

ARTICLE I, Purposes

§ 100-1. Purposes.

It is the intention of the Town of Lloyd to:

- A. To guide its future growth and development in accordance with a comprehensive plan of land use and population density that represents the most beneficial and convenient relationships among the residential, nonresidential and public areas within the Town, considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and mode of living, and future requirements, considering such conditions, trends and requirements both within the Town and in relationship to areas outside thereof.
- B. To provide adequate light, air and privacy, to secure safety from fire and other danger and to prevent overcrowding of the land and undue congestion of population.
- C. To protect the character and the social and economic stability of all parts of the Town, to encourage the orderly and beneficial development of all parts of the Town and to protect and conserve the value of land and buildings appropriate to the various districts established by this chapter, including areas set aside for long-range agricultural use.
- D. To bring about the gradual conformity of the uses of land and buildings throughout the Town through the comprehensive Zoning Ordinance set forth herein and to minimize conflicts among the uses of land and buildings.
- E. To promote the most beneficial relationship between the uses of land and buildings and the street system which serves these uses, having particular regard to the potential amount and intensity of such land and building uses in relationship to the traffic capacity of the street system, so as to avoid congestion in the streets and to promote safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and buildings throughout the Town.
- F. To provide a guide for public action in the orderly and efficient provision of public facilities and services and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town.

ARTICLE II, Definitions

§ 100-2. General construction of language.

- A. All words used in the present tense include the future tense, and all words in the singular number include the plural number, and vice versa.

- B. The word "person" includes corporations and all other legal entities; the words "lot," "plot," "tract of land" and "premises" shall include land and buildings thereon; the word "building" shall include "structure" and vice versa; and the word "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied" unless the natural construction of the wording indicates otherwise.
- C. The word "shall" is always mandatory.
- D. Unless otherwise specified, all distances shall be measured horizontally.
- E. The word "Town" means the Town of Lloyd; the term "Town Board" means the Board of Trustees of said Town; the term "Town Clerk" means the Town Clerk of said Town; the term "Zoning Inspector" means the Zoning Inspector of said Town; the term "Board of Appeals" means the Zoning Board of Appeals of said Town; the term "Planning Board" means the Planning Board of said Town; and the term "Town Plan" means the plan adopted by the Town Planning Board pursuant of § 272-a of the Town Law.

§ 100-3. Terms and words defined.

As used in this chapter, the following terms shall have the meanings indicated:

ADULT USE -- The use of any building, structure or land, or portion thereof, for any purpose involving activities that are open to the public generally but exclude or are required by law to exclude any minor by reason of age, as set forth and defined herein. [Added 2-11-1998 by L.L. No. 1-1998]

A. **ACTIVE ADULT USES** -- Applies to the following types of establishments:

- (1) **ENTERTAINMENT CABARET** -- A public or private establishment which is licensed to serve food, nonalcoholic beverages, and/or alcoholic beverages, which features topless and/or bottomless dancers, nude dancers, strippers, male or female impersonators or similar entertainers.
- (2) **ADULT MINI-MOTION-PICTURE THEATER** -- An enclosed building, structure or any portion thereof with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas for observation by patrons therein.
- (3) **ADULT MOTION-PICTURE THEATER** -- An enclosed or unenclosed building or structure or a portion of a building or structure, drive-in theater or other facility used for presenting materials having, as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas for observation by patrons therein.
- (4) **MASSAGE ESTABLISHMENT** -- Any establishment having a fixed place of business where massages are administered for pay, including, but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershop or beauty salon where

massages are administered only to the face, scalp, neck or shoulders. This definition shall exclude health clubs, which have facilities for physical exercise such as tennis courts, racketball courts or exercise rooms, which do not receive their primary source of revenues through the administering of massages as well as those individuals holding New York State Department of Education licenses as a masseuse or masseurs, who may also practice in a private residence in the Town of Lloyd.

B. PASSIVE ADULT USES -- Applies to the following types of establishments:

- (1) **ADULT BOOKSTORE --** An establishment or a business, whether retail or wholesale, having, as a substantial or a significant portion of its stock-in-trade, books, magazines or other periodicals and/or films and viewing materials for sale or viewing on premises, by use of motion-picture devices or any coin-operated means, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or an establishment or business containing a segment or section devoted to the sale, viewing or display of such material.
- (2) **SPECIFIED ANATOMICAL AREAS:**
 - (a) Less than completely and opaquely covered:
 - [1] Human genitals or pubic region.
 - [2] The cleavage of the human buttocks.
 - [3] That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple). This definition shall include the entire lower portion of the breast but shall not be interpreted to include any portion of the cleavage of the breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided that the areola is not so exposed.
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (3) **SPECIFIED SEXUAL ACTIVITIES:**
 - (a) Human genitals in a state of sexual stimulation or arousal.
 - (b) Acts of human masturbation, sexual intercourse or sodomy.
 - (c) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
 - (d) Sadomasochistic abuse.

AGENCY-OPERATED BOARDING HOME -- A residence operated by a child-caring agency that is licensed by the New York State Board of Social Welfare or the Department of Mental Hygiene, with occupancy limited to not more than six nontransient minors who are provided

with constant adult supervision, who, for various reasons, cannot reside in their natural home and who are not classified by the state as "Persons In Need of Supervision (PINS)." [Added 5-10-1978]

AGRICULTURAL USE -- Use of an area for the raising of livestock and for the production of crops or other products of the soil, except for quarrying, mining and the use of the land for a water supply other than for purposes of agriculture or the domestic supply of owners or persons employed in agricultural occupations on the land.

ALTER -- To move a building from one location or position to another, or to change or rearrange the existing facilities of a structure or any change in the supporting members of a structure, including but not limited to bearing walls, retaining walls, columns, beams or girders.

AREA, BUILDING -- Total of areas taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

BOARDINGHOUSE -- A dwelling occupied by one family with three or more boarders, roomers or lodgers who are lodged with or without meals as part of the same housekeeping unit and who are provided such services as are incidental to its use as a temporary residence for part of the occupants and for which compensation is paid, either directly or indirectly. The term "boardinghouse" shall include rooming house and lodging house but not group home or group residence for the purposes of this chapter.

BUILDING -- Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY -- A building subordinate to the main building on the same lot and used for purposes customarily incidental to that of said main building.

BUILDING HEIGHT -- The vertical distance to the level of the highest point of the roof, if the roof is flat, or to the mean level between the eaves and the highest point of the roof, if the roof is of any other type, measured as follows:

- A. If the building adjoins the front property line or is not more than 10 feet distant therefrom, measured at the center of the front wall of the building from the established grade of the curb; or, if no grade has been officially established and no curb exists, or if the building is more than 10 feet from the front property line, measured from the average level of the finished ground surface across from the front of the building.
- B. When a lot fronts on two or more streets of different levels, the lower street or the average elevation of the lot with regard to the abutting streets may be taken as the base for measuring the height of the building.

BUILDING, MAIN -- A building in which is conducted the main or principal use of the lot on which said building is situated.

CLUB -- An organization and its facilities catering exclusively to members and their guests for recreational, athletic or social purposes, the activities of which are not primarily for gain,

provided that there are not conducted any vending stands, merchandising or commercial activities, except as required generally for the membership and purposes of such club.

CONVALESCENT OR NURSING HOME -- Any establishment where three or more persons, suffering from or afflicted with or convalescing from any infirmity, disease or ailment, are habitually kept or boarded or housed for remuneration, other than municipal or incorporated hospitals and establishments, licensed by the State Commission of Mental Hygiene, and maternity homes licensed by the State Commissioner of Health.

COURT -- An unoccupied open space, other than a yard, on the same lot with a building, which open space is bounded on two or more sides by the walls of such buildings.

COVERAGE -- That percentage of the lot area covered by the combined area of all buildings or structures on the lot.

DWELLING -- A building designed or used exclusively as living quarters for one or more families. The term shall not be deemed to include automobile court, motel, boarding- or rooming house, mobile home, tourist home or tent.

DWELLING, MULTIPLE -- A dwelling containing three or more dwelling units.

DWELLING, SINGLE-FAMILY -- A dwelling containing one dwelling unit only.

DWELLING, TWO-FAMILY -- A dwelling containing two dwelling units only.

DWELLING UNIT -- A building or portion thereof providing complete housekeeping facilities for one family.

FAMILY -- One or more persons occupying a dwelling unit and living as a single housekeeping unit in a domestic relationship based upon birth, marriage or adoption or not more than two unrelated persons occupying a dwelling unit and living together as a single housekeeping unit. [Amended 5-10-1978]

FRONTAGE -- The extent of a building or of land along a street.

GARAGE, PRIVATE -- An accessory building or part of a main building used only for the permitted storage of motor vehicles as permitted in this chapter.

GASOLINE SERVICE STATION -- Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing or repairing, resale or rentals of such motor vehicles.

GRADE, FINISHED -- The finished grade at any point along the wall of a building shall be the elevation of the completed surfaces of lawns, walks and roads adjoining the wall at that point.

GROUP HOME -- A residence operated by a child-caring agency that is licensed by the New York State Board of Social Welfare or the Department of Mental Hygiene, with occupancy limited to not more than 12 nor less than seven nontransient minors who are provided with

constant adult supervision, who, for various reasons, cannot reside in their natural home and who are not classified by the state as "Persons In Need of Supervision (PINS)." [Added 5-10-1978]

HOME OCCUPATION -- Any use customarily conducted entirely within a dwelling and carried on only by the residents thereof, using only customary home appliances, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital, barbershop, beauty parlor, photographer or artist salon, real estate and/or insurance office, tearoom, tourist home, animal hospital or any similar use shall not be deemed to be a home occupation. Any business enterprise or activity which shall require a license or permit from the Town or any bureau or department of the county or state shall not be deemed to be a home occupation.

HOSPITAL -- Unless otherwise specified, deemed to include sanitarium and any other place for the diagnosis, treatment or other care of human ailments, but not including those for epileptic, drug, alcoholic, insane or feeble-minded patients. The term shall not include a rest home, medical clinic or nursing or convalescent home.

LOADING SPACE -- Any off-street space, available for the loading or unloading of goods, not less than 12 feet wide, 35 feet long and 14 feet high (if covered in any manner), and having direct usable access to a street, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to and not separated from such first loading space need not be wider than 12 feet.

LOT -- A parcel of land not divided by streets, devoted or to be devoted to a particular use, or occupied or to be occupied by a building or buildings as permitted by this chapter, together with such open spaces as are required under the provisions of this chapter, and having its principal frontage on a street or on such other means of access as may be deemed in accordance with the provisions of law to be adequate as a condition of the issuance of a temporary certificate of compliance (building permit) for a building or buildings on such land.

LOT AREA -- The total horizontal area included within lot boundaries.

LOT, CORNER -- A lot, at least two adjacent sides of which each abut for a total distance of 50 feet or more on streets or public places.

LOT DEPTH -- The horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

LOT LINES -- The property lines bounding a lot, as defined herein.

LOT LINE, FRONT -- In the case of a lot abutting upon only one street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purpose of this chapter, have the privilege of electing any street lot line as the front lot line.

LOT LINE, REAR -- The lot line which is generally opposite the front line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

LOT WIDTH -- The horizontal distance between the side lot lines, measured at right angles to the lot depth, at its maximum dimension.

MIGRANT WORKERS' CAMP -- A camp designed to provide temporary living accommodations for five or more people as defined by the New York State Department of Health.

MINERAL -- Any naturally formed, usually inorganic, solid material located on or below the surface of the earth, including, but not limited to, sand, gravel, stone, peat and topsoil.

MINING -- Use of a parcel of land or contiguous parcels of land, or portions thereof and all haulageways and all equipment above, on or below the surface of the ground, for the purpose of excavating and producing a mineral for sale or exchange, or for commercial, industrial or municipal use, not including the process of preparing land for the construction of a structure for which a building permit has been issued. [Added 7-29-1996 by L.L. No. 4-1996]

MINING SUBJECT TO STATE JURISDICTION -- An operation which results in the mining or proposed mining from each site of more than 1,000 tons or 750 cubic yards, whichever is less, of minerals from the earth within 12 successive calendar months or an operation which results in the mining or proposed mining of over 100 cubic yards of minerals from or adjacent to any body of water not subject to the jurisdiction of Article 15 of the New York State Environmental Conservation Law or the Public Lands Law.

MINING NOT SUBJECT TO STATE JURISDICTION -- All mining which is not defined as mining subject to state jurisdiction.

MOBILE HOME TRAILER PARK -- Any plot of ground upon which two or more house trailers, occupied for dwelling or sleeping purposes, are or are designed to be located, regardless of whether or not a charge is made for such accommodations. The term "mobile home trailer park" shall include the terms "mobile home park," "trailer park," "trailer camp," "house trailer park" or other similar phrase.

MOTEL or HOTEL -- A building or portion thereof containing rooms occupied primarily by transients who are lodged with or without meals and in which there are certain public rooms and halls for the use of all guests, and in which are provided such services as are incidental to the use thereof as a temporary residence.

NONCONFORMING USE -- A use of a building or of land that does not conform to the regulations as to use in the district in which it is situated, which use was lawful at the time this chapter or amendments thereto became effective. (See Article XXVIII.)

NONTRANSIENT MINOR -- An individual under the age of 21 years who is residing or is intended to reside in an agency-operated boarding home or a group home for a period of not less than one year. [Added 5-10-1978]

PARKING AREA -- An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of about 350 square feet of parking area per parking space. (See Article XXVI.)

PARKING SPACE -- An off-street space available for the parking of one motor vehicle on a transient basis, and having a width of at least nine feet and a depth of at least 20 feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct usable access to a street. (See Article XXVI.)

PORCH -- A roofed-over structure projecting out from the wall or walls of a main structure and often open to the weather.

RECREATIONAL VEHICLE, MOTORIZED -- Any enclosed motorized vehicle on wheels which may be used for temporary dwelling (e.g., overnight camping) purposes and containing any facilities such as bunks, toilet or kitchenette, and of a gross weight of over two tons.

ROOMING HOUSE -- See "boardinghouse."

SCHOOL, PRIVATE -- A kindergarten, primary or secondary school, generally not conducted for profit, furnishing a comprehensive curriculum of academic instruction similar to that of a public school.

SCHOOL, PUBLIC -- An educational institution operated by a public school district under the laws of the State of New York.

SIGN -- Any device for visual communication, whether movable or permanently fixed, which is used for the purpose of bringing the subject thereof to the attention of the public. For the purposes of this chapter, signs shall be considered to be structures and shall be subject to all regulations applicable to structures unless otherwise specifically provided. The word "sign" does not include the flag, pennant or insignia of any nation, state, town, village or other municipal unit, nor any banner of a noncommercial public or semipublic agency used temporarily in connection with a campaign, drive, movement or event.

STORY -- That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if the ceiling is more than five feet above the level from which the height of the building is measured or if it is used for business purposes or for dwelling purposes by other than a janitor or watchman.

STORY, HALF -- A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

STREET -- A way which is an existing state, county or Town highway, or a way shown upon a subdivision plat approved by the Town Planning Board^{[1]EN} as provided by law or on a plat duly filed and recorded in the office of the County Clerk.

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

SUBDIVISION -- The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.

SWIMMING POOL -- Any artificial body of water or receptacle for water having a depth at any point greater than two feet and used or intended to be used for swimming or bathing and constructed, installed or maintained in or above the ground out of doors.

TERRACE -- An uncovered flat platform of earth with or without a surface material or retaining walls. A terrace with a roof or awning shall be considered a porch.

TRAILER -- Any vehicle or portable structure, capable of being mounted on wheels attached to the frame, which is designed for dwelling purposes. Whether a mobile home is denoted a "trailer" under this chapter will not be affected by whether the trailer is encapsulated or enclosed in a shell, garage, tent or barn.

USE, ACCESSORY -- A use which is customarily incidental and subordinate to the principal use of a lot, water area or a building and located on the same lot or water area therewith.

USE, PRINCIPAL -- The specific purpose for which land, water or a building or structure is designed, arranged or intended or for which it is or may be occupied or maintained. [Amended 3-18-1987 by L.L. No. 2-1987]

YARD -- An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as may be specifically authorized in this chapter. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a building or the point of a group of buildings nearest to such lot line, and the measurement shall be taken at right angles from the line of the building, excluding permitted projections as defined herein, to the nearest lot line.

YARD, FRONT -- A yard extending across the full width of the lot and lying between the front lot line and the nearest line of the building.

YARD, REAR -- A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

YARD, SIDE -- A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the front and rear lot line, as the case may be.

ARTICLE III, Districts Established

§ 100-4. District classification.

The Town of Lloyd is hereby divided into the following classes of districts:

R-2 One-Family Residence District, two acres per family

R-1 One-Family Residence District, one acre per family

TR-1 One-Family Trailer/Residence District, one acre per single trailer or residence and 11,000 square feet per trailer in park

R- 1/2 One-Family Residence District, 1/2 acre per family

TR- 1/2 One-Family Trailer/Residence District, 1/2 acre per single trailer or residence and 7,500 square feet per trailer in park

R- 1/4 One-Family Residence District, 1/4 acre per family

MF-5 Multiple-Family Residence District [Added 10-12-1983 as L.L. No. 4-1983^[2]EN

MF-10 Multiple-Family Residence District [Added 10-12-1983 as L.L. No. 4-1983]

DB Designed Business District

A Agricultural District

CB Central Business District

LB Local Business District

PRD Planned Residential Development District (variable density)

PUD Planned Unit Development (variable density) [Added 3-24-1982 by L.L. No. 1-1982]

WB Waterfront Business District

GB General Business District

LI Light Industrial District

HI Heavy Industrial District

WBOD Waterfront Bluff Overlay District [Added 5-13-1994 by L.L. No. 1-1994]

§ 100-5. Zoning Map.

Said districts are bounded and defined as shown on a map entitled "Town of Lloyd Zoning Map," and which, with all explanatory matter thereon, is hereby made a part of this chapter.^[3]EN

§ 100-6. Interpretation of district boundaries.

Where uncertainty exists as to the location of any boundaries shown on the Zoning Map, the following rules shall apply:

- A. District boundary lines are intended to follow streets, rights-of-way, watercourses or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where district boundaries are indicated as approximately following streets, rights-of-way or watercourses, the center lines thereof shall be construed to be such boundaries.
- C. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- D. The district classification of any water area within the Town shall be deemed to be the same as the classification of the adjoining land area.
- E. If, after use of the above rules and map, the district classification of any land is in question, it shall be deemed to be in the most restrictive of the adjoining districts.

§ 100-7. Lots in two or more districts.

Where a lot in one ownership of record is divided by one or more district boundary lines, each of said divisions of the lot shall be subject to the regulations of the district in which it is located. However, for purposes of determining conformance to minimum lot area requirements, a lot containing a use permitted in a residence district may meet its lot requirements partly in one district and partly in another district.

ARTICLE IV, General Regulatory Provisions

§ 100-8. Application of regulations.

- A. No building shall be erected, constructed, moved, altered, located, rebuilt or enlarged, nor shall any land, water or building be used, designed or arranged to be used for any purpose except in accordance with this chapter.
- B. In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare. This chapter shall not be deemed to affect, in any manner whatsoever, any easements, covenants or other agreements between parties, except that where this plan imposes a greater restriction upon the use of buildings or land or upon the erection, construction, establishment, moving, alteration, location or enlargement of buildings than is imposed by easements, covenants or agreements, or by public ordinances, rules, regulations, licenses, certificates or other authorizations, the provisions of this chapter shall prevail.
- C. The term "permitted principal use" shall not be deemed to include any nonconforming use. Nothing written herein or elsewhere in this chapter shall be interpreted as precluding more than one permitted principal use on the same lot, so long as such multiple use is consistent with the standards written below. [Added 3-18-1987 by L.L. No. 2-1987]

ARTICLE IVA, Site Plan Review [Added 7-13-1988 by L.L. No. 5-1988]

§ 100-8.1. Site plan review required.

Site plan review by the Planning Board is required:

- A. For all new nonresidential structures or structural additions to existing nonresidential structures.
- B. Where a significant and substantial change of use occurs in a nonresidential structure or structural addition thereto. A significant and substantial change shall not be deemed to have occurred unless there is:
 - (1) Any change affecting 2,000 or more square feet of an existing structure;
 - (2) An increase of 50% in total square footage;
 - (3) An increase of 50% in water and sewer demand;
 - (4) An increase of 50% in the generation of solid wastes;
 - (5) An increase of 50% in required parking; or
 - (6) Potential use of hazardous materials.
- C. Where required in other articles in the Town of Lloyd Code for residential structures.
- D. For clustered subdivisions under Town Law § 281.
- E. For all adult uses, active and passive, as defined in § 100-3 of this chapter. [Added 2-11-1998 by L.L. No. 1-1998]

§ 100-8.2. Planning Board considerations and scope.

The Planning Board may approve site plan after review of all of the elements provided, as follows:

- A. That the site development will adequately handle traffic circulation, including pedestrian and vehicular traffic both within the site and in relation to the street system adjoining.
- B. That the site development will harmoniously fit in with contiguous land and buildings and adjacent neighborhoods.
- C. That the site development, including buildings and landscaping, will not conflict with the appropriate and orderly development of adjacent land and buildings of the district within which said site is located.
- D. That parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

- E. In addition, the Planning Board shall consider the factors of drainage, water supply, sewage disposal, road alignment and other engineering aspects of such site plan and may require the review of such factors by engineering authorities appointed by the Town.
- F. When considering changes of use and structural additions to nonconforming properties, the Planning Board shall consider the inability of the landowner to provide all of the necessary parking and traffic flow or construct the building as if the lot were empty and shall modify its requirements accordingly for such nonconforming properties.
- G. In acting on any proposed site plan, the Planning Board shall take into consideration the requirements of the Town Master Plan and the Official Zoning Map. The Planning Board shall also consider the comments and recommendations of all Town agencies interested in the application and all agencies to which referral is mandated by law.

§ 100-8.3. Procedure.

The Planning Board shall approve or disapprove applications for site plans for land uses within the Town as herein designated and pursuant to and in accordance with the standards and procedures set forth below:

- A. General procedure.
 - (1) Submission of application. An application shall include all items on the approved checklist, unless waived by the Planning Board.
 - (2) Acceptance by the Planning Board of the site plan application as complete, after State Environmental Quality Review Act requirements have been completed.
 - (3) Public hearing. A public hearing shall be held within 45 days of the acceptance of the application as complete, on notice published five days before the hearing and mailed by regular mail to adjacent property owners.
 - (4) Planning Board decision. The Board shall make its decision on the application to approve, disapprove or approve with conditions within 45 days of the date of the public hearing. This time limit may be extended by mutual consent of the applicant and the Board.
- B. Application requirements. An application for site plan approval shall be made in writing to the Chairman of the Planning Board and shall be accompanied by information contained on a checklist obtained from the Zoning Administrator. The checklist may be amended from time to time by the Planning Board.
- C. Required fees. An application for site plan review shall be accompanied by a fee as established by the Town Board. The applicant must pay all special consulting fees for engineers, planning consultants and attorneys retained by the Town as required by the Planning Board to process the application. The applicant shall be responsible for payment of all required fees prior to Planning Board consideration.

- D. Acceptance of the application as complete. The application as submitted shall be considered complete at the next Planning Board meeting if all requirements of Subsection B and C are satisfied.
- E. Public hearing. The public hearing shall be held within 45 days of the acceptance of the application as complete. The public hearing shall be advertised by the Board at least five days prior to the affixed day in the official Town newspaper and notice served by regular mail on adjacent property owners.
- F. Reimbursable costs. Costs incurred by the Planning Board for consultation fees for legal or engineering or other expenses in connection with the review of proposed site plan shall be charged to the applicant if such expenses are estimated by the Planning Board to exceed \$500 and the Planning Board imposes such costs by resolution.
- G. Site plan approval, disapproval or approval with conditions. The Board shall make its decision within 45 days of the date of the public hearing. This time limit may be extended by mutual consent of the applicant and the Board.

