, required by the terms of this chapter.

OUTDOOR DINING

An approved open or covered but otherwise contained and protected outdoor area with tables and seating for the consumption of food and beverages in conjunction with and accessory to a principal permitted restaurant use, operated, and located on the same lot and which functions in coordination with the interior of the principal restaurant use.

OUTDOOR PLAY EQUIPMENT and ACCESSORY SHEDS

A retail use providing for the outdoor and/or indoor display and retail sale of accessory outdoor amenities such as playground equipment, sheds, pavilions, pergolas, awnings, chicken coops, outdoor kitchen components, trampolines, basketball hoops, and outdoor fire features, including the offering of incidental off premises installation services.

OUTDOOR RECREATION

A commercial use providing outdoor facilities for recreational activities for a fee, with or without membership, excluding any motorized vehicle activities or shooting activities.

PARKING SPACE

See § 180-50

PASSIVE OUTDOOR RECREATION

An outdoor use providing recreational activities which result in minor environmentally intrusive use of land such as picnicking, walking, biking, horse, and hiking trails, cross-country skiing, natural pond or lake swimming, fishing, ice skating and non-motorized boating, bird and nature observation, educational study and exploration activities, or similar social and leisure activities, which may or may not be provided for a fee.

PERMIT HOLDER

The person to whom a building permit has been issued.

PERSON

An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

PERSONAL SERVICE BUSINESS

A commercial use primarily engaged in the rendering of specialized retail services within a building involving nonmedical care and individual needs of a person or their apparel, including hair and/or nail salons, tailor, shoe repair, or similar, as well as the incidental retail sale of related products, goods, and merchandise.

PET GROOMING BUSINESS

A retail use providing non-medical personal care services to domesticated pets, not including boarding.

PHARMACY

A retail use primarily engaged in the dispensing and selling of medicinal physician prescribed drugs, as well as the sale of over-the-counter non-prescribed medicines and medical devices, including ancillary sale of other non-medical products and merchandise.

PORCH, OPEN

A structure with a roof but unenclosed by walls or permanent or detachable glass windows (not including wire screening) on one or more sides. A structure such as a porte-cochere having a driveway running to it, under it or through it, shall not be considered an "open porch."

PRINCIPAL BUILDING

See Building, Principal

PROCESSING (of Earth Materials)

Operations used to prepare, transform, mix or otherwise change the qualities or size of earth materials from a raw-natural state into other earth materials based finished products.

PUBLIC PARK

A public recreation center or area and other public areas created, established, designated, maintained, provided, or set aside, by a public entity, for the purposes of public rest, play, active or passive recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein.

PUBLIC UTILITY FACILITY and/or SUBSTATION

A facility, substation or other installation owned or operated by a public utility company consisting of any person, firm, corporation or governmental agency duly authorized to furnish to the public, under governmental regulation, electricity, gas, water, sewage disposal and treatment, steam, cable or communication service. This definition shall not bestow any special status or standing not already provided by State or Federal law.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING

A lot or land or part thereof used for the purpose of removing overburden to extract minerals, clay, stone, sand, gravel, other naturally occurring aggregate deposits or topsoil for sale, which shall be considered as an industrial commercial operation, excluding incidental land preparation excavation and/or filling activities pursuant to an otherwise approved subdivision, site plan, special permit and/or building permit.

RECREATION, INDOOR

See Indoor Recreation

RECREATION, OUTDOOR

See Outdoor Recreation

RECREATION, PASSIVE OUTDOOR

See Passive Outdoor Recreation

RECREATIONAL VEHICLE (RV)

A vehicle built on a chassis, with or without motive power, designed for human occupancy as a self-contained, living quarters for temporary recreational, seasonal, or emergency purposes.

RESTAURANT

A use engaged in the sale of food and beverages, primarily consisting of on-site prepared meals and beverages, ordered from individual menus, served by waiters/waitresses in a ready-to-consume state, and where customers consume the food and beverages while seated at tables or counters located within the building or approved outdoor dining areas. Such establishments may offer take-out, delivery, and catering services, which if provided, are ancillary to the overall establishment business.

RESTAURANT, TAKE-OUT

A commercial use where food and beverages are quickly prepared and sold at retail primarily to patrons at a counter, take-out window, or drive-through window within an enclosed building for primarily off-premises consumption, and where the establishment includes no more than twelve (12) patron seats (total indoors and outdoors).

RETAIL BAKERY / SPECIALTY FOODS

A retail food use that primarily produces and sells a specific type of food type or category (e.g., baked cakes, cookies, bread; fresh fish; produce; cheese; etc.), which may include an accessory wholesale component.

RIDING ACADEMY

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

ROADSIDE FARM STAND

A structure or vehicle, whose principal use is the seasonal display and sale of agricultural products grown on the premises and which uses its proximity to a roadway to attract potential customers.

SANITARIUM or SANATORIUM

A private hospital, whether or not such a facility is operated for profit.

SCHOOL

An institution for the teaching of children and adults (K-12), including public and private preschool, nursery, elementary, secondary (middle schools), high school, and vocational and trade schools, providing full time instruction with an educational curriculum which meets, operates, and is accredited under the requirements of the laws of the State of New York.

SCHOOL, PRESCHOOL/NURSERY

A school that is primarily educational in nature, meeting the needs of children generally between the ages of two (2) and five (5).

SCHOOL, PRIVATE

A school operated by a private entity, which may include structures used for administration, student housing, faculty housing, dining, and social and athletic activities, as well as accessory needs. Does not include a college or university of higher learning.

SCHOOL, VOCATIONAL/TRADE

A school having regular sessions with regularly employed instructors who, as a principal activity, provide training in a trade or vocation, and teach those subjects that are fundamental and essential to such trade or vocation meeting the requirements for a vocational/trade school education as defined by the State of New York.

SEWER, PUBLIC

A sewer connected to a municipal sanitary sewer system, or a sanitary sewer connected to a nonmunicipal sanitary sewer system, the construction plans, and the plans for the operation of which shall be approved by the Dutchess County Department of Health. Any facility which provides for the disposal of sanitary sewage on a lot occupied by a principal building other than a sewage disposal plant, shall not be deemed a public sanitary sewer system.

SHOOTING RANGE

An indoor and/or outdoor facility or area designed for the practice, training, or competition of shooting firearms, archery equipment, or other weapons. Shooting ranges are also known as firing ranges, gun ranges, or shooting grounds, including but not limited to sport shooting, target shooting, trapshooting, skeet shooting or similar.

SIGN

Any surface or devices containing a display of lettering, words, images, logos, insignia, trademarks, emblems, symbols, or similar graphic illustrations for the purpose of conveying or bringing the subject thereof to the attention of the public through the communication of such visual message (announcement, statement, instruction, direction, advertisement).

BILLBOARD SIGN (Off-Premises Sign)

A sign other than a temporary sign as may be permitted by §180-55F of this chapter that identifies or communicates a commercial or non-commercial message related to a person, place, thing, entity, activity, event, entertainment, attraction, business, service, or commodity conducted, provided, or sold at a location other than where the sign is located.

BUILDING SIGN

A sign attached to the wall of a building or structure, including a sign painted directly on the principal façade, a sign mounted parallel to the principal façade, a sign mounted and projecting perpendicular to the principal facade, or a sign mounted and hanging from a porch or other soffit relating to the principal facade. Building signs include the following types:

CANOPY, AWNING or MARQUEE SIGN

A sign that is an integral part of or attached to a roof-like structure, canopy, awning and consisting of fabric, plastic, or other constructed materials forming a structural protective cover typically over a door, entrance, window, outdoor service area (such as gas station pump canopies), or simply attached and protruding outward from a building.

HANGING SIGN

A sign attached to a building or structure suspended from an architectural feature such as the underside of a soffit, roof overhang or porch ceiling, and which provides adequate clearance below for the location where mounted (at least a clearance of seven (7) feet in locations associated with pedestrians).

PAINTED SIGN

A sign painted directly on the wall of a building, including a sign painted or etched on a glass window surface other than for an incidental purpose.

PROJECTING SIGN

A sign attached perpendicular to a wall of a building or structure with a gap distance between the wall and the sign being no greater than six (6) inches beyond the surface to which it is affixed.

WALL SIGN

A sign (including individually mounted letters) with its rear face mounted flush directly on a building wall and no part or component of the sign shall extend greater than six (6) inches outward.

CONSTRUCTION SIGN

A temporary sign erected on the premises on which construction or substantial repair services are taking place, restricted solely to the period of such activity.

FLAG SIGN

Any fabric, banner or bunting containing distinctive colors, patterns, or symbols (such does not include the flag or insignia of any nation or of any governmental agency).

FREESTANDING SIGN

A sign anchored directly to the ground or above ground base, or supported by one or more posts, poles, columns, or other vertical structures or supports, and not attached to or dependent for support from any building or other structure. Freestanding signs include the following types:

MONUMENT SIGN

A freestanding sign supported by and extending from a base structure of generally the same width placed on and anchored into the ground, independent from any building or other structure. If mounting poles, columns, or other such posts are included extending from the base, the separation distance between the bottom of the sign board and the top of the base, or between any side of the sign board and any poles, columns, or posts, shall not exceed eight (8") inches.

POLE or POST SIGN

A freestanding sign with a height greater than three (3) feet supported by one (1) or more vertical poles, posts, columns, or similar support structure anchored onto or into the ground.

INCIDENTAL SIGN

A sign, within a property and not necessarily visible from any public street, used to provide public safety and internal circulation directions or regulatory guidance, including window signs. The following are examples of incidental signs:

DIRECTIONAL SIGN

An incidental sign that solely provides directions for public safety purposes directing internal pedestrian and vehicular movement within a property such as site internal traffic signs, vehicular circulation signs, and pedestrian crossing signs located on the premises.

FUEL PUMP PRICING SIGN

An incidental sign required by federal/state law or regulations specific to a commercial gasoline fuel pump dispenser.

REGULATORY SIGN

An incidental sign required by federal/ state or local law, ordinance, or regulations.

TRAFFIC CONTROL SIGN

An incidental sign consisting of an official governmental required sign indicating or directing the required conduct of vehicular and pedestrian traffic movements along streets and at intersections of streets and/or streets and private driveways.

WINDOW SIGN

An incidental sign fastened, etched, attached, or otherwise mounted to or hanging within view from the exterior of a building or structure and intended to be read from the exterior of a building or structure. Graphics in connection with customary window display of products are not considered a Window Sign.

PROHIBITED SIGN

Any sign not specifically permitted by this chapter, including and in addition to those signs specifically listed and defined as prohibited in §180-55D of this chapter.

ROOF SIGN

A sign attached to, resting on, or extending over any portion of a roof of a building or structure.

SIGN AREA

The gross area of a sign measured according to the standards in this chapter.

SIGN COPY

The combination of lettering, words, images, logos, insignia, trademarks, emblems, symbols, or similar graphic illustrations on the sign area.

SIGN PERMIT

Administrative approval for the installation of a sign as permitted by this chapter.

TEMPORARY SIGN

A nonpermanent sign that is permitted for display for a limited specified period of time (rather than permanently attached to the ground or a structure) as set forth and permitted in §180-55F(2) of this chapter. A temporary sign is of simple construction and mounting without permanent grounding or support and which can be generally installed and removed by hand.

SOLAR ENERGY SYSTEM

Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar energy systems include solar thermal and photovoltaic applications. For the purposes of this section, a solar energy system does not include any system with a solar collector of four (4) square feet or less in surface area.

BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM

A solar energy system that consists of integrating photovoltaic modules into the building envelope system, such as vertical facades including glass and other materials, semitransparent skylight systems, roofing materials, and shading over windows.

COLLECTIVE SOLAR INSTALLATION

A solar energy system owned collectively through subdivision homeowners' associations, condominium associations, a group of individual property owners or other similar collective arrangements.

FLUSH-MOUNTED SOLAR PANEL

A photovoltaic panel or tile that is installed flush to the surface of a roof and which cannot be angled or raised.

FREESTANDING or GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system whose support structure is directly installed on or into the ground and is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered freestanding or ground-mounted solar energy systems for purposes of this chapter.

HISTORIC DISTRICT

A group of buildings, properties, or sites that have been designated by the United States of America, New York State, the Town of North East or the Village of Millerton as historically or architecturally significant.

NET METERING

A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the public utility grid so that they only pay for their net electricity usage at the end of the month or year.

PERMIT GRANTING AUTHORITY

The Town's Code Enforcement Officer (as described in § 180-83 of this chapter), who is charged with granting permits for the operation of solar energy systems.

PHOTOVOLTAIC (PV) SYSTEM

A solar energy system that produces electricity by the use of semiconductor devices, called "photovoltaic cells," that generate electricity whenever light strikes them.

QUALIFIED SOLAR INSTALLER

A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority ("NYSERDA"), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners ("NABCEP"), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town's permit granting authority or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

ROOFTOP OR BUILDING-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system in which solar panels are mounted on top of the structure of a roof of any legally permitted building either as flush-mounted solar panels or as panels fixed to frames which can be tilted toward the south at an optimal angle.

SOLAR ACCESS

Space open to the sun and clear of overhangs or shade, including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR CARPORT

A solar photovoltaic cell, panel or array, together with any related equipment as defined in "solar energy system," located over an existing or proposed parking facility.

SOLAR COLLECTOR

A solar photovoltaic cell, panel or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR ENERGY SYSTEM BUILDING PERMIT

A building permit in a form as approved by the Town Board for the construction of a solar energy system.

SOLAR ENERGY SYSTEM SETBACK

The required minimum distance from a front lot line, side lot line or rear lot line of a parcel within which a freestanding or ground-mounted solar energy system is installed.

SOLAR FARM

An energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sales of electricity. It may also be referred to as a "solar power plant."

SOLAR MODULE SURFACE AREA

The aggregate square footage of all solar panels which are part of a solar energy system installation, based upon the outer dimension length times width of each of the modules.

SOLAR PANEL

A photovoltaic device capable of collecting and directly converting solar energy into electricity. It may also be referred to as a "solar module."

SOLAR STORAGE BATTERY

A device that stores energy from the sun and makes it available in an electrical form.

SOLAR THERMAL SYSTEM

A solar energy system that directly heats water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water or heating pool water.

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS)

Any device, structure or assembly which converts the energy of the flow of wind into electrical power, including any machinery, tower, support hardware and/or enclosures providing mounting or shelter to any portion of said system.

STOP-WORK ORDER

An order issued pursuant to § 180-87 of this chapter.

STORAGE of ALCOHOL, GASOLINE, CRUDE OIL, LIQUIFIED PETROLEUM GAS or OTHER HIGHLY FLAMMABLE SUBSTANCE

The bulk storage of alcohol, gasolines, crude oil, diesel fuel, liquefied petroleum gas or other highly flammable substances, within either in-ground or aboveground storage containers, excluding gasoline associated with a Gas Station/Gas Station with Convenience.

STORAGE of DYES, SOLVENTS or OTHER CHEMICALS

The accessory temporary storage of dyes, solvents or other chemicals in fluid or other forms, either in-ground or aboveground storage containers, and incidental to a principal permitted use.

STORAGE, OPEN

Land used for the keeping of goods, wares or supplies on land outside of any building or structure. This, however, shall not be construed as including the activities of junkyards as defined here.

STORY

That part of a building included between any floor, other than a cellar floor, and the floor or roof next above.

STREET

Any public way dedicated to public travel, greater than twenty (20) feet in width, and any street shown on a recorded Subdivision Plat approved by the Planning Board.

STREET LINE

The right-of-way line of a street as indicated by dedication or by deed or record.

STRUCTURE

Anything placed, built, constructed, assembled, installed, or erected with a fixed location on or below the ground, in whole or in part, or attached to something having such location, including but not limited to buildings, decks, porches, covered patios, towers, antennas, solar panels, wind turbines, swimming pools, poles, fences, signs, storage tanks, but excluding walkways, uncovered patios elevated no more than thirty (30) inches from the surrounding ground surface, at-grade parking areas, driveways, streets and roads.

STRUCTURE, ALTERATION OF

Any addition to a structure, a change or rearrangement in the structural parts, any change in use from one district classification to another, or removal of a structure from one location to another.

SWIMMING POOL

Any body of water (excluding natural bodies of water fed by rivers, streams, brooks, or springs) or receptacle for water having a depth at any point greater than two feet and used or intended to be used for swimming or bathing, and constructed, installed, or maintained in or on the ground outside any building.

TAKE-OUT RESTAURANT

See Restaurant, Take-Out

TAVERN

See Bar or Tavern

TELECOMMUNICATIONS and PERSONAL WIRELESS**ANTENNA**

A device which is attached to a tower or other structure for transmitting or receiving radio or electromagnetic waves.

AVAILABLE SPACE

The space on a tower or structure to which antennas are both structurally and electromagnetically able to be attached.

BASE STATION

The primary sending and receiving site of a wireless telecommunications or other communications network. More than one base station and/or more than one variety of communication service provider can be located at the same facility site.

CHANNEL

The segment of the radiation spectrum from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

COMMUNICATIONS FACILITY

A tower, antenna and any accessory structures or equipment designed, used, or intended to be used for transmission or receiving of electromagnetic or radio communications signals as part of a commercial activity.

ERP

Effective radiated power.

FACILITY SITE

A property or any part thereof which is owned or leased by one or more personal wireless or other communications service providers and upon which one or more personal wireless or other communications service facility(ies) and required landscaping are located.

FCC

Federal Communications Commission; the government agency responsible for regulating telecommunications in the United States.

FCC OET BULLETIN 65

FCC OET Bulletin 65, Edition 97-01, August 1997, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio frequency Electromagnetic Fields" as the same may be amended or superseded.

FCC RF EXPOSURE GUIDELINES

The policies, guidelines, requirements and limits with regard to human exposure to radio frequency (RF) fields adopted by the FCC, as the same may be amended or superseded.

GRADE OF SERVICE

A measure of the percentage of calls which are able to connect to the base station during the busiest hour of the day. Grade of service is expressed as a number, such as p.05, which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better grade of service.

MONOPOLE

A single self-supporting vertical pole with no guy wires.

PERSONAL WIRELESS SERVICE FACILITY (PWSF)

All equipment (including any repeaters) with which a personal wireless service provider broadcasts and receives the radio-frequency waves which carry its services, and all locations of said equipment or any part thereof. A PWSF may be sited on a tower or structure owned and permitted by another owner or entity.

PERSONAL WIRELESS SERVICE PROVIDER

An entity licensed by the FCC to provide personal wireless services.

PERSONAL WIRELESS SERVICES

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include cellular services, personal communications services (PCS), specialized mobile radio services and paging services.

RADIATION PROPAGATION STUDIES OR RADIAL PLOTS

Computer-generated estimates of the radiation emanating from antennas or repeaters sited on a specific tower or structure. The height above ground, and above mean sea level, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all considered to create these simulations. They are the primary tool for determining whether a site will provide adequate coverage for the personal wireless service facility proposed for that site.

REPEATER

A small receiver/relay transmitter of not more than 20 watts output designed to extend service to areas which are not able to receive adequate coverage directly from a base station, using the same channels as the base station.

RF

Radio frequency.

RF EMISSIONS CERTIFICATION

Written certification, by a professional engineer licensed to practice in the State of New York and specializing in electrical engineering with an expertise in radio communications transmitters and facilities, that:

- The proposed facility, operation or device will not exceed the FCC RF Exposure Guidelines (See definition of "FCC RF Exposure Guidelines in this section).
- The proposed facility, operation or device is categorically excluded from routine evaluation for RF exposure by FCC rules, guidelines, and procedures and by the procedures set forth in FCC OET Bulletin 65.
- If the proposed facility is not categorically excluded from evaluation for RF exposure, the environmental evaluations have been performed, as may be required by the FCC rules, guidelines, and procedures and by FCC OET Bulletin 65, and that, if required, compliance with FCC RF Exposure Guidelines has been demonstrated to the FCC.
- If the proposed facility is to be located at a site where there are existing or multiple RF emitters (whether due to collocation on a single tower or structure or due to the existence of additional towers on the site at which the facility is to be located), the procedures for evaluating the RF environment of the site and for ensuring compliance with FCC RF Exposure Guidelines as set forth in the FCC rules, regulations and procedures and FCC OET Bulletin 65 have been followed and, if required, compliance has been demonstrated to the FCC.

STRUCTURALLY ABLE

The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) and other associated equipment and components under all reasonably predictable conditions as determined by professional structural engineering analysis.

TOWER

A lattice structure or framework, or monopole, that is designed to support personal wireless service or other communications transmission, receiving and/or relaying antennas and/or equipment.

TOBACCO SPECIALTY BUSINESS

See Vape Store and any Tobacco Specialty Business

TOWN

The Town of North East.

TRAILER, BOAT

A vehicle designed exclusively for the transportation of one boat of less than ten-foot beam and twenty-four-foot length.

TRAILER, CAMP OR TRAVEL

A vehicle or portable structure not over 400 square feet in floor area, equipped but not regularly used for sleeping, but which may not have sanitary facilities.

TRAILER, CARGO

A vehicle, not over 70 square feet in floor area, used for the hauling of cargo.

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code currently in effect and hereafter as amended from time to time.

URGENT CARE FACILITY

A medical use, licensed by the State of New York, focused on the provision of urgent ambulatory care not otherwise needing treatment at a traditional emergency department located within a hospital, providing immediate outpatient medical care and treatment primarily on a walk-in basis.

USE

The specific purpose for which land or a building is designed, arranged, or intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any prohibited or nonconforming use.

USE, ACCESSORY

A use which is customarily incidental to and subordinate to the principal use of a premises, building or structure and located on the same premises as the principal use, building or structure.

USE, NONCONFORMING

An established use of a building or structure, or use of land lawfully existing prior to and at the time of the adoption or amendment of this chapter, that does not conform to the present permitted use provisions of this chapter as they apply to the district in which the building, structure, or land is located.

VAPE STORE and any TOBACCO SPECIALTY BUSINESS

A commercial use specializing in and selling electronic cigarette products, cigars, cigarettes or other smoking related devices and items, and/or which provides a location for individual or group on-premises smoking or vaping consumption.

VETERINARY OFFICE / HOSPITAL

A medical use in which facilities are provided for the prevention, cure and alleviation of disease and/or injury to animals, and the care of animals and birds, and in conjunction with which there may be facilities provided for the sheltering of animals during treatment but not otherwise including the boarding of animals.

WAREHOUSING, SELF-STORAGE

A building designed and constructed with internal individual rooms, compartments or units, which may be of various sizes within a larger facility, leased or rented on an individual basis for varying periods of duration (e.g., monthly, annually or similar) for the storing of personal property.

WAREHOUSING, COMMERCIAL STORAGE BUILDINGS

A building, or a portion thereof, used for the temporary housing and storage of raw goods or materials, works in progress, finished product, wares, food and non-food and beverage products, equipment, parts and supplies before their use, export or distribution off-premises, including climate-controlled facilities, but excluding self-storage warehousing and the bulk storage of materials that are inflammable, explosive or that present hazardous conditions. This definition shall not be deemed to include storage as an accessory use in connection with a permitted principal use on the same property.

WHOLESALE DISTRIBUTION BUSINESS

A commercial use engaged in selling and distributing merchandise to retailers and other businesses, other wholesalers, or persons acting as agents or brokers, and/or engaged in buying and selling merchandise to such parties as a broker. Establishments that sell products to the general public, whether in part or in whole, are considered "retail stores" not "wholesale stores."

WILDLIFE or NATURE PRESERVE

A parcel of land maintained for the conservation, propagation, protection, safeguarding and/or preservation of fauna, flora, and physical features of geological or other special natural resource interest or importance, excluding a zoo.

YARD, REQUIRED

An unoccupied space, open to the sky, on a lot for a prescribed depth to a setback line as required by this chapter from the front, side and rear property lines in which there shall be no structures or other constructed features, except as may be permitted in this chapter.

YARD, REQUIRED FRONT

An open, unoccupied space extending across the entire width of the lot between the front yard setback line as required by this chapter and all property lines fronting on a street.

YARD, REQUIRED REAR

An open, unoccupied space extending across the entire width of the lot between the rear setback line as required by this chapter and the rear property line.

YARD, SIDE

An open, unoccupied space extending across the entire width of the lot between the side setback line as required by this chapter and all side property lines.

ZONING MAP

The official "Zoning Map" as adopted and amended from time to time by the North East Town Board showing a geographic illustration of the boundaries of the Zoning Districts as established and regulated by this chapter.

3. – REPEAL EXISTING § 180-6 and REPLACE with the following:

§ 180-6 Establishment of Districts.

For the purpose of this chapter, the Town of North East is hereby divided into the following classes of districts:

Agricultural	A5A
Very Low Density Residential	R3A
Low Density Residential	R1A
Medium Density Residential	R20,000
Land Conservation	LC
Light Industrial	M-A
Irondale Business District	IB
Boulevard Districts	
Boulevard District West	BD-West (North and South)
Boulevard District East	BD-East
Boulevard District 4	BD-4

4. – REPEAL EXISTING § 180-9 and REPLACE with the following:

§ 180-9 Zoning Districts: Locations and Purposes.

- A. Agricultural (A5A) District.

{Reserved for a future amendment}

- B. Very Low Density Residential (R3A) District.

{Reserved for a future amendment}

- C. Low Density Residential (R1A) District.

{Reserved for a future amendment}

- D. Medium Density Residential (R20,000) District.

{Reserved for a future amendment}

- E. Land Conservation (LC) District. The location of the Land Conservation (LC) District is found in multiple areas within the Town. The LC District includes critical wildlife habitats, sensitive ecosystems, parklands, lands consisting of important natural resources, and other open space resources of limited development potential, including limitations due to high groundwater, soil erosion, floodplains, freshwater wetlands, and waterbodies, among other possible constraints. The LC District is intended to limit the construction of buildings and paved surfaces in these sensitive natural areas. Permitted uses are intended to be of low impact with minimal alteration of the ground and vegetative cover. Resource preservation and protection are the primary focus, while allowing some levels of passive and non-intrusive active recreation uses.

- F. Light Industrial (M-A) District. The Light Industrial (M-A) District is located at the northeastern intersection of Routes 22 and 199 southwest of the Village of Millerton. The M-A District is specific to a single lot consisting of a light manufacturing and wholesale facility and is intended to allow for the continuation and expansion of such in an orderly and complementary manner, respective of the surrounding open and rural landscape. Permitted uses are intended to maintain and continue ongoing light industrial operations (business offices, clean manufacturing, wholesale warehousing and distribution). Potential expansion of additional areas to M-A District must be respectful and compatible with adjacent uses and discouraging locations where such would result in impacts to important viewsheds or possible loss of important/prime agricultural soils.

- G. Irondale Business (IB) District. The Irondale Business (IB) District is located along Route 22 north of the Village of Millerton. The IB District is intended to allow a range of non-pedestrian-oriented commercial uses that are not duplicative of traditional retail, professional office or personal service uses of the Village or BD-West. Permitted uses are intended to be a mix of wholesale, business to business, retail, auto services (repair and body shops), small manufacturers and very light industrial businesses, generally on smaller lots. The IB District is intended to promote a scale and quality of new development architecturally compatible with the rural and historic character of the community using traditional building forms and materials, suitably designed landscaping, functional vehicular access and parking controls, and appropriate signage and lighting.

H. Boulevard Districts.

The Boulevard Districts are located along U.S. Route 44, between the boundary of the Village of Millerton and the New York-Connecticut State Line. These Districts define a primarily commercial use area that is a highway-oriented extension of the business center of the community that has a greater openness as to the nature of its space and available views to the rural landscape that surrounds it. The Boulevard Districts are mainly divided into two primary sub-districts – Boulevard District West with North and South subsections (BD-West-North and BD-West-South) and Boulevard District East (BD-East). These districts are divided by the crossing of Kelsey Brook. The Boulevard Districts also include a small area zoned Boulevard District 4 (BD-4), which consists of a landlocked parcel located on the south side of Kelsey Brook abutting BD West-South.

Within the Boulevard Districts, permitted residential uses are intended to provide needed affordable rental housing in a mixed-use setting to incentivize development potential of existing and new commercial facilities. In the BD-West, such housing is envisioned as apartments above commercial uses. The same is envisioned in the BD-East, as well as standalone multi-family and hospitality uses. Access to public water and sewer services are important utilities to support future mixed-use development in the Boulevard Districts.

Within the Boulevard Districts, development is intended to be permitted in a way that appropriately responds to the existing natural constraints of the underlying land; to enhance overall quality of the area with an attractive streetscape; and to promote architectural design compatible with the historic character of the community. Curb cuts are to be minimized by encouraging vehicular linkages between establishments. Use of low-profile monument signs, “dark sky” outdoor nighttime lighting and unifying landscaping shall be required site design elements. Sidewalk connectivity is intended throughout the Boulevard Districts.

- (1) Boulevard District West-North (BD-West-North) and West-South (BD-West-South). Boulevard District West (BD-West-North and BD-West-South) is intended to be complementary to the adjoining area of the Village; by providing easy multi-modal access (continuous pedestrian sidewalk, bicycle and automotive traffic flow); by providing for business and service uses that primarily serve the basic needs of the community, which generate higher numbers of daily trips and can shorten distance traveled by community residents in their everyday needs; and by providing for a mix of medium to larger-sized retail and service uses, that by their size or nature of use would not fit well within the Village’s downtown business district. Buildings are desired to be closer to the street than historically developed on the southerly side of Route 44, with on-site parking placed to the rear of buildings.
- (2) Boulevard District East (BD-East). Boulevard District-East (BD-East) is intended to be a more distant portion of the extended business center of the community; by maintaining a more rural setting with larger use setbacks from the highway compared to the BD-West; by serving as a lower density transition zone to the adjoining rural-residential lands surrounding BD-East and in Connecticut; and by providing for commercial uses which generate a lesser amount of daily trips, that are typically accessed by vehicular traffic and may require more open space, such as for outdoor displays of larger merchandise items.
- (3) Boulevard District 4 (BD-4). Boulevard District 4 (BD-4) is intended to serve in an ancillary supportive capacity to the permitted use upon an abutting property located within a BD-West District.

5. – REPLACE EXISTING § 180-11 and REPLACE with the following:

§ 180-11 General regulations.

In applying the regulations below, refer to Attachment 3R – Residential Districts – Schedule of Lot Area and Bulk Standards and Attachment 3NR – Non-Residential Districts – Schedule of Lot Area and Bulk Standards for the applicable district lot bulk standards.

- A. Building and structure height. No building or structure shall hereafter be erected or altered to exceed the maximum permitted height for the district in which it is located, except for certain features as set forth in Subsection F herein.
- B. Required Yards.
- (1) No building or structure shall be hereinafter erected, nor shall any existing building or structure be altered, enlarged or moved, nor shall any lot, yard, lot width, open space, loading or parking space required in relation to any building or structure or use be encroached upon or reduced in any manner, not in conformity with the lot area, lot area per dwelling unit or establishment, lot coverage, open space and building bulk regulations, yard requirements and other space and area regulations designated herein, for the district in which it is located, except for certain features as set forth in Subsection G herein.
 - (2) All required front yard setbacks shall be measured from all lot property lines fronting on a street.
 - (3) For lots in a Boulevard District, the required front yard setbacks shall also be measured from the abutting State Highway centerline. The greater distance shall determine the controlling location of the front yard setback line.
 - (4) All required side and rear yard setbacks shall be measured from all side and rear property lines, respectively.
- C. Yard as related to a use, building or structure. No part of a yard or other open space required appurtenant to any building, structure or use shall be included as a part of a yard or other open space required for any other building, structure or use on any other lot.
- D. Use of yards. Yards, as required herein, shall not be used for the storage of merchandise, equipment, building materials, junk, vehicles, vehicle parts or any other material or for signs, unless specifically allowed by the chapter.
- E. Lots bordering major streams. No building permit shall be issued for the construction of any principal or accessory use or structure in any district within seventy-five (75) feet of the mean high water line of the main-stream and within forty (40) feet of the mean high water line of tributary branches of any streams in the Town of North East, unless specifically permitted by the Planning Board. Main streams in North East include the following watercourses:
- Webatuck Creek
 - Wassaic Brook
 - Kelsey Brook
 - Shekomeko Creek

F. Height Exceptions. The maximum height limits for principal and accessory buildings and structures required by this chapter may be exceeded for the following certain features subject to the limitations provided herein:

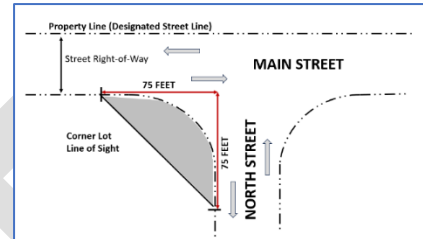
- (1) Architectural spires, domes, belfries, chimneys, cupolas, skylights, parapets or railings, elevators, stair bulkheads, air-conditioning units, ventilation units or similar necessary mechanical appurtenances not used for human occupancy, provided they do not cover an area larger than one hundred (100) square feet individually and in their aggregate occupy no larger than ten (10%) of the total roof area of the building or structure upon which they located. Such features shall be erected to the minimum height necessary to accomplish the purpose for which they are intended but shall not exceed an additional twelve (12) feet above the maximum permitted height otherwise required by this chapter and shall be designed with an appearance and construction integral to that of the building or structure. No such feature shall be used as a place for habitation or for signage.
- (2) Telecommunication facilities approved in accordance with this chapter.

G. Yard Exceptions.

- (1) Exceptions in any yard. The following features may extend into a required front, side, or rear yard setback area subject to the limitations provided herein:
 - (a) Driveways, including connector cross access with abutting properties via an easement.
 - (b) Sidewalks and walkways.
 - (c) Water supply well not exceeding a height of thirty-six (36") inches above grade, catch basins, field drains, manholes, utility lines, and buried irrigation lines and heads.
 - (d) Accessory parking on a driveway serving a principal detached single-family dwelling.
 - (e) Architectural features such as chimneys, cornices, eaves, cantilevered roofs, belt courses, sills, canopies/awnings, or similar architectural features may extend or project not more than three (3) feet into a required yard provided such architectural features shall not occupy or cover more than twenty-five (25%) percent of the wall area of the structure from which they project.
 - (f) Fences, gates, walls, and landscaping.
 - [1] Fences and gates not exceeding six (6) feet in height measured from the adjacent ground level to the top of such fence or gate. Driveway gates shall be sufficiently setback to permit vehicles, including service and delivery trucks, to pull entirely off the road prior to passing through said gate.
 - [2] Walls not exceeding three (3) feet in height measured from the adjacent ground level to the top of such wall.
 - [3] No fence, gate, wall, or landscaping shall be erected or placed on a lot resulting in the obstruction of a clear line of sight for traffic entering and exiting the lot or traveling on an abutting street.
 - [4] The finished quality on the side of all fences, gates and walls shall face outward from the premises towards the adjacent street or neighboring property.

[5] Fences, gates, and walls shall be situated sufficiently setback from all property lines to permit maintenance without the necessity of entering abutting lots.

[6] No fence, gate, wall, or landscaping (planted or natural growth) shall be erected, placed, or maintained (overhanging branches shall be no closer than eight (8) feet to the ground) within a corner of a lot at two (2) intersecting streets that obstructs a clear line of sight for traffic within the pavement and a straight line between two points, each seventy-five (75) feet back from the theoretical intersection of the nearest edges of pavement prolonged. "Line of sight" is defined as the observer's eye being four (4) feet above the grade of the pavement edge and the object being one (1) foot above the grade of the pavement edge.



