

**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:
    - (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.

*See 2010 amendments*

**§ 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:

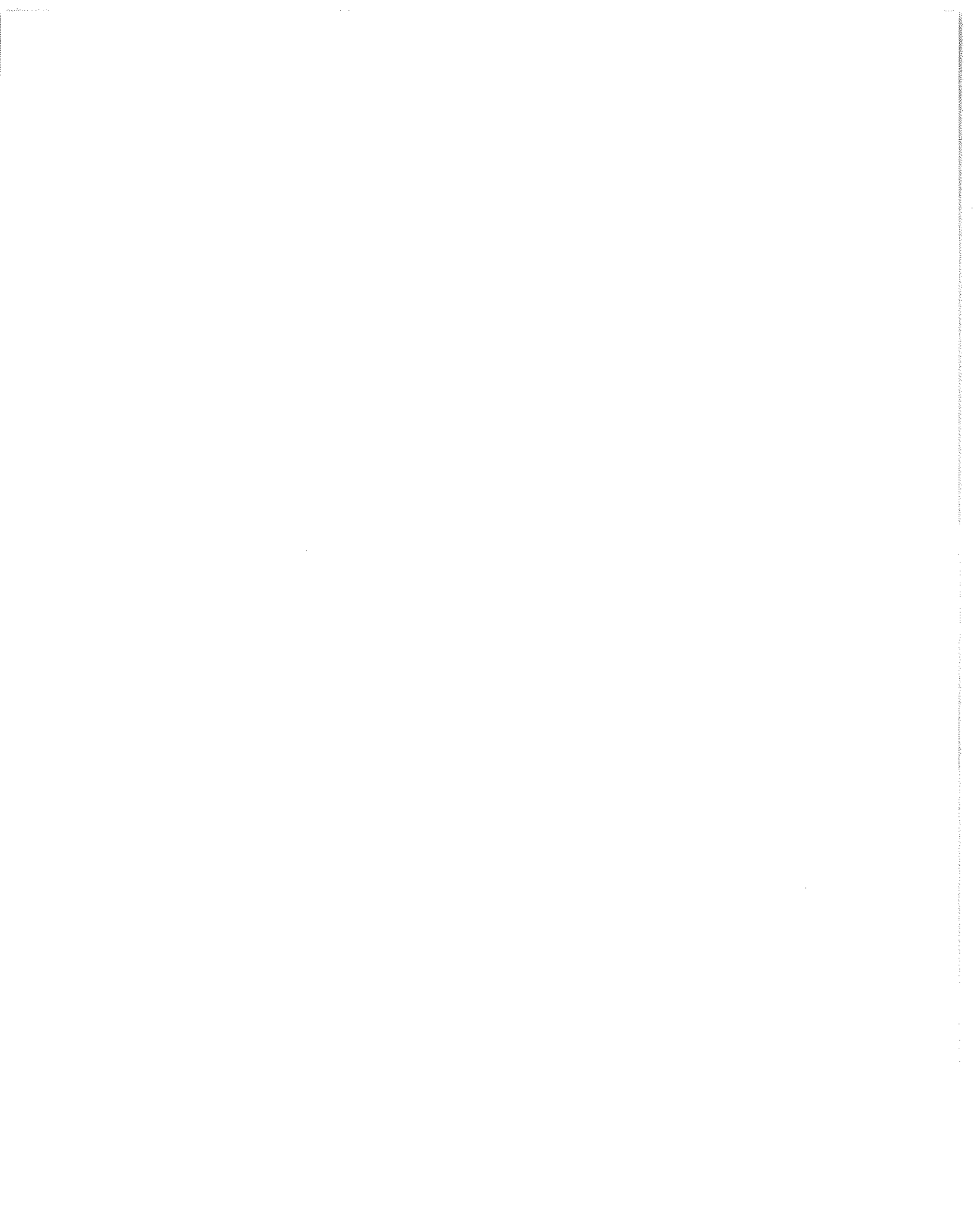
- (a) Home Occupations
- (b) Resident Professional Offices
- (c) Bed and Breakfast
- (d) Residential Care Facility
- (e) Senior Citizen Housing
- (f) Day Care

