

**ARTICLE V
DISTRICT REGULATIONS**

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SECTION 500-1 – PURPOSE OF THE RESIDENTIAL/HAMLET DISTRICT (RH)

The purpose of the Residential/Hamlet District (RH) is to provide a unique area where residential and commercial uses are intermixed, and to regulate its development so it will not be detrimental to the community.

SECTION 500-2 – PERMITTED USES (RH) (rev 11/20/2012; 10/21/2014; 12/19/2017)

The following uses are permitted in the Residential/Hamlet (RH) District:

- A. Agriculture
- B. Mobile/Manufactured Homes – solely on lots presently occupied by a mobile/manufactured home or in an approved mobile/manufactured home park (See Section 630)
- C. One Family Dwelling
- D. Two Family Dwelling
- E. Public Utilities (Essential Services)

SECTION 500-3 – PERMITTED ACCESSORY USES (RH) (rev 12/19/2017)

The following are permitted accessory uses in the Residential/Hamlet (RH) District:

- A. Accessory Structure
- B. In-Home Day Care Center
- C. Private Garage
- D. Roadside Stand
- E. Swimming Pools (Above and Below Ground)
- F. Alternative Energy Systems (Solar Powered)
- G. Alternative Energy Systems (Wind Powered)
- H. Church

SECTION 500-4 – USES ALLOWED BY SPECIAL PERMIT (RH)

(rev 11/20/2012; 10/21/2014; 12/19/2017)

The following uses are allowed by Special Permit after review and approval by the Planning Board. These uses also require a site plan to be submitted to the Planning Board for review and approval as provided in Article IX of this Ordinance.

- A. Cottage Industry
- B. Home Occupation
- C. Professional Office
- D. Public Facilities
- E. Restaurant
- F. Business, Retail
- G. Business, Service
- H. Retail Fuel Outlet
- I. Tavern

SECTION 500-5 – MINIMUM SPECIFICATIONS (RH)

Unless otherwise specified in this Ordinance, the following dimensional specifications are applicable to all uses in the Residential/Hamlet District (RH):

- A. Minimum Lot Size – Forty Thousand (40,000) Square Feet
- B. Minimum Lot Frontage – Two Hundred (200) Feet
- C. Minimum Lot Depth – Two Hundred (200) Feet
- D. Minimum Front Setback – Seventy-Five (75) Feet
- E. Minimum Side Setback – Fifteen (15) Feet
- F. Minimum Rear Setback – Fifteen (15) Feet

SECTION 510-1 – PURPOSE OF THE RESIDENTIAL/AGRICULTURAL DISTRICT (RA)

The purpose of the Residential/Agricultural District (RA) is to protect agricultural land and uses and to provide a stable environment for residential development.

SECTION 510-2 – PERMITTED USES (RA) *(rev 11/20/2012; 10/21/2014; 12/19/2017)*

The following uses are permitted in the Residential/Agricultural District (RA):

- A. Agriculture
- B. Agri-Business
- C. Mobile/Manufactured Homes – solely on lots presently occupied by a mobile/manufactured home or in an approved mobile/manufactured home park (See Section 630)
- D. Nursery/Garden Center
- E. One Family Dwelling
- F. Two Family Dwelling
- G. Public Utilities (Essential Services)

SECTION 510-3 – PERMITTED ACCESSORY USES (RA)

The following are permitted accessory uses in the Residential/Agricultural District (RA): *(rev 8/19/2008; 10/21/2014; 12/19/2017)*

- A. Accessory Structure
- B. Farm Worker Housing
- C. Garage, Private
- D. In-Home Day Care Center
- E. Roadside Stand
- F. Swimming Pools (Above and Below Ground)
- G. Alternative Energy Systems (Solar Powered)
- H. Alternative Energy Systems (Wind Powered)
- I. Church

SECTION 510-4 – USES ALLOWED BY SPECIAL PERMIT (RA)

(rev 11/20/2012; 10/21/2014; 12/19/2017)

The following uses are allowed by Special Permit after review and approval by the Planning Board. These uses also require a site plan to be submitted to the Planning Board for review and approval as provided in Article IX of this Ordinance.

