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# **VILLAGE OF WADDINGTON ZONING AND SUBDIVISION LOCAL LAW**

## **ARTICLE I- GENERAL PROVISIONS**

### **TITLE & LEGISLATIVE AUTHORITY**

This local law shall constitute and be known as the "Zoning and Subdivision Local Law of the Village of Waddington, New York. This Local Law is adopted pursuant to Article 7 of the New York State Village Law, and Article 2. Section 10 of the New York State Municipal Home Rule Law.

### **PURPOSE**

The purpose of this local law is to regulate the use of land and structures, etc., for the protection of the health, safety, welfare, and morals of the community or otherwise refer to the statutory source of power.

The duly elected Board of Trustees of the Village of Waddington are empowered, by local law, to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

The purpose of regulating the subdivision of land is to provide for the future growth and development of the village and afford adequate facilities for the housing, transportation, distribution, comfort, convenience, and safety of the population.

As a part of the comprehensive plan and design, the Village Board is empowered by local law to regulate and restrict certain areas as national historic landmarks, special historic sites, places, and buildings for the purpose of conservation, protection, enhancement, and perpetuation of these places of natural heritage. Such regulations shall provide that a board of appeals may determine and vary their application in harmony with the general purpose and intent, and in accordance with general or specific rules therein contained.

### **APPLICABILITY**

A. General. The following regulations shall apply in their respective districts, except as hereinafter provided:

1. No land shall hereafter be subdivided, nor any building or land used or occupied, and no building 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.

2. No building shall hereafter be erected or altered:
  - a. to exceed the height
  - b. to accommodate or house a greater number of families
  - c. to occupy a greater percentage of lot area, or
  - d. to have narrower or smaller rear yards, front yards, or side yards than is specified herein for the district in which such building is located.
3. No part of a yard or other open space required around any building for the purpose of complying with the provisions of this local law shall be included as a part of a yard or other open space similarly required for another building.

B. Dwelling on Small Lots. Nothing in this local law shall prohibit the erection of a one family dwelling on any lot of less than the required area if such lot at the time of passage of this law was held, under separate ownership or lesseeship from the adjoining lots, or was part of a subdivision recorded with the Clerk of St. Lawrence County. However, yard depth for front, side and rear shall be adhered to in any new construction.

#### **RELATIONSHIP OF THIS LAW TO OTHER LAWS REGULATIONS AND PLANS**

- A. Local Law No.2 of 2007 complements this Local Law by providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code within the Village of Waddington. Applicants must comply with the provisions of both this Local Law and Local Law 2 of 2007. Application forms for building permits under this Local Law will also contain information to allow the Enforcement Officer to conduct his/her responsibilities under Local Law 2 of 2007 and to simplify procedures for applicants by reducing the number of forms required for submission.
- B. Referral to County Planning Board - In NYS General Municipal Law Article 12-B Sections 239-M and N require that the following matters be referred to the St. Lawrence County Planning Board before either the Village Board, the Village Planning Board or the Village Zoning Board of Appeals, in their respective roles, may take final action.
  1. Any municipal zoning regulation, or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within a distance of five hundred feet from the village boundary, from the boundary of any existing or proposed county or state park or other recreation area, or from the right of way of any existing or proposed county or state parkway, thruway, expressway, road or highway or from the existing or proposed boundary of any county or site owned land on which a public building or institution is situated or from the boundaries of a farm operation located in an agricultural district (The term "proposed" shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on any adopted county plan): and

2. Any subdivision, site plan or variance affecting such real property within such distance of five hundred feet of boundaries shown in 1 above. The term "proposed" shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on a county plan adopted pursuant to subdivision two of section two hundred thirty-nine (d) of the general municipal law or adopted on an official map pursuant to section two hundred thirty - nine (g) of such law.

C. Local Waterfront Revitalization Plan (LWRP). Resolution #13 of the year 1990 and dated November 5, 1990, adopted a joint Town and Village Local Waterfront Revitalization Program (LWRP). The LWRP was approved by the New York State Department of State on April 2, 1991. The purpose of the LWRP is to promote economic development and revitalization within the local waterfront area while assuring the protection and beneficial use of coastal resources therein. All land uses within the Waterfront Overlay District established in this local law must comply with the LWRP which is incorporated into this local law by reference (Art. III. Section 1, Art. IV, Section 5) This local law exempts certain uses from the site plan approval process.

D. Agricultural Districts: There are parcels classified as Ag District 2 within the borders of the Village. Locations can be found on the Village of Waddington's Zoning District Map.

**SEPARABILITY** - Should any section of or provisions of this Local Law be decided by a court of competent authority to be unconstitutional or invalid, such a decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part decided to be unconstitutional or invalid.

Fees - Permit fees shall be paid according to the fee schedule as may from time to time be established by resolution of the Village Board.

#### Violations and Enforcement –

- A. Required permit. It shall be unlawful to erect or construct if the cost of such construction is valued equal to or greater than \$1,000, or change the use of any building, structure, or lot, or to subdivide land after the effective date of this Local Law without first having applied for an obtained a permit or permits or approval as required in this Local Law.
- B. Penalties. Any person(s), firm or corporation who violates, disobeys, neglects, or refuses to comply with any provision of this Local Law, the New York State Building Code, the New York State Energy or any other Village law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00), or imprisonment for a

period of 15 days or both. Each week a violation that is continued shall be deemed a separate offense. Any unpaid penalties will be added to the next property tax billing for the Village.

- C. Notification. Upon determination by the Enforcement Officer that a violation of this Local Law exists, written notice shall be sent to the owner of the property. The notice may be delivered by other means or may be attached to the premises of the owner. A copy of the notice shall be sent to the Village Board.
- D. Remedies. Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to prevent illegal occupancy of a building, structure, or premises or to prevent illegal acts, conduct a business in or about any premises. These remedies shall be in addition to penalties otherwise prescribed by law.

**NONCONFORMING LOTS & USES** - Any use or subdivision commenced after the effective date of this Local Law shall comply with its provisions. Any legal use commenced prior to the effective date of this Local Law shall be permitted; however, expansion of such use shall be in conformance with this Local Law. No non-conforming use shall increase the degree of non-conformity by expansion, addition or encroaching on the minimum required setbacks. Lots of record which do not satisfy the minimum required size as of the date of this Local Law shall be deemed to be in conformance with the minimum lot areas specified herein but not automatically with respect to the minimum required setbacks. A non-conforming use discontinued for a period of more than one year shall not thereafter be permitted, and any future use shall be in conformance with the provisions of this local law.

**REMOVALS**- The Village Board may by order halt and/or seek a legal determination to remove such unpermitted new buildings, structures or uses which do not conform to the provisions of this Local Law and the cost of such removal shall be at the owner's expense.

### **STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

- A. Applicability. The State Environmental Quality Review Act requires that local governments examine the environmental impact of all actions they permit, fund, or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby incorporated into this local law by reference.
- B. Environmental Assessment. All "Type One" and unlisted actions (8NYCRR Part 617) shall require the submission of a Full Environmental Assessment Form at the time an application is filed with the Village.
- C. Lead Agency and Determination of Significance. The Board that is empowered to approve the action shall be the lead agency and shall determine the environmental significance of the proposed action prior to taking final action. If in the opinion of the lead agency, after review of the Environmental Assessment Form, there appears the



potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (DEIS). Review notice and action on the EIS shall be conducted according to 8 NYCRR Part 617.

## **DEFINITIONS**

Words and phrases used in this Local Law shall be defined as follows in this section. Words and phrases which are not defined below shall be defined as in the New York State Uniform Fire Prevention and Building Code. Words used in the present tense include the future tense. The masculine includes the feminine. The word "Lot" includes the word "Plot", "Parcel", or "Tract." The word "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.

Accessory Building or Structure: A building or structure which is used for a purpose clearly incidental or subordinate to, and customarily in connection with the principal building, structure, or use on the same lot.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Addition: An extension or increase in floor area, number of stories or height of a building or structure, an increase in conditioned space or the extension of a building system or subsystem.

Adult-Only Entertainment: any exhibition of any adult oriented motion pictures, live performance, computer, or CD Rom generated images, displays, of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing or specified anatomical areas, removal or partial removal of articles of clothing, or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

Agriculture: the science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products.

Alley: A narrow street or passageway between or behind buildings.

Alteration: A change or rearrangement in the structural parts, or in the entrance and exit facilities. Any construction or renovation to an existing building or structure other than a repair or an addition. A change to a mechanical system that involves an extension, addition or change to the arrangement, type, or purpose of the original installation.

Apartment: A residential unit for living in; usually on one floor of a larger building.

Auto Sales: A facility, area, or site used for the purpose of retail sales of motor vehicles. Such facilities may include indoor and outdoor vehicle storage areas, offices, and auto repair facilities.

Bed and Breakfast: An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient lodgers and containing not more than five bedrooms for such lodgers.

Boarding Houses: Any dwelling in which more than three rooms are used for the lodging for hire of non-transients, with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

Building: Any structure which is placed or affixed to the land and has a roof supported by columns or by walls or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

Building Area: The remaining area of a lot after minimum yard requirements of this local law have been met.

Building, front line of: The line of that face of the building nearest the front line of the lot. The face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Camping Ground: A parcel of land used or intended to be used, let, or rented for occupancy by campers, or for occupancy by or of trailers, tents or movable or temporary dwelling, rooms or sleeping quarters of any kind.

Church: see place of worship.

Condominium: Real estate, such as a unit in an apartment complex, which combines simple title to the unit and joint ownership in the common elements shared with other unit owners.

Coverage: That percentage of the plot or lot area covered by the building area.

Customary Home Occupation: See Home Occupation

Day Care Center: A program or facility that is not a residence in which day care is provided to three or more children for more than three hours per day per child for compensation or otherwise and must comply with NYS regulations for day care -part 418-1.

Dealership: An establishment authorized to buy and sell motor vehicles including ATV's, boats, RV's, cars, trucks, and farm equipment.

Deck: An exterior floor system supported on at least two opposing sides by an adjoining structure and/or post, piers, or other independent supports.

Dwelling, one family: A detached building designed for year –round occupancy by one family only, including a sectional dwelling or a modular home located on a permanent continuous masonry foundation, other than a recreational vehicle, camp, or any temporary structure.

Dwelling, two family: A detached building, designed for year-round occupancy by two families living independently of each other.

Dwelling, multiple: A building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment house, apartments, flats, and group house.

Entertainment/Leisure Business: The business of providing entertainment, recreation, or amusement shall include but not limited to, the following: Theatrical or musical entertainments, all shows or exhibits, exhibiting motion pictures, athletic clubs, sports & athletic exhibitions or contest, pools or billiard rooms, bowling alleys, golf courses, circuses, or penny arcades.

Family: One (1) or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Farm: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock and livestock products as a commercial enterprise as identified in Article 25-AA, Section 301 of New York State Ag and Markets Law. Such farm operation may consist of one or more parcels of owned or rented land, which may be contiguous or noncontiguous to each other.

Fence: A structure serving as an enclosure, a barrier, or a boundary. Usually made of post or stakes joined by boards, wire, or rails.

Gasoline Station: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term Gasoline Station shall be deemed to include filling station and service station.

Hobby Farm: A use of the land that is primarily residential in nature but may include the raising of livestock primarily for recreational purposes. A hobby farm shall consist of less than ten (10) animal units.

Home Occupation: Any occupation for gain or support conducted only by members of a family residing on the premises, and conducted entirely within the dwelling, provided that no article is sold or offered for sale except, such as may be produced by members of the immediate family residing on the premises. An occupation, profession, activity or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital: A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.

Hotel/Motel: A building or group of buildings where transient guests are lodged for hire.

Large Scale Business: A retail structure or group of structures having a total of 25,000 sq. ft. or more of gross floor area.

Library: A place where there is a collection of books and various other resources that are made accessible for reading and reference purposes.

Line, street: The dividing line between the street and the lot.

Light Manufacturing: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

Local Waterfront Revitalization Program (LWRP): The Village and Town of Waddington Local Waterfront Revitalization Program as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42). A copy of said LWRP is on file in the Municipal offices.

Lot: Means a portion or parcel of land considered as a unit devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

Lot Area: The computed area within the lines of the lot

Lot, depth of: A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

Lot, width of: This means width measured at right angles to its depth.

Lot Lines: Any line dividing one lot from another

Manufactured Home: A factory manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems, contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except for the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

Manufactured Home Class A- A manufactured home nineteen feet (19') or more in width.

Manufactured Home Class B- A manufactured home less than nineteen feet (19') in width.

Marina: A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for boat owners, crews, and guests.

Master or Comprehensive Plan. A plan which indicates the general locations recommended for various functional classes of public works, places, and structures and for general physical development of the village and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

Membership Organization -- an organization catering exclusively to members and their guests, or premises, and buildings for recreational, educational, cultural, or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending, merchandising or commercial activities or uses except as required for the membership and purposes of the club.

Mobile Home: A factory manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, constructed on a permanent chassis and designed to be used without a

permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

Modular Home: A factory-manufactured dwelling unit, conforming to applicable provisions of this code and bearing insignia of approval issued by the State Fire Prevention and Code Council, which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or assembly and permanent installation.

Motor Home: Built on a truck chassis with an attached cab section, which is usually van based but may also be constructed on either a commercial truck chassis, a specially designed motor vehicle chassis, or a commercial bus chassis.

Municipal Building: Those buildings owned or occupied by the Town or Village and used in providing municipal services, including but not limited to, the Town or Village office building, the police administrative office building and all maintenance buildings surrounding parking lots.

Non-conforming use: A use that does not conform to the regulations of the district in which it is situated.

Nursing Home: A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care, but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

Open Spaces: An unoccupied outdoor space normally named as such to distinguish it from a structure on a lot.

Parking space: The area required for parking one automobile, which in this local law is held to be any area ten (10) feet wide and twenty (20) feet long, not including passageways.

Personal Services Establishment: A business where professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles, or things is only accessory to the provision of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, Laundromats, shoe repair shops, etc.

Place of Worship: A specially designed structure or consecrated space where individuals or groups of people such as a congregation come to perform acts of devotion, veneration, or religious study. Temples, churches, synagogues, and mosques are examples of structures created for worship.

Plat: A plan for subdividing a piece of undivided property.

1. Preliminary Plat. The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.
2. Final Plat. The final map, drawing or chart, on which the sub divider's plan of subdivision is presented to the Planning Board for approval, and which, if approved, will be submitted to the County Clerk for recording.

Pop-up Trailer (also known as tent campers or camping trailers) a lightweight unit with sides that collapse for towing and storage. Most can be towed by an average size vehicle.

Premises: A lot, plot, or parcel of land, including any structure thereon.

Professional Services Office: A building or part of a building where professionally qualified people and their staff provide services to clients or patients. It shall only include a service office, a support office, a clinic, medical office, lawyers' office, architect, engineer, accountant, planner, or surveyor.

Public Utility: A public utility is an entity that provides goods or service to the public. Public utilities may include common carriers, as well as corporations that provide electricity, gas, water, heat, and television cable systems.

Recreation Area: Includes but not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and beaches.

Repair: The restoration to good or sound condition of any part of an existing building or structure for the purpose of its maintenance,

Residence: See Dwelling

Restaurant: A building where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.

Service, Parts, Repair Station: Any premise used for any or all the following: supplying and dispensing of petroleum products, accessories, services, and auto repair, excluding body and fender work.

Setback: The shortest distance from the highway right-of-way or a property line to part of a building or structure measured at right angles to such a right-of-way or property line, not including cornices, at or below grade structures; but including vestibules, decks(attached or

unattached) and porches. When the highway right-of-way fronts a lot on an angle or curve, the “setback” line is a continuation of the “setback” line of the adjoining lots extended to conform to the angle of such right-of-way.

Sign: Any device affixed to, painted, or represented directly or indirectly upon a building, structure, or land and which directs attention to an object, product, place, activity, person, institution, organization, or business. (These regulations shall not apply to any flag insignia of a government or government agency, school or religious group, or any official traffic control device.) Each display surface shall be a “sign.”

Site Plan: A plan showing the intended design, arrangement, and use of land to be improved and/or occupied or redeveloped, with sufficient information for determining the physical, social, and economic effects of the proposed development and/or use on the community and its infrastructure.

State Environment Quality Review (SEQR). The regulations under Title 6 of the New York Codes, Rules, and Regulations (6 NYCRR Part 617) provide for incorporating environmental review within the decision-making of any agency of any governmental unit in the State of New York. The terms "action", "agency", "applicant", "coastal area", "directly undertaken action", "Environmental Assessment Form", or "EAF", "Environment Impact Statement" or "unlisted action shall have the meaning set forth in Section 617.2 of the LWRP.

Store: An establishment where merchandise is sold, usually on a retail basis.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above, then the space between any floor and the ceiling next above it.

Street and Alley: A street is a way for vehicular traffic, whether designated as a street, highway, thoroughfare, road, throughway, parkway, avenue, boulevard, lane, and place or however otherwise designated. An alley is a narrow street or passageway between or behind buildings.

Street Line: The edge of the public right of way.

Structure: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

Sub divider: Any person, firm, corporation, partnership, or association, who shall layout any subdivision or part thereof, as defined here, either for himself or others.

Subdivision: The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership of building development, or, if a new street is involved, any division of land, provided that a division of land for agricultural purposes into lots or parcels of



five (5) acres or more and not involving a new street shall not be deemed a "subdivision". The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Simple Subdivision – means the division of any parcel of land into two (2), plots, sites, blocks or other division of land, for the purpose of sale, transfer of ownership or building development and shall include any alterations of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed with the Office of the Saint Lawrence County Clerk. The division of a parcel into two (2) lots shall constitute a minor subdivision if said parcel resulted from a prior division after which a period of six (6) years has not lapsed. The Code Enforcement Officer is authorized to approve simple subdivisions.