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:

- (1) Cessation of a nonconforming use of a building or cessation of a nonconforming use for a period of twelve (12) consecutive months.
  - (2) Declaration of a clear intent on the part of the owner to abandon the nonconforming use.
- E. Extension. A nonconforming use may not be extended to any other part of such building or site.
- F. Restoration. A building devoted to a nonconforming use destroyed or damaged by fire, wind, explosion, structural failure or other natural cause may be replaced, provided that application for a building permit is made within three (3) months subsequent to the date of such damage or destruction, and further provided that such restoration shall be diligently carried out.
- G. Removal. If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform to the regulations of the district.
- H. Validity of permit. Any building for which a permit has been lawfully granted and on which the construction has been stated and diligently prosecuted before the effective date of this chapter may be completed.

#### ARTICLE VII Administration

##### § 170-22. Enforcement Officer.

The provisions of this chapter shall be administered and enforced by a person designated by the Village Board as the "Code Enforcement Officer," who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. No building permit or certificate of occupancy required hereunder shall be issued by the Code Enforcement Officer except in compliance with the provisions of this chapter or directed by the Zoning Board of Appeals (ZBA) under the provisions of § 170-25.

##### § 170-23. Building permit.

- A. No building or structure shall be erected, moved, structurally altered, added to or enlarged or demolished and no excavation for any building shall be begun unless and until a building permit for such work has been issued by the Code Enforcement Officer.
- B. Application for building permits shall be submitted in duplicate on a form or forms provided by the Code Enforcement Officer. Each application shall set forth the purpose for which the building or structure is intended to be used and shall be accompanied by a plot plan showing the dimensions of the lot and the building or structure and dimensions of required and proposed yards. The Code Enforcement Officer may require such additional information, other than that called for on the application form, as may reasonably be

needed for him to determine if the proposed building or structure, its use and the use of the land are in conformity with the provisions of this chapter.

- C. A building under one hundred (100) square feet in size shall be considered a temporary structure and shall not require a permit. No more than two (2) such structures shall be erected on any lot and in no case shall more than three (3) accessory structures be allowed on any lot [one (1) permanent and two (2) temporary].
- D. A building permit shall be valid for one (1) year and can be renewed only once. The fee for renewing a building permit shall be calculated in the same manner as the original permit. If, at the end of the second year, construction has not been completed, a new building permit shall not be issued and the applicant shall be in violation of this chapter.

#### § 170-24. Penalties for offenses.

- A. Any person, association, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be punished by a fine of not less than fifty dollars (\$50.) nor more than two hundred fifty dollars (\$250.) for each offense; and each day that the violation is permitted to exist shall constitute a separate offense.
- B. In case of violation of this chapter, the village and its officers may, in addition to any other remedies conferred by law or ordinance, institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupation of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

#### § 170-25. Zoning Board of Appeals.

- A. Appointment. A Zoning Board of Appeals (ZBA) is hereby established in accordance with the provisions of the Village Law § 7-712, Subdivision 1. The Zoning Board of Appeals shall consist of five (5) members, each to serve for a term of five (5) years. The terms of office of the members of the Zoning Board of Appeals and the manner of their appointments shall be in accordance with the provisions of the Village Law applicable thereto. Vacancies for the unexpired term of any member shall be filled for such unexpired period only.
- B. Organization. A Chairman of the Zoning Board of Appeals (ZBA) shall be appointed by the ZBA along with an Acting Chairman to serve in his absence. The ZBA shall adopt rules of procedure governing the organization of the ZBA and the conduct of its meetings.
- C. Meetings.
  - (1) Meetings of the Zoning Board of Appeals (ZBA) shall be held as provided in rules of procedure adopted by the ZBA. The ZBA shall keep minutes of its proceedings showing the vote of each member on each question and shall keep records of its hearings and other official actions. If any member is absent or fails to vote, the minutes shall indicate such fact. The concurring vote of three (3) members of the

ZBA shall be necessary to reverse any order or decision of the Enforcement Officer or to decide in favor of any applicant on any matter over which the Zoning Board of Appeals has jurisdiction.

