

**Chapter 205**

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**[HISTORY: Adopted by the Town Board of the Town of  
Greenville 4-28-1989 by L.L. No. 1-1989. Amendments  
noted where applicable.]**

#### GENERAL REFERENCES

Unsafe buildings — See Ch. 85.  
Flood damage prevention — See Ch. 115.  
Freshwater wetlands — See Ch. 119.  
Subdivision of land — See Ch. 181.

ARTICLE I  
**General Provisions**

**§ 205-1. Short title.**

This chapter shall be known and may be cited by the short title of the "Zoning Law of the Town of Greenville, New York."

**§ 205-2. Establishment; purpose.**

There is hereby established an amended comprehensive zoning plan for the Town of Greenville, which plan is set forth in the text, schedules and map that constitute this chapter. Said article is adopted for the purposes set forth in §§ 261, 263 and 281 of Article 16 of the Town Law which, in the interest of the protection and promotion of the public health, safety, convenience, morals, amenities and general welfare, shall be deemed to include specifically the following, among others:

- A. The facilitation of the efficient and adequate provisions of public facilities and services.
- B. The provision of privacy for families.
- C. The prevention and reduction of traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians.
- D. The safeguarding of homes by preserving the attractive environment of residential areas.
- E. The provision of areas for commercial and industrial activities in locations appropriate therefor.
- F. The gradual elimination of nonconforming use.
- G. The enhancement of the appearance of the Town of Greenville as a whole.
- H. The conservation of property values.

- I. The limitation and prevention of congestion of population, customers and workers.
- J. The encouragement of flexibility in the design and development of land in such a way as to promote the most appropriate use of lands to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open land.
- K. The assurance of adequate sites for agriculture, residence, industry, commerce and recreation.
- L. The protection and preservation of the natural ecological structure, including protection of groundwater supplies, stream banks and water bodies, steep slopes and natural vegetative cover.

## ARTICLE II Terminology

### § 205-3. Word usage.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

### § 205-4. Definitions.

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

ACCESSORY USE — See "use, accessory."



## ACREAGE —

- A. GROSS — The total acreage of a parcel or parcels of land proposed for subdivision and/or development, as determined by certified survey, by deed description or from real property tax assessment records, whichever is less.
- B. NET — The gross acreage less the acreage of lands rated as severe with reference to flooding, ponding, erosion or slope by the Soil Conservation Service, United States Department of Agriculture; or are proposed to be occupied by public utility easements and/or central services, water and sewer facilities, in such a manner as to prevent their use and development; or lands that for any other reason are not suitable for building purposes; except that lakes with a mean depth of eight feet or more conducive to recreational usage shall not be discounted. It is this figure (net acreage) into which the lot area per dwelling unit, (derived from the lot size formula) is to be divided to determine maximum permissible dwelling units for a given site; (residential uses); or into which the lot areas per commercial, service or industrial development, derived from the lot size formula, is to be divided to determine sufficiency of lot size.

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities; or an enlargement, whether by extending on a side or by increasing in height or in moving from one location or position to another in accordance with the New York State Uniform Fire Prevention and Building Code.

ALTERATIONS, STRUCTURAL — Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

## ANIMALS —

- A. FUR-BEARING ANIMALS — Animals raised primarily for their skins or pelts, including but not limited to mink and rabbit.

B. LABORATORY ANIMALS — Animals raised primarily for scientific experimentation, including but not limited to mice, rats and guinea pigs.

APARTMENT HOUSE — A building arranged, intended or designed to be occupied by three or more families living independently of each other, in rental units.

AREA —

A. BUILDING — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

B. NET SITE — The total area within the property lines, excluding external streets.

AUTO COURT — See "motel."

BASEMENT — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical difference between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

BED-AND-BREAKFAST — A tourist accommodation. Bed-and-breakfast residences shall be permitted accessories only to single-family detached dwellings. The operator of the bed-and-breakfast establishment shall be an owner of the property and an occupant of the single-family residential dwelling to which the guest rooms are accessory. Not more than three bedrooms of the single-family detached dwelling shall be permitted to be used for rental purposes. Room rental shall be for transient usage only. There shall be a limit of not more than 21 consecutive days for the length of stay by any guest.  
**[Added 12-11-1996 by L.L. No. 5-1996]**

BEDROOM — All rooms in multifamily, row or group dwellings beyond one kitchen, living room and dining room or

area per dwelling unit. For purposes of determining the number of bedrooms in a proposed multifamily, row or group dwelling, all dwelling units shall be rated as having at least one bedroom, e.g., studio apartment.

**BILLBOARD** — An outdoor advertising sign available for lease for the display of a commercial or public service messages and which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed or only incidental upon such lot.

**BOARDINGHOUSE, ROOMING HOUSE and LODGING HOUSE [Amended 12-11-1996 by L.L. No. 5-1996]** —

- A. Any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire, and used for single room occupancy; or
- B. Any dwelling that provides sleeping accommodations in three or more individual rooms on either a transient or permanent basis, without cooking and toilet facilities, as defined below, for each individual occupant or family; however, excepting those locations as defined in the New York State Fire Prevention and Building Code as an adult residential care facility.

**BUILDING** — Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

- A. **BUILDING, ACCESSORY** — A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.
- B. **BUILDING, DETACHED** — A building surrounded by open space on the same lot.
- C. **BUILDING, FRONT LINE OF** — The line of that face of the building nearest the front line of the lot. This face

includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

- D. **BUILDING, HEIGHT** — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs to three stories maximum.
- E. **BUILDING, MAIN OR PRINCIPAL** — A building in which is conducted the main or principal use of the lot on which said building is situated.

**CAMP** — Any one or more of the following, other than a hospital, place of detention or school offering general instruction:

- A. **TYPE 1 CAMP** — Any area of land or water on which are located two or more cabins, tents, travel or camping trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise
- B. **TYPE 2 CAMP** — Any land, including buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and any of the foregoing establishments, whether or not conducted for profit and whether or not occupied by adults or by children either as individuals, families or groups.

**CAMPING GROUND** — A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of camping trailers or tents none of which may exceed 38 feet in length.

**CAPITAL CONTRIBUTIONS** —

- A. **TO FIRE DISTRICT** — An amount equal to 1% of the 100% valuation insured against loss by fire of the

improvements proposed or existing, as estimated by the Town Assessor.

- B. TO TOWN PARK FUND — An amount per newly created lot, or dwelling unit, as determined by the Town Board at its annual reorganization meeting.
- C. TO SEWER DISTRICT — For a development where such central facilities is not mandatory, an amount equal to the cost of providing an individual septic system for each principal use; and for a development where such central facilities are mandatory, an amount equal to the cost of a servicing central sewage treatment plant conforming to Town specifications, plus the cost of all laterals and connections; said costs to be estimated by the Town Engineer.
- D. TO WATER DISTRICT — For a development where such central facilities are not mandatory, an amount equal to the cost of providing an individual well with submersible pump for each principal use; and for a development where such central facilities are mandatory, an amount equal to the cost of a servicing central well or wells, pump or pumps, water storage tank, plus the cost of all lateral and connections; said cost to be estimated by the Town Engineer.

CAR WASH — See "motor vehicle laundry."

CELLAR — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories nor account toward livable floor area.

CLUB, MEMBERSHIP — An organization catering exclusively to members and their guests, including premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, provided that there are not conducted any vending stands, merchandising or commercial activities, except as required generally for the membership of such club.

**CLUSTER DEVELOPMENT** — A residential subdivision in which the permissible number of dwelling units that would result in a given district under conventional application of this chapter is allowed to be concentrated on a smaller portion of the land in detached, semidetached, attached or multistory structures, such flexibility of design and development of land enabled and encouraged in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities and to preserve the natural and scenic qualities of open lands, under the authority of § 278 of the Town Law and the resolution of the Town Board adopting this chapter.

**COMMERCIAL** — Having financial gain as the object.

**COMMERCIAL PARKING LOT** — An area operated for gain, available to the public, for short- or long-term storage of motor vehicles. A "commercial vehicle" shall be defined as any vehicle registered or required to be registered as a commercial vehicle under the New York State Vehicle and Traffic Law, with the exception of vehicles commonly referred to as a "pickup truck" and "van." **[Added 12-11-1996 by L.L. No. 5-1996]**

**COMMERCIAL TIMBER HARVESTING** — An operation in which a landowner is paid for trees to be cut down and taken away on more than one acre. A permit is required.

**CONDOMINIUM** — A mode of ownership wherein each dwelling unit may be owned in fee simple individually and separately from all others but where all such owners have an indivisible interest in the common areas. Thus, they share ownership and attendant responsibility for the provision, maintenance and/or repair of common internal facilities, utilities, services, exterior building surfaces, land, landscaping and other outdoor facilities.

**CONVERSION** — A change in use or occupancy of a dwelling by alteration or by other reorganization as to increase the number of families or dwelling units in a structure.

**COOKING FACILITIES** — A kitchen sink, stove/oven combination and refrigerator. [Added 12-11-1996 by L.L. No. 5-1996]

**COOPERATIVE** — A mode of ownership in which title is held jointly by a group of cooperators, each member owning a given number of shares in the corporation, in proportion to the value of his individual dwelling unit, which he owns under an occupancy agreement. Each cooperator is assessed, according to the number of shares owned, for maintenance of common areas.

**COURT** — An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by walls of such buildings.

A. **COURT, INNER** — A court enclosed on all sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable.

B. **COURT, OUTER:**

- (1) A court extending to a street line or opening upon any front, side or rear yard.
- (2) A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

**COVERAGE** — That percentage of the plot or lot area covered by the building area.

**CURB LEVEL** — The elevation of the curb opposite the center of the front of the building. If a building faces on more than one street, the curb level shall be the average of the elevations of the curbs at the center of each side or front of the building. Where no curb level or equivalent has been established by the municipal authority, the average elevation of the finished grade immediately adjacent to the front of the building shall be considered as the curb level. If a building faces on more than one street where no curb level has been established, the

average of the elevations of the finished grade on each street side of the building shall be considered the curb level.

DESIGNATED PROTECTION AREA —

A. Areas within which the changing of land contours and/or the removal of the natural vegetative cover and/or the erection of structures is automatically subject to site plan review by the Planning Board (according to Article XII, Site Plan Review) for purposes of protecting ecologically sensitive areas and scenic assets of the community. Those areas so adjacent are:

- (1) The Rutgers Creek from source to the Minisink Turnpike.
- (2) The Indigot Creek.
- (3) The Shawangunk Kill.
- (4) Kagan Lake.
- (5) Binnewater Pond.
- (6) Elm Lake
- (7) Indigot Branch Creek County Reservoir (in process of acquisition).
- (8) Rutgers Creek County Reservoir (proposed).

B. The designated protection areas shall be interpreted to mean those areas 100 feet in measurement from the contour of streams or shore line of lakes and reservoirs.

DESIGNATED TOWN CENTER — Midpoint in the triangular-shaped parcel formed by the intersections of Greenville Turnpike West, the Minisink Turnpike and County Route 55.

DOG KENNEL — A structure used for the harboring of more than three dogs that are more than six months old or more than 12 dogs that are under six months of age. Any dog owner



whose dog(s) bear(s) more than one litter of puppies that are of registered pedigree and offered for sale shall, for the purpose of this chapter, be considered as maintaining a "dog kennel" and must adhere to all regulations governing the same.

**DUMP** — A lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

**DWELLING** — A building designed for use as the living quarters for one or more families. The term "dwelling," "one-family dwelling," "two-family dwelling" or "dwelling group" shall not be deemed to include automobile court, rooming house or tourist home.

- A. **DWELLING, ONE-FAMILY DETACHED** — A house accommodating but one single family and having two side yards with at least 750 square feet of living area, the shortest mean longitudinal dimension of which dwelling must be 24 feet, erected on permanent foundation with/without basement and equipped for year-round occupancy.
- B. **DWELLING, TWO-FAMILY** — A building designed for or occupied exclusively by two families living independently of each other.
- C. **DWELLING, MULTIFAMILY** — A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or joint facilities, or both.
- D. **DWELLING, GROUP** — A group of two or more one-family, two-family or multiple-family dwelling units occupying a lot in one ownership and having any yard in common.
- E. **DWELLING, ROW OR GROUP** — A building consisting of a series of noncommunicating one-family dwelling units

having a common wall between each two adjacent units. (Also known as "townhouses.")

- F. DWELLING, UNIT — A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with other dwelling unit. A trailer, a boarding or rooming home, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a dwelling unit.

EARTH COLORS — Tones of colors such as browns, grays and greens to which roofing and siding materials will be limited by deed restriction, furthermore restricting the use of white and pastel colors, so as to be harmonious and congruous with the natural setting.

**FAMILY [Amended 12-11-1996 L.L. No. 5-1996]: —**

- A. One, two or three persons occupying a dwelling unit; or
- B. Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.
- (1) It shall be presumptive evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
  - (2) In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
    - (a) The group is one which in theory, size, appearance, structure and function resembles a traditional family unit;

- (b) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
- (c) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
- (d) The group is permanent and stable. Evidence of such permanency and stability may include:
  - [1] The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
  - [2] Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
  - [3] Members of the household are employed in the area;
  - [4] The household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units;
  - [5] There is common ownership of furniture and appliances among the members of the household; and
  - [6] The group is not transitory or temporary in nature.
- (e) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

FARM, COMMERCIAL AGRICULTURAL — Any parcel of land containing at least 10 acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FLOOR AREA —

- A. FLOOR AREA, LIVABLE — All spaces within the exterior walls of a dwelling unit, exclusive of garages, cellars, heater rooms, basement rooms having a window area of less than 20% of the square foot area of the room, unheated porches and breezeways, but shall include all spaces not otherwise excluded, such as principal rooms, utility rooms, bathrooms and all closets and hallways opening directly into and appurtenant to any room within the dwelling unit; and all attic space having a clear height of six feet from finished floor level to the pitch of the roof rafter and a clear height of seven feet six inches from finished floor level to the pitch of the roof rafter and a clear height of seven feet six inches from finished floor level to ceiling over 50% of the area of such attic space.
- B. FLOOR AREA OF A BUILDING — The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.
- C. FLOOR AREA RATIO OF A BUILDING — The quotient of the floor area of a building divided by its lot area.

FOWL — Includes but not limited to domesticated birds, such as chickens, ducks, geese, turkeys and pheasants, raised in confinement.

**FUNDED COMMUNITY TRUST** — The holding of title to all common open space and recreational facilities in an open space development upon deed from its builder/developer to a bank or other fiduciary which, for a fee, acts as trustee for the benefit of all owners and occupants; such arrangements as detailed in the Urban Land Institute Technical Bulletin #62.

**GARAGE** —

- A. **GARAGE, PRIVATE** — A garage used for storage purposes only and having a capacity of not more than four automobiles or not more than two automobiles per family housed in the building to which such garage is accessory, whichever is greater. Space therein may be used for not more than one commercial vehicle, and space may be rented for not more than two vehicles of other than occupants of the building to which such garage is accessory.
- B. **GARAGE, COMMERCIAL** — Any garage other than a private garage, available to the public, operated for gain and which is used for the storage of automobiles or other motor vehicles.

**GARDEN APARTMENT** — An apartment house wherein the entrance of a dwelling unit is no more than one flight of stairs (one floor) above or below the ground (or main entrance) floor level.

**GRADE** —

- A. **GRADE, ESTABLISHED** — The elevation of the center line of the streets as officially established by the Town authorities.
- B. **GRADE, FINISHED** — The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

**GUESTHOUSE** — A detached complete dwelling unit subordinate to a principal dwelling, sharing a common lot.

**HOME OCCUPATION** — An activity carried on for gain by a resident and conducted as an accessory use in the resident's dwelling unit or on the site of the residence. [Amended 12-11-1996 by L.L. No. 5-1996; 5-17-2007 by L.L. No. 3-2007]

**HOSPITAL** — Unless otherwise specified, includes sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

- A. **HOSPITAL, GENERAL MEDICAL AND SURGICAL ONLY** — A hospital other than for mental patients, contagious or infectious diseases or liquor or drug addicts.
- B. **HOSPITAL, ANIMAL** — An establishment for the medical and/or surgical care of sick or injured animals.

**HOTEL** — A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

**HOUSE TRAILER** — See "mobile home."

**INDUSTRIAL PARK** — A highly restricted type of planned industrial district in which special emphasis and attention are given to aesthetics and community compatibility. Subdivided and developed according to a comprehensive plan which includes detailed provision for streets and all necessary utilities, the park provides serviced sites for a community of industrial and industry-oriented uses.

**JUNKYARD** — An area of land with or without buildings used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials, such as wastepaper, rags or scrap material; or used building materials, home furnishings, machinery and parts thereof, with or without dismantling, processing, salvage, sale or other use or

disposition of the same. One cubic yard or more of refuse located on a property for more than 30 days shall also be deemed to be a junkyard.<sup>1</sup>

**LAUNDERETTE** — A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

**LINE, STREET** — The dividing line between the street and the lot.

**LIVESTOCK** — Animals, including but not limited to domestic animals, such as sheep, horses, cattle and goats. (Such definition shall not encompass fur-bearing animals or animals raised for laboratory purposes.)

**LODGING HOUSE** — A building in which three or more rooms are rented and in which no table board is furnished.

**LOT** — Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by this chapter for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of this chapter to be adequate as a condition of the issuance of a building permit for a building on such land.

**LOT, CORNER** — A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135°.

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1. Editor's Note: Former Subsection (b), Motor Vehicle, which immediately followed this subsection, was deleted 12-11-1996 by L.L. No. 5-1996.

**LOT, DEPTH OF** — A mean horizontal distance between the front and the rear lot lines, measured in the general direction of its side lot lines.

**LOT, INTERIOR** — A lot other than a corner lot.

**LOT LINE** — Any line dividing one lot from another.

**LOT LINE, REAR** — The lot line generally opposite from the street line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line.

**LOT, MOBILE HOME** — The space which shall be assigned to or used and occupied by any one mobile home.

**LOT, THROUGH** — An interior lot having frontage on two parallel or approximately parallel streets.

**LOT WIDTH** — [Amended 10-20-2005 by L.L. No. 3-2005; 4-2-2009 by L.L. No. 2-2009]

- A. Shall be determined to be the distance between the side lot lines measured at the line separating the lot from the street or road which will provide access to the property; accordingly, the minimum lot width set forth in each of the zoning districts in the Town must be met at the street line on each lot proposed and approved.
- B. On new culs-de-sac approved by the Planning Board, lot width must be a minimum of 50 feet at the street line and must expand to the minimum 150 feet at the front yard setback line. The front yard setback line is set forth in § 205-66A(1). The dimensions of a cul-de-sac are set forth in § 181-24J of the subdivision regulations of the Town.<sup>2</sup> These regulations set forth a minimum diameter and outside diameter. The dimensions of the cul-de-sac and the dimensions of the potential lots created around the

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2. Editor's Note: See Ch. 181, Subdivision of Land, § 181-24J.



cul-de-sac must conform to the attached diagram.<sup>3</sup> Lots around the cul-de-sac shall be limited to four lots.

**MAIN FLOOR** — The largest area formed by the projection of a horizontal plane through the livable floor area which is enclosed by the exterior walls of the building.

**MANUFACTURING** — Any process whereby the nature, size or shape of articles or raw materials are changed, or where articles are assembled or packaged, in quantity.

**MOBILE HOME** — A transportable, one-family dwelling equipped for year-round occupancy and containing the same water supply, waste disposal, heating and electrical conveniences as immobile housing and which must conform to the New York State Uniform Fire Prevention and Building Code to such structures. The term "mobile home" shall include

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3. Editor's Note: Said diagram is included at the end of this chapter.

vehicles mounted on temporary or permanent foundation with or without the wheels, rollers or skids in place.

**MOBILE HOME COURT** — An area of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient dwelling purposes and approved as such by the Planning Board subsequent to the introduction of a zoning law in the Town of Greenville. The selling or servicing of trailers or mobile homes in a mobile home court is prohibited.

**MODULAR HOUSING** — Two or more prefinished or semiprefinished units, built at a plant or factory and transported to a building site and there assembled, united and installed on a permanent foundation comprising one or more dwelling units.

**MOTEL** — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for necessary off-street parking facilities. The term "motel" includes buildings designated as tourist courts, motor lodges, auto courts and by similar appellations.

**MOTOR VEHICLE LAUNDRY** — A building, portion of a building and/or area arranged, intended or designed to be used for the washing, spraying, waxing, polishing and/or drying of motor vehicles and/or the vacuum or dry cleaning of the same.

**MOTOR VEHICLE REPAIR SHOP** — A building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles, their mechanical systems and their body structure (including painting).

**MOTOR VEHICLE SALES** — A building and/or area arranged, intended or designed to be used for the rental, lease, sale and/or resale of motor vehicles, new or used.

**MOTOR VEHICLE SERVICE STATION** — Any area of land, including structures thereon, that is used primarily for the sale of gasoline or any other motor vehicle fuel and oil and other

lubricating substances, including any sale of motor vehicle minor accessories, and which may or may not include facilities for lubricating or otherwise servicing motor vehicles, but not including the painting thereof by any means.

**NATURAL FEATURES, PRESERVATION AND/OR ENHANCEMENT OF** — The safeguarding and improvement of ease of access and enjoyment of natural beauty, such as scenic outlooks, well-constructed stone walls, groves of sizable trees, lakes and ponds, beaches, wetlands, watercourses and waterfalls and historic sites to the residents of a development through the provision of foot and cycle paths, landscaping, selective culling, dredging, stocking with fish and such other means as may be appropriate to intensify the natural beauty of a site, at a development cost equal (at least) to 1% of the estimated full assessed valuation of the land and intended improvements, as determined by the Town Assessor.

**NATURAL MATERIALS** — Any physical matter which is part of the earth.

**NEIGHBORHOOD COMMERCIAL CENTER** — A shopping center that provides for the sale of convenience goods (foods, drugs and sundries) and personal services (laundry and dry cleaning, barbering, shoe repairing, etc.) for day-to-day living needs of the immediate development, with a maximum gross leasable area of 10,000 square feet for the first 500 units and 1,000 square feet of gross leasable area allowed for each additional 100 units (but not part thereof).

**NONCOMMERCIAL FOREST STAND IMPROVEMENT OPERATION** — An operation which involves the removal of undesirable trees, for which there is no value, from the stand to improve growth and vigor of remaining trees on more than one acre.

**NONCONFORMING USE** — A building, structure or use of land existing at the time of enactment of this chapter and which does not conform to the regulations of the district or zone in which it is situated.

NURSERY — A place where trees, shrubs, vines and/or other plants are propagated or grown for a period of at least six months before being offered for sale and transplanting. Such definition shall not encompass those retail establishments that buy the majority of their horticultural stock wholesale, not propagating it themselves.

NURSERY SCHOOL — A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.

NURSING, REST OR CONVALESCENT HOME — Any dwelling where persons are housed or lodged and furnished with meals and nursing care for hire.

OPEN DEVELOPMENT AREA — A district where lots filed as minor subdivisions may have access via a right-of-way or easement (in place of a public road), upon special application to, and review and approved by, the Planning Board, subject to such limitations and conditions as may be prescribed by general or special rule of the Planning Board, under the authority of § 280-a of the Town Law and the resolution of the Town Board adopting this chapter.

OPEN SPACE — An unoccupied space open to the sky on the same lot with the building.

OPEN SPACE, USABLE — An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, the minimum dimension of which is 40 feet, and which is available and accessible to all occupants of the building or buildings on said lot for purposes of active or passive outdoor recreation. Accessory building roof space may be substituted for ground space, provided that such space is available and accessible to all the said occupants by means of access other than stairs.

OVERCOMING THE SEVERE LIMITATIONS OF SOILS — A plan prepared by a licensed engineer detailing means by which the severe limitations assigned to the specific soils mapped on

the site by the Soil Conservation Service of the United States Department of Agriculture will be satisfactorily overcome for the buildable portion (see § 181-29 of Chapter 181, Subdivision of Land) of single-family lots, or for the development area of attached houses and multifamily dwellings and commercial service and industrial uses; such plans to respect and protect the ecology of the larger area in the judgment of the Soil Conservation Service. Any dwelling unit requiring the use of a fill septic system or an aboveground septic system shall not be permitted on a lot area of less than three acres. Such lot shall meet all other zoning requirements.

**PARKING SPACE** — An off-street parking space available for the parking of one motor vehicle and having an area of not less than 300 square feet, exclusive of passageways and driveways appurtenant thereto, and having direct access to a street or alley.

**PRIVATE LANDING STRIP** — Land devoted to the storage, servicing, takeoff and landing of private, low-altitude aircraft and the storage of fuel for the same.

**PROFESSIONAL FORESTER** — One who has a minimum of a Bachelor of Science degree in forestry from a four-year college accredited by the Society of American Foresters.

**PROPERTY** — Any lot or parcel of land.

**PUBLIC SEWER; PUBLIC WATER** — Sewage disposal and water supply systems accepted by the Town Board as meeting the standards required for municipal operations.

**QUARRY, SAND PIT OR GRAVEL BANK** — A lot or land or part thereof used for the purposes of extracting stone, sand or gravel, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

**RECREATIONAL FACILITIES, ON-SITE ACTIVE** — Swimming pool, tennis court, baseball diamond and backstop, putting greens, golf courses and other such outdoor facilities

catering to individual and team sports and exercise and children's equipment catering to children's free-play, of an installed value equal (at least) to 1% of the estimated full-assessed valuation of the land and intended improvements, as determined by the Town Assessor.

**RESIDENTIAL HOTEL** — A dwelling occupied by permanent guests only and not transients. It may include restaurants, newsstands and other accessory services primarily for servicing its occupants and only incidentally the public.

**RIDING ACADEMY** — Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**ROW HOUSE** — See "dwelling, row or group."

**SANITARIUM, SANATORIUM** — A private hospital, whether or not such facility is operated for profit.

**SHOPPING CENTER** — A group of commercial establishments, planned, developed, owned and managed as a unit related in location, size and type of shops to the trade areas that this unit serves; it provides on-site parking in definite relationship to the type and sizes of stores.

**SIGN** — Any structure or part thereof or any device attached to a structure or painted or represented on a structure which shall display or include any letters, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement which can be clearly read or interpreted from the front lot line. A sign includes any billboard, but does not include the flag, pennant or insignia of any nation or group of nations or of any state, City or other political unit or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. Excluded from this definition are signs which are solely devoted to prohibiting trespassing, hunting or fishing.

**SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises or only incidentally on the premises if at all.

**SIGN AREA** — Includes all faces of a sign measured as follows:

- A. When such sign is on a plate or framed or outlined, all of the area enclosed by such frame or outline shall be included.
- B. When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area within all of the matter of which such sign consists may be enscribed.

**SIGN, BUSINESS** — A sign which directs attention to a business or profession conducted on the premises. A "for sale" or a "to let" sign relating to the property on which it is displayed shall be deemed a business sign.

**SIGN, ILLUMINATED** — Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection. A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

**SITING OF BUILDINGS** — Determination of the orientation and placement on the site of all development, as well as determination of the elevation of the first floor of all structures in relation to the natural and finished grades of the surrounding area.

**SLOPE OF THE SITE, MEANS OF MEASURING** — The horizontal distance in feet between the highest elevation of a lot (or development) and the lowest elevation of a lot (or development) divided by the vertical difference between these two elevations in feet; said horizontal distance ordinarily shall

be the natural course of stormwater drainage. Should the site be sufficiently large (in the judgment of the Planning Board) and heterogeneous in character (difference in slope factors greater than 10%), this site should be divided into different measurement units, with a gradient defined for each.

**STABLE —**

- A. **STABLE, PRIVATE** — An accessory building in which horses are kept for private use and not for hire, remuneration or sale.
- B. **STABLE, PUBLIC** — A building in which any horses are kept for remuneration, hire or sale.

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if such building has no floor above it, then the space between any floor and the ceiling next above it.

**STORY, HALF** — Any space partially within the roof framing, where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven feet six inches or more.

**STORY, HEIGHT OF** — The vertical distance from the top of the floor to the top surface of the floor next above. The height of the topmost story is the distance from the top surface of the first floor to the top surface of the ceiling joists.

**STREET** — A public or private way which affords the principal means of access to abutting properties.

**STREET GRADE** — The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

**STRUCTURAL CHANGE** — See "alterations, structural."



**STRUCTURE** — Anything constructed or erected, the use of which requires location on, in or under the ground or attachment to something having location on the ground.

**SUMMER COLONIES** — A group of buildings which may be cabins or cottages, containing separate living accommodations for nontransient vacation or recreation purposes for families or adults, for hire on a seasonal basis during the non-Winter months.

**THEATER, MOVING-PICTURE** — A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

**TOILET FACILITIES** — A lavatory, water closet and tub and/or shower. [Added 12-11-1996 by L.L. No. 5-1996]

**TOPSOIL** — The outer layer of the earth in which vegetable matter may take root and grow.

**TOURIST ACCOMMODATIONS** — A group of buildings, including either separate cabins or a row of cabins, which:

- A. Contain living and sleeping accommodations for transient occupancy; and
- B. Have individual occupancy.

**TOURIST HOME** — A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**TOWNHOUSE** — See "dwelling, row or group."

**TOWN ROAD IMPROVEMENT DISTRICT** — A special taxation district created upon petition to the Town Board, formed to underwrite the capital costs of widening and/or improving the right-of-way and surfacing of a Town road to the extent of connecting a new development to the nearest road of adequate quality to sustain the vehicular impact of that new development, said district to include all parts of the newly created development that benefit from the improved road access

and said district to be dissolved upon the satisfaction of its bonded indebtedness.

**TRAILER, CAMPING** — A folding structure, mounted on wheels and designed for travel, recreation and vacation use.

**TRAILER, OFFICE** — A vehicular, portable structure built on a chassis, designed as a temporary facility for such uses as banking, on-site construction supervision, etc.

**TRAILER, TRAVEL** — A vehicular, portable structure built on a chassis, designed as a temporary one-family dwelling for travel, recreation and vacation, having a body length not exceeding 26 feet.

**TREE PLANTING** — The planting of shade and ornamental trees, both deciduous and evergreen, of nursery stock guaranteed to survive one planting season, the caliper of all such trees to be at least 1 1/2 inches in diameter as measured at a point 4 1/2 feet above finished grade level, such planting to take place at a developer cost equal (at least) to 1% of the estimated full-assessed valuation of the land and intended improvements, as determined by the Town Assessor.

