

**OFFICIALS  
OF THE  
VILLAGE OF  
NORTHVILLE**

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Northville, New York 12134  
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**1995**

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JAMES K. GROFF**

**Board of Trustees  
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JAMES CONKLING  
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## Chapter 170

### ZONING

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[HISTORY: Adopted by the Board of Trustees of the Village of Northville 2-19-1991 as L.L. No. 1-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Adult bookstores — See Ch. 54.  
Unsafe buildings — See Ch. 72.

Uniform Fire Prevention and Building Code — See Ch. 95.

ARTICLE I  
General Provisions

§ 170-1. Legislative intent.

- A. It is the intent of the Village of Northville on behalf of its residents and landowners to encourage future real property development and land use in an orderly and thoughtful manner. The Village of Northville should continue to grow while preserving the bucolic nature of the community.
- B. The following zoning regulations are intended to assist the village in avoiding unwanted congestion or overdevelopment and incompatible land uses that would detract from the value of neighboring property; and in preserving public vistas; and to encourage the vitality of our village's business district. These regulations are based on the information contained in the Village Master Plan.

§ 170-2. Definitions.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

**ACCESSORY BUILDING OR USE** — A building or use which:

- A. Is subordinate to and serves a principal building or principal use.
- B. Is subordinate in area, extent or purpose to the principal building or principal use served.
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use.
- D. Is located on the same zoning lot as the principal building or principal use.

**ALLEY** — A public way which affords generally a secondary means of vehicular access to abutting property.

**ALTERATION** — Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, new bathrooms and electrical service, as well as any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building, structure, doors or windows, whether from one (1) location to another.

**AREA, BUILDING** — Total area taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

**BAKERY** — A place where bread, pies, cakes and other desserts or confections are prepared and sold on the premises for retail use only.

**BASEMENT** — A space having one-half ( $\frac{1}{2}$ ) or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half ( $6\frac{1}{2}$ ) feet.

**BED-AND-BREAKFAST** — A dwelling in which overnight accommodations and meal provisions are provided or offered to transient guests for compensation.

**BUILDABLE AREA** — The space remaining on a zoning lot after the minimum open-space requirements (coverage, yards and setbacks) have been met.

**BUILDING** — Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into separate classifications extending from the ground up, each part so divided is deemed a separate "building."

**BUILDING COVERAGE** — That portion of the lot area covered by a building.

**BUILDING, HEIGHT OF** — The vertical distance measured from the established grade at the curb, measured from the average level of the finished ground surface across the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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

**BUSINESS SERVICES** — Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

**CELLAR** — A space with less than one-half ( $\frac{1}{2}$ ) of its floor-to-ceiling height above the average finished grade of the adjoining ground and with a floor-to-ceiling height of less than six and one-half ( $6\frac{1}{2}$ ) feet.

**CERTIFICATE OF OCCUPANCY** — Official certification issued by the Code Enforcement Officer that a premises conforms to provisions of the Zoning Law (and Building Code) and may be used or occupied. Such a certificate is granted for new construction, including installation of motor and modular homes, or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be occupied.

**CHURCH** — A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**CLUB or LODGE** — A building or portion thereof or premises owned and/or operated by a corporation, association, person or persons for a social, educational or recreational activity, but not primarily for profit or to render a service which is customarily carried on as a business.

**CODE ENFORCEMENT OFFICER** — For purposes of this chapter, an officer in charge of enforcement of building, fire and zoning codes.<sup>1</sup>

**COMMON AREAS** — Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

**COMMUNITY HEALTH SERVICE CENTER** — A facility or institution, whether public or private, primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health practitioners, medical and dental laboratories and outpatient care facilities in order to provide services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition. Hospitals and other types of health care institutions that provide inpatient or overnight care to patients are not considered "community health service centers."

**CONDOMINIUM** — An ownership arrangement in which the interior of a housing unit is individually owned, while the exterior, including land facilities (common elements), is owned in common by all homeowners in the development. The owner has title to the individual dwelling and shared interest in the common elements.

**CONFORMING USE** — A use of buildings, structures or land which complies with all applicable provisions of this chapter.

**COOPERATIVE** — An ownership arrangement under which a person has shared interest in a residential building complex. Under this type of ownership both the individual unit and common elements are owned by the "cooperative" and are covered by one (1) mortgage. Cooperative ownership can take a variety of building forms.

**DAY CARE** — Any nonfamilial child-care arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children.

**DETACHED DWELLING** — Residential building in which each dwelling unit is surrounded by freestanding walls and is generally sited on a separate lot.

**DUPLEX** — A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof.

**DWELLING, MULTIFAMILY** — A building, or portion thereof, containing three (3) or more dwelling units.

**DWELLING, ONE-FAMILY** — A building designed for and occupied exclusively by one (1) family.

<sup>1</sup> Editor's Note: See Ch. 95, Fire Prevention and Building Code Uniform.

**DWELLING, TWO-FAMILY** — A building designed for and occupied exclusively by not more than two (2) families.

**DWELLING UNIT** — A building, or portion thereof, providing complete housekeeping facilities for one (1) family.

**EASEMENT** — An authorization from a property owner for the use of his property by another for a specific purpose.

**FAMILY** — One (1) or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

**FARM** — A parcel or tract of land at least five (5) acres in area which is used for the production or raising of agricultural products, livestock, poultry and dairy products, except where such production is an accessory and noncommercial garden to a principal residential use on the same lot.

