

**ARTICLE III: DEFINITIONS.**

**[Note this document is not the original zoning law. It is a word processing document that contains excerpts of Dryden Zoning Law enacted by Local Law No. 1 of 2015. This document is created for purposes of tracking revisions proposed by the Dryden Planning Board in Resolution No. 26 of 2019. Khandikile M. Sokoni, Town Attorney].**

**Dwelling** – A house, apartment, or other place of residence.

**Dwelling, Accessory Unit** – A secondary Dwelling Unit which is accessory to a Single-Family Dwelling, for use as a complete, independent living facility with provisions within the accessory unit for cooking, eating, sanitation, and sleeping. An Accessory Dwelling unit may also be located in an accessory Structure to the principal Single-Family Dwelling, such as a detached garage, provided that the accessory Structure is clearly an accessory use to the Single-Family Dwelling. An Accessory Dwelling Unit shall not be confused with a Two-Family Dwelling.

**Dwelling-Condominium** – The term condominium refers to a system of ownership and administration of property with three main features. A portion of the property is divided into individually owned units, the balance of the property is owned in common by all the individual owners and a vehicle for managing the property, known as the condominium corporation, is established.

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**Dwelling – Multi-Family** – A Dwelling with separate living units for three or more families having separate or joint entrances and including apartments, group homes, townhouses, cottage homes and condominiums, also a group of Dwellings on one lot with each Dwelling containing separate living units for three or more families having separate or joint entrances and including apartments, group homes, townhouses, cottage homes and condominiums.

**Dwelling – Single Family** – A detached Structure (not including a mobile home) that is designed or used exclusively as living quarters for one (1) family.

**Dwelling – Townhouse or townhome** – A single-family dwelling that shares one or more walls but no ceiling-floor connection with other dwelling unit or units.

**Deleted:** A Series Building of three (3) or more attached Dwelling Units, each of which shares at least one common wall with an adjacent Dwelling Unit. For purposes of this Law, except where specifically stated otherwise herein, a Townhouse Dwelling shall be construed as a form of Multi-Family Dwelling.

**Dwelling – Two-Family** – A detached Dwelling containing no more than two Dwelling Units for the use and occupation by no more than two (2) families.

**Dwelling, Upper-Floor Apartment(s)** – One or more Dwelling Units that are located above a commercial use.

**Dwelling Unit, d.u.** – A group of rooms which are designed for residential occupancy by single family and providing housekeeping facilities for such family. In determining the number of Dwelling Units within a Structure, consideration is given to the separate use of or the provision made for cooking, heating and sanitary facilities whether installed or not; both the actual use to which the Dwelling is being put and the potential use to which the Dwelling might be put.

**Educational Use** – Use of land where learning in a general range of subjects is provided, including related support and accessory uses, associated with the educational purposes of the institution, the definition includes institutions that provide cultural education, such as museums or galleries.

**Elder Cottage** - A separate, detached, temporary Single-Family Dwelling, accessory to a Single- or Two-Family Dwelling on a lot; and occupied by no more than two residents, one of whom must be 55 years of age or older.

**Family** – An individual, or two or more persons related by blood, marriage or adoption, occupying a Dwelling Unit and living as a single household. For purposes of this Law, a family may also consist of not more than four unrelated individuals occupying a Dwelling Unit and living as a single household. The two definitions cannot be combined.

**Farm Operation** – [UNCHANGED]

**Farm Stand** – [UNCHANGED]

**Frontage** – [UNCHANGED]

**Gasoline Station** – [UNCHANGED]

**Green Neighborhood Development** – A neighborhood developed and certified in LEED Neighborhood Development rating system and achieving at least basic certification.

**Green Space** – [Areas of vegetated and permeable surfaces](#) of a development not occupied by Structures or Paved areas for vehicles and including formal stormwater management facilities (no more than 20% of total Lot Area) as well as green infrastructure stormwater facilities (Open Space set aside, swales and 60% of the area of a green roof if not accessible by or visible to the public), and including parks, [dedicated open space, landscaped areas, plantings, lawns, parking lot islands, green roofs, and](#) sidewalks or trails used [exclusively](#) to access these areas, including Accessory Structures ([e.g. gazebos or similar structures](#)) accessible to the public and intended to enhance the Green Space.

