

TOWN OF ORANGEVILLE ZONING CODE

Approved by Town Board on September 23, 2009

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I. ARTICLE I ENACTMENT AND INTENT**SECTION 100 TITLE**

This Zoning Law shall be known and may be cited as the AZoning Law of the Town of Orangeville.@

SECTION 101 PURPOSE

For the purpose of promoting the health, safety and general welfare of the people of the Town of Orangeville, this Zoning Law, Comprehensive Plan and official Zoning Map are adopted pursuant to Article 16 of the Town Law of the State of New York. Its purpose is to regulate and restrict: the height, number of stories and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts and other open space; the density of population and the location and use of buildings, structures and land for business, industry, agriculture, residence or other purposes. Such Zoning Law, Comprehensive Plan and Zoning Map, which are a part of said Law, are designed to: lessen congestion in the streets; to secure safety from fire and other dangers; to provide adequate light and air; to prevent the overcrowding of land and to avoid undue concentration of population; to facilitate the efficient and adequate provision of public facilities and services; and to provide the maximum protection to residential areas from the encroachment of adverse environmental influences. Such Zoning Law, Comprehensive Plan and Zoning Map were made after reasonable consideration, among other things, as to the character of the Town and its peculiar suitability for particular uses and with a view to conserving property values and natural resources and encouraging the most appropriate use of land throughout the Town. This Law also preserves the agricultural base and rural character of the Town.

SECTION 102 INTERPRETATION

In their interpretation and application, the provisions of this Zoning Law shall be held to be the minimum standards and requirements for the protection of the public health, safety and general welfare.

SECTION 103 CONFLICT WITH OTHER LAWS

Whenever the requirements of this Zoning Law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or laws, the most restrictive or those imposing the higher standards shall govern.

SECTION 104 SAVING CLAUSE / SEPARABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Zoning Law is declared by any court of competent jurisdiction to be invalid, unconstitutional or illegal, the provisions of the rest of the Zoning Law shall be deemed to be separately adopted and are still in full force and effect.

SECTION 105 AMENDMENTS

- A. Procedure - The Town Board may from time to time on its own motion, on petition or on recommendation of the Planning Board and in accordance with the laws of the State of New York, amend, supplement or repeal the regulations, provisions or district boundaries of this Zoning Law.
- B. Filing of Petition - A petition to amend, change or supplement the text of this Zoning Law or any zoning district as designated on the Zoning Map established herein shall be filed with the Town Clerk and shall be transmitted by the Clerk to the Town Board. A petition for a change to the Zoning Map shall contain a map which clearly describes the affected property and its boundaries and shall indicate the existing zoning district and the requested zoning change.
- C. Referral to Planning Board
 1. Each proposed amendment, except those initiated by the Planning Board, shall be referred to the Planning Board for an advisory report. In reporting, the Planning Board shall fully state its reasons for recommending or opposing the adoption of such proposed amendment. The Planning Board may condition its approval, as may be appropriate.
 2. The Planning Board shall state its position relative to proposed zoning amendments in writing within forty-five (45) days of its referral from the Town Board. Absence of a reply from the Planning Board within the forty-five (45) day period shall indicate that the Board is in favor of the amendment.

- D. Public Hearings; Notice; Recording of Actions - Unless otherwise provided, the provisions of the Town Law of the State of New York pertaining to public hearings, official notices and proper recording of zoning actions taken by the Town Board shall apply to all amendments to this Zoning Law.
- E. Provisional Amendments - In the case of a proposed amendment which involves the reclassification or transfer of any area to a less restrictive district the Town Board may require the petitioner to submit a site plan (as defined in Article III of this Zoning Law) showing the extent, location and character of proposed structures and uses drawn to scale and specifying the level of detail required by the provisions of Article III. The Town Board may require that such plan be modified to meet the objections raised at any public hearing thereon, or subsequent thereto, and may qualify its approval of any such amendment by imposing specific restrictions or conditions to govern such approval. Unless an application for a building permit is made within six (6) months after the Town Board=s approval of said amendment and unless development of the area included is commenced within a period of one (1) year after the Town Board=s approval, said approval shall be void and the zoning classification shall be as it was when the petition for amendment was filed. All improvements in such district shall be made in accordance with the plan as approved by the Town Board.
- F. Disposition Final; Rehearing on Petition - The disposition of a petition for amendment by the Town Board shall be final and disapproval or denial of the proposed amendment shall void the petition. No new petition for an amendment which has been previously denied by the Town Board shall be considered by it, except for a vote to table or to receive and file, and no public hearing shall be held on such amendment within a period of one (1) year from the date of such previous denial unless the Planning Board shall submit a recommendation, with reasons stated therefore certifying that there have been substantial changes in the situation which would merit a hearing by the Town Board. Such rehearing may be granted only upon a favorable vote of a majority of the Town Board plus one (1).

SECTION 106 REPEALER

The text of the original 1964 Town of Orangeville Zoning Ordinance and the Zoning Map of the Town of Orangeville, and as the same from time to time have been amended, are hereby repealed and amended in their entirety, superseding all previous enactments and amendments, and from their taking effect, all such previous enactments and amendments thereto shall be repealed.

SECTION 107 EFFECTIVE DATE

This Zoning Law shall be in effect immediately upon adoption and the posting and filing of notice of adoption as required by State Law.

II. ARTICLE II DEFINITIONS AND WORD USAGE**SECTION 200 WORD USAGE; ADMINISTRATIVE AGENCIES DEFINED**

For the purpose of this Zoning Law, certain words and terms used herein shall be defined as follows:

A. Word Usage

1. All words used in the present tense include the future tense.
2. All words in the plural number include the singular number and all words in the singular number include the plural number, except as to the number of permitted structures, unless the natural construction of the wording indicates otherwise.
3. The word **person** includes an association, partnership or corporation.
4. Unless otherwise specified, all distances shall be measured horizontally.
5. The word **building** includes the word **structure**.
6. **Lot** includes the words **plot**, **parcel** or **tract**.
7. The word **premises** includes a lot and all buildings or structures thereon.
8. To **erect**, **to construct** and **to build** a building or structure each have the same meaning and also include **to excavate** for a building and **to relocate** a building by moving it from one location to another.
9. **Used** shall be deemed also to include **designated**, **intended** or **arranged to be used or occupied**.
10. **Shall** is mandatory and not discretionary; **May** is permissive.
11. **He** is the same as **She** and **Him** is the same as **Her**.
12. Any reference to **Ordinance** is the same as **Law** and any reference to **Law** is the same as **Ordinance**.

B. Administrative Agencies Defined

- a. Board of Appeals - The Zoning Board of Appeals of the Town of Orangeville.
- b. County Planning Board - The Planning Board of the County of Wyoming.
- c. Department of Health - The Wyoming County Department of Health and any other health board or department established pursuant to the laws of the State of New York and having authority for the regulation of matters pertaining to the public health of the Town.
- d. Enforcement Officer - The public official appointed by the Wyoming County Board of Supervisors to enforce the New York State Uniform Fire Protection and Building Code in Wyoming County.
- e. Planning Board - The Planning Board of the Town of Orangeville.
- f. Town Board - The Town Board of the Town of Orangeville.
- g. Zoning Enforcement Officer - The official designated by the Town Board of the Town of Orangeville to enforce the provisions of this Zoning Law.

SECTION 201 DEFINITIONS

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

Accessory - The term applied to a building or use which: (1) is customarily incidental and subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and, (4) is located on the same zoning lot as the principal building or principal use.

Agricultural or Farming Operations - The land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a **commercial horse boarding operation** as defined in subdivision thirteen of New York Agriculture and Markets Law ' 301. Such farm operation may consist of one (1) or more parcels of owned or rented land which parcels may be contiguous or noncontiguous to each other.

Airstrip - Any area of land designed for private non-commercial use of airborne craft, including hangars, taxi-ways and landing strips.

Alterations - As applied to a building or structure, the change or rearrangement in the supporting members of a building or structure such as bearing walls, columns, beams or girders or in the exit facilities; an enlargement of a building or structure, whether by extending on a side or by increasing in height; the moving from one location or position to another; any alteration whereby a structure is adapted to another or different use.

Animal Waste Management System - A planned system designed in accordance with NRCS (National Resource Conservation Service), or a like or successor agency, procedures and specifications in which all necessary components are installed for managing animal wastes and/or on-farm wastes both liquid and solid, including run-off from concentrated waste areas, in a manner that does not degrade air, soil or water resources.

Apartment Building - A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other, but having common hallways and entrances.

Area of Special Flood Hazard - Land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year.

Base Flood - The flood having a one percent (1%) chance of being equaled or exceeded in any one (1) given year.

Bed & Breakfast - An owner-occupied one-family dwelling in which a room or rooms are rented on a nightly basis for periods of less than two (2) weeks. Breakfast may or may not be provided.

Boarding House (Rooming House) - A dwelling other than a hotel, motel or lodging house, where more than two (2) persons are housed or lodged for hire with or without meals.

Book Store/Adult - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on the premises, by use of motion picture devices or any other coin-operated means, and other periodicals 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 with a segment or section devoted to the sale or display of such material, which excludes minors by virtue of age. Specified sexual activities are defined for the purpose of this Zoning Law as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
4. Specified anatomical areas are defined as follows:
 - a. Less than completely and opaquely covered (a) human genitals, pubic region, (b) buttocks and (c) female breast below a point immediately above the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Buffer Area - A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments or berms not less than ten (10) feet in depth and not less than six (6) feet in height densely planted and designed to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, fumes, dust, smoke, noise, or other noxious or objectionable elements.

Building - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, property or business activity.

Building Area - The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

Building Height - The vertical dimension measured from the average elevation of the finished grade level at the front of the building to the highest point of the structure.

Building Line - A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or a projected roof or porch, the vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves less than two (2) feet in width. All yard and setback requirements are measured to the building lines.

Building Principal - A building in which is conducted the main or principal use of the lot on which said building is situated.

CAFO - see Concentrated Animal Feeding Operation.

Camping Ground - A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, park model homes, recreational vehicles, motor homes, and the motor vehicles propelling or carrying the same, but excluding mobile homes designed for year-round occupancy or as a place of residence.

Certificate of Use - A certificate issued by the Zoning Enforcement Officer upon completion of construction or alteration of a building. Said certificate shall not acknowledge compliance with all of the requirements of the Uniform Code. The Zoning Enforcement Officer may issue a Certificate of Use for the change in use of an existing building or for the use or change in use of a parcel of land with no buildings.

Club - An organization catering exclusively to members and their guests, including premises and buildings for recreational or

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

Cluster Development - A development of residential lots, each containing less area than the minimum lot area or minimum frontage required for the zone within which such development occurs, while maintaining the density limitation imposed by said minimum lot area through the provision of open space as part of the site development plan.

Commercial Communication Tower - A structure, including one (1) or more antennas, that is intended for transmitting and/or receiving radio, television, telephone or microwave communications but excluding those used either for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen=s bands, amateur radio and other similar communications.

Comprehensive Plan - A written document that identifies the goals, objectives, principles, guidelines, policies, standards, and strategies for the growth and development of the community.

Concentrated Animal Feeding Operation (CAFO) - means an animal feeding operation@ which meets the following criteria:

1. New and existing operations which stable or confine and feed or maintain for a total of forth-five (45) days or more in any twelve (12) month period more than the numbers of animals specified in any of the following categories:
 - a. 1,000 slaughter or feeder cattle;
 - b. 700 mature dairy cattle (whether milkers or dry cows);
 - c. 2,500 swine weighting over 55 pounds;
 - d. 500 horses;
 - e. 10,000 sheep or lambs;
 - f. 55,000 turkeys;
 - g. 100,000 laying hens or broilers when the facility has unlimited continuous flow watering system;
 - h. 30,000 laying hens or broilers when facility has liquid handling system;
 - i. 5,000 ducks;
 - j. 1,000 animal units from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep;
2. New and existing operations that discharge into navigable waters either through a man-made ditch, flushing system, or other similar man-made device, or directly into surface waters of the State, and which stable or confine and feed or maintain for a total of forth-five (45) days or more in any twelve (12) month period more than the numbers of types of animals in the following categories:
 - a. 300 slaughter or feeder cattle;
 - b. 200 mature dairy cattle (whether milkers or dry cows);
 - c. 750 swine weighting over 55 pounds;
 - d. 150 horses;
 - e. 3,000 sheep or lambs;
 - f. 16, 000 turkeys;
 - g. 30,000 laying hens or broilers when the facility has unlimited continuous flow watering system;
 - h. 9,000 laying hens or broilers when facility has liquid handling system;
 - i. 1,500 ducks;
 - j. 300 animal units from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep.

Conditioned Negative Declaration (CND) - Under the State Environmental Quality Review Act, a CND is a negative declaration issued by a lead agency@ for an unlisted action.@ This involves an action that, as initially proposed, may result in one (1) or more significant adverse environmental impacts but, when mitigation measures are required by the lead agency to modify the proposed action, no significant adverse environmental impacts will result.

Convenience Store/Gasoline Station/Market - A gasoline station which provides one (1) or more additional commercial services such as a restaurant, dairy bar, beverage market, food or grocery market or such a commercial use which also provides for gasoline sales. For the purpose of this definition, sales from vending machines are not considered commercial service.

Cul-De-Sac - A street or road with only one (1) entrance. When progressing along a road, if there is a point at which there is no way out except the way one came in, then at that point, one is facing into a cul-de-sac.

Density - The amount of development per acre on a parcel permitted under the Zoning Law. For example, the density allowed could be four dwelling units per acre or forty thousand (40,000) square feet of commercial building floor per acre.

Driveway - A roadway providing a means of access from a street to a property or off-street parking area. An access way may also be deemed a driveway.

Dwelling - A building designed or used for one (1) or more families. The term dwelling shall not be deemed to include a motel, hotel, boarding house, bed and breakfast, or travel trailer.

Dwelling, Manufactured Home - Any manufactured housing unit designed for transportation after fabrication, on streets or highways, on its own wheels or on flatbeds or trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like, and originally bearing a seal issued by the United States Department of Housing and Urban Development, and/or are certified by a licensed structural engineer as to structural integrity, by a licensed electrical underwriter for electrical wiring, by a qualified heating contractor for heating, and a qualified plumber for plumbing. This definition specifically does not include so-called modular homes where the chassis upon which the unit or part of a unit is transported is not a part of the structure of the unit itself. The definition specifically does include both so-called single-wide and double-wide units.

Dwelling, Modular - Modular homes are classified as factory-built housing with proper certifications for local and/or state building codes. Modular homes are also transported via a trailer assembly which is removable. Modular homes are not self-contained and many require plumbing and/or electrical hook-up after being placed on proper foundation. Modular homes have serial numbers which are preceded by the letters DHCR.

Dwelling, Multiple Family - A residential building designed for or occupied by three (3) or more families living independently of each other with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Multiple Family Complex - A series of multiple family dwellings, designed and built as an integrated development with a common architectural style.

Dwelling, Single Family - A detached residential dwelling unit designed for and occupied exclusively by one (1) or more persons living as a single non-profit housekeeping unit.

Dwelling, Two-family - A detached residential building, containing two dwelling units, designed for occupancy and used exclusively by two (2) families living independently of each other.

Dwelling Unit - A building or portion thereof providing housekeeping facilities for a single family.

Earth Sheltered Housing - A residential structure which has not less than fifty (50) percent of its exterior envelope covered by earth in order to moderate temperature extremes and to serve as a passive means of lowering the dependence of the residence on artificial climate control derived from fossil fuel energy. The term shall include underground houses, earth contact homes, terratectural designs and geo-built homes.

Electromagnetic Interference (EMI) - The interference to communication systems created by scattering of electromagnetic signals.

Eminent Domain - The Government's right to take title to private property for a public use upon the payment of just compensation to the landowner.

Entertainment Cabaret/Adult - A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers, which excludes minors by virtue of age.

Environment - Defined broadly under the State Environmental Quality Review Act to include the physical conditions that will be affected by a proposed action including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character and human health.

Environmental Assessment Form (EAF) - An EAF, as used in the State Environmental Quality Review Act process, is a form completed by an applicant to assist an agency in determining the environmental significance of a proposed action. A properly completed EAF must contain enough information to describe the proposed action, its location, purpose and potential impacts on the environment.

Environmental Impact Statement (EIS) - As EIS is a written draft or final document prepared in accordance with the State Environmental Quality Review Act. An EIS provides a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation strategies. An EIS facilitates the weighing of social, economic and environmental factors in the planning and decision-making process. A draft EIS (DEIS) is the initial statement prepared by either the project sponsor or the lead agency and circulated for review and comment before a final EIS (FEIS) is prepared.

Environmental Quality Review - The process that reviewing boards must conduct to determine whether proposed projects may have a significant adverse impact on the environment and, if they do, to study these impacts and identify alternatives and mitigation conditions that protect the environment to the maximum extent practicable.

Environmental Review - The State Environmental Quality Review Act requires local agencies that review applications for land use approvals to take a hard look at the environmental impact of the proposed projects. Where the proposed project may have a significant adverse impact on the environment, the agency must prepare an environmental impact statement before approving the project. The adoption of comprehensive plans, zoning amendments and other land use regulations are also subject to environmental review.

Essential Services - The erection, construction, alteration or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, telecommunications or water transmission and/or distribution systems,

including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies, or for the public health, safety or general welfare. This definition expressly excludes power generator facilities or sites for the disposal of waste materials associated with the provision of such services.

Excavation - The process of the removal or displacement of sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging or other means. The normal agricultural practice of scraping barnyards is not deemed to be excavation.

Excavation Site - A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial or commercial operation.

Family - One (1) or more persons, related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single non-profit housekeeping unit.

Farm - The use of a minimum of ten (10) acres of land for agricultural purposes including tilling of the soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry and the necessary accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Farm Animal - Any domestic or domesticated animal produced or kept primarily for farm, ranch or market purposes, including but not limited to, beef or dairy cattle, hog and pigs, sheep, goats, horses, lamb, llama, emu, chicken, ducks and the like.

Farm Building - Any building used for the housing of agricultural equipment, produce, livestock or poultry, or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with, and necessary to the operation of the farm as defined by this Article. The term farm building shall not include a farm dwelling.®

Farm Dwelling - A dwelling located on a farm and occupied by a family engaged in agricultural activities.

Fence - A structure of wood, masonry, wire mesh or other material which prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property.

Finished Grade Level - The level where the finished grade of the ground intersects the foundation walls. Height measurements shall be based from the finished grade level.

Flood Insurance Rate Map (Firm) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the town.

Flood Insurance Study - The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary - Floodway Map and the water surface elevation of the base flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation of the base flood.

Floor Area, Gross - The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses. For the purpose of applying the requirements for off-street parking and loading in the case of offices, merchandising or service types of uses, gross floor area shall not include areas used principally for non-public purposes such as storage, restrooms, fitting or alteration rooms or general maintenance, or enclosed pedestrian malls or corridors.

Floor Area, Habitable - The horizontal area of any floor of a building designed and intended for living purposes, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a habitable floor.® All dimensions shall be measured from the interior faces of exterior walls or from the center line of the base of walls separating two (2) dwelling units.

Freshwater Wetlands Regulations - These are laws passed by federal, state and local governments to protect wetlands by limiting the types and extent of activities permitted within wetlands. These laws require landowners to secure permits before conducting many activities, such as, draining, filling or constructing buildings.

Frontage - Zoning laws typically require that developable lots have a specific number of linear feet that front on a dedicated street. A 100-foot frontage requirement means that a lot must have 100 linear feet on the side of the parcel that fronts on a street.

Garage, Private - An accessory building which provides for the storage of motor vehicles or household items by the occupants on the lot upon which it is erected, with no provision for repairing or servicing such vehicles for profit.

Garages, Public or Repair - Any garage other than a private garage operated for gain, available to the public, which is used for the storage, repair, servicing or rental of motor vehicles.

Gentleman Farm Operation - Tier 1 - The harboring of customary farm animals on less than seven (7) acres of land receiving an agricultural assessment and located in a State certified - county adopted agricultural district where such land use and on-farm buildings, equipment, manure processing and handling facilities and practices contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Subject to the regulations set forth in Article X,

Section 1009.

Gentlemen Farm Operation - Tier 2 - The harboring of customary farm animals on less than seven (7) acres of land in a State certified, county adopted agricultural district but does not constitute a farm operation as defined by Agriculture Markets Law, '301, subdivision 11 and is subject to the regulations set forth in Article X, Section 1010 of this law.

Gentleman Farm Operation - Tier 3 - The harboring of customary farm animals on less than seven (7) acres of land in a Medium Density District not situated in a State certified, county adopted agricultural district. Subject to the regulations set forth in Article XI, Section 1117 of this law.

Group Home - Residences for a variety of special populations in need of supervised living facilities. Individuals residing in group homes may be mentally or physically disabled, recovering substance abusers, teenaged mothers or victims of domestic violence.

Home Based Business - A business, profession, occupation or trade conducted for gain or support, other than a Home Occupations Minor or Home Occupations Major as defined herein, conducted within or on the same lot as an occupied single-family dwelling by the inhabitants thereof. Home-Based Businesses may involve the provision of services or the manufacture and/or sale of goods on the premises, except that the following types of businesses shall not be considered to be Home-Based Businesses:

1. Motor vehicle repair;
2. Motor vehicle, boat and manufactured home sales and rentals;
3. Fuel outlets (including gas stations and mini-marts);
4. Drive-in businesses;
5. Scrap and salvage material storage and sales (including junkyards);
6. Laundries and dry-cleaning establishments;
7. Recreation, entertainment, or amusement enterprises;
8. Restaurants and tearooms;
9. Tourist homes and bed and breakfast establishments;
10. Biological or medical testing laboratories, clinics, hospitals and convalescent homes;
11. Funeral homes;
12. Kennels, stables, animal hospitals and veterinarian offices;
13. Building supply and farm equipment stores;
14. Yard sales, garage sales and any similar type of sales exceeding four (4) calendar weeks.

Examples of Home-Based Businesses:

- a. Lumber Drying, Milling
- b. Tree Trimming
- c. Logging
- d. Construction of Dwellings, Storage Buildings
- e. Construction of Driveways, Ponds, Building Site

(Examples are illustrative and have been offered as guidance and do not constitute an exhaustive list of Home Based Businesses.)

Home Occupations Minor - Home Occupations Minor may involve a wide range of uses so long as the use is not incompatible with the primary agricultural or residential use of the land. Examples of Home Occupations Minor:

1. Road Side Stands - Baked Goods
2. Quilt Making
3. Artist or Pottery Studio
4. Tailoring - Dress Making
5. Basket Making
6. Rug Making
7. Clock Making

(Examples are illustrative and have been offered as guidance and do not constitute an exhaustive list of Home Occupations Minor.)

Home Occupations Major - Activities and services directed toward meeting the needs of those engaged in area farming and providing materials and services needed for farming. Examples of Home Occupations Major:

1. Facilities for the manufacturing, processing, warehousing, sales, distribution, storage, repair and services of agricultural produce, equipment, vehicles or supplies
2. Buggy Shops
3. Blacksmith Shops, Harness Making and Tinsmith Shop
4. Butcher Shops
5. Grain Mills
6. Processing of locally produced Agricultural Products
7. Veterinary Offices
8. Feed Supply, Seed and Fertilizer Distribution
9. Tarp Making

10. Wood Working, Furniture Repair and Sale of Same
11. Stables

(Examples are illustrative and have been offered as guidance and do not constitute an exhaustive list of Home Occupations Major.)

Home Professional Occupation - The office of a member of a licensed profession when conducted within a dwelling. Such occupations shall include, but not be limited to, those of doctors, lawyers, architects, engineers, ministers, hairdresser/beauticians and other licensed professionals.

Infrastructure - Includes utilities and improvements needed to support development in a community. Infrastructure includes water and sewage systems, lighting, drainage, parks public buildings, roads and transportation facilities and utilities.

Junk Yard - A lot, land or structure, or part thereof, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including: automobile or other vehicle or machinery, wrecking or dismantling yards; house wrecking yards; used lumber yards; places or yards for storage of salvaged house wrecking and structural steel materials and equipment; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of resale or sale of used parts therefrom, for the purpose of reclaiming for use some or all the materials therein, or for the purpose of storage or disposing of the same for any other purpose. The term junkyard shall not include pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, or for processing of used, discarded or salvaged materials as part of manufacturing operations. Exceptions:

1. New, and/or used motor vehicles, which are operable, qualify for a current New York State Motor Vehicle inspection sticker under Article 5 of the New York Motor Vehicle and Traffic Law, and are offered for sale to the public, may be stored on premises on which new or used car sales may be conducted in accordance with the provisions of these regulations.
2. The storage of vehicles subject to seasonal use such as travel trailers and snowmobiles even though such vehicles may be unlicensed during the part of the year they are not in use.
3. The storage of agricultural equipment, machinery and vehicles in a Low Density District which are being used in farm operation.

Kennel - Any premises on which five (5) or more dogs, six (6) months old or older are kept, bred and/or boarded.

Land Use Regulations - Laws enacted by the local legislature for regulations of any aspect of land use and community resource protection, including zoning, subdivision, special use permit or site plan regulation, or any other regulation that prescribes the appropriate use of property or the scale, location or intensity of development.

Lead Agency - The involved agency under the State Environmental Quality Review Act that is principally responsible for undertaking, funding or approving an action. The lead agency is responsible for determining whether an environmental impact statement is required in connection with the action and for the preparation and filing of the statement if one is required.

Loading Space, Off-Street - Space logically and conveniently located for public pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking area.

Lodging Room - A room rented as sleeping and living quarters, but without cooking facilities with or without an individual bathroom.

Lot - A parcel of land considered as a unit, devoted to a certain use and occupied, or capable of being occupied, by a building or group of buildings that are united by common interest or use, and the customary accessory uses and open spaces belonging to same.

Lot Area - The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

Lot, Corner - A parcel of land at the junction of, and fronting on, two (2) or more intersecting streets.

Lot Coverage - That percentage of the lot area which is devoted to building area.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered front yards.

Lot Lines - The property lines bounding the lot:

1. Lot Line, Front - The line separating the lot from a street right-of-way.
2. Lot Line, Rear - The lot line opposite and most distant from the front lot line, except for corner lots wherein it shall be the lot line behind the principal structure.
3. Lot Line, Side - Any lot line other than a front or rear lot line.

Lot of Record - A lot which is part of an approved subdivision recorded in the Office of the County Clerk or a lot described by metes and bounds, the description of which has been so recorded.

Lot Width - The distance between the side lot lines measured, parallel to the street line at the front building line.

Lot, Zoning - A parcel of land occupied, or to be occupied, by a principal use or uses, together with permitted accessory uses, yards and open spaces, having frontage on an officially accepted street and having not less than the minimum area required by these regulations for a lot in the zoning district within which said parcel of land is located. A lot of record may or may not be a zoning lot.

Manufactured Home - see Dwelling, Manufactured Home.

Manufactured Home Lot - A parcel of land within a manufactured home park reserved for placement of a manufactured home, including accessory buildings, for the exclusive use of its occupants.

Manufactured Home Park - A parcel of land under single ownership on which two (2) or more manufactured homes are occupied as residences or which is planned and improved for the placement of two (2) or more manufactured homes for nontransient residential use, or for the sale or rental of two (2) or more manufactured home lots.

Manufactured Home Stand - That part of a manufactured home lot which has been reserved for the placement of a manufactured home. The manufactured-home stand is derived from the area of a manufactured home lot which remains after all setbacks are met.

Manufactured Home Subdivision - A parcel of land under single ownership in which a single lot or lots are developed and eventually sold by the landowner to persons for the placement of a manufactured home.

Master Plan - see Comprehensive Plan.

Meteorological Testing Tower - A usually temporary, but sometimes permanent, tower commonly referred to as a MET tower, utilized for the gathering of information.

Mini-Motion Picture Theater/Adult - An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, when such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

Mixed Use - In some zoning districts multiple principal uses are permitted to coexist on a single parcel of land. Such uses may be permitted, for example, in neighborhood commercial districts, where apartments may be developed over retail space.

Mobile Home - see Dwelling, Manufactured Home.

Moratorium - Suspends the right of property owners to obtain development approvals while the local legislature takes time to consider, draft and adopt land use regulations or rules to respond to new or changing circumstances not adequately dealt with by its current laws. A moratorium is sometimes used by a community just prior to adopting a Comprehensive Plan or Zoning Law or major amendment thereto.

Motel - A building or buildings containing sleeping units for transient guests and providing accessory off-street parking facilities; and which may include restaurant facilities, and a dwelling unit for a bona fide caretaker or operator. The term motel includes: hotels, auto courts, tourist courts, motor lodges, bed and breakfast, and similar terms. Each sleeping unit shall contain not less than two hundred forty (240) square feet of living space.

Motion Picture Theater/Adult - An enclosed building, with a capacity of fifty (50) or more persons, used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, when such establishment is customarily not open to the public generally, but only one (1) or more classes of the public, excluding any minor by reason of age.

Motor Vehicle Service Station - Any building, structure or land used to dispense, sell or offer automotive fuels, oils or accessories, including lubrication, washing, polishing or cleaning and the replacement or installation of minor parts and accessories to passenger automobiles or trucks not exceeding one and one-half (1 2) tons rated capacity, but not including any major mechanical repair, rebuilding or reconditioning of engines, motor vehicles or trailers or collision service, body repair, frame straightening, painting, undercoating, vehicle steam cleaning or upholstery.

Multifamily Housing - Most zoning maps contain district where multifamily housing is permitted by the Zoning Law. Under the district regulations, buildings with three (3) or more dwelling units are permitted to be constructed, such as garden apartments or multiple story apartment buildings.

Negative Declaration - A written determination by a lead agency, under the State Environmental Quality Review Act, that the implementation of the action as proposed will not result in any significant adverse environmental impacts. A neg dec concludes the environmental review process for an action.

Non-Conforming Building or Structure - Any lawful building or structure existing at the date of enactment of this Law which in its design or location upon a lot does not conform to the regulations of this Law for the district in which it is located.

Non-Conforming Lot - A lot of record existing at the date of the enactment of this Law which does not have the minimum width, depth or area for the district in which it is located.

Non-Conforming Use - Any use of land, buildings or structures lawfully existing on the date of enactment of this Law which does not conform to the use regulations of the district in

which it is situated.

Non-Participating Resident - An owner of a lot, plot, parcel or tract of land who does not have a signed agreement for the placement of a wind energy conversion device(s) on said lot, plot, parcel or tract of land, an easement or a good neighbor agreement with a wind energy company.

Notice - Notice requirements are contained in state and local statutes. They spell out the number of days in advance of a public hearing that public notice must be given and the precise means that must be used. These may include publication in the official local newspaper and mailing or posting notices in prescribed ways. Failure to provide public notice is a jurisdictional defect and may nullify the proceedings.

Open Meeting Law - A state statute that requires local legislative, administrative and quasi-judicial bodies to open all of their meetings to members of the public. This law applies to all meetings where a majority of the board members are present, except those meeting that are held as executive sessions.

Original Jurisdiction - When an aggrieved party must appeal a determination to a quasi-judicial or judicial body in the first instance that body has original jurisdiction over that matter. The Zoning Board of Appeals, for example, has original jurisdiction to hear appeals of the determinations of the Zoning Enforcement Officer.

Parking Space, Off-Street - A space adequate for parking an automobile and having an area of not less than two hundred (200) square feet per vehicle, exclusive of passageways and driveways appurtenant thereto. Such space shall be located on the lot it is accessory to and shall have direct access to a street or public way.

Park Model Home - A home that is designed and intended to be used for recreational, camping and seasonal use, owner occupied and typically located in parks and campground resorts on sites that are owned, rented or leased.

Planning Board - Board that must consist of five (5) to seven (7) members. Planning Boards may be delegated to review board functions and a variety of advisory functions, including the preparation of the Comprehensive Plan, drafting zoning provisions or suggesting site plan and subdivision regulations in addition to other functions. One important purpose of the Planning Board's advisory role is to provide an impartial and professional perspective on land use issues based on the long range needs of the community contained in the Comprehensive Plan or other local policy documents.

Ponds - Any man-made body of water which is greater than twenty-one thousand (21,000) square feet and has a capability of more than two (2) feet in depth resulting from excavations, dams, dikes, etc.

Positive Declaration - A written determination by a lead agency, under the State Environmental Quality Review Act, that the implementation of the action as proposed is

likely to have a significant adverse impact on the environmental and that an environmental impact statement will be required.

Preliminary Site Plan - A rough plan that will allow the Planning Board to advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan.

Primary Zone District - A zone district regulating the use of land exclusive of any overlay restrictions or regulations.