**USE** — The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**USE, ACCESSORY** — A use customarily incidental and subordinate to the principal use of a building and located on the same lot with such principal building. The footprint of the accessory building shall occupy an area not to exceed 1,500 square feet maximum, but in no event shall the accessory building be larger than the footprint of the principal building. The sum total of all accessory uses on a site shall not exceed the above area requirements. **[Amended 12-11-1996 by L.L. No. 5-1996; 6-3-2004 by L.L. No. 3-2004]**

WAY — A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

YARD — An unoccupied space open to the sky, on the same lot with a building or structure.

YARD, FRONT — An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, REAR — An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley, if there be an alley, and the rear line of the building.

YARD, SIDE — An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required the rear boundary of the side yard shall be the rear line of the lot.

### ARTICLE III Establishment of Districts

#### § 205-5. Enumeration.

For the purpose of promoting the public health, safety, morals and general welfare of the Town of Greenville, the Town is hereby divided into the following types of districts:

- A. Town Center District, encompassing that area east of Mountain Road extending from the intersection of Bedell Drive south to the intersection of Mountain Road and Greenville Turnpike West thence easterly along Greenville Turnpike to that point on Greenville Turnpike (east being the easterly boundary of the Tax Map numbers 6-1-19, 6-1-18, 6-1-17, 6-1-24.1, 6-1-24.2, 6-1-34.28, 6-1-35.21 and 6-1-8) thence westerly along Bedell Drive to the intersection on Mountain Road. (All Tax Map numbers are as of Tax Map No. 5-1-86.)
- B. Town Subcenter District, encompassing that area north and south of US Route 6 at the intersection of US Route 6 and Eatontown Road, encompassing the following properties: Tax Map numbers 5-1-18, 5-1-21, 5-1-22. (All Tax Map numbers are as of Tax Map 5-1-86.) A minimum of three acres per business establishment with entrance and exit on US Route 6 is required.
- C. RP District -- Ridge Preservation District, encompassing all that portion of the Town west of Mountain Road.
- D. BT District -- Balance of Town District, encompassing all that portion of the Town east of Mountain Road, a district that includes the Town Center District.

#### § 205-6. Zoning Map.

- A. The above-cited districts are bounded as shown on a map entitled "Zoning Map" of the Town of Greenville, adopted and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter.<sup>2</sup>
- B. Said map, indicating the latest amendments, shall be kept up-to-date in the offices of the Building Inspector for the use and benefit of the public.

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2. Editor's Note: The Zoning Map is included in a pocket at the end of this Code.

**§ 205-7. Interpretation of district boundaries.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Following center lines. Where district boundaries are indicated as approximately following the center lines of streets, parkways, waterways or railroad rights-of-way lines, the district boundaries shall be construed to coincide with the center lines of streets, parkways, waterways, railroad rights-of-way or such lines extended.
- B. Following lot lines. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Parallel to center lines. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- D. Water bodies. Where the boundary of a district follows a stream, lake or other body of water, said boundary lines shall be deemed to be at the limit of jurisdiction of the Town of Greenville, unless otherwise indicated.

**ARTICLE IV  
District Regulations**

**§ 205-8. Compliance required.**

Following the effective date of this chapter:

- A. Building requirements. No building shall be erected, moved, altered, rebuilt nor enlarged nor shall any land or building be used, designed or arranged to be used for any

purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this chapter for the district in which such building or land is located. Unless permitted upon special application to the Planning Board, a use is prohibited.

- B. Yard requirements. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. Lot requirements. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all provisions of this chapter.
- D. Previously issued permits. Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building complying with existing law, a permit for which shall have been duly issued prior to the date of the first publication of notice of the public hearing on this chapter, and the ground story framework of which, including the second tier of beams, shall have been completed, in accordance with such plans as have been filed, within one year from the date of passage of this chapter.
- E. Referral to County. Should any proposed zoning amendment, site plan approval, specific permit or variance consist of or include any of the following conditions, the appropriate agency (Planning Board, Town Board or Board of Appeals) shall refer the proposal to the Orange County Planning Department (in accordance with §§ 239-1 and 239-m of Article 12B of the General Municipal Law) on the form entitled "County Zoning Referral." These conditions include any change in the district classification of or the

regulations applying to real property lying within a distance of 500 feet from:

- (1) The boundary of any Village or Town.
- (2) The boundary of any state park or other recreational area.
- (3) The right-of-way of any County or state parkway, thruway, expressway or other controlled-access highway.
- (4) The right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines.
- (5) The boundary of any County- or state-owned land on which a public institution is located.

F. Applicants shall actively pursue applications before the Planning Board. In the event that an applicant has not appeared before the Board for a period of 12 consecutive months, upon resolution of the Planning Board, the matter will be removed from consideration by the Board and the file will be closed. A new application will thereafter need to be filed by the applicant when the applicant is prepared to proceed and actively pursue the application. Once the file is closed, any unexpended escrow sums will be returned to the applicant with a letter stating that the application has been deemed abandoned and that the file has been closed pursuant to a resolution adopted by the Planning Board. It shall also state that when the applicant is prepared to proceed and actively pursue the application, a new application must be filed with the Board. **[Added 6-17-2010 by L.L. No. 1-2010]**

**§ 205-9. Index of uses.**

A. The Index of Uses and Schedule for Computation of formula. To facilitate application and public understanding of this chapter and for the better administration thereof,

the regulations limiting the use of buildings and land are set forth in the annexed index of uses for each of the districts established by § 205-5 of this chapter.<sup>5</sup> When the Index invokes a formula as the means for determining minimum lot size, that formula shall be computed according to the procedure outlined on the annexed Schedule for Computation of formula. At no time shall a building lot be less than two acres or the formula calculation, whichever is greater. **[Amended 12-11-1996 by L.L. No. 5-1996]**

- B. Part of chapter. Such Index and Schedule are hereby adopted and declared to be a part of this chapter and may be amended in the same manner as any other part of this chapter.

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5. Editor's Note: Said Index of Uses is included at the end of this chapter.



ARTICLE V  
**Supplementary Regulations for Residential Uses**

**§ 205-10. Provisions subject to regulations.**

The provisions of this chapter regulating residential uses shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations:

**§ 205-11. Accessory buildings.**

- A. Location. An accessory building may be located in any required side or rear yard, provided that:
- (1) Such building or garage shall not exceed 22 feet from the finished floor to its ridge. **[Amended 6-3-2004 by L.L. No. 3-2004]**
  - (2) Such building or garage shall be set back 20 feet from any lot line and, if separated, shall not be located less than 10 feet from the principal building. However, in those cases where the edge of a lake forms a side yard lot line or rear yard lot line, accessory buildings located in such yards need not conform to the required five-foot setback. **[Amended 12-11-1996 by L.L. No. 5-1996]**
  - (3) All such buildings or garages in the aggregate shall not occupy more than 30% of the area of the required rear or side yard.
- B. Pairing. Accessory buildings constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.
- C. Front yard. No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the

Board of Appeals may authorize the erection of such garages within not less than 10 feet of the lot line where that natural slope of ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the lot line where such slope within 25 feet of such line exceeds 20%.

- D. Temporary sales office. For each subdivision receiving final plat approval by the Planning Board, there may be located a temporary office restricted to the sales of the dwellings within said approved subdivision plat. Said office may be situated within a model home or within a separate temporary office meeting the bulk regulations specified for the dwelling in said subdivision. Said office shall be permitted only during the period of active sales, but in no case longer than one year following the date of final plat approval. The Planning Board may extend this period up to one additional year whenever it deem that the circumstances warrant such extension.

**§ 205-12. Clear-sight triangle.**

At all street intersections in all residential areas no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 30 feet distant from their point of intersection.

**§ 205-13. Bulk exception for fences and walls; projections.**

- A. Fences or walls not over four feet in height may be erected anywhere on the lot, except as set forth in § 205-12 above. Fences or walls with a height in excess of four feet shall conform to the requirements set forth herein for building.
- B. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not

project within five feet of a street line or four feet of a property line.

**§ 205-14. Previously filed plats.**

Lots shown on a subdivision plat, filed with the County prior to the approval of plats by the Town Planning Board, may be used for one-family dwellings, provided that:

- A. Said plat shall be submitted to the Town Planning Board for resubdivision approval in accord with Chapter 181, Subdivision of Land.
- B. At the time said plat is reviewed by the Planning Board it shall contain within its boundaries at least 10 dwellings, each having a lot area of less than 15,000 square feet, or said plat shall be adjacent to a built-up area containing, within 500 feet, 10 dwellings, each having a lot area of less than 15,000 square feet.
- C. Each lot in said plat shall comply with the following conditions to all other applicable requirements:
  - (1) The minimum lot area shall be 12,500 square feet.
  - (2) The minimum lot width shall be 90 feet, the minimum lot depth shall be 110 feet.
  - (3) The minimum front and rear yards shall be 30 feet, the minimum side yard shall be 20 feet.
  - (4) The minimum livable floor area shall be 600 feet.
  - (5) There shall be a minimum of two off-street parking spaces per dwelling unit.
  - (6) The maximum coverage shall be 35%, maximum height shall be 2 1/2 stories or 35 feet.

**§ 205-15. Cluster developments; conservation subdivisions. [Amended 5-17-007 by L.L. No. 2-2007<sup>4</sup> ]**

- A. Purposes. The purpose of conservation subdivision is to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands.
- B. Applicability; location.
- (1) Conservation subdivisions are applicable in all zoning districts of the Town.
  - (2) An applicant for subdivision approval may propose or the Planning Board, in its discretion, may require the submission of a conservation subdivision plat where the Planning Board finds that a conservation subdivision is appropriate. The Planning Board may require a conservation subdivision only on subdivision applications that propose more than five lots. The parcel to be subdivided must consist of at least 30 acres.
  - (3) In order for the Planning Board to require a conservation subdivision without the applicant's consent, the Planning Board must find that a conservation subdivision is appropriate for the particular parcel of land in question and its location based upon the following criteria:
    - (a) The purpose for conservation subdivisions as set forth in Subsection A above will be furthered;
    - (b) The open space to be preserved via a conservation subdivision will not be as effectively preserved by any other method;

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4. Editor's Note: See also Ch. 181, Subdivision of Land, Art. IV, Cluster Developments.

- (c) The open space to be preserved via a conservation subdivision is of value to the community and will preserve or enhance the rural character of the Town;
- (d) The site features and constraints will allow for a feasible clustered or conservation lot layout; and
- (e) The soils and water supply are sufficient to service each lot in the conservation subdivision lot layout.

C. Density standards.

- (1) Overall density. The maximum number of lots permissible in a conservation subdivision shall in no case exceed the maximum number of lots permissible in a conventional subdivision for the same parcel of land if the parcel was subdivided via a conventional subdivision where the lots conform to the minimum lot size, density, and other requirements otherwise applicable to the district or districts in which such parcel of land is located.
- (2) Density calculation. The applicant shall submit a sketch plan for a conventional subdivision conforming to the minimum lot size, requirements and standards otherwise applicable to the district or districts in which the subdivision is located in order to establish the number of dwelling units permitted in a conservation subdivision. Said sketch plan must show that each lot meets the minimum lot size and area requirements for the zoning district in which it is located and that each lot shown can be developed as a viable single-family residential lot. Except as specified herein, all development standards and controls normally applicable to conventional subdivisions shall also be applicable to conservation subdivisions. Thus, areas of land needed for roads and infrastructure as well as site constraints that

limit the number of lots in a conventional subdivision shall be taken into account in determining the number of lots allowable in a Conservation Subdivision. The area of lands which may be required for parks, playgrounds or recreation areas in a Conservation Subdivision, if any, or a fee in lieu of such parks, playground or recreation areas, shall in no case exceed the area of such lands that may be required in a conventional subdivision. However, the area of lands which would be required in a conventional subdivision for parks, playgrounds or recreation lands pursuant to the Town's Subdivision Regulations shall be excluded in determining the number of lots permitted in a Conservation Subdivision.<sup>5</sup>

- (3) The maximum number of single-family lots that may be approved in a cluster development shall be computed by subtracting the areas of all lands which are defined as follows from the gross area and then dividing the resultant developable land area by the allowable lot area as defined in this section. Areas to be subtracted from the gross area are:
  - (a) All areas with slopes of 15% and greater.
  - (b) All wetland areas as designated by the N.Y.S. Department of Environmental Conservation, those for which a positive jurisdictional determination is or would be received from the U.S. Army Corp of Engineers as well as areas identified by the Planning Board (via consultants) to be a continuously wet area unsuitable for development or areas subject to flooding as identified by regulatory agencies.
  - (c) All areas which will be required for stormwater management facilities, including conveyances,

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5. Editor's Note: See Ch. 181, Subdivision of land.

storage, treatment, discharge and disposal facilities.

- (d) All areas that are indicated to be comprised of soils deemed unsatisfactory for subsurface sanitary sewer development as delineated in the Soil Survey of Orange County, New York, year of latest revision.
- (e) In the event that the total in Subsection C(3)(a) through (d) above does not equal 20% of the gross area or greater, an area of 20% of the gross area shall be subtracted for purposes of determining the maximum number of lots which may be created.

D. Development standards.

- (1) Lot sizes and layout. The intent of this section is to allow flexibility of design that allows for enhancement of rural character and conservation of open space. Lots should vary in size and shape and should utilize existing land features in configuration of the lots.
  - (a) Minimum lot size. The minimum lot size allowed in a conservation subdivision shall be no less than one acre.

E. Open space requirements.

- (1) Amount of open space required. The size of the open space shall be determined on a case-by-case basis with the final determination to be made by the Planning Board in its discretion upon review of the subdivision application. The portion of the subdivision tract to be set aside for open space conservation shall be of such minimum dimensions and size as to be functional for its intended purpose, taking into consideration environmental, density and

other site-specific factors. Fifty percent of the parcel shall be preserved as open space, if practical.

- (2) Location. Open space areas shall be convenient to the dwelling units they are intended to serve and shall be sited with sensitivity to surrounding land features and development. Open space areas shall be integrated wherever possible into a connected open space system within the development as well as outside the development. Open space areas should form a contiguous system with other open space areas in the vicinity of the subdivision development to the maximum extent practicable.
- (3) Use of open space areas. Open space areas may include features and improvements for active and/or passive recreation, provided that such features do not materially detract from the purpose for preservation of the open space. As a general principle, open space areas should be left in their natural state. Accepted conservation management techniques may be employed to maintain its natural state and allow for passive recreational opportunities such as, but not limited to, hiking trails, cross-country skiing or snowshoeing trails, picnic areas, etc. Where appropriate, active recreational facilities may be included in the open space areas. In addition, farming activities are allowed to continue on open space areas pursuant to an agricultural easement or other suitable arrangements. Where active agricultural lands are set aside in a Conservation Subdivision, such lands may remain in active agricultural use.
- (4) Deed restrictions. Any lands set aside for open space purposes shall contain appropriate easement, deed covenants, conditions and restrictions approved by the Planning Board and/or the Town Attorney, ensuring that:



- (a) The open space area or areas will not be further subdivided or developed in the future;
  - (b) The designation of the open space will continue in perpetuity for the purposes specified;
  - (c) Appropriate provisions are made for the continual maintenance management and use of the open space with the purpose in preserving the open space;
  - (d) The delegation of authority for management of the open space area is appropriately placed in the owner or owners of the open space area;
  - (e) The open space area will not be able to be converted or used for a for-profit commercial enterprise except for agricultural uses;
  - (f) The easements, deed covenants, conditions and restrictions shall be recorded against the parcel with reference to such recording made in each deed of conveyance of each lot and shall be enforceable by the Town.
- (5) Open space ownership. The type of ownership of the land set aside for open space shall be selected by the applicant subject to the approval of the Planning Board. An acceptable type of ownership may include, but is not necessarily limited to, the following:
- (a) Land preservation or conservation organizations or trusts;
  - (b) Public agencies or governmental bodies;
  - (c) The Town, subject to acceptance by the Town Board;
  - (d) The owner or owners of an individual lot or lots in the subdivision;

(e) Homeowners' associations with the following requirements:

- [1] The homeowners' association must be established prior to the conveyance of any lot or parcel within the proposed subdivision;
- [2] Membership must be mandatory for each lot owner, and each lot owner must have an equal voting right within the association;
- [3] The association's organizational documents must be submitted to and approved by the Planning Board and/or its attorney, as part of the subdivision approval process and must also be approved by the Office of the Attorney General of New York State if required by applicable laws, rules or regulations;
- [4] An estimate of the association's annual budget must take into account insurance, property taxes, and maintenance of the open space areas as well as other shared common areas or facilities such as access roads and recreational areas;
- [5] The association must be able to adjust the homeowners' fees or assessments on an annual basis and be able to collect and enforce the payment of annual fees or assessments;
- [6] The association cannot be dissolved without a vote of the association's membership and without the conveyance of the open space and common facilities to an entity acceptable by the Planning Board; and

- [7] The deed conveying title to each individual lot in the subdivision must include reference to the fact that the conveyance is subject to and includes membership in a homeowners' association pursuant to deed covenants either set forth in each deed or recorded against the entire subdivision. Both grantors and grantees should sign deeds of conveyance to ensure purchasers or grantees are aware of the homeowners' association requirements, obligations and fees, if any.
- (6) Process in determining design. In order to effectively create a conservation subdivision, the applicant, in consultation with the Planning Board should:
- (a) Identify the area or areas of the parcel to be subdivided which are to be conserved as open space and the area or areas which are to be utilized for development;
  - (b) Locate the house sites;
  - (c) Align streets, trails and infrastructure; and
  - (d) Draw in lot lines.
- (7) Exception to or waiver of requirements or standards. The Planning Board may permit minor deviations to, or waive, certain open space requirements or standards when it determines that:
- (a) The objectives underlying the open space standards and requirements can still be met with such deviations or waivers; and/or
  - (b) Because of peculiarities in the tract of land proposed for subdivision or the development proposed, it would be unreasonable to require strict adherence to such requirements or standards.

- (8) The setting aside of open space, forested land, or active agricultural land in a conservation subdivision shall in no case preclude the Planning Board from requiring the dedication of an area or areas for parks, playgrounds or recreation lands within the subdivision pursuant to the Town of Greenville Subdivision Regulations or other provisions of the Town Code.
- F. Procedure. Notwithstanding any requirements established in this section, the proposed plat of a conservation subdivision shall be subject to the application procedures established in the Town of Greenville Subdivision Regulations and shall be subject to public review at the public hearing or hearings held pursuant to those regulations.
- G. Provision of water and sewer or septic systems. Central water and sewer systems are encouraged for conservation subdivisions.
- H. Applicability. This section shall apply to all new and/or pending subdivision applications which have not received a preliminary plat approval prior to the effective date of this law.

**§ 205-16. Uniformity of design.**

In order to avoid monotony of architectural design, no building permit shall be issued for the erection of a home located within an approved subdivision plat if it is substantially like any neighboring building which is existing or for which a building permit has been issued or is being concurrently considered.

- A. A building shall be considered neighboring if it fronts on the same street as the building being considered and which is the first or second house along the street in either direction or which faces or is adjacent to the building that faces the building site being considered from across the street.

- B. In considering those items listed in Subsection C below, a building shall be considered substantially alike in any dimension for which they differ by less than two feet, except 20 feet for setback difference, in relative location of elements, and end-to-end or side-by-side reversal of elements shall be deemed to be alike in related location of such elements.
- C. Buildings shall be considered substantially alike unless they differ in at least three of the following respects or dimensions:
- (1) Set back from street.
  - (2) Relation of a garage visible from the street to the principal building.
  - (3) Gables extended from the main roof visible from the street.
  - (4) A major difference in facing or finishing for the front elevation, such as brick, stone, cedar shakes, aluminum siding, etc.
  - (5) The addition of dormer windows all visible from the street.

#### ARTICLE VI

#### Supplementary Regulations for Nonresidential Uses

#### § 205-17. Provisions subject to regulations.

The provisions of this chapter regulating nonresidential uses shall be subject to such exceptions or modifications as herein provided by the following supplementary regulations.

**§ 205-18. Courts.**

- A. Inner court. No inner court shall have a minimum dimension less than 1/2 of the average height of all surrounding walls.
- B. Outer courts. The minimum width of outer courts shall be 20 feet, and its shall not exceed its width.

**§ 205-19. Garage entrances.**

No public or private garage for more than five motor vehicles shall have an entrance or exit for motor vehicles within 50 feet of a residential district.

**§ 205-20. Business entrance on residential streets.**

Where a residential district is bounded by a portion of a business district, any side street extending through such residential district into such business district shall not be used for any business purpose, except as herein set forth. The business structure erected in said business district shall face and open upon the street set aside for business purposes, except that show windows in such business structure may be built and exposed upon said side street within the area set aside as a part of such business district, and an entrance may be made at the corner of such business and residential streets, and all other entrances thereto must face on the business street, except that entrances may be made from such residential street to the upper stories of such business structure.

**ARTICLE VII****Supplementary Regulations for All Uses****§ 205-21. Provisions subject to regulations.**

The provisions of this chapter regulating all uses shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

**§ 205-22. Rights-of-way not part of lot.**

In calculating the required lot area, lot width, depth or yards, rights-of-way shown on the Official Map, if any, shall not be considered as part of the required area.

**§ 205-23. Signs.**

- A. Effect. No sign, billboard, advertising display or structure, poster or device shall be erected, moved, enlarged or reconstructed except as expressly permitted in this chapter. Review of signing is part of site plan review.
- B. Prohibition. The following types of signs or artificial lighting are prohibited:
- (1) Billboards.
  - (2) Flashing signs, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.
  - (3) Signs which project over a public street.
  - (4) Signs which compete for attention with or may be mistaken for a traffic signal.
  - (5) The outlining by direct illumination of all or any part of a building, such as a gable, roof, side, wall or corner.
  - (6) Rotating signs, including all signs and devices which are not permanent in their orientation.
- C. Temporary real estate signs. Temporary real estate signs are permitted for each subdivision receiving preliminary plat approval by the Town Board.
- (1) One such sign may be located on each existing Town, County, state highway or street on which the subdivision fronts. Said sign(s) shall be permitted

only during the period of active sales, and in no case longer than one year from the date of preliminary approval. The Planning Board may extend this period up to one additional year whenever it deems that the circumstances warrant such extension.

- (2) Each such sign shall not exceed 10 feet in height (measured from the ground level to the top of the sign) and shall not be located nearer than 10 feet to any street or lot line or any building (unless attached directly to the building). The total area of each sign shall not exceed 20 square feet.
- (3) For the purpose of selling land or buildings for which subdivision approval is not required, one sign may be permitted on the subject lot, such sign not to exceed four square feet. Said sign shall be removed promptly upon the conclusion of the sale.

**§ 205-24. Off-street parking; storage of vehicles.**

- A. Permitted accessory use. Off-street parking spaces, open or enclosed, are permitted accessory to any use, subject to the provision of this section.
- B. Schedule of requirements. Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in the schedule of requirements in Subsection L below for each use in any district. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these regulations.
- C. Areas computed as parking spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than street or driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space, other than on a corner lot as provided in § 205-12.



- D. Size of space. Three hundred square feet shall be considered one parking space (to provide room for standing area and aisles for maneuvering). Entrance and exit roadways shall not be computed as parking space except for one-family and two-family residences as in Subsection C above. The minimum stall width shall be 10 feet, and the minimum length shall be 20 feet.
- E. Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one ten-foot lane for parking areas with fewer than 20 spaces, and at least two ten-foot lanes for parking areas with 20 spaces or more.
- F. Drainage and surfacing. All open parking areas shall be properly drained, and all such areas of over 10 spaces shall be provided with a suitable surface as specified by the Town Engineer, except for parking accessory to a one-family or two-family residence.
- G. Landscaping. In parking lots of one acre or more, at least 5% of the area of parking lot shall be devoted to landscaping within the interior of the parking area. In all parking lots providing eight or more off-street parking spaces, one shade tree shall be planted for each eight parking spaces and any additional portion thereof, said tree(s) to be planted in median dividers, islands or such other locations as may be determined by the Planning Board.
- H. Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.
- I. Screening from residential uses.
- (1) Whenever a parking lot of five stalls or more abuts the side or rear lot line of a lot in a residence

district, or any lot in residential use, said parking lot shall be screened from such adjoining lot by a substantial wall or fence or thick hedge with a height of not less than three feet at the time of planting and pruned to a height of not less than 6 1/2 feet.

- (2) Wherever a parking lot is located across the street from land in any residence district or any land in residential use, it shall be screened from the view of such land by a thick hedge located along a line drawn parallel to the street and a distance of five feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street.
- (3) Identification and directional signs indicated on the street side, if such screening as provided in Subsection I(2), shall not exceed an area of three square feet each and shall be limited to such as are essential for the particular use.

J. Trailers (camping or travel), motor homes and boats.

- (1) The storage, parking or use of camping or travel trailers is hereby prohibited in all districts except that:
  - (a) One camping or travel trailer may be stored, but not used for any purpose on an occupied lot (or an adjacent unoccupied lot, if both lots are under common ownership).
  - (b) Said camping or travel trailer shall not exceed 38 feet in length.
  - (c) Said camping or travel trailer shall not be located between the street line and the principal building and shall conform to side and

rear yard requirements governing accessory uses.

(d) For the purpose of these regulations, motor homes shall be considered as travel trailers.

(e) No commercial vehicles in excess of 18,000 pounds gross vehicle weight (GVW) owned or operated by a resident shall be located in Ridge Preservation or Balance of Town Zones. [Amended 12-11-1996 by L.L. No. 5-1996]

(2) Not more than one boat may be stored in the open on an occupied lot (or on an adjacent unoccupied lot, if both lots are under common ownership) in a residential area, provided that such boat is not stored between the street line and the principal building, and that such boat shall conform to side and rear yard requirements governing accessory use.

K. Driveways. No driveway shall provide access to a lot located in another district, which lot is used for any use prohibited in the district in which such driveway is located.

L. Schedule of requirements. Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified below for each use in any district. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of those regulations:

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
Places of worship, libraries, annual membership clubs, lodges and other public buildings	1 for each 200 square feet of floor area, but not less than 1 space for each 5 seats where provided

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
Golf courses and other country clubs	1 for each 2 members or accommodations (such as lockers), whichever is greater
Hospitals, sanitarium, philanthropic or eleemosynary institutions	2 for 3 beds
Boardinghouses	1 for each guest room
Eating and drinking	1 for every 3 seats or 3 persons places accommodated at capacity
Funeral homes	1 for every 2 employees, plus 3 persons accommodated at capacity
Hotels, motels, residential resorts	1 for each guest room plus the number of employees on largest shift
Bowling alleys	5 for each alley
Home occupation or accessory professional office, except physicians and dentists	3 per home occupation or accessory or accessory professional office
Professional office of physicians and dentists	5 for each physician or dentist
Dwelling unit in multifamily structure	2 per dwelling unit
All other residences	2 per dwelling unit
Light industry, research laboratory, office building or warehouses	1 for every 400 square feet of floor area or 1 1/2 employees (whichever is greater)
Travel trailer camp	1 per trailer space
Nursery school	1 for each classroom

Use	Minimum Parking Spaces Required
Golf driving range	1 per golf driving tee
Retail stores; produce stands	1 per 150 square feet of retail floor space
Auditorium, convention hall, gymnasium, theater, studio or other place public assembly not otherwise classified	1 for each 3 seats or 40 square feet of seating floor area where fixed seating is not provided
School, elementary	1 for each 1/2 classroom, plus one space for each 5 seats in any auditorium or other place of assembly
School, secondary	1 for each 1/4 classroom, plus one space for each 5 seats in any auditorium or other place of assembly

M. Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed above shall be determined by the Planning Board upon consideration of all factors entering into the parking needs of each use.

**§ 205-25. Off-street loading berths.**

- A. Permitted accessory use. Off-street loading berths, open or enclosed, are permitted accessory to any use, except residences for one or two families. However, no off-street loading berth shall be located in a front yard.
- B. Uses for which required. Accessory open or enclosed off-street loading berths shall be provided for any lot or

any other use specified in the Index of Uses.<sup>6</sup> Any land which is developed as a unit under a single ownership and control shall be considered a single lot for the purposes of such requirements.

- C. Size, location and access. Each required loading berth shall be at least 12 feet wide, 33 feet long (48 feet long for industrial purposes) and 14 feet high. Unobstructed access, at least 10 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. A berth may be located either within a building or in the open, but not within required yards. If such berths are not enclosed they shall be located not fewer than 300 feet from any residential use and effectively screened therefrom as in the case of parking areas (§ 205-24I). All permitted or required loading berths shall be on the same lot as the use to which they are necessary, except as provided in Subsection D below.
- D. Joint facilities. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements.
- E. Uses for which required. Accessory off-street loading berths shall be provided for any use specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these loading requirements. The following spaces shall be required:
  - (1) For a public library, museum, art gallery or similar quasipublic institution or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged or school, with floor area of 10,000 square feet:

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6. Editor's Note: The Index of Uses is included at the end of this chapter.

one berth; for each additional 25,000 square feet or fraction thereof: one additional berth.

- (2) For buildings with professional, governmental or business offices or laboratory establishments, with a first floor of 10,000 to 25,000 square feet: one berth; for each additional 25,000 square feet or fraction thereof, up to 100,000 square feet: one additional berth; and for each additional 50,000 square feet or fraction thereof: one additional berth.
- (3) For buildings with offices and retail sales and service establishments: one berth for 8,000 to 25,000 square feet of floor area; and one additional berth for each additional 25,000 square feet of floor area or fraction thereof.
- (4) For undertakers: one berth for each chapel. (Such berths shall be at least 10 feet wide, 20 feet long and 7 1/2 feet high).
- (5) For manufacturing, wholesale and storage uses, and for dry-cleaning and rug cleaning establishments and laundries: one berth for 5,000 to 10,000 square feet of floor area in each use; and one additional berth for each additional 20,000 square feet of floor area or fraction thereof.
- (6) For component uses within an industrial park: for buildings with floor area of 10,000 to 25,000 square feet: one berth; for each additional 25,000 square feet or major fraction thereof up to 100,000 square feet: one berth; and for each additional 50,000 square feet or major fraction thereof above 100,000 square feet: one berth.

**§ 205-26. Parking and loading access near street corners.**

No entrance or exit for any accessory off-street parking area with over 10 parking spaces nor any loading berth shall be located within 50 feet of the intersection of any two streets.

**§ 205-27. Required parking and loading for lots in more than one district.**

When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall be located in any residential area, unless the use to which they are accessory is permitted in such district.