- A. Cottage Industry
- B. Excavation and Mining
- C. Home Occupation
- D. Kennel
- E. Parking and Storage of Commercial Trucks and Construction Equipment
- F. Public Utilities (Essential Services)
- G. Riding Stable, Track or Arena
- H. Business, Service *(2012 amendment per 10/21/14 RM2014-188)*
- I. Business, Retail

SECTION 510-5 – MINIMUM SPECIFICATIONS FOR RESIDENTIAL STRUCTURES (RA)

Unless otherwise specified in this Ordinance, the following dimensional specifications are applicable to all residential structures in the Residential/Agricultural District (RA):

- A. Minimum Lot Size – Forty Thousand (40,000) Square Feet
- B. Minimum Lot Frontage – Two Hundred (200) Feet
- C. Minimum Lot Size If Served by Public Water Supply – Thirty Thousand (30,000) Square Feet
- D. Minimum Lot Size If Served by Public Water Supply & Public Sewer/Package Plant – Twenty Thousand (20,000) Square Feet
- E. Minimum Lot Depth – Two Hundred (200) Feet
- F. Minimum Front Setback – Seventy-Five (75) Feet
- G. Minimum Side Setback – Twenty-Five (25) Feet
- H. Minimum Rear Setback – Twenty-Five (25) Feet
- I. First floor elevation should be at least 15 inches above the center of the road.

SECTION 510-6 – MINIMUM SPECIFICATIONS FOR AGRICULTURAL STRUCTURES (RA)

Unless otherwise specified in this Ordinance, the following dimensional specifications are applicable to all agricultural structures in the Residential/Agricultural District (RA):

- ❖ Minimum Lot Size – Three (3) Acres (may include owner residence)
- ❖ Minimum Lot Frontage – Two Hundred (200) Feet
- ❖ Minimum Front Setback – One Hundred (100) Feet
- ❖ Minimum Side Setback – Seventy-Five (75) Feet
- ❖ Minimum Rear Setback – Seventy-Five (75) Feet

SECTION 520 - *Removed in its entirety with 12/19/2017 amendments.*

SECTION 530-1 – PURPOSE OF THE BUSINESS/COMMERCIAL DISTRICT (BC)

The purpose of the Business/Commercial District is to provide for the establishment of business and commercial uses that serve the needs of area residents and to regulate its development so it will not be detrimental to the community.

SECTION 530-2 – PERMITTED USES (BC)
(rev 11/20/2012;10/21/2014; 05/16/2017; 12/19/2017)

The following uses are permitted in the Business/Commercial District (BC). These uses also require a site plan to be submitted to the Planning Board for review and approval as provided in Article IX of this Ordinance.

- A. Adult Day Care Center
- B. Agriculture
- C. Agri-Business
- D. Animal Hospital
- E. Business, Retail
- F. Business, Service
- G. Campground
- H. Child Day Care Center
- I. Geriatric Care Facility
- J. Motel/Hotel
- K. One Family Dwelling
- L. Professional Office
- M. Public Facilities
- N. Recreational Center
- O. Restaurant
- P. Retail Fuel Outlet
- Q. Tavern
- R. Two Family Dwelling
- S. Public Utilities (Essential Services)

SECTION 530-3 – PERMITTED ACCESSORY USES (BC) *(Rev 10/21/2014)*

The following are permitted accessory uses in the Business/Commercial District (BC):

- A. Accessory Structure
- B. Garage, Private
- C. In-Home Day Care Center
- D. Public Utilities (Essential Services)
- E. Roadside Stand
- F. Swimming Pools (Above and Below Ground)
- G. Alternative Energy Systems (Solar Powered)
- H. Alternative Energy Systems (Wind Powered)
- I. Church

SECTION 530-4 – USES ALLOWED BY SPECIAL PERMIT (BC) *(Rev. 05/16/2017)*

The following uses are allowed by Special Permit after review and approval by the Planning Board. These uses also require a site plan to be submitted to the Planning Board for review and approval as provided in Article IX of this Ordinance.