- (2) All hearings of the Zoning Board of Appeals shall be open to the public, and the minutes of ZBA meetings and hearings shall be a public record. Every rule or regulation, amendment or repeal thereof, order, requirement, decision or determination of the ZBA shall be filed immediately with the Enforcement Officer and shall be a public record.

D. Appeals to the Zoning Board of Appeals.

- (1) An appeal written from a determination of the Enforcement Officer may be taken by any aggrieved person or by an officer, department or board of the Village of Northville. Such appeal shall be taken within thirty (30) days of the date of the decision by filing with the Enforcement Officer a notice of appeal specifying the grounds thereof.
- (2) All appeals shall be made in writing on forms provided by the Code Enforcement Officer who shall then transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- (3) Within forty-five (45) days after receipt by the Zoning Board of Appeals of all papers constituting the record upon which the action appealed from was taken, the Zoning Board of Appeals shall hold a public hearing after notice of ten (10) days on the appeal.
- (4) The Zoning Board of Appeals shall give public notice of the hearings, as well as due notice to the parties at interest, and shall give its decision within sixty-two (62) days from the date of the hearing.

E. Jurisdiction.

- (1) The Zoning Board of Appeals shall have the following powers and duties prescribed by statute and by this chapter:
  - (a) Interpretation. On appeal from a determination of the Enforcement Officer to hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Enforcement Officer involving the interpretation of any provision of this chapter.
  - (b) Variance. On appeal from a written determination of the Enforcement Officer to grant a variance where the property owner can show that the strict application of this chapter would result in practical difficulty or unnecessary hardship. The Zoning Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case regarding each of the following conditions:
    - [1] Because of exceptional narrowness, shallowness or shape of the specific parcel, or because of extraordinary topographic conditions or other extraordinary physical condition of the specific parcel, the strict applications

of the provision of this chapter actually prohibit or unreasonably restrict the use of the land or building for which such variance is sought, that the granting of the variance is necessary for the reasonable use of such property and that the variance granted by the Zoning Board of Appeals is the minimum variance that will provide for the reasonable use of the property.

[2] The granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation of the property as distinguished from a special privilege or convenience sought by the owner, which conditions are peculiar to such land or building and do not apply generally to land or buildings in the vicinity or neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this chapter.

[3] The granting of the variance by the Zoning Board of Appeals will be in harmony with the intent and purpose of this chapter and in no event will constitute an amendment of any district regulations or boundaries and will not be injurious to the neighborhood.

(c) Special permits. Upon application, supplementing an application to the Code Enforcement Officer for a zoning permit or certificate of occupancy, the Zoning Board of Appeals may grant a permit for any use for which approval of the Zoning Board of Appeals is required under this chapter. In granting such permit, the Board may specify appropriate conditions in harmony with the following standards:

[1] The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts.

[2] The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly for children, relation to main traffic thoroughfares and to street and road intersections and the general character and intensity of development of the neighborhood.

[3] The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

F. Decisions of the Zoning Board of Appeals. All decisions of the Zoning Board of Appeals shall be in writing, and a copy of each decision shall be sent to the applicant and to the Enforcement Officer. The Board shall also retain in its files a copy of each decision, which files shall be available for inspection by the public. Each decision shall set forth fully the

reasons for the decision of the Board and the findings of fact on which the decision was based.

