

**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 Ando 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.



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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.



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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



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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.



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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.



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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 "For Sale", "For 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 forty (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



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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



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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



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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.



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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.



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- 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 shall 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



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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



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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



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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



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- 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.



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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.



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- 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.



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- 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.



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- 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 1011 LARGE SCALE BUILDING-MOUNTED AND / OR GROUND-MOUNTED SOLAR ENERGY SYSTEMS

- A. All applications for large-scale building-mounted and/or ground-mounted solar energy systems shall be accompanied by an application for site plan review, and all applicable fees.
- B. All applications for large-scale or utility-scale solar energy systems shall be in accordance with the following:
  - 1. All solar energy systems shall adhere to all applicable Wyoming County building, plumbing, electrical, and fire codes.
  - 2. Development and operation of a solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their



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critical habitats, or other significant habitats identified by the Town of Orangeville or other federal or state regulatory agencies.

3. The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks.
4. All structures and devices used to support solar collectors shall be no reflective and/or painted a subtle or earth-tone color.
5. All transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan.
6. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.
7. Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.
8. Any signage used to advertise the solar energy facility shall be in accordance with the Town's signage regulations.
9. Lot requirements. The overall footprint for any large-scale or utility-scale ground-mounted solar energy system shall be permitted to occupy up to 100% of the overall buildable area of the site, as required by the Town, and shall not be counted towards the site's maximum lot coverage as required by the Town. Overall footprint shall be determined by the outline created on the ground by wholly enclosing all components/structures of a solar energy system on a lot.



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10. Bulk and siting requirements. Large-scale or utility-scale solar energy systems located in the Agricultural Rural Residential and Industrial zoning districts.

- a. Rooftop-mounted solar energy systems.
  - i. The maximum height of any rooftop-mounted solar energy system shall be eight feet, as measured from the finished surface of the roof to which the system is affixed.
  - ii. Where rooftop-mounted solar energy systems are affixed to a pitched or peaked roof, the solar energy system should generally follow the slope of the roof.
  - iii. A rooftop-mounted solar energy system shall not extend horizontally beyond the plane of the roof surface.
  - iv. Where practical and when obstruction of solar skyspace can be avoided, a rooftop-mounted solar energy system shall be screened from view from the public right-of-way by use of a building parapet or other measure.
- b. Building-mounted solar energy systems.
  - i. The maximum height of a building-mounted solar energy system shall be 15 feet as measured from the lowest point where the system is affixed to the vertical side of a building.
  - ii. A building-mounted solar energy system shall not extend horizontally more than eight feet from the vertical surface of a building.
  - iii. Building-mounted solar energy systems should be integrated into the design of the building and shall not obstruct any window, door, or other architectural feature of the building.
- c. Ground-mounted solar energy systems.



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- i. The maximum height of a ground-mounted solar energy system shall be 15 feet as measured from the finished grade.
- ii. Ground-mounted solar energy systems shall not be located within the front yard.
- iii. The setback from any property line shall be 75 feet except, said setback shall be 135 feet from the southerly property line.

11. Setbacks.

a. Large-scale or utility-scale ground-mounted solar energy systems.

- i. The setback from the south property line for all solar collectors constructed as part of a large-scale or utility-scale ground-mounted solar energy system shall be 135 feet.
- ii. In no case shall the setback from the south property line be less than that determined by the setback for accessory structures identified for the zoning district in which the system is located.
- iii. The setback from any property line shall be 75 feet from property line, or 100 feet from the centerline if property line is along the road and 135 feet from the south property line or 160 feet from centerline if property line is along the road.
- iv. Side setbacks shall be 75 feet.

b. Utility-scale ground-mounted solar energy systems.

- i. All solar energy equipment and components/structures developed as part of a utility-scale ground-mounted solar energy system shall be set back from any property zoned Low Density District and Medium Density District, Business B, Industrial I, a public road, or any public park a



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minimum of 75 feet. As for Manufactured Home Park Districts MHD, the system shall be set back 200 feet.