- A. Motor Vehicle Repair Shop
- B. Motor Vehicle Sales
- C. Clubs
- D. Storage Facilities

SECTION 530-5 – MINIMUM SPECIFICATIONS (BC) (rev 11/20/2012)

Unless otherwise specified in this Ordinance, the following dimensional specifications are applicable to all uses in the Business/Commercial District (BC):

- A. Minimum Lot Size Non-Dwelling – Twenty Thousand (20,000) Square Feet
- B. Minimum Lot Size One or Two Family Dwelling – Forty Thousand (40,000) Square Feet
- C. Minimum Lot Frontage Non-Dwelling – One Hundred (100) Feet
- D. Minimum Lot Frontage One or Two Family Dwelling – Two Hundred (200) Feet
- E. Minimum Front Setback Non-Dwelling – Seventy-Five (75) Feet
- F. Minimum Front Setback One or Two Family Dwelling – Seventy Five (75) Feet
- G. Minimum Side Setback Non-Dwelling – Twenty-Five (25) Feet
- H. Minimum Side Setback One or Two Family Dwelling – Twenty Five (25) Feet
- I. Minimum Rear Setback Non-Dwelling – Fifty (50) Feet
- J. Minimum Rear Setback One or Two Family Dwelling – Twenty Five (25) Feet

SECTION 550-1 – PURPOSE OF THE INDUSTRIAL DISTRICT (I)

The purpose of the Industrial District (I) is to provide for the establishment of clean, environmentally sensitive industrial uses which are essential for a balanced economic base, and to regulate its development so it will not be detrimental to the community.

SECTION 550-2 – PERMITTED USES (I) (Rev. 05/16/2017; 12/19/2017)

The following uses are permitted in the Industrial District (I). These uses also require a site plan to be submitted to the Planning Board for review and approval as provided in Article IX of this Ordinance.

- A. Cold Storage Facility
- B. Cosmetic Production Facility
- C. Excavating and Mining
- D. Farm and Garden Implement Store
- E. Food Processing/Bottling Facility
- F. Nursery/Garden Center
- G. Parking and Storage of Commercial Trucks and Construction Equipment
- H. Product Assembly Facility
- I. Product Fabrication Facility
- J. Professional Office
- K. Public Utilities (Essential Services)
- L. Scientific Research Facility
- M. Storage Facility
- N. Warehouse/Distribution Facility

- O. One Family Dwelling
- P. Two Family Dwelling
- Q. Public Utilities (Essential Services)

SECTION 550-3 – PERMITTED ACCESSORY USES (I)

The following are permitted accessory uses in the Industrial District (I). These uses also require a site plan to be submitted to the Planning Board for review and approval as provided in Article IX of this Ordinance:

- A. Accessory Structure

SECTION 550-4 – USES ALLOWED BY SPECIAL PERMIT (I)

The following uses are allowed by Special Permit after review and approval by the Planning Board. These uses also require a site plan to be submitted to the Planning Board for review and approval as provided in Article IX of this Ordinance.

- A. Adult Business

SECTION 550-5 – ADDITIONAL PROVISIONS AND REQUIREMENTS (I)

- A. All industrial processes shall take place within an enclosed building. Incidental storage out of doors may be permitted at the discretion of the Planning Board provided that such materials are shielded from view from public streets, adjacent off-street parking areas and adjacent non-industrial districts by fencing, landscaping or other appropriate measures.
- B. All uses permitted in this district shall set aside not less than ten (10) percent of the lot to be devoted to seeding, planting, and retention of tree cover or other landscaping. This area shall be used for no other purpose.
- C. Each use in this district shall provide truck loading and unloading area in an amount sufficient to permit the transfer of goods and products in other than a public street, off-street parking area or front yard.
- D. Industrial buildings or structures shall be located a minimum of one hundred (100) feet from any zoning district boundary line. This one hundred (100) foot buffer strip shall be perpetually maintained so as to provide visual screening and separation between industrial and non-industrial uses.
- E. Parking areas may be located in any of the required yard areas provided they are not less than fifty (50) feet from a right-of-way line or twenty-five (25) feet from a property line.