Minor Subdivision - Any subdivision conforming to all the following conditions:

1. Containing three (3) lots, including the original or parent parcel, but not more than five (5) lots; and
2. Not requiring any new street or road or the extension of municipal facilities; and
3. With all lots fronting on an existing approved and improved street excepting that in situations where a minor subdivision is located more than three hundred (300) feet from the nearest Village road, in which case the Planning Board may vary this requirement to allow a fifty (50) feet wide right-of-way with a twelve (12) feet wide travel way; and
4. Not adversely affecting the development of the remainder of the parcel or adjoining property; and
5. Not in conflict with any provision or portion of the Village Zoning Law or these regulations.
6. Notwithstanding these requirements, the Planning Board may, however, by waiver classify any subdivision as minor which does not involve new improvements.

Major Subdivision - Any subdivision or land development which is not a simple subdivision, minor subdivision or lot improvement. Any subdivision which involves the utilization of central sewage disposal systems or water supplies, the construction of any streets, or the utilization of conservation subdivision techniques shall also be considered a major subdivision, regardless of the number of lots.

Townhouse: A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

Tourist Home: A dwelling in which overnight accommodation is provided or offered for transient guests as compensation.

Travel Trailer: A unit with rigid sides designed to be towed by some larger vehicle towed behind or fifth wheel.

Truck Camper: A unit that is temporarily let into the bed or chassis of a pickup truck. A detachable section designed to be transported on a pickup truck.

Yard, front: Required open unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way. Covered porches or decks, attached or unattached, whether enclosed or unenclosed shall be considered as part of the main building and shall not project into the required front yard. Parking areas, blacktop or gravel have no bearing on the structure.

Yard, rear: Required open, unoccupied space on the same lot as a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley if there is an alley, and the rear line of the principal building or any projection thereof. Covered porches or decks, attached or unattached whether enclosed or unenclosed shall be considered as part of the principal building and shall not project into the required rear yard. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side: An open space from the front yard to the rear yard between the principal building and the nearest side lot line unobstructed from the ground upward. Covered porches or decks, attached or unattached whether enclosed or unenclosed shall be considered as part of the principal building and shall not project into the required side yard.

## **ARTICLE II: PERMITS AND PROCEDURES**

### **PERMITS**

#### **A. Building Permits and Site Plan Approval**

1. No building or structure shall be erected, added to, or structurally altered until a permit has been issued by the Code Enforcement Officer. No permit shall be issued unless the proposed building, structure, or use is in conformity with the provisions of this local law, including the approval by the Planning Board of a site plan for certain uses within the Waterfront Overlay District.
2. Application for a building permit shall be made on a form available from the Code Enforcement Officer or Village Clerk and shall satisfy one of the following:
  - a. a. If issuance of the permit is not subject to prior site plan approval, the application shall be accompanied by two (2) copies of a layout or plot plan drawn to scale, showing 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 compliance with this local law and to provide for the

enforcement thereof.

- b. If prior site plan approval is required, the application shall be held by the Code Enforcement Officer pending action by the Planning Board pursuant to Article V of this law.

**B. SUBDIVISION PLAT APPROVAL**

Subdivision plat approval, pursuant to Article VII and VIII, is required in all zoning districts within the Village.

**C. CERTIFICATE OF OCCUPANCY AND CERTIFICATE OF COMPLIANCE**

In the case of a structure for which a building permit has been issued, upon final satisfactory inspection by the Code Enforcement Officer, a Certificate of Occupancy or a Certificate of Compliance shall be issued. No occupancy of the structure or portion for which the building permit has been issued shall occur prior to receiving such certificate.

**Procedures for Permit Application:**

**REQUIRED DOCUMENTS.** Every application for activities described in Article II section 1 above shall be made using the forms approved and supplied by the Village Board and available at the Village Clerk's office.

**DISCRETION** The Enforcement Officer may waive or amend the requirements for filing plans and specifications for minor alterations to structures where such alterations are not contrary to the purposes of this Local Law and issue a building permit so stating. This authorization to the Code Enforcement Officer does not extend to site plans, subdivision plats, area or use variances.

**AMENDMENTS.** Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer prior to the commencement of such change of work. In the case of a use which is the subject of site plan approval, all such amendments shall be filed prior to final action on the site plan by the Village Planning Board.

**DISPLAY:** The building permit shall be prominently displayed on the property, or premises to which it pertains

**ARTICLE III. LAND USE DISTRICTS**

**ESTABLISHMENT OF DISTRICT**

For purposes of this local law, the Village of Waddington is divided into the following districts:

R-1 One- and Two-Family Residences

B-1- B-1 General business  
Districts are described as follows

B-1

\*Starting point - center line of James St. Lincoln Ave. and St. Lawrence Crescent continuing in a south westerly direction along the center line of St. Lawrence Ave. for approx. four hundred and sixty (460') to the NYPA boundary and Village of Waddington boundary.

Continuing in a northerly direction around Clarke Point for approx. three thousand six hundred and eight feet (3,680') to a point approx. two hundred feet (200') north to the center line of S. H. 37 and the boundary of the Village of Waddington.

Continuing in a westerly direction for approx. two thousand fifty feet (2,050') to the center line of James St. and St. Lawrence Crescent, the starting point.

\*Starting point is the center line of St. Lawrence Ave. and Main St. continuing in a north westerly direction for approx. one hundred and thirty-eight feet (138') to a point thirty-eight feet (38') west of the northwest corner of property lot line, tax map number 21-024-1-2 (dated 2011)

Continuing in a north easterly direction for approx. for approx. four hundred and twenty-five feet (425') to the northeast corner of property lot line, tax map number 21.024-1-11 (dated 2011)

Continuing in a south easterly direction along the property line of, tax map number 21.024.1-11 (dated 2011) for approx. one hundred and thirty-eight feet (138') to the center line of St. Lawrence Ave.

Continuing in a south westerly direction along the center line of St. Lawrence Ave. for approx. four hundred and twenty-five feet (425') to the center line of St. Lawrence Ave. and the center line of Main St., the starting point.

B-1 General Business

\*Starting point is at the center line of S. H. 37 at James St. continuing in a north westerly direction approx. one thousand and 15 feet (1,015') to the center line of James St. at St. Lawrence Crescent.

From that point continuing in an easterly direction for approx. two thousand and fifty feet (2,050') to the boundary line of the Village of Waddington approx. two hundred feet (200') northwest of the centerline of S. H. 37.

Continuing in a southeast direction for approx. two hundred feet (200') along the Village of Waddington boundary to the centerline of S. H. 37.

Continuing along S. H. 37's centerline approx. two thousand and seventy-five feet (2,075') to the beginning point.

\* Starting point is at the western boundary of the Village of Waddington and the center line of S. H. 37 continuing in an easterly direction along the center line of S. H. 37 for approx. four thousand one hundred ninety-five feet (4,195') to the center line of S. H. 37 at a point approx. two hundred and forty-five feet west of the centerline of LaGrasse St. and Main St.

Continuing in a north westerly direction for approx. nine hundred and twenty-six feet (926') to the center line of St. Lawrence Ave. approx. two hundred and forty-five feet (245') west of the center lines of Main St. and St. Lawrence Ave.

Continuing in an easterly direction along the center line of St. Lawrence Ave. for approx. four hundred and ninety-three feet (493'), approx. two hundred and forty-eight feet (248') beyond the center line of Main Street.

Continuing in a south easterly direction for approx. one thousand and eighty-six feet (1,086) to a point approx. one hundred and twenty-five feet (125') from the center line of S. H. 37.

Continuing in a south westerly direction for approx. two hundred and forty-eight feet (248') to the center line of LaGrasse St. approx. one hundred and twenty-five feet (125') south of the center line of S. H. 37.

Continuing in a south easterly direction for approx. two hundred and seventy-five feet (275') along the center line of LaGrasse St. to a point four hundred feet from the center line of S. H. 37.

Continuing in a south westerly direction for approx. one thousand three hundred and fifteen feet (1,315') to a point approx. four hundred feet (400') south of the center line of S. H. 37 and the boundary of property tax map number 21.031-2-24 (dated 2011).

Continuing south easterly along the property line of tax map number 21.031-2-24 (dated 2011) for approx. eight five feet (85') to a point approx. four hundred and eighty-five feet (485') from the center line of S. H. 37.

Continuing in a westerly direction along the property line of tax map number 21.031-2-24 (dated 2011) for three hundred and twenty-one (321') and approx. four hundred and eighty-five feet from the center line of S.H. 37.

Continuing in a north westerly direction along the property line of tax map number 21.031-2-24 (dated 2011) for approx. eighty-five feet (85') to a point four hundred feet (400') from the center line of S. H. 37.

Continuing in a westerly direction for approx. two thousand six hundred and fifty-nine feet (2,659'), maintaining a four-hundred-foot (400') separation from the center line of S. H. 37 to the boundary of the Village of Waddington and four hundred feet (400') from the center line of S. H.37. Continuing in a north westerly direction along the Village of Waddington boundary for approx. four hundred (400') to the center line of S. H. 37, the starting point.

#### B-2 Marinas

Marinas are only allowed on land that borders the St. Lawrence River.

Historic District: The Waddington Historic District is linear and confined to properties facing LaGrasse Street, encompassing seven buildings along its west side and four along its east side. These historic properties include eight residences, two civic buildings and a church all built between 1816 and 1919. Except for two corner buildings at Route 37 and LaGrasse Street, the buildings within the Waddington Historic District are set close to the road on small village lots. The Waddington Historic District boundaries are defined by NYS Route 37 to the south; rear lot property lines on either side of LaGrasse Street to the east and west; and the downtown commercial area to the north. No non-contributing features are located within the district boundaries. Waddington Historic District is a national historic district The district includes 11 contributing buildings. They include the St. Paul's Episcopal Church (1816), Town Hall (1884), Hepburn Library (1919), and homes dating back to the 1820s. It was listed on the National Register of Historic places in 1992.

#### PUD - Planned Unit Development

W-0 Waterfront Overlay: As per Local Law #2 Dated 11/05/1990

Starting at the western edge of the Village boundary with the Town of Waddington State Highway 37 (Lincoln Ave) east to James St, both sides of the street continue north to Clark Point then west along the St. Lawrence River to the western edge of the boundary of the Village of Waddington and the Town of Waddington.

Beginning at point centerline of Brookview Dr & State Highway 37 (Lincoln Ave) south to a point of Franklin Rd & the Village of Waddington Boundary with the Town of Waddington. Then east to the boundary line of the Village of Waddington & Town of Waddington. Then north to the intersection of the old Norwood RR & the Village of Waddington boundary. Then north along the old RR bed to the Intersection of State Highway 37 (Lincoln Ave). Then west along State Highway 37 (Lincoln Ave) to the point of the beginning

Overlay Regulations: In cases of conflict between the following overlay regulations and other provisions, regulations, standards, or procedures of this local law, the more stringent shall prevail.

Waterfront Area:

Purpose: The Village recognizes the value of its coastal resources both natural and man-made to the economic, social, and environmental well-being of the community and its citizens. It is the Village Board's intent to prevent impairment or loss of these resources, while encouraging their most beneficial use for greater economic productivity, better environmental protection, and improved quality of life. The purpose of the Waterfront Area Overlay Regulations is to meet this intent by ensuring that new development will be compatible with the Village's comprehensive planning processes and policies for its waterfront, including those applicable policies set forth in the Town of Waddington/Village of Waddington joint Local Waterfront Revitalization Program (JLWRP) as adopted by the Village Board and approved by the NYS Secretary of State.

Creation of the Waterfront Area Overlay: The Waterfront Area Overlay is hereby created to encompass all lands and waters of the Town lying within the NYS Coastal Area Boundary as identified in the aforementioned JLWRP. The Waterfront Area Overlay is shown on the Village of Waddington Zoning Map.

Waterfront Area Overlay Regulations: For all new development proposals within the Waterfront Area, the Planning Board's approval of site plans pursuant to Article V of this local law shall also be based on the extent to which such development proposals are consistent with the policies and purposes of the aforementioned JLWRP.

### Land Use District Map:

The boundaries and divisions of the above-mentioned districts are hereby established as shown on the map entitled "Village of Waddington Official Zoning Map" signed by the Mayor and The Village Clerk. Said map, with all explanatory matters thereon, accompanies and is hereby displayed in the municipal offices and shall be dated with the effective date of this local law. The effective date of any amendments to the official zoning map shall be shown thereon.

## **DISTRICT BOUNDARIES**

### A. Interpreting 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:

1. Where a district boundary is indicated as approximately following a street or highway, the centerline of such street or highway shall be construed to be the district boundary.
2. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
3. Where the boundary of a district follows a stream, lake or other body of water said boundary line shall be deemed to be at the limit of the jurisdiction of the Village of Waddington unless otherwise indicated.

## **ARTICLE IV. DISTRICT REGULATIONS**

### **GENERAL REGULATIONS**

#### A. Standards Applying to All Districts

1. ANY USE NOT LISTED AS PERMITTED IS DEEMED TO BE PROHIBITED
2. All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology of culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures or controls to prevent a significant adverse change to such significant structures, district, areas or sites. A significant adverse change includes but is not limited to:
  - a. Alteration of or addition to one or more of the architectural structural ornamental or functional features of a building, structure, or site that is a



recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entryways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps, rails, fencing windows; vents and other openings; grillwork, signs, canopies, and other appurtenant fixtures and in addition; all buildings, structures, outbuildings, walks, fences steps, topographical features, earth moving, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be considered)

b. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described above plus any other appurtenant fixture associated with a building structure or earthwork.

c. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action, and the resource means that the general appearance of the resource should be reflected in the architectural style, design, material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions with historic districts this would include infrastructure improvements or changes, such as street and sidewalk, paving, street furniture and lighting. This policy shall not be construed to prevent the construction, reconstruction, alteration or demolition of any buildings, structure, earthwork, or component thereof of a recognized historic, cultural, or archaeological resource which has been officially certified as being immensely dangerous to life or public health. Nor shall this policy be construed to prevent ordinary maintenance, repair, or proper restoration.

**Fencing:** (listed by category below) dividing the property from the neighbors must be at least two feet from the property line with the more finished part of the fencing to face the neighbors. This setback is to allow for maintenance to the fencing. Fencing must not block the view of waterfront or cause adverse impact for vehicular traffic in the area.

**Solid fences:** Except where otherwise required for visibility at street intersections, solid fences are allowed in required side or rear yards in all districts in which residences are allowed. Standards for solid fences are:

- a. The height shall not exceed four feet without zoning board approval.
- b. Solid fencing shall not be located on or within two feet of any lot line.
- c. A finished side must face the adjacent lot if the fence is within the yard required in the district.
- d. When using vegetation/shrubs as solid fence it must be brought to the Planning Board for approval.

Open fences: Open lattice, picket, rail, or wire fences are allowed, provided that the following standards are met and maintained.

- a. The height shall not exceed four feet
- b. Open fencing shall contain no openings of less than one inch in the least dimension and no solid members greater than three inches, exclusive of structural posts and rails.
- c. Barbed wire and/or electric fences are prohibited.
- d. Open fencing shall not be located on or within two feet of any lot line.

## **SECTION 1. ONE- AND TWO-FAMILY RESIDENCE DISTRICT (R-1)**

Purpose -The purpose of the residential district is to delineate those areas where a combination of single- and two-family housing in combination with selected other residential compatible uses is appropriate and to protect the integrity of these residential areas by prohibiting the intermixture of incompatible nonresidential uses.

The following regulations shall apply in all R-1 Districts

### **A. Permitted uses:**

1. One family or two-family dwelling
2. Churches or similar place of worship, convent, parish house, Sunday school building.
3. Public parks and playgrounds, and recreational areas operated membership organizations for the benefit of their members and not for gain.
4. Public schools and institutions of higher education, parochial schools, private schools operated by a non-stock corporation under the education laws of the State of New York.
5. Day care center
6. Public libraries and municipal buildings.
7. Hospital or medical facility for the treatment of human beings.
8. Intensive care facilities for not more than 8 clients
9. Customary agricultural operations, including a garden, nursery, greenhouse, and usual farm buildings, provided, however that no storage of manure or odor or dust producing substance or use shall be permitted within one hundred (100) feet of any property line.
10. Public utility structures and facilities necessary for the service of the area.
11. Customary home occupations and offices of doctors, dentists, lawyers, or

members of some other recognized profession in their places of residence if there shall be no external evidence of such occupations except a small announcement of professional sign addressed in another section of this law.

12. Other customary accessory uses and buildings provided such are incidental to the principal use and do not include any activity commonly conducted as a business. Such permitted accessory uses shall include the following:

- a. Private garage, storage shed or similar structure. Mobile homes used as storage buildings or as temporary residences are prohibited (See Article X of this Law)
- b. Renting of not more than three (3) rooms to tourists or to non-transient boarders or roomers.

B. Uses Permitted other than 1 and 2 family dwellings after Site Plan Approval. Certain uses located in the Waterfront Overlay are subject to the Site Plan Approval. (See Section 5)

C. Required Lot Area and Width.

1. Area - Each lot containing one principal building shall be not less than seven thousand five hundred (7,500) square feet in area.
2. Width - Each lot width shall be not less than seventy-five (75) feet.

