



Town of North East

TOWN BOARD OF THE TOWN OF NORTH EAST

CHAPTER 180 ZONING

UPDATE OF ZONING REGULATIONS

Primary Focus on Non-Residential Districts and Uses
Addressing Recommendations of 2019 Comprehensive Plan

PROPOSED ZONING AMENDMENTS

NOVEMBER 4, 2025

REVISED – JANUARY 24, 2026

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180-70 Communications / Towers / Personal Wireless Service Facilities *(in part – Subsections §180-70A(1), 70b(2)(c), 70B(5)(a)[6], 70B(5)(a)[8], 70B(5)(e), 70C(1), 70C(8), 70C(10), 70F, 70G mainly to change ZBA to Planning Board)*

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180-72.1 Solar Energy Systems *(in part - §180-72.1B(5) 72.1I(1) only)*

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180-72.2 Accessory EV Charging Stations

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TOWN OF NORTH EAST CHAPTER 180 ZONING – UPDATE OF ZONING REGULATIONS

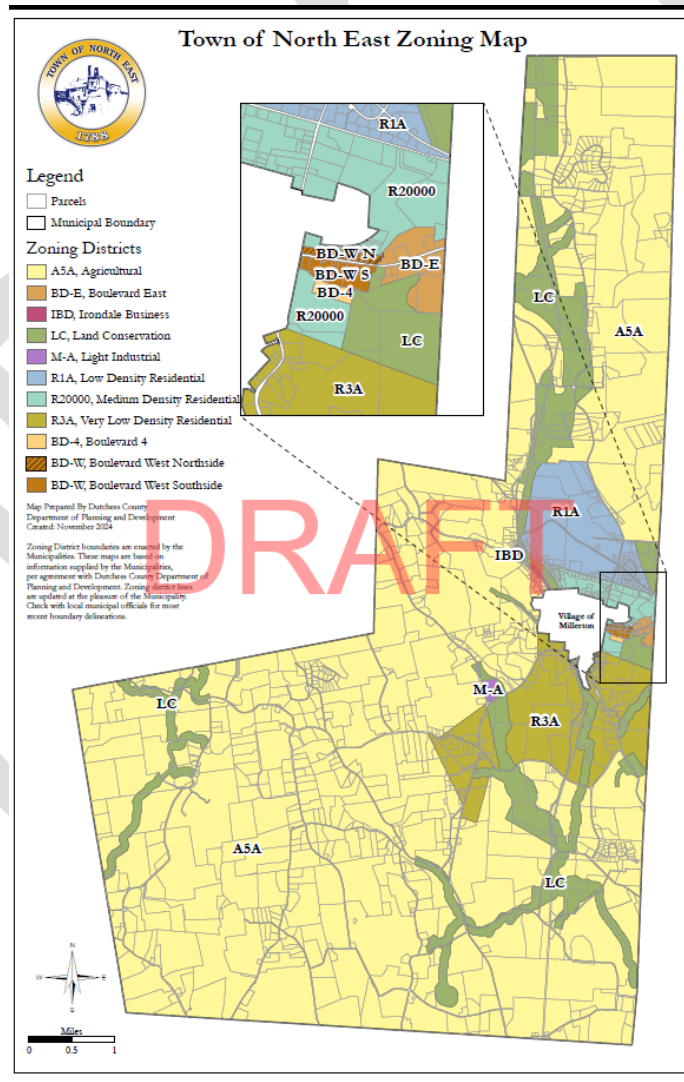
DRAFT ZONING AMENDMENTS

NOVEMBER 4, 2025

REVISED JANUARY 24, 2026

1. – REPEAL EXISTING Zoning Map and REPLACE with Amended Zoning Map:

FULL SIZE COPY OF AMENDED “ZONING MAP” LOCATED AT THE END OF THIS DOCUMENT



2. – 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

3. – REPEAL EXISTING § 180-1 and REPLACE with following:

§ 180-1 Purposes

The zoning regulations and districts herein set forth and as outlined upon the map, made a part of this chapter by § 180-7, are made in accordance with the Town’s Comprehensive Plan, for the purpose of promoting the public’s health, safety, order, prosperity and general welfare. They have been designed to lessen congestion in the streets; to secure safety from fire, floods and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to provide for a variety of housing types; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of the Town, of each district and its suitability for particular uses, and with a view to conserving the environment, value of buildings and encouraging the most appropriate use of land throughout the Town.

4. – 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 BUILDING

See Building, Accessory

ACCESSORY DWELLING UNIT (ADU)

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. An ADU may be located within or attached to the principal dwelling or within a separate detached (existing or proposed) accessory building elsewhere on the same lot.

ACCESSORY USE OF BUILDING

See Building, Accessory Use of

ADAPTIVE REUSE

The process of transforming and repurposing an existing building to suit new functions, often for a different use than its original intended purpose by renovating and/or modifying the building while preserving its architectural integrity and appearance and where pertinent its historic and cultural image and character. Adaptive reuse seeks to address the building's underutilization through a sustainable alternative to demolition.

ADULT DAY CARE CENTER

See Day Care Center, Child or Adult

AGRICULTURE / FARM OPERATION

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 operation store" 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 operation 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 operation 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 STORE

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.

ALLEY

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

ALTERATION OF BUILDING

See Building, Alteration of

ANIMAL HOSPITAL

See Veterinary Office / Animal Hospital

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, craftsperson, 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 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 part of a building with one or more walls fully or partly underground having less than one-half (1/2) of its headroom (floor to ceiling) below the finished grade measured within six (6) feet of the exterior walls of the building, even if exposed walls have windows or a walkout entrance.

BEVERAGE and LIQUOR STORE

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).

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 COVERAGE

The percentage of the total area of a lot occupied by the cumulative building area of all buildings and structures on the lot.

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.

BUSINESS OFFICE

See Office, Business and Professional

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 with a food preparation license issued 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.

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 RIGHT-OF-WAY

A line midway between and parallel to two opposing street lines of the same street.

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.

CHILD DAY CARE CENTER

See Day Care Center, Child or Adult

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."

COMMUNICATIONS FACILITIES and TOWERS / PERSONAL WIRELESS SERVICE FACILITIES

A site development including but not limited to a lot and/or structure on which antennas or other telecommunications devices are located for television, radio, data, imagery, telephone or other forms of telecommunications and all related structures and improvements necessary for the operation of said facility.

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.

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.

CORNER LOT

See Lot, Corner

COUNTRY INN

The adaptive reuse and rehabilitation of an existing large residential structure maintaining the rural appearance and character of the structure and surrounding area for the purpose of providing service of food and lodging to transient guests.

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."

CURB LEVEL

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

DAY CARE CENTER, CHILD or ADULT

A facility, which is licensed or authorized and regulated by the State of New York Department of Social Services or other state agency having jurisdiction, where care is provided for six or more children or three or more adults away from their own homes for more than three hours but less than 24 hours per day per child or adult, in a facility other than the child's or adult's home which is operated for such purposes. The definition of "day care center" shall include, without limitation, qualifying facilities that provide adult or child day care but shall not include a day camp, an after-school program operated for the primary purpose of religious education, sports lessons or recreation, or programs operated by a public or private school.

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

A dwelling accessory to a permitted principal use as otherwise permitted and regulated by this chapter.

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, MULTIFAMILY (CONVERSION of EXISTING BUILDING)

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.

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, two (2) bedroom and three (3) 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.

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.

ELECTRIC VEHICLE (EV) READY PARKING SPACE

A parking space with installed electric panel capacity and raceway (conduit) sufficient to accommodate the installation of future hardware capable of supporting an EV charging station serving such parking space.

ENERGY CODE

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

FACADE

The face of building wall, which generally corresponds to the height and width of the interior spaces.

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 CARE HOME

A facility certified by the State of New York to care for individuals with intellectual and/or developmental disabilities. 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.

FAMILY DAY CARE HOME

Programed care for a child for more than three (3) hours per day per child in which child day care is provided in a family home by the resident occupant serving between three (3) to six (6) children, or up to eight (8) children if two (2) are school-age and only attend when school is not in session.

FAMILY-TYPE HOME FOR ADULTS

A facility licensed by the State of New York to operate an adult care facility established and operated for the purpose of providing long-term residential care, room, board and personal care, and/or supervision to four (4) or fewer adult persons unrelated to the operator in the operator's residence.

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 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 / GAS STATION with 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, commonly known as a convenience store.

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

GOLF COURSE

An outdoor recreation use developed in accordance with the standards of the United States Golf Association (USGA) for the play over nine (9) or eighteen (18) regulation, executive or par three holes of the game of golf, each including a tee, fairway and putting green and often one or more natural or artificial hazards. A golf course may or may not be a component of a Membership Organization as defined herein.

GRADE, ESTABLISHED

The elevation of the center line of a street officially established by a municipal, county or state highway authority.

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.

GROUP FAMILY DAY CARE HOME

Programed care for a child for more than three (3) hours per day per child in a private family home for seven (7) to twelve (12) children of all ages. A group family day care program may provide child day care services to four (4) additional children if such additional children are of school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays, or during those periods of the year in which school is not in session.

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.

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.

HOME OCCUPATION

An accessory non-residential 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.

HOTEL

A commercial use providing for a fee, short-term (less than 30 consecutive days) transient lodging accommodations (housekeeping 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.

IMPERVIOUS

Surfaces that do not readily absorb water, including but not limited to buildings, structures, roads, driveways, sidewalks and other paved areas of asphalt, concrete, pavers, brick, stone, block, gravel, manufactured surfaces and similar.

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. This use may include and accessory sales of apparel and sports related items in an area 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.

INTERIOR LOT

See Lot, Interior

JUNKYARD – Prohibited Use per §180-13

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

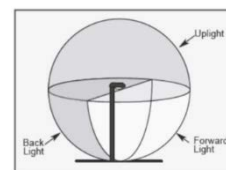
Man-made illumination and the equipment used to produce it, including associated components as defined and regulated by this chapter.

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 and 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.

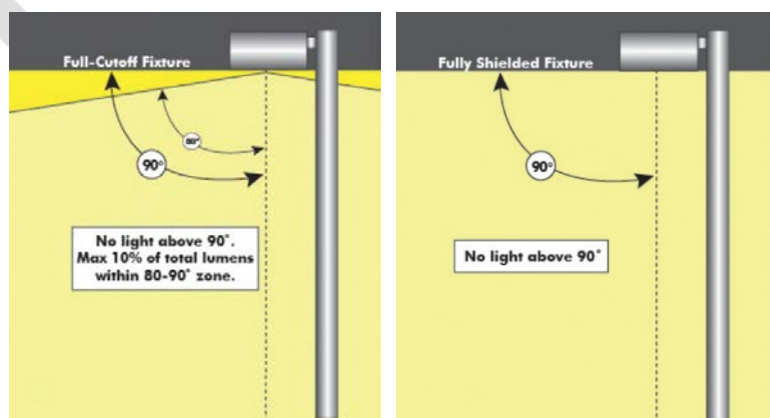
FULL CUTOFF

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 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 but was legally existing at the time that this chapter or any amendment thereto became effective.

NONESSENTIAL LIGHTING

Unnecessary lighting for pedestrian passage or other tasks (i.e., decorative and landscape lighting, excessive, over lighting, over-illumination, more light than is needed for a specific task or environment). 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).

NON-RESIDENTIAL 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. Such lighting is not necessarily protected if it was legally installed prior to the adoption of this definition.

OUTDOOR LIGHTING

Lighting that provides illumination to a surface, building, structure, device, or other outdoor features. 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 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, INTERIOR

A lot other than a corner lot.

LOT, THROUGH

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

LOT AREA

The cumulative area of the horizontal plane bounded by the front, side, and rear property lines of a lot.

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 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 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 home 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 and/or DENTAL OFFICE

See Office.