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**Hamlet of Varna Community Development Plan** – An amendment to the Comprehensive Plan pursuant to Town Law 272-a and adopted by the Town Board on December 20, 2012.

**Highway** – See **Public Highway**.

**Junk Yard** – Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in

condition for legal use on the Public Highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term Junk Yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for re-melting purposes only.

**Lot** – [UNCHANGED]

**Lot Area** – [ UNCHANGED]

**Lot Consolidation** – A Lot Consolidation is used to combine two or more existing parcels. Lot Consolidations erase parcel lines so that fewer parcels remain.

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**Lot Coverage** – [UNCHANGED]

**Lot Depth** – [UNCHANGED]

**Lot Line Adjustment** – The adjustment of one or more Lot Lines between two or more existing and adjoining Lots which does not result in the creation of one or more new Lots.

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**Lot Width** – [UNCHANGED]

**Religious Institution** – Use of land and/or Structures by a tax-exempt institution, a bona fide religious sect of denomination where religious worship and related activity is conducted.

~~**Redevelopment**~~ – The planning, development, design, clearance, construction, or rehabilitation of existing property improvements, regardless of whether a change in the Principal or Accessory Use occurs.<sup>4</sup>

**Senior Housing, Family** – Living facilities offering a family type of living environment where residences are designed to feel like a home instead of a medical facility and to blend in architecturally with neighboring homes. The residences are designed as efficient homes for six (6) to ten (10) seniors, each of whom has a private room with a private bath and easy access to all communal areas of the house, including a living room area, dining area, kitchen, laundry, outdoor garden and patio.

Story – Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the next floor above is

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1. more than 6 feet above grade plane, or
2. more than 12 feet above the finished ground level at any point.

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**Traditional Neighborhood Design (TND)** – A type of neighborhood design with a focus on pedestrian facilities, front porches, back alleys and emphasis on the human use of spaces in the resulting form and function, as well as commercial or mixed use developments that emphasize human use of spaces and alternative character of buildings.

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**Varna** – that area of the Town encompassing the Varna Hamlet Mixed Use District, Varna Hamlet Residential District, and Varna Hamlet Traditional District.

**Varna Design Guidelines and Landscape Standards** – The Town of Dryden “Hamlet of Varna Design Guidelines & Landscape Standards” adopted on December 20, 2012 and effective January 14, 2013 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines and standards are found in Appendix E, and are hereby made a part of this Law by reference to such Appendix.

#### ARTICLE IV: ZONING DISTRICTS

##### Section 400: Districts

For the purposes specified in this Law, the Town of Dryden is divided into the following zoning districts:

**CV** – Conservation District [UNCHANGED]

**LIO** – Light Industrial/Office District [UNCHANGED]

**LIO-A** – Light Industrial/Office/Adult Use District – [UNCHANGED]

**LSRDD** – Large Scale Retail Development District [UNCHANGED]

**MC** – Mixed Use Commercial District [UNCHANGED]

**NR** – Neighborhood Residential District [UNCHANGED]

**RA** – Rural Agricultural District [UNCHANGED]

**RR** – Rural Residential District [UNCHANGED]

**TNDO** – Traditional Neighborhood Development Overlay District.

The purpose of the Traditional Neighborhood Development Overlay District (TNDO) is to provide development alternatives for landowners located at the periphery of villages and in hamlets

that do not currently have water or sewer. Public water and sewer does not currently exist in these areas, and it will be necessary to develop or extend such infrastructure in order to take advantage of the development alternatives provided under the provisions of this overlay district. Utilizing incentive zoning authority in Town Law, land in the overlay district can be developed more intensively in return for specified public benefits and the incorporation of Traditional Neighborhood Design (TND) principles in the design of sites and structures. Small scale businesses, primary mixed-use structures, can also be incorporated into these areas.