SECTION 550-6 – MINIMUM SPECIFICATIONS (I)

Unless otherwise specified in this Ordinance, the following dimensional specifications are applicable to all uses in the Industrial District (I):

- A. Minimum Lot Size – Five (5) Acres
- B. Minimum Lot Frontage – One Hundred Fifty (150) Feet

- C. Minimum Front Setback – Fifty (50) Feet
- D. Minimum Side Setback – Fifty (50) Feet
- E. Minimum Rear Setback – Fifty (50) Feet

SECTION 560-1 – PURPOSE OF THE CONSERVATION DISTRICT (C)

The purpose of the Conservation District is to preserve the unique and irreplaceable wetlands, wildlife habitats and streams within the Town of Clarendon.

SECTION 560-2 – APPLICABILITY (C)

- A. The Conservation District is an overlay district designated on the Zoning Map of the Town of Clarendon. This district includes all freshwater wetlands as defined and protected by Article 24 of the New York State Environmental Conservation Law (Freshwater Wetlands Act).
- B. The provision of the Conservation District shall take precedence over the underlying zoning district regulations.
- C. The requirements of the Freshwater Wetlands Act and all applicable Freshwater Wetlands Maps, unless contrary to any Town of Clarendon ordinances, laws or regulations are hereby adopted and incorporated by reference.

SECTION 570-1 – PURPOSE OF THE HISTORIC DISTRICT (H)

The purpose of the Historic District is to preserve certain areas of historical or cultural significance in the Town of Clarendon. Development in these areas should be consistent with the architectural, cultural and historic character of the area.

SECTION 570-2 APPLICABILITY (H)

The Historic District shall take precedence over any other zoning district (except the Conservation District) to the extent that the provisions of this district are inconsistent with such other provisions.

SECTION 570-3 – ADDITIONAL PROVISIONS AND REQUIREMENTS (H)

- A. All building permits in the Historic District, including permits for residential development shall require site plan review and approval from the Planning Board as outlined in Article IX of this Ordinance.
- B. No building or structure shall be demolished or undergo substantial exterior alteration (resulting in an essential change in building appearance) without first undergoing site plan review and approval.
- C. The Planning Board in its review of a site plan, must document the following requirements in its findings:
 - 1. The building, alteration or use is consistent with the historic architecture and historic significance of the area.

2. The building, alteration or use does not encroach, diminish or otherwise lessen the historical significance of the area.
 3. For site plans involving demolition, the applicant provided evidence of construction or structural problems that would preclude any reasonable efforts to rehabilitate restore or preserve the structure. Evidence must be in the form of a written structural assessment prepared by a licensed architect or professional engineer.
- D. The Planning Board may consult with licensed architects, landscape architects, professional engineers and/or historic experts when conducting its assessment of the requirements of Section 570-3.C above.

SECTION 580-1 – PURPOSE OF THE INDUSTRIAL MINING DISTRICT (IM)

The purpose of the Industrial Mining District (IM) is to acknowledge the unique mineral resources that exist within the Town, to recognize the particular processes required for its extraction, and to regulate these processes so they will not be a detriment to the health and safety of the community.

SECTION 580-2 – PERMITTED USES (IM)

The following uses are permitted in the Industrial Mining District (IM). These uses also require a site plan to be submitted to the Planning Board for review and approval as provided in Article IX of this Ordinance.

- A. Excavation, extraction, removal, processing, storage, stockpiling and sale of topsoil, sand, gravel and stone, consisting of both consolidated and unconsolidated material.
- B. Manufacture, storage and sale of concrete including any raw materials or ingredients thereof.
- C. Crushing (except initial or primary crushing), grading, screening, washing or processing of stone, sand or gravel within a fully enclosed building or buildings.
- D. Storage bins containing concrete and asphaltic concrete (including raw materials or ingredients such as asphalt, stone, sand, cement).
- E. Stockpiling of finished stone shall be allowed outside an enclosed building.
- F. Storage of machinery and equipment for transporting such material shall be allowed outside an enclosed building.
- G. Public Utilities (Essential Services)
- H. All operations which are specifically governed by the mining permit issued by the New York State Department of Environmental Conservation shall be conducted only during the hours specified in such permit, although it shall be deemed the policy and recommendation of the Town of Clarendon for purposes of the mining permit process that such uses should be allowed only during the hours of 6:00 AM to 6:00 PM, Monday through Saturday, with no operations on Sundays. All other processing and/or plant operations permitted in the IM District shall be conducted within the hours of 6:00 AM to 6:00 PM, Monday through Friday and 6:00 AM to 4:00 PM on Saturdays, with no operations on Sundays, except that such hours may be extended due to specific extenuating circumstances making it necessary to complete previously