MEDICAL CLINIC

A medical use licensed by the State of New York, providing same day primary medical care and treatment involving 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 solely to their use by organization 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.

MIXED USE

Development of property with uses and buildings that combine multiple functional areas or uses containing both residential and non-residential floor space conceived and designed as a single environment (building or complex) in which both residential and non-residential amenities are provided, and site infrastructure is shared.

MOBILE FOOD VENDOR (aka Food Truck)

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 (constructed before 1976) 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, and body work.

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, Dutchess County, New York State, or the federal Government.

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. A museum may also include including space for 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.

NURSING HOME

A New York State licensed public or private residential facility providing a high level of skilled long-term personal and nursing care and services for persons (such as the aged or the chronically ill) who are unable to care for themselves.

OCCUPANCY

The utilization of a building, structure, or land.

OCCUPANCY, SEASONAL

Occupancy for a period not exceeding four (4) months during a single 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, BUSINESS and 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 but not including medical clinics.

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. This use may include an including ancillary display showroom contained in an area not exceeding 5% of the gross floor area of the principal building, as well as 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.

OFFICE BUILDING

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

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.

OFF-STREET LOADING

An approved designated area located on a lot, separate from a street, for the loading and unloading of goods, materials, or cargo from vehicles, including space for maneuvering vehicles for loading/unloading. See also §180-50 of these Regulations.

OFF-STREET PARKING

An approved designated area located on a lot, separate from a street, for the controlled parking of vehicles, including space for maneuvering of vehicles in and out of a parking space. See also §180-50 of these Regulations.

OPEN SPACE

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

OPEN STORAGE

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.

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 SALES

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 installation services.

OUTDOOR RECREATION COMMERCIAL

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

OUTDOOR RECREATION PASSIVE

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.

PARKING SPACE

See § 180-50.

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 non-medical care and individual needs of a person or their apparel, including but not limited to, 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

PRIVATE STABLE

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

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.

PROFESSIONAL OFFICE

See Office, Business and Professional

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 – Prohibited Use per §180-13

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.

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.

RECTORY / PARISH HOUSE

A Single-Family Dwelling accessory to and on the same lot as permitted Church or Place of Worship.

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 waitstaff 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, live entertainment, 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 sixteen (16) ~~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, lessons, or stabling for compensation or incidental to the operation of any membership club or association.

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.

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

A school that provides early education to children before they begin compulsory education at primary school.

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 offering 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 – Prohibited Use per §180-13

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 device 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 facade, a sign mounted parallel to the principal facade, 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.

ELECTRONIC MESSAGE DISPLAY SIGN

An electrically activated changeable sign where the variable message capability can be electronically programmed.

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 that is specifically 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 of simple construction and mounting without permanent grounding or support and which can be generally installed and removed by hand.

SITE COVERAGE

The portion of the lot expressed as a percentage of the total lot area covered by the collective cumulative area of building coverage and all other impervious surfaces on the lot.

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.

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, as well as other related equipment and site improvements supporting the installation and operations. 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, which solely serve their collective energy needs.

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.

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.

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.

STABLE, PRIVATE

See Private Stable

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 SUBSTANCES – Prohibited Use per §180-13

The bulk storage of alcohol, gasoline, 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 Store.

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.

STORY

That part of a building included between two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing, not including a cellar or basement.

STORY, HALF

That part of a building that is located under a gable, hip or gambrel roof, the floor of which is not more than two (2) feet below the plate.

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

A structure designed and constructed in or on the ground to hold water having a depth at any point greater than two feet and used or intended to be used for swimming, bathing and associated activities.

TAKE-OUT RESTAURANT

See Restaurant, Take-Out

TAVERN

See Bar or Tavern

THROUGH LOT

See Lot, Through

TOBACCO SPECIALTY BUSINESS

See Vape Store and any Tobacco Specialty Business

TOWN

The Town of North East, Dutchess County, New York.

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 buildings and structures are 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 – Prohibited Use per §180-13

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 / ANIMAL 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 passive 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 (street) 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 ENFORCEMENT OFFICER (ZEO)

The official appointed by the Town Board to administer and enforce this chapter. The ZEO is responsible for ensuring compliance with these zoning regulations, including reviewing and issuing permits, conducting inspections, and investigating violations pursuant to the powers and duties set forth in §180-84 of this chapter.

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.

ZONING PERMIT

An official permit document issued by the Zoning Enforcement Officer authorizing a property owner to develop or change the use and/or site conditions of their property in compliance with the standards and requirements of this chapter.

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

§ 180-6 Establishment of Districts.

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

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

6. – 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 formation and identification of the LC District is an important priority for 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 location of the LC District is found in multiple areas within the Town. 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 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 long-stranding light manufacturing and wholesale facility. The M-A District 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 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. Permitted uses are intended to be a mix of wholesale, business to business, retail and service businesses, restaurant and other food-related uses, 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 parcel having no direct street frontage 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, and 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 Village or Millerton and the surrounding 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, where it is feasible given pedestrian safety and topographical constraints.

- (1) Boulevard District West (BD-West-North and BD-West-South). The BD-West District (North and 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). The BD-East District 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). The BD-4 District is intended to serve in an ancillary supportive capacity to the permitted use upon an abutting property located within a BD-West-South District.

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

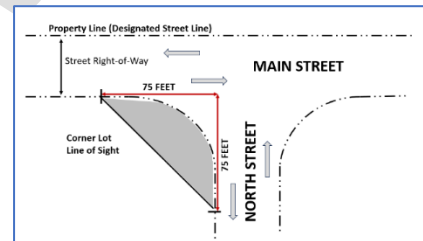
§ 180-11 General regulations.

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 defined herein for the underlying district, 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 as 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 the 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.
 - [2] The capacity of an underground propane storage tank located within or partly within a setback area shall be 1,000 gallons or less.
 - [3] 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.
 - [4] 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.

8. – 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 (as a principal use)
- Shooting Range
- Storage of Alcohol, Gasoline, Crude Oil, Liquefied Petroleum Gas or Other Highly Flammable Substances (as a principal use, except associated with a Gas Station/Gas Station with Convenience Store)
- Vape Store and any Tobacco Specialty Business

9. – 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.

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

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

A. 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.

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

§ 180-16 Low Density Residential (R1A) District

A. 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.

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

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

A. 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.

13. – 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 lot clustering for a residential subdivision or resubdivision.
- (2) Lot clustering 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 property 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 multiple such districts.

- (3) 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.
- (4) The dwelling units permitted may be, at the discretion of the Planning Board, detached, semi-detached, attached, or multi-story structures.
- (5) The Planning Board as a condition of approval may establish such conditions on the ownership, use, and maintenance of the open lands of a cluster development as it deems necessary to assure the preservation of the natural and scenic qualities of such open lands.

14. – 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) Municipal buildings, uses and facilities.
 - (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 Town's Comprehensive Plan and to ensure commercial viability within the Boulevard Districts.
- (2) Intent. These alternative modifications 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.
 - Implementing physical, cultural, and social policies set forth in the Town's 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 and best management practices balancing environmental protection and economic viability.
 - Reducing impervious surfaces and associated impacts from stormwater runoff through shared access, parking and loading facilities.
 - Providing more efficient use of public facilities 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. Such modifications do not give the Planning Board the ability to grant variances. 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; **Maximum ~~Minimum~~ Building Coverage** may be increased not to exceed a maximum of twenty-five (25%) percent; **Maximum Building Width** (at front yard setback) may be increased not to exceed a maximum of ninety (90) feet; and/or **Minimum Rear and/or Side Yard Setbacks (for buildings, structures and off-street parking)** may be reduced to a minimum of not less than ten (10) feet, provided 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):
- [1] Common 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 Town's 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 shall 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 for alternative performance modifications 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 Town’s 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 project will result in an improved visual appearance, including but not limited to building elevations, site renderings and/or photo simulations.
 - [6] 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.
 - [7] Draft copies of any needed or proposed easements and other legal instruments required for development.
 - [8] 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 any proposal for modification to others for their review and comment, including but not limited to 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 Town's 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 pedestrian and vehicular access, parking, loading, landscaping and other accessory site features.
 - [5] 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 Town's 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.

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

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

§ 180-20 Irontdale Business (IB) District

A. Irontdale 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.

16. – 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.

17. – 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.

18. – 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 outside storage areas, where and how 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.
 - (3) Open outside storage, where and how permitted, shall not be deemed a principal use but shall be an accessory use to a permitted principal use.
- 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.

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

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

§ 180-24 {Reserved}

20. – REPEAL EXISTING Article VI §§ 180-25 through 32 and REPLACE 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 ensure continual conformance with all applicable standards and requirements, including reasonable assurance that these conditions and restrictions can be responsibly monitored and enforced.

§ 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 and documentation 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 receipt of a 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 the applicant 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 within 200 feet abutting the applicant's parcel which is the subject of the special use permit. 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.
 - (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 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. 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.
- D. 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 with the office of the Town Clerk within five (5) business days after the decision is made. Copies shall also be sent to the applicant and to the Town's Zoning Enforcement Officer and Code Enforcement Officer.

§ 180-28 Consultant review and reimbursable costs.

- A. 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, attorney to the Planning Board, agencies and other experts as deemed necessary, 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.
- B. Reimbursable costs incurred by the Planning Board for private consultation fees or other extraordinary expenses 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, maintained 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 a 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 further at the discretion of the Planning Board for just cause.

§ 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.

21. – 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.

22. – 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.

23. – REPEAL EXISTING §§ 180-36L, 36M and 36N and REPLACE with the following; and ADD NEW Subsections 36Q and 36R:

(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.

• **Add the following new Subsections § 180-36Q and R:**

Q. Expiration. A site plan shall be deemed to authorize only the site development expressly specified on the approved site plan and shall expire if the approved site development has not commenced (evidenced by obtaining associated zoning and building permits) and diligently pursued within one (1) calendar year of the date of issuance of the site plan approval. 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 site plan may be extended once for a maximum period of one (1) calendar year from its otherwise specified expiration date.

R. Revocation. In all instances, including those cited above, a site plan 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 site plan approval.

24. – REPEAL EXISTING § 180-37 and REPLACE with the following:

§ 180-37 Installation of required infrastructure and improvements.

- A. At the discretion of the Planning Board, final site plan approval including public infrastructure such as a sidewalk, and improvements may be granted subject to the prior establishment of a performance bond or other surety sufficient to cover the full cost of installation of the same by the Town, 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 a performance guarantee shall be determined in accordance with the procedures set forth in those sections of the Town Code.
- B. 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 and operation by the Town Engineer.
- C. The Planning Board may also require other financial guarantees (bonds) regarding stormwater management controls and soil and erosion and site stabilization controls.

25. – 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 1P – 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:**

E. Parking spaces. Refer to “**Attachment 1P – Schedule of Off-Street Parking Spaces**” and § 180-50, Off-Street Parking and Loading.

26. – 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:

- Shall include no more than **two (2)** ~~a single~~ drive-through lanes s per establishment.
- Shall be separated from other internal site circulation lanes and shall include appropriately located and designed bypass lanes.
- 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.
- 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.
- Shall not encroach, impede, or obstruct access into or out of parking spaces, pedestrian walkways or loading and service areas.
- 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 landscaped raised 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).

27. – 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.

28. – 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 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.
- D. 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.
- E. Shall be in accordance with the Americans with Disabilities Act (ADA) and shall provide direct pedestrian access to and from the restaurant.
- F. 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.
- G. 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 all 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.

29. – 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.