**VHMUD – Varna Hamlet Mixed Use District**

The purpose of the Varna Hamlet Mixed Use District (VHMUD) is to foster new and redevelopment of existing properties while retaining the traditional character of buildings, as well as the hamlet character found in Varna and described in the Varna Community Development Plan. The purpose includes Traditional Neighborhood Design [as defined in Article III of the Dryden Zoning](#), and commercial development of vacant lots, including the combining of lots and rehabilitation of existing buildings.

**VHRD – Varna Hamlet Residential District.**

The purpose of the Varna Hamlet Residential District (VHRD) is to foster development of new residential neighborhoods, and accommodate existing neighborhoods [with predominantly single-family unattached dwelling units, but including a variety of dwelling units.](#)

**Deleted:** Lots in this district will be large enough to accommodate significant residential development without affecting the character of the hamlet.

**VHTD – Varna Hamlet Traditional District**

The purpose of the Varna Hamlet Traditional District (VHTD) is to foster development [that is deeply attentive to the environmentally sensitive areas of the district, and is intended to have lot sizes and a limited amount of development that is sensitive to these resources. The purpose of this district is aimed at achieving a traditional owner-occupied neighborhood with single-family and two-family dwelling units, including a conservation buffer from the banks of Fall Creek \(see Article VII, Section 706\(B\)\).](#)

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**Deleted:** This area is along Fall Creek, an important drainage area in the hamlet. Lot sizes and a limited amount of development that is sensitive to these resources, and designed in a more traditional manner are preferred.

**Section 402: Boundary Determinations**

Where uncertainty exists as to the boundaries of a zoning district as shown on the Zoning Map, the following rules shall apply:

- A. Zone boundaries are intended to follow parcel lines whenever possible. Where boundaries approximately follow parcel lines, such parcel lines shall be construed to be said boundaries.
- B. Where district boundaries are indicated as approximately following the center line or right-of-way line of Public Highways, such lines shall be construed to be district boundaries and follow such center line or right-of-way line.

- C. Where district boundaries are indicated as approximately following a stream, lake, or other body of water, such stream center line, lake or body of water shoreline shall be construed to be such district boundaries (unless otherwise noted on the Zoning Map). In the event of a change in the shoreline or stream, the district boundaries shall be construed as moving with the actual shoreline or stream.
- D. Where a district boundary is not indicated as approximately following the items listed in subsections (1), (2) and (3) above, or is not designated on the Zoning Map, the boundary line shall be determined by the use of the Town's Geographic Information System utilizing the Zoning Map boundaries laid over aerial imagery.
- E. Where district boundaries are based upon natural features, such as slopes, topographic contour lines, watershed boundaries, soil types, or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional.
- F. Whenever any Public Highway is abandoned in the manner authorized by law, the district adjoining each side of such highway shall be automatically extended to the center of the former highway, and all of the area included in the abandoned highway shall henceforth be subject to all regulations within the extended districts.
- G. In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the ZBA.
- H. Special Condition of one Parcel that is situated in Two Zones. Except in the VHMUD, VHRD, and VHTD, when a parcel is divided by a zoning district boundary, the regulations and requirements of the least restrictive zone may be extended for a distance of 100 feet into the more restrictive zone.

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**ARTICLE VII: VARNA**

**Section 700: Purpose**

The purpose of Article VII of this zoning law is to provide the structure and rules for development in accordance with the Varna Community Development Plan (VCDP) as adopted. This Article creates distinct zones and a Traditional Neighborhood Overlay within the hamlet of Varna in an effort to implement the goals set forth in the Varna Community Development Plan.

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**Section 701: Applicability**

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This Article applies only to the three zoning districts that are within the Hamlet of Varna: the Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD). Development within these zones is based on the descriptions in the Varna Community Development Plan as adopted as an amendment to the Town Comprehensive Plan. Refer to the purpose and goals listed for each district in Article IV.