commenced projects until 8:00 PM, Monday through Friday, and until 6:00 PM on Saturdays, provided that the owner/operator of the plant maintains on site a record of those projects necessitating the extended operations, which shall be made available to the Code Enforcement Officer upon request.

1. The owner/operator may also obtain a temporary permit from the Code Enforcement Officer for extended hours of operation necessitated by specific contractual terms requiring the preparation and delivery of products outside of the permitted hours of operation by filing an application therefore with the Code Enforcement Officer at least seven (7) days prior to the date when the extended hours are to commence, which application shall include information as to the particular project sufficient to demonstrate the need for extended hours. Any permit issued by the Code Enforcement Officer for such extended hours shall specify the hours during which operations are permitted and the dates during which such extended hours shall be allowed.
 2. The foregoing limitations on hours of operation shall not apply to the normal and customary movement of vehicles to and from or within property in the IM District; or to any office functions, PROVIDED HOWEVER, that any vehicles or equipment operated on or within any property in the IM District which are required by law to maintain and utilize any form of alarm device shall be installed an alternate strobe light or other non-audible alarm device, and shall utilize such alternate non-audible device at all times that such use is permitted under applicable State or Federal regulations, including regulations of the Federal Mine Safety and Health Administration or Occupational Safety and Health Administration.
- I. Any exterior stockpiling and storage may be subject to conditions imposed by the Planning Board during site plan review.

SECTION 580-3 – PERMITTED ACCESSORY USES (IM)

The following are permitted accessory uses in the Industrial Mining District (IM). These uses also require a site plan to be submitted to the Planning Board for review and approval as provided in Article IX of this Ordinance:

- A. Accessory Structure.
- B. Storage, repair, servicing and maintenance of vehicles, machinery and equipment used in the processing, transportation and manufacture of mined materials or products.
- C. Storage of gasoline, fuel oil, lubricants, tools, equipment and other supplies necessary for the repair and maintenance of industrial mining equipment. Storage of fuel, lubricants and other substances shall be in strict conformity with all Federal, State and local laws, ordinances, rules, regulations, permits and other promulgation regarding the same.

SECTION 580-4 – BLASTING PERMITS (IM)

- A. Applications for blasting permits shall be processed in accordance with Section 303 of this Ordinance.
- B. Blasting permits for blasting in the IM District may be issued for a maximum period of three (3) years, and shall expire at the same time as the mining permit issued by the New York State Department of Environmental Conservation.

- C. The mine operator shall design and submit with its application for a blasting permit a system to monitor seismic activity in the area of the mine. In the event any seismic event occurs in the area of the mine, all blasting activities shall cease until such time as it is determined by the U.S. Geological Survey or other governmental authority having jurisdiction that such blasting may continue without significant impact or future seismic activity.

SECTION 580-5 – ADDITIONAL PROVISIONS AND REQUIREMENTS (IM)