**FENCE** — A barrier, stockade or other device constructed of wood, brick, wire or other material intended for use as a boundary or means of protection or confinement.

**FLAGPOLE** — Any pole exceeding six (6) feet in height on which a flag is raised and flown.

**GARAGE, PRIVATE** — A roofed or partly enclosed building or structure arranged, designed or intended to be used for the parking or storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein and space therein for not more than one (1) vehicle is leased to a nonresident of the premises.

**GARAGE, REPAIR** — Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing or repair of vehicles is conducted or rendered. A "repair garage" shall not include the painting of vehicles.

**GARAGE, STORAGE** — A building or part thereof used only for the storage of vehicles for gain, and at which automobile fuel and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

**GASOLINE STATION** — A building or premises used or designed to be used primarily for the sale of gasoline or oil or other motor-vehicle fuel and which may include incidental facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles.

**GREENHOUSE** — A building with a glass roof and glass sides, in which plants are grown or kept for retail and/or wholesale use.

**HEDGE** — A natural row of shrubs, bushes or trees that may be used as a border around property boundaries.

**HOME OCCUPATION** — Any personal or professional service customarily conducted entirely within a dwelling by the inhabitants thereof.

**HOSPITAL** — A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.

**HOTEL** — Any building or portion thereof containing ten (10) or more sleeping rooms that are used, rented or hired out to be occupied or that are occupied for compensation, whether the compensation be paid directly or indirectly.

**INDUSTRY** — Those fields of economic activity including forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communication, electric, gas and sanitary services; and wholesale trade.

**INDUSTRY, HEAVY** — Those uses considered dangerous or unsafe, such as explosives, or uses considered objectionable or a nuisance by reason of odor, dust, fumes, smoke, noise, vibration, refuse, matter or water-carried waste.

**JUNKYARD** — A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles for the sale of parts.

**KENNEL** — An establishment in which more than six (6) dogs or domesticated animals more than one (1) year old are housed, groomed, bred, boarded, trained or sold.

**LANDSCAPING** — Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**LOT** — A parcel of land considered as a unit occupied or capable of being occupied by one (1) building and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this chapter.

**LOT, AREA** — The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of "lot area."

**LOT, CORNER** — A lot located in the intersection of and fronting on two (2) or more intersecting streets and having an interior angle at the corner of the intersection of less than one hundred and thirty-five degrees (135°).

**LOT, DEPTH** — The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

**LOT, INTERIOR** — A lot other than a corner lot.

**LOT, THROUGH** — An interior lot having frontage on two (2) approximately parallel or converging streets.

**LOT, WIDTH** — The distance between side lot lines measured at right angles to the lot depth at a point from the front lot line equal to the front yard specified for the district.

**MANUFACTURING** — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins or liquids.

**MINING** — The extraction of minerals, including solids, such as coal and ores; liquids, such as petroleum; and gases, such as natural gases. The term also includes quarrying; well



**RESIDENT PROFESSIONAL OFFICE** — A professional office located within the residence of a professional.

**RESTAURANT, FAST-FOOD** — An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.

**RESTAURANT, TRADITIONAL** — An establishment where food and drink is prepared, served and consumed primarily within the principal building.

**ROOMING HOUSE/BOARDINGHOUSE** — Any building or portion thereof containing more than two (2) and fewer than ten (10) rooms that are used, rented or hired out to be occupied or that are occupied for dwelling purposes for compensation, whether the compensation be paid directly or indirectly.

**SCREENING** — A method of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, walls, beams or densely planted vegetation.

**SETBACK** — The required minimum distance from a property line to any structure built upon the land.

**SHOP** — A retail facility containing a maximum of five thousand (5,000) square feet per floor of gross space usable for the sale of goods necessary to meet daily needs of area residents. This may include, but not be limited to, such items as food, clothing, cosmetics, paper products, pharmaceuticals, furniture, television and radio, etc. A shop by this definition shall not be construed to include manufacturing. [Amended 1-19-1993 by L.L. No. 2-1993]

**SHOPPING CENTER** — A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

- A. **SUPER REGIONAL CENTER** — Includes retail office and service uses, occupies over one hundred (100) acres, has four (4) or more anchor stores and contains over one million (1,000,000) square feet of gross leasable space.
- B. **REGIONAL SHOPPING CENTER** — Contains a wanted range of retail and service establishments, occupies fifty to one-hundred (50 to 100) acres of land, has at least one (1) or more anchor stores and contains over four hundred thousand (400,000) square feet of gross leasable space.
- C. **COMMUNITY SHOPPING CENTER** — Features a junior department store and approximately one hundred fifty thousand (150,000) square feet of gross leasable space and have a site area of ten to twenty-five (10 to 25) acres.
- D. **NEIGHBORHOOD SHOPPING CENTER** — Generally sells goods necessary to meet daily needs, occupies up to ten (10) acres and adds up to one hundred thousand (100,000) square feet of gross leasable space.
- E. **MINIMALL** — A shopping center between eighty (80) and one hundred fifty thousand (150,000) square feet on a site of eight to fifteen (8 to 15) acres, where

operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a "mining" activity.