**§ 205-28. Keeping of domestic animals. [Added 12-11-1996 by L.L. No. 5-1996]**

No owner or lessee shall permit any dog, cat or domestic animal as defined in § 108, Subdivision 7, of the Agriculture and Markets Law to be kept on any parcel of land upon which there is a vacant dwelling unit, garage, barn or shed, unless there is also an inhabited dwelling unit on such parcel.

**§ 205-29. Tree removal, topsoil removal, surface grading and excavation.**

- A. Policy. It is the established policy of the Town of Greenville (and this section of this chapter is adopted for the purpose of promoting this policy) that the natural topography of the land of the Town is a public asset which should be preserved and safeguarded. It is hereby declared that the various features of such topography, including the topsoil and other natural materials that constitute the land, the shape or contour of the land, the plant life and wildlife that is fostered on the land and water or the flow thereof



upon the land, are of prime concern to the welfare of the people of the Town of Greenville, and no changes shall be permitted in such topography, except those which are absolutely necessary in order to permit the proper and appropriate use of the land.

- B. Conformance required. There shall be no regrading, removal or excavation of topsoil or other natural materials from any property in the Town of Greenville, New York, except as provided for herein. These provisions shall not be construed as prohibiting or limiting normal use of land for farming or gardening or similar agricultural or horticultural uses in any zoning district where such uses are permitted, as is the case for sod farms.
- C. Permit not required. A permit is not required for the following tree removal, topsoil removal, surface grading or excavation uses:
- (1) Road building. For the excavation of topsoil and other natural materials from within the limits of the right-of-way or slope rights of any Town, County or state highway or for the sole purpose of building roads and slopes incidental thereto which lie within the area of a subdivision approved by the Planning Board of the Town of Greenville or on file in the County Clerk's office in Orange County, New York.
  - (2) Improvement of property (minor). For the improvement of property, provided that such improvement shall not cover an area more than three times that of the foundation of the new building or structure for which a building permit has been issued by the Building Inspector and which improvement shall conform to the following standards, or for any lawful Town use:
    - (a) Final slopes shall be finished at a grade no greater than the natural angle of repose, except where supported by a retaining wall or foundation.

- (b) Any lakes or ponds that are created shall have sufficient depth and inflow of water to prevent their becoming stagnant in dry periods.
  - (c) Topsoil may be removed in connection with any permitted excavation but shall be replaced to a depth of at least four inches over all exposed ground surfaces, except rock, and said restored surface shall be planted or seeded and mulched repeatedly as necessary until the area is stabilized.
  - (d) Topsoil or other natural materials which have been excavated to permit the improvement of property may be removed from the property, provided that the amount to be removed is in excess of that to be reused on the site of the improvement, and provided that this amount is specified in the building permit for such improvement.
  - (e) No processing of excavated materials by a rock crusher or similar equipment shall be permitted on the premises.
  - (f) Any regrading, removal or excavation which is permitted under the provisions of this section, subject to the issuance of a building permit, shall be completed within one year of the date of the issuance of said permit.
- (3) Landscaping. For landscaping purposes in which topsoil is removed from one part of the property and deposited on another part of the same property, provided that a cover of at least four inches of topsoil shall remain after such removal, and said restored surface shall be planted or seeded and mulched repeatedly as necessary until the area is stabilized.

D. Permit required. The following are uses for which a tree removal, topsoil removal, surface grading and excavation permit is required:

(1) Improvement of property (major).

(a) The improvement of property where tree removal, topsoil removal, regrading or excavation of topsoil or other natural materials exceeds an area more than three times that of the foundation of the building, structure or other improvement for which a building permit has been issued or for the improvement of property as set forth above in excess of 1/4 acre in area for which a building permit has not been issued. Such regrading, excavation, tree or topsoil removal may be permitted by the Building Inspector in accordance with the requirements set by the Planning Board and based on the following standards:

[1] All other provisions of this section are adhered to.

[2] Complete plans of the proposed excavating or regrading are presented to the Planning Board.

[3] The proposed excavation will not interfere with the natural drainage of the area.

[4] Any previous excavation or regrading on the property has been accomplished and completed in accordance with all the provisions of this section.

(b) A performance bond may be required to ensure conformance to all applicable standards and requirements.

(2) Commercial purposes. The regrading, removal or excavation of topsoil or other natural materials for

commercial purposes shall be deemed, for the purpose of this chapter, to be the regrading, removal or excavation of topsoil or other natural materials other than the uses permitted under § 205-30A, B and C. No commercial excavation shall be permitted until it has been found by the Planning Board that such excavation or other operation accessory thereto will not be detrimental to the appropriate and orderly development of any district in which it is situated nor impair the value thereto, and such excavation or accessory operation shall be permitted only after approval by the Planning Board.

- (3) Removal of shade trees. The improvement of property involving the removal of shade trees by property owners along any Town, County or state highway.

E. Permit procedure.

- (1) Applications and plans to be submitted.

- (a) In all cases where a tree removal, topsoil removal, surface grading or excavation permit is required, the applicant shall file with the Building Inspector a verified application in triplicate for such permit, together with complete plans for the proposed excavation and which shall show:

- [1] The location of the premises and its relation to neighboring properties, showing all buildings and roads within 1,000 feet of the excavation site.
- [2] Complete plans of the proposed excavation or regrading indicating the location and dimensions of the work area, proposed buildings, paved area, underground utilities, private sewage disposal facilities and a plan for rehabilitation showing both

existing and proposed final contours at a maximum contour interval of five feet.

- [3] The location and present status of any previous commercial operations on the property.
  - [4] Detailed plans of the area to be excavated, indicating amounts to be excavated, the location of storage piles, the existing and proposed slopes, details of existing and proposed drainage, including the proposed level of any impounded water, plans for erosion control, the location of all proposed structured and all excavating or processing equipment and the location of all proposed access drives to the excavation site.
  - [5] Computations by a registered engineer or surveyor showing how the amounts were determined in Subsection A(4) above.
  - [6] An indication of the specific location of all live trees in the proposed grading area and along a twenty-five-foot wide work area border which are eight inches in diameter or larger, measured at a point three feet above existing ground level prior to regrading, with note for each tree indicating removal or not.
- (b) No grading, excavation, tree removal or construction work shall take place on the property until approval of the plan is complete.
- (2) Accompanying certification. The application for an excavating permit for commercial purposes shall be submitted in the name of the owner or by any person duly authorized by such owner and shall be accompanied by a certificate from the Receiver of

Taxes that all taxes, assessments and charges affecting said property have been paid.

- (3) Performance bond. A performance bond, if required, shall be posted with the Planning Board, in an amount and form to be determined by the Planning Board, to insure conformance to the approved plans and all applicable regulations. The Planning Board shall set a reasonable time limit for such bond, but not to exceed one year, except in the case of a continuing excavation operations, when a bond may be renewed or extended with each permit renewal. Said bond shall remain in full force and effect until a certificate of completion has been issued by the Building Inspector, certifying that all provisions of this chapter and conditions of the permit have been complied with. In lieu of such bond a cash deposit or certified check may be posted with the Supervisor of the Town.
- (4) Expiration and extension. Permits issued under this section shall expire one year from the date of issuance, except that the Planning Board may extend permits for one year after a complete review of all plans and an examination of work accomplished.
- (5) Existing operations. In issuing a permit for commercial excavations, the Planning Board may require that any commercial excavation, in operation at the time of the adoption of this chapter, comply with the requirements of this chapter.
- (6) Submission to Orange County Department of Health. The plans for any proposed excavation shall be submitted by the applicant to the Orange County Department of Health for approval in order that it can be determined that there would be no change in groundwater level or creation of stagnant ponds which would endanger the public health or safety.

**§ 205-30. Commercial excavation standards.**

- A. Buffering. No excavation for commercial purposes (as defined herein) shall be closer than 50 feet to any street line or other property line.
- B. Lateral support. The proposed operation shall not adversely affect the lateral support of abutting land and other properties. The slope of material in any excavation, excepting rock quarries, shall not exceed the normal angle of repose or 45°, whichever is less. The final slope of any excavated materials shall not exceed the normal angle of repose of such material, except where a suitable retaining wall, as shown on approved plans, is built to provide lateral support.
- C. Processing of excavated materials. No rock crusher or similar apparatus or equipment, used for the processing of excavated materials, shall be operated within 1,000 feet of the boundaries of a site located in any residential area nor within 200 feet of any street or property line of a site located in any nonresidential area.
- D. Truck access drives. Truck access drives to the excavation site shall be located so as to minimize the danger to traffic and nuisance to surrounding properties. In order to prevent dust, such drives within 500 feet of any lot line or excavation operation shall be kept wet, oiled, treated with chemical dust deterrents or paved.
- E. Fences or barricades. Fences or barricades shall be erected to protect pedestrians and vehicles. Where any open excavation will have a depth of 10 feet or more and a slope of more than 30°, there shall be a substantial fence, as approved by the Planning Board, with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fence shall be located 50 feet or more from the edge of the excavation. All operations shall be screened from nearby residential uses, as may be required by the Planning Board.

- F. Interference or endangerment. No excavation shall be permitted which would interfere with public utility systems or which would create or aggravate any condition detrimental to the public health and safety.
- G. Natural drainage. No excavation shall be permitted which would interfere with the natural drainage of the general area surrounding the excavation site. All existing watercourses shall be preserved, except that such watercourses may be relocated in accordance with the approved plans, provided that satisfactory provisions are made for the maintenance of the flow. Any lakes or ponds that are created shall have sufficient depth and inflow of water to prevent their becoming stagnant in dry periods.
- H. Refilling. All pits, quarries, holes or any other excavated areas shall be refilled with clean, nonrunable fill containing no garbage refuse or harmful matter to the natural grade of the property. The Planning Board may specifically waive the provisions of this subsection for excavations made into the side of a hill, provided that it shall find that refilling is not necessary to satisfy all the provisions of this section.
- I. Storage piles of materials. Storage piles of materials, including waste materials, shall be located only at approved places and in no case any closer to property lines than is permitted for excavations. After completion of excavation operations, waste materials shall be used in filling all open pits, quarries, etc. Piles of excess waste materials shall be leveled.
- J. Soil erosion. Every precaution shall be taken to prevent soil erosion by water or wind during operations. After any such operations, the site shall be made reusable for a use permitted in the district. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the operation. The area shall be brought to final grade by a layer of earth of two feet or original thickness, whichever is less, capable of supporting vegetation. Upon completion



of replacement of topsoil, it shall be harrowed or raked to establish a seed bed and shall be seeded with grass, permanent pasture mixture or other approved fast-growing vegetation and repeated as necessary until the area is established.

- K. Hours of operation. No excavating operations or processing of excavated materials shall take place between the hours of 7:00 p.m. and 7:00 a.m., nor at any time on Sundays or legal holidays.
- L. Accessory uses. Excavated materials from one property shall not be processed on another property.
- M. Soil fertility. The proposed operations shall not adversely affect soil fertility.
- N. Administration and enforcement.
  - (1) Application and fee. This section of this chapter is to be enforced by the Building Inspector. On all applications for a permit, the office of the Building Inspector shall charge and collect for a commercial excavation a fee as set from time to time by resolution of the Town Board in Chapter A212, Fees. Any fees beyond the base fee may be waived depending on the extent and complexity of the operation.<sup>7</sup>
  - (2) Coverage. The provisions of this chapter shall be made applicable to all excavations or excavated areas which are being worked at the time this chapter shall become effective. No excavation shall be continued or extended in area after the effective date of this chapter without first securing a permit therefor.
  - (3) Other jurisdictions. The foregoing provisions providing for the enforcement of the regulations in

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7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

this chapter contained are not exclusive but are in addition to any and all other laws applicable thereof.

- (4) Inspection. Any person applying for an excavation permit or any person or persons authorizing or consenting to such application shall be deemed to have authorized the Building Inspector to go upon the premises at any reasonable time for the purpose of inspecting the same in order to determine that the provisions of this chapter are being or have been complied with.

**§ 205-31. Commercial and noncommercial forest improvement operations.**

- A. A permit shall be required for all commercial timber harvesting and for all noncommercial operations (as defined) on forest land in the Town of Greenville, New York.
- B. Commercial timber harvesting permit procedures. The Building Inspector shall receive the following information from the landowner before granting a permit for forest land improvement:
  - (1) Summary. A summary of cutting operations to include:
    - (a) The total land area involved in cutting operations.
    - (b) The number of trees of each species to be cut.
    - (c) The range in inches, of diameter, measured at the standard breast height (4 1/2 feet above the ground) of the trees to be cut.
    - (d) The total board foot volume for each species to be cut.

- (e) The total volume to be removed from the cutting area.
  - (2) Map. A sketch map to show:
    - (a) The boundaries of property.
    - (b) Access roads into property.
    - (c) The area within the property where harvesting or improvement cutting will occur.
    - (d) The location of product loading areas.
  - (3) Statement. A statement from the landowner that each tree to be removed has been designated by a professional forester, with paint or other distinctive means, at two points so as to be readily visible by the buyer. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed. Trees being removed for other than sawtimber need not be marked on the stump.
- C. Noncommercial forest stand improvement operations; thinning and culling. Thinning and cull removal are forestry operations in noncommercial stands of trees and are designed to provide more growing room for better trees. Involved is the removal of poor quality, low vigor, injured, diseased or excessively crowded trees. The material involved is rarely usable, and the operation, therefore, is not one from which the landowner receives an income. However, the benefits to the total environment, the forest, the wildlife habitat, the owner and the Town itself are such that people should be encouraged to undertake these activities.
- D. Commercial and noncommercial forest stand improvement standards.
- (1) Conservation practices. The proposed operation shall not adversely affect drainage, possible growth of vegetation and the general appearance of the

landscape; nor shall it contribute to soil erosion by water or wind.

- (2) Adjacent property. Trees falling on adjacent properties as a result of an improvement operation shall immediately be returned to the permittee's property.
- (3) Management practices. Loading areas shall be smoothed to remove all ruts and debris. Waste materials shall be buried or removed to a point out of sight of any Town road.
- (4) Hours of operation. No harvesting, cutting or sawmill operations or removal of products shall take place between the hours of 7:00 p.m. to 7:00 a.m. nor at any time on Sundays or legal holidays.
- (5) Expiration and extension. The term of this permit shall be for one year. However, since forest stands improvement operations may be adversely affected or delayed by unusual circumstances of weather or other occurrences, an extension of one year shall be available on the recommendation of the Building Inspector upon request of the landowner.
- (6) Standards.
  - (a) The Building Inspector shall recommend the following standards be invoked where necessary:
    - [1] Top lopping or removal of debris within 100 feet of any Town road or leaving an uncut screen along such roads.
    - [2] Construction of water bars and the seeding of logging skid roads to prevent or reduce erosion.

- (b) To insure the compliance of the permittee to the standards of this chapter, a performance bond (in a suitable amount), may be required.
- (7) Additional requisites. The Planning Board, with the advice of the Regional Forester on approved forestry practices, may make additional rules regarding the periods of operation, size of trees cut, incidental earth removal, access roads, reforestation and prevention of forest fires.

**§ 205-32. Performance standards.**

- A. No land or building in the Town Center District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electromagnetic or other disturbance; glare, liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.
- B. Uses requiring performance standards procedure. Only manufacturing uses and uses necessary thereto shall be subject to performance standards procedure as specified in Subsection E below in obtaining a zoning permit, unless the Building Inspector has reasonable grounds to believe that another proposed use is likely to violate performance standards, in which event the applicant shall comply with performance standards procedure.

- C. Enforcement provisions applicable to other uses. Even though compliance with the performance standards procedure in obtaining a building permit is not required for some particular uses, initial and continued compliance with the performance standards themselves is required of every use; the provisions for enforcement of continued compliance with performance standards shall be invoked by the Building Inspector against any use if there are reasonable grounds to believe that performance standards are being violated by such use.
- D. Performance standard regulations.
- (1) Fire and explosion hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in the industry. Burning of waste material in open fires is prohibited at any point. The relevant provision of state and local laws and regulations shall also apply.
  - (2) Radioactivity and electromagnetic disturbances. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line, or electromagnetic disturbances adversely affecting the operation at any point of the equipment, other than that of the creator of such disturbances.
  - (3) Noise.
    - (a) The maximum sound-pressure level radiated by any use or facility (other than transportation facilities) at the property line shall not exceed the values in the designated octave bands given in Table I, after applying the corrections shown in Table II, below. The sound-pressure level shall be measured with a sound-level meter and associated octave band analyzer conforming to standards prescribed by the

American Standards Association. American Standard sound-level meters for measurement of noise and other sounds, z24, 3-1944, American Standard Specification for an octave-band filter set for the analysis of noise and other sounds, z24, 10-1953, American Standard Association, Inc., New York, New York shall be used.

**TABLE I**

<b>Octave Band Range in Cycles Per Second</b>	<b>Sound-Pressure Level in Decibels re 0.002 dyne/cm<sup>2</sup></b>
20 to 300	60
300 to 2,400	40
Above 2,400	30

- (b) If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in Table II shall be applied to the decibel levels given in Table I.

**TABLE II**

<b>Type or Location of Operation or Character of Noise</b>	<b>Correction in Decibels</b>
Daytime operation only	5
Noise source operates less than:	
20% of any 1-hour period	5
5% of any 1-hour period	10

**TABLE II**

<b>Type or Location of Operation or Character of Noise</b>	<b>Correction in Decibels</b>
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, screech, etc.)	-5
Property is not within 500 feet of any residential area	5

- (4) Vibration. No vibration shall be permitted which is discernible without instruments at the property line.
- (5) Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Poer's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954, (being a direct facsimile reduction of the standard Ringelmann Chart as issued by the United States Bureau of Mines), except that visible gray smoke of a shade equal to No. 2 on said Chart may be emitted for four minutes in any 30 minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of different color but with apparently equivalent opacity.
- (6) Odors. No emission shall be permitted of odorous gases or other odorous matter In such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system



should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, Odor Thresholds, in Chapter 5, Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.

- (7) Fly ash, dust, fumes, vapors, gases, other forms of air pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property or which can cause any excessive soiling, at any point on the property of others, and in no event shall any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas be permitted. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air.
- (8) Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this chapter, nor to security lighting, lighting of a road system or parking lot lighting not otherwise prohibited.
- (9) Liquid or solid wastes. No discharge shall be permitted of any point into any public sewer, private sewage disposal system or stream or into the ground, except in accordance with standards approved by the County Department of Health or similarly empowered agency of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

- E. Performance standards procedure. An application for a building permit or certificate of occupancy for a use subject to the performance standards procedure shall include a plan of the proposed construction and a description of the proposed machinery, operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed under Subsection D above. The applicant shall also file with such plans and specifications an affidavit acknowledging his understanding of the applicable performance standards and stating his agreement to conform to the same at all times. No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential. Upon the satisfactory filing of the required plans, specifications and affidavit, the Building Inspector shall proceed to issue a building permit and certificate of occupancy in accordance with the procedures set forth in §§ 205-71 and 205-72.

**§ 205-33. Mobile homes; temporary certificate of occupancy; fees.**

- A. Except as provided herein and in the Index of Uses,<sup>8</sup> the storage or use of mobile homes in the Town of Greenville is prohibited.
- B. Use as temporary residence.
- (1) Temporary certificate of occupancy. Where a building permit has been issued for the alteration or extension of a single-family residential building, the Building Inspector may issue a temporary certificate of occupancy for one mobile home for a period not to exceed six months. Said temporary certificate of occupancy may be extended for one additional period of six months if the Building Inspector finds that construction has been diligently pursued, and that

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8. Editor's Note: The Index of Uses is included at the end of this chapter.

justifiable circumstances require such an extension. Said mobile home may be occupied during the term of the temporary certificate of occupancy and must be situated upon the lot for which the building permit has been issued. Prior to the issuance of temporary certificate of occupancy by the Building Inspector and the location of said mobile home on the lot, the matter shall be subject to Planning Board approval. Said Board may attach to the approval whatever conditions it deems necessary to carry out the intent of this chapter.

- (2) Fee. The fee for a temporary certificate of occupancy for a mobile home shall be set from time to time by resolution of the Town Board in Chapter A212, Fees. Cash in the amount of \$1,000 shall be deposited with the Town in an escrow account to assure removal of the mobile home upon expiration of the permit.<sup>9</sup>

**§ 205-34. Mobile home courts; permits; fees; development standards.**

- A. Requirement. No person, firm or corporation shall own or operate a mobile home court without a permit, obtained as herein provided, and failure to have such a permit shall constitute a violation of this chapter.
- B. Authorization and approval of plans by the Planning Board. A mobile home court shall be allowed only upon authorization and approval of the plans by the Planning Board, and only in those zoning districts where such use is permitted.
- C. Nontransferability. Mobile home court permits shall not be transferable or assignable.

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9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. Procedure. Application for a mobile home court permit shall be filed with the Building Inspector who shall submit the same to the Planning Board for appropriate action. After proper review under the terms of Article XII and Subsection G below, the Planning Board may grant authorization and approval of the plans. Following such authorization, the Building Inspector shall issue a permit for a mobile home court upon receipt of the required fee.
- E. Application. Application for a mobile home court permit shall be made in triplicate on forms to be provided by the Building Inspector, shall be signed by the applicant and shall state:
- (1) The name and address of the applicant or applicants (if a partnership).
  - (2) The names and addresses of each officer and director (if a corporation).
  - (3) The interest of the applicant in the property (if not the owner of record).
  - (4) The name and address of the property owner.
- F. Site plan. Each application shall be accompanied by a site plan drawn to scale by a qualified engineer or land planner, said plan to include the following information:
- (1) The location of the proposed mobile home court, showing the boundaries and measurements of the premises.
  - (2) The location and number of mobile homes to be situated therein.
  - (3) The means of egress and ingress to all public roads.
  - (4) Watercourses and drainage ditches.
  - (5) Internal roads and off-street parking facilities.
  - (6) Water supply and sewage disposal facilities.

- (7) Location of fire extinguishers.
  - (8) The location, nature and extent of fences and screening.
  - (9) The location of outdoor lights, signs and other structures.
  - (10) The names and addresses of the owners of adjoining properties.
- G. Mobile home court development standards. Notwithstanding the applicable provisions of Town codes or other ordinances, each mobile home court shall comply with the following conditions:
- (1) No mobile home court shall adjoin or be closer than 1,000 feet to any existing mobile home court.
  - (2) The site shall be well drained and have such grades and soil as to make it suitable for the purpose intended.
  - (3) Central sewage disposal and water supply systems shall have the approval of the Orange County Department of Health and/or similar municipal approval, whichever is the more restrictive, and each mobile home site shall be suitably connected to these systems.
  - (4) Garbage shall be collected once every day, and a waste collection station shall be provided for every 20 mobile home sites. No such collection station shall be farther than 300 feet from the site so served. Waste collection stations shall be emptied at least three times each week.
  - (5) The outside burning of garbage, trash or rubbish is prohibited.
  - (6) A mobile home court shall have at least 100 feet frontage on an improved public (state or County)

road. No individual mobile home lot shall have frontage or direct access to a public road.

- (7) The mobile home court site shall be designed according to the provisions of § 205-15A, Cluster Developments, with all mobile home lots fronting on loop or cul-de-sac streets, with no more than 10 lots fronting on each non-through-traffic street.
- (8) Access to a mobile home court and circulation within shall be by roads paved with tar and stone or blacktop (as approved by the Town Highway Superintendent), and shall be kept in good repair. Roadways shall be at least 30 feet wide. Two exits to each mobile home court shall be provided, at least 125 feet apart. The Planning Board shall require a bond for the construction of said roads.
- (9) Of the two off-street parking spaces required for each mobile home site, one such space shall be adjacent to or within each mobile home lot; the second may be contained within one or more group parking areas.
- (10) All means of ingress and egress, drives, lanes and public spaces shall be adequately lighted. Exits, entrances, drives and lanes shall have at least one shielded fifty-watt bulb for each 50 feet of drive.
- (11) Each mobile home site without a basement shall be provided with a four-inch concrete slab at least 10 feet by 18 feet in size, placed on a stable surface, for the use as a terrace and so located as to be adjacent and parallel to the mobile home. The base of each mobile home shall be enclosed. Each mobile home lot shall contain an underground electrical outlet and weatherproof service connection to which the electrical system of the mobile home can be connected.

- (12) All mobile home courts shall be screened from the view of adjacent properties and public streets by peripheral landscaping containing hedges, evergreens, shrubbery, fencing or other suitable screening as approved by the Planning Board and deemed appropriate for the purpose.
  - (13) All open portions of the site shall have adequate grading and drainage and shall be continuously maintained in a dust-free condition by suitable landscaping with trees, shrubs or planted ground cover or by paving with asphaltic, concrete rock or by other suitable material as shall be approved by the Planning Board.
  - (14) Required front yard areas shall be planted and maintained in such a manner as to provide a parklike setting for all buildings.
- H. Inspection. The Building Inspector or any other duly authorized agent of the Town of Greenville shall have the right at any reasonable time to enter any mobile home court to inspect all parts of said premises and to inspect the records required to be kept in any mobile home court.
- I. Register. The operator of a mobile home court shall keep a register wherein there shall be noted the name and permanent address of the occupants of every mobile home situated in the court, the registration number of the same, the date it was admitted and the date of its removal. Such register shall be signed by the owner of the mobile home or the person bringing the same into the court.
- J. Revocation of permit.
- (1) If the Building Inspector or any other authorized agent of the Town of Greenville finds any mobile home court is not being conducted in accordance with the provisions of this chapter, such person shall serve an order, in writing, upon the holder of the mobile home court permit or the person in charge of

said court, directing that the conditions therein specified be remedied within 10 days after the date of service of such order.

- (2) If such conditions are not corrected by the close of said ten-day period, said conditions shall constitute a violation of this chapter.

K. Fees.

- (1) The applicant for a mobile home court permit shall at the time of issuance pay a fee set from time to time by the Town Board in Chapter A212, Fees, based upon the maximum number of proposed mobile home lots as approved by the Planning Board.<sup>10</sup>
- (2) There shall be no apportionment of the fee for a permit of less than twelve-month duration.

L. Renewal applications.

- (1) Renewal applications shall be filed with the Building Inspector before the first day of December next preceding the expiration of the original permit.
- (2) Prior to the issuance of a renewal permit, the Building Inspector shall inspect the mobile home court premises for compliance with these regulations. Any deviation from the application as originally approved by the Planning Board shall require a new application before the Planning Board and shall be in conformance with these regulations.
- (3) Upon approval of the Building Inspector or Planning Board, as the case may be, and payment of the required annual fee, a renewal permit shall be issued.

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10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



- (4) After issuance of the permit, the same shall be valid until the end of the calendar year and shall be renewable annually.
- M. Application to existing mobile home courts. This chapter (except for Subsections G(5), (8) and (12) and H of this section) shall not apply to mobile homes existing in mobile home courts on the effective date of this chapter, and such existing mobile homes shall be considered nonconforming uses. Any enlargement, extension or alteration of an existing mobile home court may be made only in compliance with all the terms of this chapter.

#### ARTICLE VIII

#### **Multiple Residences; Tourist Accommodations**

[Added 12-11-1996 by L.L. No. 5-1996]

#### **§ 205-35. Applicability; construal of provisions.**

- A. Scope. This article in this chapter shall apply to all boardinghouses, rooming houses and lodging houses, multifamily dwellings, group dwellings, mobile home courts, tourist accommodations, bed-and-breakfasts, as defined, located within the Town of Greenville.
- B. Applicability. The provisions of this article in this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes or regulations, and nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, County or state or existing requirements of any other applicable state or local laws, ordinances, codes or regulations. In case of conflict between any provision of this chapter and any applicable state or local laws, ordinances, codes or regulations, the more restrictive or stringent provision or requirement shall prevail.

**§ 205-36. Permit required.**

All boardinghouses, rooming houses and lodging houses, multifamily dwellings, group dwellings, mobile home courts, tourist accommodations and bed-and-breakfasts in the Town must have a permit issued by the Town Building Inspector.

**§ 205-37. Application for permit.**

- A. Application for a permit for a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast shall be made, in writing, to the Town Building Inspector on a form provided by the Inspector for that purpose.
- B. Such application shall be filed in duplicate and shall contain:
- (1) The name, address and telephone number, if any, of the owner of the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast.
  - (2) The street address and Tax Map description (section, block, lot or lots) of the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast.
  - (3) The number of dwelling units/rooms in the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast, the dimensions of each dwelling unit/room, the number of persons intended to be accommodated by and to reside in each such dwelling unit/room and a description of the present use or uses thereof, if any.

- (4) The name, address and telephone number of the managing agent or operator of each such boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast who is authorized to act on behalf of the owner, along with his or her phone number. The name and phone number of an on-premises person who can grant access to the building and its occupants shall also be furnished. The Town Building Inspector shall be notified within 10 working days of any change in this information.
  - (5) The name and address of the insurance company, if any, providing the fire and other hazard and public liability insurance for the owner of the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast, with a description of the type of insurance provided, the policy limits for each coverage and the policy number and expiration date of such policy.
- C. Such application shall be signed by the owner of the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast, and the statements of such owners therein contained shall be verified under oath.

#### § 205-38. Fees. <sup>11</sup>

A nonrefundable permit application fee set from time to time by the Town Board in Chapter A212, Fees, shall be paid upon filing an application for a permit. A nonrefundable permit renewal fee also set by the Town Board shall be paid upon filing an application for renewal.

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11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 205-39. Review of permit application; registry; posting.**

- A. Review. The Town Building Inspector shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast. If satisfied that the proposed use and premises comply fully with all applicable laws, rules and regulations of the state, County and Town, including local laws and ordinances, and that such proposed use would not create an unsafe or dangerous condition or create an unsafe or substandard structure or create a nuisance to adjoining or nearby properties, the Town Building Inspector shall issue the permit or permits applied for.
- B. Registry. It shall be the duty of the Town Building Inspector to maintain a register of permits issued pursuant to this chapter. Such register shall be kept by street address, showing the name and address of the permittee, the number of dwelling units/rooms at such street address and the date of expiration of permit for such unit. Such registry shall be kept available for public inspection during regular business hours at the office of the Inspector.
- C. Posting. The permit containing the number of dwelling units/rooms and the names and addresses and phone numbers of the owner and premises manager shall be conspicuously posted at or near the principal entrance.

**§ 205-40. Term of permit; renewal; enlargement.**

- A. Term. All permits issued pursuant to this chapter shall be valid for a period of one year from the date of issuance and may be renewed for additional one-year periods as provided in Subsection B of this section.
- B. Renewal.

