

ZONING
ORDINANCE
Village of Macedon

Effective November 1, 1946

**VILLAGE OF MACEDON
ZONING ORDINANCE**

ARTICLE I

**TITLE, PURPOSE, DISTRICTS
AND DEFINITIONS**

Section 1. TITLE: This ordinance shall be known, cited and referred to as the Village of Macedon Zoning Ordinance.

Section 2. PURPOSE: For the purpose of promoting the public health, safety, morals, or the general welfare, by regulating and restricting the height, number of stories and the size of buildings and other structures, the percentage of the lot that may be occupied, the size of the 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 Village of Macedon is hereby divided into three classes of districts, termed respectively:

- (1) Residential District.
- (2) Commercial District.
- (3) Industrial District.

Section 3. DISTRICTS:

Residential District: The residential district shall comprise all areas

of the Village of Macedon except those areas that are herein described and designated as Commercial Districts and as Industrial Districts.

COMMERCIAL DISTRICT: The Commercial District shall be comprised of the area described as follows: On the north side of Main Street from Center Street to Erie Street comprising the properties fronting on Main Street known as the lands of the H. H. Purdy Estate, E. H. Getzler, Luke Sheldon Estate, William J. Doyle, Guy Everhart, Bernard Beall, Victor DePauw, The Masonic Temple Association, The Village of Macedon, and Mrs. James Sweeney.

Also: All the lands lying south of Main Street and the north side of the Mill Race and between the west line of the property of the Village of Macedon and the east line of Erie Street.

Also: The lands described as follows: Beginning at the northeast corner of Main and Erie Streets northerly along the west boundary of the property of the Standard Oil Company of New York to the north boundary of said Company's property thence easterly along the

North boundary line of said Oil Company's property and such line extended to the easterly boundary of the property of the Town of Macedon, thence southerly along the east line of property of the Town to the north line of Main Street, thence westerly to the point of beginning.

Also all of the lands contained in the triangle of land bounded by the south line of Hartman Street, the north line of Route 31 and the east Village line.

Also, the lands along the south side of Main Street and Route 31 and north of the Mill Race and north of Ganaragua Creek east of its juncture with the Mill Race and bounded on the west by Erie Street and on the east by the Village line.

INDUSTRIAL DISTRICTS: The Industrial District shall be comprised of the areas described as follows: All the lands lying between the Mill Race and Ganaragua Creek.

Also; all the lands south of Ganaragua Creek to the south boundary of lands owned by Charles R. Bullis and from the east line of

Erie Street to the east Village line.

Also; all of the lands south of Ganaragua Creek and north of the Macedon Village Cemetery property and the parcel of land west of the Cemetery bounded by the lands of Albert Lawrence, the Ganaragua Creek and the Cemetery.

Also; all the lands lying between the Erie Canal and Main Street and Hartman Street and between Tripp Street and the east Village line.

Also; all lands lying north of the Barge Canal and south of the north Village line and between Railroad Avenue and the east Village line.

Also; all lands lying north of the Barge Canal and south of the Village line and the West Shore Branch of the New York Central Railroad and west of Railroad Avenue.

Also; the State Canal lands lying in a triangle formed by the north Village line, the Barge Canal and the Erie Canal.

Section 4. DEFINITIONS: The words and phrases used in this ordinance shall have the meanings commonly attributed to them and

the following definitions shall be applicable:

Words used in the present tense shall include the future; the singular numbers include the plural, and the plural the singular; the word "lot" includes the words "parcel" or "plot"; the word "building" includes the words "structure" and "dwelling"; the word "shall" is always mandatory.

PRINCIPAL BUILDING: Means a Residence Building.

ACCESSORY USE OR ACCESSORY BUILDING: Is a use or building customarily incident to the principal use of the building.

A NON-CONFORMING USE: Is one that does not comply with the permitted uses of the district in which it is situated.

A PERMIT: Shall mean the printed license for an owner, lessee, contractor or architect to proceed with the location or erection of a building or structure or the material external alteration thereof when properly filled in and signed by the Village Clerk.

THE STREET LINE OR HIGHWAY LINE: Means the line which is the joint boundary line between

a lot and street or highway right of way, where the street or highway line is not readily determinable and has not been established by survey, computations to determine the street or highway line shall be made from the center of the existing pavement which shall be deemed the center of the street or highway for zoning purposes.

STRUCTURES: Include any construction or erection requiring temporary or permanent support by or attachment to the soil, including oil and gasoline tanks and signs or display boards.

BUILDING AREA. Is the maximum horizontal area of building at the ground level, exclusive of porches, steps and attached garages.

BUILDING FRONT LINE: Shall mean the line extended to each side lot line from the outermost point of any part of a building, excluding porches and steps, and parallel to the street line.

