

Village of Addison, New York

Local Law No. One (1) of the year 1993

**COMPREHENSIVE REVISIONS OF
VILLAGE OF ADDISON ZONING LAWS - 1970**

Local Law No. 1 of 1993 of the Village of Addison was duly passed by the
Board of Trustees on March 8, 1993.

Certification executed by Robert Plaskov, Village Attorney, April 27, 1993.

VILLAGE OF ADDISON ZONING LAWS

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ARTICLE 1. TITLE, PURPOSE, AUTHORITY

Section 1.0 Short Title

This Local Law shall be known and may be cited as the "Zoning Law of the Village of Addison, N.Y."

Section 1.1 Authority

Pursuant to the provisions of the Municipal Home Rule Law and to the authority and power granted under Article 7, Section 7-700 through Section 7-704 of the Village Law, and all Amendments thereto, the Village Board of the village of Addison, County of Steuben, New York, ordains, enacts and publishes as follows:

Section 1.2 Purpose

The Zoning Regulations and Districts herein set forth and as identified upon the Zoning Map of the Village of Addison are made for the purpose of promoting public health, safety, and general welfare and prescribing the most desirable use for which the land in each district may be adapted and those uses to be subjected to special regulations, while conserving value of land throughout the Village. The height, bulk and location of buildings and other structures, the area of yards, courts, and other open spaces, the density of population, and location and use of buildings, structures and land for trade, industry, residence or other purpose, are hereby restricted and regulated as hereinafter provided.

Such regulations have been designed to lessen congestion in the streets; to secure safety from fire, flood, and other dangers; to provide adequate light, air, convenience of access, and the accommodation of solar energy systems and equipment and access to sunlight necessary therefore; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable regard, among other things, to the character of each district and its suitability for particular uses and the value of buildings, land, and uses to promote the most appropriate use of land throughout the Village of Addison.

Article 2. INTERPRETATION

Section 2.0 Interpretation, Separability and Conflict

- A. The following rules of construction of language shall apply to the text of this Law.
1. Words used in the present tense include the future tense.
 2. Words used in the singular include the plural, and words used in the plural include the singular.
 3. Words used in the masculine form shall also include the feminine.
 4. The word "lot" includes the word "plot" or "parcel".
 5. The word "person" includes an individual, firm or corporation.
 6. The word "shall" is always mandatory; the word "may" is always permissive.

7. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
 8. A "building" or "structure" includes any part thereof.
 9. The phrases, "to erect", "to construct", and "to build" a building, each has the same meaning and includes to excavate for a building and to relocate a building by moving it from one location to another.
- B. If any section, paragraph, subdivision, or provision of this Law shall be held invalid, such invalidity shall apply to the section, paragraph, subdivision, or provision judged Invalid, and the rest of this Law shall remain valid and effective.
 - C. This Law shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect.
 - D. This Law is not intended to abrogate or annul any easement, covenant, or any other private agreement. Such private agreements shall not allow what the law prohibits.
 - E. Whenever the requirements of this Law are at variance with the requirements of other lawfully adopted rules, regulations or ordinances, the ordinance or law with the most restrictive provisions or those imposing the higher standards shall govern.

Section 2.1 Definitions

The following words or phrases as used in this Law are defined as follows:

ACCESSORY STRUCTURE - A structure subordinate to a principal structure on the same lot and used for purposes customarily incidental to those of the principal structure. Accessory structures include but are not limited to, portable, demountable or permanent enclosures, shade structures, carports, garages and storage sheds.

ACCESSORY USE - A use customarily Incidental and subordinate to the principal use or occupancy of a building and located on the same lot with such principal use or building.

ADULT BOOKSTORE - An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises by use of motion-picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

ADULT MINI-MOTION-PICTURE THEATER - An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to

specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MOTION-PICTURE THEATER - An enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

AGRICULTURAL USE - The raising of agricultural products including dairy products, farm crops, fruit, vegetables and nursery stock whether for gain or otherwise. This term does not include livestock, poultry, livery or boarding stables, or manufacturing or processing of agricultural products as the principal use.

AIRPORT - Any runway, land area or other facility, designed, used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings.

ALTERATION - As applied to a building or structure, a change rearrangement in the structural parts or in exit facilities of such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location to another.

AMUSEMENT GAME CENTER - A continuous commercial use in which six (6) or more mechanical, electrical or electronic machines or devices used or designed to be operated for entertainment or as a game, and either activated by the insertion of a coin, token, etc. or for their operation or use of which a charge is made.

APARTMENT - See DWELLING UNIT

APPROVED - Approved by the enforcement officer under the regulations of this Law, or approved by an authority designated by Law or this Law.

AREA, 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 terraces, and uncovered steps. All dimensions shall be measured between the exterior faces of walls.

AREA, LOT - The total area within the lot boundary lines excluding any area included in a public street right-of-way.

ATTIC - Space between the top of the uppermost floor construction and underside of roof.

AZIMUTH, SOLAR - The angular distance between true south and the point on the horizon directly below the sun. Values to the east of south (in the morning) shall be negative. Values to the west of south (in the afternoon) shall be positive.

BAR - A business establishment licensed by the State of New York to serve alcoholic beverages and which establishment is designed primarily for the consumption of such alcoholic beverages on the premises, irrespective of whether or not food and/or entertainment are also provided as accessory uses.

BASEMENT - That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

BED AND BREAKFAST - A building containing a single dwelling unit in which one, but not more than four, sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests with or without meals for primarily less than a two week period.

BILLBOARD - A sign or structure which directs attention to an idea, product, business activity, service, or entertainment which is conducted, sold, or offered elsewhere than upon the lot on which such sign is situated.

BOARDING HOUSE - A building, other than a hotel containing a general kitchen and general dining room, in which more than four sleeping rooms are offered for rent, with or without meals to non-transient guests. A lodging house or rooming house shall be deemed a boarding house.

BUFFER YARD - An area of land forming a visual and/or physical separation or barrier between two uses. In the case of a visual barrier the land shall be covered with natural plantings or man-made material to provide a continuous physical screen preventing visual access and reducing noise.

BUILDING - Any structure which is wholly or partially enclosed within exterior walls is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY - See "ACCESSORY STRUCTURE"

BUILDING, DETACHED - A building surrounded by open space on the same lot.

BUILDING, HEIGHT - The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, SEMI-DETACHED - A building attached by a party wall to another building normally of the same type on another lot but having one side yard.

BUILDING GROUP - A group of two or more principal buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

BUILDING LINE - The line, established by statute, local law or ordinance, beyond which the exterior surface of a building on any side shall not extend, as specifically provided by law. In the instance of a cantilevered section of a building or projected roof or porch, said line shall coincide with the most projected surface.

BULK - A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the

same building; and all open spaces required in connection with a building, other structure, or tract of land.

CAR WASH - A building, premises or portions thereof where automobiles are washed either by the patron or others using machinery and mechanical devices specifically designed for this purpose.

CELLAR - That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

CERTIFICATE OF COMPLIANCE - A certificate issued by the Code Enforcement officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Law and such adjustments thereto granted by the Board of Appeals.

CHURCH OR PLACE OF WORSHIP - A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by State statute.

CLUB, MEMBERSHIP - An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are no vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COMMERCIAL USE - The use of a parcel of land/building for the purpose of retailing/wholesaling business or trade of products, commodities or services, and the preparation, processing or repair of such articles, substances or commodities for on-premise transactions.

COMMERCIAL, VEHICLE - A vehicle of more than five ton capacity used for the transportation of persons or good primarily for gain.

COMMUNITY POLE - A sign owned and maintained by the Village Council, or by a group of businessmen as approved by the Village Council, and which sign contains several directional signs for the purpose of directing persons to business and community establishments within the community.

CONDOMINIUM - A building or group of buildings, in which residential, commercial or industrial units are owned individually while the structure, common areas and facilities are owned jointly by all the owners on a proportional basis.

CONTIGUOUS PARCEL - A tract of land under the control of the applicant or his agent that is not divided by any natural or man-made barriers such as existing streets and highways, public right-of-ways identified on the official map and is not bisected by water bodies.

CONTRACTOR'S YARD - Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, which are in active use by a construction contractor.

CONVALESCENT HOME - A building used for accommodation and care of persons recuperating from illness or incapacity as licensed by New York State Department of Social Services.

CONVENIENCE/MINI-MARKET - A commercial retail use which combines the sale of beverages, dairy and baked goods, snack foods and similar grocery items, which may also be accompanied by the sale of motor vehicle fuel and accessory substances.

COVERAGE - That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

CREMATORY - A place, however designated, operated for the purpose of reducing deceased bodies to ashes.

DAY NURSERY - Any place, however designated, operated for the purpose of providing daytime care and instruction for four or more children from two to five years of age inclusive, and operated on a regular basis, including kindergartens, day nurseries, and day care centers as licensed by New York State Department of Social Services.

DISTRICT OR ZONE - That portion of the Village within which specific uses are permitted according to the designation applied thereto in Article 4 and in conformity with the provisions of this Law.

DRIVE-IN USE - Shall mean any commercial or business activity which incorporates as a principal or accessory feature a service window, booth or other like arrangement on the exterior of the building or structure designed primarily for drive-through or carry-out service.

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

DWELLING - A building designed or used principally as the living quarters for one or more families. The terms "dwelling", "one-family dwelling", "two-family dwelling", "multi-family dwelling", "multiple dwelling", or "dwelling groups" shall not be deemed to include motel, hotel, rooming house, recreational vehicles or other accommodations used for more or less transient occupancy.

DWELLING, IN GROUND - A dwelling that is constructed principally below the finished average grade elevation of the lot on which it is located and with at least one wall open at or lower than floor level and/or special light and ventilation designs.

DWELLING, ONE-FAMILY - A building containing one dwelling unit only. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY DETACHED - A building containing one dwelling unit and having two side yards. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY SEMI-DETACHED - A building containing one dwelling unit and having one party wall and one side yard. This term shall not be deemed to

include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, TWO-FAMILY - A building containing two dwelling units. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, MULTIPLE-FAMILY - A building containing three or more dwelling units with shared or individual entrances, and/or other essential facilities and services. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING GROUP - A group of three or more, but not over ten attached single or two-family dwelling units with common party walls.

DWELLING UNIT - One room or rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, living, sanitary and sleeping facilities. This term shall not include recreational vehicles. This shall include sectional and factory and manufactured units provided they meet the standards of this Law and the building code. It shall not include motel, hotel and lodging establishments.

EASEMENT - A vested or acquired right to use land other than as a tenant for a specific purpose, such right being held by someone other than the owner who holds title to the land.

EFFECTIVELY SCREENED - A particular use shall be considered effectively screened when barriers of sufficient height and capacity are provided so as to reduce the transmission of sound and light into adjacent properties to the point where the adjacent property owner is not disturbed.

EFFICIENCY APARTMENT - A dwelling unit without a separate distinct room for sleeping which is part of a multi-family structure.

EQUIPMENT RENTAL OR SALES YARD - See Contractor's Yard.

FACTORY MANUFACTURED HOME - A dwelling unit constructed off-site, consisting of one or more segments and designed to be permanently anchored to, and supported by a foundation, to become a fixed part of the real estate. Such dwelling unit shall bear an insignia of approval issued by the State of New York.

FAMILY - A family consists of one person, or two or more persons related by blood, marriage or adoption, or not more than five persons not related by blood, marriage or adoption, and in addition any domestic servants who live together as a single, functioning family unit and maintain a common household.

FENCE - A constructed, artificial barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials erected for the enclosure of yard areas.

FINISHED GRADE - The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade - in computing height of buildings and other structures or for other purposes - shall be the average elevation of all finished grade elevations around the periphery of the building.

FLOOR AREA - The aggregate sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of walls separating the buildings, in particular, the "floor area" of a building or buildings shall include:

- (1) Basement space;
- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space for mechanical equipment, with structural headroom of 7'6" or more;
- (4) Penthouses;
- (5) Attic space (whether or not a floor has actually been laid) providing structural headroom of 7'6", or more for at least 50% of the area;
- (6) Interior balconies and mezzanines;
- (7) Enclosed porches;
- (8) Accessory uses not including space for accessory off-street parking.

However, the "floor area" of a building shall not include:

- (1) Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off street parking spaces and accessory off-street loading berths;
- (2) Elevator and stair bulkheads, accessory water tanks, and cooling towers;
- (3) Floor space used for mechanical equipment, with structural headroom of less than 7'6";
- (4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than 7'6" for 50% of the area;
- (5) Uncovered steps; exterior fire escapes;
- (6) Terraces, breezeways, open porches, and outside balconies and open spaces;
- (7) Accessory off-street parking spaces;
- (8) Accessory off-street loading berths.

GARAGE, SERVICE/REPAIR - A building or premises used for repair of motor vehicles, including painting and the sale of related parts and accessories. A junk yard or auto salvage yard in not to be construed as a garage.

GARAGE FILLING STATION - An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, which may include as accessory uses sale of motor vehicle accessories and which may or may not include facilities for lubricating, washing, (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding, painting, or vehicle salvage operations.

GENERAL BUSINESS OFFICE - A non-retail service oriented office or agency such as insurance brokers, travel agents, computer programming, consulting organizations, etc.

GROCERY STORE - A commercial retail use which provides for the sale of a full range of food products including meat, fruits, vegetables, dairy products, snack foods, beverages and similar grocery items.

HOME OCCUPATION - An accessory use which is clearly incidental to or secondary to the residential use of a dwelling unit and does not change the character thereof, and is carried on wholly within the enclosed walls of a dwelling unit or accessory building by the proprietor of such use and other occupants of such

dwelling unit and in which not more than one person not residing in such dwelling is employed.

HOSPITAL - An institution for the care and treatment of sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury which require care. Source: #206 - A Public Health Law.

HOTEL - A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may or may not include dining facilities. This term shall not be deemed to include an Inn, Bed & Breakfast, Boarding House, or other such accommodations.

INDUSTRIAL USE - Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of materials or products, all or any part of which is primarily marketed off the premises or marketed to other than the ultimate consumer.

INSTITUTIONAL OR PHILANTHROPIC USE - Those uses limited to churches, public or private schools covering kindergarten through grade 12, libraries and uses by the municipal, state, or federal government.

JUNK YARD - An area of land with or without buildings used for or occupied by the storage, keeping, abandonment or the salvage of junk materials, including processing such as sorting, baling, packing, disassembly, exchange and/or purchase and sale of materials, and including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles, machinery or parts thereof. A lot on which any motor vehicle that is not licensed and/or incapable of meeting minimum NYS Motor Vehicle Inspection Standards, is stored for a period of thirty days or more shall be considered to meet this definition.

KENNEL - Any place at which there are kept four or more domestic animals more than four months of age or any number of dogs that are kept for the primarily commercial purposes of sale or for the boarding, care or breeding for which a fee is charged or paid.

LAUNDRY, SELF-SERVICE - 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.

LAUNDRY, DRY CLEANING PLANT - A building or premises where public laundry work is done directly for public, by cleaning and ironing soiled and used clothes on order received from members of the public as customers.