D. Percentage of Lot Coverage: The total area of all buildings including accessory buildings shall not cover more than thirty-five (35) percent of the area of the lot.

E. Yards Required for Principal Buildings: Each lot shall have front, side, and rear yards of not less than the following widths:

1. Front yard depth - thirty-five (35) feet from right of way
2. Side yard width - fifteen (15) feet for each side yard
3. Rear yard depth - thirty-five (35) feet

F. Front yards less than required in Established Areas. In order to continue the existing setback pattern to retain the character of established residential area. In addition to the statutory tests for area variance the Board of Appeals is authorized to grant front yard setbacks for new construction that reflect the average setback of the existing nearby structures.

G. Location of Accessory Buildings. Accessory buildings may not occupy any required open spaces other than a rear yard and may not be less than five (5) feet from any lot line. Garages built on to or attached to dwellings shall not be considered accessory building, but part of the principal building.

## **Section 2: MULTIPLE FAMILY RESIDENCE DISTRICT (R-2)**

Purpose: The purpose of the multiple family residence districts is to provide for

development of other uses that are not permitted in the R-1 District but are compatible with multiple family development and subject to site plan approval.

The following regulations shall apply in all R-2 districts:

A. Permitted Uses:

1. Any use permitted in R-1 Districts, subject to all the specifications, restrictions, and requirements for such use.
2. Multiple family dwelling (s)
3. Recreation areas operated by membership organizations for the benefit of its members.
4. Nursing or Convalescent homes.
5. Boarding, lodging, and rooming houses: tourist homes
6. Signs not exceeding those allowed in Article on signage in this Local Law. there shall be permitted one sign only on a lot.
7. Customary accessory buildings and uses.

B. Uses Permitted After Site Plan Approval for any development not listed as permitted use in Section 2 (A). Certain uses located in the LWRP Overlay are subject to Site Plan Approval. (See Section 5)

C. Required Lot Areas and Width:

1. Area - Each lot containing one principal building shall be not less than seventy-five hundred (7,500) square feet in area. For each additional family dwelling unit over two provided in the structure, through construction or alteration, an additional two thousand and five hundred (2,500) square feet of lot area shall be required.
2. Width. Each lot shall be not less than seventy-five (75) feet in width as measure along the front yard setback line.

D. Percent of Lot Coverage - All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the area of the lot.

E. Yards Required for Principal Buildings. Each lot shall have front, side, and rear yards not less than the depths or widths following:

1. Front yard depth - thirty-five (35) feet from right of way.
2. Side yard width - fifteen (15) feet for each side yard
3. Rear yard depth - thirty-five (35) feet.

F. Front yards less than required in Established Areas. In order to continue the existing setback pattern to retain the character of established residential area. In addition to the statutory tests for area variance the Board of Appeals is authorized to grant front yard setbacks for new construction that reflect the average setback of the existing nearby structures.

G. Location of Accessory Buildings: Accessory buildings shall be governed by the regulations specified for R-1 districts.

#### **Section 4. GENERAL BUSINESS DISTRICT (B-1)**

Purpose: The purpose of the General Business District is to delineate those areas primarily utilized or appropriate for retail and related business uses and to ensure that any use in this district is compatible with these types and intensities of use.

The following regulations shall apply in all B-1 districts:

A. Permitted Uses:

1. Any use permitted in R-2 districts, subject to all the specifications, restrictions, and requirements for such use.

B. Uses Permitted After Site Plan Approval:

1. Store or shop for the conduct of retail trade except large scale business otherwise regulated. After site plan approval, includes a bus tour business, including accessory uses particular to that business such as offices, repair, and maintenance facilities, parking facilities or any combination of uses. Second story apartments located above ground floor retail space
2. Professional office, such as accountant, architectural service, bank, consulting, counseling, engineer, financial service, health care, or real estate sales.
3. Personal service establishment, such as barber, beauty shop, carpet installation, equipment rental or repair, gallery, video rental, real estate office, insurance sales or similar business.
4. Entertainment or leisure business, such as billiards, bowling, fitness or health club, theater or other public entertainment or amusement. **BUT NO ADULT ONLY ENTERTAINMENT.**
5. Restaurant, tea rooms, cafe, tavern, bar, or other places for the serving of food and beverages.
6. Hotel/motel
7. Automobile sales, service, parts, and repair station or gasoline service station.
8. All development in B-1 district in the Waterfront Overlay Area are subject to site plan approval.

C. Lot Area and Width, Coverage and Yards. The requirements for lot area, lot width, and percentage of lot coverage and front, side and rear yards shall be the same for residential buildings as specified in R-2 districts. Where a Business District directly adjoins a Residential District, side and rear yards equal in depth to those required in the residential district shall be provided and front yard equal in depth to that required in the adjoining residential district shall be provided in the business district for a distance of fifty (50) feet along the street on which both business and residential districts front.

When an office or commercial structure is located along a rural highway, all parking areas will be cited behind the structure and a planting buffer will be established adjacent to the highway.

Structures within a well-designed site plan will be located, constructed, and insulated to prevent on-site noise from interfering with the use of adjacent properties. Similarly, buildings will be situated to prevent offsite noise from unnecessary intrusion for property users. Additional methods for blocking noise include fencing, walls, landscape buffers, soundings, setbacks and the use of site of the art building materials.

The lighting of a site will provide security and visual interest while not projecting adverse glares onto adjacent properties. Onsite lighting will be downcast lighting, dark-sky compliant lighting, recessed bulbs, or cut-off shields.

Outdoor storage, service and parking areas for commercial buildings will be hidden or screened from the street and from other adjacent residential areas. This may be accomplished by site placement and/or the addition of coniferous planting or architectural elements.

### **Section 5: B-2 Marina District:**

Due to NYPA owning all shorelines along the St. Lawrence River, any marina development must be applied for and permitted through the New York Power Authority .

### **Section 6: Historic District**

The Historic District was established to recognize the historical referenced buildings which allows the owners to be able to apply for grants based on the significance of the buildings.

### **Section 7: Waterfront Overlay District (W-0)**

**Purpose:** The purpose of the waterfront overlay district is to provide for development consistent with the Local Waterfront Revitalization Plan and the Coastal Zone Management Act.

The following regulations shall apply within the Waterfront Overlay District in addition to the specifications, regulations, and requirements applying within the underlying district:

A. **Site Plan Approval:** Prior to the issuance of a building permit or, if a building permit is not required, prior to the issuance of a certificate of occupancy, all uses shall be subject to site plan approval by the Planning Board except the following:

1. One- and two-family dwellings, including buildings and uses accessory thereto.
2. Customary agricultural uses, and any other use for which site plan approval would constitute a Type II action pursuant to SEQR.

B. **Local Waterfront Revitalization Plan (LWRP) Consistency.** Each use that is subject to site plan approval shall be reviewed by the Planning Board in accordance with site plan review regulations of this section and the Village's LWRP Consistency Law. If the Planning Board determines that the use would be inconsistent with the policies and purposes of the LWRP, the site plan for such use shall be disapproved.

## **Section 8: Clark Point Subdivision.**

Ogdensburg Bridge and Port Authority have included deed restrictions to the development on Clark Point. The Restrictions are:

1. Lot Development (General)
  - a. Minimum lot area 19,000 SF
  - b. Maximum allowable coverage 33
  - c. Minimum frontage 100 ft.
  - d. Minimum finish floor elevation 247.0 ft.
2. Waterfront Lots (1 thru 14)
  - a. Minimum frontage 50 ft.
  - b. Minimum rear yard 35 ft.
  - c. Minimum side yard 25 ft.
  - d. Minimum side yard clear (unobstructed view to river) 15 ft.
  - e. Maximum building height 24 ft.
  - f. Maximum vegetation height 30 ft.
3. Interior Lots (15 - 22)
  - a. Minimum frontage - 35 ft.
  - b. Minimum rear yard - 35 ft.
  - c. Minimum side yard - 15 ft.
  - d. Maximum building height - 28 ft.
  - e. Maximum vegetation height - 30 ft.
4. Interior Lots (23 thru 30)
  - a. Minimum frontage 35 ft.
  - b. Minimum rear yard 35 ft.
  - c. Minimum side yard - 15 ft.
  - d. Maximum building height 36 ft.

### Open Storage of Goods and Materials:

1. No portion of any lot shall be used or maintained for storage of goods and materials, (excluding a yard barn 12ft. x 12 ft.) The storage of all goods and materials shall be enclosed, concealed, or screened as required by the provision of this Declaration. All waste materials shall be stored within a completely enclosed building or container located on the lot therein (not to have adverse impact on the view of neighbors of the waterfront.)

### Landscaping:

1. A reasonable amount of landscaping, including the planting of ground covers, shrubs, and trees shall be required, such that it is in conformance with provisions of this Declaration and harmonious with the environment.
2. Trees, shrubs, fences, hedges, or other landscaping shall not be planted, placed, or maintained upon any parcel until a complete plan thereof has been

submitted to and approved the Village Planning Board.

**Building Materials:**

1. All buildings shall be framed with reinforced concrete, or masonry, structural steel, structural aluminum, or wood. Siding shall be masonry, glass, vinyl, or finished wood (paint or stain). Siding shall be kept neatly painted or maintained.
2. Roofing materials shall be limited to a permanent roofing material that is non-reflective and has a minimum life span of 10 years. The color shall be consistent and harmonious with architecture of the structure and general environment.

**Lighting:**

1. Outside elevated lighting shall be attached to buildings only or less than 10 ft. above ground level. The lighting intensity and direction shall be arranged such that there is a harmonious indirect illumination compatible with the environment.

**Land Use:**

1. The said premises herein granted are to be solely used for residential purposes.
2. No commercial enterprise or enterprises outside of a home office may be conducted upon or from said premises. The premises may be rented or leased for residential use.
3. Each lot may only have one single family dwelling, except class A and B Manufactured homes.
4. No trailers, buses, other vehicles, tents, or temporary structures may be placed or used on said premises for occupancy or storage.

**Section 9. PLANNED UNIT DEVELOPMENT (PUD)**

**Purpose:** The purpose of this district is to create a district to permit establishment of areas in which unique singular or diverse uses may be brought together as a compatible and unified plan of development which shall be in the interest of the general welfare of the public. Density standards for PUD shall be similar to those applicable to the existing district or districts in which such PUD District is proposed to be located.

**ARTICLE V - SITE PLAN REVIEW & STANDARDS**

**Purpose:** A site plan is defined by state law as a drawing prepared in accordance with local specifications that shows the "arrangement, layout and design of the proposed use of a single parcel of land." The purpose of the site plan is to ensure that the development of individual parcels of land does not have an adverse impact on adjacent properties or the surrounding neighborhood. Such regulations also ensure that the parcel's development fits properly into the community and conforms to its planning objectives. Where there are practical difficulties or unnecessary hardships in the way of carrying out the local law, the Board of Appeals shall have the power passing upon appeals, to vary or modify the application of any of the provisions of such local law relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the local law shall be observed, public safety and welfare secured, and substantial justice done.



## **Checklist:**

1. Conformance to the provisions of local zoning which contain use and dimensional requirements for site development. All buildings shall conform to the setback requirements of the zoning district. No dwelling unit or multiple dwelling unit structure shall be located less than 30 feet from an adjacent dwelling unit or multiple dwelling unit structure.
2. Design of vehicular access to the site vehicular traffic access and circulation, including intersections, road widths, pavement surface dividers and other traffic controls
3. Provision of needed landscape features existing stone walls, mature trees and roads should be retained as far as it is possible and to the extent that their retention will enhance the visual and aesthetic appeal of the site.
4. Location of parking areas and apply to all zoning districts.
  - Uses generating traffic should be reviewed for the following possible negative impacts:
    - a. Poor access to a State, County or Village Road.
    - b. Parking arrangement poorly designed so as to force vehicle to back into a public roadway or block entrances or exits
    - c. Unclear or confusing traffic control signs, and
    - d. Traffic flow which creates hazards to pedestrians
5. Architectural features of the building(s)
6. Protection of adjacent areas and the community's residents from flooding and erosion. Uses should insofar as possible, be located in areas outside of designated flood hazard areas. Uses should not be situated in such a manner that they would endanger life or property if carried away by a flood. New Construction will be required to be above Base Flood Elevation (BFE) + two or three feet.
7. Traffic congestion and accident impacts

Adequate off-street parking facilities must be provided for the use of occupants, employees, and patrons of all structures and facilities so that parking does not obstruct the flow of traffic. All parking lots shall be so designed that vehicles will be traveling forward when exiting onto the road. A minimum number of parking spaces are suggested for certain uses and structures as shown in the following table:

Apartments/Multiple Dwellings, mobile home park - Two (2) parking spaces per dwelling
Store, shop, office - one (1) parking space for 300/400 sq. ft. of gross floor area.
Church, meeting hall, other places of public assembly - one (1) parking space for eight (8) seat maximum capacity.
Restaurant - one (1) parking space for each four (4) seats
Motel, tourist home - one (1) parking space for each guest room
Nursing Home - one (1) parking space for each full-time employee per daytime shift plus one visitor space for every five rooms.
Industry - one (1) parking space for each employee, daytime shift
Other Uses - adequate to meet the anticipated estimate to be included in the application for building permit or site approval as applicable.

8. Noise pollution:

If a proposed use is likely to generate noise, odor, vibration or emissions, the feasibility of using the following should be considered:

- a. Berms
- b. Fences
- c. Mufflers and
- d. Vegetation for screening

9. Erosion of neighborhood character. The use shall not interfere with or substantially change the established character of the neighborhood.

10. Name of applicant and property owner and address or other means of identifying the site location

11. Existing streams, wetlands, wooded areas, and other natural features of the site.

Compatibility of development with natural features of the site and with surrounding land uses.

12. General layout and approximate dimensions of existing and proposed features of the site including property lines, buildings and structures and their uses, adjoining streets, and access thereto, driveways, parking and loading areas and outside storage areas.

The proposed use should not be located in such a manner on the site so as to:

- a. Create a traffic hazard by limiting site distance.
- b. Be located in a poorly drained area.
- c. Be located on soils which, according to USDA Soil Conservation Service criteria unsuitable for the particular use
- d. Substantially obstruct an existing view of a river, stream, lake or historic site or another identified scenic vista
- e. Disturb existing bodies of water which contribute to the natural beauty of the site.
- f. Be located on slopes too steep to accommodate roads, walkways, riding trails or bike paths, as appropriate.
- g. On a corner lot, no fence, wall, hedge, sign, or other structure or planting more than 40 inches in height shall be erected, placed, or maintained within the triangular area formed by the  
Intersecting street lines and a straight line joining said street line at points which are 30 feet distance from the point of intersection. All buildings shall be located no less than 50 feet from the edge of a pavement or road.  
Buildings on corner lots shall be set back 50 feet from both road edges.

13. Approximate areas of cut and fill, if any and general indication of existing and proposed drainage patterns

14. Notation of means of water supply, sanitary waste disposal and solid waste disposal

The Village Planning Board, based on its review of the sketch plan and discussions with the applicant, can determine (and document in writing) that certain of the specifications for preparing a site plan are unnecessary or inappropriate.

## **Preliminary and Final Site Plan: Planning Board Review and Decisions:**

**Procedure:** Within sixty-two (62) days of receipt of a complete preliminary application as defined, the Planning Board may approve the preliminary application or hold a public hearing. The Planning Board shall mail notice of said hearing to the applicant and owners adjacent and nearby parcels within 200' of the subject parcel at least ten days before such hearing and shall give public notice of said hearing in the official newspaper at least five days prior to the hearing and shall make a decision on the application within sixty-two days after such hearing. The Planning Board may approve, approve with modifications or disapprove the application. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and Planning Board. Nothing herein shall preclude the holding of a public hearing on any matter on which a public hearing is not so required.

In the event that the parcel boundaries are within the five hundred (500) feet thresholds referenced in Article I of this Local Law, the Planning Board may not take final action on the site plan application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of the New York State General Municipal Law. Referral must be made to the County Planning Board at least ten days prior to any public hearing.

Compliance with State Environmental Quality Review Act. The Village Planning Board will ensure that the applicant complies with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and it is implementing regulations in 6 NYCRR Part 617.

If a preliminary application is approved, the applicant and the Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within 10 days of receipt thereafter of a request from the applicant provided the Code Enforcement Officer has determined that all applicable standards have been met. Including the NYS Uniform Fire Prevention and Building Code. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.

If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for approval according to the requirements set forth in Article V of this Local Law.

Within sixty-two (62) days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.

**Time Limitation:** The time periods within which the Planning Board actions are required by Article V of this Local Law are the maximum times allowable. The Planning Board is encouraged to make every effort to act as quickly as possible in reviewing applications to minimize delays

for the applicant.

**Justification and Notice:** The Planning Board shall apply all the review standards described in this Local Law in reviewing site plans.

1. Decisions of the Planning Board shall be in writing and may include reasonable conditions for disapproval shall be clearly stated.
2. Decisions of the Planning Board shall be filed within five business days in the Office of the Village Clerk, a copy filed with the Code Enforcement Officer and a copy mailed to the applicant by certified mail, with return receipt requested or by personally delivering the decision to the applicant.
3. Approval of a Site Plan by the Planning Board shall be valid for a period of one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during the period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from the Village, County and State agencies are obtained and any required performance bond is filed with the Village Clerk.

