

**ARTICLE IX
ZONING DISTRICTS AND ZONING MAP**

Part 1. Zoning Districts

Section 135 Residential Districts Established.

- (a) The following residential districts are hereby established: RA-40, RA-20, R-40, R-20, R-10, R-8, and R-6. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities. Other objectives of some of these districts are explained in the remainder of this section.
- (b) The RA-40 district is designed to encourage the perpetuation of agricultural uses and compatible agribusiness uses and to accommodate low density residential development (including most classes of manufactured homes) in areas not experiencing strong growth pressures and not served by public water or sewer.
- (c) The RA-20 district is designed to accommodate single family residential development, including most classes of manufactured homes, at low to medium densities in areas characterized by a prevalence of manufactured homes.
- (d) The R-40 and R-20 districts are designed to accommodate single-family residential and planned residential developments at low to medium densities in areas that are served by town water or sewer facilities and that are not appropriate for development at higher densities.
- (e) The R-15 and R-10 districts are designed to accommodate single-family detached residential and planned residential uses at medium densities in areas served by public water and sewer facilities.
- (f) The R-8 and R-6 district is designed to accommodate single-family, two-family and multi-family development at higher densities in areas where town water and sewer are available. Manufactured home parks are allowed in the R-8 district.

Section 136 Commercial Districts Established.

- (a) The following commercial districts are hereby established: B-1, B-2, B-3, B-6, and HC. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section.

- (b) The B-1 (central business) district is designed to accommodate a wide variety of commercial activities that will result in the most intensive and attractive use of the central business district within the town. [Higher density residential development and street oriented activities are encouraged. Architectural character standards address roofs, facades, entryways, and exterior building materials and colors. Street levels are preserved for pedestrian oriented retail and personal service land uses and the upper floors of buildings reserved for offices and residences.](#)
- (c) The B-2 (community business) district is designed to accommodate commercial development on a scale that is less intensive than that permitted in a B-1 district. A lesser intensity of development is achieved through setback, height, and minimum lot size requirements that are more restrictive than those applicable to the B-1 zone. The B-2 thus may provide a transition in some areas between a B-1 zone and a residential zone or may allow for smaller scale commercial development in rural areas, particularly at crossroads or other high traffic areas that are not generally suited for residential development.
- (d) The B-3 (office/residential) district is designed to accommodate a mixture of residential uses and uses that fall primarily within the 3.000 parking classification in the Table of Permissible Uses (office, clerical, research, services, etc.). It is intended that this zoning classification be applied primarily in areas that no longer are viable as single family residential areas because of high traffic volumes on adjacent streets or because of other market factors but remain viable as locations for multi-family residential developments or offices. Such areas will also generally constitute transition or buffer zones between major arterials or more intensively developed commercial areas and residential districts.
- (e) The B-6 (office/institutional) district is intended to accommodate a variety of residential and non-residential uses with an emphasis on office, institutional, governmental, educational, and limited commercial activities.
- (f) The HC (highway corridor mixed use) district is intended to accommodate a wide variety of commercial and light industrial uses along major transportation corridors, subject to performance standards designed to (i) ensure the viability of the highway as a carrier of high volumes of traffic, (ii) recognize and preserve the value of land along the corridor as the site of significant non-residential development, and (iii) protect the viability of residential neighborhoods adjacent to the corridor. It is intended that developments that occur within this district in particular be sensitive to the need to preserve a high degree of aesthetic appeal along major transportation corridors.

Section 137 Manufacturing Districts Established.

- (a) The LI (light industrial) and HI (heavy industrial) districts are hereby established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. The two districts are distinguished in that certain types of industrial uses that tend to have significant adverse impacts on surrounding properties are excluded from the LI district and are made permissible only within the HI district. These uses are listed in Section 170.
- (b) There is also established a planned industrial development (PID) zoning district. The purpose of this district is to provide for the possibility of well planned and large scale industrial development in otherwise undeveloped areas that have not previously been zoned for industrial use. The district is thus a "floating zone," i.e., it is not applied to particular property except in response to a petition submitted by or on behalf of the owner or owners of all of the property intended to be covered by such zone. The district is subject to the following requirements:
 - (1) The area to be zoned PID must be at least fifty contiguous acres in size and have at least 100 feet of frontage along a major arterial (See subsection 210(b)(7)).
 - (2) As indicated in the Table of Permissible Uses (Section 146), a planned industrial development (parking classification 33.000) is the only permissible use in a PID zoning district.
 - (3) Subject to subsection (2) of this subsection, and consistent with the restrictions contained in the definition of a planned industrial development (see subsection 15(85)), land within a PID zone may be used in a manner that would be permissible if the land were zoned LI, except that (i) the only permissible uses are those described in the 2.130 and 4.100 parking classifications.