Principal Building - A building in which is conducted the main or principal use of the lot on which said building is located.

Public Building - The words "public buildings and grounds," as used in this Law are intended to designate any one or more of the following uses, including grounds and accessory buildings necessary for their use:

1. Churches, places of worship, parish houses and convents.
2. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.
3. Not-for-profit nursery schools, elementary schools, secondary schools, colleges or universities having a curriculum approved by the Board of Regents of the State of New York.
4. Golf courses and country clubs when occupying not less than fifty (50) acres, not including, however, clubs whose activities include the maintenance, storage or takeoffs or landings of aircraft.
5. Public libraries and museums.
6. Not-for-profit fire, ambulance and public safety buildings.
7. Proprietary or not-for-profit hospitals for the care of human beings, nursing homes, convalescent homes, homes for adults, homes for the aged or residences for adults as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
8. Not-for-profit membership corporations established for cultural, social or recreational purposes.
9. Not-for-profit day care centers approved by the New York State Department of Social Services.
10. Governmental buildings used for the housing of activities relevant to governmental functions.

Recreation, Outdoor - A recreation use or facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outside of an enclosed building. Examples include, but are not limited to, team sports playing fields, including stadiums and arenas, golf courses and driving ranges, miniature golf, batting and pitching cages, hard or soft courts, skateboard parks, motorized vehicle racing, pony rides, firearms and archery ranges, swimming pools, water

slides, ice rinks and amusement parks.

Recreational Vehicle - A vehicle type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle. The basic entities are:

1. Travel Trailer - A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle.
2. Camp Trailer - A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.
3. Truck Camper - A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two (2) basic types:
 - a. Slide-in Camper - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
 - b. Chassis-mount camper - A portable unit designed to be affixed to a truck chassis.
4. Motor Home - A vehicular unit built on a self-propelled motor vehicle chassis.

Reservoir Space - Any temporary storage space for a vehicle waiting for service or admission. Such space shall be in addition to drives, aisles or parking space required by this Law. One (1) reservoir space shall be twenty (20) feet long and eight (8) feet wide.

Residence - see Dwelling.

Restaurant - Any establishment, however designed at which food is sold for consumption on the premises to patrons seated within an enclosed building and where the taking of food and drink from said building is incidental. However, a snack bar or refreshment stand at a public, semi-public or community swimming pool, playground, play field or park operated by the agency or groups or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

Restaurant, Drive-In - An establishment where food, soft drinks, ice cream and similar confections are sold for principal consumption outside the confines of the principal building or in automobiles, regardless of whether or not seats are provided for patrons.

Right-of-Way - The line determining the street or highway limit of public ownership.

Roadside Stand - Retail outlets, with all related structures, for the sale of farm products.

Setback - The horizontal distance between the street line, rear or side lines of the lot and the front, rear or side lines of the building. All measurements shall be made at right angles to or radially from the lot lines to the building lines. Setbacks from street lines to building lines are defined as Δ front setbacks.® Setbacks from side lot lines are Δ side setbacks.® Setbacks from rear lot lines are Δ rear setbacks.®

Shadow Flicker - The alternating pattern of sun and shade caused by wind tower blades casting a shadow.

Shopping Center - Two (2) or more commercial buildings located on a single lot or adjacent lots, with such buildings developed as part of a single integrated development with a common architectural design.

Sign - Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry, which is located upon any land, or on any building, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in an area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
6. Temporary signs announcing a campaign, drive or event of a governmental, political, civic, philanthropic, educational or religious nature.
7. Signs located within the windows or doors of commercial enterprises provided that such signs occupy less than fifteen percent (15%) of the total area of such windows and/or doors.

Sign, Advertising - Any sign which directs attention to a business, principal commodity, service or entertainment conducted, sold or offered, elsewhere than upon the premises where the sign is located and only incidentally on the premises, if at all.

Sign Area - The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but excluding supporting or structural members not bearing advertising matter.

Sign, Billboard (Commercial Advertising) - An outdoor advertising sign, structure or symbol erected and maintained by an individual, partnership, or corporation engaged in the sale or rental for profit of space thereon; having more than one hundred (100) square

feet of display surface and which is either erected on the ground or attached to or supported by a building or structure.

Sign, Business - An accessory sign which directs attention to a business, profession or industry conducted upon the premises on which the sign is located, or to a primary product, commodity, or service sold by such business, profession or industry.

Sign, Directional - An advertising sign or device intended to direct or point toward a place or business, or one that points out the way to either an unfamiliar or unknown place that obviously could not be easily located without such sign or device.

Sign, Ground - A sign supported by a pole, uprights or braces placed in or on the ground.

Sign, Illuminated - Any sign which has characters, letters, figures, designs or outline illuminated by electric lights, neon or luminescent tubing.

Sign, Portable - Any sign which is not securely affixed to a structure or the ground and which may readily be moved. Portable signs may or may not have wheels.

Sign, Projecting - Any sign which is attached to a building or other structure beyond the surface or that portion of the building or structure to which the sign is attached, and not parallel to the face of the building.

Sign, Temporary - Any sign, banner or other advertising device constructed of temporary material, with or without structural frames, intended for a limited period of display.

Site - The parcel of land on which something is located (or is to be located), the physical position in relation to the surroundings. The site can be publicly or privately owned by an individual or a group or individuals controlling single or adjacent properties. Where multiple lots are in joint ownership the combined lots shall be considered as one for purposes of applying setback requirements.

Site Plan - A plan, to scale, showing uses and structures proposed for a parcel of land, including lot lines, streets, existing and proposed buildings and structures, topography, rights-of-way, parking areas, open space, and other information deemed necessary by the Planning Board.

Site Plan Review - The review of a rendering, drawing or sketch showing the arrangement, layout and design of the proposed single parcel of land as shown on said plan. This review does not apply to single family residences and their accessory buildings, but is required on all special use permit applications.

Small Wind Energy Device - A wind energy device that does not exceed eighty (80) feet on parcels between one (1) and five (5) acres and one hundred and twenty-five (125) feet on parcels on five (5) or more acres in total height and is intended for on premise consumption.

Sound Pressure Level - The level which is equaled or extended a stated percentage of time. An L₁₀ - 50 dBA indicates that in any hour of the day 50 dBA can be equaled or exceeded only ten (10) percent of the time, or for six (6) minutes. The measurement of the sound pressure level can be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11) or other accepted procedures.

Special Use Permit - Special uses are allowed in zoning districts, but only upon the issuance of a special use permit subject to conditions designed to protect surrounding properties and the neighborhood from the negative impacts of the permitted use. Also referred to as conditional use permit; special exception permit; and special permit.

Stable - A building in which any horses are kept for remuneration, hire or sale.

Story - That portion of a building included between the surface of the floor and the ceiling next above it, having a vertical distance of at least seven (7) feet, six (6) inches along the studs forming each of the exterior walls. Each story above the first story must have an area equal to at least two-thirds (2/3) that of the first story. The first story is the lowest story which is seventy-five percent (75%) or more above the average level of the ground adjacent to said building.

Story, Half - That portion of a building next under a gable, hip or gambrel roof having a vertical distance between the floor and horizontal ceiling of at least seven (7) feet, six (6) inches, except that for habitable space under a sloping roof the minimum height above at least fifty percent (50%) of such floor area shall be seven (7) feet, six (6) inches, and the area where the height is less than five (5) feet shall not be considered in computing required floor area.

Street - A public or private thoroughfare which affords the principal means of access to abutting properties.

Street Grade - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the \AA street grade \AA .

Street Line - The right-of-way line of a street; the front lot line; the line separating a lot from a street.

Structure - Anything constructed or erected which requires temporary or permanent support or attachment to the ground, beneath the ground or to something having permanent location on the ground, including gasoline and oil tanks, buildings, manufactured homes, fences and billboards, and towers, whether commercial communication tower, wind energy conversion device or wind energy device. This definition is not intended to include fences.

Substantial Improvement - Any repair, reconstruction, alteration, modification of a building, the cost of which equals or exceeds fifty percent (50%) of the market value of the building either:

1. Before the improvement or repair is started; or
2. If the building has been damaged and is being restored before the damage occurred.
3. The Zoning Enforcement Officer shall determine the value of the improvements to be made based upon the square footage of building area added or improved. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:
 - a. any project for improvement of a building to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or,
 - b. any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pool - Any body of water or receptacle for water which has a capability of a depth of more than two (2) feet at any point, used or intended to be used for swimming, bathing or wading and installed or constructed above or below ground.

Temporary Uses - An activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this Law. Examples of such uses are structures incidental to new construction which shall be removed after the completion of the construction work.

Total Height - The vertical distance from ground level to the tip of a wind turbine blade when the tip is at its highest point.

Uniform Code - The New York State Uniform Fire Prevention and Building Code.

Use, Special Permit - see Special Use Permit.

Variance -

1. A Use Variance shall mean the authorization by the Zoning Board of Appeals for the use of land for purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
2. A Area Variance shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulation.

Waste Management Lagoon - A waste treatment impoundment made by constructing an embankment and/or excavating a pit or dugout to biologically treat organic wastes generated by agricultural production or processing in which two major types of bacteria decompose organic matter into gases, liquids and sludge.

Wind Energy Conversion Device - The siting of one (1) mechanical device such as a wind charger, windmill or wind turbine designed and used to convert wind energy into a form of energy for commercial sale. The net metering of the output from a wind charger, windmill or wind turbine pursuant to a tariff filed with the New York State Public Service Commission shall not be considered a Wind Energy Conversion Device and is not subject to regulation by this local law.

Wind Energy Conversion Farm - The siting of two (2) or more mechanical devices such as a wind charger, windmill or wind turbine designed and used to convert wind energy into a form of energy for commercial sale. The net metering of the output from a wind charger, windmill or wind turbine pursuant to a tariff filed with the New York State Public Service Commission shall not be considered a Wind Energy Conversion Device and is not subject to regulation by this local law.

Wind Energy Device - see Small Wind Energy Device.

Wind Tower - The monopole, freestanding, or guyed structure that supports a wind turbine generator.

Yard - A required open space unoccupied and unobstructed by any structure or portion of a structure, except as may be provided by this Law and situated between the principal building or group of buildings and the nearest lot line.

Yard, Front - A yard extending between the side lot lines across the front of a lot adjoining a street; situated between the street line and the front building line.

Yard, Rear - A yard extending between the side lot lines situated between the rear line of the building and the rear lot line. In the case of through lots there will be no rear yards, but only front and side yards.

Yard, Side - A yard extending between the side building line and the nearest side lot line; situated between the front and rear yards.

Zoning Board of Appeals - Under state statutes, a zoning board of appeals must be formed when a local legislature adopts its Zoning Law. They must consist of three (3) to five (5) members. The essential function of the Zoning Board of Appeals is to grant variances. In this capacity it protects landowners from the unfair application of the laws in particular circumstances. The Zoning Board of Appeals also hears appeals from the decisions of the Zoning Enforcement Officer or building inspector when interpretations of the Zoning Law are involved.

Zoning District - A portion of the community designated by the local Zoning Law for certain kinds of land uses, such as single-family homes on lots no smaller the one acre in size or neighborhood commercial uses. Only these primary permitted land uses, their accessory uses and any special uses permitted in the zoning district may be placed on the land in that portion of the community.

Zoning Enforcement Officer - The local administrative official who is responsible for enforcing and interpreting the Zoning Law. The local building inspector may be designated as the Zoning Enforcement Officer. Land use applications are submitted to the Zoning Enforcement Officer who determines whether proposals are in conformance with the use and dimensional requirements of the Zoning Law.

Zoning Law or Ordinance - State law allows City Councils and Town Boards to adopt zoning regulations by local law or ordinance. Since 1974, Village Boards of Trustees have not had the authority to adopt legislation by ordinance, only by local law. Technically, zoning regulations adopted by Villages are zoning laws. Only City and Town legislatures may adopt zoning ordinances. Zoning regulations, however, are often referred to as zoning ordinances regardless of these technical distinctions.

Zoning Map - This map is approved at the time that the local legislature adopts a Zoning-Law. On this map, zoning districts lines are overlaid on a street map of the community. This map divides the community into districts. Each district will carry a designation that refers to the zoning code regulations for that district. By referring to this map, it is possible to identify the use district within which any parcel of land is located. Then, by referring to the text of the Zoning Law, it is possible to discover the uses that are permitted within that district and the dimensional restrictions that apply to building on that land. The Zoning Map, implemented through the text of the Zoning Law, constitutes a blueprint for the development of the community over time. The Zoning Map will be posted on a wall in the Town Office and all other reproduced versions of said map are merely sketches and do not constitute the official Zoning Map of the Town of Orangeville.

Zoning Permit - A permit issued by the Zoning Enforcement Officer, stating that the purpose for which a building or land area is to be used is in conformance with the uses permitted and all other requirements of this Zoning Law.

III. ARTICLE III ADMINISTRATION AND ENFORCEMENT

SECTION 300 ZONING ENFORCEMENT OFFICER

The duty of administering and enforcing the provisions of this Zoning Law is hereby conferred upon the Zoning Enforcement Officer, who shall have such powers as are conferred upon him by this Zoning Law. He shall be appointed by the Town Board and shall carry out any directives from the Board relative to the duties of the position set forth in Section 301 below. The Zoning Enforcement Officer shall receive such compensation as the Town Board shall determine.

SECTION 301 DUTIES OF THE ZONING ENFORCEMENT OFFICER

- A. It shall be the duty of the Zoning Enforcement Officer or his duly authorized assistants to cause any plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this Zoning Law. In the fulfillment of their duties, the Zoning Enforcement Officer or his authorized assistants may enter any premise or building during reasonable hours in the course of his duties in accordance with State Law after due written notice has been given.
- A. If the Zoning Enforcement Officer shall find that any of the provisions of this Zoning Law are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action to correct it. In his efforts to attain compliance the Zoning Enforcement Officer shall have the authority to order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures, or of illegal additions, alterations or structural changes; stop work; or, discontinuance of any illegal work being done. On the serving of notice by the Zoning Enforcement Officer to the owner of any property violating any of the provisions of this Zoning Law, the Certificate of Use for such building or use shall be held null and void. A new Certificate of Use shall be required for any further use of such building or premises.
- B. It shall be the duty of the Zoning Enforcement Officer to issue zoning and special use permits and certificates to all applicants who fully comply with the provisions of this Zoning Law.
- C. The Zoning Enforcement Officer shall maintain a permanent and current record of all applications for zoning and special use permits and certificates, his action upon same, any conditions relating thereto, and any other matters considered and action taken by him. Such records shall form a part of the records of his office and shall be available for use by Town officials and for inspection by the public. The records to be maintained shall include the following:
 - 1. Application File - An individual permanent file for each application for a permit provided for by this Zoning Law shall be established at the time the application is made. Said file shall contain one (1) copy of the application and all supporting documents and plans; notations regarding pertinent dates and fees and the like; as appropriate, one (1) copy of any resolutions or actions of the Planning Board or Zoning Board of Appeals in acting on the application; and the date the permit applied for was issued or denied.
 - 1. Monthly Report - The Zoning Enforcement Officer shall prepare a monthly report for the Town Board. Said report shall cite all actions taken by the Zoning Enforcement Officer, including all referrals made by him; all permits and certificates issued and denied; all complaints of violation received and all violations found by him, and the action taken by him consequent thereon; and the time spent and mileage used. A copy of this monthly report shall also be transmitted by the Zoning Enforcement Officer to the Tax Assessor, Planning Board and Board of Appeals at the same time it is transmitted to the Town Board.
- D. Whenever the Zoning Enforcement Officer denies a permit or certificate he shall, in writing, inform the applicant of the specific reasons for denial and instruct the applicant on the proper methods to apply for relief.
- E. The Zoning Enforcement Officer shall maintain a current list and a map of non-conforming uses to determine if discontinuance or destruction, or change in use or vacancy has taken place.
- F. The Zoning Enforcement Officer shall maintain a current list and a map showing the variances issued by the Zoning Board of Appeals and special use permits approved by the Planning Board to determine if the conditions and safeguards placed on variances and special permits are being complied with.
- G. Upon written direction from the Planning Board, the Zoning Enforcement Officer shall issue special use permits. Upon approval of a variance by the Zoning Board of Appeals, the Zoning Enforcement Officer shall be empowered to issue the necessary permits with the specific conditions to be imposed.

H. The Zoning Enforcement Officer shall be authorized and empowered to issue appearance tickets pursuant to 150.20 of the New York State Criminal Procedure Law.

SECTION 302 ISSUANCE OF CERTIFICATES AND PERMITS

The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Zoning Law. A zoning permit or special use permit shall be a prerequisite to the erection or alteration of a building, structure or use thereof. Permits issued pursuant to this Section shall expire in twelve (12) months unless the project is completed. The Zoning Enforcement Officer may grant an extension for time of completion and include any conditions or requirements deemed necessary or desirable. Applicants shall justify the need for the proposed extension. Unless such an extension is requested and approved, further work as described in the canceled permit shall not proceed until a new permit has been obtained. If a project is not initiated within six (6) months of the issuance of the permit, the permit issued shall be considered null and void.

A. Zoning Permit

1. The Zoning Enforcement Officer is hereby empowered to issue a zoning permit for any plans regarding the construction or alteration or demolition of any building or part of any building, or the change in the use of any land area or part thereof, where he shall determine that such plans are not in violation of the provisions of this Zoning Law.
2. No building or structure shall be erected, moved, added to or structurally altered or changed in use without a zoning permit therefore issued by the Zoning Enforcement Officer. No zoning permit shall be issued by the Zoning Enforcement Officer except in conformity with the provisions of this Zoning Law, unless he receives a written order from the Board of Appeals in the form of an administrative review or variance as provided by this Zoning Law.

B. Temporary Use Permit

1. Upon written direction of the Planning Board, the Zoning Enforcement Officer is hereby empowered to issue a temporary use permit.
2. A temporary use permit shall only be effective for a period of not to exceed six (6) months.
3. Said permit may be extended by the Zoning Enforcement Officer not more than once, for an additional period not to exceed six (6) months.

C. Certificate of Use

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, changed, converted or wholly or partly altered in its use until a Certificate of Use shall have been issued therefore by the Zoning Enforcement Officer stating that the proposed use of the building or land conforms to the requirements of this Zoning Law.
2. Failure to obtain a Certificate of Use shall be a violation of this Zoning Law and punishable as provided by Article XII.

D. Special Use Permit - Upon written direction of the Planning Board, the Zoning Enforcement Officer is hereby empowered to issue a special use permit as provided for by this Zoning Law.

1. The special use permit uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in Article XI in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
2. A special use permit shall authorize only one particular special use. The special use permit shall expire if the use shall cease for more than one (1) year for any reason.
3. No person shall be issued a special use permit for a property where there is an existing violation of this Zoning Law. Before any special use permit shall be issued, the Planning Board shall make written findings certifying compliance with the specific rules governing individual special permit uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - a. Ingress and egress to property and proposed structures thereon, with particular reference to vehicular and pedestrian safety, and convenience, traffic flow and control, and access in case of fire or catastrophe.

- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above, and the noise, glare or odor effects of the special permit use on adjoining properties, and properties generally in the district, and the economic impact of the proposed special permit use.
- c. Refuse and service areas, with particular reference to the items in (a) and (b) above.
- d. Utilities as appropriate, with reference to locations, availability and compatibility.
- e. Screening and buffering, with reference to type, dimensions and character.
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
- g. Required yards and other open space.
- h. General compatibility with adjacent properties and other property in the zone district.

SECTION 303 APPLICATION PROCEDURES

- A. Zoning Permits - No building or structure shall be begun, nor shall any building or structure be extended or structured altered, nor shall the use of any building or land area be changed, until a zoning permit is issued by the Zoning Enforcement Officer and a building permit, if required, is issued by the Enforcement Officer appointed by Wyoming County. The Zoning Enforcement Officer shall in no case, except under a written order of the Zoning Board of Appeals, issue a zoning permit for the use of any building or parcel of land where the proposed use thereof would be in violation of any provision of this Zoning Law.
1. All applications for zoning permits shall be made in quadruplicate to the Zoning Enforcement Officer on forms supplied by him in the details specified in Section 304 of this Zoning Law.
 2. One (1) copy of the application and supporting documents shall be returned to the applicant by the Zoning Enforcement Officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and all remaining copies of the application, similarly marked, shall be retained by the Zoning Enforcement Officer.
 3. Where the proposed use is farm-related, a single-family or two-family residence or an accessory use to a single-family or two-family residence, the Zoning Enforcement Officer shall carefully consider the application for compliance with this Zoning Law, and may either issue or deny the zoning permit. When the application is for any other permitted use in any zone, the Zoning Enforcement Officer shall, prior to the issuance of a permit, refer one (1) copy of such plans, drawings and statements to the Planning Board for review and recommendation. The Planning Board, at its discretion, may request the authorization of the Town Board to obtain the advice of a professional engineer to assist in the review of the permit application.
 4. All permit applications referred to the Planning Board shall be reviewed to determine the consistency of the proposed site development plot plan and that the proposed improvements are sufficient to adequately serve the proposed use that adjacent properties are protected from potential negative impacts and that potential adverse environmental impacts are minimized.
 5. The Planning Board shall, within forty-five (45) days after receipt of a complete application, recommend approval or disapproval of the proposed development or construction. In the event of disapproval, the reasons shall be stated clearly to the Zoning Enforcement Officer in writing. The Zoning Enforcement Officer shall deny a zoning permit for the proposed use until such conditions as the disapproval are based upon have been corrected and written approval of the Planning Board is obtained. The absence of a reply from the Planning Board within the forty-five (45) day review period shall constitute approval and the Zoning Enforcement Officer may act immediately.
 6. The Planning Board may conduct a public hearing on the preliminary plan in accordance with Town Law.
- B. Certificate of Compliance
1. Within seven (7) days after the completion of the change in use of a building or parcel of land, the applicant shall so notify the Zoning Enforcement Officer by registered mail stating that such action has been completed. Within seven (7) days of the receipt of this letter, the Zoning Enforcement Officer shall conduct a final inspection of the premises to determine whether the new use complies with the requirements of this Zoning Law. If the Zoning Enforcement Officer determines that said building or use complies with the provisions herein, he shall issue a Certificate of Compliance. If it is determined that the provisions specified herein are not fully complied with, the Zoning Enforcement Officer shall specify the violations and the terms and conditions for remedying these violations. A Certificate of Compliance shall not be issued until such violations are corrected.
 2. The Zoning Enforcement Officer shall not issue a Certificate of Compliance until the applicant has received final

approval of the Health Department following the installation of an on-site sewage disposal.

3. No non-conforming building or use shall be maintained, renewed, changed or extended without a Certificate of Compliance (certificate of existing use) having first been issued by the Zoning Enforcement Officer. The Certificate of Use shall state specifically wherein the non-conforming use differs from the provisions of this Zoning Law.

C. Special and Temporary Use Permits

1. All applications for special and temporary use permits shall be made in quadruplicate to the Zoning Enforcement Officer on forms provided by him.
2. The Zoning Enforcement Officer, after determining that an application is in proper form, shall transmit copies of the application and all supporting documents to the Planning Board for its review. The Planning Board, at its discretion, may request the authorization of the Town Board to obtain the advice of a professional engineer to assist in the review of the permit application.
3. The Zoning Enforcement Officer shall transmit a copy of the complete application and supporting documents to the County Planning Board for review when required under Article 12-B, 239-m of the General Municipal Law.
4. The application shall include a plot plan of the special permit use and subject parcel drawn to scale which includes all of the data specified in Section 304 of this Zoning Law.
5. The Planning Board shall, within the statutory time provided by Town Law, complete application, prepare a written report either approving, approving with conditions or rejecting the proposal.
6. The Planning Board shall conduct a public hearing in accordance with Town Law, following receipt by the Planning Board of the completed application. Within the time required by Law, the Planning Board shall, by resolution, either approve, disapprove, or approve with conditions, the application so heard. The period may be extended by mutual agreement of the applicant and the Planning Board.
7. If an application is:
 - a. Approved by the Planning Board, the Zoning Enforcement Officer shall be furnished with a copy of the approving resolution of the Board and he shall issue the permit applied for in accordance with the conditions imposed by the Planning Board.
 - b. Disapproved by the Planning Board, the reasons for such denial shall be set forth in the Board resolution and a copy of such resolution shall be transmitted to the Zoning Enforcement Officer. The Zoning Enforcement Officer shall deny the application accordingly by providing the applicant with a copy of the Board's reasons for disapproval.
 - c. Approved or disapproved, the Zoning Enforcement Officer shall transmit one (1) copy of all approved and denied applications to the Planning Board, and one (1) copy of all approved applications to the Town Clerk and tax assessors.

SECTION 304 APPLICATION DETAILS

- A. Zoning and Temporary Use Permits - Each application for zoning and temporary use permits shall be made in quadruplicate and accompanied with a site plan. The materials to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building, and the appearance and function of the proposed use or building. The application shall include the following information and plans for both before and after conditions:
1. The location, design, dimensions use and height of each proposed building and yard area.
 2. Property boundaries, as shown on an accurate map drawn to scale, including the precise location of the centerline of the road, dimensions, north arrow, date.
 3. A general location map showing the location of the property in relation to adjacent parcels.
 4. The location and arrangement of vehicular access ways and the location, size and capacity of all areas to be used for off-street parking.
 5. Information to describe topography and natural grades.
 6. Provisions for water supply, sewage disposal, and storm drainage.
 7. The location of fire hydrants.
 8. Other elements integral to the proposed development as considered necessary by the Zoning Enforcement

Officer or Planning Board, including a property survey, any and all requirements to comply with the local SEQR law adopted by the Town Board, other community impacts and the identification of any state or county permits required for the execution of the project.

- B. Special Use Permits - In addition to the information specified above for zoning and temporary use permits, applicants for special use permits shall include the following additional information:
1. The location and design of outdoor lighting facilities.
 2. The location and design of construction materials of all proposed signs.
 3. The location and capacity of all areas to be used for loading and unloading and the distance to the nearest intersection.
 4. The location and dimensions of sidewalks, walkways, and other areas established for pedestrian use.
 5. The design and treatment of open areas, buffer areas and screening devices maintained, including dimensions of all areas devoted to lawns, trees and other landscaping devices.
 6. The location of fire and other emergency zones.

SECTION 305 FEES

Each application for a permit provided for by this Zoning Law shall be accompanied by a fee, payable in cash or other form of security approved by the Town Attorney. Fees shall be established annually by resolution of the Town Board.

SECTION 306 SITE PLAN REVIEW

- A. Review and Approval - Prior to the issuance of a zoning permit, the Zoning Enforcement Officer shall require site plan approval by the Planning Board pursuant to this section. The Zoning Enforcement Officer shall notify an applicant for a zoning permit where site plan approval is required of the provision of this section.
- B. Sketch Plan - A sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant should provide the following:
1. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
 2. A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features; and
 3. A topographic or contour map of adequate scale and detail to show site topography.
- C. Application for Site Plan Approval - 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 the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said sketch plan conference.
1. Site Plan Checklist
 - a. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
 - b. North arrow, scale and date;
 - c. Boundaries of the property plotted to scale;
 - d. Existing watercourses;
 - e. Grading and drainage plan, showing existing and proposed contours;
 - f. Location, design, type of construction, proposed use and exterior dimensions of all buildings;

- g. Location, design and type of construction of all parking and truck loading areas, showing access and egress;
 - h. Provision for pedestrian access;
 - i. Location of outdoor storage, if any;
 - j. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
 - k. Description of the method of sewage disposal and location, design and construction materials of such facilities;
 - l. Description of the method of securing public water and location, design and construction materials of such facilities;
 - m. Location of fire and other emergency zones, including the location of fire hydrants;
 - n. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
 - o. Location, size and design and type of construction of all proposed signs;
 - p. Location and proposed development of all buffer areas, including existing vegetative cover;
 - q. Location and design of outdoor lighting facilities;
 - r. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
 - s. General landscaping plan and planting schedule;
 - t. An estimated project construction schedule;
 - u. Record of application for and approval status of all necessary permits from state and county officials.
 - v. Identification of any state or county permits town required for the project=s execution; and
 - w. Other elements integral to the proposed development as considered necessary by the Planning Board.
2. Site Plan Review does not apply to single family residences, customary farm buildings and their accessory buildings, but is required on all special use permit applications except Gentleman Farm Operations, Tier 1 and Tier 2. These special use permit applications are subject to the site plan process outlined in Article X, Section 1009 and Section 1010 respectively. Gentleman Farm Operation - Tier 3 is subject to the above site plan review as stated under letter F in Section 1118 of Article XI.
- D. Review of Site Plan - The Planning Board=s review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:
1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of stormwater and drainage facilities.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant=s and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 10. Overall impact on the neighborhood including compatibility of design consideration.

- E. Public Hearing - The Planning Board may conduct a public hearing on the site plan if considered desirable by a majority of its members. Such hearing shall be held within sixty-two (62) days of the receipt of application for site plan review and shall be advertised in the Town=s official newspaper at least five (5) days before the public hearing.
- F. Planning Board Action on Site Plan - Within sixty-two (62) days of the receipt of an application for site plan approval, the Planning Board shall render a decision, file said decision with the Town Clerk, and mail such decision to the applicant with a copy to the Zoning Enforcement Officer. The time within which a decision must be rendered may be extended by mutual consent of the applicant and Planning Board.
1. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and forward a copy to the applicant, Zoning Enforcement Officer, and file same with the Town Clerk.
 2. Upon disapproval of a site plan, the Planning Board shall so inform the Zoning Enforcement Officer and the Zoning Enforcement Officer shall deny a zoning permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.
 3. The site plan timeframe does not begin until compliance with the New York State Environmental Quality Review Act is complete.
- G. Reimbursable Costs - Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with their review of a proposed site plan shall be charged to the applicant.
- H. Performance Guarantee - No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Town Board after consultations with the Planning Board, Zoning Enforcement Officer, Town Attorney and other appropriate parties.
- I. Inspection of Improvements - The Zoning Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.
- J. Integration of Procedures - Whenever the particular circumstances of proposed development require compliance with either the special use procedure in this zoning ordinance or other requirements of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.

IV. ARTICLE IV ZONING BOARD OF APPEALS AND PLANNING BOARD**SECTION 400 CREATION OF ZONING BOARD OF APPEALS; APPOINTMENTS AND REMOVALS; MEETINGS; RULES AND REGULATIONS**

- A. A Zoning Board of Appeals is hereby created. Said Board shall consist of five (5) members appointed by the Town Board, who shall also designate a Chairman. No person who is a member of the Town Board shall be eligible for membership on such Zoning Board of Appeals. Of the members of the Zoning Board of Appeals first appointed, one (1) shall hold office for the term of one (1) year, one (1) for the term of two (2) years, one (1) for the term of three (3) years, one (1) for the term of four (4) years and one (1) for the term of five (5) years. All terms shall run concurrent with the governmental year. Their successors shall be appointed for a term of five (5) years from and after the expiration of the terms of their predecessors in office. In making such appointments, the Town Board may require Zoning Board of Appeals members to complete training and continuing education courses in accordance with any local requirements for the training of such members. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term.
- B. The Supervisor shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause and may provide by local law for removal, after public hearing, of any Zoning Board of Appeals member for noncompliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law.
- C. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. Such Chairperson may administer oaths and compel the attendance of witnesses.
- D. The Zoning Board of Appeals shall establish such rules and regulations as are required by state and local laws for the transaction of its business and may amend, modify and repeal the same from time to time.
- E. Whenever the Zoning Board of Appeals, after hearing all the evidence presented upon an application for appeals under the provisions of this article, denies or rejects the same, said Zoning Board of Appeals shall refuse to hold further hearings on the same or substantially similar application for appeal by the same applicant, their successors or assigns for a period of one (1) year, except and unless the Zoning Board of Appeals shall find and determine from the information supplied in the request for a rehearing that a change in conditions has occurred which relates to the promotion of public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing may be granted only upon the favorable vote of not less than four (4) members of the Zoning Board of Appeals.
- F. Alternate members of the Zoning Board of Appeals shall be appointed by resolution of the Town Board, for terms established by the Town Board.
- G. Vacancy in Office - If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint the new member for the unexpired term.
- H. Training and Attendance Requirements
1. Each member of the board of appeals shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties.
 2. Training received by a member in excess of four (4) hours in any one (1) year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision.
 3. Such training shall be approved by the Town Board and may include, but not be limited to:
 - a. Training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity.
 - b. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
 4. To be eligible for reappointment to such board, such member shall have completed the training promoted by the Town pursuant to this subdivision.
 5. The training required by this subdivision may be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the Town to do so.
 6. No decision of the Board of Appeals shall be voided or declared invalid because of a failure to comply with this subdivision.