#### **APPLICATION REQUIREMENTS:**

**Application Requirements:** An application for site plan approval shall be made on forms available from the Village Clerk. When completed the application shall be filed with the Village Clerk and accompanied by the following items:

- a. Five (5) copies of the site plan prepared in compliance with the specifications under this section.
- b. A completed full or short environmental assessment form (EAF), depending on whether site plan approval of the given project or use would constitute a Type I or Unlisted action, respectively, pursuant to SEQR.
- c. A completed Waterfront Assessment Form (WAF) and
- d. Such application fee as may have been established by the Village Board

Any applicant shall have a site plan prepared to meet all the following specifications with the exception of those which the Planning Board has waived as a result of a pre-application conference.

1. The site plan and supporting data shall be prepared by a professional engineer, registered architect or landscape architect or licensed land surveyor (unless otherwise approved by the Planning Board or Code Enforcement).
2. The site plan shall include a title box indicating project name, if any; address or tax parcel number of the site; names of applicant, property owner and person or firm responsible for preparing the site plan; and date of site plan preparation.
3. The site plan shall be drawn to scale and shall accurately show the following information:
  - a. Scale and north arrow.
  - b. Location and dimensions of existing and proposed property lines and ownership of surrounding properties.

- c. Location and width of adjoining street rights of way.
- d. Location, dimensions, type of construction, height or number of stories and use of existing and proposed buildings and structures; The New York State Uniform Fire Prevention and Building Code regulates fire protection. The Planning Board shall consult with the Code Enforcement Officer to determine whether the code has been complied with.
- e. Location, arrangement, and dimensions of existing and proposed curb cuts; driveways, and parking areas.
- f. Location and width of existing and proposed public and private sidewalks.
- g. Location and type of existing vegetative cover, buffers, and other natural features of the site, including large trees, streams, water bodies with high water marks shown, flood hazard area boundaries as determined by the FEMA and freshwater wetlands.
- h. Location and type of outside storage areas or facilities.
- i. Location and size of existing utilities, sanitary sewers, storm sewers, water mains, and fire hydrants serving the site and the easements; therefore, Water supply must be provided by the Village's, municipal system. The location of water line connections must be shown. Uses requiring sanitary sewage disposal must connect to the Village's municipal system. The location of sewer connections must be shown.
- j. Provisions for control of storm water and drainage should be consistent with appropriate sections of this local law.
- k. Location, design, and construction materials of all other existing or proposed site improvements, including drains, culverts, retaining walls, fences, signs, outdoor lighting, and connections to existing sanitary sewers, storm sewers, water mains, and facilities for fuel storage and energy distribution.
- l. Exterior lighting shall neither be too poor nor excessively bright. Lighting should illuminate those areas where people are likely to encounter vehicles, machinery, etc. Site illumination should not be allowed to be directed at residences adjacent to the site so as to create a nuisance.

**Other Requirements:** The site plan shall include, or be accompanied by the following:

- a. A grading and drainage plan, showing existing and proposed contours.
- b. A general landscaping plan and planting schedule.
- c. An estimated project construction schedule, including completion for each phase of building, parking, and landscaping.
- d. A record of any Federal, State and/or County permits or approvals required for the project and the status of applications, therefore.
- e. A description of the proposed uses, volume of traffic generation; and
- f. An engineering feasibility study of any anticipated problem which might arise due to the project, when required by the Planning Board

**Application Requirements:** An application for site plan approval shall be made on forms available from the Village Clerk. When completed the application shall be filed with the Village Clerk and accompanied by the following items:

- a. Five (5) copies of the site plan prepared in compliance with the specifications under this section.
- b. A completed full or short environmental assessment form (EAF), depending on whether site plan approval of the given project or use would constitute a Type I or Unlisted action, respectively, pursuant to SEQR.
- c. A completed Waterfront Assessment Form (WAF) and
- d. Such application fee as may have been established by the Village Board

**Compliance Review:** The Code Enforcement Officer shall verify that the required items have been submitted. Within five (5) days of receiving an acceptable application package, the Code Enforcement Office shall:

- a. Determine whether the use is subject to site plan approval.
- b. Verify whether the proposed project and/or uses comply with all other applicable requirements of this zoning ordinance.
- c. Forward the application to the Planning Board with an accompanying zoning compliance report.

**Acceptance of Application:** Upon receiving the application, the Planning Board shall verify that the site plan has been prepared to the applicable specifications, and that the EAF is complete. With such verifications, the Planning Board shall accept the application as complete.

**Referrals:** The Planning Board shall refer a copy of the accepted application to each of the following, as appropriate:

- a. The St. Lawrence County Planning Board, when required pursuant to Section 239-m of the General Municipal Code.
- b. Involved State and local agencies when site plan approval of the project and/or uses would constitute a Type I action pursuant to SEQR or when such approval would constitute an unlisted action for which the Planning Board seeks coordinated review.

**Environmental Review:** When referral to other involved agencies is required or opted, the Planning Board must await the designation of a lead agency within the thirty (30) day period allowed by SEQR. Otherwise, the Planning Board is the lead agency. The lead agency is responsible for reviewing the EAF and determining the environmental significance of the proposed action within the twenty (20) day period allowed by SEQR. If the lead agency determines that the action would involve one or more, significant environmental impacts, that agency will be responsible for the further environmental review procedures of SEQR involving the preparation and review of an environmental impact statement (EIS). If the lead agency determines that no significant impacts are involved, the environmental review is completed. SEQR required that the lead agency satisfy notice and filing requirements as applicable to determination of significance, completion of a draft EIS, establishment of a public comment period and optional SEQR hearing on the draft EIS, and completion of a final EIS.

**Site Plan Review Considerations:** Coincident with the environmental review, the Planning Board shall review the site plan and the WAF with consideration of the following:

- a. The location, arrangement, size, design and general site compatibility of buildings, lighting, and signs with respect to the site, any proposed zone change, and adjacent development.
- b. The adequacy and arrangement of vehicular traffic access and circulation, including inter-sections, road widths, pavement surfaces, dividers, and traffic controls.
- c. The location, arrangement, appearance, and sufficiency of off-street parking and loading
- d. The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian conveniences.
- e. The adequacy of storm water and drainage facilities.
- f. The adequacy of water supply and sewage disposal facilities and any proposed charges to pay a portion of the cost of the capital improvement to water and sewer facilities, whether already expended or necessitated by the extent of the new proposed development.
- g. The adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- h. The adequacy of fire lanes and other emergency zones and provisions for fire hydrants.
- i. Special attention to the adequacy and impact of structures, roadways, and landscaping in the areas of susceptibility to flooding and/or erosion.
- j. The location and arrangement of structures relative to the waterfront.
- k. Conformance with the applicable policies and purposes of the village's Waterfront Revitalization Program.

### **Public Hearing:**

The Planning Board may require a public hearing on the application for site plan approval when a majority of its members deem a public hearing to be in the public interest.

1. When so required, the hearing shall be held:
  - (a) Within thirty (30) days of the date on which the Planning Board renders or receives notice of a determination of non significance for the proposed action, or
  - (b) Within sixty (60) days of the date on which the Planning Board accepts or receives notice of acceptance of a draft EIS for the proposed action.
2. If a SEQR hearing is to be held by the Planning Board, a separate public hearing on the site plan application shall not be required.
3. A scheduled public hearing on a site plan application shall be advertised by a public notice published in a newspaper of general circulation within the Village, at least five (5) days prior to the hearing date.

### **Action by the Planning Board:**

1. The Planning Board shall render its decision to approve, approve with modification(s), or disapprove the application within thirty (30) days of the date of which the following conditions have been satisfied.

- a. If required, comments have been received from the St. Lawrence County Planning Board; or the thirty (30) days period allotted for the county's review has expired.
  - b. The environmental review has been completed according to SEQR
  - c. If required by the Planning Board, a public hearing on the application for site plan approval has been held.
2. The decision of the Planning Board shall be made in writing and shall include:
  - a. A statement of findings and conclusions on which such decision is based and
  - b. Certification of its action according to the Village's LWRP Consistency Law
3. The decision shall be filed immediately with the Village Clerk, who, within five (5) days, shall:
  - a. Provide one (1) copy to the Code Enforcement Officer and
  - b. Mail one (1) copy to the applicant

**Plan Approval:**

1. To identify an approved site plan, three (3) copies of said plan shall be marked APPROVED BY THE PLANNING BOARD ON DATE OF DECISION AND SIGNED BY THE PLANNING BOARD CHAIRPERSON or in the Chairman's absence by another authorized member of the Planning Board. However, no approved site plan shall be thus marked and signed unless:
  - a. Any and all modifications required as part of its approval have been satisfactorily incorporated in the site plan and
  - b. All fees and reimbursable costs due the applicant has paid the Village
2. One (1) signed copy of the site plan shall be filed in the Village Clerk's office with the Planning Board decision. The second and third signed copies shall be provided to the Code Enforcement Officer and the applicant, respectively, as authorization for issuance of the building permit or certificate of occupancy, as the case may be.

**Reimbursable Costs:** The applicant shall reimburse the Village for the costs of consultant services or other extraordinary expenses incurred by the Planning Board in connection with the review of an application for site plan approval.

**Installation of Improvements:** The Planning Board may require as a condition of the site plan approval, that the applicant file a performance bond in amount sufficient to ensure that proposed parking, walkways, drainage improvements, landscaping, lighting, and other site work will be completed in compliance with the approved site plan. No certificate of occupancy shall be issued until all improvements shown on the approved site plan are installed or a sufficient performance bond has been posted for improvements not yet completed.

**Inspection of Improvements:** The Code Enforcement Officer shall be responsible for overall



inspection of site improvements and coordination with the Planning Board and other officials and agencies regarding the proper completion of such improvements.

## **ARTICLE VI: SUBDIVISION REGULATIONS & REVIEW PROCEDURES**

**Purpose:** The subdivision of land involves the legal division of a parcel into two (2) or more parcels within a five-year period for the purpose of development and/or sale. The Code Enforcement Officer has the authority to act on a simple subdivision. All minor and Major subdivisions must go through the Village Planning Board for approval and shall be submitted to the St. Lawrence County Planning Board as per Section 239-n of the General Municipal Law. The standards to be applied and the procedures to be followed by the Planning Board are contained in State Law and in subdivision regulations adopted by the Village of Waddington.

**Simple Subdivision** – means the division of any parcel of land into two (2), plots, sites, blocks or other division of land, for the purpose of sale, transfer of ownership or building development and shall include any alterations of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed with the Office of the Saint Lawrence County Clerk. The division of a parcel into two (2) lots shall constitute a minor subdivision if said parcel resulted from a prior division after which a period of five (5) years has not lapsed. The Code Enforcement Officer is authorized to approve simple subdivisions provided that the split will result in two conforming lots with road frontage.

**Minor Subdivision** - Any subdivision conforming to all the following conditions:

1. Containing three (3) lots, including the original or parent parcel, but not more than five (5) lots; and
  2. Not requiring any new street or road or the extension of municipal facilities; and
  3. With all lots fronting on an existing approved and improved street excepting that in situations where a minor subdivision is located more than three hundred (300) feet from the nearest Village road, in which case the Planning Board may vary this requirement to allow a fifty (50) feet wide right-of-way with a twelve (12) feet wide travel way; and
  4. Not adversely affecting the development of the remainder of the parcel or adjoining property; and
  5. Not in conflict with any provision or portion of the Village Zoning Law or these regulations.
  6. Notwithstanding these requirements, the Planning Board may, however, by waiver classify any subdivision as minor which does not involve new improvements.
- No minor subdivisions will be accepted on new streets not yet accepted by the Village and not paved.

**Major Subdivision** - Any subdivision or land development which is not a simple subdivision, minor subdivision or lot improvement. Any subdivision which involves the utilization of central sewage disposal systems or water supplies, the construction of any streets, or the utilization of

conservation subdivision techniques shall also be considered a major subdivision, regardless of the number of lots.

The Planning Board's review of the subdivision plan shall include and evaluate, at a minimum, each of the following criteria. Under a set of subdivision regulations, the landowner must submit a plan of the proposed subdivision.

**CHECKLIST:**

1. Layout and approx. dimension of lots
2. Roads showing sufficient widths and suitable grades
3. Topography and drainage
4. All proposed facilities at an appropriate scale
5. If applicable narrative elements
6. Sanitary sewers and storm drains (no ditches allowed)
7. Water mains and systems
8. Landscaping and trees
9. Sidewalks or provision on roadway
10. Curbs and gutters
11. Fire alarm signal devices
12. Street lighting
13. Signs (Village retains the authority to name the streets)
14. Location of floodplains
15. Planting of trees
16. Architectural sites
17. Utility easements and lines
18. Reserve land for parks, playgrounds, or other recreational purposes

**Pre application Sketch Plan Conference:**

An applicant may arrange a pre application sketch plan conference with the Planning Board to discuss the proposed subdivision, specifications for preparing the plat, initial review pursuant to SEQR, consistency with the Village's LWRP, addressing the checklist shown above, and referrals to other agencies. The applicant must bring at least three (3) copies of a sketch plan to the conference. The sketch plan should be drawn to scale and should show the following:

1. Names of applicant and property owner and address or other means of identifying the site location.
2. Existing streams, wetland, wooded areas, and other natural features of the site.
3. General layout and approximate dimensions of existing and proposed features of the site. Including property lines, adjoining streets, and access thereto, and connections to Village utilities, and
4. Approximate areas of cut and fill, if any, and a general indication of existing and proposed drainage patterns.

**Waiver of Specifications:** Based upon its review of the sketch plan and discussions with the

applicant, the Planning Board may determine that certain of the specifications for preparing an application for approval of the preliminary plat are unnecessary or inappropriate. If so, the Planning Board shall provide the applicant with a checklist in writing indicating which specifications have been waived.

**Procedure for conditional approval of preliminary plat:**

1. The applicant shall cause to be prepared a preliminary plat, together with the improvement plans and other supplementary materials as specified in this local law. The preliminary topographic map, street profiles, etc. and all procedures relating thereto shall in all respects be in full compliance with the provisions of this local law, except where waived in writing by the Planning Board. Three (3) copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Board with written application for conditional approval.
2. The Planning Board shall hold a public hearing on the preliminary plat within sixty-two (62) days, from receipt of a complete application. Written notice shall be mailed to the applicant at least ten (10) days prior to the hearing, and legal notice shall be published in the official newspaper at least five (5) days prior to the date of the public hearing. No public hearing will be set up until the complete package is made available to the Village Planning Board.
3. The Planning Board shall then study the preliminary plat and supplementary material in connection with the topography of the area, existing requirements of the Zoning Regulations, etc. and shall take into consideration the general requirements of the community and the best use of the land to be subdivided. Particular attention shall be given to matters enumerated in the Village Law as amended, as well as to specific requirements for thoroughfares, the adequacy of street connections and the suitability of the land for development. Following such review of the preliminary plat and other materials submitted for conformity thereof to these regulation and negotiations with the subdivider on changes deemed advisable, and the kind and extent of improvements to be made by them, the Planning Board shall hold a formal public hearing in compliance with local law, as amended. Preliminary plats and supplemental materials must be in the hands of the Planning Board prior to advertising the public hearing. Within sixty-two days after the public hearing the Planning Board shall communicate in writing its decision on the application submitted or modified, and if approved, the Planning Board shall express its approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore.
4. The action of the Planning Board shall be noted on two (2) copies of the preliminary plat, referenced, and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other retained by the Planning Board.
5. Conditional approval of a preliminary plat, shall specify the conditions prerequisite to the approval of the final plat, listing the specific changes which will be required for requirement of these regulations and the conditions of conditional approval, if any, will be submitted for approval of the Planning Board and for recording with the County.

### **Procedure for Approval of Final Plat:**

1. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the sub divider, it may constitute only that portion of the approved preliminary plat plan which be proposed to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
2. Application for approval of the final plat plan shall be submitted in writing to the Planning Board at least one (1) week prior to the meeting at which it is to be considered.
3. Three (3) copies of the final plat shall be submitted in writing to the Planning Board at least one (1) week prior to the meeting at which it is to be considered.
4. The final plat plan shall be referred to the County Planning Board if substantially different from the approved or conditionally approved preliminary plat plan referred to the County Planning Board.
5. A public hearing shall be held by the Planning Board (only after the complete package is received by the Village) within sixty-two days after the time of submission of the final plat for approval. This hearing shall be advertised in a newspaper of general circulation in the Village at least five (5) days before such hearing.
6. The Planning Board shall, then, within sixty-two (62) days from the date of submission of the final plat , approve, modify, and approve, or disapprove such final plat. The action of the Planning Board shall be noted on two (2) copies of the final plat. One (1) copy shall be returned to the sub divider and the other retained by the Planning Board, if disapproved, reasons shall be state in writing.
7. Within one-hundred eighty (180) days after receiving final approval, the developer shall file the plat plan with the County Clerk; otherwise, such approval shall expire as provided in the Village Law as amended.
8. No changes, erasures, modifications, or revisions shall be made in any final plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such final plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.
9. If the Planning Board does not complete its review within the times specified in Article V of this Local Law, this will constitute approval of the application, except where the review period has been extended by mutual consent of the applicant and the Planning Board.

### **Plans and Date/Preliminary Information:**

1. General subdivision information shall describe or outline the existing condition of the site and the proposed development as necessary to supplement the drawings required below. This information will include data on existing covenants, land characteristics, and available community facilities and utilities, and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, and their public areas, proposed protective covenants and proposed utilities, and street improvements (such as turnarounds on dead

end streets to accommodate school buses, snow plows and emergency vehicles).

The location shall show the relationship of the proposed subdivision to the existing community facilities which serve or influence it and shall include the development name and location, main traffic arteries, shopping centers, schools, parks, and playgrounds, other community features, such as hospitals and churches, title, scale, north arrow, and date.