LOT - A contiguous parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and the customary accessories and open spaces belonging to the same and which abuts and is accessible from a private or public street.

LOT, CORNER - A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle or intersection does not exceed 135 degrees.

LOT, DEPTH OF - The mean distance from the front street line of a lot to its rear line.

LOT, THROUGH - A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

LOT COVERAGE - See "COVERAGE"

LOT FRONTAGE - A lot line which is coincident with the right-of-way line of a public road or which is measured 30 feet from the center line of a private road.

LOT LINES - The lines bounding a lot as defined herein.

LOT WIDTH - The width of a lot measured along the rear line of the required front yard.

MEDICAL CLINIC - A place where medical or dental care is furnished to persons on an out-patient basis by five (5) or more physicians who have common offices in a building which shall also offer laboratory and diagnostic facilities to patients on an out-patient basis and not just in conjunction with normal professional services.

MOBILE HOME - A dwelling unit bearing a seal issued by the Federal Department of Housing & Urban Development that is manufactured as a relocatable living unit, which is designed to be transported on a single permanent chassis and to be installed on a site with or without a permanent foundation when connected to utilities. This does not include Department or Motor Vehicle registered recreation vehicles, travel trailers or dwelling units that are prebuilt in one or more parts and transported to and assembled on a permanent foundation.

MOBILE HOME PARK - A contiguous parcel of land divided into two (2) or more lots, for sale or lease and which mobile homes are or will be placed for non-transient use.

MOTEL - A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, roadside hotel.

MOTOR VEHICLE SALES AND SERVICE AREA - A premises, including open areas, other than a street or way, and enclosed showrooms for the display and sale of new or used Department of Motor Vehicle registered automobiles, trucks, trailers, motorcycles and recreational vehicles, and where mechanical and/or body repairs may be conducted as an accessory use incidental to the primary sales use.

MUNICIPAL BUILDINGS - Any building established and operated by any governmental agency.

NON-CONFORMING USE - Any use of a building, other structure, or tract of land which does not conform to the use regulations for the district in which such use is located, either at the effective date of this Zoning Law or as a result of subsequent amendment thereto.

NURSING HOME - A building with sleeping rooms where persons are housed or lodged on a twenty-four (24) hour basis and furnished with meals and skilled nursing care licensed by the Department of Social Services.

OPEN SPACE - Area not occupied by any building, structure or parking area.

OPEN SPACE, COMMON - Area unoccupied by any building structure or parking area which is available to the general public.

PARKING LOT, COMMERCIAL - Any tract of privately owned land which is used for the storage of motor vehicles and is not accessory to any other use on the same or any other lot, and contains parking space rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

PARKING LOT, PRIVATE - Any tract of privately owned land which is used for the storage of motor vehicles and is accessory to a use on another parcel or lot, and contains parking spaces reserved or leased in some manner for that principal use only not the general public.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PARKING STRUCTURE (GARAGE, DECK) - Any privately owned structures in which motor vehicles may be parked or stored that is not accessory to any other use on the same lot, and contains parking spaces rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

PERSONAL SERVICE ESTABLISHMENT - A commercial operation, office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, tailor or dressmaker and including retail trade as is incidental/accessory to such service.

PLANNED MULTIPLE RESIDENCE DISTRICT - A form of residential development characterized by a unified site design, providing density increases, a mix of building types and common open space. It permits the calculation of densities over the entire parcel and involves additional requirements as set forth in Article 7.

PREMISES - A lot together with all the buildings and uses thereon.

PROFESSIONAL OFFICE - An office principally occupied by a licensed professional such as a physician, dentist, lawyer, engineer, architect, accountant, insurance or real estate agent, or similar occupation.

PUBLIC UTILITY - A business or service which is maintained, operated or conducted for the service, convenience, necessity, health, and welfare of the general public whether owned by a public utility corporation or privately; such as electricity, gas, water, or telephone service.

QUASI-PUBLIC USE - Churches, Sunday schools, parochial schools, colleges and other facilities of an educational, religious, or charitable nature.

REFLECTOR, SOLAR - A device for which the sole purpose is to increase the solar radiation received by the solar collector.

REPAIR SHOP, PERSONAL SERVICE - A store or other place of business at which is conducted the repair of personal customer items, such as shoes, clothing, jewelry, etc.

RESEARCH INSTITUTE OR LABORATORY - A building for experimentation in pure or applied research design, development, and production of prototype machines or device, or of a new product, and uses accessory thereto; with respect to the application of this Law.

RESIDENCES, RESIDENTIAL - A building, or any part of a building, which contains dwelling units for permanent occupancy. "Residence", therefore includes all one-family, and multi-family, boarding, fraternity and sorority houses. However, "residences" shall not include the following.

- a. transient accommodations, such as hotels, motels, and hospitals; or
- b. that part of a building containing both residences and other uses which are used for any nonresidential uses, except accessory uses for residences.

RESTAURANT, FAST FOOD - An establishment where food and/or beverages are sold in a form ready for consumption and where, by design or packaging techniques, all or a significant portion of the consumption can or does take place outside the confines of the building.

RESTAURANT, STANDARD - Any establishment, however designated, whose primary use in preparation and sale of food for consumption to patrons seated within an enclosed building or on the premises; such sales may include the incidental or accessory sale of alcoholic beverages. However a snack bar or refreshment stand at a public or quasi-public community swimming pool, playground, play field or park operated by the agency or group, or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

RETAIL USE - Business or commercial use or activity involving primarily the sale of merchandise or stock-in-trade to the public.

RIGHT-OF-WAY - The property under public ownership or easement normally used for movement of vehicles, and or persons, including, but not restricted to, any pavement area.

ROADSIDE STAND - A light structure with a roof, either attached to the ground or movable, not for year-round use and at which produce is offered for sale to the general public.

SATELLITE TELEVISION ANTENNA - An antenna the purpose of which is to receive television and/or radio signals from orbiting satellites.

SETBACK - The required distance in feet from:

- a. any survey boundary forming a lot or contiguous parcel;
- b. the right-of-way of a public street;
- c. a distance measured 25 feet from the centerline of a private street to any building on such lot.

SHOPPING CENTER - A building or group of buildings containing a combination of three (3) or more separate shops, stores or offices on a single lot providing primarily retail services with supporting service and office establishments.

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 lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking, or representation used as, or which is in the nature of, an announcement, direction or advertisement. A "sign" includes a billboard, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, campaign, drive, movement, or event which is temporary in nature.

SIGN, ACCESSORY - Other than the principal business sign which relates to the business or profession conducted or to a commodity or service sold or offered upon the premises.

SIGN, ADVERTISING - Directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all.

SIGN, AREA - The area within the shortest straight lines that can be drawn around the outside perimeter of a sign including all decorations and lights, but excluding the supports if they are not used for advertising purposes. Each separate face of a sign shall be counted as part of the sign area, except that any neon tube, string of lights, or similar device shall be deemed to have minimum dimensions of one foot within a sign.

SIGN, DIRECTIONAL - Directs travelers to essential services such as gas, food and lodging.

SIGN, ILLUMINATED - 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.

SIGN, DIRECTLY ILLUMINATED - Incorporates any artificial lighting as an inherent part of feature or which depends for its illumination on transparent or translucent materials or electricity or radio activated or gaseous material or substance.

SIGN, FLASHING - An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

SIGN, INDIRECTLY ILLUMINATED - A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

SIGN, PORTABLE - Any sign capable of being easily transported or moved by the property or business owner.

SIGN, PRINCIPAL BUSINESS - Means the primary sign or signs which direct attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign relating to the property on which it is displayed shall be deemed a "business sign".

SIGN, REPRESENTATIONAL - Any three-dimensional sign which is built so as to physically represent the object advertised.

SINGLE OWNERSHIP - Possession of land under single or unified control, whether by sole, joint, common or other ownership or by a lease having a term of not less than ten years, regardless of any diversion of such land into parcels for the purpose of financing.

SITE PLAN - Maps and supporting information required under Article 8.0 for uses as specified in Section 4.9, Use Regulation Table.

SOLAR COLLECTOR - A device, or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy, and that contributes to a structure's energy supply, and components for containing and supporting such device.

SOLAR COLLECTOR, DETACHED - A solar collector, as defined herein physically detached from the structure for which solar energy is to be supplied.

SOLAR ENERGY SYSTEM - A complete design or assembly consisting of a solar energy collector (herein called a solar collector), an energy storage facility (where used), and components for the distribution of transformed energy (to the extent that they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.

STORY - Portion of a building which is between one floor level and the next higher floor level or the roof.

STORY, HALF - That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one half the floor-to-ceiling height of the story below. An attic with a finished floor shall be considered a half story.

STREET - An existing public or private way which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on the official map and recorded in the office of the County Clerk. (See ALLEY).

STREET, LOCAL - A street or road designed primarily to provide access to abutting properties.

STREET, MARGINAL ACCESS - Those streets which are parallel to and adjacent to arterial streets and highways, and which provide access to butting properties and protection from through traffic.

STREET, PRIMARY - A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic areas.

STREET, PRIVATE - A drive that services or is designed to serve no more than two principal uses and is built to Village specifications that remains in the ownership of and is maintained by the developer or development association and is not dedicated to the Village.

STREET, PUBLIC - A road or street that serves three or more principal uses, that is built to Village specifications and is dedicated to the Village for maintenance.

STREET, SECONDARY - A public street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a primary street.

STRUCTURE - A static construction of building materials, framed of component structural parts for occupancy or use, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, fences, reviewing stands, gasoline pumps, mobile dwellings, and the like.

SUITABLE VEGETATION - Vegetation in sufficient quantity and of sufficient maturity so as to prevent erosion, maintain the general character of the area, and provide effective screening when such purpose is warranted.

SUITABLY LANDSCAPED - Landscaped with vegetation of a type sufficient to effectively screen differing uses, enhance the quality of the environment, limit erosion, and protect the general welfare.

SWIMMING POOL - An artificial pool of water having a depth at any point of more than thirty (30) inches and a surface area of greater than one hundred (100) square feet, designed or intended for the purpose of bathing or swimming and including all appurtenant equipment.

SWIMMING POOL, PRIVATE - A swimming pool operated as an accessory use to a residential dwelling unit or units and located on an individual residential lot or site.

SWIMMING POOL, PUBLIC - A public or privately owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

TOWNHOUSE - A building consisting of three or more attached single family dwelling units each having separate entrances and common vertical party walls. (See also **BUILDING, SEMIDETACHED**).

TRAILER, HOUSE - (See **MOBILE HOME**)

TRAILER, PARK - (See **MOBILE HOME PARK**)

TRAVEL TRAILER - A registered vehicle which is used, or designed to be used, for seasonal and/or temporary living or sleeping purposes, and which is customarily standing on wheels or rigid supports. A recreational vehicle (RV) is also considered a travel trailer.

TRUCKING TERMINALS - A building or part of a building or premises for the storage and/or transfer of goods, wares and merchandise for the owner or others by truck transport.

USE - This term is employed in referring to:

- a. the purpose for which any buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied;
- b. any occupation, business activity, or operation conducted in a building or other structure, or on land.

USE, PRINCIPAL - The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended or for which they may be used, occupied or maintained under this Law.

VEHICLE SALES AREA - A premises, including open areas, other than a street or way, and enclosed showrooms for the display and sale of new or used automobiles, trucks, trailers, motorcycles and/or recreational vehicles.

VEHICLE SALES AREA, HEAVY EQUIPMENT - A premises, including open areas, other than a street or way, and enclosed showrooms for the display and sale of new or used heavy farm machinery, vehicles, and/or construction equipment and vehicles that are not designed or intended for typical on-road use.

VETERINARY HOSPITAL - A building for the treatment of animal illness including facilities for boarding animals receiving treatment.

WAREHOUSE - A building or premises, for storing of goods, wares and merchandise, whether for the owner or for others, prior to shipment to final retail sales operation and whether it is a public or private ownership and use.

WAY - A thoroughfare, however designated, permanently established for passage of persons or vehicles.

WHOLESALES (STORE, BUSINESS, ESTABLISHMENT) - A business establishment engaged in selling to retailers or jobbers rather than directly to consumers.

WIND ENERGY CONVERSION SYSTEM (WINDMILL) - Any mechanical device designed for the purpose of converting wind energy into electrical or mechanical powers.

YARD, FRONT - An open area extending the full width of the lot situated between the street right-of-way and the building line projecting to the side lot lines.

YARD, REAR - An open area extending the full width of the rear lot line situated between the rear lot line and the building line projecting to the side lot lines.

YARD, REQUIRED - That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a setback depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

YARD, SIDE - An open area extending between the building line and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or rear lot line).

NOTE: WORDS AND PHRASES NOT HEREIN DEFINED SHALL BE GIVEN THEIR STANDARD DICTIONARY DEFINITIONS OR COMMON USAGE MEANING.

ARTICLE 3. ESTABLISHMENT OF DISTRICTS

Section 3.0 Application of Regulations

No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

Section 3.1 General Regulations

- A. No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards or side yards, than is specified herein for the district in which such building or structure is located.
- B. No part of a required yard or other open space about any building required for the purpose of complying with the provisions of this Law shall be included as part of a yard or other open space similarly required for another building.
- C. No lot shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than required by this Law.
- D. In their interpretation and application, the provisions of this Zoning Law shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.
- E. Any uses not specifically permitted shall be deemed to be prohibited.
- F. Regardless of any other provisions of this Law, or Chapter, any use that is noxious or offensive by reason of emission of odor, dust, noise, vibration, smoke, gas, fumes or radiation or which presents a hazard to public health safety, is prohibited.

Section 3.2 Zoning Districts

- A. In order to fulfill the purpose of this Zoning Law, the village of Addison establishes the following Districts:
 - R-1 - Residential - Low Density
 - R-2 - Residential - Moderate Density
 - R-3 - Residential - Mixed Density
 - R-T - Residential Transition
 - C - Commercial
 - CL - Commercial/Light Industrial
 - I - Industrial
 - P-C - Public/Conservation

- B. This Law also establishes flexible districts that may be applicable anywhere in the Village that specified criteria and conditions are met.

PMRD - Planned Multiple Residence District

Section 3.3 Zoning Map

The location and boundaries of said zoning Districts are hereby established on a map designated "Zoning Map of the Village of Addison", which maps are kept on file and will be available for public viewing in the office of the Village Clerk, and such maps are hereby declared to be part of this Zoning Law.

Section 3.4 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. Centerlines and Right-of-Way Lines

Where District boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way of such street, highway, public utility or watercourse is moved not more than twenty (20) feet.

B. Lot or Boundary Lines

Where District boundaries are indicated as approximately following the Village boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereby.

C. Parallel to Lot or Boundary Lines

Where District boundaries are so indicated that they are approximately parallel to the Village boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances there-from as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.

- D. District boundaries shall be determined by use of the scale of the zoning map. In no instances shall a district boundary be set at less than the minimum lot depth required in the Density Control Schedule.