30. – 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 1P – 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 Bank / 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 Planning Board determination. No less than 2 spaces per window or access lane or such other amount the Planning Board may require based on 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 the 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 already been incorporated in the ratios for the minimum required off-street parking spaces set forth in this chapter.
- (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) **EV Ready Parking Spaces. New, expanded and reconstructed parking facilities with thirty (30) or more parking spaces shall include a minimum of ten (10%) percent of the total number of parking spaces as EV ready parking spaces (dedicated EV parking spaces will also satisfy this requirement).**
- (11) 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. Exterior off-street parking and loading facilities shall be to the rear or side of principal site buildings with priority consideration where parking spaces are located to the rear of principal 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 off-street loading spaces to be sized to accommodate a large truck-type vehicle (WB50 or larger).
 - (h) All parking facilities shall provide convenient, safe and well-marked pedestrian walks, crossings, signage, and adequate lighting, as approved by the Planning Board.**
- (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 aisle 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. Mountable pavements and landscaped islands in split boulevard entrances may be required by the Planning Board.
 - (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 plowed 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.

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.
 - (e) **Off premises parking facilities shall provide safe and convenient walking between uses and parking, including safe, well-marked pedestrian walks, crossings, signage, and adequate lighting, 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, which could result in making the joint parking arrangement null and void.
 - (c) **Joint use of parking facilities shall provide safe and convenient walking between uses and parking, including safe, well-marked pedestrian walks, crossings, signage, and adequate lighting, as approved by the Planning Board.**
- (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 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 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) **All parking facilities shall include safe, convenient and well-marked pedestrian walks, crossings, signage, and adequate lighting, as approved by the Planning Board.**
- (5) 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 streets or result in hazardous conditions for vehicles and pedestrians upon or in proximity 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.
- (6) 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 pursuant to such request shall constitute a zoning violation and the Site Plan approval associated thereto.

- (7) 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.

31. – 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, experts and studies 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 the 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, provide 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 **with fifteen (15) or more spaces** shall be defined by 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 environments 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 a 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.

32. – 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 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 500 square feet (does not include parts storage areas).

33. – 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 installed 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) Non-residential lighting. Any changes to a non-residential 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) Any outdoor light fixture that is not of a fixed, full cutoff or fully shielded design.
 - (k) When visible across property lines, the illumination of vending machines after the close of business.
 - (l) "Day burners" or outdoor lighting illuminated during daylight hours.
 - (m) 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 as outlined in Subsection B(5) above.
- (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 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. Non-residential lighting standards. All non-residential 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. As part of a site plan application, 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

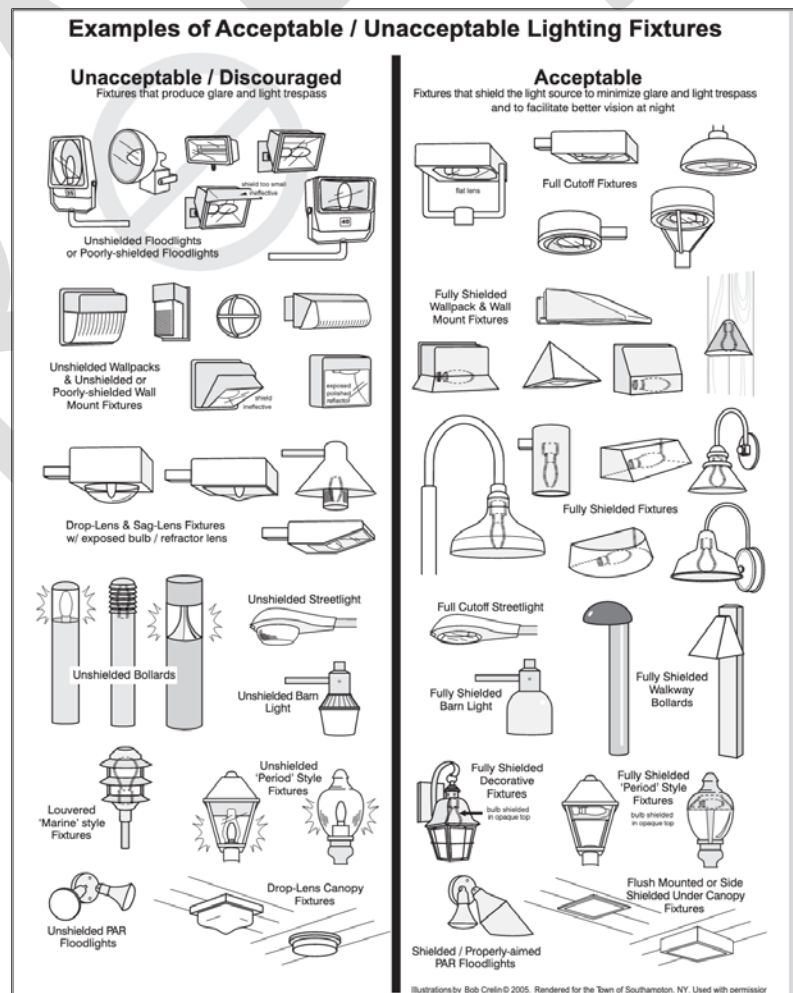
- (a) A detailed photometric plan shall be provided as prepared by the fixture manufacturer or a New York State licensed lighting engineer or other qualified licensed professional experienced in preparing such plans.
- (b) The plan shall detail the footcandle measurement of all existing and proposed 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.



34. – 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.

35. – 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'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 legally 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 or order of remedy of this chapter has been served until said violation or remedy shall have been resolved to the satisfaction of the approval authority, or to the court, as appropriate.
- (7) **Forfeited Signs.** Any temporary 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 or confiscation 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 with 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 that is 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		

Light Industrial (M-A) District				
Sign Type	Maximum Number	Maximum Size (area)	Yard Setback	Other
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
One or More Commercial 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 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.
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		

Boulevard (BD-West & BD-East) and Irondale Business (IB) Districts				
Sign Type	Maximum Number	Maximum Size (area)	Yard Setback	Other
<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, R20,000) and Land Conservation (LC) Districts.

Residential (A5A, R3A, R1A, R20,000) and Land Conservation (LC) Districts				
Sign Type	Maximum Number	Maximum Size (area)	Yard Setback	Other
<i>Single-Family Residential Establishment, including Accessory Home Occupation Use</i>				
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.
<i>Farm/Agriculture Establishment</i>				
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.
<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.

Residential (A5A, R3A, R1A, R20,000) and Land Conservation (LC) Districts				
Sign Type	Maximum Number	Maximum Size (area)	Yard Setback	Other
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.
Building	1 sign per principal non-residential building	6 sf per building		
Incidental Signs related to the above Establishments				
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 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.

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
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 directed 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.
 - [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.
 - (d) LED Electronic Messaging Display (EMD) signs, where permitted, shall comply with the following additional standards:
 - [1] An EMD sign shall only be permitted where incorporated as part of a permitted freestanding monument sign in association with an approved **Town of North East** municipal use, excluding incidental EMD gas pricing signs as permitted elsewhere in this Section in association with an approved Gas Station or Gas Station with Convenience Stores use.

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- [2] No other lighting of an EMD sign shall be permitted.
 - [3] No EMD sign shall include video or audio messaging.
 - [4] No more than one (1) EMD sign on a lot shall be permitted. No other permitted EMD sign shall be permitted within 500 feet of another permitted EMD sign.
 - [5] All EMD copy, characters or other changeable images shall be of the same color with light copy on a dark background. The screen shall be blacked out when there is no EMD message displayed. All EMD signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen should the sign malfunction.
 - [6] Display time. EMD signs shall contain static messages, which shall have a hold time of no less than two (2) minutes. Changes in message shall be completed instantly without pauses, sequencing or other transitions or frame effects that have the appearance of moving text or images. All parts of the message shall change simultaneously.
 - [7] All EMD Signs shall be turned off (black screen) daily between the hours of 10:00 PM and 7:00 AM.
 - [8] No EMD sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with a driver's operation of a motor vehicle. EMD signs shall be fitted with automatic dimming technology, as certified by the manufacturer, to adjust the brightness of the LED EMD relative to ambient light so that at no time shall a sign exceed a brightness level of 0.2 footcandles above ambient light measured at the nearest property line.
 - (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 sightlines 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.

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 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 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 approval. 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.

36. – 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. The 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, dust, smoke, odors, heat, glare, or other nuisances.

37. – 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~~ **Five** hundred **(500)** ~~(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 be notified regarding suspicious activity during or after operating hours shall be provided to applicable law enforcement officials and 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.

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

§ 180-60 Accessory Dwelling Unit (ADU)

- A. Legislative findings. The Town's 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 also seeks to promote affordable housing opportunities and encourage the creation of rental residential dwelling units.
- B. Purpose. It is the specific purpose and intent of this section to allow an accessory dwelling unit (ADU), subject to a Zoning 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 in addition to family multi-generational living accommodations. 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. 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's Comprehensive Plan, the following specific standards are set forth.
- C. Accessory use. An ADU shall be clearly incidental and subordinate to the principal one-family dwelling use and shall not change the one-family residential character of the neighborhood.
 - (1) Occupation.
 - (a) The property owner shall occupy either the principal dwelling or ADU. The owner shall provide with its permit application a notarized affidavit stating such.
 - (b) All applications for an ADU shall disclose the names of all persons or other ownership entities with any percentage of fee-simple ownership of the property upon which the ADU is proposed, as well as the name of the person from said ownership that will be the resident occupant. The Building Inspector shall be notified in writing within thirty (30) days of any changes in the names disclosed.

- (c) All owners of a property holding an ADU permit shall be equally responsible for the operation and maintenance of the ADU and associated property, as well as for compliance with these ADU standards and the terms and conditions of an approved ADU permit.
- (2) Rental term. The minimum rental term of an ADU shall not be less than ninety (90) consecutive days.
- (3) Permit. A Zoning Permit shall be required and is authorized upon satisfactory demonstration of these standards and any other applicable requirements of this chapter. As an accessory use, a permit shall be specific to the property owner. A new property owner wishing to continue the use of the ADU shall obtain their own Zoning Permit for the ADU and provide the affidavit of occupancy as required above.
- (4) Plan. A property survey or other appropriately scaled and qualified plan showing the boundaries of the subject property, existing and proposed structures, existing and proposed septic system and water supply well, and any other the structures and site features on the lot, both as they exist and as they would appear with the accessory apartment, shall be provided.
- (5) Driveway access to the ADU shall be the same as for the principal dwelling; there shall not be a second or separate street curb cut.
- D. Floor area.
- (1) The minimum floor area of an ADU shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
- (2) The maximum floor area of an ADU shall not exceed the smaller of 1,200 square feet or 35% of the total finished habitable gross floor area of the principal dwelling and ADU cumulatively.
- (3) Floor Plans. The following floor plans shall be provided to demonstrate the interior layout, access, separation and applicable maximum permitted gross-floor area of the ADU:
- (a) Scaled “existing” floor plans of the principal dwelling, and if proposed to be used, of the accessory building involved.
- (b) Scaled “proposed” floor plans of the principal dwelling and ADU (within, attached or detached).
- E. Bedrooms. There shall be a maximum of two (2) bedrooms in an ADU.
- F. One-family character. An ADU shall be clearly incidental and subordinate to the principal dwelling structure and shall not change the single-family residential character of the neighborhood. A dwelling and lot containing an ADU shall maintain the architectural and site character and appearance of a one-family dwelling and shall have only one front entrance, when practicable. A denial by the ZEO pursuant to this subsection may be appealed to the Zoning Board of Appeals consistent with §180-90 of this chapter.
- G. Location. An ADU 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 ADU.
- H. Lot size. The minimum lot size shall conform to the requirements for a one-family dwelling.
- I. Number of dwelling units per lot. Only one (1) ADU per lot shall be permitted. No permit for an ADU shall be issued for a lot where the principal dwelling is other than a detached one-family dwelling.