(2) Front Yard Exceptions. The following additional features may extend into a required front yard setback area subject to the limitations provided herein:

- (a) Mailboxes.
- (b) Uncovered landings or steps serving a principal detached single-family dwelling provided such encroachment does not exceed three (3) feet into the required setback.

(3) Side and Rear Yard Exceptions. The following additional features may extend into a required side or rear yard setback area subject to the limitations provided herein:

- (a) Exterior light posts provided such encroachment does not exceed three (3) feet into the required setback for uses requiring Planning Board site plan approval.
- (b) Ground mounted mechanical equipment provided located within five (5) feet of the building or structure served but no closer than three (3) feet to any property line. The total area of encroachment into either a front, side or rear setback area shall not exceed an area greater than five (5%) percent of the individual setback area affected, be it the front, side, or rear setback area.
- (c) Underground water storage or propane storage tanks, stormwater control basins and structures (above or below ground), and septic disposal systems, subject to the following:

- [1] A minimum setback of ten (10) feet from any property line shall be provided.
- [3] The capacity of an underground propane storage tank located within or partly within a setback area shall be 1,000 gallons or less.
- [4] The total area of encroachment into either a front, side or rear setback area shall not exceed an area greater than twenty-five (25%) percent of the individual setback area affected, be it the front, side, or rear setback area.

[5] All-season visibility of above ground stormwater control basins or structures (including outlet and overflow controls) located in a setback area shall be screened from abutting streets and lots with suitable landscaping, fencing, walls, or a combination thereof.

(d) Movable benches and tables, landscape planters, bicycle racks.

- (e) Ground patios and terraces not exceeding one (1) foot in height above the surrounding ground surface and extending from a building provided the associated building complies with applicable yard requirements, and such are no less than ten (10) feet from any side or rear lot line.
- (f) EV charging stations not to exceed an encroachment of three (3) feet into a required yard.

6. – REPEAL EXISTING § 180-13 and REPLACE with the following:

§ 180-13 Use of Structures or Land Prohibited for other than purposes specified.

Except as otherwise provided by this chapter, no building or structure or land shall be used nor shall any building or structure be built or altered except for the purposes specified for each of the individual Zoning Districts. Any use which is not specifically permitted by this chapter are hereby declared to be a “prohibited” use. Any use not specifically listed for an individual Zoning District shall be deemed “prohibited” in that Zoning District. In addition, the following uses are specifically “prohibited” in all Zoning Districts within the Town of North East:

- Junkyard
- Quarry, Sand Pit, Gravel Pit, Topsoil Stripping
- Shooting Range
- Storage of Alcohol, Gasoline, Crude Oil, Liquified Petroleum Gas or Other Highly Flammable Substances
- Vape Store and any Tobacco Specialty Business

7. – REPEAL EXISTING § 180-14 and REPLACE with the following:

§ 180-14 Agricultural (A5A) District

A. Agricultural (A5A) District.

- (1) Schedule of permitted principal uses. Principal uses permitted in an A5A District are listed on “Attachment 1R – Schedule of Permitted Principal Uses – Residential Districts,” which attachment shall be deemed a part of this chapter.
- (2) Schedule of permitted accessory uses. Accessory uses, buildings and structures permitted in an A5A District are listed on “Attachment 2R – Schedule of Permitted Accessory Uses – Residential Districts,” which attachment shall be deemed a part of this chapter.
- (3) Schedule of lot area and bulk standards. Minimum and/or maximum lot area and bulk standards applicable in an A5A District are listed on “Attachment 3R – Schedule of Lot Area and Bulk Standards – Residential Districts,” which attachment shall be deemed a part of this chapter.

8. – REPEAL EXISTING § 180-15 and REPLACE with the following:

§ 180-15 Very Low Density Residential (R3A) District

B. Very Low Density Residential (R3A) District.

- (1) Schedule of permitted principal uses. Principal uses permitted in an R3A District are listed on “Attachment 1R – Schedule of Permitted Principal Uses – Residential Districts,” which attachment shall be deemed a part of this chapter.
- (2) Schedule of permitted accessory uses. Accessory uses, buildings and structures permitted in an R3A District are listed on “Attachment 2R – Schedule of Permitted Accessory Uses – Residential Districts,” which attachment shall be deemed a part of this chapter.
- (3) Schedule of lot area and bulk standards. Minimum and/or maximum lot area and bulk standards applicable in an R3A District are listed on “Attachment 3R – Schedule of Lot Area and Bulk Standards – Residential Districts,” which attachment shall be deemed a part of this chapter.

9. – REPEAL EXISTING § 180-16 and REPLACE with the following:

§ 180-16 Low Density Residential (R1A) District

C. Low Density Residential (R1A) District.

- (1) Schedule of permitted principal uses. Principal uses permitted in an R1A District are listed on “Attachment 1R – Schedule of Permitted Principal Uses – Residential Districts,” which attachment shall be deemed a part of this chapter.
- (2) Schedule of permitted accessory uses. Accessory uses, buildings and structures permitted in an R1A District are listed on “Attachment 2R – Schedule of Permitted Accessory Uses – Residential Districts,” which attachment shall be deemed a part of this chapter.
- (3) Schedule of lot area and bulk standards. Minimum and/or maximum lot area and bulk standards applicable in an R1A District are listed on “Attachment 3R – Schedule of Lot Area and Bulk Standards – Residential Districts,” which attachment shall be deemed a part of this chapter.

10. – REPEAL EXISTING § 180-17 and REPLACE with the following:

§ 180-17 Medium Density Residential (R20,000) District

D. Medium Density Residential (R20,000) District.

- (1) Schedule of permitted principal uses. Principal uses permitted in an R20,000 District are listed on “Attachment 1R – Schedule of Permitted Principal Uses – Residential Districts,” which attachment shall be deemed a part of this chapter.

- (2) Schedule of permitted accessory uses. Accessory uses, buildings and structures permitted in an R20,000 District are listed on "Attachment 2R – Schedule of Permitted Accessory Uses – Residential Districts," which attachment shall be deemed a part of this chapter.
- (3) Schedule of lot area and bulk standards. Minimum and/or maximum lot area and bulk standards applicable in an R20,000 District are listed on "Attachment 3R – Schedule of Lot Area and Bulk Standards – Residential Districts," which attachment shall be deemed a part of this chapter.

11. – REPEAL EXISTING § 180-18 and REPLACE with the following:

(Note: Eliminates Highway Business I (HB-I) District.)

§ 180-18 Residential Lot Clustering

A. Residential Lot Clustering

- (1) Residential dwelling units may be clustered as provided in § 278 of New York State Town Law. The Planning Board may require a cluster development.
- (2) A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements applicable to the underlying zoning district or districts in which such land is situated and conforming to all other applicable requirements. Provided, however, that where the plat falls within two or more contiguous districts, the Planning Board may approve a cluster development representing the cumulative density as derived from the summing of all units allowed in all such districts and may authorize actual construction to take place in all or any portion of one or more of such districts.
- (3) The Planning Board as a condition of plat approval may establish such conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems necessary to assure the preservation of the natural and scenic qualities of such open lands.
- (4) The Planning Board may establish the areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, streets, driveways and any other features as required by the Planning Board.
- (5) The dwelling units permitted may be, at the discretion of the Planning Board, detached, semi-detached, attached, or multi-story structures.

12. – REPEAL EXISTING § 180-19 and REPLACE with the following:

(Note: Eliminates Highway Business II (HB-II) District and moves Boulevard Districts here.)

§ 180-19 Boulevard Districts**A. Boulevard District West (BD-West).**

- (1) Schedule of permitted principal uses. Principal uses permitted in a BD-West District are listed on “Attachment 1NR – Schedule of Permitted Principal Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (2) Schedule of permitted accessory uses. Accessory uses, buildings and structures permitted in a BD-West District are listed on “Attachment 2NR – Schedule of Permitted Accessory Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (3) Schedule of lot area and bulk standards. Minimum and/or maximum lot area and bulk standards applicable in a BD-West District are listed on “Attachment 3NR – Schedule of Lot Area and Bulk Standards – Non-Residential Districts,” which attachment shall be deemed a part of this chapter. The applicable lot area and bulk standards for a BD-West District are divided and specified for properties located north and south of Route 44 differently.

B. Boulevard District East (BD-East).

- (1) Schedule of permitted principal uses. Principal uses permitted in a BD-East District are listed on “Attachment 1NR – Schedule of Permitted Principal Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (2) Schedule of permitted accessory uses. Accessory uses, buildings and structures permitted in a BD-East District are listed on “Attachment 2NR – Schedule of Permitted Accessory Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (3) Schedule of lot area and bulk standards. Minimum and/or maximum lot area and bulk standards applicable in a BD-East District are listed on “Attachment 3NR – Schedule of Lot Area and Bulk Standards – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.

C. Boulevard District 4 (BD-4).

- (1) The following uses are permitted in a BD-4 District:
 - (a) Off-street parking, water supply and sewage treatment facilities, and other accessory buildings and facilities for maintenance and operation of any permitted principal use located upon an abutting lot with vehicular access thereto from a BD-West District property, may be permitted as accessory uses and structures subject to special permit and/or site plan approval as otherwise applicable to the associated principal use.
 - (b) Buildings, uses and facilities of the Town of North East.
 - (c) Accessory uses, buildings and other structures associated with and supporting a permitted principal use as approved and located within a BD-West District, subject to special permit and/or site plan approval as otherwise applicable to the associated principal use.

- (2) Applicable minimum and/or maximum lot area and bulk standards shall be the same as those for a BD-West District (southside) as listed on "Attachment 3NR – Schedule of Lot Area and Bulk Standards – Non-Residential Districts," which attachment shall be deemed a part of this chapter.

D. Alternative Land Use Development Performance Modifications: Boulevard West and East Districts.

- (1) Purpose. The Town recognizes it is confronted with a decreasing supply of centrally located suitable land for economic development and the need to provide carefully planned, integrated and unified projects which will maximize the use of this limited resource. As such, it is the purpose of this section to permit and encourage alternative variety and flexibility in the siting and configuration of site development to implement the objectives and policies set forth in the North East/Millerton Comprehensive Plan and to ensure commercial viability within the Boulevard Districts.
- (2) Intent. These alternative standards are intended to encourage flexibility and efficiency in land development in the Boulevard Districts by achieving one or more of the following:
 - Fostering supportive economic viability within and surrounding the Boulevard Districts.
 - Advancing the implementation of physical, cultural, and social policies set forth in the North East/Millerton Comprehensive Plan.
 - Fostering adaptive re-use or repurposing of existing developed properties to enhance the viability of commercial uses in the Boulevard Districts.
 - Ensuring retention and enhancement of community rural character.
 - Protecting natural features and resources, e.g. tree cover, open areas, wetlands and water related resources and other environmentally significant features.
 - Enhancing the quality of new development and promoting sustainability principles.
 - Reducing impervious surfaces and associated impacts from stormwater runoff through shared access, parking and loading facilities.
 - Providing more efficient use of public facilities that are required to support commercial development.
 - Promoting additional housing types and housing opportunities.
 - Facilitating coordinated and integrated development of abutting commercial land by providing flexibility in meeting certain zoning lot bulk requirements where facilities are shared.
 - Preserving the capacity and safety of existing abutting arterial public roadways through reduction to area traffic congestion by providing shared and internal lot connectivity.
 - Calming traffic and improving vehicular circulation, while making the area of the Boulevard Districts more walkable, pedestrian friendly and better connected.
- (3) Applicability. The Planning Board, in conjunction with a special permit and/or site plan application for property located in a Boulevard West District or Boulevard East District, is hereby authorized pursuant to this chapter to evaluate and approve certain alternative performance modifications to applicable lot bulk standards and permit certain residential uses provided the Planning Board determines such provides for an improved site plan layout and land use configuration consistent with the above stated purpose and intent. Any number of abutting parcels may be included for the purpose of integrated site development, regardless of ownership.
- (4) Alternative Performance Modifications.
 - (a) **Maximum site coverage** may be increased not to exceed a maximum of fifty (50%) percent for any lot consisting of ten (10) acres or greater.

- (b) **Maximum Site Coverage** may be increased not to exceed a maximum of seventy (70%) percent; **Minimum Building Coverage** may be increased to a maximum not to exceed twenty-five (25%) percent; **Maximum Building Width** (at front yard setback) may be increased to a maximum not to exceed ninety (90) feet; and/or **Minimum Rear and/or Side Yard building/structures/parking Setbacks** may be reduced to a minimum of not less than ten (10) feet, if a reciprocal easement is established with one or more abutting lots for one or more of the following measures (the more measures provided, the greater flexibility may be granted by the Planning Board):
- [1] Sole vehicular access via a public street by a shared driveway and single curb cut.
 - [2] Interior interconnected vehicular access between the properties.
 - [3] Interior interconnected pedestrian access in addition to street frontage sidewalks.
 - [4] Shared parking and/or loading facilities pursuant to § 180-50F of this chapter.
- (c) **Minimum Side and/or Rear Yard building/structures/parking Setbacks** may be reduced to a minimum of not less than ten (10) feet if the reduction provides a corresponding increased setback protective buffer from that otherwise required in § 180-11E of this chapter providing added protection of the sensitive natural resource, including but not limited to important significant or rare wildlife habitat, wetlands and watercourses and associated buffers, 100-floodplain lands, or avoidance and/or protection of similarly important or significant resources consistent with the North East/Millerton Comprehensive Plan.
- (d) **Maximum Building Stories** may be increased not to exceed three (3) stories; and **Maximum Single-Building Footprint** may be increased not to exceed a maximum of twelve thousand (12,000) square feet, if one or more of the following configurations are implemented:
- [1] The second and third floors are used strictly for residential rental apartments as defined and regulated in § 180-72.4.
 - [2] Up to fifty (50%) percent of the additional second and third story gross floor areas may be used as permitted principal commercial uses provided the balance of the gross floor area is designated and used as “affordable housing” rental apartments as defined and regulated in § 180-72.5. The additional commercial use may be located on the second and/or third floors provided the total amount of additional commercial use does not exceed fifty (50%) percent of the total cumulative gross floor areas of both upper floors.
 - [3] **Maximum Building Height** of a building with a permitted third story may be increased not to exceed a maximum of forty (40) feet.
 - [4] In addition to the above, **Maximum Site Coverage** may be increased not to exceed a maximum of seventy (70%) percent if the number of residential units legally restricted as “affordable housing” as defined and regulated in § 180-72.5 is doubled from that otherwise required pursuant to § 180-72.3 and § 180-72.4.

- (5) Review and Approval Procedure.
- (a) Pre-application workshop. Applicants proposing an application involving one or more of the alternative performance modifications listed hereunder are encouraged to first participate in one or more non-binding workshops (pre-application) with the Planning Board to assess if such an application is worthy of consideration.
 - (b) Submission of application. An application shall be submitted simultaneously to the Planning Board with an application for a special permit and/or site plan. Such application shall be processed concurrently and with the same procedures applicable to special permit/site plan approvals as set forth in this chapter, including all applicable requirements of SEQRA.
 - (c) Narrative statement. A narrative statement shall be submitted with the following information:
 - [1] A detailed description of the requested modification.
 - [2] An explanation as to how the modification will provide an improved site layout and/or project development consistent with and implementing the physical, social and cultural policies of the North East/Millerton Comprehensive Plan.
 - [3] Details of how the overall project will be in harmony with the purpose and intent of this chapter and the underlying Boulevard District, its stated objectives, and will promote the purposes herein.
 - [4] Details of how the project will result in an improved site plan layout and land use configuration consistent with the stated purpose and intent of these alternative performance modification standards.
 - [5] Details of how the proposed project is sufficiently advantageous to render it appropriate for grant of the requested modification and that the project will add to the long-term assets of the town.
 - [6] Draft copies of any needed or proposed easements and other legal instruments.
 - [7] Other information. The applicant shall provide additional information or support materials as may be required by the Planning Board, which in its judgement are needed to perform a thorough evaluation of the proposal for modification.
 - (d) Referral. The Planning Board may refer a proposal for modification to others for review and comment, including but not limited to other federal, state, regional and local boards, committees, officials, professional staff and/or consultants as deemed warranted or necessary.
 - (e) Other Applicable Use Standards.
 - [1] All other applicable lot area and bulk standards shall apply as required by this chapter.
 - [2] Multifamily Dwellings. Proposals including multifamily dwellings shall also be subject to the supplemental standards in § 180-72.3 of this chapter.
 - [3] Residential Apartments. Proposals including residential apartments above commercial uses shall also be subject to the supplemental standards in § 180-72.4 of this chapter.

- [4] Affordable Housing. Proposals including affordable housing dwellings shall also be subject to the supplemental standards in § 180-72.5 of this chapter, including but not limited to an approved Affordability Plan.
- (f) Evaluation. The Planning Board shall evaluate the following to determine the adequacy of the proposed modification to be incorporated:
- [1] The adequacy of the modification to achieve one or more goals of the North East/Millerton Comprehensive Plan.
 - [2] The adequacy with which implementation of the modifications will encourage positive flexibility and efficiency in land development in the Boulevard Districts consistent with stated purpose and intent set forth above.
 - [3] The adequacy with which the modification fits the site and how the development relates to onsite and adjacent land uses, structures, and facilities.
 - [4] The adequacy of the water supply, wastewater treatment, transportation, waste disposal and emergency protection facilities serving the site and development, and that such modified site development will not substantially and deleteriously impact upon the future development of adjoining properties.
- (g) Findings. In approving any special permit or site plan including the granting of a modification, the Planning Board shall render the following findings:
- [1] The modified proposal is compatible with and implements one or more of the objectives and policies of the North East/Millerton Comprehensive Plan consistent with the above stated purpose and intent of these alternative performance modification standards.
 - [2] The modified proposal will not impair the purposes of this chapter and that of the underlying Boulevard District.
 - [3] The modified proposal is compatible with adjacent properties and will safeguard the appropriate use of the land in the immediate vicinity.
 - [4] The modified proposal is preferred to the existing site layout or to a plan conforming to the otherwise required minimum and/or maximum dimensional requirements applicable for the subject property.
- (h) Modification Approval.
- [1] To approve a modification, the Planning Board shall render positive findings consistent with the standards above.
 - [2] All approved modifications shall be incorporated and integral to the underlying special permit and/or site plan approval.

- [3] The granting of an alternative performance modification shall be in addition to and not in lieu of any other improvement otherwise required pursuant to any other provisions of this chapter, the subdivision regulations and/or any other land use regulations of the Town, or the provisions of other applicable New York State laws, including, without limitation, Article 16 of New York State Town Law or for compliance with the New York State Environmental Quality Review Act (SEQRA) and the regulations thereunder, all as any of these provisions now exist or as they may be amended from time to time.
- [4] In authorizing a modification involving shared or common facilities, the Planning Board shall ensure such are adequately permanent in nature and legally assured. If such requires an easement or similar legal instrument to implement, the Planning Board shall ensure the longevity of such and that such surety or other performance guarantees are adequately reviewed, approved as to form and content, and implemented as deemed necessary.
- [5] Once approved, any change, reduction, alteration or elimination of an associated modification and its associated alternative site layout and/or residential use shall require the prior review and approval of the Planning Board and shall be treated as a new application for approval, which shall be submitted and acted upon in accordance with review procedures set forth above, as may be amended from time to time, for the original application.
- [6] In the event a lot with an approved easement or other common element approved pursuant to these standards desires to discontinue or otherwise separate from such, each of the affected lots shall be shown to fully comply with all underlying Boulevard District zoning standards.

13. – REPEAL EXISTING § 180-20 and REPLACE with the following:

(Note: Replaces Highway Business III (HB-III) District with Irondale Business (IB) District.)

§ 180-20 Irondale Business (IB) District

A. Irondale Business (IB) District.

- (1) Schedule of permitted principal uses. Principal uses permitted in an IB District are listed on “Attachment 1NR – Schedule of Permitted Principal Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (2) Schedule of permitted accessory uses. Accessory uses, buildings and structures permitted in an IB District are listed on “Attachment 2NR – Schedule of Permitted Accessory Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (3) Schedule of lot area and bulk standards. Minimum and/or maximum lot area and bulk standards applicable in an IB District are listed on “Attachment 3NR – Schedule of Lot Area and Bulk Standards – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.

14. – REPEAL EXISTING § 180-21 and REPLACE with the following:

(Note: Eliminates Industrial (M) District and moves Light Industrial (M-A) District here.)

§ 180-21 Light Industrial (M-A) District

A. Light Industrial (M-A) District.

- (1) Schedule of permitted principal uses. Principal uses permitted in a M-A District are listed on “Attachment 1NR – Schedule of Permitted Principal Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (2) Schedule of permitted accessory uses. Accessory uses, buildings and structures permitted in a M-A District are listed on “Attachment 2NR – Schedule of Permitted Accessory Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (3) Schedule of lot area and bulk standards. Minimum and/or maximum lot area and bulk standards applicable in a M-A District are listed on “Attachment 3NR – Schedule of Lot Area and Bulk Standards – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.

15. – REPEAL EXISTING § 180-22 and REPLACE with the following:

(Note: Replaces existing Land Conservation (LC) District.)

§ 180-22 Land Conservation (LC) District.

A. Land Conservation (LC) District.

- (1) Schedule of permitted principal uses. Principal uses permitted in a LC District are listed on “Attachment 1NR – Schedule of Permitted Principal Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (2) Schedule of permitted accessory uses. Accessory uses, buildings and structures permitted in a LC District are listed on “Attachment 2NR – Schedule of Permitted Accessory Uses – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.
- (3) Schedule of lot area and bulk standards. Minimum and/or maximum lot area and bulk standards applicable in a LC District are listed on “Attachment 3NR – Schedule of Lot Area and Bulk Standards – Non-Residential Districts,” which attachment shall be deemed a part of this chapter.

16. – REPEAL EXISTING § 180-23 and REPLACE with the following:

(Note: Light Industrial (M-A) District is moved to § 180-21.)

§ 180-23 Supplemental Use Standards: Non-Residential Districts.

The following supplemental use standards shall apply to properties and uses as permitted in the Land Conservation (LC), Irondale Business (IB), Light Industrial (M-A), and all Boulevard (BD) Districts as follows:

- A. Entrances and exits upon public streets.
- (1) Number and spacing. There shall be no more than one (1) entrance and one (1) exit per lot on any individual public street, and the distance between any entrance and exit center line, if separate, shall not be less than 100 feet in any instance.
 - (2) Width. No entrance or exit shall have a width greater than thirty-six (36) feet.
 - (3) Location. The center line of any such entrance or exit shall not intersect any street line less than seventy (70) feet from the intersection of any two (2) street lines.
- B. Sidewalks.
- (1) Sidewalks shall have a minimum width of five (5) feet.
 - (2) Sidewalks parallel to street frontage on lots located within a Boulevard West District shall be required for all new development projects and for substantial redevelopment projects (substantial shall be defined as a project construction cost of \$250,000.00 or more in 2024 U.S. Dollars).
 - (3) Sidewalks along the street frontage of a lot shall be designed to connect with existing sidewalks or appropriately aligned to permit extension of the sidewalk on abutting properties. Such sidewalks shall be constructed of concrete and shall be extended across street access driveways.
 - (4) Sidewalks shall be provided in other locations onsite as required by the Planning Board to assure safe pedestrian travel to and from buildings, off-street parking areas, site amenities and accessory uses/facilities, and to provide safe connections to sidewalks along abutting streets.
 - (5) Sidewalks adjacent to parking areas shall either include a sidewalk with a minimum width of eight (8) feet or a separating landscape strip (preferred) with a minimum width of three (3) feet.
 - (6) Sidewalks as above may also be required by the Planning Board for properties and uses located in other districts, including residential districts.
- C. Open Outside storage.
- (1) No open outside storage areas shall be established in any Boulevard District except on the southerly side of Route 44 within a BD-East District.

- (2) Open storage areas, where permitted, shall conform to all yard requirements specified for buildings, shall not exceed twenty five (25%) percent of the area of the lot and shall be screened from view from any street and any other lot to a height of eight (8) feet by enclosing buildings, fences, walls, embankments and/or evergreen shrubs or trees; provided, however, that the Planning Board, when approving a site plan may determine that enclosure is not necessary in connection with all or a portion of open storage that is an adjunct to retail sales.
- D. Fire-resistant construction. All building construction shall be fire-resistant construction as defined in this chapter.
- E. Dust. Properties shall be suitably improved and maintained with appropriate landscaping, plantings, or other materials to minimize windblown dust and other particulate matter.
- F. Odor. It shall constitute a nuisance for any person, firm, or corporation to permit the emission of any odor that, as measured at the individual property line, offensively affects the sense of smell.
- G. Vibration. No activity shall cause or create a steady state or impact vibration discernible at any lot line.

17. – REPEAL EXISTING § 180-24 and REPLACE with the following:

(Note: Boulevard District is moved to § 180-19.)

§ 180-24 {Reserved}

18. – REPEAL EXISTING Article VI §§ 180-25 through 32 and REPACE with the following:

§ 180-25 Special Use Permit Approval.

- A. All special permit uses cited in Article V of this chapter shall be subject to review and approval by the Planning Board in accordance with the standards and procedures set forth herein.
- B. In all cases where this article requires a special use permit, a special use permit application shall be initially submitted to and reviewed for general completeness by the Zoning Enforcement Officer and referred by the Zoning Enforcement Officer to the Planning Board for its consideration. No building permit or certificate of occupancy shall be issued by the Zoning Enforcement Officer and/or Code Enforcement Officer except upon authorization of, and in full conformity with, plans approved, and conditions imposed, by the Planning Board.
- C. As provided by § 180-33, all uses requiring the issuance of a special use permit are additionally subject to site plan review and approval, as described in Article VII of this chapter.

§ 180-26 General standards.

In authorizing any special permit use, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into strict account the standards established in Article V for certain uses, applicable supplementary regulations stated in Article VIII of this chapter and the following general objectives for any use requiring authorization by the Planning Board.

- A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to existing and future streets and roads providing access shall be in harmony with the orderly development of the district in which the proposed use would be located.
- B. The location, nature and height of the buildings, structures, equipment, walls and fences and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- C. All proposed traffic accessways shall be adequate but not excessive in number; adequate in width, grade, alignment, and visibility; sufficiently separated from street intersections and places of public assembly; and meet similar safety considerations.
- D. Adequate provisions for safe and accessible off-street parking and loading spaces shall be provided to prevent parking in public streets of the vehicles of persons associated with or visiting the use.
- E. All parking and service areas shall be screened at all seasons of the year from the view of adjacent residential lots and streets or roadways, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the extent practicable.
- F. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection.
- G. The character and appearance of the proposed use, buildings, structures and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would the operations of any permitted principal use and shall not adversely affect the general welfare of the inhabitants of the Town of North East.
- H. The use shall meet the prescribed area and bulk requirements for the district in which it is located, or as further specified in the supplementary regulations, including such matters as minimum setback, maximum height, required off-street parking and sign regulations.
- I. The level of services required to support the proposed activity or use is, or will be, available to meet the needs of the proposed activity or use. This consideration shall include the suitability of water supply and sanitary sewage facilities, whether private or publicly provided, to accommodate the intended use.
- J. The use shall be carried out in a manner compatible with its environmental setting and with due consideration of the protection of natural resources.

- K. The Planning Board may impose additional conditions and restrictions upon the special permit as may be reasonably necessary to assure continual conformance with all applicable standards and requirements, including reasonable assurance that these conditions and restrictions can be responsibly monitored and enforced.
- L. The Planning Board may, when reasonable, waive any preestablished requirement for special permit approval contained in this Article, or in Articles V or VIII of this chapter, if the Planning Board finds that any such requirement is found not to be requisite in the interest of the public health, safety, or general welfare or inappropriate to a particular special use permit.

§ 180-27 Special use permit application procedure.

The Planning Board shall review and act on all special permit uses in accordance with the procedure specified herein:

- A. Application and fee. All applications made to the Planning Board shall be in writing, on forms and in accordance with the schedule prescribed by the Planning Board and to be considered complete, shall, except as may be waived by the Planning Board on a case-by-case basis due to the minor nature of the specific request, include the following:
 - (1) Preliminary site plan which demonstrates the overall site layout and building locations, parking areas, access and egress locations, setbacks and buffer areas, lighting, landscaping, signage and the location and extent of existing development on adjacent parcels.
 - (2) Preliminary building plans and elevations illustrating proposed building construction and alteration, including an indication of exterior materials, textures, and colors.
 - (3) Payment of the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.
 - (4) Either a short or full environmental assessment form as required by the Planning Board pursuant to SEQRA, Article 8 of the Environmental Conservation Law, and 6 NYCRR 617.
 - (5) Any other information deemed helpful by the applicant or necessary by the Planning Board to explain the nature of the proposed use and its consistency with the standards established by this article for special permit uses.
- B. Public notice and hearing. The Planning Board shall within sixty-two (62) calendar days of the receipt of the complete application conduct a public hearing on any such special use permit application. The Planning Board shall provide a copy of the notice of said hearing to the applicant, and at such hearing he shall appear in person or by agent. The Planning Board shall additionally provide notice as follows:
 - (1) By publishing at least five (5) calendar days prior to the date thereof a legal notice in the official newspaper of the Town.
 - (2) By requiring the Secretary of the Planning Board to provide notice of the public hearing to the owners of all property abutting that held by the applicant and all other owners within 200 feet of the land involved in such application. Notice shall be mailed at least ten (10) calendar days prior to the hearing with compliance with the notification procedure certified to by the Secretary or other designated Town employee. The Town shall charge the applicant either a flat rate or a stated amount per notice to satisfy this requirement.

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- (a) The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Town.
 - (b) Provided that there has been substantial compliance with these provisions, the failure to give notice to the abutting owners in exact conformance herewith shall not be deemed to invalidate an action taken by the Planning Board in connection with granting or denying a special permit application.
 - (3) If the land involved in the application lies within five hundred (500) feet of the boundary of any other municipality, the Secretary of the Planning Board shall mail, at least five (5) calendar days prior to the public hearing, to the municipal Clerk of such other municipalities a copy of the official notice of such public hearing.
- C. Consultant review. In its review of an application for special use permit, the Planning Board may consult with the Town Zoning Enforcement Officer and/or Code Enforcement Officer, the Superintendent of Highways, the Conservation Advisory Council, the Dutchess County Health Department, other local and county officials and its designated private planning and engineering consultants, in addition to appropriate representatives of state agencies including but not limited to the Department of Transportation, the Health Department and the Department of Environmental Conservation.
- D. Required referral to Dutchess County Department of Planning.
- (1) A full statement of any special use permit application that meets the referral requirements of §§ 239-l and 239-m of the General Municipal Law shall also be referred prior to the public hearing to the Dutchess County Department of Planning for its review.
 - (2) No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from said County Planning Department or thirty (30) calendar days have elapsed since the Department received such full statement. If the Dutchess County Department of Planning recommends disapproval of the proposal, or recommends modification thereof, the Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within seven (7) calendar days after such final action, the Planning Board shall file a report of the final action it has taken with the County Department of Planning.
- E. Decisions. Every decision of the Planning Board with respect to a special use permit application shall be made by resolution within sixty-two (62) calendar days of the close of the public hearing, which resolution shall clearly state the decision, including findings, and any conditions attached thereto. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. Each such decision shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered. Copies shall also be sent to the applicant and to the Town's Zoning Enforcement Officer and Code Enforcement Officer.

§ 180-28 Reimbursable costs.

Reimbursable costs incurred by the Planning Board for private consultation fees or other extraordinary expense in connection with the review of a special use permit application shall be charged to the applicant as set forth in Chapter 92, Article I, Reimbursement of Professional Fees. Such reimbursable costs shall be in addition to the required application fee. The maximum amounts for such reimbursable costs by project type and size shall be in accordance with the fee schedule established and annually reviewed by the Town Board. Said fee schedule shall include the requirement that an escrow account be established upon the Planning Board receipt of the application to cover the anticipated costs of such consultant review and other expenses.

§ 180-29 Effect of special use permit approval.

- A. In addition to compliance with all other applicable provisions of this chapter, and all other local, county and state laws, rules and regulations, no building permit shall be issued for any structure regulated by this article until such special use permit has received Planning Board approval and a copy of a resolution to that effect has been presented to the Code Enforcement Officer.
- B. No certificate of occupancy shall be issued for any structure or use of land covered by this article until the structure is completed or the land developed in strict accordance with the Planning Board resolution of special use permit approval and other applicable requirements of this chapter.
- C. Any use for which a special use permit has been granted shall be deemed a conforming use in the zoning district in which it is located, provided that such special use permit shall be deemed to affect only the lot or portion thereof for which such special use permit has been granted.
- D. The Planning Board may require in its resolution of approval that a special use permit be renewed periodically. Such renewal may be withheld only after public hearing and upon specific determination by the Planning Board that such conditions as may have been prescribed in conjunction with the issuance of the original permit have not been, or are no longer being, complied with. In such cases, a period of sixty (60) calendar days shall be granted for full compliance by the applicant prior to consideration of the revocation of the special use permit.

§ 180-30 Expiration.

A special use permit shall be deemed to authorize only the particular use or uses expressly specified in the permit and shall expire if the special use permit activity is not commenced and diligently pursued within one calendar year of the date of issuance of the special use permit. Upon prior written request to the Planning Board, including a statement of justification for the requested time extension, the time period for initiation of the special permit use may be extended once for a maximum period of one calendar year from its otherwise specified termination date.

§ 180-31 Revocation.

In all instances, including those cited above, a special use permit may be revoked by the Planning Board after public hearing, if it is found and determined that there has been a substantial failure to comply with any of the terms, conditions limitations and/or requirements imposed by said special use permit.

§ 180-32 Relief from decisions.

Any person or persons jointly or severally aggrieved by any decision of the Planning Board on a special use permit application may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceedings shall be instituted within thirty (30) days after the filing of the decision in the office of the Town Clerk.

19. – REPEAL EXISTING § 180-33 and REPLACE with the following:**§ 180-33 Uses for which site plan approval required.**

Site plan approval by the Planning Board is required for all special permit uses in all districts and for all uses except detached one-family and two-family residential uses and their associated accessory uses. Before issuance of a building permit or certificate of occupancy for a use requiring site plan approval, the detailed site plan for such use shall be reviewed by the Planning Board, and no development shall be carried out except in conformity with such site plan as accepted and approved by the Planning Board.

20. – REPEAL EXISTING § 180-35A(5) and REPLACE with following new Subsection (5):

(Note: Only affects Subsection A(5); all other existing text of §180-35 remains unchanged.)

- (5) The equipment or other methods that will be established shall comply with the supplemental standards of § 180-23.

21. – REPEAL EXISTING §§ 180-36L, 36M and 36N and REPLACE with the following:

(Note: Only affects listed Subsections; all other existing text of §180-36 remains unchanged.)