- E. In the event of a questionable District boundary, the questionable boundary shall be referred to the Zoning Board

of Appeals, and they shall, to the best of their ability, establish the exact boundary.

- F. The copy of the Zoning Map showing any such determinations under this Section shall be on file at the office of the Village Clerk.
- G. Precise zone boundary determinations made by the Zoning Board of Appeals in accordance with the above rules shall be considered final and conclusive, and may only be altered by amendment of the Zoning Map by the Village Council.
- H. Lots Divided by Zoning District Lines

Where a lot is divided by a District boundary line, the regulations for each respective District shall apply except:

1. In all cases where a lot in one ownership, other than a through lot, is divided by a District boundary so that 50 percent or more of such lot lies in the less restricted District, the regulations prescribed for such less restricted District shall apply to the more restricted portion of said lot for a distance of 30 feet from the zoning District boundary. For purposes of this Law, the more restricted District shall be deemed that District which is subject to regulations which prohibit the particular use intended to be made of said lot or which regulations set higher standards with respect to setback, coverage, yards, screening, landscaping and similar requirements.
2. In all cases where a District boundary line is located not farther than 15 feet away from a lot line of record, the regulations applicable to the greater part of the lot shall be deemed to apply to the entire lot.

I. Buildings Divided by Zoning District Lines

Where a District boundary line divides a building existing on the effective date of this Law so that 50 percent or more of such building lies within the less restricted District, the regulations prescribed by this Law for such less restricted District (as defined in H above) shall apply to the entire building. Such provisions shall apply only if, and as long as, the building is in single ownership and its structural characteristics prevent its use in conformity with the requirements of each District.

ARTICLE 4. USE DISTRICTS

Section 4.0 Residential - Low Density (R-1)

Intent: To delineate those areas that are substantially undeveloped and/or where predominantly single-family detached, low-density residential development has or is likely to occur and to protect the integrity of these residential areas by

prohibiting the intrusion of any use that is not compatible with this predominant land use type and intensity.

Section 4.1 Residential - Moderate Density (R-2)

Intent: To delineate those areas where predominantly single-family detached, moderate density residential development and limited two-family development has or is likely to occur, and to protect the integrity of these residential areas by prohibiting the intrusion of any use that is not compatible with this predominant land use type and intensity.

Section 4.2 Residential - Mixed Density (R-3)

Intent: To delineate those areas where a combination of single-family detached, two- and multiple-family development has occurred on a variety of lot sizes and densities and to provide minimum regulations and controls on such development to ensure that any use in this district is compatible with the permitted types and intensity or density of use.

Section 4.3 Residential Transition (R-T)

Intent: To delineate those areas adjacent to existing business areas and/or situated along major transportation corridors which currently contain a mixture of residential densities along with non-retail business uses and to promote the continuation of a compatible mixture of uses to act as buffers between the intensive business uses/traffic and adjoining less intensive residential uses.

Section 4.4 Commercial (C)

Intent: To delineate those areas primarily utilized for retail, service, office and related business uses and to provide and promote a full range of such compatible uses to cater to the needs of the Village's population.

Section 4.5 Commercial Center (CC)

Intent: To delineate the center business core or district in the Village where a variety of retail and business use exist in a grouping of buildings and to promote the full development potential of this area by encouraging a mixture of compatible retail, business, service and office uses that are compatible with the existing scale and intensity of use while preserving the unique character of the area.

Section 4.6 Commercial/Light Industrial (C-L)

Intent: To delineate a currently undeveloped portion of the Village, that, due to its location, visibility and access, provides a unique opportunity for a mixture of compatible business and industrial uses, and to promote the development of such compatible uses through the provision of minimum, development guidelines.

Section 4.7 Industrial (I)

Intent: To delineate areas in the Village that are appropriate for, and, are currently devoted to, industrial uses, and to preserve these areas for further industrial and related uses which do not create any serious impacts to the environment and/or adjoining properties, and to regulate the development of such lands so that the uses will not be detrimental or hazardous to the Village or the citizens thereof.

Section 4.8 Public Conservation (P-C)

Intent: To delineate those areas of the Village that have been designated as floodway and that by such designation have a serious flooding hazard that is not consistent with development, and to preserve these areas from activities/development that are inconsistent with this flood threat.

Section 4.9 No building or premises shall be erected, structurally altered, or used, except as designated for that District in the Use Regulation Table which is attached hereto and made part hereof.

USE REGULATION TABLE

Key to Abbreviations:

- C - Commercial
- C-L - Commercial-Light Industrial
- CC - Commercial Center
- I - Industrial
- P - Permitted
- P-C - Public-Conservation
- P/S - Permitted in an existing structure at time of enactment of this Law/Site Plan approval required for any lot or building expansion and/or new construction
- R-1 - Residential-Low Density
- R-2 - Residential-Moderate
- R-3 - Residential-Mixed
- R-T - Residential-Transition
- S - Site Plan Approval Required
- No Letter - Not Permitted

RESIDENTIAL USE

DISTRICTS

	R-1	R-2	R-3	R-T	C	CC	CL	I	PC
Detached one-family dwellings	P	P	P	P					
Semi-detached one-family dwellings	P	P	P	P					
Two-family dwellings	P	P	P	P					
Multi-family dwellings			S	S					
Bed and Breakfast		S		S					
Boarding house				S					
Dwelling unit above first floor business				S		P/S			
Mobile Home, Single-lot									
Mobile Home Park			S						

ACCESSORY USES

	R-1	R-2	R-3	R-T	C	CC	CL	I	PC
Accessory use and structures customarily incident to any of the uses mentioned herein, and on the same lot	P	P	P	P	P/S	P/S	S		
Accessory use and structures use customarily incident to any of the uses mentioned herein, and not on the same lot	S	S	S	S	S	S	S	S	
Antennas <3' in diameter	P	P	P	P	P	P	P	P	
Antennas >3' in diameter	S	S	S	S	S	S	S	S	
Home occupation	S	S	S	S					
Parking lot, Private				S	S	S	S	S	
Wind energy/Conversion system	S								

GENERAL USES

DISTRICTS

	R-1	R-2	R-3	R-T	C	CC	CL	I	PC
Agriculture									P
Cemetery	S	S	S						
Church or place of worship	S	S	S	S	S	P/S			
Cultural facilities (library, museum, tourist attractions)	S	S	S	S	P/S	P/S	S		
Day Care, Family Home	P	P	P	P					
Nursery School/Day Nursery	S	S	S	S					
Governmental uses	S	S	S	S	P/S	P/S	S	S	
Hospital					P/S	P/S			
Non-profit club, membership		S	S	S	P/S	P/S			
Nursing (and convalescent) home	S	S	S	S					
Private, public schools	S	S	S	S	P/S	P/S			
Public parks and recreational uses	P	P	P	P	P	P	P	P	P
Public utility or transportation uses	S	S	S	S	P/S	S	S	S	

INDUSTRIAL USES

	R-1	R-2	R-3	R-T	C	CC	CL	I	PC
Contractor yard (and equipment storage)									
Vehicle Sales Area, Heavy Equipment					S		S		
Manufacture, fabrication, extraction, assembly, and other handling of material including offices and showrooms						S	S		
Research Laboratories							S	S	
Trucking Terminals							S		
Warehousing and wholesale and retail distribution centers including offices and showrooms					P/S		S	S	

BUSINESS USES

DISTRICTS

	R-1	R-2	R-3	R-T	C	CC	CL	I	PC
Amusement game center					P/S	P/S			
Antique and craft shops				S	P/S	S			
Art galleries		S		S	P/S	P/S			
Bank, Financial Institutions					P/S	P/S			
Bar and night club					P/S	P/S			
Barber and beauty shops				S	P/S	P/S			
Car wash					S	S			
Commercial Recreational					P/S	P/S	S		
Drive-in uses					S	S	S		
Dry cleaning business					P/S	S	S		
Funeral homes	S	S	S	S					
Garage service/repair					S	S	S		
Gasoline filling stations					S				
Gasoline/grocery service mart					S	S			
General business offices				S	P/S	P/S	S		
Hotel					P/S	P/S			
Motel					P/S				
Newspaper and publishing facilities					P/S		S		
Personal service establishments				S	P/S	P/S			
Photographic studios				S	P/S	P/S			
Professional offices				S	P/S	P/S	S		
Professional office building, medical clinic				S	P/S	P/S	S		
Recreation, Commercial					P/S	P/S	S		
Repair shops				S	P/S	P/S			
Restaurant - fast food					P/S	P/S	S		
Restaurant - standard					P/S	P/S	S		
Retail business and commercial uses other than listed above					P/S	P/S			
Self-service laundry					P/S	P/S			
Theater					S	S	S		
Vehicle sales (automobile, boat, recreational) and repair					S		S		

Section 4.10 Activities Prohibited in all Districts

- A. No effluent or matter of any kind shall be discharged into any stream or body of water which violates established stream standards of the New York State Department of Environmental Conservation or otherwise causes objectionable odors or fumes or which is poisonous or injurious to human, plant or animal life.
- B. The practice of soil stripping shall be limited to incidental filling of areas within the Village to bring them up to grade, except insofar as is necessary or incidental to excavations for cellars and other structures.
- C. No use shall be permitted which will produce corrosive, toxic or noxious fumes, glare, fire explosion, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration or other objectionable features so as to be detrimental to the public health, safety, or general welfare unless conducted under proper and adequate standards.
- D. Dumping or storage of material in a manner that facilitates the breeding of vermin or endangers health in any way shall not be permitted.

ARTICLE 5. AREA BULK REGULATIONS - DENSITY CONTROL

Section 5.0 Purpose

In order to provide adequate open spaces for access of light and circulation of air, to facilitate fire prevention and fighting of fires, to prevent undue concentration of population, and to lessen congestion on streets, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this Article.

Section 5.1 Density Control Schedule (Area and Bulk Schedule)

The attached schedule of density control regulations is hereby adopted and declared to be part of this Zoning Law and is hereinafter referred to as the "Village of Addison Density Control Schedule".

VILLAGE OF ADDISON DENSITY CONTROL SCHEDULE

DISTRICT	MINIMUM LOT AREA PER D.U. (S.F.)	MINIMUM LOT AREA PRINCIPLE USE		LOT WIDTH (FT.)	YARD REQUIREMENTS			MAX. LOT COVERAGE PERCENT	MAX. BLDG. HEIGHT	
		D.U.	USE		FRONT (FT.)	SIDE (FT.)	REAR (FT.)		FT.	STORY
R-1 SINGLE FAMILY (no water & sewer)	1 Acre	1 Acre	30,000	150	50	30/25	75	10	35	2
SINGLE FAMILY (w/ water & sewer)	20,000	20,000	30,000	100	50	15	75	20	35	2
TWO FAMILY (no water & sewer)	1.5 Acre	1.5 Acre		150	50	30	75	10	35	2
TWO FAMILY (w/ water & sewer)	30,000	15,000		100	50	15	75	20	35	2
R-2 SINGLE FAMILY	10,000	10,000	30,000	65	30	10	50	30	35	2
TWO FAMILY	15,000	7,500		65	30	10	50	30	35	2
R-3 SINGLE FAMILY	10,000	10,000	30,000	65	30	10	50	30	35	2
TWO FAMILY	15,000	7,500		65	30	10	50	30	35	2
MULTI-FAMILY	20,000	5,000		100	30	25	50	40	35	2
R-T SINGLE FAMILY	10,000	10,000	5,000	65	30	10	50	40	35	2
TWO FAMILY	15,000	7,500	5,000	65	30	10	50	40	35	2
OTHER PERMITTED	10,000	10,000	10,000	65	30	10	50	40	35	2
C	7,500		7,500	50	50	10	10	50	35	2
CC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CL	1 Acre	N/A	1 Acre	150	20	20	80	50	35	2
I	1 Acre	150	1 Acre	150	20	20	80	100	45	2
PC	3 Acres		3 Acres	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Section 5.2 Corner Lots

Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.

Section 5.3 Projections Into Required Yards

A. The following projections into required yards are permitted:

1. Open fire escapes - four feet into side or rear yards.
2. Awnings or movable canopies and overhangs - six feet into any yard.
3. Cornices, eaves, insulation walls and roofs, and other similar architectural features - three feet into any yard.

B. Apparatus needed for the operation of active or passive solar energy systems, including detached solar collectors, reflectors, piping or ductwork, and insulation necessary for efficient utilization thereof may be approved within required yard setbacks subject to site plan approval.

C. Any open or enclosed porch, deck or attached carport or garage shall be considered a part of the building in the determination of the size of the required yard or lot coverage.

D. Non-roofed paved terraces shall not be considered a part of the building.

E. Accessory uses and buildings may be located in accordance with Section 4.5.

Section 5.4 Compliance with Maximum Average Residential Density

A. In all Districts where residences are permitted, a lot held in single ownership may be improved for residential use according to the minimum lot size per dwelling unit and bulk regulations for the District as set forth in the Density Control Schedule provided that there shall be no more than one principal building and use on each lot except as provided herein. If two or more residential structures are proposed to be located on the same lot, the maximum average density requirement must be complied with and the lot shall be subdivided so as to provide adequate width and yards.

B. A building permit shall not be issued for any residential lot of required or larger than required size as set forth in this Zoning Law that has been reduced in size for transfer of ownership if such lot so subdivided will form one or more lots which shall be in compliance with the density requirement.

Section 5.5 Side Yards for Multi-Family Dwelling Units

Side yards for semi-detached, townhouses or multi-family dwelling units, where permitted, shall be required at the ends of the total structure only.

Section 5.6 Distance Between Principal Buildings on Same Lot

No detached principal building shall be closer to any other principal building on the same lot than the average heights of said buildings.

Section 5.7 Exceptions to Front Yard Requirements

If there are principal structures on both abutting lots with front yards of less than the required depth for the District, the front yard for the proposed lot need not exceed the average front yard of the abutting structures. If there is a principal structure on one abutting lot with a front yard of less than the required depth for the District, the front yard of the proposed lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

If there are principal structures on both abutting lots with front yards greater than the required depth for the District, or if there is a principal structure on one abutting lot with a front yard greater than the required depth for the District, the front yard for the lot shall be determined by averages as specified above.

Section 5.8 General Exception to Height Regulation

Projections such as chimneys, silos, spires, domes, elevator shaft housings towers, aerials, flagpoles, solar energy collectors and equipment used for the mounting and operation of such collectors, and other similar objects not used for human occupancy are subject to site plan approval prior to issuance of a building permit.

Section 5.9 Exceptions to Side Yard Requirement

Where the side wall of a building is not parallel to the side lot line or the side lot line is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall be less than the otherwise required minimum width; provided, however, that such yard shall not be narrower at any one point than one-half (1/2) the otherwise required minimum width.

Section 5.10 Through Lots

In the case of a lot running through from one street to another street or alley, the front of such lot shall, for the purposes of this Law, be considered that frontage upon which the majority of the buildings in the same block front, but in case there has been no clearly defined frontage established, the owner may, when applying for a building permit, specify on the permit application which lot line shall be considered the front line. The rear portion of such a lot shall, however, be treated as a lot front for the purposes of determining required setbacks and locations of permitted principal structures and uses.