**MOBILE HOME** — For the purpose of this chapter a "mobile home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating and electrical systems contained therein.

**MOTEL** — A building with or without party walls, or any group of buildings used primarily for sheltering transient motorists, and any accessory uses, such as restaurants or parking areas.

**NONCONFORMING LOT** — A lot lawfully existing at the effective date of adoption or amendment of this chapter which does not conform to the requirements of the district in which it is located.

**NONCONFORMING USE** — A use of land, building or structures lawfully existing at the effective date of adoption or amendment of this chapter which does not conform to the requirements of the district in which it is located.

**OPEN SPACE** — Any parcel or area of land or water essentially unimproved and set aside, designated, dedicated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants adjoining or neighboring such open space.

**OWNER OF PRIVATE PROPERTY** — Includes the legal owner, contract purchaser, a tenant, lessee, occupant, undertenant, receiver or assignee of premises or property located within the Village of Northville.

**PARKING SPACE** — An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred seventy (170) square feet, exclusive of passageways and driveways thereto, and having direct access to a street or alley.

**PERMITTED USE** — A use which is specifically authorized in a particular zoning district.

**PERSONAL SERVICES** — Establishments primarily engaged in providing services involving the care of a person or his/her apparel.

**PLANNED UNIT DEVELOPMENT (PUD)** — A special provision in this chapter which regulates development of large tracts of land permitting a combination of residential and nonresidential land uses developed as a unit.

**PLAT** — A plan or map of the specific land area.

**POOL** — An artificially created tank used to hold water for recreational or therapeutic bathing purposes, ranging in size from an olympic swimming pool to an outdoor hot tub.

**PREMISES** — Includes all parcels of real property situated in the Village of Northville, whether occupied or vacant, irrespective of size or topography.

**PROFESSIONAL OFFICE** — An office of a physician, dentist, lawyer, engineer, architect, accountant or other duly licensed or certified professional.

tenants are located on both sides of a covered walkway with direct pedestrian access to all establishments from the walkway.

**SIGN** — Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.

**SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service, entertainment or profession conducted upon the premises. A "for sale" or "to let" sign relating to the property on which it is displayed shall be deemed a temporary sign.

**SIGN, BILLBOARD** — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**SIGN, BUSINESS** — A sign which directs attention to a business, commodity, service, entertainment or profession conducted upon the premises. A "for sale" or "to let" sign relating to the property on which it is displayed shall be deemed a temporary sign.

**SIGN, FLASHING** — Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this chapter, any revolving illuminated sign shall be considered a "flashing sign."

**SIGN, TEMPORARY** — Includes but is not limited to political, real estate sale, special event and garage sale signs, and shall not be considered to be a structure and therefore will not require a building permit to erect or remove. [Amended 1-19-1993 by L.L. No. 2-1993]

**SITE PLAN** — A detailed plan showing the location of structures, parking areas, lighting, landscaping and other developmental features for the proposed development of a parcel of land; distinct from a plat in its greater degree of detail.

**SLAUGHTERHOUSE** — A place where animals are butchered and dressed for food and other products.

**SPECIAL PERMIT** — A permit issued by the Zoning Board of Appeals that authorizes the recipient to make use of property in accordance with the requirements of this chapter, as well as any additional requirements imposed by the Board of Appeals.

**STORY** — That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between any floor and the ceiling next above it. A basement or cellar shall not be considered a "story."

**STREET** — A public or private thoroughfare which affords the principal means of access to abutting property.

**STRUCTURAL PARTS** — Includes any supporting members of a building such as bearing walls, columns, beams or girders.

**STRUCTURE** — Anything constructed or erected, the use of which requires location on the ground or attachment to something having its location on the ground, including but not limited to walls, fences, signs or buildings.

**TAKING LINE** — For purposes of this chapter, the boundary between Hudson River Regulating District (HRRD) land and private property.

**TOWNHOUSE** — A dwelling unit, generally having two (2) or more floors and attached to other similar units via party walls. "Townhouses" are often used in planned unit developments, which provide for clustered or attached housing and common open space.

**USED CAR LOT** — The use of any building, land area or other premises for the display and sale of two (2) or more used automobiles, panel trucks or vans, trailers or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

**UTILITY SERVICES** — Establishment engaged in the generation of transmission and/or distribution of electricity, gas or steam, including water and irrigation systems, and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials.

**VARIANCE** — A grant of permission by the Zoning Board of Appeals that authorizes the recipient to do that which, according to the strict letter of this chapter, he could not otherwise legally do.

**VILLAGE CENTER** — That part of the village bordered by Northville Lake on the east; the Great Sacandaga Lake on the west and south; and Prospect Street on the north. (See Official Zoning Map.<sup>2</sup>)

**WALL** — A barrier, stockade or other device constructed of wood, brick, wire or other material intended for use as a boundary or means of protection or confinement.

**WAREHOUSE** — A building used primarily for the storage of goods and materials. This does not include distribution-type facilities.