ARTICLE V, Regulations Applicable to All Districts

§ 100-9. Applicable regulations.

The regulations in the following sections shall apply in all zoning districts.

§ 100-10. Buildings, uses and lots.

- A. Lot. Every building hereafter erected shall be located on a lot as herein defined.
- B. Required street frontage. No temporary certificate of compliance shall be issued for any land use or structure unless the lot upon which such land use is to be established or structure is to be built has the required frontage on a street or highway as defined herein, which street frontage provides vehicular access to such land use or structure and which street or highway shall have been suitably improved to the satisfaction of the Planning Board, or a performance bond posted therefor as provided in § 280-a, Article 16, Chapter 62, of the Town Law of New York.
- C. Yard and open space for every building. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building. No yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.
- D. Subdivision of a lot. Where a lot is formed hereafter from part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the establishment of a land use or the erection of a building on the new lot thus created unless it complies with all the provisions of this chapter.

- E. Irregularly shaped lots. Where a question exists as to the proper application of any of the requirements of this chapter to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Board of Appeals shall determine how the requirements shall be applied.
- F. Parts of lot not counted towards area requirements. For any lot created by subdivision subsequent to the date when this chapter is adopted, no part of such lot less in width than 1/3 the minimum requirement for the district in which it is located shall be counted as part of the required minimum lot area.
- G. New buildings on lots less than the minimum area. A temporary certificate of compliance may be issued for the erection of a building for a permitted use on a lot for which a valid conveyance has been recorded prior to the adoption of this chapter, notwithstanding that the area or dimensions of such lot are less than that required for the district in which such lot lies, provided that all yard setbacks and other requirements which are in effect at the time of the obtaining of the temporary certificate of compliance are complied with and the owner of such a lot did not own other lots contiguous thereto at the time of the adoption of this chapter. If the latter is the case, such other lot, or so much thereof as may be necessary, shall be combined with the first-named lot to make one or more conforming lots; whereupon a permit may be issued, but only for such combined lots. Where the required area or dimensions of lots are changed by an amendment to this chapter, any legal lot existing at that date and made nonconforming by such amendment may be built upon within the limits of the two conditions mentioned above in this subsection. Attention is called to the fact that any subdivision of land must be approved by the Town Planning Board as a prerequisite of the legal establishment of such lot.
- H. (Reserved)^{[4]EN}
- I. The use of mobile homes (trailers or motorized recreational vehicles) for dwelling purposes shall not be permitted in any district, except that, in TR Districts, trailers are permitted in an approved mobile home trailer park, as expressly provided for in this chapter, and, in such districts, one trailer may be located on any other individual lot, provided that such lot complies with all normal area and dimensional requirements for the district in which it is located.
- J. Residential parcels. On residential parcels, one camping trailer or motorized recreational vehicle may be parked or stored in an enclosed accessory garage or accessory building or in a rear yard, provided that no living quarters shall be maintained nor any business conducted in connection therewith while such trailer or motorized recreational vehicle is so parked or stored on the lot. Commercial vehicles of a gross weight of 10,000 pounds (five tons) or less may be parked or stored on residential parcels. [Amended 1-12-1983 by L.L. No. 1-1983]

§ 100-11. Yards, yard improvements, building projections and setbacks.

- A. Terraces. A paved terrace shall not be considered in the determination of lot coverage or yard requirements; provided, however, that such terrace is without roof, awnings, screens, walls, parapets or other forms of enclosure. Such terrace, however, may have a guard railing or

open fence, but such terrace shall not project into any yard to a point closer than five feet from any lot line.

- B. Porches. No porch may project into any required yard. Any two-story or any enclosed porch, or one having a roof and capable of being enclosed, shall be considered a part of the building in determining the yard requirements for amount of lot coverage.
- C. Projecting horizontal architectural features. Architectural features, such as windowsills, belt courses, chimneys, cornices, eaves or bay windows, may project not more than three feet into any required yard. The sum of any bay window projections or any wall shall not exceed 1/4 the length of said wall.
- D. Fire escapes. Open fire escapes may extend into any required yard not more than five feet.
- E. Projecting features above the roofline. The height limitations of this chapter shall not apply to flagpoles, church spires, belfries, cupolas and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads or similar features, radio and television antennas for the use of residents of dwellings in apartments and necessary mechanical appurtenances usually carried above the roof level. Such a feature, however, shall be erected only to a height necessary to accomplish the purpose it is intended to serve, but in no case more than 15 feet above its lowest point of contact with the roof. The total area covered by such features shall not exceed in cross-sectional area 15% of the area of the section of roof upon which they are located. Such features as water tanks, cooling towers and bulkheads shall be enclosed within walls of material and design in harmony with the main walls of the building on which they are located.
- F. Parapet walls. A parapet wall may extend no more than five feet above the roof of the building on which it is located, nor more than five feet above the height limit for the district in which it is located.
- G. Walls and fences.
 - (1) It shall be unlawful to construct or commence the construction of a fence without first filing with the Zoning Inspector an application, in writing, and obtaining a formal permit. No fence consisting of woven wire, woven board, picket board or a cultivated or natural growth of shrubs or trees exceeding six feet in height shall be erected on the rear lot line and such portions of the side lot lines as shall be lot lines enclosing the rear yard, and no such fence shall exceed six feet in height on the remainder of the lot lines, provided that if such fence shall be erected along any such road or highway, the permitted height thereof shall not exceed 2 1/2 feet at any point within a radius of 30 feet from the corner formed by any intersecting roads or highways. All front and corner heights shall be measured from the natural grade.
 - (2) A fence on any lot line of a parcel of one acre or more with at least 150 feet frontage or on lot lines between business- and residential-zoned property may exceed the maximum height mentioned herein, but only by permit of the Zoning Board of Appeals upon proper conditions.

- (3) No fence shall be constructed consisting of concrete, stone, cinder block or other solid material to a height of greater than six feet with the exception of the aforesaid limitation of 2 1/2 feet on road intersections.
 - (4) In all conflicts of interpretation of side line or rear line, the height of the fence applicable shall be the lower height called for.
- H. Visibility at intersections. On any corner lot, no building, fence, wall, hedge or other structure or planting more than 2 1/2 feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from their point of intersection, measured along said street lines. The height of 2 1/2 feet shall be measured above the road surface at the nearest edge of the pavement. This subsection shall not apply to existing trees, provided that no branches are located closer than six feet to the ground.
- I. Swimming pools. All swimming pools shall be considered structures and shall be set back from lot lines at least the minimum distance required for principal buildings.
- J. Courts. Whenever a room cannot be reasonably and adequately lighted and ventilated from a street or from a yard as required by this chapter, a court conforming with the provisions of this subsection shall be provided to give light and ventilation to such room. The width of an outer court shall not be less than 1/3 its height nor less than eight feet. The depth of an outer court shall not exceed its width. The least horizontal dimension of an inner court shall not be less than 1/3 its height nor less than 15 feet.

ARTICLE VI, Miscellaneous Regulations

§ 100-12. Buffer areas.

Along all lot boundaries of a business or industrial use adjoining a residential district, a buffer area shall be established and maintained in full compliance with the following standards:

- A. It shall be at least 10 feet in width.
- B. It shall be of evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will screen the activities on the lot from the adjoining residential area.
- C. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.
- D. Required planting shall be properly maintained throughout the continuance of the use on the lot.
- E. A wall or fence of location, height and design approved by the Planning Board as providing equivalent screening may be substituted for the required planting.

§ 100-13. Exterior lighting.

All exterior lighting shall be of such type and location and shall have such shading as will prevent the light source from being seen beyond the boundaries of the lot upon which it is located.

§ 100-14. Overhead obstruction.

The lowest portion of any overhead obstruction shall be at least seven feet above sidewalk/grade level.

§ 100-15. Landfill sites.

Landfill sites shall be subject to rules and regulations established by the Town Board.

§ 100-16. Kennels.

Kennels shall be allowed only in agricultural and industrial zones. Three or more dogs over six months of age constitute a kennel.

ARTICLE VII, Schedules of Regulations and Standards

§ 100-17. Permitted uses and standards applying to various districts. [Amended 7-29-1996 by L.L. No. 4-1996]

The following schedules of regulations and standards (Articles VII through XXIV) list the permitted uses of land and buildings and the standards and requirements applying to such uses for the various districts of this chapter. Unless otherwise indicated, requirements shall be deemed to be the minimum in every instance of their application. Any use not identified as a permitted use in §§ 100-18, 100-19 and 100-21 is a prohibited use in such districts.

§ 100-17.1. Overlay districts. [Added 5-13-1994 by L.L. No. 1-1994]

Where an overlay district is created by an amendment to this Code, the regulations and standards as set forth in the section of the Code applying to such overlay district shall be deemed to be additional to those regulations and standards set forth in this article and any other sections of this chapter and Appendix, or any other provisions of the Code of the Town of Lloyd. The following schedules and standards in this article are subject to the provisions set forth in Article XXIVD for the Waterfront Bluff Overlay District (WBOD), which must be consulted in addition to the regulations and standards set forth in this article for properties located along the Hudson River in the WBOD Zone.

§ 100-18. Schedule of residential district uses.

A use marked with an asterisk (*) may be permitted, subject to the approval procedure set forth in Article XXV, and shall conform to any additional requirements made in connection with such approval.

A. Permitted principal uses.

- (1) One single-family dwelling or one two-family dwelling* per lot.
- (2) Multiple dwelling* in the MF District only, provided it is served by municipal sewerage and water system or by an independent sewage disposal system or water system approved by the Ulster County Department of Environmental Services.
- (3) Agricultural use* (other than the raising of livestock), nurseries* and greenhouses,* provided that no noise, odor- or dust-producing substance or use shall be permitted within 150 feet of any street or property line, and provided further that there shall be no display of products other than in growth and no advertising on the premises. Cold storage, processing plants or migrant labor camps are not permitted. (Subject to Article XI.)
- (4) Church,* other places of worship* and cemetery.*
- (5) Public school.
- (6) Private school.*
- (7) Public library* or museum.*
- (8) Day nursery or nursery school.*
- (9) Governmental use.
- (10) Park, playground or other public recreation facilities.
- (11) Commercial recreation uses* specifically oriented towards the use of mountainous and hilly lands, such as ski areas, ski tows, warming and ski maintenance huts, hotels, restaurants and swimming and camping areas, in R-1 and R-2 Districts only.
- (12) Trailers* or mobile home trailer parks* in TR-1 and TR- 1/2 Districts, subject to Planning Board site plan review in accordance with the procedures and requirements as set forth in Article VIII.
- (13) Water supply and sewage disposal systems and facilities.
- (14) Hospital,* nursing* or convalescent* home.
- (15) Civic or youth centers.*
- (16) Private nonprofit membership club.*
- (17) Public utility distribution lines and unit substations,* provided that any utility substation shall be located on a lot not less than 10,000 square feet in area, shall have suitable fencing to protect the public and landscaping and planting to effectively screen the substation from surrounding property. Yard setbacks of the district in which located shall be met. In addition, there shall be adequate off-street parking area for maintenance, service or other vehicles, but in no case less than two parking spaces. Minor structures,

such as hydrants, telephone or light poles or similar equipment, shall not be subject to these regulations.

(18) Medical clinics* or medical group offices.*

(19) Agency-operated boarding home* or group home,* subject to Article XXIII. [Added 5-10-78]

(20) Boardinghouse.* [Added 12-18-1980 by L.L. No. 12-1980]

B. Permitted accessory uses.

(1) An office of a physician, lawyer, surgeon or dentist when situated in the same dwelling used by such physician, lawyer, surgeon or dentist as his private dwelling, and with not more than two nonresident employees or associates.

(2) Customary home occupation, as defined herein.

(3) The keeping of not more than two nontransient roomers or boarders in any dwelling.

(4) Garages and other areas for parking of motor vehicles, only one of which may be a commercial vehicle of a gross weight of 10,000 pounds (five tons) or less. [Amended 1-12-1983 by L.L. No. 1-1983]

(5) Parish house, rectory or church schoolrooms.

(6) No more than two signs, not exceeding four square feet in area, each pertaining to a permitted nonresidential use in the district, including sale, lease or rent signs, but excluding advertising signs. Signs shall be nonmoving and, if lighted, shall be non-flashing and shielded.

(7) Swimming pool, provided that such facility is not located in the required front yard and is set back from lot lines at least the side yard distance from a main building in the district in which located.

(8) Migrant worker camp, but only on the farm where the occupants are principally employed.

(9) Any other accessory building or use customarily incident to a permitted use, except as limited above, subject to Article XI.

(10) Raising of livestock* is permitted in an R-1 or R-2 District for personal use only, according to the following regulations and schedules. The lot shall be a minimum of five acres with a twenty-five-foot buffer zone on all lot boundaries (fence or corral must be 25 feet in from all lot lines) and must adhere to the following schedule: one horse per two acres; or one cow per two acres; or one sheep per acre; or one goat per acre.

§ 100-19. Schedule of agricultural district uses. [Amended 7-29-1996 by L.L. No. 4-1996]

A use marked with an asterisk (*) is subject to the approval procedure set forth in Article XXV. A use marked with a number one \{1\} is subject to the approval procedure set forth in Article X.

A. Permitted principal uses.

- (1) All agricultural uses, but no stands or stores for the resale of products to the public on the premises other than farm products.
- (2) Cold storage facilities.*
- (3) One single-family dwelling or one two-family dwelling* per lot on lots of not less than four acres per dwelling.
- (4) Churches.*
- (5) Schools, public or private.*
- (6) Libraries* and museums.*
- (7) Utility buildings* and radio and television towers.*
- (8) Parks and playgrounds.
- (9) Commercial recreation uses* specifically oriented towards the use of mountainous and hilly lands, such as ski areas, ski tows, warming and ski maintenance huts, hotels, restaurants and swimming and camping areas, on lots of at least four acres.
- (10) Kennel for raising dogs.
- (11) Boardinghouse.* [Added 12-18-1980 by L.L. No. 12-1980]
- (12) Mining of no more than 1,000 tons or 750 cubic yards, whichever is less, within 12 successive calendar months. \{1\} [Added 7-29-1996 by L.L. No. 4-1996]

B. Permitted accessory uses.

- (1) Garage storage or parking space may be provided for vehicles that are properly associated with the use of the lot.
- (2) No more than two signs, not exceeding four square feet in area, each pertaining to a permitted nonresidential use in the district, including sale, lease or rent signs, but excluding advertising signs. Signs shall be nonmoving and, if lighted, shall be nonflashing and shielded. Two signs having a total square footage of not more than 32 feet may be erected pertaining to a permitted agricultural use conducted on the lot or property.
- (3) Migrant labor housing.

§ 100-20. Residential and agricultural district standards.

Standards shown are minimum requirements, unless otherwise stated. Dimensions are in feet, unless otherwise indicated. (See definitions of terms in § 100-3.)

	A (e)	R-2	TR- 1(d) R-1	District 1/2(d)	TR- R- 1/2	R- 1/4	MF- 10(i)	MF- 5(i)
Lot area								
per dwelling unit (acres)	1(f)	2	1	1/2		1/4	(a)	(a)
Lot width at main building line (feet)	125(f)	150	125	100		85	125	125
Front yard (b) (feet)	30(f)	30	30	30		30	75(g)	75(g)
Side yard (c) [feet]								
Minimum side yard	30(f)	35	15	15		15	50(g)	50(g)
Total of two	70(f)	100	50	50		50	100(g)	100(g)
Side yard adjoining street (feet)	30(f)	30	30	30		30	75(g)	75(g)
Rear yard (c) [feet]	30(f)	30	30	30		30	50(g)	50(g)
Maximum height:								
Stories	2 1/2	2 1/2	2 1/2	2 1/2		2 1/2	2(g)	2(g)
Feet	35	35	35	35		35	35	35
Maximum building coverage (all buildings)	10%	10%	10%	15%		20%	10%	15%
Required off-street parking spaces	As required in Article XXVI		(h)	(h)				

NOTES:

- (a) As specified in § 100-100.22. [Amended 10-12-1983 by L.L. No. 4-1983]
- (b) On streets with less than a fifty-foot-right-of-way, the front yard setback shall be measured from the center line of the right-of-way, if known, and 25 feet shall be added to the required front yard setback. On streets of unknown right-of-way, the

same procedure shall be followed, except that measurements shall be taken from the center line of the existing roadway.

- (c) A private garage may be built across a common lot line by mutual agreement between adjoining property owners, a copy of said agreement to be filed with the building permit application for such garage.
- (d) See § 100-24 for minimum lot area and dimensional requirements for mobile homes.
- (e) Except residences and attached garage shall be allowed a setback of 50 feet from highway.
- (f) [Amended 7-9-1980 by L.L. No. 9-1980]
- (g) Subject to the dimensional standards and conditions specified in § 100-100.23. [Added 10-12-1983 by L.L. No. 4-1983]
- (h) As specified in § 100-100.27. [Added 10-12-1983 by L.L. No. 4-1983]
- (i) [Amended 10-12-1983 by L.L. No. 4-1983]
- (j) Overlay requirements of the Waterfront Bluff Overlay District (WBOD) are set forth in Article XXIVD. [Added 5-13-1994 by L.L. No. 1-1994]

§ 100-21. Schedule of business and industrial district uses. [Amended 8-13-1980 by L.L. No. 10-1980; 3-18-1987 by L.L. No. 2-1987; 7-29-1996 by L.L. No. 4-1996; 2-11-1998 by L.L. No. 1-1998]

No building, group of buildings, structure or premises nor all or any portion thereof shall be used and no building or group of buildings, structure or premises shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or in part, except as consistent with the uses set forth below. Any use not identified as a permitted use is a prohibited use. In addition, a use marked with an asterisk (*) is subject to the standards and procedures set forth in Article XXV. A use marked with a number one \{1\} is subject to the approval procedure set forth in Article X. A use marked with a number two \{2\} is subject to the approval procedure set forth in Article XXIVE.

A. Permitted principal uses.

(1) CB Central Business District.

- (a) Stores and shops for the conduct of retail business, banks, post office, restaurants and other places serving food and beverages, professional and business offices and establishments for the performance of various personal services.
- (b) Places of amusement, physical fitness, gaming and sport, including both indoor and outdoor facilities and activities.* [Amended 10-25-1989 by L.L. No. 7-1989]

- (c) Club* or youth center.*
 - (d) Any nonresidential use permitted in a residence district. Special permits required where so indicated.
 - (e) Single-family, two-family and multiple-family dwellings, subject to the requirements of § 100-22. [Added 8-13-1980 by L.L. No. 10-1980]
- (2) LB Local Business District.
- (a) Stores and shops for the conduct of retail business and the serving of food and drink and establishments for various personal services.
 - (b) Gasoline service stations.*
 - (c) Any nonresidential use permitted in a residence district. Special permits required where so indicated.
- (3) DB Designed Business District.
- (a) Stores and shops for the conduct of retail business, banks, post office and establishments for the performance of various personal services, provided that such uses are part of a planned shopping complex on a site of at least five acres.*
 - (b) Restaurants and other places serving food and beverages.*
 - (c) Places of amusement, physical fitness, gaming and sport, including both indoor and outdoor facilities and activities.* [Amended 10-25-1989 by L.L. No. 7-1989]
 - (d) Gasoline service stations* and automotive service establishments. *
 - (e) Hotels,* motels* or tourist homes.*
 - (f) All main uses as permitted and regulated in the LI District.
 - (g) Any nonresidential use permitted in a residence district. Special permits required where so indicated.
- (4) WB Waterfront Business District.
- (a) Restaurants and eating and drinking places.
 - (b) Boat or yacht clubs.*
 - (c) Places for storage, rental or sale of boats or products related to boats or water recreation.
 - (d) Other uses related to waterfront recreation.*
- (5) GB General Business District.
- (a) All main uses as permitted and regulated in the CB District.
 - (b) Tourist homes,* hotels,* motels.*

- (c) Repair shops and workshops.
 - (d) Wholesale and storage business.
 - (e) Radio and television towers and transmitting activities.*
 - (f) Gasoline service stations,* garages* and automobile repair shops.*
- (6) LI Light Industrial District.
- (a) Industrial uses where the use is conducted within fully enclosed buildings and complies with all of the performance requirements specified in Article XII.
 - (b) Repair shops and workshops.
 - (c) Radio and television towers and transmitting activities.
 - (d) Wholesale* and storage business.*
 - (e) Office uses.
 - (f) Kennel for raising dogs.
 - (g) Adult uses.*{2}
- (7) HI Heavy Industrial District.
- (a) Any use permitted in the LI District.
 - (b) Any other industrial use complying with the performance requirements in Article XII.
 - (c) Mining of no more than 1,000 tons or 750 cubic yards, whichever is less, within 12 successive calendar months. {1}

B. Permitted accessory uses.

- (1) CB Central Business District.
- (a) Any accessory buildings or use customarily incident to a permitted use.
 - (b) No more than two signs pertaining to a permitted use conducted on the lot where such signs are displayed, provided that such signs do not face any lot line of any adjoining lot in a residence zone if within 50 feet of said lot. Signs shall not exceed two square feet for each linear foot of building frontage, or a maximum total area of 100 square feet, and shall not project into any street. Freestanding or temporary signs shall not exceed 25 square feet in area and shall not be located in required front yard. Signs shall be nonmovable and, if lighted, shall be nonflashing and shielded.
- (2) LB Local Business District: same as for Central Business District.
- (3) DB Designed Business District: same as for Central Business District.
- (4) WB Waterfront Business District.

- (a) Any accessory building or use customarily incident to a permitted use.
- (b) Parking area and loading space for motor vehicles pertaining to the permitted uses.
- (5) GB General Business District.
 - (a) All accessory uses permitted and regulated in the CB District.
 - (b) Any other accessory building or use customarily incident to a permitted use.
 - (c) Parking area and loading space for motor vehicles pertaining to the permitted uses; provided, however, that all vehicles shall be set back 15 feet from the front line of said lot, and except for entrance and egress, the fifteen-foot area shall be enclosed with suitable permanently fixed ground bumper guards.
 - (d) Exterior lighting subject to § 100-13.
 - (e) Outdoor storage of goods, wares or merchandise for retail sale, provided that it shall be set back from the highway 25 feet. Any other storage of goods, wares or merchandise for wholesale use or used in connection with the operation of a business or trade, either off or on the premises, not in retail, shall be subject in all respects to all setback provisions.
- (6) LI Light Industrial District: same as for General Business District.
- (7) HI Heavy Industrial District: same as for General Business District.

§ 100-22. Business and industrial district standards.

Standards shown are minimum requirements, unless otherwise indicated. Dimensions are in feet, unless otherwise indicated.

