

ARTICLE IX-DISTRICT REGULATIONS

**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,

## ARTICLE IX-DISTRICT REGULATIONS

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

## ARTICLE IX-DISTRICT REGULATIONS

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.

## ARTICLE IX-DISTRICT REGULATIONS

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.

ARTICLE IX-DISTRICT REGULATIONS

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:

## ARTICLE IX-DISTRICT 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

## ARTICLE IX-DISTRICT REGULATIONS

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

## ARTICLE IX-DISTRICT REGULATIONS

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



## ARTICLE IX-DISTRICT REGULATIONS

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.

## ARTICLE IX-DISTRICT REGULATIONS

- 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:

## ARTICLE IX-DISTRICT REGULATIONS

- 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.

## ARTICLE IX-DISTRICT REGULATIONS

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

## ARTICLE IX-DISTRICT REGULATIONS

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

## ARTICLE IX-DISTRICT REGULATIONS

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.

## ARTICLE IX-DISTRICT REGULATIONS

### 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

## ARTICLE IX-DISTRICT REGULATIONS

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



## ARTICLE IX-DISTRICT REGULATIONS

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

## ARTICLE IX-DISTRICT REGULATIONS

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

## ARTICLE IX-DISTRICT REGULATIONS

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.
6. Ponds.
7. 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.

## ARTICLE IX-DISTRICT REGULATIONS

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.

## ARTICLE IX-DISTRICT REGULATIONS

- 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,

## ARTICLE IX-DISTRICT REGULATIONS

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.