**YARD** — An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter.

**YARD, FRONT** — An open, unoccupied space on the same lot with the building, between the front line of the building and the street or highway line, and extending the full width of the lot.

**YARD, REAR** — An open, unoccupied space, except for accessory buildings, on the same lot with the building between the rear line of the building and the rear lot line and extending the full width of the lot.

**YARD, SIDE** — An open, unoccupied space on the same lot with the building, situated between the building and the side lot line and extending from the front yard to the rear yard.

<sup>2</sup> Editor's Note: The Zoning Map is included at the end of this chapter.

**ZONING DISTRICT** — A section of the village which is designated in this chapter and delineated on the Zoning Map, where requirements for the use of land and building and development standards are prescribed. Within each district, all requirements must be uniform.

**§ 170-3. Districts and boundaries.**

A. Establishment of districts. The Village of Northville is hereby divided into the following zoning districts:

- R-1 Residence District
- R-2 Residence District
- R-3 Residence District
- R-L Lakefront-Residence District
- C-1 Commercial District

B. Zoning Map.<sup>3</sup> The locations and boundaries of the zoning districts are hereby shown on a map entitled "Zoning Districts." The Zoning District Map and all notations, references and other information shown thereon are hereby declared to be a part of this chapter. The Village Clerk shall delineate on the Zoning Map all amendments to the district boundaries which are authorized by local law immediately upon the effective date of such local law, indicating the title and date of the local law.

C. District boundaries. Where uncertainty exists as to the location of any boundaries shown on the Zoning Map, the following rules shall apply:

- (1) District boundary lines are intended to follow center lines of streets or alleys, rights-of-way, watercourses or lot lines or be parallel or perpendicular thereto, unless such boundary lines are fixed by dimensions as shown on the Zoning Map.
- (2) Where such boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (3) In unsubdivided land and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.
- (4) If, after the application of the foregoing rules, uncertainty exists as to the exact location of a district boundary, the Zoning Board of Appeals (ZBA) shall determine and fix the location of said line.
- (5) Where a district boundary line divides a lot of record held on one (1) ownership at the time of adoption of said district line, the regulations for the less-restricted portion of such lot shall apply to the remainder of said lot up to a distance of not more than fifty (50) feet from said district line.

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<sup>3</sup> Editor's Note: The Zoning Map is included at the end of this chapter.

- (6) Any land hereafter annexed to or consolidated with the Village of Northville shall be deemed to be zoned R-3 until said land is reclassified by an amendment to this chapter.

**ARTICLE II**  
**Use Regulations**

**§ 170-4. R-1 Residence District.**

- A. Location. The location of the district shall be as follows: bordered by the Northville Lake on the east; R-L District on the west and south; Prospect Street on the north and also the area starting at the inlet of Northville Lake at Ridge Road following the village corporate limits in a northerly direction and continuing along the village corporate limits in a westerly direction to a point one hundred fifty (150) feet to Prospect Street following Prospect Street in an easterly direction to the center of Ridge Road following Ridge Road south to the starting point.
- B. The following use regulations shall apply in any R-1 Residence District:
- (1) Permitted uses:
    - (a) Single-family dwellings, excluding mobile homes.
    - (b) Two-family dwellings.
    - (c) Accessory buildings and uses customarily incidental to the above use when located on the same lot.
  - (2) Uses subject to a special permit:

*See 2010 amendments*

    - (a) Home occupations.
    - (b) Resident professional offices.
    - (c) Bed-and-Breakfast.
  - (3) Uses subject to site plan review:
    - (a) Churches.
    - (b) Schools.
    - (c) Libraries.
    - (d) Public parks.
    - (e) Playgrounds.

**§ 170-5. R-2 Residence District.**

- A. Location. The location of the district shall be as follows: Both sides of Reed Street and the south side of Prospect Street.
- B. The following use regulations shall apply in any R-2 Residence District:

Amendments to  
Article II Use Regulations

Section 170-4(B)(2)

Uses Subject to Special Permit:

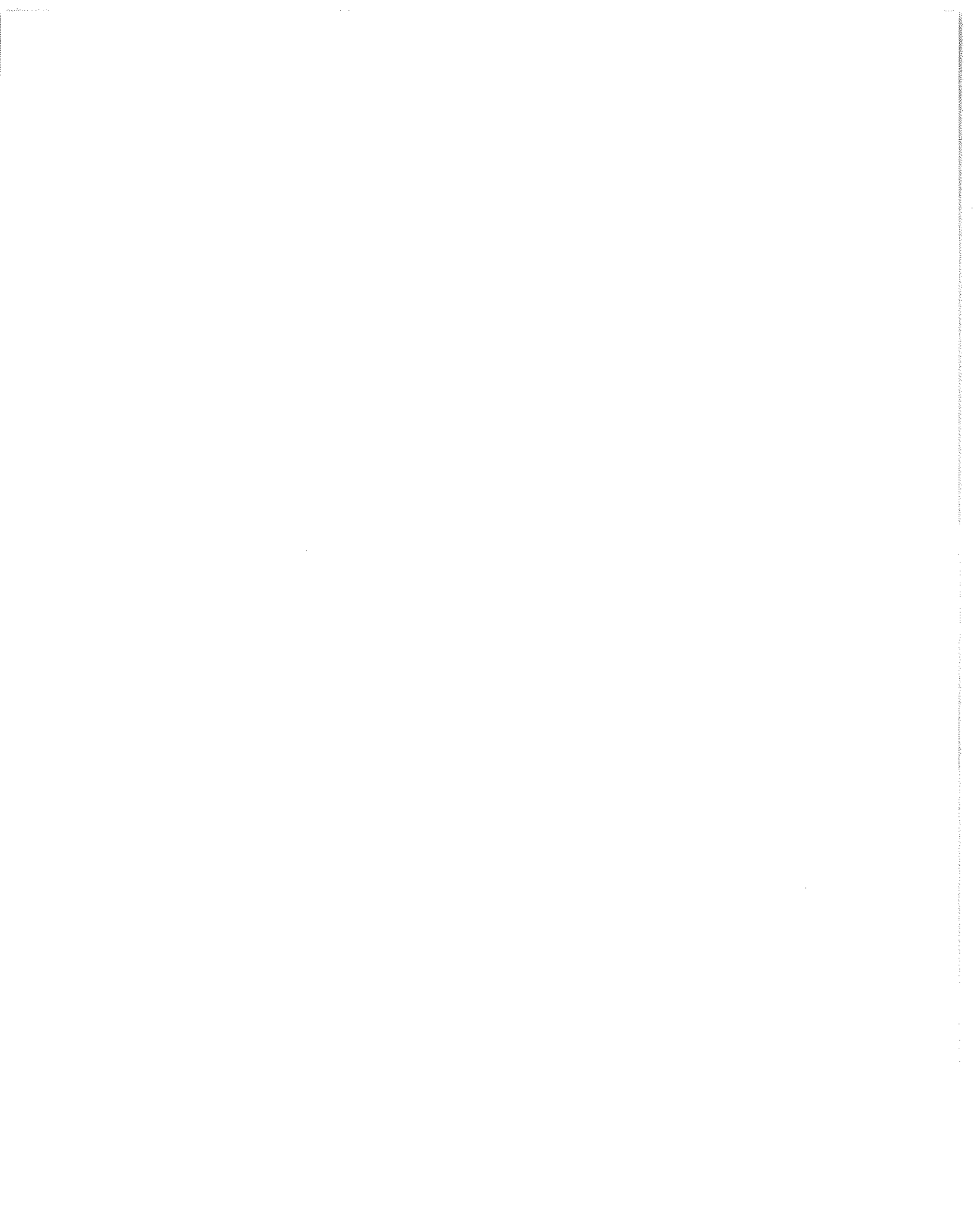
- (a) Home Occupations
- (b) Resident Professional Offices
- (c) Bed and Breakfast
- (d) Residential Care Facility
- (e) Senior Citizen Housing
- (f) Day Care

Section 170-5(B)(2)

Uses Subject to Special Permit:

- (a) Roominghouse/Boardinghouse
- (b) Mobile Homes
- (c) Bed and Breakfast
- (d) The conversion of any single-family dwelling into a two-family dwelling
- (e) Residential Care Facility
- (f) Senior Citizen Housing
- (g) Day Dare

Amended September 2010





- (1) Permitted uses:
  - (a) Single-family dwellings.
  - (b) Two-family dwellings.
  - (c) Resident professional offices.
  - (d) Home occupations.
  - (e) Accessory buildings and uses customarily incidental to the above uses when located on the same lot.
- (2) Uses subject to a special permit:
  - (a) Roominghouse/Boardinghouse. *See 2010 amendment*
  - (b) Mobile homes.
  - (c) Bed-and-breakfast.
  - (d) The conversion of any single-family dwelling into a two-family dwelling.
  - (e) The conversion of any single-family or two-family dwelling into a multifamily dwelling.
  - (f) The conversion of a multifamily dwelling to create additional dwelling units.
- (3) Uses subject to site plan review:
  - (a) Those uses that are subject to site plan review within the R-1 Residence District.
  - (b) Multifamily dwellings.
  - (c) Community health service center.
  - (d) Professional offices.
  - (e) Townhouses.
  - (f) Condominiums.

**§ 170-6. R-3 Residence District.**

- A. Location. The location of the district shall be as follows: South Main Street from the spillway along the east side of the Skiff Road to the village corporate limits going east along the village corporate limits to the west side of Ridge Road following Ridge Road north to Water Street then west on Water Street to the eastern shoreline of the Northville Lake from Water Street back to the spillway.
- B. The following use regulations shall apply in any R-3 Residence District:
  - (1) Permitted uses:
    - (a) One-family dwellings.
  - (2) Uses subject to a special permit:

- (a) Those uses that are subject to a special permit in the R-1 or R-2 Residence District, with the exception of mobile homes.
- (3) Uses subject to site plan review:
  - (a) Those uses that are permitted or subject to site plan review within the R-1 Residence District.
  - (b) Motel/hotel.
  - (c) Tree farms.
  - (d) Cross-country ski area.
  - (e) Restaurants.
  - (f) Two-family dwellings.
  - (g) Offices.
- (4) All parcels of land bordering on Ridge Road and Gould Hill are required to maintain a fifty-foot-wide area of natural trees and bushes or landscaping along these roads. This Green Zone meets setback requirements in this district.