**§ 170-26. Amendments.**

- A. Initiation of amendments.
- (1) The Village Board may from time to time, on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this chapter pursuant to the remainder of this section.
  - (2) The Planning Commission may, by resolution, propose an amendment, supplement or change of the regulations to the Village Board. Within sixty (60) days from the time such resolution is filed with the Village Clerk it shall be the duty of the Village Board to vote on such proposed amendment.
- B. Referral of proposed amendments to the Planning Board. All proposed amendments, supplements or changes originating by motion of the Village Board shall be referred to the Planning Board for a report and recommendations thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
- C. Hearing on proposed amendments.
- (1) Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon upon public notice of at least ten (10) days. Such hearing may be held by the Village Board, by a committee of the Board or by the Planning Board on request of the Village Board. In addition to the public notice of a hearing, notice shall be given in writing, either personally or by mail, to all property owners of the land included in such proposed change, and the land immediately adjacent extending one hundred (100) feet therefrom, and the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, as said property owners and addresses appear on the latest completed assessment roll of the village.
  - (2) Where more than twelve (12) properties are included in such change and the Village Board, by resolution, determines that notice in writing to each property owner is not feasible, the notice of hearing shall be posted prominently in public places in the village, including such places in the area affected.
- D. Adoption of amendment. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend this chapter, except as described in Subsection E, Protest petition.
- E. Protest petition. If a protest against a proposed amendment, supplement or change is presented to the Village Board duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the

land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendments shall not be passed except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of the Village Board.

- F. Periodic review of zoning law. Every year the Planning Board shall reexamine the provisions of this chapter and the location of district boundary lines and shall submit a report to the Village Board recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.

#### § 170-27. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of public health, safety and general welfare. When this chapter imposes a greater restriction on the use of buildings or land or on the heights of buildings or requires larger open spaces or makes any other greater requirement than is imposed or required by any other local law, rule or regulation or by easements, covenants or agreements, the provisions of this chapter shall govern.

### ARTICLE VIII Site Plan Review

#### § 170-28. Purpose.

The purpose of this Article is to allow the proper integration into the community of those uses listed in Article II of this chapter, which have been determined to be suitable within a zoning district only on certain conditions and only at appropriate locations. Because of their characteristics, or the special characteristics of the area in which they are to be located, these uses require special consideration so that they may be properly located and planned with respect to:

- A. The objectives of this chapter.
- B. Their effect on surrounding properties.
- C. The ability of the village to accommodate the growth resulting from the proposed use without undue, adverse effect on the village and its citizens and taxpayers.
- D. The protection of health, safety and general welfare of the village and its citizens.
- E. The objectives of the village's Master Plan.

#### § 170-29. Applicability.

Uses requiring a site plan review are listed in Article II of this chapter. No zoning, building, use or certificate of occupancy shall be issued by the Code Enforcement Officer for any use listed, nor shall any building be erected, moved, structurally altered, added to or enlarged and no excavation for any building shall begin until a site plan review has been approved by the Planning Board in accordance with this Article.



**§ 170-30. Authorization.**

In accordance with § 7-725 of the Village Law, the Village Board does hereby authorize the Planning Board to review and approve, approve with modifications or disapprove site plans prepared to specifications set forth in this chapter and in accordance with regulations set forth by the Planning Board. A site plan shall show the arrangement, layout and design of the proposed use of land shown on the plan. Such site plan review shall be made of all development required under the terms of this chapter.

**§ 170-31. Application. [Amended 2-18-1992 by L.L. No. 1-1992<sup>6</sup>]**

A preliminary application for site plan review may be submitted to the Planning Board with a nonreturnable fee in an amount set forth from time to time by resolution of the Board of Trustees at least seven (7) working days in advance of a regularly scheduled Planning Board meeting.<sup>7</sup> After review of the preliminary application for site plan review, the Planning Board may waive any other requirements or fees imposed by this section if the Planning Board can upon the information submitted determine that the project will not significantly impact the immediate neighborhood in a negative manner. In making this determination consideration shall include but not be limited to parking, traffic control, noise levels and alterations in building facades. Unless waived as set forth above or at the option of the applicant, an application for a site plan review shall be submitted to the Planning Board with a nonreturnable fee in an amount set forth from time to time by resolution of the Board of Trustees at least seven (7) working days in advance of a regularly scheduled Planning Board meeting.<sup>8</sup> The preliminary application and application shall be on a form provided by the Planning Board and shall contain all of the information desired by the Planning Board to properly conduct its review.