- (1) A renewal application must contain the same information required for the initial application by § 205-37, must be accompanied by the fee required under § 205-38 and must be submitted to the Town Building Inspector.
  - (2) A renewal permit shall be granted unless the Town Building Inspector finds there is reasonable cause not to renew. The Inspector shall notify the applicant of there being reasonable cause not to renew. Within 10 working days the applicant may request a hearing before the Inspector. During this hearing process, the applicant will be issued a temporary permit which shall expire 60 days after the final decision of the Inspector.
  - (3) The aforesaid hearing shall be public, and the applicant may be represented by counsel and shall be able to call witnesses on his or her behalf. The Inspector shall act as Hearing Officer and, in his or her discretion, may decide not to renew the permit if, upon substantial evidence, the Inspector determines that the subject boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast is either a nuisance to neighboring or adjoining property or is not in compliance with all required state, County and Town laws, ordinances, rules and regulations.
- C. Enlargement. Any enlargement of an existing boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast shall require a full review under this section.

**§ 205-41. Inspections; search warrants.**

- A. Inspections. The Town Building Inspector or his or her designee is authorized to make or cause to be made

inspections, from time to time, to determine the condition of any boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast and to safeguard the health, safety and welfare of the public. The Town Building Inspector or his or her designee is authorized to enter, upon consent of the owner or occupant, any rental unit and the premises in which the same is located at any reasonable time. Unconsented entries and entries at unreasonable hours may be made upon warrant duly issued by a justice of the Town Court of the Town of Greenville. All applications and renewals shall be granted only after an inspection.

- B. Search warrants. The Town Building Inspector or his or her designee is authorized to make application to the Town Court of the Town of Greenville for the issuance of a search warrant to be executed by a Town constable, state trooper or other law enforcement officer where there exists reasonable justification for an inspection to be conducted pursuant to this chapter or where there is reasonable cause to believe that there has occurred or is occurring a violation of this chapter, of the Multiple Residence Law, of the New York State Uniform Fire Prevention and Building Code or of the Town of Greenville Zoning Law. The application for a search warrant shall, in all respects, comply with applicable laws of the State of New York.

**§ 205-42. Notification of permit violations.**

The Town Building Inspector shall notify a permit holder of reasonable cause to believe the permit has been violated in any of the following ways:

- A. The permit holder has caused, permitted, suffered or allowed to exist and remain upon the premises for which such permit has been issued for a period of 10 days or more after written notice has been given to the permit holder or the managing agent of such rental unit a violation of the Multiple Residence Law, the New York

State Uniform Fire Prevention and Building Code or of the Town of Greenville Zoning Law; or

**§ 205-43. Unlawful acts.**

- A. It shall be unlawful and a violation of this chapter and an offense within the meaning of the Penal Law of the State of New York for any person to:
- (1) Operate a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast without a permit.
  - (2) List, solicit, advertise or offer, exhibit or show to any person a dwelling unit/room in a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast located within the Town of Greenville for the purpose of bringing about the rental thereof where no currently effective permit has been issued in respect of such dwelling unit/room as herein required. No violation of this section shall occur if the person is licensed by New York State as a real estate broker or real estate salesman and is acting solely in that capacity.
  - (3) Accept a deposit of rent or security or a commission in connection with the rental of a rental unit in a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast located within the Town of Greenville where no currently effective permit has been issued in respect of such rental unit as herein required. No violation of this section shall occur if the person is licensed by New York State as a real estate broker or real estate salesman and is acting only in that capacity.

- (4) Sell a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast which does not have a permit under this chapter.
- B. In the event that a person convicted of a violation of Subsection A(4) of this section shall have been a real estate broker or sales person licensed by the State of New York at the time such violation was committed, it shall be the duty of the Town Clerk to transmit a record of such conviction to the Division of Licensing Services of the Department of State and to make complaint thereto against such licensee on behalf of the Town pursuant to the provisions of Article XIIA of the Real Property Law.

**§ 205-44. Penalties for offenses.**

A violation of any provision of this article of this chapter shall constitute an offense within the meaning of the Penal Law of the State of New York, punishable as provided for in this chapter. A fine of no less than \$250 and no greater than \$500 for a first offense and/or up to 15 days in jail shall be imposed upon conviction, and a fine of no less than \$500 and no greater than \$1,000 and/or up to 30 days in jail shall be imposed for conviction of a second or subsequent offense.

**ARTICLE IX  
Special Conditions**

**§ 205-45. Conditions enumerated.**

- A. When cited in the Index of Uses,<sup>12</sup> any one or more of the following special conditions will be requisite to the approval of that particular use:
- (1) Agricultural and nursery produce must be grown primarily on the premises and sold in buildings.

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12. Editor's Note: The Index of Uses is included at the end of this chapter.



## (2) Aircraft uses.

- (a) Any areas to be used by aircraft under its own power shall be provided with a dustless surface.
  - (b) The hours of operation shall be limited by the Planning Board to prevent disturbance to nearby residences.
  - (c) No area to be used by aircraft under its own power on the ground shall be less than 200 feet from any lot line. Evidence shall be presented to the Board that ample safeguards to minimize the hazards and disturbance from noise of aircraft affecting residents and properties in the vicinity will be assured at all times of operation.
  - (d) The application for a permit shall be accompanied by evidence that the proposed facility will meet the standards and requirements of the Federal Aviation Administration.
  - (e) Access to areas used by aircraft in motion shall be controlled by fences and gates.
- (3) The principal use must not be carried on in enclosed buildings with a floor area greater than 1,500 square feet.
- (4) Race tracks for mechanized vehicles shall not be permitted.
- (5) Recreational uses. Any recreational use located within 100 feet of a lot line shall be effectively screened along lot lines. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five feet and adequate ultimately to screen all operations on the lot from the view of neighboring properties.

- (6) Amusement parks and circuses require a temporary special permit of the Town Board for a period not to exceed six days.
- (7) Kennels and runs.
  - (a) No kennel, runway or exercise pen shall be located within 300 feet of any lot line.
  - (b) Not more than one bitch and two other dogs over six months old nor more than one litter under six months of age and not more than five horses nor more than 100 fowl shall be permitted, and no animals (except dogs) or fowl shall be penned or housed within 50 feet of any lot line.
- (8) There shall be no stable or similar animal housing or the storage of manure or other odor- or dust-producing substance or use, except spraying or dusting to protect vegetation, within 150 feet of any lot line.
- (9) No greenhouse heating plant shall be operated within 50 feet of any lot line.
- (10) Membership clubs.
  - (a) Any membership club must be incorporated pursuant to the provisions of the Membership Corporation or the Benevolent Order Laws of the State of New York and cater exclusively to members and their guests.
  - (b) The dining room must be incidental to the activities of said club or fraternal lodge and be conducted for the benefit of the members thereof only.
  - (c) The chief activity of such clubs and fraternal lodges shall not be a service customarily carried on as a business or primarily for gain.

- (11) The use of outdoor public address systems for any purpose shall be prohibited.
- (12) Exterior lighting, other than that essential for the safety and convenience of the users of the premises, shall be prohibited.
- (13) Any inner court shall have a minimum dimension of 60 feet, and every outer court shall have a minimum dimension of 20 feet and its depth shall not exceed its width.
- (14) There shall be provided on the same lot or site as a multiple dwelling building a suitably fenced children's play area containing not fewer than 100 square feet of ground area for each dwelling unit therein.
- (15) Professional offices. In a garden apartment or townhouse development, not more than one professional office or studio, other than accessory to a use otherwise permitted, may be permitted according to the following ratio:
  - (a) Zero to 12 dwelling units: no nonaccessory professional office or studio.
  - (b) Thirteen to 25 dwelling units: one nonaccessory professional office or studio.
  - (c) Twenty-six to 50 dwelling units: two nonaccessory professional offices or studios.
  - (d) Fifty-one to 75 dwelling units: three nonaccessory professional offices or studios with such uses in larger developments to be determined at the same ratio. Such office or studio shall be only on the street floor of any building or on the floor immediately above the street floor only if there be direct access to such office or studio from outside the building.

(16) Home occupations: [Amended 5-17-2007 by L.L. No. 3-2007]

- (a) Home occupations shall be approved as special permits by the Planning Board of the Town of Greenville after appropriate application and public hearing.
- (b) A special permit for a customary home occupation shall be valid for the balance of the calendar year in which it is granted. It shall be subject to renewal prior to January 1 of each year, upon application to the Planning Board, payment of an annual fee set from time to time by the Town Board in Chapter A212, payment of any other additional fees as may be required by the Town, and an investigation by the Planning Board indicating that all conditions imposed upon the original granting of the special permit by the Planning Board continue to be adhered to.
- (c) Customary home occupations shall be permitted as follows:
  - [1] An occupation or profession which:
    - [a] Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit;
    - [b] Is carried on by a member of the family residing in the dwelling unit; and
    - [c] Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
  - [2] In particular, a home occupation includes, but is not limited to the following:

- [a] Art studio.
  - [b] Dressmaking.
  - [c] Professional office of a physician, dentist, lawyer, engineer, architect or accountant within a dwelling occupied by the same.
  - [d] Teaching, with musical instruction limited to a single pupil at a time.
  - [e] Retail sale and/or repair of antiques, curios and handmade articles, provided that exterior exhibition space shall not exceed 20% of interior exhibition space.
  - [f] Sales, advertising or management activities strictly limited to telephone contacts.
  - [g] Barbershops and beauty parlors.
  - [h] Real estate office.
- (d) However, a home occupation shall not be interpreted to include the following:
- [1] Commercial stables and kennels or animal hospitals.
  - [2] Convalescent home or clinics.
  - [3] Dancing instruction.
  - [4] Mortuary establishments.
  - [5] Restaurants, tearooms.
  - [6] Tourist homes.

[7] Bed-and-breakfast use that is owner-occupied and in compliance with the definition thereof.

(e) Customary home occupations.

[1] The customary home occupation shall be carried on wholly within the principal building or within a building or other structure accessory thereto and shall be carried on in an area not exceeding 30% of the area of the ground floor of the principal building.

[2] Not more than one person outside the resident family shall be employed in the home occupation.

[3] There shall be no exterior display (except as permitted pursuant to the definition of "sign, illuminated"), no exterior sign [except as permitted in § 205-45A(48)(a) and (b)], no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

[4] Only customary household appliances and equipment shall be used.

[5] No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

[6] All buildings and land must be under unified ownership and/or control.

(17) (Reserved)<sup>13</sup>

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13. Editor's Note: Former § 205-45A(17), which required each principal use to be on a fire-acre site, was repealed 5-17-2007 by L.L. No. 3-2007.

- (18) Accessory agricultural buildings shall conform to the yard requirements for principal buildings.
- (19) Accessory uses shall be effectively screened along lot lines, as required by the Planning Board.
- (20) Outside storage.
  - (a) Outside storage areas must be screened by an eight-foot high solid wall or fence uniform in finish and appearance or by an effective living screen of evergreen-type. In no case shall materials be stored so as to exceed the height of the wall or fence or be visible from the public right-of-way or boundaries of the lot.
  - (b) Bulk storage of any kind, including lumberyards, warehouses, oil and gas storage, junkyards or similar uses are prohibited in the Town Center District (except gasoline as accessory to a motor vehicle station).
  - (c) All such storage must be enclosed or underground.
  - (d) Storage of vehicles shall not be located nearer than 200 feet to a lot line.
- (21) Shipping and receiving docks shall have adequate access to and from a public street without using said street for maneuvering purposes and shall not be located nearer than 200 feet to a lot line.
- (22) Commercial activities in residential areas.
  - (a) No repair of motor vehicles, or shipping and receiving, shall be permitted within 600 feet of a residential area, or between the hours of 8:00 p.m. and 6:00 a.m.

- (b) If floodlighting is used, it shall be arranged so as to eliminate the glare of lights toward nearby residential areas.
  - (c) No public address system for outdoor use shall be permitted. The Planning Board may impose additional regulations to minimize noise disturbance affecting nearby residential areas.
  - (d) All structures and uses shall be effectively screened along lot lines, as required by the Planning Board.
- (23) Camps and cabins.
- (a) All provisions of the State Sanitary Code or such regulations of the County Health Department pertaining to camps and the sanitary facilities to be provided must be complied with.
  - (b) Cabins or cottages designed for one-family occupancy only shall be permitted, each located on a site of 15,000 square feet.
- (24) Cemeteries shall be subject to approval of the Town Board.
- (25) Multiple dwellings.
- (a) All requirements for multiple dwellings shall be complied with.
  - (b) Such structures shall have contained on the effective date of this chapter, 1,000 square feet of livable floor area for each additional dwelling unit created.
- (26) Prohibited uses.
- (a) Any use which is noxious or offensive by reason of emission of odor, dust, noise, glare, smoke,



gas, fumes or radiation or which presents a hazard to public health or safety shall be prohibited.

(b) Manufacturing uses involving primary production of the following products from raw materials are prohibited:

[1] Alcohol, industrial.

[2] Ammonia.

[3] Aniline dye.

[4] Animal size.

[5] Asphalt.

[6] Bone black.

[7] Carbides.

[8] Carbon black.

[9] Caustic soda.

[10] Cellulose.

[11] Cement.

[12] Charcoal.

[13] Chlorine.

[14] Coal.

[15] Coke.

[16] Creosote.

[17] Explosives.

[18] Fat rendering.

[19] Fertilizers.

- [20] Gas manufacturing.
- [21] Gelatin.
- [22] Glue.
- [23] Hydrochloric acid.
- [24] Hydrogen.
- [25] Linoleum.
- [26] Matches.
- [27] Nitrates (manufactured and natural) of an explosive nature.
- [28] Nitric acid.
- [29] Oil cloth.
- [30] Oxygen.
- [31] Paint.
- [32] Phosphoric acid.
- [33] Picric acid.
- [34] Plastic materials.
- [35] Potash.
- [36] Pyroxylin.
- [37] Rayon yarn.
- [38] Rubber (natural and synthetic).
- [39] Soaps.
- [40] Starch.
- [41] Sulfuric acid.

- [42] Synthetic rosins.
  - [43] Tar products.
  - [44] Turpentine.
  - [45] Varnish.
- (c) Manufacturing uses involving the following processes are prohibited:
- [1] Alloying of metal or metal ore.
  - [2] Distillation of wood or bones.
  - [3] Magnesium foundry.
  - [4] Milling or processing of flour or grain.
  - [5] Nitrating of cotton or other materials.
  - [6] Reduction and processing of wood pulp and fiber, including paper mill operations.
  - [7] Refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oils.
  - [8] Refining secondary aluminum
- (d) Operations involving slag piles, stockyards and slaughterhouses and grain elevators are prohibited in the Industrial Park District.
- (27) Driveways.
- (a) Entrance and exit driveways shall be located not nearer than 10 feet to any side property line nor less than 50 feet from the nearest intersection of a public right-of-way and shall be laid out so as to avoid the necessity of any vehicle backing out across any public right-of-way.

- (b) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet and not more than 24 feet, and shall be located not nearer than 10 feet from any property line, and shall be so laid out as to avoid the necessity of any vehicle backing out across any public right-of-way.
- (28) All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.
- (29) Any use located on a lot within 25 feet of a lot line shall be screened along such lot line. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than 5 feet and adequate ultimately to screen all operations on the lot from the view of adjacent properties.
- (30) Dumps, except those owned and operated by the Town, are prohibited.
- (31) Swimming pools.
- (a) Any swimming pool shall be incidental to the residential use of the premises and not operated for gain. For purposes of this chapter, swimming pools shall be considered as structures and a building permit is required.
- (b) Swimming pools with an area of 150 square feet or more and a depth in excess of two feet shall conform to the following requirements:
- [1] The edge of the pool shall be kept a distance of not less than 20 feet from all property lines.
- [2] If located within 50 feet of any property line, such pool shall be screened from the view of abutting properties.

- [3] The pool shall be provided with an adequate permanent fence. Said fence shall be not less than four feet in height and erected, maintained and provided with a self-locking gate to prevent accidents and unauthorized use of the pool.
- (32) One accessory residence may be located on a lot, not to exceed the size of the principal residential structure and not to be erected within the required front, side or rear yards of the principal building. Together, the principal residential structure and the accessory residence must occupy an area that could be legally subdivided, resulting in two conforming lots each with a principal residential structure.
- (33) Any building used for a residence on the first floor shall have a lot area and lot width, side and rear yards as specified by the Planning Board and shall not cover more than 40% of the area of the lot. If such building is for residence use above the first floor only, there shall be a rear yard at least 30 feet in depth.
- (34) No sawmill operation will be permitted within 1,000 feet of any residence nor within 200 feet of any designated protection area.
- (35) An area fully concealed from any street and equal to not more than 20% of the area devoted to retail sales shall be so used.
- (36) Not more than three employees may be engaged in such production or processing.
- (37) No development shall take place within 200 feet of the periphery of the entire mobile home court, nor within 200 feet of any public road frontage on which the mobile home court abounds, except that properly landscaped public parking areas and recreational

areas may intrude into such undeveloped area by 100 feet.

(38) Motor vehicle sales and service.

- (a) No motor vehicle shall be stored or parked in any required front yard.
- (b) No motor vehicle sales, service, repair and storage and sale of motor vehicle fuel shall take place.
- (c) The most restrictive requirements for all uses shall prevail.
- (d) Motor vehicle lifts or pits, dismantled automobiles and all parts or supplies shall be located within a building.
- (e) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building.
- (f) No motor vehicle sales, or storage and sale of motor vehicle fuel shall take place.
- (g) Not more than 10 motor vehicles requiring servicing or repairs shall be stored or parked outdoors for more than 48 hours, and these shall be effectively screened from all property lines as prescribed in Subsection A(20)(a) above.
- (h) No motor vehicle servicing, major repairing or wrecking and dismantling operations or storage and sale of motor vehicle fuel shall take place.
- (i) The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than 35 feet from any property other than the street line.

- (j) No gasoline pumps shall be located nearer than 20 feet to any street line or right-of-way.
  - (k) No building permit for any such establishment shall be issued within a distance of 200 feet of any school, church, hospital or other place of public assembly designed for occupancy by more than 50 persons; or within 500 feet of another motor vehicle sales, service station or repair garage; the said distance to be measured in a straight line between the nearest points of each of the lots or premises, regardless of the district where either premises is located.
  - (l) No motor vehicle sales, major body repairing or wrecking or dismantling operations shall take place.
  - (m) Not more than five motor vehicles shall be stored or parked outdoors for more than 48 hours.
- (39) Any such school shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.
- (40) Such public utility uses shall be subject to such conditions as the Planning Board may impose in order to protect and promote the health, safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.
- (41) A building permit will not be issued for a neighborhood commercial center until 500 dwelling units have been constructed and occupied.
- (42) Professional office and studio.
- (a) A professional office and studio shall be incidental to the residential use of the premises and shall be carried on by the resident thereon.

- (b) Such professional office or studio shall occupy not more than 33 1/3% of the area of the ground floor of the main building.<sup>14</sup>
- (43) No parking or display of merchandise may take place within required yards.
- (44) Outdoor storage in an orderly manner is permitted in any area other than required front, rear or side yards, provided that such outdoor storage does not exceed 15 feet in height or occupy more than 10% of the area of the lot and is effectively screened from any adjacent uses, as specified in § 205-24I.
- (45) Such use shall have frontage on a state or County road.
- (46) No burning or incineration of materials shall take place.
- (47) The site shall be kept in such condition as not to attract or harbor pests, rodents or other vermin.
- (48) Signage.
- (a) One nonilluminated name plate with an area of not over two square feet shall be permitted.
- (b) One temporary nonilluminated sign shall be permitted advertising the sale or rental of an individual premise on which a sign is situated, with an area of not over four square feet, provided that such sign is located on the front wall of a building or, if freestanding, then not nearer than 15 feet to any street line or property line.

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14. Editor's Note: Former §§ 583, 584 and 585, regarding open-development areas, which sections immediately followed this section, were repealed 8-11-1993 by L.L. No. 2-1993.



- (c) On-site signs, off-site directional signs and bulletin boards shall be permitted, provided that:
- [1] Permanent signs shall not exceed 20 square feet for each of two faces, and temporary signs shall not exceed 20 square feet for one face only. A temporary sign shall be deemed to be a sign made of paper, canvas, cardboard or other similar impermanent material.
  - [2] Signs advertising the sale of agricultural produce available seasonally and seasonal rural outdoor recreational facilities, e.g., skiing, equestrian and aquatic activities, shall meet the standards for permanent signs.
  - [3] A standard size as determined by the Town of Greenville shall be permitted off-site at each major intersection for businesses located within the Town and permitted under the zoning. The cost of such signs and/or replacement cost, if damaged, shall be borne by the owner of the business. The post shall be erected and maintained by the Town. Application for such signs shall be approved by the Planning Board and forwarded to the Town Board for execution. All existing off-site directional signs shall conform to this regulation by removal within one year from the effective date of this chapter.
  - [4] No sign shall exceed 10 feet in height, measured from ground level to the top of the sign.
  - [5] No sign shall be illuminated except indirectly.

- [6] No sign shall be located nearer than 15 feet of any street or property line.
- [7] One sign is permitted on each side of an official street on which the property has frontage.
- (d) No sign shall be displayed advertising such activity.
- (e) One nonflashing, illuminated sign containing an area not more than 24 square feet (on each of two surfaces) and located not more than 10 feet above ground level at its highest point may be displayed. Such sign shall be set back at least 20 feet from any public road and at least 50 feet from all other property lines.
- (f) Not more than one sign shall be permitted for each tenant on the premises on each wall fronting on a street or public parking lot.
- (g) The aggregate area, in square feet, of all signs on any wall shall not be greater than two times the length in feet of such wall.
- (h) Such sign or signs shall be parallel to the face of the building and no part thereof, including any illuminating devices, shall project more than 12 inches, nor any distance beyond or above the building in any other direction.
- (i) Where the building is set back from the front lot line a distance of 40 feet or more, not more than one freestanding sign, with a total area on all faces of not more than 40 square feet, may be erected not nearer than six feet to any building. In a motor vehicle service station, not more than one standard sign may be erected in a required front yard for purposes of identification.

- (j) Signs shall not advertise by brand name or insignia any particular brands or products, except those establishments which deal exclusively in one brand or make.
- (k) Exterior spot lighting of buildings or grounds is permitted, provided that such lighting is from shaded sources and located so that the beams are not directed toward any lot line or toward a public highway.
- (l) One freestanding sign necessary to identify the shopping center in the Town district area, or a drive-in theater, with a total area on all faces of not more than 200 square feet, may be located within the first 50 feet of required front yard.
- (m) Not more than one sign shall be permitted facing each street from which access to the lot is provided, announcing the name or insignia, or both, of the company or companies housed in the development on the lot.
- (n) Such sign shall be applied to the wall of the building, shall not exceed an area of 40 square feet and shall not extend beyond the said wall in any direction.
- (o) If illuminated at night, such illumination shall be indirect, with all light sources shielded from the view of adjacent lots and streets.
- (p) One identification sign at each point of access to the lot with an area of not more than three square feet on each of two sides and internal direction signs, each with an area of not more than two square feet on each of two sides, shall be permitted.

- (49) The minimum livable floor area per dwelling unit shall be: **[Amended 12-11-1996 by L.L. No. 5-1996]**
- (a) Apartment in multiple dwelling or commercial building: 700 square feet.
  - (b) Mobile home: 720 square feet.
  - (c) Single-family residence or two-family residence, per unit: 1,000 square feet. For the purposes of this chapter, a "mother-daughter" will be considered a two-family residence.
- (50) Tenant farmers must be employed on said farm and receive such housing as partial remuneration.
- (51) The use of mobile homes on farms to house tenant farmers shall be permitted upon application to the Planning Board and shall expire at the end of 12 months; thereafter they must be renewed. There shall be a fee set from time to time by the Town Board in Chapter A212, Fees, for each such permit to cover each such mobile home so located.<sup>15</sup>
- (52) Mobile homes shall be located no closer than 100 feet from any public road and shall be located only on land that is considered a part of the same farming operation in which the tenant farmer is employed.
- (53) The total ground or floor area used for wholesale purposes by any establishment shall not exceed 10,000 square feet, unless located within an industrial park.
- (54) The minimum usable open space per dwelling unit in townhouses and multifamily dwellings shall be: **[Amended 12-11-1996 by L.L. No. 5-1996]**

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15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (a) One bedroom: 750 square feet.
  - (b) Two bedrooms: 950 square feet.
  - (c) Three or more bedrooms: 1,000 square feet.
- (55) No extractive operation will be permitted within 1,000 feet of any residence.
  - (56) Clinics, cafeterias and recreational facilities shall be for the exclusive use of company employees.
  - (57) Not more than one accessory motor vehicle service station will be permitted when under the same management as the principal use.
  - (58) Direct access from an individual lot to a limited access highway or to a residential street is prohibited.
  - (59) Only oil, gas or electricity may be used for fuel.
  - (60) Such use must not create any dangerous, injurious, noxious or otherwise objectionable fire, explosion, radioactivity or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; electromagnetic or other forms of disturbance to radio and television reception; glare; harmful discharge, storage or dispersal of liquid or solid wastes in a manner or amount as to adversely affect the surrounding area.
  - (61) The minimum floor area per principal building shall be 10,000 square feet per first floor.
  - (62) The minimum initial commercial rental space per major designed shopping center within closed buildings, including all component parts, shall be 65,000 square feet. The minimum initial commercial rental space per minor designed shopping center within enclosed buildings, including all component parts, shall be 40,000 square feet. With such a

revision, Chart F of the formula will apply,<sup>16</sup> but its various elements may be modified or deleted to allow a minor designed shopping center to be constructed on a lot size considerably smaller than the existing law allows. Mandatory items in the formula may not be modified or deleted. **[Amended 6-27-1990 by L.L. No. 1-1990]**

- (63) Hotel and motel rooms will be permitted at the rate of 50 rooms for the first five acres, and 15 rooms for each additional acre.
- (64) All accessory uses shall be within completely enclosed buildings.
- (65) Storage of gasoline for residential use, but not for resale, is permitted in an aboveground tank not to exceed a capacity of 300 gallons, at least 100 feet from any lot line and at least 50 feet from any residence.
- (66) Except for previously approved and filed subdivision plats, subdivisions on private roads within the Town shall not be permitted or approved. On preexisting approved private roads or private access drives, no more than four one-family dwellings shall be constructed. Access on or over preexisting private roads or private access drives shall meet minimum grade standards of Chapter 181, Subdivision of Land, and shall be so constructed as to support use by fire and other emergency equipment. On preexisting private roads or private access drives, only one-family residences may be constructed. Lots fronting upon a preexisting private road or private access drive, right-of-way or easement shall, therefore, abut a private road that shall not be maintained by the Town as a public street. **[Added 8-11-1993 by L.L. No. 2-1993]**

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16. Editor's Note: Chart F is included at the end of this chapter.

- (67) Not more than one unregistered motor vehicle shall be permitted on any lot at one time in all zoning districts and uses, unless specifically permitted in the Index of Uses (see Nos. 57, 58, 72, 73, 74 and 75).<sup>17</sup> [Added 12-11-1996 by L.L. No. 5-1996]
- (68) No establishment located in any zone of the Town shall permit any individual, whether an entertainer, employee, guest, patron or otherwise to appear or perform in the presence of patrons with the upper or lower torso uncovered or so thinly covered or draped as to appear uncovered or to permit any person to appear in any scene, act, dance, performance, sketch or in any form of entertainment with the upper or lower part of the torso uncovered or so thinly covered or draped as to appear uncovered. This prohibition shall include any exotic dance or lewd or indecent act or performance to be conducted in any establishment within the Town. [Added 8-11-1993 by L.L. No. 2-1993]
- (69) Adult bookstores or adult novelty stores are prohibited within all zones of the Town of Greenville. [Added 8-11-1993 by L.L. No. 2-1993]
- (a) An "adult bookstore" is defined as an establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section exclusively devoted to the sale or display of such material.
- (b) An "adult novelty store" is defined as an establishment having as a substantial or significant portion of its stock-in-trade

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17. Editor's Note: The Index of Uses is included at the end of this chapter.

materials including but not limited to articles of clothing, mechanical devices and accessories which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section exclusively devoted to the sale or display of such material.

(70) Self-service storage facilities. [Added 5-15-2008 by L.L. No. 1-2008<sup>18</sup> ]

(a) Districts. Self-service storage facilities shall be permitted in the Town Center District as defined and set forth in the Town of Greenville Zoning Law.

(b) Site and design requirements. The following site and design requirements shall apply to all self-service storage facilities to be constructed and maintained within the Town of Greenville:

[1] Circulation and access. If the site is fenced, the site access drive shall have the fence and its gate set back a minimum of 40 feet from the access road. Internal site circulation lanes shall be adequate in dimensional cross-section, width and turning radii where applicable to provide for the maneuverability of fire trucks. Aisle width shall be a minimum of 23 feet for either one- or two-way traffic flows.

[2] Security. Provision shall be made for adequate site security and access control. If the facility is gated, adequate provision shall be made for access by emergency

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18. Editor's Note: This local law provided that its purpose is to establish site and design requirements for self-storage facilities within the Town of Greenville, Orange County, New York.



service providers when the facility is closed. If fencing is provided for access control, in no case shall barbed wire or razor wire fence components be incorporated into the same. Such fence shall not exceed eight feet in height. Notwithstanding the foregoing, the solid rear and/or side walls) of a storage building or buildings may be incorporated into a fence line for purposes of access control subject to Planning Board approval of the exterior finish of the same and other elements in Subsection A(70)(b)[3] below. Solid or decorative brick, stone, architectural tile, masonry or wood walls may be used for fencing and screening purposes. If provided, fences or their equivalent shall meet the minimum setback requirement for the district. The placement of or incorporation of signs or other advertising media on such fences or walls is not permitted unless expressly so approved by the Planning Board pursuant to Subsection A(70)(b)[3] below.

- [3] Aesthetic, screening, landscaping and lighting. Care shall be taken to provide an aesthetically pleasing, well-landscaped and maintained facility and to avoid a monotonous or fortress-like appearance to the extent that the facility may be visible off site. Required yards shall be landscaped with a mix of trees, shrubs of varying sizes and vegetative ground cover as appropriate to the site and as approved by the Planning Board. The color, material and design of structures, including their roof pitch, shall be reviewed by the Planning Board as to their conformity with surrounding

structures and community character to the degree said structures are visible to other properties. Security lighting shall be provided on the site, but in no case shall lighting be directed so as to cause a nuisance or hazard to other properties.