- J. Parking. Parking requirements shall conform to those set forth in § 180-50.
- K. Adequacy of infrastructure. No permit for an ADU shall be granted in any case where the Dutchess County Health Department has determined that the adequacy of existing or proposed water or sewage systems in question are for any reason not capable of handling the cumulative demand of all property uses.
- L. Construction. The ADU shall be constructed in accordance with all applicable laws, regulations, codes and ordinances, including the New York State Uniform Fire Prevention and Building Code.

39. – REPEAL EXISTING § 180-61 and REPLACE with the following:

(Note: Replaces existing "ECHO Units.")

§ 180-61 Day Care Center, Child or Adult.

Day Care Centers (Adult and Child) shall comply with the following supplemental standards:

- A. General Standards (all day care centers – adult and child).
 - (1) Adequate sewage disposal and water service shall be demonstrated.
 - (2) Lighting, landscaping, signage, and off-street parking and loading shall be provided in compliance with the standards set forth in this chapter for non-residential uses.
 - (3) If a new structure or alteration of an existing structure is proposed, such shall be compatible with the character of the neighborhood regarding scale, design, architectural details, materials and setbacks.
 - (4) A day-care center shall only be established in fire-resistive buildings which conform to all provisions of the New York State Uniform Fire Prevention and Building Code.
 - (5) All interior and exterior facilities shall be accessible to the physically challenged.
 - (6) Interior floor plan required.
 - (a) An interior floor plan, drawn to scale, shall be provided showing planned occupancy and use of all interior areas to be utilized by the day care center, including emergency evacuation routes, and fire and safety features, such as but not limited to sprinklers, fire/smoke detectors, audio and visual alarm systems, exits, windows, doors, stairwells and interior and exterior safe-haven areas.
 - (b) Active interior floor areas shall not be in basements or upper floors lacking at-grade or other suitable access such as an elevator.
 - (c) All noxious, toxic or otherwise harmful equipment or chemicals shall be kept in a separate, locked storage area, an adequate and safe distance from the usable areas inside and outside the facility.

- (d) Day care centers located in a building with other uses shall indicate all other uses in the building to ensure adequate safety to the occupants of the day care center. An applicant shall demonstrate that reasonable measures will be implemented to secure the center from entry by persons other than employees, children/adults being cared for, and their guardians. Security measures may include, but are not limited to, appropriate locations for lighting and internal security systems.
 - (7) The grounds, outdoor play or gathering areas, parking areas, drop-off/pickup areas, related site improvements and all buildings and structures shall be kept and maintained in conformity with the approved permit and site plan.
 - (8) The Planning Board may attach other conditions and safeguards as may be considered necessary to protect the health and safety of the staff and adults/children served, to ensure compatibility with contiguous and adjacent uses and adjacent properties, and to enhance and retain the existing cultural image and character of the surrounding area.
- B. Adult Day Care Center Specific Standards.
- (1) An adult day care center is a non-residential facility providing a protective environment in which daytime care, supervision, monitoring, personal care, therapeutic, nutrition and socialization programs, as well as activities for functionally impaired adults aged eighteen (18) or older are provided for a period of less than twenty-four (24) hours per day.
 - (2) An adult day care center shall comply with all applicable standards and regulations of the New York State Office for the Aging or its successor and shall be operated in full compliance with all requirements of the State of New York and the Town of North East. An adult day care center shall not operate until a license or approval has been granted by the New York State Department of Health.
 - (3) An adult day care center shall provide a drop-off/pickup location that includes step-free access. The drop-off/pickup area shall be located to avoid walking across the parking area or traffic areas to reach a vehicle or the related facilities of the center. The drop-off/pickup area and vehicle standing area shall be clearly identified by pavement markings and/or appropriate signage as approved by the Planning Board.
 - (4) If an outdoor recreation or gathering area is provided, such shall be suitably located, constructed and maintained to ensure user access and safety.
 - (a) An outdoor recreation area shall not be placed in the front yard and shall be subject to required side and rear yards equal to those for the principal building.
 - (b) All outdoor recreation areas shall be safely separated and protected from adjacent driveways, parking and loading facilities, and maintenance areas and facilities.
- C. Child Day Care Center Specific Standards.
- (1) An application shall include a narrative description of the proposed operation, including:
 - (a) Opening and closing times.
 - (b) Total enrollment and staff and maximum number of children on site at any one time.

- (c) Discussion of special events, such as large group meetings, parent meetings or open-house days. Estimated dates and time schedules shall be included.
 - (d) Staff arrival and departure times.
 - (e) Student arrival and departure times.
- (2) Dropoff/pickup area. A child day-care center shall include a designated drop-off/pickup area as follows:
- (a) Direct access shall be provided to and from the building to the designated drop-off/pickup area for the loading and unloading of children from vehicles. The drop-off/pickup area shall be located so that children do not have to walk across the parking area or traffic areas to reach a vehicle or the related facilities of the center.
 - (b) The drop-off/pickup area shall provide one-way traffic flow with a separate standing area consisting of a minimum of one drop-off/pickup space for each fifteen (15) children of the center's licensed capacity. A "drop-off/pickup space," for the purposes of this subsection, shall mean a temporary vehicle standing area, measuring twenty (20) feet by twelve (12) feet for perpendicular parking or twenty-two (22) feet by twelve (12) feet for parallel parking, which is not within any traffic aisle. Drop-off/pickup spaces shall not be used or counted as required off-street parking or loading spaces.
 - (c) The drop-off/pickup area and vehicle standing area shall be clearly identified by pavement markings and/or appropriate signage as approved by the Planning Board.
- (3) Outdoor play areas.
- (a) A designated outdoor play area adequate for active play shall be provided, the gross area of which shall be a minimum of 75 square feet per child.
 - (b) The location of the outdoor play area shall be separated from adjacent streets, driveways, off-street parking and loading areas and required drop-off/pickup areas to ensure the safety of the children and staff.
 - (c) An outdoor play area shall not be placed in the front yard and shall be subject to required side and rear yards equal to those for the principal building.
 - (d) All outdoor play areas shall be safely separated and protected from adjacent driveways, parking and loading facilities, and maintenance areas and facilities.
 - (e) If an outdoor play area is sited in an area which is not directly adjacent to the access of the indoor portion of the center, a designated crosswalk or access path shall be provided between the two areas. Fencing, landscaping or other similar features along such path or crosswalk shall be required to provide additional security protection.
 - (f) An outdoor play area shall be enclosed by a landscape buffer and fencing on all sides not adjacent to a building to restrict non-authorized external access and to improve compatibility with adjacent uses and properties. Such landscape buffer may be located within a required yard area.
 - (g) Fencing shall have a minimum height of four (4) feet and gates designed with child-protective locks shall be installed within the fencing to ensure safety for the staff and children using the area.

- (h) An outdoor play area shall be free from any condition which is hazardous and/or dangerous to the health and safety of the staff and children using the area.
 - (i) The construction components of fencing and play apparatus shall be of a suitable type for recreational purposes and which ensures the safety of the staff and children.
 - (j) The ground surface of the outdoor play area shall be covered by cellulose mulch or other suitable material for recreational purposes.
- (4) State regulatory compliance. Prior to the operation of a permitted child day-care center, the center's operator shall provide evidence with all applicable required agency/department approvals, including but not limited to licensing and/or registration as required by the New York State Department of Social Services. Full compliance with the requirements thereunder shall be maintained in good standing.

40. – REPEAL EXISTING § 180-62 and REPLACE with the following:

§ 180-62 Multifamily Dwelling (Conversion of Existing Building)

A. Legislative findings.

- (1) The Town's 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. To accomplish these objectives, the Town is pursuing a variety of approaches to increase housing opportunities.
- (2) The Town Board finds that the community contains several large residential buildings that may not be easily used and maintained as one-family and two-family dwellings because of their large size. The community also contains several large non-residential structures, including agricultural buildings, that cannot be economically maintained in their current or past use and are in danger of falling into disrepair or are subject to demolition if alternate use for them is not available. These buildings, particularly those representing the community's rural and agricultural character, are of historic, architectural and cultural significance to the community and are worthy of preservation.
- (3) By adopting this section, the Town Board seeks to promote affordable housing opportunities, encourage the creation of rental housing and aid the preservation of significant large buildings.

B. Purpose. It is the specific purpose and intent of this section to allow, by special permit, in all districts that allow single family residential use as permitted principal uses, the conversion of an existing building to multiple dwelling units and to provide for the opportunity and encouragement for the development of rental housing units. The enactment of this section is not 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 of existing structures. Furthermore, it is the purpose and intent of this section to encourage the preservation of buildings of historic, architectural and cultural significance by allowing the conversion of these buildings to multiple dwelling unit residential use.

C. Floor area. The minimum floor area of each dwelling unit shall be in accordance with the New York State Uniform Fire Prevention and Building Code. The maximum living floor area of a studio unit shall be no more than 600 square feet.

- D. Eligible buildings. A building shall be eligible for this special permit five (5) years after it is constructed. Proof of the date of construction shall be established by a certificate of occupancy or other means acceptable to the Planning Board.
- E. Architectural integrity of building. The existing building may be expanded only upon showing that such expansion is necessary to allow a reasonable conversion of the building for purposes set forth in Subsections A and B above. If such expansion is permitted, in no case shall the floor area of the building or the lot coverage be increased by more than ten (10%) percent. Any changes to the exterior of the building must be compatible with the existing architecture of the building.
- F. Lot size. The minimum lot size for a conversion shall conform to the requirements set out in the chart below.

Minimum Acreage (acres per district)				
Number of Units	R20,000	R1A	R3A	A5A
4 or fewer	1	2	3	5
5 to 8	2	4	6	10
9 to 12	3	6	Not Permitted	Not Permitted

- G. Number of conversions per lot. Only one (1) conversion per lot shall be permitted. No other residential structures shall be permitted on the same lot with the conversion. A conversion can include the modification of two (2) adjacent buildings on the same lot, provided the total number of units does not exceed the number of permissible units as outlined in Subsection F of this section. The conversion of both buildings would have to be applied for, and approved of by the Planning Board, at the same time. In evaluating an application for the conversion of two (2) buildings on the same lot, the Planning Board shall consider whether the structures are functionally related regarding infrastructure, parking, landscaping and access and whether all other requirements of this section have been adhered to.
- H. Parking.
 - (1) Parking requirements shall conform to those set forth in § 180-50 for dwellings, requiring two (2) parking spaces per dwelling unit, except that the Planning Board may reduce the number of parking spaces to one (1) per dwelling unit if circumstances so warrant.
 - (2) The Planning Board may require landscaping, fences or other appropriate measures to minimize the impact of parking areas on the streetscape and neighboring properties.
- I. Adequacy of infrastructure. The approval of the Dutchess County Health Department of the water and sewage disposal systems of the proposed conversion shall be obtained before issuance of the special permit.
- J. Construction. The conversion shall be constructed in accordance with all applicable laws, regulations, codes and ordinances, including the New York State Uniform Fire Prevention and Building Code.
 - (1) Stairways leading to any floor or story above the first floor shall be located within the walls of the building whenever practicable. If such stairways must be placed on the exterior of the building, they shall be placed and designed in such a manner as to minimize their visibility to neighbors and from the roadway.

- (2) Locations of entrances to the building and dwelling units shall be easily ascertainable to facilitate provision of emergency services.
- K. Application process. Application for a special permit for a conversion 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 apartments, building plans prepared by a licensed architect or engineer and 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 conversion. The Planning Board may waive the need for a site plan if no changes to the site or exterior of the building are proposed and a site plan is deemed not necessary for review and approval of the application.
 - (2) In determining whether to grant the application, the Planning Board shall consider the following factors, in addition to those described in § 180-26:
 - (d) Whether the use will be in harmony with and promote the general purpose of this section.
 - (e) Whether the use will conserve property values and encourage the most appropriate uses of land.
 - (f) Whether the proposed number of dwelling units is appropriate.
 - (g) Whether the lot area is sufficient, appropriate and adequate for the use, particularly regarding septic system and water requirements and proposed density.
 - (h) Whether the use is consistent with the Town's Comprehensive Plan.
- L. Revocation of special permit. A special permit for a conversion may be revoked by the Planning Board, after notice and a hearing, if:
- (1) It shall reasonably appear to the Planning Board that the conversion is not in compliance with applicable laws, regulations, codes, ordinances or special permit conditions; or
 - (2) Any lawful inspection of the conversion by zoning, building or fire officials is refused or prevented by the owner.