**A. The site plan shall include the following information where applicable:**

- (1) The title of the drawing, including the name and address of the applicant and person responsible for preparing said plan.
- (2) Unless otherwise allowed by the Planning Board, the plan shall be at a one-inch-equals-fifty-feet scale, with two-foot contours showing the topography of the lot and areas within one hundred (100) feet of the lot. Both existing and final contours shall be shown.
- (3) North arrow, scale and date.
- (4) Boundaries of the property plotted to scale; current zoning classification of property, including the exact zoning boundary if in more than one (1) district.
- (5) Existing watercourses.
- (6) A grading and drainage plan, showing existing and proposed contours.

<sup>6</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>7</sup> Editor's Note: The current resolution is on file in the office of the Village Clerk.

<sup>8</sup> Editor's Note: The current resolution is on file in the office of the Village Clerk.

- (7) The location, design, type of construction, proposed use and exterior dimensions of all buildings.
  - (8) The location and widths of driveways on the site and access to existing roads and highways; the location, design and type of construction of all parking and/or truck loading areas, including access and egress.
  - (9) The location and dimensions for pedestrian access.
  - (10) The location for outdoor storage, if any.
  - (11) The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
  - (12) The location and size of water- and sewer lines and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.
  - (13) The location of fire and other emergency zones, including the location of fire hydrants.
  - (14) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
  - (15) The location, size, design and type of construction of all proposed signs.
  - (16) The location and proposed development of all buffer areas, including existing vegetative cover.
  - (17) The location and design of outdoor lighting facilities.
  - (18) The location and amount of building area proposed for retail sales of similar commercial activity.
  - (19) The general landscaping plan and planting schedule.
  - (20) An estimated project construction schedule.
  - (21) State environmental quality review (SEQR) information and forms as may be required.
  - (22) The location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within the adjoining property.
  - (23) A description of all existing deed restrictions or covenants applying to the property.
  - (24) Any other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution and the existence of any covenants governing the land.
  - (25) A site plan which has been prepared by a licensed engineer or surveyor in such number of copies as shall be determined by the Planning Board.
- B. If the applicant fails to submit sufficient information to the Planning Board, said application will be deemed incomplete and returned to the applicant. Once an application is determined to be complete, the Planning Board shall set a date for a public hearing.

**§ 170-32. Review.**

The Planning Board's review of a site plan shall include as appropriate, but is not limited to, the following general considerations:

- A. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- B. The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- C. The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- D. The location, arrangement, appearance and sufficiency of off-street parking and loading.
- E. The adequacy of stormwater and drainage facilities.
- F. The adequacy of water supply and sewage disposal facilities.
- G. The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- H. In the case of an apartment complex, townhouses, condominiums, cooperatives or other multiple dwellings, the adequacy of usable open space for recreation.
- I. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- J. The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- K. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- L. The adequacy of setbacks in regard to achieving maximum compatibility and protection to adjacent properties and residential districts.
- M. The structure or structures shall be aesthetically compatible with existing and planned uses of adjacent properties and districts.
- N. Consistency with the village's Master Plan.

**§ 170-33. Public hearing.**

The Planning Board shall fix a time within sixty (60) days from the day the Planning Board determines an application for site plan review to be complete, for a public hearing on the application for site plan approval. A public notice of such hearing shall be published in the village's official newspaper at least five (5) calendar days prior to the date thereof.

**§ 170-34. Planning Board action. [Amended 8-8-1995 by L.L. No. 2-1995]**

Within sixty (60) days after such public hearing, the Planning Board shall approve, approve with modifications or disapprove the application for site plan approval. The Planning Board, in conjunction with its approval of any site plan review proposal, may impose such requirements and conditions as are deemed necessary, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenants or other similar appropriate means. Failure of the Planning Board to act on an application within sixty (60) days after a public hearing shall constitute approval of the application.

**§ 170-35. Filing of decision.**

The Planning Board shall prepare a written decision on an application for site plan review and shall have such decision immediately filed in the office of the Village Clerk and the Village Code Enforcement Officer and a copy thereof mailed to the applicant.