Repeal existing § 180-36L and replace with the following:

- L. Landscaping. Landscaping shall be provided and permanently maintained on the lot to conform to the standards of § 180-36A and B and the following:
 - (1) All areas of the lot not covered by buildings and other structures, open storage and approved paving shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscaping or shall be left as natural terrain if not disturbed by filling, grading, or excavation.
 - (2) Landscaping, including grading, provided in the front yard area of the lot shall be of a type, size and height as to avoid obstruction of minimum sight lines along the street as well as from access driveways onto the street whether the driveway is located on the lot or any other lot, in accordance with the standards of the New York State Department of Transportation and Town of North East.
 - (3) Landscaping shall also conform to the standards of § 180-51.

Repeal Existing § 180-36M and replace with the following:

- M. Lighting. The location, height design, direction, and brightness of outdoor illumination (area lighting, floodlighting and illumination of signs) shall be arranged and maintained as follows:
- (1) To provide sufficient illumination for safety, convenience, and security.
 - (2) To minimize sky glow.
 - (3) To safeguard against discomfort glare and disability veiling glare in any street and upon pedestrian ways and vehicular parking, loading and circulation areas on the lot where located, or any other lot.
 - (4) To harmonize with the neighborhood and avoid trespass illumination on any other lot.
 - (5) To conform to the outdoor lighting standards of § 180-53.

Repeal existing § 180-36N and replace with the following:

- N. Signs. Any signs to be established on the lot shall be part of the site plan submission and shall conform to the standards of § 180-55.

22. – REPEAL EXISTING § 180-37 and REPLACE with the following:**§ 180-37 Installation of required infrastructure and improvements.**

No final approval for the site plan shall be issued by the Planning Board until such time as the installation of required public infrastructure and improvements shown on the site plan have been completed and inspected and approved by the Town's Engineer, Zoning Enforcement Officer and/or Code Enforcement Officer. Alternatively, at the discretion of the Planning Board, final approval may be granted, provided a performance bond, or other surety sufficient to cover the full cost of installation of the same, has been posted in accordance with the procedures set forth in Chapter 150, Subdivision of Land, §§ 150-27 and 150-28, of the Town Code. The amount and sufficiency of such performance guarantee shall be determined in accordance with the procedures set forth in those sections of the Town Code. No certificate of occupancy shall be issued until all required public infrastructure and improvements as shown on the site plans have been installed and approved as to sufficiency of installation. The Planning Board may also require other financial guarantees (bonds) regarding stormwater management controls and soil and erosion and site stabilization controls.

23. – REPEAL EXISTING § 180-40F and § 180-47D(9) and REPLACE with the following:

(Note: Only affects listed Subsections; all other existing text of §180-40 and §180-47 remain unchanged.)

Repeal existing § 180-40F and replace with the following:

- F. Parking. Refer to Attachment 4, Schedule of Off-Street Parking Spaces and § 180-50, Off-Street Parking and Loading. Parking shall be strictly limited to designated off-street parking spaces.

Repeal existing § 180-47D(9) and replace with the following:

- H. Parking spaces. Refer to Attachment 4, Schedule of Off-Street Parking Spaces and § 180-50, Off-Street Parking and Loading.

24. – REPEAL EXISTING § 180-41 and REPLACE with the following:

§ 180-41 Drive-Through (accessory use).

Plans for the erection or structural alteration of drive-in business establishments, as herein defined, shall be submitted to the Planning Board for approval. The Planning Board may require such changes therein in relation to yards, driveways, driveway entrances and exits, and the location and height of buildings and enclosures as it may deem best suited to ensure safety, to minimize traffic hazards or difficulties and to safeguard adjacent properties.

Drive-throughs shall comply with the following supplemental standards:

- A. Shall include no more than a single drive-through lane per establishment.
- B. Shall be separated from other internal site circulation lanes and shall include appropriately located and designed bypass lanes.
- C. Shall be designed to prevent circulation congestion, both on site and on adjacent streets. The design shall be integrated with the on-site circulation pattern and shall not enter or exit directly into a public street.
- D. Shall not encroach into any required minimum yard setback area and shall be designed in a manner that minimizes impacts on adjacent properties from noise, exhaust fumes and vehicle headlights from vehicles as they queue to wait for drive-through services.
- E. Shall not encroach, impede, or obstruct access into or out of parking spaces, pedestrian walkways or loading and service areas.
- F. Shall be clearly delineated from internal circulation traffic aisles, other stacking lanes and parking areas with stripping, curbing, landscaping, and the use of alternative paving materials or raised landscaped medians. The beginning of the drive-through lane shall be clearly marked with appropriate signage and/or line stripping.

- G. Shall be designed and placed to minimize their crossing of pedestrian walkways or otherwise impeding pedestrian access. Where pedestrian walkways cannot be avoided crossing a drive-through lane, the walkways shall have clear visibility and shall be delineated by physical and visual separation between the two, such as textured and colored paving.
- H. Shall not interfere with or obstruct loading and refuse storage areas, and loading and refuse operations shall not impede or impair vehicular movement through drive-through lanes.
- I. Shall not be located adjacent to permitted and approved outdoor dining areas.
- J. Shall have a minimum lane width of twelve (12) feet, a minimum interior radius at curves of ten (10) feet, a minimum distance from the lane entrance to the street access of fifty (50) feet (measured from the center points of the entrance lane to the street intersection at the street right-of-way line).
- K. Shall include vehicle queuing or stacking capacity so that vehicles do not overflow into on-site parking aisles or into an abutting street right-of-way.
- L. Shall provide a minimum number of queuing spaces as per § 180-50B(4) of this chapter and each queuing space shall be a minimum of twenty (20) feet in length.
- M. Shall permit no more than a single (one) menu board with or without an intercom. Any intercom system shall not play continuous or prerecorded audio or video. Related speaker systems shall emit no more than fifty-five (55) decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the subject property. The system shall be designed to compensate for ambient noise levels in the immediate area. A menu board shall be fixed and not incorporate or include any video, animated, blinking, flashing, rotating or otherwise moving or changing lights, displays, images, effects, or messages. A menu board shall list menu options only, no other advertisement permitted. Menu board lighting shall not include neon or unshielded light sources.
- N. Shall have hours of use as set by the Planning Board, which shall not be any earlier than 6:00 am and no later than 12:00 am (midnight).

25. – REPEAL EXISTING § 180-43 and REPLACE with the following:

§ 180-43 Schools (Private and Public), and Educational Centers

- A. Location. No special permit shall be granted for the construction or expansion of a school or an educational center unless the associated property has a minimum of 400 feet of frontage on a road with suitable and appropriate ingress and egress.
- B. Coverage and bulk. The maximum coverage shall be 5%. The maximum floor area ratio shall be 0.05.
- C. Yards, front, rear and side. No part of any building or structure, pavement or parking space shall extend nearer than 200 feet to a property line or sideline of a street or 250 feet from the center line of a street, whichever requires the greater setback from the street line.
- D. Structures. No more than one structure shall be used for administration, housing of students and faculty or dining halls per five acres of site area. Structures shall meet all requirements of the New York State Sanitary Code, Fire Code, and all other applicable regulations.

26. – REPEAL EXISTING § 180-45 and REPLACE with the following:

(Note: Prior standards for “Junkyards” are deleted and “Junkyards” are added to prohibited uses in § 180-13.)

§ 180-45 Outdoor Dining.

Outdoor Dining shall be an accessory use to a principal restaurant subject to the following supplemental standards:

- A. Shall be located on the same premises as the principal restaurant and under the same ownership and operation.
- B. Shall be utilized solely for the consumption of food and beverages prepared, served and sold on the premises of and by the associated principal restaurant use.
- C. Shall include no more than twelve (12) outdoor seats if a Take-Out Restaurant or a Brew Pub (unless the Brew Pub also includes a restaurant with full table service).
- D. Shall be located so as not to create hazardous sight-line conditions for motor vehicle traffic, or to obstruct access to and from the establishment, other establishments on the premises or neighboring establishments.
- E. Shall be located directly adjacent to and in common with the principal restaurant use on a stable base, such as a constructed deck, porch, terrace, or patio area.
- F. Shall be in accordance with the Americans with Disabilities Act (ADA) and shall provide direct pedestrian access to and from the.
- G. Shall not be located within a designated off-street parking or loading area, designated walkway required to provide pedestrian ADA access or access into a building, principal building required yard setback area, required landscaping area, area devoted to septic disposal or water supply, or as otherwise determined inappropriate by the Planning Board.
- H. Shall be permitted only where evidence of sufficient water supply and sewage disposal capacity for all indoor and outside seating at full occupancy can be provided.
- J. Shall be adequately screened and buffered to protect adjacent properties from visual, lighting, noise, odor, and other environmental impacts.
- K. Shall be adequately separated and contained to prevent conflicts with vehicle parking and traffic flow, utilizing decorative fencing, stone walls, a variety of native evergreen and deciduous landscaping, building and structural features (trellises, awnings), or combination thereof.
- L. Shall properly maintain in a neat and good working condition associated awnings, umbrellas, heating units and other similar features, and such shall be stored indoors during the offseason.
- M. Shall provide off-street parking proportionally to the gross floor area and maximum permitted outdoor seating capacity as set forth in § 180-50 of this chapter.
- N. Shall provide and maintain any exterior lighting in compliance with the outdoor lighting standards set forth in § 180-53 of this chapter.
- O. Shall not be permitted to utilize sound amplification and public address systems.

- P. Shall be operated according to the hours of permitted use as set by the Planning Board, which shall not be any earlier than 7:00 am and no later than 10:00 pm.

27. – REPEAL EXISTING § 180-48 and REPLACE with the following:

(Note: “Motels” are deleted and replaced with “Hotels.”)

§ 180-48 Hotels.

Hotels shall be subject to the following supplemental standards:

- A. Hotel rooms shall be accessed from an interior common lobby or hallway.
- B. Hotel sleeping accommodation may include limited kitchen facilities (i.e., coffee pots, small refrigerators, microwave) but shall not be used as apartments for non-transient tenants, shall not contain more than two (2) rooms and shall not be connected by interior doors in groups of more than two (2).
- C. A hotel may consist of one (1) or more separate buildings provided all buildings are on the same lot and commonly owned or leased by the same entity.
- D. No guest accommodation shall be offered or operated in any manner which permits the establishment of a tenant/landlord relationship or legal residence by any such occupant.
- E. Each sleeping accommodation unit shall have an area of at least 300 square feet, including a bath facility with a shower or bath, one (1) toilet and sink.
- F. All hotels shall be equipped with sprinklers and fire alarm systems.
- G. Accessory uses may include but not limited to indoor swimming pool, fitness/exercise room, lounge, sundry retail covering an area of less than 200 square feet, meeting/conference rooms, restaurant, banquet facilities.
- H. All accessory uses on the site shall be of the same general appearance and character, planned as an integral part of, and located on the same lot as the principal hotel. The organization of buildings, driveways, parking areas, sidewalks, service areas, and other site components shall have a functional, safe, and harmonious interrelationship and be compatible with existing site features and adjacent on-site and off-site buildings.
- I. Noise. Provision to be made for music, entertainment, or other unusual sources of sound in connection with the hotel use shall be specified at the time of application or any amendment thereto. There shall be no electronic sound speakers located outdoors.

28. – REPEAL EXISTING § 180-50 and REPLACE with the following:

§ 180-50 Off-Street Parking and Loading.

A. Purpose and Intent.

The purpose of these off-street parking and loading standards is to ensure such are treated as accessory uses properly placed in relation to buildings and the abutting street to minimize their visibility and avoid visual impacts caused by vehicle headlights and parking lot lighting. Also, to ensure such facilities are designed so not to visually dominate a lot; are designed to be complementary to buildings and other site improvements; include quality landscaping minimizing associated visual, stormwater runoff and microclimate impact conditions; protect the cultural and environmental character of the area by improving the visual appearance of the lot and surrounding area; and conserve the value of associated and surrounding land and buildings.

B. Minimum Accessory Off-Street Parking and Loading Required.

- (1) **Minimum Off-Street Parking.** The minimum number of off-street parking spaces required for individual land uses shall be as listed on “Attachment 4 – Schedule of Off-Street Parking Spaces,” which attachment shall be deemed a part of this chapter.
- (2) **More or fewer parking spaces.** The provision of a quantity of off-street parking spaces that is fewer (less) than or exceeds (more) the minimum required shall be subject to the approval of the Planning Board, as it is the intent of these standards to minimize the amount of impervious surface area developed, as well as impacts and maintenance associated with such. For fewer spaces, the Planning Board may otherwise approve an alternative or deferral plan in accordance with Subsection F below to reduce or waive the minimum standards based on a case-by-case basis and qualified parking use demand analysis. Approval of a higher number of parking spaces than the minimum required shall also require Planning Board approval based on the demonstrated need for such additional parking spaces.
- (3) **Minimum Off-Street Loading.** A minimum number of off-street loading spaces shall be provided in accordance with the following Schedule of Minimum Off-Street Loading Spaces:

SCHEDULE OF MINIMUM OFF-STREET LOADING SPACES		
USE	SIZE	MINIMUM
Non-Residential Uses	GFA of 1,500 sf to 20,000 sf	1 off-street loading space 1 additional off-street loading space for each 20,000 sf GFA or portion thereof
Multifamily Residential Uses	The need for and requirement of off-street loading spaces shall be determined by the Planning Board based on the scale and anticipated demands of a proposed stand alone or mixed-use multifamily residential development.	
LEGEND	GFA = Gross Floor Area	sf = square feet

- (4) Queue Spaces. The following minimum queue spaces for waiting vehicles shall be provided for uses involving drive-up facilities or drive-through lanes, subject to Planning Board approval:

MINIMUM QUEUE WAITING SPACES	
USE	MINIMUM QUEUE SPACES
Drive-up ATM (Automatic Teller Machine)	3 spaces
Bank	6 spaces
Car Wash	8 spaces
Gas Pumps	2 spaces / pump or pump lane
Pharmacy	6 spaces
Restaurant / Restaurant-Take Out	8 spaces with minimum of 4 spaces before the ordering speaker
Any other permitted use	Subject to determination by the Planning Board No less than 2 spaces per window or access lane or such other number the Planning Board may prescribe based upon the unique characteristics of the use.

- (5) Multiple Uses. Where separate parts of a building or structure, or of a floor of a building, are used for purposes requiring different quantities of off-street parking and/or loading spaces, the minimum number required shall be determined by cumulatively adding the number of spaces required for each separate area devoted to each type of use, unless an alternative or deferral plan is approved by the Planning Board in accordance with Subsection F below. In no case shall a residential, non-residential, or mixed-use development establish or permit a combination of uses which exceed parking facility design capacity, unless otherwise specified by this chapter.
- (6) Changes in Use, Additions and Enlargements. When a change in use or an increase in floor area or other unit of measurement specified for calculating required minimum off-street parking and/or loading spaces as set forth in this chapter creates the need for an increase in the number of required minimum off-street parking and/or loading spaces, said additional parking and/or loading spaces shall be provided accordingly.
- (7) Employee Parking. Employee parking has been incorporated in the ratios for the minimum required off-street parking spaces.
- (8) Calculation Rounding. All calculations for off-street parking and loading resulting in a fraction shall be rounded down to the next lowest whole number (i.e., 10.9 = 10).
- (8) Non-Duplication of Use. No required off-street parking space shall be substituted or counted as a loading space, nor shall any required loading space be substituted or counted as an off-street parking space.

- (9) Accessible Parking.
 - (a) ADA Compliance. Off-street parking areas shall comply with the applicable requirements of the Americans with Disabilities (ADA) Act and the laws and regulations of the State of New York. All accessible parking spaces shall be designed and provided in number accordingly and such spaces shall be included in the total number of spaces required for structures and uses.
 - (b) No new structure, addition or use shall be zoning compliant until the required accessible parking spaces, line and pavement markings, and signs have been installed.
- (10) On-Street Parking. The use of on-street parking or portions thereof shall not be used in the calculation of any off-street parking or loading requirement contained in this chapter.

C. Off-Street Parking and Loading Facility Setbacks and Location.

- (1) Off-street parking and loading facilities may be partially or fully contained within a structure. Priority consideration shall be given to off-street parking facilities where parking spaces are located to the rear of principal buildings, as opposed to the side of buildings.
- (2) Uses Subject to Site Plan Approval. Off-street parking and loading facilities shall not be permitted to be located within any required yard setback area, except as may otherwise be permitted by this chapter with Planning Board approval. Off-street parking and loading facilities located on a property within a Boulevard District shall also not be permitted forward or in front (towards an abutting street) of principal buildings. Within a Boulevard District at least one principal building entrance shall be on the front façade or a front corner facing the street.
- (3) There shall be no more than one driveway connection from any lot to any street. However, the combining and sharing of site entrance driveways and internal service driveway connections serving abutting properties is encouraged and preferred to separate access driveways, particularly for properties in a Boulevard District (see § 180-19 for Boulevard District Incentives). Such shared access is a priority to facilitate fire protection services and/or to enable vehicles to travel between separate parcels and uses without the need to travel upon a street. Pedestrian sidewalks and crosswalks creating connections to shared parking and encouraging walking between abutting properties are also highly encouraged.
- (4) Additional driveway connections or separate entrance and exit driveways may be approved by the Planning Board under specific circumstances where such are deemed necessary to safeguard against hazards and to avoid congestion.

D. Off-Street Parking and Loading Design Standards.

- (1) Unobstructed access to and from a street shall be provided to all off-street parking and loading facilities to accommodate the safe approach, turning, and exiting of vehicles, including adequate turnaround area to preclude the need for backing out onto an abutting street right-of-way. No part of any off-street parking or loading space, or the area needed for the turning or maneuvering of vehicles within such facility shall encroach upon or conflict with any portion of a street or street right-of-way. Access driveways shall be of a design and have sufficient capacity to avoid the queuing of vehicles upon an abutting street.

- (2) No driveway shall provide access to a parcel located in a non-residential district across land in a residential district.
- (3) Where a lot has frontage on two or more streets, access shall be provided to the lot across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.
- (4) All streets giving access to a lot shall have traffic-carrying capacity, roadway improvements, and traffic management facilities sufficient to accommodate the amount and types of traffic generated by the proposed site use, considering access to existing uses along the street and existing traffic projected to the date of occupancy of the site.
- (5) Roadway, traffic management and other deficiencies in the street giving access, which result in congestion or impairment of safety and convenience, shall be mitigated by the applicant. Where deemed warranted or necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional signals, and other traffic controls.
- (6) All off-street parking and loading facilities shall provide continuous and safe circulation. Provisions shall be made for vehicular access to the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot.
 - (a) All off-street parking and loading space striping, pavement markings, and traffic directional flow signage shall be subject to Planning Board approval.
 - (b) Where off-street parking spaces terminate in a dead-end, the parking aisle shall be extended to a minimum of five (5) feet beyond the end spaces with a transition edge to provide an area for maneuvering vehicles backing out of the end spaces.
 - (c) Clear pedestrian access shall be provided from parking areas to principal buildings, including connections to existing and future sidewalks on abutting streets.
 - (d) Wheel stops shall be prohibited in areas in the direction of pedestrian flow and areas providing pedestrian access to sidewalks and buildings.
 - (e) All loading activities and access to loading spaces shall be on-site only. The location and access of loading spaces shall include adequate and safe adjacent aisle space based on the size and type of vehicles to be served, as approved by the Planning Board.
 - (f) All loading spaces shall be dedicated spaces separated by landscaped islands (see also § 180-51, Landscaping) no less wide than a standard parking space from access driveways, parking aisles, parking spaces, pedestrian areas and other areas as determined by the Planning Board.
 - (g) Off-street loading spaces shall be sized to accommodate small truck-type vehicles (SU30 or smaller). The Planning Board may require one or more loading spaces to be sized to accommodate a large truck-type vehicle (WB50 or larger).

- (7) Surface Treatment. All off-street parking and loading facilities, including site access driveways, shall be suitably improved, graded, stabilized, and maintained to ensure no nuisance or danger is caused from such or from erosion or surface water flow.
- (a) All off-street parking and loading facilities shall be paved in a manner with a dustless surface, providing for adequate drainage and stormwater management control and treatment.
 - (b) Design plans for off-street parking and loading facilities shall comply with the permitting requirements, standards, and specifications of the Town's regulations for stormwater management and erosion and sediment control.
 - (c) All non-residential and multifamily residential off-street parking and loading facilities, including site access driveways, shall be paved with bituminous concrete, concrete, or other suitable hard impervious or alternate hard surface pervious pavement system as approved by the Planning Board. Gravel, crushed stone, asphalt millings or similar shall not be used or deemed suitable for finished pavement surfaces. Facilities shall have a dustless surface capable of maintaining (accommodating) painted line striping as approved by the Planning Board.
 - (d) The Planning Board may allow for alternative surface treatments such as pervious pavers, gravel or similar (excluding asphalt millings) in seasonally or less frequently used parking areas, such as at parks and public trail access locations, outdoor storage areas where the materials to be stored would otherwise damage the integrity of a paved surface, areas approved as overflow parking, and in non-commercial parking lots of less than 20 spaces, in accordance with the following provisions:
 - [1] The proposed alternative surface treatment is determined to be suitable and adequate for the intended purpose.
 - [2] Engineering details which depict the typical section of the proposed alternative surface treatment must be submitted and approved by the Planning Board.
 - [3] The proposed site design and alternative surface treatment must allow for stormwater management collection and runoff control in accordance with this chapter and as otherwise required by the Code of the Town of North East.
 - [4] The proposed alternative surface treatment, and/or the use thereof and/or materials to be placed or stored thereupon has been adequately demonstrated not to result in or cause a condition resulting in adverse environmental impacts to the immediate and surrounding area (i.e., cause or contribute pollution to surface and/or ground resources).
- (8) Grades. Non-residential and multifamily residential off-street parking and loading facilities shall have a grade of no less than one percent (1%) or greater than five percent (5%). Access site driveways shall have a grade not to exceed ten (10) percent and shall meet the street line and travel way of the street with proper transition grades and sight lines for safe, convenient, and efficient access and in such a manner as to conform to the established cross section for the street.
- (9) Dimensions of Access Driveways, Parking Aisles and Off-Street Parking and Loading Spaces.
- (a) Two-way traffic flow access driveways from abutting streets, between properties, and within parking facilities shall have a minimum width of twenty-four (24) feet.

- (b) One-way traffic flow access driveways and parking aisles may provide a reduced width as approved by the Planning Board subject to the minimum aisle widths set forth below (*see table below: Off-Street Parking Dimensions*).
- (c) Wider access driveway and parking aisle widths shall be subject to Planning Board approval based on the use and anticipated type and size of vehicles anticipated.
- (d) Off-Street Parking Spaces. Each off-street parking space shall be of such shape as to contain a rectangle having the width, depth, vertical clearance, and access aisle width as to accommodate the vehicle intended for such parking space as follows:

OFF-STREET PARKING DIMENSIONS				
Angled Parking	0 Degrees	50 Degrees	60 Degrees	90 Degrees
Stall Width ¹	9 feet	9 feet	9 feet	8 feet
Stall Length ²	18 feet	18 feet	19 feet	22 feet
Aisle Width	24 feet	12 feet	14 feet	24 feet ³
Vertical Clearance	7 feet	7 feet	7 feet	7 feet
Accessible Spaces	ADA accessible parking spaces shall comply with the size, slope and other standards applicable per federal and state law.			
¹ Ten (10) feet if adjacent to an interior or exterior wall or columns. ² Adjacent and overhanging a sidewalk, such sidewalk minimum width shall be per §180-23B of this chapter. ³ Two-way traffic flow; 12 feet if restricted one-way traffic flow.				

- (e) Off-Street Loading Spaces. Each off-street loading space shall be of such shape as to contain a rectangle having the width, length, vertical clearance, access, and slope as to accommodate the vehicle intended for such loading space.

OFF-STREET LOADING DIMENSIONS			
TYPE	Width	Length	Clearance
SU30	12 feet	30 feet	15 feet
WB50	12 feet	50 feet	15 feet
Access and Slope			
Access	As deemed acceptable and approved by the Planning Board.		
Slope			

- (10) Landscaping and Shade. Parking and loading facilities shall be landscaped and provide shade in accordance with the specifications in § 180-51.

E. Maintenance of Off-Street Parking and Loading Facilities Required.

- (1) Off-street parking and loading facilities shall be routinely maintained as designed and continuously kept in satisfactory condition to be attractive, free of hazards, nuisances and other unsafe conditions which could create potential for injury or casualty to life or property.

- (2) Off-street parking and loading space striping, pavement markings, and traffic directional flow signage shall be subject to regular maintenance to ensure all spaces and traffic controls are readily visible and comprehensible.
- (3) Off-street parking and loading facilities shall not be reduced or encroached upon in any way and shall include adequate accommodation for the storage of cleared snow outside of parking and loading spaces.
- (4) Off-street parking and loading spaces shall be kept free of obstructions and shall not be used for other purposes (e.g., shall not be used for storage or placement of trailers, RVs, dumpsters, media dispensers, collection or donation containers, snow removal equipment, outdoor display or vending, storage containers, advertising devices, or other non-authorized uses).
- (5) The overnight parking or storage of campers, boats, RVs, tractor trailers (except in designated loading spaces and when associated with the principal use of the premises) or similar vehicles shall be prohibited for parking lots associated with uses requiring Planning Board Site Plan approval.
- (6) No commercial motor vehicle of more than one (1) ton capacity shall be parked or stored overnight on the street in any Residential District.

F. Alternative and Deferred Off-Street Parking and Loading Space Provisions.

- (1) Off Premises Parking. If off-street parking spaces required by this chapter cannot be reasonably provided on the same lot on which the principal use is conducted, the Planning Board may permit such off-street parking to be provided on a different property, provided:
 - (a) The off-street parking spaces are located within 400 feet of the nearest property line of the lot upon which the related principal use is located.
 - (b) The off-street parking spaces are not otherwise required for the uses on the different property.
 - (c) A written easement agreement for access and use subject to Planning Board approval shall be recorded upon the County Land Records.
 - (d) Such off-street parking spaces shall not thereafter otherwise be eliminated, reduced, or encroached upon in any manner unless other off-setting replacement off-street parking spaces are provided as approved by the Planning Board.
- (2) Joint Use Parking. Upon the authorization of the Planning Board, the owners of two or more abutting properties may establish a joint parking facility, which may be located on any of the properties involved, to provide the total number of required parking spaces for each property collectively.
 - (a) Upon establishment of a joint use arrangement, agreements shall be entered into by the property owners granting mutual use and access easement provisions to the parties and their successors in title in perpetuity. The agreement and corresponding cross-easements of access and use, and any amendments thereto, shall be approved by the Planning Board and shall be recorded upon the County Land Records.

- (b) Joint use of parking shall only be applicable to the specified uses and the Site Plan as approved. Changes in the uses, peak hour usage or other related operational characteristics shall require timely reconfirmation by the Planning Board as to the appropriateness of continued applicability of the joint use parking arrangement or otherwise need for provision of additional off-street parking spaces. Failure to obtain said reconfirmation or provide additional off-street parking spaces as may be required by the Planning Board shall constitute a zoning violation for any uses approved expressly under the joint use parking agreement, making the joint parking arrangement null and void.
- (3) Shared Use Parking. The Planning Board encourages parking lots for different structures or uses, or for mixed uses, to be shared.
- (a) A reduction in the minimum number of required off-street parking spaces may be approved by the Planning Board where a sharing of parking by a mix of land uses on the same or abutting properties can be shown to have operational and functional differences in their uses and peak demands for parking.
- (b) Up to forty percent (40%) of the total off-street parking spaces collectively required by all uses involved may be shared where different peak operating periods can be adequately demonstrated to the satisfaction of the Planning Board.
- (c) In determining the parking requirements for any proposed use, the Planning Board shall consider the parking standards for said use as set forth in this chapter together with the following criteria:
- The number of anticipated persons (employees, customers, clients, members, students, or other users) in need of parking throughout a typical day and week, as well as the maximum number of persons at times of peak daily usage.
 - The size, number and type of mixed land uses.
 - An estimate of anticipated turnover in parking space use over the course of twenty-four (24) hours at the site.
 - The type and hours of operation and parking demand for each use.
 - The rural, environmental, scenic and/or historic sensitivity of the site.
 - Other information deemed warranted or relevant by the Planning Board.
- (d) Off-street parking spaces to be shared shall not be reserved for individuals or groups on a twenty-four (24) hour basis.
- (e) Principal buildings sharing a parking facility do not need to be located on the same lot, but each principal building shall be a maximum of 400 feet from the closest parking space in the lot providing the shared spaces. A waiver of the maximum allowable distance between the principal building and associated shared parking may be approved by the Planning Board with written justification and supporting information provided by the applicant.
- (f) Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian walks, crossings, signage, and adequate lighting, as approved by the Planning Board.

- (g) Legal assurance to the satisfaction of the Planning Board shall be provided detailing how the different peak operating periods (staggered hours of operation) will continue for the life of the approved uses. In addition, facilities involving multiple properties, upon establishment of a joint use arrangement, agreements shall be entered into by the property owners granting mutual use and access easement provisions to the parties and their successors in title in perpetuity. The agreement and corresponding cross-easements of access and use, and any amendments thereto, shall be approved by the Planning Board and shall be recorded upon the County Land Records.
- (h) Shared use parking shall only be applicable to the uses specified and the Site Plan as approved. Changes in the uses, peak hour usage or other related operational characteristics shall require timely reconfirmation by the Planning Board as to the appropriateness of continued applicability of the granted shared parking arrangement or otherwise need for provision of additional off-street parking spaces. Failure to obtain said reconfirmation or provide additional off-street parking spaces as may be required by the Planning Board shall constitute a zoning violation for any uses approved expressly under the shared parking agreement, making the shared parking arrangement null and void.
- (4) **Reduced Parking.** The Planning Board may permit off-street parking spaces less in number than specified in this chapter provided each of the following standards are met:
- (a) The applicant can demonstrate to the satisfaction of the Planning Board that the number of otherwise required minimum off-street parking spaces exceeds the design-hour requirement for the site uses.
- (b) The applicant can demonstrate to the satisfaction of the Planning Board that such parking space reduction will not induce parking on public ways or result in hazardous conditions for vehicles and pedestrians within or proximate to the subject property.
- (c) The number of spaces provided on the Site Plan are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of a building, structure or land proposed on the Site Plan.
- (d) The reduction shall only be applicable to the specified uses and the Site Plan as approved. Changes in the uses or their operational characteristics shall require reconfirmation by the Planning Board as to the appropriateness of continued applicability of the granted parking reduction or otherwise need for provision of additional off-street parking spaces. Failure to obtain said reconfirmation or provide additional off-street parking spaces as may be required by the Planning Board shall constitute a zoning violation, making the parking reduction null and void.
- (5) **Deferred Parking (reserved land banking).** The Planning Board may permit a deferral in the number of “developed” parking spaces where accessible reserve areas are adequately land banked on a site and designated on an approved Site Plan.
- (a) At the discretion of the Planning Board upon evaluation of anticipated current demand, or, if an applicant can demonstrate that the actual demand is less than the minimum required number of parking spaces for said use, the Planning Board may approve a deferred parking plan reserving up to forty (40%) percent of the total otherwise required spaces.

- (b) Such reserved spaces shall be of standard design, shown in hatched lines and labeled “Deferred Parking” on the Site Plan.
- (c) Land approved as deferred parking shall remain in its natural state or be landscaped but shall not be used in a manner that would prevent it from readily being developed for parking in the future. The Planning Board may require the area of deferred parking to be rough graded to accommodate future development as parking without the need for notable excavation or filling.
- (d) A covenant shall be executed on the County Land Records legally guaranteeing that the owner will provide the additional spaces if the Zoning Enforcement Officer or the Planning Board upon investigation of the actual use of parking spaces at the site of deferred parking warrants the need for some or all of the reserved parking spaces to be installed and made available.
- (e) The Planning Board may require the future construction of said deferred parking, or portions thereof, into usable parking, within ninety (90) days of written notice to do so based upon a change in parking demand, a change of use, or a change of traffic safety circumstances as determined by the Planning Board, and provided such notice shall take into account the time of the year suitable for pavement installation. Failure to construct such spaces per such request shall constitute a zoning violation and the Site Plan approval associated thereto.
- (6) **Waiver of Off-Street Loading Spaces.** The Planning Board may waive the requirement for off-street loading spaces if in its judgment such is not necessary or warranted for the use or development. However, the area for future loading space must be documented on the Site Plan so that it will be available for future use if needed. The Planning Board may require the deferral of any such loading spaces, consistent with the requirements for deferred parking as set forth in this chapter.

29. – REPEAL EXISTING § 180-51 and REPLACE with the following:

(Note: “Off-Street Parking for Commercial Vehicles while Loading and Unloading” combined with new § 180-50.)

§ 180-51 Landscaping

A. Purpose and intent.

Quality site landscaping complements the Town’s overall appearance as a place that appreciates natural beauty, cultivates native trees, shrubs, and groundcovers, while using plantings to minimize the more artificial aspects of the built environment, in accord with the necessity of making the site and larger community carbon neutral. Naturalization of the built environment functioning harmoniously and with stimulating variety is sought as opposed to homogenous environments requiring greater controlled maintenance.

The purpose of these landscaping standards is to enhance community aesthetics and improve environmental and ecological qualities by:

- Preserving existing native and non-invasive plantings, enhanced with new plantings that are resilient and sustainable in the area’s natural conditions.
- Recycling air and water, absorbing pollution, and sequestering carbon.

- Providing shade, air-cooling, and windbreak protection.
- Controlling flooding and erosion of topsoil.
- Providing habitat and food sources for birds, insects, and other wildlife species.
- Assisting in improving biodiversity.
- Planning for water-wise and efficient maintenance.
- Establishing visual relief to large expanses of paved areas.
- Softening edges of buildings, making large buildings appear smaller (more human scale), and creating places for social gathering.
- Buffering and screening incompatible uses and different intensities of use, and providing privacy from visual intrusion, light and noise.
- Creating physical and visual separation for pedestrians and bicyclists from vehicular traffic.
- Improving the quality, appearance, and beauty of the local environmental conditions.
- Protecting the town's resource-rich landscape guided by a strong commitment to preserve and enhance its environment and ecosystems.

It is the intent of these standards that, at minimum, landscaping standards shall be implemented reflecting both the scale and type of development proposed. Recognizing not all parcels or site developments are the same, these standards provide flexibility in meeting the intent of required landscaping. These standards are intended to ensure development activities include and maintain quality landscaping designed to safeguard and protect property values, as well as public and private investment. The intent also seeks to preserve and enhance natural ecosystems while ensuring the adequacy and appropriateness of new landscape plantings as to type, location, function, density, sustainability, and attractiveness. It is further intended that existing and new landscaping be properly maintained.

B. Applicability.

These landscaping standards shall apply to all uses (principal and accessory) for which special permit and/or site plan approval is required in all zoning districts. A landscaping plan as required by these standards commensurate with the scope and content of an application for site plan approval shall be submitted with such application.

C. Landscaping Design Standards

(1) Landscape Design

- (a) Landscaping within a site shall be designed to facilitate conservation and enhancement of existing vegetation, predominately consisting of the retention and addition of native plant species. Existing and new landscaping shall dominate the site development plan, integrating the various elements of site design through landscaping, and by preserving and enhancing the existing natural identity of a property, creating an attractive site character and appearance.
- (b) All areas of a lot not covered by buildings and other structures, outside storage, paving and other built components shall be suitably landscaped with a variety of trees, shrubs, and groundcover plantings, predominantly consisting of native species and cultivars not susceptible to widespread diseases or insect infestation, or left as natural terrain if not disturbed by proposed development activities. Landscaping shall include multi-season variety, flowering, and interest.