2. The sketch plan on the topographic survey shall show in a simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include the existing topographic data listed in District Regulations and the data listed below that the Planning Board determines is necessary for its consideration of the proposed sketch plan.

- a. Boundary lines; bearings and distances
- b. Easements, location, width, and purpose
- c. Streets on and adjacent to the tract; name and right of way; width and location; type, width, and elevation of surfacing; any legally established center line elevations; walks, curbs, gutters, culverts, etc.
- d. Utilities on and adjacent to the tract; location, size, and invert elevation of sanitary, storm and combined sewers; location, size, and invert elevation of sanitary, storm and combined sewers; location and size of water mains, location of fire hydrants, electric and telephone poles, and streetlights if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevations and sewers.
- e. Ground elevations on the tract for land that slopes less than approximately two percent (2%) show spot elevations at all breaks in grade, along all draining channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than approximately two percent (2%) either show contours with an interval of not more than five (5) feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two (2) feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
- f. Subsurface conditions on the tract, if required by the Planning Board; location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions; depth to groundwater, unless test pits are dry to a depth of five (5) feet, location, and results of solid percolation tests if individual sewage systems are proposed.
- g. Other conditions on the tract; watercourses, marshes, rocky outcrop, wooded areas, isolated preservable trees one (1) foot or more in diameter, buildings, houses, barns, shacks, and other significant features.
- h. Other conditions on adjacent land, approximate direction, and gradient slope, including any embankments or retaining walls, character and location of buildings, railroads, tower lines, towers and other nearby nonresidential land uses or adverse

influences, owners of adjacent unplatted land. For adjacent platted land refer to subdivision plat by name, recordation date and number, and show approximate percent buildup, typical lot size and dwelling type.

i. Photographs, if required, by the Planning Board, camera locations, direction of views and key numbers.

j. Zoning on and adjacent to the tract.

k. Proposed public improvements; highways or other major public improvements planned by public authorities for future construction on or near the tract.

l. Key plan showing location of the tract.

m. Title and certificates; present tract designation according to official records in office of appropriate recorder; title under which the proposed subdivision is to be recorded, with names and address of record owners, subdivider and designated preliminary layout, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or survey and date of survey.

3. The preliminary plat shall be at a scale of two hundred (200) feet to one (1) inch or larger. It shall be submitted by using large-format plotters and other computer-system printing equipment. It shall show all existing conditions required in District Regulations, topographic data and shall show all proposals including the following:

a. Streets, names, right of way and roadway widths, approximate grades and gradients, similar data for alleys, if any. MINIMUM REQUIREMENTS will be dependent on engineer approved by the Village and paid for by the developer are:

1. 60 feet right of way

2. 28 feet asphalt pavement to be installed one year after subbase has been used and approved by Village DPW Superintendent.

3. Turnaround on dead end streets acceptable to accommodate school buses, snowplows, and emergency vehicles. See Cul-de-sac in Section VII Street regulations.

4. 12" of bank run gravel compacted with no stone larger than 4" in size and 6" sub grade from surface. Additional subsurface may be required dependent on the soil conditions on the land being developed i.e., sand, clay, gravel, watercourse, etc.

5. 3" binder coarse asphalt

6. 1" top

7. 5' shoulders – roadside ditches to flow water away from ditches and housing. No ditches may be filled in without the approval of the Village DPW Superintendent.

8. 12" sluice pipe - 20 ft. wide driveway to home.

Further street regulations can be found in Section VII Street Regulations.

9. Other requirements defined by the County Highway Department or the NYS Building Code will apply unless waived by the Planning Board after consultation with the Code Enforcement Officer and DPW.

b. Other rights of way or easements, location, width, and purpose.

c. Location of existing utilities:

1. Extension of electrical, telephone, gas and cable will be underground
- d. Connection with existing water supply or alternative means of providing water supply to subdivision, as provided in the Public Health Law, as amended.
- e. Connection with existing sanitary sewerage system or alternative means of providing water supply to a subdivision, as provided in the Public Health Law as amended.
- f. Provisions for collecting and discharging surface drainage - No open ditches
- g. Lot lines and dimensions, lot numbers and block numbers.
- h. Sites, if any, for multifamily dwellings, shopping centers, churches, industry, or other non-public uses, exclusive of single-family dwellings.
- i. Minimum building setback lines
- j. Improvements, including proposed location of sidewalks, street lighting standard, and species of street trees.
- k. Site data, including number of residential lots, typical lot size and acres in parks, etc.
- l. Site to be reserved or dedicated for required parks, playgrounds, or other public areas.
- m. Proposed subdivision name or identifying title, name of village and county in which subdivision is located, scale, true north arrow, and date. All street names must have the approval of the Village Board and names will not be accepted that could be confused with names of other streets in the Village.

4. When required by the Planning Board, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, typical cross section of the proposed grading, roadway and sidewalk, and preliminary plan of proposed sanitary and storm sewers with grade and sizes shown. All elevations shall be based on a datum plan approved by the Village Planning Board.

#### **Plats and Data for final Approval:**

1. The final plat shall be printed with large-format plotters and other computer system printing equipment. Size stated in data required for preliminary approval. For large subdivisions, the final plat may be submitted for approval progressively in continuous sections satisfactory to the Planning Board and must show the following:
  - a. Subdivision name or identifying title, name of village, county and state, scale, true north arrow, and date.
  - b. Primary control points agreeable to the Code Enforcement Officer or the Village Planning Board and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat plan shall be referred.
  - c. Sufficient data acceptable to the Village Planning Board, with consultation with Code Enforcement Officer, if required.
  - d. Tract boundary lines, rights of way lines, and street easements and other sites; with accurate dimensions, bearings, or deflection angles, and radial, arcs and

- central angles of all curves.
- e. Length of all straight lines, the deflection angles, radial length of curves, and central angles of all curves, tangent distances and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot.
  - f. Permanent reference monuments shall be thus - x - They shall be constructed in accordance with specifications of the Village Planning Board and the Code Enforcement Officer, if required. They shall be placed as required by the Village DPW and their location noted and referenced on the plat plan.
  - g. Monuments of a type approved by the Planning Board shall be set at all corners and angle verticals of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Village DPW. The location and description of such monuments shall be shown.
  - h. All lot corner markers shall be permanently located, satisfactory to the DPW, at least three fourths (3/4) inch (if metal) in diameter and at least twenty-four (24) inches in length, shown thus, "o" and located in the ground to existing grade.
  - i. Proposed name and rights of way, width of each street, or other right of way. Name pending approval of the Village Board and shall not be acceptable if confused with names of streets already in existence. Historical names shall be seriously considered.
  - j. Location, dimensions, and purpose of any easements.
  - k. Number to identify each lot on site.
  - l. Purpose of which sites, other than residential lots, are dedicated or reserved.
  - m. Minimum building setback line on all lots and other sites (bearing in mind the Local Law requirements for setbacks)
  - n. Names of record owners of adjoining unplatted land.
  - o. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
  - p. Certification by licensed surveyor or professional engineer certifying to accuracy of survey and plat, including license numbers and seals.
  - q. All public open spaces for which deeds of cession are included and those spaces title to which is reserved by the sub divider.
2. The final plat shall be accompanied by the following agreements or other document, unless waived by the Planning Board in writing:
- a. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.
  - b. Statement by owner dedicating streets, rights of way, lots, easements, and any other sites for public uses.
  - c. Cross sections and profiles of streets showing grades approved by qualified Engineer. The profiles shall be drawn to village standards, scales and elevations and shall be based on a datum plan approved by DPW after consultation with Code



Enforcement and Planning Board, if necessary.

d. A certificate from the DPW certifying that the sub divider has complied with one (1) of the following alternatives:

1. All improvements have been installed in accord with the requirements of these regulations and with the action of the Planning Board giving conditional approval of the preliminary plat and to their satisfaction in accordance with standards and specifications prescribed by them.

2. A bond or certified check has been posted, which is available to the Village and in a sufficient amount to assure such completion of all required improvements. Such bond or certified check shall be accompanied by a certificate from the Village Attorney as to the sufficiency of the bond offered in lieu thereof.

e. Protective covenants in the form for recording.

f. Other data: such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Board.

## **ARTICLE VII: STREET REGULATIONS**

### **MINIMUM DESIGN STANDARDS**

#### **A. Streets**

1. The arrangement, character, extent, width, grade, and location of all streets shall conform to the official map, if any, and shall be considered in their relation to existing planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.
2. The arrangement of streets shall either:
  - (a) Provide for the continuation, if appropriate, of major streets in the surrounding area; or
  - (b) Conform to a plan for the neighborhood approved by the board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
3. Minor streets shall be laid out so their use by through traffic will be discouraged.
4. Reserve strips controlling access to streets, water mains, sewage mains, lines or treatment plants, or other land dedicated to public use shall be prohibited unless control thereof is expressly placed in the Village under conditions approved by the Village Board.
5. Street jogs with center line offsets of less than one hundred fifty feet (150) shall be avoided.
6. A tangent between reverse curves shall be 100 feet minimum in length.
7. Streets shall be laid out to intersect as a possible at right angles and no street shall intersect any other street at less than 75 degrees.
8. Street right-of-way shall not be less than 60 feet.
9. Cul-de-sac streets shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 80

feet, and a street property line diameter of at least 150 feet. Dead end streets shall not be permitted except as provided herein.

10. No street names shall be used which will duplicate or can be confused with the names of existing streets or highways in the Village or Town. Street names shall be subject to the approval of the Village Board.
11. Street grades shall not be less than 0.5, nor more than 10 percent, unless prior approval has been obtained to change these grades.

B. Easements

1. Adequate easements centered on rear or side lot lines shall be provided for utilities where necessary. An easement of 15 feet is required.
2. Where land is traversed by a water course, drainage way, channel, or stream there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose.

C. Drainage

1. Storm and surface water drainage shall be designed for the street in relation to the drainage area and drainage outlets. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the streets and drainage easements shall be provided where necessary.

**MINIMUM REQUIRED IMPROVEMENTS**

A. General

All the required improvements shall be made in full compliance with the specifications, as required by the Village, and any State or Federal Regulations that may apply to drainage into streams or rivers.

B. Street Improvements

1. Sub-grade by owner.

All topsoil shall be removed from the area 18 feet on each side of the centerline unless a fill of three (3) feet or more is required. Fills must be made with materials approved by the Village DPW Superintendent and shall be placed in layers not over 6 inches thick and each layer shall be properly rolled. All muck, quicksand, spongy material, and any other objectionable material shall be removed.

The sub-grade of all streets shall be graded as follows: The center portion, 18 feet on each side of the center line shall be 12 inches below the finished grade as shown on the street profile. After it is properly shaped, it shall be thoroughly rolled and compacted. Drainage ditches shall be provided on each side of the road, the centerline of which shall be 21 feet from the center of the road. Ditches shall be at least 18 inches deep, one foot wide at the base, with slopes one foot vertical to 1.5 feet horizontal. The grade of the outside area or sidewalk and planting strip section shall in no case be lower than the crown of the pavement nor more than 8 inches above the crown. No gravel or stone is to be placed on the subgrade until the subgrade is approved by the Village DPW Superintendent and the Village Board.

2. Base Course- by owner.

The thickness and method of constructing the base course may vary depending on the amount of traffic anticipated, the type of material used, and the condition of the subgrade. All materials and construction procedure shall be subject to the approval of the Village DPW Superintendent. A base course of not less than 12 inches of compacted stone or gravel shall be installed. Street and road culverts shall be installed where necessary. Driveway culverts shall not be less than 12 inches in diameter and 20 feet in length and shall be corrugated plastic; installation to be approved by the Village DPW Superintendent. Where there is no natural stream or watercourse for the drainage of surface water from the proposed street, the owner shall secure rights-of-way and construct ditches or install storm water sewers to a natural waterway or as the Village DPW Superintendent so directs. Base course should be wide enough so final road width is no less than 20 feet.

3. Surface Course

The surface shall be specified by the Village Board. The owner shall pay to the Village Board the cost of a stone or gravel mulch topping, said costs to be determined by the Village Board.

## **ARTICLE VIII: SIGN CONTROL**

**Purpose:** The objective of this part of the local Zoning and Subdivision Law is to promote and protect health, welfare, and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types (including those visible on windows facing the street). It is intended to protect property values, create a more attractive economic and business climate, enhance, and protect the physical appearance of the community, preserve the scenic and natural beauty, and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space, and curb the deterioration of the community's appearance and attractiveness.

This local law is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction, and graphic design of the signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

### **Definitions:**

**Signs:** Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building or indoors as window signs, displaying an advertisement, announcement, notice or name and shall include any declaration, demonstration, display, representation, illustration or insignia

used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

Awning Signs: Any visual message incorporated into an awning attached to a building.

Copy-Change Sign: A sign on which the visual message may be periodically changed.

Directional Sign: A sign limited to providing information on the location of an activity, business, or event.

Free Standing Sign: Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.

Illuminated Sign: Any sign illuminated by electricity, gas, or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

Off-Premises Sign: A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Portable Sign: A sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure, or another sign.

Projecting Sign: A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall or a sign which is perpendicular to the face of such wall or structure.

Representational Sign: A three-dimensional sign built so as to physically represent the object advertised.

Sign Directory: A listing of two or more business enterprises, consisting of a matrix and sign components.

Sign Structure: The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two of the sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign structure.

Sign Surface Area: The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the

display. Both faces of a double-faced sign shall be included as surface or area of such a sign.

Temporary Sign: A sign related to a single activity or event having duration of no more than thirty (30) days.

Wall Sign: A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

Window Sign: A sign visible from a sidewalk, street, or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

### **General Regulations:**

Application Procedure: Applications shall be made in writing to the Code Enforcement Officer on forms prescribed and provided by the municipality and shall contain the following information:

1. Name, address, and telephone number of:
  - a. Applicant
  - b. Owner of the Property.
2. Location of the building, structure, or land upon which the sign now exists or is to be erected.
3. If a new sign is to be erected, elevation, and plan drawings to scale should be included. In addition, a full description of the placement and appearance of the proposed sign should be included and should cover the following:
  - a. Location on the premises, specifically, its position in relation to adjacent buildings, structures, and property lines.
  - b. The method of illumination, if any, and the position of lighting or other devices, and a copy of the electrical permit related to the electrical connections.
  - c. Graphic design including symbols, letters, material, and colors.
  - d. The visual message, text, copy or content of the sign.
4. Written consent or a copy of the contract made with the owner of the property upon which the sign is to be erected if the applicant is not the owner.

Permit: Upon the filing of a completed application for a sign permit and the payment of the required fee, the Code Enforcement Officer shall examine the plans, specifications, and other data submitted and the premises on which the sign is to be erected or now exists. If the sign is in compliance with all the requirements of this local law, then the Code Enforcement Officer shall, within fifteen (15) days, issue a permit for the erection of the proposed sign or for an existing sign. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the municipality.

If the erection of the sign authorized under any such permit has not commenced within six (6) months from the date of issuance, the permit shall become null and void, but may be renewed within thirty (30 days) prior to the expiration, for good cause shown, for an additional six (6) months, upon payment of one-half of the original fee.

Every sign shall bear the permit number, permanently and visibly shown. Failure to do so shall constitute cause for revocation of the permit.

All signs except Exempt signs listed below must fill out a building permit application and will be referred to the local Planning Board for approval before a building permit can be issued.

**No temporary, political, business or advertisement signs will be placed on Municipal Properties.**

**Exempt Signs:** (Require no permits). The following types of signs are illustrative of the kinds that may be erected and maintained without permits or fees, providing such signs comply with the general requirements of the local law and other conditions specifically imposed by these regulations:

1. Historical markers, tablets and statues, memorial signs, and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by government agencies, religious or nonprofit organizations; not exceeding six (6) square feet.
2. Flags and insignia of any government, except when displayed in connection with commercial promotion.
3. On-premise directional signs for the convenience of the public, identifying public parking area, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding four (4) square feet per face and six (6) feet in height. Business names and personal names shall be allowed, excluding advertising messages.
4. non-illuminated warning, private drive, posted or no trespassing signs do not exceed two (2) square feet per face.
5. One on-premise sign, either free-standing or attached, in connection with any residential building in any zoning district, for permitted professional offices or home occupations, not exceeding two (2) square feet, and set back at least ten (10) feet from the highway right-of-way. Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.
6. Number and name plates identifying residents, mounted on house, apartment, or mailbox, not exceeding one (1) square foot in area.
7. Lawn signs identifying residents, not exceeding one (1) square foot, or two (2) square feet if double faced. Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support, with no advertising message thereon.
8. Private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet for a period not exceeding seven (7) days.
9. Temporary non illuminated "For Sale", "For Rent" real estate signs and signs of

similar nature concerning the premises upon which the sign is in a residential zoning district, one sign not exceeding four (4) square feet per side. In a business or industrial zoning district, one sign, per agent, not exceeding five (5) square feet set back at least fifteen (15) feet from all property lines. All such signs shall be removed within three (3) days after closing, lease or rental of the premises.

10. One temporary sign(per vendor) for a roadside stand selling agricultural produce grown on the premises in season, providing that such sign does not exceed twenty-four (24) square feet and set back at least ten (10 feet) from the public right-of-way.

11. Temporary, non-illuminated window signs and posters not exceeding twenty-five (25) percent of the window surface.

12. Christmas holiday decorations, including lighting, are exempt from the provisions of this law and may be displayed in any district without a permit for the period from (3) days before Thanksgiving until the first week in the following year.