**§ 170-36. Administration and inspection.**

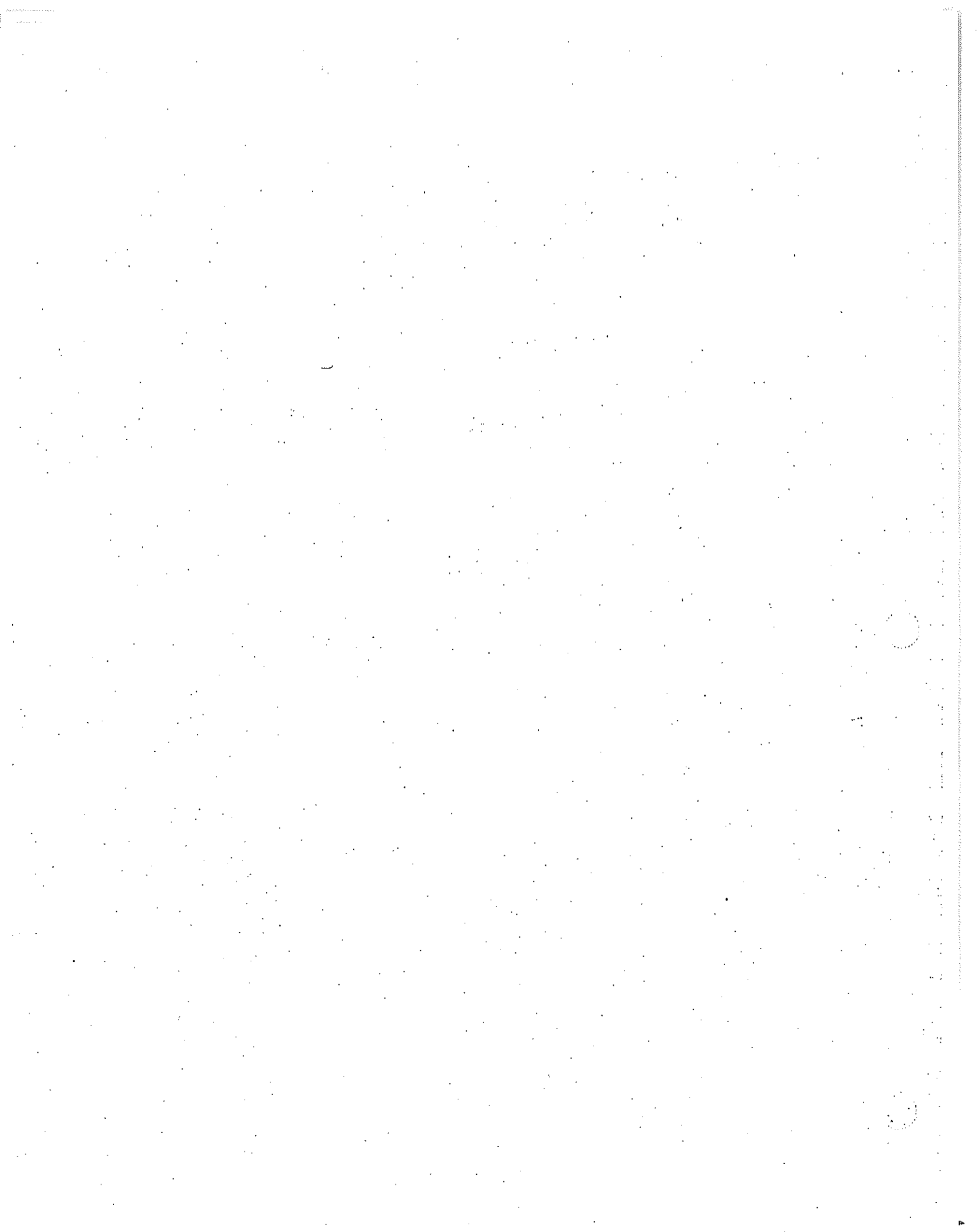
The provisions of this Article shall be administered and enforced by the Code Enforcement Officer who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Article. No zoning permit or certificate of occupancy required hereunder shall be issued by the Code Enforcement Officer except after compliance with the provisions of this Article.