- ii. All other setbacks for all solar energy equipment and components/ structures developed as part of a utility-scale ground-mounted solar energy system, whether developed as a principal use or accessory use, shall be as determined by the setback for principal structures identified for the zoning district in which the system is located.
  - iii. The setback from any property line shall be 75 feet from property line, or 100 feet from the centerline if property line is along the road and 135 feet from the south property line or 160 feet from centerline if property line is along the road.
  - c. All other setbacks for all solar energy system equipment and components/structures developed as part of a large-scale or utility-scale rooftop-mounted, building-mounted and/or ground-mounted solar energy system not identified above shall be as determined by the setback for accessory structures identified for the zoning district in which the system is located.
12. Due to the need to keep the solar skyspace for solar energy systems free from obstructions, the Planning Board may recommend modifying the landscaping requirements for any site proposed to contain solar collectors and shall ensure that any landscaping proposed is low-growth vegetation that will not obstruct the solar skyspace at mature height.
13. Following construction of a large-scale or utility-scale ground-mounted solar energy system, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.
- C. Applications for utility-scale solar energy systems shall meet the following additional criteria:



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1. Photo simulations shall be included showing the proposed solar energy system in relation to the building/site along with elevation views and dimensions, and manufacturer's specs and photos of the proposed solar energy system, solar collectors, and all other components.
2. Any site containing a utility-scale solar energy system shall contain fencing or other enclosure acceptable to the Town enclosing all solar energy system components that present safety hazards.
3. A berm, landscape screen, or other opaque enclosure, or any combination thereof acceptable to the Town capable of screening the site, shall be provided along any property line that abuts an existing residence or any property zoned other than Low Density District or Industrial I.
4. After completion of a utility-scale solar energy system, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans.

D. Abandonment or Decommissioning

1. Unsafe, inoperable, and/or abandoned solar energy systems and solar energy systems for which a special use permit has expired shall be removed by the owner. A solar energy system shall be deemed abandoned when it fails to produce energy for at least one year. All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its preexisting condition within six months of the removal of the solar energy system.
2. For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.



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3. The applicant for a utility-scale solar energy system where the system is the principal use on a lot shall, as a condition of the special use permit and upon each renewal, provide and maintain a form of financial surety. Such financial surety shall be provided either through a security deposit, escrow account, bond, or in a manner otherwise acceptable to the Town. The amount shall be based upon the estimated decommissioning costs and shall not exceed \$20,000 per acre. It is intended to cover, in whole or in part, the cost of decommissioning in the event the Town must remove any utility-scale solar energy systems and associated structures/components, as well as restore the site subsequent to such removal in accordance with the approved decommissioning plan. Upon successful completion of all decommissioning activities, any remaining portion of the posted financial surety shall be returned to the applicant. Such financial surety shall not be required for municipally or state-operated solar energy systems or for utility-scale solar energy systems that meet all of the following criteria:

- a. The solar energy system is constructed as part of an approved industrial or business park; and
- b. The approved industrial or business park consists of a solar energy system or systems located on land that is owned by applicant or leased from the owner with ownership retained by the owner of the industrial or business park; and
- c. The approved industrial or business park consists of a solar energy system or systems located on land that is owned by applicant or leased from the owner with ownership retained by the owner of the industrial or business park; and
- d. The solar energy system supplies energy to tenants of the industrial or business park and not solely into the grid.

E. Transfer of special use permit

- 1. Special use permits granted for utility-scale solar energy systems issued for large-scale or utility-scale solar energy systems shall be assignable



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or transferable so long as they are in full compliance with this article and all conditions, and the Building Department is notified of the transfer at least 15 days prior thereto.

2. Any post-construction changes or alterations to the solar energy system shall be done by amendment to the special use permit only and subject to the requirements of this article.

SECTION 1012 SMALL SCALE SOLAR ENERGY SYSTEMS

A. Interpretation. The provisions of this chapter shall be interpreted as providing minimum requirements for small-scale solar energy systems adopted for the purpose of promoting the health, safety, morals and general welfare of this community. Provisions for large-scale and utility-scale solar energy systems are provided in Article 1 hereof.

B. Intent; greater restrictions to prevail. It is not intended by this chapter to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this chapter imposes a greater restriction upon the use of buildings or premises than is required by existing provisions of law, ordinance, regulations or permits or by such easements, covenants or agreements, the provisions of this chapter shall control.