**§ 170-7. R-L Lakefront -- Residence District.**

- A. Location. The location of the district shall be as follows: lots adjacent to the Great Sacandaga Lake within the Village Center of Northville and lots adjacent to the Northville Lake north of Water Street along the eastern and northern edge of the lake extending to the village limits of Northville along Ridge Road ending at the inlet of the Northville Lake.
- B. The following use regulations shall apply in any R-L Lakefront-Residence District:
  - (1) Permitted uses:
    - (a) Those uses permitted in the R-1 Residence District.
  - (2) Uses subject to a special permit:
    - (a) Those uses subject to a special permit in the R-1 Residence District.
  - (3) Uses subject to site plan review:
    - (a) Those uses that are subject to site plan review within the R-1 Residence District.

**§ 170-8. C-1 Commercial District.**

- A. Location. The location of the district shall be as follows: both sides of Main Street from Washington Street north to Reed Street and both sides of Bridge Street from Main Street to Third Street.
- B. [Amended 1-19-1993 by L.L. No. 2-1993] The following use regulations shall apply in any C-1 Commercial District:
  - (1) Permitted uses:

- (a) Retail, gift and antique shops.
  - (b) Bank, savings-and-loan and financial institutions.
  - (c) Business and professional offices.
  - (d) Home occupations.
  - (e) Household appliance, radio and television sales/service.
  - (f) Hardware, electrical, plumbing and heating sales/service.
  - (g) Personal service, beauty and barber shops.
  - (h) Cabinetmaker, woodworking and upholstery shops.
  - (i) Bakery.
  - (j) Florist shop.
  - (k) Pharmacy.
  - (l) Movie/video sales or rental.
- (2) Uses subject to a special permit:
- (a) Those uses subject to a special permit in the R-1 and R-2 Residence Districts, with the exception of mobile homes.
  - (b) Dwellings.
  - (c) Gasoline station, auto repair and service garage.
  - (d) Lawn and garden equipment sales/service/rental.
  - (e) Laundromat/dry cleaners.
  - (f) Car wash.
  - (g) Restaurant.
  - (h) Motel/hotel.
  - (i) Neighborhood shopping center.
  - (j) Theaters and recreational facilities.
  - (k) Demolition of buildings.
- (3) Uses subject to site plan review:
- (a) Those uses that are permitted or subject to site plan review in the R-1, R-2 and R-3 Residence Districts.
  - (b) All new construction and facade improvement and/or renovation of facade of existing structures.
  - (c) Retail use in excess of five thousand (5,000) square feet per floor.

**§ 170-9. Prohibited uses. [Amended 1-19-1993 by L.L. No. 2-1993]**

The following uses shall be strictly prohibited within the village limits:

- A. Heavy industry.
- B. Junkyards.
- C. Kennels.
- D. Mining operations.
- E. Mobile home parks.
- F. Used car lots.<sup>4</sup>
- G. Slaughterhouses.

**§ 170-10. Special permits; site plan approval.**

The new construction of any uses requiring a special permit shall also require a site plan approval from the Planning Board.

### ARTICLE III Dimensional Regulations

**§ 170-11. Regulations in Schedule A.<sup>5</sup>**

- A. Regulations governing lot area and lot width; front, side and rear yards; building coverage; and building height are as specified in Schedule A. The regulations appearing in Schedule A are subject to the additional regulations that follow.
- B. The regulations appearing in Schedule A may be increased by the Planning Board during the site plan review process.

**§ 170-12. Additional area regulations.**

- A. Lots of less than required dimensions.
  - (1) Any lot with an area or a width less than that required in the district in which said lot is located may be used for any purpose permitted in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of the adoption of this chapter.
  - (2) In the event that compliance with the yard and coverage requirements of the district would result in a residential structure of less width than twenty-four (24) feet, the

<sup>4</sup> Editor's Note: Former Subsection G, providing for adult bookstores and adult video stores selling or renting pornographic material as uses strictly prohibited within the village limits, which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>5</sup> Editor's Note: Schedule A is located at the end of this chapter.

Zoning Board of Appeals (ZBA) shall determine and fix yard and coverage requirements for said lot to permit its reasonable utilization for a permitted use.