**§ 170-37. Changes to site plan.**

No site plan approved by the Planning Board shall be changed, modified or altered in any way until the Village Code Enforcement Officer reviews said proposed change, modification or alteration. If the Village Code Enforcement Officer determines that a proposed change, modification or alteration is minor, the Village Code Enforcement Officer shall approve, disapprove or approve with conditions said change. If the Village Code Enforcement Officer determines the proposed change, modification or alteration to a final site plan to be significant, he shall not take any action and direct the property owners to obtain written approval from the Planning Board. The property owner shall submit to the Village Code Enforcement Officer an application requesting a modification to an approved site plan. Said application shall outline the details of the proposed changes, the reasons for the proposed changes and the possible impacts of the proposed changes. The Planning Board may schedule and hold a public hearing on any proposed changes to an approved site plan. Any proposed changes to an approved site plan shall be reviewed by the Planning Board within thirty (30) calendar days of the receipt of a complete application by the Village Code Enforcement Officer. The Planning Board shall approve, approve with modifications or disapprove the request for said changes. Failure of the Planning Board to act on such matter within thirty (30) days shall constitute conditional approval of said changes. The Planning Board may, however, table such request for changes to a site plan, if the Planning Board feels that the applicant has not provided sufficient information regarding the changes being proposed.

**§ 170-38. Performance guaranty.**

No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet complete. The sufficiency of such performance guaranty shall be determined by the Planning Board after consultation with the Code Enforcement Officer or other competent persons.



ZONING

Schedule A  
Area and Height Regulations  
Village of Northville

| Requirements  | R-1 District   |
|---|----------------|
| Minimum lot size  | 75 by 100 feet |
| Minimum lot width   | 75 feet        |
| Maximum percentage of lot<br>occupied by principal building | 30%            |
| Maximum height of building                                  | 35 feet        |
| Minimum yard distances                                      |                |
| Front yard  | 25 feet        |
| Each side yard  | 12 feet        |
| Rear yard   | 20 feet        |
| Total side yards  | 30 feet        |

| Requirements  | R-2 District   |
|---|----------------|
| Minimum lot size  | 75 by 100 feet |
| Minimum lot width   | 75 feet        |
| Maximum percentage of lot<br>occupied by principal building | 40%            |
| Maximum height of building                                  | 35 feet        |
| Minimum yard distances                                      |                |
| Front yard  | 25 feet        |
| Each side yard  | 12 feet        |
| Rear yard   | 20 feet        |
| Total side yards  | 30 feet        |