ARTICLE 6. FLOOD DAMAGE PREVENTION DISTRICT

Section 6.0 Intent

The potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Addison and such damages may include: destruction or loss of private and public housing, damage of public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives of Local Law No. 1, dated July 11, 1988, will be enforced.

ARTICLE 7. PLANNED MULTIPLE RESIDENCE DISTRICT (PMRD)

Section 7.0 Intent

The provisions of this Article are intended to permit and encourage the development of well-planned, high density, residential neighborhoods or groups of residences on sites larger than normal building lots. To give the site planner maximum freedom, more intensive use of land may be permitted and the coverage, height, setback and other requirements may be varied under circumstances which will ensure more imaginative use of a building site than can be achieved under the other regulations of this Law. This District may contain both individual building sites and common property which is planned and developed as a unit. The Planned Multiple Residence Development shall be considered a re-zoning and shall be subject to all procedures and requirements set forth in this Article and Article 9.

Section 7.1 Permitted Uses

A. Principal Uses

Those uses as specified for the Multiple Residence District in Section 4.9, Use Regulation Table may be permitted in the PMR District.

B. Accessory Use

Accessory uses which are designed as an integral part of and for the exclusive use of the PMR development may be permitted as deemed appropriate by the Planning Board.

Section 7.2 Standards Governing Multiple Residence District

Any development proposal to be considered as a Planned Multiple Residence District shall conform to the following standards, which shall be regarded as minimum requirements, in addition to all applicable standards in other sections of this Law.

- A. This provision shall apply only to land designated as R-1, R-2, and C.

B. A tract, or parcel or lot or tracts, parcels or lots may be considered for a Planned Multiple Residence District if it shall contain an area of adjoining and contiguous land as specified below. Where an applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article, the Planning Board may consider projects with less lot area.

Minimum Land Area District
(Square Feet)

R-1	86,000
R-2	43,000
C	30,000
B-D	45,000

C. Density

The Planning Board shall determine in each case the appropriate dwelling unit density and place of such units on the parcel. The gross density shall in no Instance exceed one dwelling unit/2,500 S.F. of lot area as calculated using total parcel acreage.

D. All parcels shall be serviced by public water and sanitary sewer systems.

E. Buffer Areas

1. Buffer areas shall be required that are twice the minimum yard requirement from all external lot lines that do not front on an existing external street. Such buffer zone shall be landscaped so as to act as a visual screen as required by the Planning Board in conformance with Section 10.20.
2. No principal or accessory use or structure, including parking and loading areas, shall be permitted within the required buffer area.

F. Open Space

The development shall have dedicated for open space all undeveloped lands that are not included in any required buffer or yard area.

G. The development shall meet all applicable standards as set forth in Article 10.

Section 7.3

Special Provisions Applying to the Planned Multiple Residence District (PMRD)

A. In order to carry out the purpose of this District, a development shall achieve the following objectives:

1. A maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential residents at all economic levels.
 2. More useable open space and recreation areas.
 3. The preservation of trees and outstanding natural features.
 4. A creative use of land and related physical development.
 5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
 6. Be compatible with all applicable guidelines and standards set forth in Article 10.
- B. The tract of land for a project may be owned, leased or controlled either by a single person, or corporation or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- C. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas.
- D. In the event that the organization established to own and maintain common property, or any successor organization, fails to maintain such property in reasonable order, the Village Board of Trustees may cause such property to be maintained in accordance with the following procedure:

The Village of Addison may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) DAYS OF THE NOTICE.

At such a hearing, the Village may modify the terms of the original notice to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within 30 (thirty) days or any extension thereof, the Village, in order to preserve the

taxable values of the properties within the development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization, or to the residents and owners of the development to be held by the Village, at which hearing such organization, or the residents and owners of the development to be held by the village, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Village shall not, at the election of the Village, continue for a succeeding year.

If the Village shall determine that such organization is ready and able to maintain said common property in reasonable condition, it shall cease to maintain said common property at the end of said year. If the Village shall determine such organization is not ready and able to maintain said common property in a reasonable condition, the Village may in its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The cost of such maintenance by the Village shall be assessed at the same proportion as each unit's assessed value bears to the total assessment of the development.

- E. For the purposes of regulating the development use of property after initial construction and occupancy, any changes shall be subject to a site plan approval by the Planning Board. Properties lying in the PMRD are unique and shall be so considered by the Planning Board when evaluating those requests; and maintenance of the intent and function of the planned unit shall be of primary importance.

Section 7.4

Procedures for Establishing a Planned Multiple Residence District

- A. Any applicant wishing approval for a Planned Multiple Residence District shall submit his request to the Village Board and the Planning Board in the form of a concept site plan as defined in Section 8.2.
- B. Upon conditional approval of the concept plan by the Village Board and the Planning Board, the applicant shall submit an application for preliminary site plan approval to the Planning Board in conformance with the procedures and requirements set forth in Article 8.
- C. The Planning Board may, based on its review of the preliminary site plan, recommend to the Village Board that the proposal not be approved. Such recommendation shall

include a detailed explanation of the reasons for its finding. The Village Board shall not act contrary to the Planning Board's recommendation, except on a vote of three-fourths (3/4) of the members in favor of such proposal and shall state all reasons for such decision.

- D. If the proposal receives approval of a final site plan, the Planning Board shall forward to the Village Board its recommendation to modify the zoning law and establish the PMRD. The Planning Board's report shall include a statement of all conditions and covenants upon which the approval is contingent.
- E. Within 45 days of the receipt of the Planning Board's recommendation, the Village Board shall, in accordance with Article 14, advertise and hold a public hearing on the rezoning proposal. Within fifteen (15) days after such hearing the Village Board shall approve or disapprove the rezoning. The Village Board may attach such conditions and the approval as it deems necessary.

ARTICLE 8. SITE PLAN APPROVAL PROCEDURE

Section 8.0 Intent

The intent of site plan approval is to determine compliance with its objectives of this Law and with regard to those uses as specified in Section 4.9, Use Regulation Table, that may be permitted in the Village of Addison. The objective is to evaluate various land uses that may cause a conflict between existing and proposed uses or be in conflict with natural site conditions and thereby minimize the adverse affects concerning health, safety, and overall welfare of the residents of the community. The Planning Board, at its discretion, may waive the procedure.

Section 8.1 Authorization

The power to approve, approve with modification, or deny site plans for uses as required by the Section is vested in the Planning Board. Section 7.725 of the Village Law provides the legislative means for the Village Board to authorize the Planning Board to review and approve site plans. Prior to Issuing a building permit for the construction or expansion of any use as specified in Section 4.9, Use Regulation Table, a site plan and supporting documentation shall be submitted to the Planning Board for its review and approval. The Planning Board may require that the site plans be prepared by a licensed architect or engineer. Such requirement shall be based on the complexity of the site features and of the proposed structure(s) or land use as related to same.

Section 8.2 Concept Plan Conference

The concept plan submittal is optional. The purpose of the concept is to encourage the person applying for a use to consult early and informally with the Planning Board in order to save time and money and to make the most of opportunities for desirable development.

Section 8.2.1 Requirements

A concept plan, if prepared, shall be submitted in triplicate to the Planning Board. Before preparing a concept layout, the developer may discuss with the Planning Board, Code Enforcement Officer, or the Village Planning Consultant, the general requirements as to design of streets, reservations of land, drainage, sewerage, water supply, fire protection, and other improvements as well as procedural matters.

The Planning Board shall provide written comments on the concept plan of proposed development in relation to the applicable requirements of this Section, existing or potential development of the adjacent area, the Village Development Plan, and in the course of its review may consult with other interested public agencies. The concept plan shall include in as much detail as possible the following information:

A. An area map showing:

1. Applicant's entire holdings, that portion of the applicant's property under consideration for development and any adjacent parcels owned by the applicant.
2. All properties, their ownership and uses, subdivisions, streets, zoning districts, easements, and adjacent buildings within five hundred (500) feet of the applicant's property.

B. Site development map showing:

1. Existing natural features such as water bodies, watercourses, wetlands, wooded areas, individual large trees, flood hazard areas.
2. Zoning districts, school districts.
3. Easements
4. All existing man-made features.
5. All proposed buildings, man-made structures and public improvements.

C. A map of site topography (if appropriate).

D. A soils overlay, if general site grades exceed 15% of portions of the site have susceptibility to erosion, flooding or ponding.

Section 8.3 Preliminary Site Plan Application

Application for preliminary site plan approval shall be made in writing in triplicate to the Code Enforcement officer no less

than fifteen (15) days prior to a scheduled Planning Board meeting. The Code Enforcement Officer shall refer all preliminary site plan applications to the Planning Board for its review and approval. For the purposes of this Section, the submission date shall be the date of the first regular Planning Board meeting following submission to the Code Enforcement Officer.

Section 8.4 Preliminary Site Plan Requirement

The preliminary site plan application shall include the information listed below. The Planning Board may, at its discretion, waive any preliminary requirements which are clearly not relevant to the proposed use and site.

- A. An area map showing that portion of the applicant's property under consideration for development, any adjacent parcels owned by the applicant, and all properties, their ownership, uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within five hundred (500) feet of applicant's property.

- B. A preliminary site plan shall include the following information:
 - 1. Title of drawing, including name and address of applicant.
 - 2. North point, scale and date.
 - 3. Boundaries of the project plotted to scale of not more than one hundred (100) feet to one (1) inch on a survey map prepared by a New York State licensed surveyor.
 - 4. Existing natural features such as watercourses, water bodies, wetlands, wooded areas and individual large trees (30" DBH). Features to be retained should be noted.
 - 5. Existing and proposed contours at intervals of not more than five (5) feet of elevation.
 - 6. Location of proposed land uses and their areas in acres and location, proposed use and height of all buildings.
 - 7. Location of all existing proposed site improvements, including streets, drains, culverts, retaining walls, fences and easements, whether public or private.
 - 8. Description of sewage and water systems and location of such facilities.
 - 9. Location and proposed development of buffer areas and other landscaping.
 - 10. Delineation of the various residential areas, if applicable, indicating for each such area its general extent, description and composition of dwelling unit type, and a calculation of the residential density in dwelling units per square footage for each such area.
 - 11. Location of all parking and truck-loading areas, with access and egress drives thereto.
 - 12. Location, design and size of all signs and lighting facilities.
 - 13. The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space.

14. Building orientation and site design for energy efficiency.
 15. Location and design of all energy distribution facilities, including electrical, gas and solar energy.
 16. Grading and erosion plan:
 - description and location of control measures including proposed location of sediment sink/settling pond and interceptor swales, etc.
 17. Location and design for storm water management facilities.
 18. Drainage report including supporting design data and copies of computations used as a basis for the design capacities and performance of drainage facilities.
 19. The lines and dimensions of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the development.
- C. The Planning Board may require such additional information that appears necessary for a complete assessment of the project.
- D. The Planning Board review of the preliminary site plan shall include, but is not limited to, the following considerations:
1. Adequacy and arrangement of vehicular traffic access and circulation.
 2. Location, arrangement and sufficiency of off-street parking and loading.
 3. Location, arrangement, size and design of buildings, lighting and signs.
 4. Relationship of the various uses to one another and their scale.
 5. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between adjacent use and adjoining lands.
 6. Adequacy of storm water and sanitary waste disposal.
 7. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding and/or erosion.
 8. Compatibility of development with natural features of the site and with surrounding land uses.
 9. Adequacy of flood proofing and prevention measures consistent with Flood Damage Prevention District regulations.
 10. Adequacy of building orientation and site design for energy efficiency. The extent to which the proposed plan conserves energy use and energy resources in the community including the protection of adequate sunlight for use by solar energy systems.
 11. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
 12. Adequacy of pedestrian access, circulation, convenience and safety.

In their review of a preliminary site plan, the Planning Board may consult with the Code Enforcement Officer, Department of

Public Works, Fire Commissioners, other local and county officials, and its designated private consultants, in addition to representatives of federal and state agencies including, but not limited to, the Soil Conservation service, the State Department of Transportation and the State Department of Environmental Conservation.

Section 8.5 Public Hearing

Upon the Planning Board's certification that the preliminary site plan application is complete and satisfactory, a public hearing shall be scheduled within sixty (60) days from the time of such certification. For the purpose of this Law, the submission date shall be taken as the date of the first regular Planning Board meeting following submission of the preliminary site plan to the Code Enforcement Officer. The hearing shall be advertised at least five (5) days prior to the scheduled date in a newspaper of general circulation in the Village.

Section 8.6 Notification of Decision on Preliminary Site Plan

Within sixty (60) days of the public hearing at which a preliminary site plan is considered, the Planning Board shall act upon it. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, conditionally approved, or disapproved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report. The Planning Board's statement may include recommendations as to the desirable revisions to be incorporated in the final site plan application. If the preliminary layout is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the proposal and resubmission of the preliminary site plan.

Section 8.7 Final Site Plan Application

After receiving approval, with or without conditions, from the Planning Board on a preliminary site plan, and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare a final site plan and submit it to the Planning Board for its review and approval. However, if more than six (6) months have elapsed between the time of the Planning Board's report on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revisions prior to accepting the proposed final site plan for review. The final site plan shall conform to the approved preliminary site plan, and shall incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. All compliances shall be clearly indicated by the applicant.

Section 8.8 Notification of Decision On Final Site Plan

Within sixty (60) days of the submission of the final site plan, the Planning Board shall render a decision.

- A. Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements.
- B. Upon disapproval, the Planning Board shall so inform the Code Enforcement Officer and he shall deny a building permit. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.
- C. Specifications for improvements shown on the site plan shall be those set forth in this Law and in other laws, ordinances, rules and regulations, or in construction specifications of the Village of Addison.

Section 8.9 Appeal

The applicant or any interested person may appeal a decision of the Planning and Zoning Commission. The appeal shall be made to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.

ARTICLE 9. DEVELOPMENT GUIDELINES AND GENERAL PROVISIONS

Section 9.0 General

The Planning Board, in reviewing a site plan, shall be guided by the considerations and standards presented in this Article. In the review, they shall take into consideration the prospective character of the development and require improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, or welfare. For permitted uses the Code Enforcement Officer shall ensure compliance with this Article and any other applicable ordinances, articles or sections.

Section 9.1 Lots and Blocks

- 9.1.1 Lot Size and Arrangement - The dimensions and arrangements of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such lots or in securing building permits to build. In general, side lot lines shall be at right angles or radial to street lines, unless a variation from this can be shown to result in a better plan.
- 9.1.2 Access - Insofar as possible, lots shall not derive access from a primary street. Access to lots adjacent to a primary street shall, in general, be from marginal access streets or other

streets within the development. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, which shall be subject to the same design criteria and review as all other storm water drainage facilities in the development.