Section 138 Planned Unit Development Districts Established.

- (a) There are hereby established four different planned unit development (P.U.D.) districts as described in this section. Each P.U.D. district is designed to combine the characteristics of at least three and possibly four zoning districts.
 - (1) One element of each P.U.D. district shall be the medium density residential element. Here there is one possibility corresponding either to the R-20 or R-10 residential district described in Section 135. Within that portion of the P.U.D. zone that is developed for medium density residential purposes, all development must be in accordance with the regulations applicable to the medium density ~~R-20~~ residential district to

which the particular P.U.D. zoning district corresponds (except that planned residential developments shall not be permissible).

- (2) A second element of each P.U.D. district shall be the higher density residential element. Here there are two possibilities, each one corresponding either to the R-8 or R-6 zoning district is described in Section 135. Within that portion of the P.U.D. district that is developed for higher density residential purposes, all development must be in accordance with the regulations applicable to the higher density residential district to which the P.U.D. district corresponds.
 - (3) A third element of each P.U.D. district shall be the commercial element. Here there are two possibilities, each one corresponding either to the B-2 or B-3 commercial district identified in Section 136. Within that portion of a P.U.D. district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the P.U.D. district corresponds.
 - (4) A manufacturing/processing element may be a fourth element of any P.U.D. district. Here there are two alternatives. The first is that uses permitted within the LI district would be permitted within the P.U.D. district. The second alternative is that uses permitted only within the LI or HI zoning districts would not be permitted. If an LI element is included, then within that portion of the P.U.D. district that is developed for purposes permissible in an LI district, all development must be in accordance with the regulations applicable to the LI district.
- (b) In accordance with the description set forth in subsection (a), the four P.U.D. districts shall carry the following designations to indicate their component elements:
- (1) R-20 / R-6 / B-2 / LI
 - (2) R-20 / R-6 / B-2
 - (3) R-20 / R-6 / B-3 / LI
 - (4) R-20 / R-6 / B-3
 - (5) R-20 / R-8 / B-2 / LI
 - (6) R-20 / R-8 / B-2
 - (7) R-20 / R-8 / B-3 / LI
 - (8) R-20 / R-8 / B-3
 - (9) R-10 / R-8 / B-2 / LI
 - (10) R-10 / R-8 / B-2
 - (11) R-10 / R-8 / B-3 / LI

- (12) R-10 / R-8 / B-3
 - (13) R-10 / R-6 / B-2 / LI
 - (14) R-10 / R-6 / B-2
 - (15) R-10 / R-6 / B-3 / LI
 - (16) R-10 / R-6 / B-3
- (c) No area of less than twenty-five contiguous acres may be zoned as a P.U.D. district, and then only upon the request of the owner or owners of all the property intended to be covered by such zone.
- (d) As indicated in the Table of Permissible Uses (Section 146), a planned unit development is the only permissible use of a P.U.D. zone and planned unit developments are permissible only in such zones.
- (e) Planned unit developments are subject to the requirements set forth in Section 159.

Section 139 Floodplain and Floodway Overlay Districts.

The floodplain (FP) and floodway (FW) overlay districts are hereby established. The land so classified may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district. The floodplain and floodway districts are further described in Part I of Article XVI of this ordinance.

Section 140 Water Supply Watershed Overlay District.

See ARTICLE XXI.

Section 141 Mining Overlay District.

- (a) The mining (M) overlay district is hereby established as a "floating zone" since the precise location of areas within which mineral extraction (including quarrying, open-pit drilling, tunneling, etc.) should be encouraged cannot generally be predetermined. Within this district, the applicant may use property in accordance with the regulations applicable to the underlying zoning district, except that the property may also be used for mining purposes upon issuance of a conditional use permit by the Board of Commissioners (see Section 171). If the nature of an activity is such that it requires a mining permit from State or other Federal agencies but the purpose of the activity is to grade a site for building construction, then the grading activity may be conducted, and the fill material sold, without rezoning to a mining overlay district. The State or Federal mining permit, if required, shall be provided to the land use administrator prior to commencement of any such grading activity.