SECTION 401 POWERS AND DUTIES OF ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have all the powers and duties prescribed by Chapter 62, Section 267 of the Town Law of the State of New York and by this Zoning Law.

SECTION 402 PROCEDURES OF THE ZONING BOARD OF APPEALS

- A. Meetings, Minutes and Records - Meetings of such Zoning Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. Such Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- B. Filing Requirements - Every rule and regulation, every amendment or repeal thereof and every order, requirement, decision of determination of the Zoning Board of Appeals shall be filed in the office of the Town Clerk within five (5) business days and shall be a public record.
- C. Assistance to the Zoning Board of Appeals - Such Board shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board.
- D. Hearing Appeals - The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement decision, interpretation or determination made by an administrative official charged with the enforcement of this article. Such Board shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance. The concurring vote of not less than three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order of an administrative official or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved or by an officer, department or board of the Town.
- E. Time of Appeal - Such appeal shall be taken within the time prescribed by law after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this article by filing with such administrative official and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Zoning Board of Appeals prior to the hearing of such appeal.
- F. Stay upon Appeal -An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this article certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
- G. Meeting on Appeal - The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the town of a notice of such hearing at least ten (10) business days prior to the date thereof. Further, the applicant shall, at least ten (10) business days prior to the date of the hearing, give notice, in writing, by registered or certified mail or by service in person with the adequate proof of contact thereof, to all property owners within one thousand (1000) feet of the property to be affected by said appeal or to all property owners of contiguous land or property adjoining said property to be affected and other interested property owners as may be designated by the Zoning Board of Appeals.
- H. Notice to Park Commission and County Planning Board - At least five (5) days before such hearing, the Zoning Board of Appeals shall mail notices thereof to the parties and to the Regional State Parks Commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal and to the County Planning Board as required by Section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration as defined in Subdivision 1 of Section 239-m of the General Municipal Law.
- I. Time of Decision - The Zoning Board of Appeals shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
- J. Filing of Decision and Notice - The decision of the Zoning Board of Appeals on the appeal shall be filed in the office the

Town Clerk within five (5) business days after the day such decision is rendered and a copy thereof mailed to the applicant.

SECTION 403 PERMITTED ACTIONS BY ZONING BOARD OF APPEALS

- A. Orders, Requirements, Decisions, Interpretations, Determinations - The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.
- B. Use Variances
1. The Zoning Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.
 2. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - a. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and
 - b. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and
 - c. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. that the alleged hardship has not been self-created.
 3. The Zoning Board of Appeals, in the granting of use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Area Variance
1. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
 2. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider.
 - a. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - b. whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
 - c. whether the requested area variance is substantial;
 - d. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 3. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- D. Imposition of Conditions - The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the

proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purposes of minimizing any adverse impact that such variance may have on the neighborhood or community.

SECTION 404 APPEALS TO SUPREME COURT

- A. Application to Supreme Court by Aggrieved Persons - Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any officer, department or board of the Town may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision of the Board in the office of the Town Clerk or in the office designated by resolution of the Town Board. The Court may take evidence or appoint a referee to take such evidence as it may direct and report the same with his or her findings of fact and conclusions of law if it shall appear that testimony is necessary for the proper disposition of the matter. The Court, at special term, shall itself dispose of the cause on the merits, determining all questions which may be presented for determination.
- B. Costs of Appeal - Costs shall not be allowed against the Zoning Board of Appeals unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
- C. Preference of Appeal to Court - All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.
- D. Power of Court - If, upon the hearing at a special term of the Supreme Court, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may specify the decision brought up for review.

SECTION 405 ZONING BOARD OF APPEALS OFFICE

The Office of the Town Clerk shall be the Office of the Zoning Board of Appeals. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in said office as required by Section 267 of the Town Law of the State of New York. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official action.

SECTION 406 LAPSE OF AUTHORIZATION

Any variance or modification of regulations authorized by the Zoning Board of Appeals shall be automatically revoked unless a zoning or building permit, conforming to all the conditions and requirements established by the Zoning Board of Appeals, is obtained within six (6) months of the date of approval by the Zoning Board of Appeals and construction commenced within one (1) year of such date of approval.

SECTION 407 VIOLATION OF CONDITIONS OR RESTRICTIONS

Failure to comply with any condition or restriction prescribed by the Zoning Board of Appeals in approving any appeal for a variance, or a modification of regulations shall constitute a violation. Such violation may constitute the basis for revocation of a variance or modification or for imposing penalties and other applicable remedies.

SECTION 408 CREATION, APPOINTMENT AND ORGANIZATION OF PLANNING BOARD

- A. Pursuant to the provisions of the Town Law applicable thereto, the Town Board shall appoint a Planning Board consisting of five (5) members and for the term of years set forth in 271 of the Town Law. Said members are hereby vested with the powers and duties and made subject to the limitations set forth in 272, 274, 274-a, 275, 276, 277, 278, 280-a, and 281 of the Town Law, as the same may be amended, modified, or changed from time to time, or any sections subsequently adopted pertaining to Planning Board.
- B. Two (2) alternate members shall be appointed to the Planning Board and will serve three (3) year terms.
- C. The Planning Board shall establish such rules and regulations as are required by law and the provisions herein for the

transaction of their business, and may amend, modify and repeal the same from time to time.

SECTION 409 POWERS AND DUTIES OF THE PLANNING BOARD

The Planning Board shall have the following powers and duties:

- A. To prepare and from time to time recommend changes in the Master or Comprehensive Plan for the development of the Town to the Town Board.
- B. To review proposals to approve or disapprove the laying out, closing off, abandonment or changes in lines of streets, highways and public areas and to make recommendations to the Town Board.
- C. To make investigations and reports relating to the planning and development of the Town, including changes in boundaries of districts, recommended changes in the provisions of this Zoning Law, and to act on any matter lawfully referred to it by the Town Board.
- D. To review, act on or provide advisory reports as specified by this Zoning Law.
- E. All such powers as are conferred upon Town Planning Boards by the provisions of the Town Law as not or hereafter in effect.
- F. Alternate members of the Planning Board shall be appointed by resolution of the Town Board, for terms established by the Town Board.
- G. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint the new member for the unexpired term.
- H. Training and attendance requirements.
 - 1. Each member of the Planning Board shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties.
 - 2. Training received by a member in excess of four (4) hours in any one (1) year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision.
 - 3. Such training shall be approved by the Town Board and may include, but not be limited to:
 - a. Training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity.
 - b. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
 - 4. To be eligible for reappointment to such board, such member shall have completed the training promoted by the Town pursuant to this subdivision.
 - 5. The training required by this subdivision may be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the Town to do so.
 - 6. No decision of the Planning Board shall be voided or declared invalid because of a failure to comply with this subdivision.

V. ARTICLE V GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

SECTION 500 APPLICABILITY OF REGULATIONS

No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zone district of this Zoning Law and meeting the requirements set forth herein. Open space contiguous to any building shall not be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking requirements, and all other regulations required by this Zoning Law for the zone district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this Zoning Law, and the Certificate of Compliance shall become null and void.

SECTION 501 PRESERVATION OF NATURAL FEATURES

- A. No structure shall be built within fifty (50) feet of the bed of a stream carrying water on an average of six (6) months of the year, except for:
 - 1. Public bridges, public water works and other municipal or public utility facilities.
 - 2. Such private bridges, fords, drainage conduits, embankments and similar structures as are necessary to permit access to a lot or portion thereof or as are incidental to a lawful use of a lot, provided that such structure will not have a material adverse effect on the stream, nor alter the flow of water therein, nor substantially increase the likelihood of flood or overflow in the area.
- B. No person shall strip, excavate or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in connection with the approved construction or alteration of a building, pond or swimming pool on such premises or lawful excavation operations pursuant to Article XI of this Law.
- C. Whenever natural features such as trees, brooks and drainage channels interfere with the proposed use of property, the retention of the maximum amount of such features consistent with the intended use of the property shall be encouraged.

SECTION 502 REGULATIONS APPLICABLE TO ALL ZONES

- A. Except as specifically provided herein, no lot shall have erected upon it more than one (1) principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this Zoning Law shall be considered to provide a yard or open space for any other building.
- B. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Zoning Law for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building, and if located in a side yard area shall conform to side yard requirements of the Schedule. Detached accessory buildings for farm use may be located closer to the street or right-of-way line than the principal building. In no case, however, shall said accessory building be closer to the street or right-of-way line than the minimum front yard setback for the principal building.
- C. Every principal building shall have access to a public street improved to meet Town requirements. A gravel surface shall be considered sufficient to meet minimum standards. Access may be either direct or by private road or drive approved by the Town. Said road or driveway shall have a right-of-way width of not less than thirty (30) feet and an improved surface of at least twenty (20) feet in width. All structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- D. At the intersection of two (2) or more streets, no hedge, fence or wall (other than a single post or tree) which is higher than three (3) feet above curb level, nor any obstruction to vision, excluding agricultural crops, shall be permitted in the triangular area formed by the intersection street lines and a line joining each fifty (50) feet distant from said intersection along said street lines.
- E. Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front yard setback area shall be measured from such proposed right-of-way line.
- F. No business establishment shall place or display goods for purposes of sale or permit any coin-operated vending machine of any type to be placed in any location which would infringe upon the required yard area specified in this Zoning Law.

- However, a temporary roadside stand meeting the requirements of Article IX is not prohibited and any such temporary roadside stand is exempted from the yard and setback requirements for the Use District in which it is located.
- G. No manure, odor or dust-producing substances shall be permitted to be stored within one hundred (100) feet of any lot line.
- H. For the purpose of regulating the locations of accessory buildings on corner lots, and on lots extending through between two parallel streets, all portions of a corner lot or a through lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which said corner lot or through lot is located.
- I. No front yard in a medium density district shall be used for the open storage of propane tanks, boats, unregistered vehicles, travel trailers or any other equipment, except for vehicular parking on driveways. Such vehicles and/or equipment may be stored on the side of the building but not nearer than ten (10) feet from the rear or side lot line.
- J. When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this Zoning Law either with respect to any existing structures or use and any proposed structures or use or setbacks.
- K. Nothing in this Zoning Law shall restrict the construction, use or maintenance of public buildings, structures or facilities, parks or other publicly owned properties or the installation and maintenance of such public utilities as may be required to service any district. All facilities shall be subject to the yard requirements of this Zoning Law and to site plan review.
- L. Fences erected in the Town shall adhere to the following standards:
1. No fence in a Medium Density District shall be erected, altered or reconstructed to a height exceeding three (3) feet above ground level when located within twenty-five (25) feet of the street right-of-way line.
 2. Fences in Medium Density District may be erected, altered or reconstructed to a height of up to six (6) feet above ground level provided that such fence is located more than twenty-five (25) feet from the street line.
 3. Fencing used to enclose a tennis court may be permitted up to ten (10) feet in height provided that such fencing is not less than twenty-five (25) feet from either the side or rear property line.
 4. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth, except if within highway right-of-way when permission of highway superintendent is required.
 5. No fence in a business or industrial district shall exceed eight (8) feet in height, except that they shall not exceed three (3) feet in height in front yards.
 6. Fences for kennels and for the purpose of enclosing farmland and horses and cattle shall not exceed fourteen (14) feet in height.
 7. No fence shall be erected to encroach on any property line or upon a public right-of-way.
 8. No fence shall be erected in a special flood hazard area, except for farm fences in a Low Density District when it can be demonstrated that such fence would not restrict the flow of flood waters nor would it have any impact on any buildings.
- M. If the use of any lot or building involves the disposal of sewage or wastewater and public sewers are not available, an adequate sanitary disposal system for the same shall be installed in accordance with regulations and standards promulgated by the Department of Health and at all times maintained on such lot or in lawful connection therewith. The minimum lot area otherwise required shall be increased where necessary to the extent required to provide such disposal system. Certification of approval for the installation of on-site sewage disposal systems shall be obtained from the Department of Health and submitted to the Zoning Enforcement Officer prior to the start of construction.
- N. No lot shall be used for the commercial storage or disposal of solid or liquid waste without the prior approval of the Town Board. Duly approved individual sewage disposal systems shall be excluded from this provision. Town Board approval shall be given only upon a finding that the proposed use shall not have a detrimental effect upon surrounding properties and evidence of any required permits necessary from the Department of Health and/or the New York State Department of Environmental Conservation. The Town Board may require the submission of any documents necessary to make the foregoing finding. Consistent with the provisions of paragraph G above, this provision shall not prohibit the storage of animal waste upon any farm. It shall not be customary farm operation to dump or mound manure within twenty-five (25) feet from a road or right of way.
- O. Discharges from individual sewage disposal systems shall be in accordance with approved plans and the procedures and standards of the County Health Department and the New York State Department of Environmental Conservation.

- P. All construction plans shall include consideration of storm water drainage needs. Whenever possible, site grading shall direct water away from buildings and structures to the natural drainage way.
- Q. Any structure which has been vacant and which has had utility service disconnected for two (2) years shall not be used for any purpose without obtaining a new Certificate of Occupancy.
- R. Any structure completely destroyed by fire shall require new zoning and building permits before any reconstruction is started. A new Certificate of Occupancy shall also be required.
- S. Any structure partially destroyed by fire shall be rebuilt in accordance with this Zoning Law and the following additional provisions:
 - 1. No permits shall be required to restore/replace any portion of a structure to its same condition prior to its being damaged.
 - 2. Any change in a structure damaged by fire including but not limited to size of building, bearing walls, entrance ways, chimneys, building materials, shall require new zoning and building permits and said construction shall meet or exceed the Uniform Code requirements and the provisions of this Zoning Law.
- T. Nothing in this Zoning Law shall prohibit the movement or rearrangement of topsoil or earth material on site by an owner of property within the Town. Any such movement or rearrangement shall, however, be undertaken in a manner which does not create drainage problems for adjacent property owners.
- U. At any time a parcel of property is split between two (2) or more districts, the district with the most restrictive or having the higher standards shall govern the entire parcel.
- V. The use of any adulterated industrial byproduct material (such as steel slag) as structural fill for a road base is strictly prohibited. This requirement does not suggest that prior practices are not allowed.
- W. For the control of wastewater and stormwater discharges, in accordance with the Clean Water Act under New York State Law, all projects disturbing a specific area of ground, as prescribed by state law, are required to obtain a permit through the State Pollutant Discharge Elimination System (SPDES) program. State regulations should be referenced for specific requirements.
- X. The United States Environmental Protection Agency and New York State Department of Environmental Conservation have regulations that preserve, protect and conserve freshwater wetlands and their benefits. Any project shall meet all Federal and State rules and regulations concerning wetlands.

VI. ARTICLE VI PERMITTED MODIFICATIONS**SECTION 600 ZONE LOT REGULATIONS****A. Existing Zone Lots of Record**

1. A non-conforming zone lot of official record existing at the effective date of this Zoning Law may be used for any purpose permitted in the zone district in which it is located, irrespective of its area or width, provided that the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot and provided that the minimum area for such lot shall be twelve thousand (12,000) square feet and a minimum lot width requirement of one hundred sixty (160) feet and that all other provisions of this Zoning Law are adhered to.
2. No lot or lots in single ownership shall hereafter be reduced so as to create one or more non-conforming lots.
3. A permit for the use of pre-existing lots which are less than thirty thousand (30,000) square feet in area and less than one hundred sixty (160) feet in width may only be issued following the approval of a variance by the Zoning Board of Appeals.

SECTION 601 HEIGHT REGULATIONS

- A. The height limitations of this Zoning Law shall not apply to church spires, belfries, cupolas, domes and silos.
- B. Chimneys, ventilators, skylights, water tanks, television and radio antenna and similar features and necessary mechanical appurtenances usually carried on and above the roof level may exceed the height limitation of this Zoning Law by not more than thirty (30) feet.
- C. The provisions of this Zoning Law shall not apply to prevent the erection of a parapet wall or cornice for ornament which may extend above the height limits of this Law by up to five (5) feet.
- D. Public and quasi-public buildings, schools, churches and other similar permitted uses may exceed the maximum height specified for the zone district provided that the minimum front, side and rear yard setbacks are increased by two (2) feet for each one (1) foot of such additional height up to a maximum height of fifty (50) feet and provided that on-site fire protection facilities approved by the local fire company are installed.
- E. The height regulations set forth hereinabove shall not apply to Commercial Communication Towers, Wind Energy Conversion Devices, Meteorological Testing Towers and/or Small Wind Energy Devices. In no case shall the same exceed the following:
 1. Commercial Communication Tower - No tower shall exceed four hundred (400) feet in total height.
 2. Wind Energy Conversion Device - No device shall exceed four hundred fifty (450) feet in total height.
 3. Meteorological Testing Tower - No device shall exceed one hundred fifty (150) feet in total height.
 4. Small Wind Energy Device
 - a. Eighty (80) feet on parcels between one (1) and five (5) acres.
 - b. One hundred twenty-five (125) feet on parcels of five (5) or more acres.
 5. The allowed heights shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (Commencing with Section 77.11) of part 77 of Title 14 of the Code of federal Regulations regarding installations close to airports.

SECTION 602 YARD REGULATIONS**A. Side Yard Reduction**

1. The width of one (1) side yard in a Medium Density District may be reduced to not less than twenty (20) feet, provided that the sum of widths of the two (2) side yards is not less than the required minimum, and further provided that the distance between the proposed structure and either an existing or proposed structure on an adjacent zone lot is not less than the required minimum sum of the widths of the two (2) side yards.

2. In the case of lots which comply with the provisions for modification of Section 600, the combined total side yard requirements, as specified in the Schedule, shall be reduced by six (6) inches for each foot by which a lot is less than the minimum lot width requirement specified in the Schedule for the zone in which located.
 3. In no case shall the combined side yard width be reduced to less than forty (40) feet nor shall any single yard be less than twenty (20) feet in width.
- B. Front Yard Exception - In Medium Density Districts where the frontage on the same side of the street within five hundred (500) feet of the subject is fifty percent (50%) or more developed, the required front yard setback from the right-of-way line for a new structure may be modified to the average for such existing development. Otherwise, the requirements of the Schedule shall apply.

SECTION 603 PROJECTIONS INTO REQUIRED YARDS

Certain architectural features may project into required yards as follows:

- A. Cornices, canopies, eaves or other architectural features may project into side yards a distance not exceeding two (2) inches per one (1) foot of side yard width, but may not exceed a total of three (3) feet.
- B. Fire escapes may project into side and rear yards a distance not exceeding four (4) feet, six (6) inches.
- C. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.
- D. Patios may be located in side and rear yards provided that they are not closer than ten (10) feet to any adjacent property line.

VII. ARTICLE VII NON-CONFORMING USES**SECTION 700 CONTINUANCE**

Except as otherwise provided in this Article, the lawful use of land or buildings existing at the date of the adoption of this Zoning Law may be continued although such use or building does not conform to the regulations specified by this Zoning Law for the zone district in which such land or building is located. The following provisions shall, however, apply to all non-conforming uses:

- A. A non-conforming lot shall not be further reduced in size.
- B. A non-conforming building shall not be enlarged, extended or increased unless such enlargement would tend to reduce the degree of non-conformance.
- C. A non-conforming use shall not be expanded except as may be authorized by Section 702.
- D. A non-conforming use may be changed into a conforming use. When a non-conforming use is changed to conform to the requirements of this Zoning Law, the use of the building or tract of land shall not be changed again except in accordance with these regulations.
- E. Where such non-conforming use is upon the land itself and not enclosed within a structure or where such use involves the removal of soil, minerals or the excavation of gravel or rock or other material, such use may be continued upon the land being so used at the time of the adoption hereof. Any such non-conforming use of the land may be extended or expanded to include any part of the plot or parcel of land now being used or held in reserve for future use, provided such enlargement does not involve the use of any lot acquired or the excavation rights of which were acquired by the excavation operator after the effective date of this Zoning Law. However, such extension or expansion of such non-conforming use shall comply with the setback and fencing requirements of this Zoning Law.

SECTION 701 CERTIFICATION OF NON-CONFORMANCE

After the effective date of this Zoning Law upon the written request of the user of any structure or premises or at the instance of the Zoning Enforcement Officer an examination by the Zoning Enforcement Officer of any existing use shall be made. A report of the findings made upon such examination shall thereafter be filed with the Zoning Board of Appeals and Planning Board, together with a proposed certificate of existing non-conforming use which shall clearly describe the premises and structure, if any, referred to, and shall specify the nature and extent of such existing use. Such certificate shall be prepared in quadruplicate, one (1) copy of which shall be maintained by the Zoning Enforcement Officer, one (1) copy of which shall be furnished to the Zoning Board of Appeals, one (1) copy of which shall be furnished to the Planning Board, and one (1) copy to be furnished to the owner or user.

SECTION 702 EXPANSION OF NON-CONFORMING USES

A non-conforming use shall not be expanded except in conformance with the procedures and regulations specified in this section. In any district a non-conforming use may be expanded in the following manner. In no case shall such enlargement extend beyond the lot occupied by such non-conforming use. The extension of a non-conforming use hereunder shall be subject to special permit authorized by the Planning Board and shall be considered on an individual case. Applications for a special permit shall be obtained from the Zoning Enforcement Officer. The Planning Board shall issue or deny special permits, as the case may be, taking into consideration the following:

- A. Standards applicable to granting a special permit authorizing the expansion of a non-conforming use.
 - 1. The location and size of the non-conforming use, the nature and intensity of the operations involved in or conducted in connection with it, the size and site in relation to it, the location of the site in respect to streets giving access thereto shall be such that such use will be in harmony with the orderly development of the district in which it is located.
 - 2. Screening or other protective measures shall be adequate to protect any adjacent properties from objectionable aspects of any such expansion of the non-conforming use.
 - 3. Off-street parking areas shall be of adequate size for the particular use, and access drives shall be laid out so as to achieve maximum safety.
 - 4. The Planning Board may prescribe any condition that it deems to be necessary or desirable and may require a site plan of the proposed expansion of the non-conforming use with pertinent information to aid it in making a determination on the application.

- B. Public Hearing
1. Before authorizing a special permit to expand the non-conforming use, the Planning Board shall give public notice and hold a public hearing on the application for such permit in the same manner as required by law for amendments to the Zoning Law.
 2. The Planning Board shall hold a public hearing within sixty-two (62) days after a completed application is received, and shall render its decision upon said application within thirty (30) days thereafter of such public hearing.
- C. Limitations - A special permit authorizing the expansion of a non-conforming use shall be deemed to authorize only the particular use or uses specified in the permit and shall apply only to the area specified in the permit. A special permit issued under this section shall expire within six (6) months from the date of issuance if the non-conforming use is not expanded or enlarged.

SECTION 703 ABANDONMENT

In any district, whenever a non-conforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such non-conforming use shall not thereafter be re-established, and all future uses shall be in conformity with the provisions of this Zoning Law. Such discontinuance of the active and continuous operation of such non-conforming use, or part of portion thereof, for such period of one (1) year, is hereby construed and considered to be an abandonment of such non-conforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such non-conforming use of the land and premises, the abandonment shall be construed and considered to be completed and all rights to re-establish or continue such non-conforming use shall thereupon terminate.

SECTION 704 RESTORATION

- A. Any building damaged by fire or other unintentional causes to the extent of more than sixty-five percent (65%) of its true value shall not be repaired or rebuilt except in conformance with this Zoning Law. In the case of a permitted restoration of a non-conforming use, such restoration shall not increase the degree of non-conformance.
- B. Nothing in this Law shall prevent the strengthening or restoring to a safe condition any wall or roof which has been declared unsafe by the Zoning Enforcement Officer and/or the Wyoming County Building Department.
- C. Normal maintenance repairs and incidental alteration of a building or other structure containing a non-conforming use shall be permitted, provided it does not extend the area or volume of space occupied by the non-conforming use.
- D. Any building which is non-conforming due to insufficient yard distances or lot area shall not be considered a non-conforming use. Any alterations or structural changes may be accomplished within the existing frame of said building, but any additions shall conform to the specific setback and yard distance requirements of this Zoning Law.
- E. Any non-conforming agricultural use involving animals in a Medium Density District continues/transfers with the land and not the animal(s). However, any discontinuance of such non-conforming agricultural use involving animals, or part of portion thereof, for such period of one (1) year, is hereby construed and considered to be an abandonment of such non-conforming use, and subject to the terms and conditions provided in Section 703 hereinabove.

SECTION 705 DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area from one (1) district to another of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein or created thereby.

SECTION 706 CONSTRUCTION APPROVAL PRIOR TO THIS ZONING LAW

Nothing herein contained shall require any change in plans, construction or designated use of a building complying with existing laws, a permit for which had been duly granted before the date of adoption of this Zoning Law or any applicable amendment thereto.

VIII. ARTICLE VIII ESTABLISHMENT AND DESIGNATION OF ZONE DISTRICTS**SECTION 800 ESTABLISHMENT OF DISTRICTS**

The Town of Orangeville is hereby divided into zoning districts as hereinafter set forth and as the same may be from time to time amended:

| | |
|-----|---|
| LDD | Low Density District |
| MDD | Medium Density District |
| MH | Manufactured Home Park District |
| C | Commercial District |
| I | Industrial District (Reserved) |
| PB | Planned Business Center District (Reserved) |
| CR | Cluster Residential District |

SECTION 801 ZONING MAP

- A. There shall exist only one (1) official zoning map which shall be kept in the office of the Town Clerk and it shall bear the seal of the Town of Orangeville, a certification that it is the official zoning map of the Town of Orangeville and its date of adoption. Said zoning map shall show the boundaries of the zoning districts herein established and which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Law.
- B. Said zoning map shall be on material suitable for reproduction by a dry diazo copier or equivalent process. Copies of this map which may from time to time be published and distributed would be accurate only as of the date of their printing and shall bear words to that effect.
- C. Changes made in zoning district boundaries or other matters portrayed on the zoning map under the provisions set forth herein shall be permanently affixed to the zoning map promptly after the amendment has been approved by the Town Board and shall convey information as to the date and nature of the change. No amendment to this Law which involves matters portrayed on the zoning map shall become effective until such change and entry has been made on said zoning map and has been attested by the Town Clerk.

SECTION 802 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following the municipal limits of the Town shall be construed as following such municipal limits.
- D. Boundaries indicated as following the center lines of streams or other water bodies shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- F. When a parcel is split by districts, the boundary of the district that runs along the frontage of the property shall be considered set back two hundred (200) feet for Medium Density Districts and five hundred feet (500) for Commercial Districts.
- G. Where any parcel number included in Schedule V is at variance with the official Zoning Map, the Zoning Board of Appeals shall interpret the district boundaries of the parcel(s) in question.
- H. Where physical or cultural features on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through E above, the Board of Appeals shall interpret the district boundaries.

IX. ARTICLE IX DISTRICT REGULATIONS**SECTION 900 APPLICATION OF REGULATIONS**

The regulations set by this Zoning Law shall be the minimum regulations within each district and shall apply uniformly to each class or kind of structure or use of land, except as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or structure shall hereafter be erected or altered:
 - 1. to exceed the height limitation for any structure within a specified district;
 - 2. to accommodate or house a greater number of families;
 - 3. to occupy a greater percentage of lot area; or
 - 4. to have narrower or smaller yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Zoning Law and the requirements of the New York State Uniform Code.
- C. No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the regulations set forth herein, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as provided in Article X.
- D. No yard or lot existing at the time of enactment of this Zoning Law shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Law shall meet or exceed the minimum requirements established herein.

SECTION 901 LDD - LOW DENSITY DISTRICT

- A. Intent - The Low Density District is designed primarily to provide agricultural uses and to protect predominately agricultural areas from suburban and urban development, encourage the continuation of agriculture, reduce land use conflicts, and preserve open space and natural resources and for scattered residential development on larger size lots in order to maintain the low nature density of those specific areas.
- B. Permitted Principal Uses
 - 1. General or specialized farming, truck gardening, greenhouses, nurseries and animal or poultry husbandry, provided that no killing shall be done on the farm other than of animals raised on the farm for the use of the farm residents, and provided further that, on land devoted to the housing or breeding of horses, cattle, swine, poultry, sheep, goats, dogs or cats, the kennels or shelters for such animals shall not be closer than one hundred (100) feet to the boundary of any non-Low Density District.
 - 2. Boarding of Animals, excluding the renting or leasing of animals or kennels.
 - 3. Single Family Dwellings.
- C. Permitted Accessory Uses
 - 1. Private Garages.
 - 2. Customary Residential Storage Structures.
 - 3. Other customary residential structures such as private swimming pools, storage buildings, pet shelters and fireplaces.
 - 4. Customary farm buildings for the storage of products or equipment located on the same parcel as the principal use.
 - 5. Off-street parking and signs in accordance with Article X.
 - 6. Stands of a non-permanent nature (movable and temporary) may be utilized for the sale of agricultural products grown principally by the operator during the harvest season under the following conditions:

- a. The stand shall be set back not less than thirty (30) feet from the edge of the pavement of the highway.
 - b. Sufficient land area shall be provided to accommodate off-street parking for not less than three (3) vehicles on site.
 - c. Not more than two (2) signs may be erected for the purpose of advertising such sale. Said signs shall not exceed twelve (12) square feet in area and shall be located not less than twenty (20) feet from the edge of the pavement of the highway.
7. Animal Waste Management Systems.
 8. Ponds.
 9. Home Occupation Minor.
 10. Small Wind Energy Device.
 11. Gentleman Farm Operation - Tier 1.
 12. Gentleman Farm Operation - Tier 2.
- D. Special Use Permits
1. Essential Services, excluding Power Plants.
 2. Excavation Operations.
 3. Private Airstrips.
 4. Camping Grounds.
 5. Not for Profit Public and Semi-Public Uses and Buildings.
 6. Kennels.
 7. Stables or Riding Academies where animals are rented or leased.
 8. Boarding Houses.
 9. Bed & Breakfast.
 10. Home Professional Occupations.
 11. Wind Energy Conversion Device/Facility.
 12. Home Occupations Major.
 13. Home Based Businesses.
 14. Commercial Communication Tower.
 15. Parking of a Recreational Vehicle.

SECTION 902 MDD - MEDIUM DENSITY DISTRICT

- A. Intent - The purpose of the Medium Density District is to promote orderly development of the Town and encourage well designed living environments which protect and stabilize the residential characteristics of the Town.
- B. Permitted Principal Uses
1. Single and Two-Family Dwellings.
 2. General or Specialized Crop Farming.
- C. Permitted Accessory Uses - Includes all accessory uses permitted in the Low Density District, except 7 and 8.
- D. Special Use Permits
1. Essential services, excluding Power Plants, Maintenance Buildings and Storage Yards.
 2. Home Professional Occupations.
 3. Not for Profit Public and Semi-Public Uses and Buildings.

4. Boarding Houses.
5. Multiple Family Developments.
6. Ponds.
7. Bed & Breakfast.
8. Gentleman Farm Operation - Tier 3.
9. Parking of a Recreational Vehicle.

SECTION 903 MH - MANUFACTURED HOME PARK DISTRICT

- A. Intent - The purpose in creating manufactured home park districts is to provide diversity in housing choice as well as greater opportunities for obtaining moderate cost housing to meet the needs of a variety of household types and to enact proper controls and development regulations to insure that manufactured home parks provide an attractive and functional residential environment.
- B. Permitted Principal Uses - Single Family Manufactured Home Dwellings.
- C. Permitted Accessory Uses.
 1. Private Garages and Carports.
 2. Customary Residential Storage Structures.
 3. Off-street parking and signs in accordance with Article X.
 4. Community facility buildings and uses serving the residents of the manufactured home park subject to approval of the Town Board.
- D. Special Use Permits
 1. Essential Services, excluding Power Plants, Maintenance Buildings and Storage Yards.
 2. Home Professional Occupations.
- E. Special Design Requirements - A manufactured home park shall not be approved until site plans for the park have been reviewed by the Planning Board and approved by the Town Board. No site preparation or construction shall commence until the property has been rezoned and all permits have been issued by all governmental agencies involved. This provision shall apply to the expansion or alteration of existing manufactured home parks as well as to proposals for new parks. A site plan for the establishment of a new manufactured home park or for the expansion or alteration of an existing manufactured home park shall contain all of the required data elements specified in Section 306 plus any additional information which may be required by the Planning Board to complete its review and evaluation of the proposed plans. In the review of proposed site plans the Planning Board's investigations shall certify for action by the Town Board that the plans comply with the following standards and development regulations:
 1. Density and Setback Requirements
 - a. Each manufactured home lot within the park shall comply with the applicable lot size, building size and setback requirements set forth in the schedule herein.
 - b. The minimum site area of a manufactured home park shall be not less than ten (10) acres.
 - c. No manufactured home or other structure in a manufactured home park shall be located within one hundred (100) feet of any public street line or within sixty (60) feet of any other property line of the mobile home park.
 - d. Not more than one (1) manufactured home shall be located on any one (1) manufactured home lot. Every manufactured home within a manufactured home park shall be located on a manufactured home lot or in a designated storage area shown on the approved site plan for said park.
 - e. Each manufactured home lot shall front on an interior park roadway. An iron stake shall be located and maintained by the park owner at the corner of each manufactured home lot.
 - f. No addition to any manufactured home park and no new manufactured home park shall be constructed within two hundred fifty (250) feet of the line of any MDD - Medium Density District, of which area a fifty (50) foot strip of land immediately adjoining said Medium Density District shall be maintained as a landscaped buffer area.