- (c) Landscaping shall be provided to minimize environmental impacts associated with parking and other paved surfaces associated with the accessory needs of a facility and use, while improving the visual aesthetic of the surrounding primarily rural and farm residential community. Some examples of requirements include but are not limited to:
- Intermingling of developed surfaces with vegetated and natural environments.
 - Implementation of onsite subsurface infiltration systems and surface natural retention systems such as rain gardens, vegetated swales, and riparian buffers.
 - Implementation of effective filtration and biological systems to protect water supply. Stormwater runoff is to be controlled and treated onsite and without direct discharge into wetlands or watercourses and associated buffers.
 - Incorporation and addition of tree shading and alternative pavement materials to minimize heat effects of pavement and other hard surfaces.
- (d) The identification of and proposed means for removal and/or management of existing invasive species shall be provided as part of the overall landscaping plan proposal.
- (e) The Planning Board shall require suitable landscaping to screen and/or buffer accessory components (parking and loading, refuse facilities, utilities, stormwater management controls, etc.) and incompatible abutting land uses.
- (f) Routing and installation of subsurface utilities shall be coordinated to preserve existing vegetation and to not hinder the installation, growth, and maintenance of proposed landscaping.
- (2) Existing vegetation.
- (a) Healthy native and non-invasive existing vegetation is to be preserved to the greatest extent practicable by minimizing proposed clearing and grading and by avoiding the drip-line area of existing trees to remain to protect the tree's root system. Provisions shall be detailed as to how the existing vegetation remaining will be protected during construction.
- (b) The following existing vegetation shall be preserved to the maximum extent practical:
- Trees sixteen (16) inches or more in diameter at breast height (dbh), or trees of lesser diameter as determined by the Planning Board to be important to the site landscape.
 - Native trees with multifaceted contributions to local ecological habitats and that promote biodiversity.
 - State and federal listed rare flora species, as well as mature trees and where practical, keep healthy, thriving existing trees and plants.
 - Native trees, shrubs, and groundcover plantings, which help mitigate the worst effects of climate change.
- (c) At the discretion of the Planning Board, where sufficient natural vegetation exists it may be substituted in total or part for required new landscaping, provided said landscaping is effective in achieving the intent of these standards.

- (d) Healthy native and non-invasive existing vegetation along watercourses shall be preserved and enhanced to maintain an effective and densified riparian buffer running parallel to the watercourse for a minimum width distance of thirty (30) feet measured outward from the mean high water line of the watercourse.
- (3) New landscaping
- (a) The specification of native and non-invasive plant species shall be the focus of landscaping plans. New landscaping materials shall consist predominately of species native to the area and to a lesser extent non-invasive species adapted to the climatic conditions of the larger region. Plant species that contribute to the wellbeing of birds and insect pollinators are preferred. Invasive plants species identified within the region shall not be proposed or permitted.
- (b) Reference is hereby made to a list on file with the Zoning Enforcement Officer of prohibited invasive or otherwise ecologically harmful plant species, as developed and amended from time to time by the Town of North East Conservation Advisory Council. Landscaping plans shall not incorporate plants that are identified on the prohibited list. At its discretion, the Planning Board may rely on additional resources when determining if other plant species shall be prohibited.
- (c) Reference is hereby made to a list on file with the Zoning Enforcement Officer of recommended native plant species for landscaping plans, as developed and amended from time to time by the Town of North East Conservation Advisory Council. Applicants are encouraged to select native landscaping plant species from the recommended list to achieve the ecological benefits described above.
- (d) Landscaping shall be planted and maintained in a healthy, growing condition according to accepted horticultural practices. Plant species shall be selected to minimize the need for irrigation and/or application of pesticides, herbicides, and/or fertilizers. Plant species included in landscaping plans shall be hardy and resilient in the current climate conditions prevalent in the Town of North East, and shall also take into account the effects of climate change including periods of drought and high rainfall, elevated temperature and shorter intervals of frozen ground.
- (e) Landscaping shall include a generous mix of deciduous and evergreen trees, ornamental trees, shrubs, perennials, and ground covers other than lawn. Areas of lawn shall be minimized to reduce site maintenance, to favor plantings beneficial to biodiversity, and erosion concerns. Annual plantings are also encouraged to supplement principal site landscaping.
- (f) A variety of shade tree species to provide visual interest, to protect against same species die-out or disease, and for tolerance to road salt shall be provided.
- (g) Landscaping shall provide visual interest in all four seasons as landscaping limited to deciduous trees and shrubs leaves a barren winter landscape. Site landscaping shall be designed to blend in with the prevailing scale, appearance, and neighboring uses, and where required by the Planning Board, effectively buffer and screen incompatible aspects of development.

- (h) Landscape plantings of shrubs, ground cover, and shade and evergreen trees, as well as perennials and annuals and other materials such as rocks, water, walls, fences, paving materials, and street furniture, shall be encouraged to create pedestrian-scale spaces and to maintain landscape continuity within the community. As may be approved by the Planning Board, sculpture and art may also be integrated into the landscape plan and is encouraged.
- (i) Landscaping shall be provided generally at the base of and surrounding buildings, structures, refuse and recycling enclosures, mechanical equipment, free-standing signs, and similar site features. Freestanding light fixtures shall be appropriately sized and located in landscaped areas and parking lot landscaped islands and integrated with sidewalks and other areas outside of parking areas.
- (j) Irrigation where included shall be detailed and the sufficiency of the water source and supply shall be demonstrated.
- (k) Certain landscaping shall be installed with the following minimum sizes:
- Deciduous shade trees 3-3½ inches in caliper
 - Ornamental trees 2-2½ inches in caliper
 - Evergreen screen trees 10-12 feet in height
 - Evergreen trees in general 6-8 feet in height
 - Shrubs 2-3 feet in height / 24-36 inches spread
- (l) All disturbed areas to be landscaped shall be restored with topsoil, sufficient to ensure the health of the plantings but not less than six (6) inches unless otherwise permitted by the Planning Board and specified on the landscape plan.

D. Landscape Buffers and Screens

- (1) Landscaping in combination with fences and walls shall be required by the Planning Board to provide screening and buffering of parking and loading facilities, services areas, site utilities and other on and offsite conditions.
- (2) Landscape buffering and screening may be required to create boundaries and transitions between areas of differing development intensities, as well as to separate areas of incompatible land uses.
- (3) Landscape buffers and screens shall be consistent with the general landscaping design standards set forth in these standards as well as the following:
- (a) Required buffer and screen landscaping shall include retention of existing desired vegetation as supplemented and augmented with new plantings where practical.
- (b) Landscape buffers and screens shall consist of a combination of deciduous and evergreen trees and shrubs, fencing, walls, as well as constructed planted berms or natural landforms. The species type and combination of plantings shall address long term provisions to maintain an effective buffer and screen as the plants grow and age.

- (c) Where vegetation is used or required to provide all-season screening, such shall consist of evergreen trees and shrubs configured in staggered rows to provide maximized protection. The selection of evergreen trees and shrubs should be chosen for their ability to remain full to the ground, with the inclusion of mid-size evergreen shrubs combined with evergreen trees to maximize understory protection as the trees mature and lower branches thin-out.

E. Pedestrian Walkways and Parking Areas.

(1) Pedestrian walkways.

- (a) Pedestrian walkways shall comply with the standards set forth in §180-23B of this chapter.
- (b) Pedestrian walkways shall be raised by curbing where appropriate, include handicap accessible access and be constructed of a different paving material than the parking pavement, such as bluestone, brick, pavers, concrete (including stamped or colored), or other porous or pervious decorative materials.
- (c) Preferred curbing shall consist of durable materials such as granite, stone or block, or concrete. Use of asphalt curbing is discouraged.
- (d) Wheel stops shall not be used in the direction of pedestrian movement as they present a tripping hazard.

(2) Parking area landscaping.

- (a) Landscaping islands shall be used and designed to delineate vehicular and pedestrian patterns, integrated with the use of different colored and textured paving materials, raised or inverted areas, and other techniques used to further direct the flow of both vehicular and pedestrian traffic within a development site. Landscape islands may include raised or depressed areas based on the integration of the landscaping and stormwater management controls. However, stormwater management shall not compromise the need for landscape aesthetics.
- (b) Parking area landscaping shall provide a combination of shade and ornamental trees, shrubs and groundcover plantings (other than lawn) to break up expanses of pavement, ensure sufficient shading of parking areas, and minimize long-term maintenance needs.
- (c) Parking areas shall be defined with landscaped islands. At minimum, fifteen (15%) percent of the area of parking (defined by drawing an outer perimeter of all paved areas) shall include landscaped islands within the internal environs of such areas. Landscape islands shall be of sufficient size and design to support the growth and continued health of the plants within. At minimum, landscaped islands shall be provided as follows:
 - Between bays of parking spaces with a minimum island cross width of twelve (12) feet.
 - Between a bay of contiguous parking spaces of twenty (20) or more with a minimum island depth and width equal to the measurements of a parking space.
 - Between parking spaces and loading spaces, storage areas, utility pads, dumpster enclosures, and similar accessory aspects with a minimum island depth and width equal to the measurement of a parking space.

- Between transitions of rows of parking spaces such as at perimeter corners (rather than striping or open areas unusable for compliant parking).
- (d) Parking areas shall include an appropriate number and placement of shade trees to provide shade across a minimum of thirty (30%) percent of the paved area as follows:
- Shading shall be based on that provided by shade trees only.
 - The shade diameter of a shade tree shall be based on the expected canopy diameter (according to authoritative resources) of each shade tree at fifteen (15) years of age.
 - The area of shade provided by the shade trees shall be calculated as if the sun were directly overhead.
 - Overlapping areas of shade (where shade canopies of two (2) or more trees overlap) shall not be counted twice.
- (e) Parking areas and associated drainage facilities shall be designed to accommodate snow storage without detriment to wetlands, watercourses, landscaping, and pedestrian walkways. The location of such snow storage shall be appropriately located to avoid and prevent snowmelt containing salt or other deicer chemicals from flowing directly into such areas.
- (f) Bicycle racks, where provided, shall be integrated with the overall design, and located in an area that does not conflict with vehicular access, parking spaces and pedestrian walkways.

F. Landscaping Plan Requirements.

- (1) Landscaping plans shall be prepared by a person or firm with landscape design experience and of native plant species prevalent in northeast Dutchess County. It is recommended, and may be required by the Planning Board, that a required landscaping plan be prepared by a New York State licensed landscape architect.
- (2) Plans for landscaping shall include sufficient information to determine compliance with these standards. The following basic information shall be provided (in addition to that otherwise required for Site Plans), except as may be waived by the Planning Board if determined not applicable to the application under review:
 - (a) Location and boundaries of existing natural land features on the property, including exposed ledge and rock outcrops, hedgerows, trees sixteen (16) inches or more in diameter at breast height (dbh), mapped significant habitat areas, stonewalls, wetlands and watercourses, and steep slopes of fifteen (15%) percent and greater.
 - (b) Aerial photo (i.e., Dutchess County Parcel Access, Google Earth or similar) to show current site conditions and general location for vegetation resources.
 - (c) Identification of all proposed changes to existing natural land features, including existing trees to be removed and existing trees to remain, as well as proposed measures and details thereof for their protection in the field during construction. The landscaping plan shall also detail natural features and existing vegetation to be left in its natural state.

(d) Location of proposed landscaping keyed to a “Plant Schedule” with the following minimum information:

- Organized by plant type (tree, ornamental, shrub, groundcover, etc.).
- Identification of proposed plant species defined by common and scientific name, native status, and non-inclusion on the prohibited plant list (see also Subsection C(3) above for prohibited and native plant lists).
- Quantity of each species.
- Installation size (at time of planting).
- Root conditions (ball and burlap, container, etc.).
- Any specialized species specific or planting and maintenance instructions.

(e) A Landscaping Operations and Maintenance Plan shall be provided addressing at minimum the following:

- Provisions for initial planting establishment.
- Provisions and schedule for long term general maintenance (weeding, mulching, pruning, perennial cut back, general care, etc.).
- Provisions for watering at initial planting, long term, and during potential times of drought.
- Provisions for replacement of nonperforming required site plantings over time due to damage, disease or other adverse impacts to the plant’s health and functionality as originally intended.

(f) Other information, as may be required by the Planning Board.

G. Landscaping Compliance and Inspections.

- (1) Landscaping shall be maintained in a healthy growing condition. Dead or diseased landscaping shall be promptly replaced consistent with the original approved landscaping plan as approved by the Planning Board.
- (2) The maintenance of landscaping shall be the ultimate responsibility of the property owner. Lack of maintenance in a proper, neat, and functional condition shall be construed to be a violation of this chapter and subject to the penalties provided by law.
- (3) Landscaping shall be subject to inspection by a designated agent of the Town, as well as an investigation of complaints made by any official or private citizen concerning the maintenance of such.
- (4) The Planning Board may require as a condition of site plan approval, project specific inspections and reporting by an appropriate professional at the expense of an applicant to assess the efficacy of installed landscaping prior to and during the initial two (2) years, or longer as deemed warranted by the Planning Board, following acceptance by the Zoning Enforcement Officer of completed landscaping.

30. – REPEAL EXISTING § 180-52 and REPLACE with the following:

§ 180-52 Motor Vehicle Body Shop, Repair Shop and Sales and Rental.

Motor Vehicle Body Shop, Motor Vehicle Repair Shop and Motor Vehicle Sales and Rental uses shall comply with the following supplemental standards:

A. General Standards

- (1) All service and repair work on motor vehicles other than minor short duration servicing, such as the changing of tires, wiper blades, lights, adding of fluids (not changing of such), and other similar items shall be conducted in a fully enclosed building (shall not be construed to mean that the service or garage doors to any automobile or body shop must be kept closed at all times).
- (2) All storage of parts, scrap etc. shall be within enclosed structures.
- (3) Appropriate plans shall be detailed providing for the environmentally sound temporary storage and disposal or recycling of wastewater, oil and gasoline products and other hazardous materials, or discharges of same.
- (4) All waste materials shall be properly stored in containers prior to disposal within a structure or within an adequately landscaped and fenced or walled enclosure.
- (5) Dismantling, wrecking, or the sale of such vehicles or their parts shall not be permitted.
- (6) No wrecked, inoperative, disassembled, or abandoned motor vehicle, or portions thereof shall be kept on the premises for longer than two (2) weeks unless kept in buildings or approved storage areas.
- (7) Retail car washing shall not be permitted. Ancillary car washing by the facility operator is permitted provided such is done within an entirely enclosed building and all wash water effluent is collected and recycled within the building.
- (8) Outdoor display or storage of motor vehicles.
 - (a) All outdoor displays or storage of motor vehicles shall be located on the same lot and shall comply with the required yard area setbacks for parking.
 - (b) The display or storage of motor vehicles shall be limited to those portions of the site designated on the Site Plan as approved by the Planning Board.
 - (c) The areas devoted to outdoor display or storage of motor vehicles shall be in addition to the required minimum off-street parking spaces for the principal use.
 - (d) The layout of vehicle storage including display parking storage shall not hinder internal vehicle circulation within the site.
 - (e) Stacking (tandem) of motor vehicle storage spaces may be included provided such is organized and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access.
 - (f) No mechanical or structural parking lift devices shall be permitted for the outdoor storage or display of motor vehicles.

- (g) Vehicle display and storage areas shall be constructed and maintained with an approved all season surface treatment, including pervious or impervious paved surface materials, gravel or stone (not millings), or other suitable surface treatment approved by the Planning Board.
- (9) The sale of used vehicles at a motor vehicle body shop or motor vehicle repair shop may be permitted, subject to the following limitations:
- (a) The sale of used vehicles as an accessory land use shall be permitted pursuant to an appropriate State of New York license authorizing the selling of used automobiles.
 - (b) No more than six (6) used vehicles for sale shall be permitted on the premises at any given time.
 - (c) Authorized used vehicles shall be stored in a designated area as set forth on the approved Site Plan as approved by the Planning Board.
 - (d) The designated storage of authorized used vehicles shall be in addition to the required minimum off-street parking spaces for the principal use.
- (10) The rental of vehicles at a motor vehicle body shop or a motor vehicle repair shop may be permitted, subject to the following limitations:
- (a) The rental of vehicles as an accessory land use shall be permitted pursuant to an appropriate State of New York license authorizing the rental of automobiles.
 - (b) No more than ten (10) rental vehicles for rent shall be permitted on the premises at any given time.
 - (c) Authorized rental vehicles shall be stored in a designated area as set forth on the approved Site Plan as approved by the Planning Board.
 - (d) The designated storage of authorized rental vehicles shall be in addition to the required minimum off-street parking spaces for the principal use.

B. Motor Vehicle Body Shop Specific Standards

- (1) An application for a motor vehicle body shop shall provide an operations plan detailing the policies and procedures that will be followed relating to the following:
- (a) The storage, use and disposal of cleaning solvents, thinners and paint products used in conjunction with painting and repair activities pursuant to federal, state, county and local laws, regulations, ordinances, and requirements.
 - (b) The packaging and handling of hazardous materials used in conjunction with painting and repair activities.
 - (c) The control of solids, liquids and airborne particulates produced during grinding, sanding, or coating, to prevent contact with the ground and potentially contaminating stormwater runoff.
 - (d) The storage, handling, and disposal of hazardous waste resulting from painting and repair activities, pursuant to federal, state, county and local laws, regulations, ordinances, and requirements.

C. Motor Vehicle Repair Shop Specific Standards

- (1) Temporary storage of facility and customer repair vehicles shall be limited to those designated as storage areas on the Site Plan as approved by the Planning Board.

D. Motor Vehicle Sales and Rental Specific Standards

- (1) Sales or rental offices shall be located entirely within an enclosed building.
- (2) Accessory motor vehicle repair or body shop services shall not be permitted unless the principal use is permitted in the underlying zoning district of the subject lot. If permitted, the accessory service facilities shall be located entirely within an enclosed building and shall comply with the supplemental specific standards for such use as set forth above.
- (3) May include a small ancillary retail store within the principal building for the sale of motor vehicle merchandise and parts not to exceed a gross floor area of five hundred (500) square feet (does not include parts storage areas).

31. – REPEAL EXISTING § 180-53 and REPLACE with the following:

(Note: Replaces existing "Public Stables.")

§ 180-53 Outdoor lighting

A. Purpose and intent.

The purpose of these outdoor lighting standards is to provide regulations which will protect the health, safety and welfare of the general public, conserve valuable energy resources, prevent light trespass from interfering with our quality of life, protect our ecological and natural resources, and preserve the ability to view the celestial features of the night sky for present and future generations. These provisions are designed so that outdoor lighting will be protective of the environment by applying to all new construction and when current outdoor lighting fixtures that are not in compliance with these standards are replaced. These standards provide for the following:

- (1) Provision of comprehensive regulations and guidelines for residents, business owners, and the municipality to understand and comply with standards for outdoor lighting.
- (2) Preservation of Town of North East's rural character, aesthetic values, and unique quality of life enjoyed by residents by preserving and enhancing the ability to view the night sky.
- (3) Ensuring public safety and security through implementation of best practices for lighting design and recognizing that extraneous lighting can often be a detriment to safety.
- (4) Advancement of sound environmental policies which will benefit residents and serve as a positive example.
- (5) Proper direction and use of light to minimize light trespass, glare, and energy wasted on unnecessary and indiscriminate illumination.

- (6) Elimination of the need for commercial establishments to compete for visual attention by escalating outdoor lighting levels.
- (7) Reduction in excessive illumination which can have a detrimental effect on flora and fauna that depend on the natural cycle of day and night for survival.
- (8) Prevention of nuisances caused by unnecessary light intensity, glare, and light trespass.

B. Applicability.

- (1) Pre-existing outdoor lighting.
 - (a) Lawfully pre-existing and operative outdoor lighting prior to **{INSERT ADOPTION DATE}** may remain, except as otherwise required by these outdoor lighting standards.
 - (b) Any pre-existing outdoor lighting fixture that is replaced, changed, repaired, or relocated, in whole or in part shall comply with these standards.
- (2) New outdoor lighting. All new outdoor lighting shall comply with these standards.
- (3) Nonresidential lighting. Any changes to a nonresidential property requiring special permit and/or site plan approval by the Planning Board shall be subject to these standards. The Planning Board may require existing outdoor lighting to be retrofitted or replaced consistent with these standards.
- (4) Residential lighting. Changes to a residential property whereby lot coverage or floor area is increased by twenty-five (25%) percent or more all associated new outdoor lighting shall be subject to these standards.
- (5) Prohibited outdoor lighting. The following outdoor lighting shall be prohibited within the Town except as may otherwise be permitted or exempt by these standards:
 - (a) Lamps having a correlated color temperature exceeding 2,700 Kelvin.
 - (b) Lighting that is utilized to illuminate a property other than that on which the light fixture is located.
 - (c) Searchlights, except when used during and by emergency service providers.
 - (d) Strobe and flashing lights, including laser light shows and aerial laser lights, unless temporarily triggered by a security system and extinguished at the time of security response.
 - (e) Lights, including sign lighting, producing varying intensities, changing colors, blinking, pulsating, flickering, tracing, moving, scrolling, and rotating light, except identification lighting as required by the Federal Aviation Authority and exempt holiday lighting.
 - (f) Neon lights and internal illumination of canopies, awnings, and signs.
 - (g) Any type of lighting that is used to outline all or part of a building (for example, a window, roof, or gable), except fully recessed soffit lighting used to illuminate a walkway.
 - (h) Lights mounted indoors projecting outdoors and intended to call attention to the premises as viewed from the outdoors.

- (i) Any light fixture that may be construed as, or confused with, a traffic signal or traffic control device.
 - (j) Lighting that is determined by municipal law enforcement to contribute to a condition of disabling or distracting glare into a public roadway.
 - (k) Any outdoor light fixture that is not of a fixed, full cutoff or fully shielded design.
 - (l) When visible across property lines, the illumination of vending machines after the close of business.
 - (m) "Day burners" or outdoor lighting illuminated during daylight hours.
 - (n) Any type of gas discharge or high-intensity discharge lamp, including but not limited to mercury vapor (MV), metal-halide, and high or low-pressure sodium lamps
- (6) Exempt outdoor lighting. The following outdoor lighting shall be exempt from these standards:
- (a) All temporary emergency lighting that is determined to be necessary by the police, fire department, Superintendent of Highways, or other firefighting or emergency service providers.
 - (b) Lighting used in municipal road construction or emergency repair or maintenance of utility lines, sewer, water mains or similar public infrastructure.
 - (c) Holiday lighting as defined in this chapter.
 - (d) Flag lighting provided that any such flag is not used for advertising purposes and the light source is not visible across property lines or from abutting public roadways and provided that the lighting for any single flag shall not exceed 700 lumens and that the aggregate lighting for all flags on any one property shall not exceed 1,200 lumens. Fully shielded downlighting is preferred to uplighting.
 - (e) Underwater lighting in swimming pools, provided such lighting meets all relevant electrical codes and is not otherwise prohibited by this chapter.
 - (f) Lighting for radio, communication, and navigation towers, provided that the owner or occupant demonstrates to the satisfaction of the Planning Board that the Federal Aviation Administration (FAA) regulations can only be met using lighting that does not comply with this article, and that the provisions of this article are otherwise fully met as possible. Lighting for any wireless communications facility shall not be permitted unless required by the FAA; in which case, required lighting shall be of the lowest allowed intensity, unless specifically forbidden by the FAA.
- (7) Nuisance lighting. The exemption provisions of these standards shall not apply upon the determination of the Zoning Enforcement Officer that certain pre-existing outdoor lighting creates nuisance lighting as defined in this chapter and as follows:
- (a) Light trespass shall be considered nuisance lighting when Illuminance at or beyond a property line exceeds that otherwise allowed pursuant to these outdoor lighting standards.
 - (b) Glare light shall be considered nuisance lighting when a light source is seen from a neighboring property or roadway at sufficient intensity to cause discomfort, annoyance, or impaired visibility.

- (c) For residential properties only, glare from a light source shall not constitute a nuisance when the light source does not exceed 300 lumens.
- (d) Abatement of nuisance lighting. Preexisting outdoor lighting determined to be nuisance lighting shall comply with either of the following or replaced with a compliant light fixture:
- [1] To the extent that the abatement of nuisance lighting will require re-aiming a fixture or re-lamping to reduce lumen output, such lighting shall be re-aimed and/or re-lamped so that the light source is not visible across property lines.
 - [2] To the extent that the abatement of nuisance lighting will require removing, replacing, shielding, retrofitting, or relocating a fixture, such lighting shall be removed, replaced, shielded, retrofitted, or relocated so that the light source is not visible across property lines.
- (8) Sign lighting. Illuminance of signs shall be external, preferably concealed LED downlighting washing over the face of the sign and shall be consistent with the regulation of signs as otherwise set forth in this chapter.
- (9) Special event lighting. Special event lighting shall be temporary, commensurate with the duration of the special permit and shall be consistent with the regulation of special events as otherwise set forth in this chapter.
- (10) Other jurisdictions. Federal, state, and county agencies with facilities located within the Town of North East are urged to comply with these standards except where doing so would conflict with established Federal, state and county laws or regulations.
- C. Design standards for all outdoor lighting installations.
- (1) All new and replacement outdoor lighting shall be designed, located, lamped, directed, and maintained to prevent the following:
- Nuisance lighting
 - Unnecessary or excessive lighting and energy consumption
 - Glare
 - Light trespass
 - Avoidable skyglow
 - Needless detriment to species in natural communities proximate to lighting locations
 - Interference with pedestrian or vehicular travel on streets, roadways and highways

- (2) The following standards are applicable to all outdoor lighting required by these standards in all zoning districts:
- (a) **Shielding.** Unless otherwise permitted by these standards, lighting shall be dark-sky compliant, utilizing light fixtures which are fixed, full-cutoff and aimed straight downward and which do not cause glare or light trespass onto adjoining properties or into roadways. All outdoor lighting shall be designed so that filaments, light sources, and lenses are shielded and covered by the fixture housing made of an opaque material in such that they will be recessed and not visible horizontally or from neighboring properties and abutting streets. Lighting shall be located so not to interfere with or conflict with street traffic movements and traffic signals.
 - (b) **Foundation.** All light poles shall be grounded with a suitable permanent foundation. All lighting mounted on buildings or other structures shall be securely attached.
 - (c) **Lamp type.** Any lamp type except prohibited types may be used provided the lamp's correlated color temperature does not exceed 2,700 Kelvin and a color rendering index (CRI) value of 80 or greater. Applicants are encouraged to use the most energy-efficient lamp types available, provided they are not on the prohibited list.
 - (d) **Fixture style.** The appearance of light fixtures shall be of a design and size compatible and complementary to the site, land use, and buildings and structures served. Site lighting shall be designed to be subtle and ancillary to the overall site design of buildings and exterior facilities, providing the minimal lighting necessary to carry out the functional aspects of site operations while ensuring safety.
 - (e) **Decorative illumination.** Illumination of building facades, sculptures, and other structures of a decorative nature shall be prohibited, except as may be approved by the Planning Board where said lighting is shown not to be nuisance lighting or otherwise causing an impact on its setting and surrounding environment.
 - (f) **Maintenance.** Light fixtures and support/mounting devices shall be maintained in appearance, operation, and illumination conditions. Lack of maintenance in a proper, neat, and functional condition shall be construed to be a violation of this chapter and subject to the penalties provided by law.
 - (g) **Nuisance prevention.** Outdoor lighting shall be designed, installed, and maintained to prevent emitted light from shining on or illuminating any neighboring property. Lighting shall be located so not to interfere with or conflict with street traffic movements and any traffic signals, or parking and pedestrian facilities. No outdoor lighting shall be maintained or operated in such a manner as nuisance lighting as defined in this chapter.

- (h) Motion sensors. To reduce unnecessary light and save energy, motion sensors should be utilized to control lights illuminating building entrances and accessways, rear yards and other site areas infrequently utilized. Motion sensors shall be programmed so not to be triggered by activity off the property served.
 - (i) Limits of illumination. The number of exterior lights and the intensity of such shall be the minimum necessary to illuminate the location for safety, without glare or light spillage to adjoining properties. Not every situation will require lighting, such as situations that may utilize reflectorized markers, lines, or other passive means.
 - (j) Light levels. Appropriate site lighting levels shall not exceed 0.1 to 1.0 footcandles for standard applications and shall not exceed 3.0 footcandles in high-use or high security area areas; shall not exceed a uniformity ratio (average to minimum) of 3:1 for parking and traffic areas and 4:1 for pedestrian areas; and shall not exceed a maintained average illumination level of three-quarters (0.75) to five (5) foot-candles at the ground.
- D. Residential lighting standards. All residential lighting as defined by this chapter shall additionally comply with the following standards.
- (1) Shielding. All outdoor lighting fixtures shall be fixed, fully shielded, and aimed straight downward, with the following exceptions:
 - (a) Unshielded outdoor lighting fixtures operated by motion sensors are permitted, providing each of the following conditions are met:
 - [1] The fixture is set to go on only when activated and to go off within a short duration (less than 15 minutes) after such activation.
 - [2] The sensor shall not be triggered by activity off the property.
 - [3] The output per fixture does not exceed 1,800 lumens (equivalent to 100 watts incandescent).
 - [4] When operating, the light emitted by the fixture does not result in nuisance lighting as defined in this chapter.
 - (b) Driveway lighting. Unshielded fixtures installed in or on a pillar or post at the foot of a driveway may not exceed 250 lumens (equivalent to 25 watts incandescent) per pillar/post.
 - (2) Mounting height.
 - (a) Building or structure. The mounting height of a fixture attached to a building or structure shall not exceed twelve (12) feet from the lowest light-emitting point on the fixture to the area to be lit directly below the fixture, except for fully recessed soffit lighting that otherwise complies with these outdoor lighting standards.
 - (b) Freestanding. The mounting height of any freestanding outdoor light fixture shall not exceed ten (10) feet (measured from the immediate ground elevation to the highest point of the pole and/or fixture).

- (3) Setback. The setback for a freestanding light fixture from side and/or rear yard property lines shall be no less than three times the mounting height.
 - (4) Hours of operation. Automated shutoff controls for outdoor lighting are encouraged to conserve energy, to extinguish lighting that is not needed for safety, and to alleviate nuisance lighting.
 - (5) Light trespass limits.
 - (a) Lighting within a site shall be designed to facilitate conservation of the environment and preservation of community character. Site lighting levels shall not result in adverse light spillage over wetlands, watercourses, or other natural resource habitats sensitive to light and to the species inhabiting or utilizing such.
 - (b) The maximum permitted illuminance at or beyond a property line shall not exceed 0.05 footcandles as measurable from any orientation of the measuring device.
 - (6) Lumens. Lighting shall be limited to that necessary for operational and safety functions, the design of which shall be designed and maintained in a manner that is consistent and compatible with area residential land uses and properties. No individual light fixture shall have a total light output exceeding 2,600 lumens (equivalent to 150 watts incandescent).
- E. Nonresidential lighting standards. All nonresidential lighting as defined by this chapter shall additionally comply with the following standards.
- (1) Lighting plan required.
 - (a) A comprehensive lighting plan prepared in compliance with Subsection F below shall be reviewed and approved by the Planning Board.
 - (b) Where the total light output on a subject lot will not exceed 4,000 lumens and where all outdoor lighting will be fully shielded, the Planning Board may expedite its review and may waive the need for a photometric plan and/or one or more of the required lighting plan details.
 - (c) Except as may be specified elsewhere in this chapter, all outdoor lighting fixtures shall be full cut-off fixtures with a maximum BUG Uplight rating of zero (0) to prevent sky glow, glare and light trespass. Fixtures that do not have a BUG rating shall be identified by the IESNA as full cut-off fixtures or shall have the International Dark-Sky Association (IDA) Fixture Seal of Approval.
 - (2) Mounting height.
 - (a) Building or structure. The mounting height of a fixture attached to a building or structure shall not exceed twelve (12) feet from the lowest light-emitting point on the fixture to the area to be lit directly below the fixture, except for fully recessed soffit lighting that otherwise complies with these outdoor lighting standards.
 - (b) Freestanding. The Planning Board may consider mounting heights of outdoor freestanding light fixtures up to but not greater than fourteen (14) feet (measured from the immediate ground elevation to the highest point of the pole and/or fixture).

- (3) Setback.
- (a) Lighting fixtures and poles are permitted in front, side, and rear yards only to the extent that they are required to provide lighting for uses located within the permitted area. For example, lighting poles may be placed adjacent to a parking area when the parking area directly abuts a required yard.
 - (b) When lighting poles are proposed to be installed within a required yard, the Planning Board may require extra shielding, height reduction or other measures to ensure that there is no resulting light trespass.
 - (c) Light fixtures not exceeding four (4) feet in height may be installed within required yards when necessary to light footpaths.
- (4) Hours of operation.
- (a) Lighting shall be designed to shut off when the facility served is closed. Nonessential outdoor lighting shall be turned off between 12:00 midnight until dawn.
 - (b) The Planning Board may require the use of motion sensor devices to control site and building lighting.
 - (c) The Planning Board may establish hours of operation in connection with a lighting plan and may require site lighting levels to be reduced on all or part of the site at different times of the day. The Planning Board may authorize specific lighting to remain on after the close of business provided such is shown to be the minimum necessary.
 - (d) Overnight security lighting and essential lighting in operation after the close of business shall be controlled by timer sensors and motion sensors to minimize unnecessary lighting and impacts on neighboring properties and abutting streets.
- (5) Light trespass limits.
- (a) Lighting within a site shall be designed to facilitate conservation of the environment and preservation of community character. Site lighting levels shall not result in adverse light spillage over wetlands, watercourses, or other natural resource habitats sensitive to light and to the species inhabiting or utilizing such.
 - (b) The maximum permitted illuminance at or beyond a property line shall not exceed 0.05 footcandles as measurable from any orientation of the measuring device. For fixtures with a BUG rating, the Town Engineer shall determine whether outdoor lighting will result in backlight or glare based on the BUG "Backlight" and "Glare" rating of the lighting fixture, the distance of the lighting fixture from the property boundary, and the fixture mounting height.