BUILDING SIDE LINE: Shall mean the line extended to the building front line and the building rear line from the outermost point of any part of the building and

parallel to the sidewall of the building.

BUILDING REAR LINE: Shall mean the line extended to the side lot lines parallel to the building front line from the rearmost point of any part of the building.

FRONT YARD: Is that part of the lot from the highway line to the building front line.

SIDE YARD: Is the open area of that part of the lot lying between the building front line and the building rear line.

USE: Means the purpose or purposes for which any building, structure or lands or any part thereof is, or are, occupied or if unoccupied, for which they may be occupied hereunder.

MATERIALLY ALTERED EXTERNALLY: Means any change in supporting members of a building either by alteration or addition which affects the building front line or the building side line.

FAMILY: Is any number of individuals related by blood, marriage or adoption, living together and using the promises as a single housekeeping unit.

ARTICLE II
ADMINISTRATION AND
ENFORCEMENT

Section 5. ADMINISTRATIVE OFFICER: This Ordinance shall be administered and enforced by the Village Clerk. No permit shall be issued by such Officer except where the provisions of this Ordinance are complied with.

Section 6. PERMITS: No building or structure shall be located, erected or materially altered externally until there has been filed with the Village Clerk a plan in duplicate, showing the dimensions of the proposed building or structure and its location upon the lot and such other information as may be necessary to determine compliance with and provide for the enforcement of this Ordinance, and in compliance with the requirements of the recommendations of the State Department of Health as approved by the State Commissioner of Health in relation to the construction and installation of septic tanks, cesspools and tile fields for the disposal of the effluent from septic tanks, except that where the

proposed building is a barn or accessory building intended to be used for agricultural purposes in conjunction with the operation of a farm of more than three (3) acres no permit shall be required, but this exception shall not relieve any owner from compliance with any other provisions of this Ordinance. If approved by the Village Clerk, one copy of such plan marked with his approval shall be returned to the person so filing, together with a permit to proceed therewith as shown upon the said proposed plan, upon payment by him of a fee of one (1) dollar.

ARTICLE III
BUILDINGS AND THEIR
LOCATIONS

Section 7. RESIDENCE BUILDINGS: Every building designed or intended to be used as a residence, commercial or industrial purposes shall be built upon adequate concrete or masonry foundation walls.
Section 8. BULK AND ARRANGEMENT OF BUILDINGS:

- (a) In the residential district the minimum size of lot permit-

ted per family shall be 10,000 square feet. The minimum depth of front yard measured from the front line of the principal building to the highway or street line shall be thirty-five (35) feet. The minimum side yard and the minimum rear yard measured from the building to the nearest parallel lot line shall be eight feet.

- (b) In the commercial district the area of any lot which may be occupied by structures shall not exceed seventy-five (75) percent of the lot.
- (c) In the industrial district the area of any lot which may be occupied by structures may not exceed seventy-five (75) percent of the area of the lot. There shall be provided facilities for off-street loading and unloading of commercial vehicles, also sufficient off-street parking space for the storage of vehicles of persons employed on the premises.
- (d) In the residential district

the area of any lot which may be occupied by structures shall not exceed fifteen (15) percent of the area of the lot.

Section 9. FRONT YARD EXCEPTIONS: As an exception to the above requirements when any building is hereafter erected, constructed or built within a residential district on a road or street on the same side of which buildings or structures are located within three hundred (300) feet on either side, the front line of the building or structure shall be not less than the average front yard of all such buildings for a distance of three hundred (300) feet on each side of said proposed building. In case of a building hereafter erected or built on a corner lot, the minimum front yard and side yards shall be the same as the adjoining front yard on either street or road.

Section 10. ACCESSORY BUILDINGS: No barn or accessory building shall be constructed nearer to the highway line than is permitted for a residence building nor to any side or rear lot line respectively than five (5) feet. A garage at-

tached to a residence building shall be deemed an accessory building for the purpose of this ordinance and when such a structure is planned to be attached on the side of a residence building the minimum side yard space required shall be not less than provided for the principal building in section 8.

Section 11. CLEAR VIEW ON INTERSECTING STREETS: No obstruction to view in excess of three (3) feet in height, measured perpendicularly from the street grade shall be maintained on the premises in the angle formed by the intersecting streets, and the main structure thereon so as to interfere with the view of traffic approaching the intersection within the distance of sixty (60) feet measured along the center line of each street from the intersection of such line.

