

## § 27.4

premises to overnight guests; (2) the existence of structures, such as a garage, barn or boathouse accessory to the dwelling; (3) display of a sign which may be indirectly but not directly illuminated and not to exceed two square feet in area, referring to the occupancy, sale, or rental of the premises; (4) traditional agricultural uses of cleared land, but not including such objectionable uses as a piggery or the raising of livestock, poultry or fur-bearing animals for commercial purposes; and (5) the opening of shellfish, the storage and use of fishing equipment, and other traditional fishing activities. No commercial or industrial ventures (other than of the types described above), may be established within the Seashore District.

### § 27.4 Variances and exceptions.

(a) Zoning bylaws may provide for variances and exceptions.

(b) Bylaws adopted pursuant to these standards shall contain provisions which constitute notice to applicants for variances and exceptions that, under section 5(d) of the Act of August 7, 1961, the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, "improved property" that is made the subject of a variance or exception which, in his opinion, fails to conform or is in any manner opposed to or inconsistent with preservation and development of the seashore as contemplated in the said Act. The Secretary may be consulted at any time by zoning authorities or by the owner of "improved property" regarding the effect of a proposed variance or exception upon the status of the affected property with regard to the suspension of the Secretary's authority to condemn. The Secretary, within 60 days of the receipt of a request for such determination, or as soon thereafter as is reasonably possible, shall advise the owner or zoning authorities whether or not the intended use will subject the property to acquisition by condemnation.

(c) The Secretary shall be promptly notified of the granting of any variance or exception.

## 36 CFR Ch. I (7-1-04 Edition)

### PART 28—FIRE ISLAND NATIONAL SEASHORE: ZONING STANDARDS

#### Subpart A—General Provisions

Sec.

- 28.1 Purpose.
- 28.2 Definitions.
- 28.3 Boundaries: The Community Development District; The Dune District; The Seashore District.
- 28.4 Severability.

#### Subpart B—Federal Standards and Approval of Local Ordinances

- 28.10 Permitted and prohibited uses.
- 28.11 Nonconforming uses.
- 28.12 Development standards.
- 28.13 Variance, commercial and industrial application procedures.
- 28.14 Emergency action.
- 28.15 Approval of local zoning ordinances.

#### Subpart C—Federal Review and Condemnation

- 28.20 Review by the Superintendent.
- 28.21 Suspension of condemnation authority in the communities.
- 28.22 Condemnation authority of the Secretary.
- 28.23 Certificates of suspension of authority for acquisition by condemnation.
- 28.24 Information collection.

AUTHORITY: 16 U.S.C. 1,3,459e-2.

SOURCE: 56 FR 42790, Aug. 29, 1991.

#### Subpart A—General Provisions

##### § 28.1 Purpose.

(a) The enabling legislation for Fire Island National Seashore (the Seashore) mandated the Secretary of the Interior (the Secretary) to issue regulations which provide standards for local zoning in order to protect and conserve Fire Island. The regulations in this part set forth Federal standards to which local ordinances for Fire Island must conform to enable certain private property within the Seashore to be exempt from Federal condemnation. The standards also apply to use and development of public property. From time to time these standards may be reviewed and revised. These standards are intended:

(1) To promote the protection and development of the land within the Seashore, for the purposes of the Fire Island National Seashore Act (the Act),