- (6) Replacement. The Planning Board may require the replacement of existing light fixtures deemed noncompatible with these standards. The Planning Board may also require site lighting levels to be reduced on all or part of the site at different times of the day such as after a facility is closed or during a period of reduced usage. Such requirements shall be established as part of the review process.
- (7) Post inspection.
- (a) Approval of a lighting plan by the Planning Board shall authorize the Town with the right to conduct a post-installation inspection to verify compliance with the requirements of these outdoor lighting standards and, if appropriate, to require remedial action at the expense of the applicant.
- (b) The Planning Board may require a post-installation inspection conducted by a New York State licensed lighting engineer or other qualified licensed professional to verify compliance with an approved lighting plan. If required, the applicant shall submit a certification to the Planning Board verifying that such inspection was performed and that the installed system operates and is in conformance with the approved lighting plan along with a manufacturer's cut-sheet/certification for the installed fixtures prior to the issuance of a Certificate of occupancy or other Town approval.
- (8) Additional lighting requirements for specific applications. The following standards shall also apply to the specific lighting applications below:
- (a) Bank automatic teller machine (ATM) lighting (indoors and outdoors).
- [1] All fixtures shall be fixed, full-cutoff and shall not cause glare or light trespass onto adjoining properties or into roadways.
- [2] Light levels shall not exceed these outdoor lighting standards unless it can be demonstrated that state or federal regulations otherwise pre-empt these standards but in no case shall light levels be greater than the minimum light levels otherwise applicable.
- (b) Gas station lighting.
- [1] Canopy lighting shall be specifically aimed at pump operations to utilize targeted illumination that is shown to be the minimum necessary.
- [2] Canopy light fixtures shall be fully recessed to be flush with the canopy underside.
- [3] Gas stations permitted to operate with hours later than 10:00 pm shall utilize motion sensor activated light fixtures at the rear of buildings, service areas and other locations unnecessary for operation of pumps and pedestrian access between pumps and the building.

F. Lighting plan and detail specifications.

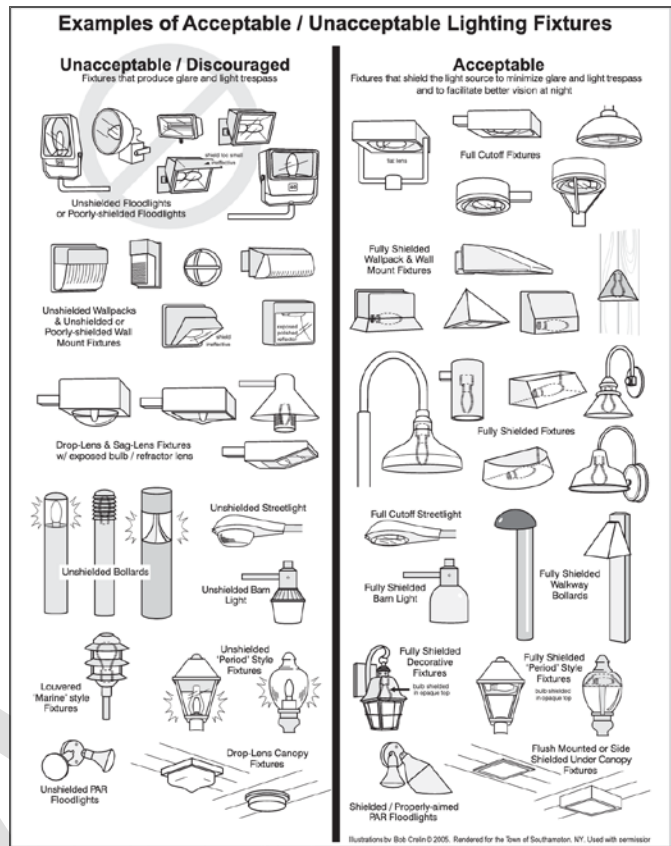
(1) Photometric Plan

- (a) A detailed photometric plan shall be provided as prepared by the fixture manufacturer or a New York State licensed lighting engineer or other qualified licensed professional experienced in preparing such plans.
- (b) The plan shall detail the footcandle measurement of all existing and proposed light fixtures on a grid across the site (overlaid upon the Site Plan showing the layout of existing and proposed improvements) showing readings in every five-foot square to the point where there is zero light emission, including at least twenty (20) feet beyond site property lines.
- (c) The plan shall provide a calculation of the average maintained footcandles, maximum and minimum footcandle readings, and the average-to-minimum and the maximum-to-minimum uniformity ratios.
- (d) The plan shall identify the location, type, and mounted height of all existing and proposed light fixtures (i.e., pole-mounted, wall-mounted, soffit lights, sign lights, walkway, and landscaping lights, etc.)

(2) Fixture and Lighting Control Specifications

- (a) A construction detail of each different proposed light fixture shall be provided on the plans:
 - Manufacturer and model number.
 - Photograph or graphic image of the fixture.
 - Manufacturer's catalog cutsheet with the specific options selected, including BUG rating or IESNA cut-off classification, color temperature (Kelvin), and motion-activated control with the specific options selected.
 - Photometric data.
 - Description and detail of the cutoff characteristics of each fixture, light output in initial lumens, lamp type, and Correlated Color Temperature.
 - Shielding or glare reduction devices used to control light output.
 - Timing devices or motion sensor devices used to control the fixtures and a schedule of the proposed hours when each fixture will be operated.
 - Detail of mounting or foundation
- (b) The details shall specify overall height (ground to highest point on support pole, mounting or fixture head).
- (c) The plan shall indicate all distances of free-standing lights in proximity to nearby property lines.
- (d) A summary key table identifying the maximum, minimum, and average light levels in footcandles as well as uniformity ratios for all parking areas and walkways, including light contributions from adjacent sources.

- (3) The Planning Board may require submission of additional documentation, information, or analysis as deemed warranted or required to determine and verify that the preexisting and/or proposed outdoor lighting conforms to the provisions of these standards.
 - (4) The Planning Board may waive any of the above submission requirements based on its determination that such is unnecessary or unrelated to the application at hand.
- G. Dark-sky acceptable and unacceptable light fixtures. All new and replacement light fixtures shall be dark-sky compliant consistent with these outdoor lighting standards. The diagram illustrates examples of compliant and noncompliant dark-sky lighting fixtures and is intended for expository purposes and does not guarantee that any particular light fixture is acceptable.



32. – REPEAL EXISTING § 180-54 and REPLACE with the following:

(Note: Existing “Quarries, sand and gravel pits, topsoil removal and major excavating, grading and filling” is added to prohibited uses in § 180-13.)

§ 180-54 Earth Materials Excavation, Deposition (filling), and Processing Activities

A. Purpose.

Uncontrolled land clearing involving excavation and/or deposition of earth materials may cause serious health, safety, and environmental problems, including erosion, siltation, flooding, and other potential harmful effects. It is the purpose of this section to prevent such harmful effects.

B. Applicability.

- (1) Except as set forth under Exempt Activities below, no person, partnership, limited liability company, corporation, or entity of any kind shall:
 - (a) Strip, excavate, or otherwise remove topsoil (for sale or without gratuity) for use other than on the property from which same shall be taken.

- (b) Operate, commence, or carry on activities which are primarily for the purpose of the sale or exchange of earth materials (fill, topsoil, earth, sand, gravel, rock, or other substance from the ground).
 - (c) Operate, commence, or carry on activities which involve the processing of earth materials (fill, topsoil, earth, sand, gravel, rock, or other substance from the ground) imported to a property.
 - (d) Excavate or deposit earth materials involving the transport from or brought onto a property exceeding one hundred (100) cubic yards during any consecutive twelve (12) months.
- (2) Exempt Activities.
- (a) Necessary excavating, grading, removal, or deposition of earth materials in direct connection with the construction or alteration of buildings, structures, off-street parking and loading areas, septic systems and other site improvements associated with and carried out in accordance with an approved Special Permit, Site Development Plan, Zoning Permit, and/or Building Permit.
 - (b) Necessary excavation or deposition in direct connection with the construction of streets, drainage and all other required improvements associated with and carried out in accordance with an approved Subdivision.
 - (c) Necessary excavating, grading, removal, and deposition of earth materials in connection with improvements on the premises solely for farming or landscaping purposes (re-grading of difficult contours and excavation of gravel, dirt, loam, or stone by a landowner on his own property for use on the same property), including normal agricultural activities involving soil preparation and grading, provided that:
 - [1] Such shall not result in the removal from or deposition onto such premises of more than one hundred (100) cubic yards of earth material during any consecutive twelve (12) months.
 - [2] Proper soil erosion and sedimentation controls are installed, and appropriate agricultural soil conservation practices are implemented. Such controls shall be maintained until the disturbance area is stabilized and exhibits healthy restorative vegetative growth.
 - [3] The provisions of this section shall not be construed as prohibiting or limiting the normal use of land for farming or gardening or similar agricultural or horticultural uses in any district.
 - [4] The provisions of this section shall not be construed as prohibiting the normal addition of topsoil or fertilizer to lawns and gardens or the addition of gravel or material for the primary purpose of improving or beautifying the surfaces of previously graded and established areas.

C. Excavation and Deposition Standards.

- (1) No excavation or deposition shall create a finished slope exceeding one (1) foot vertical to three (3) foot horizontal unless a steeper grade, exposed rock face, foundation, or structural retaining wall (constructed in accordance with all applicable state and local laws, regulations, standards, and requirements) is expressly approved by the Planning Board, subject to certification by a Professional Structural Engineer.
- (2) Finished surface excavated to exposed rock shall have a slope no steeper than six (6) feet vertically for each one (1) foot horizontally.

- (3) No excavation shall be made lower than three (3) feet above ledge or such greater distance above ledge as may be required to permit the re-graded site to meet the final restored grades.
- (4) No excavation shall be made below the normal groundwater table, or which results in a permanent ponding of water, unless expressly approved by the Planning Board.
- (5) All earth materials imported to a property shall be clean. No earth materials shall include solid waste, construction and demolition materials or debris, putrescible, organic, or hazardous material. Asphalt millings shall not be permitted as a surface course.
- (6) At all stages of work, proper stormwater drainage and erosion and sedimentation controls shall be provided to prevent excessive runoff and stagnant water, silting of streams or other water bodies, and damage to public or private property, streams, roads, or drainage facilities.
- (7) Adequate provisions shall be made to prevent the discharge of chemicals, anti-sticking agents, sediment, oil, or other pollutants off premises, into the ground, into wetlands or watercourses or as may otherwise cause harm to the environment.
- (8) Adequate precautions and provisions shall be made to control access to and from the disturbed area, including but not limited to dust controls and security fencing as may be necessary or required.
- (9) It shall be the responsibility of the operator and property owner to ensure that vehicles transporting earth materials to and/or from the premises are so loaded and/or secured, including load covers, and so there will be no spillage or release of such materials while in transport. Such shall also be liable for the cost of cleaning any earth material spillage or repairing any damage to any public or private road caused by improper loading or securing of loads.
- (10) No excavation, deposition, or processing activities shall take place before 7:00 AM or after 6:00 PM, nor at all on a Sunday or any day designated a federal, state or town holiday.
- (11) A minimum of six (6) inches of topsoil shall be replaced over all disturbed ground surfaces not otherwise developed with approved site improvements (e.g., buildings, structures, paved surfaces or similar) or stabilized rock ledge exposed by any operation contemplated herein to ensure a stand of grass or other permanent vegetative cover to establish within two (2) growing seasons. Exposed ground surfaces shall be seeded as required to prevent erosion before the permanent cover becomes established.
- (12) Proper measures shall be taken to ensure that the boundaries of the disturbance area are clearly delineated for the duration of the activity. Areas outside of the disturbance area shall be protected from damage.

D. Processing Standards.

- (1) No processing equipment (e.g., screens, crushers, grinders) shall be located or operated within 150 feet of a property line or a wetland or watercourse.
- (2) No processing equipment shall be located or operated within 300 feet of any place of assembly, school, or designated open space parcel or park.
- (3) No processing of any earth materials shall be permitted, except that originating on the property and for on-site use only.

- (4) All conveyors and chutes associated with processing equipment shall at all times of operation utilize noise reduction materials such as rubber lining or other noise abatement mitigating materials.
- (5) All processing equipment shall utilize muffler systems.

33. – REPEAL EXISTING § 180-55 and REPLACE with the following:

§ 180-55 Signs

A. Purpose and intent.

The purpose of these sign standards is to regulate the location, number, size, height, construction, mounting, duration, movement, materials, illumination, and condition of all signs placed on public and private property for exterior observation, thus ensuring the protection of property values, as well as the physical and cultural character of the community. Signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.

These standards allow adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. These standards are consistent with the Town of North East's Comprehensive Plan and the principles of Greenway Connections, which principles are hereby incorporated herewith by reference, to ensure signs will be compatible with the rural visual landscape, not dominate it.

A sign placed on land, a building or other structure for the purpose of identification, protection or directing persons to a use or activity conducted there must be deemed to be an integral but accessory and subordinate part of the principal use of the premises. Therefore, the intent of these sign standards is to establish limitations on signs to ensure they complement and are appropriate to the land, building and other structures or use to which they are appurtenant.

Further, these standards provide for the following:

- (1) The reasonable control of the physical characteristics of signs by regulating their size, height, location, number, construction, lighting, and other design component features. Signs are to be legible and appropriate to the activity to which they pertain, not distracting to motorists, and constructed and maintained in a structurally sound and attractive condition.
- (2) The protection of the public health, welfare and safety of the community and the residents therein, while facilitating the reasonable needs of businesses and others to identify themselves in ways harmonious with the immediate and surrounding landscapes.
- (3) The retention and enhancement of the community's visual appearance, image and vernacular rural character, and scenic natural beauty.
- (4) The promotion of an attractive business environment.
- (5) The improvement of pedestrian and traffic safety by safeguarding the general public through avoidance and elimination of signs that are distracting to motorists and/or contribute to the hazards of driving.

- (6) The elimination of excessive and unsightly competition for visual attention through signs, and provision of signs that are legible and constructed and maintained in a structurally sound and attractive condition.
- (7) The maintenance of a standard of quality for all signs.
- (8) The protection of the night sky by ensuring that lighting of signs adheres to the requirements and principles of Dark Sky compliance and the lighting standards in this chapter.

B. Applicability.

- (1) These sign standards shall apply to all properties and uses within the Town of North East.
- (2) Signs shall hereafter be established, constructed, erected, replaced, reconstructed, extended, enlarged, mounted, displayed, moved, or reconstructed, extended, enlarged, painted, or otherwise altered only in accordance with these sign standards and an approved Sign Permit, unless exempted or as may otherwise be allowed in this chapter.
- (3) Exceptions to Permit. No Sign Permit is required for repainting, cleaning and other normal maintenance and repair of an existing conforming or legally pre-existing nonconforming sign. Also, no Sign Permit is required for a change in the wording and/or graphics of an existing conforming or legally pre-existing nonconforming sign provided there is no change in the location, size, height, mounting, construction or illumination of said sign or the use associated with said sign.
- (4) Nonconforming Sign. Any sign which was in existence prior to the effective date of this chapter or any amendment, which conformed to the applicable provisions of prior standards, but which does not conform to the applicable provisions of these sign standards in their current form, shall be deemed nonconforming as set forth below. Any sign in violation prior to or after the effective date of this chapter, as amended, shall be deemed to remain in violation and does not become legally nonconforming as set forth in this chapter.
- (5) Sign Maintenance and Replacement. All signs shall be maintained in good and sound repair. All signs, together with their support components, shall be kept in good and sound repair. The display surfaces of all signs shall be maintained as originally approved.
- (6) Continued Conformance Required. Any violation of a condition of a Sign Permit shall be subject to the same penalties as a zoning violation. In addition, the Planning Board, the Zoning Board of Appeals, the Code Enforcement Officer, and the Building Inspector shall not issue any other permit or certificate related to any property for which a notice of violation of this chapter has been served until said violation shall have been resolved to the satisfaction of the approval authority, or to the court, as appropriate.
- (7) Forfeited Signs. Any sign installed or placed within a public street right-of-way, on municipal property or property for which the Town has a maintenance responsibility, except in conformance with the requirements of these sign standards, shall be forfeited and subject to removal and disposal by appropriate town officials. In addition to other remedies herein, the Town shall have the right to recover from the owner or person placing such a sign the full costs of its removal and disposal of such sign.

- (8) Except as otherwise required by law, no sign shall be placed, posted, nailed, painted, or otherwise attached to a utility pole, bridge, culvert, or other road or utility structure; on a street or traffic control sign or post; on a gutter, standpipe or drain; nor on trees, rocks, or other natural features.

C. Exempt signs.

The following signs are permitted without a Sign Permit and deemed exempt from these sign standards, provided they comply as set forth below:

- (1) Historical Sign: Memorial plaques or monuments, building markers, or historical plaques and similar items displayed on properties or structures of historical significance.
- (2) Internal Building Signs: Signs contained solely within a building or enclosed structure with walls and windows and intended solely for internal use and not for attracting attention from the exterior of the building or structure.
- (3) Legal Obligation Sign: Any sign required by a valid and applicable federal, state, or local law, regulation, ordinance, or judicial order.
- (4) Mailboxes: Mailboxes, newspaper boxes and similar receptacles as permitted by the U.S. Postal Service or commercial mail carriers.
- (5) Property Sign: Non-illuminated notification markers associated with the private ownership status of property, spaced no closer than 150 feet apart and not exceeding one (1) square foot in size each.

D. Prohibited signs.

In addition to the signs listed below, any sign not expressly allowed under this chapter shall be prohibited within the Town:

- (1) Any sign obstructing traffic visibility or could be reasonably confused with official traffic control signs.
- (2) Signs with luminous, fluorescent, or reflective paint, materials, or retroreflective sheeting.
- (3) Any sign incorporating electronic, mechanical or electromechanical display and/or animated elements involving rotating messages, movement, flashing, blinking, or intermittent changes of light (i.e., where lighting is not maintained in a stationary, constant intensity and color at all times when in use) to depict action or create a special effect or scene, as well as signs that emit noise, sounds, smoke or other similar means intended to attract attention.
- (4) Any inflatable device greater than one (1) cubic foot singularly or cumulatively that is intended to attract attention.
- (5) Any sign constructed of cardboard, paper, or similar impermanent material, including but not limited to a banner, poster, or a pennant, that is attached or mounted on a rope, wire, or similar material, or is attached or mounted on a pole, stanchion, tree, wall, fence, building or other structure.
- (6) Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source or intended to attract attention; also, any light with one or more beams that rotate or move.

- (7) Billboard signs and any off premises sign not otherwise permitted by this chapter.
- (8) Any lightweight plastic, fabric, or other material, with or without a message of any kind, including but not limited to suspended pennants, string of ribbons, tethered balloons, streamers, tinsel, spinners, string of flags, pinwheels, or similar moving, inflated or fluttering devices, typically suspended from a rope, wire or string and usually held in a series and/or designed to move with the wind.
- (9) A sign that is internally illuminated (i.e., illuminated from a light source internal to its construction), also including video screens (digital and otherwise electronic display screens playing or transmitting video and/or audio messages whether static, rotating, or continuous). Permitted outdoor devices such as fuel dispensers, vending machines, EV chargers, tire air pumps or similar shall not incorporate internally illuminated decorative or sign elements and shall not incorporate video displays or animated elements.
- (10) Pole signs exceeding the maximum sign height standards set forth in this chapter.
- (11) Portable signs: Signs designed to be movable or transported, whether on a vehicle, trailer, supported by wheels, or other conveyance designed to be movable, including those attached to or painted on vehicles parked and visible from a public right-of-way, except when said vehicle is being used in the normal day-to-day operations of the establishment.
- (12) Roof signs: A sign attached to, resting on, or extending over any portion of a roof of a building or structure, including parapets and other architectural features extending above the roof structure.
- (13) Sandwich board signs: A movable sign that stands on its own supports in the shape of an "A" also commonly referred to as an A-frame sign.
- (14) Video screens: Digital and otherwise electronic display screens playing or transmitting audio and/or video messages whether static, rotating, or continuous.

E. Permitted signs by Zoning Districts.

(1) Signs permitted in the Light Industrial (M-A) District.

Light Industrial (M-A) District				
Sign Type	Maximum Number	Maximum Size (area)	Yard Setback	Other
One or More Establishments				
Freestanding Monument	1 sign per lot	32 sf	35 feet	Height not to exceed 5 feet. Sign shall include street numbers to serve E911 identification.
Building	1 sign per principal tenant space	15 sf per sign		Tenants sharing the same principal space shall share the sign allotment permitted and are not entitled to separate signs. For properties with multiple tenants, all tenants shall use the same type of sign (Canopy, Awning or Marquee, Wall, Projecting, Hanging, or Painted). All signs, including any freestanding sign, associated with multiple tenant establishments shall be designed according to a Planning Board approved Uniform Sign Program per the Sign Design Standards set forth below in this section.
Municipal Establishments				
Freestanding Monument	1 sign per lot	20 sf	15 feet	Height not to exceed 5 feet. Sign shall include street numbers to serve E911 identification.
Building	1 sign per principal building	20 sf per building		
Incidental Signs related to the above Establishments				
Directional	Subject to Planning Board approval	3 sf per sign		The number, design, location and mounting of directional signs shall be approved by the Planning Board as part of Site Plan Approval, which shall be no more than the minimum necessary for the safe use of the premises.
Regulatory	Per federal or state regulation or law.			
Window	Not permitted.			

(2) Signs permitted in the Boulevard (BD-West and BD-East) and Irondale Business (IB) Districts.

Boulevard (BD-West & BD-East) and Irondale Business (IB) Districts				
Sign Type	Maximum Number	Maximum Size (area)	Yard Setback	Other
<i>One or More Commercial Establishments</i>				
Freestanding Monument	1 sign per lot	20 sf	15 feet	Height not to exceed 5 feet. Sign shall include street numbers to serve E911 identification.
Building	1 sign per principal tenant space Sign to be located near the tenant's main entrance	20 sf		Tenants sharing the same principal space shall share the sign allotment permitted and are not entitled to separate signs. For properties with multiple tenants, all tenants shall use the same type of sign (Canopy, Awning or Marquee, Wall, Projecting, Hanging, or Painted). All signs, including any freestanding sign, associated with multiple tenant establishments shall be designed according to a Planning Board approved Uniform Sign Program per the Sign Design Standards set forth below in this section.
<i>Municipal Establishments</i>				
Freestanding Monument	1 sign per lot	20 sf	15 feet	Height not to exceed 5 feet. Sign shall include street numbers to serve E911 identification.
Building	1 sign per principal building	20 sf per building		
<i>Incidental Signs related to the above Establishments</i>				
Directional	Subject to Planning Board approval	3 sf per sign	None	The number, design, location and mounting of directional signs shall be approved by the Planning Board as part of Site Plan Approval, which shall be no more than the minimum necessary for the safe use of the premises.
Regulatory	Per federal or state regulation or law.			
Window	Excluding an otherwise permitted and approved Painted Sign, incidental windows signs shall not exceed 10% aggregate of the window surface area of any given window upon which the signage is displayed.			
Supplemental to Gas Station and Gas Station with Convenience Store uses	Gas pricing information, if provided, shall be incorporated into the otherwise permitted freestanding sign on the premises. Gas pricing information may also be provided above and attached to an individual fueling pump dispenser provided the area of such sign does not exceed two and one-half (2.5) square feet. The gas pricing numbers on a freestanding sign or individual dispenser pump may incorporate light-emitting diode (LED) numbers that change from time to time, provided such display elements are limited by design to the display of fuel prices only, do not display any other information, and the lighting numbers are constant and non-flashing. No other signage is permitted on the body of the pump or attached to the pump or any component of a canopy structure, light pole, or other feature of the gas station. All lighted signs and elements shall be extinguished when gasoline and other fuels are not being sold at the pumps and/or when the gasoline station/convenience store is not in operation. No signage shall be installed on canopy structures.			

(3) Signs permitted in the Residential (A5A, R3A, R1A, R20) and Land Conservation (LC) Districts.

Residential (A5A, R3A, R1A, R20) and Land Conservation (LC) Districts				
Sign Type	Maximum Number	Maximum Size (area)	Yard Setback	Other
Single-Family Residential Establishment, including Accessory Home Occupation Use				
Freestanding or Building	2 signs per lot	3 sf per sign	5 feet	Freestanding sign height not to exceed 4 feet. Signs shall include street numbers to serve E911 identification.
Farm/Agriculture Establishment				
Farm Stand: Freestanding	2 signs per farm (one in each direction)	6 sf per sign	10 feet	Signs shall be located within 1,000 feet of the farm stand where the produce is sold. Sign shall include street numbers to serve E911 identification.
Municipal Establishments				
Freestanding Monument	1 sign per lot	20 sf	15 feet	Height not to exceed 5 feet. Sign shall include street numbers to serve E911 identification.
Building	1 sign per principal building	20 sf per building		
Public Utility Establishments (except Wireless Communication Establishments)				
Freestanding Monument	1 sign per lot	10 sf	15 feet	Height not to exceed 5 feet. Sign shall include street numbers to serve E911 identification.
Building	1 sign per principal building	10 sf per building		
Wireless Communication Establishments				
Required regulatory signs only.				
Non-Residential Establishment (except as otherwise listed)				
Freestanding	1 sign per lot	15 sf if on arterial highway 10 sf if on local roads	10 feet	Height not to exceed 4 feet. Sign shall include street numbers to serve E911 identification. No illumination permitted.

Residential (A5A, R3A, R1A, R20) and Land Conservation (LC) Districts				
Sign Type	Maximum Number	Maximum Size (area)	Yard Setback	Other
Building	1 sign per principal non-residential building	6 sf per building		
<i>Incidental Signs related to the above Establishments</i>				
Directional	Subject to Planning Board approval	3 sf per sign	None	The number, design, location and mounting of directional signs shall be approved by the Planning Board as part of Site Plan Approval, which shall be no more than the minimum necessary for the safe use of the premises.
Regulatory	Per federal or state regulatory authority.			
Window	Excluding an otherwise permitted and approved Painted Sign, incidental windows signs shall not exceed 10% aggregate of the window surface area of any given window upon which the signage is displayed.			

F. Temporary signs.

- (1) Temporary signs are subject to the following standards:
 - (a) Shall be constructed of weather resistant materials, have clear legible lettering and may be double sided.
 - (b) Shall not be directly or independently illuminated.
 - (c) Shall not be located within any public right-of-way whether dedicated or owned in fee simple or as an easement, on any utility pole, streetlight, similar object, or on public property.
 - (d) Shall only be located on property that is owned by the person whose sign it is.
 - (e) Shall be located outside of vehicular sight lines along a street or at the intersection of two streets or the intersection of street and driveway.
 - (f) Any sign not authorized or permitted per the sign standards of this chapter and placed in a public right-of-way or on public property shall be subject to immediate confiscation by the town, or other public entity owning the affected property.
 - (g) Shall not be displayed longer than the “duration” period set forth in the table below.

- (2) Temporary signs permitted in all Zoning Districts without a Permit.

Temporary Signs – Permitted in all Zoning Districts without a Sign Permit				
Sign Type	Maximum Number	Maximum Size (area) *	Yard Setback	Duration Maximum Time of Display
Yard Sign Identifying an on-premises or off-premises personal or community (sponsored by civic, charitable, educational, religious, community recreational, or other non-profit organizations) event (not for a business or commercial purposes).				
Temporary	2 signs per lot	4 sf per sign	5 feet	2 weeks in advance of event and removed within 24 hours after event concludes.
Contractor Sign Identifying active construction or where contractor service repairs to the premises are being made.				
Temporary	1 sign per lot	4 sf	5 feet	Removed upon completion of construction or contractor services.
Real Estate Sign Identifying the sale or lease, including open house, of the premises or a portion thereof upon which the sign is displayed.				
Temporary	1 sign per lot	4 sf	5 feet	Removed within 3 days after the sale or lease.
Tag Sale Sign Identifying a residential (not for business or commercial purposes) garage, yard, barn, tag or similarly descriptive sale on the premises upon the sign is displayed.				
Temporary	1 sign per lot	4 sf	5 feet	48 hours in advance of sale and removed within 24 hours after closing of the sale.
Grand Opening Sign Identifying the initial opening of a new business or commercial establishment on the premises.				
Temporary	1 sign per lot	6 sf	5 feet	Maximum of 30 days, commencing on the date of the opening of the business.
* The total aggregate areas of all signs displayed at one time on any one property shall not exceed a cumulative total of sixteen (16) square feet.				

G. Sign design standards.

- (1) Sign Area. The sign area shall be determined by the area of the smallest rectangle, circle or ellipse which will enclose the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Essential support framework, such as brackets, posts or standards shall not be included in the sign area calculation.
- (2) Number of sides. Signs with two identical faces arranged back-to-back with a separation not exceeding four (4) inches at any given point shall be counted as a single sign and only the square footage of one face shall be counted to determine its sign area.

- (3) Size. The size permitted for a sign is governed by these sign standards. Signs shall be clearly accessory to a principal use upon the same lot and shall be clearly subordinate and incidental to the corresponding site use and lot.
- (4) Height. The height permitted for a sign is governed by these sign standards. Signs shall be measured from the ground (at the lowest grade within ten (10) feet of the sign support) to the highest point of the sign or support structure, whichever is the highest. Signs affixed to buildings shall not extend above the building roof eave located directly above the location where the sign is to be mounted on the building.
- (5) Uniform Sign Program. For properties consisting of multi-tenant establishments, a uniform sign plan shall be required to be approved by the Planning Board regarding sign type, design, appearance, coloring, framing, placement and mounting, construction and materials, illumination, etc. Uniformity ensures that all signs on a building or site have a visual continuity which complements the architectural design of a building, property, or development, provides a sense of place, and lessens confusion. It shall be the owner's responsibility to inform its tenants and to provide a copy of the approved Uniform Sign Program prior to completing a contractual rental/lease agreement.
- (6) Coordination with Other Signs. Signs are encouraged to be integrated on the same mounting wherever possible to avoid sign pollution.
- (7) Traffic Control Signs. Traffic control signs shall be in accordance with required or recommended uniform standards.
- (8) Illumination and Materials.
 - (a) To the extent practicable, all signs shall be constructed of material most in keeping with the rural image and character of the Town, such as wood, stone, or iron.
 - (b) The face of any sign (including both background and messaging) shall be constructed and colored in such a manner as to prevent glare from the sign illumination or other lights shining at or towards the sign, utilizing dense opaque or solid materials and nonreflective coloring creating "positive contrast" legibility and visibility.
 - (c) If illuminated, sign lighting shall comply with the Outdoor Lighting standards set forth in § 180-53 of this chapter as well as the following standards:
 - [1] Lighted signs within the Irondale Business (IB), Boulevard East (BD-East), Boulevard West (BD-West), and Light Industrial (M-A) Districts shall be actuated by means of a mechanical or electronic timer.
 - [2] Signs shall only be illuminated by steady, stationary light sources directed solely at the sign, with illumination directly solely on the printed area of the sign.
 - [3] When an external light source is used to illuminate a sign, the lamp (or bulb) shall be located, shielded, and directed in a manner so not to be visible from any public street or private residence, nor to produce light trespass, skyglow, or result in nuisance lighting.
 - [4] Concealed LED illumination is preferred at the top edges of the sign construction washing light over the sign face as opposed to a protruding light fixture which directs light at the sign face.

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- [5] No receptacle or device housing a permitted light source which is attached to the sign itself shall extend more than eighteen (18) inches from the face of the sign.
 - [6] Upward facing lighting shall not be permitted.
 - [7] Sign lighting shall be evenly distributed across the surface of the sign and shall not exceed 1,200 lumens per ten (10) square feet of sign area, which is intended to represent the luminosity of a seventy-five (75) watt incandescent lamp.
 - [8] Sign light sources color temperature shall not exceed 2,700 Kelvin.
- (9) Appearance. All signs shall be maintained in good and sound repair. Multiple permitted signs located on the same premises shall express uniformity and create a sense of harmonious appearance. Signs shall be legible and shall not be confused with any traffic signal or other safety device, nor be constructed, configured, or arranged to interfere with traffic movements through glare, lighting or obstructing essential sight lines for streets, sidewalks, and driveways.
- (10) Mounting of Signs. Except certain Temporary Signs as may be permitted by these sign standards, all signs shall be permanently, securely, and directly affixed to either the ground, a building or other permanent support structure. Signs shall be mounted as close to the ground as practical, consistent with legibility considerations and traffic safety. Sign panels and construction shall not cover or obstruct doors, windows, or architectural features and details.
- (11) Street Address Identification. The property street number shall be included in all permitted freestanding signs to help facilitate E911 emergency services and property identification. The street number shall be located at the top of the sign and shall be integrated into the overall design and sign area. The height of the street number lettering shall be a minimum of four (4) inches.
- H. Sign permit required.
- (1) Sign Permit. All permitted signs, except those listed as exempt per §180-55C or temporary per §180-55F of these sign standards, shall require a Sign Permit from the Zoning Enforcement Officer before installation as follows:
 - (a) An application for accessory signs associated with a property or use not subject to Planning Board Site Plan Approval shall be submitted to the Zoning Enforcement Officer.
 - (b) For properties or uses requiring Planning Board Site Plan Approval, approval of accessory signs (including new and modifications to existing signs) shall be approved by the Planning Board prior to submission of an application for Sign Permit by the Zoning Enforcement Officer.
 - (2) Application content. All applications for a Sign Permit shall be on forms prescribed by the Zoning Enforcement Officer and approved by the Planning Board, and shall include the following information:
 - (a) Identification: Property address; name, address and email of the applicant and property owner; and, if the applicant is not the property owner, written consent from the owner.
 - (b) Sign Plan (including Uniform Sign Program where applicable): Scaled and dimensioned plan of all existing and proposed signs showing type, size, location, support structure, mounting, appearance, construction, illumination, etc. The Sign Plan shall include information sufficient to numerate and detail specific compliance with these sign standards and requirements.

- (c) Sign Detail: Scaled and dimensioned construction details showing sign type, size (dimensions, height, and total area), materials, construction, framing, mounting or support structure, graphic appearance (pictorial matter, lettering, imaging, materials, and colors), illumination, etc.
 - (d) Building Elevation: For building signs, scaled and dimensioned elevation of the building showing the location of the sign and detailing the linear footage of the tenant space involved.
 - (e) Illumination Details: Including manufacturer cut sheets, fixture mounting details and means to prevent light trespass.
 - (f) Such other information deemed necessary to determine conformity as may be required by the Zoning Enforcement Officer and/or Planning Board.
 - (g) Application fee as set forth in the fee schedule as adopted by the Town of North East.
- (3) Sign registration.
- (a) Sign inventory. Within one (1) year of **{INSERT ADOPTION DATE}**, the Zoning Enforcement Officer shall inventory and make a list with photographs of all existing signs within the town, noting the address, property owner, sign owner, associated use as well as the sign type, size, location, mounting, illumination, and other information deemed relevant.
 - (b) Conformity. Following the inventory of all existing signs, the Zoning Enforcement Officer shall classify each inventoried sign either conforming or nonconforming in comparison with the sign standards of this section.
 - (c) Registration.
 - [1] Existing signs. Following the inventory and classification of all existing signs, the Zoning Enforcement Officer shall issue a numerical registration sticker for each sign denoting a unique sign number, including if such sign is conforming or nonconforming.
 - [2] New signs. New signs for which a sign permit is approved shall be added to the Sign Inventory as maintained by the Zoning Enforcement Officer and shall be issued a numerical registration sticker.
 - [3] The Zoning Enforcement Officer shall be responsible for keeping the inventory current.
 - [4] The sign owner shall place the duly issued registration sticker on the face of the sign in the lower left corner of the sign face.
 - [5] Failure to affix and maintain legibility the registration sticker accordingly shall constitute a violation of this chapter.