ARTICLE IV USES OF BUILDINGS AND LANDS

Section 12. USES: All buildings hereafter erected or materially altered externally or any completed building or structure hereafter loc-

ated or relocated shall conform with the provisions of this ordinance; and buildings and lands shall be used only as hereinafter provided.
Section 13. PERMITTED USES OF RESIDENCE DISTRICTS: No structure or the premises shall be used and no structure shall be erected or altered which is arranged, intended or designed to be used in whole or in part for other than one of the following uses and accessory uses:

1. A dwelling for one or two families.
2. Accessory uses of structures, customarily incident to any uses permitted above.
3. Customary home occupations such as dressmaking, millinery, hair-dressing, manicuring, laundering, conducting tourist home, conducting childrens nursery, preserving and home-cooking, conducted only by or under the supervision of residents on the premises.
4. The office of a Doctor, Dentist, Musician, Teacher, Lawyer or member or some other recognized profession or conductor of an agency in his

home.

5. Churches, parish houses, schools, public recreation grounds and buildings including Community Houses and Fire Houses.
6. No Gun Club or shooting gallery may be established in the residential district.

Section 14. PERMITTED USES IN COMMERCIAL DISTRICTS:

1. Any use permitted in the Residential District.
2. Any retail or personal service business, restaurants, motor vehicle service stations, garages, hotels, banks, and office buildings.
3. Wholesale trades and businesses, dance halls, bowling alleys or billiard rooms and other places of amusement when authorized as a variance by the board of appeals.
4. No Gun Club or shooting gallery may be established in a Commercial District.

Section 15. PERMITTED USES IN INDUSTRIAL DISTRICT:

1. Any use permitted in Residential District.
2. Any use permitted in Com-

mercial District.

3. Any industrial use or trade, the use of which does not by reason of the omission of noise, dust, odors or vibrations become noxious or dangerous to the health, safety or general welfare of the public, when authorized as a variance by the board of appeals.

Section 16. USE DISTRICT EXCEPTIONS: The Board of Appeals created by section 24 herein, may, in appropriate cases, after public notice and hearing and subject to appropriate conditions and safe guards, determine and vary the application of the use district regulations herein established in harmony with their general purpose and intent as follows:

- a. Permit in any residence, commercial or industrial district the erection of a motor vehicle service station provided the petitioner files the consents duly acknowledged of the owners of eighty (80) percent of the frontage of lands within one thousand (1000) feet measured from the nearest boundary line of the lot

proposed for such use along the highway lines affected by such use, and of owners of frontage above referred to, but no consents shall be required of residents outside of the boundaries of the Village of Macedon, and provided, further, that any pumps erected or used in conjunction with said use shall be at least twenty-five (25) feet from the pavement of all highways and an open area of at least five thousand (5000) square feet reserved for parking space for the use of customers.

- b. Permit in any district the erection and operation of an apartment house for three (3) families provided that garage facilities are provided for the housing of a number of passenger motor vehicles not less than the number of apartments; also, that off-street parking be provided for a number of motor vehicles not less than the number of apartments and, provided, that the maximum area of the lot which may be occupied by the

principal and accessory buildings does not exceed fifteen (15) percent of the lot area and that the side yards shall be at least twenty-five feet.

- c. In Residential District to vary the minimum size of front yards in accord with topographic conditions.
- d. Grant in any district, permits for not more than five (5) years for a camp provided:
 - 1. That with such application there is filed the consents, duly acknowledged of the owners of sixty (60) percent of the lands within five hundred (500) feet measured from the nearest point of the lands proposed for such use.
 - 2. That with such application there is filed a plan approved by the health officer of the Village of Macedon showing the area of the proposed camp and the proposed location of the individual parcels of land to be used as a site for the location of a cabin or tent, or the parking of a trailer.

3. That no structure used or intended to be used for residence or any other camp purpose shall be located nearer to any lot line than is permitted a principal building in this ordinance.
4. That each structure in such camp intended for residential use is equipped with toilets which drain into septic tanks of a design and capacity approved by the board of appeals, or connected with a sanitary sewer. When the camp is to be used as a site for automobile use, as a tourist cabin site, or as a seasonal labor camp site, toilet facilities in lieu of those above required may be established in a centrally located building wherein toilet facilities for the entire camp may be provided with one private toilet for each five persons which the area of the camp permits.
5. That it shall be unlawful to use a trailer for residential use for a longer period than three (3) months in any

twelve (12) months period.

A permit for a camp may be revoked by the Board of Appeals, after notice and a public hearing for failure to provide or to continue to provide adequate protection for health of the residents of the camp and of the surrounding area, adequate facilities for the disposal of garbage, sewage, refuse and waste, or because of the development of circumstances which threaten the health or well-being of the residents of the camp or of the surrounding area.