	District						
	CB	LB	DB	GB	WB	LI	HI
Lot area (square feet)	5,000	5,000	15,000	15,000	5,000	1 acre	None
Lot width at main building line (feet)	50	50	75	75	None	150	None
Lot depth (feet)	100	100	200	150	None	150	100
Front yard (e) [feet]	None	None	75	50	None	75	75
Side yard (c), (e) [feet]	None (b)	None (b)	20	20	None(b)	35	30

Rear yard (c), 25 (d) [feet]	25	25	25	None	35	30
Maximum height:						
Stories	3(f)	2 1/2	2 1/2	2 1/2	2 1/2	3
Feet	35	35	35	35	35	45
Buffer area	As required by Note (c) below					
Required off-street parking and loading space	As required by Article XXVI					

NOTES:

- (b) Where a side yard is provided, it shall be at least four feet in width. Where access to parking is provided through a side yard, it shall be at least 25 feet in width.
- (c) Buffer areas in accordance with § 100-12.
- (d) Where adjacent to a lot in a residence district, there shall be a yard at least as wide as required in the adjacent residence district.
- (e) Gasoline pumps, lubricating or other similar devices shall be located at least 50 feet from any street line.
- (f) [Amended 8-13-1980 by L.L. No. 10-1980]
- (g) Overlay requirements of the Waterfront Bluff Overlay District (WBOD) are set forth in Article XXIVD. [Added 5-13-1994 by L.L. No. 1-1994]

A. Ground-floor residential use limitation. The use of ground floor or basement space for residential purposes within the CB District shall not be permitted in any building which is hereafter constructed, reconstructed or in any section which is enlarged, and no existing structure shall be converted from nonresidential to ground-floor residential occupancy, except upon the issuance of a special permit therefor by the Zoning Board of Appeals in accordance with the procedures and regulations as set forth in Article XXV of this chapter. In addition to the standards and requirements as prescribed therein, the Zoning Board shall not issue such a special permit for ground floor residential use unless it determines that the location of the building and use is such that the proposed residential dwellings will not interfere with the present or planned future retail shopping pattern along the street frontage. [Added 8-13-1980 by L.L. No. 10-1980]

- B. Minimum floor area requirements. The following minimum floor area requirements per dwelling unit are hereby established for dwelling units within the CB Central Business District: [Added 8-13-1980 by L.L. No. 10-1980]

Types of Dwelling Unit	Minimum Floor Area Required (square feet)
Efficiency apartment	450
1-bedroom apartment	700
2-bedroom apartment	900
3-bedroom apartment	1,050
4-bedroom apartment	1,200

- C. Off-street parking. Off-street parking shall be provided for residential uses within the CB District in accordance with the standards and requirements as set forth in § 100-88 of this chapter, except that the Planning Board, in the case of special permit approval, shall have the authority to reduce those requirements where such Board determines that the proximity of adequate municipal parking facilities is such that compliance with the full standard is not necessary and should not be required. [Added 8-13-1980 by L.L. No. 10-1980]

ARTICLE VIII, Mobile Home Trailer Parks

§ 100-23. Management responsibilities.

- A. Licenses and fees. In addition to the procedure and regulations for special permits required under Article XXV of this chapter, every mobile home trailer park shall be subject to the following licensing regulations:
- (1) It shall be unlawful for any person to operate any mobile home trailer park within the limits of the Town of Lloyd unless he holds a valid license issued annually by the Town Board in the name of such person for the specific mobile home trailer park. All applications for licenses shall be made to the Town Board, which shall issue a license upon compliance by the applicant with provisions of this chapter and regulations issued hereunder and of other applicable legal requirements.
 - (2) Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by a deposit of fee established by the Town Board.

- (3) Licenses shall be valid for a period of one calendar year only. The fee for the renewal of licenses shall be 1/2 of the original license fee.
 - (4) Every person holding a license shall give notice in writing to the Town Board within 24 hours after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home trailer park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home trailer park. Upon application in writing for transfer of the license and deposit of fees, the license shall be transferred if the mobile home trailer park is in compliance with all applicable provisions of this chapter, regulations issued hereunder and any regulations of the Ulster County Health Department.
 - (5) Whenever, upon inspection of any mobile home trailer park, the Zoning Inspector finds that conditions or practices exist which are in violation of any provision of this chapter, regulations issued hereunder or regulations of the Ulster County Health Department, the Town Board shall give notice in writing to the person to whom the license was issued that, unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Town Board, the license shall be suspended. At the end of such period, the Town Board or its authorized agent shall reinspect such mobile home trailer park, and, if such conditions or practices have not been corrected, it shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home trailer park.
 - (6) The Town Board is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter and regulations issued hereunder, and it shall be the duty of the mobile home trailer park management to permit the Town Board or its authorized agent to inspect the register containing a record of all residents of the mobile home trailer park.
 - (7) A temporary license, upon written request therefor, shall be issued by the Town Board for every mobile home trailer park in existence upon the effective date of this chapter, permitting the mobile home trailer park to be operated during the period ending 180 days after the effective date of this chapter in accordance with such conditions as the Ulster County Health Department may require. The fee for a temporary license shall be 1/2 of the original license fee.
- B. Registration. The mobile home trailer park management shall keep a register containing the following information for each occupied mobile home trailer:
- (1) The full name of the mobile home trailer owner and principal occupant.
 - (2) The make, model, year and size of the mobile home trailer.
 - (3) The state and number of vehicle registration.
 - (4) The number and date of site rental and/or vacancy.
- C. Supervision.

- (1) The mobile home trailer park management shall supervise the placement of each mobile home trailer on its mobile home trailer stand, which includes securing its stability and installing all utility connections.
- (2) The mobile home trailer park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter and regulations issued hereunder. The park management shall also post, in a conspicuous place, a copy of this chapter as most recently altered and amended.
- (3) The mobile home trailer park management shall maintain the park, its facilities and equipment, in good repair and in a clean and sanitary condition.

§ 100-24. Dimensional standards.

A. Mobile home trailer districts:

- (1) TR-1 District: minimum park area 15 acres.
- (2) TR- 1/2 District: minimum park area 10 acres.

B. Mobile home trailer site area. The maximum number of mobile home trailers to be permitted in any mobile home trailer park shall be determined by dividing the total land area of the mobile home trailer park by 11,000 square feet if located in the TR-1 District and by 7,500 square feet if located in the TR- 1/2 District.

C. Setback requirements.

- (1) All structures of any mobile home trailer park shall meet the following minimum setback from all adjoining property lines:
 - (a) TR-1 District: 75 feet.
 - (b) TR- 1/2 District: 50 feet.
- (2) The following minimum setbacks shall be maintained from all other boundaries of any individual mobile home trailer site and also accessory buildings:
 - (a) TR-1 District: 15 feet.
 - (b) TR- 1/2 District: 15 feet.

D. Each mobile home trailer site shall be defined by permanent corner stakes and identified with a permanent marker showing the parcel number corresponding to the approved site plan.

E. A paved or hard-surface patio area of at least 150 square feet, with a minimum dimension of 10 feet, shall be provided for each mobile home trailer.

§ 100-25. Environmental standards.

Prior to the approval of any area for the development of any mobile home trailer park, the Town Board or its authorized agent shall determine that the following environmental standards are met:

- A. The soil and topographical conditions of the site shall be such as not to create an unreasonable health hazard or a significant detrimental effect to the ecology of the area.
- B. The site shall not be exposed to unusual noise, objectionable smoke, noxious odors, insect or rodent infestation or the probability of flooding or erosion.
- C. The site shall not be subject to sources of pollution such as drainage from garbage disposal areas.

§ 100-26. Park maintenance and improvements; buffer areas.

A. Park maintenance and improvements. The following standards shall be met:

- (1) All ground surfaces shall be maintained, preserved, treated or protected so that soil erosion is prevented and objectionable dust is eliminated through pavement, stone or other solid covering, lawn or other vegetative growth.
- (2) No part of a mobile home trailer park shall be used for nonresidential purposes except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- (3) Topsoil, existing trees and shrubs shall be preserved where practicable and where required by the Town Board as a condition for its approval.
- (4) Vegetative growth, such as brush, weeds and grass, shall be controlled to prevent harborage of ticks, chiggers and other noxious insects and shall be so maintained as to prevent the growth of poison ivy and other noxious weeds considered detrimental to health. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or insect breeding places. Where the potential for such insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

B. Buffer areas. A buffer strip shall be required along all property lines abutting a residential district or directly across a local street from any property in a residential district. Such buffer strip shall comply with at least the following minimum standards:

- (1) It shall be of evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Town Board, will effectively screen the activity on the lot from the neighboring residential area. Nonevergreen planting may be included to seasonally supplement planting but not to replace it.
- (2) The buffer strip shall be at least 10 feet in width.
- (3) A wall or fence, of location, height, design and materials approved by the Town Board, may be substituted for the required planting.

- (4) The required planting and/or other improvements within the buffer area shall be properly maintained in good condition at all times throughout the continuance of the mobile home trailer park.

§ 100-27. Transportation, access and roadways.

- A. Park roadways. Construction standards and specifications for all park roadways shall be the same as for Town streets. Responsibility for the ownership and maintenance of such park roadways shall be with the mobile home trailer park management.
- B. Access to mobile home trailer site. Convenient access shall be provided to each mobile home trailer stand for maneuvering the mobile home trailer into position. The access shall be kept free from trees and other immovable obstructions and shall be a minimum width of 12 feet or the width required by current mobile home trailer models, plus extra width necessary for maneuvering a mobile home trailer on a curve. The alignment and gradient of such accessway shall be adequate to prevent contact of the undercarriage of the mobile home trailer and shall be safely and easily traversed as determined by the Town Board.
- C. Walkways. All mobile home trailer parks shall be provided with safe, convenient, all-season pedestrian walkways as determined necessary by the Town Board to:
 - (1) Connect individual mobile home trailer sites, park roadways and community facilities.
 - (2) Provide for pedestrian circulation along all park roadways (minimum width: 3 1/2 feet).
 - (3) Connect mobile home trailers to common walks, driveways, parking areas or park roadways (minimum width: two feet).

§ 100-28. Mobile home trailer stands.

The area of the mobile home trailer stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home trailer, thereby securing the superstructure against uplift, sliding, rotation and overturning. The stand should provide for practical placement on and removal from the lot of the mobile home trailer and retention of the home on the lot in satisfactory relationship to its surroundings. The following specific requirements shall be met:

- A. There shall be a longitudinal gradient of 0% to 5% and an adequate crown or crossgradient for surface drainage.
- B. The location of each mobile home trailer stand shall be at such elevation, distance and angle in relation to the park roadways and the accessways to the mobile home trailer that placement and removal of the mobile home trailer is practical.
- C. The mobile home trailer stand shall not heave, shift or settle unevenly under the weight of the mobile home trailer due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- D. The mobile home trailer stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or run-ways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home trailer.

- E. Anchors and tie-downs shall be placed at least at each corner of the mobile home trailer stand, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.
- F. All trailers are to be appropriately skirted.

§ 100-29. Sanitation standards.

- A. Water supply. Where public water supply is not available, a private water supply system, with proper connections to each mobile home trailer, shall be developed sufficient to provide a minimum of 250 gallons of water daily to each mobile home trailer. Any such private water supply system shall be approved by the Ulster County Health Department and shall meet the following requirements:
 - (1) Wells or suction lines shall be located at least 50 feet from building sewers, septic tanks and dry wells; at least 100 feet from disposal fields and seepage pits; and at least 150 feet from any cesspools.
 - (2) All water storage structures or reservoirs shall be covered, watertight and constructed of impervious material. All manholes or other openings required for proper operation of the water storage facilities shall be covered or screened to prevent contamination, and there shall be no direct drainage between a reservoir and any pipe conveying or liable to convey sewage or polluted water.
 - (3) The water piping system shall connect all buildings requiring water, shall not be connected with non-potable or questionable water supply and shall provide a pressure of at least 20 pounds per square inch, under normal operating conditions, to buildings requiring potable water supply.
 - (4) Water riser pipes shall be at least three-fourths inch, shall extend at least four inches above ground elevation and shall be located within the confined area of the mobile home trailer stand at a point where the water connection shall approximate a vertical position.
 - (5) A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile home trailer site.
 - (6) Underground stop and waste valves shall not be installed on any water service.
 - (7) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from the heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- B. Sewage disposal. Where no public sewage disposal system is available, a private sewage disposal system, with proper connections to each mobile home trailer, shall be developed sufficient to provide a minimum flow of at least 200 gallons per day per mobile home trailer site. Any such private sewage system shall include a sewage disposal plant of a capacity and efficiency to serve the sewage disposal system. Both the sewage disposal system and the sewage disposal plant shall be approved by the Ulster County Health Department. The following requirements shall also be met:

- (1) Effluents from the sewage disposal plant shall not be discharged into the waters of the State of New York, except where specifically approved by the Ulster County Health Department and the Town Board in accordance with Article 12 of the New York State Health Law. The disposal facilities shall be located where they will not create a health hazard or odor nuisance to the park residents or to the occupants of any adjacent property.
 - (2) Sufficient cleanouts, handholes, and manholes shall be provided in sewer systems to maintain serviceable conditions. Cleanouts extending to grade and capped with cleanout plugs shall be provided at least at seventy-five-foot intervals on four-inch lines and at least at one-hundred-foot intervals for larger diameters. Manholes shall be provided in large sewer systems at changes in direction over 45° at intersections of main sewers and at intervals not exceeding 400 feet in straight sewers.
 - (3) All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade which will ensure a velocity of two feet per second when flowing full. All sewer lines shall be adequately vented and shall have watertight joints.
 - (4) Each mobile home trailer stand shall be provided with at least a four-inch-diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand so that the sewer connection to the mobile home trailer drain outlet will approximate a vertical position.
 - (5) The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least 1/4 inch per foot. The sewer connection shall consist of one pipeline only, without any branch fittings. All joints shall be watertight.
 - (6) All materials used for sewer connections shall be semirigid, corrosive-resistant, nonabsorbent and durable. The inner surface shall be smooth.
 - (7) Provision shall be made for capping the sewer riser pipe when a mobile home trailer does not occupy the site. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.
- C. Drainage. The ground surface on every mobile home trailer site shall be graded and equipped to drain all surface and subsurface water in a safe, efficient manner to ensure freedom from stagnant pools, erosion and flooding. Plans for the collection and disposal of surface and subsurface water shall be provided and shall be subject to approval by the Town Board. Such plans shall include:
- (1) Splash blocks or downspouts for the dispersion of roof runoff shall be installed where necessary. Splash blocks shall be at least 30 inches long and 12 inches wide and firmly embedded to prevent displacement.
 - (2) Storm sewers shall be laid on sufficient grade to provide a minimum velocity of 2.5 feet per second when flowing full.

- (3) Drain lines, drain inlets and paved gutters shall be of adequate size, design and construction to ensure positive runoff.
- (4) Retaining walls, cribbing or other engineering structures shall be installed and maintained where the topography has a slope of two on one or more to prevent erosion.

§ 100-30. Utility standards.

Electrical, telephone, television and gas connections shall be located underground.

A. Electrical requirements.

- (1) Electrical service and connections must comply to current New York State Fire Underwriters' regulations or the following, whichever is more restrictive:
- (2) All direct-burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located a radial distance of not less than one foot from water, sewer, gas or communication lines.
- (3) Each mobile home trailer site shall be provided with electrical current of the standard voltage and frequency generally provided in the area.
- (4) Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts, AC, 60 amperes.
- (5) Outlet receptacles at each mobile home stand shall be located not more than 25 feet from the overcurrent protective devices in the mobile home trailer, and a three-pole, four-wire grounding type shall be used unless other grounding types are approved by the Town Board. Receptacles shall be of weatherproof construction.
- (6) All exposed non-current-carrying metal parts of mobile home trailers and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile home trailers or other equipment.

B. Lighting requirements. Mobile home trailer parks shall be furnished with lighting units so spaced and at such heights as to provide illumination for safe pedestrian and vehicular movement at night.

- (1) In all parts of the mobile home trailer park roading system, an average illumination level of at least 0.8 footcandle and a minimum illumination level of at least 0.3 footcandle shall be maintained.
- (2) Potentially hazardous locations shall be individually illuminated with a minimum level of at least 1.0 footcandle where deemed necessary by the Town Board.

- C. Gas. Each mobile home trailer site provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
- D. Heating. All service structures, if not conventionally heated, shall be provided with space heating equipment adequate to maintain a temperature of 70° F. inside the building at an outside design condition of minus 10° F. and shall be subject to the approval of the appropriate Town agency.
 - (1) No space heating equipment or portable fuel-burning equipment shall be used in any unvented, confined enclosure.
 - (2) In all service buildings, heating facilities shall be capable of maintaining sufficient hot water for all lavatory and laundry fixtures.

§ 100-31. Service and storage requirements.

All service and/or storage facilities as described in this section shall be appropriately and attractively screened in accordance with a plan approved by the Town Board and shall be so maintained.

- A. Laundry. A laundry facility with suitable automatic washers and dryers, plumbing, electricity and ventilation shall be provided in a central location unless it is clearly shown to the satisfaction of the Town Board or its authorized agent that such a facility is not necessary for the needs and reasonable convenience of or emergency usage by the residents of the mobile home trailer park.
 - (1) The internal finish material of any common laundry facility shall be capable of withstanding frequent washing and cleaning.
 - (2) Any common laundry facility shall be provided with a suitably screened outdoor drying yard.
- B. Storage of material and equipment.
 - (1) Space for storage facilities at each mobile home trailer site shall be provided.
 - (2) Storage areas shall be maintained to prevent rodent harborage. Storage shall be permitted under mobile home trailers.
 - (3) An approved and enclosed storage space shall be provided by the mobile home trailer park management for park maintenance materials and equipment.
- C. Liquid petroleum gas storage.
 - (1) Liquid petroleum gas (LPG) systems, if used, shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location. Such systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home trailer and shall be maintained in effective operating condition and screened.

- (2) All LPG piping outside of the mobile home trailers shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile home trailers.
- (3) Liquefied petroleum gas containers installed on a mobile home site shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not have a gross capacity of less than 12 nor more than 60 gallons.
- (4) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home trailer or any other structure, unless such installations are approved by the Ulster County Health Department.

D. Fuel oil-storage.

- (1) All piping from outside fuel oil storage tanks or cylinders to mobile home trailers shall be permanently installed and securely fastened in place.
- (2) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home trailer or less than five feet from any mobile home trailer exit.
- (3) Storage tanks located in areas subject to traffic shall be protected against physical damage.
- (4) Where safety and economics permit, fuel oil storage tanks shall be placed underground. Approximately a fifty-gallon storage facility shall be provided for each mobile home lot where oil heating is used.

E. Refuse. The storage, collection and disposal of refuse in the mobile home trailer park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident, fire hazards or air pollution.

- (1) All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than 175 feet from any mobile home trailer site. Containers shall be provided in sufficient number and capacity to properly store all refuse. Each mobile home trailer shall have at least one refuse can of at least 15 gallons' capacity.
- (2) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
- (3) All refuse containing garbage shall be collected at least weekly and as required. Where suitable collection service is not available from municipal or private agencies, the mobile home trailer park management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

F. Sanitary facilities. Every mobile home trailer park shall be provided with emergency sanitary facilities maintained by the trailer park owner.

- (1) For each 100 mobile home sites or fractional part thereof there shall be one flush toilet and one lavatory for each sex.

- (2) The building containing such emergency sanitary facilities shall be accessible to all mobile home trailers.
- (3) Community toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open, and the rooms shall have sound-resistant walls extending to the ceiling between male and female sanitary facilities.

G. Recreation area. Not less than 10% of the gross mobile home trailer park area shall be devoted to recreational facilities, which should be provided in a central location when possible. Where determined necessary by the Town Board, drinking fountains shall be provided in or near the recreation and service areas and shall have a flow pressure of at least 15 pounds per square inch.

H. Fire protection.

- (1) Mobile home trailer park areas shall be kept free of litter, rubbish and other flammable materials.
- (2) Portable fire extinguishers shall be kept in all service buildings and shall be maintained in good operating condition.
- (3) No open fire shall be permitted except in facilities intended for such purposes.
- (4) Fire hydrants shall be located within 500 feet of all structures and shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.
- (5) Construction should provide reasonable assurance of safety to life by making provisions to retard the progress and spread of fires and by providing for means of egress which will minimize danger to life from fire, smoke or resulting panic before structures are emptied.

ARTICLE IX, Open Space Subdivisions

§ 100-32. Agricultural and residence districts: lot area changes.

In the Agricultural District and in any residence districts, the Planning Board, in approving subdivision plats, may permit changes in lot area requirements, dimensions or other standards in accordance with § 281 of the Town Law of the State of New York, so as to encourage creation of open space and preservation of natural features.

§ 100-33. Conditions for approval by Planning Board.

The Planning Board shall not approve such a plan unless, in its judgment, the appropriate use of adjoining land is reasonably safeguarded and such plan is consistent with the public welfare, and

provided that for such land so shown there shall not be a greater average density of population or covering of the land with buildings than is permitted in the district wherein such land lies.

§ 100-34. Public hearing.

Before the Planning Board shall make any such changes in the zoning regulations, there shall be a public hearing, preceded by the same notice as in the case of the approval of the plat itself.

§ 100-35. Permits and certificates.

Such subdivision, if approved by the Planning Board and filed in the office of the County Clerk as required under the Town's Land Subdivision Regulations,^{[5]EN} shall modify, change or supplement the zoning regulations of the land shown on the plat, and a notation of this shall be made in this chapter and on the Zoning Map of the Town. No permits or certificates shall be issued by any official or agency of the Town, except in accordance with such approved plan.

ARTICLE X, Mining [Added 7-29-1996 by L.L. No. 4-1996^{[6]EN}]

§ 100-36. Permits for mining.

Mining shall be allowed only by Town Board permit except for the mining of less than 100 cubic yards of minerals within 12 successive calendar months, which does not require a permit from the Town Board. Applications for permits may be submitted for annual terms running from one to five years but not to exceed five years. Mining permits shall expire at the end of their terms in accordance with their issue and expiration dates and may be renewed upon application of the Town Board at least 30 days prior to the expiration date of the permit. A renewal application shall be submitted on forms provided by the Building Department.

§ 100-37. Application for permits.

A permit application for mining shall be submitted to the Town Board on forms provided by the Building Department. A permit applicant for mining subject to state jurisdiction shall submit to the Town Board copies of all applications and other materials submitted to the New York State Department of Environmental Conservation (DEC) in connection with its application for a Mined Land Reclamation Law permit.^{[7]EN}

§ 100-38. Permit procedure for mining subject to state jurisdiction.

In determining whether to grant or deny a permit application for mining subject to state jurisdiction, the Town Board shall consider all applicable special permit zoning criteria set forth in Article XXV herein. If the Town Board grants a permit subject to conditions, such conditions shall be limited to the following, unless the laws of New York State allow the imposition of additional conditions:

A. Ingress and egress to public thoroughfares controlled by the Town.

- B. Routing of mineral transport vehicles on roads controlled by the Town.
- C. Requirements and conditions as specified in the permit issued by DEC concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, dust control and hours of operation.
- D. Enforcement of reclamation requirements contained in DEC permits issued pursuant to the Mined Land Reclamation Law.

§ 100-39. Permits for mining not subject to state jurisdiction.

In determining whether to grant or deny a permit application for mining not subject to state jurisdiction, the Town Board shall consider all applicable special permit zoning criteria set forth in Article XXV herein. If the Town Board grants a permit subject to conditions, such conditions may include, but are not limited to, the following:

- A. The mining operation and operations accessory thereto may not be detrimental to the appropriate and orderly development of any district in which it is situated or impair the value thereof.
- B. All mining operations and operations accessory thereto shall be made only in accordance with approved plans. These plans shall show the location of the site and its relation to neighboring properties and roads within 500 feet of the site, area to be excavated, existing slopes, proposed slopes after excavation, proposed level of any impounded water, plans for erosion control and location of access drives to the site.
- C. No excavation shall be closer than 50 feet to any street line or other property line, and no excavation below the grade of a street or property line shall be closer than 200 feet thereto. No excavation shall be closer than 500 feet to the boundary line of a zoning district within which excavation is not permitted.
- D. The final slope of any excavated material shall not exceed the normal limiting angle of repose of such material, except where a suitable retaining wall, as shown on approved plans, is built to provide lateral support.
- E. Fences or barricades shall be erected to protect pedestrians and vehicles. All open pits shall be enclosed by fencing until they are refilled. The uphill side of side hill excavations shall be permanently fenced.
- F. Storage piles of materials, including waste materials, shall not be located closer to property lines than is permitted for excavation. After completion of excavation operations, waste materials shall be used in filling all open pits. Piles of excess waste materials shall be leveled.
- G. No excavation operations shall take place between the hours of 8:00 p.m. and 6:00 a.m. or at any time on Sunday or a legal holiday.
- H. The processing of such resource shall be limited to the washing, separating or grading of the excavated mineral.

