



Zoning Ordinance Town of Danby, New York

Adopted by the Town Board of the Town of Danby

December 11th, 1991

As Amended through September 23th, 2020

Section 500: Zones

Sect. 500: General Provisions

- No billboards or advertising signage unless allowed.
- Excavations need to be covered within a year.
- Fencing required around dangerous areas (abandoned excavations, damaged buildings, other hazards).
- Churches, schools, etc. (public assembly) need a special permit in residential areas.
- Stormwater requirements.
- No gas drilling, exploration or extraction.

Section 511 - NUMBER OF BUILDINGS ON A LOT. There shall not be more than one principal residential building on any lot unless a Special Permit for same is given by the Planning Board. When there is more than one principal residential building on a lot the space shall be as provided in Section 510 above with respect to yards. Each principal residential building shall have the equivalent minimum lot area per dwelling unit required for a single family dwelling

1. Low Density Residential Zone.
2. Medium Density Residential Zone.
3. High Density Residential Zone.
4. Commercial Target Area wherein the following may be located: Commercial Zone "A", Commercial Zone "B", and Commercial Zone "C".
5. Planned Development Zone.
6. Mobile Home Park Zone.
7. Aquifer High Vulnerability (AHV) Overlay Zone.

Sect. 600: Low Density Residential Zone

- ▶ *Provide an area of limited development to maintain larger lots for development and permit the possibility of continued agricultural use of the areas without limiting the areas to solely agricultural uses.*
- ▶ One lot for every 5 acres of land or 200 feet of road frontage on year-round maintained roads (whichever results in greater number of lots).
- ▶ Yard minimums: 50' front, 50' side, 75' rear
- ▶ Height maximum 36' unless agricultural (barns, silos, etc.) of 100'
- ▶ Building area can only cover 25% of lot.
- ▶ Site plan review required for solar energy. Many special uses: private air strip, hospitals, public library, etc.
- ▶ Signs for identification (churches, etc.) can be illuminated but not flashing.

Sect. 601:

Medium Density Residential Zone

- *To maintain the residential character of certain areas of the Town, to provide a buffer or transition from the low density residential and agricultural areas to the high density residential areas and areas where commercial activities may be subsequently permitted.*
- One lot for every 1.5 acres of land or 150 feet of road frontage and a lot depth of at least 200'. **UNLESS APPROVED AS A CLUSTER SUBDIVISION.**
- Yard minimums: 50' front, 35' side, 50' rear
- Height maximum 36' unless agricultural (barns, silos, etc.) of 100'
- Building area can only cover 25% of lot.
- Site plan review required for solar energy, multiple-family dwelling, hotels, motels and boarding homes.
- Signs for identification (churches, etc.) can be illuminated but not flashing.

Sect. 602

High Density Residential Area

- ▶ Provide for an area where more intense development is encouraged to occur in the general vicinity of through traffic areas and areas that are already intensively developed.
- ▶ One acre minimum with 150' frontage and 200' depth.
- ▶ If there is public water then one-half acre with 100' frontage and 150' depth.
- ▶ Yards: 50' front, 20' side, 50' depth.
- ▶ Signs: Same as in medium density.
- ▶ Heights: Same as in low density.
- ▶ Special permits: Same as in medium density, hotels, motels, boarding homes.

Sect. 603 Commercial Target Area

- ▶ The purpose of establishing the commercial target area and the following regulations is to establish certain areas where retail business and other commercial uses of land will be encouraged and to establish standards by which development in these areas shall occur. Pending establishment of any commercial zone "A", "B", or "C", within the commercial target area, the land within said target area shall be governed by the existing residential district regulations.

COMMERCIAL ZONE "A". PURPOSE. The purpose of establishing a Commercial Zone "A" is to provide an area, usually adjacent to a residential zone, where commercial activities involving a low impact in respect to traffic, noise, intensity of use, and low overall impact on the neighborhood will be permitted.

Retail food store (all of **limited size**, generally up to 5000 sq.ft.)

Business offices or professional offices.

Bank or other financial institution.

Book store

Drug store

Hardware store

Smoke shop

Retail service store such as a barber shop, beauty parlor, florist shop, tailor shop, and any other similar retail store

Horticultural nurseries.

Large-Scale Solar Energy System, subject to the provisions

Commercial Zone A

- ▶ Special Permits needed for:
- ▶ i) Gasoline service station.
- ▶ ii) Public schools.
- ▶ iii) Child nursery or day care centers, and private schools including commercially oriented schools such as dancing, art, and business schools.
- ▶ iv) Churches and similar religious institutions.
- ▶ v) Community centers.
- ▶ vi) Tourist homes containing no more than ten beds.
- ▶ vii) Package liquor store not larger than 5,000 square feet.
- ▶ viii) Cottage industry ix) Cottage industry with accessory wholesale or retail sales of products produced at the cottage industry and similar products produced off-site, with or without outside display on the premises of any such products, in accordance with the provisions contained elsewhere in this Zoning Ordinance.