(b) Before the mining overlay district classification is applied to any property, the applicant for rezoning shall first have obtained a mining permit from the appropriate state and federal agencies. A copy of such permit together with such documents as were required to obtain such permit, including, but not limited to, any site plans, operations plans, approved reclamation plans and any maps, shall be attached to the petition for rezoning. Also attached to the petition for rezoning shall be a written report from a registered mining engineer to the effect that there are minerals located on the property of such a nature and in quantity as to justify commercial extraction.

(c) Additional regulations are contained in Section 171 of this Ordinance.

Section 141A HCO, Highway Corridor Overlay District

(a) The Highway Corridor Overlay District is established to provide specific appearance and operational standards for major highway corridors and other gateway entrances into the Town of Wingate while accommodating development along the corridors. The manner in which land uses impact interchanges, intersections, and feeder roads is of particular concern in this overlay district.

(b) The Highway Corridor Overlay District boundaries shall encompass land located within a buffer extending five hundred feet in depth on either side of the designated highway right-of-way or as specifically delineated on the official zoning map. Designated thoroughfare corridors include the following:

- (1) (List/describe highways to be included in the HCO)
- (2)
- (3)

(c) Reduction of the depth of district boundaries may be granted, at the discretion of the Town Board, when:

- (1) Intervening topography or other permanent natural features preclude adjacent development from being visible from the designated highway corridor; or
- (2) The adjacent underlying zoning is classified as residential and existing or approved residential development has already defined or substantially altered the natural character of the adjacent land.

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(d) Within the HCO, specific standards have been developed regarding buffers between incompatible uses, landscaping, unified architectural design, maximum building height, pedestrian access, traffic impact analyses, signage, outdoor lighting, and vehicular access/driveways. Supplementary Highway Corridor Overlay District standards are delineated in Section 169.

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Section 141B Conditional Zoning Districts Established

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(a) In addition to the general use zoning districts established in Sections 135, 136, and 137, a corresponding conditional zoning district, bearing the designation 'CD', may be established in accordance with the provisions of Section 327. Accordingly, the following conditional zoning districts may be designated upon approval by the Town Board of a petition by the property owners to establish a conditional zoning district:

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(1) RA-40(CD) Residential Conditional Zoning District

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(2) RA-20(CD) Residential Conditional Zoning District

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(3) R-40(CD) Residential Conditional Zoning District

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(4) R-20(CD) Residential Conditional Zoning District

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(5) R-15(CD) Residential Conditional Zoning District

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(6) R-10(CD) Residential Conditional Zoning District

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(7) R-8(CD) Residential Conditional Zoning District

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(8) R-6(CD) Residential Conditional Zoning District

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(9) B-1(CD) Central Business Conditional Zoning District

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(10) B-2(CD) Community Business Conditional Zoning District

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(11) B-3(CD) Office/Residential Conditional Zoning District

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(12) B-6(CD) Office/Institutional Conditional Zoning District

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(13) HC(CD) Highway Corridor Mixed Use Conditional Zoning District

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(14) LI(CD) Light Industrial Conditional Zoning District

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(15) HI(CD) Heavy Industrial Conditional Zoning District

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(b) The development and use of property within a conditional zoning district is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district. All regulations which apply to a general use zoning district also apply to the corresponding conditional zoning district. All other rules, regulations, and conditions which may be offered by the property owner and approved by the Town Board as part of the rezoning process shall also apply. Property may be placed in a conditional zoning district only in response to a petition by the owners of all of the property proposed to be included in the conditional zoning district. Requirements for conditional zoning districts are delineated in Section 327.

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Part II. Zoning Map

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Section 142 Official Zoning Map.

- (a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts where this land use ordinance is being enforced. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the Zoning Administrator's office.
- (b) Reserved
- (c) Should the Official Zoning Map be lost, destroyed, or damaged, the Zoning Administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further Town Board of Commissioners or Board of Adjustment authorization or action is required so long as no district boundaries are changed in this process.

Section 143 Amendments to Official Zoning Map.

- (a) Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this ordinance, as set forth in Article XX.
- (b) The Zoning Administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town Board of Commissioners. Upon entering any such amendment on the map, the Zoning

Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

- (c) No unauthorized person may alter or modify the Official Zoning Map.
- (d) The Zoning Administrator shall keep copies of superseded prints of the zoning map for historical reference.

Sections 144 and 145 Reserved.