Section 9.2 Street, Road and Pavement Design

9.2.1 Street Arrangement

- (a) Street systems shall be designed with due regard to the needs for: convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal, and street maintenance equipment; and stormwater drainage and sewage disposal. Streets shall be designed to accommodate the prospective traffic, and so arranged as to separate through traffic from neighborhood traffic insofar as it is practicable.
- (b) The streets in contiguous developments shall be coordinated so as to compose a convenient system. Where a development adjoins undeveloped land, its streets shall be laid out so as to provide suitable future street connections with the adjoining land where the latter shall be developed. A street thus temporarily dead-ended shall be constructed to the property line and shall be provided with a temporary turn-around of the same dimensions as for permanent dead-end streets if in excess of 200 feet, with a notation on the construction plat providing for temporary easements for the turn-around until such time as the street is extended.
- (c) Streets shall be logically related to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.
- (d) Where a development abuts on or contains an existing or proposed primary street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with or without rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (e) Where a development borders or contains an existing or proposed railroad right-of-way or controlled access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential Districts, or for business, commercial or industrial purpose in appropriate Districts. Such distances shall also be

determined with due regard for the requirements of approach grades and future grade separations.

- 9.2.2 Standards for Street Designs - All streets shall be designed and constructed to conform to New York State and Village specifications. The Superintendent of Public Works shall approve all street design and construction.
- 9.2.3 Dead-end Streets - Where a street does not extend to the boundary of the development and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance sufficient to accommodate a lot meeting the requirements of this Law. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. However, the Planning Board may require the reservation of an easement fifteen (15) wide for pedestrian traffic or utilities. A turnaround of a minimum right-of-way radius of fifty (50) feet shall be provided at the end of any permanent dead-end street. For greater convenience to traffic and more efficient police and fire protection, the length of permanent dead-end streets shall be limited to six (6) times the minimum lot width for the zoning district, such length to be measured to the center point of the turn-around.
- 9.2.4 Sidewalks - Concrete sidewalks at least four and one-half (4^{1/2}) feet wide may be required on both sides of all streets. They may also be required within pedestrian easements through blocks to provide a system of pedestrian walkways to schools, parks and other community facilities. Sidewalks should be one foot from the property line inside the right-of-way, unless the adjacent street is a state or county highway, in which case the sidewalk shall be placed adjacent to and outside of the right-of-way. Sidewalks within pedestrian easements shall be generally centered within the easement.
- 9.2.5 Trees - The developer shall take adequate measures to preserve existing trees in suitable locations within the development. Street trees shall be planted on both sides of the street within the R-O-W between the sidewalk and the curb at intervals of approximately fifty (50) feet, subject to location of driveways, street intersections, or other features. In general, the street right-of-way shall be cleared of existing trees, but occasional existing trees of unusual value (30" DHB) may be preserved within the street right-of-way as approved by the Planning Board.
- 9.2.6 Street Names and Signs - All streets shall be named, and such names shall be subject to the approval of the Planning and Zoning Commission. A street which is a continuation of an existing street shall bear the same name. Relating street names to features of local historical, topographical, or other natural interest is encouraged. Street signs shall be provided by the developer at all intersections and shall be of a type approved by the Village Board.
- 9.2.7 Street Improvements - General - In addition to the required improvements specifically referred to elsewhere in these

regulations, plans shall provide for all other customary elements of street construction and utility service which may be appropriate in each locality as determined by the Village. Such elements may include, but shall not be limited to, street pavements, gutters, stormwater inlets, manholes, curbs, sidewalks, street lighting standards, water mains, fire hydrants, fire alarm signal devices, and sanitary sewers. Underground utilities within the street right-of-way shall be located as required by the Village and underground service connections to the property line of each lot shall be installed before the street is paved. All street improvements and other construction features of the development shall conform to municipal specifications which may be established from time to time and shall be subject to approval as to design, specifications, and construction by the Village Superintendent of Public Works.

9.2.8 Widening of Existing Street Right-of-Way - Where a development adjoins an existing street which does not conform to the Village's right-of-way standards, the Planning and Zoning Commission may require that additional right-of-way width as necessary be provided, on the development side of the normal street centerline, a width which is equal to at least one-half of the minimum standard width for the respective type of street.

9.2.9 Typical Street Section - The typical section approved by the Village Superintendent of Public Works shall be used for all streets. Pavement and R-O-W widths may vary with type of use.

Section 9.3 Off-Street Parking

9.3.1 General Requirements - It shall be the responsibility of the owner of a property to provide the off-street parking spaces required in the listing below for any use which is erected, enlarged, or structurally altered after the effective date of this Law.

- (a) It shall be the responsibility of the owner of a property to provide the off-street parking spaces required in the listing below for any use which is erected, enlarged, or structurally altered after the effective date of this Law.
- (b) A parking space shall be a minimum of 9 feet by 18 feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to street or alley.
- (c) No exit or entrance drive connecting a parking area and a street shall be permitted within thirty (30) feet of the intersection of two public rights-of-way.
- (d) Where appropriate, the Zoning Board of Appeals may, upon the presentation of evidence, vary the number and circumstances of the following parking space requirements, in order that the general welfare be served and the prospective uses be equitably treated.

- (e) In stadiums, churches, and other places of assembly, in which patrons or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating facilities shall be counted as one seat.
- (f) The lighting of off-street parking lots shall not be directed into adjacent properties.
- (g) If the uses, structures or parcels are under separate ownership, the right to join use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
- (h) Off-street parking lots in residential areas shall be restricted to non-commercial vehicles only and the use of the area by commercial vehicles, house trailers, buses and other motorized equipment not of a residential passenger carrying nature, shall be prohibited.
- (i) Permitted commercial and business uses located in existing structures in the Commercial Center District shall not be subject to the off-street parking requirements of this section. Except that new construction and/or expansion of any existing structures within said District shall conform to the requirements of this section.

9.3.2 Required Off-Street Parking Spaces - The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings or structures, or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures, as follows:

- (a) Single-Family Dwelling Unit - one space.
- (b) Two-Family Dwelling Unit - two spaces.
- (c) Multi-Family Dwelling Unit - one and one-half spaces per each dwelling unit.
- (d) Hospitals, Nursing Homes - one space for each employee on major shift plus .25 spaces per bed.
- (e) Tourist Home, Bed and Breakfast, Rooming House - one space for each bedroom that is rented within the facility.
- (f) Motels/Hotels - one space for each unit plus one space for every 4 employees plus one space per 150 sq. ft. net area of restaurants and assembly rooms.
- (g) Offices - General, Retail, Professional - one space for each 300 sq. ft. of gross floor area over 1,000 sq. ft. in conformance with sub-section 9.3.1(i) above.
- (h) Retail Establishments, Funeral Homes, Veterinary Hospitals, Banks, and Related Commercial Establishments of a Personal

Service - one space for each 300 sq. ft. of gross floor area over 1,000 sq. ft. in conformance with sub-section 9.3.1(i) above.

- (i) Restaurants - one space for each 90 sq. ft. of customer floor area.
- (j) Conference/Convention Centers, Commercial Recreation, Private Membership Clubs - one space for every 150 sq. ft. of public assembly space.
- (k) Roadside Stands - one space for every 50 sq. ft. of area devoted to selling or display.
- (l) Nursery and Elementary Schools - one space per employee plus two additional spaces per classroom.
- (m) High Schools and Colleges - five spaces for each classroom.
- (n) Churches, Temples, Auditoriums, Theaters - one space for every four seats.
- (o) Industrial Uses
 - (1) One space for each 800 sq. ft. of floor area devoted to manufacture including printing, publishing, and laundry or dry cleaning plants.
 - (2) One space for each 1,500 sq. ft. of floor area devoted to storage or stationary operating equipment.
 - (3) One space for each 3,000 sq. ft. of area devoted to outside storage, including used car lots and equipment rental or sales yards.
 - (4) For any industrial use, one space for each company vehicle.

9.3.3 Calculation of Required Spaces

In the case of combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.

9.3.4 Dimensions for Off-Street Automobile Parking Spaces and Lots

Every such space provided shall be at least 10 feet wide and 20 feet long, and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:

- (a) Parallel Club Parking: 5 feet end to end with 12 foot aisle width for one directional flow and 24 foot aisle width for two directional flow classrooms.
- (b) 30 Degree Parking: 13 foot aisle width for one directional flow and 24 foot aisle width for two directional flow.

- (c) 45 Degree Parking: 16 foot aisle width for one directional flow and 24 foot aisle width for two directional flow.
- (d) Perpendicular Parking: 24 foot aisle width for one directional and two directional parking.

9.3.6 Location of Required Parking Spaces

- (a) Residential District: Required automobile parking spaces shall be provided on a buildable portion of the same lot. This space shall be graded for parking use and readily accessible from the street.
- (b) Business and Industrial Districts:
 - (1) Such spaces shall be provided on the same lot, or not more than 400 feet therefrom provided that the criteria in subsections 9.3.1(g) and 9.3.6 are met.
 - (2) Vehicles and equipment for display or for sale shall not be parked or stored within the required front yard.
 - (3) Where such parking is situated adjacent to a residential use, it shall be set back a maximum of six (6) feet from the residential lot line, and an adequate landscape buffer in conformance with Section 9.20 shall be provided within such setback area.

9.3.7 Off-Street Parking Waiver

Off-street parking requirements may be waived in whole or in part upon finding by the Planning Board that:

- (a) Adequate public off-street parking facilities are available within 400 feet of the lot containing the subject use.
- (b) Evidence of satisfactory off-site parking arrangements in compliance with subsection 9.3.1(g).

9.3.8 Construction of Parking Areas

All off-street parking areas, with the exception of single family residences, shall meet the following construction standards:

- (a) Be paved with a suitable all-weather, dust-free surface. The individual spaces shall be visibly marked with paint or other durable material.

9.3.9 Landscaping

At least 8 percent of the area of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened adequately, as set forth in Section 9.20, from the adjoining property. All

parking areas and landscaping shall be properly maintained thereafter in a sightly and well kept condition.

Section 9.4 Off-Street Loading and Unloading Requirements

In all Districts, except the Commercial Center District, a lot or structure which is to be occupied by manufacturing, commercial, business or other similar uses requiring the receipt and distribution by vehicles of materials or merchandise; there shall be provided and maintained, on said lot, off-street loading berths as specified below:

9.4.1 Required Loading Berths - The following shall be considered minimum requirements:

Use	Gross Floor Area (Sq. Ft.)	Loading and Loading Berth
Retail Store, Wholesale Establishments	3,000 - 15,000	1
Storage Uses, Other Commercial Uses	15,000 - 40,000	2
	Each 25,000 additional	1 additional
Motels, Hotels, Office Buildings	90,000 or less	1
	90,000 - 300,000	2
	Each 200,000 additional	1 additional
Industrial	15,000 or less	1
	15,000 - 40,000	2
	40,001 - 90,000	3
	Each 40,000 additional	1 additional

The Planning Board may modify the above requirements based on scale of operation in the site plan approval process.

9.4.2 Dimensions of Loading Berths - Each loading berth, either open or enclosed, shall be 55 feet long, 12 feet wide and 14 feet high; businesses utilizing vehicles not larger than panel trucks may have berths which are not smaller than 20 feet long, 10 feet wide and 8 feet high.

9.4.3 Location of Berths - The Planning Board shall require that berths are located in such a way as not to unreasonably interfere with the movement of people and vehicles on public ways and within on-site parking. The Planning Board may allow use of a public alley to satisfy loading berth requirements.

9.4.4 Landscaping as required in Section 9.3.8.

Section 9.5 Accessory Buildings and Uses

9.5.1 Accessory Buildings - Accessory buildings not attached to principal buildings shall comply with the following:

- (a) All structures 81 sq. ft. or more in size shall require a building permit.

- (b) Shall only be located on the same lot as the principal use stated in the Density Control Schedule.
- (c) Shall only be located in a rear or side yard in compliance with the following scheduling:
 - (1) All residential Districts:
 - Side Yards: Minimum 3'
 - Rear Yards: Minimum 3'
 - (2) C, C-L, B-D, I Districts:
 - Side Yard: No minimum
 - Rear Yard: No minimum
 - (3) Where any CC, C, C-L, or I District abuts an existing residential use and/or a Residential District, any accessory building shall be located a minimum of one-half (1/2) the distance specified in the Density Control Schedule for principal structures.
- (d) Be located no closer to the principal building than twelve (12) feet or a distance equal to the height of each accessory building whichever is greater.

9.5.2 Accessory Uses - In a Residential District, accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be erected only on the same lot as the principal structure, shall not be located in front yard on such lot; and shall be located not less than six (6) feet from any lot line and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.

Swimming pools shall be located and installed in conformance with the NYS Uniform Fire Prevention Building Code and any other applicable state regulations. Such facilities shall be fenced in accordance with said regulations.

9.5.3 Where 25% or more of the lots in a block are occupied by buildings, the average yard dimensions, average of lot coverage of such buildings and the average side and rear yard setback shall determine the yard set-back and coverage requirements for any new accessory building or use, within the block. Or where not standard block exists the word "block" as used above shall be interpreted to mean those structures within 250 feet of either side of the lot in question, on the same side of the street. The average set-back shall be based on no fewer than two similar uses.

9.5.4 Special Designs - In cases where a developer has designed a grouping of buildings, the Planning Board may approve the siting of accessory buildings such and garages and carports in the front yard, provided that the buildings are in compliance with all required setbacks.

Section 9.6 Sign Regulations

No sign or other outdoor device for the purpose of advertising of any kind may be erected or established in the Village except in conformance with the standards in this section.

9.6.1 General Provisions

- (a) Except as provided in Section 9.6.2, all signs require a building permit and shall comply with applicable regulations of the NYS Uniform Fire Prevention and Building Code.
- (b) No permanent or temporary sign shall be erected or placed at or near the intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words, "Stop", "Look", "Drive-In", "Left", or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic.
- (c) No building mounted sign shall be placed or erected above the maximum elevation of the main roof line of a building.
- (d) Except as provided in Section 9.6.5, no permitted freestanding sign shall be more than twenty-six (26) feet in height above the average finished grade of the ground of the parcel on which the sign is located.
- (e) All free-standing signs shall be set back a minimum of ten (10) feet from any lot line. All such signs shall also be set back a minimum of ten (10) feet from the right-of-way of NYS Route 417.
- (f) The provisions of this section shall not apply to safety signs, road signs, historical markers or highway directional signs erected by municipal or public agencies.
- (g) Illumination of signs shall not be intermittent or of varying intensity, and may not produce excessive glare beyond the property lines.
- (h) Signs with moving parts are not permitted, except public service signs (such as time and temperature) and interior signs which do not constitute a traffic hazard as approved by the Village Board.
- (i) Signs projecting into a public right-of-way shall be a clearance of not less than ten (10) feet above the sidewalk or surrounding ground and not less than fifteen (15) feet above any public driveway or thoroughfare.
- (j) Portable signs may be allowed for special non-business and business applications for a time period not to exceed four (4) weeks.
- (k) Advertising signs as defined herein shall be prohibited.

9.6.2 Signs Permitted In Any District

No building permit shall be required for the following signs which shall be permitted in any district.