I. Nonconforming signs.

In the event a sign lawfully erected prior to the effective date of these sign standards, as amended, does not conform to these sign standards, then such signs shall be deemed to be nonconforming and shall be subject to the following provisions:

- (1) A registered nonconforming sign may remain as a nonconforming sign until such time as the use of the premises associated with the sign ceases or changes, or the sign or any portion thereof is replaced or made conforming.
 - (2) A registered nonconforming sign and/or its support structure may be required to be made conforming upon a subsequent application for Site Plan approval to substantively modify a subject property and the improvements thereon as determined by the Planning Board.
 - (3) Nonconforming sign maintenance. Nothing in these sign standards shall be deemed to prevent keeping in good repair a nonconforming sign, including in kind repainting or refacing, or replacement in kind of broken or deteriorated parts of the sign itself, as well as repair if damaged due to acts of vandalism or weather-related damage.
 - (4) Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, or changed in size, height, setback, or shape, unless such action will make the sign conform in all respects. The sign message or copy on a nonconforming sign may be changed providing both the sign construction and continued or new site use does not require Planning Board. Where there is a change in use subject to Planning Board approval, the Planning Board may require conformance of the sign.
 - (5) A sign permit is required for all new and replacement signs.
- J. Obsolete signs. It shall be the responsibility of the property owner to remove or cause to be removed any sign which no longer identifies or ceases to identify an existing business conducted or product sold on the premises. Any such sign shall be deemed obsolete and shall be removed within 120 days after cessation of such use, activity, or entity.

34. – REPEAL EXISTING § 180-58 and REPLACE with the following:

(Note: Replaces existing §180-58 Yard Exceptions for Private Garages on Steep Slopes.)

§ 180-58 Home Occupation

- A. A home occupation use shall be customarily incidental and subordinate (accessory use) to the primary residential use.
- B. The operation and physical presence of a home occupation shall not change the residential character of the residence or primary residential use. A home occupation shall be conducted entirely within the principal residence building or within an accessory building. There shall be no outside storage or external display of goods used or produced in the home occupation, nor shall there be any advertising display visible from the street except a sign as permitted in § 180-55E(3) of this chapter.
- C. A home occupation use shall be conducted by the resident occupants of the premises. There shall be no more than one (1) nonresident employee involved in the home occupation.
- D. A customary "home occupation" shall not be construed to include that which requires the presence in the home of machinery or equipment normally associated with commercial or industrial activities or that which produces offensive noise, vibration, smoke, dust, odors, heat, glare, or other nuisances.

35. – REPEAL EXISTING § 180-59 and REPLACE with the following:

(Note: Replaces existing "Nursery Farms.")

§ 180-59 Cannabis Dispensary.

- A. Purpose. The purpose of this section is to regulate the location and operation of a retail cannabis dispensary to ensure any such use will be in harmony with and will not have a detrimental effect upon the surrounding area and, that both the location and operation are protective of public health and welfare and preserve quality of life.
- B. Retail cannabis dispensaries shall comply with the following supplemental standards:
- (1) A dispensary shall not be located and/or operated within the following minimum separation distances (a direct line measured between lot lines) and a map showing these separations shall accompany an application to establish a dispensary:
 - Two thousand (2,000) feet from another dispensary.
 - Two hundred (200) feet from a private or public school, park, playground, library, adult or child day care, or a place of worship.
 - (2) A dispensary shall be prohibited on a lot with any of the following other uses:
 - Residential
 - Farmers' Market
 - Gas Station
 - Gas Station with Convenience Store
 - Municipal uses
- C. The dispensary hours of operation shall be limited to between 7:00 am and 9:00 pm daily.
- D. In addition to the required site plan, an operational plan shall accompany an application for dispensary indicating at a minimum, how the facility will be managed related to:
- Hours of operation
 - Security and access
 - Signage
 - Lighting
 - Odor monitoring and mitigation
 - Parking and traffic circulation
 - Prevention of loitering on site
- E. All dispensary facilities shall detail, implement, and carry out a security system utilizing commercial grade equipment to prevent and detect diversion, theft, and loss of cannabis products, including at minimum the following:
- (1) The premises shall have in operation a security system approved by the Dutchess County Sheriff's Department, including alarms and surveillance cameras designed to notify law enforcement officers that a crime or disorderly person's activity is in progress.

- (2) The name and phone number of a contact person to notify regarding suspicious activity during or after operating hours shall be provided to law enforcement departments.
 - (3) The management of the dispensary must maintain camera surveillance data backup and retain such data for a minimum of thirty (30) days.
 - (4) A burglarproof drop safe that regulates an employee's access to cash shall be used on the premises.
- F. The dispensary shall only dispense approved cannabis products in accordance with the applicable laws of New York State. On site use or consumption of cannabis in any form shall be prohibited.
 - G. Product storage, display and sale shall occur wholly within the principal building. No display or products shall be visible to or from the exterior of the building.
 - H. The dispensary must provide for secure disposal of cannabis remnants or by-products; such remnants or by-products shall not be placed within the business' exterior refuse containers.
 - I. The dispensary shall be ventilated so that the odors cannot be detected by a person with a normal sense of smell at the exterior of the principal building or at any adjoining use or property line.
 - J. Prior to permitted operation, an applicant shall provide the Code Enforcement Officer with a copy of a valid New York State Office of Cannabis Management issued license to operate a retail cannabis dispensary, and any subsequent renewed license. Said license shall be posted in a conspicuous place, near the main exit or exit access doorway.

36. – REPEAL EXISTING § 180-60 and REPLACE with the following:

§ 180-60 Accessory Apartments

- A. Legislative findings. The North East/Millerton Comprehensive Plan states that its primary housing goal is "to provide a variety of housing types to meet the needs of all the residents of the community." To achieve this objective, it is necessary to retain diversity in housing styles, prices and tenures. This will help the community retain a diverse population, maintain its socioeconomic balance and sustain a diverse economy. The Town Board seeks to promote affordable housing opportunities and encourage the creation of rental units.
- B. Purpose. It is the specific purpose and intent of this section to allow an accessory apartment, by special permit, on one-family dwelling lots in all districts that allow one-family dwellings as a permitted principal use and to provide the opportunity and encouragement for the development of small, rental housing units. The enactment of this section is in no way intended to reduce the scope of the permitted use, as of right, of two-family or semidetached dwellings as defined in this chapter, but to allow, through the special permit process, more efficient use and design of dwellings and existing accessory buildings. Furthermore, it is the purpose and intent of this provision to provide economic support for homeowners of limited income and to protect and preserve property values. To help achieve these goals and to promote other objectives of this chapter and the Town Comprehensive Plan, the following specific standards are set forth.
- C. Floor area. The minimum floor area of an accessory apartment shall be 300 square feet, but in no case shall the floor area of an accessory apartment within a principal dwelling exceed 35% of the total floor area of the building, unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the specific characteristics of the particular building and lot and the circumstances of the case.

- D. Bedrooms. There shall be a maximum of two (2) bedrooms in the accessory apartment.
- E. One-family character. A dwelling and lot containing an accessory apartment shall, to the degree reasonably feasible, maintain the character and appearance of a one-family dwelling and shall have only one front entrance, when practicable.
- F. Location. An accessory apartment shall be permitted within an existing or new one-family dwelling or within an existing or new accessory building. An existing one-family dwelling or existing accessory building may be expanded to include an accessory apartment.
- G. Lot size. The minimum lot size shall conform to the requirements for a one-family dwelling.
- H. Number of dwelling units per lot. Only one (1) accessory apartment per lot shall be permitted. No special permit for an accessory apartment shall be issued for a lot where the principal dwelling is other than a detached one-family dwelling or where a permit for an ECHO unit is in force.
- I. Parking. Parking requirements shall conform to those set forth in § 180-50.
- J. Adequacy of infrastructure. No special permit for an accessory apartment shall be granted in any case where the Dutchess County Health Department has determined that the water or sewage system in question is for any reason not capable of handling the additional demand that the accessory apartment would impose on it.
- K. Construction. The accessory apartment shall be constructed in accordance with all applicable laws, regulations, codes and ordinances, including the New York State Uniform Fire Prevention and Building Code.
- L. Application process. Application for a special permit for an accessory apartment shall be made to the Zoning Enforcement Officer in accordance with the standards and procedures set forth in Article VI of this chapter, subject to the following additional provisions:
 - (1) Materials to assist the Planning Board in reviewing an application for a special permit, as described in Article VI, § 180-26, shall include a floor plan of the existing building and proposed accessory apartment, a survey or other appropriate drawing or document showing the location and size of the septic system and well and the structures on the lot, both as they exist and as they would appear with the accessory apartment.
 - (2) In determining whether to grant the application, the Planning Board shall consider the following factors, in addition to those described in § 180-26:
 - (a) Whether the use will be in harmony with and promote the general purpose of this section.
 - (b) Whether the use will conserve property values and encourage the most appropriate uses of land.
 - (c) Whether the lot area is sufficient, appropriate and adequate for the use, particularly regarding septic system and water requirements.
 - (d) Whether the application is consistent with the Town Comprehensive Plan.

- N. Revocation of special permit. A special permit for an accessory apartment may be revoked by the Planning Board, after notice and the holding of hearing, if:
- (1) It shall reasonably appear to the Planning Board that the accessory apartment is not in compliance with applicable laws, regulations, codes, ordinances or special permit conditions; or
 - (2) Any lawful inspection of the accessory apartment is refused or prevented by the owner.
- O. Existing accessory apartments. All owners of existing accessory apartments not created in compliance with this chapter shall apply for a special permit within six (6) months of the effective date of this section. If application is not made within this period, the owner shall be in violation of this section, as incorporated within this chapter, and shall be subject to the penalties provided in § 180-97.

37. – REPEAL EXISTING Select Subsections of § 180-61 (ECHO UNITS) as follows:

(Note: Only affects listed Subsections; all other existing text of §180-61 remains unchanged.)

Repeal existing § 180-61A and § 180-61B and replace with the following:

- A. Legislative findings. The Comprehensive Plan of the Town of North East states that its primary housing goal is "to provide a variety of housing types to meet the needs of all the residents of the community." To achieve this objective, it is necessary to retain diversity in housing styles, prices and tenures. This will help the community retain a diverse population, maintain its socioeconomic balance and sustain a diverse economy. Moreover, local housing opportunities are often inappropriate for the special needs of elderly persons.
- B. Purpose. It is the purpose and intent of this section to accomplish the Town's Comprehensive Plan objectives by allowing, by special permit, the installation of small, removable homes known as "elder cottage housing opportunity (ECHO) units" on the same lots with one-family dwellings in all districts that allow one-family dwellings as a permitted principal use. Specifically, this section is intended to:
- (1) Foster and support extended families.
 - (2) Permit adult children to provide small, temporary homes for their aging parents in need of support, while maintaining as much of the independence of the two generations as possible.
 - (3) Reduce the degree to which elderly homeowners must choose between increasing isolation in their homes and institutionalization in nursing homes.
 - (4) Encourage the continued development and use of small homes specifically designed and built for elderly persons, which include such features as easy adaptation to handicapped accessibility, safe exit features and fire-resistant construction.
 - (5) Permit ECHO housing in a manner that protects the property values and character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removable.
 - (6) Enable the elderly living in homes too large for their needs to move to more appropriate housing and thereby make larger homes available to house larger families.

(Note: Existing Subsections C, D, E, F, G and H remain unchanged.)

Repeal existing § 180-61I and replace with the following:

- I. Parking. Parking requirements shall conform to those set forth in § 180-50.

(Note: Existing Subsections J, K, L, M and N remain unchanged.)

Repeal existing § 180-61O and replace with the following:

- O. Application process. Application for a special permit for an ECHO unit shall be made to the Zoning Enforcement Officer in accordance with the standards and procedures set forth in Article VI of this chapter, subject to the following additional provisions:
- (1) Materials to assist the Planning Board in reviewing an application for a special permit, as described in Article VI, § 180-26, shall include:
 - (a) The names of all owners of record of the principal dwelling, lot and ECHO unit.
 - (b) The names of the proposed occupants of the ECHO unit.
 - (c) The relationship between the occupants of the principal dwelling and the occupants of the ECHO unit.
 - (d) If neither the occupants of the principal dwelling nor the occupants of the ECHO unit own the ECHO unit, the lease or other agreement with the owner of the ECHO unit.
 - (e) A floor plan of the ECHO unit, including the square footage.
 - (f) A survey or other appropriate drawing or document showing the location and size of the septic system and well and the structures on the lot, both with and without the ECHO unit.
 - (g) The applicant's plan for the removal of the ECHO unit at the time the special permit terminates.
 - (2) In determining whether to grant the application, the Planning Board shall consider the following factors, in addition to those described in § 180-26:
 - (a) Whether the use will be in harmony with and promote the general purpose and intent of this section.
 - (b) Whether the use will conserve property values and encourage the most appropriate uses of land.
 - (c) Whether granting the application will cause an undue concentration of ECHO units.
 - (d) Whether the lot area is sufficient, appropriate and adequate for the use, particularly regarding septic system and water requirements.
 - (e) Whether the application will be compatible with the Town Comprehensive Plan.

- (3) A special permit may be granted for an initial period of up to one (1) year, expiring on April 30. Thereafter, upon application to the Planning Board showing that there have been no changes in circumstances which would result in the ECHO unit being in violation of the provisions of this section, the permit may be renewed yearly, for a period running from May 1 to April 30. Upon development of appropriate procedures by the Planning Board, such renewal may be granted administratively by the Zoning Enforcement Officer.
- (4) At the time of application, the applicant must verify that he or she:
 - (a) Understands that the permit is issued solely for the use of the named occupants.
 - (b) Has made plans for the removal of the unit.
 - (c) Recognizes the possible sanctions for failure to promptly remove the ECHO unit upon termination or revocation of the special permit. These sanctions include all those specified in this chapter; injunctive relief; criminal penalty; removal and salvage by the Town, to defray any enforcement costs incurred; the placement of a lien against the applicant's property, to defray any enforcement costs incurred; and any other remedies available to the Town.

(Note: Existing Subsection P remains unchanged.)

Repeal existing § 180-61Q and § 180-61R and replace with the following:

Q. Termination of special permit.

- (1) The special permit shall terminate 90 days after:
 - (a) The death or permanent change of residence of the original occupant or occupants of the ECHO unit; or
 - (b) Any of the occupancy requirements set forth in Subsection C are no longer met.
- (2) During this ninety-day grace period, the ECHO unit shall be removed and the site restored so that no visible evidence of the ECHO unit and its accessory elements remains. If the ECHO unit has not been removed by the end of this grace period, in addition to the existing sanctions in this chapter, actions to ensure removal may be taken, including removal and salvage by the Town, with a lien imposed to defray any costs incurred.
- (3) The Planning Board, upon a showing of extraordinary circumstances making removal of the ECHO unit impossible during the ninety-day grace period, may grant one extension of up to 90 days for removal of the ECHO unit.

R. Revocation of special permit. A special permit for an ECHO unit may be revoked by the Board of Appeals, after notice and a hearing, if:

- (1) It shall reasonably appear to the Planning Board that the ECHO unit is not in compliance with applicable laws, rules, regulations, codes or ordinances or that the conditions of the special permit are not satisfied; or
- (2) Any lawful inspection of the ECHO unit is refused or prevented by the owner or occupant.

38. – AMEND EXISTING § 180-62 as follows:

- *In all instances, replace* “Board of Appeals” *to* “Planning Board.”
- *In all instances, replace* “Master Plan” *to* “Comprehensive Plan.”

39. – REPEAL EXISTING § 180-64 and REPLACE with the following:

(Note: Deletes standards for “Rod and Gun Clubs” are adds these uses to prohibited uses in § 180-13.)

§ 180-64 Funeral Home.

Funeral Home uses shall comply with the following supplemental standards:

- A. In addition to the required site plan, an operational plan shall accompany an application for a funeral home indicating at a minimum how the facility will be managed related to:
 - Hours of operation
 - Security and access
 - Signage
 - Odor monitoring and mitigation
 - Parking and traffic circulation
- B. A funeral home shall comply with all applicable federal, state, and local laws, codes, and regulations for such use, and shall be owned and operated under a duly issued and valid license as issued by the State of New York.
- C. All embalming and other funeral or service preparations shall be conducted inside the principal building. No remains, including residue, shall be disposed of on site.
- D. The funeral home shall maintain privacy and be maintained in a clean, orderly, and sanitary manner with adequate ventilation to ensure compliance with all applicable federal, state, and local emission standards.
- E. Prior to permitted operation, the applicant shall provide the Code Enforcement Officer with a copy of a valid New York State issued license to operate a funeral home, and any subsequent renewed license. Said license shall be posted in a conspicuous place, near the main exit or exit access doorway.

40. – REPEAL EXISTING § 180-65 and REPLACE with the following:

(Note: Deletes standards for “Shooting Preserves” and adds this use to prohibited uses in § 180-13.)

§ 180-65 Mobile Food Vendor.

Mobile Food Vendors shall comply with the following supplemental standards:

A. Duration.

- (1) Mobile food vendors shall be accessory in use and temporary in duration.
 - (a) A mobile food vendor participating in a community-wide event (such as a carnival, festival or other short term, single special event) may span a few hours, one day or over the course of several consecutive days.
 - (b) A mobile food vendor on a non-residential zoned property may be permitted for a Single-Day Event conducted on and related specifically to a principal use on the subject premises.
 - (c) A mobile food vendor participating at a private function on private residential property that is not open to the general public and where the food and/or beverages served are not sold directly or indirectly to function participants, shall be permitted without a permit, provided such mobile food unit and operator are licensed by the Dutchess County Health Department and the hours of operation are observed.
- (2) Permitted hours of operation shall be between 6:00 am and 10:00 pm. A mobile food vendor unit shall be removed promptly when not in operation.

B. Applications.

- (1) Application shall be signed by both the owner and operator (if different) of the mobile food vendor unit and the property owner where the mobile food unit is proposed to be located.
- (2) Applications shall provide and detail the following information:
 - (a) Operator name, vender license, address, email, and telephone contact information.
 - (b) Verification of a valid current Dutchess County Health Department license or permit to operate.
 - (c) A site map indicating the location where the unit will be located, proposed parking for customers, the location of the mobile food unit in relation to the nearest street and driveway intersections and the number and location of garbage disposal facilities.
 - (d) Size of the mobile food vendor unit.
 - (e) The proposed days and hours of operation.

C. Location restrictions.

- (1) The location of any mobile food vendor unit shall not obstruct the line of sight or flow of traffic both on and off site.
- (2) A mobile food vendor unit shall not be allowed within fifty (50) feet of a permanent food service establishment.
- (3) A mobile food vendor unit shall not exceed thirty (30) feet in length.
- (4) A mobile food vendor unit shall not displace required off-street parking spaces.

D. General standards.

- (1) Drive-up service to the mobile food vendor shall be expressly prohibited.
- (2) All signage shall be attached to the mobile food vendor unit. No separate free standing or temporary signs are permitted.
- (3) Equipment and operations must be self-contained within the mobile food vendor unit. No furniture, umbrellas, generators, objects or structures shall be placed outside the unit (except for required refuse and recycling containers).
- (4) No lighting shall be provided, except that localized lighting may be used on or in the mobile food vendor unit for the purpose of inside food preparation and menu illumination.
- (5) A mobile food vendor shall not sell anything other than food and non-alcoholic beverages.

41. – REPEAL EXISTING § 180-66 and REPLACE with the following:**§ 180-66 Wildlife or Nature Preserve.**

- A. Minimum acreage. The minimum contiguous acreage of a preserve shall be one hundred (100) acres.
- B. Accessory buildings. The preserve may have one (1) or more accessory buildings for the storage of equipment.
- C. Department of Environmental Conservation permit requirement. No preserve special use permit shall be issued to an applicant until a permit has been issued to the applicant by the Department of Environmental Conservation pursuant to Article 11 of the Environmental Conservation Law, if such a permit for preserve activities is required.
- D. Hunting. Hunting if permitted shall be subject to local, state and federal law, rules, regulations and restrictions as may be applicable and amended from time to time.

- E. Discretion of the Planning Board. It is recognized that the operation of a preserve in a residential neighborhood could have an adverse impact on the surrounding neighborhood. The extent of this impact will necessarily depend on such factors as: the size of the property on which the preserve will be sited; the topography of the preserve property; the natural vegetation, screening and buffering existing on site; the types and numbers of game or wildlife which will be contained within the preserve; the nature and scope of the preserve operation; and the proximity of the preserve to existing residences. Notwithstanding the fact that a preserve is a use permitted in the Town's A5A, R3A, and LC Districts, subject to the issuance of a special use permit, the Planning Board shall retain full discretion to deny a permit application for a preserve if the Planning Board determines that the use does not comply with the standards set forth in this section; does not comply with the general standards for special permit uses contained in § 180-26 of this chapter; or will result in a significant adverse impact on the surrounding neighborhood in terms of increased noise, decreased public safety or diminution in property values which cannot be adequately mitigated by the imposition of special permit conditions.
- F. Special permit conditions. In addition to the authority vested in the Planning Board to impose reasonable conditions and restrictions on special use permits as set forth in § 180-26 of this chapter, the Planning Board shall impose such conditions and restrictions on the operation of a preserve which, in its discretion, are necessary to mitigate such problems as noise, public safety and diminution of property values. The Planning Board shall, as a condition of each special use permit issued for the operation of a preserve, require that the Zoning Enforcement Officer, on an annual basis, inspect the preserve operation and report back to the Board regarding the permit holder's compliance with the provisions of this chapter, any special permit conditions imposed and the requirements of the approved site plan. Such restrictions and conditions may include, but shall not necessarily be limited to, the following:
- (1) Limitations on hours of operation
 - (2) Requirement of vegetative screening, buffering and land berms within the preserve.
 - (3) Requirement that boundaries or a portion of the boundaries of the preserve property be enclosed in a certain prescribed manner.
 - (4) The requirement for additional inspections of the property and operation by the Zoning Enforcement Officer with reports back to the Planning Board.
- G. Wholly enclosed parcel of land. For purposes of this section, the term "wholly enclosed parcel of land" shall mean lands, the boundaries of which are indicated by wire, ditch, hedge, fence, road, highway, or water or in any visible or distinctive manner which indicates a separation from the surrounding contiguous territory.
- H. Material to be submitted by applicant. In addition to those materials required by § 180-27 of this chapter to be submitted with any application for a special use permit, an applicant for a preserve special use permit shall submit the following additional materials:
- (1) A declaration as to the nature and extent of the proposed preserve.
 - (2) A description of all proposed preserve activities.
 - (3) A site plan, drawn at a scale of not less than fifty (50) feet to the inch, prepared by a professional engineer, architect and/or land surveyor licensed to practice in the State of New York and as required by law, showing all the information set forth in § 180-35C of this chapter.

- (4) A copy of the permit issued by the Department of Environmental Conservation for the operation of the preserve if such a permit is required by Article 11 of the Environmental Conservation Law.
- (5) Any other information or documentation requested by the Planning Board deemed necessary to assist it in its decision-making process.

42. – REPEAL EXISTING § 180-67E and REPLACE with the following:

(Note: Only affects Subsection E; all other existing text of §180-67 remains unchanged.)

Repeal existing Subsection E of §180-67 and replace with the following:

- E. The Planning Board shall have the power to permit a roadside farm stand exceeding the maximum total floor areas prescribed by this section and/or increased numbers or sizes of signs for farm stands operated on a farm, pursuant to an application for an area variance, provided that the applicant can demonstrate that a farm stand of greater floor area or that additional or larger signs are necessary to meet the needs of the existing and/or future farm operation and all other criteria for the granting of an area variance are met.

43. – AMEND EXISTING § 180-68 as follows:

- *In all instances, replace* “Board of Appeals” *to* “Planning Board.”

44. – REPEAL EXISTING § 180-69 and REPLACE with the following:

§ 180-69 Farmers’ Market.

A farmers' market as defined and permitted by this chapter shall be subject to the following regulations:

- A. A farmers' market structure shall not exceed 10,000 square feet of floor space.
- B. A farmers' market shall comply with all district regulations and supplementary regulations relating to parking and signage.
- C. A farmers' market may also include other temporary businesses which reasonably serve the public or makes the market more convenient, efficient, profitable, or successful, including but not limited to food service, baking, and nonfood retailing.
- D. All provisions and definitions contained in Article 22 of the Agriculture and Markets Law relating to a farmers' market shall apply to a farmers' market in the Town of North East.

45. – AMEND EXISTING § 180-70, Subsection C(10) as follows:

(Note: Only affects Subsection C(10); all other existing text of §180-70 remains unchanged.)

Repeal existing § 180-70C(10) and replace with the following:

- (10) The use of repeaters and/or non-tower-mounted PWSF's to assure adequate coverage for personal wireless service, or to fill holes within areas of otherwise adequate coverage, while minimizing the number of required towers, is permitted and encouraged. An applicant who has received a special permit for a personal wireless facility, with at least thirty (30) days' written notice to the Code Enforcement Officer and Zoning Board of Appeals, may install one (1) or more additional repeaters on an existing structure without the necessity for special permit application, but such installation shall be subject to site plan review and approval by the Planning Board. Notwithstanding the provisions of Article V of the Town Code, a repeater is a use for which the Zoning Board may issue a special permit, subject to site plan review, in the Medium Density Residential (R20,000); Light Industrial (M-A); Irondale Business (IB); and Boulevard Districts.

46. – REPEAL EXISTING § 180-71 and REPLACE with the following:

§ 180-71 Gas Station / Gas Station with Convenience Store

Gas Station or Gas Station with Convenience Store shall comply with the following supplemental standards:

- A. Motor vehicle fuels sold may be dispensed by self-service or a station attendant at a designated location designed and approved for such use.
- B. A gas station use may also include an accessory convenience store offering for sale prepackaged food products, household items, newspapers, and a limited range of freshly prepared food (coffee, fruit, sandwiches or similar) for off-site consumption. The maximum gross floor area of a convenience store shall be three thousand (3,000) square feet (which floor area shall be inclusive of the entire building floor area, including point of sales, bathrooms, office space, storage areas, maintenance and utility rooms, product display, refrigerators, etc.).
- C. The number of fuel-dispensing nozzles shall be restricted to a maximum of sixteen (16), and the number of pump dispensers (which may have service on both sides) shall be limited to a maximum of four (4).
- D. Adequate parking shall be made available on site for customers making purchases at the store but not buying gasoline. The parking area shall be located and dimensioned in a manner that does not interfere with the safe entry and exit of vehicles purchasing gasoline.
- E. An enclosed or fenced area trash dumpster for disposal of stock packings removed by store employees and trash receptacles for customer use on the premises shall be supplied.
- F. There shall be no outdoor displays of merchandise.
- G. All vending machines shall be located within the principal building.

- H. All rooftop heating/ventilation/air-conditioning or refrigeration units shall be directed away from adjacent residential properties. Roof-top mechanical equipment, except solar panels flush with a roof, shall be hidden and screened from ground view on all sides of the building as viewed from the immediate surrounding neighborhood.
- I. The rental or sale of vehicles at a gasoline station shall be prohibited.
- J. In the site plan approval process, the Planning Board shall apply the following design principles to the facility:
- (1) The principal building shall be located so that its front face is oriented towards the street with the pump, islands and canopy located to the side or rear of the principal building.
 - (2) The architecture of the building shall be designed fully on all four sides, where practicable.
 - (3) Accessory canopy structures, fueling pump dispensers and other accessory appurtenances such as vacuums, air pumps or similar shall be subject to minimum yard requirements equal to the principal building, except no fueling pump dispenser shall be closer than one hundred (100) feet to any residential district boundary. Also, all fuel pump dispensers shall be setback a distance equal to or greater than the principal building from a front property line.
 - (4) The design and construction of any canopy structures shall be consistent with the design and construction of the principal building, both of which shall utilize pitched roofs.
 - (5) Separate from the required minimum off-street parking spaces, a parking space measuring a minimum of ten (10) feet by eighteen (18) feet shall be provided for each air and vacuum dispenser.
 - (6) All lighting, fire suppression equipment and roof drainage shall be concealed within the canopy structure.
 - (7) Grooved concrete pavement shall be utilized in the primary area surrounding the fuel pump dispensers.
 - (8) Outdoor audio and video advertisement or entertainment systems shall be prohibited (does not preclude a small integrated pump dispenser screen providing fueling and transaction instructions).

47. – REPEAL EXISTING § 180-72.1, Subsection B(5) and REPLACE with the following:

(Note: Only affects Subsections B and I(1); all other existing text of §180-72.1 remains unchanged.)

Repeal Subsection B and replace with the following (definitions have been moved to § 180-5):

- B. Refer to § 180-5 of this chapter for related definitions of terms used specifically in this section.

Repeal existing Subsection I(1) and replace with the following:

- (1) Subject to Subsection I(2) below, solar farms shall be permitted only in the A5A, R1A, R3A, LC, IB and M-A Zoning Districts, as described in §§ 180-6 and 180-7 of this chapter, subject to issuance of a solar energy system building permit and a special use permit.

48. – ADD NEW § 180-72.2 as follows:

§ 180-72.2 Accessory EV Charging Stations.

Accessory EV Charging Stations shall comply with the following supplemental standards:

- A. Purpose and intent. The purpose of this section is to provide for and promote the use of electric vehicles (EVs) by providing for the convenient location of EV charging stations, subject to reasonable conditions that will protect the environment, public health, safety, and welfare. Because EV charging requires more time than internal combustion engine refueling, charging facilities will be more widely distributed to allow vehicle operators to engage in other nearby activities such as home life, shopping, dining, or recreation while their EVs are being charged.
- B. Accessory use only. EV Charging Stations shall be permitted as an accessory use/structure to an otherwise permitted principal use. All EV Charging Stations shall comply with the supplemental standards of this section in addition to all other applicable standards and requirements of this chapter.
- C. Locational and Design Standards.
 - (1) EV charging stations ancillary to otherwise permitted single-family dwellings, two-family dwellings, and farms shall be permitted subject to a Zoning Permit:
 - (a) EV charging stations shall be located within a garage, on an exterior wall of a principal or accessory building, or freestanding mounted adjacent to a parking space within a driveway.
 - (b) An EV charging station is an accessory structure for purposes of applying all lot bulk standards.
 - (c) EV charging stations shall be for the personal use of the residents or occupants of the premises and their invited guests while visiting. There shall be no collection of a fee or charging payment involved with said accessory use.
 - (2) EV charging stations accessory to all other otherwise permitted uses may be permitted subject to Planning Board Site Plan Approval and the following supplemental standards:
 - (a) EV charging stations may be permitted accessory to a permitted principal use where the use of the EV charging stations is made available at no cost or for a fee to charge an electric vehicle while otherwise working at, visiting, or patronizing the principal use. Such use is primarily intended for the convenience of the occupants, visitors, and patrons of the premises at the time of their visit.
 - (b) Each EV charging station shall be served by an EV parking space reserved for parking and charging of electric vehicles only. An EV charging station may be located (positioned) to equally serve two abutting EV parking spaces. EV parking spaces sharing a single EV charging station shall include a two (2) foot access strip running between and length of the EV parking spaces.
 - (c) All EV parking spaces shall be accessed and sized as required for all other regular and ADA accessible parking spaces.

- (d) Each EV charging station shall be posted with signage indicating the EV parking space is only for electric vehicle charging purposes. Signage shall also include clear legible information stating the hours of operation, safety information, usage fees and payment mechanism, and contact information for operating issues. Clear details of said signage shall be included on the required Site Plan. Such signage shall be integral to the EV charging station and have an aggregate area not to exceed four (4) square feet. No other signs shall be permitted, including but not limited to electronic video or message displays (except small screen/keypad for payment purposes), audio message or audible electronic devices, off-premises signs, or any other type of advertising, other than as may be required by law.
- (e) EV charging stations shall not be illuminated, either internally, externally from underneath, above or behind, or with strip lighting or strings of light bulbs.
- (f) EV charging stations shall include sufficient lighting for safe nighttime use. However, such shall not include lighted panels or other lighted elements unnecessary to the safe operation of the EV charging station.
- (g) An EV charging station is an accessory structure for purposes of applying lot bulk standards, except the Planning Board may permit such to encroach a maximum of three (3) feet into a side or rear yard setback area.
- (h) An EV charging station shall be designed to minimize potential accidents both by vehicles and pedestrians and be safe to use in inclement weather. Charging equipment shall be designed and sited so not to impede pedestrian travel or create trip hazards.
- (i) EV charging station equipment and supporting structures shall be located a minimum of two (2) feet clear of the face of the curb or end of the parking space without curbs.
- (j) EV charging station outlets and connector devices shall be no lower than thirty six (36) inches and no higher than forty eight (48) inches, with the overall height of the EV charging station not exceeding seventy two (72) inches, as measured from the immediate ground or pavement surface where installed.
- (k) EV charging station outlets and connector devices shall be mounted to comply with all applicable State of New York codes, requirements, regulations, and all relevant Americans with Disabilities Act (ADA) requirements.
- (l) EV charging station cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- (m) The owner of an EV charging station may impose reasonable time limits on the number of hours that an electric vehicle is allowed to be parked while charging to prohibit indefinite charging/parking. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting electric vehicle charging stations that are not being used according to posted rules.
- (n) An EV charging station shall be maintained to ensure continuous, proper functioning.

49. – ADD NEW § 180-72.3 as follows:

§ 180-72.3 Multifamily Dwellings.

Multifamily dwellings shall comply with the following supplemental standards:

A. Minimum Lot Area Required. The following minimum lot areas shall be required for multifamily dwellings:

- (1) Boulevard East District 1 acre
- (2) Boulevard West District 4 acres

B. Multifamily Use Standards.

- (1) Boulevard East District.
 - (a) Multifamily dwellings on parcels located within a Boulevard East District may be a standalone use on a single parcel or within a mixed-use development with permitted commercial uses.
 - (b) Multifamily dwellings may be located on upper floors of commercial buildings and/or within standalone buildings.
- (2) Boulevard West District.
 - (a) Multifamily dwellings on parcels located within Boulevard West District shall be part of a mixed-use development with permitted commercial uses.
 - (b) Multifamily dwellings may be located on upper floors of commercial buildings and/or within standalone buildings located to the rear (as viewed from the street) behind commercial or commercial mixed-use buildings.
 - (c) The commercial space shall be constructed prior to or concurrently with any multifamily dwellings whether contained in the same building or within a separate standalone building.

C. Unit Density.

- (1) No less than three (3) and no more than twelve (12) individual dwelling units shall be contained in a single building.
- (2) Individual dwelling units may include a mix of studio, one-bedroom, two-bedroom, or three-bedroom unit types. The number of three-bedroom units in a single building shall not exceed fifty (50%) percent of the total units in said building. Libraries, dens, studies, offices, lofts, and other similar spaces shall be counted as bedrooms for purposes of these standards.
- (3) Each dwelling unit shall contain a minimum living floor area of three hundred (300) square feet. The maximum living floor area of a studio unit shall be no more than six hundred (600) square feet. "Living floor area" shall be that area within the perimeter walls of the residential apartment dwelling unit devoted to the exclusive use of the occupant and shall not include exterior balconies or other spaces outside the dwelling unit.