2. Circulation - Every roadway within a manufactured home park shall have a minimum street/pavement width of twenty-two (22) feet, and a minimum right-of-way width of fifty (50) feet. Internal streets shall conform to the following standards:
 - a. Cul de sacs shall be provided in lieu of closed end streets and shall have a minimum diameter of seventy (70) feet.
 - b. All streets shall be constructed of blacktop or equivalent of same and shall be designed, graded and leveled as to permit the safe passage of emergency and service vehicles at a speed of fifteen (15) miles per hour.
 - c. Each street shall be named and each manufactured home lot thereon shall be given a permanent number which shall be affixed to the manufactured home and shall be visible from the street.
 - d. All internal streets shall be illuminated from dusk to dawn with adequate lighting.
 - e. Every roadway within a manufactured home park shall be maintained in good repair and shall be open at all times reasonably possible for travel by occupants of the park and necessary fire, police, ambulance, public utility maintenance and fuel supply vehicles. The park owner shall be responsible for providing and paying the cost of such maintenance and all necessary snow removal. The provisions of this subsection shall apply to existing manufactured home parks and manufactured home parks hereafter established.
 - f. Pedestrian walkways shall be provided along at least one (1) side of all interior streets. Said walkways shall have a width of not less than four (4) feet.
3. Off Street Parking
 - a. Each manufactured home lot must have two off-street parking spaces. Alternative parking facilities may be provided so that each manufactured home lot will have one off-street parking space with a common parking area utilized for second vehicle parking, guest parking and for delivery and service vehicles. Each parking space must have a minimum of two hundred fifty (250) square feet.
 - b. No on-street parking shall be permitted.
 - c. No boats, camp haulers, trailers or motor vehicles not designated for passengers shall be parked or stored at any place within the manufactured home park except designated special off-street parking areas.
 - d. No unlicensed motor vehicles or trailers or parts thereof or junks of any nature or description shall be parked or stored within the manufactured home park.
4. Services
 - a. A recreation area, with adequate provisions for facilities, maintenance and supervision for the use of the occupants shall be provided within the park. Said recreation area and facilities shall be approved by the Town Board and shall encompass an area of not less than five hundred (500) square feet for each manufactured home lot. In no event shall such area be less than ten thousand (10,000) square feet.
 - b. At least one (1) service building shall be constructed in each manufactured home park which shall be adequate to provide for storage of all equipment, tools and materials necessary for the maintenance of the park. All such equipment, tools and materials shall be stored within said building when they are not in use.
 - c. The plan for a manufactured home park shall provide a system of fire protection, including a fire alarm system and a water reservoir, if necessary, deemed satisfactory by the fire department.
 - d. An adequate supply of water shall be provided for manufactured homes, services buildings and other accessory buildings. Where public water is available, connection thereto shall be used exclusively. If a public water supply is not available, the development of a private water supply system shall be approved by the Wyoming County Department of Health.
 - e. An adequate and approved system shall be provided in all parks for conveying and disposing of sewage from manufactured homes, service buildings and other accessory facilities. Such system must be designed, constructed and maintained in accordance with the New York State Public Health Ordinance and Department of Health standards and regulations. Approval by the Wyoming County Department of Health is required before any permit or license may be issued.
 - f. Each manufactured home dwelling placed in a park shall be equipped with its own toilet, bath and kitchen facilities enabling the occupants to function as an independent housekeeping entity.
 - g. No toilet or bath facilities shall serve more than one family residing in a manufactured home park.

- h. An adequate storm drainage system shall be installed.
 - i. All public utility, electric, gas, cable, television and telephone lines shall be installed underground.
 - j. The park owner shall provide for the regular collection and disposal of garbage, trash and rubbish to prevent the trash containers from overflowing. All receptacles for trash shall have covers to prevent the littering of grounds with trash and refuse.
 - k. All fuel tanks within a manufactured home park, including all fuel tanks used for heating within manufactured homes, shall be installed in accordance with NFPA standards.
 - l. No manufactured home shall be located on a manufactured home lot until the roadways, sanitary sewage disposal system, water supply system and storm drainage system serving said manufactured home lot have been installed in accordance with the approved site development plan for the manufactured home park.
 - m. Manufactured home park owners shall obtain a permit from the Town approving the location of a site for the placement of individual manufactured home units prior to such units being occupied. No permit shall be issued until the owner has obtained a written certification from the County Department of Health that the sewage disposal system has been properly installed and that it meets or exceeds the minimum operating standards of the Sanitary Code.
5. Other Requirements
- a. Only one (1) detached accessory building, not exceeding one hundred (100) square feet building area, may be constructed on each such manufactured home lot. Buildings attached to a manufactured home may be constructed provided the total building area thereof does not exceed one hundred percent (100%) of the building area of the manufactured home. These provisions shall not apply to carports. A permit must be obtained from the Enforcement Officer prior to construction of any such enclosure or addition, and the application therefore must show a detailed plan of the proposed construction, showing compliance with the terms herein. Such structure must be completed as planned within one (1) year or entirely removed from the manufactured home park within three (3) months.
 - b. Each manufactured home owner shall enclose the bottom portion of the manufactured home with either a skirt or enclosure within thirty (30) days after arrival in the park.
 - c. A landscape plan shall be prepared and carried out which will assure the Planning Board that an appropriate planting of trees and shrubs will be included in the park design, including screening where necessary.
 - d. On-site commercial sales of manufactured homes may be permitted until such time as the park reaches one hundred percent (100%) occupancy of all approved manufactured home lots in the park. Such commercial activity shall be discontinued and all evidence of such activity removed within seven (7) days of reaching one hundred percent (100%) occupancy.
 - e. Each manufactured home site shall be provided with a stand which will give a firm base and adequate support for the manufactured home. Such stand shall have a dimension approximating the width and length of the home and any additions or expansions, thereto. Well-anchored tie downs shall be provided on a least each corner of the stand. Manufactured home stands, tie downs and foundations shall meet the specific requirement(s) of the manufacturer's installation manual.
 - f. Should the Zoning Enforcement Officer determine that the owner of the manufactured home park is in violation of any of the provisions and regulations of this Section, the approval authorizing the establishment of the park shall be null and void. Unless the violation is corrected within thirty (30) days of written notification of the violation by the Zoning Enforcement Officer, the use of the site for a manufactured home park shall be discontinued and all of the manufactured homes on the site removed within ten (10) days following the thirty (30) day period to correct the violation.

SECTION 904 C - COMMERCIAL DISTRICT

- A. Intent - The purpose in creating Commercial Districts is to provide locations where groups of establishments may be appropriately located to serve frequent commercial and personal service needs of a majority of residents within convenient traveling distance.
- B. Permitted Principal Uses

1. Retail business establishments which are clearly of a community service characteristic such as, but not limited to, the following:
 - a. Stores selling groceries, meats, baked goods, and other such food items.
 - b. Drugstores.
 - c. Stationery, Tobacco and Newspaper Stores and Confectionery Stores.
 - d. Clothing, Variety and General Merchandise Store.
 - e. Hardware, Appliance, Radio and Television Sales and Service.
 - f. Restaurants.
 - g. Building Supply and Farm Equipment Stores and Truck Garden Nurseries.
 - h. Electrical, Heating, Plumbing or Woodworking Shops.
 - i. New or Used Automobile Sales and Services Establishments.
 - j. Motor Vehicle Service Stations and Public Garages.
 - k. Recreation, Outdoor
 2. Personal service establishments which are clearly of a community service character such as, but not limited to, the following:
 - a. Barber and Beauty Shops.
 - b. Shoe Repair and Fix-It Shops.
 - c. Dry Cleaning Stores and Laundromats.
 - d. Business and Professional Offices, including, but not limited to, Medical, Real Estate and Insurance Offices and Banks.
 - e. Hotels and Motels.
 3. Other business uses which, in the opinion of the Planning Board are similar in nature and scale to those permitted above.
 4. Upon the approval of the Town Board a principal building may contain a combination of residential and business uses, provided that such residential uses are accessory to the business conducted and located elsewhere than on the street frontage of the ground floor, and having a minimum habitable area as required by this Zoning Law.
- C. Permitted Accessory Uses
1. Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted business use.
 2. Off-street parking, loading and unloading facilities, signs, fences and landscaping subject to the provisions herein.
 3. Wind Energy Device.
- D. Special Use Permit
1. Essential Services, excluding Power Plants, Maintenance Buildings and Storage Yards.
 2. Commercial Communication Tower.
- E. Other Provisions and Requirements for the Commercial District
1. Access ways to control ingress and egress of motor vehicle traffic shall be regulated as required in Article X of this Zoning Law.
 2. Landscaping, buffering and fencing shall be provided in accordance with the requirements of Article X of this Zoning Law.
 3. No commercial structure shall be permitted within fifty (50) feet of the nearest lot line of any Medium Density District.
 4. Outdoor storage of equipment, vehicles or materials shall be in accordance with the requirements of this Zoning Law.

SECTION 905 I - INDUSTRIAL USE DISTRICT (RESERVED)

- A. Intent - The purpose of the Industrial Use District is to provide for the establishment of industrial uses essential to the development of a balanced economic base, to create local job opportunities in an industrial environment and to regulate such development so that it will not be detrimental or hazardous to the surrounding community and to the general health, safety and well-being of the Town of Orangeville.
- B. Permitted Principal Uses
1. Any use of light industrial or agri-industrial nature is permitted which involves only the processing, assembly or packaging of previously prepared or refined materials, provided that at no time will such use result in or cause:
 - a. Dissemination of dust, smoke, smog, observable gas, fumes or odor, or other atmospheric pollution, objectionable noise, glare or vibration that will be evident beyond the property line.
 - b. Hazard of fire or explosion or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the use.
 2. The following uses are indicative of those which are intended to be permitted:
 - a. Manufacture of machinery such as cash registers, sewing machines, typewriters, calculators and other office machines.
 - b. Fabrication of metal products such as baby carriages, bicycles, metal foil, tin, aluminum, gold, etc., metal furniture, musical instruments, sheet metal products and toys.
 - c. Fabrication of paper products such as bags, book bindings, boxes and packaging material, office supplies and toys.
 - d. Fabrication of wood products such as bolts, boxes, cabinets and woodworking, furniture and toys.
 - e. Food and associated industries such as bakeries, bottling of food and beverages, food and cereal mixing and milling, food processing, food sundry manufacturing, ice cream manufacturing and manufacturing of spiritous liquor.
 - f. The warehousing or storage of goods and products such as building materials, farm supplies and the like, which may be sold from the premises to the general public. The bulk storage of fuel for resale is specifically excluded from the intent of the above.
 3. Office buildings for executive, engineering and administrative purposes.
 4. Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.
 5. The manufacturing and processing of pharmaceutical and cosmetic products.
 6. Contractor's Offices, Building Supply and Storage Yards.
 7. Farm and Garden Implement Stores.
 8. Truck Garden Nursery, Farm Produce Sales.
 9. Other uses, which in the opinion of the Planning Board, are similar in nature and scale to those permitted above.
 10. Commercial Storage Buildings for rent.
 11. Motor Vehicle Service Stations and Public Garages.
- C. Permitted Accessory Uses
1. Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises.
 2. Off-street parking, loading and unloading facilities and signs, fences and landscaping subject to the provisions herein.
 3. Wind Energy Device.
- D. Special Use Permit
1. Essential Services, excluding Power Plants.
 2. Wind Energy Conversion Device/Facility.

3. Communications Communication Towers.
 4. Adult Bookstores and Cabarets.
- E. Other Provisions and Requirements.
1. Residential uses shall be prohibited in this district, except for a caretakers residence or site.
 2. All industrial processes shall take place within an enclosed building. Incidental storage out of doors may be permitted provided that such materials are shielded from view from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.
 3. All uses permitted in this district shall set aside not less than twenty percent (20%) of the lot to be devoted to seeding, planting, retention of tree cover, or other landscaping. This area shall be used for no other purpose.
 4. Each use in this district shall provide truck loading and loading areas in an amount sufficient to permit the transfer of goods and products in other than a public street. Off-street parking area or front yard.
 5. Industrial structures shall be located so as to be a minimum of one hundred (100) feet from any non-industrial district. This one hundred (100) foot buffer strip shall be perpetually maintained so as to provide visual screening and separation between industrial and non-industrial uses.
 6. Parking areas may be located in any of the required yard areas provided they are not less than fifty (50) feet from a right-of-way line or twenty feet (20%) from a property line.
 7. All proposals for rezoning to industrial use shall comply with the following requirements:
 - a. The proposed rezoning shall be consistent with the goals and objectives of the Town Land Use Plan.
 - b. The Town Board shall determine that the street system serving the proposed industrial use is adequate to carry the anticipated traffic flows and that the use will not create a burden or nuisance for adjoining property owners.
 - c. The Town Board shall determine that the physical character of the site proposed for rezoning to industrial use is adequate to accommodate the proposed use.
 - d. The proposed rezoning shall conform with the procedures set forth in Article I - Section 105 (A - F).
 - e. The review and approval of site plans, the application of development standards and the regulations pertaining to water supply, sewage disposal and storm drainage shall conform with the appropriate requirements and procedures set forth in this Zoning Law.
 - f. The Town Board shall determine that not more than ten percent (10%) of the site proposed for such rezoning contains prime agricultural soils as defined by the Town of Orangeville.

SECTION 906 PB - PLANNED BUSINESS CENTER DISTRICT (RESERVED)

- A. Intent - This section of the Zoning Law has been created to provide opportunities for additional business development in the Town and to ensure that future business uses are planned and developed in a manner consistent with the goals and objectives of the town master plan. Although no areas are specifically identified for development as a PB - Planned Business Center District on the zoning map, the Town Board may rezone land areas to PB for development of Planned Business Center(s) provided that the following standards and regulations are maintained:
1. The Town Board shall determine that the physical character of the site proposed for rezoning to PB - Planned Business use is adequate to accommodate the proposed use and that plans for water supply, sewage disposal and storm drainage are capable of serving the planned business area.
 2. The Town Board shall determine that the street system serving the site is adequate to carry the anticipated traffic flows and that the proposal will not create a burden or nuisance for adjoining property owners.
 3. The proposed rezoning shall conform with the procedures set forth in Article I - Section 105 (A-F).
 4. The Town Board shall determine that not more than twenty percent (20%) of the site proposed for such rezoning contains prime agricultural soils as defined by the Town of Orangeville.
 5. A site plan shall be submitted in conformance with the provisions of Article III. No site preparation or construction shall commence until final site plan approval has been granted by the Town Board and permits have been issued by all governmental agencies involved.
- B. The proposed development for a planned business center shall be constructed in accordance with an overall plan for the

- entire area and shall be designed with a single architectural scheme with appropriate common off-street parking and landscaping. The development shall provide initially for the construction of either a minimum of eight thousand (8,000) square feet of ground floor area or a minimum of four (4) of the permitted uses.
- C. The proposed development shall be located on a site of not less than four (4) acres and not less than three hundred (300) feet of frontage on a State Highway or County Road.
- D. The proposed development shall not have more than two (2) entranceways to the site. The location and width of said entranceways shall be subject to approval by the Planning Board in the site plan review process.
- E. Uses permitted are shopping centers, stores and shops where retail goods are sold or personal services rendered which are similar, but not limited to the following:
1. Retail business establishments which are clearly of a neighborhood service character such as grocery stores, drugstores, stationery, variety and clothing stores and restaurants.
 2. Personal service establishments such as barber and beauty shops, shoe repair shops, business and professional offices, self-service laundries and dry cleaning stores.
- F. Off-street parking shall be provided at a ratio of one (1) parking space per one hundred and fifty (150) square feet of floor area. Private garage space for the storage of commercial vehicles used in conjunction with a permitted business use shall also be permitted.
- G. Truck loading and unloading areas shall be provided in sufficient amount to permit the transfer of goods and materials on the premises rather than on a public street or customer off-street parking area on the premises. A dense landscaping screen of not less than six (6) feet in height shall be required where off-street loading and unloading areas abut residential uses, so that such operations shall be shielded from view from such residences.
- H. The regulations of Article X shall govern the location, size, number and characteristics of signs in a planned business center.
- I. The Town Board may prescribe more restrictive conditions deemed reasonable or appropriate with respect to improving the design quality of the planned business center.
- J. Adequate guarantee in the form of either a bond or escrow agreement shall be established and provided prior to final approval of the plan to assure that all parking entrances, exits, facilities and services are installed as required and proposed.
- K. Where a planned business center abuts a Medium Density District there shall be a buffer strip of fifty (50) feet at the periphery of the planned business center and shall be provided in addition to the minimum setback requirements. The buffer strip shall be permanently maintained by the developer or owner with plant materials to provide a visual screen between the planned business center and the adjoining residential lot(s) and shall be used for no other purpose.
- L. Lighting within the center shall be approved by the Planning Board and provided in a manner so as to minimize potential disturbance to adjacent properties in the site plan review process.

SECTION 907 CR - CLUSTER RESIDENTIAL DISTRICT

- A. Intent - The purpose of this type of district is to address the fact that people have varying needs and desires for diverse types of housing styles. The Town of Orangeville values this concept and existence of these districts and its inhabitants and intends to continue permitting this type of development with the understanding that everyone has their own individual needs, desires and wants. The Town of Orangeville wants to provide for this uniqueness through the continuation of Cluster Residential Districts.
- B. Permitted Principal Uses
1. One-Family Detached Dwellings.
 2. Private Garages and Carports.
 3. Customary Residential Storage Structures.
 4. Off-street parking and signs in accordance with Article X.

5. Community facility buildings and uses serving the residents of the Cluster Residential District subject to approval of the Town Board.
- C. Permitted Accessory Uses
1. Private Garages.
 2. Customary Residential Storage Structures.
 3. Other customary residential structures such as private swimming pools, storage buildings, pet shelters and fireplaces.
 4. Off-street parking and signs in accordance with Article X.
 5. Ponds
 6. Wind Energy Device.
- D. Special Use Permits - Essential Services, excluding Power Plants, Maintenance Buildings and Storage Yards.
- E. Existing Cluster Residential Districts
1. All existing Cluster Residential Districts are located on private roads. There are several examples of this type of District currently in existence in the Town of Orangeville:
 - a. Pine Tree Cluster;
 - b. Snyder Road Clusters;
 - c. Syler Road Cluster;
 - d. Deer Pond Acres Cluster;
 - e. Weber Road Cluster;
 - f. Wyoming Hills Cluster;
 - g. Wilder Road Cluster.
 2. It is acknowledged that although the inhabitants of a Cluster Residential District may pay fire tax, garbage tax and like expenses it is with the understanding that the property owners may not receive the benefits of these services.
 3. Existing roads to Cluster Residential Districts may be substandard and may not receive municipal services, such as, but not limited to, plowing and/or garbage removal.
 4. A Cluster Residential Development may have a community recreation pond and/or a community play ground.
- F. Special Design Requirements - A Cluster Residential District shall not be approved until site plans for the district have been reviewed by the Planning Board and approved by the Town Board. No site preparation or construction shall commence until the property has been rezoned and all permits have been issued by all governmental agencies involved. This provision shall apply to the expansion or alteration of existing Cluster Residential Developments as well as to proposals for new districts. A site plan for the establishment of a new Cluster Residential District or for the expansion or alteration of an existing Cluster Residential District shall contain all of the required data elements specified in Section 306 plus any additional information which may be required by the Planning Board to complete its review and evaluation of the proposed plans. In the review of proposed site plans the Planning Board's investigations shall certify for action by the Town Board that the plans comply with the following standards and development regulations:
1. Each Cluster Residential District lot shall comply with the applicable lot size, building size and setback requirements set forth in the schedule herein.
 - a. The minimum site area of a Cluster Residential District shall be not less than ten (10) acres.
 - b. Not more than one (1) home shall be located on any one (1) Cluster Residential District lot.
 2. Access to a Cluster Residential District may be located on a Town, County or a private road.
 - a. A Cluster Residential District located on a private road shall have a Road Agreement for the construction and/or maintenance, including snow removal, of the private road with applicable association fees to pay for these expenses.
 - b. If the Cluster Residential District is located on a private road, there shall be a requirement that all deeds indicate that the property is not serviced as a public road by the Town or County

- c. A Cluster Residential District located on a private road may not be able to receive emergency services.
 3. A site plan will be approved as a whole district and not as individual lots.
 - a. The Planning Board may require at site plan review that each proposed lot be perked at the time of approval of the division of the property and approval of the site plan review.
 - b. The site plan review may require a subdivision map to be filed.
 - c. Lots within a Cluster Residential District may stay under common ownership for some time while the district is being developed.
 - d. The buyer should communicate with Town Officials at the time of acquisition of land to be developed into a Cluster Residential District.
 4. Services
 - a. If emergency services are to be provided, the access road must meet minimum standards and upkeep required for 24/7 emergency response vehicle.
 - b. A recreation area, such as a community recreation pond or a community playground, with adequate provisions for facilities and maintenance for the use of the occupants may be provided within the district.
 - c. Said recreation area and facilities shall be approved by the Town Board and shall encompass an area of not less than five hundred (500) square feet for each district lot. In no event shall such area be less than ten thousand (10,000) square feet.
 - d. The plan for a Cluster Residential District shall provide a system of fire protection, including a fire alarm system and a water reservoir, if necessary, deemed satisfactory by the fire department.
 - e. An adequate supply of water shall be provided for Cluster Residential District homes, service buildings and other accessory buildings. Where public water is available, connection thereto shall be used exclusively. If a public water supply is not available, the development of a private water supply system shall be approved by the Wyoming County Department of Health or New York State Department of Health.
 - f. An adequate and approved system shall be provided in all districts for conveying and disposing of sewage from homes, service buildings and other accessory facilities. Such system must be designed, constructed and maintained in accordance with the New York State Public Health Ordinance and Department of Health standards and regulations. Approval by the Wyoming County Department of Health is required before any permit or license may be issued. This is not meant to preclude individual septic systems.
 - g. Each dwelling placed in a cluster shall be equipped with its own toilet, bath and kitchen facilities enabling the occupants to function as an independent housekeeping entity.
 - h. An adequate storm drainage system shall be installed or accounted for in the design.
 - i. All public utility, electric, gas, cable, television and telephone lines shall be installed underground.
 - j. The Cluster Residential District residents shall provide for the regular collection and disposal of garbage, trash and rubbish to prevent the trash containers from overflowing. All receptacles for trash shall have covers to prevent the littering of grounds with trash and refuse.
 - k. All fuel tanks within a Cluster Residential District, including all fuel tanks used for heating within homes, shall be installed in accordance with NFPA standards.
 - l. No home shall be located on a lot until the roadways, sanitary sewage disposal system, water supply system and storm drainage system serving said lot has been installed in accordance with the approved site development plan for the Cluster Residential District.
 - m. Owners shall obtain a permit from the Town approving the location of a site for the placement of individual homes prior to such home being occupied. No permit shall be issued until the owner has obtained a written certification from the County Department of Health that the sewage disposal system has been properly installed and that it meets or exceeds the minimum operating standards of the Sanitary Code.

X. ARTICLE X SUPPLEMENTARY REGULATIONS**SECTION 1000 OFF-STREET PARKING REGULATIONS AND SCHEDULE III**

In all districts there shall be provided, at the time any building or structure is erected, enlarged, increased in capacity or changed in use, improved and useable off-street parking spaces for motor vehicles in accordance with the requirements of this Article and Schedule III. None of the off-street parking facilities as required herein shall be required for any existing building or use, unless said building shall be enlarged or use changed. In such cases, off-street parking facilities shall be provided as hereinafter specified for the building as enlarged or to accommodate the needs of the new use.

A. Design Requirements

1. Off-street parking space shall be provided as further specified in this Zoning Law and shall be furnished with necessary passageways and driveways. For the purposes of this Zoning Law a parking space shall not be less than ten (10) feet in width and twenty (20) feet in depth exclusive of access ways and driveways.
2. Off-street parking areas for non-residential uses shall provide an additional area of one hundred (100) square feet of area per off-street parking space to provide sufficient area for access drives and aisles.
3. Off-street parking areas with a capacity for more than twenty (20) vehicles shall delineate fire lanes and post no parking markers.
4. Where off-street parking is provided, handicapped accessible parking spaces shall be provided in compliance with § 1106 of the Building Code of New York State.
5. All off-street parking spaces shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner.
6. All parking areas, passageways and driveways (except where provided in connection with one and two family dwellings, or farm residences and buildings) shall be adequately drained and surfaced with a dustless, durable, all weather surface, subject to approval of the Town Planning Board.
7. Each off-street parking space shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any motor vehicle may be parked and unparked without moving or damaging another.
8. The collective provision of off-street parking areas by two (2) or more buildings or uses located on adjacent lots may be recommended for approval by the Planning Board and provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately.
9. No more than two (2) driveways not less than twenty (20) feet or more than thirty (30) feet in width shall be used as means of ingress and egress for each non-residential use, except where deviation in the number of, or width of such driveway, may be deemed necessary by the Planning Board because of traffic safety conditions.
10. No driveway to an off-street parking area shall be located closer than fifty (50) feet to the intersection of any two streets or within twenty (20) feet of any side lot line provided that sufficient distance will always remain for all required radii for said driveway. The distance from the driveway to the intersection shall be measured by extending the curb line of the intersecting street until it intersects the curb line, extending if necessary, of the driveway in question. In addition, there shall be a minimum distance of twenty (20) feet between two (2) driveways located on one (1) frontage.
11. Parking areas may be located in any yard space for non-residential uses but shall not be located closer than fifty (50) feet to any road right-of-way centerline and ten (10) feet to any property line.

B. Location of Off-Street Parking Facilities - Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking facility to the nearest public entrance of the building that such facility is required to serve.

1. For one (1) and two (2) family dwellings and for all types of residential structures on the same lot with the building they are required to serve.
2. For multiple family dwellings not more than two hundred (200) feet from the building they are required to serve.
3. For other uses not more than five hundred (500) feet from the building they are required to serve.

C. Screening and Landscaping

1. Off-street parking areas for more than five (5) vehicles shall be effectively screened on the rear and side yards by a fence of acceptable design, unpierced masonry wall, landscaped berm or compact evergreen hedge. Such

fence, wall or hedge shall not be less than six (6) feet in height and shall be maintained in good condition.

2. When a parking area for five (5) or more vehicles adjoins a residential area, a planted buffer area shall be provided in addition to the hedge or wall specified in paragraph 1. above. The planted buffer area shall not be less than ten (10) feet in depth.

D. Lighting

1. All off-street parking areas and appurtenant passageways and driveways (excluding areas serving one (1) and two (2) family dwellings and farm dwellings) shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation.
2. Any lights used to illuminate an off-street parking area shall be so arranged as to reflect the light away from all adjoining property.

E. Units of Measurement

1. In churches and other places of assembly in which patrons or spectators occupy benches, bleachers, pews or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities.
2. When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one (1) parking space.

F. Mixed Occupancies and Uses Not Specified - In any case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the Planning Board. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use.

G. Joint Use - The off-street parking requirements of two (2) or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point in time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

H. Required Off-Street Parking Space - Required off-street parking space for specific uses as regulated in this Zoning Law is contained in Schedule III which is part of this Zoning Law.

SECTION 1001 LOADING REGULATIONS

For every building, structure or part thereof having over four thousand (4,000) square feet of gross building area erected and occupied for commerce, industry, and other similar uses involved in the receipt and distribution by vehicles of materials and merchandise, there shall be provided and permanently maintained adequate space for standing, loading, and unloading services in order to avoid undue interference with the public use of streets, alleys, or parking areas. Every building structure or addition thereto having a use which complies with the above definition shall be provided with at least one (1) truck standing, loading and unloading space on the premises not less than twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height. One (1) additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet, or fraction thereof, of gross area in the building.

SECTION 1002 SIGNS

A. Every sign, other than those provided for in Subsection B of this Section, shall require a zoning permit. All signs shall be designed and located in such a manner as to:

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and street or obstruct line-of-sight for vehicles entering, exiting or using the highway.
3. Not be confused with any traffic sign or signal.
4. Withstand a wind pressure load of thirty (30) pounds per square foot.

Signs may be illuminated by a steady light provided that lighting does not directly illuminate adjacent property or roadway. Flashing, oscillating and revolving signs are not permitted, unless necessary for public safety or welfare. Only signs installed by a

governmental agency or required by a governmental agency, law or regulation, are permitted within the right-of-way for a public highway.

- B. Signs Permitted in All Districts without a Zoning Permit - The signs listed below are permitted in any district provided they are not placed within any public right-of-way. House numbers and residents names may appear on mail boxes located within the public right of way.
1. Historical markers, tablets and statues, memorial signs and plaques; names of building and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations not exceeding six (6) square feet.
 2. Flags and insignia of any government, except when displayed in connection with commercial promotion.
 3. On-premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or nonilluminated, not exceeding four (4) square feet per face and six (6) feet in height. Business names and advertising messages shall not be allowed.
 4. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.
 5. Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding two (2) square feet in area.
 6. Lawn signs identifying residents, not exceeding two (2) square feet (per side). Such signs are to be nonilluminated except by a light which is an integral part of a lamp post if used as a support, with no advertising message thereon.
 7. Private-owner merchandise sales signs for garage sales and auctions, not exceeding sixteen (16) square feet for a period not exceeding seven (7) days.
 8. Temporary nonilluminated AFor Sale@, AFor Rent@, real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In Low Density or Medium Density Districts, one (1) sign not exceeding four (4) square feet per side and located not less than ten (10) feet from a lot line. In Commercial or Industrial Districts, one (1) sign not exceeding thirty-two (32) square feet set back at least fifteen (15) feet from all property lines. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises.
 9. One (1) sign identifying a farm not exceeding twenty (20) square feet in area and located not less than ten (10) feet from a lot line.
 10. One (1) sign identifying a school, church, public park, or public building, not exceeding forth (40) square feet in area on any one (1) side and located not less than ten (10) feet from a lot line.
 11. Signs necessary for public safety and welfare.
 12. Temporary Signs - A sign used on a temporary basis to identify or announce an activity or function such as a construction project and the specialists concerned, agricultural activities, elections, sporting events, carnivals, meetings, etc. Such signs shall not exceed sixteen (16) square feet and shall not be located closer than five (5) feet to any lot lines. Temporary signs shall be removed within ten (10) days after the activity or function ends.
 13. Christmas holiday decorations, including lighting.
 14. Signs required by Federal, State, County or Town regulations (i.e., NYS registered motor vehicle shop and NYS inspection stations.)
- C. Non-Conforming Signs
1. Nonconforming signs shall be removed at the expense of the owner when any use of the property on which the sign is located is discontinued.
 2. Nonconforming signs may not be enlarged, extended, relocated or altered in any way, except to make them conform to provisions of this Zoning Law. This provision shall not restrict routine maintenance of nonconforming signs involving replacement of electrical parts and repainting.
- D. Signs Permitted in Low Density and Medium Density Districts - The following signs are permitted in LD and MD Districts upon issuance of a zoning permit.
1. One (1) home occupation sign not exceeding twelve (12) square feet in area.
 2. One (1) non-commercial sign, not exceeding twelve (12) square feet in area on any one side and located not less than ten (10) feet from a lot line.