Commercial Zone B

- ▶ PURPOSE. The purpose of establishing a Commercial Zone "B" is to provide an area where commercial activities involving a moderate impact, including moderate traffic, noise, and similar impacts, to a neighborhood will be permitted.
- ▶ All the uses in A, but larger square footage (generally up to 10,000 sq.ft.)
- ▶ Plus Laundromats and dry cleaning facilities and Funeral homes and mortuaries.
- ▶ Any uses permitted by Special Permit in a Commercial Zone "A". Plus ii) Motor vehicle sales facilities. iii) Restaurants, including fast food restaurants. iv) Indoor recreational facilities such as skating rinks, bowling alleys, etc. v) Clubs and fraternal organization facilities. vi) Utility facilities including substations, transmission facilities, etc. but not including transmission facilities involving antennae or other items whose height exceed the maximum permissible height set forth elsewhere in this ordinance. vii) Tourist homes with more than ten beds. viii) Package liquor stores larger than 5,000 square feet. ix) Taverns

Commercial Zone C

- ▶ PURPOSE. The purpose of establishing a Commercial Zone "C" is to provide an area where commercial activities involving an impact greater than normally found in uses permitted in Commercial Zones "A" and "B", including greater impacts in respect to traffic, noise, and overall impact, will be permitted.
- ▶ Any use allowed in Commercial Zone A and B.
- ▶ Special Permit needed for: Any use authorized upon such approval and issuance of such a permit in commercial zones "A" or "B". ii) Car wash. iii) Hotel, motel, and boarding houses. iv) Facilities for the sale of any new products, produce, goods, and equipment. v) Automotive and other motorized vehicle repair facilities. vi) Theaters. vii) Mobile home and recreational vehicle sales. viii) Rental facilities for car, trailer, truck and other rental operations. 20 ix) Warehouses. Wholesale businesses including wholesale sales of auto and farm machinery but excluding junkyards. xi) Yards for the sale and storage of lumber, wood, and feed. xii) Adult entertainment business, subject to the additional requirements set forth in Section 710.

In all commercial areas

- ▶ REQUIREMENTS FOR:

- ▶ Signage
- ▶ Lot size
- ▶ Yard sizes
- ▶ Parking
- ▶ Buffer zones
- ▶ Screening
- ▶ Waste Disposal

Sect. 604: Planned Development Zones (PDZ)

- ▶ *To accommodate certain developments of land and buildings that are to be planned and executed as a unit, such as, but not limited to, large subdivisions, business parks (which may include Light Industrial uses, mobile home parks, and similar types of land uses, and to establish standards by which development in such zones shall occur*
- ▶ Must be at least 5 acres and the development area must be at least 5 acres
- ▶ Owner must apply to have an area designed as a PDZ
- ▶ The Commercial Zone rules apply.

Sect. 605

Mobile Home Park Zone

- ▶ People must apply to the Town Board to establish a Mobile Home Park in any zone in the Town. The Board will consider Health Department regulations. Must have a complete site plan including sewer disposal, water, proposed roads, landscaping, etc. Bathing facilities, and water supply needed for tourist trailer camps.
- ▶ Each mobile home for one family only or one family plus up to 2 boarders.
- ▶ Requirements about driveways and walkways, skirting on the trailers, storage spaces, etc.

Sect. 606:

Aquifer High Vulnerability Overlay Zone

- ▶ *The purpose and intent of establishing the Aquifer High Vulnerability (AHV) Overlay Zone is to preserve critical unconsolidated aquifer recharge areas as well as the wellhead protection areas for the West Danby Water District and other community water systems.*
- ▶ The following uses and activities are specifically prohibited in the Aquifer High Vulnerability (AHV) Overlay Zone since by their nature they pose a higher threat to the quality or quantity of groundwater resources than other uses and activities: a. Airport and/or airport maintenance areas, including private airplane landing fields. b. Appliance or small engine repair shops c. Boat service, repair, and/or washing establishments d. Car washes. e. Cemeteries or crematoriums. f. Chemical and/or biological testing laboratories g. Horticultural nurseries. h. Excavation of overburden and/or minerals from the earth for sale or exchange, or for commercial, industrial, or municipal use (except for the sale of incidental overburden and/or minerals from excavation related to construction as part of an agricultural or residential use). i. Funeral homes and mortuaries.

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- ▶ j. Furniture strippers and/or refinishers k. Gasoline service stations or service and repair garages. l. Generation and/or storage of hazardous wastes except for that associated with residential or agricultural uses. m. Golf courses. n. Industrial establishments. o. Junkyard, salvage, or impoundment yards (including used motor vehicle parts and scrap/waste materials). p. Laundromats and dry cleaning facilities. q. Municipal or industrial sewage treatment facilities with disposal of primary or secondary treatment effluent. r. Personal service shops such as a barber shop, beauty parlor, or hairdresser. s. Pest control services or pesticide/herbicide stores. t. Pet cemeteries or crematoriums. u. Printers v. Storage of petroleum except for on-site petroleum consumption. w. Installation of new or replacement underground storage facilities for petroleum or hazardous substances. x. Veterinary clinics, hospitals or animal kennels.

Notes:

- ▶ Aquifer-- Town of Caroline : Valley-Fill Aquifer System in upper Six Mile Creek Valley and part of West Branch of Owego Creek Valley. Study done by US Geological Survey with cooperation of the Town of Caroline in 2002.
- ▶ FEMA Flood Control Areas: Six Mile Creek in Slaterville area, Brooktondale area, Wilseyville Creek along White Church Road