

ZONING

43 Attachment 18

Town of Orangetown
Notes to Use and Bulk Tables

[Amended 5-23-2017 by L.L. No. 6-2017; 12-12-2023 by L.L. No. 14-2023]

Note 1: See also the following sections: Required front yards and maximum height: § 5.111; Corner lots, required yards, § 5.112. Lots divided by district boundary: § 5.12; Lots within twenty-five (25) feet of a district boundary: § 5.13; Courts: § 5.14; Spacing of buildings on same lot: § 5.15; Height of buildings within five hundred (500) feet of airports: § 5.16; Existing small lots: § 5.21; Permitted obstructions in required yards courts, usable open space: § 5.22; Permitted height exceptions: § 5.23; Buildings with nonconforming bulk: § 9.2.

Note 2: Where the side or rear lot line of a lot in CS, CC, CO, LO, LIO, LI or OP adjoins or lies within twenty-five (25) feet of any R District, the following buffers shall be required:

District	Required Buffer (feet)	Minimum Front Yard Depth (feet)
LO, LIO, LI or OP	100	40
CS	15/50	40
CC	15/25	40
CO	15	35
R-80		25
R-40		20
R-22		
R-15		
RG		

The Planning Board may reduce by no more than fifty percent (50%) the side or rear yard requirement for the yard opposite the buffer for nonresidential uses in the LO, LIO, LI and OP Districts, except where the opposite yard abuts a residential district. All such uses shall conform to these buffer requirements. For the CS and CC Districts fifty (50) and twenty-five (25) feet, respectively, will be required for a conditional or special permit use. The buffer area shall only be used for planting, landscaping and screening to provide environmental compatibility of dissimilar uses.

Note 3: Notwithstanding the Bulk Regulations for Groups D, H, L, O, T, X, CC, EE, GG, PP, QQ and RR, certain uses in these groups are subject to additional bulk regulations specified as to each such use in the Use Table.

Note 4: In LO and LIO Districts, the floor area devoted to the manufacturing of prototype products may not exceed twenty-five percent (25%) of the total gross floor area of the building.

Note 5: (Reserved)¹
Note 6: Required front yard depths in residential subdivisions in any residential district must comply with the zoning regulations as an average, provided that the following minimum depths are maintained, and that the averaging shall be computed in any single case for one (1) side of the street and between the two (2) nearest intersecting streets within the subdivision:

District	Minimum Front Yard Depth (feet)
R-80	40
R-40	40
R-22	35
R-15	25
RG	20

Note 7: Required front yards and maximum building heights are subject to § 5.111, with the designated street line being used as lot line.

Note 8: However, any residence not located in the same building as a use first permitted in LI must be separated from such use by at least 100 feet.

Note 9: None required, but if provided shall be at least twelve (12) feet wide.

Note 10: Where a lot line in an LO, LI or LIO District abuts a railroad right-of-way, the normally required rear or side yard may be reduced to twenty-five (25) feet, and the maximum building height shall apply for that portion of a building over twenty-five (25) feet in height.

Note 11: For existing small lots in LO and LIO, see § 5.24.

Note 12: In OP Districts, the Planning Board may permit an average of floor area ratios on individual plots, but the maximum floor area ratio on the entire tract shall not exceed forty-hundredths (0.40). All buildings shall be separated by at least seventy-five (75) feet or the height of the lowest building, whichever distance will provide the greater separation.

Note 13: In addition to the particular requirements, any board or town agency having jurisdiction may require fences, and other safety devices and adequate landscaping and screening. The landscaping and screening shall be approved by the board or town agency having jurisdiction prior to the issuance of the building permit. Such screening must provide an opaque screen during the entire year. A new use that is, in the opinion of the board having jurisdiction, sufficiently detrimental to adjoining and surrounding properties and which cannot be screened to protect the property values adjoining and surrounding the proposed use shall not be permitted, notwithstanding the provisions of the Use Table.

Note 14: Maximum land coverage shall not exceed seventy-five percent (75%), including buildings, parking, road and road widening. The open area shall be a minimum of twenty-five percent (25%). Parking area within a building will not be charged against the floor area ratio. In OP Districts, the percentages shall be sixty-five percent (65%) and thirty-five percent (35%), respectively. In LO Districts, W Groups, and MFR District, U Group, the percentages shall be fifty percent (50%) and fifty percent (50%), respectively. In LI Districts, the percentages shall be eighty percent (80%) and twenty percent (20%), respectively.

Note 15: In order to facilitate and encourage flexibility of design and development of land in such a manner as to promote its most appreciable use to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open land, the Planning Board may also permit a cluster development of not more than four (4) attached veteran housing or adult housing residences, provided that there shall be provided on the plat sufficient open land area (not required for other permitted uses) to provide the required floor area ratio and other bulk requirements that would be required if the detached residences were erected. However, such clustering shall not:

- A. Result in an overall density in any development of more than five (5) units per acre.
- B. Reduce the maximum floor area ratio per dwelling unit for any development below the requirements of § 3.12, Group N, Column 4, R-15 Districts, twenty-hundredths (0.20) per acre.
- C. Reduce the usable open space requirements for any development below five hundred (500) square feet for each dwelling unit and one thousand (1,000) square feet for each dwelling unit with two (2) bedrooms. Such space shall have a minimum dimension of fifty (50) feet, except for one-bedroom, single-family dwelling units, which require a minimum dimension of twenty-five (25) feet
- D. Reduce yard requirements on the periphery of any development below those established for the R-15 District.
- E. Reduce the overall floor area ratio for any development below twenty-hundredths (0.20).

Note 16: As part of any minimum lot area requirement for residential uses, not more than fifty percent (50%) of any land under water, within a freshwater wetland, subject to flooding or within the one-hundred-year frequency floodplain, within easements or rights-of-way for sanitary or storm sewers, drainage, access or overhead utilities or with slopes (unexcavated) of over twenty-five percent (25%) shall be counted and within the designated street line of a road.

Note 17: The maximum density shall be as follows:

Number of Bedrooms in Unit	Units per Acre	Land Area Per Unit (square feet)
1	6.0	7,250
2	4.8	9,000
3 or more	4.0	10,750

Note 18: Not more than five (5) units per acre for adult housing on a minimum parcel size of five (5) acres and a maximum parcel size of seven (7) acres not separated by a road or right-of-way. The unit ratio shall be two (2) one-bedroom units and three (3) two-bedroom units per acre. The number of units permitted per acre shall be in compliance with all other R-15 bulk regulations. In no event, however, shall the number of adult housing units per acre exceed five (5). No special permit shall be permitted within five hundred (500) feet of any adult housing previously permitted.

Note 19: Lots within the LI District having a minimum lot area of 150 acres may contain multiple permitted uses on a single parcel.

¹ Editor's Note: Note 5, which established exceptions to the minimum street frontage requirements, was repealed 5-14-1990 by L.L. No. 5-1990. This local law also provided that "any application predicated upon the provisions of Note No. 5 which has received pre-preliminary approval from the Planning Board on the date when this local law takes effect shall not be affected by this local law."