13. At gasoline stations:

a. Integral graphics or attached price signs on gasoline pumps

b. Two auxiliary signs per station, each not exceeding two (2) square feet.

c. One portable sign per station, not exceeding twelve (12) square feet and four (4) feet in height.

14. Directional signs for meetings, conventions, and other assemblies

15. One sign, not exceeding six (6) square feet in the residential districts nor sixteen (16) square feet in the business district, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress.

16. Political posters, banners, promotional devices, and similar signs, not exceeding four (4) square feet in the residential districts, providing:

a. Placement shall not exceed thirty (30) days, and a period of eleven (11) months shall elapse between the last day of one period of showing and the first day of the next.

b. The names and address of the sponsor and the person responsible for removal are identified.

## **ARTICLE IX – PLANNED UNIT DEVELOPMENT**

The origin of PUDS in the new American Communities can be traced to British movements during the 1950's. The developments in Britain's new communities deal with the locations of industrial elements and how they were publicly dictated before building ever began in order to uphold an economic base. However, in America, privately controlled communities often had to attract industry after the residential sectors had been built and occupied.

The purpose of this district is to permit the establishment of areas in which unique singular or diverse uses may be brought together as a compatible and unified plan of development.

Planned Unit Development is a means of land regulation which promotes large scale, unified

land development by means of mid-range, realistic programs of physically curable, social, and economic deficiencies in land and cityscapes. Where appropriate, this development control promotes:

- A. A mixture of both land uses and dwelling types with at least one of the land uses being regional in nature.
- B. The clustering of residential land uses provides public and common open space.
- C. Increased administrative discretion to local professional planning staff while setting aside present land use regulations and rigid plat approval processes.
- D. The enhancement of the bargaining process between the developer and government municipalities which in turn strengthens the municipality's site plan review and control over development for potentially increased profits due to land efficiency.

### **Design Principles:**

#### **Houses and Placement of House:**

Houses in PUDS often include access to a large shared open space surrounding the house as well as a smaller private yard. These large protected open spaces are created by the layout of the buildings and are intended for use by all residents of the developments. Different housing types (single-family, two-family, multi-family) are often mixed rather than separated as is done in conventional development.

### **Streets:**

Street patterns are one of the most crucial elements in establishing the neighborhood character of a residential community. Most non-PUD development focuses on obtaining maximum frontage for lot sizes and maximum flow of traffic on all streets. However, to dispel the monotony of the typical grid plan street pattern, PUDs often employ a hierarchy of street types based on usage. Local streets serve only residences and have a low traffic volume, while collector streets to arterials, which are the major routes of travel throughout.

### **Sidewalks and Pedestrian Ways:**

Sidewalks and pedestrian ways of PUDs supplement and complement street systems in establishing the character of the neighborhood. Sidewalks are located on at least one side of every street to enable the walkability of the developments. Circulation systems are provided to link residential groupings, open space areas, schools, and local shopping areas.

### **Combining Design Features:**

It is in the ability to design each of these components simultaneously that makes PUDs unique and effective. Each of the elements work together to enhance the whole. This is a major advantage over traditional zoning practices that force lots to be planned in accordance with broad rules that may allow for some incompatibility.

### **Process:**

Application and Required Submissions are included in Article 1 of this law. The proposal shall be consistent with the established character and adjoining uses of the neighborhood and shall



provide all reasonable safeguards for the protection of this character and property values. The Village Planning Board is designated as the authorized board or body to review and act on final Planned Unit Development(PUD) plans. Planned Unit Development(PUD) means a site upon which residential, commercial, industrial, or other land uses or any or any combination thereof may be authorized in a flexible manner to achieve the goals of the municipal comprehensive plan.

Planned Unit Development (PUD) District means an independent freestanding zoning district, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a preliminary planned unit development plan approved by the Village Planning Board.

**Procedure:**

Upon receipt of an application and preliminary plan for the establishment of a planned unit development district, the Village Board shall review the application and preliminary plan in consultation with the Waddington Village Planning Board.

Within ninety days of receiving the application, and prior to acting on a zoning amendment to create a planned unit development district, the legislative body shall hold one or more public hearings on such proposed preliminary plan and amendment. Notice of the public hearing should be published in a newspaper of general circulation at least ten calendar days in advance of the hearing. The proposed zoning amendment and preliminary plan should be made available for public review at the office of the Village Clerk and may be available at any other public place.

At least ten days before the public hearing on the application and proposed amendment to the zoning ordinance to create a planned unit development district, the Village Planning Board shall mail notices thereof to the applicant and to the county planning board as required by section two hundred thirty nine – m of the general municipal law, which notice shall be accomplished by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty nine –m of the general municipal law.

Within one hundred and twenty days of receiving the application and after holding public hearings, the legislative body shall act to approve, approve with modifications and/or conditions or deny the application, and if approved amend the local law or zoning ordinance to establish and map a planned unit development district. Upon taking such action, the Village Planning Board shall advise the applicant, the Code Enforcement Officer, the Village Board of Trustees, and the County Planning Board in writing of its determination within five business days after such action taken and place a copy of such letter on file in the office of the Village Clerk.

A final planned unit development plan shall be submitted by the applicant to the authorized board or body for review and approval, or approval with modifications and/or conditions. Review of the final planned unit development plan by the Village Planning Board shall take into consideration the preceding action of the legislative body on the preliminary planned unit development plan.

The Village Planning Board's determination on the final planned unit development plan shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

## **ARTICLE X - HISTORIC PRESERVATION**

**Purpose:** The purpose of such regulations is to attempt to control certain actions in and near historic districts and/or landmarks to the legitimate purposes of the municipality in preserving them. The vast number of historic structures that impact on the importance of this community economically and the increasing interest in the history of the area and its inhabitants require the preservation of our heritage.

**Action:** Any request for development or construction within 500 feet of the historic district and/or landmark will bear comments from the local Historian as to its compatibility with the area being preserved.

No mobile homes or manufactured homes will be permitted within the historic district.

Any development within the historic district (s) and/or landmarks will require considerable landscaping and the planting of trees and shrubs to add to the historic being of the area.

## **ARTICLE XI- CAMPERS, BOATS & MOTORHOMES**

**Purpose:** To permit campers, and motor homes in the Village of Waddington until such time as there is a park available for the parking of these recreational vehicles.

### **General Regulations**

1. Campers, motor homes and recreational vehicles will only be allowed in available campsites bearing a special permit. This applies when the vehicle is used as a residence - be it seasonal or full year.
2. Storage of campers-motor homes will not be permitted in the front yard (set back area), Village right of way or in the back yards along the banks of any river, stream, or brook in the Village where the storage of such vehicle will interfere with the scenic view.
3. Storage of boats will not be permitted in the front yard (set back area), Village right of way or in the back yards along the banks of any river, stream, or brook in the Village where the storage of such vehicle will interfere with the scenic view.
4. Campers and motor homes will be allowed on an owner's property (through special permit) for seasonal use only not to exceed 30 days. The use of the camper or motor home will not interfere with the scenic view of the shoreline or waterfront path.

5. Construction trailers offices will be permitted when there is an approved development plan for the area of land. However, the developer must apply for a building permit and will not be allowed to remain on site for longer than one week after completion of the project, unless otherwise agreed to by the Village Board of Trustees. The trailers may not be used for living quarters.

## **ARTICLE XII. Miscellaneous**

### **1. Outdoor Wood Boilers:**

**Purpose:** It in the intention of the Village to establish and impose restrictions upon the construction and operation of outdoor wood-burning furnaces within the limits of the Village for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Village and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, and air pollution can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property or premises.

**Definition:** Outdoor wood-burning furnace shall mean an accessory structure, designed, and intended through the burning of wood, for the purpose of heating the principal structure, or any other site structure on the premises.

**Prohibition:** The construction and operation of outdoor wood-burning furnaces are hereby prohibited within the Village of Waddington.

**Non-conforming Uses:** Continuation of non-conforming uses: The lawful use of any existing outdoor wood burning furnace existing at the time of the adoption of this local law may be continued, although such use does not conform to the provisions of this law except as a hereinafter provided. Currently existing outdoor wood burning furnaces may only be used for burning wood; the burning of all other substances is prohibited.

**Extension or Enlargement:** No existing outdoor wood burning furnace shall hereafter be extended or enlarged.

**Abandonment or Discontinued:** Any outdoor wood burning furnace which is abandoned or discontinued for a period of one year shall not be permitted to be re-established as a nonconforming use and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the outdoor wood burning furnace by the end of the one-year period, the Village of Waddington Code Enforcement Officer shall give written notice by certified mail or personal service to the property owner upon which the outdoor wood burning furnace is located. Such notice shall provide that such person shall remove the same within fifteen days of the notice. Should the outdoor wood burning furnace not be removed in the time specified, the Code Enforcement Officer shall arrange for its removal. The cost of

said removal plus 50% shall be charged to the owner of said premises. Said cost and fifty-percent charge if not paid shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the General Village Tax and as a part thereof.

**Restoration:** No outdoor wood-burning furnace which has been damaged by natural causes to the extent of more than seventy five percent (75%) of its assessed value for the Village of Waddington tax purposes shall be repaired or rebuilt.

## **ARTICLE XIII- SOLAR ENERGY REGULATIONS**

### **Purpose**

This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. This regulation is intended to apply to free standing; ground mounted or pole mounted solar energy system installations based upon certain placement. This regulation is not intended to override agricultural exemptions that are currently in place.

### **Definitions**

**Alternative Energy Systems:** Structures, equipment, devices, or construction techniques used to produce heat, light, cooling, electricity, or other forms of energy on site and may be attached to or separate from the principal structure.

**Building- Integrated Photovoltaic (BIPV):** The incorporation of photovoltaic (PV) material into a building's envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

**Collective Solar:** Installations of Solar Energy Systems that are owned collectively or leased through a homeowner's association, community, or municipal system, "adopt-a-solar-panel" programs, or other similar arrangements.

**Glare:** A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

**Glint:** A momentary flash of light that may be produced as a direct reflection of the sun on a solar collection system.

**Ground Mounted System:** A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

**Major Solar Collection System:** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground mounted or roof mounted solar collector devices. Solar energy systems producing 25MW or more are regulated by the New York State Board on Electric Generation Siting and the Environment (siting board) under Article 94-C of the New York State Public Service Law. The Siting Board is responsible for issuing Certificates of Environmental Compatibility.

**Minor or Accessory Solar Collection System:** A solar photovoltaic cell, panel, array, solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, Minor solar collection systems may consist of Building- Integrates, photovoltaics, ground mounted, or roof mounted solar collector devices. A system that generates no more than 125% of the power consumption needed on site and/or a total surface area of all solar panels on the lot of up to 4,000 square feet. Farm operations in an Agricultural District may construct a minor or accessory solar collection system that does not exceed 110% of the farm's energy needs.

**Roof Mounted System:** A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

**Solar Access:** Space that is open to the sun and clear of overhangs or shade. Structures constructed on private property will not infringe on the rights of adjacent properties.

**Solar Energy Equipment:** Other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**Solar Energy Equipment/Systems:** Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.

**Solar Panel:** A device capable of collecting and converting solar energy into electrical energy.

**Commercial Solar:** A solar energy system which is intended to be used for any purpose, other than private, or residential, or agricultural use, including community-based systems.

## **Applicability**

1. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair.

2. All Solar energy system installations require a building permit.
3. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Codes and the Village Code.
4. 4. Nothing contained in this provision shall be construed to prohibit “Collective Solar” installations or the sale of excess power through a “net billing” or “net metering” arrangement in accordance with New York State Public Service Law §sixty-six- j (§ 66-j) or similar New York State or federal law or regulation.
5. All solar energy systems shall be designed, erected, and installed to prevent undue glare from falling on adjoining properties or creating traffic safety issues.
6. It is the discretion of the Code Enforcement Officer to approve installation of minor solar systems. The Waddington Village Planning Board must approve all Major solar installations

### **Solar Collectors and Installations for Minor Systems**

1. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:
  - a. The distance between the roof and highest edge of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
  - b. Rooftop and building-mounted solar collectors shall not obstruct solar access to adjacent properties.
2. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:
  - a. The location of the solar collectors is not permitted in front yards and must be twenty (20) feet from side and twenty (20) feet from rear dimensions.
  - b. The height of the solar collectors and any mounts shall not exceed twelve (12) feet height restriction and oriented at a maximum tilt.
  - c. The solar collectors may not be located closer to a front lot line than the principal building on a property. If the side or rear yard is visible from adjacent properties and roads, a solid fence, berm, or vegetative screening that conforms to local requirements **MUST** be installed along shared lot lines to minimize visual impact to neighboring properties.
  - d. Ground-mounted and freestanding solar collectors shall not obstruct solar access to adjacent properties.
3. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by an appropriate electrical inspection person or agency and the Code Enforcement Officer as determined by the Village. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

4. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code and Village of Waddington Local Law # entitled Battery Energy Storage Systems when in use and when no longer used shall be disposed of in accordance with the laws and regulations of St. Lawrence County and other applicable laws and regulations
5. Decommissioning. Small scale solar. Decommissioning Requirements for Small Scale Solar Energy Systems and Solar Energy Systems Designed for Subdivision Use Using Free-Standing or Ground Mounted Solar Collectors. If a Free-Standing or Ground Mounted solar collector(s) ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment by no later than ninety (90) days after the end of the twelve-month period. If the property owner fails to remove the aforesaid non-functioning system within the time prescribed herein, the Village may enter upon the land where such system has been installed and remove same. All expenses incurred by the Village in connection with the removal of the non-functioning system shall be assessed against the land on which such free-standing or Ground Mounted solar collector(s) is located and shall be levied and collected in the same manner as provided in Article fifteen (15) of the N.Y. Town Law for the levy and collection of a special ad valorem levy.

## **Major Solar Systems**

1. Major Solar Systems are permitted through the issuance of a special use permit in all zoning districts except the waterfront overlay district and site plan review in accordance with this chapter. In addition, Major Solar Systems must meet the criteria set forth below.
2. A Major Solar System may be permitted when authorized by site plan review and special use permit from the Village Planning Board subject to the following terms and conditions.
  - a. Height and setback restrictions.
    1. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height above the ground.
    2. The minimum setback from property lines shall be twenty-five (25) feet, unless adjacent to residential neighbor.
    3. Fencing and/or a berm of vegetative screening shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads. Fencing shall not be barbed wire. When fencing will enclose the perimeter of the site or facility, wildlife friendly fencing that allows the passage of small mammals and reptiles and is designated to minimize wildlife injury and death due to entanglement or strangulation shall be used on sites having solar facility footprint greater than five (5) acres. Exceptions can

be made by the Planning Board for sites that have limited surrounding wildlife habitat.

4. For adjoining arrays, the number of features installed for the facility should be kept to a minimum, such as the use of shared access roads and fencing.
- b. Design Standards
1. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
  2. Removal of any prime agricultural soil from the subject parcel is prohibited.
  3. Any solar energy system located on farmland that consists of Prime Farmland, Prime Farmland if drained, or Farmland of Statewide Importance- shall not exceed thirty-five (35) percent of the entire lot.
  4. Roadways within the site shall be built along field edges and along elevation contours where practical, constructed at grade and have a maximum width of sixteen (16) feet. Roadways shall not be constructed of impervious materials and shall be designed to minimize the extent of roadway constructed and soil compaction.
  5. All on-site utility and transmission lines shall, to the extent feasible be placed underground. Any above ground transmission lines that are used to accommodate the facility shall require utility poles that are tall enough and installed at widths able to accommodate farm machinery and equipment. All utility poles shall provide 20' of clearance as measured from the shortest distance between the lowest electrical/utility lines and final grade. The installation of guy wires to utility poles is discouraged.
  6. Solar collectors and other facilities shall be designed and located to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads.
  7. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum of a six (6) foot-high fence with a self-locking gate.
  8. Major systems or solar farms shall not obstruct solar access to adjacent properties.
  9. Any exterior lighting installed within the facility shall be downcast and dark sky compliant with recessed bulbs and full cut off shields.
- c. Signs
1. A sign not to exceed twelve (12) square feet shall be displayed on or near the main access point and shall list the facility name, owner, and emergency phone number.
  2. A clear visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations not to exceed four square feet.
- d. Safety
1. The owner/operator shall provide evidence that a copy of the site plan application has been submitted to the Fire Chief of the Waddington Fire



Department. All means of shutting down the photovoltaic solar energy system shall be clearly marked on the site plan and building permit application.

3. A piece of equipment meets the definition of oil-filled operational equipment at forty (40) CFR part 112.2 (e.g., transformers, capacitors, and electrical switches) shall comply with the secondary containment procedures of that regulation.
4. Decommissioning. Prior to removal of a large-scale solar energy system, a demolition permit for removal activities shall be obtained from the Village of Waddington.

- a. Decommissioning Bond.

Prior to issuance of a building permit for a Large-Scale Solar Energy System, the owner or operator of the Solar Energy System shall post a surety in an amount and form acceptable to the Village of Waddington for the purposes of removal in the event the Large-Scale Solar Energy System is abandoned. The amount of the surety required under this section shall be 125% of the projected cost of removal of the Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. Acceptable forms shall include, in order of preference: cash; irrevocable letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the Large Scale Solare Energy System should the system be abandoned. In such case, the Village Building Inspector/Code Enforcement Officer shall then provide written notice to the owner or operator to removal the Large Scale Solar Energy System, and the owner or operator shall have one (1) year from written notice to remove the Solare Energy System including any associated accessory structures and/or equipment, and restore the site to a condition approve by the Planning Board. If the owner, operator applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Board, all costs of the Village incurred to enforce or comply with this condition shall be paid using the surety provided by the applicant.