- I. A performance bond shall be posted with the Town Board in an amount and form to be determined by the Board, insuring conformance to approved plans and all applicable regulations, including, but not limited to, reclamation costs. The Town Board shall set a reasonable time limit for such bond, not to exceed five years, except in the case of continuing excavation operations where a bond must be renewed or extended with the permit renewal or in the case of ceased operations where a bond must be renewed or extended to cover the life of the implementation of the reclamation plan.
- J. A reclamation plan, which describes the operations to be performed by the permit applicant to reclaim the land to be mined over the life of the mine, shall be required. The reclamation plan shall include maps, plans, the schedule for reclamation, written material and other documents as required by the Town Board.

§ 100-40. (Reserved)

§ 100-41. (Reserved)

§ 100-42. (Reserved)

§ 100-43. (Reserved)

§ 100-44. (Reserved)

ARTICLE XI, Buildings Associated With Agricultural Activities

§ 100-45. Proximity of buildings to street and property lines.

All buildings and structures shall be at least 100 feet from a street or property line.

§ 100-46. Storage or garaging of farm equipment.

The storage or garaging of any farm equipment shall not be closer than 100 feet to a street or property line.

ARTICLE XII, Performance Standards for Business or Industrial Uses

§ 100-47. Conformance required.

No business or industrial use shall hereafter be established, altered, moved or expanded unless it complies with the performance standards set forth in Articles XIII through XXI. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy issued on such basis.

§ 100-48. Purposes.

Consistent with the general purposes of this chapter, it is the intent of the performance standards to set specific controls on potentially objectionable external aspects of business and industrial uses in such a way as to:

- A. Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor or other atmospheric pollutant outside the building in which the use is conducted.
- B. Control noise perceptible beyond the boundaries of the site of the use.
- C. Prevent the discharge of waste materials into any watercourse.
- D. Prevent the dissemination of vibration, heat or electromagnetic interference beyond the immediate site on which the use is located.
- E. Eliminate physical hazard by reason of fire, explosion, radiation or any similar cause.
- F. Regulate and control the generation and flow of vehicular traffic so as to prevent hazardous conditions and traffic congestion in the streets.

ARTICLE XIII, Noise Standards

§ 100-49. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

DECIBEL -- A unit of measurement of intensity of sound (the sound pressure level).

OCTAVE BAND -- A means of dividing the range of sound frequencies into octaves, in order to classify sound according to pitch.

OCTAVE BAND FILTER -- An instrument, standardized by the American Standards Association, used in conjunction with a sound level meter to take measurements in specific octave bands.

SOUND LEVEL METER -- An instrument, standardized by the American Standards Association, used for measurement of the intensity of sound and calibrated in decibels.

§ 100-50. Method of measurement.

For the purpose of measuring the intensity and frequencies of sound, sound level meters and octave band filters shall be employed. Sounds of short duration, which cannot be measured accurately with the sound level meter, shall be measured with an impact noise filter in order to determine the peak value of the impact.

§ 100-51. Maximum permitted sound pressure levels.

The decibels resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any lot line, the maximum decibel level for the designated octave bands as set forth in the following table, except that where the lot lies within 200 feet of a residence district, whether within or without the Town, the maximum permitted decibel level at any point on or beyond the district boundary shall be reduced by six decibels from the maximum permitted level set forth in the table, and further except that such reduction shall also apply to any sound emitted between the hours of 9:00 p.m. and 7:00 a.m., and all day Sundays.

Octave Band (cycles per second)	Sound Pressure Level (decibels)
0 to 74	66
75 to 149	58
150 to 299	55
300 to 599	50
600 to 1,199	45
1,200 to 2,399	42
2,400 to 4,799	38
4,800 to 20,000	35

ARTICLE XIV, Vibration Standards

§ 100-52. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

FREQUENCY -- The number of oscillations per second of a vibration.

IMPACT VIBRATIONS -- Earthborn oscillations occurring in discrete pulses at or less than 100 per minute.

STEADY-STATE VIBRATIONS -- Continuous earth-born oscillations. Discrete pulses that occur more than 100 times per minute shall be considered "steady-state" vibrations.

THREE-COMPONENT MEASURING SYSTEM -- A device for recording the intensity of any vibration in three mutually perpendicular directions.

§ 100-53. Method of measurement.

For the purpose of measuring vibration, a three-component measuring system approved by the Town Engineer shall be employed.

§ 100-54. Maximum permitted steady-state and impact vibrations.

No activity shall cause or create a steady-state or impact vibration on any lot line with a vibration displacement by frequency bands in excess of that indicated in the following table:

Frequency (cycles per second)	Vibration Displacement (inches)	
	Steady-State	Impact
Under 10	.0005	.0010
10 to 19	.0004	.0008
20 to 29	.0003	.0006
30 to 39	.0002	.0004
40 and over	.0001	.0002

ARTICLE XV, Smoke, Dust and Other Atmospheric Pollutants

§ 100-55. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

DUST -- Solid particulate matter capable of being air- or gasborne.

PARTICULATE MATTERS -- Any finely divided liquid or solid matter, including smoke, capable of being air- or gasborne.

RINGELMANN SMOKE CHART -- A chart for determining the density of smoke which is issued by the Federal Bureau of Mines.

SMOKE -- Any emission into the open air from any source, except emissions of an uncontaminated water vapor.

SMOKE UNIT -- A measure of the quantity of smoke being discharged and is the number obtained by multiplying the smoke density in a Ringelmann Smoke Chart by the time of emission in minutes. For example, the emission of Ringelmann Smoke Chart No. 1 for one minute equals one smoke unit.

§ 100-56. Method of measurement.

For the purpose of grading the density of smoke, the Ringelmann Smoke Chart shall be used to determine the total smoke units emitted. A reading shall be taken every minute for an hour, or, if less than an hour, until the total smoke units emitted exceed the number allowed by this chapter. Each reading shall be multiplied by the number of minutes during which it was observed and the product added.

§ 100-57. Maximum permitted emission of smoke.

There shall be no measurable emission of smoke, gas or other atmospheric pollutant. The emission of one smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke Chart shall be prohibited.

§ 100-58. Maximum permitted emission of dust.

- A. The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pound of dust per thousand pounds of flue gas adjusted to 50% excess air for combustion.
- B. There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating.
- C. All properties shall be suitably improved and maintained with appropriate landscaping and paving, or other type of improvement, so that there will be no measurable windblown dust or other similar types of air pollution created.

§ 100-59. General control over smoke and other particulate matter.

In addition to the preceding performance standards regulating the emission of smoke and other particulate matter, such emission shall not be permitted, regardless of quantity, if it will be in any way detrimental to or endanger the public health, safety, comfort or other aspects of the general welfare or cause or be a potential source of damage or injury to property.

ARTICLE XVI, Odorous, Toxic or Noxious Matter

§ 100-60. Odorous matter.

No land use shall be permitted which emits any discernible odor outside the building in which the use is conducted.

§ 100-61. Toxic or noxious matter.

For the purpose of this article, toxic or noxious matter is defined as any solid, liquid or gaseous matter, including but not limited to gases, vapors, dusts, fumes and mists, containing properties which by chemical means are inherently harmful and likely to destroy life or impair health or

likely to cause injury to the well-being of persons or damage to property. No use shall be permitted which will cause any dissemination whatsoever of toxic or noxious matter outside the building in which the use is conducted.

ARTICLE XVII, Radiation and Electromagnetic Interference

§ 100-62. Radiation.

The handling, storage or disposal of radioactive materials or waste by-products, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, of the Code of Federal Regulations, entitled "Standards for Protection Against Radiation," as amended, and in accordance with any other applicable laws or regulations.

§ 100-63. Electromagnetic interference.

No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area within or without the Town.

ARTICLE XVIII, Fire and Explosion Hazards

§ 100-64. Storage and control of combustible or explosive materials.

No storage, utilization or manufacture of solid materials or products which burn actively and support combustion easily or which have a low ignition temperature, a high rate of burning or create great heat under ordinary temperature conditions shall be permitted.

ARTICLE XIX, Heat

§ 100-65. Restrictions on emission of heat.

There shall be no emission of heat which would cause a temperature increase in excess of 1° F. along any adjoining lot line, whether such change is in the air, in the ground or in any watercourse or water body.

ARTICLE XX, Liquid or Solid Wastes

§ 100-66. Discharge control.

The discharge of any and all wastes which may arise in connection with the use of any premises shall be permitted only if in complete accordance with all pertinent laws and regulations and shall be subject to the approval of the Ulster County Health Department, which may attach such conditions thereto as, in its opinion, are necessary to assure the furtherance of the purposes of this chapter.

§ 100-67. Facilities provided.

Facilities shall be provided in an enclosed location for the storage of solid wastes and other refuse, which facilities shall be designed so as to discourage the breeding of rodents or insects and shall be located so as not to be visible from the street or from any adjoining property in a residence district.

ARTICLE XXI, Vehicular Traffic Control

§ 100-68. Use restrictions.

No business or industrial use shall be permitted where it is determined by the Planning Board, due to the nature of such use and the type and number of vehicle trips which it will generate, particularly in relation to the capacity of the street system serving the lot upon which it is to be located, that the result will be unusual traffic hazards or congestion. If, however, a limit is placed upon such use, either in terms of employees or other appropriate measure, which, in the opinion of the Planning Board, would be adequate to ensure that the potential traffic generation from such use will be properly related to the capacity of the street system serving it, the Planning Board may approve such use with such limitation.

ARTICLE XXII, Evidence of Conformity; Enforcement of Standards

§ 100-69. Evidence of conformity.

In the case of any application for the establishment of a use which, in the opinion of the Planning Board, may violate any of the preceding performance standards contained in this section, the Board may require the applicant, at his own expense, to provide such evidence as is necessary to determine whether or not the proposed use will conform. If the Planning Board determines it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant as a condition of further consideration of the application. Any permitted use, once established, shall be maintained in strict accordance with the standards and requirements contained herein as a condition of its continuance.

§ 100-70. Enforcement of performance standards.

If, in the judgment of the Zoning Inspector or the Town Board, there is a violation of the performance standards contained in this chapter, the following procedures shall be followed:

- A. The Zoning Inspector shall give written notice, by registered or certified mail, to the owner and tenants of property upon which the alleged violation occurs. Such notice shall describe the particulars of the alleged violation and the reasons why it is believed that there is a violation in fact and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Inspector within a reasonable time limit set by said Inspector. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Inspector within the time limit constitutes admission of a violation of this chapter. The notice shall further state that, upon the request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made and that, if violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Town.
- B. If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the Zoning Inspector, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his records.
- C. If there is no reply within the time limit set, thus establishing admission of a violation of this chapter, and the alleged violation is not corrected to the satisfaction of the Zoning Inspector within the time limit set, he shall proceed to take action in accordance with Article XXX of this chapter.

ARTICLE XXIII, Agency-Operated Boarding Homes and Group Homes [Added 5-10-1978]

§ 100-71. Applicable regulations.

In accordance with the purposes of this chapter as set forth in Article I hereof, and in furtherance of the policy of the State of New York to deinstitutionalize those children who cannot be cared for in their, natural homes by placing them in small, widely dispersed homes which are designed to give an outwardly similar appearance to other one-family dwellings, the following regulations shall apply to agency-operated boarding homes and group homes in the Town of Lloyd.

§ 100-72. Minimum lot area.

The minimum lot area required for the establishment of an agency-operated boarding home shall be the same as that required for other dwellings in the district in which it is located. For a group home, the minimum lot area requirement shall be twice the amount required for other dwellings in the district in which it is located but in no case less than one acre.

§ 100-73. Spacing.

- A. For purposes of furthering the state's dispersal and deinstitutionalization policy, to prevent the undue concentration of agency-operated boarding homes and group homes in any one area and to preserve the social as well as the physical character of one-family residential

neighborhoods, no new agency-operated boarding home or group home shall be established within the following minimum distances of any existing such home in accordance with the schedule below:

Residential Zoning District	Minimum Distance Between Homes (miles)
A, R-2	2
R-1, TR-1	1
R- 1/2, TR- 1/2	1
R- 1/4, MF	1

- B. The minimum distance requirement between homes not located in the same zoning district shall be calculated on a basis proportionate to the requirement in each of the districts.

§ 100-74. Off-street parking.

A minimum of one off-street parking space shall be provided for each adult resident, plus one for each staff member on the premises during the maximum shift, plus two spaces for visitors.

§ 100-75. Special permit required.

A special permit from the Zoning Board of Appeals in accordance with the procedures and requirements of Article XXV shall be required prior to the establishment of any agency-operated boarding home or group home. Any change in the nature, size or type of operation from that originally approved shall be subject to a complete new application to the Board in accordance with the same standards and procedures as required for the original application. In addition to all other normally required items of information, the following additional documentation shall also be submitted with the special permit application:

- A. A copy of the operating certificate issued by the New York State Board of Social Welfare, including any conditions and requirements attached thereto.
- B. Copies of all correspondence between the applicant and the State of New York with respect to the proposed facility.
- C. A complete statement of the proposed type, number, age and permanency of residence of the children to be cared for and the number and qualifications of both resident and nonresident adult supervisory personnel.
- D. A complete statement of the applicant's plans for the social and economic integration of the projected residents into the community, including their educational, employment and recreational needs, transportation and service requirements and any other such information as

may be relevant to the application and determined necessary by the Zoning Board of Appeals.

- E. A vicinity map indicating the location of the proposed facility in relation to other existing agency-operated boarding homes, group homes or other similar types of care facilities within a radius of two miles of the subject site.
- F. Evidence of approval from the Ulster County Health Department.

ARTICLE XXIV, Planned Residential Development District

§ 100-76. Purpose.

In order to meet the objectives of this chapter and, in particular, to provide a maximum variety of housing types and densities within the Town, to encourage and promote the most attractive and economic development of land, to preserve open space, to protect the quality and property values of existing development and to otherwise promote and enhance the public health, safety and general welfare, the following provisions with regard to Planned Residential Development Districts are adopted as an amendment to this chapter.

§ 100-77. Establishment of district.

A Planned Residential Development District may be established by the Town Board either on its own motion or as a result of a petition from the owner or owners of property complying with all of the standards and requirements set forth in this chapter for Planned Residential Development Districts.

§ 100-78. Application procedures.

- A. Application for the establishment of a Planned Residential Development District shall be made to the Town Board and shall be accompanied by a fee as established by the Town Board.
- B. The application shall include the name and address of the property owner(s); the name and address of the applicant, if other than the owner; the nature of the applicant's interest in the land, if the applicant is other than the owner; the proposed form of ownership for the development, including the nature of any organization which would be designated to own and maintain any common open space or other common facilities within the development; information regarding any proposed or existing covenants, easements or other restrictions imposed upon the land or buildings; the nature of any modifications requested from the existing Town ordinances; the projected schedule for plan approval and project development; and a statement describing how the proposed development will serve the public interest of the Town, particularly the purposes of this chapter.
- C. The application shall be accompanied by a generalized site plan for the entire development, which plan shall be drawn to a convenient scale and shall show the approximate location,

proposed use and height of all buildings; the location of all parking areas with access and egress drives thereto; the proposed street system; the location and general nature of all existing or proposed site improvements, including storm drainage, sewage disposal and water supply systems; significant existing topographic features; identification of the zoning district or districts in which the property is located; the date the site plan was prepared; the North arrow and scale of the drawing; and the name and address of the licensed architect or engineer preparing the site plan.

- D. Either as a separate map or as a part of the generalized site plan map, there shall be submitted a site location sketch, drawn at a convenient scale, showing the relationship of the subject property to neighboring properties and streets.
- E. The application, including the accompanying generalized site plan and site location map, shall be submitted in eight copies to the Town Board, at a meeting of that Board.

§ 100-79. Planning Board review.

- A. Upon receipt of the complete application by the Town Board, three copies shall be referred to the Planning Board for review and report. Within 45 days of the date of the Planning Board meeting at which such referral is received, the Planning Board shall report its recommendations back to the Town Board. No action shall be taken by the Town Board until receipt of the Planning Board report or the expiration of the forty-five-day period, whichever comes first.
- B. The Planning Board, in its report to the Town Board, shall either recommend the establishment of the Planned Residential Development District as applied for, the establishment of the district subject to additional modifications and requirements or the denial of the application.
- C. In conducting its report and recommendations, the Planning Board shall take into consideration the requirements of the Town Development Plan, as such may be adopted and amended by said Board, and shall specifically consider the proposed nature and location of buildings on the site; traffic circulation both within and without the site; the type and arrangement of recreational areas and other open spaces on the site; the adequacy of the proposed utility systems to serve the site; and the relationship of the proposed development to the existing topography and to adjacent land and buildings.
- D. The Planning Board shall not recommend the establishment of a Planned Residential Development District unless it finds that the location, size, nature and intensity of the proposed use, the size of the site in relation to it, the location of the site with respect to streets giving access to it and the availability of existing or proposed utility systems in the area are such that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is located and unless it finds that the proposed development would comply with all standards for Planned Residential Development Districts as specified in this article.

§ 100-80. Public hearing.

Within 30 days of the Town Board's receipt of the Planning Board report, or the expiration of the forty-five-day Planning Board review report, whichever occurs first, the Town Board shall hold a public hearing on the application in the same manner as prescribed by law for zoning amendments.

§ 100-81. Action by Town Board.

Within 45 days of the date of public hearing, the Town Board shall act to either approve, approve with modifications or disapprove the application for the establishment of a Planned Residential Development District. If the Planning Board report recommends disapproval of the application, a three fourths majority vote of the Town Board shall be required for approval of said application. Any approval, with or without required modifications, shall expire within 12 months unless a detailed site development plan, and a subdivision plan if necessary, shall have been submitted to and approved by the Planning Board for all or a portion of the proposed development and unless work on the site is begun within a period of 18 months and is being reasonably prosecuted to conclusion.

§ 100-82. Compliance with development standards.

All Planned Residential Development Districts and all buildings and uses within such districts shall be required to comply with the following specified development standards and requirements, except that the Planning Board is hereby authorized to modify the standards with respect to individual buildings and lots within a planned residential development, as said Board deems appropriate, in accordance with the provisions contained in § 281 of the Town Law.

§ 100-83. Minimum site area.

Each Planned Residential Development District shall be at least 25 acres in area if within a public sewer and water district and at least 50 acres in area if not, and each stage of development, if development occurs in stages, shall include at least 10 acres of land area.

§ 100-84. Development density.

Within any Planned Residential Development District, residential densities shall be such that there will be at least the following minimum amounts of land area per dwelling unit:

Type of Dwelling Unit	Minimum Land Area Required (square feet)
Studio/0-bedroom	2,500
1-bedroom	3,500
2-bedroom	5,000

3-bedroom	6,500
4-bedroom	8,000

§ 100-85. Minimum site dimensions.

The site for any Planned Residential Development District shall be at least 500 feet in any dimension and shall have at least 500 feet of frontage on an existing public street.

§ 100-86. Setbacks and building coverage.

All buildings shall be required to set back from adjoining property lines adjoining the Planned Residential Development District a distance equal to the normal setback requirements within the adjoining zoning district but in no case less than 1 1/2 times the height of the building as measured from finished grade. Building coverage shall not be permitted to exceed 12% of the total site area, nor shall the combination of building and paved areas be permitted to exceed 25%. All other normal dimensional standards and requirements related to buildings and lots within a Planned Residential Development District shall be subject to Planning Board review and determination as a part of the site development plan and/or subdivision plat approval procedure, as appropriate.

§ 100-87. Street and storm drainage.

- A. All principal streets within a Planned Residential Development District shall meet the standards set forth for Town roads and shall be suitable for dedication to the public.
- B. All areas covered by buildings and all paved portions of the site shall be provided with suitable storm drainage. Where the expansion, reconstruction or other alteration of off-site drainage facilities and structure is required as a result of the additional burdens imposed by a proposed development, such development shall not be approved until the necessary off-site improvements have been made, or provisions have been made for such improvements.

§ 100-88. Off-street parking.

Within any Planned/Residential Development District, at least one off-street parking space, plus 1/4 of a space per bedroom, shall be provided for each dwelling unit. At least one such space per dwelling unit shall be located out-of-doors.

§ 100-89. Street trees and landscaping.

In addition to the normal requirements for buffer landscaping to screen and protect adjoining residential properties, and for on-site landscaping necessary to assure an attractive development, provide shade and prevent soil erosion, it shall be specifically required that street trees be planted within parking areas at the rate of at least one tree per 10 parking spaces and along both sides of all roadways, where determined necessary by the Planning Board, at a distance of approximately

50 feet on center. All such trees shall have a caliper of at least 2 1/2 inches at a height of three feet above finished grade.

§ 100-90. Recreational requirements.

Any development within a Planned Residential Development District shall be required to provide at least 100 square feet of land devoted exclusively to active recreational and/or playground purposes per bedroom/studio-type dwelling unit proposed. The location, design, facilities and arrangement of such recreational lands shall be subject to Planning Board review and approval as a part of the required detailed site development plan.

§ 100-91. Water supply and sewage disposal.

The site of a proposed Planned Residential Development District shall either be within an existing Town water and sewer service area, in which case it shall be required to connect to such service facilities, or it shall be the responsibility of the applicant to provide a central water supply and sewage disposal system, approved by the County Health Department, to serve the entire development.

§ 100-92. Placement of utilities.

All utilities shall be placed underground and shall be situated to the extent possible between the paved roadway and designated street line, or in commonly owned areas, to simplify location and repair of such lines. Wherever possible, utilities should be routed around structures, paved areas and separately owned private lands.

§ 100-93. Ownership; maintenance responsibilities.

- A. Developments within a Planned Residential Development District may be in either single or multiple ownership. Units and/or lots may be leased or owned separately.
- B. At the time of submission of a detailed site development plan to the Planning Board for approval, the applicant shall be required to prepare and submit a written program for the maintenance of any commonly owned area, including open space and recreation areas, walkways, driveways, parking areas and other common utilities and facilities. This program shall fix the responsibility for the maintenance program on either the landlord or a home association, or a combination thereof, and shall demonstrate, to the satisfaction of the Planning Board and the Town Attorney, how such responsibility will be legally bound and enforceable. If authorized and approved by the Town Board, community areas may be dedicated to the Town by the applicant.
- C. In the case of multiple ownership of land or buildings, including single-family homes developed under the reduced lot size provisions of § 281 of the Town Law and condominium or cooperative ownership of apartments or Townhouses, a homeowners' association shall be formed. Membership in this association shall be required for all owners of dwelling units within the development, and the association shall be responsible for the maintenance program. Where the development is a combination of multiple ownership and leased units,

the landlord shall be a member of the homeowners' association with maintenance responsibilities proportional to the number of units which he owns.

§ 100-94. Site development plan: Planning Board approval.

Prior to the issuance of any building permit within a Planned Residential Development District, a detailed site development plan shall be approved by the Planning Board, and no building or site development shall be carried out except in conformity with such approved plan.

§ 100-95. Application for site development plan review.