41. – REPEAL EXISTING § 180-63C(4) and REPLACE with the following:

(Note: all other provisions of §180-63 remain unchanged)

- (4) No SWECS shall be installed in a location where the Planning Board determines that its impact will be detrimental to the general neighborhood's character.

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

(Note: Deletes standards for “Rod and Gun Clubs” and 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.

43. – 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 (aka Food Trucks).

Mobile Food Vendors, subject to a Zoning Permit from the Zoning Enforcement Officer, shall comply with the following supplemental standards:

- A. Duration.
 - (1) Mobile food vendors shall be an accessory use 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 permitted 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 allowed 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 the minimum required off-street parking spaces of the lot.
- 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.

44. – 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 the 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 also submit the following:
- (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.

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

§ 180-67 Roadside Farm Stand.

A roadside farm stand shall be permitted in the A5A, R3A and LC Districts as a seasonal accessory use related to an agricultural activity occurring on either a farm or a non-farm parcel, subject to the following regulations:

- A. A roadside farm stand shall not exceed 400 square feet in total floor area.
- B. A roadside farm stand shall be located a minimum of 30 feet from any street line.
- C. A roadside farm stand shall be solely for the seasonal display and sale of agricultural products grown on the premises. However, in the case of a farm stand operated on a farm, agricultural products may be grown on parcels owned or leased by the farm in conjunction with the farming operation.
- D. Signage shall comply with provisions set forth in § 180-55 of this chapter.

- E. A zoning permit and certificate of use pursuant to § 180-84 and a building permit and certificate of occupancy pursuant to § 180-85 shall be obtained prior to the construction and operation of a roadside farm stand.
- F. A vehicle not exceeding 6,000 pounds net weight may be considered a permitted roadside farm stand. However, a vehicle or any part thereof customarily known as an over-the-road tractor/trailer or any containerized storage unit shall not be permitted.
- G. A roadside farm stand may be permitted year-round in an enclosed structure, provided that it meets the setback requirements of the Zoning District and all other requirements of this chapter.

46. – REPEAL EXISTING § 180-68 and REPLACE with the following:

§ 180-68 Farm Store

A farm store shall be a use permitted in the A5A and R3A Districts as an accessory use ancillary to an agricultural activity occurring on the farm where located, subject to the following regulations:

- A. A farm store shall be permitted only pursuant to a special use permit issued by the Planning Board in accordance with the provisions of Article VI of this chapter.
- B. The farm store shall be operated as an accessory use to the principal use of agricultural production and/or the practice of animal husbandry on the farm and shall only be operated by the farmer-applicant.
- C. The farm store structure shall not exceed 1,000 square feet of floor space and shall consist of a single story. Nothing herein shall preclude the use of a legally existing agricultural accessory building on a farm for this use, provided that no more than 1,000 square feet of floor area is utilized as a farm store.
- D. The farm store shall be located on the same parcel as the farm and shall comply with all district regulations and supplementary regulations relating to parking and signs. The farm store may sell products grown on any number of other parcels, provided that all parcels are part of a single agricultural operation under the control of the farmer-applicant, the parcel on which the farm store is located is a conforming lot and at least 1/2 of the lot is in agricultural production.
- E. At least 2/3 of the total amount of the annual retail sale of agricultural, horticultural, floricultural, vegetable and fruit products, soil, livestock and meats, poultry, eggs, dairy products, nuts, honey, wool and hides and other agricultural or farm products shall be grown, raised or produced on the farm on which the farm store is located. Notwithstanding the aforementioned restrictions, the farm store may sell supporting farm products and farm products not grown by the farmer-applicant, provided that said products do not exceed one-third of the total annual retail sales of the farm store and the products are purchased regionally (i.e., within a radius of 100 miles). Processed food, where the majority of the ingredients are grown on the farm, shall not be considered supporting farm products subject to the one-third annual sales limitation. Receipts and records of such purchases must be kept by the farmer-applicant. Supporting farm products include but shall not necessarily be limited to baked goods, eggs, dairy products, preserves, syrups, herbal vinegars and salad dressings. Supporting farm products shall not include prepackaged grocery items or tropical fruits.
- F. The farm store may also sell food prepared on premises for off-site consumption, utilizing agricultural and farm products sold at the farm market.

- G. The farm store may also sponsor and conduct farm and harvest festivals on site, provided that the number of festivals conducted by the farm store each year is not greater than four (4) and the festivals are designed to provide agricultural marketing and promotional opportunities for the farm and/or the region's agricultural producers, and further provided that each such festival receives a building permit pursuant to § 180-85 of this chapter.
- H. A farm store may be operated on a year-round basis and may contain bathrooms and/or an area for food preparation occupying no more than ten (10%) percent of the gross floor area of the farm store.
- I. The Planning Board shall have the power to permit a structure or use of space exceeding 1,000 square feet and/or a structure containing a second story and/or the food preparation area to occupy a greater percentage of the gross floor area of the market without the requirement of an application for an area variance, provided that the applicant can demonstrate that such additional square footage and/or storage area and/or larger food preparation area are shown to be necessary to the proposed farm store operation and will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties and will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

47. – 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 structure used for a farmers' market 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 make 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.

48. – REPEAL CERTAIN EXISTING SUBSECTIONS OF § 180-70 and REPLACE with the following:

(Note: Only affects Subsections as noted; all other existing text of §180-70 remains unchanged.)

• ***Repeal existing § 180-70A(1) and replace with the following:***

- (1) No communications facility or personal wireless service facility or tower shall be erected, constructed, placed or installed without first obtaining a special permit from the Planning Board.

- **Repeal existing § 180-70B(2)(c) and replace with the following:**

- (c) Written consent of the property owner to the application for the special permit and to the imposition of reasonable conditions by the Planning Board on any approval regarding use of the property, such as collocation and removal of the facility or tower when no longer in use.

- **Repeal existing § 180-70B(5)(a)[6] and replace with the following:**

- [6] Sight lines:

- [a] View lines in a zero- to two-mile radius from the site, shown beginning at true North and continuing clockwise at intervals of forty-five (45°) degrees.
- [b] A plan map of a circle within a two-mile radius of the facility site on which visibility of the proposed tower from public ways shall be indicated.
- [c] Profile drawings on a horizontal scale of one-inch equals 400 feet with a vertical scale of one-inch equals forty (40) feet. Trees shall be shown at existing heights and at projected heights in ten (10) years.

- **Repeal existing § 180-70B(5)(a)[8] and replace with the following:**

- [8] If required by the Planning Board, the applicant shall arrange to fly or raise upon a temporary mast a three (3) foot diameter brightly colored balloon at the maximum height of the proposed tower during daylight hours at times and durations reasonably determined by the Planning Board. Reasonable advance notice of the test shall be advertised by the applicant in the Town's official newspaper with due regard to the fact that weather conditions may dictate the actual date of the conduct of the test.

- **Repeal existing § 180-70B(5)(e) and replace with the following:**

- (e) The Planning Board shall have the power to modify or waive any of these application requirements, or general requirements, where the application is for installation of a repeater only or if it determines that the requirement is not applicable to, or necessary for, the complete review and evaluation of the particular project, or is unduly burdensome to the applicant, and that the waiver of such requirement will not pose a risk to the public health or safety. The Planning Board may also require such additional documentation or information as it determines may be reasonably necessary for complete review and evaluation of the application.

- **Repeal existing § 180-70C(1) and replace with the following:**

C. General requirements

- (1) Communications and personal wireless facilities and towers may only be located on lots having a minimum of five (5) acres. This limitation shall not apply to repeaters and non-tower-mounted PWSF's. However, the Planning Board shall have the power to waive the five (5) acre requirement if the applicant demonstrates that the proposal meets all setbacks and other requirements of this chapter and will not adversely affect the health, safety and welfare of the neighboring community.

- **Repeal existing § 180-70C(8) and replace with the following:**

- (8) Tower finish. A new tower shall have a galvanized finish unless otherwise required to be painted or otherwise camouflaged to minimize the adverse visual impact.

- **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 Planning Board, 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 Planning Board may issue a special permit and site plan approval in the Medium Density Residential (R20,000); Light Industrial (M-A); Irondale Business (IB); and Boulevard Districts (BD-East and BD-West).

- **Repeal existing § 180-70F and replace with the following:**

- E. Consultant fees. The Planning Board may, in its discretion, retain the services of independent consultants of its own choosing to assist in the review and determination of the application. All costs to the Town for these consultants shall be reimbursed to the Town by the applicant as set forth in §180-28 of this chapter. These costs shall be charged to the applicant in accordance with a schedule of fees adopted by the Town Board, which schedule shall contain a reasonable limitation on the total amount of fees which can be charged to the applicant. The Planning Board shall require the applicant to fund an escrow account which the Town may draw on to ensure reimbursement of those fees. An initial escrow shall be established and shall be replenished to its full amount should the account deplete by fifty (50%) percent or more.

- **Repeal existing § 180-70G and replace with the following:**

- G. Decision. Any decision to grant, deny or conditional modify an application shall be in writing.

49. – 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 may also include an accessory convenience store offering the sale of 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 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 ingress and egress 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).

50. – REPEAL EXISTING § 180-72.1, Subsection B(5) and I(1) 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, M-A and IB 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.

51. – 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 as an accessory use 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. EV charging stations may also be made available to the public at no cost or for a fee to charge an electric vehicle when the driver is not visiting or patronizing the use of the facility subject to site plan approval of the Planning Board. 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.

52. – 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. Minimum Bulk Standards. Multifamily dwellings shall be subject to the bulk standards of § 180-11, as well as the alternative land use development performance modifications set forth in § 180-19D.

C. 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.

D. 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) The minimum floor area of each dwelling unit (market and affordable) shall be in accordance with the New York State Uniform Fire Prevention and Building Code. The maximum living floor area of a studio unit shall be no more than 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.

E. 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, Town Attorney, and the NYS Attorney General.

- (3) Rental Units. If units are to be rented as per subsection (1) above, a minimum of fifty (50%) percent of the 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. **Rental units shall be rented for a minimum lease period of three (3) consecutive months, except affordable housing units as set forth below.**
- (4) Affordable housing units to be included. 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. **Rental affordable housing units shall be rented for a minimum lease period of twelve (12) consecutive months.**
- F. 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 demonstrated for domestic water and fire suppression demands of the development.
- G. 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.
- H. 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.
- I. Unit Design.
- (1) The Planning Board, in reviewing the application, shall review proposed floor plans, facades, exterior lighting, landscaping, parking and signage, 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 reasonably consistent and compatible with the historic architectural image and appearance as found within the Millerton Village center. Unit facades shall also be designed to avoid a barrack 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 and shall comply with all applicable New York State and federal ADA standards and requirements.
- J. 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) Off-street parking and loading, exterior lighting and landscaping shall be provided consistent with the standards for such as required by this chapter.
- (5) 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 or parking structure shall be from the side or rear of the building and shall not be visible to any abutting street.
- (6) The outside parking or storage of recreational vehicles, boats, campers, ATVs, unregistered vehicles, disabled vehicles, or other similar vehicles shall be prohibited.
- (7) Projects **are encouraged to provide** ~~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.
- (8) 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.
- (9) Mailboxes shall be centralized and if outside shall be in a location and design as approved by the Planning Board while satisfying federal standards of the United States Post Office.