D. Unit Standards.

- (1) The multifamily dwellings may either consist of either all for rent dwellings maintained, managed, and operated under single ownership; or individual for sale dwellings on the subject property held in common with the other dwelling owners.
- (2) All land and facilities held in common ownership shall be governed by an approved homeowners' association or other acceptable form of organization, such as a condominium, cooperative or maintenance agreement acceptable to the Planning Board and Town Attorney.
- (3) Rental Units. A minimum of fifty (50%) percent of dwelling units shall be rented at or below the prevailing "fair market rate" as defined in this chapter and in accordance with the supplemental affordable housing standards in § 180-72.5.
- (4) Affordable housing units. A minimum of one (1) unit per ten (10) units shall be restricted to an affordable housing unit as defined in this chapter and in accordance with the supplemental affordable housing standards in § 180-72.5.

E. Water supply. The water supply serving the development shall be provided by the public utility franchised to serve the area. Adequate water pressure shall be provided to address domestic and fire suppression demands of the development.

F. Sewage system. The subject property shall be capable of providing safe, sanitary sewage collection, treatment, and disposal in conformance with all federal, state, county, regional, and local standards and requirements, which system shall be certified by a New York State licensed professional engineer.

G. Fire protection. Provisions shall be provided for adequate access for fire-fighting equipment and personnel. Adequate hydrants shall be provided for fire protection as prescribed by the Fire Department.

H. Unit Design.

- (1) The Planning Board, in reviewing an application, shall review proposed floor plans, facades and landscaping, as well as the compatibility of the proposed development with adjacent property uses.
- (2) The architectural design, scale, and mass of buildings, including exterior building materials, colors, roof lines, and building elevations shall be of a character consistent and compatible to the historic architectural image and appearance as found within the Millerton Village center. Unit façades shall also be designed to avoid a barracks or dormitory appearance.
- (3) Pitched roofs, including gable, mansard, hip, gambrel, dormers, or combination of such shall be required.
- (4) Roof-top mechanical equipment, except solar panels flush with a pitched roof, shall be hidden and screened from the ground view on all sides of the building as viewed from the immediate surrounding neighborhood.
- (5) Buildings shall be sited on the property with adequate landscaping and buffer plantings to ensure privacy for the residents and adjoining uses.
- (6) Due consideration shall be given to the planning of units and facilities to meet the needs of physically challenged and older occupants.

I. Accessory Uses and Structures.

- (1) Ancillary facilities shall be clearly subordinate to the residential use and character of the site.
- (2) Subordinate maintenance, utility, storage, recreational and social uses, buildings, and structures customarily incidental to residential dwellings are permitted, provided such accessory uses, buildings and structures are for the direct private benefit solely for the use of tenants and their guests.
- (3) Sidewalks shall be provided consistent with § 180-23B.
- (4) Refuse and Recycling Provisions.
 - (a) Accessory refuse and recycling receptacles shall be regularly maintained in an orderly manner free of loose or accumulated materials. Receptacles shall be enclosed, screened, and kept closed.
 - (b) Refuse and recycling collection points and/or storage areas shall be within enclosed individual garages or similar areas, or centralized enclosure facilities fully fenced and screened with landscaping.
 - (c) Refuse and recycling collection points shall be regularly maintained and kept free of all loose and/or accumulated material. Receptacles for deposit shall be kept tightly closed at all times to minimize the effect on public safety and health.
 - (d) The maintenance and removal of refuse and recyclables shall be the sole responsibility of the owners, or their designated representative, however, in no case shall removal take place on a frequency of less than once a week.
- (5) Mailboxes shall be centralized and if outside shall be in a location and design as approved by the Planning Board.
- (6) Vehicle parking may include outdoor parking and/or indoor garage parking. Indoor garage parking shall be permitted underground beneath the ground floor. Access to any garage parking shall be from the side or rear of the building and shall not be visible to any abutting street.
- (7) The outside parking or storage of recreational vehicles, boats, campers, ATVs, unregistered vehicles, disabled vehicles, or other similar vehicles shall be prohibited.
- (8) Projects shall be designed to include community amenities, such as a clubhouse, swimming pool, sport courts, sitting areas, benches, gardens, walking paths and similar passive recreational and social features.

50. – ADD NEW § 180-72.4 as follows:

§ 180-72.4 Rental Apartments above commercial.

Rental apartments above commercial establishments shall comply with the following supplemental standards:

- A. The purpose of allowing residential apartments for rent above commercial uses (thereby providing a mixed-use development) is to encourage a diversity of compatible uses including business, commercial and restricted residential apartment uses in combination within the same building. The intent is to permit mixed use development under carefully regulated conditions to facilitate reinvestment in and the renovation of existing commercial buildings, as well as encourage the development of new mixed-use facilities, resulting in positive economic impacts to those properties and the town at large, while imposing minimal burden on town services and municipal infrastructure.
- B. The residential apartment units may include a mix of studio, one-bedroom, two-bedroom, or three-bedroom unit types. The number of three-bedroom units in a single building shall not exceed fifty (50%) percent of the total units in said building. Libraries, dens, studies, offices, lofts, and other similar spaces shall be counted as bedrooms for purposes of these standards.
- C. Each individual residential apartment unit shall be rented for a minimum lease period of three (3) consecutive months, except affordable housing units as set forth below.
- D. Affordable housing units. A minimum of one (1) unit per ten (10) units shall be restricted as an affordable housing unit as defined in this chapter and in accordance with the supplemental affordable housing standards in § 180-72.5. Each affordable housing unit shall be rented for a minimum lease period of twelve (12) consecutive months.
- E. Each dwelling unit shall contain a minimum living floor area of three hundred (300) square feet. The maximum living floor area of a studio unit shall be no more than six hundred (600) square feet. "Living floor area" shall be that area within the perimeter walls of the residential apartment dwelling unit devoted to the exclusive use of the occupant and shall not include exterior balconies or other spaces outside the dwelling unit.
- F. The Planning Board, in reviewing an application, shall review proposed floor plans, facades and landscaping, as well as the compatibility of the proposed mixed uses. Pitched roofs, including gable, mansard, hip, gambrel, dormers, or combination of such shall be required.
- G. Residential apartments shall be integrated into the overall building design, and façades shall be designed to avoid a barracks or dormitory appearance. Access to the residential apartment units shall be from a central, interior common lobby or hallway.
- H. The architectural design, scale, and mass of buildings, including exterior building materials, colors, roof lines, and building elevations shall be of a character consistent and compatible to the historic architectural image and appearance as found within the Millerton Village center. Unit façades shall also be designed to avoid a barracks or dormitory appearance.
- I. Sidewalks shall be provided consistent with §180-23B.
- J. Water supply. The water supply serving the development shall be provided by the public utility franchised to serve the area. Adequate water pressure shall be provided to address the domestic and fire suppression demands of the mixed-use facility.

- K. Sewage system. The subject property shall be capable of providing safe, sanitary sewage collection, treatment, and disposal in conformance with all federal, state, county, regional, and local standards and requirements, which system shall be certified by a New York State licensed professional engineer.
- L. Fire protection. Provisions shall be provided for adequate access for fire-fighting equipment and personnel. Adequate hydrants shall be provided for fire protection as prescribed by the Fire Department.
- M. Accessory Uses and Structures.
- (1) Subordinate maintenance, utility, storage, recreational and social uses, buildings, and structures customarily incidental to residential apartments are permitted, provided such accessory uses, buildings and structures are for the direct private benefit solely for the use of tenants and their guests.
 - (2) Accessory uses, buildings and structures shall be coordinated and shared with those of the commercial site uses, including refuse and recycling receptacles, which shall be regularly maintained in an orderly manner free of loose or accumulated materials. Receptacles shall be enclosed, screened, and kept closed.
 - (3) Mailboxes shall be centralized and if outside shall be in a location and design as approved by the Planning Board.
 - (4) Refuse and recycling facilities shall be coordinated and shared with those of the commercial uses of the site.
 - (5) Roof-top mechanical equipment, except solar panels flush with a pitched roof, shall be hidden and screened from the ground view on all sides of the building as viewed from the immediate surrounding neighborhood.
 - (6) Vehicle parking may include outdoor parking and/or indoor garage parking. Indoor garage parking shall be permitted underground beneath the ground floor. Access to any garage parking shall be from the side or rear of the building and shall not be visible to any abutting street.
 - (7) The parking or storage of recreational vehicles, boats, campers, ATVs, unregistered vehicles, disabled vehicles, or other similar vehicles shall be prohibited.
 - (8) Site amenities such as sitting areas, benches, gardens, walking paths and similar passive recreational/social features are encouraged.

51. – ADD NEW § 180-72.5 as follows:

§ 180-72.5 Affordable Housing Standards.

Affordable housing dwellings as defined, permitted and/or otherwise required by this chapter shall comply with the following supplemental standards:

A. General standards

- (1) In calculating the minimum amount or number of affordable housing units required in a specific development, fractions of 0.5 or greater shall be rounded up in favor of the minimum affordable housing unit count.
- (2) Affordable housing units shall be dispersed and commingled among other units.
- (3) Affordable housing units shall be constructed on a pro rata basis with other units as construction proceeds.
- (4) Affordable housing units shall be proportionate in number of bedrooms and size, and of a design compatible in terms of appearance, materials, and finish qualities as other units.
- (5) Affordable housing units shall be physically integrated into the design of the development. All such units shall be indistinguishable in appearance, location, size, materials, exterior design, and base interior finishes from that of the other housing units in the development. Appliances, lights, and all components of HVAC systems shall be ENERGY STAR® compliant.
- (6) Affordable units shall be maintained according to the original building specifications.

B. Cost of an Affordable Housing Unit. An affordable housing unit is defined as a residential dwelling unit available for rent or purchase for a cost that does not exceed thirty (30%) percent of an eligible household's income determined as follows:

- (1) Affordable housing "rental" units shall be restricted to a monthly rent as determined by an associated approved affordability Plan pertaining to the unit as required in this section at an affordable rate to an eligible household with an income not exceeding sixty (60%) percent of the median household income, adjusted for family size, for Dutchess County, NY, as in effect on the first day of a signed lease or renewed lease.
- (2) Affordable housing "ownership" units shall be restricted to a sales price as determined by an associated approved affordability Plan pertaining to the unit as required in this section at an affordable rate to an eligible household with an income not exceeding eighty (80%) percent of the median household income, adjusted for family size, for Dutchess County, NY, as in effect on the day of closing.

- C. The deed of ownership of any affordable housing unit shall contain a covenant and restriction, in perpetuity, that said unit is subject to the affordable housing provisions of the Zoning Ordinance of the Town of North East, as amended from time to time, and that such provisions include restrictions on occupancy, the number of bedrooms, gross floor area, rent and/or sale thereof, among other provisions as may be required by the Planning Board and/or other public funding agency. The covenants and restrictions imposed on an affordable housing unit shall be in form and content so as to enable the same to be recorded with the County Clerk, Division of Land Records of Dutchess County, and shall be satisfactory to the Planning Board and Town Attorney of the Town of North East. Among other provisions, the covenants and restrictions shall require that the unit be the primary residence of the income-eligible resident household selected to rent/own and occupy the unit.
- D. The sale and/or rental of affordable housing units shall be governed by an Affordability Plan as approved by the North East Town Board. In conjunction with an application to the Planning Board, an applicant shall submit a draft Affordability Plan simultaneously to the Planning Board and Town Board. Town Board approval of an acceptable Affordability Plan shall be a condition of Planning Board Site Plan approval.
- E. An Affordability Plan shall include provisions addressing the administration of and compliance with the following standards:
- (1) Identification of an acceptable qualified Affordable Housing Plan Administrator.
 - (2) Identification of those units which are to be designated “affordable,” and whether said units are to be affordable rental apartments or affordable units for sale for owner occupancy.
 - (3) Establishment of the maximum gross monthly rent or purchase price, which shall be established in accordance with United States Department of Housing and Urban Development (HUD) guidelines consistent with the definition and standards set forth in this chapter for affordable housing dwellings.
 - (4) Notice and advertisement procedures required to be conducted alerting the general public of the initial and periodic availability of affordable housing units for rent/sale.
 - (5) Application procedures and requirements for the rental or sale of an affordable housing unit.
 - (6) Procedures for verification and periodic confirmation of the affordable housing unit occupancy eligibility and income, and compliance with the affordability requirements.
 - (7) Marketing of the availability of an affordable housing dwelling for purchase or rent, which shall be the responsibility and at the sole cost of the developer, landlord, homeowners' association, or unit owner.
 - (8) Inclusion of drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to prospective affordable housing unit occupants concerning such restrictions.
- F. Affordable Housing “Rental Apartment” Units
- (1) Affordable housing dwelling units for rent may be owned by a public or private entity, individual, organization or corporation, the rent for which will be offered at levels which conform to the criteria established by these standards.
 - (2) The lease term of an affordable housing rental unit shall be one (1)-year.

- (3) An affordable housing rental unit shall be occupied as the lease holders' principal residence. All household members eighteen (18) and older shall be a party to and sign the lease. Under no circumstances shall the rental premises, in whole or part, be occupied, subleased, or boarded by and to anyone other than the lease holders.
- (4) The maximum monthly housing cost shall include the cost of rent, common charges if the tenant is directly responsible, heat and utility costs, including hot water and electricity, but excluding telephone and cable/internet services.
- (5) Each rental lease for an affordable housing unit shall contain substantially the following provision: ***"This unit shall only be rented as an "affordable housing unit" and is available only to persons or families whose income is at or below sixty (60%) percent of the area median household income, adjusted for family size, for Dutchess County, NY, as in effect on the first day of a signed lease or renewed lease. Further, this unit has been approved by agencies of the Town of North East, NY based in part on the condition that said unit be preserved in perpetuity as an affordable housing unit. The restrictions related to affordability are required by law to be strictly enforced."***
- (6) A minimum of sixty (60) days prior to renewal, a household seeking to renew its lease shall resubmit all financial information required to determine continued income eligibility. Provided a renewing household is still income-eligible and has complied with the terms of the lease, renewal of the lease shall be for a term of one (1) year. Renewal of a rental lease shall be subject to the terms and conditions of the original lease.
- (7) Renewal of a lease shall be subject to the conditions of any federal, state, Dutchess County or Town of North East provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law. If no such provisions are applicable, a lease shall not be renewed in instances where a household's income exceeds the current eligibility standards. Such households shall complete their current lease term and shall be offered a month-to-month lease, not to exceed two (2) increments of four (4) months to provide time to relocate.
- (8) The owner of the affordable housing rental unit shall provide the Town Board an annual certification identifying the occupancy of the units by qualified persons and families. Failure to provide timely certification shall be deemed a violation of the applicable Affordability Plan and approval granted by the Planning Board.

G. Affordable Housing "Owner Occupied" Units.

- (1) Ownership of an affordable housing "owner occupied" dwelling shall be on a fee-simple, condominium or cooperative basis, and title to the same shall vest in the eligible purchaser either individually, as joint tenant with other eligible purchasers, or as tenants by the entirety.
- (2) An affordable housing owner occupied unit shall be occupied as the unit owner's principal residence and its rental or boarding to other persons or entities, in part or whole, shall be prohibited.

- (3) The maximum sale or resale price of an affordable housing owner occupant unit shall include the expected principal and interest on a mortgage loan, property taxes, homeowners' insurance, any common charges if the unit owner is directly responsible, any homeowners' association fees and/or maintenance fees, heat and other essential utility costs including hot water and electricity but excluding telephone and cable/internet services. The maximum resale gross price for an existing affordable housing dwelling shall not take into consideration any additional factors affecting such pricing, such as improvements made to the unit.
 - (4) Each deed of an owner-occupied affordable unit shall contain the following provision: ***"This unit shall only be sold as an "affordable housing unit" and is available only to persons or families whose income is at or below eighty (80%) percent of the area median household income, adjusted for family size, for Dutchess County, NY, as in effect on the day of closing. Further, this unit has been approved by agencies of the Town of North East, NY based in part on the condition that said unit be preserved in perpetuity as an affordable housing unit. The restrictions related to affordability are required by law to be strictly enforced."***
- H. "Fair Market Rate" Rental Units. For projects requiring a minimum percentage of fair market rate rental units, the Affordability Plan required by this Section shall also incorporate the administration of such units to ensure compliance with the following rent and lease term standards:
- (1) Fair market rental rates are annually published by HUD, representing the cost to rent a moderately-priced dwelling unit in the local housing market.
 - (2) The minimum lease term shall be twelve (12) months (full market rate units shall be rented with a minimum lease term of three (3) months).

52. – ADD NEW § 180-72.6 as follows:

§ 180-72.6 Light Industry.

Light Industry uses shall comply with the following supplemental standards:

- A. The nature of a permitted use shall be such that normally:
- (1) It will not be in contravention of the supplemental standards set forth in § 180-23 of this chapter.
 - (2) It will not cause or result in the dissemination of dust, smoke, gas or fumes, odor, noise, vibration, or excessive light beyond the boundaries of the lot on which the use is conducted.
 - (3) It will not cause or result in harmful discharge of waste materials into the ground, water, or atmosphere or which constitutes a menace to persons, surrounding properties or plant growth by reason of fire, explosion or other physical hazards.
 - (4) It will not cause or result in unusual traffic hazards or congestion due to the type or number of vehicles required.
 - (5) It will not be dangerous to the comfort, peace, enjoyment, health or safety of the community or abutting areas or tend to its disturbance or annoyance.

- (6) It will be in harmony with the general purposes of this chapter and in harmony with the appropriate and orderly development of the district in which it is situated and adjacent districts.
- B. Access and service driveways shall be laid out in such a manner that connections with abutting streets on which the lot has frontage are located and designed to avoid unsafe conditions.
- C. Abutting streets shall be of adequate capacity to handle safely and without undue congestion the traffic associated with the use to which access is given.
- D. No vehicle, trailer, pod, or other similar box container shall be used for ongoing storage.
- E. Delivery and operational hours may be set by the Planning Board.
- F. The Planning Board may require appropriate landscape buffers between any component of the proposed use and adjoining properties, given the proposed use, the use of adjoining parcels, and the natural topography and vegetative cover.
- G. An operations and maintenance plan shall be provided, which plan shall cover all aspects of the interior and exterior site use, operations, safety measures, handling, storage, and disposal of chemicals, as well as ongoing site maintenance controls. Said plan shall include a maintenance schedule, including a reporting component as deemed acceptable by the Planning Board.
- H. An application shall include full disclosure, and a complete listing of all chemicals used or stored on the premises and any hazards associated with their exposure to heat, fire, or water:
- (1) A copy of the chemical and hazards disclosure list shall be required to be kept on file in the office of the Planning Board and Fire Inspector, and a copy shall be supplied to the local Fire Department and Ambulance Corps.
 - (2) Changes or additions to the chemicals used or the potential hazards such chemicals may pose shall be provided to the Planning Board and Fire Inspector a minimum of sixty (60) days prior to their use or storage on the premises, to provide the Planning Board adequate time to review the compatibility of same with the standing conditional use permit approval and determine if an amendment to the standing approval is required. At minimum, the disclosure listing shall be required to be confirmed or updated annually.
 - (3) The means and design of associated storage of all chemicals shall be detailed as part of the required conditional use site plan, including all related safety measures and precautions to be utilized.

53. – ADD NEW § 180-72.7 as follows:

§ 180-72.7 Self-Storage Warehousing.

Self-Storage Warehousing shall comply with the following supplemental standards:

- A. A minimum separation of one thousand five hundred (1,500) feet on a direct line (measured from lot line to lot line) shall be provided between another such use on a different lot.

- B. The use of the premises shall be restricted solely to the use of storage of goods or possessions, but specifically excluding any hazardous or flammable materials.
- C. The use of the premises for storage shall be restricted to interior use of the structures only – no outdoor storage.
- D. Facility layout, design, and exterior building materials and treatment for all structures including, but not limited to, fences, walls, gates, buildings, and landscaping shall be of high quality and be aesthetically pleasing when viewed from adjacent streets and properties. Interior accessed storage units are preferred over external accessed storage units.
- E. The perimeter of the property shall be screened with fencing, landscape berms, dense landscape buffers or a combination thereof to minimize visual impacts as viewed from adjacent streets and properties. Multiple access doors to storage units shall not face adjacent streets.
- F. Fences and walls visible from adjacent streets and properties shall be constructed of attractive building materials. Finishes shall be neutral colors to minimize negative visual impacts on the surrounding area and environment.
- G. Suitable pest controls shall be provided, monitored, and maintained.
- H. Suitable security measures to protect the integrity of the site and to reasonably assure that the use of the premises is being conducted within the limits of all applicable local, State and Federal laws shall be provided and maintained.

54. – ADD NEW § 180-72.8 as follows:

§ 180-72.8 Commercial Storage Buildings Warehousing.

Commercial Storage Buildings Warehousing uses shall comply with the following supplemental standards:

- A. Warehousing shall be for the temporary storage of raw materials, parts or finished manufactured goods and products, merchandise or retail goods, commodities and similar warehousing. A warehouse shall not be used for the storage of waste materials.
- B. All storage and access to storage areas shall be restricted to interior spaces within a building only. There shall be no outdoor storage permitted.
- C. Facility layout, design, and exterior building materials and treatment for all structures including, but not limited to, fences, walls, gates, buildings, and landscaping shall be of high quality and be aesthetically pleasing when viewed from adjacent streets and properties.
- D. The perimeter of the property shall be screened with fencing, landscape berms, dense landscape buffers or a combination thereof to minimize visual impacts as viewed from adjacent streets and properties.
- E. Fences and walls visible from adjacent streets and properties shall be constructed of attractive building materials. Finishes shall be neutral colors to minimize negative visual impacts on the surrounding area and environment.

- F. Suitable pest controls shall be provided, monitored, and maintained.
- G. Suitable security measures to protect the integrity of the site and to reasonably assure that the use of the premises is being conducted within the limits of all applicable local, State and Federal laws shall be provided and maintained.

55. – ADD NEW § 180-72.9 as follows:

§ 180-72.9 Wholesale Distribution Business.

Wholesale Distribution Business uses shall comply with the following supplemental standards:

- A. Facility layout, design, and exterior building materials and treatment for all structures including, but not limited to, fences, walls, gates, buildings, and landscaping shall be of high quality and be aesthetically pleasing when viewed from adjacent streets and properties.
- B. Fences and walls visible from adjacent streets and properties shall be constructed of attractive building materials. Finishes shall be neutral colors to minimize negative visual impacts on the surrounding area and environment.
- C. May include a small ancillary retail store for the sale of products produced on the premises not to exceed a gross floor area of one thousand (1,000) square feet.
- D. Accessory storage shall comply with the standards for Commercial Storage Buildings Warehousing per § 180-72.8 of this chapter.
- E. Suitable pest controls shall be provided, monitored, and maintained.
- F. Suitable security measures to protect the integrity of the site and to reasonably assure that the use of the premises is being conducted within the limits of all applicable local, State and Federal laws shall be provided and maintained.

NEW ATTACHMENTS

- **Attachment 1R – Residential Districts – Schedule of Permitted Principal Uses**
- **Attachment 2R – Residential Districts – Schedule of Accessory Uses”**
- **Attachment 3R – Residential Districts – Schedule of Lot Area and Bulk Standards**
- **Attachment 1NR – Non-Residential Districts – Schedule of Permitted Principal Uses**
- **Attachment 2NR – Non-Residential Districts – Schedule of Accessory Uses”**
- **Attachment 3NR – Non-Residential Districts – Schedule of Lot Area and Bulk Standards**
- **Attachment 1P – Schedule of Off-Street Parking Spaces**

TOWN OF NORTH EAST – DRAFT ZONING AMENDMENTS

ADD NEW ATTACHMENT 1R

ATTACHMENT 1R – SCHEDULE OF PERMITTED PRINCIPAL USES – RESIDENTIAL DISTRICTS					
PRINCIPAL USE	RESIDENTIAL ZONING DISTRICT				
	A5A	R3A	R1A	R20,000	SUPPLEMENTAL PROVISIONS
KEY: P = Permitted ZP = Permit by Zoning Enforcement Officer Approval SDP = Planning Board Site Plan Approval SP = Planning Board Special Permit A5A: Agricultural District R3A: Very Low Density Residential District R1A: Low Density Residential District R20,000: Medium Density Residential District					
AGRICULTURE					
Agriculture, Indoor	SDP	SDP	SDP	X	
Agriculture / Farm	P	P	P	X	
Farm, Cage-Type Poultry	SP/SDP	SP/SDP	X	X	On a lot not less than 50 acres
Farm, Nursery	P	P	P	X	
Farm, Pig	SP/SDP	SP/SDP	X	X	On a lot not less than 100 acres
Farm and Harvest Festival	SP/SDP	SP/SDP	X	X	Must be associated with a permitted Farm Market
Farm Market	SP/SDP	SP/SDP	X	X	§180-68
Farmers’ Market	X	X	X	X	See Schedule 1NR for where permitted
RESIDENTIAL					
Dwelling, One-Family	ZP	ZP	ZP	ZP	
Dwelling, Two-Family	ZP	ZP	ZP	X	
Dwelling, Semidetached	ZP	ZP	ZP	ZP	
Dwelling, Multifamily (Conversion of Existing Building)	SP/SDP	SP/SDP	SP/SDP	SP/SDP	§180-62
Boarding House	SP/SDP	SP/SDP	SP/SDP	X	

ATTACHMENT 1R – SCHEDULE OF PERMITTED PRINCIPAL USES – RESIDENTIAL DISTRICTS					
PRINCIPAL USE	RESIDENTIAL ZONING DISTRICT				
	A5A	R3A	R1A	R20,000	SUPPLEMENTAL PROVISIONS
KEY: P = Permitted ZP = Permit by Zoning Enforcement Officer Approval SDP = Planning Board Site Plan Approval SP = Planning Board Special Permit A5A: Agricultural District • R3A: Very Low Density Residential District • R1A: Low Density Residential District • R20,000: Medium Density Residential District					
ECHO (Elder Cottage Housing Opportunity) Dwelling Unit	SP/SDP	SP/SDP	SP/SDP	SP/SDP	§180-61
Family Homes or Family Care Home	SP/SDP	SP/SDP	SP/SDP	SP/SDP	Not to house more than four (4) patients per dwelling unit; one (1) additional patient may be housed for each 5,000 square feet by which the lot on which the dwelling unit is located exceeds the minimum required lot area per dwelling unit.
INSTITUTIONAL					
Cemetery	SP/SDP	SP/SDP	X	X	
Church or Place of Worship	SP/SDP	SP/SDP	SP/SDP	SP/SDP	R1A & R20,000 (on a lot not less than 3 acres)
Educational Center (on a site not less than 10 acres)	SP/SDP	SP/SDP	X	X	§180-43
Hospital (on a site of not less than 10 acres)	SP/SDP	SP/SDP	X	X	
Nursing or convalescent home	X	SP/SDP	X	X	
Park	SDP	SDP	SDP	SDP	
Public Utility Substation	SP/SDP	X	X	X	
School	SP/SDP	SP/SDP	SP/SDP	SP/SDP	§180-43 – R1A (on a lot not less than 3 acres)
OTHER					
Animal Hospital (on a site not less than 10 acres)	SP/SDP	SP/SDP	X	X	
Communications Facilities / Towers	SP/SDP	SP/SDP	SP/SDP	X	§180-70
Country Inn	SP/SDP	SP/SDP	X	X	§180-40

ATTACHMENT 1R – SCHEDULE OF PERMITTED PRINCIPAL USES – RESIDENTIAL DISTRICTS					
PRINCIPAL USE	RESIDENTIAL ZONING DISTRICT				
	A5A	R3A	R1A	R20,000	SUPPLEMENTAL PROVISIONS
KEY: P = Permitted ZP = Permit by Zoning Enforcement Officer Approval SDP = Planning Board Site Plan Approval SP = Planning Board Special Permit A5A: Agricultural District • R3A: Very Low Density Residential District • R1A: Low Density Residential District • R20,000: Medium Density Residential District					
Golf Course	SP/SDP	SP/SDP	X	X	
Junkyard	X	X	X	X	Prohibited Use §180-13
Kennel (on a site not less than 10 acres)	SP/SDP	SP/SDP	X	X	
Membership Organization	SP/SDP	SP/SDP	X	X	
Personal Wireless Service Facilities	SP/SDP	SP/SDP	SP/SDP	X	§180-70
Quarry, Sand Pit, Gravel Pit, Topsoil Stripping	X	X	X	X	Prohibited Use (as a principal use) §180-13
Shooting Range	X	X	X	X	Prohibited Use §180.13
Storage of Alcohol, Gasoline, Crude Oil, Liquefied Petroleum Gas or Other Highly Flammable Substances	X	X	X	X	Prohibited Use (as a principal use) §180-13
Small wind energy conversion systems	SP/SDP	SP/SDP	X	X	§180-63
Solar Farm	SP/SDP	SP/SDP	SP/SDP	X	§180-72.1
Vape Store and any Tobacco Specialty Business	X	X	X	X	Prohibited Use §180.13
Veterinary Clinic (on a site not less than 10 acres)	SP/SDP	SP/SDP	X	X	
Wildlife or Nature Preserve	SP/SDP	SP/SDP	X	X	§180-66

TOWN OF NORTH EAST – DRAFT ZONING AMENDMENTS

ADD NEW ATTACHMENT 2R

ATTACHMENT 2R – SCHEDULE OF PERMITTED ACCESSORY USES – RESIDENTIAL DISTRICTS					
ACCESSORY USE	RESIDENTIAL ZONING DISTRICT				
	A5A	R3A	RA1	R20,000	SUPPLEMENTAL PROVISIONS
KEY: P = Permitted in conjunction with the permit type(s) required for associated principal use X = Accessory Use Not Permitted A5A: Agricultural District • R3A: Very Low Density Residential District • R1A: Low Density Residential District • R20,000: Medium Density Residential District					
Accessory Apartment	P	P	P	P	§ 180-60 Accessory to One-Family Dwelling on a single lot.
Accessory Buildings and Structures	P	P	P	P	
Accessory Use of a Building	P	P	P	P	As defined herein in § 180-5
Dwelling, Agriculture Employee	P	P	X	X	
Dwelling, Single-Family – Accessory keeping of not more than two (2) transient roomers and boarders	P	P	P	P	Principal occupants of the single-family dwelling must also reside concurrently.
EV Charging Station	P	P	P	P	§ 180-72.2 – Accessory to One-Family & Two-Family Dwellings, and Farms.
Farm Open Storage of Machinery or Vehicles customarily associated with farming operations	P	P	X	X	Shall not be construed to permit the establishment of a Junkyard as defined in § 180-5.
Home Occupation	P	P	P	P	§ 180-58
Off-Street Parking and Loading	P	P	P	P	§ 180-50
Outdoor Vehicle Storage	P	P	P	P	All vehicles shall be owned for personal use by a resident on the premises. Not more than one (1) each per dwelling unit of the following: boat, boat trailer, camp trailer, cargo trailer or recreational vehicle. None of the above shall be used for sleeping purposes for more than seven (7) days per year.

ATTACHMENT 2R – SCHEDULE OF PERMITTED ACCESSORY USES – RESIDENTIAL DISTRICTS					
ACCESSORY USE	RESIDENTIAL ZONING DISTRICT				
	A5A	R3A	RA1	R20,000	SUPPLEMENTAL PROVISIONS
KEY: P = Permitted in conjunction with the permit type(s) required for associated principal use X = Accessory Use Not Permitted A5A: Agricultural District R3A: Very Low Density Residential District RA1: Low Density Residential District R20,000: Medium Density Residential District					
Rectory / Parish House	p	P	P	P	Accessory to Church of Other Place of Worship
Roadside Farm Stand	P	P	X	X	§ 180-67
Signs	P	P	P	P	§ 180-55
Small Wind Energy Conversion Systems	P	X	X	X	§ 180-63
Temporary Structures	P	P	P	P	§ 180-57



ATTACHMENT 3R – SCHEDULE OF LOT AREA AND BULK STANDARDS – RESIDENTIAL DISTRICTS					
STANDARD ⁽¹⁾		RESIDENTIAL DISTRICT			
		A5A	R3A	R1A	R20,000
KEY: A5A = Agricultural District R3A = Very Low Density Residential District R1A = Low Density Residential District R20,000 = Medium Density Residential District					
Minimum Lot Area ⁽²⁾		5 acres	3 acres	1 acre	20,000 square feet ⁽³⁾
Minimum Lot Width ⁽⁴⁾	Non-Corner Lot	325 feet	250 feet	175 feet	115 feet w/central sewer 175 feet w/out central sewer
	Corner Lot	325 feet	250 feet	210 feet	125 feet w/central sewer 185 feet w/out central sewer
Front Yard Setback ⁽⁵⁾	Street Centerline	100 feet	85 feet	75 feet	55 feet
	Street Line	75 feet	60 feet	50 feet	30 feet
Minimum Side Yard Setback ⁽⁵⁾		50 feet	35 feet	⁽⁶⁾	⁽⁷⁾
Minimum Rear Yard Setback ⁽⁵⁾		50 feet	35 feet	25 feet	25 feet
Maximum Building Height		35 feet	35 feet	35 feet	35 feet
Maximum Building Stories		2 ½	2 ½	2 ½	2 ½
Maximum Building Coverage		10%	10%	10%	--
Maximum Site Coverage		30%	25%	20%	15% w/central sewer 7% w/out central sewer
Location of Driveways		No driveway shall intersect a street line less than 70 feet from the intersection of any two street lines.			
FOOTNOTES	<p>(1) The lot area and bulk standards established by this Schedule apply to all permitted uses for which special criteria are not established elsewhere in this chapter.</p> <p>(2) No more than ten (10%) percent of the minimum lot area shall consist of wetlands, lands under water, 100-year floodplain, or steep slopes twenty (20%) percent and greater. See also §180-18 Residential Lot Clustering.</p> <p>(3) The minimum area per dwelling unit served by a central sewer shall be 20,000 square feet. The minimum area per dwelling unit not served by central sewer shall be as determined by the Dutchess County Department of Health, but in no case less than 20,000 square feet.</p> <p>(4) Measured at the building line at the front yard setback.</p> <p>(5) Applies to all buildings and structures – see also General Regulations in §180-11.</p> <p>(6) Interior Lots: There shall be two side yards with a total width of not less than 30 feet. The width of the narrower of the two side yards shall not be less than 1/3 of the total width of the two side yards. Corner Lots: There shall be one rear yard and one side yard with a minimum width of 10 feet.</p> <p>(7) Interior Lots: There shall be two side yards with a total width of not less than 30 feet. The width of the narrower of the two side yards shall not be less than 1/3 of the total width of the two side yards. Corner Lots: There shall be one rear yard and one side yard with a minimum width of 10 feet.</p>				

TOWN OF NORTH EAST – DRAFT ZONING AMENDMENTS

ADD NEW ATTACHMENT 1NR

ATTACHMENT 1NR– SCHEDULE OF PERMITTED PRINCIPAL USES – NON-RESIDENTIAL DISTRICTS						
PRINCIPAL USE	NON-RESIDENTIAL ZONING DISTRICT					SUPPLEMENTAL PROVISIONS
	*BD-4: Principal Uses as permitted in §180-19C					
	BD WEST	BD EAST	IB	LC	M-A	
KEY: P = Permitted ZP = Zoning Enforcement Officer Zoning Permit SDP = Planning Board Site Plan Approval SP = Planning Board Special Permit X = Use Not Permitted KEY: BD-4: Boulevard District 4 • BD-West: Boulevard District West • BD-EAST: Boulevard District East • IB: Irondale Business District • LC: Land Conservation District • M-A: Light Industrial District						
AGRICULTURE						
Agriculture (accessory use)	X	X	X	X	SDP	
Agriculture, Indoor	X	X	X	SDP	SDP	
Agriculture / Farm	X	X	X	P	X	
Farm Equipment Sales and Rental	X	X	SDP	X	X	
Farmers' Market	SDP	SDP	SDP	X	X	§180-69
AUTOMOTIVE						
Gas Station / Gas Station with Convenience Store	X	SDP	X	X	X	§180-71
Motor Vehicle Body Shop	X	SDP	SDP	X	X	§180-52
Motor Vehicle Repair Shop	X	SDP	SDP	X	X	§180-52
Motor Vehicle Sales and Rentals	X	SDP	SDP	X	X	§180-52

ATTACHMENT 1NR– SCHEDULE OF PERMITTED PRINCIPAL USES – NON-RESIDENTIAL DISTRICTS						
PRINCIPAL USE	NON-RESIDENTIAL ZONING DISTRICT					
	*BD-4: Principal Uses as permitted in §180-19C					SUPPLEMENTAL PROVISIONS
	BD WEST	BD EAST	IB	LC	M-A	
KEY: P = Permitted ZP = Zoning Enforcement Officer Zoning Permit SDP = Planning Board Site Plan Approval SP = Planning Board Special Permit X = Use Not Permitted KEY: BD-4: Boulevard District 4 • BD-West: Boulevard District West • BD-EAST: Boulevard District East • IB: Irondale Business District • LC: Land Conservation District • M-A: Light Industrial District						
MUNICIPAL / UTILITY						
Communication Facilities and/or Personal Wireless Service Facilities and/or Towers	X	X	X	X	X	§180-70
Municipal Uses – Town of North East Facilities	ZP	ZP	ZP	ZP	ZP	
Public Utility Facility and/or Substation	X	X	X	X	X	
Solar Farms	X	X	SP/SDP	SP/SDP	SP/SDP	§180-72.1
OFFICE / MEDICAL						
Business and Professional Offices	SDP	SDP	SDP	X	X	
Medical and/or Dental Office	SDP	SDP	SDP	X	X	
Medical Clinic	SDP	SDP	SDP	X	X	
Medical Radiology / Diagnostic Lab	SDP	SDP	SDP	X	X	
Tradesman (and Workshop) Office	SDP	SDP	SDP	X	X	
Urgent Care Facility	SDP	SDP	SDP	X	X	
Veterinary Office / Hospital	SDP	SDP	SDP	X	X	
RECREATION						
Indoor Recreation	X	SDP	SDP	X	X	BD-East: 5,000 sf maximum gross floor area.
Makerspace	SDP	SDP	SDP	X	X	BD-West: 3,500 sf maximum gross floor area.