3. One (1) identifying the name of the farm owner or name of the farm not exceeding twelve (12) square feet, per side, in area and located not less than ten (10) feet from a lot line.
 4. Temporary signs, identifying a construction project and the specialists concerned, not exceeding twelve (12) square feet in area.
 5. Measurement does not include the structural members of said sign.
- E. Signs Permitted in Commercial and Industrial Districts
1. Two (2) on-premise signs, one of which may be freestanding, shall be allowed for each permitted use. If attached such signs should not exceed an area equal to ten percent (10%) of the wall area of the building or portion thereof to such use or activity. No sign shall project more than one (1) foot from the facade of the building.
 2. Freestanding commercial signs shall be permitted. Such signs shall conform to the following provisions relation to their number and size.
 - a. Each commercial or industrial use may have one (1) freestanding sign. Such freestanding sign shall have an area of not more than twenty-five (25) square feet nor be more than ten (10) feet in height, located not less than ten (10) feet from the property.
 - b. In a shopping center or industrial park there may be one directory sign at any location thereon which shall not exceed five (5) square feet in area for each acre of land in the shopping center or industrial park provided that no such sign shall exceed thirty (30) square feet in area. No individual freestanding sign shall be allowed in a shopping center.
 - c. Off-premise direction signs not exceeding four (4) square feet in size and limited to businesses located within the Town and to two (2) signs per use shall be permitted (only two (2) such signs per use are allowed within the Town).
- F. Signs Prohibited - The following types of signs are prohibited and shall not be permitted, erected, or maintained in any zoning district and the owner thereof shall upon written notice of the zoning Enforcement Officer forthwith, in the case of immediate danger and in any case within not more than ten (10) days, make such sign conform with the provisions of this Section or shall remove it. If within seven (7) days the order is not complied with, the Zoning Enforcement Officer may cause said sign to be removed at the expense of the owner.
1. Any sign which by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstruction or detraction from the visibility of any traffic control device on public streets and roads.
 2. No person shall erect or maintain a sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
 3. Signs which make use of words such as **ASTOP@**, **ALOOK@**, **ADANGER@**, and other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
 4. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description (except time and temperature revolving signs as allowed) or other apparent visible movement achieved by electrical or kinetic means, including intermittent electrical pulsations, or by action of normal wind currents.
 5. It shall be unlawful for any person to display upon a sign or other exterior advertising structure any obscene, indecent or immoral matter if it interferes with the property or normal movement of vehicular traffic.

SECTION 1003 PRIVATE SWIMMING POOLS

Private swimming pools shall be permitted in any Low Density District or Medium Density District provided that there is an existing residence on said lot and the following regulations are complied with:

- A. Fences - In ground swimming pools shall be completely enclosed by a fence of not less than four (4) feet in height. Said fence shall have a gate with a latch to control access to the pool area. Above ground pools less than four (4) feet in height shall be similarly fenced. Above ground pools which are four (4) feet or more above the ground shall not require a fence.
- B. Setbacks
1. Outdoor swimming pools shall be located in the rear or side yard, but not closer than ten (10) feet to the side or rear property line.

2. No swimming pool shall be closer to the street or front lot line than the front of the building or structure to which the pool is an accessory use.
- C. Drainage - No permit shall be issued for such pool unless the applicant can show that the proposed drainage of such pool is adequate and will not interfere with the public water supply, with existing sewerage or drainage facilities, with the property of others or with public highways. Pools may not be drained into septic systems.
- D. Lighting - No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.
- E. Overhead Wiring - Service drop conductors and any other open overhead wiring shall not be installed above the swimming pool or the area surrounding the swimming pool extending ten (10) feet horizontally from the pool edge, diving structures, observation stands, towers or platforms. Service conductors shall be in shock hazard boxes and appropriately grounded.
- F. Permits - Building and zoning permits shall be required for all swimming pools. The Zoning Enforcement Officer can issue permits for pools without the permission of the Planning Board.
- G. Compliance with New York State Requirements - Applications for swimming pool permits shall comply with these regulations and all applicable requirements of the State of New York. Where the regulations of the Town and State are inconsistent, the more restrictive requirements shall govern.

SECTION 1004 PONDS

Ponds for recreational, fire protection or agricultural purpose shall be permitted in a Low Density District, or by accessory in a Medium Density District, provided the following regulations are complied with:

- A. The pond shall be designed and approved by a certified Engineer or P.E. or other authority acceptable to the Zoning Enforcement Officer.
- B. A stamped plot plan shall be provided showing the location of said pond.
- C. No pond shall be established within fifty (50) feet of any property line.
- D. The Board of Appeals, with Public Hearing, may vary this property line requirement, but it shall not be reduced to less than twenty-five (25) feet.
- E. Any pond located on property of less than four (4) acres shall be regulated as swimming pool under Section 1003 herein.
- F. The Zoning Enforcement Officer can issue permits for ponds that are two (2) acres or less without the permission of the Planning Board.

SECTION 1005 ANIMAL WASTE MANAGEMENT SYSTEMS

- A. Animal Waste Management Systems shall include earthen storage ponds, earthen aerobic digestion systems, and any waste treatment tanks or confinement areas that are used as temporary storage (0-12 months) for solid and /or liquid animal waste, that is later to be removed and utilized elsewhere on the farm facilities for fertilization, waste management, or final disposal. Waste treatment lagoons, as defined in this Zoning Law, shall not necessarily be governed by this section.
- B. Animal Waste Management Systems are considered an accessory use in Low Density Districts, and shall be allowed so long as they are designed by an engineer licensed or certified by the State and they are designed wholly in accordance with Natural Resource Conservation Service standards and specifications and plans.
- C. Plans and specifications for Animal Waste Management Systems should conform to the most current Soil Conservation Service standards and procedures or NCRS standards, or to the designs and specifications of an engineer certified in Animal Waste Management by the State, the most restrictive should apply.
- D. Waste should be used to the fullest extent possible by recycling it through soil and plants.
- E. Clean water shall be excluded from concentrated waste areas to the fullest extent practical.

- F. Manure should be collected and safely spread on land, treated, or stored until it can be safely spread. Adequate storage should be provided to allow spreading during favorable weather and at times compatible with crop management and available labor.
- G. Polluted runoff and seepage from concentrated waste areas should be intercepted and directed to storage or treatment facilities for future disposal or be directly applied to land in manner acceptable to the Soil and Water Conservation District, or a State certified engineer, or to the NCRS standards.
- H. Waste water from processing should be collected and directly applied, stored, or treated prior to re-use.
- I. Adequate drainage, erosion control, and other soil and water management practices shall be incorporated to prevent system-related problems and potential adverse impacts on nearby properties.
- J. The overall system should include sufficient land for proper use or disposal of waste at locations, times, rates and volumes that maintain desirable water soil, plant, and other environmental conditions. Appropriate waste-handling equipment should be available for effective operation of the system.
- K. The system should be outside major view sheds to conserve visual resources. Vegetative screens and other methods should be provided, as appropriate, to improve visual conditions.
- L. No manure or waste associated with such a system shall be stored outside of a fully enclosed building within two hundred (200) feet of any public street or property line.
- M. System components shall be planned and installed in a sequence that insures that each will function as intended without being hazardous to others or the overall system.
- N. Safety features and devices shall be included in waste management systems, as appropriate, to protect animals and humans from drowning, dangerous gases, and other hazards. Fencing and warning signs shall be provided as necessary, to prevent livestock and others from using the facilities for other purposes. Safety features, fences and other devices should be subject to approval of the Soil and Water Conservation District, or a State certified Engineer, or NCRS
- O. Wherever possible waste management systems should be located where prevailing winds will carry odors away from residences and public areas.
- P. Waste management systems should not be located in areas of special flood hazard unless it is protected by dikes, levees or other means.
- Q. The owner or operator shall be responsible for operating and maintaining the system. An operation plan shall be prepared for this use. The plan should be approved by the Soil and Water Conservation District or a State certified Engineer and should provide specific details concerning the operation of each component. At a minimum the plan should include:
 - 1. Timing, rates, volumes, and locations for application of waste and, if appropriate, approximate number of trips for hauling equipment and an estimate of the time required.
 - 2. Minimum and maximum operation levels for storage and treatment practices and other operations specific to the practice, such as estimated
 - 3. Safety warnings, particularly where there is danger of drowning or exposure to poisonous or explosive gases.
 - 4. Maintenance requirements for each of the practices.

SECTION 1006 MOTOR VEHICLE SERVICE STATIONS AND PUBLIC GARAGES

- A. Motor vehicle service stations and public garages may be permitted as uses in the Planned Business District and Industrial Use District.
- B. A site plan shall be required. The site plan submitted shall also show the location and number of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, and number and location of fuel pumps to be installed.
- C. Where a motor vehicle service station abuts a Medium Density District, it shall be screened by a buffer area not less than fifteen (15) feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both, which will be adequate to prevent the transmission of headlight glare across the district boundary line. Such buffer screen shall

have a minimum height of six (6) feet above the ground. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate screen, the Zoning Enforcement Officer shall direct the property owner to replace said shrubs.

- D. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- E. All repairs of motor vehicles, except for minor servicing, shall be performed in a fully enclosed building. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.
- F. No commercial parking shall be allowed on the premises of a motor vehicle service station or public garage.
- G. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans, and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- H. In addition to the signs permitted by Article X hereof, motor vehicle service stations may also exhibit one (1) temporary sign for a period of up to forty-five (45) days setting forth special seasonal servicing of automobiles. Such temporary sign shall not exceed nine (9) square feet in area, be located not less than ten (10) feet inside the property line and shall be removed when no longer current.
- I. No motor vehicle service station or public garage may display more than two (2) unlicensed vehicles for sale outside of an enclosed building at any one time.
- J. There shall be no more than two (2) driveways, with a combined width of not more than one-third (1/3) the site frontage on each public street fronting the site.
- K. No driveway shall be closer than fifty (50) feet to the intersection of two (2) street corner lot lines, or within twenty (20) feet of an adjacent lot line.

SECTION 1007 HOME OCCUPATIONS MINOR

Home Occupations Minor which meet the following standards are permitted as accessory uses to a residence and no special use permit shall be required in order to establish or maintain such uses:

- A. For the purposes of this article, Home Occupations Minor may involve any one of a wide range of uses, so long as the use is not incompatible with the primarily residential use of the property. Such uses include, but are not limited to, those occupations listed below:
 - 1. Road Side Stands - Baked Goods.
 - 2. Quilt Making.
 - 3. Artist Studio.
 - 4. Tailoring - Dress Making.
 - 5. Basket Making.
 - 6. Rug Making.
 - 7. Clock Making.
- B. The permitted Home Occupation Minor shall occupy no more than one thousand (1,000) feet of gross floor area.
- C. The Home Occupations Minor described in 1-7 above, that require an accessory building which is greater than one thousand (1,000) gross floor area, shall be treated as a Home Occupations Major. (See Article XI, Section 1112)
- D. The Home Occupation Minor shall be conducted by the owner-occupant or tenant of the residence.
- E. The Home Occupation Minor shall be conducted in the home or in an accessory building which maintains the appearance of the property as a residential property.
- F. There shall be no exterior storage of business vehicles, equipment, supplies, materials, merchandise, or inventory.

- G. There shall be no exterior display of products.
- H. Off-street parking shall be provided in accordance with Article X, Section 1000 and Schedule II.
- I. The use shall not create excessive noise, vibration, glare, smoke or fumes which are continuously detectable beyond the limits of the property.

SECTION 1008 SMALL WIND ENERGY DEVICE

- A. Design Requirements - Sixty percent (60%) of all electricity or power generated on site by a Small Wind Energy Device, as defined in Article II, is required to be utilized on the same site.
- B. Location - A Small Wind Energy Device may only be located in Low Density District as an accessory use.
- C. Setbacks - A Small Wind Energy Device will be required to be set back from any power line, residence, public or private building, structure, right-of-way to any road and property line a minimum distance of one and one half (1 1/2) the height of the proposed or a variance is granted by the Zoning Board of Appeals. This requirement is in addition to and compliance with Schedule II of this Zoning Law.
- D. Height - The height of any Small Wind Energy Device shall be in accordance with the definition of the same as set forth in Article II and Article VI of this Law.
- E. Construction - A Small Wind Energy Device must be of monopole construction to the extent practicable. If monopole construction is not practicable, a Small Wind Energy Device must be of freestanding construction to the extent practicable. If monopole or freestanding construction is not practicable, Small Wind Energy Device may be guyed.
 - 1. If the Small Wind Energy Device is guyed, fencing will be required around each guy wire at a minimum height of seven and one-half (7 1/2) feet.
 - 2. Each guy wire will be wrapped with reflective tape a minimum height of ten (10) feet.
 - 3. Guy wire must be a minimum distance of twenty-five (25) feet from any property line.
 - 4. All electrical wire shall be located underground, to the extent practicable.
- F. Application Fee
 - 1. To initiate the review process contemplated by this Section for an applicant for a Small Wind Energy Device, the applicant shall remit an application fee to the Town in the amount of two hundred and fifty dollars (\$250.00) for each anticipated device. Said sum shall not be refundable in whole or in part.
 - 2. The applicant shall pay the fees and expenses of any consultations(s) incurred by the Town to assist in the review of the application, including but not limited to engineering.
- G. Electrical Inspection - The electrical inspection of the Small Wind Energy Device shall be conducted by a state recognized electrical inspector.

SECTION 1009 GENTLEMAN FARM OPERATION - TIER 1

- A. Intent - The purpose of this section is to recognize and address some concerns of the Town of Orangeville farming community. Due to various agricultural practices now in existence, it is necessary to preserve public health and safety with the reduction of animal waste and limited agricultural practices on parcels of land that may be inferior in size to support such uses. The specific merits of a proposal to farm on parcels less than seven (7) acres needs to be addressed and properly managed with an efficient, economical and predicable process to respond to the farmers= concerns while ensuring the ability to have local issues examined.
- B. A Gentleman Farm Operation - Tier 1, as defined in Article II, is considered the harboring of customary farm animals on less than seven (7) acres of land and may be allowed in Low Density Districts located in a State certified, county adopted agricultural district upon the approval of a permit by the Zoning Enforcement Officer.
- C. Said proposed activity is a farm operation as defined by Agriculture Markets Law, '301, subdivision 11.

- D. Prior to the issuance of a permit, the Zoning Enforcement Officer shall require site plan approval by the Planning Board pursuant to this section which is in lieu of the Site Plan Review set forth in Article III, Section 306 of this law.
1. Site Plan Process:
 - a. Sketch of the parcel on a location map (i.e., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
 - b. Show the existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
 - c. Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
 - d. Sketch of any proposed building, structure or sign, including exterior dimensions and elevation of front, side and rear views. Include any available blueprints, plans or drawings.
 - e. Provide a description of the project and a narrative of the intended use of such proposed building, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes.
 - i. Include the name and address of the applicant and any professional advisors.
 - ii. If the applicant is not the owner of the property, provide authorization of the owner.
 - f. If any new structures are going to be located adjacent to a stream or wetland, provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property and include the location of any new structures therein.
 - g. Proper nutrient and manure management plans. The applicant shall submit a plan for animal feeding and waste disposal, i.e.: agreement with a neighboring farm, compost plan, etc.
 - h. List of the type and number of animals to be harbored on the property with a narrative as to how animals will be pastured/grazed; exercised; and protected from the public.

SECTION 1010 GENTLEMAN FARM OPERATION - TIER 2

- A. Intent - The purpose of this section is to recognize and address some concerns of the Town of Orangeville farming community and the need to properly plan for agriculture on smaller parcels of property in order to preserve public health and safety with the reduction of animal waste and limited agricultural practices on parcels of land that may be inferior in size to support such uses.
- B. A Gentleman Farm Operation - Tier 2, as defined in Article II, is considered the harboring of customary farm animals on less than seven (7) acres of land in a State certified, county adopted agricultural district but does not constitute a farm operation as defined by Agriculture Markets Law, '301, subdivision 11 and is subject to the regulations set forth in Article X, Section 1010 of this law.
- C. The activity does not constitute a farm operation as defined by Agriculture Markets Law, '301, subdivision 11.
- D. The farming operation shall be a closed system with the bringing in of animal feed and the removal of animal wastes from the property. No feed crops for animals shall be raised and no animal wastes shall be applied to the property.
- E. Manure composting is an option.
- F. No farm type structures shall be placed in front of the primary dwelling.
- G. Prior to the issuance of a permit, the Zoning Enforcement Officer shall require site plan approval by the Planning Board pursuant to this section which is in lieu of the Site Plan Review set forth in Article III, Section 306 of this law.
1. Site Plan Process:
 - a. Sketch of the parcel on a location map (i.e., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
 - b. Show the existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.

- c. Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
- d. Sketch of any proposed building, structure or sign, including exterior dimensions and elevation of front, side and rear views. Include any available blueprints, plans or drawings.
- e. Provide a description of the project and a narrative of the intended use of such proposed building, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes.
 - i. Include the name and address of the applicant and any professional advisors.
 - ii. If the applicant is not the owner of the property, provide authorization of the owner.
- f. If any new structures are going to be located adjacent to a stream or wetland, provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property and include the location of any new structures therein.
- g. Proper nutrient and manure management plans. The applicant shall submit a plan for animal feeding and waste disposal, i.e.: agreement with a neighboring farm, compost plan, etc.
- h. List of the type and number of animals to be harbored on the property with a narrative as to how animals will be pastured/grazed; exercised; and protected from the public.

XI. ARTICLE XI REGULATIONS GOVERNING SPECIAL PERMIT USES**SECTION 1100 GENERAL PROVISIONS**

The uses specified in this Article are hereby declared to possess unique characteristics requiring that each proposal for any such use shall be considered by the Planning Board as an individual case. Upon application complying with the requirements of Article III, special use permits may be issued by the Board in accordance with the administrative procedure set forth in Article III and only after the applicant has proved that each and all of the following standards have been met:

- A. The proposed special use is consistent with the general intent of Article I herein.
- B. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the use district.
- C. Operation of the proposed special use is not more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
- D. The proposed special use satisfies each and all standards and conditions specified for such special use by the relevant provisions of this Article. Failure to comply with the conditions specified herein shall be grounds for the revocation of the special use permit.
- E. The Planning Board may impose additional conditions or restrictions as it may deem necessary prior to approving any special use permit application in order to protect public health and safety, the quality of the Town=s natural resource base and the value of property.
- F. No site preparation or construction shall commence nor shall existing structures be occupied for any special permit use until final site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.
- G. The Planning Board shall have the authority to issue all special use permits and site plans, except for the following which authority has been reserved by the Town Board:
 1. Commercial Communication Towers, Section 1115; and
 2. Wind Energy Conversion Systems/Devices, Section 1116.

SECTION 1101 ESSENTIAL SERVICES

- A. Essential services as defined in Article II herein may be allowed as a special permit use in any zone district upon the approval of a special use permit by the Planning Board.
- B. The Planning Board shall determine the following prior to approving a special use permit:
 1. The proposed installation in a specific location is necessary and convenient for the efficiency of the essential service or the satisfactory and convenient provision of service to the area in which the particular use is located.
 2. The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.
 3. Adequate and attractive fences and other safety devices will be provided.
 4. A buffer strip of not less than fifteen (15) feet in depth shall be provided around the perimeter of the property.
 2. Adequate off-street parking shall be provided.
 5. All other applicable requirements of this Law shall be met.

SECTION 1102 HOME PROFESSIONAL OCCUPATIONS

- A. Home Professional Occupations may be allowed as special permit uses in the Low Density Districts and Medium Density Districts upon the approval of a special use permit by the Planning Board.
- B. No more than one (1) person other than a member of the immediate family occupying such dwelling shall be employed as part of the Home Profession Occupations.
- C. A Home Professional Occupation must be conducted within a dwelling which is bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.
- D. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
- E. No outdoor display of goods or outside storage of equipment or materials used in the Home Professional Occupation shall be permitted.
- F. No sign shall be permitted except in accordance with the provisions of Article X, Section 1002.
- G. Off-street parking shall be provided in accordance with Article X, Section 1000 and Schedule II.
- H. No commercial vehicles with a rated capacity in excess of one and one-half (1.2) ton shall be used in connection with the Home Professional Occupation or parked on the property.
- I. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no Home Professional Occupation exists.
- J. No more than twenty percent (20%) of the gross floor area of such residence shall be used for the conduct of a Home Professional Occupation.

SECTION 1103 EXCAVATION OPERATIONS

- A. Excavation operations may be permitted as special permit uses in the Low Density District upon the approval of a special use permit by the Planning Board.
- B. The applicant shall furnish evidence of a valid permit from the New York State Department of Environmental Conservation pursuant to Title 27, Article 23 of the Environmental Conservation Law when applicable.
- C. The minimum lot area for any such use shall be ten (10) acres.
- D. All buildings and excavation operations shall be located or shall occur not less than one hundred (100) feet from any street or property line. The setback area shall not be used for any use in conjunction with the excavation and appurtenant activities except for one (1) public notice sign identifying the use of the property, fencing, berms, buffers and access roads.
- E. All equipment used for excavations and processing shall be constructed, maintained and operated in such a manner as to eliminate as far as is practicable noises and vibrations, and dust conditions which are injurious or a nuisance to persons living in the vicinity. The ambient noise level from said operation shall not exceed fifty (50) dBA.
- F. All operations shall be conducted between the hours of seven o'clock in the morning (7:00 a.m.) and seven o'clock in the evening (7:00 p.m.) with no Sunday or Holiday operations, and except in the case of public or private emergency or whenever any reasonable or necessary repairs to equipment are required to be made.
- G. All land which has been excavated must be rehabilitated in accordance with reclamation plans approved by the Planning Board as part of the site development plan review and approval process. Whenever possible, the Planning Board shall encourage excavation operators to reacclimate areas on an ongoing basis as part of the excavation operation. All reclamation work shall be complete within one (1) year after the termination of operations, at the expense of the operator. The rehabilitation plan shall be prepared by a licensed engineer, landscape architect or surveyor and provide for at least the following objectives:

1. The removal of all buildings and structures used in the operations.
 2. All excavations must either be made to a water-producing depth if permitted by applicable New York State laws, or graded and back-filled, and piles of waste material must be leveled.
 3. Excavations made to a water-producing depth shall be properly sloped to the water line, with banks sodded or surfaced with soil of an equal quality to adjacent land area top soil, and shall be planted with trees, shrubs, legumes or grasses upon the parts of such area where revegetation is possible.
 4. Excavations not made to a water-producing depth must be graded or back-filled with non-noxious, non-flammable, non-toxic, non-combustible solid material and in a topographic character which will result in a substantial general conformity to adjacent lands. Such grading or back-filling and leveled piles of waste materials shall be designed to minimize erosion and shall be surfaced with a soil equal in quality to that of adjacent land area and planted with trees, shrubs, legumes or grasses upon the parts of such areas where revegetation is possible.
- H. A performance bond or some other financial guarantee shall be required to assure that the conditions stipulated in the approval of the special use permit are carried out.
- I. Each tract of land to be granted a permit for excavation shall use only direct access to improved state or county highways and demonstrate proof of legal right to that access.
- J. All access roads shall be constructed to screen as much as feasible, excavation and appurtenant activities from public view. The junction of the access and the public road must be at an angle of not more than ten (10) degrees deviation from a right angle (90 degrees).
- K. All topsoil and subsoil shall be stripped from the active excavation area and stockpiled and seeded for use in accordance with the restoration plan. The location of topsoil to be stored shall be identified. Such stockpiles shall be treated to minimize the effects of erosion by wind or water upon public roads, streams, or adjacent property. This provision shall be applied to all operations except that of topsoil removal.
- L. Existing hills, trees and ground cover fronting along public roads or adjacent property shall be preserved, maintained and supplemented by selective cutting, transplanting and addition of new trees, shrubs and other ground cover for the purpose of screening and noise reduction. If, however, the existing topography and natural vegetation does not lend itself to an economically feasible supplement plan, the operation can, if properly landscaped with grass, trees or shrubs, grade back overburden around the perimeter of the excavation site to create a berm for the purpose of screening and noise reduction. No berm shall be constructed within twenty-five (25) feet of any right-of-way line or other property boundaries.
- M. Lateral support shall be sufficient to prevent the hazard or damage to persons, adjacent properties and public roads by reason of slides, sinking or collapse.
- N. All access routes leading to public highways shall be dust and mud free. All precautions such as applying calcium chloride or watering daily, or more frequently if and when necessary shall be taken to prevent dust and sand from being blown from the premises. Also, the first two hundred (200) feet of access from a public road shall be improved to meet written specifications provided by the Planning Board to insure its suitability to carry heavy traffic.
- O. Operations shall not be detrimental to adjacent property nor unduly interfere with the quiet enjoyment of adjacent property.
- P. An adequate and comprehensive drainage system shall be provided to convey the storm water runoff originating on and crossing the premises in accordance with the natural direction of runoff for the total watershed area. No excavation shall be allowed within fifty (50) feet to a natural stream. Sediment control measures shall be installed to keep sediment damage, if any, totally within the applicant's property. The Planning Board shall determine whether or not the system and control measures are adequate and, in force, prior to approval of original or renewal permit.
- Q. The applicant shall include a plan for the control of soil erosion and excessive ground water seepage upon public roads, streams and adjacent property. The Planning Board shall determine whether or not the controls are adequate, and in force, prior to approval of the original or renewed permit.
- R. All applications for a permit under this section must contain an operations plan in sufficient detail to describe the excavation operation including active excavation and storage areas.
- S. Excavation permits shall be issued for a period of one (1) year and shall be subject to periodic site inspection and review by the Planning Board and Zoning Enforcement Officer. If all operations undertaken pursuant to any permit issued hereunder have been conducted in full compliance with the term of such permit and all provisions of this Zoning Law, such

permit may be renewed by the Planning Board for a period of one (1) year. At least ten (10) days before taking any such renewal action, the Planning Board shall cause a notice to be published in the official town newspaper and posted on the official sign board, a notice of the proposed renewal and a statement indicating clearly both the property affected and the nature of the operation. All Zoning Laws and regulations in effect at the time a renewal is granted shall apply to the renewal permit in the same manner as when a new or original permit is issued.

SECTION 1104 PRIVATE AIRSTRIPS

- A. Private airstrips may be allowed as special permit uses in the Low Density District with the approval of a special use permit by the Planning Board.
- B. The Planning Board shall determine that not more than twenty-five percent (25%) of the site area proposed for use as a private airstrip contains prime agricultural soils as defined by the Town of Orangeville.
- C. An application for the establishment, construction, enlargement or alteration of an airstrip shall include, in addition to requirements for special use permits outlined in Article III, Section 302, the following statements and information:
 1. Name and address of the proponent.
 2. Classification of the proposed airport (commercial, non-commercial or restricted).
 3. Type of aviation activities proposed (aircraft sales and service, flight instruction, crop dusting, air taxi, etc.).
 4. Number of aircraft expected to utilize the airport initially and within five (5) years.
 5. Type of aircraft expected to be based at the airport (single engine, multi-engine, turboprop jet, etc.).
 6. Whether an instrument approach procedure will be offered.
 7. Statement as to the anticipated number of daily operations.
 8. Copy of the airspace clearance granted by the Federal Aviation Administration for this airport, including USGS topographic map.
 9. A copy of the New York State Commissioner of Transportation's determination concerning this airport in accordance with the provisions of 249 of the New York State General Business Law.
 10. A site development plan of the airport, as approved by the Planning Board, which includes the following:
 - a. Scale no smaller than one (1) inch equals one hundred (100) feet (1" = 100').
 - b. Location of existing and proposed structures.
 - c. Alignment of existing and/or proposed runways shall be shown in exact location and magnetic bearing to the nearest thirty (30) minutes.
 - d. Existing and proposed contours at five (5) feet intervals.
 - e. Location of aircraft parking and tie-down areas.
 - f. Provisions for access and off-street parking.
 - g. Provisions for sanitary waste disposal and water supply.
 - h. Location and method of fuel storage.
 11. An area map at a scale of not less than one (1) inch equals five hundred (500) feet (1" = 500') showing:
 - a. Distances from buildings, roads, natural features, power lines or other possible obstructions within two thousand (2,000) feet of the ends of runways shall be accurately plot.
 - b. Properties within one thousand (1,000) feet of the airport boundary shall be plotted, owners identified and the location and height of each building demarcated.
 12. Permits issued for the operation of an airstrip shall be valid for a period of one (1) year. Said permit may be extended by action of the Planning Board for successive periods of one (1) year if the operation conforms to the initial proposal and the conditions on which the initial permit was issued are unchanged.
 13. The Planning Board, in considering a request for a special use permit or the extension of a permit to operate an airstrip, may impose any conditions it deems necessary to protect the health, safety and public welfare of the Town.

SECTION 1105 CAMPING GROUNDS

- A. Camping grounds may be allowed as special permit uses in the Low Density District with the approval of a special use permit by the Planning Board.
- B. Camping grounds shall be occupied by park model homes, travel trailers, pick-up coaches, motor homes, camping trailers and recreational vehicles, and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. No permanent external appurtenances such as carports, cabanas or patios may be attached to any travel trailer or other vehicular accommodation parked in a camping ground, and the removal of wheels and placement of a unit on a foundation in a camping ground is prohibited.
- C. Minimum site area is ten (10) acres.
- D. Not more than a total of ten (10) park model homes, travel trailers, campers, tents, recreational vehicles or motor homes shall be permitted per acre of gross site area.
- E. Location and Access - A camping ground shall be so located that no entrance or exit from a site shall discharge traffic into any Medium Density District nor require movement of traffic from the camping ground through a Medium Density District. A camping ground shall have a minimum of two hundred (200) feet of frontage on a public street.
- F. Site Conditions - Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion of the camping grounds subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- G. Accessory Uses - Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries and other uses and structures customarily incidental to the operation of camping grounds are permitted as accessory uses to the camping grounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in camping grounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions:
1. Such establishments and the parking areas primarily related to their operations shall not occupy more than five percent (5%) of the gross area of the camping ground.
 2. Such establishments shall be restricted in their use to occupants of the camping ground.
 3. Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character which would attract customers other than occupants of the camping ground.
- H. Streets in camping grounds shall be private, but shall be constructed with a stabilized travelway and shall meet the following minimum stabilized travelway width requirements:
1. One-way, no parking - twelve (12) feet.
 2. One-way with parking on one (1) side, or two-way with no parking - eighteen (18) feet.
 3. Two-way with parking on one (1) side - twenty-seven (27) feet.
 4. Two-way with parking on both sides - thirty-four (34) feet.
- I. Sites. Each travel trailer site shall be at least one thousand two-hundred fifty (1,250) square feet in area and have a minimum width of forty (40) feet.
- J. Recreation Facilities - A minimum of ten percent (10%) of the gross site area for the camping ground shall be set aside and developed as common use areas for open or enclosed recreation facilities. No travel trailer site, required buffer strip, street right-of-way, storage area or utility site shall be counted as meeting recreational purposes.
- K. Entrances and exits to camping grounds shall be designed for safe and convenient movement of traffic into and out of the camping ground and to minimize friction with movement of traffic on adjacent streets. All traffic into or out of the camping ground shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. All such exits and entrances shall be approved by the appropriate Highway Department.
- L. Off-Street Parking and Loading - In connection with use of any camping ground, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, or required buffer or right-of-way, or any

public grounds, or on any private grounds not part of the camping ground, unless the owner has given written permission for such use. Each camping ground shall provide off-street parking, loading and maneuvering space located and scaled so that the prohibitions above may be observed, and camping ground owners shall be responsible for violations of these requirements.

- M. An adequate lighting system shall be provided for the camping ground, i.e. main entrance, restrooms, and main travel area.
- N. The campground shall provide adequate facility to insure sanitary conditions.
- O. No camp structure, except fences, gates and permitted signs shall be located within two hundred (200) feet of any street or property line.

SECTION 1106 NOT-FOR-PROFIT, PUBLIC AND SEMI-PUBLIC USES AND BUILDINGS, RECREATIONAL FOR PROFIT, AND PRIVATE FOR PROFIT

- A. Public and semi-public uses of institutional, health, education, recreational, religious or cultural nature may be allowed as special permit uses in the Low Density District and Medium Density Districts upon the approval of a special use permit by the Planning Board. This may include, but not be limited to golf courses, motor cross, race tracks, open-air theaters, VFW, YMCA, conservation clubs or any type of business or activity that would encourage a large number of people to gather.
- B. A statement setting forth the details of the operation of the use along with evidence of the proposed activity's eligibility as a Not-for-Profit use shall be submitted to the Planning Board
- C. The proposal shall meet the minimum area and yard requirements for such uses as specified in the Schedule I.
- D. The proposed use shall meet the minimum off-street parking and loading and unloading requirements of this Zoning Law as may be appropriate.
- E. The Planning Board, in considering the request for a special use permit, may impose conditions it deems necessary to protect the health, safety and public welfare of the Town.

SECTION 1107 KENNELS

- A. Kennels may be permitted as special permit uses in the Low Density District upon the approval of a special use permit by the Planning Board.
- B. The minimum lot area for such uses shall be five (5) acres.
- C. Shelters for animals within kennels shall not be closer than one hundred (100) feet to any lot line.
- D. No outdoor area enclosed by fences for the use of animals shall be permitted within the front yard. Fenced areas shall be setback not less than fifty (50) feet from any side or rear property line.
- E. The applicant shall provide an acceptable method of animal waste disposal or contract with approved waste hauler for disposal in a sanitary way.
- F. The Planning Board in considering the request for a special use permit may impose conditions it deems necessary to protect the health, safety and public welfare of the Town.