An application for site development plan approval within a Planned Residential Development District shall be made to the Planning Board and shall be accompanied by the following information:

- A. A complete copy of the approved application for the establishment of the Planned Residential Development District, including any additional requirements or modifications required by the Town Board in connection with its approval.
- B. Three copies of a detailed site development plan for the entire development or the first section thereof, which section shall comprise at least 10 acres of land area but in no case less than 10% of the entire development. Such plan shall show the detailed topographic information of the area for which approval is applied, including contours at five-foot intervals, showing the existing as well as the regraded surface; the location and nature of all significant natural features, including wooded areas, wetlands, major trees, rock outcroppings, etc.; the location of proposed landscaping and planted areas, with identification of sizes and types of vegetation to be used (or a typical landscape plan); the location, size and proposed surface treatment of all parking areas with access and egress drives thereto; the location, size and design of all existing and proposed improvements, including the stormwater drainage, water supply and sewage disposal systems, retaining walls, recreational facilities, etc.; the location, size and type of any proposed signs and exterior illumination; typical floor plans of proposed dwelling units; and any additional information, including information about neighboring properties, as may be necessary to determine and provide for the proper enforcement of this chapter. In addition, the plan shall indicate the name and address of the licensed architect or engineer preparing the site plan; the date the site plan was prepared and revision dates, if any; the North arrow and scale of the drawing; the total acreage of the site; the location and dimensions, in feet, of all lot boundaries; and a detailed schedule of the number, size and type of dwelling units proposed, sidewalks, streetlighting and hydrants.
- C. Necessary written agreements providing for the future ownership and maintenance of any commonly owned or used portions of the proposed development, including the proposed bylaws for any homeowners' association, if such is required.
- D. A proposed subdivision plat, if the land within the proposed development is to be subdivided in any way or if any of the streets within the proposed development are to be subsequently offered to or accepted by the Town as public roads. The procedure for the review of such subdivision plan shall comply with the requirements of the Land Subdivision Regulations,

except that such plans shall not be approved until and unless the site development plan is approved if such subdivision involves the creation of separate individual building lots.

- E. When subdivision involves creating individual building lots, each lot shall be defined by permanent corner stakes and identified with a permanent marker showing the parcel number corresponding to the approved site plan.

§ 100-96. Standards for site development plan review.

In reviewing any proposed site development plan, the Planning Board shall take into consideration the requirements of the Town Development Plan, as such plan may be adopted and amended by said Board, and shall also consider the proposed location of main and accessory buildings on the site, including their relationship to the existing topography; the proposed height and bulk of buildings; the proposed traffic and pedestrian circulation systems both within and without the site; the design and adequacy of off-street parking areas; the provision of buffer areas and other landscaping on the site; the location, amount and design of active recreational facilities; the display of signs; the arrangement of exterior lighting; and the proposed systems of public facilities and utilities on the site, so as to help assure that any such development will satisfy the purposes of this chapter, will promote the public safety, health and general welfare, will preserve property values, will harmoniously and satisfactorily fit in with contiguous land and buildings and adjacent neighborhoods and will provide a suitable living environment for the future residents of the development.

§ 100-97. Public hearings.

- A. If an application for site development plan approval within a Planned Residential Development District also requires subdivision plat approval by the Planning Board, the Board shall hold a joint public hearing to consider both matters, with the same notice and timing requirements as set forth for the approval of subdivision plats.
- B. If a subdivision plat is not involved, the Planning Board may hold a public information meeting, but no such meeting nor any public hearing shall be required.

§ 100-98. Action by Planning Board.

- A. If subdivision plat approval is not required, the Planning Board shall render its decision on the proposed site development plan within 45 days of the meeting at which it was received. If subdivision plat approval is required in conjunction with the site development plan, the timing requirements for both decisions shall be the same as normally required for subdivisions.
- B. The Planning Board may act to either approve, approve with modifications or disapprove any proposed site development plan within the Planned Residential Development District. No such plan shall be disapproved unless it fails to comply with one or more requirements of this chapter or the conditions of Town Board establishment of the Planned Residential Development District.

§ 100-99. Conditions and safeguards.

The Planning Board may attach such conditions and safeguards to the site development plan approval as it determines necessary to assure both initial and continued conformance to all applicable standards and requirements.

§ 100-100. Expiration of site development plan approval.

The site development plan approval shall expire if a building permit is not issued and construction begun within 12 months, except that the Planning Board may grant an extension of six months if requested by the applicant and if deemed in the public interest by the Planning Board.

**ARTICLE XXIVA, Planned Unit Development District D ARTICLE XXIVA,
Planned Unit Development District**

§ 100-100.1. Purpose.

In order to meet the objectives of this chapter and to encourage and promote the most attractive and economic development of land which under appropriate conditions may include a mixture of land use types not otherwise permitted, to provide a maximum variety of housing types and densities in convenient locations within the Town, to encourage job-supporting and tax-producing new development planned in accordance with modern planning standards, to protect the quality and property values of existing development, to increase the range of services and facilities available to serve the Town's present and future population and to otherwise promote and enhance the public health, safety and general welfare, the following provisions with regard to Planned Unit Development Districts are adopted as an amendment to this chapter.

§ 100-100.2. Establishment.

A Planned Unit Development District may be established by the Town Board either on its own motion or as a result of a petition from the owner or owners of property complying with the standards and requirements set forth in this chapter for Planned Unit Development Districts.

§ 100-100.3. Application; review; public hearing; action.

Application, review, public hearing and action with respect to the establishment of a Planned Unit Development District shall be as follows:

§ 100-100.3.A. Considerations

In determining whether exceptions to district standards should be allowed, particularly as regards the intensity of land use, the Town Board shall consider the following factors.

- A. The need for the proposed land use in the proposed location.
- B. The availability and adequacy of water service.
- C. The availability and adequacy of sewer service.
- D. The availability and adequacy of transportation systems, including the impact on the road network.
- E. The pedestrian circulation and open space in relation to structures.
- F. The character of the neighborhood in which the PUD is being proposed, including the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- G. The height and bulk of buildings and their relation to other structures in the vicinity.
- H. Potential impacts on local government services.
- I. Potential impacts on environmental resources including wetlands, surface water, flood plains, and plant and wildlife communities.
- J. The general ability of the land to support the development, including such factors as slope, depth to bedrock, depth to water table and soil type.
- K. Other factors as may be deemed appropriate by the Town Board.

Procedures:

A. The owner of the land or agent thereof shall submit an application for a PUD rezoning to the Town Board. An application fee set by the Town Board and amended from time to time in the Development Fee Schedule shall accompany the application. A sketch plan, drawn to scale, together with a narrative description, shall also accompany the application. The Town Board at its next regularly scheduled meeting may, if it determines the proposal merits review, refer the application with a copy of the sketch/plan to the Planning Board for its review and recommendation within 40 days of the date of the application. Any such referral to the Planning Board should not be construed as an approval of the application. If the Town Board determines that the proposal does not merit review because it does not meet the purposes of this Article, it shall not refer the application to the Planning Board and no further action on the application shall be taken. The application fee will be refunded to the applicant.

a. An escrow amount shall be established by the applicant to pay for consultant's fees, including engineering and legal fees, incurred in the evaluation of the plans and documentation for the PUD.

B. The Planning Board shall require the applicant to furnish basic site data pertaining to the boundaries of the proposed PUD or of an amendment to a PUD, existing zoning, topography, subsoil conditions and such other data as the Planning Board may deem appropriate, and

such preliminary plans as may be required for an understanding of the proposed development, with the petition for the desired PUD. All applications for PUDs or for amendments to PUDs shall be accompanied by a long form environmental assessment form as set forth in the New York State Environmental Quality Review Act. The Town Board will be the lead agency for each PUD application.

C. PUDs shall be considered as a single parcel for the purpose of applying the regulations. The Planning Board will consider all zoning parameters for the district in which the PUD is located.

D. The Planning Board may request such changes in said preliminary plans as are found to be necessary. The Planning Board may request such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the district(s) and to promote and protect the orderly growth and sound development of the Town. In reaching its decision on the proposed development and changes, if any, in the preliminary plans, the Planning Board shall consider among other things, the following:

- (1) The need for the proposed land use in the proposed location.
- (2) The existing character of the neighborhood in which the use would be located.
- (3) The location of principal and accessory buildings on the site in relation to one another.
- (4) The pedestrian circulation and open space in relation to structure.
- (5) The traffic circulation features within the site and the amount, location and access to automobile parking areas.
- (6) The height and density of buildings and their relation to other structures in the vicinity.
- (7) The proposed location, type and size of display signs, driveways, loading zones and landscaping. In addition, an applicant for a PUD shall, in order to insure uniform sign design throughout such district, submit his plans pertaining to signs in the district to include the location, type and size of all proposed signs.
- (8) The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.

- (9) Adequacy of drainage, storm water management, water supply and sewerage disposal facilities.
- (10) Such other matters as the Planning Board may consider pertinent.

E. The Planning Board shall approve, approve with modifications, or disapprove such application and shall report its findings to the Town Board within 62 days following the date of referral to the Planning Board. This period may be extended with the consent of the applicant.

F. The Town Board shall within 45 days following receipt of the report from the Planning Board hold a public hearing on the proposal, with public notice as provided by law, as in the case of an amendment to this local law.

G. The Town Board may then amend this local law so as to define the boundaries of the PUD. Such action shall have the effect only of granting permission for development of the specific proposed uses, including building and area specifications, in accordance with the preliminary plans filed with the Town Board. Such amendment of this local law shall not constitute or imply a permit for construction or approval of construction plans.

H. In the event that the Planning Board has disapproved such proposal, or approved with modifications which the applicant is unwilling to make, an affirmative vote of not less than four-fifths (4/5) of the members of the Town Board shall be required to establish such PUD.

I. If construction work on the proposed development has not begun within 2 years of the Town Board approval and such work is not completed within the period of time specified by the Town Board, approval of the application shall become null and void. All rights granted under the PUD shall revert to the same regulations and restrictions as were effective before such approval, unless the Town Board for good cause authorizes an extension, which may be authorized without a public hearing.

J. Where any proposed PUD contains residential development, if the Town Board makes a finding that there is a present and anticipated future need for park and recreational facilities for the Town, and further that a suitable park or parks of adequate size cannot be located on such PUD, the Town Board may require a Payment in Lieu of Park Land Fee in an amount set by the Town Board and amended from time to time in the Town of Lloyd Development Fee Schedule. Such fees so

collected shall be placed by the town into a trust fund to be used exclusively for park, playground or other recreational purposes, including the acquisition of property.

K. The tract or tracts of land under application for consideration for a PUD may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the deeded owners or their agent of all parcels included in the project. In the case of multiple ownership, the approved plan shall be binding upon all the owners, and such owners shall provide written certification of such binding agreements.

§ 100-100.4. Compliance with standards. [Amended 4-9-2003 by L.L. No. 2-2003]

All Planned Unit Development Districts and all buildings and uses within such districts shall be required to comply with the following specified development standards and requirements, except that the Town Board and the Planning Board is hereby authorized to modify the standards with respect to individual buildings and lots within a planned unit development, as said Board deems appropriate, insofar as permitted in accordance with the provisions contained in § 278 of Town Law.

§ 100-100.5. Location. [Amended 4-9-2003 by L.L. No. 2-2003]

A Planned Unit Development District shall have sufficient frontage on a public highway in order to ensure that adequate traffic access will be available to serve the mix of permitted land uses. Location of the Planned Unit Development shall also be in conformance with the Comprehensive Town Plan. The site of a Planned Unit Development District shall either be within an existing or future Town water and sewer special district, in which case it shall be required to connect to the special district's service facilities, or it shall be the responsibility of the applicant to provide a private central water supply and sewage disposal system, approved by the County Health Department, to serve the entire development, to be dedicated to the public and operated by the Town water and/or sewer district administration, acceptance of the private systems to be at the Town Board's option.

§ 100-100.6. Minimum site area.

Each Planned Unit Development District shall be at least 20 contiguous acres in area outside the Town Water/Sewer District, 10 contiguous acres if within the Water/Sewer District, measured at least 250 feet of frontage on existing state highways. Each stage of development, if development occurs in stages, shall include at least 10 acres of land area.

The site plan for a PUD shall not be less than five acres for a residential development, three acres for a commercial development or five acres for an industrial development; provided, however, that where an applicant can demonstrate that the characteristics of his holdings will meet the

objectives of this Article, projects with less acreage will be considered, and further provided that in the event that the Town Board is considering a project with less acreage, the affirmative vote of not less than 4/5 of the members of the Town Board shall be required to establish such a PUD. The calculation of such land area shall not include existing streets, easements, parks or otherwise dedicated land or water areas in excess of 5% of the minimum gross acreage, lands officially designated on the official map of the Town or County as they may be prepared for public purposes or lands undevelopable by reason of topography, drainage or adverse subsoil conditions. Sites proposed for development for two or more classifications shall consist of the aggregate gross land area required for each use. The proposed development shall conform to the Town of Lloyd Comprehensive Land Use Plan.

§ 100-100.7. Permitted uses.

No building or premises shall be used and no building or group of buildings or part of a building or structure shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more of the uses set forth below. Only those uses listed as being permitted shall be permitted.

A. Permitted principal uses.

- (1) Any use permitted by § 100-18A in a one-family residence district or multiple-family residence district, except that no more than 5% of all dwelling units shall be single-family or two-family dwellings.
- (2) Specific uses.
 - (a) Stores and shops for the conduct of retail business, banks, post office, and establishments for the performance of various personal services, provided that such uses are part of a planned shopping complex of at least three acres.
 - (b) Restaurants and other places serving food and beverages.
 - (c) Theater, disco, bowling alley, skating rink or other place of amusement, provided that all principal activities are conducted in a fully enclosed building.
 - (d) Institutional health care facilities, including hospitals, and long-term care facilities where the occupants reside for extended periods within the facility.
 - (e) Office use.
 - (f) Golf courses with a clubhouse and/or hotel accessory to the golf course, marinas, equestrian facilities and vineyards. [Added 4-9-2003 by L.L. No. 2-2003]
- (3) Any use permitted by Article XXIV in a Planned Residential Development.

A separate special use permit shall not be required for any use if such use is shown on the approved generalized site plan for the entire planned unit development. Site development plan approval shall be required. However, any permitted principal use

applied for after the original approved generalized site plan is subject to approval procedures set forth in Article XXV and shall conform to any additional requirements made in connection with such approval.

B. Permitted accessory uses.

- (1) Office of a physician, lawyer, surgeon or dentist and similar professional offices, and these must be located within the nonresidential area of the Planned Unit Development District.
- (2) Garages and other areas for parking of motor vehicles. In areas of open or outdoor parking only 1/10 of the area may be for commercial vehicles of one ton or less.
- (3) Parish house, rectory or church schoolrooms.
- (4) No more than two signs, not exceeding four square feet in area, each pertaining to a permitted nonresidential use in the district, including sale, lease or rent signs, but excluding advertising signs. Signs shall be nonmoving and, if lighted, shall be nonflashing and shielded. Such signs must be located within the nonresidential area of the Planned Unit Development District. See Signage specifications below.
- (5) Swimming pool, provided that such facility is not located in the required front yard and is set back from lot lines at least the side yard distance from the main building.
- (6) Any accessory use permitted by Article XXIV in a Planned Residential Development.

A separate special use permit shall not be required for any accessory use if such use is shown on the approved generalized site plan for the entire planned unit development. However, any permitted accessory use applied for after the original approved generalized site plan is subject to approval procedures set forth in Article XXV and shall conform to any additional requirement made in connection with such approval.

Once approval is granted to the PUD, the development shall be considered static. No further changes can be made to the structures or amenities of the site, nor shall any changes be made to the uses allowed in the approved plan, unless those changes are resubmitted to the Planning Board for review and approval.

§ 100-100.8. Density.

- A. The portion of the site area devoted to nonresidential or nonrecreational uses and their accessory uses shall not exceed 50% of the gross area of any Planned Unit Development District. [Amended 4-9-2003 by L.L. No. 2-2003]

- B. Within a Planned Unit Development District, residential densities shall be such that there will be at least the following minimum amounts of gross land area per dwelling unit, excluding the portion of the site, if any, devoted to nonresidential uses:

Type of Dwelling Unit	Minimum Land Area Required (square feet)
Studio/0-bedroom	2,500
1-bedroom	3,500
2-bedroom	5,000

The above densities shall not apply in situations where the residential component of the site is institutional in nature (long term care facilities), subject to Town Board or Planning Board approval.

§ 100-100.9. Setbacks and building coverage.

Refer to Appendix A for Design Standards for the PUD.

- A. All buildings, residential and nonresidential, shall be required to set back from perimeter property lines of the Planned Unit Development District a distance equal to the normal setback requirements within the adjoining zoning district but in no case less than the height of the building as measured from finished grade or 50 feet whichever is greater.
- B. Building coverage of residential uses and their accessory uses shall not be permitted to exceed 15% of the gross site area devoted to such uses, nor shall the combination of building and paved areas of such uses be permitted to exceed 50%.
- C. All other normal dimensional standards and requirements related to buildings and lots within a Planned Unit Development District shall be subject to Planning Board review and determination as a part of the site development plan and/or subdivision plat approval procedure, as appropriate.

§ 100-100.10. Streets and storm drainage.

The provisions of § 100-87 shall apply in all Planned Unit Development Districts.

§ 100-100.11. Off-street parking.

- A. Off-street parking facilities shall be provided in number and design in accordance with the requirements of Article XXVII, subject to the following special standards for Planned Unit Development Districts:

- (1) One off-street parking space, plus 1/4 of a space per bedroom, shall be provided for each dwelling unit. At least one such space per dwelling unit shall be located out-of-doors.
 - (2) At least 20% of the minimum number of required parking spaces to serve dwelling units shall be designed and reserved for the use of visitors and guests.
 - (3) All maintenance vehicles or equipment shall be stored in enclosed structures only, which structures shall conform in architectural theme to the principal buildings of the planned unit development.
- B. The Town Board or Planning Board may waive up to 30% of the total required residential parking facilities as part of its site plan approval, when it is determined by the Board that due to the relationship of the land uses or the nature of the occupancy of the dwelling units, the total required facilities may not be necessary to meet the intent of these regulations. In all cases, it shall be expressly demonstrated on the site development plan that sufficient space remains for the provision of the total amount of parking required and the site development plan shall bear such designation. All such undeveloped parking space shall be used and maintained as additional landscaped grounds until required for parking. Written guaranties, satisfactory to the Town Attorney, shall be submitted by the applicant for the eventual improvement of any such spaces, which may have been waived, within six months of the date of written notice to the property owner by the Planning Board that such spaces have been determined as necessary and must be constructed.
- C. Parking shall be situated so that it is not visible from the state highway, and to the maximum extent possible, from all other vantage points around the parcel, either by dense, year-round landscaping, or topographically concealed. Parking shall be to the side or rear of buildings.

§ 100-100.12. Street trees and landscaping.

The provisions of § 100-89 shall apply in all Planned Unit Development Districts.

§ 100-100.13. Recreation area and open space.

- A. Recreation area. Each planned unit development shall include a recreation area which is designed, improved and maintained for the use of the residents of the development and their guests on a not-for-profit basis. The recreation area shall provide common active recreational facilities, such as swimming pools, playing courts (tennis, basketball, volleyball), playground equipment, etc. The plan for the recreation area shall be subject to Planning Board approval as to location, design and adequacy, taking into consideration the size of the development and the anticipated occupancy of the units. Where special recreational consideration must be met, such as for senior citizens or handicapped persons, the site plan shall contain elements encompassing and satisfying those needs. If the PUD is developed in phases, the on-site recreational amenities must be designed and built to accommodate the maximum residential build-out of the entire PUD.
- B. Open space. All portions of any planned unit development which are not used for one or more of the purposes permitted by this chapter shall be designed and maintained as

permanent open space and shall be landscaped or preserved in accordance with plans approved by the Planning Board.

- C. Walkways. Planned unit developments shall be provided with safe and convenient pedestrian walkways as determined necessary by the Planning Board to connect residential buildings, parking facilities, public and commercial facilities, school bus stops and recreation and open space areas. Walkways should be paved, level surfaces to allow walkers of all abilities to easily move about.

§ 100-100.14. Utilities and services.

- A. The provisions of §§ 100-91 and 100-92 shall apply in all Planned Unit Development Districts.
- B. Refuse collection, storage and disposal. Plans for the collection, storage and disposal of refuse within any planned unit development shall be subject to Planning Board approval as part of its review of site development plans. The outside storage of refuse, if permitted, shall be in rodentproof containers conveniently located and enclosed or otherwise screened from view. If the parcel is broken into individual units with either public or private garbage collection, or if refuse must be exposed to the public view in any type of development, refuse shall be placed out for collection no earlier than 18 hours prior to collection, and any containers shall be removed from public view no less than 12 hours after collection.
- C. Fire protection. Planned unit developments shall be provided with proper access for fire-fighting equipment and personnel. Hydrants shall be provided in such number and location and with such water supply and pressure as may be determined adequate by the Planning Board, based upon the recommendation of the Town Engineer and the Fire Department servicing the site.
- D. Exterior lighting shall be provided in accordance with a lighting plan approved by the Planning Board. Under no circumstances shall lighting be designed in such a way to allow unshielded light to project beyond the boundaries of the parcel. The design is encouraged to have some lights turn off when not required, except those lights that serve security and safety concerns. Further, consideration should be given to avoid, as much as possible, uplighting which could create sky-shine at night.

§ 100-100.15. Ownership; maintenance responsibilities.

The provisions of § 100-93 shall apply in all Planned Unit Development Districts.

§ 100-100.16. Site development plan; Planning Board approval.

Prior to the issuance of any building permit within a Planned Unit Development District, a detailed site development plan shall be approved by the Planning Board, and no building or site development shall be carried out except in conformity with such approved plan.

§ 100-100.17. Application for site development plan review.

An application for site development plan approval within a Planned Unit Development District shall be made under the same procedure as set forth in § 100-95 for site development plan approval in Planned Residential Development Districts. In addition to the information required by § 100-95B, the site development plan shall contain a detailed schedule of all proposed nonresidential uses, including type of use, floor area and parking requirements.

§ 100-100.18. Standards for site development plan review.

The provisions of § 100-96 shall apply in the review of site development plans in all Planned Unit Development Districts.

§ 100-100.19. Public hearings; action by Planning Board; conditions and safeguards.

The provisions of §§ 100-97 through 100-99 shall apply in all Planned Unit Development Districts.

§ 100-100.20. Changes in Plan

If in the site plan review process it becomes apparent that certain elements of the sketch plan, as it has been approved by the Town Board, are unfeasible and in need of significant modification, the applicant shall then present solutions to the Planning Board of the PUD site plan in accordance with the above procedures. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the local law creating the PUD. If a negative decision is reached, the site plan shall be considered disapproved. The applicant may then produce another site plan in accordance with the approved PUD plan. If an affirmative decision is reached, the Planning Board shall so notify the Town Board stating all of the particulars of the matter and its reason for feeling the project should be continued as modified. Preliminary site plan approval may then be given only with the consent of the Town Board.

§ 100-100.21. Expiration of site development plan approval.

The provisions of § 100-100 shall apply in all Planned Unit Development Districts.

§ 100-100.22 No Construction Until Requirements are Met.

No building permits shall be issued for construction within a Planned Unit Development District until improvements are constructed or financial security is posted. Construction may also not occur until such other requirements and conditions as established by the Town Board and Planning Board have been met.

§ 100-100.23. Signs. [Added 6-15-1988 by L.L. No. 3-1988]

The following section supersedes any other sign ordinances in the Town of Lloyd Zoning Ordinance.

A. Purpose. The purpose of this section is to:

- (1) Maintain character of the community and enhance physical appearance of planned unit developments.
- (2) Ensure compatibility of design of signs relating to the commercial or other land use portions of a planned unit development.
- (3) Prevent visual and physical congestion created by signs designed to compete for the visual attention of motorists.
- (4) Protect the visual character of the Town by encouraging signs that are visually compatible with development.