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**Section 702: Design Guidelines and Standards**

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All development and re-development of Lots and property in Varna shall [to the maximum extent practicable](#) comply with the Varna Design Guidelines and Landscape Standards, including:

- A. Landscape Design. Any proposed development or re-development subject to a building permit or review under this Law shall include a landscape and planting plan that includes:
  - 1. A map or sketch of existing vegetation to be retained or removed.
  - 2. A detailed landscape plan that includes a list of the number, type and location of proposed vegetation.
  - 3. A narrative or drawing demonstrating how the development or re-development will preserve open space and existing natural features including mature trees, tree canopies, land forms, existing topography and vegetation.
- B. Streetscape and Sidewalk Design. Any proposed development or re-development subject to a building permit or review under this Law shall include plans for sidewalks or pedestrian paths that contribute to the goal of a unified pedestrian network in Varna. Any such proposed development or re-development shall include a streetscape and sidewalk plan that includes:
  - 1. A map or sketch and list of dimensions of proposed pedestrian paths, sidewalks, and trails.
  - 2. A map and sketch detailing streetscape amenities including lighting, sidewalk furniture (such as benches and refuse containers), signage, and a maintenance plan for such amenities, including provisions for snow removal.
  - 3. Any proposed development or re-development along Route 366 requires sidewalks.
- C. Building and Architectural Detail.
  - 1. No proposed Building shall exceed 40 feet in height.
  - 2. Any proposed development shall be designed to preserve, as much as practicable, the existing views and line of sight of existing buildings and neighboring properties.
- D. Streets and Parking.

1. Any proposed development shall provide a circulation plan in and around the development for pedestrians, vehicles, and cyclists which includes a detailed map showing:
  - a. Proposed roads, trails and cyclist paths.
  - b. The connection of proposed roads, trails and cyclists' paths to existing public highways.
  - c. Circulation patterns including points of ingress and egress.
  - d. The dimensions of any proposed roads, trails and cyclist paths.
  - e. The location of any proposed curbcuts to Route 366.
  - f. The location and number of proposed parking spaces.
2. New roads should be designed and located to preserve existing topography, as much as practicable.

**Section 703: Varna Use Regulations**

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All uses in Varna shall comply, to the maximum extent practicable, with the Varna Design Guidelines and Landscape Standards.

- A. Planning Department Report. No application shall be deemed complete without a written report by the Planning Department detailing the extent to which the application complies with the Varna Design Guidelines and Landscape Standards.
  1. For applications which require either Town Board approval or Planning Board approval, such report shall be considered part of the application and subject to review by the respective Boards.
  2. For applications which require only a Building Permit, such report shall be completed prior to issuance of a Building Permit.
- B. No structure or land in Varna shall be used except as provided in the Allowable Use Groups Chart in subsection D below. Uses which are not explicitly permitted are prohibited, unless specifically stated elsewhere in this Law.
- C. Building Sizes [and Exemptions](#):
  1. In the Varna districts, no use shall include a Structure larger than 5,000 square feet without a Special Use Permit.



2. All exemptions in Section 603 shall also apply in Varna.

D. Allowable Use Groups Chart. In the following Allowable Use Groups Chart;

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“P” means the use is allowed as of right, but in many cases requires Site Plan Review;  
 “SPR” means this use requires Site Plan Review;  
 “Special Use Permit” or “SUP” means the use requires a Special Use Permit;  
 “X” means the use is not allowed in that particular district.

Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Agricultural Use	P	P	P	None
Farmstand	P	P	P	None
Artist Studio/Craft Workshop	SPR	X	SPR	1/8 Acre
Automotive Repair Garage	SPR	X	X	1 Acre
Bed and Breakfast Establishment	SPR	SPR	SPR	None
Boarding House	SPR	SPR	SPR	¼ Acre
Day Care Center	SPR	SPR	X	1 Acre
Gasoline Station	SPR	X	X	2 Acres
General Office Building	SPR	SPR	X	1 Acre
Hotel/Motel	SPR	X	X	1 Acre
Industry, Light	SUP/SPR	SUP/SPR	X	2 Acres
Inn	SPR	SPR	SPR	½ Acre
Nursery/Greenhouse, Retail	SPR	SPR	X	1 Acre
Professional Office	SPR	SPR	SPR	None
Restaurant	SPR	X	X	None
Retail Business	SPR	X	X	None
Retail Shopping Center/Plaza	SPR	X	X	2 Acres
Retreat/Conference Center	SPR	SPR	X	2 Acres
Service Business	SPR	X	X	None
<b>Allowed Principal Uses</b>	<b>Varna Hamlet Mixed Use District (VHMUD)</b>	<b>Varna Hamlet Residential District (VHRD)</b>	<b>Varna Hamlet Traditional District (VHTD)</b>	<b>Minimum Lot Size</b>

Theatre	SPR	SPR	X	1 Acre
Bed and Breakfast, Home	SPR	SPR	SPR	None
Congregate Care Facility	SPR	SPR	X	1 Acre
Daycare Home, Family	SPR	SPR	SPR	None
Daycare, Family Group	SPR	SPR	SPR	None
Dwelling, accessory unit (See §1311)	SPR	SPR	SPR	None
Dwelling, multi-family	SPR	SUP	SUP	1 Acre
Dwelling, single-family	P	P	P	None
Dwelling, two-family	SPR	SPR	SPR	10,000 square feet
Dwelling, upper-floor apartments	SPR	SPR	SPR	None
Elder Cottages	See Section 1305	See Section 1305	See Section 1305	None
Home Occupation: Level 1	P	P	P	None
Home Occupation: Level 2	P	SPR	SPR	None
Manufactured Home	X	X	X	None
Manufactured Home Park	X	PUD	X	5 Acres
Senior Housing	SPR	SPR	SPR	1 Acre
Senior Care Facility	SPR	SPR	X	2 Acres
Workshop/Garage – Non-commercial	P	P	P	None
Educational Use	SPR	SPR	X	None
Library	SPR	SPR	X	1 Acre
Lodge or Club	SPR	SPR	SUP	2 Acres
Municipal Use	SPR	SPR	X	None
Public Safety	SPR	SPR	X	½ Acre
Public Utility	SUP	SUP	SUP	½ Acre
Religious Institution	SPR	SPR	SUP	None
Recreation, Active	SPR	SPR	X	1 Acre
<b>Allowed Principal Uses</b>	<b>Varna Hamlet Mixed Use strict (VHMUD)</b>	<b>Varna Hamlet Residential District (VHRD)</b>	<b>Varna Hamlet Traditional District (VHTD)</b>	<b>Minimum Lot Size</b>
Recreation, Passive	SPR	SPR	SPR	None

Recreation Facility, Amusement	SPR	SPR	X	2 Acres
Recreation Facility, Athletic	SPR	SPR	X	2 Acres

**Section 704: Varna Density Table**

All residential uses in Varna are subject to the maximum number of Dwelling Units per area set forth in the following Varna Density Table.

Dwelling type	Mixed Use (requires commercial) <sup>1</sup>	Residential <sup>2</sup>	Traditional <sup>3</sup>	Green development bonus (see section 708)
Single Family Home	6	6	4	2
Duplex	6	4	2	X
Townhouse	6	4	X	2
Condominium	6	4	6	2
Apartments	6	2	X	2
Senior Housing	8	6	X	2
Residential over Commercial	6	X	X	2
Multi Family Rental – Detached Units	X	X	X	

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Type of Development ... [1]

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	<u>1</u> – Developments with > 9 units must have 2000 sq. ft. of commercial for each 10 units. These may be phased in over time.	<u>2</u> – Multi-family units limited to covering no more than 40% of the acreage remaining after removing the open space land.	<u>3</u> – No bonuses will be granted in the Traditional district.	
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**Section 705: Required Green Space Table**

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All uses in Varna shall incorporate the amount the Green Space set forth in the following table.