SECTION 1108 BOARDING HOUSES

- A. Boarding houses may be permitted as special permit uses in the Low and Medium Density Districts upon the approval of a special use permit by the Planning Board.
- B. No Boarding house shall provide shelter for more than four (4) tenants who are not family members.

- C. Off-street parking shall be provided as follows: At least two (2) spaces for the family residing on the premises plus not less than one (1) additional space for each boarder.

SECTION 1109 STABLES OR RIDING ACADEMIES

- A. Stables for the commercial boarding of horses or riding academies may be permitted in the Low Density District upon the approval of a special use permit by the Planning Board.
- B. No site preparation or construction shall commence nor shall existing structures be occupied until final site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.
- C. The permitted use may include any of the following:
1. Storage of horse vans for conveying or vanning of horses as may be accessory to the principal use.
 2. Sale or rental of horses for use by the public by the hour, day, month or year.
 3. Rides on horses by the public.
 4. Rental of horse vans.
 5. Riding lessons to the public.
- D. The land devoted to this use shall not be less than twenty (20) contiguous acres.
- E. One (1) principal single family dwelling may be located on the land devoted to this use provided that it complies with the requirements for this Zoning Law. The land area on which the principal single family dwelling is located shall not be considered as part of the land devoted to this use as set forth in paragraph D above.
- F. The number of horses that may be boarded and/or trained at such property shall not exceed twenty-five (25) horses for the first twenty (20) acres of land devoted to this use, plus one horse for each additional half acre.
- G. The stable and the facilities for the storage of manure shall be located on the land devoted to this use and not less than two hundred (200) feet from any boundary line.
- H. Exercise tracks and riding rings shall meet the following requirements:
- I. Any riding ring or exercise track shall be at least one hundred fifty (150) feet from any boundary line.
- J. Horses shall not be left unattended in any roofless area which is enclosed by a fence less than four (4) feet in height.
- K. Accessory buildings such as barns (not housing horses) sheds and the like, may be located on the land devoted to this use provided that:
1. They are set back at least two hundred (200) feet from the street line and one hundred (100) feet from each side boundary line; and,
 2. they are not used for the storage of manure.
- L. Structures on the land devoted to this use (not including the principal dwelling) shall not in the aggregate cover more than five percent (5%) of the area of the land devoted to this use.
- M. No structure shall exceed thirty-five (35) feet in height.
- N. Suitable and adequate off-street parking in accordance with the reasonable requirements of the Planning Board shall be provided. No parking shall be permitted within two hundred (200) feet of any property lines.
- O. Exterior lighting shall be permitted only to the extent necessary to prevent injury to the public and shall be so installed and arranged as to reflect light away from the adjoining streets and prevent any nuisance to adjoining property.
- P. Exterior loudspeakers shall be installed or used on the premises so as to minimize potential nuisances to adjacent properties.

- Q. The maintenance of the structures and hygiene conditions connected with the use here permitted shall be under the continuous supervision of the Planning Board. If conditions are found to exist which are dangerous to the health, safety and welfare of humans or horses, or if any of the requirements of this or any other section of this Law or of any condition attached to the permit issued hereunder are not complied with by the operator of the boarding stable, the permit issued hereunder may be revoked or suspended by the Planning Board after public hearing.

SECTION 1110 MULTIPLE FAMILY DEVELOPMENTS

- A. Multiple family developments may be permitted in the Medium Density District upon the approval of a special use permit by the Planning Board.
- B. No site preparation or construction shall commence nor shall existing structures be occupied until final site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.
- C. The minimum land area required for such use shall be ten (10) acres.
- D. The maximum gross density shall not exceed ten (10) units per acre.
- E. Apartment buildings shall contain no more than twelve (12) dwelling units.
- F. Townhouse buildings shall contain no more than six (6) dwelling units.
- G. Minimum habitable floor area requirements:
1. Townhouse unit, two (2) bedrooms or less: eight hundred fifty (850) square feet.
 2. Townhouse unit, three (3) bedrooms or more: one thousand (1,000) square feet.
 3. Apartment unit, efficiency: five hundred fifty (550) square feet.
 4. Apartment unit, one (1) bedroom: seven hundred fifty (750) square feet.
 5. Apartment unit, two (2) bedrooms: nine hundred (900) square feet.
 6. Apartment unit, three (3) bedrooms: one thousand (1,000) square feet.
- H. Unit Distribution
1. No more than thirty percent (30%) of the total units within a multiple family dwelling development shall be efficiency units.
 2. No more than thirty percent (30%) of the total units within a multiple family dwelling development shall be three (3) or more bedroom units.
- I. Setback Requirements - Minimum area and yard requirements for each multiple family structure within a multiple family development shall be as follows:
1. Setback: front and rear, seventy-five (75) feet; and, side, fifty (50) feet.
 2. Minimum distance between buildings: eighty (80) feet.
 3. Direct line of sight visibility from one building to another shall not be less than one hundred twenty-five (125) feet.
 4. Every building shall have a minimum setback of twenty-five (25) feet from all interior roads, driveways and parking areas.
 5. A strip of land at least six (6) feet in width surrounding each building shall be kept completely open except for foundation plantings of less than six (6) feet in height.
 6. Court yards bounded on three sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two (2) feet for each one (1) foot in height of the tallest adjacent building.
- J. No exterior wall shall exceed one hundred (100) feet in length unless there is a lateral offset of at least eight (8) feet in its alignment not less frequently than along each one hundred (100) feet of length of such exterior wall.
- K. All stairways to the second floor or higher shall be located inside the building.

- L. Access to public road
1. All multiple family dwelling developments shall have direct access to a public road.
 2. If there are more than twelve (12) dwelling units in a multiple family dwelling development, direct access must be provided to a public road by a private driveway or a road dedicated to the Town by the developer.
 3. If there are more than fifty (50) dwelling units in a multiple family development, or if in the opinion of the Planning Board the location or topography of the site indicates the need for additional access, the Planning Board may require such additional access as a condition of site plan approval.
- M. Requirements for off-street parking as provided in Article X of this Zoning Law shall be met, except that the location of off-street parking lots may be modified to conform with the approved site plan, provided that such lots shall not be located with the front yard or the required side yard setback.
- N. The aggregate lot coverage of multiple family dwelling developments shall not exceed thirty percent (30%) of the total lot area.
- O. Services
1. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities.
 2. There shall be a minimum common storage area in each building for bicycles, perambulators and similar type of equipment of forty (40) square feet in area, a minimum of five (5) feet in height and not less than four (4) feet in width per dwelling unit.
 3. Sufficient laundry, drying, garbage pick-up and other utility areas shall be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six (6) feet in height around the perimeter. Fencing and walls shall be not more than fifty percent (50%) open on the vertical surface.
- P. Recreation, Open Space, Maintenance
1. Multiple family dwelling complexes shall be designed to create useable private open space. A minimum of ten percent (10%) of the total tract area, exclusive of the required setback areas, buffer strip and parking areas shall be designated for common recreational purposes.
 2. No recreational area shall be less than ten thousand (10,000) square feet in area nor less than one hundred (100) feet in width. Areas designated for recreation purposes shall be approved by the Planning Board.
 3. Multiple Family dwelling complexes shall be attractively shrubbed and properly maintained. Open space adjacent to, around, or between driveways, parking areas, structures or other required improvements shall be graded and seeded to provide a thick stand of grass or other plant material.
- Q. Utilities
1. All public utility, electric, gas, cable television and telephone lines shall be installed underground.
 2. An adequate supply of water shall be provided for multiple family dwellings. Where public water is available, connection thereto shall be used exclusively. If a public system is not available, the development of a private water supply system shall be approved by the New York State Department of Health or other authorities having jurisdiction thereof.
 3. An adequate and approved system shall be provided in all multiple family developments for conveying and disposing of sewage from dwellings, service buildings and other accessory facilities. Where public sewers are available, connection thereto shall be used exclusively. If a public system is not available, the development of a private sewage system shall be approved by the New York State Department of Health or other authorities having jurisdiction thereof.

SECTION 1111 ADULT BOOKSTORES, CABARETS AND THEATERS

- A. Findings; Statement of Policy - In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, that such activities are deleterious to the health, welfare and well-being of the Town of Orangeville and those who live within the town and that the concentration of such activities in any one (1) area can and does adversely and seriously endanger the adjacent areas thereto. It is further recognized that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town of

Orangeville. Therefore, it is recognized that special regulation of these uses is necessary to ensure that the adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses and to prevent their accessibility to minors.

- B. Designation as Regulated Uses - Adult bookstores, adult cabarets and adult motion-picture theaters are hereby deemed to be regulated uses.
- C. Location Restrictions - Adult uses, including but not limited to adult bookstores, adult motion-picture theaters, adult mini-motion-picture theaters and adult entertainment cabarets, shall be permitted, subject to the following restrictions:
1. No such adult use shall be allowed within five hundred (500) feet of another existing adult use.
 2. No such adult use shall be located within five hundred (500) feet of the boundaries of any zoning district which is zoned exclusively for residential uses.
 3. No such adult use shall be located within five hundred (500) feet of a pre-existing school, place of worship, cemetery, park or playground or other area where large numbers of minors travel or congregate.
 4. No such adult use shall be located in any zoning district except an industrial district.
- D. Registration
1. The owner of a building or premises, his agent for the purpose of managing or controlling rents or any other person managing or controlling a building or premises, any part of which contains an adult use, shall register the following information with the Town Clerk of the Town of Orangeville:
 - a. The address of the premises.
 - b. The name and address of the owner of the premises and the names and addresses of the beneficial owners if the property is in a land trust.
 - c. The name of the business or establishment subject to the provisions of this chapter.
 - d. The name(s) and addresses of the owner, the beneficial owner and the major stockholder(s) of the business or the establishment subject to the provisions of this chapter.
 - e. The date of the initiation of the adult use.
 - f. The nature of the adult use.
 - g. If the premises or building is leased, a copy of said lease.
 2. It is a violation of this chapter for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate thereon an adult use without having properly registered said adult use with the Town Clerk.
- E. Display of Registration - The owner, manager or agent of a registered adult use shall display in a conspicuous place on the premises of the adult use a copy of the registration filed with the Town Clerk.
- F. Prohibition regarding Public Observance - No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.
- G. Special Use Permit
1. No use as described in this chapter shall be established until the issuance of a special use permit by the Zoning Enforcement Officer of the town. Applications for such special use permit shall be in writing to the Zoning Enforcement Officer and shall consist of a description of the premises for which the permit is sought, a plain and concise statement of the use which is proposed and such additional information as shall be required by the Zoning Enforcement Officer. The Planning Board shall call a public hearing for the purpose of considering the request for a special use permit. At least ten (10) days= notice of the time and place of the public hearing shall be given by the publication of a notice in a newspaper of general circulation in the town, indicating the general nature of the public hearing and the fact that those persons interested therein may be heard at the time and place of such hearing.
 2. A special use permit issued under the provisions of this section shall not be transferable.

SECTION 1112 HOME OCCUPATION MAJOR

Within Low Density Districts (LDD), on lots of two (2) acres or more, Home Occupations Major may be permitted, upon the approval of a special use permit by the Planning Board and subject to site plan review as authorized by Article III of this law. Home Occupation Majors are subject to the following standards:

- A. For the purpose of this article, Home Occupations Major may involve the following types of uses. Other uses may be permitted if the applicant demonstrated that the proposed Home Occupations Major would serve the area farming community.
 - 1. Facilities for the manufacturing, processing, warehousing, sales, distribution, storage, repair and services of agricultural produce, equipment, vehicles or supplies.
 - 2. Buggy Shops.
 - 3. Blacksmith Shops and Harness Making.
 - 4. Butcher Shops.
 - 5. Grain Mills.
 - 6. Processing of locally produced agricultural products.
 - 7. Veterinary Offices.
 - 8. Feed Supply, Seed and Fertilizer Distribution.
 - 9. Variety Store. (Shoes, Boots, Kerosene, Lamps)
 - 10. Dry Goods.
 - 11. Bulk Food Store.
 - 12. Steel Metal Fabrication.
 - 13. Tarp Making.
 - 14. Wood Working.
 - 15. Furniture and sale of same.
 - 16. Agricultural and/or Personal Service Establishment.
- B. The applicant must demonstrate that the Home Occupation Major is compatible with the rural or hamlet setting and will not create nuisances for nearby properties.
- C. The Home Occupation Major shall be conducted by the owner-occupant or tenant of the farm or home and no more than four (4) additional employees.
- D. The Home Occupation Major shall occupy no more than eight thousand (8,000) square feet of gross floor area.
- E. The maximum area devoted to the Home Occupation Major (including the structure, parking, storage, and driveway if separate) shall be no more than fifteen thousand (15,000) square feet of land.
- F. Where practicable, Home Occupation Major shall be conducted within an existing farm or residential building. Any building constructed for use by the Home Occupation Major shall be located within one hundred (100) feet of the residence, or other accessory structure, and shall be set back at least one hundred (100) feet from the roadway.
- G. Any building constructed for the use of the Home Occupation Major shall be of a nature that it can be converted to an agricultural or residential use if the Home Occupation Major is discontinued. The structure's exterior appearance should be that of a farm or residential building.
- H. No Home Occupation Major shall be located within fifty (50) feet of any adjoining side or rear property line. Such distance shall be measured as a straight line between the closest points of any structure or any other physical improvement of the Home Occupation Major and the adjoining property line.
- I. Outdoor storage shall be located so as not to be visible from adjoining roads and properties. This may be done by means of placement within a building, landscaping, screening or placement on the lot behind a building.
- J. Off-street parking shall be provided in accordance with Article X, Section 1000 and Schedule II.

- K. The use shall not create excessive noise, vibration, glare, smoke or fumes which are continuously detectable beyond the limits of the property.

SECTION 1113 HOME-BASED BUSINESSES

A. Findings; Statement of Policy

1. Recognizing the fact that many residents of the Town of Orangeville currently maintain home occupations/businesses, or may choose to do so at some point in the future, the Town has determined to provide a mechanism for permitting such uses, subject to appropriate review and the implementation of mitigation measures where appropriate.
2. The Town Board recognizes that Town residents historically have operated small businesses from their homes, which provide services to the community and finds that these businesses have not impacted negatively on the appearance and character of these agricultural and residential districts. Conversely, the Town recognizes that unrestricted use of residentially zoned properties for nonresidential purposes carries with it the potential for conflicts with and detrimental impacts on the purposes and character of the areas zoned for residential and agricultural uses. In the Board's judgment, it finds that in order to maintain the economic viability of the Town, to maintain the rural quality of life and in the interests of the welfare of the residents, home occupations/businesses should be permitted.
3. In order to further the benefits of home occupations/businesses while mitigating the potential detrimental off-site impacts of the same, the Town has enacted these regulations.
4. Recognizing that different home occupations/businesses exhibit varying potentials for generating off-site impacts, the Town adopts three (3) tiers of businesses for the purposes of establishing review procedures and approval conditions. The three (3) tiers are: (1) Home Occupations Minor; (2) Home Occupations Major; and (3) Home-Based Businesses.
5. See Section 1112 of this Article for Home Occupations Major regulations and Section 1007 of Article X for the Supplementary Regulations governing Home Occupations Minor.

B. Home-Based Businesses

1. Permitted District - Home-Based Businesses are permitted in the Low Density Districts only, with the issuance of a special use permit and provided that the following standards are satisfied.
2. Permitted Structure - Home-Based Businesses are permitted within a single-dwelling unit or in a building or structure accessory to a dwelling unit, with frontage along any State, County or Town Road that is not designated for Aseasonal use.@ Access may not be provided by a private road. No more than one (1) home-based business shall be permitted on each property.
3. Limitations or Thresholds - Recognizing that the primary purposes of residential and agricultural districts is not the accommodation of business uses, the burden of proof in demonstrating compliance with these regulations in order to develop and maintain a home-based business shall be upon the applicant. The applicant shall bear the burden of satisfactorily demonstrating that the home-based business will conform with the following standards:
 - a. Lot Size - The minimum required lot size for a home-based business is five (5) acres.
 - b. Extent of Use - The total gross floor area of the home-based business in an accessory building shall not exceed seventy-five hundred (7,500) square feet in area.
 - c. Neighborhood Character - The appearance of the property and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ significantly from other properties in the neighborhood either by the use of lighting or by the emission of noises, odors or vibrations. All accessory buildings shall be of a building type that is consistent with the appearance of the principal dwelling and the surrounding area or neighborhood.
 - d. Employees on Site - No more than eight (8) employees or assistants in addition to the members of the family occupying such dwelling may be engaged on the premises in the home-based business at any given time.
 - e. Hours of Operation - The home-based business shall be conducted in such a manner that the majority of the clients, customers and others coming to do business at the site of the home-based business, shall arrive and depart between the hours of 7:00 a.m. and 9:00 p.m.
 - f. Outdoor Storage of Materials and Equipment - Materials and equipment actively used in connection with the home-based business may be stored outdoors, but shall be buffered from public rights-of-way and neighboring properties by intervening land form and/or vegetation or fencing through all

seasons of the year and stored in a manner such that they do not pose a nuisance to adjacent property owners. No outdoor storage or materials or equipment shall be permitted in the front yard of the premises nor less than fifty (50) feet from any property boundary.

- g. Construction Vehicles and Equipment - Not more than four (4) construction vehicles or pieces of construction equipment may be used in connection with the home-based business. No such vehicles or equipment shall be parked in the required front or side yards of the property unless properly buffered.
- h. Deliveries and Shipping - No more than ten (10) pickups or deliveries per week, other than regular mail, commercial mail service and overnight delivery service, shall be permitted. All pickups and deliveries shall occur between the hours of 7:00 a.m. and 9:00 p.m.

SECTION 1114 MOTOR VEHICLE SERVICE STATIONS

Within Commercial Districts, Motor Vehicle Service Stations may be permitted, upon approval of a special use permit by the Planning Board and subject to site plan review as authorized by Article III of this law. Motor Vehicle Service Stations are subject to the following standards:

- A. In addition to the information required in the special permit application and enumerated in Article III herein, the site plan submitted shall also show the location and number of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, and number and location of fuel pumps to be installed.
- B. Where a Motor Vehicle Service Station abuts a residential district, it shall be buffered by a buffer area not less than fifteen (15) feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the Planning Board, will be adequate to prevent the transmission of headlight glare across the district boundary line. The Planning Board shall determine on an individual case basis how close to the right-of-way the landscaped buffer shall be required to be installed. Such buffer area shall have a minimum height of six (6) feet above the ground. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate buffer area, the Zoning Enforcement Officer shall direct the property owner to replace said shrubs.
- C. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- D. All repairs of motor vehicles, except for minor servicing, shall be performed in a fully enclosed building. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.
- E. No commercial parking shall be allowed on the premises of a Motor Vehicle Service Station or public garage.
- F. In addition to the signs permitted by Article X, Section 1002 hereof, Motor Vehicle Service Stations may also exhibit one (1) temporary sign for a period of up to forty-five (45) days setting forth special seasonal servicing of automobiles. Such temporary sign shall not exceed nine (9) square feet in area, be located not less than ten (10) feet inside the property line and shall be removed when no longer current.
- G. No Motor Vehicle Service Station or public garage may display more than two (2) unlicensed vehicles for sale outside of an enclosed building at any one time.
- H. There shall be no more than two (2) driveways, with a combined width of not more than one-third (1/3) the site frontage on each public street fronting the site.
- I. No driveway shall be closer than fifty (50) feet to the intersection of two (2) street corner lot lines, or within twenty (20) feet of an adjacent lot line.
- J. Off-street parking shall be provided in accordance with Article X, Section 1000 and Schedule II.

SECTION 1115 COMMERCIAL COMMUNICATIONS TOWER

No Commercial Communications Tower or antenna(s) shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these regulations.

- A. Shared Use of Existing Towers and/or Structures

1. In all instances, shared use of an existing tower and/or structure (i.e., another Commercial Communications Tower, water tower, building, etc.) shall be preferred to the construction of a new Commercial Communications Tower.
 2. An applicant shall be required to present an adequate report inventorying existing towers or other structures within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new Commercial Communications Tower.
 3. The installation of a Commercial Communications antenna(s) on an existing structure located within the Low Density District shall be considered a permitted accessory use not subject to Site Plan Review, provided the following criteria are met:
 - a. The existing structure is not increased in height or otherwise modified so as to change its visual appearance.
 - b. The antenna(s) do not extend above such structure more than ten (10) feet.
 - c. The applicant provides the necessary documentation to the Zoning Enforcement Officer to verify the existing structure and proposed antenna(s) installation would comply with the NYS Uniform Fire Prevention and Building Code.
 - d. An applicant proposing to share use of an existing tower and/or structure shall be required to document intent from an existing tower/structure owner to allow shared use.
- B. New or Altered Towers and/or Structures
1. The Town Board may, in its sole discretion, consider a new or altered (including towers or structures which are modified, reconstructed or changed) Commercial Communications Tower/structure where the applicant demonstrates to the satisfaction of the Town Board that shared usage of an existing tower/structure is impractical.
 - a. The applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers or other structures as well as documentation of the physical and/or financial reasons why shared usage is not practical.
 - b. Written request and responses for shared use shall be provided.
 2. The applicant shall be required to submit a site plan in accordance with Section 306 for all Commercial Communication Towers that are proposed to be erected, moved, reconstructed, changed or altered.
 - a. Site plan review will also be required in those instances when antenna(s) are being added to existing structures not in compliance with the criteria set forth in Subsection A of this Section.
 - b. In addition to Section 306, the site shall show all existing and proposed structures and improvements including roads, buildings, tower(s), guy wire anchors, parking and landscaping and shall include grading plans for new facilities and roads.
- C. Supporting Documentation
1. The Town Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF - SEQR); and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antenna and justification for any required clearing.
 2. The applicant must provide a coverage/interference analysis and capacity analysis showing that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the cellular system and to provide adequate portable cellular telephone coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district.
 3. The Town Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF in addressing this Subsection and Subsections J and K of this Section.
- D. Shared Usage of Site with New Tower
1. Where shared usage of all existing towers or other structures is found to be impractical, as determined in the sole discretion of the Town Board, the applicant shall investigate shared usage of an existing tower or other structure site for its ability to accommodate a new tower and accessory uses.
 2. Documentation and conditions shall be in accordance with Subsection B of this Section.
 3. Any new Commercial Communication Tower approved for a site with an existing tower or other structure site shall be subject to the standards of Subsections F through N of this Section.

- E. New Tower at a New Location - The Town Board may consider a new Commercial Communication Tower on a site not previously developed with an existing tower or other structure when the applicant demonstrates that shared usage of an existing tower site is impractical, as determined in the sole discretion of the Town Board, and submits a report as described in Subsection B of this Section.
- F. Future Shared Usage of New Tower
1. The applicant must design a proposed Commercial Communication Tower to accommodate future demand for commercial broadcasting and reception facilities.
 2. This requirement may be waived provided that the applicant demonstrates, in the sole discretion of the Town Board, that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:
 - a. The number of Federal Communication Commission (FCC) licenses anticipated for the area.
 - b. The kind of tower site and structure proposed;
 - c. The number of existing and potential licenses without tower spaces;
 - d. Available spaces on existing and approved towers; and
 - e. Potential adverse visual impact by a tower designed for shared usage.
- G. Setbacks for New Towers
1. Appearance, Color, and Finish - The exterior surface of any visible components of a Commercial Communication Tower must be a nonreflective, neutral color, Commercial Communication Towers that are located within view of each other, or within one (1) mile of each other must be of uniform design, including tower type and color.
 2. Visual Impact Assessment - The applicant shall submit a Visual Environmental Assessment Form (Visual EAF - SEQR), as well as, a visual impact assessment of any proposed Commercial Communication Tower or any proposed modifications to existing Commercial Communication Tower prepared by a qualified professional in a format generally accepted in the profession. The visual impact assessment shall include:
 - a. "Before and after" photos or computer simulations from key viewpoints both inside and outside of the Town, including state highways and other major roads, from state and local parks, other public lands; from any privately owned preserves and historic sites normally open to the public, and from any location where the site is visible to a large number of visitors or travelers. A balloon test may also be requested by the Town Board.
 - b. Alternative Commercial Communication Tower designs.
 - c. Assessment of any visual impact from abutting properties and streets of the tower base, guy wires, accessory buildings and any other element of the Commercial Communication Tower as determined and directed by the Town Board.
 - d. A viewshed map of the proposed Commercial Communication Tower with a radius of three (3) miles from any portion of the Commercial Communication Tower.
 - e. An inventory of all aesthetic resources in the viewshed defined in item d.
 - f. The assessment of the visual impact shall also include, but not limited to, an analysis of the lightning or illumination of the Commercial Communication Tower and assessment of any shadowing or other visual effect of the Commercial Communication Tower relating to the level of natural or artificial illumination.
 3. Visual Impacts Mitigation Plan - The applicant may be required to prepare and implement a Visual Impacts Mitigation Plan to mitigate negative impacts on aesthetics of a proposed Commercial Communication Tower. Such a plan would show how the applicant would protect or make improvements to the aesthetics of another part of the Town to offset the negative impacts on aesthetics within the viewshed.
- H. New Tower Design
1. Alternate designs shall be considered for new towers, including lattice and single pole structures.
 2. Plans should show that the owner of the Commercial Communication Tower has agreed to permit other persons to attach other communication apparatus, which do not interfere with the primary purposes of the commercial communication tower, provided that such other persons agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment.
 3. The design of a proposed new tower shall comply with the following:

- a. Unless specifically required by other regulations, all towers shall have a neutral, earth tone, sky tone or similar finish that will minimize the degree of visual impact that the new tower may have.
 - b. Artificial lighting, including strobes, beacons and other hazard avoidance lighting, shall be limited to that required by the Federal Aviation Administration (FAA) or other governmental agency, recognized safety guidelines and the Town Board. Artificial lighting shall be limited to red by night and white by day.
 - c. Any new tower shall be designed and constructed to have the minimum height and carrying capacity needed to provide future shared usage (co-locating of a minimum of two (2) additional antennae.)
 - d. The Town Board may request a review of the application by the Town Engineer, or other engineer selected by the Town Board, for evaluation of need for and design of any new tower. The costs associated for such review shall be borne by the applicant.
 - e. Accessory facilities shall maximize use of building materials colors and textures designed to blend with the natural surroundings.
 - f. No portion of a tower may be used for signs or advertising purposes, including company name, banners, streamers, etc.
 - g. The applicant shall provide documentation acceptable to the Town Board that certifies the operation of the proposed Commercial Communication Tower facility will not interfere with usual and customary transmission or reception of radio, television or other communication equipment.
 - h. Space on communication towers shall be made available for public safety purposes (i.e. Wyoming County Public Safety Radio System) at no cost to public safety agencies.
- I. Existing Vegetation
1. Existing on-site vegetation shall be preserved to the maximum extent possible and no cutting trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special use permit.
 2. Clear cutting of all trees in a single contiguous area exceeding twenty thousand (20,000) square feet shall be prohibited.
- J. Screening
1. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property and from public sites known to include important views or vistas.
 2. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required:
 - a. For all Commercial Communication Towers, at least one (1) row of native evergreen shrubs or trees capable of forming a continuous hedge at least eight (8) feet in height within two (2) years of planting shall be provided to effectively screen the tower base and accessory facilities.
 - b. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival.
 - c. Plant height in these cases shall include the height of any berm.
- K. Access
1. Adequate emergency service access shall be provided.
 2. Maximum use of existing roads, public or private, shall be made.
 3. Road construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement.
 4. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- L. Parking - Parking shall be provided in accordance with Article X. No parking space shall be located in any required yard.
- M. Fencing
1. Sites of proposed new Commercial Communication Towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, ten (10) feet in height, from finished grade, unless the

applicant demonstrates to the sole discretion of the Town Board that such measures are unnecessary to ensure the security of the facility.

2. Such security fencing shall surround the tower base, as well as, each guy anchor.

N. Maintenance and/or Performance Bond

1. Prior to approval of any application, the Town Board, in its sole discretion, may require the applicant and/or owner to post and file with the Town Clerk a maintenance and/or performance bond or other form of security acceptable to the Town Attorney, in an amount sufficient to cover the installation, maintenance and/or construction of said tower during its lifetime and provided for its removal.
2. The amount required shall be determined in the sole discretion of the Town Board, based upon the unique characteristics of the tower and site.
3. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Town Board in supplying all necessary construction and maintenance data to the Town Board prior to approval of any application to accomplish the foregoing.

O. Removal of Obsolete/Unused Facilities

1. Upon the original issuance of a special use permit for a Commercial Communications Tower, the applicant agrees to dismantle and remove the Commercial Communication Tower from the property when the Commercial Communication Tower ceases to be used for its intended purpose for a period is revoked or not renewed.
2. The decision as to whether the project has been abandoned or the permit revoked shall be in the sole and absolute discretion of the Town Board and not subject to review or appeal.
3. To secure the applicant's performance to dismantle and remove the Commercial Communication Tower once the same ceases to be used for the intended purpose, the following will be complied with:
 - a. In conjunction with the issuance of the original special use permit, the applicant shall post a bond or deposit with the Town, per Commercial Communication Tower, in an amount to be determined by the Town's engineer and to be held in escrow (the Escrow Fund) by the Town pursuant to the terms of this local law.
 - b. The Town Board reserves the right to review annually to ensure sufficient monies are available for removal.
 - c. Removal of the system shall include the removal of the entire structure, including foundations forty-eight (48) inches below the surface, transmission equipment and fencing, if any, from the property.
 - d. After the applicant dismantles and removes the Commercial Communication Tower, said deposit shall be returned to the applicant.
4. In the event that the Commercial Communication Tower is not dismantled and removed, the Town shall have the right, on thirty (30) days written notice, mailed certified return receipt requested to the last known address of the applicant, to have the Commercial Communication Tower dismantled and removed and charge the cost thereof against the Escrow Fund.
5. In the event there is any unused portion of the Escrow Fund remaining, after the dismantling and removal of the Commercial Communication Tower, the balance shall be returned to the applicant.
6. If the cost to dismantle and remove the Commercial Communication Tower is in excess of the amount in the Escrow Fund, the applicant shall reimburse the Town for such excess upon demand.
7. In the event the applicant fails to so reimburse the Town and the Town commences legal action to enforce this local law, the applicant shall reimburse the Town for its reasonable attorney's fees and court costs.

P. Indemnify and Save Harmless Agreement - The applicant shall agree to indemnify and save the Town, its officers, agents, and employees harmless from any liability imposed upon the Town, its officers, agents, and/or employees arising from negligence, active or passive, of the applicant.

Q. Insurance - Prior to issuance of a building permit, the applicant shall provide the Town proof of a level of insurance to be determined by the Town Board in consultation with the Town's insurer and attorney, to cover damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility.

R. Lighting - A Commercial Communication Tower may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA), other governmental agency, recognized safety guidelines (i.e. Mercy Flight), or the Town Board. If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be

at the lowest intensity allowed. If more than one lighting alternative is available, the Town reserves the right to choose the least obtrusive lighting option available, potentially ~~at~~red by night~~at~~ and ~~at~~white by day.~~at~~

- S. State Environmental Quality Review Act - The applicant shall fully comply with all provisions contained in State Environmental Quality Review Act. Nothing in this Article shall read as limiting the authority of the Town Board to impose mitigating conditions under this Act.
- T. All Commercial Communication Towers will be subject to a bi-annual inspection by the Zoning Enforcement Officer unless said requirement is waived by the Town Board.
- U. Electromagnetic Interference (EMI)
 - a. The applicant shall provide evidence in the form of test results or independent engineering studies that the Commercial Communication Tower should not interfere with microwave, cellular, television or radio reception to or from existing primary structures and fixed broadcast, retransmission or reception antennas.
 - b. All Commercial Communication Towers shall be properly sited, filtered and/or shielded in order to minimize any interference with electromagnetic communications, such as radio, telephone or television signals, caused by any Commercial Communication Tower or the applicant shall mitigate any such interference.
 - c. The applicant must coordinate specifics of the project with the National Telecommunications & Information Administration (NTIA), who then forwards information to several Federal agencies, and submit information to the Town
 - d. The applicant shall include specific measures proposed to minimize interference, a complaint procedure, and specific measures proposed to mitigate interference impacts and the project will be sited to minimize impacts to the maximum extent practicable.