B. General standards. The following standards and specifications shall be included in plans presented to the Planning Board during site plan review of the commercial portion of any proposed planned unit development or during sign permit review of proposed signs for existing planned unit developments:

- (1) Illumination and nonstationary signs.
 - (a) Signs shall not be designed to include neon tubing such that the tubing is part of the visible exterior of the sign. Signs shall not be illuminated by or contain flashing, blinking, rotating or sequential or other moving lights.
 - (b) Signs shall not be constructed to be or to include moving, rotating or fluttering parts or banners or to have any part that projects or moves beyond the allowed surface area.
 - (c) Interiorly light signs are prohibited.
- (2) Design and aesthetics.
 - (a) General. The purpose of these design standards is to promote construction of signs that are compatible with the design and composition of the planned unit development and are legible, yet do not create visual distraction or confusion for passing motorists. The design should complement existing adjacent land uses and the visual character of the Town.
 - (b) Materials, finish and coloring. Durable materials, such as wood, metal or plastic, shall be used to construct the commercial plaza sign and individual business signs. The material chosen shall be approved by the Planning Board and should be consistent with the materials used to construct residential and commercial portions of the planned unit development that are visible from the roadway and neighboring properties. Finish and coloring shall also complement the composition of the entire planned unit development project and surrounding community.

- (c) Sign colors shall be chosen to minimize or reduce significant or distracting contrast, to eliminate visible competition between the colors of the freestanding sign, its constituent identity signs and individual signs on storefronts, except for the recognized logo of stores with retail space exceeding 7,500 square feet.
 - (d) Lettering, layout and composition. The composition of all signs for the complex, including the freestanding plaza sign, identity signs on the plaza sign and individual business signs, should be reasonably consistent in lettering and layout, such that:
 - [1] A limited variety of lettering styles can be chosen that are visually compatible and readable for motorists and customers in the complex.
 - [2] A form of message layout should be chosen and presented in plan details to provide a certain proportion of lettering size and quantity to overall sign space.
 - (e) Temporary or portable signs shall be permitted, but only with a permit from the Zoning Inspector. Such permits shall not be renewable and shall not exceed 15 days in duration.
- C. Commercial plaza sign. One freestanding sign may be proposed for a roadfront location which may indicate the name of the commercial plaza and the name of the tenants with retail space exceeding 7,500 square feet of the plaza.
- (1) Dimensions.
 - (a) Height. The height of a freestanding sign for identifying the commercial plaza shall be established at the discretion of the Planning Board; however, in no case should the lighted portion of the sign exceed 25 feet as measured from the finished grade of the road surface fronting the plaza. In no case may the total height of the sign structure exceed 30 feet from the finished grade of such road surface.
 - (b) Sign area. There shall be a maximum of two faces for the freestanding commercial plaza sign. Each face shall be no greater than 150 square feet. The area of the freestanding sign faces may be increased, up to a maximum of 300 square feet each, at the discretion of the Planning Board. The Planning Board shall include the following criteria in its determination:
 - [1] A landscaped area at the base of the sign.
 - [2] Increased setback of the sign from the road frontage.
 - [3] Lighting and design of the sign.
 - [4] Overall visual quality of the freestanding sign.
 - (2) Location, orientation and setback.
 - (a) Location. The freestanding commercial plaza sign shall be located along the longest property border of the commercial portion of the planned unit development which faces a major roadway. Where the commercial portion of the planned unit

development has significant lengths of frontage along more than one major roadway, an additional sign may be placed to identify an alternate entry to the plaza, not to exceed 10 square feet. However, only one of the road-facing signs may bear the identity signs for the individual tenants of a commercial plaza.

- (b) Orientation. A freestanding sign may have two faces and may be oriented so that the width of the face is perpendicular to the roadway so that each face can be read by motorists. No sign shall have more than two faces.
- (c) Setback. The required setback of the sign shall be at the discretion of the Planning Board. The Planning Board shall consider the total distance to the traveled roadway along with the other factors in its determination regarding appropriate setback requirements. The Planning Board shall establish a setback which furthers the purpose of the sign ordinance and which will minimize visual and visible congestion of the highway and will promote safe flow of traffic.

(3) Landscaping. Suitable landscaping shall be provided around the sign.

D. Individual business signs.

- (1) One individual identity sign may be constructed for each tenant store located between the anchor stores. Such sign may be attached to the store's front facing a roadway or interior of a mall complex or may project perpendicularly from the front wall of the store. No other signs are permitted. Individual identity signs for tenant stores of less than 7,500 square feet may not extend above or below the fascia. For signs on the fascia, the length of said sign shall not exceed the store's frontage in linear feet minus eight feet. If the sign extends perpendicular from the store front, it may not be larger than eight square feet and shall be a minimum of 7.5 feet in height from the pavement.
- (2) Anchor stores of 7,500 square feet or greater of retail space may have an individual business sign to be attached to the storefront. Such sign shall not exceed an area equal to the store's frontage in linear feet times 1.5 feet (for example: 0.25 linear feet of frontage by 1.5 feet = 37.5 square feet). Each sign shall be attached to the storefront or the fascia and shall not project above the top of the vertical portion of the front roofline. In no case shall a roof-mounted sign be permitted. A vertical sign attached to a sloping roofline shall not be permitted.

E. Administration.

- (1) Plans and details for proposed signs for commercial portions of planned unit developments shall be presented for review and approval by the Planning Board during the site plan review of the planned unit development.
- (2) No additional permanent or temporary signs or other advertising device shall be erected, constructed, displayed, moved, reconstructed, extended, enlarged or altered without a thorough review and approval by the Planning Board.
- (3) Upon approval of said plans, the application shall be filed with the Zoning Administrator for a sign construction permit. Compliance with approved sign plans shall be enforced by the Zoning Administrator.

ARTICLE XXIVB, Multiple-Family Residence Districts [Added 10-12-1983 by L.L. No. 4-1983]

§ 100-100.21. Applicable regulations.

In accordance with the purposes of this chapter as set forth in Article I hereof, the following regulations shall apply to development in the MF-5 and MF-10 Multiple-Family Residence Districts. These regulations are also intended to guide the Zoning Board of Appeals and the Planning Board in their review of special permit applications and accompanying detailed site plans for the development of multiple dwellings in accordance with the requirements of Article XXV.

§ 100-100.22. Development density.

Within the multiple-family residence districts, residential densities shall be such that there will be at least the following minimum amounts of land area per dwelling unit:

Type of Dwelling Unit	Minimum Land Area Required (square feet)	
	MF-5	MF-10
Studio/0 bedrooms	2,500	5,000
1 bedroom	3,500	7,000
2 bedrooms	5,000	10,000
3 bedrooms	6,500	13,000
4 bedrooms	8,000	16,000
Single-family dwelling*	21,780 (1/2 acre)	21,780 (1/2 acre)

*NOTE: R- 1/2 standards for single-family dwellings within the MF (multifamily) zone to revert to original zoning and standards of R- 1/2 District.

§ 100-100.23. Dimensional standards.

- A. The lot upon which a multiple dwelling is constructed shall have an area of not less than 10 acres except when located within and served by a municipal water and sewer district of the Town of Lloyd, in which case the minimum lot area shall be 15,000 square feet.
- B. The minimum lot width at the main building line for a multiple dwelling shall be 125 feet.
- C. The yard between a multiple dwelling and any street line shall have a minimum depth of 75 feet. On streets with less than a fifty-foot right-of-way, the yard setback shall be measured from the center line of the right-of-way, if known, and 25 feet shall be added to the required yard setback. On streets of unknown right-of-way, the same procedure shall be followed, except that measurements shall be taken from the center line of the existing roadway.
- D. The yard between a multiple dwelling and any other lot line shall have a minimum depth of 50 feet.
- E. The maximum permitted height of buildings within a multiple-family residence district shall be two stories or 35 feet, whichever requirement is more restrictive. In situations where topographic conditions are such that ground level access can be provided to the first and second levels of the multiple dwelling, the Planning Board may approve a maximum building height of three stories and 35 feet.
- F. Single-family dwellings may be constructed on lots within the MF-5 and MF-10 Districts in accordance with the lot width and yard standards of the R- 1/2 District.

§ 100-100.24. Coverage.

- A. The maximum permitted building coverage for multiple dwellings within an MF-5 District shall be 15%, and the maximum permitted combined coverage of multiple-dwelling buildings and paved surfaces (roads, driveways and parking areas) shall be 35%.
- B. The maximum permitted building coverage for multiple dwellings within an MF-10 District shall be 10%, and the maximum permitted combined coverage of multiple-dwelling buildings and paved surfaces (roads, driveways and parking areas) shall be 30%.
- C. Underground parking shall be excluded from building coverage for the purpose of these calculations.
- D. Single-family dwellings located in the MF-5 and MF-10 Districts shall meet the coverage requirements of the R- 1/2 District.

§ 100-100.25. Buffer areas.

A buffer strip shall be required along all property lines of a multiple-dwelling development which are adjacent to land located in a single-family residence district. Such buffer strip shall comply with at least the following minimum standards:

- A. It shall be at least 30 feet in width, in addition to the setback stated above.

- B. It shall remain in its natural state with no construction, grade alteration or clearing permitted, except as approved by the Planning Board to meet site access, drainage, recreation and landscaping requirements.
- C. Evergreen planting shall be provided of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will effectively screen the activity on the lot from the neighboring residential area. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.
- D. Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.

§ 100-100.26. Recreation area and open space.

A. Recreation area.

- (1) Except as provided below, each multiple-dwelling development shall include a recreation area which is designed, improved and maintained for the use of the residents of the development and their guests on a not-for-profit basis. The recreation area shall contain at least 100 square feet of lot area per bedroom/studio-type dwelling unit and provide common active recreational facilities such as swimming pools, playing courts (tennis, basketball, volleyball), playground equipment, etc. The plan for the recreation area shall be subject to Planning Board approval as to location, design and adequacy, taking into consideration the size of the development and the anticipated occupancy of the units. Where special recreational considerations must be met, such as for senior citizens or handicapped persons, the site plan shall contain elements encompassing and satisfying these needs.
- (2) Where the Planning Board determines that a suitable recreation area of adequate size cannot be properly located in such development, or is otherwise not practical, the Board may require as a condition of approval of any such site plan a payment to the Town of a sum which shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property. Such sum shall be determined in accordance with the fee schedule set up by the Town Board.

B. Open space. All portions of any multiple-dwelling development which are not used for one or more of the purposes permitted by this chapter shall be designed and maintained as permanent open space, free of buildings and parking areas, and shall be landscaped or preserved in a natural state in accordance with plans approved by the Planning Board.

C. Preservation of common areas.

- (1) Permanent preservation of such recreation areas and open space shall be legally assured, to the satisfaction of the Planning Board and the Town Attorney, by the filing of appropriate covenants, deed restrictions, easements or other forms of agreements. It shall be the property owner's responsibility to maintain all open space and recreation areas, and such other common areas within the owner's control, including but not limited to streets, driveways, curbs, sidewalks, landscaping, lighting, and public hallways in a safe,

clean and orderly condition. Such maintenance shall include removal of snow from internal streets, driveways and walks. In the event that the maintenance, preservation and/or use of the conserved land areas and common facilities ceases to be in compliance with any of the requirements of this section or any other requirements specified by the Zoning Board of Appeals when approving the special permit, the Town shall be granted the right to take all necessary action to assure such compliance and to assess against the property owner all costs incurred by the Town for such purposes.

- (2) It is the intent of this section that the responsibilities and obligations of the property owner which continue after any multiple-dwelling development has been constructed will be assumed in their entirety by a property owner's association if Zoning Board of Appeals approval of the special permit allows for the ownership of all common areas to be divided proportionately among all property owners within the development. In such an event, membership in the property owners' association shall be mandatory for all property owners in the development. Such association shall be incorporated, shall be responsible for maintenance, liability insurance and local taxes, and shall be empowered to levy assessments against property owners to defray the cost of maintenance, and to acquire liens, where necessary, against property owners for unpaid charges or assessments. In the event that the property owners association fails to perform the necessary maintenance operations, the Town of Lloyd shall be authorized to enter upon such premises for the purpose of performing such operations, and to assess the cost of so doing against the association and/or each individual property owner equally.

D. Walkways. Multiple-dwelling developments shall be provided with safe and convenient pedestrian walkways as determined necessary by the Planning Board to connect dwelling buildings, parking facilities, school bus stops, and recreation and open space areas.

§ 100-100.27. Off-street parking.

Off-street parking facilities shall be provided in number and design in accordance with the requirements of Article XXVII. In addition, the following special standards shall apply in multiple-family residence districts:

- A. At least 20% of the minimum number of required parking spaces shall be designed and reserved for the use of visitors and guests.
- B. The Planning Board may require, if deemed appropriate, the provision of suitably screened and located parking areas for the storage of recreational vehicles belonging to residents of the development.
- C. All maintenance vehicles or equipment shall be stored in enclosed structures only, which structures shall conform in architectural theme to the residential buildings of the development.

§ 100-100.28. Utilities and services.

- A. Drainage.

- (1) All areas covered by buildings and all paved portions of a multiple-dwelling development shall be provided with suitable storm drainage. Where the expansion, reconstruction or other alteration of off-site drainage facilities and structures is required as a result of the additional burdens imposed by a proposed development, such development shall not be approved until the necessary off-site improvements have been made, or provisions have been made for such improvements.
 - (2) Stormwater drainage systems shall be designed so that the rate of runoff from the site during a one-hundred-year storm will not exceed that which would have occurred prior to its construction, unless another rate of runoff shall be approved by the Planning Board. The calculation of such runoff rate and the design of the drainage system shall be subject to the approval of the Town Engineer.
- B. Placement of utilities. All utilities, including electric, telephone and cable television service, shall be placed underground and shall be situated to the extent possible between the paved roadway and designated street line, or in commonly owned areas, to simplify location and repair of such lines. Wherever possible, utilities should be routed around structures, paved areas and separately owned private lands.
- C. Refuse collection, storage and disposal. Plans for the collection, storage and disposal of refuse within any multiple-dwelling development shall be subject to Planning Board approval as part of its review of detailed site development plans. The outside storage of refuse, if permitted, shall be in rodentproof containers conveniently located and enclosed or otherwise screened from view. Such facilities shall comply with all setback requirements applicable to principal buildings.
- D. Fire protection. Multiple-dwelling developments shall be provided with proper access for fire-fighting equipment and personnel. Hydrants shall be provided in such number and location, and with such water supply and pressure, as may be determined adequate by the Planning Board based upon recommendations of the Town Engineer and the Fire Department servicing the site.
- E. Central antenna system. If cable television service is not available to serve a proposed multiple-dwelling development, a central radio/television antenna system shall be provided for each such development or for each grouping of multiple-dwelling buildings within it. Separate exterior antennas for individual dwelling units shall not be permitted.
- F. Exterior lighting shall be provided in accordance with a lighting plan approved by the Planning Board.

§ 100-100.29. Individual unit access.

In general, each dwelling unit within a multiple-dwelling development shall have its own separate entrance/exit leading directly to the outside. The Planning Board may waive this requirement where said Board determines that the basic intent in terms of safety and the avoidance of common hallway areas can be met through other elements of the building design.

ARTICLE XXIVC, Demolition of Buildings [Added 5-16-1984 by L.L. No. 4-1984]

§ 100-100.30. (Reserved)

§ 100-100.31. Permit required.

No building or structure in the Town of Lloyd, except those set forth in the next section of this article, shall be demolished or removed without a permit from the Town of Lloyd.

§ 100-100.32. Applicability of provisions; exceptions.

This Article shall apply to demolition of any structure, or portion thereof, over 140 square feet in area, except the following miscellaneous structures:

- A. Porches and decks.
- B. Sheds.
- C. Garages, less than three bays.
- D. Fences.
- E. Barns located less than 250 feet from a residence.

§ 100-100.33. Permit fee; issuance of permit; appeals; enforcement officer.

The fee for the permit is to be set by the Town Board by resolution filed with the Town Clerk and may be amended by the Town Board by resolution from time to time. The Zoning Inspector of the Town of Lloyd shall issue the permit, upon submission of the application with the applicable fee, along with all information necessary in support of the application. Appeals from any decision made by the Zoning Inspector shall be to the Zoning Board of Appeals. Enforcement of the provisions of this section of the Code shall be pursuant to the provisions for enforcement of the Zoning Law generally, and the Zoning Inspector shall be the enforcement officer and shall have all of the powers hereinafter set forth in the enforcement of the provisions of these demolition demonstrations.

§ 100-100.34. Application for permit.

A permit may be applied for by the owner of the land upon which the structure exists, his lessee or agent or a contractor acting as agent of the owner or lessee. The application must be made on the Town's form with the applicable fee paid at the time of submission.

§ 100-100.35. Information to accompany application.

The owner, lessee or contractor, as agent of the owner or lessee, must, at the time the application is submitted, furnish the following:

- A. Proof that a public liability and owner's and contractor's insurance in the following amounts has been obtained:
- (1) Injuries, each person: \$100,000.
 - (2) Each accident: \$300,000.
 - (3) Property damage, each accident: \$25,000.
 - (4) Aggregate limit: \$50,000.
- B. Proof that the building or structure is free from insect vermin or rodent harborage, infestation or breeding areas.
- C. Proof that employees are covered by workmen's compensation insurance, as required by § 57 of the Workmen's Compensation Law. Said insurance coverage is to provide substantially that the site for which the demolition permit is being applied for is covered for demolition and wrecking.

§ 100-100.36. Disconnection of water- and sewer lines.

Prior to commencement of demolition, all water service and sanitary sewer lines must be disconnected at the mains, and this work must be approved by the Superintendent of Water and Sewer for the Town of Lloyd. If it is necessary to open the street to accomplish this, the necessary bond must be posted with the Town, with the approval of the Highway Superintendent, and the applicable fee must be paid.

§ 100-100.37. Disconnection of utilities.

All utilities, such as gas, electric, cablevision and telephone, must be disconnected by the appropriate utility company having ownership and control of the same.

§ 100-100.38. Notification of demolition.

The Town Constabulary, Fire Department and property owners within 100 feet of the building in each direction along the highway or road on which the building is located must be notified by the owner or contractor of the date that the demolition is to commence. If a street is to be blocked, a flagman or flagmen must be furnished to control vehicles and pedestrians at the sole expense of the owner and contractor.

§ 100-100.39. Safety standards.

All demolition operations must be carried out within the safety rules and regulations of the Occupational Safety and Health Administration and local and state safety laws and regulations. This includes, but is not limited to, the erection of suitable barricades, sidewalks, sheds or other protective structures, as required.

§ 100-100.40. Grading and filling of lot.

The lot upon which the building formerly existed must be graded smooth and level and compacted and filled as follows: Only broken masonry or soil from the site itself or off-site run-of-bank gravel or better may be used for fill. No debris from the site other than masonry broken into two-hundred-pound pieces maximum, or smaller, may be used for fill. No debris from off the site may be used at all. All fill must be completely compacted so that no holes, voids or trapped pockets of air remain in the ground to cause a cave-in or settling that will damage structures erected on the site in the future.

§ 100-100.41. Disposal of demolition debris.

All demolition debris is to be disposed of in accordance with all municipal and state laws and regulations. The only material that may be used to fill the site itself are masonry materials. All other materials and debris must be removed from the site. If material is to be taken to the Town of Lloyd landfill, the superintendent of said landfill must be notified prior to the disposal of the material at the landfill. The only debris or material to be disposed of at the landfill will be from that particular job site only.

§ 100-100.42. Inspections.

The Zoning Inspector shall be allowed entrance to the premises at all times, and the owner and contractor must give their consent for the Zoning Inspector to make inspections and any certifications that the work is being done in accordance with these requirements.

§ 100-100.43. Time limit for demolition and clearing of debris.

The demolition and/or removal of the structure and clearing of all debris caused by removal of the said structure shall be accomplished, and the lot upon which it formerly existed filled and graded, within 90 days from the date that the demolition permit, pursuant to this article, is issued by the Town of Lloyd.

ARTICLE XXIV, Waterfront Bluff Overlay District [Added 5-13-1994 by L.L. No. 1-1994]

§ 100-100.44. Authority and purpose.

- A. This article is enacted under the authority of § 10 of the Municipal Home Rule Law, Article 16 of the Town Law and Article 42 of the Executive Law of New York State, in order to protect and enhance the physical and visual environment of the Town of Lloyd and for the protection, order, conduct, safety, health and well-being of people and property within the Town.
- B. Purpose; district established.
 - (1) The land and water area of Lloyd's Hudson River waterfront represent a unique mix of natural and man-made resources. It has historically played an important role in the development, economy and cultural heritage of the Town and the region. The state-

designated Poughkeepsie Deepwater Habitat (19 NYCRR Part 602), the general water quality, the visual, scenic, natural and cultural character, including the vegetated bluffs, open water areas and historic structures, and the Esopus/Lloyd and Estate District Scenic Areas of Statewide Significance (19 NYCRR Part 602) are some of the primary elements comprising and documenting these important natural and man-made resources.

- (2) The Town of Lloyd Waterfront Bluff Overlay District is hereby established. It is the purpose of the Waterfront Bluff Overlay District (WBOD) to afford priority to waterfront-compatible, well-designed uses and to control development in ways that protect and enhance the Hudson River waterfront's natural, scenic and cultural resources. Further, it is the purpose of the WBOD to protect and preserve sensitive environmental areas; prevent soil erosion, sedimentation and slope failure due to removal of vegetation; protect and enhance to the maximum extent possible, the scenic qualities of the Town's waterfront area by maintaining, creating and continuing the vegetative corridor of the Mid-Hudson River region; prevent, to the maximum extent possible, the loss alteration or diminution of public view of the Hudson River and opposite shore; prevent activities which will cause water pollution; and to implement the policies and purposes of the Town of Lloyd Local Waterfront Revitalization Program. Further, it is the intent of the Town of Lloyd to protect and preserve the scenic resources of the Town, to ensure that the benefits provided by the Hudson River views will not be lost for present and future generations and to protect the broader public interest.
- C. The WBOD regulations are not intended to be substituted for other zoning district provisions. The overlay district is to be superimposed on the primary zoning district provisions and should be considered as additional requirements to be met by the applicant or developer, prior to project approval. If there should arise a conflict between the provisions of the WBOD and the provisions of the underlying zoning district, the more restrictive shall apply.
 - D. Regulated land use activities proposed in the WBOD, as defined by §§ 100-100.47 and 100-100.48 of Chapter 100, Zoning, the Town of Lloyd, shall require site plan review and approval by the Town of Lloyd Planning Board, pursuant to the provisions of the WBOD, Article IVA (Site Plan Review) and all other applicable sections of Chapter 100, Zoning, of the Town of Lloyd. The Planning Board will at the same time review the proposed use for consistency with the policies and purposes of the Lloyd Waterfront Revitalization Program, pursuant to specific provisions of the Town of Lloyd Waterfront Consistency Review Law.^{[8]EN}

§ 100-100.45. Location, boundaries and maps.

- A. The location and boundaries of the Town of Lloyd Waterfront Bluff Overlay District shall be delineated on the Official Town of Lloyd Zoning Map on file in the Town Clerk's office and the Town Building and Zoning Department.
- B. The Town of Lloyd Waterfront Bluff Overlay District shall be mapped as that area from the Town's easternmost boundary located within the Hudson River to a distance of 100 feet west of the bluff line. The "bluff line" is hereby defined as the line at the top bluff, cliff or steep

slope rising from the Hudson River shoreline, or at the upper elevational limit of a slope of 20% or more above the Hudson River shoreline.

- C. Where the WBOD overlays any primary zoning district delineated on the Official Zoning Map of the Town of Lloyd, the requirements of the WBOD shall be met in addition to any requirements specified for development in the respective primary zoning district.