- (a) Real estate signs - maximum eight (8) square feet for individual residential uses, and maximum thirty-two (32) square feet for business and industrial uses, and subdivisions.
- (b) Residence, professional or business name plate - maximum two (2) square feet.
- (c) Memorial signs or tablets.
- (d) Temporary signs denoting architect, engineer, contractor, etc., when placed upon the premises where the construction is proposed or underway. Such signs shall be removed within thirty (30) days after construction is complete.
- (e) Traffic or other municipal signs, legal notice and such temporary or non-advertising signs for government purposes.
- (f) Temporary posters, non-permanent banners and similar devices may be displayed for political, community and sporting events, shows and elections. Such signs shall not be displayed for longer than four (4) weeks prior to and two (2) weeks following the event.
- (g) All signs, certificates and licenses that are mandated to be on display by any local, county, state or federal law or authority.
- (h) Two (2) signs each not exceeding four (4) square feet in area, indicating or calling attention to traffic entrances and exits, provided that, if illuminated, such illumination shall cease at the close of business hours or 11:30 p.m., whichever is later. Such signs shall not carry any advertisement, insignia or business logo nor shall they be nearer than five (5) feet to any lot line and shall not project more than four (4) feet above the grade.
- (i) Any signs displaying directional arrows or language to direct customers to certain services provided by a business, provided that such signs do not carry any advertisement, insignia or business logo nor shall they be nearer than five (5) feet to any lot line and shall not project more than four (4) feet above the grade.

9.6.3 Agriculture and Residential Districts

- (a) Apartment complexes and subdivision identification signs may be displayed which do not have a total face area of more than thirty (30) square feet.
- (b) A dwelling unit, in which a home occupation is permitted, may display a sign noting such occupation. Such sign shall

be mounted flat against a wall of a dwelling unit and shall be no more than two (2) square feet in area.

- (c) Civic, religious, educational, institutional, social and membership clubs, and similar uses may display one (1) identification sign and/or bulletin board incidental to the use. The aggregate total face area of such sign shall not exceed thirty-two (32) square feet.

9.6.4 Central Commercial District

(a) Types of Permitted Signs

The following signs are permitted in this District:

- (1) Flat Facade - signs placed flush with the building.
- (2) Projecting - signs placed on a pole or similar device perpendicular to the building. Such signs shall have a clearance of eight (8) feet and extend a maximum of five (5) feet from the facade.
- (3) Window Lettering - signs displayed, painted and/or affixed to the window.
- (4) Awning - signs displayed, printed, painted and/or affixed to an awning.
- (5) Detached Sidewalk - signs, otherwise referred to as sandwich boards, placed within three (3) feet of the curb so as not to obstruct pedestrian traffic. Sidewalk signs shall be temporary in nature and will not be considered as part of the maximum aggregate signage total allowable under this section.

(b) Location and Number of Signs

Combinations of sign types are permitted per the following guidelines:

- (1) Front Facade - maximum of three (3) signs per street-level business. Additional window lettering signs shall be permitted per each upper level business.
- (2) Rear Facade - maximum of two (2) signs.
- (3) Side Facade - where a building side facade faces a street or parking lot, a maximum of one (1) sign.

(c) Size of Signs

(1) Principal Business Signs

The total display area of all signage shall not exceed an area equal to 1.5 square feet of sign area per each lineal foot of building frontage or 150 square feet, whichever is the lesser.

(2) Accessory Signs

May be displayed at each establishment provided that such signs conform with the following:

i. Signs may be exhibited in any window area provided that the display area does not exceed thirty (30) percent of each window area.

ii. Location and Number of Signs

A maximum of three (3) principal business signs may be displayed for each business.

iii. The aggregate total display area of all such signs does not exceed an area equal to .5 square feet per lineal foot of building frontage.

9.6.5 Commercial and Industrial District Uses

(a) Types of Permitted Signs

Except as provided in subsection (b), below, each business shall be permitted to display principal business signs of the types as defined in Section 9.6.4(b).

(b) Location and Number of Signs

A maximum of three (3) principal business signs may be displayed for each business.

(c) Size of Signs

i. Principal Business Signs: The total display area of all signage shall not exceed an area equal to 1.5 square feet of sign area per each lineal foot of building frontage or 200 square feet, whichever is lesser. In no instance shall a single face of a sign exceed 100 square feet.

ii. Accessory Signs: May be displayed at each establishment provided that such signs conform to the following standards:

(1) Signs may be permitted in any window area provided that the total display area does not exceed thirty (30) percent of the window area.

(2) Additional signs may be located on the building facade or on certain merchandise displays as may be appropriately stored outside.

(3) The aggregate total display area of all such signs shall not exceed an area equal to .5 square feet per lineal foot of building frontage.

iii. Portable signs may be used as a part of the permitted total accessory sign square footage providing that the following minimum standards are met:

- (1) All such signs shall be adequately attached to the ground to withstand wind loads as per the Building Code.
- (2) All such signs shall conform to the Building Code.
- (3) All such signs shall be located in conformance with the required setbacks as set forth in Section 9.23.1(e).
- (4) All such signs shall be maintained in a reasonable manner and shall display a message. Failure to display a message for one week or more shall be grounds for removal.

9.6.6 Plaza and Mall Signs

Where three (3) or more business uses are combined in a single structure and/or common grouping of structures sharing parking and related facilities, the following sign provisions shall apply:

- (a) No more than two (2) free-standing or projecting principal business signs may be displayed identifying the plaza or group of business names. Each sign may have a maximum total aggregate face area of up to 200 square feet, with no single face greater than 100 square feet.
- (b) One directory sign identifying each business located within the plaza may be displayed. The total aggregate face area of such sign shall not exceed one hundred (100) square feet and each business name identified on said sign shall be of uniform size.
- (c) Each business in the plaza or grouping shall be allowed to display one (1) facade mounted principal business sign. Said sign shall not exceed ten percent (10%) of the front building facade. Establishments with more than one front facade visible may have up to two (2) such signs with the maximum area calculated as herein described.

9.6.7 Commercial-Light Industrial District

- (a) A maximum of two (2) principal business identification signs, one (1) free-standing with a maximum of two (2) display faces and one (1) facade, mounted may be displayed on the same lot as the business with which they are associated. The total display area of all display faces of such signs shall not exceed four hundred (400) square feet. In no instance shall a single display face of either sign exceed two hundred fifty (250) square feet and the height of such sign shall not exceed forty (40) feet above ground elevation.

(b) Accessory signs may be displayed at each establishment provided that such signs conform with the following:

- (1) Signs may be exhibited in any window area provided that the display area does not exceed thirty (30) percent of each window area.
- (2) Additional signs may be located on the building facade or on certain displays as may be appropriately stored outside.
- (3) The aggregate total display area of all such signs does not exceed an area equal to .75 square feet per lineal foot of building frontage.

9.6.8 Directional Signs

Directional signs shall only be permitted in the Commercial and Industrial Districts and along state and county routes within the Village in conformance with the following:

- A. Maximum area - two (2) square feet.
- B. Two (2) signs per establishment, maximum.
- C. Maximum height - fifteen (15) feet.

9.6.9 Removal of Certain Signs

Any sign now or hereafter existing which no longer advertises a bonafide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within sixty (60) days after written notification from the Code Enforcement Officer, and, upon failure to comply with such notice within the time specified in such order, the Code Enforcement Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

Section 9.7 Driveway Standards

No person, firm or corporation shall construct or locate any driveway entrance of exit into a street in the Village of Addison without having first met the provisions of this section.

- A. All work and materials shall be furnished as required to meet the conditions set by the Superintendent of Public Works and County and State Highway Departments.
- B. No alteration or addition shall be made to any driveway without first securing permission from the Superintendent of Public Works.
- C. As a general guideline, no driveway shall have an average grade that exceeds 10 percent.

- D. No more than two driveways to a single commercial establishment entering on one street shall be permitted.
- E. No commercial drive shall be located within 40 feet of any intersection.
- F. The maximum width for a single combined entrance or exit shall be not more than 20 feet for residential use and not more than 30 feet for a one-way, single entrance commercial use, or 50 feet for a two-way, double entrance commercial use.
- G. The driveway shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff. In addition, as specified by the appropriate Superintendent of Public Works, a catch basin at a point near the intersection of the driveway and street may be required. This will prevent surface water and debris from being discharged onto the street.

Section 9.8 Fences and Walls

Fences and walls are permitted as follows:

- A. Where the driveway meets the street a hedge, wall or planting shall not exceed two and one-half (2 1/2) feet in height to within eight (8) feet of the right-of-way.
- B. In any use, the minimum clear vision distance shall be twenty-five (25) feet from the edge of the pavement at an intersection.
- C. Fences, walls, hedges or screen plantings may be required, as specified elsewhere in this Law for multi-family, commercial or industrial uses, as is necessary to protect the residential quality of adjacent property as specified in Section 9.22.
- D. Height Restrictions:
 - 1. Residential Districts:
 - (a) Maximum height of four (4) feet shall be allowed for fences and/or walls located in a front yard at a street intersection; fences or walls located in a front yard at a street intersection shall be constructed of materials that shall not hinder clear vision in conformance with Section 9.9.B.
 - (b) Maximum height of six (6) feet shall be allowed for all fences located in side and rear yards; fences or walls located in a front yard at a street intersection shall be constructed of materials that shall not hinder clear vision in conformance with Section 9.8.B.

2. Business and Industrial Districts - there shall be no restrictions, except that any fence or wall located on a residential lot line or district boundary, shall be limited to four (4) feet in height at the property line or a maximum of six (6) feet if located a minimum of six (6) feet from the property line.
- E. Location - all fences shall be located in their entirety within the property boundaries.
 - F. The clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the street pavement, unless such plantings have all branches and foliage removed to a height of eight (8) feet above the finished grade.

Section 9.9 Steep Slope Guidelines

The Village of Addison is characterized by numerous steep slope (15% or greater) areas. Special design treatment for streets, building sites, and other development is needed to preserve the natural terrain, trees, scenic views, etc. Development on steep slopes will be permitted subject to the following guidelines:

- A. Development proposals shall be of sufficient detail to show site work (cut and fill), housing site location, erosion and drainage control measures (terraces, sediment basins, diversions, retaining walls, stream channel improvement, etc.) and road location (including cross-sections).
- B. Padding, which is the creation of level building sites, shall be permitted only when it can be clearly demonstrated by exhibits that the final treatment of the site will not reflect an unfavorable environmental impact and/or an unfavorable visual appearance.
- C. Design principles shall include, but not limited to, the following:
 1. Landscaping of areas around structures making them compatible with the natural terrain.
 2. Shaping, grouping and placement of man-made structures to complement the natural landscape.
 3. Arrangement of buildings so they complement one another to promote visual interest.
 4. Shaping of essential grading to complement existing land forms and prohibit any appearance of building sites in the steep slope areas.
 5. Development of off-street parking bays.
 6. Use of turning circles at mid-block points to avoid the use of private driveways for turning and parking movement.
 7. Encouragement of split-level building sites.
 8. Use of one-way streets when consistent with traffic safety, circulation needs, and natural topography. This guideline allows for smaller road right-of-way, less

cut and fill within a given area and a highway network consistent with the natural terrain. Roads shall be parallel with the hillside whenever possible and have variable width right-of-way. This not only provides the most economical routing, but also minimizes the amount of grading required.

9. Land within the hill area that is in excess of 25% slope shall not, to the greatest extent possible, be developed.

Section 9.10 Drainage System and Erosion Control

9.10.1 Drainage System - Adequate and comprehensive drainage systems shall be provided to convey the storm water runoff originating within the outside the proposed development as follows:

- (a) Drainage systems shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland of the development.
- (b) Interior drainage system shall be designed to accommodate a ten (10) year storm.
- (c) The design of drainage systems shall be approved by the Village Engineer.
- (d) All structures shall be set back a minimum of fifty (50) feet from the stream bank.
- (e) Utilizing the drainage guidelines outlined above, the Planning Board may require the developer to submit the following:
 - (1) Plan profiles, and typical and special cross sections of proposed storm water drainage facilities.
 - (2) Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
 - (3) The grading plan shall be developed to a two (2) foot contour interval and grading details to indicate proposed street grades and elevations and building site grades and elevations.
 - (4) If the development is within or adjacent to any designated floodplain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the drainage report.
 - (5) Design criteria as generally specified in the NYSDEC, "Stormwater Management Guidelines for New Development" design standards shall be applicable to this section.

9.10.2 Erosion Control - In order to insure that the land will be developed with a minimum amount of soil erosion, the Planning Board shall require the developer to follow certain erosion control practices. These practices shall generally be as described in the NYSDEC, "Erosion and Sedimentation Control Guidelines for New Development" and include:

- (a) Exposing the smallest practical area of land at any one time during the development.
- (b) Provision of temporary vegetation and/or mulching to protect critical areas.
- (c) Provision of adequate drainage facilities to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development. The developer's engineer shall show, as part of their submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Topographic data and design grades for the swales shall be shown on the plans.
- (d) Fitting of the development plan to the topography and soils so as to minimize the erosion potential.
- (e) Retention and protection of natural vegetation wherever possible.
- (f) Installation of permanent final vegetation and structures as soon as practicable.
- (g) Provision of adequate protective measures when slopes in excess of 15% are graded, and minimizing such steep grading.
- (h) Installation and maintenance of temporary sedimentation basins shall be in conformance with the Empire State Chapter Soil & Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control, March, 1988, or its most recent revisions.

Section 9.11 Open Space; Parks and Playgrounds

The Planning Board may, as a condition of site plan approval, require that specific environmentally sensitive areas be designated for non-development or open space purposes. Such designation shall depend upon the magnitude and character of the sensitive site features. The Planning Board may consider the designation of certain site areas for recreation purposes.

- A. Lands proposed for open space purposes shall be those lands that exhibit significant environmental constraints and are, therefore, not suitable for development purpose, shall either be deeded to the Village or be held in corporate ownership and maintained by an established organization.
- B. Lands proposed for park or recreation purposes shall meet the following minimum standards:
 - 1. Such land shall either be deeded to the Village or be held in corporate ownership and maintained by an established organization.
 - 2. Shall have physical characteristics and locations which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a

view to minimize hazards and vehicular traffic for children walking between such facilities and their homes in the neighborhood.

3. Any such area shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.
4. A detailed development plan shall be provided for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least 2,000 sq. ft. in size and proposed play structures/activities.
5. The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.

Section 9.12 Utilities

9-12.1 Water Supply and Sewage Disposal - Provisions for water and sewer lines shall comply with requirements of the Village Engineer, NYS Health Department and/or NYS Department of Environmental Conservation. The Village Engineer shall approve all water and sewer installation design and construction.

9.12.2 Underground Installation - All utility companies (telephone, electric, etc.) are now equipped to make underground installation of their services; underground installation shall be required when practical.