- [4] Limits on building length and height.
- [a] Limit on building length: 220 feet.
  - [b] Limit on building height: 15 feet for buildings with flat roofs or up to 23 feet for buildings with pitched roofs.
- [5] Limits on storage and use. In no case shall self-service storage facilities permit the storage or maintenance of radioactive, hazardous materials, explosive or controlled substances. The servicing or repair of automotive equipment, tools or machinery and the construction or fabrication of goods or materials shall not take place on the site, either inside or outside the bounds of an individual storage unit. The operation of power tools, spray equipment, compressors and other equipment shall not be permitted as an adjunct to the use or lease of any storage unit. Auctions, garage or tag sales or an other commercial or private sales shall not take place on the site either by, lessees of storage units or by the owners or operators of the site. Parking spaces required pursuant to Subsection A(70)(b)[10] below may not be rented as nor used for vehicular storage spaces. No additional parking spaces other than those required pursuant to Subsection A(70)(b)[10] below may be provided for the unenclosed storage of vehicles or items,

including but not limited to automobiles, motorcycles, trucks, trailers, vans, recreational vehicles, campers, boats or watercraft except that, in the event that the applicant can demonstrate that under no circumstances would the above-listed vehicles or items be visible to any other off-site location either by virtue of existing conditions such as topography or other permanent screening or by virtue of proposed permanent screening, such open storage shall be permitted subject to Planning Board approval. Notwithstanding the foregoing, nothing in this subsection shall be construed as permitting the unenclosed storage of wrecked, inoperable or dismantled vehicles at a self-service storage facility.

- [6] Limits on unit size. The maximum size of a storage unit permitted in a self-service storage facility is 600 square feet. In no case shall a single tenant be permitted to rent or lease more than 1,800 square feet in a single self-service storage facility.
- [7] Drainage. Adequate drainage control measures shall be provided on the site so as to avoid increasing the existing rates of flow off the site. Provision shall be made for protecting the quality of the surface water runoff from the site both during the operation of the site as well as during its construction.
- [8] Signs. Signs shall be permitted as follows: a ground-mounted or pole-mounted sign shall be permitted at the entry of the site. If ground-mounted, such sign shall not be located so as to interfere with the

visibility of traffic entering or exiting the site. Such sign shall not be higher than 10 feet, as measured from the top of said sign, and shall not exceed 36 square feet in area. In no case shall any signage or other attention-getting devices be mounted to the roofs, doors or sides of any structures on the site nor to the site fence. On-site circulation signs shall be provided as needed with the review and approval of the Planning Board.

- [9] Accessory uses. A leasing office for the purpose of leasing the units within the self-service storage facility may be provided on the site. A manager's apartment may be provided for the use of a resident, on-site manager in addition to an accessory leasing office. The combined total size of the managers apartment and the leasing office may not exceed 1,200 square feet.
- [10] Parking requirements. Self-service storage facilities shall provide a minimum of one parking space per 100 storage units, in addition to one parking space per 200 square feet of gross office space for the leasing office. Such parking spaces shall be located adjacent to the leasing office. If an on-site manager's apartment is provided, two parking spaces adjacent to said apartment shall be provided for such use in addition to that required for adjacent remainder of the facility.
- [11] Separation requirements. A self-service storage facility shall be separated from another self service storage facility by a straight line distance of 1,500 feet.

- [12] Self-storage facilities shall be special uses as defined in the Zoning Law of the Town of Greenville, Orange County, New York, and applications before the Planning Board of the Town shall be reviewed under applicable provisions for the review of special uses and the granting of special use permits.

## ARTICLE X

### Nonconforming Buildings and Uses

#### § 205-46. Applicability of provisions.

The following provisions shall apply to all buildings and uses existing on the effective date of this chapter which building and uses do not conform to the requirements set forth in this chapter, to all buildings and uses that become nonconforming by reasons of any subsequent amendment to this chapter and the Zoning Map which is a part thereof<sup>19</sup> and to all conforming buildings housing nonconforming uses.

#### § 205-47. Continuance of uses.

- A. Any nonconforming use may be continued indefinitely, but it:
- (1) Shall not be enlarged, extended, reconstructed, restored (except in accordance with § 205-48C nor placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever, except that the Planning Board may permit an expansion not to exceed 15% of the existing ground area of said nonconforming use, provided that the most restrictive bulk requirements specified in the district

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19. Editor's Note: The Zoning Map is on file in the Town offices.

in which said nonconforming use is located shall apply to any such extension.

- (2) Shall not be extended to displace a conforming use.
  - (3) Shall not be changed to another nonconforming use without a special permit from the Board of Appeals, and then only to a use which, in the opinion of the Board, is of the same or a more restricted nature.
  - (4) Shall not be reestablished if such use has been discontinued for any reason for a period of one year or more or has been changed to, or replaced by, a conforming use. The intent to resume a nonconforming use shall not confer the right to do so.
- B. Whenever two boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

**§ 205-48. Continuance of buildings.**

Except as provided in § 205-51 below, no nonconforming building or a building which houses a nonconforming use shall be:

- A. Altered: structurally altered or enlarged, except that the Planning Board may permit an expansion not to exceed 15% of the existing ground floor area of said nonconforming building, provided that the most restrictive bulk requirements specified in the district in which nonconforming use is located shall apply to any extension.
- B. Removed: moved to another location where such use would be nonconforming.
- C. Restored after damage: restored for other than a conforming use after damage from any change, unless the nonconforming use is reinstated within one year of such damage; if the restoration of such building is not

completed within said one-year period, the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged portion of such building.

**§ 205-49. Maintenance and alterations permitted.**

Normal maintenance and repair, structural alteration in and moving, reconstruction or enlargement of a building which does not house a nonconforming use, but is nonconforming as to the district regulations for lot area, lot width, front yard, side yard, rear yard, maximum height, maximum lot coverage or minimum livable floor area per dwelling is permitted if the same does not increase the degrees of, or create any new, nonconformity.

**§ 205-50. Restoration to comply.**

No building damaged by fire or other causes shall be repaired or rebuilt except in conformity with the regulations of this chapter.

**§ 205-51. Normal maintenance.**

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of any building, or the carrying out upon the issuance of a building permit of major structural alterations or demolition necessary in the interest of public safety. In granting such a permit, the Building Inspector shall state the precise reason why such alterations were deemed necessary.

**§ 205-52. Signs.**

The nonconforming use specified below is deemed sufficiently objectionable, undesirable and out-of-character in the district in which such use is located as to depreciate the value of other

property and uses permitted in the district and blight the proper and orderly development and general welfare of such district and the Town to the point that such nonconforming use shall be terminated on or before the expiration of the specified period of time after the effective date of this chapter; which period of time as specified for the purpose of permitting the amortization of the remaining value, if any, of such use: signs. In any district, any sign not of a type permitted or of a type permitted but greater than the maximum permitted size may be continued for one year following the effective date of this chapter, provided that after the expiration of that period such nonconforming use of it shall be terminated.

#### ARTICLE XI

##### Special Use Permits

[Amended 12-11-1996 by L.L. No. 5-1996]

#### § 205-53. Definition.

As used in this article, the term "special use permit" shall mean an authorization of a particular land use which is permitted by this chapter, subject to the requirements of this chapter to assure that the proposed use is in harmony with the chapter and will not adversely affect the neighborhood if such requirements are met.

#### § 205-54. Approval after application; objectives.

On application and after public notice and hearing, the Planning Board may authorize the issuance of special use permits for any of the uses subject to authorization and approval of the Planning Board, for which this chapter requires, in the district in which such use is proposed to be located. In approving any such use, the Planning Board shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the



maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives in particular:

- A. That all proposed structures, equipment or material shall be readily accessible for fire and police protection.
- B. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- C. That, in addition to the above, in the case of any use located in or directly adjacent to a residential district:
  - (1) The location, size and character of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residential district or conflict with the normal traffic of the neighborhood.
  - (2) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
  - (3) The location, size and character of the proposed use will not unreasonably and adversely affect the enjoyment or value of the adjacent residential properties.

**§ 205-55. Conditions; enforcement thereof.**

Upon the granting of any special use permit with conditions or restrictions, the Building Inspector shall ensure that no permit be issued without assurance that such conditions and/or restrictions have been met or implemented.

**§ 205-56. Application for area variance.**

Notwithstanding any provision of law to the contrary, where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to § 267-b of the Town Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of this chapter.

**§ 205-57. Public hearing and decision.**

The Planning Board shall conduct a public hearing within 62 days from the day an application is received on any matter referred to it under this section.

- A. Each application for a special use permit shall be accompanied by a proposed site plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives and parking areas, and all streets within 200 feet of the lot.
- B. Notice of the public hearing shall be printed in the official newspaper of the Town at least five days prior to the date thereof. In addition to such published notice, the Planning Board shall cause notice to be given of the substance of every application for a special use permit, together with notice of the hearing thereon, by causing notice thereof to be mailed by certified mail, return receipt requested, or other means at least 10 days before the date of said hearing, to the owners of all property abutting that held by the applicant in the immediate area (whether or not involved in such application) and all other owners within

300 feet, or such additional distance as the Planning Board may deem advisable, from the exterior boundaries of the land involved in such application, as the names of said owners appear on the last completed assessment roll of the Town. It shall be the applicant's responsibility to issue any or all of the notices required, and proof of the mailing of such notice, in accordance with this section, must be filed by the applicant with the Planning Board. Provided that due notice has been published as above-provided and that there shall have been substantial compliance with the remaining provisions of this subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with the application for a special use permit.

- C. If the proposed special use permit involves any of the areas specified in § 239-m of the General Municipal Law, then the Planning Board, at least 10 days before the public hearing, shall mail notices thereof to the applicant and to the Orange County Planning Department as required by §§ 239-l and 239-m of the General Municipal Law.
- D. In considering any application for a special use permit, the Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- E. The Planning Board shall decide the special use permit application within 62 days after the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Planning Board must be filed in the office of the Town Clerk within five business days after the decision is rendered, and a copy thereof must be mailed to the applicant.

**§ 205-58. Special uses to be deemed conforming.**

The granting of any special use permit application shall be deemed to be a conforming use in the district in which such use is located, provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

**§ 205-59. Renewal.**

The Planning Board may require that special use permits be periodically renewed. Such renewal shall be granted following public notice and a hearing and may be withheld only upon a determination by the Planning Board to the effect that such conditions as may have been prescribed by the Planning Board in conjunction with the issuance of the original permit have not been or are being no longer complied with. In such cases, a period of 62 days shall be granted the applicant for full compliance prior to the revocation of the said permit.

**§ 205-60. Termination of approval in absence of building permit.**

Special use permit approval shall be void after a one-year period from date of approval unless a building permit has been issued.

**§ 205-60.1. Telecommunications facilities siting. [Added 12-16-1998 by L.L. No. 5-1998]**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**PERSONAL WIRELESS TELECOMMUNICATIONS SERVICE FACILITY** — All equipment, apparatus and devices used in the supplying of personal wireless telecommunications services.

**PERSONAL WIRELESS TELECOMMUNICATIONS SERVICES**— Commercial mobile services, unlicensed wireless services, cellular or digital telephone services and other common carrier wireless exchange access services as defined by the Federal Telecommunications Act.

**TELECOMMUNICATIONS ACCESSORY STRUCTURE**— Accessory buildings and structures, including base stations, designed and used to shelter telecommunications equipment and/or to support personal wireless telecommunications services. This term does not include offices, long-term storage of vehicles or other equipment storage or broadcast studios.

**TELECOMMUNICATIONS ANTENNA**— An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission, including but not limited to whip, panel and dish telecommunications antennas.

**TELECOMMUNICATIONS TOWER**— Any ground- or roof-mounted pole, spire, structure or combination thereof taller than 15 feet in height, including supporting lines, cables, wires, braces and masts, built for the purpose of mounting an antenna or similar telecommunications apparatus above grade.

- B. Special permit requirement. No personal wireless telecommunications service facility, including but not limited to telecommunications antennas and towers, shall hereafter be erected, altered or modified except after obtaining a special use permit from the Planning Board in conformity with this section and with Article XI of this zoning law. All telecommunications antennas and towers existing on the effective date of this section shall be allowed to continue their usage as they presently exist. New construction on or modification of an existing telecommunications antenna or tower, other than routine maintenance, shall comply with the requirements of this section. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are

directly related and incidental to the proposed telecommunications antenna, tower or facility.

C. Permitted siting.

- (1) Personal wireless telecommunications service facilities, including but not limited to telecommunications antennas and towers, are prohibited in the Town of Greenville except at the following locations:
  - (a) The existing communications tower located in the median of United States Interstate Route 84 approximately 2,500 feet west of the intersection of Route 84 and Mountain Road.
  - (b) The existing tower owned and operated by Orange and Rockland Utilities located off Greenville Turnpike near Mud Pond.
  - (c) Property owned by the Town of Greenville located off Route 6 with Tax Map designation Section 7, Block 1, Lot 27.1; provided, however, that no facilities, antennas or towers shall be located in this parcel on the southeast side of Route 6 nor within 1,500 feet from Route 6 on the northwest side of Route 6.
  - (d) A corridor extending along United States Interstate Route 84 1,000 feet west of the Town of Wawayanda boundary line to one mile east of the intersection of Route 84 and Mountain Road, said corridor not to exceed a distance of 250 feet from each side of the Interstate Route 84 right-of-way.
- (2) No personal wireless telecommunications service facilities, including but not limited to telecommunications antennas and towers, shall be erected within a distance of 1,000 feet from any residential dwelling in the Town of Greenville.

- (3) All personal wireless telecommunications service facilities, including but not limited to telecommunications antennas and towers, shall comply with zoning setback regulations in the affected zoning district. Notwithstanding such setback regulations, all telecommunications antennas and towers shall be set back a distance at least equal to the height of such antenna or tower. Additional setbacks may be required by the Planning Board in order to provide for the public safety. A tower or antennas setback may be reduced in the discretion of the Planning Board to allow collocation upon an existing tower or other structure.

D. Collocation requirements.

- (1) A proposal for a telecommunications tower shall not be approved unless the Planning Board finds that the antenna planned for the proposed tower cannot be accommodated on the presently existing tower located in the median of United States Interstate Route 84 approximately 2,500 feet west of the intersection of Route 84 and Mountain Road or at the presently existing tower owned and operated by Orange and Rockland Utilities located off Greenville Turnpike near Mud Pond or at an existing or approved telecommunications tower or structure due to one or more of the following reasons:
  - (a) The antenna would exceed the structural capacity of the existing or approved tower or structure, as documented by a qualified professional engineer, and the existing or approved tower or structure cannot be reinforced, modified or replaced to accommodate the planned or equivalent antenna at a reasonable cost.
  - (b) The antenna would cause interference materially impacting the usability of other existing or planned antennas at the tower or

structure, as documented by a qualified professional engineer, and the interference cannot be prevented at a reasonable cost.

- (c) Existing or approved towers or structures within or outside the Town of Greenville cannot accommodate the antenna at a height necessary to function reasonably, as documented by a qualified professional engineer.
  - (d) Other foreseen reasons that make it infeasible to locate the antenna upon an existing or approved tower or structure.
- (2) Any proposed telecommunications tower shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying height.
- (3) The tower applicant shall submit to the Planning Board a letter of intent committing the applicant, and his/her/its successors in interest, to negotiate in good faith for shared use of the proposed tower by other providers of personal wireless telecommunications services in the future. Any special use permits issued under this section shall commit the new tower owner and his/her/its successors in interest to:
- (a) Respond in a timely comprehensive manner to a request for information from a potential shared-use applicant.



- (b) Negotiate in good faith concerning future requests for shared use of the new tower by other providers of personal wireless telecommunications services.
  - (c) Allow shared use of the new tower if another provider of personal wireless telecommunications services agrees in writing to pay reasonable charges.
  - (d) Make no more than a reasonable charge for shared use based on generally accepted accounting principles. The charge may include but is not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on equity, and depreciation and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- (4) In order to keep neighboring municipalities informed and to facilitate the possibility of directing that an existing tall structure or existing tower in a neighboring municipality be considered for shared use, the Planning Board shall require that:
- (a) An applicant who proposes a new tower shall notify, in writing, the legislative body of each municipality (within and without New York State) that borders the Town of Greenville. Such notification shall include the exact location of the proposed tower and a general description of the project, including but not limited to the height of the tower and its capacity for future shared use.
  - (b) Documentation of this notification shall be submitted to the Planning Board at the time of application.

E. Content of applications. All applicants for a special use permit for the placement, construction or modification of a personal wireless telecommunications service facility, telecommunications antenna or telecommunications tower shall submit the following additional information to the Planning Board:

- (1) A visual environmental assessment form, landscaping plan and visual assessment report, including appropriate modelling and photography assessing the visibility from key viewpoints identified in the visual environmental assessment form, existing treelines and proposed elevations.
- (2) A preliminary report prepared by a licensed professional engineer describing:
  - (a) Feasibility of collocation on existing structures and telecommunications facilities and towers within and without the Town of Greenville.
  - (b) Applicant's full map and grid coverage in the Town of Greenville.
  - (c) Surrounding topography and relation to line of sight transmission.
  - (d) Available road access, electric power and land-based telephone lines and/or microwave link capability.
  - (e) Required improvements for construction activities, including those within the public right-of-way or lands owned or controlled by the Town of Greenville.
  - (f) Identity of location, ownership and usage of currently existing telecommunications facilities within the Town of Greenville and all municipalities bordering the Town of Greenville (inside and outside New York State).

- (g) Plans for construction of telecommunications accessory equipment, buildings or structures.
  - (h) Proposed mitigation measures for any identified visual impacts.
  - (i) Proposed safety measures.
  - (j) Compatibility with existing telecommunications networks, New York State Thruway Authority telecommunications network and public safety and emergency networks, such as fire, ambulance, police and 911.
- (3) Applicants for telecommunications towers shall provide the following additional information:
- (a) Tower height and design, including a cross section of the structure.
  - (b) The tower's compliance with applicable structural standards.
  - (c) The tower's capacity, including the number and type of telecommunications antennas it can accommodate and the basis of calculation of capacity.
- (4) Applicants who wish to mount a telecommunications antenna on an existing structure shall provide the following additional information:
- (a) The existing structure's suitability to accept the proposed antenna.
  - (b) The proposed method of affixing the new antenna to the structure.
  - (c) Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

- (5) Demonstration of need for the proposed personal wireless telecommunications service facility, telecommunications antenna or telecommunications tower showing the impracticality of upgrading or expanding an existing site.
- (6) Demonstration that the proposed site is the most appropriate site within the immediate area for the location of the proposed personal wireless telecommunications service facility, telecommunications antenna or telecommunications tower.
- (7) An inventory of existing telecommunications facilities within the Town of Greenville and all bordering municipalities (inside and outside New York State) outlining opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed telecommunications tower or telecommunications antenna cannot be accommodated on an existing approved telecommunications tower, structure or facility.
- (8) A description of the applicant's long-range plans which project market demand and long-range facility expansion needs within the Town of Greenville.
- (9) Proof of certified mail announcements to all other telecommunications providers in the Town of Greenville and all bordering municipalities (inside and outside New York State) declaring the applicant's sharing capabilities and/or siting needs.
- (10) A map showing the location of the premises for which the special use permit is sought and site plan showing all features of the proposed facility necessary for providing road access, electrical service, land-based telephone line connection and/or microwave link capability within the property boundaries of the proposed location.

- (11) Such other information as may be required by the Planning Board or Town Engineer.
  - (12) The application must be accompanied by the fee prescribed in Article II of Chapter A212, Fees, of the Code of the Town of Greenville, together with any fees determined by the Planning Board to be reasonable and necessary for adequate review of the application by the Town Engineer.
- F. Performance standards governing issuance of special use permits.
- (1) Minimal visual impact. All telecommunications towers and telecommunications antennas shall be sited to have the least possible practical visual effect on the environment.
  - (2) Proof of noninterference from antenna. No application for a telecommunications antenna shall be approved by the Planning Board unless the applicant provides a statement, certified by a qualified licensed engineer and approved by the Town Engineer, that the installation of the proposed antenna, including reception and transmission functions, will not interfere with the radio or television service enjoyed by adjacent residential and nonresidential properties or with public safety telecommunications.
  - (3) Antenna safety. Antennas shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. The owner shall submit evidence of compliance with the Federal Communications Commission's and Federal Aviation Administration's standards on a yearly basis to the Planning Board. If new, more restrictive standards are adopted by any appropriate federal or state agency, the antennas shall be made to comply with such standards or continued operations may be restricted by the

Planning Board which shall retain continuing jurisdiction to oversee such compliance. The cost of verification of compliance shall be borne by the owner and operator of the antenna or tower.

- (4) Tower lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower in the discretion of the Planning Board.
- (5) Signs and advertisements on towers. The use of any portion of a telecommunications tower for signs or advertisements other than warning or equipment information signs is prohibited.
- (6) Tower height limitations. The height of telecommunications towers should be limited to the minimum required to provide the proposed telecommunications services. The maximum allowable height of a tower is limited to 150 feet above the ground upon which the antenna is placed. The Planning Board, in its discretion, may allow towers up to 200 feet high if the applicant can demonstrate, based upon the topography of the site and surrounding area, siting of the antenna, antenna design, surrounding tree cover and structures and/or through the use of screening, that off-site views of the tower will be minimized. The height limitation may also be waived by the Planning Board when the antenna is mounted on an existing structure or to accommodate collocation.
- (7) Tower building requirements.

- (a) The use of guyed towers is prohibited.
  - (b) Towers must be self-supporting without the use of wires, cables, beams or other means. The design should utilize a monopole configuration. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited. The requirements of this subsection may be waived by the Planning Board, but only for good cause shown.
  - (c) The base of the tower shall occupy no more than 500 square feet and the top of the tower shall be no longer than the base. The requirement of this subsection may be waived by the Planning Board, but only for good cause shown.
- (8) Access to towers. A road and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public and private, shall be made.
- (9) Design of antennas, towers and accessory structures.
- (a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. Every antenna and tower shall be of neutral colors that are harmonious with and that blend with the natural features, buildings and structures surrounding such antenna and structure. Accessory structures shall be designed to be architecturally compatible with principal structures on the site.

- (b) The Planning Board may require that telecommunications towers and antennas be of a galvanizing finish, or painted gray above the surrounding treeline and gray or green below the treeline. The Planning Board may require the mountings of antennas to be nonreflective and of the appropriate color to blend with their background.
- (10) Screening. The Planning Board may require vegetative and architectural screening of all personal wireless telecommunications service facilities, telecommunications antennas and telecommunications towers. Existing on-site vegetation should be preserved to the maximum extent possible. The Planning Board may require the planting of rows of evergreen or other trees to screen towers and antennas. The Planning Board may also require the use of creative design methods involving the use of walls, fences, earth berms, underground construction and other barriers for screening purposes.
- (11) Security provisions. All personal wireless telecommunications service facilities shall be provided with security measures, such as fencing, anticlembing devices, electronic monitoring and other methods sufficient to prevent unauthorized entry and vandalism.
- (12) Safe zone. Telecommunications towers shall be designed so that, in the event of failure, they will fall within the setback area of the site and/or away from adjacent residential properties.
- (13) Annual inspection and report. Telecommunications towers over 100 feet in height shall be inspected annually by a licensed professional engineer, and a copy of the inspection report submitted to the Town of Greenville Building Inspector.



- (14) Postinstallation field report. A postinstallation field report identifying the personal wireless telecommunications service facility's coverage area, the telecommunications tower's maximum capacity, committed capacity and unused capacity, if any, and collocated users of the telecommunications tower shall be submitted within 60 days of installation to the Town of Greenville Building Inspector.
- (15) Compliance with other laws. The operator of every telecommunications antenna shall submit to the Town Building Inspector copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.
- (16) Assignment of special use permit. No special use permit issued under this section shall be assigned or transferred without the approval of the Planning Board upon application thereto.
- (17) Review.
  - (a) Each special use permit issued under this section shall be subject to review by the Planning Board at five-year intervals to determine whether the technology in the provision of personal wireless telecommunications service facilities has changed such that the permit should be modified to require the permit holder to use the best available means or technology to mitigate visual and aesthetic impacts within the Town of Greenville. The Planning Board shall have the authority to so modify or terminate any special use permit issued under this section if advanced technology warrants such action.

- (b) It shall be the duty of the Town Building Inspector to enforce the requirements of this section. In the event that the Building Inspector determines that a violation has occurred or is occurring, the Inspector must report same to the Chairperson of the Planning Board. Upon notice to the permit holder with the opportunity for a hearing, the Planning Board may, for good cause shown, modify or revoke the permit.
- (18) Abandoned or unused facilities. All personal wireless telecommunications service facilities, including but not limited to towers, antennas and accessory structures, shall be dismantled and removed from the site within one year of the cessation of their operation, unless an extension is approved by the Planning Board. In the event that any such facility, tower or antenna is not so removed, the Town of Greenville may remove same with the cost assessed against the owner. All special use permits issued under this section shall require the applicant to post a bond or other suitable undertaking to guarantee payment for removal of abandoned or unused facilities.
- (19) Nonconforming uses. All telecommunications antennas and towers in existence which do not conform to or comply with this section are subject to the following provisions:
- (a) Antennas and towers may continue in use for the purpose now used and as now existing, but may not be replaced or structurally altered without complying in all respects with this section.
- (b) If such antennas or towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the antenna or tower may be repaired and restored to its former use, location

and physical dimensions without complying with this section; provided however, that if the cost of repairing the tower to the former, use, physical dimensions and location would be 10% or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this section.

## ARTICLE XII

### Site Plan Review

[Amended 8-14-1991 by L.L. No. 1-1991; 12-11-1996 by L.L. No. 5-1996]

#### **§ 205-61. Authorization required prior to issuance of building permit; definition.**

- A. In all cases where this chapter requires site plan review by the Planning Board, no permit shall be issued by the Building Inspector except upon authorization of and in conformity with the plans approved by the Planning Board.
- B. As used in this article, the term "site plan" shall mean a rendering, drawing or sketch prepared to specifications and containing necessary elements, as set forth in this chapter, which show the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan. Plats showing lots, blocks or sites which are subject to review pursuant to authority provided for the review of subdivisions under § 276 of the Town Law or Chapter 181, Subdivision of Land, shall continue to be subject to such review and shall not be subject to review as site plans under this section.

#### **§ 205-62. Application for area variance.**

Notwithstanding any provision of law to the contrary, where a proposed site plan contains one or more features which do not

comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to § 267-b of the Town Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of this chapter.

**§ 205-63. Preparation of map required.**

The applicant shall cause a site plan map to be prepared by a civil engineer, surveyor, land planner, architect or other competent person.

**§ 205-64. Conditions attached to approval.**

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by the Town Building Inspector.

**§ 205-65. Submission requirements.**

The following information must be submitted to the Planning Board for site plan approval:

A. General.

- (1) A map showing the parcel in relationship to adjacent parcels, streams, all drainage and watercourses, street rights-of-way and street intersections and all other structure uses.
- (2) A map of the entire parcel showing the location, dimensions and the proposed use of all buildings, parking and loading areas and access and egress thereto; all site improvements, including proposed grades, walkways, driveways, lights, fences, walls, signs, drainage facilities, benches and landscaped areas, including trees and other plantings; and all

other structures and improvements other than the natural state of the land.

B. Particular.

- (1) An area map at a convenient scale, which shall include streams, street rights-of-way and street Intersections; the location of the proposed development in relation to the nearest public roads on all four sides; and all public improvements, such as schools, firehouses, etc.
- (2) A map of applicant's entire holding at a convenient scale.
- (3) The names of all owners of record of adjacent properties.
- (4) Existing school, zoning and special district boundaries within 500 feet of the tract.
- (5) An accompanying statement setting forth the nature of all proposed modifications of existing zoning provisions.
- (6) Boundaries of the property and existing lot lines, Tax Map numbers, as shown on the existing Tax Map (by section, block and lot).
- (7) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
- (8) The location of all existing structures on the site, as well as those on adjacent properties within 100 feet of subject lot line.
- (9) The proposed location, height, spacing and use of all proposed and existing buildings and structures and outdoor signs.

- (10) The proposed location of any use not requiring a structure, including walkways, benches, fences and recreational facilities.
- (11) The location of existing and proposed usable open spaces and recreational areas and their landscaping.
- (12) Plans and plan elevations, except structural and mechanical plans, of all buildings or structures, or accessory structures, including all proposed freestanding signs, proposed to be altered.
- (13) All existing and proposed means of vehicular access and egress from the site.
- (14) The location and design of all driveways, off-street open and enclosed (if any) parking and loading areas, with the number of stalls provided therewith, and curbing provided or to be provided.
- (15) The location of all existing water lines, valves and hydrants and all sewer lines.
- (16) Existing and proposed storm drainage system.
- (17) Existing and proposed fencing, landscaping, buffer strips and screening, where required.
- (18) The proposed location, direction and type of outdoor lighting.
- (19) Existing and proposed contours with intervals of five feet or less extending 50 feet beyond the tract.
- (20) The location of existing watercourses, wooded areas, rock outcrop and single trees with a diameter of 12 inches or more measured four feet above ground level.
- (21) In the case of uses requiring approval of the Orange County Department of Health and/or the New York

State Department of Environmental Conservation,  
the approval of said Departments.

- (22) Where the applicant wishes to develop the project in stages, a site plan indicating ultimate development.
- (23) Any additional data required by the Planning Board where it is warranted due to special conditions of the site or complexity of the proposed development.

**§ 205-66. One-family and two-family detached dwellings.**

- A. In the case of a one-family or two-family detached dwelling to be constructed on an approved, existing vacant lot, the Building Inspector may, in his or her discretion, issue the requisite permits under this chapter without formal review by the Planning Board, provided that the plot plan presented meets the following requirements, in addition to all other requirements of applicable laws:
- (1) Minimum front yard: sixty-foot set back from lot line.
  - (2) Minimum rear yard: fifty-foot set back from lot line.
  - (3) Minimum side yards: forty-foot, one side; eighty-foot aggregate, provided that any side yard with a garage located on that side shall be a minimum of 30 feet.
  - (4) Minimum lot width: 150 feet at the site of the dwelling, and in the case of odd shaped lots, the width shall be determined as follows:
    - (a) A line drawn connecting the two corners of the lot fronting the road.
    - (b) Lines, parallel to that set forth in Subsection A(4)(a), running through the corner of the house closest to the road and the corner of the house farthest from the road. A lot width of 150

feet must exist at the midpoint between the two lines set forth in this subsection.