§ 100-100.46. Permitted uses.

All uses permitted in the underlying zoning district are permitted in the Waterfront Bluff Overlay District (WBOD), subject to applicable standards of the underlying zoning district and of this WBOD and subject to site plan review and approval.

§ 100-100.47. Regulated activities.

No person shall conduct any of the following regulated activities within the WBOD in the Town of Lloyd, unless such person has first applied for and obtained site plan approval by the Planning Board in accordance with the provisions of the WBOD and in accordance with all applicable provisions of the underlying zoning district and Article IVA, Site Plan Review. (Other permits may be necessary from state or federal agencies pursuant to requirements of other state and federal laws.)

- A. Construction of new residential structures or structural additions to or modifications of existing residential structures. This shall not include interior alterations, or normal and routine maintenance and repair of existing structures, provided that the use does not change.
- B. Construction of all new nonresidential structures or structural additions to existing nonresidential structures.
- C. A significant and substantial change in use of an existing nonresidential structure. A significant and substantial change in use shall be deemed to have occurred if there is:
 - (1) Any change in use affecting 2,000 or more square feet of an existing nonresidential structure;
 - (2) An increase of 50% or more in total square footage of an existing nonresidential structure;
 - (3) An increase of 50% in water and sewer demand;
 - (4) An increase of 50% in the generation of solid wastes;
 - (5) An increase of 50% in required parking; or
 - (6) Potential use of hazardous materials.
- D. Construction or placement of any new on-site sewage disposal system, including individual sewage disposal systems, septic tanks, septic drainage or leach fields.
- E. Filling or excavating activities in excess of 200 cubic yards of material.

- F. Cutting down of any trees over 18 inches in diameter measured four feet above the base of the tree on any property within the district. Also included shall be any tree and vegetative clearing and removal activities that either directly or indirectly will cause soil to be exposed and subject to erosion. This shall not include normal and routine tree and shrub care and maintenance, including removal of only dead trees and vegetation.
- G. Discharge of stormwater associated with human activity and/or construction and placement of stormwater runoff systems.
- H. Permanent outside storage of materials and equipment on property within the district. This shall not include normal accessory residential storage activities.
- I. Construction of vehicular public or private roads, trails and bridges.
- J. Construction of docks, boat launching facilities and fishing facilities, including associated parking areas.
- K. The construction, modification or restoration of erosion protection structures within the district.

§ 100-100.48. Exempt activities.

The following activities are exempt from the provisions of the WBOD:

- A. Lawn care and maintenance.
- B. Home gardening activities.
- C. Normal and routine tree and shrub care and maintenance, including removal of dead vegetation. However, this shall not include any tree and vegetative clearing and removal activities that either directly or indirectly will cause the soil to be exposed and subject to erosion.
- D. Removal of structures.
- E. Repair and maintenance of existing structures.
- F. Replacement, repair and maintenance of faulty or deteriorated on-site sewage disposal systems, including individual sewage disposal systems, septic tanks, septic drainage or leach fields.
- G. Commercial agricultural activities, except those activities involving the construction or reconstruction of structures or the cutting down of any trees over 18 inches in diameter measured four feet above the base of the tree. However, this shall not include any tree and vegetative clearing and removal activities that either directly or indirectly will cause the soil to be exposed and subject to erosion.
- H. Any actual or ongoing emergency activity which is immediately necessary for the protection and preservation of life, property or natural resources.

§ 100-100.49. Development standards/conditions and review procedures during site plan review.

A. General provisions.

- (1) Applications for site plan approval within the WBOD shall be made in writing to the Town Planning Board on forms available in the Planning Board office. Such an application shall be signed by the property owner and may be made by the property owner or his/her agent and shall be accompanied by any materials or information deemed appropriate by the Town Planning Board, including but not limited to all of the information required by the site plan review provisions of Article IVA (Site Plan Review), and the following additional information, specific to the WBOD:
 - (a) The location of all existing and proposed impervious surfaces such as roads, driveway, sidewalks, etc., on the property or within 100 feet of the proposed work site.
 - (b) Existing and proposed contour levels for the property at two-foot contour intervals within 100 feet of the proposed work site or within the property limits. For purposes here, the term "work site" shall be defined as that area for which human disturbance activities are proposed.
 - (c) The location of all proposed waterfront public access/recreation provisions, if applicable.
 - (d) The location and types of all existing and proposed tree, shrub and vegetation masses, as well as all trees with a diameter of 18 inches or more, measured four feet above the base of the tree within 100 feet of the work site or within the property limits.
 - (e) The location of fire and other emergency zones, including the location of the nearest water supply for fire emergencies.
 - (f) For all new structures proposed, except accessory structures, a comprehensive scenic landscape protection report shall be provided. Such report shall include, at a minimum, information about existing and proposed vegetation, color of structures and landscaping proposed in order to protect, enhance and continue the vegetative corridor of the Mid-Hudson River region. Color of structures and landscaping shall be an integral part of the report. The report shall include but not be limited to the following:
 - [1] A detailed narrative description, with accompanying maps, sketches, photographs, simulations, etc., of how the proposed development or activity will provide a scenic buffer and blend into the landscape of the WBOD. Such information shall include a description of existing and proposed vegetation, proposed color of structures and proposed landscaping. The types of information that shall be included in this report are:
 - [a] A general description of the condition of existing trees and vegetation;

- [b] The general location, size and species of trees to be preserved, and those to be removed; and
 - [c] The general location, size and species of proposed trees and other vegetation to be planted.
- [2] The report shall describe in a detailed narrative, and accompanied by any other pertinent maps, drawings or similar information, how the proposed development will be consistent with the scenic elements and aesthetic significance of the Esopus/Lloyd Scenic Area of Statewide Significance (SASS) (19 NYCRR Part 602), which is within the Town of Lloyd Coastal Area, and how the proposed development will be consistent with the scenic elements and aesthetic significance of the Estates District Scenic Area of Statewide Significance (SASS) (19 NYCRR Part 602), which is located on the opposite shore of the Hudson River across from the northern part of the Town of Lloyd.
- [3] The report shall address the functional aspects of landscaping such as ongoing maintenance, drainage, erosion prevention, wind barriers and reduction of glare. Any plant material proposed shall be selected for its ability to survive the climate along the Mid-Hudson River Region, its structure, texture and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design and of attractive appearance should be selected.
- (g) The location, design and size of all signs and lighting facilities.
 - (h) The approximate locations and dimensions of areas proposed for neighborhood parks, playgrounds and other permanent open space.
 - (i) Description and location of erosion control measures including proposed location of sediment sink/settling ponds and interceptor swales, etc.
 - (j) The location and design of all stormwater management facilities.
 - (k) A drainage report including supporting design data and copies of computations used as a basis for the design capacities and performance of closed drainage facilities.
 - (l) Record of application and approval status of all necessary permits from federal, state and county officials.
 - (m) A completed state environmental quality review visual environmental assessment form.

B. Development standards/conditions.

- (1) Site plan approval to undertake any regulated activity within the WBOD shall not be issued by the Town Planning Board unless the applicant can adequately demonstrate to the Planning Board's satisfaction that:
 - (a) To the extent possible, structures, storage and parking areas shall be set back from the identified Hudson River bluff ridgeline to reduce opportunities for erosion,

sedimentation and slope failure; and to protect the scenic qualities of the Town's waterfront area by maintaining, creating and continuing the vegetative corridor of the Mid-Hudson River region. Structures proposed below the bluff ridgeline shall make use of natural vegetation and topography and shall be designed in such a way as to enhance visual, scenic and cultural character of the Town's Hudson River waterfront area.

- (b) The proposed land use activity will avoid excessive or unnecessary grading, indiscriminate earth moving or clearing of property and removal of trees and vegetation which would disfigure natural land forms.
- (c) As appropriate to the type of proposed land use activity, the scenic landscape protection buffer measures should protect and enhance, to the maximum extent possible, the scenic qualities of the WBOD area, the Esopus/Lloyd SASS and the Estates District SASS by maintaining, creating and continuing the vegetative corridor of the Mid-Hudson River region. While complete vegetative screening is not required, sufficient plant material shall be provided to protect, enhance and continue the vegetative corridor of the Mid-Hudson River region.
- (d) The proposed activity, in addition to vegetation, incorporates other means to protect and enhance the scenic landscape of the WBOD area, the Mid-Hudson River region, the Esopus/Lloyd SASS and the Estates District SASS through such means as building color, use of appropriate scale, form and materials to ensure that all buildings, structures and activities are compatible with and add interest to the landscape. The design of all structures is to be compatible with that of surrounding structures and landscapes. Compatibility shall be determined by a review of proposed use of materials, scale, mass, height, color, texture, location of the structure of structures with reference to the bluff line on the site and compatibility with the Esopus/Lloyd SASS and the Estates District SASS. To properly blend with the surrounding visual/natural environment, structures should be neutral or earth tones, and natural materials such as wood, stone or brick should be used. The use of building color should allow proposed structure to blend into the background of the landscape as much as possible.
- (e) The proposal would not impair the scenic elements and aesthetic significance of the Esopus/Lloyd SASS and the Estates District SASS. The following siting and facility-related guidelines from the Esopus/Lloyd SASS and Estates District SASS will be used to evaluate a proposal's consistency with the SASS. These guidelines are explained in further detail in the Impact Assessments section of the Esopus/Lloyd SASS and Estates District SASS Narratives as approved by the New York State Secretary of State and are available for review at the Town of Lloyd Planning Board office:

[1] Siting structures and other development such as highways, power lines and signs, back from shorelines (and back from the bluff line along the Town's Hudson River waterfront) or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;

- [2] Clustering or orienting structures to retain view, save open space and provide visual organization to a development;
 - [3] Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
 - [4] Removing deteriorated and/or degrading elements;
 - [5] Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
 - [6] Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters.
 - [7] Using appropriate materials, in addition to vegetation, to screen unattractive elements; and
 - [8] Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.
- (f) To minimize the impact of parked vehicles on the view from the Hudson River and from public ways and adjacent land uses, parking areas shall be treated with such things as building wall extensions, segmented parking areas with elevation differences, plantings, berms or other means.
- (g) Project features which may have negative visual impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be visually buffered from the adjacent properties.
- (h) Monotony of design in single and multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- (i) All proposed buildings and structures are to be clustered together to the maximum extent possible, where appropriate, and depending on the nature of the proposed activity, to ensure that the surrounding visual/natural environment is maintained as much as possible, to retain the quality and extent of view from adjacent public streets through the property to the Hudson River, to save open space and to provide visual organization to the development.
- (j) Excavations or cuts made to the steep slope associated with a bluff shall only be permitted where such activities involve bluff cuts made in directions that take advantage of the natural contours of the land or are at oblique angles to the shoreline in order to minimize erosion, control runoff and protect scenic resources. Side slopes and other disturbed on-roadway areas must be stabilized with vegetation or other approved physical means. Completed paths, accessways or roadways must be stabilized and appropriate drainage provided.

- (k) No building or structure shall exceed 2 1/2 stories or 35 feet in height. (Elevations of any proposed structures, or additions to existing structures, should be provided including proposed height, design, color and materials.)
- (l) Plants or other acceptable ground cover shall be re-established in disturbed areas immediately upon completion of development activity so as to prevent uncontrolled erosion or slipping of soil, or cause sediment to be discharged into the Hudson River, wetlands or into the tributaries, or both, and in order to maintain the natural resource and scenic characteristics of the Hudson River coastal area.
- (m) Additional stormwater drainage associated with proposed construction (during and after construction) shall not cause erosion or siltation, contribute to slope failures, pollute surface waters or cause damage to or flooding of property. Drainage systems shall be designed and located to ensure slope stability. Best management practices shall be used to prevent erosion and the introduction of runoff contaminants from entering the waters within the surrounding the WBOD. The following guidelines further specify practices and concerns that shall be applied as appropriate or used for mitigation of identified problems:
- [1] Runoff or other nonpoint pollutant sources from any specific development activity must not be greater than would be the case under natural conditions. Appropriate techniques to minimize such effects shall include but not be limited to the use of stormwater detention basin, rooftop runoff disposal, rooftop detention, parking lot and impervious surface storage and cistern storage systems.
 - [2] Natural ground contours should be followed as closely as possible and grading minimized.
 - [3] Extreme care should be exercised to locate artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
 - [4] The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
 - [5] Natural protective vegetation should remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.
 - [6] The velocity of runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
 - [7] Sufficient ground cover should be applied to restrain erosion on that portion of the disturbed area undergoing no further active disturbances.
 - [8] Runoff from a work site should be controlled to avoid transportation of sediment from the site.

[9] The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.

[10] The length, as well as the angle, of graded slopes should be minimized to reduce the erosive velocity of runoff water.

- (n) Any new parking lot or area, road, trail or bridge shall be so located, designed and constructed so as to minimize its visibility from the river and minimize alteration or destabilization of the soils.

§ 100-100.50. Additional requirements.

Where this article imposes greater restrictions than are imposed by the provision of any law, regulation or private agreement, this article shall control. Where there are restrictions by any law regulation, or private agreement greater than those imposed by this article, such greater restrictions shall control.

§ 100-100.51. Enforcement.

The Town Zoning Code Enforcement Officer shall be responsible for enforcing this chapter. No work or activity on a project in the Coastal Area which is subject to review under this chapter shall be commenced or undertaken until the Zoning Code Enforcement Officer has been presented with a written determination from an agency that the action is consistent with the Town's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with the chapter or any conditions imposed thereunder, the Zoning Code Enforcement Officer shall issue a stop-work order, and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

§ 100-100.52. Penalties for offenses.

- A. A person who violates any of the provisions of or who fails to comply with any conditions imposed by this article shall have committed a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.
- B. The Town Zoning Code Enforcement Officer, in the name of the Town of Lloyd, is authorized to retain an attorney and is directed to institute any and all actions and proceedings necessary to enforce this article. The Zoning Code Enforcement Officer may bring actions for civil penalties and may sue for the same in any court having jurisdiction, specifically in the Town of Lloyd Justice Court, for a civil penalty which may amount to \$100 per day for the time that the violation exists. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty, but may be brought even if no criminal violation is prosecuted. The Zoning Code Enforcement Officer shall have the choice

as to whether to commence a criminal violation under Subsection A above or an action of civil penalty under this subsection.

ARTICLE XXIVE, Adult Uses [Added 2-11-1998 by L.L. No. 1-1998]

§ 100-100.53. Additional restrictions.

- A. Adult uses, as defined above in § 100-3 of this chapter, are to be restricted in the following manner, in addition to any other requirements of this Code.
- B. In addition to the procedure and regulations for site plan review pursuant to Article IVA of this chapter and special permits required under Article XXV of this chapter, an adult use establishment shall be permitted in the LI (Light Industrial) Zoning District subject to the following restrictions:
 - (1) No adult use establishment, active or passive, shall be allowed within a one-thousand-foot radius of another existing adult use establishment whether within this Town of Lloyd or any neighboring community. The one-thousand-foot radius shall be measured in a straight line from the nearest point of the wall of the portion of the building in which an adult use business is conducted to the nearest point on the property of the area in question.
 - (2) No passive adult use establishment shall be located within a five-hundred-foot radius of a residential district or a preexisting school, library, civic or youth-oriented center, a designated historic preservation site or district, park, playgrounds or place of worship, as well as any areas designated as scenic under New York State law. The five-hundred-foot radius shall be measured in a straight line from the nearest point of the wall of the portion of the building in which an adult use business is conducted to the nearest point on the property of the area in question.
 - (3) No active adult use establishment shall be located within a one-thousand-foot radius of a residential district or a preexisting school, library, civic or youth-oriented center, a designated historic preservation site or district, park, playgrounds or place of worship, as well as any areas designated as scenic under New York State law. The one-thousand-foot radius shall be measured in a straight line from the nearest point of the wall of the portion of the building in which an adult use business is conducted to the nearest point on the property of the area in question.

§ 100-100.54. Signs.

- A. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways or other areas, public or semipublic, and such displays shall be considered signs.
- B. Not more than one business wall sign shall be permitted for an adult use, and such sign shall be permitted only on the front facade.

- C. Sign messages shall be generic in nature, shall not contain material classified as advertising and shall only identify the business which is being conducted.

§ 100-100.55. Operating hours.

It shall be unlawful for any person maintaining or operating any adult use establishment to operate said establishment between the hours of 4:00 a.m. and 8:00 a.m. Monday through Saturday and 4:00 a.m. through 12:00 p.m. on Sunday.

§ 100-100.56. Waivers.

The restrictions enumerated in § 100-100.53B(1) through (3) above may be waived by the Town's Zoning Board of Appeals if the applicant shows and the Board finds that the following conditions have been met in addition to the general standards contained in Article XXV of this chapter:

- A. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Code will be observed.
- B. That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential.
- C. That 51% or more of those persons residing, owning or operating a business within the restricted areas as defined in § 100-100.53B(1) through (3) above have signed a petition stating that they have no objection to the establishment of one of the uses defined above.

ARTICLE XXV, Special Permits

§ 100-101. Applicable requirements.

All uses listed as subject to special permit approval and, if approved, also subject to additional standards are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case, and they shall conform but shall not be limited to the following general requirements, as well as the pertinent specific requirements.

§ 100-102. General provisions.

The special uses for which special permit approval and conformance to additional standards are required by this chapter shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth therein and in § 100-103A, in addition to all other requirements as set forth in this chapter.

§ 100-103. Application for special permit.

Application for required special permits shall be made to the Zoning Board of Appeals. Each such application shall be referred to the Planning Board for a report, which report shall be

rendered prior to the date of public hearing on the application. The Zoning Board of Appeals, after public hearing with the same notice required by law for zoning appeals, may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met. Also, a fee established by the Town Board must accompany each application. If the Zoning Board of Appeals shall find that any of the following conditions have not been met, the special permit application shall be denied:

- A. The location and size of the use; the nature and intensity of the operations involved in or conducted in connection with it; the prevailing character of the neighborhood within the district; the public health, safety and welfare; the size of the site in relation to it; and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- B. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will encourage the appropriate development and use of adjacent land and buildings.
- C. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing of lights than would be the operations of any permitted use not requiring a special permit.
- D. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
- E. An environmental assessment form has been properly filed, containing any supplemental information deemed pertinent to the application, and a determination according to the State Environmental Quality Review Act, Part 617, has been made. [Added 7-13-1988 by L.L. No. 5-1988]

§ 100-104. Required plan.

As part of the Planning Board's review where special permits are required, the Planning Board may request that a detailed site plan for such use be submitted for its evaluation. It shall consist of the following:

- A. Either as a separate map or as part of the site plan map, there shall be shown the applicant's entire holding, at a convenient scale, showing adjacent properties and streets within 200 feet of the applicant's property.
- B. A detailed site plan shall show the location, proposed use and height of all buildings; location of all parking and truck loading areas, with access and egress drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for retail sales uses, if any.

§ 100-105. Standards for site plan.

In reviewing any proposed site plan of development, the Planning Board shall take into consideration the requirements of the Town Development Plan adopted by said Board and the Official Map as it may be adopted by the Town Board. The Planning Board shall also consider the proposed location of main and accessory buildings on the site and their relation to one another, traffic circulation within the site, height and bulk of buildings, provision of off-street parking space, provision of buffer areas and other open spaces on the site and display of signs, so that any development will adequately handle pedestrian and vehicular traffic within the site and in relation to the street system adjoining and will harmoniously and satisfactorily fit in with contiguous land and buildings and adjacent neighborhoods. In addition, the Planning Board shall consider the factors of drainage, road alignment and other engineering aspects of such site plan. The Planning Board may require the review of any factors by appropriate professional authority appointed by the Town.

§ 100-106. Conditions and safeguards.

The Zoning Board of Appeals shall attach such conditions and safeguards to the special permit as are necessary to assure continual conformance to all applicable standards and requirements.

§ 100-107. Expiration of special permits.

A special permit shall be deemed to authorize only the particular use or uses specified in the permit and shall expire if said use or uses shall cease for more than 12 months for any reason.

§ 100-108. Permits not issued where violations exist.

No permit shall be issued for a special use for a property upon which there is an existing violation.

ARTICLE XXVI, Off-Street Parking and Loading and Vehicular Access

§ 100-109. General provisions.

All structures and land uses hereafter erected, enlarged, created or extended shall be provided with the amount of off-street automobile parking space and loading and unloading space required by the terms of Articles XXVI and XXVII to meet the needs of persons making use of such structures or land. A permit for the erection, replacement, reconstruction, extension or substantial alteration of a structure, or the development of a land use, shall not be issued unless off-street automobile parking facilities and, where required, loading and unloading spaces shall have been laid out in the plan, in accordance with the appropriate requirements for structures and uses as set forth in Articles XXVI and XXVII, unless there should occur a decrease in intensity of use. As used herein, parking facilities shall be construed to include loading and unloading spaces required by Articles XXVI and XXVII.

§ 100-110. Existing structures and uses.

- A. Structures and land uses in existence, or structures and uses for which building permits have been approved on said date, shall not be subject to the parking or loading space requirements set forth in Articles XXVI and XXVII. However, any parking and loading facilities now existing to serve such structures or uses shall not, in the future, be reduced except where they exceed such requirements, in which case they shall not be reduced below such requirements.
- B. Whenever a building or structure or any land use shall undergo any increase in intensity of use in the number of dwelling units, floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for required parking facilities or from other causes, and further when said increase would result in a requirement for additional parking facilities through application of the schedule of requirements of § 100-120, additional parking facilities shall be provided on the basis of total units of measurements of the new use or of the alteration or expansion of the existing use.
- C. In case of exceptional difficulty or unusual hardship to such properties arising out of this requirement, appeal may be made to the Board of Appeals, which shall require such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming, but it shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or expansion, and it shall not permit reduction or elimination of whatever quantity of parking that may already be in existence unless it is in excess of requirements.

§ 100-111. Layout and location of off-street parking facilities.

- A. The off-street parking facilities which are required by Articles XXVI and XXVII shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots. In any residence district, no off-street parking facility shall be developed within any required front yard, or required side yard adjacent to a street line, or within any other side or rear yard within five feet of the lot line.
- B. Required off-street parking facilities which after development are later dedicated or leased to and accepted by the Town shall be deemed to continue to serve the uses or structures to meet the requirements for which they were originally provided.

§ 100-112. Submission of plans.

The plans for the erection, replacement, reconstruction, extension or substantial alteration of any building, or development of any land use, other than single-family homes, when submitted with an application for a certificate of compliance, shall show, by means of a plot plan drawn to scale, the specific location and size of the off-street parking facilities required to comply with Articles XXVI and XXVII and the means of access to such parking spaces from public streets or highways. Except for uses subject to Zoning Board of Appeals approval under Article XXV, the plan for traffic access, traffic circulation and general layout of the parking facility shall be approved by the Planning Board with regard to the adequacy of the improvement and to the safety of traffic and pedestrians both on and off the site, before a certificate of compliance shall be issued. Prior to such approval, the plan shall be referred to the Planning Board for review and

report thereon. Plans relating to parking, loading and access under Article XXV shall be approved as provided in that article.

ARTICLE XXVII, Driveways and Parking Facilities

§ 100-113. Driveways.