- b. Decommissioning Plan. An application for a Large-Scale Solar Energy System shall include a Decommissioning Plan. Removal of a Large-Scale Solar Energy System must be completed in accordance with the Decommissioning Plan. The Decommissioning Plan shall:

1. Specify that after the Large-Scale Solar Energy System will no longer be used, it shall be removed by the owner and/or operator or any subsequent owner/operator and shall include a signed statement from the applicant acknowledging such responsibility. The application shall disclose the lease start date, length of the original lease, and number of options and timeframes if the lease is renewed. Within thirty (30) days of changing ownership, notice shall be provided to the Village with the name of the new owner and contact information.
2. Demonstrate how the removal of all infrastructure (including but not limited to above ground and below ground equipment, structures, and foundations)

and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. For the decommissioning of solar systems on farmland, all equipment above grade and to a depth of four (4) feet below grade shall be removed from the site. The soil should also be de-compacted to a depth of two (2) feet, regraded and reseeded with native plants and seed mixes and exclude invasive species.

3. Include photographs or archival color images of the proposed site plan area. For the Large-Scale Solar Energy System. Such information must, in aggregate, adequately portray the entire property for the purpose of future reference when soil and vegetation remediation of the property occurs.
  4. State that disposal of all solid and hazardous waste shall be in accordance with local, state, and federal waste disposal regulations.
  5. Provide an expected timeline for decommissioning within the one-hundred eighty (180) day period set forth below.
  6. Provide a cost estimate detailing the projected cost of executing the Decommissioning Plan.
5. Abandonment and Removal.
- (a) A Large-Scale Solar Energy System is considered abandoned after one (1) year of not performing all normal functions associated with electrical energy generation on a continuous basis.
  - (b) Upon cessation of activity of a fully constructed Large Scale Solar Energy System for a period of one (1) year, the Village may notify the owner and/or operator of the facility to implement the Decommissioning Plan. Within one-hundred and eighty (180) days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the Decommissioning Plan.
  - (c) In the event that construction of the Large Scale Solar Energy System has been started but is not completed and functioning within eighteen (18) months of the issuance of the final Site Plan, the Village may notify the operator and/or the owner to complete construction and installation of the facility within one-hundred and eighty (180) days. If the owner and/or operator fail to perform, the Village may require the owner and/or operator to implement the Decommissioning Plan. The decommissioning plan must be completed within one-hundred and eighty (180) days of notification by the Village to implement the Decommissioning Plan.
  - (d) Applications for extensions of the time periods set forth in this subsection of no greater than one-hundred and eighty (180) days shall be reviewed by the Village Board.

- (e) Upon recommendation of the Building Inspector/Code Enforcement Officer, the Village Board may waive or defer the requirement that a Large-Scale Solar Energy System be removed if it determines that retention of such facility is in the best interest of the Village.
- (f) If the owner and/or operator fails to fully implement the Decommissioning Plan within the prescribed time period and restore the site as required, the Village may use the financial surety posted by the owner and/or operator to decommission the site, or it may proceed with decommissioning at its own expense and recover all expenses incurred for such activities from the defaulted owner and/or operator. Any costs incurred by the Village shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.

### **Special Use Permit Requirements**

1. In addition to the other special use permit requirements of this Code, the following shall be provided to the Village.

- a) Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
- b) Name, address, and contact information of the applicant, property owner(s), and agent submitting the project. In the event ownership of the facility changes hands, or if the lease is terminated, notification shall be sent to the Village within thirty days of the transfer or termination date. The notice shall include the name and contact information of the new owner(s). The new owner shall then be bound by the terms of the original agreement.
- c) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- d) Site Plan: Site plan approval is required.
- e) Blueprints signed by a New York State registered Professional Engineer or Registered Architect of the solar installation showing the layout of the system.
- f) Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc. Any such plan shall propose that the property maintain a neat and orderly appearance consistent with surrounding properties. The property shall always be maintained in a manner consistent with all properties within the Village of Waddington. If the array will be sited on farmland located in an Agricultural District, a completed Agricultural Data statement must be completed.
- g) The Village of Waddington has established that there shall be a Community

Benefit to maximize the benefits of a solar project to the Village of Waddington and its residents. The benefit shall be determined, through an agreement negotiated between the Village and the developer/owner.

## **ARTICLE XIV - TELECOMMUNICATIONS TOWERS REGULATIONS**

### **Description**

Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Village of Waddington regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers which can transmit their signals at much greater distances.

The Federal Communications Commission has recently licensed a number of providers of wireless communication services and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the Village of Waddington and these efforts are expected to include requests to construct new communication towers and/or structures as well.

The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Village of Waddington while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting, and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the village.
- Encourage providers to co-locate their facilities on a single tower.

The Village of Waddington has undertaken a deliberate process to establish policy, standards and procedures related to the siting of tower structure and antenna arrays for wireless telecommunications as contained herein. In doing so, the municipality attempted to:

- Preserve property values and development opportunities.
- Minimize the visual impact of towers.
- Minimize the number of towers and their heights.
- Promote safety, general welfare, and quality of life.
- Assure adequate access to wireless communication service for the community.

### **A. Telecommunication Definitions**

Antenna: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to, radio, television, cellular, paging, personal communication services, and microwave communications. The frequency of these waves ranges from 10Hertz to 300 megahertz but can be higher as technology advances.

BTS (base transceiver station): the central cell facility that contains all the receivers, transmitters and other apparatus needed for cellular/PCS operation.

Capacity: The number of mobile users that can realistically be serviced by a BTS.

Coverage: The general term that describes the ability of a BTS to send and receive wireless signals of sufficient strength to provide dependable cellular/PCS service

Co-Location means locating wireless communications facilities from more than one wireless communications service provider on a single site.

EAF: Environmental Assessment Form

EPA: The Environmental Protection Agency

FAA: The Federal Aviation Administration

FCC: The Federal Communications Commission

Guyed Wire: A construction technique that uses stabilizing cable to provide lateral support for a tower.

Height of Tower: means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within 10 feet thereof to the top point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevation of the property at the time of application.

Interference: Any electromagnetic radiation or noise that is not the desired signal.

Lattice Tower: Description of the type of tower construction typified by cross-bracing between three posts that constitute a rigid antenna support structure.

Monopole Tower: A unified self-supporting structure typified by a smooth tapered steel pole like roadway light supports.

Network: The general term used to describe all the BTS facilities and equipment required to provide cellular/PCS services.

## Nier: Non-Ionizing Electromagnetic Radiation

Path Loss: The attenuation experienced by the radio waves as they propagate from the BTS to the mobile phone or from the mobile phone to the BTS. Path loss will be the same for either direction over short periods of time.

Satellite Antenna: Shall be any parabolic dish, antenna or other device or equipment of whatever nature or kind, the primary purpose of which is to receive television, radio, light, microwave, or other electronic signals, waves and/or communications from space satellites.

SEQR: State Environmental Quality Review as described in 6 NYCRR Part 617.

Telecommunications: The transmission and reception of audio, video, data, and other information by wire, radio, light, and other electronic or electromagnetic systems.

Telecommunication Tower: A structure intended to support wireless communications equipment used to receive and/or transmit electron magnetic waves. Design examples of towers might include but may not be limited to (a) self-supporting lattice (b) guyed and (c) monopoles structures (d) water towers.

Tower Operator: The owner, manager and/or management firm of a telecommunication tower.

Wireless Telecommunication Services: Licensed wireless telecommunications services including, but not necessarily limited to cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and other types of telecommunication services that are or may be marketed to the public.

Wireless Telecommunication Site: A facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunications services.

## **B. Application Procedures**

1. No communication installation, transmission tower, telecommunication tower, communication tower, accessory facility or structure, free-standing tower and/or pole or transmission reception antenna shall henceforth be erected, moved, changed, or altered other than replacement in kind except after the approval in conformance with the provisions of these regulations.

2. No existing structure shall be modified to serve as a transmission tower, telecommunication tower, communication tower accessory facility or structure freestanding tower, antenna and/or pole unless in conformity with this Local Law and other laws of the Village.
3. Applicants must provide a copy (in applicants name) of the certificate of need OR appropriate FCC License issued by the FEDERAL COMMUNICATIONS COMMISSION to provide the telecommunication services that the proposed tower is designed to support. If the appropriate applicant FCC license has not been issued, the applicant must show proof that the application has been filed and accepted by the Federal Communications and is under review for the granting of applicant's license. "Speculative" applications of any type shall not be considered or acted upon by the Village Planning Board.
4. All applications for installation of a new telecommunications tower shall be accompanied by a report containing the information hereinafter set forth. The report, shall be signed by the tower operator, and contain the following information:
  - a. Name (s) and address (s) of person(s) preparing the report.
  - b. Name (s) and address (s) of the property owner, operator, and the applicant.
  - c. Postal address and tax map page, block and lot or parcel number of the property.
  - d. Zoning District in which the property is situated.
  - e. Size of the property on which the proposed construction is to occur and the location of all adjoining lot lines within 500 feet.
  - f. Location of nearest residential structure measured in feet.
  - g. Location of nearest occupied residential structure measured in feet.
  - h. Location of all structures existing and proposed on the property, which is the subject of this application.
  - i. Location, size, and height of all proposed and/or existing antennae and all appurtenant structures.
  - j. The type, size, and location of all proposed and existing mitigating landscaping.
  - k. The number, type, and design of the tower and antenna (e) proposed and the basis for the calculations of tower and system capacity.
  - l. The make, model and manufacturer of the Communications Tower and antenna (e) with supporting construction details.
  - m. A description of the proposed tower and antenna(e) and all related fixtures, structures, appurtenances, and apparatus, including but not limited to, height above grade materials, color, and lighting.
  - n. The frequency, modulation, and class of service of radio equipment.
  - o. Applicant's proposed tower maintenance and inspection procedures and records systems.
  - p. Certification that NIER levels at the proposed site are within threshold levels adopted by the FCC.

- q. Certification to the Village that the tower and attachments both are designed and constructed ("As Built") to meet all State and Federal structural requirements for loads, wind, ice, etc.
  - r. Professionally prepared contour radio propagation map showing anticipated coverage from the site proposed.
5. The applicant shall submit a complete long EAF, pursuant to SEQR, Type I/II and a complete Visual Environmental Assessment form (visual EAF addendum). The Village Planning Board, as the lead agency may require submission of a more detailed visual analysis based on the results of the Visual EAF. In addition, the applicant shall address the environmental flight path of area species.

### C. Siting Preferences

1. **Shared use of existing towers.** At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
  - a. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.
  - b. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower or other structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
2. **Shared usage of site with new tower (clustering).** Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses.
  - c. An applicant proposing to share use of an existing tower site shall be required to document intent from an existing tower owner to allow shared use of that site.
  - d. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower site is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use of sites as well as documentation of the physical and/or financial reasons why shared site usage is not practical. Written requests and responses for shared site use shall be provided.



3. **New tower at a new location.** The Board shall consider a new telecommunications tower on a site not previously developed with an existing tower. The applicant shall adequately demonstrate that shared usage of an existing tower site is impractical and shall submit a report demonstrating good-faith efforts to secure shared use from existing tower, as well, as documentation of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use inquiries shall be provided.) Information regarding the required need for the new telecommunications tower shall be required in the form of empirical data illustrating said need.
4. **Future shared usage of new towers.** The applicant must examine the feasibility of including a telecommunication tower in his proposed plan that will accommodate future demand for reception and transmitting facilities.

The Board reserves the right to impose reasonable conditions regarding reservation of tower space for future antennae including height, orientation and power and restriction or elimination of restrictive use covenants as part of tower use contracts and preservation of reasonable fee structures as part of the contract.

#### **D. Standards Applicable to New Towers**

1. **Siting Considerations.** There will be no approval granted to proposals to construct new telecommunications towers and/or accessory structures or facilities within 1500 feet of the following areas of county-wide and inter-community significance:
  - a. Seaway Trail (measurement from the road centerline)
  - b. NYS Wildlife Management Areas (measurement made from property line or official designation boundary.)
  - c. State or County Forests (measurement made from property line or official designation boundary.)
  - d. Federal/State designated Historic Districts (measurement made from property line or official designation boundary.)
  - e. Shorelines of the St. Lawrence River, Grasse River, Raquette River, (measurement made from the shoreline, as determined on USGS 7.5" quadrangle topographic maps.)
2. **Lot size and setbacks for new towers**
  - a. All proposed telecommunication tower and accessory structures shall be located on a single parcel and a set back from abutting residential parcels, public property, or street

lines a distance sufficient to contain on-site substantially all icefall or debris from tower failure and preserve the privacy of the adjoining residential properties.

- b. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements; If the land is to be leased, the entire lot required shall be leased from a single parcel.
- c. All tower bases shall be located at a minimum setback from any property line a minimum distance equal to one and one half (1-1/2) time the height of the tower.

Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

3. **Visual impact assessment.** The Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modification of an existing tower. The visual impact assessment shall include:

- a. A "Zone of Visibility Map ", provided in order to determine location where the tower may be seen.
- b. Pictorial representatives of "before and after" views from key viewpoints both inside and outside of the Village, including but not limited to state highways and other major roads, state and local parks, and areas of aesthetic interest.
- c. Alternative tower designs and color schemes.
- d. Description of visual impact of the tower base, guy wires and foundations, accessory buildings and overhead utility lines from abutting properties and streets/roads.

**New tower design.** Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:

- a. Towers and antennas shall be designed to withstand the effects of the wind according to the standards designated by the American National Standards institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association.
- b. Unless specifically required by FAA or APA regulations, all towers shall have a finish compatible with the surrounding area that shall minimize the degree of visual impact.
- c. The maximum height of any tower intended to be used as a telecommunication tower shall not exceed that which shall permit operation without artificial lighting of any

kind or nature in accordance with municipal, state and/or federal law and/or regulation.

- d. The Board may request a review of the application by a qualified engineer for the evaluation of the need for the design of any new tower.
  - e. Facilities shall maximize the use of building materials, colors and textures designed to blend with the ambient surroundings.
  - f. No portion of any tower or related structure shall be used for advertising purposes
4. **Screening.** Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.
5. **Access.** Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, always, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
6. **Fencing.** Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately secured to prevent unauthorized access by the public. Specifically:
- a. All antennae communication towers, antenna towers, monopoles and other supporting structures including guy wires, shall be made inaccessible to children, and constructed or shielded in such a manner that they cannot be climbed or run into; and
  - b. Transmitters and communication control points shall be installed such that they are accessible only to people authorized by the licensee to operate or service them.
7. **Signage**
- a. Telecommunication towers/facilities shall be permitted one sign no larger than two (2) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmit capabilities. The sign shall also contain the names (s) of the owner(s) and operator (s) of the antenna(e) as well as emergency phone number(s).

- b. The sign shall be located to be visible from the primary access point to site. No other signage shall be permitted on any antenna(e), antenna(e) supporting structure, monopole, or communication tower, structure unless required by Federal or State regulation.

## **8. Color, Shape and Camouflage**

- a. In scenic or historic areas, companies are required to camouflage each tower, for example by putting it inside an artificial tree, a clock tower, a church steeple, silos, or a flagpole.
- b. Wireless towers are required to paint wireless devices or supporting structures in a neutral color designed to blend in with the background. Large dish antennas (e.g., over six feet in diameter) are prohibited. Existing trees must be left as a buffer and additional tree may be required to be planted around the entire facility to provide screening.

10. **Health Concerns – Testing and Reporting** Section 704 of the Federal Telecommunications Act of 1996 allows localities to regulate wireless facilities based on environmental or health effects. The tower company may be required to pay for regular inspections (annually) if such structure is located within 1000 feet of a residence or occupied structure and provide the local governments with a copy of the inspection report to assure continued compliance with FCC emissions standards.

11. **Notification** Applicants must notify landowners within a mile of proposed towers and/or antennas. Areas within 1,500 feet of the Seaway Trail, the applicant must notify the Seaway Trail Organization.

## **E. Review Process and Decisions**

1. **Procedure** Within 62 days of receipt of a complete preliminary application as defined above, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall within 62 days of the completion of the hearing, approve with modifications or disapprove the preliminary application. Under the referral provisions of Section 239 of General Municipal Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of New York State General Municipal Law.

If a preliminary application is approved, the applicant and the Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within 10 days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.

If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for final approval. Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.

2. **Public hearings** All public hearings shall be conducted in compliance with the provisions of the NYS Open Meeting Laws.
3. **Time limitations** The time periods within which the Planning Board actions are required to act are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications to minimize delays for the applicant.
4. **Justification and notice**
  - a. The Planning Board shall apply all the review standards described in this Local Law in reviewing site plans.
  - b. Decisions of the Planning Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.
  - c. Decisions of the Planning Board shall be filed within five days in the office of the Village Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.
  - d. Approval of a Site Plan by the Planning Board shall be valid for a period of one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during the period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Village, County and State agencies are obtained and any required performance bond is filed with the Village Clerk.

## **F. Compatibility with State or Federal Laws**

All towers approved must comply with all other regulations of the State or Federal government, including Federal Communications Commission (FCC) regulations applicable to environmental and health effects of both transmitters and receivers.

## **G. Removal of Towers**

The applicant will provide a bond equal to the estimated cost of construction for the removal of such tower(s) due to nonuse for a period of six months or for noncompliance or discontinuance of use as determined by the municipality.

## **H. Exceptions**

Residential accessory uses (e.g. television antennae, satellite dishes, ham radio, and citizens band radio) under 60 feet in height are not affected. Specifically, exceptions to these regulations are:

1. New use that are accessory to residential uses; and
2. Approved uses existing prior to the effective date of these regulations.