- (c) On new culs-de-sac approved by the Planning Board, lot width must be a minimum of 50 feet at the street line and must expand to the minimum of 150 feet at the front yard setback line. The front yard setback line is set forth in Subsection A(1) of this section. The dimensions of a cul-de-sac are set forth in § 181-24J of the subdivision regulations of the Town.<sup>22</sup> These regulations set forth a minimum diameter and outside diameter. The dimensions of the cul-de-sac and the dimensions of the potential lots created around the cul-de-sac must conform to the attached diagram.<sup>23</sup> Lots around the cul-de-sac shall be limited to four lots.  
**[Amended 4-2-2009 by L.L. No. 2-2009]**

(5) Minimum lot area (one-family): two acres.

(6) Minimum lot area (two-family): three acres.

- B. The Building Inspector may decline to approve any such plan, in his or her discretion, and refer the matter to the Planning Board for site plan review. However, such referral shall be made only in cases where the Building Inspector determines that the plan submitted may not meet the requirements of this section, and in such case, the referral by the Building Inspector to the Planning Board shall be accompanied by a written determination as to what portions of this section are in question. The fee for such review shall be as provided in Chapter A212, Fees.

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22. Editor's Note: See Ch. 181, Subdivision of Land, § 181-24J.

23. Editor's Note: Said diagram is included at the end of this chapter.



**§ 205-67. General considerations for review.**

In reviewing any site plan, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and the intentions of the Town's Master Plan and may attach reasonable conditions and safeguards as a precondition to its approval. The Planning Board shall consider the special conditions set forth for any use requiring Planning Board site plan review in the Index of Uses<sup>24</sup> and the following general objectives:

- A. Fire and police protection. That all proposed structures, equipment or material shall be readily accessible for fire and police protection.
- B. Harmony. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which is proposed to be situated and will not be detrimental to the orderly, efficient, economical and healthful development of adjacent properties and the Town as a whole in accordance with the zoning classification of such properties.
- C. In or adjacent to residential uses. That, in addition to the above, in case of any use located in, or directly adjacent to, a residential use:
  - (1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residential use or conflict with the normal traffic of the neighborhood.

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24. Editor's Note: The Index of Uses is included at the end of this chapter.

- (2) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

**§ 205-68. Development plan.**

In approving the plans for a particular use the Planning Board shall give specific consideration to the design of the following in the development plan:

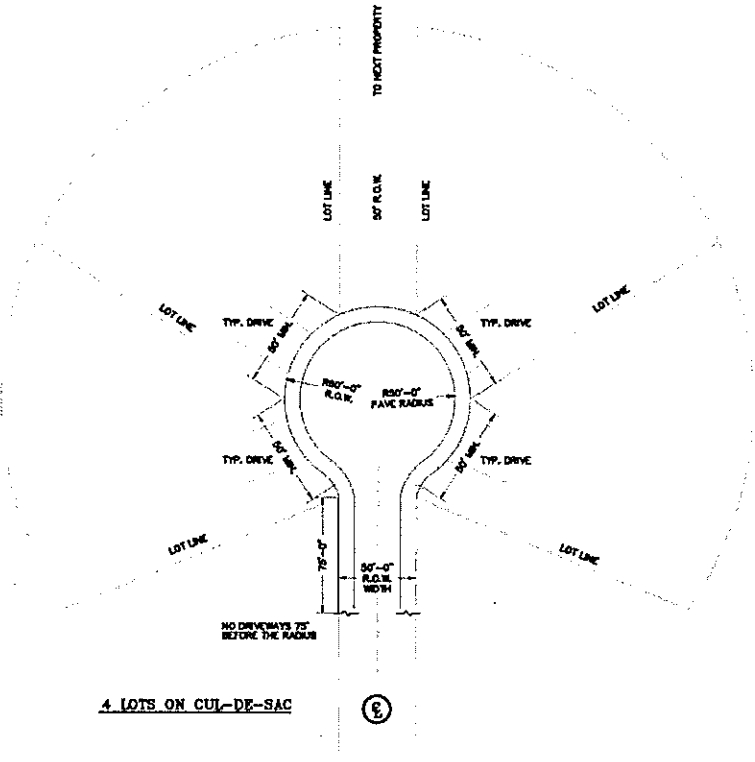
- A. Traffic access. That all proposed traffic accessways are adequate but not excessive in number, adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and other similar safety considerations.

ZONING

205 Attachment 12

Town of Greenville

Cul-de-sac Dimensions



- B. Circulation and parking. That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking.
- C. Landscaping and screening. That all playground, parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site is in character with that generally prevailing in the neighborhood. Existing trees over 12 inches in diameter should be preserved to the maximum extent possible.
- D. Character and appearance. That the character and appearance of proposed use, buildings and/or outdoor signs will be in general harmony with the character and appearance of the surrounding neighborhood and that of the Town of Greenville and will not adversely affect the general welfare of the present and future inhabitants of the Town of Greenville.

**§ 205-69. Public hearing; application; fee; approval.**

- A. Public hearing. The Planning Board shall conduct a public hearing within 62 days from the day an application is received on any matter referred to it under this section. The Planning Board shall mail notice of said hearing to the applicant at least ten days before said hearing and shall give public notice of said hearing in the official newspaper of the Town at least five days prior to the date thereof. **[Amended 12-11-1996 by L.L. No. 5-1996]**
  - (1) At least ten days before such hearing, the Planning Board shall mail notices thereof to the Orange County Planning Board, as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under

consideration, as defined in § 239-m, Subdivision (2), of the General Municipal Law.

- (2) If the land involved in an application lies within 500 feet of the boundary of another municipality, the Secretary of the Planning Board shall also transmit to the municipal Clerk of such other municipality a copy of the official notice of the public hearing thereon not later than the day after such notice appears in the official newspaper of the Town.
- B. In reviewing the application, the Planning Board may secure the advice or assistance of one or more expert consultants qualified to advise as to whether a proposed use will conform to the requirements of this chapter or will be operated in conformance with the performance standards and, if not, what modification in design or operation would be necessary for conformance. A copy of the report of such consultants shall be furnished to the Planning Board, Building Inspector and the applicant. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. **[Amended 12-11-1996 by L.L. No. 5-1996]**
- C. Decision. The Planning Board shall make a decision upon the application within 62 days after the public hearing. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Planning Board shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof must be mailed to the applicant. **[Amended 12-11-1996 by L.L. No. 5-1996]**
- D. Application and fee. All such applications made to the Planning Board shall be, in writing, on forms prescribed by the Board and shall be accompanied by a fee set from time to time by resolution of the Town Board in Chapter A212, Fees. Said fees are in addition to all other fees as set forth

in this section and shall comprise a nonreturnable review fee for a review under the terms of this section. If site plan is simultaneous with subdivision review, the Planning Board shall, at its discretion, waive one or the other of the review fees. These fees shall be total fees for a single-family dwelling site plan, not to exceed two families.<sup>25</sup>

- E. Submission of plans. Submission of plans meeting all requirements shall be accomplished within six months of date of application and payment of fees. A six-month extension may be granted by the Planning Board upon application.
- F. Approval. Site plan approval shall be void after a one-year period from date of approval unless a building permit has been issued.
- G. After approval of the final subdivision plat by the Planning Board, prior to any construction beginning at the property covered by the approved plat, the applicant/owner/developer must execute a development agreement, on a form approved by the Town. The language of said development agreement and the language of the Zoning Law shall be read and interpreted to as to compliment and supplement each other and not to be in any way in conflict with each other. [Added 6-17-2010 by L.L. No. 1-2010]

**§ 205-70. Renewal; uses to be considered conforming.**

The Board may require that its approval be periodically renewed. Such renewal shall be granted and may be withheld only upon a determination by the Building Inspector to the effect that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been or are being no longer complied with. In such

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25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

cases, a period of six days shall be granted the applicant for full compliance prior to the revocation of the said permit. Any use authorized by the Planning Board shall be deemed to be a conforming use in the district in which such is located provided that:

- A. The provision in this chapter under which such permit was issued is still in effect;
- B. Such permit was issued in conformity with the provisions of this chapter; and
- C. Such permit will be deemed to effect only the lot or portion thereof for which such permit shall have been granted.

### ARTICLE XIII

#### Administration and Enforcement

##### § 205-71. Building permits.

No building, structure or sign in any district shall be erected, added to, moved or structurally altered without a building permit duly issued upon application to the Building Inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this chapter or any other applicable law. Any building permit issued in violation of the provisions of this chapter shall be null and void and of no effect, and any work undertaken or use established pursuant to any such permit shall be unlawful.

- A. Application. Application for a building permit shall be made to the Building Inspector on forms provided and shall contain the following information:
  - (1) The full name and address of the owner and of the applicant and the names and addresses of their responsible officers, if any of them are corporations.
  - (2) The valuation of the proposed work.

- (3) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.
- B. Owner's authorization. Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work



is authorized by the owner and that the applicant is authorized to make such application.

C. Plans and specifications.

- (1) Content. Each application for a building permit shall be accompanied by duplicate copies of plans and specifications indicating the nature and character of the work to be performed and the materials to be incorporated, the details of structural, mechanical and electrical work, including computation, stress diagrams, and other essential technical data.
- (2) Signature. Plans and specifications shall bear the signature of the person responsible for the design and drawing.
- (3) Waving of requirements. The Building Inspector may waive the requirements for filing architectural plans.
- (4) Amendment. Amendments to the application or plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to approval of the Building Inspector.

D. Plot plan.

- (1) Every application for a building permit shall be accompanied by the plot plan drawn to scale showing:
  - (a) The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected or the lot on which it is situated, if an existing building.
  - (b) The section, block and lot numbers as they appear on the official assessment records.
  - (c) The exact size and location on the lot of the proposed building or buildings or alterations of

an existing building and of the other existing buildings on the same lot.

- (d) The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot or on adjacent property.
  - (e) The existing and currently intended use of all buildings, existing or proposed, the use of the land and the number of dwelling units the building is designed to accommodate.
  - (f) The widths and grades of adjoining and/or traversing streets, walks and alleys.
  - (g) Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the construction will conform to the provisions of this chapter. No foundation will be constructed which requires blasting.
  - (h) Information on percolation tests taken at suitable intervals and information as to the depth to the water table where the applicant proposes new construction or new or expanded septic systems. Such test and septic design shall be performed by a New York State licensed engineer. No permit shall be used for any septic system unless the Town Engineer or his designee shall have witnessed the percolation and deep soil tests performed onsite and approved the results of such tests.  
**[Amended 2-24-1999 by L.L. No. 2-1999]**
- (2) The Building Inspector may vary or waive the above requirements in the case of any accessory agricultural buildings.

- E. Building permit and other associated fees shall be set from time to time by the Town Board in Chapter A212, Fees. [Amended 5-23-1990; 8-11-1993 by L.L. No. 2-1993; 11-6-1996 by L.L. No. 4-1996; 4-8-1998 by L.L. No. 1-1998]
- F. Frontage and access. No building permit shall be issued for the construction or alteration of any building upon a lot without frontage upon or at least legal permanent access to a street improved to the satisfaction of the Planning Board and meeting all the requirements of § 280-a of the Town Law. No building permit may be issued for any new construction other than additions or alterations until a curb cut permit or a highway entrance permit has been obtained from such highway authority as has the jurisdiction over the road frontage.
- G. Uses permitted upon site plan approval by the Planning Board. No building permit shall be issued for any building where the use is subject to site plan approval by the Planning Board, except in conformity with such authorization and the plans approved by said Board.
- H. Variance. No building permit shall be issued for a building for which a variance has been granted by the Board of Appeals, except in conformance with the conditions established by said Board.
- I. Duplicate documentation. The application and all supporting documentation shall be submitted in duplicate.
- J. Issuance of building permit. The Building Inspector shall examine or cause to be examined all applications for permits together with the plans, specifications and documents filed therewith.
- (1) Action. The Building Inspector shall, within 10 days after the filing of a complete and properly prepared application, either issue or deny a building permit (unless subject to site plan review by the Planning Board).

- (2) Approval. Upon approval of the application (the legal fees having been properly paid beforehand), the Building Inspector shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto. Both sets of plans and specifications shall be endorsed with the word "APPROVED."
  - (3) File copy. One set of such approved application, plans and specifications shall be retained in the files of the Building Inspector.
  - (4) Inspection copy. The other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site open to inspection by the Building Inspector or his authorized representative at all reasonable times.
- K. Denial of building permit. If the application, together with plans, specifications and other documents filed therewith, describe proposed work which does not conform to all the requirements of the applicable building regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. The Building Inspector shall state, in writing, the reasons for such denial.
- L. Performance of work under building permit. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in conformance with the approved specifications and in accordance with the applicable building laws, ordinances or regulations.
- M. Expiration. Every building permit shall expire if the work authorized has not commenced within six months after the date of issuance. The Building Inspector may authorize, in writing, an additional six-month extension of the permit. Thereafter no further work may be undertaken without a new building permit and appropriate fee. **[Amended 8-1-1993 by L.L. No. 2-1993]**

- N. Revocation of building permit. The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:
- (1) Where he finds that there has been any false statements or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.
  - (2) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.
  - (3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
  - (4) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.
- O. Stop order. Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with all the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed, and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building under construction and sending him a copy of the same by registered mail.

**§ 205-72. Certificate of occupancy.**

- A. New construction. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.
- B. Alteration. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector.
- C. Change of uses. No change shall be made in the use or type of occupancy of an existing building (whether conforming or nonconforming) unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.
- D. Requirements.
  - (1) Affidavit. The owner or his agent shall make an application for a certificate of occupancy. Accompanying this application, and before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the plans or of the registered architect or licensed professional engineer who supervised the construction of the work or of the superintendent of construction who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, that the structure has been erected in accordance with approved plans and as erected complies with the law governing building construction except insofar as

variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.

- (2) Certificate of potability. Except where the water supply to the subject property is from an approved central water district, a certificate of potability shall accompany the application for a certificate of occupancy.
- (3) Inspection. Before issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy, and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. Such site shall conform to § 205-29C(1).
- (4) Filing. There shall be maintained in the office of the Building Inspector a record of all such examinations and inspections, together with a record of findings of violations of the law.

E. Issuance of certificate of occupancy:

- (1) Uses permitted upon authorization and approval of plans by the Planning Board. No certificate of occupancy shall be issued for any use of a building or land requiring authorization and approval of plans by the Planning Board unless and until such authorization and approval has been duly issued by said Board.
- (2) Variance. Every certificate of occupancy in connection with which a variance has been granted by the Board of Appeals shall contain a detailed statement of such variance and of any condition to which the same is subject.

- (3) Major subdivision. No certificate of occupancy for any building in a major subdivision or a section thereof or where a bond has been posted under any other section of the law shall be issued by the Building Inspector until all the improvements, including water supply system, sewage disposal system, roads and any other requirements of the Planning Board, have been completed in every detail and approved by the Orange County Health Department, the Water Resources Commission of the State of New York, the Town Engineer, the Town Board and all other appropriate authorities.
- (4) Action. A certificate of occupancy shall be issued, where appropriate, within 10 days after application therefore is made. Failure to act upon such application within 10 days shall constitute approval of such application, and the building or portion thereof may thereafter be occupied as though a certificate of occupancy has been issued.
- (5) Issuance. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances and regulations and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Building Inspector shall issue a certificate of occupancy upon the form provided by him.
- (6) Denial. If it found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformance with the applicable building regulations.
- (7) Certification. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws,



ordinances and regulations and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

- (8) Recording. A record of all certificates of occupancy shall be kept in the office of the Building Inspector, and copies shall be furnished upon request to any agency of the Town or to any persons having a proprietary or tenancy interest in the building or land affected.

**§ 205-73. Tests to ensure compliance.**

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

**§ 205-74. Designation of Building Inspector as public official.**

There is hereby designated in the Town of Greenville a public official to be known as the "Building Inspector," who shall be appointed by the Town Board at a compensation to be fixed by it.

- A. Appointment of assistant building inspectors. The Town Board may appoint one or more assistant building inspectors, as the need may appear, to act under the supervision of the Building Inspector and to exercise any portion of his powers and duties. The compensation of such assistant building inspector shall be fixed by the Town Board.
- B. Acting Building Inspector. In the absence of the Building Inspector or in the case of his inability to act for any reason, the Supervisor shall have the power, with the

consent of the Town Board, to designate a person to act on the behalf of the Building Inspector and to exercise all of the powers conferred upon him by the law.<sup>21</sup>

C. Duties and powers of the Building Inspector.

- (1) Administration and enforcement. Except as otherwise specifically provided by law, ordinance or regulation or except as herein otherwise provided, the Building Inspector shall administer and enforce all the provisions of laws, ordinances and regulations, applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof; such administration and enforcement is to be in accordance with the most strict interpretation of all pertinent laws, ordinances and regulations.
- (2) Issuance of permits and certifications. He shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been issued, for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction and, upon application, of certifying fitness for occupancy.
- (3) Ensurance of compliance. He shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations.

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21. Editor's Note: Former § 733, Restrictions on employees, which immediately followed this section, was repealed 8-11-1993 by L.L. No. 2-1993.

- (4) Inspection. The Building Inspector shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from assistant building inspectors or other employees of the Building Department or from generally recognized or authoritative service and inspection bureaus, provided that the same are certified by a responsible official thereof. The Building Inspector or his duly authorized assistant(s), upon the showing of proper credentials and in the discharge of his duties, may enter upon any building, structure or premises at a reasonable hour, and no person shall interfere with or prevent such entry.
- (5) Tests. Whenever the same may be necessary appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, the Building Inspector may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.
- (6) Final grades. With the assistance of the Town Engineer where necessary, the Building Inspector has the power to control the final grades on any property.
- (7) Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be written, signed by the complainant and filed with the Building Inspector. The Building Inspector shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and of the action taken consequent to each complaint, which records shall be public records.

**§ 205-75. Department records and reports.**

- A. Records. The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. All such records shall be public records open to public inspection during business hours.
- B. Reports. The Building Inspector shall be present at each regular meeting of the Town Board and shall, monthly as well as annually, submit to the Town Board a written report and summary of all business conducted by the Building Inspector, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, appeals or litigation pending and all complaints or violations, with the action taken by him consequent thereon.

**§ 205-76. Cooperation of other departments.**

The Building Inspector may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Police, Fire and Health Departments or officers and of all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

**§ 205-77. Notification of Board of Appeals of denial of applications.**

All applications to the Board of Appeals shall commence with the Building Inspector, (Zoning Officer), by application for a permit, either for a structure or a use, for a particular parcel. The Building Inspector will then advise the applicant that the permit or use are denied because of nonconformance with this chapter and the sections of this chapter which set conforming standards. For all denials, (except those of a prohibited use),

the Building Inspector shall transmit to the Board of Appeals a letter citing the denial of permit or use, for the parcel, (identified by owner, section, block and lot) and the sections of this chapter causing such denial. A copy of this letter shall be sent to the Planning Board for reference purposes.

**§ 205-78. Board of Appeals.**

- A. Creation, appointment and organization. There shall be a Board of Appeals of five members pursuant to the provisions of Article 16 of the Town Law.
- B. Permitted action by Zoning Board of Appeals. **[Amended 12-11-1996 by L.L. No. 5-1996]**

- (1) Definitions. As used in this section:

USE VARIANCE — The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this chapter.

AREA VARIANCE — The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of this chapter.

- (2) Orders, requirements, decisions, interpretations, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of this chapter and, to that end, shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

- (3) Use variances. The Zoning Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of this chapter, shall have the power to grant use variances, as defined herein.
- (a) No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
- [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - [2] The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
  - [3] The requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - [4] The alleged hardship has not been self-created.
- (b) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

- (4) Area variances. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of this chapter, to grant area variances as defined herein.
- (a) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
- [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - [2] Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - [3] Whether the requested area variance is substantial;
  - [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

- (b) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (5) Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- C. Zoning Board of Appeals procedure. **[Amended 12-11-1996 by L.L. No. 5-1996<sup>22</sup> ]**
- (1) Meetings, minutes, records. Meetings of the Zoning Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- (2) Filing requirements. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Town Clerk within five business days and shall be a public record.

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22. Editor's Note: This local law also repealed former §§ 744, Variance, and 745, Procedure.



- (3) The Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.
- (4) Hearing appeals. The jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the administrative official charged with the enforcement of this chapter. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the Town.
- (5) Time of appeal. Such appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this chapter by filing with such administrative official and with the Board of Appeals a notice of appeal on forms prescribed by the Board, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. All appeals shall be accompanied by a fee set from time to time by the Town Board in Chapter A212, Fees.<sup>23</sup>

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23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (6) Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this chapter, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
- (7) Hearing on appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in the official newspaper of the Town at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal or a reasonable fee relating thereto shall be borne by the appealing party and shall be paid to the Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person or by agent or attorney.
- (8) Additional notice. In addition to such published notice, the Board of Appeals shall cause notice to be given of the substance of every appeal for a use variance or an area variance, together with notice of the hearing thereon, by causing notices thereof to be mailed by postal card or other means at least 10 days before the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area (whether or not involved in such appeal) and all other owners within 200 feet, or such additional distance as the Board of Appeals may deem advisable, from the exterior boundaries of the

land involved in such appeal, as the names of said owners appear on the last completed assessment roll of the Town. It shall be the appealing party's responsibility to issue any or all of the notices required by this section. Provided that due notice has been published as above required and that there shall have been substantial compliance with the remaining provisions of this subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Board of Appeals in connection with the order, decision or determination of any appeal.

- (9) Time of decision. The Board of Appeals shall decide upon the appeal within 62 days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
- (10) Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk, within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- (11) Notice to Park Commission or Planning Agency. At least five days before such hearing, the Board of Appeals shall mail notices thereof to the Regional State Park Commission having jurisdiction over any state park or parkway within 500 feet of the property affected by such appeal. At least five days before such hearing, the Board of Appeals shall mail notices thereof to the Orange County Planning Department for review in accordance with the provisions of §§ 239-l and 239-m of the General Municipal Law if the property affected by such appeal lies within 500 feet of the boundary of any other municipality, County or state park or right-of-way of any County- or state-controlled access highway or drainage channel or from the boundary

of any County- or state-owned land on which a public building is situated.

- (12) Neighboring municipalities affected. If the property affected by such appeal lies within 500 feet of the boundary of any other municipality, the Town Clerk shall also transmit to the municipal Clerk of such other municipality a copy of the official notice of the public hearing thereon not later than the day after such notice appears in the official newspaper of the Town.
- (13) Compliance with State Environmental Quality Review Act. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- (14) Notice to Planning Board. At least 10 days before the date of any public hearing, the Secretary of the Zoning Board of Appeals shall transmit to the Secretary of the Planning Board a copy of any appeal or application, together with a copy of the notice of such hearing. The Planning Board may submit to the Board of Appeals an advisory opinion on said appeal or application at any time prior to the rendering of a decision by the Board of Appeals.
- (15) Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided that the Board finds that the rights vested in persons acting in good

faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

- (16) Unless work is commenced and diligently prosecuted within one year of the date of the granting of a use variance or area variance, such variance shall become null and void.

**§ 205-79. Illegal activities; penalties.**

- A. Illegal activities. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, demolish, equip, use, occupy or maintain any building, structure or portion thereof in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Building Inspector or to construct, alter, use or occupy any building, structure or part thereof, in any manner not permitted by an approved building unit or certificate of occupancy.
- B. Penalties. Any person who shall fail to comply with a written order of the Building Inspector within five days following written notice served by mail or by personal service by the Building Inspector that a violation of any provisions of this law exists; and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be guilty of an offense within the meaning of the Penal Law of the State of New York and, upon conviction thereof, shall be subject to a fine of not less than \$75 nor more than \$1,000 or by imprisonment for a period not exceeding 30 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. [Amended 8-11-1993 by L.L. No. 2-1993; 7-24-1996 by L.L. No. 2-1996]

- C. Informations. Upon probable cause that any provision of this chapter has been or is being violated, the Building Inspector is hereby authorized to file an information, the contents of which shall comply with the requirements of the Criminal Procedure Law of the State of New York, in the Town Court of the Town of Greenville. [**Amended 7-24-1996 by L.L. No. 2-1996**]
- D. Prosecutions. The Town Attorney for the Town of Greenville is hereby authorized to prosecute any informations filed in the Town Court pursuant to this section. [**Amended 7-24-1996 by L.L. No. 2-1996**]
- E. Exceptions. This section shall not apply to violations of the provisions of the State Building Construction Code punishable under § 385 of the Executive Law of the State of New York; nor to violations of the provisions of the Multiple Residence Law punishable under § 304 of the Multiple Residence Law of the State of New York.
- F. Abatement of violation. Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises, and these remedies shall be in-addition to the penalties prescribed in the preceding section.

**§ 205-80. Interpretation; construal of provisions.**

In their interpretation and application, the provisions of this law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except where specially provided to the contrary, it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises; nor is it intended by

this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of building or premises or requires larger open spaces than are imposed or required by any other statute, ordinance, rule, regulation or permit or by any easement or agreement, the provisions of this chapter shall control. In the event of any conflict between any provisions of this chapter, the more restrictive provisions shall control.

**ARTICLE XIV**  
**Amendments**

**§ 205-81. Procedure.**

This chapter, or any part thereof, may be amended, supplemented or repealed, from time to time, by the Town Board on its own motion, on petition or upon recommendation by the Planning Board as provided in Article 16 of the Town Law. Every such proposed amendment shall be referred by the Town Board to the Planning Board for a report before the public hearing.

- A. Report of the Planning Board. In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:
- (1) Text. Concerning a proposed amendment to or change in text in the law:
    - (a) Whether such change is consistent with the aims and principles embodied in this chapter as to the particular districts concerned.
    - (b) Which areas and establishments in the Town will be directly affected by such change and what way they will be affected.

- (c) The indirect effect of such change on other regulations.
  - (d) Whether such proposed amendment is consistent with the alms of the Comprehensive Development Plan of the Town.<sup>24</sup>
- (2) . Map. Concerning a proposed amendment involving a change in the Zoning Map:
- (a) Whether the uses permitted by the proposed change would be appropriate in the area concerned.
  - (b) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change.
  - (c) Whether the proposed change is in accordance with the existing or proposed plans in the vicinity.
  - (d) The effect of the proposed amendment upon the growth of the Town as envisaged by the Comprehensive Plan.
  - (e) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Town and probable effect there.
- B. Fee. Each petition for a zoning amendment shall be accompanied by a fee set from time to time by the Town Board in Chapter A212, Fees, payable to the Town Clerk upon the filing thereof. No fee shall be required for

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24. Editor's Note: Said Plan is on file in the Town offices.



petitions filed in favor of or against a pending application.<sup>25</sup>

- C. Notice of public hearing. By resolution adopted at a stated meeting, the Town Board shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given in accordance with provisions of Article 16 of the Town Law.
- D. Notification of adjacent municipality. Should any proposed amendment consist of or include either of the following conditions, the Town Clerk shall transmit to the municipal Clerk of such other municipality a copy of the official notice of the public hearing thereof not later than the day after such notice appears in the official newspaper of the Town:
  - (1) Any change in the boundaries of any district, which change would occur within a distance of 500 feet of the boundary of any other municipality; or
  - (2) Any change in the regulations prescribed for any district any portion of which is located within 500 feet of such boundaries.
- E. Referral to County, see § 205-8E.
- F. Contents of notice. All notices of public hearing shall specify:
  - (1) The nature of any proposed amendment;
  - (2) The land or district affected; and
  - (3) The date when, and the place where the public hearing will be held.
- G. Protest. In the case of a protest against any amendment, such amendment shall not become effective except in

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25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

accordance with the provisions of Article 16 of the Town Law.

- H. Conformity with Comprehensive Development Plan. In all cases where the Town Board shall approve an amendment to the Zoning Map, said Board shall state, in writing, whether the amendment conforms to the Comprehensive Development Plan for the Town of Greenville. If said amendment does not conform to said Plan, the reasons for the decision shall be fully set forth in writing.

ZONING

205 Attachment 1

Town of Greenville  
Reference Charts

**KEY:**

NA = not applicable  
M = Mandatory  
X = Prohibited  
P = Permitted

**Chart for Elevation**

<b>Elevation (feet above sea level)</b>	<b>Factor</b>
700 to 799	0
800 to 899	0
900 to 999	5,000
1,000 to 1,099	10,000
1,100 to 1,199	20,000
1,200 to 1,299	30,000
1,300 to 1,399	40,000
1,400 or more	50,000

**Chart for Distance from Firehouse**

**For Charts A, B, C, D and E**

<b>Distance (miles along road center line)</b>	<b>Factor</b>
0 to .9	0
1 to 1.9	5,000
2 to 2.9	10,000
3 to 3.9	15,000
4 to 4.9	20,000
5 to 5.9	25,000
6 or more	30,000

GREENVILLE CODE

For Charts F, G and H

Distance (miles along road center line)	Factor
0 to .9	0
2 to 1.9	100,000
2 to 2.9	NA
3 to 3.9	NA
4 to 4.9	NA
4 to 4.9	NA
6 or more	NA

Chart for Distance from Town Center

For Charts A and B

Distance (miles)	Factor
0 to .9	25,000
1 to 1.9	20,000
2 to 2.9	15,000
3 to 3.9	10,000
4 to 4.9	5,000
5 or more	0

For Charts C and D

0 to .9	0
1 to 1.9	5,000
2 to 2.9	10,000
3 to 3.9	15,000
4 to 4.9	20,000
5 or more	25,000

ZONING

205 Attachment 2

**Town of Greenville**  
**Schedule For Computation: Chart A**  
**Single-Family Residential Subdivisions**  
**(Four-Lot Limit)**  
[Amended 12-11-1996 by L.L. No. 5-1996;  
1-8-2004 by L.L. No. 2-2004]

**KEY:**

NA = not applicable  
M = mandatory  
X = prohibited  
P = permitted

The following regulations apply to custom-built single-family residences (limit: 4 lots per parcel existing on Tax Maps as of 1-17-1974):

<b>Regulation</b>	<b>Factor</b>
<b>Location</b>	
1. Ridge Preservation	5,000
2. Balance of Town	0
<b>Site Characteristics</b>	
3. Soil: slight limitations, for purposes intended as rated by Soil Conservation Service	0
4. Soil: moderate limit, for purposes intended as rated by Solid Conservation Service	5,000
5. Soil: severe limit, for purposes intended as rated by Soil Conservation Service (if overcome, to be weighed the same as soils with moderate limitation)	X
6. Elevation of principal building(s) in feet above sea level	See reference charts.