ATTACHMENT 1NR– SCHEDULE OF PERMITTED PRINCIPAL USES – NON-RESIDENTIAL DISTRICTS						
PRINCIPAL USE	NON-RESIDENTIAL ZONING DISTRICT					SUPPLEMENTAL PROVISIONS
	*BD-4: Principal Uses as permitted in §180-19C					
	BD WEST	BD EAST	IB	LC	M-A	
KEY: P = Permitted ZP = Zoning Enforcement Officer Zoning Permit SDP = Planning Board Site Plan Approval SP = Planning Board Special Permit X = Use Not Permitted KEY: BD-4: Boulevard District 4 • BD-West: Boulevard District West • BD-EAST: Boulevard District East • IB: Irondale Business District • LC: Land Conservation District • M-A: Light Industrial District						
Museum	SDP	SDP	X	X	X	
Outdoor Recreation	X	X	X	SDP	X	
Passive Outdoor Recreation	X	X	X	P	X	
Public Park	X	X	X	P	X	
Wildlife or Nature Preserve	X	X	X	SDP	X	§180-66 SDP is required for alteration of site, except installation and maintenance of passive walking trails less than six (6) feet in width and not involving any structures or changes in contour elevations of more than two (2) feet.
RESIDENTIAL						
Dwelling, Single-Family or Two-Family (duplex)	X	X	X	SDP	X	Structures not permitted in a floodplain. Density per nearest adjoining Residential District.
Dwelling, Semidetached	X	X	X	SDP	X	Structures not permitted in a floodplain. Density per nearest adjoining Residential District.
Dwelling, Multifamily	SDP	SDP	X	X	X	§180-72.3
Dwelling, Rental Apartments above Commercial	SDP	SDP	SDP	X	X	§180-72.4
RESTAURANT						
Brew Pub (Micro Brewer)	SDP	SDP	X	X	X	May include accessory outdoor dining.
Caterer / Commercial Kitchen	SDP	SDP	SDP	X	X	

ATTACHMENT 1NR– SCHEDULE OF PERMITTED PRINCIPAL USES – NON-RESIDENTIAL DISTRICTS						
PRINCIPAL USE	NON-RESIDENTIAL ZONING DISTRICT					SUPPLEMENTAL PROVISIONS
	*BD-4: Principal Uses as permitted in §180-19C					
	BD WEST	BD EAST	IB	LC	M-A	
KEY: P = Permitted ZP = Zoning Enforcement Officer Zoning Permit SDP = Planning Board Site Plan Approval SP = Planning Board Special Permit X = Use Not Permitted KEY: BD-4: Boulevard District 4 • BD-West: Boulevard District West • BD-EAST: Boulevard District East • IB: Irondale Business District • LC: Land Conservation District • M-A: Light Industrial District						
Restaurant	SDP	SDP	X	X	X	May include accessory outdoor dining.
Restaurant, Take-Out	SDP	SDP	X	X	X	May include accessory outdoor dining.
Retail Bakery / Specialty Foods	SDP	SDP	X	X	X	May include accessory wholesale component.
RETAIL						
Artisan Workshop and Gallery	SDP	SDP	SDP	X	X	BD-West: 3,500 sf maximum gross floor area.
Cannabis Dispensary	X	SP	X	X	X	§180-59
Bank	SDP	SDP	X	X	X	
Beverage and Liquor Store	SDP	SDP	X	X	X	
Building Supply Store	X	SDP	SDP	X	X	
Funeral Home	X	SDP	SDP	X	X	§180-64
Furniture Store, New and Used	SDP	SDP	SDP	X	X	
Garden Center Retail	SDP	SDP	SDP	X	X	
General Merchandise Retail	SDP	SDP	X	X	X	Storefront interaction with point of sale primarily to patrons onsite, may also include online sales
General Merchandise Retail, Online Call Center	SDP	SDP	SDP	X	X	No storefront interaction with patrons, 100% sales transactions via online or phone
General Repair Business	SDP	SDP	SDP	X	SDP	
Grocery Store	SDP	SDP	X	X	X	
Hotel	X	SDP	X	X	X	§180-48

ATTACHMENT 1NR– SCHEDULE OF PERMITTED PRINCIPAL USES – NON-RESIDENTIAL DISTRICTS						
PRINCIPAL USE	NON-RESIDENTIAL ZONING DISTRICT					
	*BD-4: Principal Uses as permitted in §180-19C					SUPPLEMENTAL PROVISIONS
	BD WEST	BD EAST	IB	LC	M-A	
KEY: P = Permitted ZP = Zoning Enforcement Officer Zoning Permit SDP = Planning Board Site Plan Approval SP = Planning Board Special Permit X = Use Not Permitted KEY: BD-4: Boulevard District 4 • BD-West: Boulevard District West • BD-EAST: Boulevard District East • IB: Irondale Business District • LC: Land Conservation District • M-A: Light Industrial District						
Instructional Retail	SDP	SDP	SDP	X	X	
Laundry (self or full service)	SDP	SDP	X	X	X	
Outdoor Play Equipment and Accessory Sheds	X	X	SDP	X	X	
Personal Service Business	SDP	SDP	SDP	X	X	
Pet Grooming Business	SDP	SDP	SDP	X	X	
Pharmacy	SDP	SDP	X	X	X	
Vape Store and Any Tobacco Specialty Business	X	X	X	X	X	Prohibited Use §180-13
WAREHOUSE / COMMERCIAL INDUSTRY						
Junkyard	X	X	X	X	X	Prohibited Use §180-13
Light Industry	X	X	SP/SDP	X	SP/SDP	§180-72.6
Shooting Range	X	X	X	X	X	Prohibited Use §180-13
Solar Farm	X	X	SP/SDP	SP/SDP	SP/SDP	§180-72.1
Quarry, Sand Pit, Gravel Pit, Topsoil Stripping	X	X	X	X	X	Prohibited Use (as a principal use) §180-13
Storage of Alcohol, Gasoline, Crude Oil, Liquefied Petroleum Gas or Other Highly Flammable Substance	X	X	X	X	X	Prohibited Use (as a principal use) §180-13
Warehousing, Self-Storage	X	X	SP/SDP	X	X	§180-72.7
Warehousing, Commercial Storage Buildings	X	X	SP/SDP	X	SP/SDP	§180-72.8
Wholesale Distribution Business	X	X	SP/SDP	X	SP/SDP	§180-72.9

TOWN OF NORTH EAST – DRAFT ZONING AMENDMENTS

ADD NEW ATTACHMENT 2NR

ATTACMENT 2NR – SCHEDULE OF PERMITTED ACCESSORY USES – NON-RESIDENTIAL DISTRICTS						
ACCESSORY USE	NON-RESIDENTIAL ZONING DISTRICT					
	*BD-4: Accessory Uses as Permitted in §180-19C					SUPPLEMENTAL PROVISIONS
	BD WEST	BD EAST	IB	LC	M-A	
KEY: P = Permitted ZP = Zoning Enforcement Officer Zoning Permit SDP = Planning Board Site Plan Approval SP = Planning Board Special Permit X = Use Not Permitted KEY: BD-4: Boulevard District 4 • BD-West: Boulevard District West • BD-EAST: Boulevard District East • IB: Irondale Business District • LC: Land Conservation District • M-A: Light Industrial District						
Accessory Uses, Buildings and Structures Customarily Associated with the Principal Permitted Use	SDP	SDP	SDP	SDP	SDP	
Drive-Through	SDP	SDP	SDP	X	X	§180-41
EV Charging Station	SDP	SDP	SDP	X	SDP	§180-72.2
Landscaping	SDP	SDP	SDP	SDP	SDP	§180-51
Mobile Food Vendor	ZP	ZP	ZP	ZP	ZP	§180-65
Off-Street Parking and Loading	SDP	SDP	SDP	SDP	SDP	§180-50
Open Storage	SDP	SDP	SDP	SDP	SDP	§180-18
Outdoor Dining	SDP	SDP	X	X	X	§180-45
Outdoor Lighting	SDP	SDP	SDP	SDP	SDP	§180-53
Signs	SDP	SDP	SDP	SDP	SDP	§180-55
Solar Energy System, Freestanding or Ground Mounted	SP/SDP	SP/SDP	SP/SDP	SP/SDP	SP/SDP	§180-72.1
Solar Energy System, Roof or Building Mounted	SDP	SDP	SDP	SDP	SDP	§180-72.1
Storage of Dyes, Solvents or Other Chemicals	X	X	X	X	SP/SDP	Used in the operations of the principal use. Prohibited as a principal use §180-13
Temporary Structures	ZP	ZP	ZP	ZP	ZP	§180-57

ATTACHMENT 3NR – SCHEDULE OF LOT AREA AND BULK STANDARDS – NON-RESIDENTIAL DISTRICTS							
STANDARD		NON-RESIDENTIAL DISTRICT					
		BD-4 and BD-WEST		BD-EAST	IB	LC	M-A
		BD-4 & Northside Rt. 44	Southside Rt. 44				
KEY: BD-4: Boulevard District 4 • BD-West: Boulevard District West • BD-EAST: Boulevard District East • IB: Irondale Business District • LC: Land Conservation District • M-A: Light Industrial District							
Minimum Lot Area ⁽¹⁾		1 acre	1 acre	1 acre	1 acre	1 acre	15 acres
Minimum Lot Width ⁽²⁾	Non-Corner Lot	200 feet	200 feet	200 feet	200 feet	50 feet	500 feet
	Corner Lot	240 feet	240 feet	240 feet	240 feet	50 feet	500 feet
Front Yard Setback ⁽³⁾	Street Centerline	Min 55 feet Max 65 feet	Min 70 feet Max 80 feet	Min 70 feet Max 80 feet	--	--	150 feet
	Street Line	Min 20 feet Max 30 feet	Min 35 feet Max 45 feet	Min 35 feet Max 45 feet	40 feet	80 feet	100 feet
Minimum Side Yard Setback ⁽³⁾	Buildings and Structures	25 feet ⁽⁴⁾	30 feet ⁽⁴⁾	30 feet ⁽⁴⁾	20 feet	50 feet	100 feet
	Parking and Loading	20 feet ⁽⁴⁾	20 feet ⁽⁴⁾	20 feet ⁽⁴⁾	20 feet	50 feet	100 feet
Minimum Rear Yard Setback ⁽³⁾	Buildings and Structures	25 feet ⁽⁴⁾	25 feet ⁽⁴⁾	25 feet ⁽⁴⁾	50 feet	50 feet	100 feet
	Parking and Loading	20 feet ⁽⁴⁾	20 feet ⁽⁴⁾	20 feet ⁽⁴⁾	20 feet	50 feet	100 feet
Maximum Building Width (at front yard setback) ⁽⁵⁾		75 feet ⁽⁴⁾	75 feet ⁽⁴⁾	75 feet ⁽⁴⁾	--	--	--
Maximum Building Height		35 feet ⁽⁴⁾	35 feet ⁽⁴⁾	35 feet ⁽⁴⁾	35 feet	35 feet	35 feet
Maximum Building Stories		1 ⁽⁴⁾	1 ⁽⁴⁾	1 ⁽⁴⁾	2 ½	2 ½	2 ½
Maximum Single Building Footprint ⁽⁶⁾		10,000 square feet ⁽⁴⁾	10,000 square feet ⁽⁴⁾	10,000 square feet ⁽⁴⁾	--	--	--
Maximum Building Coverage		15% ⁽⁴⁾	15% ⁽⁴⁾	15% ⁽⁴⁾	20%	5%	20%
Maximum Building Floor Area Ratio (FAR)		--	--	--	0.20	--	0.4
Maximum Site Coverage		40% ⁽⁴⁾	40% ⁽⁴⁾	40% ⁽⁴⁾	--	--	40%
FOOTNOTES	(1) No more than ten (10%) percent of the minimum lot area shall consist of wetlands, lands under water, 100-year floodplain, or steep slopes twenty (20%) percent and greater. (2) Measured at and parallel to the building line at the front yard setback. (3) Applies to all buildings, structures, parking, and loading – see also General Regulations in §180-11 and Supplementary Yard Requirements in §180-23. (4) For Boulevard Districts, see also Alternative Land Use Development Performance Modifications per §180-19D of this chapter. (5) All front building facades shall also include a change in plane, material, or other substantive visual alteration, a minimum of every forty (40) feet. (6) Except Grocery Stores (where permitted): maximum of 35,000 square feet.						

ATTACHMENT 1P – SCHEDULE OF OFF-STREET PARKING SPACES	
USE	MINIMUM STANDARD REQUIREMENT
KEY: sf = square feet GFA = Gross Floor Area N/A = Not Applicable	
AGRICULTURE	
Agriculture (principal use)	N/A
Agriculture (accessory use)	N/A
Agriculture, Indoor	1 space / 5,000 sf GFA (3 spaces minimum)
Farm	N/A
Farm Equipment Sales and Rental	2 spaces / 1,000 sf GFA of interior sales/rental space
Farm Market §180-68 (accessory use)	2 spaces / 1,000 sf GFA of interior market space Additional parking required for farm and harvest festivals based on event
Farmers’ Market	3 spaces / vendor
Farm Stand §180-67 (accessory use)	3 spaces
Kennel	2 / 1,000 sf GFA
Riding Academy §180-53	1 space / 3 stalls
AUTOMOTIVE	
Gas Station / Gas Station with Convenience Store	4 space / 1,000 sf GFA (pump station spaces may count)
Motor Vehicle Body Shop	4 spaces / service bay (service bay is not a parking space)
Motor Vehicle Repair Shop	4 spaces / service bay (service bay is not a parking space)

ATTACHMENT 1P – SCHEDULE OF OFF-STREET PARKING SPACES	
USE	MINIMUM STANDARD REQUIREMENT
KEY: sf = square feet GFA = Gross Floor Area N/A = Not Applicable	
Motor Vehicle Sales and Rentals	2 spaces / 1,000 sf GFA of interior sales area and offices + 0.15 spaces / 1,000 sf GFA (interior and/or exterior display areas) + 4 spaces / service bay or lift (to be clearly reserved for customers)
INSTITUTIONAL	
Auditorium / Public Assembly	1 space / 3 seats occupied at maximum capacity
Cemetery	1 space / 1,000 sf GFA of facility office/maintenance + Subject to Planning Board determination based on facilities involved
Schools (public and private)	
Preschool / Nursery School	1 space / employee (including all management, administrative, care givers, teachers, and maintenance personnel) + 1 space / 10 students + adequate separate designated drop-off/pick-up area
Elementary / Secondary (Middle) School	1.5 spaces / classroom + 1 space per 400 sf GFA of administrative offices + 1 space / 6 seats in an auditorium, gymnasium, or stadium of greatest capacity
Senior High School / Vocational or Trade School	1.5 spaces / classroom + 1 space / 400 sf GFA of administrative offices + 1 space / 6 students (computed on basis of maximum design capacity) + 1 space / 2 beds (computed on basis of maximum bed capacity) for any housing
Church or other Place of Worship	1 space / 3 seats occupied at maximum capacity + 2 spaces / dwelling unit

ATTACHMENT 1P – SCHEDULE OF OFF-STREET PARKING SPACES	
USE	MINIMUM STANDARD REQUIREMENT
KEY: sf = square feet GFA = Gross Floor Area N/A = Not Applicable	
MUNICIPAL / UTILITY	
Communications Facilities / Personal Wireless Service Facilities and/or Towers	2 spaces (excluding small cell facilities within street right-of-way)
Municipal Uses – Town of North East Facilities	3 spaces / 1,000 sf GFA + 1 space / accessory vehicle housed at location
Public Utility Facility and/or Substation	2 spaces / facility + 1 space / accessory vehicle housed at location
Solar Farms §180-72.1I	2 spaces minimum (subject to Planning Board determination based on facilities)
OFFICE / MEDICAL	
Business Office	3 spaces / 1,000 sf GFA
Medical and/or Dental Office	4 spaces / 1,000 sf GFA
Medical Clinic	4 spaces / 1,000 sf GFA
Medical Radiology / Diagnostic Lab	4 spaces / 1,000 sf GFA
Tradesman (and Workshop) Office	3 spaces / 1,000 sf GFA + 1 space per facility vehicle housed at location
Urgent Care Facility	4 spaces / 1,000 sf GFA
Veterinary Office / Hospital	3 spaces / 1,000 sf GFA

ATTACHMENT 1P – SCHEDULE OF OFF-STREET PARKING SPACES	
USE	MINIMUM STANDARD REQUIREMENT
KEY: sf = square feet GFA = Gross Floor Area N/A = Not Applicable	
RECREATION	
Cabin – Hunting and Fishing	2 spaces / cabin
Clubhouses and permanent meeting places of veterans, business, civic, fraternal, labor, and other similar organizations	1 space / 50 sf aggregate GFA in auditorium, assembly hall and dining room + 1 space / 2 persons regularly employed on the premises
Country Inn	2 spaces + 1 space / guest room + 8 spaces / 1,000 sf GFA restaurant
Golf Course	3 spaces / green + 35% of spaces otherwise required for accessory retail use (e.g., shop, food service)
Indoor Recreation	4 spaces / 1,000 sf GFA
Makerspace	4 spaces / 1,000 sf GFA
Membership Organization	Subject to Planning Board determination based on anticipated demand
Museum	4 spaces / 1,000 sf GFA
Outdoor Recreation	6 spaces minimum + Athletic field – Greater of 20 spaces / field; or 1 space / 4 seats if fixed + Athletic court – Greater of 10 spaces / court; or 1 space / 4 seats if fixed + Swimming Pool – 1 space / 4 persons design capacity + Other facility – Subject to Planning Board determination

ATTACHMENT 1P – SCHEDULE OF OFF-STREET PARKING SPACES	
USE	MINIMUM STANDARD REQUIREMENT
KEY: sf = square feet GFA = Gross Floor Area N/A = Not Applicable	
Passive Outdoor Recreation	Subject to Planning Board determination based on anticipated demand
Public Park	6 spaces minimum + Plus see “outdoor recreation” requirements + Subject to Planning Board determination based on anticipated demand
Wildlife or Nature Preserve	Subject to Planning Board determination based on anticipated demand
RESIDENTIAL	
Boardinghouse / Rooming House	2 spaces / dwelling unit + 1 space / sleeping room occupied by roomers/boarders + 1 space / 2 persons regularly employed on the premises
Dwelling, Accessory	1 space / accessory dwelling unit
Dwelling, Agriculture Employee (Accessory to Farm)	1 space / accessory dwelling unit for agriculture employee
Dwelling, ECHO §180-61	As required in § 180-61, Subsection I.
Dwelling, Single-Family or Two-Family (duplex)	2 spaces / dwelling unit with adequate onsite driveway turnaround
Dwelling, Semidetached	2 spaces / dwelling unit with adequate onsite driveway turnaround
Dwelling, Multifamily	1.5 spaces / dwelling unit with studio or one-bedroom + 2 spaces / dwelling unit with two or more bedrooms + 0.5 spaces / dwelling unit (visitor spaces)

ATTACHMENT 1P – SCHEDULE OF OFF-STREET PARKING SPACES	
USE	MINIMUM STANDARD REQUIREMENT
KEY: sf = square feet GFA = Gross Floor Area N/A = Not Applicable	
Dwelling, Rental Apartments above Commercial	1 space / dwelling with studio or one-bedroom + 2 spaces / dwelling unit with two or more bedrooms + 0.5 spaces / dwelling unit (visitor spaces)
Family Home / Family Care Home	2 spaces + 0.5 spaces / resident bedroom
Home Occupation (accessory use)	1 space + 1 space / nonresident employee (maximum of 1)
Mobile Home Park	2 spaces / mobile home + spaces for recreational and/or office facilities subject to Planning Board determination
Mobile Home	2 spaces / mobile home
Nursing Home / Convalescent Home	1 space / 2 beds (computed on the basis of the maximum bed capacity of the structure) <i>See additional requirements for hospitals.</i>
RESTAURANT	
Brew Pub (Micro Brewer)	5 spaces / 1,000 sf GFA of patron space (includes all areas accessible like bathrooms) + See requirements for other restaurant use types if operated as such + 1 space / 600 sf GFA (office, manufacturing, containerization, storage operations)
Caterer / Commercial Kitchen	On-Site Catering: 10 spaces / 1,000 sf GFA Off-Site Catering: 3 spaces / 1,000 sf GFA (N/A if operated as other restaurant use type) Commercial Kitchen: 2 spaces / 1,000 sf GFA (if no classes held) Commercial Kitchen: 4 spaces / 1,000 sf GFA (if classes are held)

ATTACHMENT 1P – SCHEDULE OF OFF-STREET PARKING SPACES	
USE	MINIMUM STANDARD REQUIREMENT
KEY: sf = square feet GFA = Gross Floor Area N/A = Not Applicable	
Mobile Food Vendor	See §180-65
Outdoor Dining (accessory use)	Same as principal use
Restaurant	13 spaces / 1,000 sf GFA
Restaurant, Take-Out	4 spaces / 1,000 sf GFA
Retail Bakery / Specialty Foods	4 spaces / 1,000 sf GFA
RETAIL	
Artisan Workshop and Gallery	2 spaces / 1,000 sf GFA
Cannabis Dispensary	4 spaces / 1,000 sf GFA
Bank	4 spaces / 1,000 sf GFA
Beverage and Liquor Store	4 spaces / 1,000 sf GFA
Building Supply Store	2 spaces / 1,000 sf GFA
Drive-Through (accessory use)	See §180-41 for minimum required queue spaces
Funeral Home	10 spaces / 1,000 sf GFA
Furniture Store, New and Used	2 spaces / 1,000 sf GFA

ATTACHMENT 1P – SCHEDULE OF OFF-STREET PARKING SPACES	
USE	MINIMUM STANDARD REQUIREMENT
KEY: sf = square feet GFA = Gross Floor Area N/A = Not Applicable	
Garden Center Retail	4 spaces / 1,000 sf GFA
General Merchandise Retail	4 spaces / 1,000 sf GFA
General Merchandise Retail, Online Call-Center	4 spaces / 1,000 sf GFA
General Repair Business	4 spaces / 1,000 sf GFA
Grocery Store	4 spaces / 1,000 sf GFA ≤12,000 sf GFA; 3 spaces / 1,000 sf GFA >12,000
Hotel	1.25 spaces / guest room
Instructional Retail	4 spaces / 1,000 sf GFA
Laundry (self or full-service)	2 spaces / 1,000 sf GFA
Outdoor Play Equipment and Accessory Sheds	2 spaces / 1,000 sf GFA interior store area + 1 space / 1,000 sf GFA of indoor and/or outdoor display areas
Personal Service Business	4 spaces / 1,000 sf GFA
Pet Grooming Business	4 spaces / 1,000 sf GFA
Pharmacy	4 spaces / 1,000 sf GFA

ATTACHMENT 1P – SCHEDULE OF OFF-STREET PARKING SPACES	
USE	MINIMUM STANDARD REQUIREMENT
KEY: sf = square feet GFA = Gross Floor Area N/A = Not Applicable	
SOLAR ENERGY SYSTEMS – ACCESSORY USE	
Freestanding or Ground Mounted	N/A
Roof or Building Mounted	N/A
Small Wind Energy Conversion System §180-63	N/A
WAREHOUSE /COMMERCIAL INDUSTRY	
Light Industry	1.75 spaces / 1,000 sf GFA
Storage of Dyes, Solvents or Other Chemicals	Same as principal use (accessory use)
Warehousing, Self-Storage	0.2 spaces / 1,000 sf GFA
Warehousing, Commercial Storage Buildings	1 space / 1,000 sf GFA
Wholesale Distribution Business	1 space / 1,000 sf GFA + 4 spaces / 1,000 sf GFA administrative offices/dispatch facilities

Town of North East Zoning Map



Legend

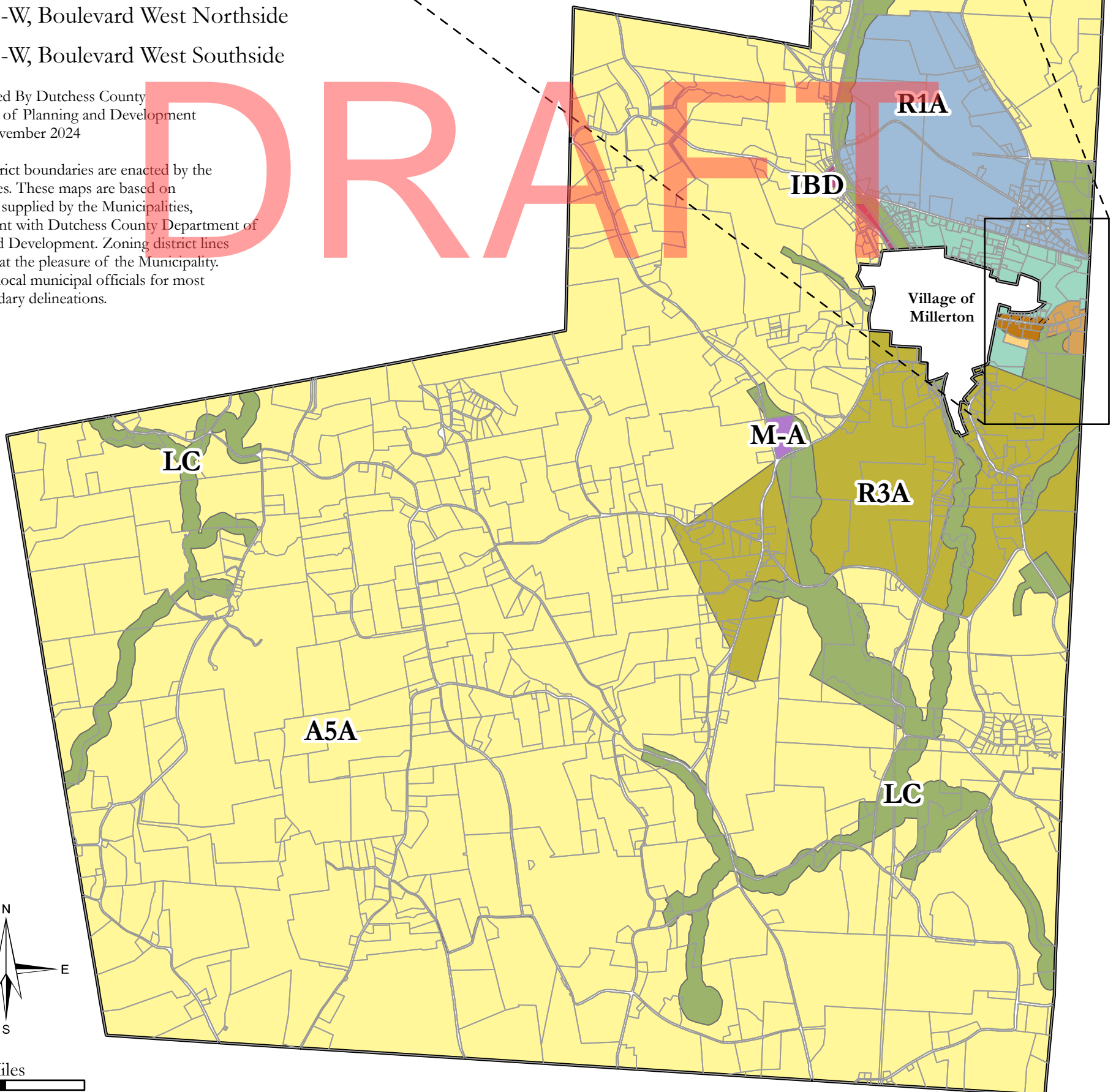
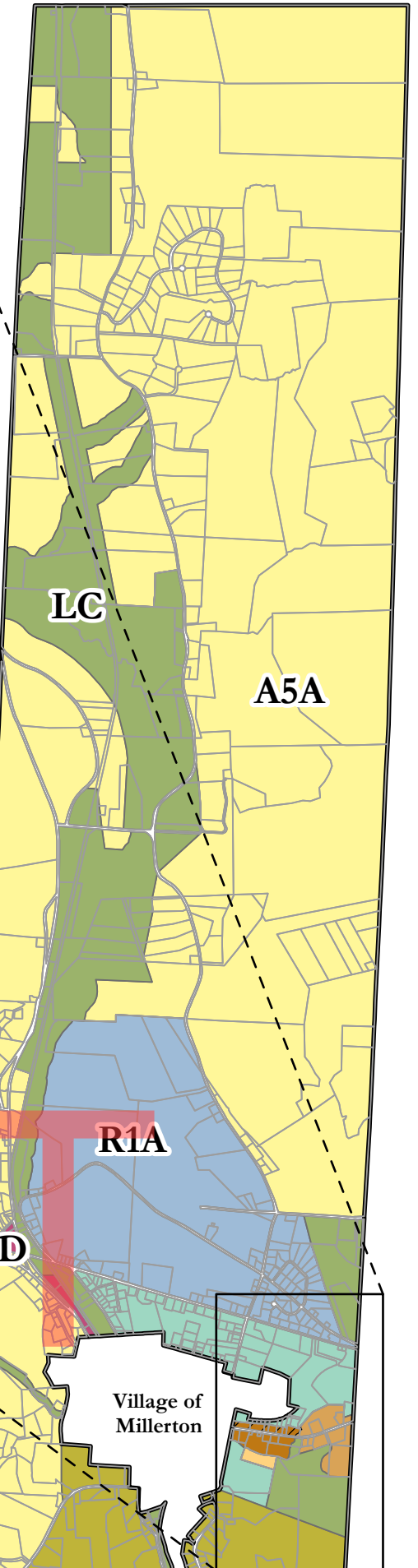
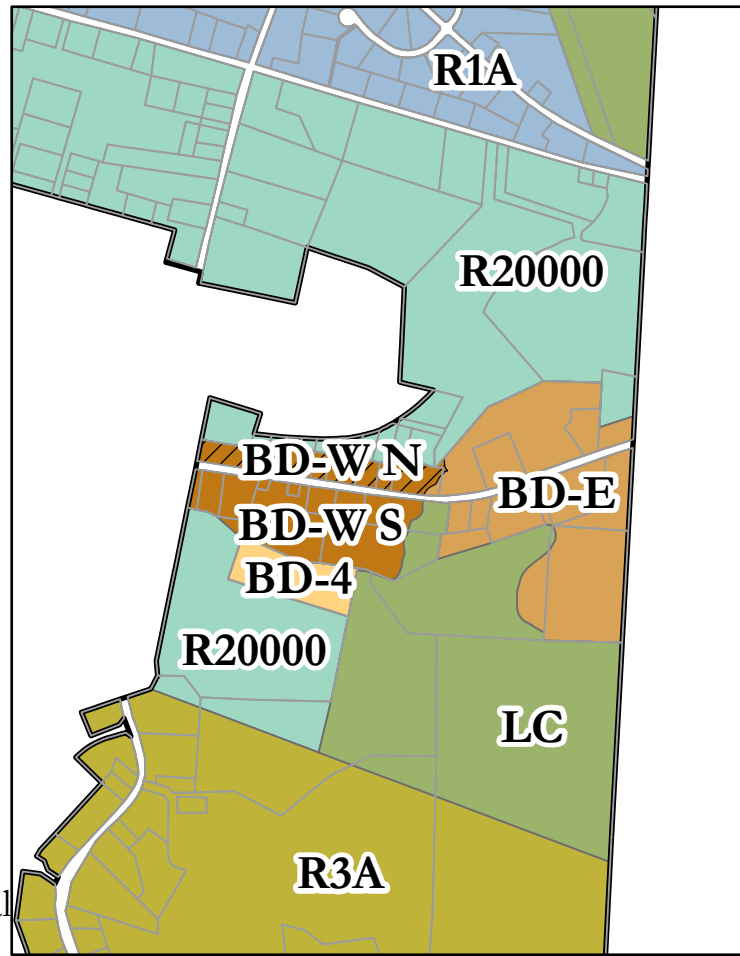
- Parcels
- Municipal Boundary

Zoning Districts

- A5A, Agricultural
- BD-E, Boulevard East
- IBD, Irondale Business
- LC, Land Conservation
- M-A, Light Industrial
- R1A, Low Density Residential
- R20000, Medium Density Residential
- R3A, Very Low Density Residential
- BD-4, Boulevard 4
- BD-W, Boulevard West Northside
- BD-W, Boulevard West Southside

Map Prepared By Dutchess County
Department of Planning and Development
Created: November 2024

Zoning District boundaries are enacted by the Municipalities. These maps are based on information supplied by the Municipalities, per agreement with Dutchess County Department of Planning and Development. Zoning district lines are updated at the pleasure of the Municipality. Check with local municipal officials for most recent boundary delineations.



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