

ARTICLE III: PERMITS AND

PROCEDURES SECTION 300 PERMITS

REQUIRED

- A. No building or structure shall be erected, enlarged, structurally altered or moved, no new use shall be established, and no building permit shall be granted pursuant to the Codes of New York State, until a zoning permit therefore has been issued by the Zoning Officer. No alterations to an existing building shall be made without a zoning permit, unless such alterations are exempt from a building permit pursuant to the Codes of New York State. No zoning permit, nor any certificate of occupancy or compliance pursuant to the Codes of New York State, shall be issued for any building where said construction, addition, alteration, moving or use thereof would be in violation of any of the provisions of this Zoning law, or where any necessary Town Planning Board Subdivision approval has not been granted.
- B. Permit applications shall be filed with the Zoning Enforcement Officer.

SECTION 301: PRE-APPLICATION CONFERENCE

Pre-application conferences with the Town's Planning Board are encouraged for all applications seeking permits for uses that may require a special use permit and/or site plan review (most nonresidential uses or nonfarm uses.)

SECTION 302 APPLICATION PROCEDURE AND REQUIRED INFORMATION

- A. Application for a zoning permit shall be made with the Zoning Enforcement Officer on forms approved by the Town Board. Forms shall be made available at the Offices of the Zoning Enforcement Officer and the Town Clerk.

For proposed actions that are located within the Town's LOCAL WATERFRONT DEVELOPMENT POLICY (LWDP) area, applications for permits shall be reviewed by the Planning Board in accordance with the approved LWDP and any amendments thereto, to insure unified development, enhance water-related uses, preserve public access to the waterfront and promote the overall improvement of the waterfront and its attractiveness. A certificate of consistency with the LWDP will be issued by the Planning Board prior to the issuance of a permit.

- B. Information

All information on the application form shall be completed.

- C. Map required

One copy of a property map shall be submitted with all applications. The map shall be either:

1. Sketch Map: A sketch map is required with all applications for a zoning permit for one or two family dwellings, their customary accessory uses, or farm use. The sketch map shall be drawn to scale and show the dimensions and location of the lot, exact size and location of all existing and proposed buildings on the lot, proposed location of water and sewage disposal systems, parking areas and driveway location, natural water courses, ponds, surface drainage patterns or location of existing or proposed easements.
 2. Site Plan: A site plan is required with applications for all other uses, including application for residential uses in a Historic Zone. The requirements and procedures for site plan approval are in Article X.
- D. Approval of Water and Sewage Disposal Systems: Evidence of approval of the water supply and the sewage disposal system plans by the Orleans County Health Department or its agent, or design plans signed by a licensed engineer, shall be submitted at the time of application. Applications lacking such information shall not be accepted.
- E. Approval of the County Highway Superintendent or Town Highway Superintendent is required for any driveway pipes or culverts on County or Town roads.
- F. Evidence of Property Ownership or Intent to Purchase. Copies of deeds, titles, purchase agreements, or other proof of ownership or intent to purchase shall be attached to an application before it will be accepted.
- G. Licenses: Any use currently licensed by Federal, State, County or Town Agencies and already operating within the Town shall present evidence of currently valid licenses before any expansion permits are considered.

Fee: The appropriate non-refundable fee established by the Town Board in its fee structure shall be collected at the time of application. This fee structure shall be filed and posted at the Offices of the Town Clerk and the Zoning Enforcement Officer.

SECTION 801 DUTIES AND PROCEDURES OF THE ZONING ENFORCEMENT OFFICER

A. Administer the Zoning Law

1. The Zoning Enforcement Officer shall review all applications for zoning permits and, if the minimum requirements of this Local Law are met, the Officer shall issue a permit.
2. If the applicant's plans do not meet the Zoning requirements, the Officer must deny the permit. The Zoning Enforcement Officer may not use discretionary judgment. The Officer must enforce the "Letter of the Law."

B. Referral to the Zoning Board of Appeals

An applicant, after being denied a building permit, may appeal the Zoning Officer's findings to the Zoning Board of Appeals (ZBA) for an interpretation or a variance. Should an appeal be requested, the Zoning Enforcement Officer shall notify the Secretary of the ZBA of the request and forward all necessary supporting information.