C. Small-Scale Solar Energy Systems

1. Installation of small-scale solar energy systems and equipment is encouraged on all preexisting structures; however, access to sunlight which is necessary therefor cannot be obtained through the provisions of this chapter. The installation of a solar collector, whether attached to the main structure or as a detached accessory structure, shall require a building permit. Solar collectors are subject to the minimum setbacks, offsets and lot area coverage for whatever use district in which they are proposed to be installed. Height limitations for solar collectors shall be five feet above the level of the permitted building height. All solar collectors and their associated support elements shall be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the



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migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels. Installation of building-integrated photovoltaic (BIPV) systems, as defined herein, are exempt from the requirements of this article. BIPV systems are still required to meet applicable building codes and obtain all necessary permits. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered a BIPV system.

2. Other alternative natural energy conservation devices shall be considered structures and shall require a building permit. All permit applications for such devices will be reviewed and considered pursuant to the Zoning Ordinance of the Town of Orangeville.
3. Small-scale solar energy systems located in the Low Density District and Medium Density District, Business C, Manufactured Home MHD, and Industrial I zoning districts are only permitted if they contain solar collectors located on the rooftops of principal or accessory buildings. The solar collectors must be completely contained within the limits of the building roof. All other equipment and components of the solar energy system shall be located within the rear yard only and are subject to setbacks for accessory structures. Any other type of solar energy system is not a permitted use in any of the aforementioned zoning districts.

D. More restrictive provisions to prevail

1. Whenever the regulations made by this chapter require a greater width or size of yards or courts or require a lower height of building or less number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than required in any other ordinance or regulation, the provisions of the regulations made by this chapter shall govern.
2. Whenever the provisions of any other ordinance or regulation require a greater width or size of yards or courts or require a lower height of building or less number of stories or require a greater percentage of the lot to be left unoccupied or impose other higher standards than are required by regulations made by this chapter, the provisions of such other ordinance or regulation shall govern.

E. General Provisions



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1. Allowing or permitting the reflective glare of solar rays of any solar energy system/or array of solar panels, of any nature or kind or description, onto neighboring properties, public roads, or public parks, under any circumstances whatsoever, is strictly prohibited.
2. It is the responsibility of any landowner, resident, manager, tenant, or lessee of any premises upon which there is situate a solar energy system or array of solar panels of any nature, kind, or description to keep reflective glare of any description from going onto neighboring properties, public roads or Public Park at any time. In that regard it is the ongoing responsibility of such persons to conduct regular inspections of such systems or array to prevent the direction of reflective glare onto the property of another and, if necessary, to make appropriate adjustments to prevent the same from occurring.
3. In the event such persons (para. B above) become aware of, or with the exercise of reasonable care would have become aware of, or has received a complaint, that reflective glare from his solar energy system or array of solar panels is upon the property of another, such person shall undertake action to immediately block the reflective glare. This may be accomplished by adjusting the angles of the system or array, if possible, or by physically blocking the glare by covering the panels or by removing them.
4. Upon the failure, refusal or neglect of such person to immediately block the reflective glare as directed by paragraph C above, Town of Orangeville workforces, at the direction of the Building Inspector and/or Code Enforcement Officer, shall cover such system or array of panels, if possible, to block the reflective glare. If not, the system or panels shall be physically de-constructed or removed to the point the reflective glare is blocked.
5. In the event the system or panels are removed or de-constructed as set forth in paragraph D above, the owner or person responsible for the system or array shall not replace or reconstruct the system or panels until he applies to and received from the Planning Board of the Town of Orangeville a permit after submitting to the Building Inspector a plan of operation that will ensure no further incidents of reflective glare onto neighboring properties, public road, or public park will occur.
6. Further, or additional complaints of such incidents shall be grounds to



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revoke any permit received from the Town of Orangeville for the system or array and the system or array shall be fully dismantled and removed from the premises.

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ARTICLE 2. POLICE DEPARTMENT  
SECTION 1.01

Whereas any person receiving from the Town of Orono, Maine, a license to sell or use any motor vehicle, shall be fully licensed and insured under the laws of the State of Maine.

Enacted 2012

2012-2013 Annual Report