GREENVILLE CODE

<b>Regulation</b>	<b>Factor</b>
7. Slope measured from high point to low point of developed area	Percentage of sum
8. Control of erosion during and after site preparation, approved by measures therefor	M
9. Flooding, subject to	X
 <b>Sewage Treatment</b>	
10. Individual septic system(s)	20,000
 <b>Water Supply</b>	
11. Individual well(s)	15,000
 <b>Public Access Road</b>	
12. Federal- and/or state-maintained road, primary access from	15,000
13. County-maintained road, primary access from	10,000
14. Town-maintained road, primary access from	0
 <b>Fire Protection</b>	
15. Distance (in center-line mileage) from servicing firehouse	See reference charts.
 <b>Community Development</b>	
16. Proximity (in straight-line mileage) to designated Town Center	See reference charts.
17. Contiguous to development of similar nature of comparable density and scale	0
18. Not contiguous to development of similar nature, of comparable density and scale	5,000
 <b>Clustering (in accordance with § 278 of Town Law)</b>	
19. Conventional subdivision with lots occupying 50% to 100% of the site	M

ZONING

<b>Regulation</b>	<b>Factor</b>
<b>Parks, Recreation and Site Enhancement</b>	
20. Capital contribution of \$1,500 for each newly created lot in lieu of lands	M
21. Restriction of development from designated protection areas (streams and watersheds of existing and proposed reservoirs) through easement or dedication, if required	M
22. Limitation on site disturbance	See reference charts.
23. Review and approval of house sites	M
24. Deed restriction on limitation of exterior coloration to earth colors	0
25. No deed restriction on limitation of exterior coloration to earth colors	
Ridge Preservation area only	10,000
Balance of Town only	5,000

ZONING

205 Attachment 3

**Town of Greenville  
Schedule For Computation: Chart B  
Single-Family Residential Subdivisions  
(Five to 49 Lots)  
[Amended 12-11-1996 by L.L. No. 5-1996;  
1-8-2004 by L.L. No. 2-2004]**

KEY:

NA = not applicable  
M = Mandatory  
X = Prohibited  
P = Permitted

The following regulations apply to single-family residential subdivisions of 5 to 49 lots (limit 49 lots per parcel existing on Tax Maps of 1-1-1974):

<b>Regulation</b>	<b>Factor</b>
<b>Location</b>	
1. Ridge Preservation	5,000
2. Balance of Town	0
<b>Site Characteristics</b>	
3. Soil: slight limitations, for purposes intended as rated by Soil Conservation Service	0
4. Soil: moderate limitations, for purposes intended as rated by Soil Conservation Service	5,000
5. Soil: severe limit, for purposes intended as rated by Soil Conservation Service (if overcome, to be weighed the same as soils with moderate limitations)	
6. Elevation of principal building(s) in feet above sea level	See reference charts.
7. Slope measured from high point to low point of developed area	Percentage of sum



GREENVILLE CODE

<b>Regulation</b>	<b>Factor</b>
8. Control of erosion during and after site preparation, approved by measures therefor	M
9. Control of erosion during and after site preparation, no approved measure therefor	X
10. Impact study of stormwater drainage on entire stream channel	M
11. Flooding, subject to	X
 <b>Sewage Treatment</b>	
12. Individual septic systems(s)	20,000
13. Central treatment plant and creation of town sewer district	20,000
 <b>Water Supply</b>	
14. Individual wells	20,000
15. Central well and creation of town water district	20,000
 <b>Utilities</b>	
16. Undergrounding of service entrance	M
17. Undergrounding of street distribution lines	M
 <b>Public Access</b>	
18. Federal- and/or state-maintained road, primary access from	15,000
19. County-maintained road, primary access from	10,000
20. Town-maintained road primary access from	5,000
21. Access via common private drive (as per § 280-a of the Town Law) open development area	X
22. Developed to town specifications and ceded	M
23. Owned and maintained by developer-owner thereof by a funded community trust	X

## ZONING

<b>Regulation</b>	<b>Factor</b>
<b>Fire Protection</b>	
24. Distance (in center-line mileage) from the servicing firehouse	See reference charts.
<b>Regulation</b>	
<b>Community Development</b>	
25. Proximity (in staight-line mileage) to designated Town Center District	See reference charts.
26. Contiguous to development of similar nature, of comparable density and scale	0
27. Not contiguous to development of similar nature, of comparable density and scale	5,000
<b>Clustering (in accordance with § 278 of Town Law)</b>	
28. Conventional subdivision with lots occupying 50% to 100% of the site	M
29. Concentration of development on 50% or less of the site (the remainder being preserved as permanent open space)	X
<b>Parks, Recreation and Site Enhancement</b>	
30. Dedication of at least 10% of site (minimum 5 acres, unless adjacent to designated open space) to town public purposes	M
31. Capital contribution of \$1,500 for each newly created lot in lieu of lands	M
32. Restriction of development from designated protection areas (streams and watersheds of existing and proposed reservoirs) through easement or dedication, if required	M
33. Limitation on clearance of natural vegetative cover	See reference charts.
35. Planting of no fewer than 25 trees per single-family residence on pastures and open lands	0

GREENVILLE CODE

<b>Regulation</b>	<b>Factor</b>
36. Planting of fewer than 25 trees per single-family residence (on pastures and open lands)	5,000
<b>Architectural Review</b>	
37. Deed restriction limitation of exterior coloration to earth colors	0
38. No deed restriction on limitation of exterior coloration to earth colors	
Ridge Preservation Area only	10,000
Balance to Town only	5,000
39. Review and approval of architectural design of building(s)	M
40. Review and approval of siting of buildings	M

# ZONING

## 205 Attachment 4

### Town of Greenville Schedule for Computation: Chart C Single-Family Residential Subdivisions (50 or More Lots)

#### KEY:

NA	=	not applicable
M	=	mandatory
X	=	prohibited
P	=	permitted

The following regulations apply to single-family subdivisions of 50 or more lots:

Regulation	Factor
<b>Location</b>	
1. Ridge Preservation	5,000
2. Balance of Town	0
<b>Site Characteristics</b>	
3. Soil: slight limitation, for purposes intended as rated by Soil Conservation Service	0
4. Soil: moderate limitation, for purposes intended as rated by Soil Conservation Service	5,000
5. Soil: severe limitations, for purposes intended as rated by Soil Conservation Service (if overcome, to be weighed the same as soils with moderate limitations)	X
6. Elevation of principle building(s) in feet above sea level	See reference charts.
7. Slope measured from high point to low point of developed area	Percentage of sum
8. Control of erosion during and after site preparation, approved measures for	M

GREENVILLE CODE

<b>Regulation</b>	<b>Factor</b>
9. Control of erosion during and after site preparation, no approved measure for	X
10. Impact study of stormwater drainage on entire stream channel, capital contributions toward and adherence to	M
11. Impact study of storm drainage on entire stream channel, no capital contributions toward and adherence to	X
12. Flooding, subject to	X
<b>Sewage Treatment</b>	
13. Individual septic system(s)	X
14. Individual septic systems and dry sewer to street (and in street on new roads)	X
15. Central treatment plant and creation of town sewer district	M
16. Capital contribution to participate in or enlarge existing town sewer district	M
<b>Water Supply</b>	
17. Individual wells	X
18. Central well and creation of town water district	M
19. Capital contribution to participate in or enlarge existing town water district	M
<b>Utilities</b>	
20. Undergrounding of service entrances	M
21. Undergrounding of street distribution lines	M
<b>Public Access</b>	
22. Federal- and/or state-maintained road, primary access from	0
23. County-maintained road, primary access from	0
24. Town-maintained road, primary access from	15,000

## ZONING

<b>Regulation</b>	<b>Factor</b>
25. Town-maintained road, primary access from, with establishment of a town road improvement district (special taxation for improvement of town road(s))	0
26. Access via common private drive (as per § 280-a of the Town Law, open development area)	X
 <b>Internal Streets</b>	
27. Developed to town specifications and ceded to town	P
28. Owned and maintained by developer-owner or by a funded community trust	P-INC
 <b>Fire Protection</b>	
29. Capital contribution to improve equipment of town fire district	0
30. No capital contribution to improve equipment of town fire district	5,000
31. Distance (in center-line mileage) from the servicing firehouse	See reference charts.
 <b>Community Development</b>	
32. Proximity (in straight-line mileage) to Town Center District	See reference charts.
33. Contiguous to development of similar nature, of comparable density and scale	0
34. Not contiguous to development of same nature, of comparable density and scale	5,000
 <b>Clustering (in accordance with § 278 of the Town Law)</b>	
35. Conventional subdivision with lots occupying 50% to 100% of the site	M
36. Concentration of development on 50% or less of the site (the remainder being preserved as permanent open space)	0

GREENVILLE CODE

Regulation	Factor
<b>Parks, Recreational Facilities and Site Enhancement</b>	
37. Dedication of at least 10% of site (minimum: 5 acres, unless adjacent to designated	M
38. Dedication of at least 50% of site to homeowners association or funded community trust (with a development easement granted to the Town)	M
39. Capital contribution (equal to fair market value of 10% of site) in lieu of lands	M
40. Development of on-site active recreational facilities	0
41. No development of on-site recreational facilities	5,000
42. Preservation and/or enhancement of natural features	0
43. No preservation and/or enhancement of natural features	5,000
44. Restriction of development from designated protection areas (streams and watersheds of existing and proposed reservoirs) through easement or dedication, if required	M
45. Limitation on clearance of natural vegetative cover to 5,000 square feet per single-family residence (on wooded sites or portions thereof)	0
46. No limitation on clearance of natural vegetative cover to 5,000 square feet per single family residence (on wooded sites, or portions thereof)	5,000
47. Planting of no fewer than 25 trees per single-family residence (on pastures and open lands)	0
48. Planting of fewer than 25 trees per single-family residence (on pastures and open lands)	5,000

ZONING

<b>Regulation</b>	<b>Factor</b>
<b>Architectural Review</b>	
49. Deed restriction on limitation of exterior coloration to earth colors	0
50. No deed restriction on limitation of exterior coloration to earth colors	
Ridge Preservation Area only	10,000
Balance of Town only	5,000
51. Review and approval of architectural design of building(s)	0
52. No review and approval of architectural design of building(s)	10,000
53. Review and approval of siting building(s)	0
54. No review and approval of siting building(s)	20,000
<b>Convenience Shopping</b>	
57. Neighborhood Commercial Center (only accessory to a residential development of 500 units or more)	P



# ZONING

## 205 Attachment 5

### Town of Greenville Schedule for Computation: Chart D Attached Houses and Multiple Dwellings

#### KEY:

- NA = not applicable
- M = Mandatory
- X = Prohibited
- P = Permitted

The following regulations apply to attached houses and multiple dwellings:

Regulation	Factor
<b>Location</b>	
1. Ridge Preservation	5,000
2. Balance of Town	0
<b>Site Characteristics</b>	
3. Soil: slight limit, for purposes intended as rated by Soil Conservation Service	0
4. Soil: moderate limit, for purposes intended as rated by Soil Conservation Service	5,000
5. Soil: severe limit, for purposes intended as rated by Soil Conservation Service (if overcome, to be weighed the same as soils with moderate limit)	X
6. Elevation of principal building(s) in feet above sea level	See reference charts.
7. Slope measured from high point to low point of developed area	Percentage of sum
8. Control of erosion during and after site preparation, approved measures for	M
9. Control of erosion during and after site preparation, no approved measure for	X

GREENVILLE CODE

<b>Regulation</b>	<b>Factor</b>
11. Impact study of storm drainage on entire stream channel, no capital contributions toward and adherence to	X
12. Flooding, subject to	X
<b>Sewage Treatment</b>	
13. Individual septic system(s)	X
14. Individual septic system and dry sewer to street (and in street on new roads)	X
15. Central treatment plant and creation of town sewer district	M
16. Capital contribution to participate in or enlarge existing town sewer district	M
<b>Water Supply</b>	
17. Individual wells	X
18. Central well and creation of town water district	M
19. Capital contribution to participate in or enlarge existing town water district	M
<b>Utilities</b>	
20. Undergrounding of service entrances	M
21. Undergrounding of street distribution lines	NA
<b>Public Access:</b>	
22. Federal- and/or state-maintained road, primary access from	0
23. County-maintained road, primary access from	0
24. Town-maintained road, primary access from	10,000
25. Town-maintained road, primary access from, with establishment of a town road improvement district (special taxation for improvement of town road(s))	0
26. Access via common private drive (as per § 280-a of the Town Law, open development area)	0

## ZONING

<b>Regulation</b>	<b>Factor</b>
<b>Internal Streets</b>	
27. Developed to town specifications and ceded to town	Unincorp. M Incorp. X
28. Owned and maintained by developer-owner or by a funded community trust	Unincorp. X Incorp. M
<b>Fire Protection</b>	
29. Capital contribution to improve equipment of town fire district	0
30. No capital contribution to improve equipment of town fire district	5,000
31. Distance (in center-line mileage) from the servicing firehouse	See reference charts.
<b>Community Development</b>	
32. Proximity (in straight line mileage) to the Town Center District	See reference charts.
33. Contiguous to development of similar nature, of comparable density and scale	0
34. Not contiguous to development of same nature, of comparable density and scale	5,000
<b>Clustering (in accordance with § 278 of the Town Law)</b>	
35. Conventional subdivision with lots occupying 50% to 100% of the site	5,000
36. Concentration of development of 50% or less of the site (the remainder being preserved as permanent open space)	0
<b>Parks, Recreational Facilities and Site Enhancement</b>	
37. Dedication of at least 10% of site (minimum: 5 acres, unless adjacent to designated open space) to town public purposes	M

GREENVILLE CODE

<b>Regulation</b>	<b>Factor</b>
38. Dedication of at least 50% to a homeowners association or funded community trust (with a development easement granted to the Town)	M
39. Capital contribution (equal to fair market value of 10% of site) in lieu of lands	X
40. Development of on-site recreational facilities	0
41. No development of on-site recreational facilities	5,000
42. Preservation and/or enhancement of natural features	0
43. No preservation and/or enhancement of natural features	5,000
44. Restriction of development from designated protection areas (streams and watersheds of existing and proposed reservoirs) through easement or dedication, if required	M
45. No limitation on clearance of natural vegetative cover to 5,000 square feet per single-family residence (on wooded sites or portions thereof)	NA
46. Planting of no fewer than 25 trees per single-family residence (on pastures and open lands)	NA
47. Planting of fewer than 25 trees per single-family residence (on pastures and open lands)	NA
<b>Architectural review</b>	
48. Deed restriction on limitation of exterior coloration to earth colors	0
49. No deed restriction on limitation of exterior coloration to earth colors	
Ridge Preservation Area only	10,000
Balance of Town only	5,000
50. Review and approval of architectural design of building(s)	0

## ZONING

<b>Regulation</b>	<b>Factor</b>
51. No review and approval of architectural design of building(s)	10,000
52. Review and approval of siting building(s)	0
53. No review and approval of siting building(s)	20,000
54. Review and approval of signing and landscaping	0
55. No review and approval of signing and landscaping	5,000

### **Convenience shopping**

56. Neighborhood Commercial Center

ZONING

205 Attachment 6

**Town of Greenville  
Schedule of Computation: Chart E  
Local Businesses, Offices and Services  
Town Center District; Town Subcenter District**

**KEY:**

- NA = not applicable
- M = Mandatory
- X = Prohibited
- P = Permitted

The following regulations apply to local businesses, offices and services in the Town Center District and the Town Subcenter District:

<b>Regulation</b>	<b>Factor</b>
<b>Location</b>	
1. Ridge Preservation	NA
2. Balance of Town	0
<b>Site Characteristics</b>	
3. Soil: slight limit, for purposes intended as rated by Soil Conservation Service	0
4. Soil: moderate limit, for purposes intended as rated by Soil Conservation Service	5,000
5. Soil: severe limit, for purposes intended as rated by Soil Conservation Service (if overcome, to be weighed the same as soils with moderate limit)	X
6. Elevation of principal building(s) in feet above sea level	See reference charts.
7. Slope measured from high point to low point of developed area	Percentage of sum
8. Control of erosion during and after site preparation, approved measures for	0

GREENVILLE CODE

<b>Regulation</b>	<b>Factor</b>
9. Control of erosion during and after site preparation, no approved measure for	5,000
10. Impact study of stormwater drainage on entire stream channel, capital contributions toward and adherence to	NA
11. Impact study of storm drainage on entire stream channel, no capital contributions toward and coherence to	NA
12. Flooding, subject to	X
<b>Sewage Treatment</b>	
13. Individual septic system(s)	10,000
14. Individual septic systems and dry sewer to street (and in street on new roads,	5,000
15. Central treatment plant and creation of town sewer district	NA
16. Capital contribution to participate in or enlarge existing town sewer district	0
<b>Water Supply</b>	
17. Individual wells	5,000
18. Central well and creation of town water district	NA
19. Capital contribution to participate in or enlarge existing town water district	0
<b>Utilities</b>	
20. Undergrounding of service entrances	M
21. Undergrounding of street distribution lines	NA
<b>Public Access</b>	
22. Federal- and/or state-maintained road, primary access from	NA
23. County-maintained road, primary access from	0
24. Town-maintained road, primary access from	0

## ZONING

<b>Regulation</b>	<b>Factor</b>
25. Town-maintained road, primary access from, with establishment of a town road improvement district [special taxation for improvement of town road(s)]	NA
26. Access via common private drive (as per § 280-a of the Town Law, open development area)	X
 <b>Internal Streets</b>	
27. Developed to town specifications and ceded to town	NA
28. Owned and maintained by developer-owner or by a funded community trust	NA
 <b>Fire Protection</b>	
29. Capital contribution to improve equipment of town fire district	0
30. No capital contribution to improve equipment of town fire district	5,000
31. Distance (in center-line mileage) from the servicing firehouse	See reference charts.
 <b>Community Development</b>	
32. Proximity (in straight-line mileage) to the Town Center District	NA
33. Contiguous to development of similar nature, of comparable density and scale	0
34. Not contiguous to development of same nature, of comparable density and scale	5,000
 <b>Clustering (in accordance with § 278 of the Town Law)</b>	
35. Conventional subdivision with lots occupying 50% to 100% of the site	NA
36. Concentration of development on 50% or less of the site (the remainder being preserved as permanent open space)	NA



GREENVILLE CODE

Regulation	Factor
<b>Parks, Recreational Facilities and Site Enhancement</b>	
37. Dedication of at least 10% of site (minimum: 5 acres, unless adjacent to designated open space) to town public purposes	NA
38. Dedication of at least 50% to a homeowners association or funded community trust (with a development easement granted to the Town)	NA
39. Capital contribution (equal to fair market value of 10% of site) in lieu of lands	NA
40. Development of on-site recreational facilities	NA
41. No development of on-site recreational facilities	NA
42. Preservation and/or enhancement of natural features	NA
43. No preservation and/or enhancement of natural features	NA
44. Restriction of development from designated protection areas (streams and watersheds of existing and proposed reservoirs) through easement or dedication, if required	M
45. Limitations on clearance of natural vegetative cover to 5,000 square feet/ single-family residence (on wooded sites or portions thereof)	NA
46. No limitation on clearance of natural vegetative cover to 5,000 square feet/ single-family residence (on wooded sites or portions thereof)	NA
47. Planting of no fewer than 25 trees per single-family residence (on pastures and open lands)	NA
48. Planting of fewer than 25 trees per single-family residence (on pastures and open lands)	NA

ZONING

<b>Regulation</b>	<b>Factor</b>
<b>Architectural Review</b>	
49. Deed restriction on limitation of exterior coloration to earth colors	0
50. No deed restriction on limitation of exterior coloration to earth colors	
Ridge Preservation Area only	NA
Balance of Town only	5,000
51. Review and approval of architectural design of building(s)	10,000
52. No review and approval of architectural design of building(s)	0
53. Review and approval of siting building(s)	0
54. No review and approval of siting building(s)	20,000
55. Review and approval of signing and landscaping	0
56. No review and approval of signing and landscaping	5,000
<b>Convenience shopping</b>	
57. Neighborhood Commercial Center (only accessory to a residential development of 500 units or more)	NA

ZONING

205 Attachment 7

Town of Greenville  
Schedule of Computation: Chart F  
Designed Shopping Center  
Town Center District; Town Subcenter District

KEY:

NA	=	not applicable
M	=	mandatory
X	=	prohibited
P	=	permitted

The following regulations apply to designed shopping centers, (with all component uses having access from a common parking plaza, not direct street access):

Regulation	Factor
<b>Location</b>	
1. Ridge Preservation	X
2. Balance of Town	200,000
<b>Site Characteristics</b>	
3. Soil: slight limit, for purposes intended as rated by Soil Conservation Service	200,000
4. Soil: moderate limit, for purposes intended as rated by Soil Conservation Service	400,000
5. Soil: severe limit, for purposes intended as rated by Soil Conservation Service (if overcome, to be weighed the same as soils with moderate limit)	X
6. Elevation of principal building(s) in feet above sea level	See reference charts.
7. Slope measured from high point to low point of developed area	Percentage of sum

GREENVILLE CODE

<b>Regulation</b>	<b>Factor</b>
8. Control of erosion during and after site preparation, approved measures for	M
9. Control of erosion during and after site preparation, no approved measure for	X
10. Impact study of stormwater drainage on entire stream channel, capital contributions toward and adherence to	M
11. Impact study of storm drainage on entire stream channel, no capital contributions toward and adherence to	X
12. Flooding, subject to	X
 <b>Sewage Treatment</b>	
13. Individual septic system(s)	X
14. Individual septic systems and dry sewer to street (and in street on new roads,	X
15. Central treatment plant and creation of town sewer district	M
16. Capital contribution to participate in or enlarge existing town sewer district	0
 <b>Water Supply</b>	
17. Individual wells	X
18. Central well and creation of town water district	M
19. Capital contribution to participate in or enlarge existing town water district	0
 <b>Utilities</b>	
20. Undergrounding of service entrances	M
21. Undergrounding of street distribution lines	M
 <b>Public Access</b>	
22. Federal- and/or state-maintained road, primary access from	0
23. County-maintained road, primary access from	0
24. Town-maintained road, primary access from	100,000

## ZONING

<b>Regulation</b>	<b>Factor</b>
25. Town-maintained road, primary access from; with establishment of a town road improvement district (special taxation for improvement of town road(s))	0
26. Access via common private drive (as per § 280-a of the Town Law, open development area)	X
 <b>Internal Streets</b>	
27. Developed to town specifications and ceded to town	X
28. Owned and maintained by developer-owner or by a funded community trust	M
 <b>Fire Protection</b>	
29. Capital contribution to improve equipment of town fire district	0
30. No capital contribution to improve equipment of town fire district	100,000
31. Distance (in center-line mileage) from the servicing firehouse	See reference charts.
 <b>Community Development</b>	
32. Proximity (in straight-line mileage) to the Town Center District	NA
33. Contiguous to development of similar nature, of comparable density and scale	0
34. Not contiguous to development of same nature, of comparable density and scale	100,000
 <b>Clustering (in accordance with § 278 of the Town Law)</b>	
35. Conventional subdivision with lots occupying 50% to 100% of the site	NA
36. Concentration of development on 50% or less of the site (the remainder being preserved as permanent open space)	NA

GREENVILLE CODE

Regulation	Factor
<b>Parks, Recreational Facilities and Site Enhancement</b>	
37. Dedication of at least 10% of site (minimum: 5 acres, unless adjacent to designated open space) to town public purposes	NA
38. Dedication of at least 50% to a homeowners association or funded community trust (with a development easement granted to the Town)	NA
39. Capital contribution (equal to fair market value of 10% of site) in lieu of lands	NA
40. Development of on-site recreational facilities	NA
41. No development of on-site recreational facilities	NA
42. Preservation and/or enhancement of natural features	0
43. No preservation and/or enhancement of natural features	100,000
44. Restriction of development from designated protection areas (streams and watersheds of existing and proposed reservoirs) through easement or dedication, if required	M
45. Limitations on clearance of natural vegetative cover to 5,000 square feet per single-family residence (on wooded sites or portions thereof)	NA
46. No limitation on clearance of natural vegetative cover to 5,000 square feet per single-family residence (on wooded sites or portions thereof)	NA
47. Planting of no fewer than 25 trees per single-family residence (on pastures and open lands)	NA
48. Planting of fewer than 25 trees per single-family residence (on pastures and open lands)	NA

## ZONING

<b>Regulation</b>	<b>Factor</b>
<b>Architectural Review</b>	
49. Deed restriction on limitation of exterior coloration to earth colors	0
50. No deed restriction on limitation of exterior coloration to earth colors	
Ridge Preservation Area only	NA
Balance of Town only	5,000
51. Review and approval of architectural design of building(s)	0
52. No review and approval of architectural design of building(s)	100,000
53. Review and approval of siting building(s)	0
54. No review and approval of siting building(s)	200,000
55. Review and approval of signing and landscaping	0
56. No review and approval of signing and landscaping	100,000
<b>Convenience shopping</b>	
57. Neighborhood Commercial Center (only accessory to a residential development of 500 units or more)	NA

ZONING

205 Attachment 8

**Town of Greenville  
Schedule of Computations: Chart G  
Interchange Service Area  
Town Center District; Town Subcenter District**

**KEY:**

- NA = not applicable
- M = mandatory
- X = prohibited
- P = permitted

The following regulations apply to the interchange service area (motel, restaurant and auto service complex within which the auto service component is permitted only as an accessory to one or both primary uses):

<b>Regulation</b>	<b>Factor</b>
<b>Location</b>	
1. Ridge Preservation	400,000
2. Balance of Town	200,000
<b>Site Characteristics</b>	
3. Soil: slight limit, for purposes intended as rated by Soil Conservation Service	200,000
4. Soil: moderate limit, for purposes intended as rated by Soil Conservation Service	400,000
5. Soil: severe limit, for purposes intended as rated by Soil Conservation Service (if overcome, to be weighed the same as soils with moderate limit)	X
6. Elevation of principle building(s) in feet above sea level	See reference charts.
7. Slope measured from high point to low point of developed area	Percentage of sum



GREENVILLE CODE

Regulation	Factor
8. Control of erosion during and after site preparation, approved measures for	M
9. Control of erosion during and after site preparation, no approved measure for	X
10. Impact study of stormwater drainage on entire stream channel, capital contributions toward and adherence to Impact study of storm drainage on entire stream channel, no capital contributions toward and coherence to	M X
11. Flooding, subject to	X
<b>Sewage Treatment</b>	
13. Individual septic system(s)	X
14. Individual septic systems and dry sewer to street (and in street on new roads)	X
15. Central treatment plant and creation of town sewer district	M
16. Capital contribution to participate in or enlarge existing town sewer district	M
<b>Water Supply</b>	
17. Individual wells	X
18. Central well and creation of town water district	M
19. Capital contribution to participate in or enlarge existing town water district	M
<b>Utilities</b>	
20. Undergrounding of service entrances	M
21. Undergrounding of street distribution lines	M
<b>Public Access</b>	
22. Federal- and/or state-maintained road, primary access from	0
23. County-maintained road, primary access from	0
24. Town-maintained road, primary access from	100,000

## ZONING

<b>Regulation</b>	<b>Factor</b>
25. Town-maintained road, primary access from, with establishment of a town road improvement district (special taxation for improvement of town road(s))	0
26. Access via common private drive (as per § 280-a of the Town Law, open development area)	X
 <b>Internal Streets</b>	
27. Developed to town specifications and ceded to town	X
28. Owned and maintained by developer-owner or by a funded community trust	M
 <b>Fire Protection</b>	
29. Capital contribution to improve equipment of town fire district	0
30. No capital contribution to improve equipment of town fire district	100,000
31. Distance (in center-line mileage) from the servicing firehouse	See reference charts.
 <b>Community Development</b>	
32. Proximity (in straight-line mileage) to the Town Center District	NA
33. Contiguous to development of similar nature, of comparable density and scale	0
34. Not contiguous to development of same nature, of comparable density and scale	100,000
 <b>Clustering (in accordance with § 278 of the Town Law)</b>	
35. Conventional subdivision with lots occupying 50% to 100% of the site	NA
36. Concentration of development on 50% or less of the site (the remainder being preserved as permanent open space)	NA

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Regulation	Factor
<b>Parks, Recreational Facilities and Site Enhancement</b>	
37. Dedication of at least 10% of site (minimum: 5 acres, unless adjacent to designated open space) to town public purposes	NA
38. Dedication of at least 50% to a homeowners association or funded community trust (with a development easement granted to the Town)	NA
39. Capital contribution (equal to fair market value of 10% of site) in lieu of lands	NA
40. Development of on-site recreational facilities	NA
41. No development of on-site recreational facilities	100,000
42. Preservation and/or enhancement of natural features	0
43. No preservation and/or enhancement of natural features	100,000
44. Restriction of development from designated protection areas (streams and watersheds of existing and proposed reservoirs) through easement or dedication, if required	M
45. Limitations on clearance of natural vegetative cover to 5,000 square feet per single-family residence (on wooded sites or portions thereof)	NA
46. No limitation on clearance of natural vegetative cover to 5,000 square feet per single-family residence (on wooded sites or portions thereof)	NA
47. Planting of no fewer than 25 trees per single-family residence (on pastures and open lands)	NA
48. Planting of fewer than 25 trees per single-family residence (on pastures and open lands)	NA

## ZONING

<b>Regulation</b>	<b>Factor</b>
<b>Architectural Review</b>	
49. Deed restriction on limitation of exterior coloration to earth colors	0
50. No deed restriction on limitation of exterior coloration to earth colors	
Ridge Preservation Area only	100,000
Balance of Town only	5,000
51. Review and approval of architectural design of building(s)	0
52. No review and approval of architectural design of building(s)	100,000
53. Review and approval of siting building(s)	0
54. No review and approval of siting building(s)	200,000
55. Review and approval of signing and landscaping	0
56. No review and approval of signing and landscaping	100,000
<b>Convenience shopping</b>	
57. Neighborhood Commercial Center (only accessory to a residential development of 500 units or more)	NA

ZONING

205 Attachment 9

**Town of Greenville  
Schedule of Computations: Chart H  
Industrial Park  
Town Center District; Town Subcenter District**

**KEY:**

- NA = not applicable
- M = mandatory
- X = prohibited
- P = permitted

The following regulations apply to an industrial park (with all component uses having access from internal streets and being located on five-acre minimum sites):