53. – 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. **Minimum Bulk Standards. Residential rental apartments shall be subject to the bulk standards of § 180-11, as well as the alternative land use development performance modifications set forth in § 180-19D.**
- C. 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.
- D. 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.
- E. 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.
- F. The minimum floor area of each dwelling unit (market and affordable) shall be in accordance with the New York State Uniform Fire Prevention and Building Code. 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.
- G. 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.
- H. 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.
- I. 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.
- J. Sidewalks shall be provided consistent with §180-23B.

- K. 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 demonstrated for domestic water and fire suppression demands of the mixed-use facility.
- L. 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.
- M. 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.
- N. 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 or parking structure 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.

54. – 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 with 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 housing units shall be maintained according to the original building specifications.
- (7) **Development of additional affordable housing units above the minimum percentage that may otherwise be required are encouraged to seek application of the alternative land use development performance modifications set forth in § 180-19D for properties located within a Boulevard District.**

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 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 developed during the approval process 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 with 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).

55. – 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.

56. – 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 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. No unit shall be used as a temporary or permanent residence.
- 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.

57. – 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.

58. – 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.

59. – REPEAL EXISTING §180-84 and REPLACE with the following:

§ 180-84 Zoning Enforcement Officer (ZEO)

- A. Creation and duties. The Office of Zoning Enforcement Officer is hereby created. The Zoning Enforcement Officer (ZEO) shall administer and enforce all provisions of this chapter, as well as all rules, conditions and requirements specified hereunder by the Zoning Board of Appeals and the Planning Board. The ZEO shall have the following powers and duties:
 - (1) To review all applications submitted to the Town of North East pursuant to this chapter and shall either act directly on the application or refer the application to the appropriate agency or person.
 - (2) To receive and review all applications for a special use permit, site plan review and subdivision review pursuant to the provisions of this chapter. The application shall be forwarded by the ZEO to the Planning Board for review in accordance with the provisions of this chapter and/or Chapter 150, Subdivision of Land, of the Code of the Town of North East. In the event the ZEO finds that the application does not comply in one or more respects with the provisions of this chapter, the application shall be revised by the applicant accordingly or denied by the ZEO, with leave to appeal the ZEO's determination to the Zoning Board of Appeals in accordance with the provisions of Article XI of this chapter.
 - (3) To review all applications for building permits for compliance with the provisions of this chapter.

- (4) To receive, review and approve or disapprove applications for a zoning permit, sign permit and certificate of use, and the plans, specifications and construction documents submitted with such applications, as authorized or required by this chapter upon finding conformity with the requirements and regulations of this chapter; and refuse with reasons to issue same in the event of noncompliance.
 - (5) To conduct inspections to ensure compliance during implementation of zoning related permits as issued by the Planning Board, Zoning Board of Appeals and ZEO.
 - (6) Upon approval and compliant implementation of any application for a special use permit, site plan approval, Zoning Permit or for any other change in use requiring the issuance of a building permit, the ZEO shall issue a certificate of use in accordance with §180-89 of this chapter verifying that the use complies with the provisions of this chapter and the requirements and conditions imposed by the Planning Board.
 - (7) To conduct inspections prior to the issuance of a certificate of use and inspections incidental to the investigation of complaints and all other inspections required or permitted under any provision of this chapter.
 - (8) To issue stop-work orders, notices of violations and/or compliance orders.
 - (9) To review and investigate complaints.
 - (10) To issue orders pursuant to § 180-97, Enforcement; penalties for offenses.
 - (11) To maintain records of all administrative actions and papers.
 - (12) To collect fees set by the Town Board.
 - (13) To pursue administrative and criminal enforcement actions and proceedings and/or criminal proceedings to enforce the provisions of this chapter.
 - (14) To consult with the Town Attorney in the pursuit of such legal actions and proceedings as may be necessary to enforce the provisions of this chapter.
 - (15) To exercise all other powers and fulfill all other duties conferred upon the ZEO by this chapter.
- B. Inspection authority. The ZEO or a duly authorized deputy shall have the right to enter upon, examine and inspect or cause to be entered, examined and inspected any building or property at any reasonable time for the purpose of carrying out his duties and to determine compliance with the provisions of this chapter. A written report of each such examination and inspection shall be prepared on an appropriate form and kept on file by the ZEO.
- C. Appointment and qualifications. The ZEO shall be appointed by the Town Board. The ZEO shall possess background and experience relating to the enforcement, interpretation, application and enforcement of this chapter which shall, within the time period prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York and/or the Town shall require for the ZEO.

- D. Acting Zoning Enforcement Officer (Acting ZEO). In the event the ZEO is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting ZEO. The Acting ZEO shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the ZEO by this chapter.
- E. Deputy. More deputies may be appointed by the Town Board to act under the supervision and direction of the ZEO and to assist the ZEO in the exercise of the powers and fulfillment of duties conferred upon the ZEO by this chapter. The Deputy ZEO shall possess the background and experience relating to the enforcement, interpretation, application and enforcement of zoning laws which shall, within the time period prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York and/or the Town shall require for the ZEO.
- F. Compensation. Compensation of the ZEO and deputies shall be fixed from time to time by the Town Board.

60. – REPEAL EXISTING §180-104 and REPLACE with the following:

§ 180-104 Zoning Text and Map Amendments

- A. The regulations, restrictions and mapped zoning district boundaries established by this chapter may from time to time be amended, supplemented, changed, modified or repealed by the Town Board by adoption of a Local Law pursuant to the provisions of Municipal Home Rule Law Article 3 and 10 in one of the following ways:
- Upon motion of the Town Board;
 - Upon recommendation by the Planning Board; or
 - By applicant petition (as provided below).
- B. Legislative Act. Consideration of a zoning text or map amendment is a legislative act within the sole discretion of the Town Board. Nothing herein shall require the Town Board to consider any amendment, or any amendment recommended by the Planning Board, or any amendment proposed by an applicant petition. Further, the Town Board at its sole discretion may stop or suspend any such consideration at any time for no stated reason.
- C. Applicant Petitions.
- (1) An applicant petition shall be submitted in writing in a form as required by the Town Board and content as prescribed by the requirements below together with a fee payable to the Town of North East in accordance with the Town Board fee schedule, including reimbursement of any professional consulting fees pursuant to §180-28 of this chapter.
 - (2) An applicant petition shall be signed by the applicant and if related to a specific property by all owners of the property or accompanied by a notarized letter from all owners authorizing the applicant and petition as proposed.
 - (3) An applicant petition shall be accompanied by a zone change narrative including a comprehensive analysis of the potential impacts of the proposed change, including but not limited to the following:
 - (a) Details as to the need for the proposed amendment and identification of the potential benefits to the Town.

- (b) A comparison of potential positive and negative aspects of the proposed amendment change.
 - (c) A qualified assessment of how the proposed amendment is consistent with the purposes and recommendations of the Town's Comprehensive Plan, including identification and discussion of any specific recommendations therein regarding the proposed amendment.
 - (d) A qualified assessment of how the proposed amendment is consistent with the purposes of the underlying (existing or proposed) zoning district classification and applicable (existing or proposed) zoning requirements.
 - (e) A qualified assessment of the limitations hindering current use and development under the existing underlying zoning district and/or regulations.
 - (f) Identification of any land or natural resource limitations (e.g., steep slopes, wetlands or watercourses, ledge, or bedrock, etc.)
 - (g) A qualified assessment concerning potential changes affecting existing land uses and development patterns and density, traffic flow and generation, stormwater runoff, historical and cultural aesthetics, visual conditions and connections, and other environmental impact concerns, as well as any differences or similarities regarding such.
 - (h) A qualified assessment of the suitability of the affected lands for future development purposes in comparison to the existing zoning classification and/or regulations.
 - (i) A suitability analysis (utilizing both text and graphic formats) of the subject parcel(s) and surrounding area to support the land demands, development components and other location characteristics associated with the functional and operational aspects of the proposed change in zoning.
 - (j) Assessment of potential issues resulting from zone fragmentation or potential for spot zoning.
- (4) Zoning Map Amendment. An applicant petition to establish a new zoning district or a change to the boundaries of an existing zoning district shall also be accompanied by the following:
- (a) A legal description and certified survey map of the subject property.
 - (b) A rezoning map showing the following:
 - [1] Existing topographic (two-foot contours) and land characteristics (i.e., buildings, structures, land coverage types, wetlands and watercourses, floodplain, rock ledge and outcrops, etc.) of the area referred to in the petition.
 - [2] Identification of the lots involved by owner name, street address and tax map identification.
 - [3] Identification of abutting lots and the names of all property owners per current tax map records for all lots or portions thereof within 500 feet of the subject property perimeter boundary.
 - [4] The location of any Town boundary within 500 feet of the subject property, as well as other existing zoning district boundaries.

-
- (c) The Town Board may require conceptual development plans of the land based on the proposed zoning change to better understand potential suitability of the subject property for the proposed change.
- (5) Zoning Text Amendment. An applicant petition to amend the existing zoning regulations text shall also be accompanied by the following:
- (a) Identification of the specific section or sections of the existing zoning regulations to be amended.
- (b) The petition shall precisely set forth the existing provisions to remain, the specific provisions to be changed, and the provisions to be substituted, deleted, or added. Deletions shall be graphically shown with strike-out text (i.e., ~~strike-out~~). Additions shall be shown as double underlined text (i.e., double underlined). Text to remain shall be shown as plain text. Color text such as gray text to be deleted and blue text to be added may also be included along with the required strike-out and double underlined text graphics.
- (6) Other project specific analyses and reports prepared by qualified professionals may be required, the scope of which shall be subject to prior Town Board review and acceptance.
- (7) The Town Board may require an impact analysis be performed on the potential build-out condition resulting from the proposed zone change.
- (8) The Town Board may require the submission of additional information as deemed necessary to make a reasonable review of the petition application and to determine compliance with the intent and purpose of this chapter and the Town's Comprehensive Plan.
- D. Planning Board Referral.
- (1) Prior to a public hearing, the proposed amendment shall be referred by the Town Board to the Planning Board for a report, unless the proposed amendment was initiated by the Planning Board.
- (2) The Town Board shall not take final action on any such amendment without such a report from the Planning Board unless the Planning Board fails for any reason to render such report within sixty (60) days following the date of the referral, or as otherwise may be agreed to by the Town Board.
- (3) In reviewing a referred amendment, the Planning Board's report shall address, among other things, the following:
- (a) The amendment's consistency with the goals and recommendations of the Town's Comprehensive Plan and other adopted municipal plans, and the effects upon the growth of the Town.
- (b) The amendment's consistency with the objectives and purposes embodied in the Zoning Law and as applied to the zoning district(s) concerned.
- (c) The amendment's potential impact upon existing land use patterns of the underlying zoning district and abutting properties.
- (d) The amendment's appropriateness and the suitability of the proposed or modified land uses involved for the area affected.

- (e) The adequacy of existing public services and school facilities and other support facilities should the amendment be adopted.
- (f) The likeliness of an increase or decrease in the total zoned commercial and/or residential capacity within the Town and the probable effects thereof caused by the adoption of the proposed amendment.
- (g) The indirect implications of such change in its effect on other regulations.