Section 9.13 Erection, Re-erection, and Razing of Damaged Buildings

- A. Any building which has been damaged by fire or other causes to the extent of more than 50% of its replacement cost shall be repaired or razed. Such building shall either be so repaired or razed within 9 months in a fashion which leaves the site clean.
- B. A building which has been damaged by fire or other causes to the extent of less than 50% must be reconstructed within a period not to exceed 9 months or be razed by or at the cost of the owners.
- C. Enforcement will be by the Code Enforcement Officer, utilizing the services of a qualified appraiser when necessary.

Section 9.14 Industrial-District Regulations

9.14.1 Design Standards

- (a) General Standards - The following general standards are hereby adopted for the control of any Industrial Use. No such use shall be permitted, established, maintained or conducted therein which shall cause or be likely to cause:

- (1) Excessive smoke, fumes, gas, dust, odor, or any other atmospheric pollutant beyond the boundaries of the lot whereon such use is located. What smoke is excessive shall be determined according to the Ringelmann's Scale for Grading the Density of Smoke, published by the U.S. Bureau of Mines, when the shade or appearance of such smoke is darker than No. 2 on said Ringelmann Smoke Chart.
 - (2) Noise levels greater than 55 dba measured at the boundaries of the lot occupied by such use causing the same.
 - (3) Any pollution by discharge of any effluent whatsoever into any water course, open ditch, or land surface.
 - (4) Discharge of any effluent whatsoever into any sanitary sewer system except only in accordance with the rules of, and under the control of, public health authorities or the public body controlling such sewer system. Any chemical or industrial waste which places undue loads, as determined by the Village Engineer, shall not be discharged into any municipal system and must be treated by the industrial use.
 - (5) Open storage or stocking of any non-hazardous or hazardous waste materials whatsoever.
 - (6) Glare, objectionable high light levels, or vibration perceptible beyond the lot lines whereon such use is conducted.
 - (7) Hazard to person or property by reason of fire, explosion, radiation, or other cause.
 - (8) Any other nuisance harmful to person or property.
- (b) Specific Standards: The following specific standards are hereby adopted and must be complied with, for any use in any Industrial District and before the same be permitted, established, maintained or conducted.
- (1) Storage Facilities: Materials, supplies, or semi-finished products shall not be stored in front yard and such facilities located in the side or rear yard shall be screened in conformance with Section 9.20.
 - (2) Loading Docks: No loading docks shall be on any street frontage. Provision for handling of all freight shall either be on those sides of any building which do not face on any street or proposed streets or be suitably screened therefrom.
 - (3) Buffer and Landscaping:
 - (i) Buffer from residential use: In addition to the fences, walls and hedges, all principal buildings shall be set back from any lot lines abutting residential use a minimum distance equal to twice the required yard depth as specified in the Density Control Schedule. Such buffer shall be landscaped in accordance with Section 9.20.
 - (ii) Landscaping: All areas of the plot not occupied by buildings, parking, driveways or walkways, or storage shall be landscaped with lawn, trees, shrubs, or other plant material. Such landscaping shall take into consideration the natural growth

presently on the premises; the nature and condition of the terrain; the situation of the lands and premises themselves with regard to adjoining lands and premises; and, shall be provided in conformance with Section 9.20.

- (iii) Fences and Walls: Property that is adjacent to a business use shall be provided along such property lines, with a wall, fence, compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen in conformance with Section 9.20. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened in conformance with Section 9.20.
- (4) Off-Street Parking and Loading: Shall conform to sections 9.3 and 9.4.
- (5) Signs: Shall conform to the Village Signs and Billboard ordinance.
- (6) Utilities: All water and sewer facilities shall be designed and installed according to Village standards and be approved by the Department of Public Works as per Section 9.11.1.
- (7) Access: Special consideration shall be given to access to and from public streets and traffic volumes generated by the proposed use. Access shall not be allowed from residential streets unless a variance is approved by the Zoning Board of Appeals. A projection of expected vehicular use of neighborhood streets, including estimates of traffic volumes, shall be submitted. No access drive for any industrial use shall be within 300 feet of, and on the same side of the street as a school, public library, theater, church, or other public gathering place, park, playground, or fire station unless such a street shall be 50 feet or more in width between such access drive and such building or use.

Section 9.15 Solar Energy Systems and Solar Access

To the maximum extent possible, all new development proposals totaling 87,000 sq. ft. of site area or more may be designed so the maximum number of buildings shall receive direct sunlight sufficient for using solar energy systems for space, water, or industrial process heating or cooling. Buildings and vegetation should be sited and maintained so that unobstructed direct sunlight reaches the southern exposure of the greatest number of buildings according to the following guidelines:

- A. Solar access shall be protected between the solar azimuths of -45 degrees (east of due south) to +45 degrees (west of due south).
- B. In considering dimensional modifications permitted in Articles 7 and 8, the Planning Board shall also consider solar access and design considerations.

- C. For purposes of solar access, streets, lots and building setbacks should be designed so that the buildings are oriented with their long axes running from east to west for single-family development and north to south for townhouse and multi-family development.
- D. In order to maximize solar access, the highest densities shall, to the maximum extent possible, be placed on the south-facing slopes with lower densities sited on north facing slopes.
- E. Streets should be oriented on an east/west axis to the greatest possible extent.
- F. Buildings shall to the greatest extent possible be sited as close to the north lot line or lines as possible to increase yard space to the south for better owner control of shading.
- G. Tall buildings shall, to the greatest possible extent, be sited to the north of shorter ones and be buffered from adjacent development.
- H. Existing vegetation shall be retained and incorporated into the design as practicable.
- I. A description of any mechanisms, such as deed restrictions, covenants, etc., that are to be applied shall be provided.

Section 9.16 Wind Energy Conversion-Systems (Windmills)

The intent of this section is to regulate the placement of and access to wind energy conversion systems for the purpose of protecting the health and safety of individuals on adjacent properties as well as the general public.

- A. Setback: The installation shall not be erected nearer to any lot line than the total height of the structure. Such height shall be defined as the tower height plus one-half (1/2) the rotor diameter on a horizontal axis installation, and, on vertical axis installations, the distance from the base of the tower to the top of the unit.
- B. Dimensions:
 - 1. Maximum allowable height shall be 80 feet unless otherwise prohibited by state or federal statutes.
 - 2. Maximum allowable height shall be 15 feet at the lowest point of the arc.
- C. Safety:
 - 1. The foundation and supports for the windmill shall either be designed by a licensed professional engineer and the drawings bear his seal and signature, or carry a manufacturer's seal and certification.
 - 2. At least one sign shall be posted at the base of the tower warning of high voltage.

3. Tower climbing apparatus shall be no lower than 12 feet from the ground.
 4. All installations shall be designed with braking systems.
- D. Noise: The maximum level of noise permitted to be generated by an installation shall be 55 dba, measured at the property line.
- E. Design Considerations:
1. All electric lines serving the installation shall be installed underground.
 2. No towers with guy wire supports shall be allowed.

Section 9.17 Home Occupation

A home occupation, as defined in this Law, may be permitted subject to site plan approval by the Planning Board provided such use is not specifically prohibited. Such use shall conform to the following standard which shall be minimum requirements:

- A. No more than 25% of the total floor area of a dwelling unit or 500 square feet, whichever is the lesser, may be used for such use.
- B. The use shall be carried on wholly within the enclosed walls of the dwelling unit or an accessory building.
- C. There shall be no external evidence of such use except for one sign not exceeding two square feet in area mounted flush with and on the front facade of the dwelling unit. No stock, merchandise, equipment or displays of any kind shall be visible outside the dwelling unit or accessory building.
- D. No external structural alterations which are not customary to a residential building shall be allowed.
- E. The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.
- F. Use that involves primarily catalogue sales/order processing and which does not involve volumes of stock or merchandise being distributed at the site may not be deemed a home occupation, subject to the provisions provided such use meets the intent of all standards set forth herein.
- G. Any form of business, the primary function of which is the wholesale or retail sale of goods or articles at the premises, shall be deemed a commercial use.
- H. The following uses and other uses similar in character shall not be considered to meet the intent of this section:

1. Vehicle engine repair
2. Vehicle body work
3. Veterinary hospital, kennel
4. Bar and restaurant
5. Any use that is not permitted in a Type 5 (wood frame) building construction under the New York State Uniform Fire Prevention and Building Code.

I. Such uses shall also be subject to any other conditions the Planning Board deems necessary to meet the intent of these requirements.

Section 9.18 TV Antennas

No television antenna of any kind may be erected or established in the Village except in conformance with the standards in this Section and Section 4.10, Use Regulation Table.

9.18.1 Antenna Size

(a) In Residential and Business Districts:

- (1) Satellite antennas shall not exceed ten (10) feet in diameter.
- (2) The total height of ground-mounted antennas shall not exceed fifteen (15) feet above the ground.

(b) In all other Districts:

- (1) Antennas shall not exceed sixteen (16) feet in diameter.
- (2) The total height of ground-mounted antennas shall not exceed twenty (20) feet above the ground.

(c) Roof-mounted installations shall not exceed the height restrictions as set for the zoning district within which the installation is placed.

9.18.2 Antenna Location

(a) For any use, subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot provided that such antenna is located a minimum of five (5) feet from any principal building and lot line measured at the outermost diameter of the antenna. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the side or front yard of the property subject to site plan approval. For purposes of this Law a usable satellite signal is a satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or via cable television.

(b) In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear, side or front yard of the property, such antenna may be placed on the roof of the dwelling structure, provided that site plan approval

is obtained prior to such installation. Such permit may be issued upon a showing by the applicant that a usable satellite signal is not obtainable from any other location on the property.

9.18.3 General Provisions

- (a) For all uses, television antennas shall be located and designed to reduce visual impacts from surrounding properties at street level and from public streets.
- (b) Not more than one television antenna shall be allowed on any residential lot less than 9,000 square feet in size.
- (c) All antennas and the construction and installation thereof shall conform to applicable building and electrical code regulations and requirements.
- (d) Antennas shall meet all manufacturers' specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.
- (e) Every antenna must be adequately grounded for protection against a direct strike by lightning.
- (f) Roof-mounted satellite (dish) antennas shall not be permitted.

Section 9.19 Townhouse and Multi-Family Developments

All townhouse and multi-family development, as permitted in Section 4.10 and Article 7 of this Law, shall, in addition to the requirements set forth in said section and articles, conform to the following standards. These standards shall be regarded as minimum requirements:

- A. Townhouse and multi-family developments shall meet the following standards:
 - 1. All principal buildings shall be set back a minimum distance of forty (40) feet from any external lot line.
 - 2. Interior yard requirements:
 - Front Yard - Minimum 25 feet or 10 feet per story, whichever is greater (from interior project road).
 - Rear Yard - Minimum 30 feet or 10 feet per story, whichever is greater.
 - Side Yard - Minimum 6 feet per story (at ends of buildings)
 - 3. Maximum building height shall be as specified in Section 5.1.

4. Maximum site coverage by all buildings and structures shall not be more than 40% of the lot area, such percentage to be calculated on the basis of the total project area.
5. Accessory buildings, including unattached garages, shall be located a minimum distance of ten (10) feet from any lot line and shall only be permitted in the rear or side yard.
6. Parking: shall be in conformance with Section 9.3 and Section 9.5.4.

B. Minimum unit size of multi-family dwelling units:

- | | | |
|----------------|---|---------------|
| Efficiency: | - | 550 sq. ft. |
| One bedroom: | - | 700 sq. ft. |
| Two bedroom: | - | 850 sq. ft. |
| Three bedroom: | - | 1,000 sq. ft. |

An additional eighty (80) sq. ft. for each bedroom shall be added for larger apartment sizes.

Section 9.20 Gasoline Stations, Service and Repair Garages, Automobile Sales Areas

Where permitted, a gasoline station, service and repair garage and automobile sales area shall conform to the following standards which shall be regarded as minimum requirements.

A. Minimum lot size shall be:

1. 7,500 sq. ft. for a gasoline station, service and repair garage.
2. 10,000 sq. ft. for a combination gas station, minimart, convenience food store.
3. Additional lot area and setbacks shall be required as deemed to be adequate by the Planning Board to accommodate tractor trailer servicing.

B. At least one lot frontage and width shall be a minimum of one hundred (100) feet.

C. Fuel pumps and other service devices shall be located at least 35 feet from any front lot line and 50 feet from any side and rear lot lines. This distance shall be measured from the outside edge of the fuel island.

D. All automobile parts, including tires and dismantled vehicles are to be stored within a building. Old tires that are offered for sale may be placed outside during normal business hours, but must be stored in a rack. Old tires to be scrapped or sold for junk must be stored either inside a building or behind a six (6) foot high fence, wall or natural screen in conformance with Section 9.20.

- E. Accessory goods for sale may be displayed on the pump island and the building island only, if provided for in a suitable stand or rack.
- F. All repair work is to be performed within a building. Automobiles waiting to be serviced or stored on the premises shall not encroach on any required yard area. Wrecked automobiles being held for insurance adjuster inspection may be stored for a period not to exceed thirty (30) days and must be stored in the rear of the premises and screened to the greatest extent possible.
- G. Parking:
 - 1. No vehicle shall be parked, stored or left standing within fifteen (15) feet of the street line and/or fuel pump islands.
 - 2. Parking requirements shall be in conformance with Section 9.3. Such parking areas shall not conflict with the traffic pattern established for the use of the fuel pumps. Additional parking area may be required by the Planning Board to accommodate tractor trailer delivery.
 - 3. Where parking areas abut a residential use, they shall be screened by a buffer area no less than ten (10) feet in depth composed of densely-planted plant material, solid fencing, or a combination of both which, in the opinion of the Planning Board, will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of six (6) feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery or fences become decayed and fail to provide an adequate screen, the Code Enforcement Officer may direct the property owner to replace said shrubs.
- H. All storage and display areas shall be provided with a hard, dust-free surface, shall be adequately drained and, if lighted, shall produce no glare on adjacent properties.
- I. A maximum of two driveways and curb cuts shall be permitted per street frontage. These shall be no less than twenty (20) and no wider than thirty (30) feet, and located a minimum of thirty (30) feet from any street intersection and a minimum distance of thirty (30) feet shall be maintained between such driveways and curb cuts.
- J. No 24 hour operation use shall be permitted within 100 feet of an existing residential use and/or district boundary.

Section 9.21 Buffer and Landscaping Requirements

A. Intent

The objective of this section is to provide the necessary consideration to those physical and visual elements of the

land uses in the Village of Addison that require, or may be improved by treatment of the landform, plant materials and/or man-made features arranged so as to enhance the appearance, screen or effectively separate different types of land use as well as to eliminate or minimize impacts on adjoining uses such as dirt, litter, noise, glare and incompatible buildings or uses (such as outdoor storage, loading and parking areas). The Planning Board may require that a professional licensed Landscape Architect prepare plans under this section.

B. Buffer and Landscaping Techniques

The particular type of buffer and landscaping treatment shall be as determined by the Planning Board to meet the intent of this section. The following major types of treatment and combinations may be considered:

1. Visual separation/screening including earth mounding, berm, and screen-planting techniques designed to separate, obscure or soften an incompatible view or use.
2. Visual setting, including ground-cover and plant materials designed to stabilize the landform and provide an appropriate foreground or setting.
3. Physical separation, including a combination of plant and man-made materials or features designed to separate distinct land use types or activities.