<b>Regulation</b>	<b>Factor</b>
<b>Location</b>	
1. on	X
2. Balance of Town	5,200,000
<b>Site Characteristics</b>	
3. Soil: slight limit, for purposes intended as rated by Soil Conservation Service	200,000
4. Soil: moderate limit, for purposes intended as rated by Soil Conservation Service	400,000
5. Soil: severe limit, for purposes intended as rated by Soil Conservation Service (if overcome, to be weighed the same as soils with moderate limit)	X
6. Elevation of principal building(s) in feet above sea level	See reference charts.
7. Slope measured from high point to low point of developed area	Percentage of sum
8. Control of erosion during and after site preparation, approved measures for	M

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<b>Regulation</b>	<b>Factor</b>
9. Control of erosion during and after site preparation, no approved measure for	X
10. Impact study of stormwater drainage on entire stream channel, capital contributions toward and adherence to	M
11. Impact study of storm drainage on entire stream channel, no capital contributions toward and adherence to	X
12. Flooding, subject to	X
 <b>Sewage Treatment</b>	
13. Individual septic system(s)	X
14. Individual septic systems and dry sewer to street (and in street on new roads)	X
15. Central treatment plant and creation of town sewer district	M
16. Capital contribution to participate in or enlarge existing town sewer district	M
 <b>Water Supply</b>	
17. Individual wells	X
18. Central well and creation of town water district	M
19. Capital contribution to participate in or enlarge existing town water district	M
 <b>Utilities</b>	
20. Undergrounding of service entrances	M
21. Undergrounding of street distribution lines	M
 <b>Public Access</b>	
22. Federal- and/or-state maintained road, primary access from	0
23. County-maintained road, primary access from	0
24. Town-maintained road, primary access from	100,000

## ZONING

<b>Regulation</b>	<b>Factor</b>
25. Town-maintained road, primary access from; with establishment of a town road improvement district (special taxation for improvement of town road(s))	0
26. Access via common private drive (as per § 280-a of the Town Law, open development area)	X
<b>Internal Streets</b>	
27. Developed to town specifications and ceded to town	X
28. Owned and maintained by developer-owner or by a funded community trust	M
<b>Fire Protection</b>	
29. Capital contribution to improve equipment of town fire district	0 100,000
30. No capital contribution to improve equipment of town fire district	
31. Distance (in center-line mileage) from the servicing firehouse	See reference charts.
<b>Community Development</b>	
32. Proximity (in straight-line mileage) to the Town Center District	NA
33. Contiguous to development of similar nature, of comparable density and scale	0
34. Not contiguous to development of same nature, of comparable density and scale	100,000
<b>Clustering (in accordance with § 278 of the Town Law)</b>	
35. Conventional subdivision with lots occupying 50% to 100% of the site	NA
36. Concentration of development on 50% or less of the site (the remainder being preserved as permanent open space.)	NA

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Regulation	Factor
<b>Parks, Recreational Facilities and Site Enhancement</b>	
37. Dedication of at least 10% of site (minimum: 5 acres, unless adjacent to designated open space) to town public purposes	NA
38. Dedication of at least 50% to a homeowners association or funded community trust (with a development easement granted to the Town)	NA
39. Capital contribution (equal to fair market value of 10% of site) in lieu of lands	NA
40. Development of on-site recreational facilities	0
41. No development of on-site recreational facilities	100,000
42. Preservation and/or enhancement of natural features	0
43. No preservation and/or enhancement of natural features	100,000
44. Restriction of development from designated protection areas (streams and watersheds of existing and proposed reservoirs) through easement or dedication, if required	M
45. Limitations on clearance of natural vegetative cover to 5,000 square feet per single-family residence (on wooded sites or portions thereof)	NA
46. No limitation on clearance of natural vegetative cover to 5,000 square feet per single-family residence (on wooded sites or portions thereof)	NA
47. Planting of no fewer than 25 trees per single-family residence (on pastures and open lands)	NA
48. Planting of fewer than 25 trees per single-family residence (on pastures and open lands)	NA



## ZONING

<b>Regulation</b>	<b>Factor</b>
<b>Architectural Review</b>	
49. Deed restriction on limitation of exterior coloration to earth colors	0
50. No deed restriction on limitation of exterior coloration to earth colors	
Ridge Preservation Area only	100,000
Balance of Town only	5,000
51. Review and approval of architectural design of building(s)	0
52. No review and approval of architectural design of building(s)	100,000
53. Review and approval of siting building(s)	0
54. No review and approval of siting building(s)	200,000
55. Review and approval of signing and landscaping	0
56. No review and approval of signing and landscaping	100,000
<b>Convenience shopping</b>	
57. Neighborhood Commercial Center (only accessory to a residential development of 500 units or more)	NA

ZONING

205 Attachment 10

**Town of Greenville  
Environmental Control Zoning Worksheet**

Worksheet for development of site located \_\_\_\_\_

A development of \_\_\_\_\_ single-family residences,  
attached houses and/or multifamily dwellings \_\_\_\_\_

In or not in the Ridge Preservation Area \_\_\_\_\_

Is intended on a site with soils of  
limitations \_\_\_\_\_  
(if severe limitations, these must be satisfactorily  
overcome)

At an elevation of \_\_\_\_\_ feet above sea level \_\_\_\_\_

With a slope of \_\_\_\_\_ % \_\_\_\_\_

With or without approved measures for erosion  
control \_\_\_\_\_

With or without contribution toward drainage study \_\_\_\_\_

Serviced by individual septic system with, without  
dry sewers or creation of and attachment to central  
sewage treatment plant and by individual wells \_\_\_\_\_

Or creation of and attachment to central  
water supply with undergrounding or utility  
service entrances and distribution lines \_\_\_\_\_

With direct access to or reverse frontage on federal,  
state, county, town road, or open development area  
drive, with establishment of a town road improve-  
ment district \_\_\_\_\_

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With or without internal streets ceded to town or owned and maintained by developer, by funded community trust \_\_\_\_\_

With or without contribution to town fire district \_\_\_\_\_

With \_\_\_\_\_ miles distance to firehouse \_\_\_\_\_

And \_\_\_\_\_ miles distance to the designated Town Center \_\_\_\_\_

Adjacent or not adjacent to a development of comparable density and scale \_\_\_\_\_

Development concentrated or not concentrated on 50% or less of the site with or without 10% or more of the site dedicated for public purposes or 50% to a homeowners association with a development easement granted to the Town \_\_\_\_\_

Or contribution towards town parklands in lieu of land \_\_\_\_\_

With or without development of active recreational facilities \_\_\_\_\_

With or without preservation and for enhancement of natural features \_\_\_\_\_

With development restricted from designated protection areas \_\_\_\_\_

With or without deed restriction on limited clearance of natural vegetative cover or guarantee of tree planting \_\_\_\_\_

With or without deed restriction on limitation of exterior coloration of building(s); and \_\_\_\_\_

With or without review and approval of architectural design of building(s) \_\_\_\_\_

ZONING

With or without review and approval of siting of building(s) \_\_\_\_\_

With or without review and approval of signing and landscaping \_\_\_\_\_

Sum \_\_\_\_\_  
Sum multiplied by slope \_\_\_\_\_

**Total** \_\_\_\_\_  
Divided by 43,560 square feet \_\_\_\_\_

Acres/dwelling \_\_\_\_\_  
\_\_\_\_\_

ZONING

205 Attachment 11

Town of Greenville, N.Y.  
Index of Uses

**KEY:**  
 SP - Special use  
 P - Permitted upon site plan review  
 A - Accessory  
 X - Prohibited  
 T - Temporary  
 F - Formula

Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
1. Agricultural operations, commercial: a. The raising of field and garden crops, sod, vineyard and orchard farming and the maintenance of nurseries b. Keeping, breeding and raising of cattle (including dairies), sheep, goats, pigs and horses c. Keeping, breeding and raising fowl	A(48)	10 acres	P	P	P		8, 46, 64, 112 2
2. Agricultural produce and nursery products, buildings for display and sale of			A	A	A	Commercial agricultural operation	
3. (Reserved)							
4. (Reserved)							
5. Amusement establishments, outdoor commercial, such as game farms, museum villages, golf driving ranges, swimming pool, beaches, skating rinks, ski, toboggan and snowmobile areas and similar activities	A(3), (4), (5), and (48)	5 acres		P	P		36, 44, 102, 103
6. Amusement parks and circuses	A(6) and (48)		T	T	T		
7. Animal hospitals, veterinary kennels	A(7)(a) and (48)		P	P	P		

GREENVILLE CODE

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
8. Animal housing, barns, silos, greenhouses, buildings for storage, vacuum cooling and packing of produce	A(7)(b), (8), (9) and (18)		A	A	A	Commercial agricultural operation	
9. Annual membership club:	A(10) through (12)						
a. General			P	X	X		
b. Those providing outdoor recreational facilities, such as private playgrounds, golf clubs, swimming pools, tennis courts, fishing	A(48)	5 acres	X	P	P		
Apartment houses, see #77							
Athletic fields, see #101							
10. Attached or row houses; townhouses	A(14), (48), and (54) [SP]	F	P	P	P		32, 38, 45, 52, 79, 83, 95
11. Attendant, watchman or caretaker employed in connection with any permitted use on said lot for the use of	A(48) and (49)		A	P	P		
12. Aviation gasoline storage	A(38)(i)			A	A	Heliports and private landing strips	
13. Banks and financial institutions	A(48)(f) through (k)	F	P	X	X	Town center district	62
Barbershops, see #93							

ZONING

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
Barns, see #8							
Bathhouses, see #101							
Beaches, see #5							
Beauty parlors, see #93							
14. Billboards [see also § 205-23B(1)]			X	X	X		
15. Boardinghouses, lodging houses, tourist homes	A(48)	10 acres	A	P	P	Single-family detached dwelling (SP)	
16. Boarding of livery stables, riding academies, public stables, rental of horses	A(48)	20 acres	P	P	P		17
Boats, outdoor sales lot for, see #87							
Boats, rental of, see #101							
Bowling alleys, see #31							
17. Bridle paths				A	A		
18. Building materials, lumber and equipment, sales and storage of	A(20)(a) and (48)(f) through (k)	5 acres	P				36, 44, 72
19. Bulk storage, including warehouses, oil, gasoline and gas storage and grain elevators (see also Article XI)	A(20)(b) and (c) and (48)(m) through (p)	5 acres	A	X	X	Industrial park	36, 44

GREENVILLE CODE

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
20. Business, professional or governmental offices	A(48)(f) through (k)	F	P	X	X	Industrial Park; designed shopping center	
21. Bus passenger stations, communications offices and express parcel depots	A(48)(f) through (k)	F	P	X	X	Highway interchange service area; designed shopping center; industrial park	44, 62, 72
22. Bus, truck or freight terminals	A(20)(d), (21) and (22)(a)	5 acres	P	X	X	Industrial park	36, 44, 72
Cabins (one-family, summer occupancy, see #111)							
Cabins, tourist, see # 114							
Cafeterias, see #27							
23. Camps	A(22)(b), (d) and (23)(a)	40 acres <sup>1</sup>		P	P		
24. Camping ground for recreational vehicles and camping and travel trailers	A(48)	5 acres <sup>2</sup>		P	P		
Camping trailers, outdoor sales lot for, see #87							
Caretaker, one dwelling for use of, see #11							
Carwash, see #70							



ZONING

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
Cattle, keeping, breeding and raising of, see #1B							
25. Cemeteries, columbaria	A(24) and (48)	5 acres		P	P		44
Children's play areas, see #95							
26. Churches or similar places of worship; convents; monasteries	A(48)	5 acres	P	P	P		36, 91
27. Clinics, cafeterias and recreational facilities	A(56)		A			Manufacturing use	36, 44
28. Clubs and fraternal lodges	A(10), (11) and (12)	2 acres	P		P		35, 62
Clubs, country and golf, see #9b, 47							
29. Clustered development of single-family and multifamily dwellings (see also § 205-15)	A(54)		P	P	P		32, 38, 45-52, 79, 83 (SP)
Colonies, summer, see #111							
Columbaria, see #25							
Combination of motor vehicles, related uses, see #71							
30. Combination (structural) of row and multiple dwellings	A(25)(a) and (54)		P	P	P		32, 38, 45, 52, 79, 83, 95 (SP)

GREENVILLE CODE

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
Commercial agricultural operations, see #1							
Commercial amusement establishment, see #5							
Commercial center, neighborhood, see #79							
Commercial garage, see #43							
Commercial parking lot, see #43							
31. Commercial recreational activities in fully enclosed structures, such as but not limited to bowling alleys, dance halls and physical fitness studios	A(48)(f) through (k)		A	A	A	Designed shopping center	62 (SP)
32. Community recreational facilities, buildings, clubhouses, etc.	A(48)		A	A	A	50 dwelling unit development	36, 44
Concrete, precasting of, see #110							
Convalescent homes, see #94							
Convents, see #26							
33. Conversion of any existing structure from a one-family to a two-family dwelling	A(25)(b)	F	P	P	P		38, 45, 52, 83
Cottages (one-family, summer occupancy), see #111							

ZONING

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
Country club, see #9b and #47							
Customary home occupation, see #52							
Dance halls, see #3 and #101							
34. Designed shopping center, major [Amended 6-27-1990 by L.L. No. 1-1990]	A(16)(g), (26)(a), (27)(a), (28), (29) and (48)(l)	F	P	X	X		13, 20, 21, 31, 36, 44, 59, 66, 71, 93,  102, 103, 105, 113
34A. Designed shopping center, minor [Added 6-27-1990 by L.L. No. 1-1990]	A(16)(g), (26)(a), (27)(a), (28), (29) and (48)(l)	F	P	X	X		13, 20, 21, 31, 36, 44, 59, 66, 71, 93, 102, 103, 105, 113
35. Dining room	A(10)(b) and (48)(d)		A		A	Club, lodge	
Dismantling of motor vehicles, and/or crushing and recycling operations, see #58							
36. Docks, shipping and receiving (see also §§ 205-24 and 205-25)	A(21)		A	A	A	Manufacturing, commercial and institutional use; bus and truck terminals	
37. Dog kennel, commercial	A(7)(a) and (48)	10 acres	P	P	P		
Dogs, keeping of not more than 3 adult, see #38							

GREENVILLE CODE

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
38. Domestic animals (except pigs) for household purposes or as pets, keeping; private stables	A(7)(b)	3	A	A	A	All forms of dwelling units	
39. (Reserved)							
40. Dumps, private or commercial	A(30)		X	X	X		
Dwellings, for use of an attendant, caretaker or watchman, see #111							
Dwellings, multiple, see #77							
Dwellings, one-family, detached, see #85							
Dwellings, two-family, see #115							
Eating and drinking places, see #102							
Eleemosynary institutions, see #94							
Equipment, maintenance of, storage of, see #64							
Excavation activities, see #41							
Express parcel depot, see #4 and #21							
41. Excavation operations involving sandpits, gravel banks, removal of topsoil and land fill, quarries, mines and other excavation activities (see also §§ 205-21, 205-22 and 205-26)	A(48) and (55)	10 acres	SP	SP	SP		44, 72, 110

ZONING

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Therefo
Farm, commercial agricultural, see #1							
Farm, game, see #5							
Field and garden crops, raising of, see #1a							
Financial institutions, see #13							
Fowl, keeping, breeding, raising of, see #1c and #38							
Fuel used on-site, storage of, see #46 and #64							
Funeral parlor, see #69							
42. Fur-bearing animals and laboratory animals, keeping, breeding and raising of	A(48)	10 acres	P	P	P		8, 36, 46, 64, 112
Game farms, see #5							
43. Garage or parking lot	A(27)(b) and (38)(a)	F	P	X	X		
43A. Garage for industrial and commercial vehicles						Industrial, service and commercial uses; bus and truck terminal	
Garden crops, raising of, see #1a							

GREENVILLE CODE

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
45. Garden house, tool house, play house or swimming pool	A(31)		A	A	A	All forms of dwelling units	
46. Gasoline and flammable oils, bulk, storage of, (see also #19)	A(20)(b) and (c)		A	A	A	Motor vehicle service station; manufacturing use; commercial agricultural operation	
47. Golf courses and country clubs centered around golf (see also #9b) Golf driving range, see #5 Governmental offices, see #20 Grain elevators, see #19 Gravel banks or pits, see #41 Greenhouses, see #8	A(10), (11) and (12)	No minimum	P	P	P		44
48. Guest house (private)	A(32)	F		A	A	Single-family residence	
49. Health spas and resorts	A(48)	5 acre <sup>d</sup>	P	P	P		36, 44, 101, 103
50. Heliports Higher learning, institutions of, see #98	A(2)	18 acres	A	P	P	Industrial park	4, 12, 44
51. (Reserved)							
52. Home occupation, customary; bed-and-breakfast	A(16)(a) and (b)		A	A	A	All forms of dwelling units	

ZONING

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
Horses, keeping, breeding, raising of, see #1b							
Horses, keeping of not more than 5, see #38							
Horses, rental of, see #16							
Hospitals, see #94							
Hospitals, animal, see #7							
53. Hotels and motels	A(48)(f) through (k) and (63)	F	P	P	X		36, 44, 101, 102, 103
54. Hotel, residential	A(48)(f) through (k)	— <sup>5</sup>	P				36, 44, 101, 102, 103
Housing for animals, see #18							
Hunting club, see #9b							
55. Industrial park (see also § 205-32)	A(16)(g) and (17)	F	P	X	X		19, 20, 21, 22, 36, 44, 50, 56, 60, 65, 72, 80, 90, 104, 117
Institutions, eleemosynary, see #94							
Institutions of higher learning, see #98							
Iron (scrap), storage of, sorting of, baling of, see #104							
56. Job printing	A(48)(f) through (k)	F	P			Industrial park	36, 44, 62

GREENVILLE CODE

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 F - Formula

Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
57. Junkyards	A(20)(b) and (30)		X	X	X		
58. Junkyards, motor vehicle and/or dismantling, crushing and recycling operations [Amended 12-11-1996 by L.L. No. 5-1996]  Kennel, dog, see #37  Kennel, veterinary, see #7	A(20)(a) and (48)	25 acres	X	X	X		44
59. Kiddylands	A(48)(f) through (k)		A			Designed shopping center	
60. Laboratories for research, design, development (see also § 205-32)  Laboratory animals, keeping, breeding, raising of, see #42  Landfill, removal of, see #41	A(48)(m) through (p)	5 acres	P				
61. Landing strip, private  Launderette, see #105  Laundry, motor vehicle, see #70  Libraries, public, see #98  Livery stable, see #16	A(48)(m) through (p)	30 acres			P		4, 12



ZONING

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
62. Living quarters for not more than 1 family located within each permitted commercial building on each lot  Locker rooms, see #101  Lodges, fraternal, see #28  Lodging houses, see #15  Lumber, sales and storage of, see #18	A(33) and (48)(a)		A				
63. Lumbering and sawmill operations (see also § 205-31)	A(34) and (48)	10 acres		P	P		44
64. Machinery, equipment and fuel used on site; maintenance, repair and storage of			A	A	A	Commercial agricultural operation	
65. Manufacturing, assembly, altering, finishing, converting, fabricating, cleaning or any other processing, packing, packaging or repackaging of products or materials  Materials, processing of, see #65	A(26) and (48)(m) through (p)	5 acres	P			Industrial park	11, 27, 36, 44, 46, 72, 84, 116
66. Manufacturing, assembly, altering, finishing, converting, fabricating, cleaning or any other processing of products where goods so produced are to be sold exclusively on the premises	A(26), (35) and (36)		A			Retail establishments	36, 44, 46, 84, 116

GREENVILLE CODE

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
Membership club, (providing outdoor recreational facilities), see #9b							
Mines, see #41							
67. Mobile home on individual lot (see also § 205-33)			X, T	X, T	X, T	Only in mobile park	
68. Mobile home court or park (see also § 205-34)	A(37), (48)(a), (48)(e) and (49)	25 acres			P		32, 38, 45, 52, 79, 83
Mobile home sales lot, see #88							
Mobile home to house tenant, see #112							
Monasteries, see #26							
69. Mortuaries and funeral parlors	A(48)(f) through (k)	2 acres	P				36
Motels, see #53							
Motion-picture theater (indoor), see #113							
Motor vehicle junkyard and/or dismantling, crushing and recycling operations, see #58							
70. Motor vehicle laundry	A(27)(b), (38)(a), and (b) and (48)(f) through (k)	F	P				

ZONING

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
71. Motor vehicle related uses, combination or	A(38)(c) and (48)(f) through (k)	F	P			Designed shopping center	
72. Motor vehicles, repair of, major	A(22)(a) and (48)(f) through (k)		A			Bus and truck terminals; industrial uses	
73. Motor vehicle repair	A(27)(b), (38)(a) and (48)(f) through (k)	F	P				
74. Motor vehicle sales	A(27)(b), (38)(a), (38)(f) and (48)(f) through (k)	5 acres	P				
75. Motor vehicle service station	A(27)(b), (38)(a), (d), (e), (i) through (m) and (48)(f) through (k)	F	F				46, 84
76. (Reserved)							
77. Multiple dwellings containing 3 or more dwelling units	A(13), (14), (15), (48)(b) and (54)	F	P	P	P		32, 38, 45, 52, 79, 83, 95
78. Municipal buildings, structures and uses (owned and operated by the Town of Greenville)  Museums, see #98  Museum villages, see #5	A(39) and (48)						36, 44
79. Neighborhood commercial centers	A(41) and (48)(f) through (k)		A	A	A	500 dwelling unit development	36, 93, 102, 103, 105

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
80. Newspaper printing  Nurseries, maintenance of, see #1a  Nursery produce, buildings of display and sale of, see #2	A(48)(f) through (k)	F	P			Industrial park	36, 44, 62
81. Nursery school  Nursing homes, see #94  Oil storage, see #19 and #64	A(48)	2 acres <sup>6</sup>	P, A		P, A	One-family detached dwelling	
82. Office, trailer  Offices, business, see #20  Offices, communications, see #21  Offices, freight and express parcel, see #21  Offices, governmental, see #20	A(48)		T	T	T	Limited to a 6-month permit with a renewal for 6-month intervals	
83. Offices or studios of a professional architect, artist, dentist, engineer lawyer, musician, teacher, physician and clergyman	A(42) and (48)(a)		A	A	A	All forms of dwelling units	

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84. Oil (flammable), bulk storage of (see also #19)	A(20)(a) and (b) and (38)(i)		A			Motor vehicle service station; manufacturing use	
85. One-family detached dwellings, not to exceed 1 dwelling on each lot	A(48)(a) and (b) and (49)	F	P	P	P		15, 32, 38, 45, 48, 52, 79, 81, 83
86. Open development area Orchard farming, see #1a Ore crushing, see #110 Ore screening, storage of, see #110 Outdoor amusement establishment, see #5				P	P		
87. Outdoor sales lot for boats, camping and travel trailers	A(43) and (48)(f) through (k)	5 acres	P				44
88. Outdoor sales lot for mobile homes	A(43) and (48)(f) through (k)	5 acres	P				
89. (Reserved)							
90. Outdoor storage (temporary) of materials, equipment and vehicles Packing warehouse, see #8 Paper (scrap) storage, sorting, balling of, see #104	A(44)		A, T				

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91. Parish house	A(48)		A	A	A	Church	
92. Parking (of passenger vehicles) (see also § 205-24)  Parking lot, commercial, see #43  Parks, amusement, see #6  Parks, public, see #97  Passenger station, bus, see #21			A	A	A	All uses	
93. Personal service stores, such as but not limited to barbershops, beauty parlors and tailors (not to include adult-only stores)	A(48)(f) through (k)	F	P			Designed shopping center, neighborhood commercial center	62
94. Philanthropic or eleemosynary institutions, convalescent or rest homes, hospitals and sanitariums for general medical care  Pigs, keeping, breeding and raising of, see #1b  Places of worship, see #26	A(45) and (48)	20 acres	P	P	P		36, 44
95. Play areas, children's  Playgrounds, private, see #9b	A(14)		A	A	A	Required for attached or row houses and multiple dwellings	

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Playgrounds, public, see #97							
Playhouses, see #45							
Precasting of concrete, see #110							
Printing, job, see #50							
Printing, newspaper, see #80							
Private landing strip, see #61							
Processing of products and materials, see #65							
96. Public address systems (outdoor)	A(11) and (22)(c)		X	X	X		
Public libraries, see #98							
97. Public parks and playgrounds	A(48)	3 acres	P	P	P		44
98. Public schools and institutions of higher learning; public libraries; museums	A(39) and (48)	5 acres <sup>7</sup>	P	P	P		36, 44
99. Public utility, radio and television transmission antennae, rights-of-way and structures necessary to serve areas within the Town of Greenville, but not to include microwave towers	A(40)		P	P	P		
Quarries, see #41							

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Quarry, screenings, see #110							
Quarters, living (for one family), see #62							
100. Race tracks for mechanized vehicles	A(4)		X	X	X		
Radio and television transmission antennae, rights-of-way and structures, see #99							
Rags, storage, sorting, baling of, see #104							
Receiving docks, see #36							
Recreational facilities (indoor) commercial, see #5							
Recreational facilities (community), buildings, clubhouses, etc., see #32							
101. Recreational facilities (indoor and outdoor) for the use of tenants, boarders, roomers, or guests; including athletic fields, tennis and handball courts, rental of boats, swimming pools, bathhouses and locker rooms, etc., and including facilities such as dance and recreation hall	A(18)		A	A	A	Hotels and motels; summer colonies; health spas and resorts	
Recreational facilities (for exclusive use of employees), see #27							



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Recreational vehicle camping ground, see #24							
Recreational halls, see #101							
Repair shop, motor vehicle, see #73							
Research, design and development laboratories, see #60							
Residential hotel, see #54							
102. Restaurants; eating and drinking places	A(48)(f) through (k)	F	P, A	A	A	Hotels, motels, outdoor amusement establishments, neighborhood commercial center; designed shopping center	36, 44, 62, 103
Rest homes, see #94							
103. Retail stores, (not to include adult-only)	A(48)(f) through (k)		P, A	A	A	Motel, hotel, restaurant Outdoor amuement establishment, health spas and resorts, neighborhood commercial center, designed shopping center	36, 44, 62, 66
Riding academy, see #16							
Rights-of-way, public utility, radio and television, see #10							

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Sale of motor vehicle, see #74							
Sales lot, mobile home, see #88							
Sales lot, outdoor (for boats, camping and travel trailers), see #87							
Sandpits, see #41							
Sanitariums for general medical care, see #63							
School, nursery, see #81							
School, public, see #98							
104. Scrap iron, scrap paper or rags, storage, sorting, baling or (recycling operation)	A(20)(a) and (b), (46), (47) and (48)	5 acres	A			Industrial park	36, 44, 72
Screening, see #110							
Screening, storage of ore and quarry, see #110							
105. Service establishment furnishing services other than a personal nature, including a launderette or retail sale of gasoline, but excluding motor vehicle service stations and motor vehicle storage, repair or laundry	A(48)(f) through (k)	F	P, A			Designated shopping center Neighborhood commercial center	36, 44, 62, 66
Service stores, personal, see #93							

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Service station, motor vehicle, see #75							
Sheep, keeping, breeding, raising of, see #1b							
Shipping docks, see #36							
Shooting trap and skeet, see #9b							
Shopping center, designed, see #35 and #34A							
106. Signs	A(48)		A	A	A	All uses, upon permit	
Silos, see #8							
Skating rink, see #5							
Ski areas, see #5							
107. Slag piles	A(26)(d)		X	X	X		
108. Snowmobiles			X	X	X		
Snowmobile areas, see #5							
Sod farming, see #1a							
Stable, private, see #38							
Stable, public, see #16							
109. (Reserved)							

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110. Stone and ore crushing, screening, precasting of concrete and storage of quarry or ore screenings (see also Article VII)  Storage of gasoline and flammable oils, see #46  Storage of motor vehicles, industrial and commercial garages for, see #44  Stores, personal service, see #93  Stores, retail, see #103  Studios, professional, see #83			A	A	A	Extractive operation	41
111. Summer colonies  Swimming pool (community), see #5, #9b and #101  Swimming pool (private), see #45  Telegraph communications offices, see #21  Television transmission antennae, rights-of-way and structures, see #99  Temporary outdoor storage of materials, equipment, vehicles, see #90	A(19), (22)(b) and (c), (23) and (48)	20 acres		P	P		44, 101

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Use	Special Conditions (§ 205-45)	Minimum Lot Size	Town Center District	Ridge Preservation District	Balance of Town District	Uses to Which Accessory	Uses Accessory Thereto
112. Tenant farmers, dwelling units for  Tennis courts, see #9 and #101  Terminals, bus, truck or freight, see #22	A(32), (48)(a) and (b), (49), (50) and (52)		A	A	A	Commercial agricultural operation	38, 45, 52, 83
113. Theater, motion-picture (indoor)  Timber harvesting, see #63  Tool houses, see #45  Topsoil, removal of, see #41	A(48)(f) through (k)	2 acres	P				
114. (Reserved)  Tourist homes; boardinghouses, lodging homes, see #15  Town of Greenville buildings, structures, uses, owned and operated by, see #78  Townhouses, see #10  Travel trailer camps, see #24							

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Travel trailers, outdoor sales of, see #87							
Truck terminals, see #22							
115. 2-family dwellings, not to exceed 1 such building on each lot	A(48)(a) and (b) and (49)	F	P	P	P		32, 38, 45, 79, 83
116. (Reserved)							
Utility structures, public, see #99							
Veterinary kennel, see #7							
Warehouses, see #9							
Warehouses, packing, see #8							
Watchman, 1 dwelling unit for use of, see #11							
117. Wholesale sales or storage	A(44), (48)(f) and (k) and (53)	5 acres	P				
Worship, places of, see #26							
Wrecking of motor vehicles, see #58 and #76							

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118. Warehouse, mini, privately owned commercial warehouse for use in storing personal items		5 acres	P				19

Notes:

- <sup>1</sup> In no case shall the lot be less than 10,000 square feet per tent, cottage or other principal building and 3,000 square feet per person accommodated.
- <sup>2</sup> Plus 1 acre for each 5 spaces beyond first 15.
- <sup>3</sup> Two acres of pasture land for the first horse, one acre for each additional horse, not to exceed five horses. [Amended 12-11-1996 by L.L. No. 5-1996]
- <sup>4</sup> Plus one acre for each 15 rooms beyond the first 50.
- <sup>5</sup> One acre for every 15 rooms or fraction thereof.
- <sup>6</sup> As an alternative, one acre for each 20 children attending largest session, whichever is greater.
- <sup>7</sup> Plus one acre for every 100 pupils, or the requirements of State Board of Regents, whichever is greater.