Varna District	Required Green Space
Varna Hamlet Mixed Use District (VHMUD)	40% of Lot
Varna Hamlet Residential District (VHRD)	60% of Lot
Varna Hamlet Traditional District (VHTD)	70% of Lot

**Section 706: Area and Bulk Table**

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The following table includes the minimum requirements for a building lot. Unless otherwise indicated this table does not indicate the number of lots that can be created from a parcel.

	VHMUD, VHRD and VHTD
Minimum front yard setback	10 feet
Minimum side yard setback	None or 7.5 feet if buildings are not attached
Accessory Building with less than 15 feet Building Height and 200 square feet or less	1 foot
Minimum rear yard setback	25 feet
Accessory Building with less than 15 feet Building Height and 200 square feet or less	1 foot
Minimum Lot Frontage	45 feet

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A. Multi-family units in VHRD are limited to covering no more than 40% of the acreage remaining after removing the open space land from consideration.

B. A conservation zone buffer shall be established of a 100 ft buffer from the normal high-water bank of Fall Creek in which no landscape alteration or construction shall occur. The width of this buffer shall be extended to include the current FEMA (Federal Emergency Management Agency) designated 100-year flood plain. The importance of a buffer to protect Fall Creek is described in the Dryden Natural Resource Plan, and the Dryden Open Space Inventory, along with the importance of protecting the Designated Scenic Recreation River section of Fall Creek which begins a short distance downstream. Buffers shall be considered to be established for other environmentally sensitive areas within the hamlet districts.

**Section 707: Green Neighborhood Development**

In addition to the density permitted in the Varna Density Table in Section 705, with the exception of the VHTD, a density bonus may be awarded if a Neighborhood Development Proposal achieves at least basic LEED certification according to the most current LEED Neighborhood Development Protocol. The board shall have the discretion to excuse non-compliance with LEED prerequisites which cannot be reasonably attained within the Town of Dryden.

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**Section 708: Planned Unit Development**

A Planned Unit Development (PUD) shall be developed in accordance with the provisions in Article X.

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- A. → In addition to the density permitted in the Varna Density Table in Section 703, a density bonus may be awarded Redevelopment of existing tax parcel(s) according to the table in Section 703. For purposes of this section a tax parcel shall be determined according to the 2012 Final Assessment toll. The Redevelopment Bonus may be computed on either a part acre or tax parcel basis, whichever produces the largest bonus.
- B. → In addition to the density bonus provided in subsection (A) above, an additional density bonus may be awarded if Redevelopment of an existing tax parcel achieves at least a basic LEED certification.

**Section 909: Landscaped Buffer Requirements for Multi-Family and Non-Residential Uses**

A. All portions of Multi-Family and non-residential Lots which are not used for Structures, off-street parking and loading areas, sidewalks or similar purposes shall be landscaped and permanently maintained in such manner as to minimize erosion and stormwater runoff and harmoniously blend such uses with the surrounding residential character.

B. Multi-Family or non-residential uses abutting or directly across a Highway from any residential property in a CV, VHMUD, VHRD, VHTD, NR, RA, RR or TNDO District, shall have a Buffer Strip along or facing any common property lines. Such Buffer Strip shall comply with the following minimum standards:

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1. It shall be a planting of such type, height, spacing and arrangement as, in the judgment of the Board, will effectively screen the activity on the Lot from the neighboring residential area. In the case of industrial uses, plantings shall be at least six (6) feet high at planting and at least 12 feet high at maturity.
2. It shall be at least 20 feet in width, except in conjunction with industrial uses, in which case the buffer strip shall be at least 30 feet in width.
3. No site improvements, including parking areas, shall be allowed within 15 feet of the inside edge of any buffer strip.
4. A wall or fence of location, height, design and materials approved by the Board may be substituted for part or all of the required planting and buffer area.
5. Where the existing topography and/or landscaping provide adequate screening, the board may waive or modify the planting and/or buffer area requirements.

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