- c. Permit in any commercial district the establishment and conduct of wholesale trades and businesses, dance halls, bowling alleys, billiard rooms, or other places of amusement.
- f. Permit in any industrial district the establishment and conduct of any industry permitted in Section 15, provided the petitioner files the consents, duly acknowledged, of the owners of eighty (80) percent of the area of lands with-

in five hundred (500) feet of the boundaries of the properties proposed for such use measured in all directions.

- g. Permit a public utility building in any district.

Section 17. ADVERTISING SIGNS:

No billboards or advertising sign of any description shall be erected any place in the Village of Macedon unless a permit therefor has been obtained from the Village Board of Trustees, except that a billboard or advertising sign may be erected by the owner or occupant of premises for advertising a business or profession conducted in the Village of Macedon, for the sale of his property or the products raised on his property in residential districts, without a permit therefor, provided such sign shall not be larger than twenty (20) square feet.

Section 18. DUMPING GROUNDS:

Dumping of refuse, waste or other substances is absolutely prohibited in all districts in the Village except for the purpose of filling to established grades for which a permit must be obtained from the Village Board. The person receiving

such permit must keep the material deposited leveled off as soon as deposited and when fill-in is completed shall cover said materials with at least four inches of clean earth within a reasonable time thereafter.

Section 19. FENCES: Any fence built in a residential district shall be of ornamental stone or open construction such as ornamental wire, picket, iron or hedge and shall not exceed four feet in height, if erected on the front nearer the street than the front yard set-back provided in this Ordinance.

ARTICLE V

GENERAL PROVISIONS

Section 20. SUBDIVIDED PROPERTIES:

Nothing in this ordinance shall prevent the erection of a dwelling upon any single lot separately owned at the time of the passage of this ordinance, but, if the area of such lot be less than sufficient to provide the yards required in the schedule hereinabove established the location of such dwelling upon such lot shall be as near to the center of the lot as may be practical. No building shall be erected or altered and no lot

area shall be so reduced that thereby the dimensions or open spaces shall be less than prescribed by this ordinance.

Section 21. EXCAVATIONS: The taking of earth, sand and topsoil or stone from premises except for the owners use on the same premises, shall not be allowed except under such conditions and in such quantities as may be determined by the Board of Appeals in accordance with the later provisions of this ordinance. Persons desiring to remove any of these materials will make application to the Village Clerk for a permit. This paragraph shall not be construed to prevent the excavation of earth on premises where a permit for the construction of a building has been issued and as incidental to said construction.

Section 22. PUBLIC SERVICE METERS: After the enactment of this ordinance, no meter for the measurement of gas, electricity or water shall be installed in any building without the issuance of a certificate by the Village Clerk that the use of such meter will not contribute to the creation of con-

ditions which are inconsistent with, or in violation of, the terms of this ordinance.

Section 23. NON-CONFORMING USES: A use of property existing at the time of the passage of this ordinance that does not conform to regulations prescribed in the preceding sections shall be deemed a non-conforming use and may be continued and upon application therefor, the Village Clerk shall issue a permit for the continuance of such use which shall be irrevocable except as herein provided and shall be evidence of permission to continue such use. A non-conforming use, if changed to a conforming use shall automatically revoke any permit issued hereunder, but any temporary discontinuance of a non-conforming use for a period of less than six (6) months, shall not be deemed a change to conforming use. Nothing in this ordinance shall prevent the restoration within one (1) year of a building destroyed by fire or Act of God, or prevent the continuance of the use of such building when so restored.

Section 24. BOARD OF APPEALS: There is hereby created and ap-

pointed a Board of Appeals consisting of the following persons for the term indicated opposite their name, said term to commence the date this ordinance takes effect:

NAME	TERM
Edith Wallace	3 years
Clifford Patterson	3 years
William Marks	3 years

Such Board of Appeals shall have all the powers and shall perform the duties provided by law and in this ordinance, as now existing and hereafter amended. The Office of the Village Clerk is hereby designated as the Office of the Board of Appeals. The cost of advertising a public hearing on any application to the Board of Appeals for a variance or special permit shall be paid by the applicant at the legal rate.

Section 25. VIOLATION AND PENALTIES: A violation of this ordinance is a misdemeanor punishable as provided in Section 179c of the Village Law and the Village Officials shall have all the powers and rights therein provided.

Section 26. VALIDITY: The invalidity of any section or provision of this ordinance shall not invalidate

any other section or provision.

Section 27. AMENDMENTS: After a public hearing on notice, as provided by law, this ordinance may from time to time be amended, supplemented, changed, modified or repealed.

Section 28. EFFECTIVE DATE: This ordinance shall take effect after due publication and posting as provided by law, and the Village Clerk shall endorse the date of taking effect upon the original hereof filed in his office.

Signed: Walter W. Wiedrick
Village Clerk