SECTION 1116 WIND ENERGY CONVERSION DEVICE / FARM

- A. Intent - It is the purpose of the regulations of this Article to promote public health, safety and general welfare of the Town of Orangeville residents by addressing, in a careful manner, the establishment, placement, construction, enlargement and erection of wind energy conversion devices/farms on a comprehensive town-wide basis by providing the framework for the establishment of the same. The section is the controlling law for wind energy conversion devices/farms.
- B. Design Requirements
 - 1. Set Backs
 - a. The tower or towers for a wind energy conversion device must meet the following set back requirements, (all set back distances shall be measured from the center line of the wind turbine.)
 - b. Every wind energy conversion device in a wind energy conversion farm must be set back (as measured from the center of the base of the tower):
 - i. from the PROPERTY LINE of the parcel on which the wind energy conversion device is located by a minimum distance of five hundred (500) feet, unless waived in writing, in the form of an easement that is recorded in the Wyoming County Clerk=s Office, by the abutting landowner.
 - ii. From any DWELLING that is on any parcel by a minimum distance of one quarter (1/4) mile, unless waived in writing, in the form of an easement that is recorded in the Wyoming County Clerk=s Office.
 - iii. from any accessible PUBLIC BUILDING that is on any parcel by a minimum distance of one quarter (1/4) mile, or an area variance is granted by the Zoning Board of Appeals (if occupied).
 - iv. from the PROPERTY LINE of a NON PARTICIPATING RESIDENT a minimum distance of seven hundred (700) feet.
 - v. from the RIGHT-OF-WAY of any PUBLIC ROAD by 1.2 times its total height or an area variance is granted by the Zoning Board of Appeals.
 - c. Single family and multi family dwellings must meet the minimum floor area as set forth in Schedule II or be in existence at the time of the adoption of this Law in order to be afforded the protection of

subparagraph ii above.

2. Spacing and Density - A wind energy conversion device must be separated from any other wind energy conversion device, or adjacent wind energy conversion farm by a minimum distance of five (500) feet from the wind energy conversion device.
3. Structure - A wind energy conversion device must be of monopole construction to the extent practicable. If monopole construction is not practicable, a wind energy conversion device must be of freestanding construction to the extent practicable. If monopole or freestanding construction is not practicable, a wind energy conversion device may be guyed.
4. Clearance - The vertical distance from ground level to the tip of a wind turbine blade when the blade is at its lowest point must be at least thirty (30) feet.
5. Access and Safety
 - a. Security - A wind energy conversion device, including any climbing aids, must be secured against unauthorized access by means of a locked barrier. A security fence may be required.
 - b. Climbing Aids - Monopole wind energy conversion devices shall have all climbing aids and any platforms locked and wholly inside the tower.
 - c. Operational Safety - Wind energy conversion devices shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
6. Lightning - All wind energy conversion devices shall provide a continuous electrical path to the ground to protect the tower from lightning.
7. Access Roads - All wind energy conversion devices shall use existing roads to provided access to the facility site or if new roads are needed, minimize the amount of land used for new roads and locate them so as to minimize adverse environmental impacts.
8. Electrical Wires
 - a. Location - All electrical wires associated with a wind energy conversion device must be located underground and must be located in a manner that does not interfere with reasonably expected farm practices (see also Construction section under Agricultural Mitigation). Without specific written approval from the Town Board, the granting of a special use permit is not approval for overhead electrical wires.
 - b. Transmission Lines - All wind energy conversion farms shall combine transmission lines and point of connection to local transmission lines.
 - c. Operational Safety - All wind energy conversion farms shall connect the facility to existing substations, or if new substations are needed, minimize the number of new substations.
9. Lighting - A wind energy conversion device and turbine may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA), other governmental agency, recognized safety guidelines (i.e.: Mercy Flight), or the Town Board. If lighting is required, the lighting must comply with FAA minimum requirements and whenever possible be at the lowest intensity allowed. If more than one (1) lighting alternative is available, the Town reserves the right to choose the least obtrusive lighting option available.
10. Buildings and Outdoor Storage - Any ancillary building and any outside storage associated with a wind energy conversion device/farm must, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment (i.e.: In an agricultural setting accessory buildings could be designed to look like barns). Appropriate landscaping or architecture may be provided to screen accessory structures from roads and adjacent dwellings.
11. Aesthetics and Visual Assessment
 - a. Appearance, Color and Finish - The exterior surface of any visible components of a wind energy conversion device/farm must be a nonreflective, neutral color. Wind energy conversion devices and farms that are located within view, or within one (1) mile of each other must be of uniform design, including tower type, color, number of blades and direction of blade rotation, to the extent practicable.
 - b. Visual Impact Assessment - The applicant shall submit a Visual Environmental Assessment Form (Visual EAF - SEQR), as well as a visual impact assessment of any proposed wind energy conversion device/farm or any proposed modification to any existing wind energy conversion device/farm prepared by a qualified professional in a format generally accepted in the profession. The visual impact assessment shall include:

- i. "Before and after" photos or computer simulations from key viewpoints both inside and outside of the Town, including state highways and other major roads; from state and local parks; other public lands; from any privately owned preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors or travelers. A balloon test may also be requested by the Town Board.
 - ii. Assessment of any visual impact from abutting properties and streets of the tower base, guy wires, accessory building and any other element of the wind energy conversion device/farm as determined and directed by the Town Board.
 - iii. A viewshed map of the proposed wind energy conversion device/farm with a radius of seven (7) miles from any portion of the wind energy conversion device/farm.
 - iv. An inventory of all aesthetic resources in the viewshed defined in item iii.
 - v. The assessment of the visual impact shall also include, but not be limited to, an analysis of lighting or illumination of the wind energy conversion device and assessment of any shadowing or other visual effect of the wind energy conversion device relating to the level of natural or artificial illumination.
 - c. Visual Impacts Mitigation Plan - The applicant may be required to prepare and implement a Visual Impacts Mitigation Plan to mitigate negative impacts on aesthetics of a proposed wind energy conversion device/farm. Such a plan would show how the applicant would protect or make improvements to the aesthetics of another part of the Town to offset the negative impacts on aesthetics within the viewshed.
- 12. Signs - No wind turbine, tower, building or other structure associated with a wind energy conversion farm may be used to advertise or promote any product or service. A weather resistant sign or plate, no greater than two (2) square feet in size, containing the current owner or operator, emergency phone number and current address of such owner/operator shall be located on the exterior surface of the tower or of the fence surrounding each tower and viewable by a Zoning Enforcement Officer. No other word or graphic representation, other than appropriate warning signs, may be placed on a wind turbine tower, building, or other structure associated with a wind energy conversion device so as to be visible from any public road.
- 13. Agricultural Mitigation - The following shall apply to construction areas for wind energy conversion devices located in County-adopted, State-certified Agricultural Districts. The applicant is encouraged to coordinate with the New York State Department of Agricultural and Markets (Ag and Markets) to develop an appropriate schedule for milestone inspections to assure that the goals are being met. For larger projects, the applicant shall hire an Environmental Monitor to oversee construction and restoration in agricultural fields.
 - a. Siting
 - i. Minimize impacts to normal farming operations by locating structures along field edges where possible.
 - ii. Locate access roads, which cross agricultural fields, along ridge tops where possible to eliminate the need for cut and fill and reduce risk of creating drainage problems.
 - iii. Avoid dividing larger fields into smaller fields, which are more difficult to farm, by locating access roads along the edge of agricultural fields where possible.
 - iv. All existing drainage and erosion control structures such as diversion, ditches, and tile lines shall be avoided or appropriate measures taken to maintain the design and effectiveness of the existing structures. Any structures disturbed during construction shall be repaired to as close to original condition as possible, as soon as possible, unless such structures are to be eliminated based on a new design.
 - b. Construction
 - i. The surface of access roads constructed through agricultural fields shall be level with the adjacent field surface.
 - ii. Where necessary, culverts and water bars shall be installed to maintain natural drainage patterns.
 - iii. All topsoil must be stripped from agricultural areas used for vehicle and equipment traffic and parking. All vehicle and equipment traffic and parking shall be limited to the access road and/or designated work areas such as tower sites and lay down areas. No vehicles or equipment will be allowed outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor.
 - iv. Topsoil from work areas (tower sites, parking areas, open-cut electric cable trenches,

along access roads) shall be stockpiled separate from other excavated material (rock and/or subsoil). At least fifty (50) feet of temporary workspace is needed along open-cut electric cable trenches for proper topsoil segregation. Topsoil stockpile areas shall be clearly designated in the field and on the on-site working set of construction drawings. Stockpiles will be located far enough from access roads and work areas to eliminate the possibility of vehicles inadvertently compacting this soil.

- v. In cropland, hayland and improved pasture, a minimum depth of forty-eight (48) inches of cover will be required for all buried electric wires. In unimproved grazing areas and land permanently devoted to pasture, a minimum depth of forty-eight (48) inches of cover will be required. In areas where the depth of soil over bedrock ranges from zero (0) to forty-eight (48) inches, the electrical wires shall be buried entirely below the top of the bedrock or at the depth specified for the particular land use, whichever is less. At no time will the depth of cover be less than twenty-four (24) inches below the soil surface.
 - vi. All excess subsoil and rock shall be removed from the site. On site disposal of such material may be allowed if approved by the landowner and, when applicable, the Environmental Monitor with appropriate consideration given to any possible agricultural or environmental impacts.
 - vii. In pasture areas, work areas will be fenced to prevent livestock access, consistent with landowner agreements.
 - viii. All pieces of wire, bolts, and other unused metal objects will be picked up and properly disposed of as soon as practical after the unloading and packing of turbine components to that these objects will not be mixed with any topsoil.
 - ix. Travel of heavy equipment (including concrete trucks and erection cranes) will be limited to designated access roads and gravel crane pads at all times.
 - x. Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed in designated areas.
 - xi. Any permits necessary for disposal, under local, state and/or federal laws and regulations, must be obtained by the contractor with the cooperation of the landowner when required.
- c. Restoration
- i. Restoration scheduling will be consistent with the seasonal limitations identified by Ag and Markets and will be incorporated into the project's Agricultural District Notice of Intent (if applicable) as well as the Stormwater Management Plan (general permit).
 - ii. Following construction, all disturbed agricultural areas will be decompacted to a depth of eighteen (18) inches with a deep ripper or heavy-duty chisel plow. In areas where the topsoil was stripped, soil decompaction shall be conducted prior to topsoil replacement. Following decompaction, all rocks four (4) inches and larger in size will be removed from the surface of the subsoil prior to replacement of topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks four (4) and larger shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement should be avoided after October 1st unless approved on a site-specific basis by the landowner in consultation with Ag and Markets. All parties involved should be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, some provision should be made to restore any eroded areas in the springtime to establish proper growth.
 - iii. All access roads will be regraded to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the design.
 - iv. All restored agricultural areas shall be seeded with the seed mix specified by the landowner in order to maintain consistency with the surrounding areas.
 - v. All surface or subsurface drainage structures damaged during construction shall be repaired to as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design.
 - vi. Following restoration, all construction debris will be removed from the site.
- d. Three (3) Year Monitoring and Remediation
- i. The applicant will provide a monitoring and remediation period of no less than three (3)

- years immediately following the completion of initial restoration. The three (3) year period allows for the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase will be used to identify any remaining agricultural impacts associated with construction that are in need of mitigation and to implement the follow-up restoration.
- ii. General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed fences, etc. Impacts will be identified through on site monitoring of all agricultural areas impacted by construction and through contact with respective farmland operators and New York State Ag and Markets.
 - iii. Topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of topsoil of the affected site. Excessive amounts of rock and oversized stone material will be determined by a visual inspection of disturbed areas as compared to portions of the same field located outside the construction area. All excess rocks and large stones will be removed and disposed of by the applicant.
 - iv. When the subsequent crop productivity within affected areas is less than that of the adjacent unaffected agricultural land, the applicant, as well as other appropriate parties, will help to determine the appropriate rehabilitation measures to be implemented. Because conditions which require remediation may not be noticeable at, or shortly after, the completion of construction the signing of a release form prior to the end of the remediation period will not terminate the applicant=s responsibility to fully address all project impacts.
 - v. Subsoil compaction shall be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made for each soil type identified on the affected agricultural fields. The subsoil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the farm field/soil unit. Where representative subsoil density of the affected area exceeds the representative subsoil density of the unaffected areas, additional shattering of the soil profile will be performed using the appropriate equipment. Deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional subsoil compaction. Oversized stone/rock material which is uplifted to the surface as a result of the deep shattering will be removed.
14. Noise - Audible noise, stated as the sound pressure level, due to the operation of any part of a wind energy conversion device shall not exceed L₁₀-50 dBA, when measured at any offsite dwelling, school, hospital, church, public park or public library, unless the project developer has obtained a noise easement.
15. Shadow Flicker
- a. Shadow Flicker Map - Maps shall be prepared showing projected annual hours of shadow flicker impact for all sensitive areas/locations within the project area including, but not limited to, any dwelling, school, hospital, church or public library.
 - b. Shadow Flicker Duration - Shadow flicker for all sensitive areas/locations within the project area shall be limited to thirty (30) hours per year.
 - c. A sensitive area/location shall be defined as within a three-quarter (3/4) mile of any wind energy conversion device.
16. Electromagnetic Interference (EMI)
- a. The applicant shall provide evidence in the form of test results or independent engineering studies that the wind energy conversion device/farm should not interfere with microwave, cellular, television or radio reception to or from existing primary structures and fixed broadcast, retransmission or reception antennas.
 - b. All wind energy conversion devices shall be properly sited, filtered and/or shielded in order to minimize any interference with electromagnetic communications, such as radio, telephone or television signals, caused by any wind energy conversion device or the applicant shall mitigate any such interference.
 - c. The applicant must coordinate specifics of the project with the National Telecommunications & Information Administration (NTIA), who then forwards information to several Federal agencies, and submit information to the Town

- d. The applicant shall include specific measures proposed to minimize interference, a complaint procedure, and specific measures proposed to mitigate interference impacts and the project will be sited to minimize impacts to the maximum extent practicable.
17. Avian Analysis
- a. The applicant shall submit an avian study to assess the potential impact of proposed wind energy conversion devices/farms upon bird and bat species. The avian study shall, at a minimum, report on a literature survey for threatened and endangered species, and any information on critical flyways.
 - b. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.
 - c. This analysis can be submitted as part of the application or can be included in a Draft Environmental Impact Statement (DEIS).
 - d. Any project shall comply with the New York State Department of Environmental Conservation "Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects".
18. Height Limitation - The maximum height for any device which is part of a wind energy conversion device/farm shall be four hundred fifty (450) feet measured as follows:
- a. From the highest vertical point of the wind turbine when the turbine blade is in vertical position perpendicular to its base.
 - b. Other maximum building structure height restrictions within other sections of the Zoning Law are not applicable.
19. Wellhead Protection - The applicant is required to identify any needs for the pumping of groundwater for their project sites. If the pumping of groundwater is necessary to dewater excavations, water areas for dust control or utilization for other construction requirements (i.e.: water for concrete batch plants, etc.), the applicant will need to show that this pumping will not adversely affect nearby wells, and what mitigation may be necessary for these temporary impacts.
- C. Special Use Permit
1. Wind energy conversion devices/farms may not be constructed, erected, located, altered or used without first obtaining review, approval and a special use permit pursuant to this Article.
 - a. The special use permit, as specified herein, for all wind energy conversion devices/farms must be reviewed by the Town Board and its designated expert.
 - b. Upon completion of the Town Board review of the wind energy conversion device/farm special use permit, the Planning Board shall render an advisory recommendation to the Town Board recommending approval, denial or conditional approval of the special use permit.
 2. An applicant proposing wind energy conversion device/farm must submit the following special use permit materials:
 - a. Survey of the property showing existing features such as contours; buildings; structures; streets; utility easements; rights-of-way; land use; land use district; ownership of surrounding property; and vehicular access.
 - b. A plot plan drawn in sufficient detail to clearly describe the following:
 - i. Property lines and physical dimensions of the site.
 - ii. Location and approximate dimensions of major existing structures on the site, public roads and adjoining properties within five hundred (500) feet of the boundaries of the proposed site.
 - iii. Location and elevation of each proposed wind energy conversion device.
 - iv. Location of all above ground utility lines on the site or within one (1) radius of the total height of the wind energy conversion device, transformers, power lines, interconnection point with transmission lines and other ancillary facilities or structures.
 - v. To demonstrate compliance with the setback requirements of this law, circles drawn around each proposed tower location equal to:
 - (a) a radius of five hundred (500) feet.
 - (b) a radius of seven hundred (700) feet.

- (c) a radius of one quarter (1/4) mile.
 - (d) a radius equal to 1.2 times the total height of the proposed wind energy conversion device.
 - vi. Location of the offsite dwellings located near the site and the distance each such dwelling to the nearest proposed wind energy conversion device.
 - vii. All proposed facilities, including access roads, electrical lines, substations, storage or maintenance units and fencing.
 - c. A description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary in the Town to accommodate construction vehicles, equipment or other deliveries.
 - d. Anticipation construction schedule and construction times. The construction of wind energy conversion farms shall be limited to the hours of 7:00 a.m. to 7:00 p.m., except for certain activities that require cooler temperatures than possible during the day, subject to approval from the Town Board.
 - e. Description of operations (including anticipated regular and unscheduled maintenance).
 - f. Storm Water Management Plan
 - g. Overall project plan and timeline.
 - h. Noise Study – A noise study shall be furnished that shall include the following:
 - i. A description and map of the project's noise-producing features, including the range of noise levels expected and the tonal and frequency characteristics expected. The noise study shall include low frequency, infrasound, pure tone, and repetitive/impulsive sound.
 - ii. A description and map of the noise sensitive environment, including identifying any offsite dwelling, school, hospital, church, public park or public library, unless the project developer has obtained a noise easement within one (1) mile of the base of any proposed wind energy conversion device.
 - iii. A survey and report prepared by a qualified engineer that analyzes the pre-existing ambient noise regime, including but not limited to, separate measurements of low frequency and A-weighted noise levels across a range of wind speeds (including near cut-in).
 - iv. A description and map showing the potential noise impacts, including estimates of expected noise levels at offsite dwelling, school, hospital, church, public park or public library, unless the project developer has obtained a noise easement.
 - v. A description and map identifying the cumulative noise impacts of the proposed wind energy conversion devices.
 - vi. A description of the project's proposed noise-control features, including specific measures proposed to mitigate noise impacts for offsite dwelling, school, hospital, church, public park or public library, unless the project developer has obtained a noise easement.
 - vii. Identification of any area not meeting the standards of this article.
 - viii. Manufacturer's noise design and field testing data, both audible dB(A) and, if available, low frequency (deep bass vibration), for proposed wind energy conversion devices.
 - i. EMI Analysis – If after construction the owner or operator receives a written complaint related to such interference, the owner or operator shall take reasonable steps, including provisions of alternate communications to respond to the complaint.
 - j. Blast Survey - If blasting is necessary, the applicant shall perform a pre-blast survey (by a registered Professional Engineer or specialized consultant licensed in the State of New York and specializing in conducting pre-blast surveys) of all structures and wells within a minimum five hundred (500) foot radius of the site to be used as a benchmark for comparison in the event that any offsite structural damage is reported. Where damage is caused, the applicant or its contractor will be responsible for appropriate corrective actions or damages. In addition to the pre-blast survey proposed prior to any blasting activities, the applicant shall notify all property owners within one quarter (¼) mile of a blasting site a minimum of one (1) week before the blasting is scheduled to occur that blasting activities are scheduled to take place. The Town shall provide the applicant with a mailing list based upon the Town's property records.
3. These special use permit materials are required in addition to the items set forth in Article III, Section 306.

4. The Town Board may waive or amend these submission requirements based on the sketch plan conference or if this information is to be included in a Draft Environmental Impact Statement (DEIS).
- D. State Environmental Quality Review Act (SEQRA) – The applicant shall fully comply with all provisions contained in the State Environmental Quality Review Act. Nothing in this Article shall read as limiting the authority of the Town Board to impose mitigating conditions under this Act.
- E. Application Fee
1. To initiate the review process contemplated by this section, including site plan review, an applicant of a wind energy conversion device/farm shall remit an application fee to the Town of Orangeville in accordance with the Schedule of Fees set forth herein. Said fee shall not be refundable in whole or in part.
 2. The applicant shall pay the fees and expenses of any consultant(s) used by the Town Board associated with the SEQRA review if an Environmental Impact Statement (EIS) is developed.
 3. The Town Board shall set up an escrow fund to receive funds in advance for payment of these fees and expenses.
 4. Any application hereunder shall not be deemed complete until funds are deposited with said Town.
- F. Prior to receipt of any zoning permit, the applicant shall provide proof of insurance to the Town in amount not less than one million (1,000,000) dollars, which insurance shall name the Town as an additional insured and the purpose of which shall be to indemnify and hold harmless the Town from any liability imposed upon the Town, his officers, its agents and employees arising from the applicant=s use of Town property.
- G. G. Removal of Obsolete/Unused Facilities
1. Upon the original issuance of a special use permit for a wind energy conversion device, the applicant agrees to dismantle and remove the wind energy conversion device from the property when the wind energy conversion device ceases to be used for its intended purpose for a period of twelve (12) consecutive months, or the special use permit is revoked or not renewed.
 2. The decision as to whether the project has been abandoned or the permit revoked shall be in the sole and absolute discretion of the Town Board and not subject to review or appeal.
 3. To secure the applicant=s performance to dismantle and remove the wind energy conversion device once the same ceases to be used for the intended purpose, the following will be complied with:
 - a. Decommissioning Bond or Fund - The applicant, or successors, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town for the removal of non-functional towers and appurtenant facilities, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed financial institution. All costs of the financial security shall be borne by the applicant. All decommissioning bond requirements shall be fully funded before a zoning permit is issued. The fund shall be established in a manner so it is the property of the Town and not the applicant in the case of the applicant=s bankruptcy.
 - b. The Town reserves the right to review annually to ensure sufficient monies are available for removal.
 - c. Removal of the system shall include the removal of the entire structure, including foundations forty-eight (48) inches below the surface, transmission equipment and fencing, if any, from the property.
 - d. After the applicant dismantles and removes the wind energy conversion device, said deposit shall be returned to the applicant.
 4. In the event that the wind energy conversion device is not dismantled and removed, the Town shall have the right, on thirty (30) days written notice, mailed certified return receipt requested to the last known address of the applicant, to have the wind energy conversion device dismantled and removed and charge the cost thereof against the Escrow Fund.
 5. In the event there is any unused portion of the Escrow Fund remaining, after the dismantling and removal of the wind energy conversion device, the balance shall be returned to the applicant.
 6. If the cost to dismantle and remove the wind energy conversion device is in excess of the amount in the Escrow Fund, the applicant shall reimburse the Town for such excess upon demand.
 7. In the event the applicant fails to so reimburse the Town and the Town commences legal action to enforce this law, the applicant shall reimburse the town for its reasonable attorney=s fees and court costs.

- H. Transfer of Device/Farm
1. No transfer of any wind energy conversion device/farm, nor sale of the entity owning such device/farm, shall occur without prior approval of the Town which approval shall be granted upon:
 - a. The receipt of the ability of the successor to meet all requirements of this law.
 - b. The written acceptance of the transferee of the obligations of the transferor under this law.
 2. No transfer shall eliminate the liability of an applicant or any other party under this law.
- I. Issuance of Special Use Permits for Wind Energy Conversion Device/Farm
1. Upon completion of the review process, the Town Board shall, upon consideration of the standards in this law and the record of the SEQRA review, issue a written decision with reasons for approval, conditions of approval or disapproval fully stated. Said conditions may include any mitigation required as a result of the SEQRA process. Notwithstanding any other provisions of this law, the Town Board shall be the sole issuing authority for special use permits for wind energy conversion device/farm.
 2. If approved, the Zoning Officer will issue a special use permit listing all conditions for said permit.
 3. The decision of the Town Board shall be filed within five (5) days in the office of the Town Clerk and a copy mailed to the applicant by first class mail.
 4. This law is not intended to establish or create a right to operate wind energy conversion device/farm but rather permits the Town Board to issue a special use permit to operate should it be determined to do so under the terms and conditions of said law.
- J. Complaint and Investigation Process Required - The applicant shall submit a complaint and investigation process for such issues as noise, electromagnetic interference, shadow flicker, etc. The Town Board shall determine the adequacy of the applicant's complaint and investigation process.
- K. Certification of Post Construction – After completion of construction of a wind energy conversion device/farm, the applicant shall provide a post-construction certification from a licensed professional engineer registered in the State of New York that the project complies with applicable codes and industry practices. The certification shall be provided to the Zoning Officer and shall be maintained in a permanent file.
- L. Post Construction Noise Study – The applicant will be required to submit a protocol for a Post Construction Noise Study to be conducted within one (1) year of commencement of commercial operation to ensure that the project is in compliance with the standards outlined in this Article. In addition to the initial Post Construction Noise Study, the Town Board may require periodic additional noise studies.
- M. Before a special use permit can be issued by the Town Board, a Host Agreement shall be entered into by and between the applicant and the Town of Orangeville.
- N. Before a special use permit can be issued by the Town Board, a Road Agreement shall be entered into by and between the applicant and the Town of Orangeville.

SECTION 1117 BED & BREAKFAST

- A. Process - An applicant may apply to the Planning Board for a special use permit to establish a Bed & Breakfast in a Low Density District and Medium Density District.
- B. Conditions - The following conditions are intended to ensure that the Bed and Breakfast is secondary to the residential use and that it is compatible with the residential character of the neighborhood.
1. No Bed and Breakfast establishment shall have more than six (6) registered guests at any one time.
 2. The Bed and Breakfast establishment must be conducted within a dwelling which is a bona fide residence of the principal practitioner.
 3. No sign shall be permitted except in accordance with the provisions of Article X.
 4. Off-street parking shall be provided as follows:
 - a. at least two (2) spaces for the family residing on the premises plus;
 - b. not less than one (1) additional space for each room available for guest reservation.

SECTION 1118 GENTLEMAN FARM OPERATION - TIER 3

- A. Intent - The purpose of this section is to recognize and address some concerns of the Town of Orangeville farming community. Due to various agricultural practices now in existence, it is necessary to preserve public health and safety with the reduction of animal waste and limited agricultural practices on parcels of land that may be inferior in size to support such uses. The specific merits of a proposal to farm on parcels less than seven (7) acres of land in a Medium Density District needs to be addressed and properly managed with an efficient, economical and predicable process to respond to the farmers= concerns while ensuring the ability to have local issues examined.
- B. A Gentleman Farm Operation - Tier 3, as defined in Article II, is considered the harboring of customary farm animals on less than seven (7) acres of land in a Medium Density District which is not located in a State certified, county adopted agricultural district and upon the approval of a special use permit by the Planning Board.
- C. The farming operation shall be a closed system with the bringing in of animal feed and the removal of animal wastes from the property. No feed crops for animals shall be raised and no animal wastes shall be applied to the property.
- D. Provide a description of the project and a narrative of the intended use of such proposed building, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes.
1. Include the name and address of the applicant and any professional advisors.
 2. If the applicant is not the owner of the property, provide authorization of the owner.
 3. If any new structures are going to be located adjacent to a stream or wetland, provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property and include the location of any new structures therein.
 4. Proper nutrient and manure management plans. The applicant shall submit a plan for animal feeding and waste disposal, i.e.: agreement with a neighboring farm, compost plan, etc.
 5. List of the type and number of animals to be harbored on the property with a narrative as to how animals will be pastured/grazed; exercised; and protected from the public.
- E. No farm type structures shall be placed in front of the primary dwelling.
- F. Prior to the issuance of a special use permit, the Zoning Enforcement Officer shall require site plan approval by the Planning Board pursuant to Article III, Section 306.

SECTION 1119 PARKING OF A RECREATIONAL VEHICLE

- A. Intent - The purpose of the regulations outlined in this section is to promote public health, safety and general welfare of the Town of Orangeville residents by providing regulations for the parking of recreational vehicles on lots within said Town. It is acknowledged that this type of use has to potential to change the character of a neighborhood if not regulated and measures are needed to preserve agricultural and residential areas.
- B. The temporary parking of a recreational vehicle, as defined in Article II herein, may be allowed as a special permit use in the Low Density District and Medium Density District upon the approval of a special use permit by the Planning Board.
- C. The special use permit allows for the limited parking of a recreational vehicle for use as a temporary residence by the owner of a parcel of land or a relative or friend of the applicant.
- D. The special use permit is for short term use; a maximum of five (5) months per year.
- E. There shall be no more than two (2) recreational vehicles parked on any given lot at any given time.
- F. The recreational vehicle must have proper electric, water and sewer hookups or proof of proper disposal provided.
- G. When approved by the Planning Board, the special use permit is valid for a period of three (3) years. The special use permit can be renewed upon request of the applicant and subsequent approval by the Planning Board. A special use permit is not necessary for the storage of a recreational vehicle by an owner when not in use or during the off season.
- H. The requirement to hold a public hearing for the issuance of a special use permit for the parking of a recreational vehicle is at th

discretion of the Planning Board.

XII. ARTICLE XII PENALTIES FOR OFFENSES**SECTION 1200 PENALTY**

Any person, firm, company or corporation owning, controlling or managing any building, structure or premises therein or where there shall be placed on or there exists anything in violation of any of the provisions of this Zoning Law and any person, firm, company or corporation who shall assist in the commission of any violation of this Law or any conditions imposed by the Planning Board or the Zoning Board of Appeals; or who shall build or use any building or parcel of land, contrary to the plans or specifications submitted to the Building Inspector and/or to the Zoning Enforcement Officer and certified as complying with this Zoning Law and the Uniform Code; and any person, firm, company or corporation who shall omit, neglect or refuse to do any act required by this Zoning Law shall be guilty of an offense and subject to a fine of not less than one hundred dollars (\$100.00) and thereafter not more than fifty dollars (\$50.00) per day, or imprisonment for a period of not more than fifteen (15) days or both, and in addition may be ordered to pay all costs and expenses involved in the case, including reasonable attorney=s fees. Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue.

SECTION 1201 ALTERNATIVE PENALTY

In case of any new violation of any of the provisions of this Zoning Law or conditions imposed by the Planning Board or Zoning Board of Appeals in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. In the event the Town Board must take such action, the violator may be ordered to pay all costs and expenses involved in the case, including reasonable attorney=s fees.

XIII. ARTICLE XIII TOWN OF ORANGEVILLE COMPREHENSIVE PLAN**SECTION 1301 OVER ALL COMMUNITY OBJECTIVES**

Require all future development, both public and private, to meet high standards of quality and appearance.

Encourage the attraction, retention and expansion of a sufficient number and variety of businesses and industries to provide jobs and a healthy tax base.

Establish and maintain a consistent housing policy that provides for decent housing of all types and open to all persons at prices and rents within their means.

Adopt and maintain regulatory provisions which promote orderly growth and balanced land use.

Promote intergovernmental cooperation at local, county and regional levels.

SECTION 1302 AGRICULTURAL-RURAL

A. Goal - Agricultural Development is important and should be protected in the Town of Orangeville.

B. Policies

1. Encourage the understanding of the economics of agricultural production and support active citizen participation in maintaining this.
2. Support state and county programs aimed at fostering agricultural growth as part of the region=s economic development.
3. Renew and sustain the agricultural district formed within the Town under the New York State Agricultural Districts Law.
4. Foster agriculture through the adoption of land use regulations which do not curtail farming operations within the Town=s agricultural areas.

C. Goal - Retain appropriate areas of the Town for agriculture.

D. Policies

1. Discourage the subdivision of land into small parcels in the Town=s agricultural areas.
2. Encourage legislative changes which would reduce property tax pressures on agricultural lands so as to minimize the conversion of prime production land into other uses.
3. Discourage frontage development of highways in prime farmland areas.
4. Encourage non-farm development in agricultural districts be guided to areas with the lowest capacity for agricultural production.

SECTION 1303 RESIDENTIAL

A. Goal - Encourage the development of residential neighborhoods which serve all income groups.

B. Policies

1. Preserve the existing housing stock and maintain the community.
2. Restrict significant non-farm development in agricultural areas.
3. Encourage a wide range of housing types affordable to all income groups.
4. Residential construction should be strictly controlled in areas which are subject to flooding and characterized by steep slopes or soils which are unstable and subject to erosion.
5. Residential areas should be buffered from commercial and industrial areas, farm operations and other incompatible uses by landscaping or other appropriate means.
6. Support programs aimed toward the realization of any or all of these goals and policies and the housing needs of

the Town of Orangeville.

- C. Goal - Maintain a continuing program directed toward preservation of all residential areas and elimination of blight or deterioration whether present or future.
- D. Policies
 - 1. Keep residential areas free from incompatible and inharmonious uses.
 - 2. Review and where necessary amend zoning regulations to insure property and land development controls.