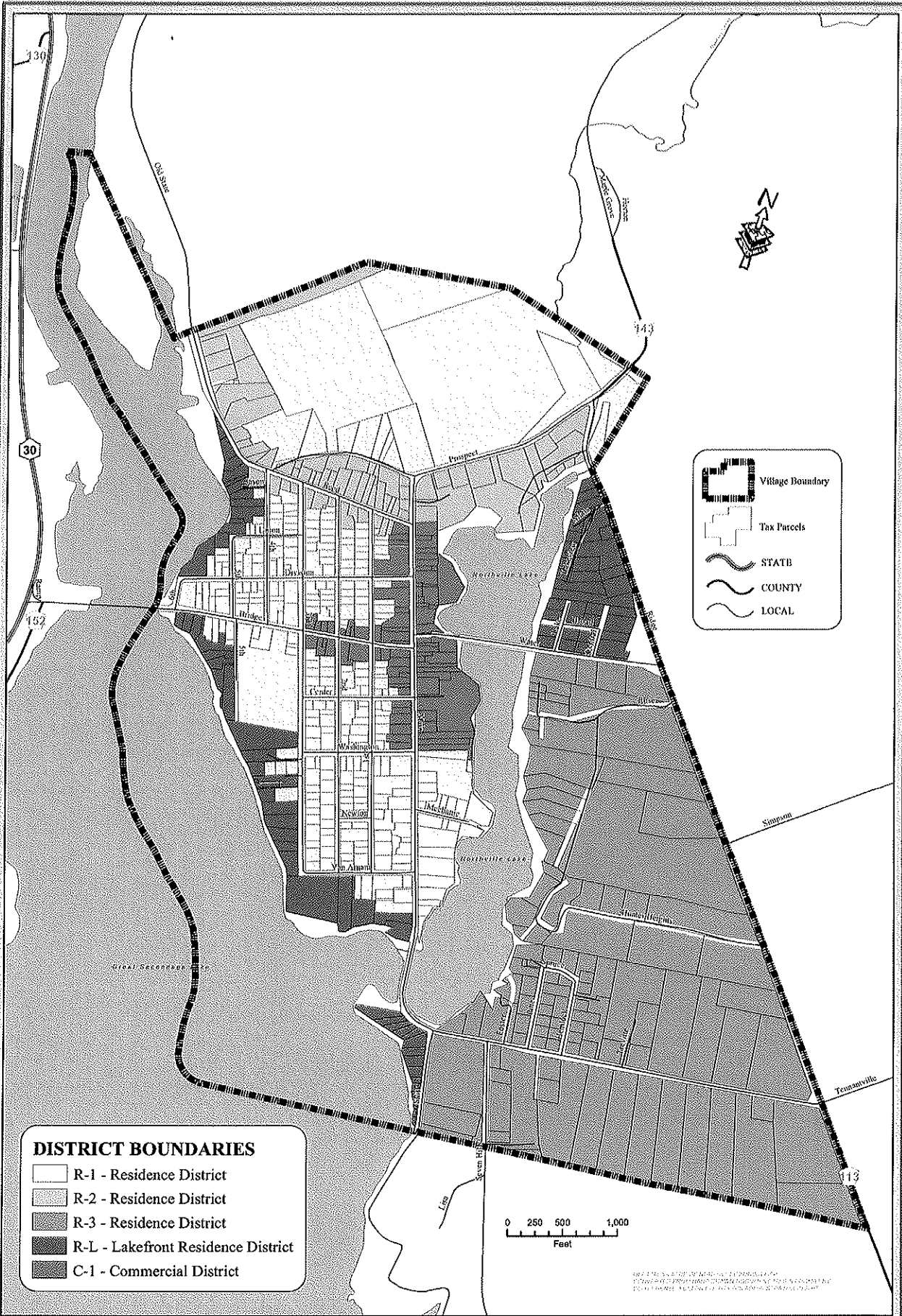
| Requirements  | R-3 District |
|---|--------------|
| Minimum lot size  | 5 acres      |
| Minimum lot width   | 150 feet     |
| Maximum percentage of lot<br>occupied by principal building | 20%          |
| Minimum yard distances                                      |              |
| Front yard  | 50 feet      |
| Each side yard  | 50 feet      |
| Rear yard   | 50 feet      |
| Total side yards  | 100 feet     |
| Minimum setback from taking line<br>bordering lake          | 60 feet      |
| Maximum height  | 35 feet      |

## NORTHVILLE CODE






| Requirements   | R-L District |
|--|--------------|
| Minimum lot size   | 1/2 acre     |
| Minimum lot width for Lakeshore Lots                     | 150 feet     |
| Maximum percentage of lot occupied by principal building | 25%          |
| Minimum yard distances                                   |              |
| Front yard   | 25 feet      |
| Each side yard   | 20 feet      |
| Rear yard  | 25 feet      |
| Total side yards   | 40 feet      |
| Minimum setback from property line bordering lake        | 35 feet      |

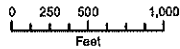
| Requirements   | C-1 District       |
|--|--------------------|
| Minimum lot size   | 10,000 square feet |
| Minimum lot width  | 50 feet            |
| Maximum percentage of lot occupied by principal building | 50 feet            |
| Maximum height of building                               | 35 feet            |
| Minimum yard distances                                   |                    |
| Front yard   | 10 feet            |
| Each side yard   | 10 feet            |
| Rear yard  | 25 feet            |
| Total side yards   | 25 feet            |





**DISTRICT BOUNDARIES**

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



ADOPTED ON \_\_\_\_\_  
 MAYOR: JAMES K. GROFF  
 SIGNATURE: \_\_\_\_\_

**VILLAGE OF NORTHVILLE  
 ZONING DISTRICT MAP**

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 Village of Northville  
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 Fax: 248-687-1235  
 Website: www.northville.org  
 Scott P. Hines, City Administrator