E. County Planning Referral.

- (1) All amendments to this chapter which would change the district classification or the regulations applying to real property lying within a distance of 500 feet of any one of the following shall be referred to the Dutchess County Department of Planning and Development as required by General Municipal Law § 239-l and m:
 - (a) The municipal boundary of the Town of North East.
 - (b) The property boundary of any existing or proposed county or state park or other recreational area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, which are shown on a County Comprehensive Plan of Dutchess County adopted pursuant to General Municipal Law § 239-d, Subdivision 2 or adopted as an Official Map of Dutchess County pursuant to General Municipal Law § 239-g.
 - (c) The right-of-way of any existing or proposed stream or drainage channel owned by Dutchess County for which the county has established channel lines.
 - (d) The existing or proposed property boundary of any county or state-owned land on which a public building or institution is situated.
 - (e) The property boundary of a farm operation located in an Agricultural District, as defined by Agriculture and Markets Law Article 15-AA.
- (2) If the Dutchess County Department of Planning and Development fails to report within thirty (30) days of receipt of a full statement of such referred matter, the Town Board may act without such a report.
- (3) If the Dutchess County Department of Planning and Development disapproves of the proposed amendment, supplement, change or modification or recommends modification of the proposal, the Town Board shall not act contrary to such disapproval or recommendation except by vote of a majority, plus one, of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary act.
- (4) Final Action Report. Within thirty (30) days after final action, the Town Board shall file a report of the final action it has taken with the Dutchess County Department of Planning and Development. Said report shall include the reasons for any contrary action taken by the Town Board to a recommendation of modification or disapproval of a proposed action.

F. Public Hearing

- (1) No changes shall become effective until after a public hearing in relation thereto, at which the public shall have an opportunity to be heard.

- (2) The Town Board shall fix the time and place of a public hearing and cause service of written notice thereof as provided in NYS Town Law § 264 and § 265.
- (3) At least ten (10) days prior to the date of the public hearing:
 - (a) Written notice shall be published in a paper of general circulation in the town; and
 - (b) Written notices shall be personally served or sent by mail to those persons listed below where the proposed action affects property within 500 feet of the following:
 - [1] The property of a housing authority erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.
 - [2] The municipal boundary of a city, village or town; upon the clerk thereof.
 - [3] The boundary of a county; upon the clerk of the board of supervisors or other person performing such duties.
 - [4] The boundary of a state park or parkway; upon the regional state park commission having jurisdiction over such state park or parkway.
- (4) For petitions seeking to amend the zoning map, written notice shall be sent by certified mail, return receipt requested, to all property owners within a distance of 500 feet of the boundaries of the affected property. The preparation and cost of the publication and mailing of any notice required for a public hearing relating to a petition shall be at the cost and expense of the petitioner.

G. Adoption

- (1) The Town Board resolution adopting a zoning change shall be entered into the minutes of the Town Board and, in the case of a zoning district map amendment, the change shall be graphically depicted on the official Zoning Map filed in the Town Clerk's office.
- (2) An adopted amendment shall become effective immediately upon its filing in the office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, specifically Municipal Home Rule Law § 27.
- (3) The provisions of NYS Town Law § 265.1 regarding written protests to proposed map or text amendments to the Zoning Law shall not apply to the Town of North East.

**TOWN OF NORTH EAST
CHAPTER 180 ZONING – UPDATE OF ZONING REGULATIONS**

DRAFT ZONING AMENDMENTS

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: ZP = Permit by Zoning Enforcement Officer Approval SP = Planning Board Site Plan Approval SUP = Planning Board Special Use Permit (also requires SP) A5A: Agricultural District R3A: Very Low Density Residential District R1A: Low Density Residential District R20,000: Medium Density Residential District					
AGRICULTURE					
Agriculture, Indoor	SP	SP	SP	X	
Agriculture / Farm Operation	ZP	ZP	ZP	X	
Farm, Cage Type Poultry	SUP	SUP	X	X	On a lot not less than 50 acres
Farm, Nursery	ZP	ZP	ZP	X	
Farm, Pig	SUP	SUP	X	X	On a lot not less than 100 acres
Farm and Harvest Festival	SUP	SUP	X	X	Must be associated with a permitted Farm Market
Farm Market	SUP	SUP	X	X	§180-68
Farmers’ Market	X	X	X	X	See Schedule 1NR for where permitted
Riding Academy	SUP	SUP	SUP	X	Animal housing buildings and storage of manure shall be located no less than 200 feet from any lot line.
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)	SUP	SUP	SUP	SUP	§180-62
Family Care Home	ZP	ZP	ZP	ZP	

ATTACHMENT 1R – SCHEDULE OF PERMITTED PRINCIPAL USES – RESIDENTIAL DISTRICTS					
PRINCIPAL USE	RESIDENTIAL ZONING DISTRICT				
	A5A	R3A	R1A	R20,000	SUPPLEMENTAL PROVISIONS
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Family-Type Home for Adults	SUP	SUP	SUP	SUP	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.
Group Family Day Care Home	ZP	ZP	ZP	ZP	
INSTITUTIONAL					
Cemetery	SUP	SUP	X	X	
Church or Place of Worship	SUP	SUP	SUP	SUP	R1A & R20,000 on a lot not less than 3 acres
Educational Center (on a site not less than 10 acres)	SUP	SUP	X	X	§180-43
Nursing Home	X	SUP	X	X	
Public Park	SP	SP	SP	SUP	
Public Utility Facility and/or Substation	SUP	X	X	X	
Solar Farm	SUP	SUP	SUP	X	§180-72.1
School	SUP	SUP	SUP	SUP	§180-43 R1A & R20,000 on a lot not less than 3 acres

ATTACHMENT 1R – SCHEDULE OF PERMITTED PRINCIPAL USES – RESIDENTIAL DISTRICTS					
PRINCIPAL USE	RESIDENTIAL ZONING DISTRICT				
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OTHER					
Communications Facilities / Towers Personal Wireless Service Facilities	SUP	SUP	SUP	X	§180-70
Country Inn	SUP	SUP	X	X	§180-40
Golf Course	SUP	SUP	X	X	
Junkyard	X	X	X	X	Prohibited Use §180-13
Kennel (on a site not less than 10 acres)	SUP	SUP	X	X	
Membership Organization	SUP	SUP	X	X	
Outdoor Recreation Passive	SP	SP	SP	SP	Structures are not permitted in a floodplain.
Quarry, Sand Pit, Gravel Pit, Topsoil Stripping	X	X	X	X	Prohibited 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 §180-13
Vape Store and any Tobacco Specialty Business	X	X	X	X	Prohibited Use §180.13
Veterinary Office / Animal Hospital	SUP	SUP	X	X	On a site not less than 10 acres
Wildlife or Nature Preserve	SUP	SUP	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 accessory use subject to the same permit type as required for the associated principal use, except as otherwise required by this chapter 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 Dwelling Unit (ADU)	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	Accessory to a Farm
EV Charging Station	P	P	P	P	§180-72.2 – Accessory to One-Family & Two-Family Dwellings, and Farms.
Family Day Care Home	P	P	P	P	Accessory to One or Two-Family Dwelling.
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.
Farm and Harvest Festival	P	P	P	P	<u>Accessory to Farm Operation with Site Plan Approval</u>
Farm Store	P	P	P	P	§180-68
Home Occupation	P	P	P	P	§180-58
Landscaping	P	P	P	P	§180-51
Off-Street Parking and Loading	P	P	P	P	§180-50
Open Storage	P	P	P	P	
Outdoor Lighting	P	P	P	P	§180-53

ATTACHMENT 2R – SCHEDULE OF PERMITTED ACCESSORY USES – RESIDENTIAL DISTRICTS					
ACCESSORY USE	RESIDENTIAL ZONING DISTRICT				
	A5A	R3A	RA1	R20,000	SUPPLEMENTAL PROVISIONS
KEY: P = Permitted accessory use subject to the same permit type as required for the associated principal use, except as otherwise required by this chapter 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					
Outdoor Vehicle Storage	P	P	P	P	Accessory to One and Two-Family Dwellings. 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.
Private Stable	P	P	P	P	Accessory to One and Two-Family Dwellings
Rectory / Parish House	P	P	P	P	Accessory to Church of Other Place of Worship
Roadside Farm Stand	P	P	X	X	§180-67 – Seasonal Accessory Use
Signs	P	P	P	P	§180-55
Small Wind Energy Conversion System (SWECS)	P	P	X	X	§180-63
Solar Energy System, Freestanding or Ground Mounted	P	P	P	P	§180-72.1
Solar Energy System, Roof or Building Mounted	P	P	P	P	§180-72.1
Storage of Manure	P	P	X	X	§180-72
Temporary Uses and 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 includes BD-West-North and South					
	BD WEST	BD EAST	IB	LC	M-A	
KEY: ZP = Zoning Enforcement Officer Zoning Permit SP = Planning Board Site Plan Approval SUP = Planning Board Special Use Permit (also requires SP) 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, Indoor	X	X	X	SP	SP	
Agriculture / Farm	X	X	X	ZP	X	
Farm Equipment Sales and Rental	X	<u>SP</u> ✕	SP	X	X	
Farmers' Market	SP	SP	SP	X	X	§180-69
Riding Academy	X	X	X	SUP	X	Animal housing buildings and storage of manure shall be located no less than 200 feet from any lot line.
AUTOMOTIVE						
Gas Station / Gas Station with Convenience Store	X	SP	X	X	X	§180-71
Motor Vehicle Body Shop	X	SP	SP	X	X	§180-52
Motor Vehicle Repair Shop	X	SP	SP	X	X	§180-52
Motor Vehicle Sales and Rentals	X	SP	SP	X	X	§180-52

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MUNICIPAL / UTILITY						
Communications Facilities / Towers Personal Wireless Service Facilities	X	X	X	X	X	§180-70 Prohibited in Non-Residential Districts
Municipal Uses – Town of North East Facilities	ZP	ZP	ZP	ZP	ZP	
Public Utility Facility and/or Substation	X	X	X	X	X	Prohibited in Non-Residential Districts
Solar Farm	X	X	SUP	SUP	SUP	§180-72.1
OFFICE / MEDICAL						
Business and Professional Offices	SP	SP	SP	X	X	
Medical and Dental Offices	SP	SP	SP	X	X	
Medical Clinic	SP	SP	SP	X	X	
Medical Radiology / Diagnostic Lab	SP	SP	SP	X	X	
Tradesman (and Workshop) Office	SP	SP	SP	X	X	
Urgent Care Facility	SP	SP	SP	X	X	
Veterinary Office / Animal Hospital	SP	SP	SP	X	X	

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RECREATION						
Indoor Recreation	X	SP	SP	X	X	BD-East: 5,000 sf maximum gross floor area.
Makerspace	SP	SP	SP	X	X	BD-West: 3,500 sf maximum gross floor area.
Museum	SP	SP	X	X	X	
Outdoor Recreation Commercial	X	X	X	SUP	X	Structures are not permitted in a floodplain.
Outdoor Recreation Passive	X	X	X	SP	X	Structures are not permitted in a floodplain.
Public Park	X	X	X	SP	X	
Wildlife or Nature Preserve	X	X	X	SP	X	§180-66 - SP required for site alterations, except 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, One-Family	X	X	X	SP	X	Structures are not permitted in a floodplain. Density per nearest adjoining Residential District.
Dwelling, Two-Family	X	X	X	SP	X	Structures are not permitted in a floodplain. Density per nearest adjoining Residential District.
Dwelling, Semidetached	X	X	X	SP	X	Structures are not permitted in a floodplain. Density per nearest adjoining Residential District.
Dwelling, Multifamily	SP	SP	X	X	X	§180-72.3
Dwelling, Rental Apartments above Commercial	SP	SP	SP	X	X	§180-72.4