## **I. Penalty for Non-Compliance**

The burden will be placed upon the applicant to prove the facility clearly meets all the requirements of this Local Law. Monetary penalties for noncompliance will be imposed according to regulations at Article X, Section I-5. In addition, the facility could be subject to closure after due process. Any modifications to the use or configuration of a tower shall constitute the need to obtain a new permit (this includes increases in tower height or installation of bulky antennas or work platforms on a tower). The company must provide evidence of general liability and property damage insurance.

# **ARTICLE XV- WIND ENERGY CONVERSION SYSTEMS, SMALL**

- A. **Purpose and findings.** The purpose of this section is to provide a regulatory scheme for the construction and operation of small wind energy conversion systems in the Village, subject to reasonable restrictions that will preserve the public health and safety of the Village's residents. Wind energy is an abundant, renewable, and nonpolluting energy resource, and its conversion to electricity will reduce dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy conversion systems also enhance the reliability and the power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio.
- B. **Definitions.** As used in this section, the following terms shall have the meanings indicated:

### **Off-Grid System**

The turbine and load it serves are not connected to a larger electrical network. These usually have some form of energy storage device, e.g., batteries, to supply

reserve power when energy demand exceeds wind supply.

### On-Grid System

The turbine and load it serves, i.e., house, are connected to the transmission grid.

The house receives its electricity from the turbine when wind is available and from the grid when backup is needed.

### C. Permits and referrals.

1. In all zones in which small wind energy conversion systems are permitted, prior to the issuance of a building permit the Code Enforcement Officer shall refer the application to the Planning Board for completion of a special use permit and site plan review. **NO WIND ENERGY CONVERSION SYSTEMS ARE PERMITTED IN BUSINEES, HISTORICAL, OR WATERFRONT OVERLAY DISTRICT.**
2. Submission requirements. The following elements shall be included in the submission.
  - a. The applicant's and landowner's name and contact information.
  - b. The Tax Map numbers, existing use, and acreage of site parcel.
  - c. Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads and an engineering analysis and certification of the tower, showing compliance with the applicable building code.
  - d. Data pertaining to the tower's safety and stability, including safety results from test facilities.
  - e. Proposal for landscaping and screening. Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is also required to screen accessory structures from adjacent residences.
  - f. A full environmental assessment form (EAF) and visual environmental assessment form (Appendix C to 6 NYCRR 617.20) prepared in accordance with the State Environmental Quality Review Act.

D. **Lot Size.** A wind energy system shall not be located on a lot under one acre in size.

E. **Tower Height.** Towers shall not exceed 80 feet or as constrained by the setback requirement of Subsection F below. Tower height is a measurement of the portion of the fixed tower above grade, excluding the wind turbine itself.

F. **Setback.** Setbacks 25 feet plus the height of the unit (tower and rotor). Side and rear setbacks shall be a minimum of 10 feet plus the height of the unit (tower and rotor).

G. **Sound.** Small wind energy conversion systems shall not exceed 45 dBA, as measured at the closest neighboring dwelling. The level may be exceeded during short-term events

such as utility outages and/or severe windstorms. When determining the level of sound, measurements shall be averaged over a twenty-four-hour time period.

- H. **Safety.** Wind turbine towers shall not be climbable up to 15 feet above ground level.
- I. **Compliance with regulations.**
1. Small wind turbines must have been approved under any other small wind certification program recognized by the American Wind Energy Association.
  2. Compliance with the Uniform Code. Building permit applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.
  3. Compliance with Federal Aviation Administration (FAA) regulations. Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
  4. Compliance with National Electrical Code (NEC). Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NEC. This information is frequently supplied by the manufacturer.
- J. **Utility notification.** No small wind energy system shall be installed until proof has been given that the utility company has been informed of the customer's intent install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- K. **Multiple turbines.** In the event of multiple small wind turbines, the resulting aggregate installation must meet the sound, setback, and safety requirements that exist for other structures.
- L. **Removal.** If small wind energy conversion system is inoperable after 12 months, the owner must remove the tower within 60 dys.

## ARTICLE XVI - ADMINISTRATION

### **Enforcement Officer**

The Board of Trustees shall appoint a Code Enforcement Officer, at a salary to be determined by said Board. It shall be the duty of the Code Enforcement Officer to enforce the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and this local law.



## **Penalties for Violations**

**Compliance orders**-The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order or a Stop Work Order.

The Compliance Order or Stop Work shall;

1. Be in writing
2. Be dated and signed by the Code Enforcement Officer
3. Specify the condition or activity that violates the New York State Uniform Building Code, the New York State Energy Code, or this local law.
4. Specify the provision or provisions of the New York State Uniform Building Code, the New York State Energy Code, or this local law which is/are violated by the specified condition or activity
5. Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance
6. Direct that compliance be achieved within the specified period of time and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

The Code Enforcement Officer shall cause the Compliance Order, Stop Work Order, or a copy thereof, to be served to the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail; however, that failure to serve any person mentioned in this sentence shall not affect the efficiency of the Compliance Order.

**Appearance Tickets**. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the New York state Uniform Building Code and any other local Code Enforcement law.

## **Planning Board**

A. **Establishment** - A Planning Board is hereby established with the provisions of Village Law applicable thereto.

B. **Membership** -

1. The Planning Board shall consist of five (5) members appointed by the Village Board of Trustees for a term of three years (terms expiring one year, two years, and three years). The said Board of Trustees shall have the power to remove any member for cause and after public hearing. Vacancies shall be filled for the

unexpired term of the member whose place has become vacant.

2. The Planning Board Chairperson will be appointed by the Village Board of Trustees. All meetings of the Planning Board shall be held at the call of the chairperson and such other times as the Board may determine. Such chairperson or in her/his absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

3. Alternate members of the Planning Board may be appointed by the Village Board of Trustees to serve in the absence of any Planning Board member or when there is an apparent conflict of interest for any Planning Board member. There should only be alternates for the number of members appointed.

C. Powers.

1. Site Plan - The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans, prepared to specifications set forth in this local law, showing the arrangement, layout, and design of the proposed use of the land shown on such plan. The exercise of such authority shall be limited to certain uses within the Waterfront Overlay District and shall be in accordance with the requirements and procedures established therefore under Article IV of this local law.

2. Subdivisions - The Planning Board is empowered to review and approve, approve with modifications, or disapprove preliminary and final subdivision plats in accordance with the requirements and procedures established under Articles VI of this local law.

3. The Planning Board is empowered to review and issue Special Use Permits for Major Solar Energy Systems.

4. Revisions to Zoning Code – The Planning Board is authorized to review and suggest updates to the Village Board to the local Zoning Code.

## **Board of Appeals**

A. Establishment- A Board of Appeals is hereby established in accordance with the provisions of this Village Law applicable thereto.

B. Membership -

1. The Board of Appeals shall consist of five (5) members appointed by the Board of Trustees of the Village of Waddington, each to serve for a term of three years - (terms expiring one year, two years and three years). The said Board of Trustees shall have the power to remove any member of the Board of Appeals for cause and after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.

2. The Board of Appeals Chairperson will be appointed by the Village Board of Trustees. All meetings of the Board of Appeals shall be held at the call of the chairperson and such other times as the Board may determine. Such chairperson or

in her/his absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

3. Alternative members may be appointed by the Village Board not to exceed the number of appointed members to serve in lieu of the appointed board member in their absence or when there is an apparent conflict of interest.

C. Procedures -

1. Such Board of Appeals shall comply with S-7-712a of Village Law and all its deliberations, resolutions and orders shall be in accordance therewith.

2. The concurring vote of a majority of the full membership of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official charged with the enforcement of this local law; or to decide in favor of the applicant any matter upon which it is required to pass under this local law; or to decide in favor of the applicant any matter upon which it is required to pass under this local law or to effect any variation of this local law.

3. The Board of Appeals shall act in strict accordance with the procedures specified by law and by these Regulations and shall be in accord with the following:

a. Application - All appeals and applications made to the Board of Appeals shall be in writing, in the form prescribed by the Board. Every appeal or application shall refer to the specific provisions of the Regulations involved and shall exactly set forth the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted. Such appeal shall be taken within sixty (60) days of the date of notification of the determination which is being appealed. The Enforcement Officer shall transmit to the Board all the records concerning the case which is being appealed.

b. Referrals. Where any appeal for variance involves lands within the five hundred (500) foot thresholds of Section 239-m of New York State General Municipal Law, it shall be referred to the St. Lawrence County Planning Board and acted upon in accord with Article I, Section 3.B of the Local Law.

c. Notification and Public Hearing. The Board of Appeals shall fix a reasonable time for any public hearing in connection with an appeal or application and shall give public notice thereof by publication in the official paper of a notice of such public hearing at least five (5) days before such public hearing, mail notice thereof to the applicant or appellant and to the adjacent landowners.

d. Decision and Notification. Within sixty-two (62) days of the date of any public hearing the Board shall render a determination on any appeal. Every decision of the Board of Appeals shall be by resolution. The Board of Appeals shall notify the Enforcement Officer and the Planning Board of the action taken on any application before the Board of Appeals with respect to

an interpretation or variance. The Village Board of Trustees shall be notified of any variance granted at their regular monthly meeting.

e. Filing of Decision and Notice. The decision of the Board of Appeals on the appeal shall be filed in the Office of the Village Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant. Minutes of the hearing where the decision was made will be on file with the Village Clerk with a copy to the Code Enforcement Officer.

D. Meetings - All meetings of such Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such a fact, and shall also keep records of its examinations and other office actions.

E. Appeals, How Taken.

1. Appeals to the Board of Appeals may be made by any person aggrieved, or by an office, department, board, or bureau of the Village.
2. Such appeal shall be taken by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof.
3. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appeals from were taken.

F. Powers.

1. Order, requirements, decisions, interpretations, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation, or determination appealed from and shall make such order, requirement, decision, interpretation, or determination as in the opinion ought to have been made in the matter by the Code Enforcement Officer and to that end shall have all the powers of the Code Enforcement Officer from whose order, requirement, decision, interpretation, or determination the appeal is taken.

G. Use Variance.

- a. The Board of Appeals, on appeal from the decision or determination of the Code Enforcement Officer shall have the power to grant use variances as defined herein: (all requirements must be met and noted in the minutes of the meeting).
- b. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. To prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return if the lack of return is substantial as demonstrated by competent financial evidence.
  2. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
  3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  4. That the requested alleged hardship is not self created.
- c. The Board of Appeals in the granting of use variance shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time, preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

#### H. Area Variance.

- a. The Zoning Board of Appeals shall have the power upon an appeal from a decision or determination of the Code Enforcement Officer or as otherwise provided in this local law, to grant area variances as defined herein.
- b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
  1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
  2. Whether the benefit sought by the applicant can be achieved by some method feasible for the application to pursue, other than an area variance.
  3. Whether the requested area variance is substantial.
  4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.
- c. The Board of Appeals, in the granting of area variances, shall grant the minimum variances that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**Imposition of Conditions:** The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning regulations and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. All conditions will be enforced by the Code Enforcement Officer.

**Compensation:** Compensation of Board of Appeals members for expenses associated with their duties may be fixed from time to time by resolution of the Village Board.

**Removal Conflict of Interest:** A Board of Appeals member may have his or her appointment terminated for cause by a resolution of the Village Board after a public hearing. No member of the Village Board shall hold simultaneous membership on the Planning Board.

**Amendments:** The foregoing regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified, or repealed by local law by the Board of Trustees, following proper public notification and a public hearing.

**Judicial Review:** Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Zoning Board of Appeals or Village Board or any official instrument of the village in the administration of this Local Law may apply to have the decision reviewed in the manner provided by Article Seventy Eight of the Civil Practice Law and Rules, provided the proceedings are commenced within thirty (30) days after the filing of the decision in the office of the Village Clerk. Costs shall not be allowed against the village unless it appears to the Court that the Village or its representative acted with gross negligence or in bad faith or with malice in making the decision appealed from.

**Notification of Abutters:** The Village Planning Board or Board of Appeals shall, respectfully, upon receipt of a complete application for subdivision, site plan or variance, use all due diligence to notify, in writing, all owners of real property which immediately abut the parcel or parcels which are the subject of the application. In no case shall any Board take action on any such application unless a minimum of 15 days has elapsed between the postmarked date of such notification and the date on which the Board will officially consider the application. Such notification shall briefly describe whether the application is for a map amendment, subdivision, site plan or variance and shall also state the time, date, and place at which the application will be considered.

**Public Hearings:** Any public hearing held under the provision of this Local Law shall be advertised by a notice of public hearing to be published once in the official newspaper of the Village at least 5 days prior to the date of the hearing. In addition, notices shall be mailed to the applicant and all owners of real property within 500 feet of the exterior boundary of a proposed subdivision. Notices shall be mailed by certified mail return receipt requested or may be presented in person. Any hearing may be recessed in order to obtain additional information or

to serve further notice in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced and any further notice or publication shall be within the discretion of the Board.

### **Section 8. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the New York State Secretary of State and publication of an abstract in the official newspaper of the Village of Waddington.

### **VALIDITY**

In the event that any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity or the local law as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

### **AMENDMENTS**

The foregoing regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed by the Board of Trustees, following property public notification and a public hearing.

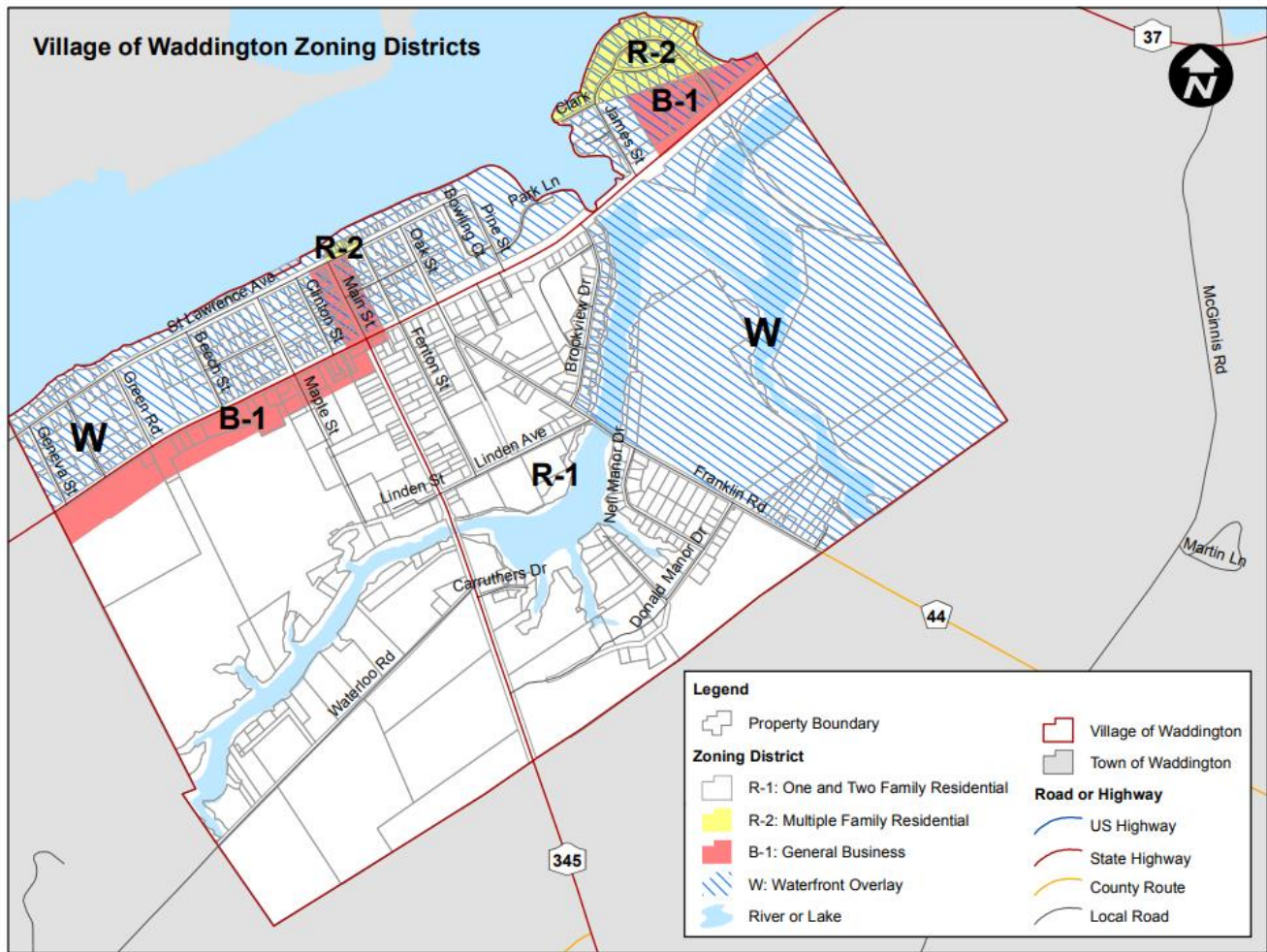
### **REPEALER**

The current Village of Waddington Zoning and Subdivision Local Law shall be repealed upon the filing of this Local Law with the New York State Secretary of State.

### **EFFECTIVE DATE**

This local law shall take effect and be in force from and immediately after the passage, publication of notice, adoption and posting required by law.

Date: \_\_\_\_\_ Village Clerk \_\_\_\_\_



Map Prepared by the St. Lawrence County Planning Office, Tel: (315) 379-2292

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## Village of Waddington Zoning Map – with Ag District Parcels