- B. Reduction of lot area. No lot area shall be reduced below the district requirements of this chapter.
- C. Corner lot. On all corner lots, a front yard shall be required on each street that the lot abuts.
- D. Visibility at street corners. On a corner lot in any district, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points twenty (20) feet distant from the point of intersection, measured along said lines.
- E. The front yard of all buildings and structures hereafter constructed within each district shall not be less than the average front yard of all buildings in the block for a distance of three hundred (300) feet on each side of such building. An adjacent vacant lot shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard. [Amended 8-8-1995 by L.L. No. 2-1995]
- F. Projecting architectural features, terraces, porches and fire escapes.
- (1) The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, eaves and other architectural features; provided, however, that such features shall not project more than two (2) feet into any required yards.
  - (2) A deck or paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets or other form of enclosure exceeding six (6) feet in height.
  - (3) In determining the percentage of building coverage or the size of yards for the purpose of this chapter, enclosed porches, or porches open at the side but roofed, shall be considered part of the building.
  - (4) An open stairway or fire escape may extend into any required yard not more than six (6) feet, provided that such fire escape shall not be closer than four (4) feet at any point to any lot line.
  - (5) Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed six (6) feet.
- G. Pools. A pool shall not be considered an accessory structure, but shall be considered accessory equipment and shall only be placed in side or rear lots. A pool shall maintain a five-foot setback from side and rear property lines and in the case of a corner lot shall be placed no closer to either front property line than the principal building would be allowed in that particular district.
- H. Walls, fences and hedges.
- (1) The yard requirements of this chapter shall not prohibit any necessary retaining wall or any fence, wall or hedge, provided that in any residence district no fence, wall or hedge shall exceed four (4) feet in height for any front yard or six (6) feet in height in

any side or rear yard, and provided further that such fence, wall or hedge shall be no closer to the street than twelve (12) feet and shall comply with visibility at street corners as provided in Subsection D. [Amended 8-8-1995 by L.L. No. 2-1995]

- (2) It shall be unlawful for any owner, operator or occupant to allow or permit an electric or barbed wire fence to be installed or erected in the Village of Northville.
- I. Gasoline station or repair garage. All vehicles located on a gasoline station or repair garage lot or yard must maintain a ten-foot setback from any public right-of-way.
  - J. Mobile homes.
    - (1) Every mobile home shall have a valid Housing and Urban Development (HUD) sticker.
    - (2) Every mobile home shall be located on a permanent masonry foundation and have a continuous masonry skirt and have the appearance of a house foundation. Said mobile home shall be situated on a lot meeting the same requirements in respect to area, setbacks and widths as provided for one-family dwellings in the district in which such mobile home is proposed to be located. [Amended 1-19-1993 by L.L. No. 2-1993]
    - (3) Not more than one (1) mobile home shall be located on a lot.
    - (4) Every mobile home shall have a septic system, water and power hooked up to the satisfaction of the Village Code Enforcement Officer within sixty (60) days of being placed on the foundation.
    - (5) Any mobile home shall, after sixty (60) days, be required to comply with the foregoing provisions or be removed.

#### § 170-13. Additional height requirements.

- A. Chimneys, spires, etc. The height limitations of this chapter shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to flagpoles, monuments, transmission towers and cable radio and television antenna or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the roof limitations.
- B. On through lots. On through lots one hundred twenty (120) feet or less in depth, the height of a building may be measured from the grade of either street. On through lots more than one hundred twenty (120) feet deep, the height regulations and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred twenty (120) feet from that street.

**§ 170-14. Accessory buildings.**

- A. Height. Maximum height of accessory buildings shall be twenty (20) feet.
- B. Accessory building setbacks. Accessory buildings shall comply in all respects with the requirements of this chapter applicable to the principal building.

**ARTICLE IV  
Parking Requirements**

**§ 170-15. Off-street parking.**

- A. Off-street parking space shall be required for all buildings constructed or reconstructed after the effective date hereof. Each off-street space shall consist of at least one hundred seventy (170) square feet with a minimum width of eight (8) feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. The following parking requirements shall apply to those uses that are permitted by right in any zoning district within the village.
  - (1) One (1) parking space shall be provided for each dwelling unit; and
  - (2) One (1) parking space shall be provided for each two hundred (200) square feet of floor area used for business purposes. [Amended 8-8-1995 by L.L. No. 2-1995]
- B. During the site plan review process, the Planning Board shall establish parking requirements for specific cases.
  - (1) For any building having more than one (1) use parking space shall be required as provided for each use.
  - (2) Floor areas for the purposes of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.
  - (3) Off-street parking facilities for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces a parcel in any R residence district.
  - (4) Every off-street parking area and access driveways thereto shall have a durable surface and shall be so graded and drained as to dispose of all surface water accumulation.
  - (5) Any fixture used to illuminate any off-street parking area shall be so arranged as to direct the light away from adjoining premises used for residential purposes or situated in any R residence district. The intensity of lighting shall not be such as to interfere unreasonably with any such premises.
  - (6) Access to and from public streets shall be subject to the approval of the Planning Board upon recommendation of the Village Board or its designee.
- C. Upon recommendation of the Village Board or its designee, the Planning Board may waive any or all of the foregoing off-street parking requirements.

**§ 170-16. Off-street loading.**

- A. At least one (1) off-street loading facility shall be provided for each commercial or industrial establishment hereafter erected or altered to have a gross floor area in excess of five thousand (5,000) square feet. Space for off-street loading shall be in addition to space for off-street parking.
- B. Each facility shall be subject to the following minimum requirements:
- (1) Each berth shall be not less than twelve (12) feet wide, thirty-three (33) feet long and fourteen (14) feet in height when covered.
  - (2) Space for such berth may occupy any part of any required side or rear yard, except no such berth shall be located closer than one hundred (100) feet to any lot in any residence district unless wholly within a completely enclosed building.