- A. The mine operator shall be required to obtain and maintain all Federal, State and local permits required for any and all aspects of the activities conducted on the premises. Any revocation of any such permits shall be deemed a violation of this Ordinance.
- B. The mine operator shall obtain and maintain a valid mining permit from the New York State Department of Environmental Conservation issued pursuant to Article 23 of the Environmental Conservation Law, Title 27.
- C. The Planning Board shall conduct site plan review in accordance with Article IX of this Ordinance. The applicant shall submit a completed SEQRA Environmental Assessment Form (6 NYCRR Part 617) to the Planning Board at the time of site plan submission. However, if the applicant has submitted such form to the New York State Department of Environmental Conservation in connection with its application for a mining permit and the Town or any of its Boards, Agencies or Departments has participated in a review of the environmental impacts of the operation as an interested party or lead agency and has received the applicable documents in connection with such review, no additional documents shall be required to be submitted and such previously received documents shall be considered in the site plan review. Nothing contained herein shall prevent the Town Board upon a rezoning of any property to the IM District, or the Planning Board on site plan review, from requiring the preparation of a Draft Environmental Impact Statement pursuant to 6 NYCRR Part 617, if the circumstances so warrant, unless a Draft Environmental Impact Statement has previously been prepared in conjunction with a coordinated review of the proposed mining operation by a State, Regional or County Agency.
- D. All mine operators shall enter into an agreement with owners of real property in the vicinity of the mine establishing a method whereby the value of such property shall be guaranteed by the mine operator. The Town Board shall determine those owners eligible to be parties to such an agreement and the form, terms and conditions thereof. The failure or refusal of any eligible owner(s) to enter into such agreement shall not adversely affect the mine operator's compliance with this subdivision, nor shall such failure or refusal impair any rights which the eligible owners might otherwise have against the mine operator.
- E. The mine operator shall enter into an agreement with the Town of Clarendon regarding private water supplies and buildings. The agreement shall include a means for surveying or testing the wells and buildings to be covered by the agreement prior to any mining to determine the quality and quantity of the water, condition of the buildings and a method for the owners to present any claims to a tribunal authorized to determine the mine operators responsibility for any damage if any, and to assess compensation to be paid by the operator, if any. The residents to be covered by this agreement and other terms and conditions shall be determined by the Town Board and the mine operator.

- F. Any property placed in the IM District shall revert to its immediately preceding zoning classification one year after the mine operator no longer has a valid mining permit from the New York State Department of Environmental Conservation, unless within that one year period the mine operator has the permit reinstated or otherwise obtains a new mining permit continuing substantially the same terms and conditions as the previous permit, or at such time the mine operator ceases to actively conduct mining operations on the property for a period of one year, whichever shall first occur.
- G. The mine operator shall allow the Planning Board and/or Code Enforcement Officer to inspect the premises and all mining operations on an annual basis. The Planning Board shall determine the need for and timing of such inspections, and shall provide the mine operator with a minimum of 24 hours advance notice.

SECTION 580-6 – MINIMUM SPECIFICATIONS (IM)

Unless otherwise specified in this Ordinance, the following dimensional specifications are applicable to all uses in the Industrial Mining District (IM):

- A. Minimum Lot Size – One Hundred (100) Acres
- B. Minimum Lot Frontage – Four Hundred (400) Feet
- C. Minimum Front Setback – Two Hundred (200) Feet
- D. Minimum Side Setback – One Hundred (100) Feet
- E. Minimum Rear Setback – Two Hundred (200) Feet

SECTION 580-7 – SETBACKS FOR BLASING ACTIVITIES (IM)

- A. Blasting for the purpose of extracting consolidated material shall not take place within eight hundred (800) feet of any residence, commercial building or industrial building, excluding those buildings owned by the mine operator and located within the bounds of the permitted mining area.
- B. Blasting for the purpose of establishing a site or sites for the installation of machinery or equipment shall not take place within six hundred (600) feet of any residence, commercial building or industrial building, excluding those buildings owned by the mine operator and located within the bounds of the permitted mining area.
 - 1. Blast area sites, depths and setbacks shall be clearly shown on site plans for all mines.
 - 2. Blast area sites shall be clearly marked on the land using stakes.
- C. Blasting of trenches or tunnels for the purpose of conveying or transporting material or for the purpose of controlling surface water, storm water or other water runoff may take place up to the property line of the mine operator, but only for such limited purposes and in strict conformity with all Federal, State and local laws, ordinances, rules, regulations, permits and other promulgations governing such, but not within the six hundred (600) foot distance from buildings as set forth in Section 580-7.B above.