C. Requirements

1. Plant Specifications

The following planting specifications indicate guidelines for each buffer and landscape technique. The requirements are stated in terms of the width of the proposed planted yard and the number of plant units required per one hundred (100) linear feet of yard.

The requirements of a yard may be satisfied by any of the options thereof described. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given buffer and landscape technique is determined given a change in the width of the yard. The type and quantity of plant materials required by each yard, and each yard option, are specified in this section.

2. Minimum Plant Size

Unless otherwise specifically stated elsewhere in this Law, all plant materials shall meet the following minimum size standards:

Plant Material Type	Planting in buffer-Yards abutting vacant Land	All other plantings
Canopy Tree Single stem Multi-stem clump	1 ^{1/2} inch caliper 6 feet (height)	2 ^{1/2} inch caliper 9 feet (height)
Understory Tree	4 feet (height)	1 ^{1/2} inch caliper
Evergreen Tree	3 feet (height)	5 feet (height)
Shrub Deciduous Evergreen	15 inch (height) 12 inch (height)	24 inch (height) 18 inch (height)

3. Plant Material Substitutions

The following plant materials substitutions shall satisfy the requirements of this section.

- (a) In all buffer yards, evergreen canopy or evergreen understory trees may be substituted for deciduous canopy trees without limitations.
- (b) In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

- 4. All disturbed soil areas of the site shall be replanted or reseeded in an appropriate fashion.
- 5. No landscaping feature shall be erected, placed or maintained in such a manner as to interfere with clear vision and/or the safe movement of vehicular traffic.

Section 9.22 Fast Food Restaurants

Where permitted, fast food restaurants meeting the definition of this Law shall conform to the following standards which shall be regarded as minimum requirements.

- A. Minimum lot size shall be 10,000 sq. ft.
- B. At least one lot frontage shall be a minimum of 100 feet.
- C. Access
 - 1. A maximum of two driveways and curb cuts shall be permitted on each street frontage.
 - 2. All drives shall be no less than 20 and no wider than 30 feet in width.
 - 3. Drives shall be located a minimum of 30 feet from any street intersection and shall maintain a minimum of 30 feet between such driveways or curb cuts.

4. Driveways shall create minimal conflict with pedestrian access to the building from the parking lots and sidewalk abutting the property.

D. Parking

1. The number of parking spaces shall be as specified in Section 9.3.
2. Parking lots shall be designed to provide pedestrian safety.

E. Landscape Requirements

A landscape area equal to that portion of land contiguous to the public right-of-way and extending a depth of 5 feet shall be provided. Landscaping shall also be used to screen or buffer to parking, dumpsters, freezers and other accessory uses as per Section 9.20.

F. Signs

All signs shall conform to the Sign Regulations in Section 9.6.

Section 9.23 Drive-Through Use Regulations

Where permitted, either as accessory to other permitted uses or as principal use, these facilities as defined in this Law shall conform to the following standards which shall be regarded as minimum requirements.

- A. All drive-through lanes shall be distinctly marked and shall be separate from circulation lanes.
- B. Lanes shall not cross any principal pedestrian access to the building or site.
- C. Stacking or Queuing Up Requirements
 1. Fast Food Restaurants: A minimum of 140 feet between start of lane to service window.
 - a. Minimum 80 feet from start of lane to order station.
 - b. Minimum 60 feet from order station to service window.
 2. Banks and other businesses not using order station:
 - a. Minimum of 60 feet from start of lane to service window.
 3. Multiple drive-through lanes: The Planning Board may allow reductions for businesses with multiple drive-through lanes based on review of proposed traffic circulation and usage.

4. All uses shall maintain a minimum distance of 20 feet from the service window to the public right-of-way or interior parking aisles.

Section 9.24 Adult Bookstores, Theaters and Similar Use Regulations

A. Intent

This section is intended to regulate uses which, because of their very nature, are recognized as having serious objectionable operations characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

B. Regulated Uses: Restrictions

1. Regulated uses include all adult uses which include, but are not limited to, the following:
 - a. adult bookstores;
 - b. adult motion picture theater;
 - c. adult mini-motion picture theater;
 - d. adult entertainment cabaret.
2. Adult uses shall be permitted subject to the following restrictions:
 - a. no such adult use shall be located in any zoning district except C-L and shall be subject to site plans approval by the Planning Board;
 - b. no such adult uses shall be allowed within five hundred (500) feet of another existing adult use;
 - c. no such adult use shall be located within five hundred (500) feet of any zoning district which is zoned for residential use;
 - d. no such adult use shall be located within five hundred (500) feet of a pre-existing school or place of worship.

B. Standards Governing Adult Uses

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to sexual activities or anatomical areas from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

ARTICLE 10. NON-CONFORMING BUILDINGS, USES AND LOTS

Section 10.0 Continuation of Nonconforming Buildings and Lots

Any lawful building, structure or use of premises existing at the time of enactment of this Zoning Law, or any subsequent amendment thereof applying to such building, structure, or use of premises, may be continued, although such building, structure, or use of premises does not conform to the provisions of this Law, provided however:

- A. No non-conforming use may be expanded.
- C. No non-conforming building shall be enlarged/extended or increased unless such enlargement would tend to reduce the degree of non-conformance.

Section 10.1 Discontinuance

- A. Any building or land which is used for or occupied by a non-conforming use and which is changed to or replaced by a conforming use, shall not thereafter be used for or occupied by a non-conforming use.
- B. When a non-conforming use has been discontinued for a period of six (6) months, it shall not thereafter be reestablished and the future use shall be in conformity with the provisions of this Law.

Section 10.2 Necessary Maintenance and Repairs

A building or structure of non-conforming use may be repaired or restored to a safe condition.

Section 10.3 Change to Other Non-Conforming Uses

A non-conforming use of a building, structure, or land may be changed to another non-conforming use that more nearly conforms to the requirements of the district in which it is situated.

Section 10.4 Construction Started Prior to this Zoning Law

Any building or structure for which construction was begun prior to the effective date of this Law, or any subsequent amendment thereof applying, may be completed and used in accordance with the plans and specifications for such building and structure.

Section 10.5 Existing Undersized Lots

- 10.5.1 Any lot held in single and separate ownership prior to the adoption of this Zoning Law, and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Zoning Law for the district, may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:

- (a) Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
- (b) Such lot has an area of at least 5,000 square feet and a minimum width of at least 50 feet at the required setback line if it is to be used for residential purposes.
- (c) The following minimum yard dimensions are maintained for residences:

Side yards	-	8 feet
Rear yards	-	25 feet
Front yards	-	25 feet

When the street right-of-way width is not known, the front yard setback shall be 50 feet from the centerline of the street.

- (d) No accessory building shall be located closer to the side or rear lot line than three (3) feet.
- (e) All other bulk requirements for that district are complied with.

10.5.2 In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one (1) single family dwelling.

Section 10.6 Alterations

A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the assessed value of the building unless said building is changed to conform to the requirements of this Law.

Section 10.7 Restoration

Any building damaged by fire or other causes to the extent of more than fifty (50) percent of its assessed valuation may be repaired or rebuilt in kind. Nothing in this Law shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Code Enforcement Officer.

Section 10.8 Reduction in Lot Area

A building permit shall not be issued for any lot that is reduced in area so that it creates a non-conforming bulk or use in violation of any regulations contained in this Law.

ARTICLE 11. GENERAL EXCEPTIONS

Section 11.0 Public Properties

Nothing in this Law shall restrict construction or use in the exercise of a governmental function of public buildings, lands or property supported in whole or in part by taxes imposed on property in the Village of Addison.

Section 11.1 Public Utilities

Nothing in this Law shall restrict the construction or use of underground or overhead distribution facilities of public utilities operating under the Laws of the State of New York. Any other utility facilities may be constructed subject to a conditional use permit.

ARTICLE 12. ZONING BOARD OF APPEALS

Section 12.0 Establishment and Duties

Pursuant to Village Law, the Village Board shall appoint a Zoning Board of Appeals consisting of three (3) to five (5) members, shall designate its chairman, and also provide for such expenses as may be necessary and proper. A member of the Zoning Board of Appeals shall not at the same time be a member of the Village Board. The Village Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing.

- 12.0.1 Terms of Appointment - Of the members of the Zoning Board of Appeals first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years, from and after his appointment. The appointment of a chairman shall be for a term of one year.

Their successor shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Village Board by appointment for the duration of the unexpired term.

- 12-0.2 Staff - The Zoning Board of Appeals may employ such clerical or other staff assistance as may be necessary, and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of the appropriations made by the Village Board and then available for that purpose.

- 12.0.3 Rules of Procedure, By-Laws, Forms - The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by-laws, and forms as they may deem necessary for the proper execution of their duties and to secure the intent of this Zoning Law.

Section 12.1 Powers and Duties - The Zoning Board of Appeals shall have the following powers and duties:

- A. Appeals - The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of this Zoning Law.
- B. Variances - Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Law the Board of Appeals shall have the power to vary or modify the application of any of the regulations or provisions of such Law relating to the use, construction, structural changes in, equipment or alteration of structures, or the use of land, so that the spirit of the Law shall be observed, public safety and welfare secured, and substantial justice done.

ARTICLE 13. ADMINISTRATION

Section 13.0 Enforcement

This Law shall be enforced by the Code Enforcement Officer, who shall be appointed by the Village Board. No building permit shall be issued by him except where all the provisions of this Law have been complied with. He shall keep the Zoning Board of Appeals advised of all matters pertaining to the enforcement of this Law other than routine duties, and shall submit a monthly report to the Village Board enumerating the applications received, inspections made, permits issued or refused, and other actions taken.

Section 13.1 Building Permits

- 13.1.1 No building permit or structure shall be erected, added to, or structurally altered until a permit thereof has been issued by the Code Enforcement Officer. Except on written order of the Zoning Board of Appeals, no such building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Law. Further, the Code Enforcement Officer shall be satisfied that issuance of a building permit is not in violation of the Village's Land Subdivision Rules and Regulations of the Planning Board.
- 13.1.2 There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Law.
- 13.1.3 One copy of such layout or plot plan shall be returned when approved by the Code Enforcement Officer, together with such

permit to the applicant, upon the payment of a fee as set by Village Board resolution.

- 13.1.4 In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided no construction has commenced. If construction work has started and the application is not approved, the fees paid shall not be refunded.
- 13.1.5 Upon approval of the application, and upon receipt of the legal fees therefore, the Code Enforcement Officer 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.
- 13.1.6 Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the Village files and 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 Code Enforcement Officer or his authorized representative at all reasonable times.
- 13.1.7 If the application together with plan, specifications, and other documents filed therewith, describe proposed work which does not conform to all of the requirements of the applicable building regulations, the Code Enforcement Officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Code Enforcement Officer shall cause refusal, together with the reasons therefore, to be transmitted to the applicant in writing.

Section 13.2 Certificate of Compliance

No land shall be used or occupied, and no building or structure hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been used by the Code Enforcement Officer in accordance with the provisions of this Law.

All certificates of occupancy for new or altered buildings or structures shall be applied for coincident with the application for a building permit therefore. Such certificate of occupancy shall be issued within thirty (30) days after the erection or alteration shall have been approved as complying with the provisions of this Zoning Law.

ARTICLE 14. AMENDMENTS

Section 14.0 Procedure

The Village Board may, from time to time, on its own motion, or on petition, or on recommendation from the Village Planning Board, amend the regulations and districts established under

this Zoning Law after public notice and hearing in each case. All proposed amendments of the regulations or Districts herein established shall be filed in writing in a form required by the Village Board.

Section 14.1 Advisory Report by Village Planning Board

Every proposed amendment, unless initiated by the Village Planning Board, shall be referred to the Village Planning Board. The Village Planning Board shall report in writing its recommendations thereon to the Village Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Village Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Village Board, the Village Board may act without such report. If the Village Planning Board disapproves the proposed amendment, or recommends modification thereof, the Village Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting forth the reasons for such contrary action.

Section 14.2 Public Notice and Hearing

The Village Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

- A. By publishing notices of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Village, not less than ten (10) days prior to the date of public hearing.
- B. By giving written notice of hearing to any required municipal, county, regional, metropolitan, state or federal agency in a manner prescribed by law.

Section 14.3 Mandated County Referral

Should any proposed amendment consist of or include any of the following conditions, the Village Clerk shall, prior to final action, refer the proposed amendment to the County Planning Department in accordance with Section 239-m of Article 12-B of the General Municipal Law:

- A. Any change in the district classification of, or the regulations applying to real property lying within a distance of five hundred (500) feet from:
 - 1. The boundary of any village or town.
 - 2. The boundary of any existing or proposed county or state park or other recreation area.
 - 3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway.
 - 4. The right-of-way of any existing or proposed stream or drainage channel owned by the county or for which the county has established channel lines.

5. The boundary of any existing or proposed county or state-owned land on which a public building or institution is situated.

Section 14.4 Protest by Owners

If a protest against the proposed amendment is presented to the Village Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of land included in such proposed amendment, or by the owners of twenty (20) percent or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of twenty (20) percent or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least a three-fourths majority of the Village Board.

Section 14.5 Decision by Village Board

The Village Board shall set the public hearing as required and shall render its decision within 60 days of the receipt of the Planning Board's report. If the Village Board deems it advisable, it may require, as a condition for approval of the amendment, that the amended area be put to use within a reasonable length of time.

Section 14.6 Notification of Decision

The Village Board shall notify the applicant for an amendment of its decision in writing within five (5) days after the decision has been rendered.

Section 14.7 Filing with the Secretary of State

Every amendment to this local Law shall be filed with the Secretary of State of New York State and become effective five (5) days thereafter.

ARTICLE 15. REMEDIES

Section 15.0 Penalty

Any person, firm, company, or corporation owning, controlling or managing any building, structure or premises therein or whereon there shall be placed, or there exists anything in violation of any of the provisions of this Law; and any person, firm, company, or corporation who shall assist in the commission of any violation of this Law or any conditions imposed by the Village Board or the Zoning Board of Appeals; or who shall build, contrary to the plans or specifications submitted to the Code Enforcement Officer and by him certified as complying with this Law shall be guilty of an offense and subject to a fine of not more than two hundred and fifty dollars (\$250), or imprisonment for a period of not more than six (6) months or both such fine and imprisonment. Every such person, firm, company, or corporation shall be deemed guilty of a separate

offense for each week such a violation, omission, neglect, or refusal shall continue.

Section 15.1 Alternative Penalty

In case of any violation or threatened violation of any of the provision of this Law, or conditions imposed by the Village Board, Code Enforcement Officer, or Zoning Board of Appeals, in addition to other remedies herein provided, the Village Board may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 16. FEE SCHEDULE

Section 16.0 A schedule of fees for all permits and approval applications as required in this Law shall be set by Village Board resolution from time to time.

ARTICLE 17. EFFECTIVE DATE

Section 17.0 This local Law shall be filed with the Secretary of State and shall become effective five (5) days thereafter.