- A. General. For reasons of traffic safety both on and off the street, as well as to provide for possible future road widening or other improvements, all new driveways entering onto any street shall comply with all requirements of this chapter and shall be subject to the approval of the Zoning Inspector, except where such are part of a use subject to special permit or parking plan approval, in accordance with Article XXV or § 100-112.
- B. Driveway grades. The following are established as the maximum permitted grades for all new driveways. In all cases, the design of the driveway shall be such as will result in proper channeling of stormwater runoff directly into the highway drainage facility without entering onto or over the paved travel way. Where a driveway crosses an existing highway drainage facility (including a ditch), a culvert of design and installation approved by the appropriate highway department shall be required.
- C. The maximum grade for any new driveway accessory to a single-family dwelling, and connecting its off-street parking area to a street, shall be 15%, except that where it can be demonstrated to the satisfaction of the approving authority that, because of practical difficulty or unreasonable hardship affecting a particular property, the construction of a driveway with a grade of less than 15% is impractical, the construction of a steeper driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required, and further provided that in no case shall such driveway grade be permitted to exceed 18%.
- D. The maximum grade for new driveways accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed 8%, except that the approving authority shall have the same power to permit increased grades here as in § 100-113C above, provided that such grades in no case exceed 10%.
- E. Notwithstanding the maximum permitted grades specified in § 100-113C, no driveway serving a single-family dwelling shall have a grade in excess of 4% within 35 feet of the center line of the traveled way of the street or within 10 feet of the right-of-way line of the street, whichever distance is greater.
- F. Notwithstanding the maximum permitted grades specified in § 100-113D, no driveway serving a use other than a single-family dwelling shall have a grade in excess of 3% within 50 feet of the center line of the traveled way of the street or within 25 feet of the property line of the street, whichever distance is greater. The Planning Board or Board of Appeals may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated.

§ 100-114. Driveway alignment and location.

Any driveway entering onto a street shall be located and aligned in such a way as to allow safe ingress from and access to the highway, commensurate with normal highway speeds and traffic volumes. The platform portion of the driveway, as required by § 100-113B above, shall be aligned at approximately right angles to the street.

§ 100-115. Sight distance.

Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance, commensurate with the speed and volume of traffic on such highway, and so that the driver of an automobile traveling on the highway shall have a similar view of the automobile in the driveway.

§ 100-116. Driveway surfaces to be paved.

Driveway surfaces in all zones except residential and agricultural shall be paved.

§ 100-117. Parking facilities.

- A. The gross area devoted to parking, including maneuvering and traffic circulation aisles, shall generally average at least 350 square feet per parking space to assure adequate vehicular maneuvering area and safe traffic flow.
- B. Landscaping of parking lots. In all off-street parking areas containing 25 or more parking spaces, at least 5% of the total parking area shall be curbed and landscaped with trees, shrubs and other plant materials. At least one tree, not less than 15 feet in height at the time of planting, shall be provided within such parking area for each 15 parking spaces. Such trees and landscaped areas shall be arranged and designed in such a way as to provide vertical definition to major traffic circulation aisles and to entrances and exits and shall be of such type and location as will provide the maximum of shade without interfering with sight lines or impeding the safe flow of traffic.
- C. Parking areas shall be graded, paved, drained and suitably maintained to the satisfaction of the Board to the extent necessary to avoid nuisance of dust, erosion or excessive water flow across public ways or adjacent lands. The Planning Board may require the plan to provide for suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. Required parking facilities shall be reserved at all times to those persons who are employed at or make use of the premises. The owner or lessee of the premises shall maintain the parking area in a clean and orderly condition, including clearing or removal of snow when necessary.
- D. In all off-street parking areas containing 25 or more parking spaces, adequate provisions shall be made for the storage of snow with minimal loss of parking capacity. The location of such snow storage areas shall be indicated on the site plan and shall be appropriately related to the storm drainage system.

§ 100-118. Final certificates of compliance for all off-street parking facilities.

Required off-street parking facilities shall be completed before a final certificate of compliance shall be issued, and said parking facilities shall be maintained as long as the structure or use which the facilities are designed to serve exists.

§ 100-119. Alternate method of providing parking spaces.

- A. Where, because of limitations of size, dimensions or topography of lot, an applicant for the building permit in a business district finds it impracticable to provide all or a portion of the off-street parking spaces required in connection with a proposed building or addition, he may grant and convey to the Town of Lloyd, and the Town Board of said Town at its discretion may accept, appropriately located and developed land for commercial parking in an equivalent amount, provided that said land is permanently dedicated to the Town.
- B. No person shall establish, conduct or maintain any parking place for which a charge is made to accommodate automobiles or other vehicles, or which is connected with any business, trade, occupation or other activity for profit, or to which the general public is invited or permitted to enter, upon any property situated in any residence district, except in connection with such commercial accessory uses as are permitted in residence districts, and no owner, lessee or occupant of such property shall permit the use of the same in violation of this section.

§ 100-120. Schedule of Off-Street Parking Requirements.

Schedule of Off-Street Parking Requirements

Use	Minimum Spaces Per Unit
One-family residence	1 per dwelling unit
Multiple dwellings, apartments and/or trailers [Amended 8-13-1980 by L.L. No. 10-1980]	1 per dwelling unit, plus 1/3 per bedroom
Rooming, boarding- or lodging houses	1 per guest sleeping room plus residence requirement
Hotels, rooming, boarding- or lodging houses	1 per guest sleeping room and 1 per 100 square feet of public rooms, plus residence requirements where required
Retail or service business	1 per 150 square feet of gross floor area, excluding basement storage and utility areas

Office for business or professional use	1 per 300 square feet of gross floor area, excluding basement storage and utility areas
Restaurant	1 for each 2 patron seats in the restaurant plus 1 for each 2 employees employed or intended to be employed at the same time when the capacity of the building is in full use or 1 per 200 square feet of gross floor area, excluding basement storage and utility areas, whichever shall be greater
Hospital, clinic, sanatorium or convalescent home	1 per patient bed, plus 1 per 300 square feet of office use
Theater, auditorium, stadium or other place of public assembly, including churches	1 per 6 seats
Amusement center, the capacity of which cannot be measured in seats	1 per 200 square feet of floor area devoted to patron use, except bowling alleys, which shall have 6 per alley
Industrial uses, including wholesale, storage, utility, manufacturing or other commercial building or use	1 space per 2 employees employed or intended to be employed at the same time when the capacity of the building is in full use or 1 for each 400 square feet of gross floor area, whichever is greater
Other uses not listed	Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Zoning Board of Appeals under Article XXV.

§ 100-121. Joint use of parking space.

When two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that the Board of Appeals may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of Articles XXVI and XXVII by reason of variation in the probable time of maximum use by patrons or employees at such establishments, and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.

Except as otherwise provided herein, the lawfully permitted use of land or buildings existing at the time of the adoption of a zoning ordinance may be continued although such use does not conform to the standards specified by the ordinance for the zone in which such land or building is located. Said uses shall be deemed nonconforming uses.

§ 100-124. Nonconforming uses of land.

Where no building is involved, the nonconforming use of land may be continued; provided, however, that:

- A. No such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of a zoning ordinance, unless specifically allowed by other provisions in this chapter.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of this chapter.
- C. If such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than 30 days, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of this chapter.
- D. No nonconforming use of land shall be changed to another nonconforming use.

§ 100-125. Nonconforming uses of buildings.

- A. A building or structure, the use of which does not conform to the use regulations for the district in which it is situated, may be extended; provided, however, that as to such extension, all of the requirements as to distance from highways and lot lines as provided by this chapter for such building in the zone for which such nonconforming use would be a conforming use must be complied with, and provided further that a special permit be applied for under Article XXV.
- B. Such nonconforming building shall not be structurally altered to an extent greater than 50% of its estimated market value, as determined by the Town Assessor, unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be permitted, and provided further that any such nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of the adoption of this chapter.
- C. A nonconforming use of a building may be changed only to a conforming use.
- D. If any nonconforming use of a building ceases for any reason for a continuous period of more than one year or is changed to a conforming use, or if the building in or on which such use is conducted or maintained is moved for any distance whatever, for any reason, then any future use of such building shall be in conformity with the standards specified by this chapter for the district in which such building is located.

- E. If any building in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located, and the subsequent use of any building thereon, shall be in conformity with the standards specified by this chapter for the district in which such land or building is located.
- F. Notwithstanding the above requirements, a trailer or mobile home which legally exists as a nonconforming use and is used as the principal residence of a family may be removed or replaced with another trailer or mobile home, provided that the Town Building Inspector determines that such replacement trailer or mobile home is of better quality and otherwise in a more safe and healthful condition than the existing one, and that such replacement trailer or mobile home complies with all other applicable structural and health department requirements. [Added 4-8-1981 by L.L. No. 4-1981]

§ 100-126. Nonconformity other than use.

A building that is conforming in use but which does not conform to the height, yard, land coverage, parking or loading space requirements of this chapter shall not be considered to be nonconforming within the meaning of § 100-125. No temporary certificate of compliance shall be issued that will result in the increase of any such nonconformity.

§ 100-127. Restoration of damaged buildings.

If any nonconforming building shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located. Where the destruction of such nonconforming building is less than 50%, it may be restored and the nonconforming use continued, provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the building at the time of its destruction, and further provided that such restoration is started within a period of six months of such destruction and is diligently prosecuted to completion. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall declared to be unsafe by the Zoning Inspector.

ARTICLE XXIX, Administration and Enforcement

§ 100-128. Enforcement officer.

Unless otherwise provided, this chapter, as adopted, shall be enforced by the Zoning Inspector, in accordance with the provisions herein.

§ 100-129. Conformance to regulations required for permit issuance.

No structure shall be erected, constructed, enlarged, located, structurally altered or moved and no land or structures shall be used until a permit therefor has been issued by the Zoning Inspector. Except upon a written authorization of the Board of Appeals, as set forth in Article XXXI, no

permit or certificate of occupancy shall be issued for any structure where said erection, construction, enlargement, location, addition, alteration or moving thereof would be in violation of any of the provisions of this chapter, as adopted. No building permit shall be authorized or issued for a use subject to special permit procedure (Article XXV), except in full accordance with such approvals.

§ 100-130. Permit application.

Before any permit shall be issued, written application therefor shall be made in duplicate on official Town forms. All applications, except those for signs, shall be accompanied by two copies of a layout or plot plan, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of all structures proposed to be built on the lot and of any existing structures that shall remain, the existing and intended use of each structure or part thereof, the number of families that the structure is designed to accommodate, the nature of the improvement, the estimated cost and the intended use or purpose to be made of the improvement and premises and such other information with regard to the lot and neighboring lots that may be necessary to determine and provide for the enforcement of this chapter, as adopted. One copy of such plan shall be returned to the owner, either in person or by mail, when such plans shall have been approved by the Zoning Inspector. The building location on the lot shall be staked out on the ground before construction is started so that the Zoning Inspector may determine, by measurement in the field, that the yard requirements for the district in which the use is located have been met.

§ 100-131. Nature of permits.

- A. Such permit shall, among other things, briefly describe the premises, the nature of the improvement, the estimated cost and the intended use or purpose to be made of the improvement and premises. It shall bear the date of issuance and shall be signed by the official issuing the same. The original application and a duplicate copy of the plans, specifications and permit issued shall be filed immediately in the office of the Zoning Inspector. No building, land or premises shall be used for any purpose other than that stated in the permit.
- B. Where, in the opinion of the Town Board, any permit hereafter issued by the Zoning Inspector was improperly or unlawfully issued, or was procured through fraud, error or deception, the Town Board may direct the Zoning Inspector to revoke the same. Any person or party feeling aggrieved by any such revocation of permit may appeal to the Board of Appeals in the same manner as provided herein for other appeals to the Board of Appeals.

§ 100-132. Permits for special purposes.

No building permit shall be issued for a use listed in Articles VII through XXIV as subject to additional standards, except in conformity with the procedure set forth in Article XXV.

§ 100-133. Duration and scope of permit.

A building permit shall be void if construction is not started within a period of 12 months or is not completed within a period of two years of the date of said permit.

§ 100-134. Existing permits.

Any building, extension or alteration for which a permit has been duly granted, the construction of which has been started before the effective date of this chapter or of any amendment thereto, and the ground-story framework of which, including the second tier of beams, has been completed within one year after the adoption of this chapter or an amendment thereto, may be completed in accordance with plans on file with the Zoning Inspector, provided that such construction is diligently prosecuted and the building is completed within two years of the adoption of this chapter or an amendment thereto. If any of the requirements shall not have been fulfilled within the prescribed period, or if the building operations are discontinued for a period of six months, any other construction shall be in conformity with the provisions of this chapter.

§ 100-135. Permits contrary to proposed amendments.

Whenever the Town Board, by resolution, authorizes a public hearing on a proposed amendment to this chapter, and for a period of 90 days following the date of such resolution, no building or structure shall be erected, enlarged or altered and no permit shall be issued for the erection, enlargement or alteration of any building or structure or for the occupancy of any land or building in any manner that would be contrary to the provisions of the proposed amendment.

§ 100-136. Certificates of occupancy required.

An owner shall not use or permit the use of any building or premises or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, in its use or structure, until a certificate of occupancy shall have been issued by the Zoning Inspector. Such certificate shall state that such building premises or part thereof and the proposed use thereof are in complete conformity with the provisions of this chapter. It shall be the duty of the Zoning Inspector to issue a certificate of occupancy, provided that he is satisfied that the building and the proposed use of the building or premises conform with all the requirements herein set forth.

§ 100-137. Temporary certificates of occupancy.

Under such rules and regulations as may be established by the Town Board, a temporary certificate of occupancy for part of a building may be issued.

§ 100-138. Certificates required for nonconforming uses.

No nonconforming use shall be maintained, renewed, changed or extended without a certificate of occupancy therefor having first been issued by the Zoning Inspector.

§ 100-139. Valid periods for certificates of occupancy.

A certificate of occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in

effect as long as such building and the use thereof, or of such land, is in full conformity with the provisions of this chapter and any requirements made pursuant thereto. On the serving of notice by the Zoning Inspector of any violation of any of the said provisions or requirements in respect to any building or the use thereof, or of land, the certificate of occupancy for such use shall thereupon become null and void, and a new certificate of occupancy shall be required for any further use of such building or land.

§ 100-140. Records.

The Zoning Inspector shall maintain a record of all certificates, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected. A fee payable to the Town Clerk will be charged for each certificate copied.

§ 100-140.1. Fee schedule. [Added 3-5-1986 by L.L. No. 2-1986]

- A. Any applicant for a permit, variance or payment of drainage, recreation or other requirement or seeking various development- and construction-related applications, including but not limited to site plan approval, subdivision approval, variances, inspections and permits, shall pay fees to the Town of Lloyd on a schedule to be determined by the Town Board.
- B. The Town Board of the Town of Lloyd shall, by resolution, adopt a schedule of fees to be paid by applicants for said permits, variances, drainage fees, recreation fees or development- and construction-related applications. Such fees may be paid under such terms and in such stages as the Town Board, by resolution, directs, but shall be uniform for all applicants.
- C. The Town Board of the Town of Lloyd may, by resolution, amend the fees in the schedule from time to time and may adopt regulations, by resolution, concerning the procedure for applications for development and other matters in connection with the fee schedule and development within the Town.

ARTICLE XXX, Penalties

§ 100-141. Penalties for offenses.

- A. Penalties for offenses. Any owner, lessee, tenant, occupant, architect or builder, or the agent of any of them, who violates or is accessory to the violation of any provisions of this chapter, or who fails to comply or disobeys or refuses to comply with an order of the Zoning Inspector to correct, remove or discontinue a violation of this chapter, shall be deemed to have committed a violation and may be fined \$50 for each violation, as set forth herein, and 15 days in jail.
- B. Civil penalties. In addition to the foregoing provision, any person who violates any provision of this chapter or is accessory to the violation of any provisions of this chapter, or who fails to comply or disobeys or refuses to comply with an order of the Zoning Inspector to correct, remove or discontinue a violation of this chapter, shall be liable to a civil penalty of \$50 for each violation. Such penalty shall be sued for in the name of the Town, as prescribed by the

Town Law. Each week that a violation, refusal or omission continues shall be deemed a separate violation or act, and penalties may be imposed for each violation, refusal or omission as the case may be.

§ 100-142. Injunctions and enforcement measures.

Any building erected, constructed, altered, enlarged, located, converted, moved or used contrary to any of the provisions of this chapter, and any use of any land or any building which is conducted, operated or maintained contrary to any of the provisions of this chapter, shall be and the same is hereby declared to be unlawful. The Zoning Inspector may institute an injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection, construction, alteration, enlargement, location, conversion or use in violation of any of the provisions of this chapter. Such action may also be instituted by any property owner who may be particularly damaged by any zoning violation. The Zoning Inspector shall serve notice, personally or by registered mail addressed to the premises of such violation, on the person or corporation committing or permitting the same; and, if such violation does not cease within such time as the Zoning Inspector may specify and a new certificate of occupancy is not obtained, the Zoning Inspector shall institute such of the foregoing actions as may be necessary to terminate the violation. Such notice may also be served by posting on the premises.

§ 100-143. Cumulative penalties.

The remedies provided for herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

ARTICLE XXXI, Zoning Board of Appeals

§ 100-144. Organization.

A Zoning Board of Appeals is created as provided by law.

§ 100-145. Powers and duties generally.

- A. General. The Board of Appeals shall have all the powers and duties prescribed by law, which powers and duties are summarized and more particularly specified as follows, provided that none of the following sections shall be deemed to limit any of the power of the Board of Appeals that is conferred by the Town Law.
- B. Interpretation. On appeal from an order, requirement, decision or determination made by an administrative official charged with enforcement, the Board of Appeals shall decide any question involving the interpretation of any provisions of a zoning ordinance, including determination of the exact reference to the rules specified in § 100-6.
- C. Variance or adjustment.

- (1) Where the strict application of any of the requirements of this chapter, in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical conditions, would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case, the Board of Appeals shall have the power, upon appeal, to vary or adjust the strict application of the regulations or provisions herein.
- (2) No adjustment in the strict application of any provisions of this chapter shall be granted by the Board of Appeals unless it finds that:
 - (a) There are special circumstances or conditions, fully described in the findings of the Board of Appeals, applying to the building or land for which the adjustment is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant subsequent to the date of adoption of the regulation or regulations appealed from, whether in violation of the provisions herein or not.
 - (b) For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the particular application of the requirements of this chapter would deprive the applicant of the reasonable use of such land or building and the granting of the adjustment is necessary for the reasonable use of the land or building, and that the adjustment as granted by the Board is the minimum adjustment that will accomplish this purpose.
 - (c) The granting of the adjustment will be in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

D. Special permits. The Zoning Board of Appeals is hereby empowered to issue special permits.

§ 100-146. Conditions and safeguards.

In all cases where the Board of Appeals authorizes the issuance of a building permit, occupancy permit or special permit under any of the above powers, said Board shall impose any limitations, conditions and safeguards it deems necessary and desirable to carry out the intent and purpose of this chapter. A violation of the above shall automatically terminate such approval.

§ 100-147. Appeal and application procedures.

All appeals and applications to the Board of Appeals shall be taken in the manner prescribed by law and within such time as shall be prescribed by the Board of Appeals by general rule. All such appeals and applications shall be in writing, on forms prescribed by the Board, and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specific provision of this chapter and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the adjustment that is applied for and the grounds for which it is claimed that the same should be granted or the use for which a special permit is sought. Every decision of the Board of Appeals shall be recorded in accordance

with standard forms adopted by the Board and shall fully set forth the circumstances of the case and the findings on which the decision was based.

§ 100-148. Limitations of Board of Appeals.

The Zoning Board of Appeals is not empowered to change this chapter, nor can it change the permitted uses in the districts.

§ 100-149. Notices of hearings.

- A. Notice of hearing. Notice of any hearing before the Board of Appeals shall be published in a newspaper circulating within the Town of Lloyd, as provided for in the Town Law and specified in the rules of procedure of said Board.
- B. Referral to Planning Board. At least five days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the Secretary of said Board shall transmit to the Secretary of the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing, and the Planning Board may, prior to the date of said hearing, submit to the Board of Appeals an advisory opinion on said application or appeal.

§ 100-150. Action of Board of Appeals.

- A. Every decision of the Board of Appeals shall be by resolution, shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and the findings on which the decision was based. Timely notice of all decisions shall be given to all parties of the proceedings.
- B. The Board shall file a copy of each such resolution in the office of the Town Clerk, together with all supporting documents, and a copy with the Planning Board and the Zoning Inspector. The Board of Appeals shall report to the Town Board periodically, at intervals of not greater than three months, summarizing all applications and appeals made to it since its last previous report and summarizing its decisions on such applications and appeals. A copy of such report shall be filed with the Planning Board and the Zoning Inspector at the same time that it is filed with the Town Board.

§ 100-151. Fees.

Each application to the Zoning Board of Appeals must be accompanied by a fee established by the Town Board.

§ 100-152. Application to Court for relief from decisions.

Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals may apply to the Supreme Court for relief in the manner provided for by law.

ARTICLE XXXII, Planning Board

§ 100-153. Creation of Planning Board.

A Planning Board is created as provided by law.^{[9]EN}

§ 100-154. Fees to accompany applications to Planning Board.

Each application to the Planning Board must be accompanied by a fee established by the Town Board.

§ 100-155. Limitations of Planning Board.

The Planning Board is not empowered to change this chapter, nor can it change the permitted uses in the districts.

§ 100-156. Application to Court for relief from decisions.

Any person or persons jointly or severally aggrieved by any decision of the Planning Board may apply to the Supreme Court for relief in the manner provided for by law.

ARTICLE XXXIII, Amendments

§ 100-157. Amendments; procedures.

- A. The Town Board may, from time to time, on its own motion, on petition or on recommendation of the Planning Board or Zoning Board of Appeals, amend, supplement or repeal the regulations and provisions of this chapter in the manner provided by the Town Law.
- B. Every such proposed amendment or change shall be referred to the Planning Board for report thereon before the public hearing provided by the Town Law. In recommending the adoption of any such proposed amendment, the Planning Board shall state its reasons for such recommendation, describing any condition that it believes makes the amendment advisable, and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the comprehensive plan of land use for the Town, and would be in furtherance of the purposes set forth in § 100-1 of this chapters. In recommending the rejection or revision of any proposed amendment. the Planning Board shall similarly state its reasons.
- C. Petitions for amendments or changes.
 - (1) Whenever the owners of at least 51% of the assessed valuation in any district shall present a petition, duly signed and acknowledged by such owners, to the Town Board, requesting an amendment, supplement or change in the zoning regulations prescribed for such district or part thereof, it shall be the duty of said Board to hold a public hearing on such petition within 90 days after the filing of same.

(2) Said petition shall be accompanied by a sketch showing the outline of the district, names of the property owners and the assessed valuation of each property.

D. No amendment of this chapter, as adopted, of whatever nature, that has not been approved by the Planning Board shall be adopted except by at least a two-thirds vote of the Town Board, provided that, if the Planning Board fails to report to the Town Board its recommendations on any proposed amendment within 30 days after the date of referral, such report shall not be required before action by the Town Board.

^[1] Editor's Note: See Ch. 20, Planning Board.

^[2] Editor's Note: This local law also repealed former MF Multiple-Family Residence District. In addition, Section 4 provided as follows: "Chapter 100, § 100-5, of the Code of the Town of Lloyd is amended to designate all of the existing apartment zones in the Town of Lloyd on the date of adoption as MF-10 Zones with standards applicable as set forth in new Article XXIVB adopted simultaneously herewith."

^[3] Editor's Note: The Zoning Map is on file in the office of the Town Clerk.

^[4] Editor's Note: Former Subsection H, which dealt with site review requirements for erection of certain structures, was repealed 7-13-1988 by L.L. No. 5-1988.

^[5] Editor's Note: See Ch. A104, Subdivision of Land.

^[6] Editor's Note: This local law superseded former Art. X, Extraction of Natural Resources from Ground.

^[7] Editor's Note: See ECL § 23-2701.

^[8] Editor's Note: See Chapter A105, Waterfront Consistency Review.

^[9] Editor's Note: A Planning Board was originally created in the Town of Lloyd on 11-18-1955. See Ch. 20.