SECTION 1304 COMMERCIAL

- A. Goal - Encourage the development and maintenance of facilities needed to serve the projected population of the Town of Orangeville in an efficient and accessible manner.
- B. Policies
 - 1. Concentrate new commercial development within well defined nodes in areas which are suitable for such uses and highly accessible to the population. Require adequate off-street parking for such development.
 - 2. Stabilize and enhance existing commercial areas through the encouragement of building renovations, appropriate landscaping and design improvements in order to minimize any potential traffic hazards and to increase the general attractiveness of such areas.
 - 3. Discourage strip commercial development along major roads and unplanned haphazard commercial uses throughout the Town=s rural and agricultural areas.
 - 4. Require attractive and supportive development bordering commercial areas and provide visual/physical buffers where commercial uses are adjacent to residential areas.

SECTION 1305 INDUSTRIAL

- A. Goal - This section has been created to ensure that future industrial uses are planned and developed in a manner consistent with this Comprehensive Plan. The Town will encourage new industrial development in properly situated areas which will not compromise the community=s basic character.
- B. Policies
 - 1. Adopt development standards which would protect the community without unduly restricting the potential to attract and retain industry.
 - 2. Although no areas are specifically identified for development as industrial uses on the zoning map, the Town Board may rezone land areas for industrial development providing that certain standards and regulations are maintained.
 - 3. Require supportive development bordering industrial areas and provide visual/physical buffers where industrial uses are adjacent to residential areas.

SECTION 1306 TRANSPORTATION

- A. Goal - Provide an adequate highway system for land uses which is in scale with the demand.
- B. Policies
 - 1. Require the participation of private developers in providing for needed street improvements, thereby reducing the ultimate public cost of developing the highway system according to Town specifications.
 - 2. Pedestrian safety and convenience shall be designed and built into all parking areas.
 - 3. Locate facilities, and encourage their subsequent design, so that they blend with or accentuate the natural terrain.
 - 4. Discourage the construction of transportation facilities which would foster new development in areas of the Town that should be preserved for agricultural production and natural open space needs.

SECTION 1307 CONSERVATION AND OPEN SPACE

- A. Goal - Protect important environmental resources from the adverse effects of development.
- B. Policies
 - 1. Require that all development preserves the integrity of existing natural areas and concentrate development in areas proposed for growth.
 - 2. Coordinate drainage planning efforts with those of neighboring towns that include the same drainage basin as the Town of Orangeville and carefully evaluate the effects on drainage of all proposals for development.
 - 3. Require developers to dedicate easements along creeks and other major drainage ways to allow for their maintenance and to reduce the risk of flood damages.
 - 4. Require, as a condition for the approval of development proposals, the application of effective measures to minimize erosion, sedimentation and drainage problems both during and after construction.
 - 5. Maintain wetland areas in their natural state by prohibiting drainage, filling, and development in these areas. Refer to State and Federal Regulatory Agencies.
 - 6. Regulate development within flood hazard areas so that it meets the requirements of the Federal Flood Insurance Program and will be resistant to flood damages, will not restrict the flow of flood waters, and will not increase flood hazards to other properties.

SECTION 1308 TOWN FACILITIES

- A. Goal - Provide high-quality Town facilities and services at an acceptable cost to local taxpayers.
- B. Policies
 - 1. Establish a program for capital improvements which will allow for needed improvements to be undertaken without significant increases or fluctuations in the Town=s tax rate.
 - 2. Provide for adequate maintenance, repair and replacement of existing Town facilities including roads, drainage, equipment, buildings and administrative space.
 - 3. Encourage cooperation and sharing of facilities and services between governmental jurisdictions.
 - 4. Cooperate with Wyoming County to promote a countywide solid waste management system.
 - 5. Consider public safety needs and requirements in all plans for future developments.

SECTION 1309 ALTERNATIVE ENERGY SOURCES

- A. Goal - Allow development of alternative energy sources to take place within the Town but direct it to those areas that are most appropriate.
- B. Policies
 - 1. The availability of solar power, wind power, geothermal power and bioenergy has created a need for local governments to address these issues in their municipal planning. These natural resources create new kinds of working land uses which, if not properly planned for, renders a community with missed opportunities to direct changes according to a larger community vision, or in the very least, consider potentially viable options to fossil fuel.
 - 2. Identify and inventory the Town=s natural resource capabilities and constraints to help in guiding local development, management and protection efforts. These resources represent a mix of working landscapes with economic, cultural or scenic benefits to the community.
 - 3. Pinpoint the sites with the greatest potential for development with the lowest potential for adverse environmental or other impacts.
 - 4. Analyze sites in the context of other natural and cultural resources, existing and adjacent land uses and other relevant factors. Planning should involve balancing a variety of needs and priorities, proposed future land uses and activities must be analyzed and evaluated for their respective advantages and drawbacks.
 - 5. Eliminate or reduce dependency on fossil fuel and foreign energy.

XIV. ARTICLE XIV HISTORY OF ORANGEVILLE

The Town of Orangeville, located in central Wyoming County, was created February 14, 1816 from the Town of Attica. On April 12, 1823, the Town of Wethersfield was taken from the Town of Orangeville. The Town comprises a total of 35.57 square miles. In its composition, Orangeville was and still is a rural township. For a day, at least, it was the County seat for the first meeting of the Board of Supervisors that was convened in Booth's Tavern at Halls Corners. The first surrogate judge in the new county, Paul Richards, was one of the pioneer settlers of the township.

The first individual titles to lands laying in the present Town of Orangeville were granted by the Holland Land Company in 1803. The hamlet areas are: Dutch Flats on Buffalo Road near the northern town line; Halls Corners located on Route 20A near the eastern town line; Johnsonburg, located on the border shared with the Town of Sheldon; Orangeville Center situated in the middle of the Town; and Quaker Town, located along Quaker Town Road between Hermitage and Orangeville Center Road.

The hamlet of Johnsonburg is the largest community in Orangeville. In the early days, the Tonawanda Creek, running along the western border of the Town, provided water for saw mills, grist mills, etc. in Johnsonburg. It also contained two stores, a hotel, a cheese factory, two blacksmith shops, a wagon shop, two harness shops and had 250 inhabitants. Dairying came to be the prominent industry in 1825 and cheese was the principal export. The Town also contains part of the Oatka Creek watershed.

The Town did not lack for religious influence in early times. By 1812, Baptist and Presbyterian Churches had been organized. Today, there is only one active church in Orangeville, the Immanuel United Church of Christ in Dutch Flats. The Society of Friends, the Quakers, organized a religious society in 1816. It is believed they may have settled in this sparsely populated area on the eastern side of the town where they would be free to carry out their religious beliefs, including persecution. They were against wars and strife, both political and religious. This community became known as Quakertown. In 1819 they built a meeting house and established a cemetery.

There is no known written history as to why Orangeville was named so, but it could be because many of its early settlers came from Orange County in the eastern part of New York State. The first settlers of Dutch Flats, in the northwestern part of the Town, were German from Alsace-Lorraine, France. More than likely it was called Dutch Flats because Dutch is an acronym for German.

XV. SCHEDULE I OFFICIAL ZONING MAP

(See attached)

SCHEDULE II – AREA & YARD REQUIREMENTS
TOWN OF ORANGEVILLE, WYOMING COUNTY, NEW YORK

| ZONE DISTRICT | Permitted Uses *Permitted – Special Use Permit Only | Minimum Lot Size Area S.F./Acre | Minimum Lot Width Feet | Minimum Lot Depth Feet | Minimum Setback Requirements | | | | | | Maximum Building Height Principal Bldg. Feet | Maximum Building Coverage on Lot Percentage |
|-------------------------------------|--|---------------------------------|------------------------|------------------------|------------------------------|------|------|------|-----------------|------|--|---|
| | | | | | Principal Bldg. Side | | | | Accessory Bldg. | | | |
| | | | | | Front | Rear | One | Both | Rear | Side | | |
| LDD – LOW DENSITY | Farms – Home | 10 Acres | 400 | 600 | [1] | 75 | 50 | 100 | 50 | 25 | 50 | 10 |
| | Farms – All Other Structures | ---- | ---- | ---- | 200 | 200 | 200 | 400 | ---- | ---- | 50 | ---- |
| | Single Family – Non-Farm Dwelling | 2 Acres | 200 | 175 | [1] | 50 | 20 | 40 | 20 | 20 | 35 | 20 |
| | *Essential Service | ---- | ---- | ---- | [1] | 75 | 20 | 40 | 20 | 20 | 35 | 20 |
| | *Home Professional Occupation | [5] | [5] | [5] | [5] | [5] | [5] | [5] | [5] | [5] | [5] | [5] |
| | *Excavations | 10 Acres | 400 | 600 | 100 | 75 | 50 | 100 | 50 | 50 | 35 | 5 |
| | *Private Air Strips | 10 Acres | 400 | 600 | [1] | 75 | 50 | 100 | 50 | 25 | 35 | 10 |
| | *Camping Grounds | 10 Acres | 300 | 600 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 5 |
| | *Not-For-Profit, Public, Semi-Public | 2 Acres | 250 | 275 | [1] | 75 | 50 | 100 | 50 | 25 | 35 | 25 |
| | *Kennels | 5 Acres | 600 | 600 | 100 | 100 | 200 | 100 | 100 | 100 | 35 | 20 |
| | *Boarding Houses | 4 Acres | 400 | 175 | [1] | 50 | 50 | 100 | 50 | 50 | 35 | 20 |
| | *Commercial Communication Towers | [6] | [6] | [6] | [6] | [6] | [6] | [6] | [6] | [6] | [6] | [6] |
| | *Stabling or Riding Academies | 20 Acres | 400 | 600 | 200 | 100 | 100 | 200 | 100 | 100 | 35 | 35 |
| | *Bed & Breakfast | 5 Acres | 400 | 175 | [1] | 50 | 20 | 40 | 20 | 20 | 35 | 20 |
| | *Home Occupation Major [4] | 2 Acres | 400 | 600 | [1] | 80 | 80 | 120 | 50 | 25 | 35 | 25 |
| | *Home Based Business | 5 Acres | 600 | 600 | 100 | 100 | 200 | 100 | 100 | 100 | 35 | 20 |
| *Wind Energy Conversion Device/Farm | [7] | [7] | [7] | [7] | [7] | [7] | [7] | [7] | [7] | [7] | [7] | |
| *Parking of a Recreational Vehicle | [13] | [13] | [13] | [13] | [13] | [13] | [13] | [13] | [13] | [13] | [13] | |
| MDD – MEDIUM DENSITY | Farms – All Other Structures | 10 Acres | 400 | 600 | [1] | 100 | 100 | 200 | 50 | 25 | 35 | 10 |
| | Single Family | 2 Acres | 200 | 175 | [1] | 30 | 20 | 40 | 20 | 15 | 35 | 30 |
| | Two Family | 2 Acres | 250 | 175 | [1] | 30 | 15 | 30 | 20 | 15 | 35 | 35 |
| | *Multi Family | 10 Acres | 400 | 175 | [1] | 60 | 30 | 50 | 30 | 30 | 35 | 35 |
| | *Home Professional Occupations | [5] | [5] | [5] | [5] | [5] | [5] | [5] | [5] | [5] | [5] | [5] |
| | *Essential Services | ---- | ---- | ---- | [1] | 75 | 50 | 100 | 50 | 25 | 35 | 10 |
| | *Not-For-Profit, Public, Semi-Public | 2 Acres | 250 | 275 | [1] | 75 | 50 | 100 | 50 | 25 | 35 | 25 |
| | *Bed & Breakfast | 2 Acres | 250 | 175 | [1] | 30 | 20 | 40 | 20 | 15 | 35 | 30 |
| | *Boarding Houses | 4 Acres | 400 | 175 | [1] | 50 | 20 | 40 | 20 | 20 | 35 | 35 |
| | *Gentleman Farm Operation – Tier 3 | [12] | [12] | [12] | [12] | [12] | [12] | [12] | [12] | [12] | [12] | [12] |
| *Parking of a Recreational Vehicle | [13] | [13] | [13] | [13] | [13] | [13] | [13] | [13] | [13] | [13] | [13] | |
| ZONE DISTRICT | Permitted Uses *Permitted – Special Use Permit Only | Minimum Lot Size Area S.F./Acre | Minimum Lot Width Feet | Minimum Lot Depth Feet | Minimum Setback Requirements | | | | | | Maximum Building Height Principal Bldg. Feet | Maximum Building Coverage on Lot Percentage |
| | | | | | Principal Bldg. Side | | | | Accessory Bldg. | | | |
| | | | | | Front | Rear | One | Both | Rear | Side | | |

| | | | | | | | | | | | | |
|----------------------------|---|----------|------|------|------|------|------|-----|-----|-----|-----|-----|
| M-H MANUFACTURED HOME PARK | <i>Manufactured Homes (in parks)</i> | 10 Acres | 80 | 100 | 20 | 15 | 12 | 30 | 15 | 12 | 20 | 20 |
| | <i>Existing Royce & Centerline Roads Manufactured Home Park</i> | [8] | [8] | [8] | [8] | [8] | [8] | [8] | [8] | [8] | [8] | [8] |
| C-R – CLUSTER RESIDENTIAL | <i>Single Family</i> | 2 Acres | [10] | [10] | [10] | [10] | [11] | 40 | 20 | 15 | 35 | 30 |
| | <i>Existing Cluster Residential Districts</i> | [9] | [9] | [9] | [9] | [9] | [9] | [9] | [9] | [9] | [9] | [9] |
| C – COMMERCIAL | <i>Retail and Service [2]</i> | 20,000 | 100 | 150 | [1] | 20 | 10 | 20 | 15 | 10 | 35 | 40 |
| | <i>*Essential Services</i> | ---- | ---- | ---- | [1] | 75 | 50 | 100 | 50 | 25 | 35 | 20 |
| | <i>* Motor Vehicle Service Station</i> | 30,000 | 100 | 150 | [1] | 50 | 25 | 50 | 50 | 25 | 35 | 30 |
| I – INDUSTRIAL (RESERVED) | <i>Light Industrial Uses [3]</i> | 5 Acres | 150 | 200 | [1] | 30 | 30 | 60 | 30 | 30 | 35 | 50 |
| | <i>*Essential Service</i> | ---- | ---- | ---- | [1] | 75 | 50 | 100 | 50 | 25 | 35 | 30 |
| | <i>*Commercial Communication Tower</i> | [6] | [6] | [6] | [6] | [6] | [6] | [6] | [6] | [6] | [6] | [6] |
| | <i>*Wind Energy Conversion Device/Farm</i> | [7] | [7] | [7] | [7] | [7] | [7] | [7] | [7] | [7] | [7] | [7] |
| | <i>*Adult Bookstores & Cabarets</i> | 5 Acres | 150 | 200 | [1] | 100 | 100 | 200 | 100 | 100 | 35 | 20 |

- [1] The minimum setbacks shall be one hundred (100) feet measured from the centerline of the road. This requirement does not apply to Cluster Residential Districts.
- [2] No commercial or business structures shall be located within fifty (50) feet of a Medium Density District.
- [3] No industrial structure shall be located within one hundred (100) feet of a Medium Density District.
- [4] Maximum area devoted to the Home Occupations Major shall be no more than fifteen thousand (15,000) square feet of land.
- [5] Not applicable, shall be the same as required for a single family residence.
- [6] See Section 1115 for all applicable regulations and requirements.
- [7] See Section 1116 for all applicable regulations and requirements.
- [8] Existing and acknowledged Manufactured Home Park District.
- [9] Existing and acknowledged Cluster Residential Districts. Any further division of land within an existing Cluster Residential District shall not be less than two (2) acres in size.
- [10] Site plan approval of the Planning Board is subject to the approval of a Cluster Residential District as a whole.
- [11] Any placement of a building on a single family lot within a Cluster Residential District must be set back a minimum of one hundred feet (100) from any Medium Density District and at least fifty (50) feet from any Low Density District.
- [12] See Section 1118 for all applicable regulations and requirements.
- [13] See Section 1119 for all applicable regulations and requirements.

SCHEDULE III REQUIRED OFF-STREET PARKING SPACES*

| Type of Use | Number of Required Off-Street Parking Space(s) |
|-------------|--|
|-------------|--|

RESIDENTIAL

| | |
|--|--|
| Single and Two Family Dwelling | Two (2) parking spaces per dwelling unit. |
| Garden Apartments and Townhouses | Two (2) parking spaces per dwelling unit. |
| Home Operated Barber and Beauty Shops | Two (2) parking spaces per beauty or barber chair, plus one (1) parking space for each non-resident employee, in addition to the off-street parking spaces required for the dwelling. |
| Home Professional Occupations | Three (3) spaces for client uses, plus one (1) parking space for each non-resident employee, in addition to the off-street parking spaces required for the dwelling. |
| Home Operated Doctor or Dentist Office | Five (5) spaces for client use plus one (1) parking space for each non-resident employee, in addition to the off-street parking spaces required for the dwelling. |
| Home Occupations Minor | A minimum of one (1) parking space shall be provided for each five hundred (500) square feet of gross floor area devoted to the permitted Home Occupation Minor. |
| Home Occupations Major | Off-street parking areas shall be provided for the Home Occupation Major at a ratio of not more than one (1) space per two hundred (200) square feet of building area devoted to the Home Occupation Major and not less than one (1) space per seven hundred fifty (750) square feet of building area devoted to the Home Occupation Major. Truck parking shall be limited to trucks used by the farm, if any, or in the Home Occupation Major. One (1) parking space must be provided for each employee. |
| Home Based Businesses | A minimum of eight (8) parking spaces for employee use, plus the parking spaces required for the dwelling. Said employee use parking spaces shall be designed and included in the site plan and shall be required to be constructed to the extent necessary to satisfy the initial review and approval of the special use permit application. At the annual review of the special use permit, the Planning Board will determine the need for the construction of any additional parking spaces based upon the current number of employees. Each parking space shall be a minimum of two hundred (200) square feet. |

COMMERCIAL

| | |
|------------------------------|---|
| Motels & Hotels, Auto Courts | One (1) parking space for every one hundred fifty (150) square feet of gross floor area or major fraction thereof, but not less than one parking space per sleeping or dwelling unit. |
|------------------------------|---|

SCHEDULE III-REQUIRED
OFF-STREET PARKING SPACES

| | |
|---------------------------------|--|
| Business & Professional Offices | One (1) parking space for every two hundred (200) square feet of gross floor area or major fraction thereof. |
| Banking Offices | One (1) parking space for every one hundred (100) square feet of gross floor area or major fraction thereof. Drive-in windows shall have sufficient space to adequately handle ten (10) cars, separate and apart from any required parking spaces. |

INDUSTRIAL

| | |
|----------|---|
| Industry | One (1) parking space for each employee, plus one (1) for each one thousand (1,000) square feet of gross floor area in the building for use by guests or visitors. The employee ratio shall be applied to that shift of work activity which has the greatest number of employees. |
|----------|---|

PUBLIC & OTHER USES

| | |
|---|---|
| Non-Office Public Utility Installations | Five (5) parking spaces, except for box substations where only two (2) spaces shall be required. |
| Parks & Other Outdoor Recreation Sites | Five (5) parking spaces per each gross acre of land up to fifty (50) acres and one (1) space per gross acre of land above fifty (50) acres. |
| Country Clubs, Golf Courses | One (1) parking space for each two hundred (200) square feet of floor area occupied by all principal and accessory structures, except those used for parking purposes. |
| Hospitals, Nursing & Convalescing Homes | One (1) parking space for each three (3) beds plus one (1) parking space for every two (2) employees and members of the staff in the largest working shift. Notwithstanding the provisions of other sections of this Zoning Law, off-street parking, which serves nursing homes, retirement homes, housing for the elderly and other similar uses predominantly serving senior citizens, shall be no further than one hundred fifty (150) feet from the building it serves. |
| Auditoriums, Churches, Theaters, Assembly Halls & Similar Places of Public & Quasi-Public Assembly Having Fixed Seating Facilities. | One (1) parking space for every three (3) seats in the main assembly unit. |
| Retail and Service Shops Except When Otherwise Specifically Covered Herein | One (1) parking space for every one hundred fifty(150) square feet of gross floor area or major fraction thereof. |
| Stores for the Retail Sale of Furniture, Appliances or Hardware | One (1) parking space for every five hundred (500) square feet of gross floor area or major fraction thereof. |
| Supermarkets and Self-Service Food Stores | One (1) parking space for every one hundred (100) square feet of gross floor area or fraction thereof. |
| Laundromats | One (1) parking space for every two (2) washing machines. |

SCHEDULE III-REQUIRED
OFF-STREET PARKING

| | |
|---|---|
| Motor Vehicle Service Stations | One (1) parking space for every one hundred (100) square feet of gross floor area or fraction thereof. |
| Motor Vehicle Sales Including Used Car Sales | One (1) parking space for customer parking for every three hundred (300) square feet of gross floor area or fraction thereof. In no case, however, shall a motor vehicle sales establishment provide less than ten (10) off-street parking spaces exclusively for customer use. |
| Bowling Alleys | Five (5) parking spaces for each bowling lane. |
| Restaurants, Cafeterias, Taverns, Bars (Indoor Service Only) | One (1) parking space for every two (2) seats for customers. |
| Restaurants, Drive-Ins | One (1) parking space for every one hundred (100) square feet of gross floor area or fraction thereof. |
| Funeral Homes, Mortuaries | Fifteen (15) parking spaces per parlor. |
| Medical or Dental Clinics or Offices | Five (5) parking spaces for each doctor or dentist plus one (1) space for each employee. |
| Auditorium Exhibition Halls, Assembly Halls, Community Centers and Similar Places of Public & Quasi-Public Assembly not having Fixed Seating Facilities | One (1) parking space for every one hundred (100) square feet of gross floor area. |

* If any proposed use does not come within the uses specified herein, the Planning Board shall determine the number of parking spaces to be required for such proposed use.

XVI. SCHEDULE IV ZONING FEES

All of the below fees are subject to change upon resolution of the Town Board

FEE ¹

| | | |
|-----------------------------|--|----------|
| Dwelling | | \$100.00 |
| Addition | Up to 100 square feet | \$35.00 |
| Addition | Over 100 square feet | \$45.00 |
| Addition | Raising the roof | \$50.00 |
| Porches and Decks | | \$35.00 |
| Windows | If changing size | \$35.00 |
| Garages & Storage Buildings | | \$40.00 |
| Utility Buildings | Over 64 square feet | \$35.00 |
| Multiple Dwellings | | \$125.00 |
| Non-Residential Buildings | 10,000 cubic feet of volume or more | \$100.00 |
| Picnic Shelters | | \$35.00 |
| Additions | 5,000 cubic feet or under | \$75.00 |
| Renovations | Equaling 50% of value is considered a new building | \$100.00 |
| Chimney or Solid Flue | | \$35.00 |
| Demolition Zoning Permit | | \$35.00 |
| Ponds | | \$35.00 |
| Variance | | \$60.00 |
| Swimming Pools | | \$35.00 |

¹In addition to the above stated fee, the applicant shall be responsible for all reasonable attorney, consultant and/or engineering fees and expenses associated with the permit process review, if required. These fees may be collected through the use of an escrow fund.

XVII. SCHEDULE V

I. LOW DENSITY DISTRICT: LDD

A. The entire area of the Town of Orangeville is a Low Density District, unless otherwise noted within said District.

II. MEDIUM DENSITY DISTRICT: MDD

- A. Route 20A, from the Orangeville town line, east approximately eight hundred feet (800') to Route 98 South, not including Hans Boxler=s property.
- B. Route 98 south, from Route 20A to the town line (north of Centerline Road).
- C. Total length of Old Creek Road.
- D. Centerline Road from the west town line, both sides east of lot line SBL #82-2-4.2 and to the south side to SBL #82-1-9.1, excluding the intersection of Royce and Centerline manufactured mobile home park.
- E. Royce Road, the west side from Farm Road to Centerline Road, south of both sides of the road to Centerline Road to the southern boundary of SBL #81-3-43.
- F. Gulf Road, from Royce Road east to the southeast to the west property line on the east property line of SBL #82-1-7 and to the north side of Gulf Road to the east boundary of SBL #82-1-6-2.

III. CLUSTER RESIDENTIAL DISTRICT: CRD

A. Pine Tree Cluster

| | | |
|-----------------|------------------|------------------|
| SBL #69-2-6.112 | SBL #69-2-19.112 | SBL #69-2-19.12 |
| SBL #69-2-19.2 | SBL #69-2-21.111 | SBL #69-2-21.112 |
| SBL #69-2-21.2 | SBL #69-2-21.3 | SBL #69-2-22 |

B. Snyder Road Cluster

| | | |
|---------------|----------------|----------------|
| SBL #70-2-3 | SBL #70-2-4 | SBL #70-2-5 |
| SBL #70-2-6 | SBL #70-2-7 | SBL #70-2-8 |
| SBL #70-2-9.1 | SBL #70-2-11.1 | SBL #70-2-11.2 |
| SBL #70-2-12 | SBL #70-2-9.2 | SBL #70-2-13 |
| SBL #70-2-14 | SBL #70-2-15 | SBL #70-2-16 |
| SBL #70-2-17 | SBL #70-2-18 | SBL #70-2-19 |
| SBL #70-2-22 | SBL #70-2-23 | SBL #70-2-24 |
| SBL #70-2-25 | SBL #70-2-26 | SBL #70-2-27 |

SCHEDULE V-PARCEL
DESCRIPTION OF EACH DISTRICT

| | | |
|--------------|--------------|--------------|
| SBL #70-2-28 | SBL #70-2-29 | SBL #70-2-30 |
| SBL #70-2-31 | SBL #70-2-32 | SBL #70-2-33 |
| SBL #70-2-34 | SBL #70-2-35 | SBL #70-2-36 |

C. Syler Road Cluster

| | | |
|------------------|----------------|------------------|
| SBL# 82-1-1-16 | SBL# 82-1-1-17 | SBL# 82-1-1-18 |
| SBL# 82-1-1-19 | SBL# 82-1-1-20 | SBL# 82-1-1-21 |
| SBL# 82-1-1-22 | SBL# 82-1-1-23 | SBL# 82-1-1-24 |
| SBL# 82-1-1-25 | SBL# 82-1-1-26 | SBL# 82-1-1-27 |
| SBL# 82-1-1-32 | SBL# 82-1-1-33 | SBL# 82-1-1-38 |
| SBL# 82-1-1-40 | SBL# 82-1-1-41 | SBL# 82-1-1-42 |
| SBL# 82-1-1-43 | SBL# 82-1-1-44 | SBL# 82-1-1-46.1 |
| SBL# 82-1-1-47 | SBL# 82-1-1-48 | SBL# 82-1-1-51 |
| SBL# 82-1-1-1 | SBL# 82-1-1-53 | SBL# 82-1-1-54 |
| SBL# 82-1-1-55 | SBL# 82-1-1-61 | SBL# 82-1-1-62.1 |
| SBL# 82-1-1-66 | SBL# 82-1-1-67 | SBL# 82-1-1-71 |
| SBL# 82-1-1-74 | SBL# 82-1-1-75 | SBL# 82-1-1-76 |
| SBL# 82-1-1-77 | SBL# 82-1-1-78 | SBL# 82-1-1-79 |
| SBL# 82-1-1-80 | SBL# 82-1-1-81 | SBL# 82-1-1-83 |
| SBL# 82-1-1-86 | SBL# 82-1-1-87 | SBL# 82-1-1-88.2 |
| SBL# 82-1-1-88.1 | SBL# 82-1-1-91 | SBL# 82-1-1-92 |
| SBL# 82-1-1-94 | SBL# 82-1-1-95 | SBL# 82-1-1-96 |

D. Deer Pond Acres Cluster

| | | |
|------------------|------------------|------------------|
| SBL #82-2-37 | SBL #82-2-43.2 | SBL #82-2-43.12 |
| SBL #82-2-43.112 | SBL #82-2-43.111 | SBL #83-1-24.513 |
| SBL #82-2-42 | SBL #82-2-46 | SBL #82-2-45 |
| SBL #82-2-44 | SBL #82-2-38 | SBL #82-2-41.1 |
| SBL #82-2-41.2 | SBL #82-2-40 | SBL #82-2-39 |
| SBL #83-1-24.3 | SBL #83-1-24.16 | SBL #83-1-24.13 |
| | | |

SCHEDULE V-PARCEL
DESCRIPTION OF EACH DISTRICT

| | | |
|------------------|-----------------|------------------|
| SBL #83-1-24.112 | SBL #83-1-29 | SBL #83-1-24.181 |
| SBL #83-1-24.19 | SBL #83-1-24.12 | SBL #83-1-24.2 |
| SBL #83-1-24.17 | SBL #83-1-24.14 | SBL #83-1-24.15 |
| SBL #83-1-24.4 | | |

E. Weber Road Cluster

| | | |
|----------------|--------------|----------------|
| SBL #94-1-28 | SBL #94-1-29 | SBL #94-1-30 |
| SBL #94-1-31 | SBL #94-1-32 | SBL #94-1-33 |
| SBL #94-1-34 | SBL #94-1-35 | SBL #94-1-36 |
| SBL #94-1-37 | SBL #94-1-38 | SBL #94-1-39 |
| SBL #94-1-40 | SBL #94-1-41 | SBL #94-1-44.2 |
| SBL #94-1-45.1 | SBL #94-1-46 | SBL #94-1-47 |
| SBL #94-1-48 | SBL #94-1-49 | SBL #94-1-50 |
| SBL #94-1-51 | SBL #94-1-52 | SBL #94-1-53 |
| SBL #94-1-54 | SBL #94-1-55 | SBL #94-1-56 |
| SBL #94-1-57 | SBL #94-1-58 | SBL #94-1-61 |
| SBL #94-1-62 | SBL #94-1-63 | SBL #94-1-64 |
| SBL #94-1-65 | | |

F. Wyoming Hills Cluster

| | | |
|--------------|--------------|--------------|
| SBL #94-2-26 | SBL #94-2-27 | SBL #94-2-28 |
| SBL #94-2-29 | SBL #94-2-30 | SBL #94-2-31 |
| SBL #94-2-32 | SBL #94-2-33 | SBL #94-2-34 |
| SBL #94-2-35 | SBL #94-2-36 | SBL #94-2-37 |
| SBL #94-2-38 | SBL #94-2-39 | SBL #94-2-40 |
| SBL #94-2-41 | SBL #94-2-42 | SBL #94-2-43 |
| SBL #94-2-44 | SBL #94-2-45 | SBL #94-2-46 |
| SBL #95-1-1 | SBL #95-1-2 | SBL #95-1-3 |
| SBL #95-1-4 | SBL #95-1-8 | SBL #95-1-9 |
| SBL #95-1-10 | SBL #95-1-11 | SBL #95-1-12 |
| | | |

SCHEDULE V-PARCEL
DESCRIPTION OF EACH DISTRICT

| | | |
|--------------|--------------|--------------|
| SBL #95-1-13 | SBL #95-1-14 | SBL #95-1-15 |
| SBL #95-1-16 | SBL #95-1-17 | SBL #95-1-18 |
| SBL #95-1-19 | SBL #95-1-20 | SBL #95-1-21 |

G. Wilder Road Cluster

| | | |
|--------------|--------------|--------------|
| SBL #96-1-22 | SBL #96-1-23 | SBL #96-1-24 |
| SBL #96-1-25 | SBL #96-1-28 | SBL #96-1-29 |
| SBL #108-1-2 | SBL #108-1-3 | |

IV. **MOBILE HOME PARK DISTRICT: M-H**

A. From the southwest corner of SBL #82-1-1.1, from the most southwestern point, four hundred thirty-five feet (435') east; two hundred sixty feet (260') north; six hundred eight feet (608') northwest; five hundred feet (500') southwest; and three hundred twenty-two feet (322') south.

V. **COMMERCIAL DISTRICT: C**

| | | |
|-----------------|--------------|--|
| SBL #71-1-39.1 | SBL #71-1-51 | SBL #84-1-1.1 |
| SBL #84-1-3.1 | SBL #84-1-4 | SBL # 82-2-1.1 |
| SBL #70-1-22.11 | SBL #70-1-20 | North side of Route 20A between Orangeville Center Road and Krotz Road |

VI. **INDUSTRIAL DISTRICT: I** [Reserved]

VII. **PLANNED BUSINESS DISTRICT: P-B** [Reserved]

XVIII. SCHEDULE VI

1964 ZONING ORDINANCE OF THE TOWN OF ORANGEVILLE

The attached text is the previous Zoning Ordinance of the Town of Orangeville, which was adopted in 1964 by the Town Board of the Town of Orangeville. This document is appended for informational purposes only.