ATTACHMENT 1NR– SCHEDULE OF PERMITTED PRINCIPAL USES – NON-RESIDENTIAL DISTRICTS						
PRINCIPAL USE	NON-RESIDENTIAL ZONING DISTRICT					SUPPLEMENTAL PROVISIONS
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RESTAURANT						
Brew Pub (Micro Brewer)	SP	SP	<u>SP</u> ✘	X	X	May include accessory outdoor dining.
Caterer / Commercial Kitchen	SP	SP	SP	X	X	
Restaurant	SP	SP	<u>SP</u> ✘	X	X	May include accessory outdoor dining.
Restaurant, Take-Out	SP	SP	<u>SP</u> ✘	X	X	May include accessory outdoor dining.
Retail Bakery / Specialty Foods	SP	SP	<u>SP</u> ✘	X	X	May include accessory wholesale component.
RETAIL						
Adult or Child Day Care Center	SUP	SUP	SUP	X	X	§180-61
Artisan Workshop	SP	SP	SP	X	X	BD-West: 3,500 sf maximum gross floor area
Cannabis Dispensary	X	SP	X	X	X	§180-59
Bank	SP	SP	<u>SP</u> ✘	X	X	
Beverage and Liquor Store	SP	SP	<u>SP</u> ✘	X	X	
Building Supply Store	X	SP	<u>SP</u> ✘	X	X	
Funeral Home	X	SP	<u>SP</u> ✘	X	X	§180-64
Furniture Store, New and Used	SP	SP	SP	X	X	
Gallery	SP	SP	SP	X	X	BD-West: 3,500 sf maximum gross floor area
Garden Center Retail	SP	SP	SP	X	X	

ATTACHMENT 1NR– SCHEDULE OF PERMITTED PRINCIPAL USES – NON-RESIDENTIAL DISTRICTS						
PRINCIPAL USE	NON-RESIDENTIAL ZONING DISTRICT					SUPPLEMENTAL PROVISIONS
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General Merchandise Retail	SP	SP	<u>SP</u> ✘	X	X	Storefront interaction with point of sale primarily to patrons onsite, may also include online sales
General Merchandise Retail, Online Call Center	SP	SP	SP	X	X	No storefront interaction with patrons, 100% sales transactions via online or phone
General Repair Business	SP	SP	SP	X	SP	
Grocery Store	SP	SP	X	X	X	
Hotel	X	SP	X	X	X	§180-48
Instructional Retail	SP	SP	SP	X	X	
Laundry (self or full service)	SP	SP	<u>SP</u> ✘	X	X	
Outdoor Play Equipment and Accessory Sheds Sales	X	X	SP	X	X	
Personal Service Business	SP	SP	SP	X	X	
Pet Grooming Business	SP	SP	SP	X	X	
Pharmacy	SP	SP	<u>SP</u> ✘	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	SUP	X	SUP	§180-72.6
Shooting Range	X	X	X	X	X	Prohibited Use §180-13

ATTACHMENT 1NR– SCHEDULE OF PERMITTED PRINCIPAL USES – NON-RESIDENTIAL DISTRICTS						
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	*BD-4: Principal Uses as permitted in §180-19C *BD WEST includes BD-West-North and South					
	BD WEST	BD EAST	IB	LC	M-A	
KEY: ZP = Zoning Enforcement Officer Zoning Permit SP = Planning Board Site Plan Approval SUP = Planning Board Special Use Permit (also requires SP) 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						
Solar Farm	X	X	SUP	SUP	SUP	§180-72.1
Quarry, Sand Pit, Gravel Pit, Topsoil Stripping	X	X	X	X	X	Prohibited Use §180-13
Storage of Alcohol, Gasoline, Crude Oil, Liquefied Petroleum Gas or Other Highly Flammable Substance	X	X	X	X	X	Prohibited Use §180-13
Warehousing, Self-Storage	X	X	SUP	X	X	§180-72.7
Warehousing, Commercial Storage Buildings	X	X	SUP	X	SUP	§180-72.8
Wholesale Distribution Business	X	X	SUP	X	SUP	§180-72.9

TOWN OF NORTH EAST – DRAFT ZONING AMENDMENTS – ADD NEW ATTACHMENT 2NR

ATTACHMENT 2NR – SCHEDULE OF PERMITTED ACCESSORY USES – NON-RESIDENTIAL DISTRICTS						
ACCESSORY USE	NON-RESIDENTIAL ZONING DISTRICT					SUPPLEMENTAL PROVISIONS
	*BD-4: Principal Uses as permitted in §180-19C *BD WEST includes BD-West-North and South					
	BD WEST	BD EAST	IB	LC	M-A	
KEY: P = Permitted accessory use subject to the same permit type as required for the associated principal use, except as otherwise required by this chapter X = Accessory 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 Agriculture	X	X	X	P	P	Accessory to principal M-A use
Accessory Dwelling Unit (ADU)	X	X	X	P	X	§180-60 Accessory to One-Family Dwelling on single lot
Accessory Buildings and Structures	P	P	P	P	P	
Accessory Use of a Building	P	P	P	P	P	
Bar / Tavern	P	P	P	X	X	Accessory to Restaurant
Drive-Through	P	P	P	X	X	§180-41
EV Charging Station	P	P	P	X	P	§180-72.2
Family Day Care Home	X	X	X	P	X	Accessory to One and Two-Family Dwellings
Landscaping	P	P	P	P	P	§180-51
Mobile Food Vendor	P	P	P	P	P	§180-65
Off-Street Parking and Loading	P	P	P	P	P	§180-50
Open Storage	P	P	P	P	P	§180-18
Outdoor Dining	P	P	X	X	X	§180-45 – Requires Special Use Permit & Site Plan
Outdoor Lighting	P	P	P	P	P	§180-53

ATTACHMENT 2NR – SCHEDULE OF PERMITTED ACCESSORY USES – NON-RESIDENTIAL DISTRICTS						
ACCESSORY USE	NON-RESIDENTIAL ZONING DISTRICT					SUPPLEMENTAL PROVISIONS
	*BD-4: Principal Uses as permitted in §180-19C *BD WEST includes BD-West-North and South					
	BD WEST	BD EAST	IB	LC	M-A	
KEY: P = Permitted accessory use subject to the same permit type as required for the associated principal use, except as otherwise required by this chapter X = Accessory 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						
Outdoor Vehicle Storage	X	X	X	P	X	Accessory to One and Two-Family Dwellings. 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.
Private Stable	X	X	X	P	X	Accessory to One and Two-Family Dwellings
Signs	P	P	P	P	P	§180-55
Solar Energy System, Freestanding or Ground Mounted	P	P	P	P	P	§180-72.1 – Requires Special Use Permit/Site Plan
Solar Energy System, Roof or Building Mounted	P	P	P	P	P	§180-72.1
Storage of Dyes, Solvents or Other Chemicals	X	X	X	X	P	Used in the operations of the principal use. Prohibited as a principal use §180-13
Temporary Uses and Structures	P	P	P	P	P	§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 & BD West-North	BD West-South				
KEY: BD-4: Boulevard District 4 • BD-West: Boulevard District West (BD-West-North – North Side of Route 44 / BD-West-South – South Side of Route 44) • BD-EAST: Boulevard District East IB: Irontdale 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		2 ⁽⁴⁾	2 ⁽⁴⁾	2 ⁽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.						

**TOWN OF NORTH EAST
CHAPTER 180 ZONING – UPDATE OF ZONING REGULATIONS**

DRAFT ZONING AMENDMENTS

AMENDED ZONING MAP

Town of North East Zoning Map

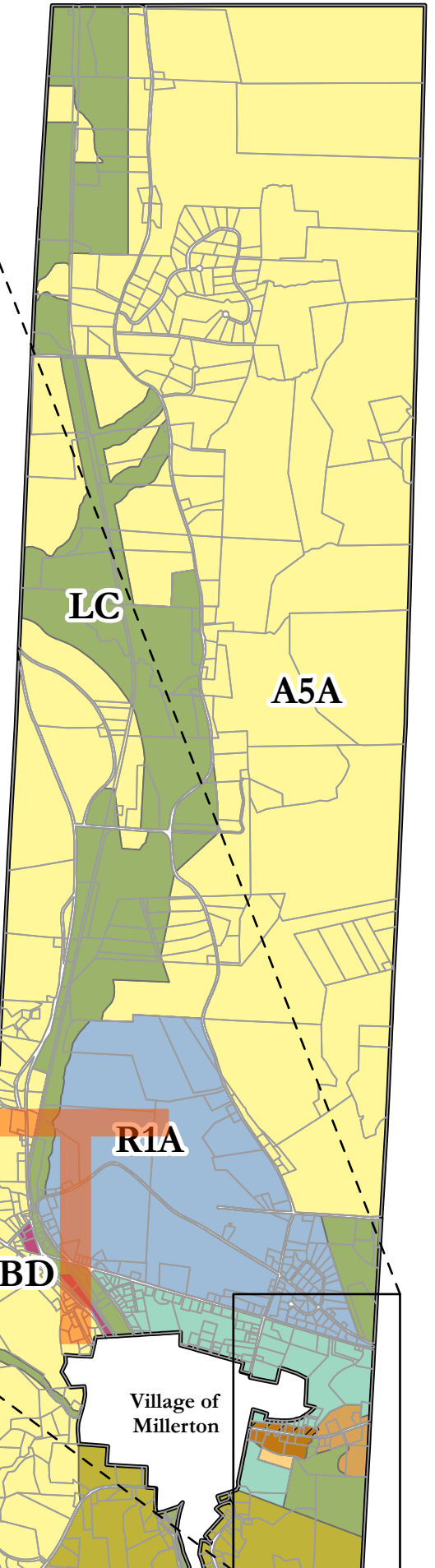
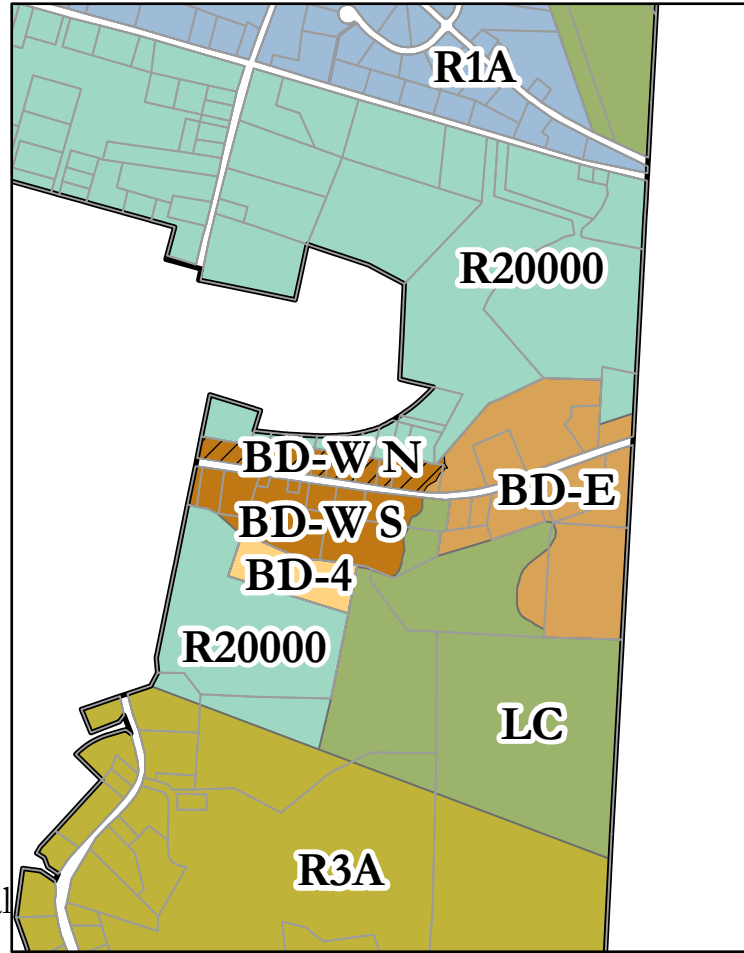


Legend

- 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: January 2026

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.

A dynamic version of this map can be found at gis.dutchessny.gov/zoning

DRAFT