**ARTICLE V****Signs****§ 170-17. Specific regulations.**

The size, type and location of any sign or advertising device shall be in accordance with the following regulations:

- A. Signs in R residence districts.
- (1) Nameplate and identification signs indicating the name and address of the occupant or permitted home occupation in any residence shall be permitted, provided that such signs shall not exceed two (2) square feet in area and shall not emit any flashing or intermittent illumination.
  - (2) Institutional signs for schools, churches, hospitals or similar public and semipublic institutions shall be permitted, provided that such signs shall not be greater than fifteen (15) square feet in area and shall not emit any flashing or intermittent illumination.
  - (3) Business signs pertaining only to a legal nonconforming use of the premises on which they are located shall be permitted, provided that such signs shall not exceed twenty (20) square feet in area and shall not emit any flashing or intermittent illumination.
  - (4) Temporary signs advertising the sale, rental, construction or improvement of the premises on which they are located shall be permitted, provided that such signs shall not exceed six (6) square feet and shall not be illuminated.
  - (5) Signs advertising functions, uses, products or services not pertaining to the premises on which they are located, and mobile advertising or attracting devices, shall not be permitted in any R residence district.
- B. Signs in C-1 Commercial Districts.
- (1) Signs permitted in R residence districts shall be permitted.



- (2) Business signs pertaining only to a permitted use, products or service on the premises on which they are located shall be permitted, provided that the aggregate area of all signs shall not be greater than fifty (50) square feet. [Amended 1-19-1993 by L.L. No. 2-1993]
- (3) Temporary signs advertising the sale or rental, or construction or improvement, of the premises on which they are located shall be permitted, provided that such signs shall not exceed ten (10) square feet in area and shall be promptly removed by the property owner when the circumstances leading to their erection no longer apply.
- (4) Signs advertising functions, uses, products or services not pertaining to the premises on which they are located shall not be permitted in any C-1 Commercial District. Not-for-profit organizations shall be exempt from this section.

**§ 170-18. General regulations.**

- A. The number of signs permitted on any single parcel shall not exceed the number of lot lines of said parcel which abut a public right-of-way.
- B. Signs shall be constructed of durable materials and shall be maintained in a good condition. Signs which are permitted to deteriorate shall be removed upon direction of the Village Code Enforcement Officer following notification to the owner.
- C. No sign attached to a building shall project more than four (4) feet beyond building lines over sidewalk areas.
- D. No sign shall be located higher than the building to which it is attached.
- E. No sign shall be erected which, in the opinion of the Village Code Enforcement Officer, may cause hazardous or unsafe conditions. Such signs shall be removed upon direction of the Village Code Enforcement Officer following notification to the owner.
- F. No sign, other than an official traffic sign, shall be erected within the right-of-way line of any public street.
- G. No sign shall have a source of illumination directed toward a public street or adjacent property.
- H. No billboard or outdoor advertising sign shall be permitted which faces the front or side lot line of any residential district within one hundred (100) feet of such lot line, or which visibly faces any public parkway, public square or entrance to any public park, school, library, church or similar institution within three hundred (300) feet thereof.
- I. No plastic signs shall be permitted within the village. All existing plastic signs shall be allowed to remain in place and maintained or repaired until replacement becomes necessary. No existing plastic sign can be replaced by another plastic sign.

ARTICLE VI  
Nonconforming Uses

§ 170-19. Continuation of existing uses.

Any nonconforming use, building or structure which existed lawfully at the time of enactment of this chapter may be continued subject to the regulations which follow in this article.

§ 170-20. Nonconforming use of land.

The nonconforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of the adoption of this chapter. A nonconforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of adoption of this chapter. A nonconforming use of land shall not be changed to a greater nonconforming use. If a nonconforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

§ 170-21. Nonconforming use of buildings.

- A. Additions. A building occupied by a use which does not conform to the use regulations enumerated in Article II shall not be added to or enlarged in any manner unless the use thereof is made to conform to all the regulations of the district in which it is located. A building occupied by a conforming use but not conforming to other regulations of this chapter may be added to or enlarged, provided that the addition or enlargement does not increase the degree of nonconformity. [Amended 8-8-1995 by L.L. No. 2-1995]
- B. Alterations and repairs. No structural alterations shall be made to any building occupied by a nonconforming use unless such alterations are required by law; provided, however, that such maintenance and repairs as are required to keep said building or structure in sound condition shall be permitted. Alterations and repairs intended and designed to decrease or eliminate nonconformance to the provisions of this chapter shall be permitted. A vertical addition to a building occupied by a permitted use, but not conforming to the required district setbacks, shall be allowed to take place as long as the horizontal nonconformity is not increased.
- C. Changes. A nonconforming use of a building may not be changed except to a conforming use or to a use that decreases or eliminates nonconformance to the provisions of this chapter. When so changed, such nonconforming use or any use which decreases nonconformance to the provisions of this chapter may be resumed thereafter.
- D. Discontinuance. A nonconforming use of a building or structure or any portion thereof which is discontinued for a period of twelve (12) consecutive months shall not be reestablished, and any subsequent use shall conform to the use regulations of the district in which the premises is located. A use shall be deemed to have been discontinued under any of the following conditions: