**Village of Northville, New York**

**CHAPTER 170: ZONING AND SUBDIVISION LAW**

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ARTICLE I – TITLE AND PURPOSE

§170-1. Title.

This law shall be known and may be cited as “The Village of Northville Zoning and Subdivision Law.”

§170-2. Authority.

The Board of Trustees of the Village of Northville is authorized to enact this Law by the authority and power granted by Village Law, §7-700 and Municipal Home Rule Law Article 2, 10 of the State of New York.

§170-3. Applicability.

A. This Law applies to all buildings, structures, lands and uses over which the Village of Northville has jurisdiction. This Law is not intended to replace any other Laws and Regulations of the Village of Northville. All applicants are hereby advised that compliance with all other regulations is required. Where this Law is more restrictive than other local, state, and federal laws, regulations or ordinances, the provisions of this Law shall supersede.

B. Except as hereinafter provided, no new building or land shall hereafter be used or occupied; and no building or part thereof shall be erected, moved, or altered unless in conformity with this Law.

C. All uses, structures and lots lawfully existing at the time of adoption of this Law shall be allowed to continue pursuant to Article IX of this chapter.

§170-4. Purpose and intent.

It is the intent of the Village of Northville on behalf of its residents and landowners to encourage a future that maintains the community’s quaint and historic character, and walkable scale. The Village’s commercial area will provide residents and visitors with a wide variety of essential goods and services as well as a mix of residential uses above commercial establishments. Residential neighborhoods will be diverse in character with a variety of housing options for all ages, incomes, and tenure. Natural resources, scenic vistas and outdoor recreation will be preserved as critical assets for residents and the Village’s tourism economy.

This Zoning Law is intended to implement the Vision of the Village of Northville Comprehensive Plan establishing the Village’s tourism-based economy, natural resources, year-round outdoor recreational opportunities, housing for all ages and incomes, low tax rates, educational and cultural resources and excellent emergency services which will continue to make Northville an attractive place to raise a family, visit and do business.

§170-5. (Reserved).

ARTICLE II - PERMITS AND APPROVAL PROCESS

§170-6. Activities and permitting.

A. No development may be commenced within the Village of Northville prior to the issuance of all relevant permits or approvals.

B. Violations and unpaid fines, bills and taxes.

1. No application pursuant to this Chapter of the Village Code shall be processed if there is a violation of the Village Code on the lot or building that is the subject of the application, until the violation is abated, unless the application is necessary to abate the violation.
2. No application under this chapter shall be processed without proof that all taxes, water bills, fines related to violations of the Village Code and all other fees payable to the Village, from the applicant or the owners are paid in full.

C. Types of approvals.

BUILDING PERMITS and CERTIFICATES OF OCCUPANCY: The issuing, posting and expiration of Building Permits and the issuance of Certificates of Occupancy will be done according to Chapter 95 of the Code of the Village of Northville and Article XIV, Administration and Enforcement, of this Law.

PLANNED DEVELOPMENT DISTRICTS: All Planned Development District applications shall be subject to the provisions of Article VII.

SIGN PERMIT: All sign permit applications shall be subject to the sign regulations contained in Article VI, Supplemental Regulations.

SITE PLAN APPROVALS: Site Plan review and approval shall be required for all proposed uses except agriculture, single- and two-family dwellings and their accessory uses other than major home-based businesses. The Site Plan review and approval process is provided in Article XII.

SPECIAL USE PERMITS: All special use permit applications shall be subject to the Special Use Permit provisions of Article XI and may be subject to the Site Plan Review provisions of Article XII.

VARIANCES: All area and use variances shall be subject to the provisions of Article XIII.

D. Change of use or structure.

A change of use is the initiation of a use that is in a different use category, as listed in Schedule A of this Law, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category, shall not be considered a change of use, unless the change would result in the enlargement or addition of a sign.

(1) Uses by right.

Any change of use of land or existing structures to a use permitted by right without Site Plan review shall not require approval from the Planning Board or the Code Enforcement Officer. This shall not affect applicable requirements for obtaining building permits for construction or expansion of a structure from the Zoning and Code Enforcement Officer under Chapter 95 of the Village Code and Article XIV Administration and Enforcement of this Law.

(2) Uses by right subject to Site Plan Review.

Any change of the use of an existing structure to a use permitted by right subject to Site Plan review shall require Site Plan.

(3) Uses by Special Use Permit.

(a) A Special Use Permit shall be required for any change of use from a use that does not require a Special Use Permit to a use that does require a Special Use Permit.

(b) Once a Special Use Permit has been granted, it shall run with the land and apply to the approved use and to all subsequent owners, tenants, and occupants engaged in the same use. The Special Use Permit shall also apply to any subsequent use of the property in the same use category, provided that such use has no greater impact on adjoining properties, complies with all terms and conditions of the Special Use Permit, and does not involve new construction, enlargement, exterior alteration of existing structures, increased parking, or other changed use of outdoor areas. Any change to another use allowed by Special Use Permit shall require the granting of a new Special Use Permit or a Special Use Permit amendment.

(4) Rebuilding, replacement and expansion of structures.

The rebuilding or replacement on the same footprint of any structure for a use which requires Site Plan review and/or a Special Use Permit shall require Site Plan review, even if it is a continuation of the same use.

§170-7. Fees and expenses.

A. Fees required by this Law shall be paid upon the submission of applications and appeals. No application shall be considered complete until such fee is paid.

B. Fees related to this Law shall be set forth in a fee schedule established by the Village Board of Trustees. The Village Board of Trustees shall, each year, at its organizational meeting, readopt its fee schedule for the new Village fiscal year. The Village Board shall also have the power to amend the fee schedule, from time to time, in its discretion when circumstances warrant such changes to the fee schedule. The fee schedule shall be available for public inspection in the office of the Code Enforcement Officer.

C. No required fee shall be substituted for any other fee.

§170-8. Professional assistance.

The Planning Board or Zoning Board of Appeals may, at their discretion, engage the services of planning, engineering, legal, environmental or other professional consultants, at the expense of the applicant for the review of applications involving significant issues beyond the scope or complexity of normal review. The Planning Board and Zoning Board of Appeals may require costs to be paid in advance into an escrow account to be held and managed by the Village and may deny an application upon failure of the applicant to make such payment in a timely manner. The Village Attorney shall establish the terms of the account in consultation with the Planning Board and/or the Zoning Board of Appeals and shall provide a monthly accounting of the escrow account to the applicant and provisions for further funding of the escrow account when the balance is drawn down to a specified amount.

§170-9. Performance bond.

A. To ensure the completion of required public infrastructure and other improvements; such as but not limited to roads, storm water infrastructure, landscaping, lighting, signage, trails, parks or other improvements required by the Planning Board as part of Article XII, Site Plan Review; the Planning Board, may require, as a condition of approval, a performance bond or other security in such form and from a source acceptable to the Village Board in an amount sufficient to cover the estimated cost of completion of the improvements. Such bond or other acceptable form of security shall comply with the requirements of §7-725-a of New York State Village Law relating to performance bonds and other securities. A period of one (1) year or such other period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the bond within which required improvements must be completed.

B. Waiver of required performance bond. The Planning Board may waive the performance bond or other acceptable form of security. In the case of each waiver granted, the Planning Board shall enter upon its records the reason or reasons why the performance bond is not necessary.

§170-10. SEQRA.

The Village shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations. Upon receipt of any complete application, the Village or any officer, department or board of the Village shall initiate the New York State Environmental Quality Review process by issuing a determination of significance.

§170-11. Referrals under General Municipal Law.

Applications and hearings required by this Law are subject to Sections 239-l, -m, -n, and -nn of New York State General Municipal Law.

§170-12. (Reserved).

ARTICLE III – ESTABLISHMENT OF ZONING DISTRICTS AND MAP

§170-13. Establishment of Districts.

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

**Residential Recreation** (RR) – The purpose of the Residential-Recreation (RR) district is to recognize the lack of soil suitability for development at a traditional village scale and therefore, maintain the forested, rural residential setting.

**Residential (R)** - The purpose of the Residential (R) District is to maintain residential areas that are less densely settled and scaled for larger lot sizes often located adjacent to the lakes where shoreline protection is considered.

**Residential 2** **(R-2) -** The purpose of the Residential (R-2) District is to maintain the Village’s more densely settled residential areas that provide a variety of housing options while preserving the historic scale and character of the Village.

**Residential 3 (R-3)** - The purpose of the Residential (R-3) District is to maintain residential areas that are less densely settled, while providing for new development opportunities scaled for larger lot sizes and a variety of housing options.

**Mixed Use (MU)** - The purpose of the Mixed-Use (MU) District is to provide for a variety of residential uses and some retail and service uses at a higher density which is protective of the existing development pattern, walkable scale and traditional residential character of the neighborhoods and gateway corridors.

**Central Business (CB)-** The purpose of the Central Business (CB) District is to provide for a vibrant mix of compatible uses in the Village central business area of Main and Bridge Streets with development considerations that preserve the traditional aesthetic character of the Village and promote an interactive, walkable environment for residents and visitors.

B. Establishment of overlay districts.

The purpose of overlay districts in this Zoning Law is to protect important resources and community characteristics within a specific geographical area of the Village. Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically so stated. They do impose specific requirements that must be followed.

**Planned Development District (PDD) Overlay** (PDD) - The purpose of the Planned Development District (PDD) Overlay is to delineate areas of the Village that may be appropriate for a specific project or development where creative planning and design would be necessary. PDDs allow development matched to the unique characteristics of the site and allow innovative development techniques that might not otherwise be possible through strict application of standard use, area, bulk and density specifications.

C. Zoning Map.

The areas and boundaries of such districts are hereby established to scale as shown on the map entitled "Village of Northville Zoning Map," adopted and certified by the Village Clerk and herein referred to as the "Zoning Map." This Zoning Map, together with everything shown thereon, is hereby adopted and declared to be a part of this Zoning Law. The Village Clerk shall delineate on the Zoning Map all amendments to the district boundaries which are authorized by local law immediately upon effective date of such local law, indicating the title and date of the local law.

D. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any districts as shown on the Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, lakes, reservoirs, or other bodies of water shall be construed to follow such center lines.

(2) Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.

(3) In all cases where a district boundary line is located no farther than fifteen (15) feet away from a lot line of record, such boundary shall be construed to coincide with such lot line.

(4) In other circumstances not covered by the rules above, the Code Enforcement Officer shall interpret the district boundaries and this determination may be appealed to the Zoning Board of Appeals pursuant to Article XIII.

§170-14. (Reserved).

ARTICLE IV - DISTRICT REGULATIONS

§170-15. Use regulations.

A. Applicability.

No structure or land shall be used except as provided below and in Schedule A: Permitted Uses. See Article XVI for definitions of each use category.

B. Permitted uses by right.

Permitted Uses by Right: All principal and accessory uses listed in Schedule A shall be permitted by right in the zoning district where the use is listed as permitted, provided that all other requirements of this Law, which may include Site Plan review, are met. All permitted uses are indicated in Schedule A below with a “P.”

C. Permitted uses with a Special Use Permit.

(1) Uses permitted upon issuance of a Special Use Permit by the Planning Board. All Special Use Permit uses are indicated in Schedule A with a “SU.”

(2) A Special Use Permit shall be required for any change of use from a use that does not require a Special Use Permit to a use that does require a Special Use Permit.

(3) Once a Special Use Permit has been granted, it shall run with the land and apply to the approved use and to all subsequent owners, tenants and occupants engaged in the same use. The Special Use Permit shall also apply to any subsequent use of the property in the same use category, provided that such use has no greater impact on adjoining properties, complies with all terms and conditions of the Special Use Permit, and does not involve new construction, enlargement, exterior alteration of existing structures, increased parking, or other changed use of outdoor areas. Any change to another use allowed by Special Use Permit shall require the granting of a new Special Use Permit or a Special Use Permit amendment.

D. Prohibited uses.

Any use not listed in Schedule A: Permitted Uses of this Law as a permitted use is deemed prohibited unless such principal or accessory uses are expressly permitted elsewhere by this Law or a use variance is granted in accordance with the provisions of this Law. The following uses are expressly prohibited:

1. Extraction, Commercial (Mining)
2. Heavy industry
3. Junkyards
4. Kennels
5. Automobile vehicle sales, lease and/or rental
6. Slaughterhouses

E. Accessory uses. Any construction physically attached to a principal building, including attached by means of a breezeway or a roofed passageway with open or latticed sides, is deemed to be part of such principal building in applying regulations.

F. Mixed uses. The Village of Northville encourages the mixing of uses where such mixing does not create land use conflicts. Accordingly, all Special Use Permit and/or Site Plan Reviews for the same project shall be consolidated into one (1) proceeding before the Planning Board.

§170-16. Lot Dimensional and development standards.

1. No lot shall be developed except as provided below and in Schedule B: Lot Dimensional Standards.

(1) Principal Uses. Regulations governing lot size and lot width; front, side, and rear yard setback requirements; maximum allowable impervious surfaces; and shoreline development for principal uses in each district are specified in Schedule B: Lot Dimensional Standards and are supplemented by the regulations in this subsection and other sections of this Law.

(2) Accessory uses and structures.

(a) All accessory structures one hundred (100) square or greater requires a building permit.

(b) All accessory structures and uses permitted in Schedule A: Permitted Uses, shall meet the setback requirements of Schedule B except the following accessory structures:

1. In the RR district, accessory uses and structures may have a side yard setback of ten (10) feet.
2. Off-street parking areas for up to three (3) cars may be located in the front yard.
3. Off Street Parking and Loading, may have a rear and side yard setback of ten (10) feet or the minimum rear and side yard setback for the district in which the driveway is located, whichever is lesser.
4. Fences, hedges and walls shall meet the setback requirements of §170-47.
5. Signage shall meet the setback requirements of Subsection (11) below and §170-52.
6. Accessory Refuse Storage Areas shall meet the requirements of §170-46.J.

(3) Shoreline restrictions.

(a) As established in Schedule B: Lot Dimensional Standards, lots adjacent to the Great Sacandaga Lake Reservoir shall have a shoreline setback for all structures equal to the greater of twelve (12) feet inland from the original New York State property line or the shoreline setbacks required by the New York State Adirondack Park Agency Act as provided in the most current version of the Adirondack Park Land Use and Development Plan, included in 2(b) below.

(b) The current Adirondack Park Land Use and Development Plan required shoreline setbacks for all zoning districts within the Village of Northville, at the time of adoption of this Law is fifty (50) feet.

(4) Maximum dwellings on lot. No more than one (1) principal dwelling is permitted on a lot, except for senior housing and except as otherwise permitted in this law, or as part of a PDD.

(5) Height of structures.

1. Height is defined in Article XVI, Definitions, of this Law.
2. Minimum height. In the CB and MU Districts, the minimum height shall be one and one half (1 ½) stories or the average of the adjacent principal buildings on either side minus ten (10) feet; whichever is greater.
3. Maximum height.

1. In all zoning districts except the CB District, the maximum height of a principal structures shall not exceed thirty-five (35) feet or two and one half (2 ½) stories excluding church spires, belfries, cupolas, or domes not used for human habitations, chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, green roof systems or necessary mechanical appurtenances usually located on the roof level.

2. CB District. The maximum height of the principal building shall not exceed forty (40) feet or three (3) stories in the CB District.

1. Wireless telecommunications towers, wind energy systems, antennas and similar structures shall meet the height requirements of or, as otherwise provided in this law.
2. Agricultural Buildings. Silos and agricultural buildings are exempt from the height limitations provided that such buildings above thirty-five (35) feet in height are at least twice the distance from any residence as the height of the building.
3. Accessory structures. The maximum height shall not exceed fifteen (15) feet except for garages, which shall not exceed twenty-six (26) feet.

(6) Undersized lots. Lots of record at the time of adoption of this Law which are less than the minimum lot size shall be deemed to meet the minimum size regulations of this Law. Nothing contained herein shall prohibit the use of an undersized lot of record, provided that, all other area and bulk regulations for that district shall be met, and that there is no further subdivision of the lot.

1. Corner lots. On a corner lot in any district there shall be two (2) front yards. The front yard setback for each front yard shall be the minimum required front yard for the district in which each front yard is located. One rear yard shall be provided for each corner lot, and the owner shall designate the rear yard on his or her application for a permit.
2. Through lots. Where a lot extends through from street to street, the applicable front yard setbacks in Schedule B: Lot Dimensional Standards shall apply on both street frontages.
3. Projections into yards.
4. Terraces and patios. A terrace or patio constructed with any material may be included as part of the yard in determination of yard size and setbacks; provided, however, that such terrace or patio is supported by or in contact with the ground, is unroofed and without walls or parapets. Such terrace or patio shall not project into any yard to a point closer than ten (10) feet to any lot line.
5. Porches and decks. No porch or deck may project into any required yard (setback). Roofed porches or decks shall be considered a part of the building in determining the size of yard or impervious surface coverage.
6. Projecting architectural features (horizontal). The space in any required yard shall be open and unobstructed, except for the ordinary projection of a roof provided, however, that such features shall not project more than two (2) feet into any required yard.
7. 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.
8. Transitional yards.
9. Lots in two (2) districts. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot may extend not more than thirty (30) feet into the more restricted portions, provided that the lot has frontage on a street in the less restricted district.
10. Yard requirements for zones abutting residential zones. Where the corner lot of a MU or CB District zone fronts on a street that is otherwise residential and zoned RR, R, R-2 or R-3, yard requirements for the frontage on such residential street shall be the same as required for the RR, R, R-2 and R-3 districts.

(11) Visibility at intersections. On a corner lot in any district, no fence, wall, hedge, sign or other structure or planting, more than three (3) feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are thirty (30) feet from the point of intersection, measured along said street lines. The height of three (3) feet shall be measured above the curb level, if any, or above the existing road level. In no event, however, shall a hazard to traffic be erected or maintained.

30’

Lot

30’

§170-17. Reserved.

§170-18. Reserved.

ARTICLE V - Additional Regulations for Specific Uses

§170-19. Accessory dwelling.

A. One (1) accessory dwelling per single-family dwelling may be located within the principal building or a permitted accessory structure on a lot with a single-family dwelling, as provided in Schedule A: Permitted Uses.

(1) An accessory dwelling shall not exceed nine hundred (900) square feet.

(2) The lot containing the accessory dwelling must contain the minimum acreage required by Schedule B: Lot Dimensional Standards and shall not be an undersized lot of record at the time of adoption of this law.

§170-20. Adult use.

A. Adult uses shall be permitted only in the CB District and are subject to the following restrictions:

(1) No adult use shall be permitted in any building used in whole or in part for residential purposes.

(2) No more than one (1) adult use shall be permitted on any lot, and no such use shall be permitted within seven hundred (750) feet of any other such use.

(3) No adult use shall be permitted on any lot that is located within two hundred (250) feet of any lot on which is located a school, religious institution, cemetery, community center, day care center, public park, playing field, bike path or other public recreational facility.

(4) No adult use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to any sexual act or any part of the anatomy from any public way or from any other property. This provision shall apply to any display, decoration, sign, show, window, or other opening.

(5) There shall be no outdoor sign, display or advertising of any kind other than an identification sign limited to the name of the establishment.

(6) Adult uses shall comply with all other requirements of this Law, as well as all other applicable Village, Town, County, State and Federal laws and regulations.

B. The distances provided in Subsection A above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the parcel lot line upon which the adult use is to be located to the nearest point of the parcel lot line or the land use district boundary line from which the adult use is to be separated.

§170-21. Agriculture, keeping of livestock including chickens.

1. Keeping of chickens.

The keeping of chickens in the R, R-2, R-3, MU and CB Districts is subject to the following requirements:

(1) The maximum number of chickens shall not exceed eighteen (18) chickens per one (1) acre.

(2) Only hens are allowed. Roosters are prohibited.

(3) The keeping of chickens shall be for personal use and not for a commercial basis.

(4) The outdoor slaughtering of chickens is prohibited.

(5) The keeping of chickens is limited to rear yards.

(6) A henhouse shall be provided and shall have access doors that shall be shut and secured at night

(7) A chicken pen shall be provided and shall be adequate to contain chickens.

(8) A chicken pen and henhouse shall be subject to the provisions for accessory structures, except that such structures shall have a minimum side yard setback of twenty (20) feet.

1. The keeping of all livestock, except chickens, shall require a minimum lot size of one (1) acre in all zoning districts.
2. Not more than one (1) adult or fully-grown horse, cow, beef cattle, sheep, goat or other domestic-type farm animal or combinations thereof per acre of land shall be permitted.
3. In all instances, all animals shall be adequately housed, fenced and otherwise maintained in a sanitary and safe manner so as, on the finding of the Code Enforcement Officer, not to create a nuisance, health or safety hazard to nearby property, property owners, or inhabitants of the neighborhood or the animals themselves.

§170-22. Car wash.

A. This section applies to any car wash established as a permanent use. This section does not apply to temporary car washing activities sponsored by schools, churches or other nonprofit organizations or groups for the purposes of raising money for designated events.

B. No building, parking or service area shall be closer than one hundred (100) feet to any existing residential structure.

C. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Planning Board as part of Site Plan review.

D. In addition to meeting any off-street parking requirements of this Law, a car wash shall provide a minimum of four (4) stacking spaces per bay on the lot.

E. As part of Site Plan review, evidence of an adequate long-term source of public or private water shall be submitted to show that water usage will not affect surrounding properties.

F. The premises shall not be used for the sale, rent or display of automobiles, trailers, mobile homes, boats or other vehicles unless one of these uses is the permitted principal use on the lot and the car wash is an accessory use to that principal use.

§170-23. Commercial boat storage accessory to a residential use.

A. The storage of boats for fee or compensation as an accessory use to a principal residential use shall be allowed as provided in Schedule A: Permitted Uses of this Law and the following restrictions:

(1) The maximum number of boats permitted to be stored on a lot shall not exceed twelve (12) boats or four (4) boats per acre (rounded), whichever is lesser.

(2) Stored boats shall meet the setback requirements of the principal building in all districts as provided in Schedule B: Lot Dimensional Standards and Article IV, District Regulations.

(3) Screening of stored boats shall be required along the perimeter of the storage area as required in §170-48.F, Perimeter, Landscaping and Screening.

§170-24. Drive-through window facility.

A. Due to potential impacts on traffic volume, vehicular and pedestrian circulation, and the environment, the following additional standards are required for the permitting of drive-through windows.

(1) Site location criteria. The site of the drive-through window shall meet all of the following criteria:

(a) The use shall not substantially increase traffic on streets in a R, R-2 or R-3 zone.

(b) The site shall be adequate in size and shape to accommodate said use and to accommodate all yards, parking, landscaping, and other required improvements.

B. General design standards. All the following must be provided for the primary use to be granted a building permit for a drive-through window:

(1) Lighting. All lighting on the exterior of the building shall be of an indirect nature, emanating only from fixtures located under canopies or hoods, under eaves of buildings and at ground level in the landscaping. Freestanding pole lights shall not exceed a maximum height of fourteen (14) feet and shall be so arranged and shielded that there shall be no glare or reflection onto adjacent properties or public rights-of-way.

(2) Signs should be placed and waiting lanes should be designed so that waiting cars do not block sidewalks or public streets.

(3) Landscaping, waiting-lane devices, and overall design should not prevent vehicles from safely and efficiently leaving waiting lanes.

(4) Traffic circulation.

(a) A traffic study addressing both on-site and off-site traffic and circulation impacts is required.

(b) Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lanes.

(c) Waiting lanes shall accommodate the following number of cars to be in a queue or stacked based on the use:

1. Fast-food restaurants and coffee shops: sufficient to accommodate a minimum queue of eight (8) vehicles.
2. All other drive-through windows: sufficient to accommodate a minimum queue of four (4) vehicles.

(d) Waiting lanes shall be designed for the maximum length possible. At a minimum, waiting lanes should accommodate average peak monthly traffic flow, allowing twenty (20) feet per vehicle. Applicants must provide data about the peak flows of the business to determine the minimum waiting needed.

(e) The waiting lane shall be independent of any on-site parking, parking maneuvering areas, public streets or traffic ways serving other on and/or off-site uses.

C. Site Plan requirements. In addition to the general requirements for Site Plan review, drive-through window site plans must also include the following features:

(1) Design and placement of signs to ensure that they facilitate the safe and smooth flow of traffic.

(2) Details of pedestrian and vehicular circulation.

(3) Details of waiting lanes, including location and design of curbs, gates, bollards and chains, pavement markings and similar devices.

§170-25. Gasoline service station.

A. Definitions.

(1) A “canopy” means any structural protective cover that is not enclosed on any of its four (4) sides and is provided for a service area designate for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and similar products.

(2) A “fuel pump” means any device that dispenses automotive fuel and/or kerosene. A fuel pump may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

(3) A “pump island” means a concrete platform measuring a minimum of six (6) inches in height from the paved surface on which fuel pumps are located.

B. General standards.

1. A gasoline service station lot, fuel pump and/or fuel storage tanks shall not be located within two thousand five hundred (2,500) feet of any municipal water wells or other municipal water supply source. All fuel storage tanks shall comply with all federal and state regulations.

(2) No building, parking or service area shall be closer than one hundred (100) feet to any existing residential structure.

(3) All fuel pumps and pump islands shall be set back a minimum distance of at least twenty-five (25) feet from any right-of-way line or property. Fuel pumps and canopied areas are preferred to be located between the principal building and the side or rear lot line and not between the building and the street.

(4) All permitted accessory services shall occur within enclosed buildings.

(5) Principal buildings shall be oriented to the street.

(6) Principal buildings and canopies should have pitched roofs.

(7) Outdoor storage of motor vehicles shall be prohibited at all times. Premises shall not be used for the sale, rent or display of automobiles, recreational vehicles, trailers, boats or other vehicles.

C. Canopies.

(1) Canopies shall not exceed sixteen (16) feet in height from finished grade to the underside of the canopy.

(2) Canopies shall be architecturally integrated with the principal building and all other accessory structures on the site through the use of the same or compatible materials, colors and roof pitch.

(3) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface more than two (2) inches.

§170-26. Greenhouses, commercial.

1. A commercial greenhouse accessory to another use as permitted in Schedule A, shall only be located in the rear yard in all districts except the RR.
2. All greenhouses shall be evaluated for light pollution as part of any permitting process and may require shades or prohibit use of grow lights during certain times at the discretion of the Planning Board or Zoning Board of Appeals.

§170-27. Home-based business (Minor and Major).

A. General standards applying to all home-based business.

(1) A home-based business shall be clearly incidental and secondary to the use of the lot for residential purposes.

(2) A home-based business is allowed in a residential setting because it does not compromise the residential character of an area, does not generate conspicuous traffic, does not visually call unusual attention to the home and does not generate noise of a nonresidential level.

(3) A home-based business shall be conducted entirely within a principal dwelling or permitted accessory structure. An accessory structure shall include permitted customary structures as provided in Article IV, District Regulations of this Law and may include the reuse of a barn or other accessory structure constructed prior to the date of adoption of this Law.

(4) No generation of noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall be perceptible beyond the property line.

(5) No residence shall include more than two (2) home-based businesses.

(6) Not more than six hundred (600) square feet of the gross floor area shall be utilized for all home business activities.

(7) Storage of goods and materials associated with a home-based business shall be in an enclosed structure.

B. Minor home-based business.

The following home-based business activities that meet the standards of Subsection A above are considered minor home-based businesses provided that all persons engaged in such activities reside on the premises:

(1) Artists, such as but not limited to sculptors and composers, where incidental sales are allowed.

(2) Craft work, such as but not limited to woodworking, jewelry-making and pottery, where incidental sales are allowed.

(3) Home offices with activities that may include receipt of mail and the making and receiving of telephone calls or other routine office work done exclusively by the dwelling unit resident related to a business or organization to the extent that non-resident visitors do not customarily come to the property.

(4) Telephone answering and message services.

C. Major home-based business.

Permitted major home-based business as defined in this Law include activities that meet the standards in Subsection A above but are permitted to have a limited number of employees and client visits to the residence. A Special Use Permit shall be required for all major home-based businesses. The following standards apply to major home-based businesses:

(1) No more than two (2) nonresident employees or associates shall be permitted. An associate shall mean a person or person(s) joined with others in a business [enterprise](http://www.definitions.net/definition/enterprise).

(2) No more than eight (8) clients per day are permitted to visit a home business. Hours for visits shall be between 8:00 AM and 8:00 PM.

(3) All parking shall be provided off-street. No more than three (3) vehicles may be parked in the front yard.

(4) No more than three (3) home-based business-related vehicles and trailers used for the operation of the home-based business shall be permitted to be parked on the lot.

(5) One sign meeting the sign regulations of §170-52 shall be permitted.

D. Uses prohibited as home-based businesses.

The following activities shall not be permitted as a home-based business in any district and shall be required to be a principally permitted use in Schedule A: Permitted Uses.

(1) Emergency medical service

(2) Kennels

(3) Motor Vehicle Repair and engine repair

(4) Religious institutions

(5) Residential Care facilities

(6) Restaurants and bars

(7) Retail sales except those that are incidental to a product created or service provided on site.

§170-28. Manufactured home, individual.

A. Manufactured homes shall meet the lot development standards of the base zoning district and conform to the following design and development standards:

(1) Ownership. The person(s) desiring to place a manufactured home within the Village shall own the real property upon which the home is to be placed.

(2) Existing Manufactured Home. Existing manufactured homes in place on the effective date of this Law may continue. If a manufactured home does not meet the standards of this Law, it shall be a legal nonconforming use as long as it is considered structurally sound and free of heating and electrical system hazards by the Code Enforcement Officer

(3) Relocation of an existing manufactured home. Existing manufactured homes that do not comply with the standards of this Law on the date it becomes effective shall not be relocated to any other parcel in the Village of Northville.

(4) Replacement. Existing manufactured homes that do not meet the standards of this Law may be replaced with a manufactured home, on the existing lot, as long as it shall exceed seven hundred (700) square feet of gross floor area.

(5) New Development. Manufactured homes, whether new, used or refurbished, to be located on unimproved lots, must comply with the following design and development standards:

(a) Dimensions. The manufactured home must be at least one thousand (1,000) square feet in floor area. Length must not exceed four (4) times the width, which may be calculated including the measurements of a carport or an enclosed porch. Width must be at least eighteen (18) feet wide.

(b) Roof. The pitch of the roof must have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run. Eaves from the roof must extend at least one (1) foot from the intersection of the roof and the exterior walls.

(6) Foundation. All replacement and new manufactured homes must be a continuous, permanent masonry foundation, unpierced except for required ventilation and access installed under the home. The foundation shall be aesthetically compatible with the home and having the appearance of site-built construction.

(7) Exterior siding. The exterior siding of all replacement or new manufactured homes must be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction such as wood, hardboard or metal or any other material allowed by the Village Building Code for site-built homes which is aesthetically compatible with the home and having the appearance of site-built construction. Vinyl-covered or painted siding may in no case exceed the reflectivity of gloss white paint. Metal siding must be painted or anodized. Manufactured homes must be skirted to blend with the color and texture of the manufactured home exterior. Skirting shall be installed within thirty (30) days of setup.

(8) Hauling mechanisms. All mechanisms used to transport the manufactured home to the site including, but not limited to, the wheels, axles and tongue, hitch, transporting lights and removable towing apparatus must be removed within thirty (30) days of setup.

(9) Every manufactured 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 the being placed on the foundation.

§170-29. Marinas.

A. The minimum lot size for a marina shall be one and one-half (1.5) acres.

B. A marina shall only be located on a waterfront property with a minimum shoreline frontage of two hundred and fifty (250) feet.

C. All activities proposed to be located between the high flow line of the Great Sacandaga Lake Reservoir (elevation 771’) and the original New York State property line is subject to the Hudson River-Black River Regulating District regulations and permitting process.

D. No storage of petroleum products or fuel services shall be allowed.

E. Any paved or otherwise improved parking, loading or service area within one-hundred (100 feet) of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway in accordance with the stormwater provisions of this chapter.

F. Parking lots and on-land structures associated with the marina shall be screened, as described in §170-48.F, from an abutting residential lot located in the RR, R, R-2 or R-3 zoning district.

§170-30. Motels.

Motels shall have a minimum lot area of two thousand (2,000) square feet per unit or the minimum lot size for the zoning district in which it is located; whichever is greater.

§170-31. Motor vehicle repair.

A. For all overnight storage parking associated with automobile repair uses, perimeter screening as prescribed in §170-48 Landscaping and Screening, shall be provided to screen the parking from the public right-of-way and/or neighboring residential uses.

B. Outside storage or parking of any disabled, wrecked or partially dismantled vehicle is not permitted for a period exceeding any sixty (60) day period.

§170-32. Multi-family dwellings.

A. The maximum density for new multi-family dwellings shall be six (6) units per acre, with the exception of dwelling units located above first floor commercial in the CB Central Business district, which shall be exempt.

B. The minimum floor area shall be seven hundred twenty (720) square feet for all dwelling units in a multi-family dwelling.

C. For congregate senior citizen housing and residential care facilities, each bedroom shall be counted as one-half (½) of a dwelling unit.

§170-33. Nonresidential uses in the MU District.

A. Purpose. The MU district represents the gateway corridor to the Village and neighborhood streets of important historic character. To encourage preservation and continued use of these valuable buildings in an existing mixed-use setting, conversion to nonresidential uses such as small-scale retail and service businesses, offices and home-based businesses, which can be located in existing structures historically more residential in nature and blend with existing residential character is permitted. In addition, such uses are also permitted on underutilized or vacant lots requiring new construction to maintain the viability of these corridors and neighborhoods.

B. Permitted uses.

(1) A number of nonresidential uses are permitted in the MU district as provided in Schedule A: Permitted Uses, within a principal building in existence at the time adoption of this Law or, as new construction on a vacant or underutilized lot in existence at the time of adoption of this law.

(2) Existing principal buildings shall not be removed and replaced to accommodate these uses as the intent is to preserve the existing character and feel of the neighborhood.

C. Building Design.

(1) Expansions, additions and renovations to existing buildings to accommodate the adaptive reuse of buildings is permitted, however, such renovations shall maintain the architectural style and scale of the original building.

(2) Infill development shall meet the design standards of §170-46.

§170-34. Outdoor storage area, accessory commercial use.

A. All storage areas shall be at least twenty (20) feet from all property lines in the MU District.

B. All storage areas shall be screened from view as required in §170-48.F, Perimeter Landscaping and Screening, to prevent littering the environment.

C. Outdoor storage shall not be construed to include a Junk Yard or any similar use and shall meet the requirements of Village Property Maintenance Laws.

§170-35. Roadside stands and farm stands.

A. Roadside stands or farm stands provided that such use meets the following standards:

(1) The stand does not utilize a permanent, roadside structure.

(2) The stand is setback a minimum of ten (10) feet from the public right of way.

(3) One (1) temporary sign with a maximum of six (6) square feet in size shall be permitted, however, such sign shall be located at least ten (10) feet from the public right of way.

(4) Safe ingress and egress from the farm or roadside stand shall be required including the provision of adequate pull-off areas and parking for at least three (3) vehicles.

§170-36. Solar energy systems.

1. Small scale solar energy systems

Small scale solar energy systems as defined in this Law meeting the following requirements shall be permitted as of right with the issuance of a building permit.

(1) Ground mounted solar energy systems.

Small scale solar energy system accessory to a principal use which is not located on the roof or walls of a building (i.e., ground-mounted solar collectors) shall meet the following setbacks:

[(a) Shall not be located in the front yard.](https://ecode360.com/32821677#32821677)

(b) Side setback: Ten (10) feet from side property lines.

[(c)](https://ecode360.com/32821678#32821678) Rear setback: Ten (10 feet from rear property lines.

[(d)](https://ecode360.com/32821679#32821679) Corner lot side yard: on the side fronting a public right-of-way, the setback shall be the same as the front yard setback for the principal building.

(2) Solar energy systems which are not located on the roof or walls of a building (i.e., ground-mounted) shall be screened from the view of the public right-of-way and shall not obstruct or otherwise impede the scenic views from existing buildings on neighboring properties. Screening shall be comprised of berms, fencing or landscaping that retains its ability to screen in the winter such as evergreen or fir trees.

B. Large scale solar energy systems.

This section applies to the siting of large-scale, solar energy installations which may be installed as a principal use on a lot as permitted in certain zoning districts or as an accessory or secondary use to another principal use.

(1) Building mounted large-scale solar energy systems.

Large scale energy systems mounted on a roof or wall of a building are permitted in all zoning districts except that in the R, R-2, MU and CB districts, large scale roof mounted energy systems shall be required to meet the following requirements:

(a) Large scale building mounted solar energy systems shall require Site Plan review (see Article XII).

(b) Large scale building mounted energy systems shall not be visible from the public right of way.

(c) Large scale roof mounted solar energy systems shall be mounted parallel to the roof or with minimal tilt.

(2) Ground mounted large-scale solar energy systems.

The following standards shall apply for principal use or secondary use ground mounted large-scale solar energy production systems.

(a) Minimum lot size. The minimum lot size for locating a large-scale ground mounted solar energy system shall be three (3) acres or the minimum of the district in which the lot is located; whichever is greater.

(b)  Setbacks. The setbacks for large-scale solar energy facilities shall be the following:

1.  Front yard: Two hundred (200) feet.

2.  Side yard: One hundred (100) feet.

3.  Rear yard: One hundred (100) feet.

(c)  Impervious service calculation. Solar energy systems shall not be included in calculations for impervious cover as defined in Article XVI, Definitions. However, any area to be paved or otherwise rendered impervious shall count toward any coverage or impervious surface limit.

(d) Site plan review additional information. In addition to the information required for site plan review in Article XII the following additional information shall be required:

1.  Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.

2.  Documentation of the major system components to be used, including the panels, mounting system, and inverter.

3.  Name, address, and contact information for proposed system installer.

4. [D](https://ecode360.com/32821695#32821695)ocumentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.

[5.](https://ecode360.com/32821696#32821696) An operation and maintenance plan which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

[6.](https://ecode360.com/32821697#32821697) Proof of liability insurance.

[7.](https://ecode360.com/32821698#32821698) Utility notification. No grid-intertied photovoltaic system shall be installed until evidence has been given to the Planning Board that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator.

[8.](https://ecode360.com/32821699#32821699) A decommissioning plan. To ensure the proper removal of large-scale ground-mounted solar energy production facility, a decommissioning plan shall include the requirements of Subsection (4) below and specify that after the large-scale solar energy production facility can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected time line for execution. Removal of the large-scale solar energy production facility must be completed in accordance with the decommissioning plan.

[9.](https://ecode360.com/32821700#32821700) Financial surety. Applicant shall provide a cost estimate detailing the projected cost of executing the decommissioning plan prepared by a professional engineer or contractor, as well as the manner in which the surety will be held pending the final decommissioning and removal.

(3) Additional development standards.

(a)  Lighting. Lighting of large-scale ground-mounted solar energy facility shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(b)  Signage. Signs on a large-scale ground-mounted solar energy facility shall comply with the signage requirements of this chapter and shall be required to identify the owner and provide a twenty-four (24) hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.

(c)  Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar energy installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(d)  Emergency services. The large-scale ground-mounted solar facility owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

(e)  Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of a large-scale ground-mounted solar energy facility or otherwise prescribed in the Code of the Village of Northville and other applicable laws, regulations, and ordinances.

(4)  Abandonment or decommissioning.

(a)  Removal requirements. Any large-scale ground-mounted solar production facility which has reached the end of its useful life or has been abandoned shall be decommissioned within twelve (12) months after the date of discontinued operations. Decommissioning shall include the following activities:

1.  Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.

2  Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

3. Stabilization or revegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(b)  Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within one hundred eighty (180) days of abandonment or the proposed date of decommissioning, the Village retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system at the cost of the landowner.

[(c)](https://ecode360.com/32821714#32821714) As a condition of site plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

§170-37. Storage of recreational vehicles including motor homes, campers, boats.

1. The storage of recreational vehicles shall comply with Chapter 162, Storage of Vehicles, of the Code of the Village of Northville.
2. All recreational vehicles permitted to be parked outside on a private lot shall be parked in the side or rear yard.

§170-38. Swimming pools.

A. Private swimming pools may be erected in all districts provided they conform to all New York State laws and regulations and the following provisions:

(1) Pools may be installed only as accessory to a residence for the private use of the owners or occupants of such residence and their families and guests, or as an accessory use to a primary lodging use.

(2) No work shall be commenced on the construction or installation of any swimming pool, including any excavation or removal of sand, gravel, topsoil or other materials, until and unless the plans and specifications have been approved and a building permit has been issued by the Code Enforcement Officer.

(3) Pools and pool equipment shall be installed in compliance with the setbacks of this Law.

(4) Pools shall be completely surrounded by a substantial fence. Such fence shall be in conformity with all New York State and local rules and regulations.

(5) Pools may not be located between the building line and the street.

§170-39. Telecommunications towers.

A. Application of regulations.

(1) No telecommunications tower shall hereafter be erected, moved, reconstructed, changed or altered without conforming to these regulations. No existing structure shall be modified to serve as a wireless communications tower unless conforming to these regulations.

(2) Telecommunications towers are permitted in accordance with Schedule A: Permitted Uses.

(3) The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed wireless communications facility, including the use of camouflage of the tower structure and/or antenna to reduce visual impact.

(4) The Planning Board may waive any or all of the requirements for approval for applicants proposing minor changes to existing facilities and for applicants proposing the use of camouflage for a wireless communications tower when the Board finds that such camouflage significantly reduces the visual impact to the surrounding area. However, the Board may not waive the requirement that a public hearing be held on the application.

B. General criteria.

No special use permit relating to a wireless communications facility shall be authorized by the Planning Board unless it finds that such facility:

(1) Is necessary to provide adequate service to locations that the applicant is not able to serve with existing facilities;

(2) Conforms to all applicable regulations promulgated by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and other federal agencies;

(3) Will be designed and constructed in a manner which minimizes visual impact to the extent practical; and

(4) Is the most appropriate site among those available within the technically feasible area for the location of a wireless communication facility.

(5) All electrical and other utilities shall be located underground to the extent feasible.

C. Submission requirements.

(1) Site Plan. An applicant shall be required to submit a Site Plan as described in Article XII, Site Plan Review. The Site Plan shall show all existing and proposed structures and improvements including roads and shall include grading plans for new facilities and roads. The Site Plan shall also include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antennae and justification for any land or vegetation clearing required.

(2) Additionally, the Planning Board shall require that the Site Plan include a completed Visual Environmental Assessment Form (Visual EAF) and a landscaping plan addressing other standards listed within this Law with particular attention to visibility from key viewpoints within, and outside, of the municipality as identified in the Visual EAF. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.

(3) Documentation from an expert qualified in the field of telecommunications and radio frequency engineering showing that the tower and/or facility is needed to provide adequate coverage to an area of the Village that currently has inadequate coverage, including a sealed, graphical depiction of the inadequate coverage area.

(4) A copy of the lease agreement.

(5) A copy of the applicant’s FCC operating license.

(6) Compliance with the Adirondack Park Agency Act: Telecommunication shall comply with the Adirondack Park Agency Act. A copy of the Class A Regional Project Permit from the Adirondack Park Agency, as may be required for telecommunication towers over a certain height, shall be provided.

D. Co-location.

(1) The shared use of existing telecommunications towers or other structures shall be preferred to the construction of new facilities. Any Special Use Permit application shall include proof that reasonable efforts have been made to co-locate within an existing telecommunications facility or upon an existing structure within a reasonable distance, regardless of municipal boundaries, of the site. The applicant must demonstrate that the proposed telecommunications facility cannot be accommodated on existing telecommunications facilities due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of existing and approved wireless communications facilities or other structures, considering existing and planned use for those facilities;

(b) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;

(c) Existing or approved telecommunications facilities or other structures do not have space on which the proposed equipment can be placed so it can function effectively and reasonably;

(d) Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures; and

(e) The property owner or owners of the existing telecommunications facility or other structure refuses to allow such co-location or requests an unreasonably high fee compared to comparable current industry rates for such co-location.

(f) An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate shared use.

E. Fall Zones. Telecommunications facilities shall be constructed so as to minimize the potential safety hazards and located in such a manner that if the facility should fall, it will remain within the property boundaries and avoid habitable structures, public streets, utility lines and other telecommunications facilities.

F. Setbacks. Telecommunications facilities shall comply with all existing setbacks within the affected zoning district. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities. Additional setbacks may be required by the Planning Board to substantially contain on-site icefall or debris from tower failure and/or to preserve the privacy of adjoining residential and public property.

G. Lighting. Towers shall not be artificially lighted except to assure human safety as required by the FAA. Notwithstanding, an applicant may be compelled to add FAA-style lighting and marking, if in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety. The Board may choose the most appropriate lighting and marking plan from the options acceptable by the FAA at that location. The applicant must provide both standard and alterative lighting and marking plans for the Board’s review.

H. Visibility and Aesthetics.

(1) The maximum height for telecommunications towers permitted under this article, including any antennas or other devices extending above the tower, measured from the ground surface shall be one hundred fifty (150) feet.

(2) Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green, black or similar colors designed to blend with the natural surroundings below the surrounding tree line unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Accessory facilities shall maximize use of building materials, colors and textures that are designed to blend with the natural surroundings.

(3) Structures offering slender silhouettes (i.e. monopoles or guyed towers) may be preferable to freestanding lattice structures except where such freestanding structures offer capacity for future shared use. The Planning Board may consider the type of structure being proposed and how it relates to the surrounding area.

(4) The applicant must examine the feasibility of designing a proposed wireless communications tower to accommodate future demand for additional facilities.

I. Vegetation and Screening.

(1) Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special permit use. Clear-cutting of all trees in a single contiguous area shall be prohibited.

(2) The Planning Board may require appropriate vegetative buffering around the fences of the tower base area, accessory facilities and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, waterways, historic or scenic areas, or public roads.

J. Signage. The use of any portion of a telecommunications facility for signs for promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers and balloons is prohibited. The Planning Board may require the installation of signage with safety information.

K. Security.

(1) Towers, anchor points around guyed towers and accessory facilities shall each be surrounded by fencing not less than six (6) feet in height.

(2) There shall be no permanent climbing pegs within fifteen (15) feet of the ground.

(3) Motion-activated or staff-activated security lighting around the base of a tower or accessory facility may be provided if such lighting does not project off the site.

(4) A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such a gate must not protrude into the public thoroughfare.

L. Abandonment and Removal. At the time of the submission of the application for a telecommunications facility the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower used as a telecommunications facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve (12) consecutive months. Upon removal, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils. The Planning Board is hereby authorized to require the applicant, as a condition of approval, to post an escrow deposit with the Village in an amount sufficient to ensure compliance with this section.

§170-40. Wind energy system, small.

A. Purpose and Findings.

The purpose of this section is to provide a regulatory scheme for the construction and operation of Small Wind Energy Systems in the Village, subject to reasonable restrictions, which will preserve the public health and safety of the Village’s residents. The Village of Northville finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy systems also enhance the reliability and the power quality of the power grid, reduce peak power demands and help diversify the state’s energy supply portfolio.

B. Definitions.

ON GRID SYSTEM: The turbine and load it serves (i.e. house) are connected to the transmission grid. The house receives its electricity from the turbine when wind is available and from the grid when backup is needed.

OFF GRID SYSTEM: The turbine and load it serves are not connected to a larger electrical network. These usually have some form of energy storage device (i.e. batteries) to supply reserve power when energy demand exceeds wind supply.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, or similar technology, which has a rated capacity of not more than one hundred (100) kilowatts and which is intended to primarily reduce on-site consumption of utility power.

TOWER HEIGHT: The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

C. Permits and Referrals.

(1) In all zones in which small wind energy systems are authorized, prior to the issuance of a building permit, the Code Enforcement Officer shall refer the applicant to the Planning Board for completion of a Special Use Permit and Site Plan Review.

(2) The height of a wind energy system will likely exceed the maximum height permitted by the Adirondack Park Agency Act and will therefore require a permit from the Adirondack Park Agency.

D. Submission Requirements.

Site Plan Review is required for towers over sixty (60) feet in height. The following elements shall be included in the submission:

(1) The applicant and landowner’s name and contact information.

(2) The tax map numbers, existing use and acreage of the site parcel.

(3) Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the tower, showing compliance with the applicable building code.

(4) Data pertaining to the tower’s safety and stability, including safety results from test facilities.

(5) Proposal for landscaping and screening. Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is also required to screen accessory structures from adjacent residences.

(6) A Full Environmental Assessment Form (“EAF”) and Visual Environmental Assessment Form (Appendix C to 6 NYCRR 617.20) prepared in accordance with the State Environmental Quality Review Act.

E. Tower Height. For property sizes between one-half (1/2) acre and one (1) acre the tower height shall be limited to eighty (80) feet. For property sizes of one (1) acre or more, there is no limitation on tower height, except as constrained by requirements of this article and other regulatory agencies.

F. Setback. Setbacks shall be a minimum of fifty (50) feet from the center of the road plus the height of the unit (tower and rotor). Side and rear setbacks shall be a minimum of ten (10) feet plus the height of the unit (tower and rotor).

G. Sound. Small wind energy systems shall not exceed fifty-five (55) dBA, as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. When determining the level of sound, measurements shall be averaged over a twenty-four (24) hour period of time.

H. Safety. Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.

I. Compliance with regulations.

(1) Small wind turbines must have been approved under any other small wind certification program recognized by the American Wind Energy Association.

(2) Compliance with the Village Building Code: Building Permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.

(3) Compliance with Federal Aviation Administration (FAA) Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

(4) Compliance with National Electric Code: Building Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

(5) Compliance with the Adirondack Park Agency Act: Small wind energy systems shall comply with the Adirondack Park Agency Act. A copy of the Class A Regional Project Permit from the Adirondack Park Agency, as may be required for wind energy systems over a certain height, shall be provided.

J. Utility Notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

K. Multiple Turbines. In the event of multiple small wind turbines, the resulting aggregate installation, must meet the sound, setback and safety requirements as exist for other structures.

L. Removal. If the small wind energy system is inoperable after twelve (12) months, the owner must remove the tower within sixty (60) days.

§170-41. (Reserved).

§170-42. (Reserved).

§170-43. (Reserved).

§170-44. (Reserved).

§170-45. (Reserved).

ARTICLE VI - Supplemental Development Standards

§170 -46. Building design guidelines and standards.

1. Purpose.

The intent of the following guidelines and standards is to ensure that building renovation and new construction preserve and reinforce the architectural character of the Village and, in particular, the Northville Historic District. New construction and renovations should be quality architecture, with design that does not detract from the historic character and scale of the Village. Trademark or chain architecture which identifies an establishment by building design features may have a negative impact on the community if it is not compatible.

1. Applicability.
2. Exemptions. One- and two-family dwellings, and agricultural uses shall be exempt from the standards of this section although adherance is encouraged for all development.
3. The building design standards of this section apply to all new construction, additions and alterations requiring Site Plan Review. The following definitions shall apply to this section:

ADDITION: New construction added to an existing building or structure.

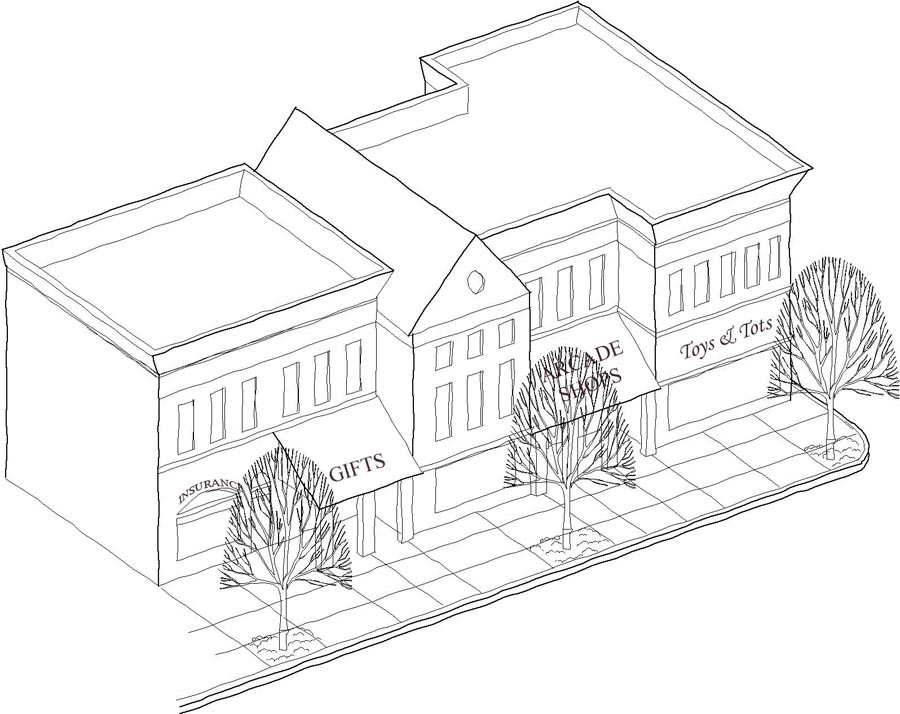
ALTERATION: Construction or other modification that changes one or more of the exterior features of a structure or building, including, but not limited to, the erection, construction, reconstruction, addition, sand blasting, water blasting, chemical cleaning or removal of any structure, but not including changes to the color of exterior paint.

1. Character and massing.

(1) The architectural design of new structures shall complement the character of the Village downtown. In particular, the architecture of new development shall consider the scale, height, and rooflines that fit comfortably within the Village context. The design of the structure shall promote a pedestrian friendly, visually appealing environment.

(2) New infill development shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.

(3) For larger structures, the length of any façade shall generally not exceed fifty (50) feet maximum (horizontal dimension). Shop fronts may be broken down even further; thirty (30) feet or less is preferred. Facades may be broken up through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.



**Figure 1: Example of a facade break-up through architectural treatments.**

1. Building Orientation, Entrances and Front Yards.

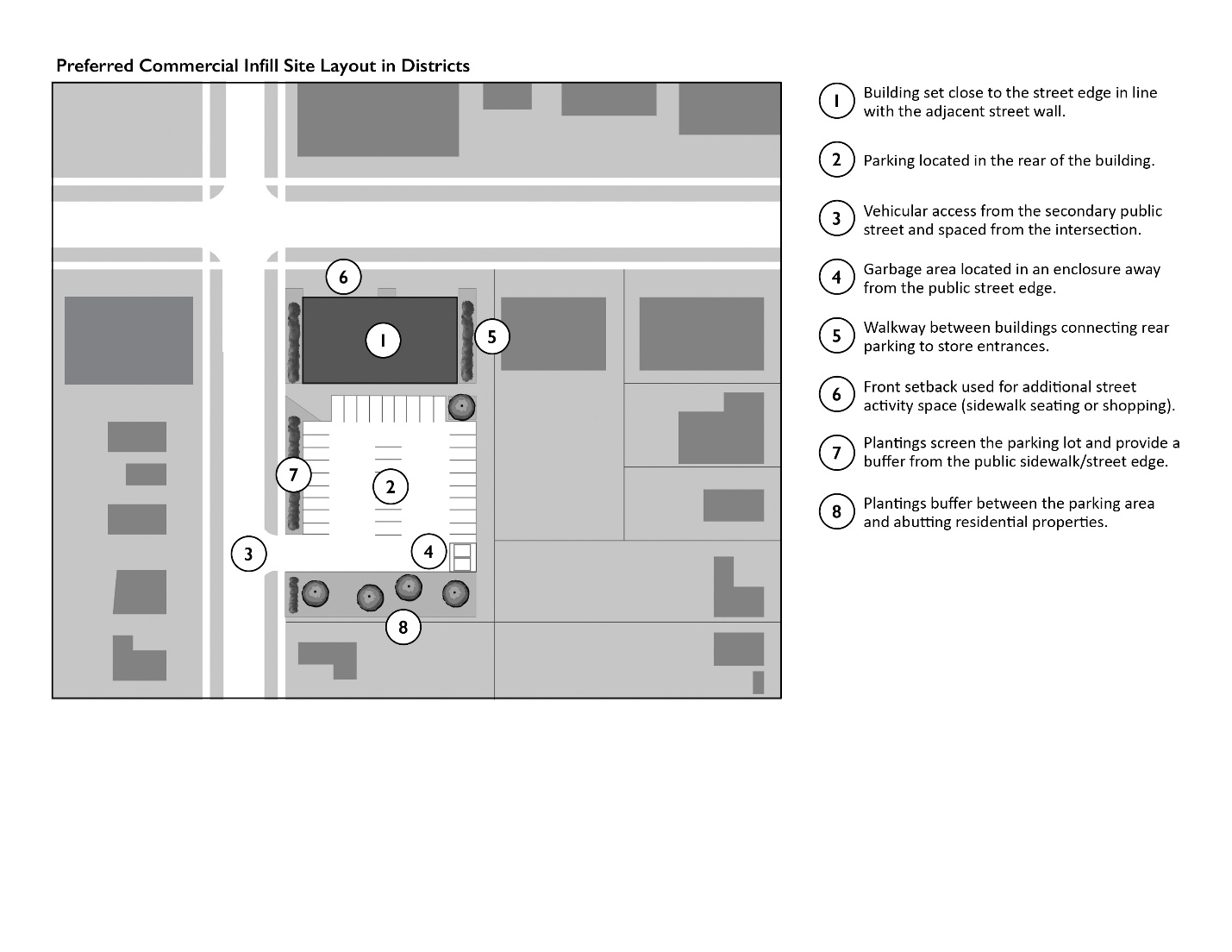
(1) Buildings shall be parallel to the street frontage property line.

(2) The front façade of buildings shall be oriented towards the public right-of-way with an everyday public entrance in this front façade.

(3) The primary entrance on a site should have clearly defined entrance featuring elements such as, but not limited to: outdoor patios; raised cornice parapets over the door; recesses/projections; peaked roof forms; arcades, canopies or porticoes; arches, display windows; architectural details such as tile work and moldings which are integrated into the building structure and design.

(4) The area between the street and the building shall be dedicated to greenspace or pedestrian facilities, not vehicular areas. This may include, but not be limited to, lawn, landscape plantings, planters, pedestrian facilities, outdoor seating, or similar public space.

(5) No new access driveways or curb cuts shall be created on North or South Main Street or Bridge Street except when a new access driveway would consolidate other existing access driveways into a shared access driveway arrangement.



E. Building Materials.

(1) For any new building, addition or alternation, the use of natural materials such as concrete clapboard siding, stone, brick, wood siding and trim, and slate are preferred.

(2) Synthetic stucco or exterior insulation and finish systems (EIFS), plain (unfinished) concrete masonry units, anodized or galvanized metal are prohibited except when metal is used for roofs.

(3) Muted and traditional colors are generally preferred, with contrasting textures and tones used to add interest. Building colors should emphasize earth tones and colors common to traditional/natural building materials. Strong color may be used sparingly on trim, doors, shutters, and other architectural accents.

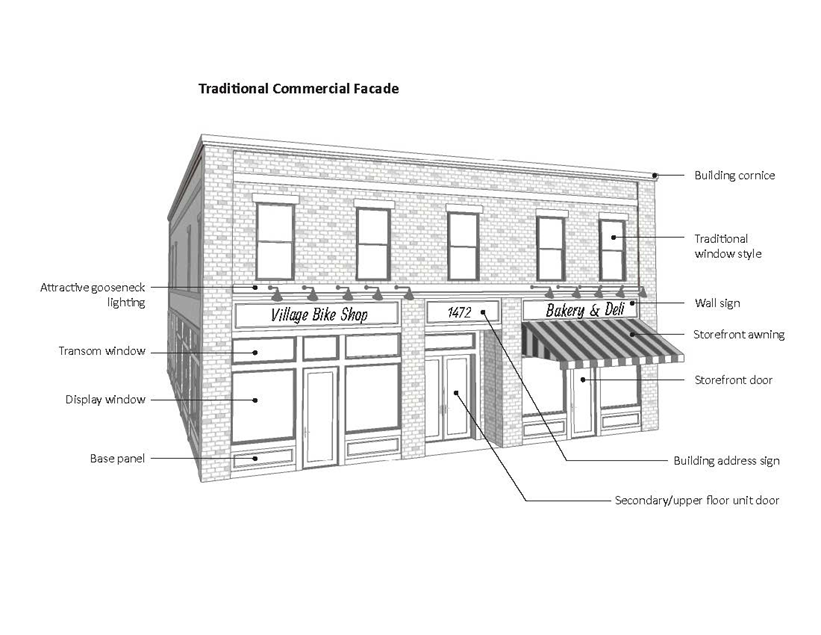
F. Walls and Windows.

(1) Blank facades with no windows or doorways shall not be permitted along any exterior wall facing a street, sidewalk, pedestrian or multi-use path, or other public right-of-way.

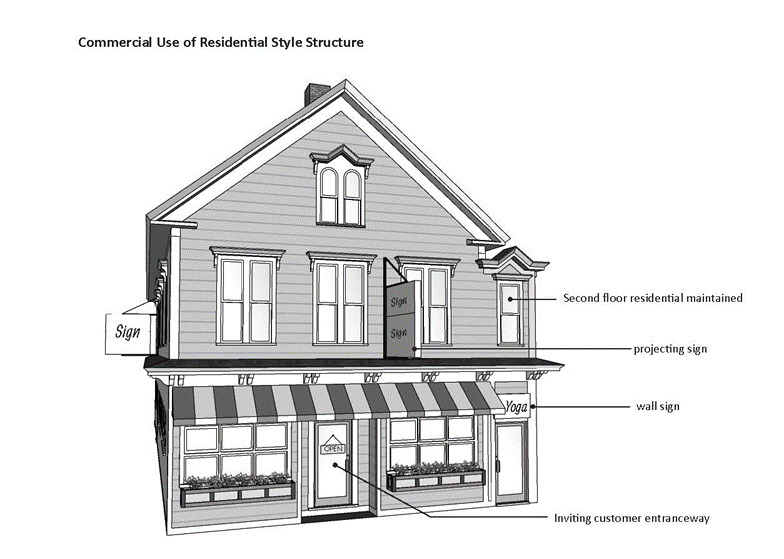
(2) Walls or portions of walls, where windows are not provided, shall have architectural treatments that are similar to the front façade including materials, colors, and details.

(3) When necessary repair or replacement of windows is required, replacement windows shall match the original window in style, configurations and size.

(4) Smoked, reflective, or black glass in windows is prohibited.



**Figure 2: Example of a preferred mixed-use building on Main St. with first floor retail/service and upper floor office or residential. See also Figure 1 in §170-33.**

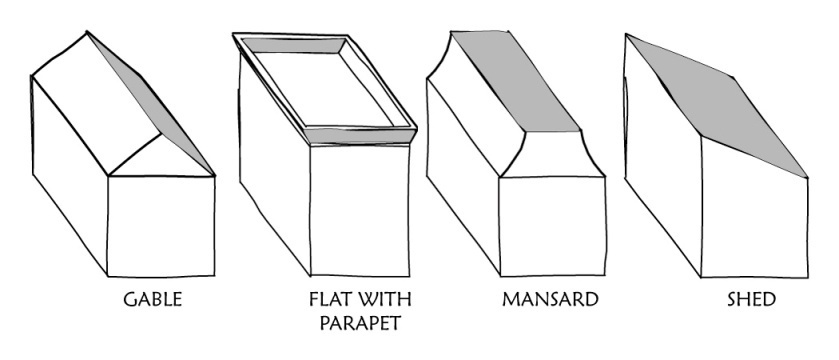


**Figure 3: Example of preferred conversion of a residential-style structure to first floor commercial maintaining original architectural features.**

G. Roofs.

(1) Roofs shall be proportional to the rest of the building and be in keeping with the character of adjacent buildings. Where flat roofs are used, they shall have a parapet (see diagram below). False mansard-style roofs shall not be used.

(2) Rooftop mechanical apparatus, except solar arrays and green roof systems, shall be hidden or screened using a parapet or cornice.



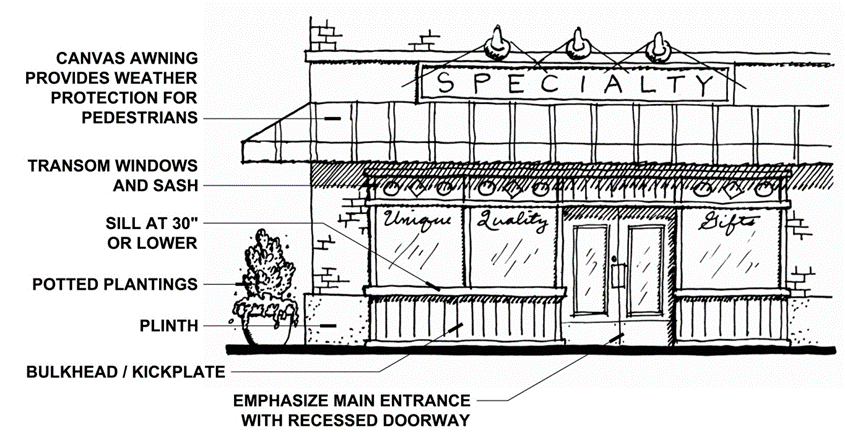
**Figure 4: Examples of preferred roof types.**

H. Storefronts.

(1) Storefront design should be in keeping with the overall building design. Storefront elements such as display windows, entrances, and signage provide clarity and lend interest to facades.

(2) Street level windowsills should be placed no higher than thirty (30) inches above finished grade at the building line.

(3) Clear, colorless glass shall be used for all display windows. Plexiglas or other replacement materials instead of glass shall not be used.



**Figure 5: Example of a storefront with preferred elements.**

I. Awnings.

(1) Awnings can provide visual interest and added function to a building. Awnings extend business space past the front door and over the sidewalk. This covered area is appropriate to display outdoor merchandise or set up cafe tables.

(2) Awnings should be made of fabric. Rigid plastic or metal awnings are prohibited.

(3) Fabric awnings may utilize accent lighting such as lanterns, small string lights, or up lights, provided that the lights are located within the awning. This lighting should be for accent purposes only and not create glare on the facade or street.

(4) Signage may be placed on awnings.

J. Accessory Refuse/Garbage Storage Areas.

The storage of refuse shall be provided inside the principal building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be sited in the following manner shall be located behind the principal building, at least twenty (20) feet from the property line. Refuse areas shall be entirely screened by a fence or enclosure of at least six (6) feet high on all sides.

§170-47. Fences, hedges and walls.

The following standards shall apply to fences, walls and hedges for all uses in all districts except agriculture which shall be exempt.

A. Location.

(1) Fences and freestanding walls shall be setback at least eight (8) feet from the street line of the pavement. Hedges greater than three (3) feet in height shall be setback eight (8) feet from the street line of pavement.

(2) Fences, freestanding walls and hedges greater than three (3) feet in height, shall not be located within thirty (30) feet of a street intersection as measured from the street centerline. The height of three (3) feet shall be measured above the curb level, if any, or above the existing road level. In no event, however, shall a hazard to traffic be erected or maintained.

(3) Except on a corner lot, there shall be no required side or rear yard setback for fences, hedges and walls. Corner lots meet the front yard setback requirement of Section A(1) above for all sides fronting a street.

B. Height.

(1) No fence or freestanding wall shall exceed four (4) feet in height, as measured from the ground, in any front yard.

(2) No fence or freestanding wall shall exceed six (6) feet in height, as measured from the ground, in any side or rear yard.

(3) A maximum of ten (10) feet in height measured from the ground shall be allowed to enclose a private or public tennis court, basketball, or sports courts provided that the fence is semi-transparent, and provided the fence is set back at least ten (10) feet from the property line.

C. Materials and construction.

(1) All fences and freestanding walls shall be so installed so that the finished side shall face the adjoining lot, public rights-of-ways, and shared private rights-of-ways; all bracing shall be on the inside of the fence.

(2) Barbed wire, electric fence, chicken wire, pallets, tires, and plywood shall not be used as a fencing material or as any part of a fence visible from the public right-of-way. Construction fencing shall only be utilized in association with a construction project with an open building permit.

(3) Retaining walls visible from the public right-of-way should be faced with masonry or other decorative screening, textures, design, or landscaping to minimize the blank appearance of walls and ensure compatibility with existing structures.

(4) All retaining walls four (4) feet in height or greater measured from finished grade of the lowest side of the wall, shall require a set of stamped plans and specifications by a licensed engineer or landscape architect as required by the Building Code.

(5) All fences, walls and hedges shall be maintained and, when necessary, repaired or replaced.

§170-48. Landscaping and screening.

A. Purpose.

The purpose of these provisions is to ensure that new site development is integrated as much as possible with the adjacent landscape and/or character of the Village of Northville; to reduce the effects of noise, glare, dust, and heat; and, to prevent soil erosion, reduce stormwater runoff, and buffer and screen adjacent properties. The preservation and/or transplantation of existing trees and vegetation is encouraged where possible.

B. Applicability.

1. The Landscaping and Screening standards described in this section apply to the following development activities. Single family, two-family and agricultural uses are exempt from the standards of this Section.

(2) All new construction or change of use.

(3) Additions and expansions of one thousand five hundred (1,500) square feet or greater of gross floor area to existing uses other than those described in B(1) above.

(4) The creation of more than three (3) parking spaces.

C. General requirements.

(1) A landscaping plan shall be prepared as part of Site Plan.

(2) The plan may be required to be prepared and stamped by a licensed landscape architect, engineer or architect at the discretion of the Planning Board.

(3) All retaining walls four (4) feet in height or greater measured from finished grade of the lowest side of the wall, shall require a set of stamped plans and specifications by a licensed engineer or landscape architect as required by the Building Code.

(4) Unless otherwise stipulated as part of a site plan approval by the Planning Board, landscaping required pursuant to an approved site plan shall be installed or funds deposited in, or a certificate of deposit issued by, a bank or trust company located and authorized to do business in this state, under an agreement approved by the Village Attorney prior to temporary occupancy and installed before the issuance of final certificate of occupancy.

(5) The preservation of existing natural vegetation or stands of trees (particularly native species) may be used toward meeting all or part of the landscaping requirements and is encouraged.

(6) Landscaping shall not interfere with overhead power lines.

D. Site Plan requirements.

The following elements shall be included on the landscape plan as part of the Site Plan application presented for Site Plan Review:

1. Existing Vegetation: Graphic depiction of existing vegetation “TO REMAIN” and “TO BE REMOVED.” Distinctive (e.g. native) species and colonies of vegetation shall be identified. Species and caliper size for all existing trees six (6) inches DBH and greater to be removed shall be provided.

(2) Proposed Plantings: Graphic illustration of the mature tree canopy size, and diameter/spread of shrubs and shrub/herbaceous plant massings. A Plant Schedule shall list the common name, size, and quantity.

E. Minimum planting requirements.

1. Landscape elements such as trees, shrubs, herbaceous plantings, walls, planters, and paving, etc. shall be planted to create pedestrian-scale spaces.
2. Planters and planter boxes approved as form of landscaped buffer, shall be large enough in scale to serve their intended purpose.

(3) The selection of landscaping materials shall be compatible to the Adirondack climate (USDA Growing Zone 5), soil types, and water availability. To ensure survival and usefulness of new plant materials in the near future, the following minimum sizes are required for this region:

|  |  |
| --- | --- |
| **Schedule C: Minimum Plant Size** | |
| **Plant Type** | **Size** |
| Large deciduous trees | 2" to 3" > caliper (diameter) |
| Conifers | 6' to 8' height |
| Small flowering trees | 1" > caliper (diameter) |
| Large shrubs | 30" to 36" height |
| Small shrubs | 18" to 24" height |

(4) Grass and sod plantings shall use a grass developed for establishment in local conditions.

(5) Curbing and paving should be located no closer than the drip line of existing trees to remain unless root bridges, structural soil, or other measures are employed.

(6) Mulch shall be natural or non-toxic material.

(7) Planters approved as a form of landscaping or buffer shall be maintained and if removed during the winter months, shall be reinstated each spring by June 1.

F. Perimeter landscaping and screening.

1. Required perimeter screening may be a fence or landscaped screening.
2. For all required landscaped screening, the plant choice, required mature height and width, and placement of such buffers and screening shall be based upon the site topography, distance from street intersections, buildings and uses, and other existing conditions and proposed improvements. However, required vegetative screening shall be at least four (4) feet in height at the time of planting, except as described (2) below and screen the view into adjacent properties and mitigate reasonable noise.
3. Landscaping greater than three (3) feet in height, shall not be located within thirty (30) feet of a street intersection as measured from the centerline. The height of three (3) feet shall be measured above the curb level, if any, or above the existing road level. In no event, however, shall a hazard to traffic be erected or maintained.

G. Parking lot landscaping.

(1) In all parking lots with more than 12 spaces, landscape areas totaling ten (10) percent shall be provided wholly contained with the paved areas.

(2) Landscaped screening or fencing meeting the requirements of Subsection F above shall be provided between parking areas and adjacent residential lots existing at the time of adoption of this Chapter.

H. Maintenance.

1. Any plant material used in the landscaping project shall be maintained in a healthy growing condition. The property owner bears the responsibility for maintenance of required landscaping. The Village of Northville has the authority to order that dying or dead landscaping be replaced by the current landowner or developer. In addition, the Village will work with a property owner in establishing a realistic replanting plan when landscaping required by this article is lost due to situations beyond the control of the property owner or other related circumstances.
2. Planters and planter box furnishings that become in disrepair shall be repaired or replaced with planters of similar size and appearance.

(3) If requested, the applicant shall submit a maintenance agreement describing methods of compliance with the requirements of this Article which shall be approved as part of Site Plan Review. Adherence to such maintenance agreement shall be a condition of Site Plan approval.

(4) Action upon non-compliance: failure, neglect or refusal of owner to perform the required maintenance action shall be taken in accordance with the enforcement provisions of Article XIV of this Law.

§170-49. Lighting, outdoor.

A. Purpose.

The purpose of this section is to require and set minimum standards for outdoor lighting that are appropriate for safety, security, and visibility for pedestrians and motorists, while minimizing glare and light pollution.

B. Applicability.

The lighting standards of this section shall apply to all properties in theVillage of Northville.

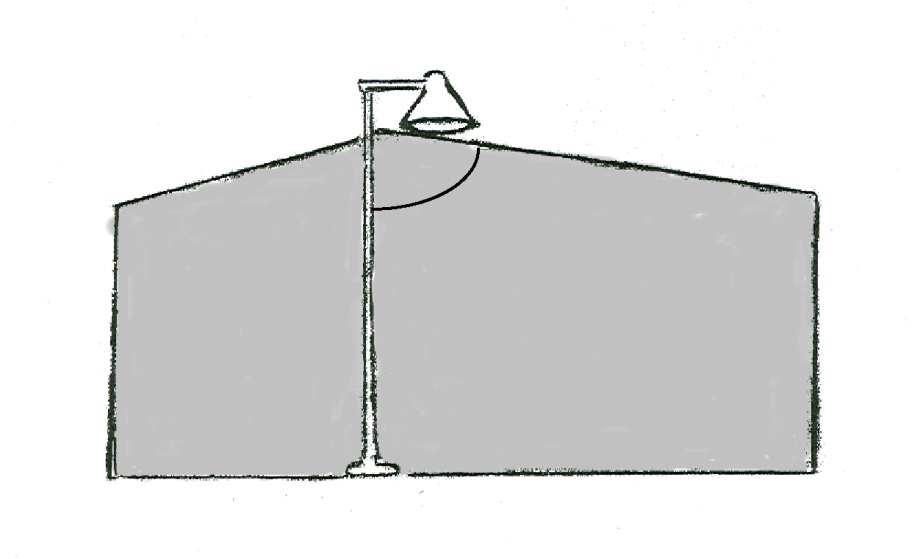
C. Definitions.

FULL CUTOFF OR FULL SHIELDED TYPE FIXTURE: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

GLARE: Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

LIGHT FIXTURE: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

LIGHT POLLUTION: Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky, or causes undesirable glare or unnecessary illumination of adjacent properties.



80º

**Figure 6: Example of full-cut-off lighting.**

D. General requirements.

(1) The number of light fixtures and the intensity of lighting shall be appropriate to illuminate the location for safety, without glare to adjoining properties.

(2) Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential properties. Full-cutoff fixtures are preferred.

(3) Installation of supply wires for lighting shall be placed underground.

(4) Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy.

(5) Maximum height. The total height of exterior lighting fixtures, including the base, shall be a maximum of twenty (20) feet and fourteen (14) feet for pedestrian walkways and parking lots adjacent to residential uses.

E. Design.

(1) Exterior lighting shall enhance the building design and adjoining landscape.

(2) Decorative style lighting is preferred.

F. Prohibited lighting: Blinking and flashing lights.

G. Exemptions.

**Figure 7: Decorative lighting is preferred.**

(1) Holiday lighting

(2) Emergency lighting or temporary construction lighting, as may be required by a public agency.

§170-50. Off-Street parking and loading.

A. Applicability.

(1) The minimum off-street parking and loading requirements of this section shall be met for any newly constructed building or change in use.

(2) Structures and land uses in existence or for which building permits have been approved at the time of the adoption of this Law shall not be subject to the parking or loading space requirements of this section. However, any existing parking and loading facilities for such uses shall not be reduced unless they exceed the requirements of this Law, in which case they shall not be reduced below the requirements of this section.

B. Required number of off-street parking spaces.

The minimum number of off-street parking spaces required shall be calculated using the standards in this subsection and Schedule D below.

(1) In churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating facility shall be counted as one (1) seat.

(2) For uses not expressly listed in this Section, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Planning Board.

(3) When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction up to and including ½ shall be disregarded and fractions over ½ shall require one (1) parking space.

| **Schedule D: Minimum Parking Space Requirements**  SF = Square Feet GFA= Gross Floor Area | |
| --- | --- |
| **Use** | **Number of Required Spaces** |
| **Residential Uses** | |
| Single and Two-Family Dwelling | 2 per dwelling unit |
| Multi-family Dwelling | 1.5 per dwelling unit |
| Senior/retirement housing complex | 1 per dwelling unit, plus an additional 5% of the total resident’s spaces shall be provide for visitors and others |
| Residential Care Facility | 1 for every 3 beds, plus 1 for every 2 employees during maximum shift |
| Townhouses | 2 per dwelling unit |
| **Community Uses** | |
| Child Day Care | 1 per employee plus 1 per 10 attendees |
| Community center | 1 per 400 SF of GFA |
| Adult Day Care | 1 per employee plus 1 for every 10 attendees |
| Library | 1 per 1,000 SF of GFA |
| Membership club | 1 per 5 members or 1 per 4 seats in largest assembly area, whichever is greater |
| Municipal facility | 1 per employee on the maximum shift, plus 1 space for each 200 SF of GFA |
| Museum or cultural facility | 1 per 1,000 SF of GFA |
| Religious Institution | 1 per 6 seats |
| School | 1 for each staff member, plus 1 space per 5 seats in the largest assembly facility |
| **Commercial Uses and Other Nonresidential Uses** | |
| Agriculture, accessory retail | 1 per 250 SF of GFA, plus 1 for every 4 employees |
| Assembly and meeting facility | 1 per 4 seats |
| Boat Storage, Commercial | Minimum of 3 |
| Boat Maintenance Facility | Minimum of 3 |
| Bowling alley | 2 per lane |
| Car Wash | Stacking spaces per Article V, Section 170-21, plus 2 drying spaces per stall |
| Funeral Home | 1 per 4 seats at maximum capacity |
| Gasoline Station | 5 parking spaces |
| Golf, miniature/driving range | 1 per tee |
| Health and fitness club | 1 per 300 SF of GFA |
| Home occupation | 1 for each employee and if the occupation requires any customers and/or clients to visit the premises, at least 2 additional spaces shall be provided. |
| Hotel, inn, motel, bed and breakfast | 1 for each unit, plus 1 space per employee during the peak shift |
| Light manufacturing and industry including craft industries | 1 for each 2 employees based on peak employment hours and space to accommodate all trucks and other vehicles used in connection with the use |
| Marina | 1.5 per boat slip |
| Motor vehicle repair | 3 per bay or lift whichever is greater |
| Office, professional/general (including medical clinic) | 1 per 300 SF of GFA |
| Restaurant and bar | 1 for every 4 seats, plus 1 space for every 2 employees |
| Retail sales establishment, small | 1 for every 400 SF of GFA |
| Retail sales and service establishment unless otherwise listed in Schedule D | 1 for every 300 SF of GFA |
| Veterinarian, office, clinic, hospital | 1 per 350 SF of GFA |

C. Accessible parking space requirements. The number of handicapped accessible parking spaces shall be determined based on the total number of parking spaces as set forth in the most recent edition of the New York State Fire Prevention and Building Code.

D. Maximum parking standards. The maximum number of off-street parking spaces for any building in the MU and CB Districts shall not exceed more than one hundred twenty percent (120%) of the number of spaces required above.

E. Shared parking.

(1) Shared parking of areas with multiple uses is encouraged. In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit reduction of this requirement.

(2) An agreement establishing joint use of a parking area, approved by the Planning Board, shall be recorded with the Code Enforcement Officer. Such agreements shall run with the land for all properties with joint use of parking areas and require Planning Board approval for any change or termination.

F. Parking location and design.

(1) For all new building construction in the MU and CBD districts, off-street parking shall be located to the side or rear of the principal building; parking to the rear is preferred. On a corner lot, buildings may be located to accommodate up to fifty percent (50%) of off-street parking on the side fronting a side street if such side street is not North or South Main Street or Bridge Street. However, such parking area fronting a street or sidewalk shall be buffered with landscaping or planter arrangement at a height of at least two (2) feet and at least three (3) feet wide.

(2) Parking lots in the MU and CB Districts shall be paved and striped to indicate location of parking spaces. The Planning Board may grant a waiver from the required paving if there is documented evidence that such paving will impact the ability to provide proper septic. For projects that are a change of use from one nonresidential use to another with an existing unpaved lot, paving and striping may be waived for up to five (5) years at the discretion of the Planning Board.

(3) Screening. Parking lots on properties abutting lots zoned R, R-1, R-2 or R-3 shall provide screening along property lines or parking lot perimeter abutting and/or visible from the residentially zoned lot so as to screen out the parking lot as required in §170-48.G.

G. Design standards for off-street parking spaces.

(1) The following minimum standards shall apply to the width and length of required parking spaces.

(a) Standard Perpendicular Parking Spaces.

1. Length – eighteen (18) feet

2. Width – nine (9) feet

(b) Accessible Parking Spaces.

1. Length – eighteen (18) feet

2. Width – thirteen (13) feet

(c) Parallel parking spaces shall add four (4) feet in length.

(2) Parking aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

Parking Angle Aisle Width (feet)

(degrees) One-way traffic Two-way traffic

0 13 19

30 11 20

45 13 21

60 18 23

90 22 24

§170-51. Sidewalks and pedestrian circulation.

A. The intent of this section is to maintain and enhance the walkability and pedestrian safety in the Village.

B. Existing sidewalks shall not be removed without replacing them with new sidewalk meeting the approval process and standards of Chapter 143, Streets and Sidewalks, of the Village of Northville Code.

C. Sidewalks meeting the standards of Chapter 143, Streets and Sidewalks, shall be installed as part of any new construction of a vacant or underutilized site or the redevelopment of a site.

D. The terrace or buffer strips between the street and sidewalk shall be maintained or installed where such buffer strip already exists and/or the width of the right-of-way and front yard setback allow. If grass is not appropriate, alternative streetscaping including street trees and other landscaping or planters may be approved by the Planning Board and Village Board of Trustees and in accordance with the Village tree ordinance (Local Law #2 of 2017).

E. A site layout shall include logical connections between public sidewalks, building entrances, and parking areas. The need to walk in vehicle-oriented areas, such as travel lanes in parking lots, entrance drives, and loading areas, should be minimized or eliminated.

§170-52. Signage.

1. Purpose.

The purpose of this section is to maintain an attractive business climate while protecting the physical appearance and character of the Village, reducing distractions and obstructions that may contribute to traffic accidents or safety hazards, and protecting property values.

B. Applicability and procedures.

(1) Except as otherwise provided in this Article, no sign or other advertising device shall be erected, constructed, displayed, moved, reconstructed, extended, enlarged, or altered except in conformity with this Section and, where applicable, without first obtaining a permit from the Code Enforcement Officer in accordance with the following procedures and standards.

(2) Application for a sign permit, also known as a “zoning permit” shall be made to the Code Enforcement Officer. One application may include more than one (1) sign, provided that all signs contained in such application are to be erected at the same time on one (1) lot. Applications for new signs or proposed changes in existing signs shall include plans to scale detailing the dimensions and area of the sign(s), the location of the sign(s) on the building, structure, or property where the sign(s) will be erected or attached, and a visual simulation or photo to scale illustrating colors, materials, lettering, artwork, and method of illumination, if any. A permit shall be required for any change in the size, shape, lighting, materials, or location of an existing sign.

(3) Each application for a sign permit shall be accompanied by the fee set forth in the current Fee Schedule adopted by the Village. Such fee shall be based on all signs contained in such application.

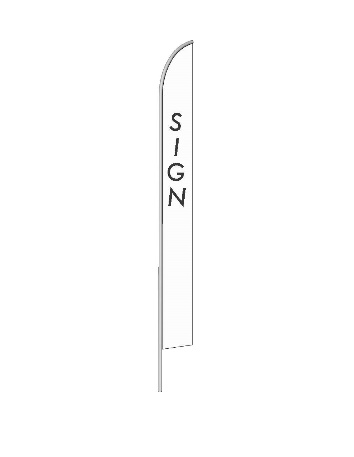
C. Definitions.

AWNING (CANOPY) SIGN: A sign painted on, printed on, or attached flat, against the surface of an awning made of canvas or fabric or similar material, which is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.

***Awning (canopy) sign.***

BILLBOARD: See OFF-PREMISE SIGN.

DIRECTIONAL SIGN: A sign conveying instructions regarding pedestrian and/or vehicular movement with respect to the premises on which it is located, such as the entrance and exit of a parking area.

ELECTRONIC MESSAGE CENTER (EMC)/DIGITAL MESSAGE SIGN: A changeable copy sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or flipper matrix.

FEATHER FLAG: A portable sign that is vertically oriented banner attached to a single pole allowing the fabric to hang loose at one, two, or three of the four corners.

FREESTANDING SIGN: A permanent, self-supporting sign standing alone on its own foundation. This definition shall not include temporary or portable signs.

***Example of a feather flag.***

ILLUMINATED SIGN: Any sign illuminated by artificial light, either from the interior or exterior of a sign, and includes reflective and phosphorescent light.

INTERNALLY ILLUMINATED SIGN: Any sign deriving its illumination from an internal source, and shall include all plastic signs lighted from behind, as well as all neon signs, and all lighted awnings lighted in a way as to give the awning the appearance of being lighted.

***Freestanding sign.***

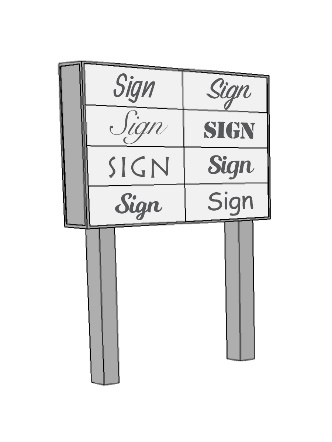
MARQUEE SIGN: A sign that is an integral part of a marquee which is a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MONUMENT SIGN: A freestanding sign attached to a brick, stone, or masonry wall or structure that forms a supporting base for the sign display.

OFF-PREMISE SIGN/BILLBOARD: A sign which is located on a parcel of land other than that parcel where the business, service or event advertised is located.

***Monument sign or freestanding sign.***

POLE SIGN: A freestanding sign with a visible support structure.

PORTABLE SIGN: A sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels, or on its own trailer or otherwise. Other examples of portable signs include, but are not limited to, sandwich boards, menu boards, feather flags and signs attached to A-frames or T-frames. For purposes of this Section, a portable sign is not a “temporary sign” which is separately defined and regulated in this section.

***Pole sign with multiple businesses.***

PROJECTING SIGN: A sign that projects more than twelve (12) inches perpendicular to the buildings face.

ROOF SIGN: A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partly supported by that building.

SANDWICH BOARD/SIDEWALK SIGN: A portable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an “A.”

***Projecting sign.***

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 or any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

SIGN, TEMPORARY: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time. For purposes of this Section, a temporary sign is not a “portable sign” which is separately defined and regulated in this section.

***Sandwich board or sidewalk sign.***

SIGN HEIGHT: The distance from the highest portion of the sign to the finished grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.

VEHICULAR SIGN: Any vehicle and/or trailer to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle’s purpose but becomes the primary purpose of the vehicle.

WALL SIGN: A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall.

WINDOW SIGN: A sign mounted or painted on a window, or inside a structure that is intended to be seen through a window from the outside.

D. Exempt signs.

The following signs may be erected and maintained without a permit or fee, provided that such signs otherwise comply with the requirements of this Law.

(1) Temporary signs except as otherwise regulated in this Section that meet the following standards:

(a) Temporary signs shall be limited to sixty (60) days and shall be removed within seven (7) days of an event or activity.

(b) Temporary signs shall not exceed six (6) square feet in size.

(c) Temporary signs shall be set back five (5) feet from the lot line.

(2) Signs advertising the sale, lease or rental of the premises upon which the sign is located, that shall not exceed six (6) square feet in area. All such signs shall be set back ten (10) feet from a public right-of-way. Such signs shall not be illuminated. Such signs shall be removed within ten (10) days of the sale, lease or rental of the property.

(3) Temporary signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed ten (10) square feet in area in the MU and CB districts and not exceeding six (6) square feet in area in the RR, R-1, R-2 and R-3 districts and set back at least ten (10) feet from the public right-of-way. There shall be one (1) such sign per parcel. Such signs shall be removed within ten (10) days of the completion of the construction, repair or renovation.

(4) Private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet and one (1) in number for a period not exceeding seven (7) days for each permitted garage sale as provided in §170-52, Subsection A. One such sign shall be permitted.

(5) Signs denoting a subdivision name and one (1) sign displaying the names of those residing in a subdivision or defined community. The total sign area shall not exceed thirty-six (36) square feet in area. All such signs shall be set back ten (10) feet from a public right-of-way. Such signs shall not be illuminated.

(6) Signs denoting the name and address of the occupants of the premises, which signs shall not exceed two (2) square feet in area.

(7) Signs used for a roadside stand selling agricultural produce grown on the premises in season, providing that such sign does not exceed six (6) square feet in area and six (6) feet in height and shall be set back at least ten (10) feet from the property line. One such sign shall be permitted.

(8) Sandwich boards meeting the standards of F(9) of this section.

(9) Feather flags meeting the standards of F(12) of this section.

(10) Portable off-premises directional business signs, that shall be removed daily at the close of business or 9:00 p.m. Such signs shall not exceed six (6) square feet. One sign per business shall be allowed, limited to the name, address of the premises to which the sign is directed, and a directional arrow. The permission of the owner or resident of the off-premises site must be secured prior to erecting the sign.

(11) Window signs meeting the requirements of Section F(11) of this section.

(12) Gasoline station signs attached on gasoline pumps, displaying the price of fuel not exceeding two (2) square feet; however, the total size of price, logo and any other signage on a pump shall not exceed a combined total of three (3) square feet.

(13) Holiday decorations.

(14) Safety, directional, historical markers, or other types of signs erected and maintained by a public agency.

E. Prohibited signs.

The following signs are prohibited in the Village of Northville:

(1) Signs with any mirror or mirror‑like surface, nor any day glowing or other florescent paint or pigment.

(2) Internally lit signs and Electronic Message Centers/Digital Message Centers except as provided in Section F(3).

(3) Off-premise signs/billboards except as provided in Section D(9) regarding off-premise directional signs.

(4) Roof signs.

(5) Vehicular signs.

(6) Inflatable devices.

(7) Signs that detract from or obstruct public view of a historic buildings or structures.

(8) Permanent or temporary signs erected or placed at or near the intersection of any street in such a manner as to cause a traffic hazard at the intersection or at any location where, by reason of the position, shape, color, or illumination of the sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

(9) Signs using of the words "STOP", "LOOK", "DANGER", "CAUTION" or any other word, phrase, symbol or character which may tend to confuse, mislead or resemble any governmental or duly authorized sign.

(10) Mechanically rotating signs, with the exception of barber poles.

F. General provisions.

(1) Sign area calculation.

The area of a sign shall be determined by the smallest rectangle that encompasses all of the letters or symbols that make up the sign together with the area of any background of a different color or material than the general finish of the building, whether painted or applied. For the purposes of calculating total sign area, only one-side of a two-sided area shall be counted.

**SIGN**

Length

Height

**Sign Area Calculation**

(length X height)

(2) Location of signs.

(a) Signs shall not use utility poles, trees, rocks, or other natural features as a medium of communication or means of support.

(b) No freestanding sign shall be erected or maintained within the right-of-way, nor within ten (10) feet of the roadbed of any public street or highway. For the purposes of this provision, the roadbed shall mean the trafficable portion of a road, street, or highway, bounded on either side by the outer edge of the shoulder or guardrail, whichever extends farthest. Where there is no shoulder or guardrail, there shall be deemed to be a shoulder extending four (4) feet from the outer edge of the pavement or unpaved traffic lanes.

(c) No sign shall be so located as to detract from, or obstruct public view of, historic structures or features, scenic view or any other recognized natural feature.

(3) Illumination of signs.

(a) No sign shall flash or include artificial light that is not maintained stationary and constant in intensity and color at all times. Exempt from this requirement are signs exhibiting time and temperature information.

(b) One neon sign per business, institution or other use shall be permitted. Such sign shall have a maximum of two (2) illuminated colors.

(c) Internally lit signs including but not limited to box signs, channel letter signs, and backlit signs are prohibited.

(d) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into public right of way or residential properties.

(e) LED and other digital messages and copy are only permitted to provide time and temperature information or changing prices at an automobile service station.

(4) Sign construction and design standards.

(a) Signs should be designed to be compatible with the surroundings and appropriate historic architectural character of an Adirondack village and the architectural character of the building associated with the sign. Layout should be orderly and graphics should be of simple shape, such as rectangle, circle or oval. The number of colors used should be the minimum consistent with the design.

(b) Signs shall be made of durable materials as defined on a list of permitted sign materials which the Village Board of Trustees shall maintain and update.

(c) All signs shall comply with applicable regulations of the current Uniform Building Code and the standards of the National Electric Code.

(d) All signs, including projecting signs shall be securely anchored and shall not swing or move in any manner.

(e) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys, and anchors.

(5) Freestanding signs on corner lots.

Freestanding signs shall be setback twenty (20) feet from the intersection of the boundary of the right-of-way and there shall be at least three (3) feet of clear space between the sign board and the ground, provided that necessary supports may extend through such clear space.

(6) Projecting signs.

Projecting signs shall not project more than four (4) feet from the side of the building and when suspended over a pedestrian walkway such as a sidewalk or entranceway, the bottom of such signs shall be no lower than eight (8) feet and no higher than twelve (12) feet above the finished grade.

(7) Wall-mounted signs.

Wall-mounted signs shall not extend more than twelve (12) inches from the surface of the wall; shall not cover a window, obscure architectural detailing, interrupt a roof line, or be placed on the roof of a structure.

(8) Awning or canopy signs.

The valance portion of an awning or canopy may be used as a sign. The bottom of the awning or canopy shall be at least eight feet above the finished grade.

(9) Sandwich board Signs.

(a) Sandwich boards must be non-illuminated, shall not exceed eight (8) square feet in sign area, with a maximum height of four (4) feet and a width not to exceed thirty (30) inches.

(b) The sandwich board shall not be located in such a manner as to restrict vision or impair pedestrian safety or maintenance of Village sidewalks or impede flow of pedestrian traffic.

(c) The sandwich board must be located in front of or on the side of the building within which the business, institution or other use is located.

(d) The sign shall only be displayed during hours that the business establishment is open plus one, half hour prior to the business opening and up to one, half hour after the business has closed.

(10) Wayfinding signs accessory to parking areas.

Signs designating entrances or exits to or from a parking area shall not count toward the maximum cumulative sign area, however, such signage is limited to one (1) sign for each exit and entrance and said signs are limited to a maximum size of four (4) square feet. In addition, each parking area shall be permitted one (1) sign per street frontage which designates identity and restrictions for parking.

(11) Window signs.

A regulated window sign is one that includes any writing (letter, words, or numerals), is located within four (4) feet of the inside of a window and is plainly visible from the exterior of the building. No permit is required, unless noted; however, the following applies:

(a) A maximum area of twenty (20) percent of any single window may be used for temporary and/or permanent window signs but, shall not exceed six (6) square feet of total window area.

(b) Exceptions to window coverage limit. The following exceptions are permitted to exceed the twenty (20) percent or six (6) feet maximum coverage of a window:

1. Open/closed sign: a maximum of four (4) square feet is allowed, one sign per street elevation is allowed.

2. Information sign: for posting of days and hours of operation, building or tenant address, phone numbers, accepted credit cards: a maximum of two (2) square feet is allowed on or adjacent to the entrance door.

3. Window signs located on a building setback at least seventy-five (75) feet from the public right of way.

(c) Window signage is prohibited in the second floor windows and other window areas that are predominately above eye level of the passerby except that a second floor business, if not occupying any first floor space, may install one (1) window identification sign above the first floor if no other exterior sign has been granted for this use or tenancy, and provided further that the sign shall not cover more than twenty (20) percent of the window area and shall not be internally illuminated.

(d) Permanent window signs are subject to the following regulation:

1. Window signs shall consist of individual letters, logos, or symbols applied to, stenciled on, or etched into the glass surface; however, lighted signs with transparent backgrounds may be hung inside the window glass.

2. No such sign shall be displayed more than once per elevation (north, south, east, and west).

3. Ground floor (street elevation) signs are allowed to be illuminated with an external light source concealed from public view.

(12) Feather Flags

(a) Feather flags shall not exceed sixteen (16) feet in height including the flag’s stand.

(b) The feather flag shall not be located in such a manner as to restrict vision or impair pedestrian safety or maintenance of Village sidewalks or impede flow of pedestrian traffic.

(c) The sign shall only be displayed during hours that the business establishment is open plus a half hour prior to the business opening and up to a half hour after the business has closed.

G. Signs in the RR, R, R-2 and R-3 Districts.

Within the RR, R, R-2 and R-3 Districts, the following signs are permitted with a permit from the Code Enforcement Officer:

(1) Major Home-Based Business Identification Signs. One business sign for a major home-based business shall be allowed and shall meet the following standards:

(a) Signs shall bear only the name and profession or occupation of the resident.

(b) Signs shall not exceed two (2) square feet in area.

(c) Signs may be located on the building wall or in the required front yard, provided that it is set back at least ten (10) feet from all property lines and is not more than six (6) feet above the natural ground level at its location.

(2) Business identification signs. A property in a residential district utilized for a permitted nonresidential or business purpose shall be permitted one (1) sign and shall meet the following standards:

(a) The total cumulative area of all signs permitted on such lot shall be fifteen (15) square feet.

(b) The maximum height of a freestanding sign above grade level of the road shall be eight (8) feet and shall be set back at least ten (10) feet from any property line unless on a corner lot. On a corner lot a freestanding sign shall be set back twenty (20) feet from the intersection and there shall be at least three (3) feet of clear space between the sign board and the ground, provided that necessary supports may extend through such clear space.

(3) Announcement signs or bulletin boards: Announcement signs and bulletin boards used by religious institutions, community centers, municipal facilities, schools and libraries and other similar uses shall be permitted. One announcement sign, not exceeding twelve (12) square feet in area and six (6) feet in height, shall be permitted on each public street frontage of its property, either fixed on the main wall of the building or located in the required front yard, provided that it is set back at least ten (10) feet from the front property line and at least twenty-five (25) feet from all other property lines.

H. Signs in the MU and CB Districts.

(1) Each business, institution or other organization occupying a building shall be permitted one (1) permanent sign unless on a corner lot where one (1) additional sign shall be permitted.

(2) Each lot shall be permitted one (1) freestanding, monument sign and, on a corner lot, one (1) additional wall mounted or projecting sign.

(3) The maximum cumulative sign area permitted for all signs on a lot and the maximum sign area for different types of signs are provided in the Schedule E below. The allowable sign areas differ to reflect the different character of each of these nonresidential or mixed-use districts.

(4) Signs may advertise more than one (1) business.

(5) A maximum of two (2) portable signs of any permitted type per business, institution or other organization may be located on a lot except that lots with more than one (1) business, institution or any other organization shall have a maximum of two (2) portable signs per street level storefront inclusive of any portable signage for upper floor uses.

(6) Announcement signs or bulletin boards: In addition to one identification sign, religious institutions, community centers, municipal facilities, schools and libraries and other similar uses shall be permitted one (1) announcement sign or bulletin board. Such announcement sign, not exceeding fifteen (15) square feet in area and (six) 6 feet in height, shall be permitted on each public street frontage of its property, either fixed on the main wall of the building or located in the required front yard, provided that it is set back at least ten (10) feet from the front property line.

J. Abandoned signs.

Any sign which is located on property which becomes vacant and unoccupied for a period of ninety (90) days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. The sign shall be removed after written notice by the Code Enforcement Officer, to the owner of the property on which the sign is affixed. In the event such sign is not voluntarily removed, subsequent costs of removal by the Village will be assessed against the property owner’s tax bill.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Schedule E: Sign Standards** | | | | | |
| **Zoning District** | **Maximum Cumulative Sign Area** | **Maximum Freestanding Sign Area** | **Maximum Wall Sign Area** | **Maximum Projecting Sign Area** | **Maximum Freestanding Sign Height** |
| **MU** | 36 square feet | 12 square feet | 10% of front surface of building or 36 square feet; whichever is lesser | 12 square feet | 8 Feet |
| **CB** | 50 square feet | 36 square feet | 10% of front surface of building or 50 square feet; whichever is lesser | 12 square feet | 1. Feet |

§170-53. (Reserved.)

§170-54. (Reserved.)

ARTICLE VII - PLANNED DEVELOPMENT DISTRICTS

§170-55. Purpose.

A. It is the intent of the Planned Development District (PDD) to provide an optional tool for the Village to recognize a defined area for a unified and integrated development that creates more flexible development opportunities than would be possible through the strict application of the land use and development regulations of this Law. Where planned development techniques are deemed appropriate through the rezoning of land to a PDD by the Village Board, the set of use and dimensional specifications located elsewhere in this Law may be replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

B. In order to carry out the intention of this section, a planned development shall achieve the following objectives:

(1) Diversified housing options and mixed-use development scenarios.

(2) Reduced lot sizes and more clustered development to maintain open space or create usable open space and recreation areas.

(3) Integration of public access recreational amenities such as community trails or providing linkages that will result in greater connectivity of recreational resources within the Village and the Town of Northampton.

(4) Preservation of trees and outstanding natural topographic and ecological features.

(5) A creative use of land and related physical development, which allows an orderly transition of land from a vacant state to a developed state.

(6) An efficient use of land resulting in economical networks of utilities and streets.

(7) A development pattern in harmony with the planning objectives of the Village Comprehensive Plan and other planning and economic development initiatives supported by the Village.

§170-56. Planned Residential Development (PRD) District.

A. Purpose.

The purpose of the PRD District is to provide flexibility for residential development that creates housing diversity, enhances the efficient use of land, energy, community services and utilities, preserves open space and protects natural resources through increased density and housing options.

B. Permitted Uses.

The permitted principal and accessory uses in the PRD include all principal uses permitted in Schedule A for the existing zoning district in which the PRD is being considered, as well as the following additional uses:

(1) Townhouses

(2) Multi-family

§170-57. Planned Senior Housing Development (PSHD) District.

A. Purpose.

The purpose of the PSHD District is to incorporate a variety of housing types at a more flexible density with on-site accessory medical, retail and service uses for purposes of meeting the needs of the Village’s aging population.

B. Permitted Uses.

(1) The permitted principal and accessory uses in the PSHD include all principal uses permitted in Schedule A for the existing zoning district in which the PSHD is being considered and may include the following additional uses:

(a) Townhouses

(b) Multi-family dwellings

(c) Cottages

(d) Continuing care communities that include Townhouses, apartments or assisted living care

(e) Activity and recreational services and facilities serving the residents of the PSHD

(f) Medical offices

(g) Retail and personal service establishments under three thousand (3,000) square feet of gross floor area that are intended to serve the residents of the PSHD.

(2) Age restriction.

Housing described in this section shall exist or be designed and constructed for the needs of seniors and is subject to the management or other legal restrictions that require all of the units to be occupied by persons fifty-five (55) years of age or older. Only under the following circumstances may adults under fifty-five (55) years of age and children reside in the units:

(a) The adult is the spouse of a person fifty-five (55) years of age or older.

(b) The adult’s presence is essential for the physical care of a person fifty-five (55) years of age or older.

(c) The minor children are residing with their parent, parents or legal guardians where the parent, parents or legal guardians are fifty-five (55) years of age or older, and the minor children residing therein are under a physical or other disability and cannot care for themselves.

C. Legal assurances for the provision of senior housing.

Each application for proposed senior citizen housing development shall be accompanied by appropriate deed restrictions, easements and the like, in form and content satisfactory to the Village Attorney, as may be necessary to provide for and assure continued proper future maintenance and ownership responsibilities for all common areas, facilities and utilities with each stage of development or section thereof.

§170-58. Planned Mixed Use-Hospitality Development (PMUHD) District.

A. Purpose

The purpose of the Planned Mixed-Use Hospitality Development District is to increase the capacity of the Village’s tourism infrastructure. The District permits development projects that include a mix of hospitality and other compatible uses.

B. Permitted Uses.

(1) The permitted principal and accessory uses in the PMUHD District include all principal uses permitted in Schedule A for the existing zoning district in which the PMUHD District is being considered and shall include a mixture of at least two (2) or more of the following additional uses:

(a) Bed and Breakfast

(b) Conference Center

(c) Hotel and Inn and accessory uses such as, but not limited to, spas, conference rooms, restaurants and marinas

(d) Marina

(e) Resort

(f) Restaurant

(g) Retail or service establishment serving the adjacent neighborhood or visitor population with a maximum gross floor area of under 5,000 square feet of gross floor area

(h) Cultural Facility

§170-59. General requirements for all Planned Development Districts.

A. Permitted locations.

The planned development district may be applicable to land located Planned Development District (PDD) Overlay and the applicant can demonstrate that the characteristics of the area will meet the objectives of Section A.

B. Minimum area.

Tracts of land under consideration shall contain a minimum of ten (10) contiguous acres. The applicant shall have the burden of establishing that the tract is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives established in this Article.

C. Land uses and lot development standards applicability.

Except as otherwise permitted in this Article, all uses and lot development standards for a PDD shall be the same as the permitted use and lot development standards required in Article IV for the existing zoning district in which the PDD under consideration is located.

D. Ownership.

The tract of land under application for consideration for a planned development district may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners or their agent(s) of all property included in the project. The approved plan shall be binding upon all the property owners and such owners shall provide written certification of such binding agreements.

E. Density.

(1) To more effectively utilize land in a planned development, improved environmental quality can often be produced with greater density than is usually permitted in traditional zoning districts. The Village Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. The determination of land use intensity ratings or dwelling unit density shall be thoroughly documented, including all facts, opinions and judgments justifying the selection of the densities.

(2) Notwithstanding subsection (1) above, the aggregate density of the project shall comply with the New York State Adirondack Park Agency Act and the Adirondack Park Land Use and Development Plan.

F. Viewshed preservation.

For all PDDs located adjacent to or, fronting on Northville Lake or the Great Sacandaga Lake Reservoir, views of the Great Sacandaga Lake Reservoir, Northville Lake and/or other natural features shall be studied during site plan/SEQRA review. Site layout and design shall consider public views and viewshed corridors as well as views of the Village from the Lakes. A viewshed corridor analysis including photo simulations showing the proposed development from public streets, spaces or other critical view receptors identified by the Planning Board, shall be analyzed. Mitigation shall be achieved by reducing the height of the building, changing the design or roof pitch of the building or moving the structures to alternate locations on the site. Landscape screening, while important, shall not be considered a substitute for evaluating building design and orientation options.

G. Shoreline Restrictions.

All development projects in a proposed PDD shall meet the shoreline restrictions of Schedule B and Article IV, for the existing zoning district where the PDD is proposed.

H. Open Space Requirements.

(1) Common open space totaling not less than thirty (30) percent of the total Planned Development District shall be provided in perpetuity unless the requirement of Subsection I, Recreational Trail Amenity, below, is met.

(2) Parking areas, roads, house sites, other impervious surfaces, and their improvements shall not be included in the calculation to determine the amount of available open space. However, the entire tract, apart from these exceptions shall be considered in determining the required amount of open space. The following facilities or improvements may be located on open space land: common septic systems, water systems, stormwater systems, bike paths, walking trails, and other common community facilities that do not involve buildings, such as tennis courts, swimming pools and playgrounds.

(3) The location, size, and character of the open space must be suitable for the PDD and must be used for amenity or recreational purposes.

(4) The proposed development design shall strictly minimize disturbance of environmentally sensitive areas. The Planning Board shall encourage areas of open space to be connected, where appropriate. Where important open space areas exist contiguous to the subject parcel, every effort shall be made to locate the on-site protected open space adjacent to these open space areas.

(5) A recreational fee in lieu of land, as set forth in the Village’s Fee Schedule, may be imposed to accommodate the foreseeable recreational needs of the residents of the proposed development, should the Planning Board determine that the open space lands set aside will not provide adequately for these recreational needs.

(6) The preferred way of protecting open space is for the applicant to provide deed covenants and restrictions acceptable to the Village Attorney. Conservation easements will also be considered in a case where they are transferred to a conservation organization or to a homeowner association acceptable to the Village. However, regardless of how open space is permanently preserved, it is required that the Village be granted third party enforcement rights to enforce the terms of all restrictions, easements or other legally binding instruments providing for open space. Such provisions shall include that the Village shall be entitled to reimbursement for all costs, expenses and attorney’s fees incurred in connection with such enforcement, to be collected from the party against whom enforcement is sought.

(7) Unless otherwise agreed to by the Planning Board, the cost and responsibility of maintaining common open space and facilities shall be borne by the homeowners’ association, conservation organization or private owner(s). The Planning Board shall have the authority to require a bond or other security measure to ensure proper maintenance of open space and the facilities located on the subject parcel.

(8) When a PDD borders on active farm land, no dwelling structure shall be allowed within one hundred (100) feet of a field or pasture or three hundred (300) feet of a barn.

I. Public Access Easement for Trails.

The Village Board, upon recommendation from the Planning Board, may waive the Open Space requirement or a portion of the open space requirement of Subsection H above if the proposed PDD includes a public access easement for the creation of community trails or walking paths.

J. Sewage Treatment Systems.

The Village encourages shared or community sanitary sewage disposal systems for planned developments. Such systems may be located in the required open space lands, provided such areas are not paved or covered with other impervious surfaces. Sanitary sewage disposal systems of an individual nature may also be located within or extend into required open space areas. Regardless of the type of subsurface sewage disposal methods employed, all required separation distances shall be observed and the ownership and maintenance responsibilities associated therewith shall be clearly defined in agreements submitted for approval as part of the application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis.

K. Building Design Standards.

All buildings shall be an integral part of the layout and design of the entire development. Individual buildings shall generally be related to each other in design, massing, materials, placement, and connections so as to create a visually and physically integrated development.

L. Landscaping Design Standards.

The development shall have a coordinated landscape design for the entire site. Wherever possible, existing trees shall be conserved and integrated into the overall landscape design. Landscaping shall include shrubs, ground cover and street trees. Street trees shall be provided along all streets and pedestrian walkways. Parking lots shall be landscaped and screened.

M. Circulation design standards.

Roads, pedestrian walkways and/or sidewalks shall be designed as an integral part of the overall site design and shall be connected to the existing sidewalk network.

§170-60. Application and procedures for all Planned Development Districts.

A. General.

(1) Whenever a PDD is proposed, before any building permit is issued in such PDD and before any subdivision plat or any part thereof is approved by the Village Planning Board or filed in the office of the Fulton County Clerk, the developer or his/her authorized agent shall apply for and secure approval of such planned development in accordance with the procedures of this Section.

(2) The Village Board may consider any application for a PDD located within the boundary of the pre-mapped PDD Overlay on the Zoning Map.

B. Application to Village Board.

Application for a PDD shall be made to the Village of Northville Board of Trustees on such forms as may be provided by the Board or its agent. If Village Board determines that the proposal merits review, it shall refer the application to the Planning Board for review and recommendation. If the Village Board determines that the proposal does not merit review, no further action on the application shall be taken.

C. Application Submission Requirements.

(1) The application for a PDD shall include a sketch plan drawn to scale, though it need not be to the precision of a finished engineering drawing and it shall clearly show the following information:

(a) Delineation of the various residential areas, indicating for each such area:

1. General extent, size and composition in terms of total number of dwelling units.

2. Approximate percentage allocation by dwelling unit type (i.e., single family, two-family, townhouse, multi-family).

3. Description of the intended market structure (i.e., luxury, middle- income, moderate income, elderly units, family units, etc.).

4. Calculation of the residential density in dwelling units per gross acre (total area including interior roadways) for such area.

5. Calculation of total permeable area.

(b) The location of any nonresidential uses and the approximate square footage of all non-residential uses.

(c) The general outlines of the interior roadways system, intended road ownership, and all existing rights-of-way and easements, whether public or private.

(d) The plan for open space based on the requirements of Subsection H above. Only usable land shall be considered for such purposes.

(e) The overall drainage system.

(f) A topographic map. If grades exceed five percent (5%) or portions of the site have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, the topographic map must show contour intervals of not more than two (2) feet of elevation, along with an overlay outlining the above susceptible soil areas, if any. If grades are less than five percent (5%), the topographic map may be at ten (10) foot contour intervals.

(g) Sufficiency of water supply and sewage disposal.

(h) General description of the provisions of community facilities, such as schools, fire protection services, transportation and cultural facilities, and some indication of how these needs are proposed to be accommodated.

(i) A location map showing existing uses and names of owners of abutting lands.

(j) A full environmental assessment form.

(k) Evidence of how the developer’s proposed mix of land uses meets existing community demands.

(l) A general statement as to how common open space is to be owned and maintained.

(m) If the development is to be phased, a general indication of how the phasing is to proceed.

(n) Evidence of the applicant’s financial competence to carry out the plan.

(o) A consistency statement identifying compliance with the specific PDD.

(p) A fiscal impact analysis identifying projected short and long-term impacts on municipal and school district budgets.

D. Referral of the application to the Village of Northville Planning Board.

The Village Board shall refer the application and accompanying documents to the Planning Board for its review and recommendation. Upon completion of its review, the Planning Board shall prepare and submit a report to the Village Board regarding this application, recommending either adoption, adoption with modification or rejection of the requested rezoning and stating the reasons for such recommendation. If the recommendation is favorable, the report shall include the following findings:

(1) That the proposal complies with the objectives of the Village’s Comprehensive Plan.

(2) That the proposal meets the intent and objectives of the PDD as expressed in this Article.

(3) That the proposal is conceptually sound in that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of elements, both absolutely and to one another.

(4) That there are adequate services and utilities available or proposed to made available in the construction of the development.

(5) That traffic will not have an adverse impact on the adjoining transportation system; or, alternatively that proposed traffic mitigation measures will reduce such impacts.

E. Village Board action.

(1) Review Planning Board Recommendations.

Upon receipt of the report from the Planning Board, the Village Board shall review the application and the Planning Board’s recommendation and then take the following actions:

(a) SEQRA.

The Village Board shall initiate State Environmental Quality Review. An application for a PDD rezoning shall be a Type 1 Action. The Town Board shall follow the same steps as required for SEQRA in Article XII, Site Plan Review.

(b) The Village Board may then set a date for and conduct a public hearing to consider the application.

(c) Referral to County Planning

The Village Board shall refer the application to the Fulton County Planning Board for a referral in accordance with General Municipal Law 239-M.

F. Village Board decision.

(1) Upon completion of the public hearing and due consideration of the application, the Village Board shall act to adopt, adopt with modifications, or reject the requested rezoning.

(2) If the Village Board grants the Planned Development District, the PDD will not be in effect until the Planning Board grants final Site Plan approval and work commences within two (2) years.

(3) The Village Board may attach to its zoning resolution additional conditions or requirements in order to protect the health and safety of the community. Such requirements may include but are not limited to:

(a) Types of uses

(b) The density and intensity of land use

(c) Screening and buffering

(d) Schedule of construction and occupancy

(e) Pedestrian and vehicular circulation system

(f) Parking and snow removal plans

(g) Solid Waste Management plan

(h) Sites for public service

(i) Protection of natural and/or historical features

G. Planning board Site Plan approval.

Upon approval of the zoning request by the Village Board, the applicant shall submit final plans to the Planning Board for Site Plan Review, consistent with the site plans submitted with the application to rezone, with such modifications as may have been required by the Village Board. Final site plan submittal requirements shall be as set forth in Article XII, Site Plan Review of this Law.

H. Required timely commencement of project.

The applicant of any project within an area zoned as a PDD shall, commence building and construction within two (2) years following final Site Plan approval of the Planning Board. In the event a building permit is not secured, the Planned Development approval shall terminate and the project parcel(s) shall revert to the district classification.

§170-61. (Reserved.)

ARTICLE VIII - SUBDIVISION OF LAND

§170-62. General provisions.

A. Planning Board authority.

The Village of Northville Planning Board has the power and authority to approve or disapprove plats for subdivision within the Village of Northville.

B. Policy.

The Village of Northville Planning Board shall consider land subdivision plats as part of a plan for the orderly, efficient, economic, environmentally sound development of the Village and toward that goal require that all land subdivision follow the guidelines under §170-67, General Requirements and Design Standards for Subdivision.

These subdivision regulations shall supplement and facilitate the provisions of this Law, the Zoning Map and Village’s Comprehensive Plan and other Village approved plans. The following objectives shall guide the Planning Board’s decisions:

(1) Land is to be subdivided in a way that protects the natural, cultural and scenic resources of the Village for the benefit of all residents.

(2) Subdivided lots shall be of such character that they can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

(3) Proper provision shall be made for water supply, drainage, sewage, utilities and other needed improvements.

(4) Proposed development shall be planned such that it is compatible with sound development patterns of adjacent and neighboring properties within the Village of Northville.

(5) Proposed public roads shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic; and shall meet Village highway specifications and other local laws of the Village of Northville.

(6) Provision shall be made for adequate permanent reservations of open space, pedestrian trails, viewing areas, and parks, and such areas shall be shown on the plat.

(7) Provision shall be made for maintaining undeveloped natural areas and corridors to mitigate any adverse environmental impacts of a proposed subdivision, and to sustain biodiversity, protect water resources, agricultural soils, historic and archaeological assets, and viewsheds in order to implement the Village’s policies of protecting environmental and cultural resources pursuant to this Law, the Village Comprehensive Plan and other applicable local laws.

(8) All reviews of applications specified in these regulations shall be coordinated with involved agencies and boards at the local, County and State levels to ensure consistent, well-designed subdivisions and decision-making that will benefit the Village of Northville.

(9) In their interpretation and application, provisions of these regulations shall be held to the minimum requirements. More stringent provisions may be required if it is demonstrated that different or higher standards are necessary to promote the Village’s public health, safety and welfare.

C. Inconsistencies with Village Law.

Should any of these regulations conflict or be inconsistent with any provision of the Village Law, such provision of the Village Law shall apply.

D. Self-imposed restrictions.

Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, not in violation of these regulations, on the development. Such restrictions, however, shall be indicated on the plat.

§170-63. Definitions.

A. Word interpretation.

The word “street” includes “road,” “highway” and “lane”; and “watercourse” includes “drain,” “ditch” and “stream.” The word “shall” is mandatory unless otherwise indicated.

B. Terms defined.

Unless otherwise expressly stated in this Law, the following terms shall, for the purpose of these regulations, have the meanings indicated below. Other terms found in this Article may be defined in Article XV, Definitions.

APPLICANT: See OWNER.

BUILDING ENVELOPES: The preferred area(s) for development on a property based upon site conditions and after discussion with the Planning Board.

CLUSTERED SUBDIVISION**:** A form of development that permits a reduction of lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture.

CONSERVATION EASEMENT: The grant of a property right or interest from a property owner to a unit of government or qualified conservation organization that permanently limits some uses of the land in order to protect its conservation values. Landowners continue to own and use their land and may sell or pass it on to heirs.

EASEMENT: A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

HOMEOWNERS ASSOCIATION (HOA): An incorporated organization that owns and maintains property for the common benefit of individual homeowners or lot owners in a subdivision, condominium or planned community. The Association collects fees from all owners to pay for common area maintenance, handle legal and safety issues and enforce the covenants, conditions, and restrictions set by the developer.

LOT LINE ADJUSTMENT: A modification of lot boundaries in which a portion of one (1) or more lots is added to an adjoining lot without increasing the total number of buildable lots.

OFFICIAL MAP, VILLAGE**:** A map established by the Village Board under §7-724 of the Village Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of §7-724 of the Village Law.

OFFICIAL SUBMITTAL DATE: The date when a sketch plan, a preliminary layout or a subdivision plat shall be considered submitted to the Planning Board, hereby defined to be the date of the meeting of the Planning Board at which all required surveys, plans and data described in Section §170-68 of this Article are submitted.

OWNER: The owner of the land proposed to be subdivided or his/her duly authorized agent.

PAVEMENT:The paved portion of a street, including paved shoulders and on street parking areas, but not including sidewalks and driveways.

PLAT: A map representing a tract of land showing the boundaries and location of individual properties and streets prepared and signed by a New York State licensed land surveyor and New York State licensed professional engineer, licensed landscape architect, which shall have his/her New York State seal affixed thereon and on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

PRELIMINARY PLAT: A plan prepared by a New York State licensed professional engineer, New York State licensed land surveyor, New York State registered architect or a New York State licensed landscape architect, on a base map prepared by a New York State licensed land surveyor, showing existing features of the land and proposed street utility and lot layout within and adjacent to a subdivision.

PRIVATE ROAD:A privately owned and maintained road that does not require a turnaround and is governed by a shared maintenance agreement among all owners. A private road may serve up to three (3) residences without a private home owners association or more than three (3) residences with a private home owners association which shall maintain the road.

REAR LANE: A strip of land over which there is a right-of-way, publicly or privately owned, on which no building fronts, serving as a secondary means of access to two (2) or more properties.

RESOURCE ANALYSIS:The inventory and evaluation of natural, historic and cultural resources on a property to identify those resources to be protected and provide the basis for the maximum density calculation and determine locations for building envelopes.

RESUBDIVISION: A change in a subdivision plat or resubdivision plat filed in the office of the Fulton County Clerk, which change affects any street layout shown on such plat, affects any area reserved thereon for public use or diminishes the size of any lot shown thereon.

RIDGE: A ridge is a geological feature that includes a continuous elevational crest for some distance. Ridges can be termed hills or mountains depending on size and shape.

SHARED DRIVEWAY:A single privately owned and maintained driveway serving two (2) adjoining lots.

SIGHT DISTANCE: The distance an object eighteen (18) inches off the pavement is visible from an eye level four and half (4 ½) feet above the pavement (average-height of driver's eyes).

SKETCH PLAN: A freehand sketch made on a topographic survey map showing the proposed subdivision in relation to existing conditions.

STREET: A public or private way, which affords the principal means of access to abutting properties including any highway.

The following functional classification is used in these regulations.

(1) RESIDENTIAL COLLECTOR ROAD: A residential collector road collects traffic from residential areas and channels it to larger roads, such as county highways, state highways, arterials, and interstates. It is well-traveled and accommodates a variety of vehicles, including large delivery trucks, school buses, pick-up trucks, vans and cars.

(2) CUL-DE-SAC or DEAD-END STREET: A minor street with one (1) end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround.

STREET WIDTH: The distance between property lines.

SUBDIVIDER:Any person, firm, corporation, partnership or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION: The division of any parcel of land into two (2) or more lots, blocks or sites, with or without streets or highways and includes resubdivision.

SUBDIVISION, MAJOR: Any subdivision not classified as a Minor Subdivision, including but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

SUBDIVISION, MINOR: Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map or this Zoning and Subdivision Law.

§170-64. Lot line adjustments.

A. The subdivision review process may be waived by the Planning Board when a proposed subdivision is a lot line adjustment that meets the following criteria:

(1) It would not create an additional lot.

(2) It is a minor modification of an existing lot line; or is the conveyance and merger of a portion of one parcel to an adjoining parcel.

(3) It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.

(4) It would comply with all applicable zoning requirements of this Law and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries.

B. Submission requirements.

To request a lot line adjustment, the applicant shall submit:

(1) A Lot Line Adjustment application signed by the parcel owners, or their duly authorized agents, of both affected parcels.

(2) A plat or map of the parcels affected by the proposed adjustment, showing all existing buildings, the location of existing utility or other easements or rights of the location of existing utility or other easements or rights-of-way of wells and of septic systems. The map shall show the existing lot lines and the location of the proposed new lot line, and the existing and new setback distances to any existing buildings.

The map shall have the title “LOT LINE ADJUSTMENT between properties of (name) and (name),” and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.

(3) A fee as established by the Village Board in the Schedule of Fees.

C. Planning Board Review and approval.

(1) Upon submission of a complete application, the Planning Board shall, within sixty-two (62) days, review the application and shall either approve or deny the application. Approval may be granted when the Planning Board determines that the proposed adjustment meets all requirements for a Lot Line Adjustment and would not adversely affect the site’s development or neighboring properties, would not alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Village residents.

(2) No public hearing shall be required.

(3) If the lot line adjustment is granted, the applicant shall file a map with the Fulton County Clerk within sixty (60) days of the approval date. The map shall be signed by an empowered duly authorized officer of the Village of Northville Planning Board. No person shall file plans for any lot line adjustment without first obtaining the Planning Board’s signature on the plans.

D. Lot mergers in which lot lines are deleted, but not moved, do not require any approval under this chapter.

§170-65. Minor and major subdivision application and approval procedure.

A. Compliance required.

Whenever any subdivision or re-subdivision of land in the Village of Northville is proposed, the subdividing owner or their authorized agent shall apply for and secure approval of such proposed subdivision before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted. Approval of a proposed subdivision shall be obtained in accordance with the procedure specified in this Section.

B. Sketch Plan – Pre-application meeting (optional).

(1) A Pre-application Meeting is an opportunity for the applicant to present and discuss a sketch plan for the proposed subdivision prior to committing resources to the preparation of a formal Plat, reach general agreement on the requirements of this Article and to classify the subdivision as either a minor or major subdivision. The pre-application Meeting is not required, however, it is highly recommended, particularly for Major Subdivisions.

(2) Prior to filing a formal application for approval of a subdivision plat pursuant to §170-65. D. Minor Subdivisions or §170-65. E. Major Subdivision, Preliminary Plat, the applicant shall submit seven (7) copies of a Sketch Plan at least ten (10) days prior to the regular meeting of the Planning Board and a filing fee as specified by the Village Fee Schedule shall accompany the submission. Required information for the Sketch Plan is specified in §170-68.E, Sketch Plan, of this Article.

(3) The subdivider or his/her duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of this Article for street improvements, drainage, sewerage, water supply, fire protection and other improvements, the availability of existing services and other pertinent information. If the Sketch Plan proposed a “major subdivision” as defined in this Law, a “Resource Analysis” as described in Section C below is required. At such meeting the Planning Board shall also discuss other requirements of this Zoning and Subdivision Law.

(4) Based on the Sketch Plan, the Planning Board shall classify the subdivision as a Minor or Major Subdivision as defined in this Law. The Board may require, however, when it deems it necessary for protection of public health, safety or welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.

(5) In the event that the Sketch Plan is unacceptable, the applicant will be asked to submit a new plan before proceeding with a final plat, or a preliminary plat in the case of a major subdivision. Reasons for recommended modifications or rejection of the sketch plan shall be reflected in the minutes of the Planning Board. The Planning Board may, in its discretion, choose to provide a written summary of these determinations.

C. Resource analysis for major subdivision.

(1) The purpose of the Resource Analysis is to provide information to the Planning Board at the beginning of the subdivision process regarding natural conditions or features that may create development constraints or unique features to consider protecting on a parcel. The Resource Analysis includes the identification and general location of land with development constraints and other features known to exist on the parcel including but not limited to historic buildings, stone walls, rock outcrops, significant trees and stands of trees, potential wildlife habitats, viewsheds and similar irreplaceable assets.

This will provide an opportunity for the owner and the Planning Board to discuss the appropriate range and intensity of development; the general locations intended for development; areas planned to remain undeveloped; and general access alignment.

(2) In its review, the Planning Board members may schedule a field visit to the site, and this site walk may be necessary before the assessment can be completed.

(3) Based on identification of development constraints and other features in the Resource Analysis, the Planning Board may make recommendations for modification or redesign to be incorporated by the applicant in the next submission to the Planning Board and indicate to the applicant the priority resources to be preserved. Any requirements of this Law which the applicant requests to be waived should be discussed at this time.

(4) The Resource Analysis and Sketch Plan discussion does not allow filing of a plat with the County Clerk or authorize the sale or lease of, or any offer to sell or lease any lots in such subdivision or any part thereof.

D. Minor subdivisions.

(1) A subdivider is only allowed one (1) minor subdivision of said land every three (3) years.

(2) Application.

Within 6 (six) months after classification of a proposal as a minor subdivision by the Planning Board, the subdivider shall submit a subdivision plat as an application for approval of a minor subdivision plat. Said application shall contain the requirements listed in §170-65, Final Plat of these regulations and shall conform to the general requirements and design standards specified in §170-67 of this Article. Fees as specified in the Village Fee Schedule for each minor subdivision shall accompany the application. The Planning Board shall have the authority to modify survey requirements for minor subdivisions such that only the land being subdivided must be surveyed by a New York State licensed land surveyor. The balance of the land, so long as the subdivision does not result in an undersized lot, does not need to be surveyed unless requested by the Planning Board.

(3) Number of copies.

The original and seven (7) copies of the subdivision plat shall be presented to the Planning Board at least ten (10) days prior to a scheduled monthly meeting of the Planning Board.

(4) Public hearing.

(a) A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Village at least ten (10) days before such hearing.

(b) Notifications.

1. Such public hearing shall be advertised in the village’s official newspaper or, if there is none, in a newspaper of general circulation in the village at least ten (10) days before the public hearing.

2. At the cost of the applicant, the Board shall send a notice of such public hearing by standard United States mail to the owners of properties within one hundred (100) feet of the property affected by the proposed application, including properties on the opposite side of the street or highway.

(5) Action on subdivision plat.

(a) The Planning Board shall, within sixty-two (62) days from the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

(b) Upon granting conditional approval, with or without modification to the plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, and a copy filed in its office. Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two (2) additional periods of ninety (90) days each.

(6) Plat void if revised after approval.

No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Planning Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void; and the Planning Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

(7) Filing of approved plat.

Approval of the plat shall expire within sixty-two (62) days from the date of such approval unless within such sixty-two (62) day period such plat shall have been duly recorded by the owner in the office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided in §7-728 of New York State Village Law.

E. Major Subdivision.

(1) Preliminary Plat.

(a) Application procedure.

The applicant shall file an application for the approval of a preliminary plat. The application shall:

1. Be made on forms available at the office of the Code Enforcement Officer.

2. Include all land that the applicant proposes to subdivide.

3. Be accompanied by an original and seven (7) copies of the preliminary plat and supplementary material described in §170-68, Preliminary Plat of this Chapter.

4. Comply in all respects with the requirements specified in §170-67, General Requirements and Design Standards, of these regulations and with the provisions of §7-728 and §7-730 of New York State Village Law.

5. Be submitted to the Clerk of the Planning Board.

6. Be accompanied by fees as specified by the Village Fee schedule.

(b) Study of preliminary plat.

The Planning Board will carefully study the practicability of the preliminary plat, taking into consideration the results of the resource analysis and sketch plan discussions, the requirements of the community, the best use of the land being subdivided and the policy set forth in §170-62. B. Policy. Particular attention will be given to the proposed arrangement, location and width of streets; the relation of proposed streets to the topography of the land; sewage disposal; drainage; proposed lot sizes, shape and layout; future development of adjoining lands as yet unsubdivided; the requirements of the Village Comprehensive Plan, this Law and the Official Map; and matters enumerated in §7-730 of New York State Village Law.

(c) Applicant to attend Planning Board meeting.

The applicant shall attend a regular meeting of the Planning Board to discuss the preliminary plat and the Board’s tentative conclusions.

(d) Public hearing.

1. A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of submission of the subdivision plat for approval.

2. Hearing Notification.

a. Such public hearing shall be advertised in the village’s official newspaper or, if there is none, in a newspaper of general circulation in the village at least ten (10) days before the public hearing.

b. At the cost of the applicant, the Board shall send a notice of such public hearing by standard United States mail to the owners of properties within one hundred (100) feet of the property affected by the proposed application, including properties on the opposite side of the street or highway.

(e) Approval of the preliminary plat.

1. Within sixty-two (62) days after the date of such hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat; and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form.

2. Within five (5) days of the approval of such preliminary plat it shall be certified by the Clerk of the Planning Board as granted preliminary approval, a copy filed in its office, a copy mailed to the owner and a copy forwarded to the Village Board. Failure of the Planning Board to act within the time periods prescribed herein shall constitute approval of the preliminary plat.

3. When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to the preliminary plat; the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare; and the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

4. Approval of the preliminary plat may not be revoked by the Planning Board unless a substantial change in the character of the area or the availability of new information about the site and its surroundings indicate the unsuitability of the development, as shown on the preliminary plat. Before revocation, the applicant shall be informed, in writing, of the reasons therefore and shall be given an opportunity to be heard before the Planning Board.

5. Approval of a preliminary plat shall expire six (6) months from the date of approval. Extensions for periods of six (6) months may be granted by the Planning Board upon application. Such applications for extensions may be granted unless changed conditions or new information indicate the unsuitability of the development as shown on the preliminary plat.

(2) Final plat.

(a) Application procedure.

Within six (6) months after tentative approval of the preliminary plat is granted, the applicant shall file with the clerk of the Planning Board a final plat ten (10) days prior to a regular meeting of the Board. The Final Plan shall:

1. Include the entire subdivision or a section thereof which derives access from a street improved to Village standards or for which street a performance bond for such improvement is held by the Village.

2. An original and seven (7) copies of the plat, as described in §170-68, Final Plat, of these regulations.

3. Comply in all respects with the preliminary layout as tentatively approved.

4. Comply with the improvement requirements of §170-69, Required Improvements and Agreements, of these regulations.

(b) Public hearing.

1. When the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Subsection F Preliminary Plat of this Section and modified in accordance with the requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for a public hearing.

2. If the Planning Board determines that a public hearing is necessary, within sixty-two (62) days of the submission of a plat in final form for approval, a hearing shall be advertised following the process described in E(1)(d) of this Section.

(c) Action on proposed subdivision plat.

1. The Planning Board shall, by resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within sixty-two (62) days of its receipt by the Clerk of the Planning Board, if no hearing is held, or in the event a hearing is held, within sixty-two (62) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

2. Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy filed in his/her office and a certified copy mailed to the applicant. The copy mailed to the applicant shall include a certified statement of such requirements that, when completed, will authorize the signing of the conditionally-approved final plat. Upon completion of such requirements, the plat shall be signed by said duly-authorized officer of the Planning Board. Conditional approval of a final plat shall expire one hundred and eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature, if in its opinion, such extension is warranted in the circumstances, for not to exceed two (2) additional periods of ninety (90) days each.

(d) Plat void if revised after approval.

No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

(e) Filing of approved plat.

Approval of the plat shall expire within sixty-two (62) days from the date of such approval unless within such sixty-two (62) day period such plat shall have been duly recorded by the owner in the office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided in §7-728 of New York State Village Law.

(f) Division of plat into two (2) or more sections – phasing.

The Planning Board may permit the plat to be divided into two (2) or more sections to allow the phasing of a subdivision, subject to such conditions as it deems necessary to assure orderly development of the subdivision. Approval of the sections shall be granted concurrently with the approval of the plat. The approved plat, or any approved section thereof, shall be recorded within sixty-two (62) days of approval, subject to any conditions imposed, and shall encompass at least ten percent (10%) of the total number of lots shown on the plat. Approval of any other sections not recorded shall expire unless recorded before the expiration of the period to which such plat is entitled under the provisions of §7-709, Exemption of Lots Shown on Approved Subdivision Plats, of New York State Village Law. In the event the applicant does not record all approved sections, the entire plat shall be filed with the Village Clerk within thirty (30) days from the recording of the plat or any approved section thereof, and the applicant shall file with the Planning Board a photostatic copy of the plat certified by the County Clerk to be a true copy of the recorded plat.

(g) Public acceptance of proposed streets and park areas.

The approval by the Planning Board of a plat shall not be deemed to constitute or imply the acceptance by the Village of any street, park, playground or other open space shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Board of Trustees covering future title, dedication and provision for the cost of grading, development, equipment and maintenance of any park or playground area.

(h) As-built drawings of required improvements.

Drawings showing the location of all required improvements as built shall be certified by a New York State licensed land surveyor and filed with the Planning Board at least thirty (30) days prior to the acceptance of the improvements by the Village.

(3) Issuance of building permits.

A building permit for erection of a structure in a development laid out subsequent to the adoption of these regulations shall not be issued unless the street giving access to the proposed building appears on a recorded plat approved by the Planning Board and unless such street has been suitably improved or bonded to cover the full cost of improvement.

(4) Improvements in streets.

No public municipal street utility or improvement shall be constructed by the Village in any street or highway until it has become a public street or highway and is duly placed on the Official Map. However, subject to the discretion of the Board of Trustees, a subsurface utility or improvement operated from revenue by the Village or by a special district may be constructed by the Village in a private street, provided that a public easement satisfactory to the Board of Trustees is obtained for such utility or improvement.

§170-66. Cluster Subdivisions.

A. Applicability.

For Major Subdivisions an applicant may propose a clustered subdivision that will create a more compact arrangement of lots and streets that conserves at least forty percent (40%) the land is preserved as open space and forests, sensitive environmental areas including wildlife corridors, viewsheds or agricultural lands; or establishes public recreation areas or corridors.

B. Density Calculation

(1) A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board’s judgement, if the land were subdivided into buildable lots conforming to the minimum lot size and density requirements of Article IV, Schedule B, Lot Dimensional Standards and conforming to all other applicable requirements.

(2) Lands constrained by natural features such as steep slopes, wetlands, and soil conditions shall be considered unbuildable and shall not be included as buildable lots in the density calculation.

(3) Roads shall not be considered as part of the density requirement.

(4) Stormwater management facilities, septic systems and wells may be included as part of the conserved open space provided that necessary easements are provided for maintenance of these facilities.

C. Conditions for establishing permanent open space

(1) Land set aside in clustered subdivision shall be permanently preserved in the manner described in §170-67.H of this Article.

(2) Developed lands shall not impact the conservation value of the permanent open space.

§170-67. General requirements and design standards for subdivisions.

A. Compliance required.

The Planning Board, in considering an application for the subdivision of land, shall be guided by the policy considerations specified in §170-62.B, Policy, of these regulations and the following standards.

B. Preservation of existing features.

Existing features identified as part of the Resource Analysis which would add value to residential development, such as scenic views from roadways and public trails, ridgelines, water resources, steep slopes, active farmland, rock outcrops, forested areas, stonewalls, hedgerows, wildlife nesting or migration areas and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision.

C. Density calculation.

(1) Whenever a parcel of land is subdivided, the proposed subdivision shall comply with both maximum density and minimum lot size requirements of the land use district as established in Article IV, Schedule B, Lot Dimensional Standards. unless clustering is used pursuant to §170-66 of this Article in which case the minimum lot size requirements may be reduced.

(2) The maximum number of lots into which a parcel may be subdivided shall be determined by dividing the parcel size by the required minimum acreage per principal building provided in Schedule B.

(3) The Planning Board shall establish, and the applicant shall show on the plat, the number of lots, the number of dwellings and dwelling units and the number of permissible resubdivisions that may be created on the entire parcel to be subdivided.

D. Minimum lot standards.

(1) Lots shall be arranged in a manner that protects land of conservation value and protects the scenic resources of the Village. Compact development is encouraged if it advances the protection of significant resources.

(2) The minimum lot size, lot width and other dimensional standards of Article IV, Schedule B, Lot Dimensional Standards, shall apply.

(3) Side lot lines shall be substantially at right angles or radial to street lines.

(4) Through lots or reverse-frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. An easement of suitable width, across which there shall be no right of access, may be required along the line of lots abutting such traffic artery or other disadvantageous use. As an alternate, where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such street.

(5) The plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plat approval. Private streets may be permitted only by resolution of the Village Board of Trustees.

(6) Radius corners shall be provided on the property line substantially concentric with the curb radius corners.

E. Streets.

(1) General planning standards.

The arrangement, character, extent, width, grade and location of all streets shall be considered in relation to the proposed uses of the land to be served by such streets.

(2) Relation to topography.

Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.

(3) Intersections.

Intersections of residential collector streets by other streets shall be at least one thousand (1,000) feet apart.

(4) Visibility at intersections.

Within the triangular area formed at corners by the intersecting street lines, for a distance of thirty (30) feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Fences, walls, hedges or other landscaping shall not obstruct such visibility and shall meet the standards of Article VI, §170-47 of this Law.

(5) Minimum curvature.

When continuing street lines (projected right-of-way tangents) deflect from each other at any one (1) point by more than ten degrees (10°), they shall be connected by a curve with a radius at the inner street right-of-way line determined from the alignment standards specified in the Schedule E, Road Design Standards below.

(6) Rear Lanes.

(a) Rear lanes may be provided in any districts as private accessways.

(b) Intersections of rear lanes and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.

(c) Dead-end rear lanes shall be avoided when possible, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Planning Board.

(7) Design Standards.

Subdivision streets shall be designed to reflect the rural character of the Village of Northville. The following design guides and standards should be referenced in the design of subdivision roads for all residential collector roads, residential access roads, private roads and cul-de-sacs.

|  |  |
| --- | --- |
| **Schedule F: Road Design Standards** | |
| Right- of-way width | 50 ft.\*; plus a 35 ft. turn radius for cul-de-sacs |
| Pavement width  (minimum-maximum) | 18 ft. min. – 22 ft. max.; except private roads which shall be 16 ft. min -18 ft. max. |
| Shoulder width  (minimum-maximum) | Residential collector 3 ft min. - 6 ft. max on each side; all other roads 1ft. min - 2 ft. max on each side |
| Grade  (minimum-maximum) | 1% minimum -10% maximum |
| Curb Radii  (minimum-maximum) | 5 ft. minimum -10 feet maximum |
| Minimum tangent length between reverse curves | Residential collector 100 ft; all other roads 50 ft. |
| Maximum grades within 150 feet of center-line intersections | 1.5% |
| Minimum distance  between center-line offsets at street jogs | 300 ft. for residential collector; all other roads 125 ft. |
| Maximum length of Cul-de-sac | 800 ft.\*\* |
| Minimum outside radius of cul-de-sac pavement | 75 ft. |
| Angle at intersections of street center lines (degrees) | 90º |
| \* 50’ right- of-way is required by State Highway Law but, grading and clearing should be reduced to the minimum necessary.  \*\*Except where, in the judgment of the Planning Board, the cul-de-sac does not impose any problem and constitutes a positive design feature.  Note: Rear lanes, 12-16 pavement width, are allowed in hamlet areas and where the size and configuration of the subdivision is conducive to rear lanes.  Note: Standards are not given for arterial streets, as they would in all probability be built by the state or county. | |



















***Figure 8: Road cross-section of road standards.***

(8) Continuation of streets into adjacent property.

Streets shall be arranged to provide for the continuation of streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and particularly, where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turn-around, a minimum of fifty (50) feet in radius, shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.

(9) Permanent dead-end streets (cul-de-sac).

Where a street does not extend to the boundary of the subdivision and it’s not needed for access to adjoining property, it shall be separated from such boundary by a distance of no less than one hundred (100) feet.

(10) Street names.

All streets shall be named, and such names shall be subject to the approval of the Village Planning Board. Names shall be sufficiently different in sound and in spelling from the other street names in the Village so as not to cause confusion. A street that is a continuation of an existing street shall bear the same name.

(11) Sidewalks, bike lanes and curbs.

Sidewalks, bike lanes and curbs shall be provided when considered necessary and appropriate for pedestrian safety. Sidewalks and curbs shall be made of concrete unless other materials are approved at the discretion of the Planning Board.

(12) Improvements.

Improvements shall be as indicated in §170-69, Required Improvements and Agreements.

(13) Private roads.

The Planning Board may approve paved roads to provide access to lots in subdivisions, provided that the Planning Board finds that the proposed subdivision will protect the rural, scenic character of the Village. The private road requirements are as follows:

(a) The maximum number of lots gaining access through any portion of a private road shall be three (3) without a private Homeowners Association (HOA) or four (4) or more lots with an HOA.

(b) Written approval from the Village Superintendent of Public Works and the Village’s engineer shall be secured before approval of any private roads.

(c) An HOA must be created to own and provide for the perpetual care and maintenance of the private road with four (4) or more lots. The Planning Board shall have discretion to determine whether a performance bond must be posted by the applicant to ensure the proper completion of the private road and, if so, how much the performance bond shall be and what form it shall take.

(d) Such HOA must have the power to assess the subdivision lot owners for their share of the maintenance costs of the private road. The HOA shall ensure that the road will always be maintained and kept open to permit emergency vehicle access.

(e) The private road can only be offered for dedication to the Village of Northville if it conforms to Village Highway specifications for private roads in effect on the date of the offer of dedication. However, the Village Board of Trustees shall be under no obligation to accept such an offer of dedication, even if the road conforms to Village specifications. In the event such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Village specifications shall be borne by the HOA.

(f) The subdivision plat shall show the road clearly labeled “private road.”

(g) Road design shall comply with the standards for private roads in this Law.

(h) The Planning Board may waive the requirement of a private road maintained by a HOA if it finds, after consulting with the attorney for the Planning Board or the Village Attorney, that a common drive maintained pursuant to a recorded maintenance agreement, executed by the applicant as a condition of subdivision approval, will provide the same protections to lot owners and the Village as would a private road owned by a HOA.

F. Blocks.

(1) General planning standards.

(a) The length, width and shape of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

2. Zoning requirements as to lot sizes and dimensions.

3. Need for convenient access, circulation and control safety of street traffic.

4. Limitations and opportunities of topography.

(b) Irregular-shaped blocks or oversize blocks indented by cul-de-sac, parking courts or loop streets and containing interior block parks or playgrounds will be acceptable when properly designed, as determined by the Planning Board. Such blocks shall include adequate off-street parking, facilities for pedestrian access from streets to all lots, proper easements for utility lines and satisfactory provision for maintenance of park and open space, where included.

(c) Non-residential blocks intended for commercial or industrial use shall be of such length and width as is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and servicing.

(2) Design standards.

(a) Block lengths for residential access roads shall not be less than four hundred (400) feet; blocks abutting on designated arterial streets shall be not less than one thousand (1,000) feet.

(b) Blocks over eight hundred (800) feet in length may be required to have a crosswalk, if necessary, to facilitate pedestrian circulation to a school, park, recreation area, or other similar neighborhood facility

G. Driveways.

(1) The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be ten percent (10%). In cases of unreasonable hardship affecting a particular property, the approving authority may permit construction of a driveway that exceeds this standard provided that the increase in driveway grade is the minimum increase required, and further provided that in no case shall such driveway grade be permitted to exceed fifteen Percent (15%).

(2) The minimum width of the driveway at the street pavement line shall be fifteen (15) feet, tapering to a minimum of ten (10) feet at the right-of-way line.

(3) Clear visibility shall be provided in both directions at all exit points so that the driver of a motor vehicle will have an unobstructed view of the highway from the driveway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that there is a similar view of the motor vehicle in the driveway.

(4) Shared driveways are encouraged where appropriate to maintain rural character and provide an economical and attractive method of serving up to three (3) homes.

H. Preservation of Open Space.

(1) If the arrangement of lots results in large expanses of preserved open space, the preserved open space may be included as a portion of one (1) or more large lots, or may be contained in a separate open space lot. Such open space may be owned by a homeowner’s association, private landowner(s), utility company, a non-profit organization, or the Village or other governmental entity, as long as it is permanently protected from development by a conservation easement held by a unit of government or qualified conservation organization.

(a) Permanent Preservation by Conservation Easement.

A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to §247 of the General Municipal Law and/or §§49-0301 through 49-0311 of the Environmental Conservation Law, may be granted to the Village, with the approval of the Village Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The conservation easement shall be recorded in the Fulton County Clerk’s Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk’s Office. The Village shall maintain a current map which displays all lands under easement or deed restricted.

The conservation easement shall limit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.

(b) Ownership of Open Space Land.

Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be owned in common by a homeowner’s association (HOA), offered for dedication to Village, County, or State governments, transferred to a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.

I. Reservations and dedications.

(1) Public sites, parks, playgrounds and recreational areas.

The Planning Board shall require adequate, convenient and suitable areas for parks and playgrounds, or other recreational purposes, to be reserved on the plat, but in no case more than ten percent (10%) of the gross area of any subdivision. The area shall be shown and marked on the plat “reserved for park, playground or recreational purposes.” In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for parks, playgrounds and recreational areas cannot be properly located therein, or if in the opinion of the Board, is not desirable, the Board may waive this requirement. The Board shall then require the payment of a park fee in accordance with the Village’s fee schedule.

(2) Dedications.

(a) Where a dedication is required, it shall be accomplished as follows:

The subdivider shall provide not less than ten percent (10%) of the gross area of the subdivision as shown on the preliminary layout. Where such dedication would amount to less than two (2) acres, the subdivider shall, in lieu thereof, pay a fee to the Village for each lot in his subdivision, to be computed as follows: average value of one (1) acre of undeveloped land adjacent to a public road within one quarter (1/4) mile of any point within that subdivision, divided by fifty (50) dwelling units, equals the fees per lot.

(b) Moneys received by the Village from such payments shall be placed in a parkland acquisition and development fund, such moneys to be expended for acquiring parklands.

(3) Realignment or widening of existing streets.

Where the subdivision borders an existing street and the Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat “reserved for street alignment (or widening) purposes.”

(4) Utility and drainage easements.

(a) Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.

(b) All subdivisions shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development and shall comply with the requirements of the Superintendent of Public Works and Village Engineer.

(c) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width as to encompass the twenty-five (25) year flood area of such watercourse.

(d) Right-of-way for storm drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided, but also the anticipated runoff that will occur when property at a higher elevation in the drainage basin is developed.

(5) Easements for pedestrian access.

The Planning Board may require pedestrian access from streets to schools, parks, playgrounds or other nearby streets in order to facilitate perpetual unobstructed easements at least twenty (20) feet in width.

(6) Responsibility for ownership of reservations.

Ownership shall be clearly indicated on all reservations.

§170-68. Required data and documents.

A. Compliance required.

Any subdivider who proposes to develop a subdivision in the Village of Northville shall submit plats and documents as provided in this Section.

B. General requirements.

The following general requirements are applicable to the sketch plan, preliminary layout and the subdivision plat submittal.

(1) A New York State licensed land surveyor shall be required for all subdivision plats.

(2) A New York State licensed engineer shall be required for all Major Subdivision plats.

(3) Sketch plans and plats shall be clearly and legibly drawn at an adequate scale to show detail from one inch equals fifty feet to one inch equals two hundred feet (1” = 50’ to 1” = 200’.)

(4) Drawings shall be submitted on uniform size sheets not larger than thirty-six by forty-eight (36 x 48) inches. When more than one (1) sheet is required to show the plat, an index map of the same size shall be submitted.

(5) All submissions shall indicate the proposed subdivision name or identifying title; the words “Village of Northville, Fulton County, New York”; the name and address and seal of the NYS licensed engineer and land surveyor responsible for the plat; and the date, approximate true North point and graphic scale.

C. SEQR Classification.

New York State Environmental Quality Review (SEQR) classification should be determined by the Planning Board and discussed with the applicant at completion of the Pre-Application Meeting.

D. SEQR.

The Planning Board shall initiate the New York State Environmental Quality Review Act (SEQR) process, as defined in Article 8 of the Environmental Conservation Law and Part 617 of the New York Code of Rules and Regulations, upon completion of the Sketch Plan phase of the Pre-Application process, and when a Preliminary Plat application is determined to be complete. The Planning Board shall review the short or full Environmental Assessment Form, and if applicable, the Draft Environmental Impact Statement submitted by the applicant with the Preliminary Plat application materials. The applicant shall be informed by the Board as to whether the application will be subject to additional environmental review as specified in the SEQR regulations. All requirements of SEQR shall be completed prior to any approval of the Preliminary Plat by the Planning Board.

E. Sketch Plan.

The Sketch Plan should show the proposed layout of streets, lots and other major subdivision features based upon the resource analysis and density calculation including the following:

(1) A vicinity map sketched at a scale of two thousand (2,000) feet to the inch, showing the relationship of the proposed subdivision to existing community facilities that serve it, such as roads, commercial areas, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.

(2) A density calculation as outlined in the §170-62.C. Density Calculation of this Article.

(3) Sketch plan on a topographic survey of the proposed area to be subdivided showing, in simple sketch form, the proposed layout of streets, lots and other features.

(4) General subdivision information necessary to explain and/or supplement the vicinity map and sketch plan.

F. Preliminary plat.

The preliminary plat submitted to the Planning Board shall be at an adequate scale to show detail from one inch equals fifty feet to one inch equals two hundred feet (1” = 50’to 1” = 200’) and shall extend five hundred (500) feet past the parcel boundary and shall show or be accompanied by the following information, except where requirements have been waived:

(1) Data required by Subsection B, General Requirements.

(2) The name of the property owner(s) and the authorized applicant, if different from the property owner(s).

(3) Tax number of all parcels to be subdivided.

(4) Location, bearings and distances of trace boundary including georeferencing information or latitude and longitude coordinates of the plat as available.

(5) A vicinity map sketched at a scale of two thousand (2,000) feet to the inch, showing the relationship of the proposed subdivision to existing community facilities that serve it, such as roads, commercial areas, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.

(6) The Planning Board, at its discretion, may require topography at a contour interval of not more than ten (10) feet.

(7) The names of property owners within two hundred (200) feet of the property boundary, including those adjoining and those across roads fronting the proposed development. If the proposed development property is within an agricultural district containing a farm operation or within five hundred (500) feet of a farm operation located in an agricultural district, the applicant shall complete an Agricultural Data statement, in accordance with NYS Agriculture District Law, which shall contain the name and address of the applicant, a description of the proposed project and its location, and the name and address of all property owners within five hundred (500) feet of the property boundary.

(8) Location, name and dimensions of existing streets, easements, deed restrictions, zoning district boundaries, property lines, buildings, parks and public properties.

(9) Location of existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and direction of flow.

(10) Location of pertinent natural and other features such as watercourses, wetlands, floodplains, rock outcrops, stone walls, agricultural district lands, contiguous forest, and single trees fifteen inches (15”) or more in diameter (dbh) as measured four (4) feet above the base of the trunk.

(11) Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction.

(12) Proposed provision of sanitary waste disposal, water supply, fire protection, stormwater drainage, street trees, streetlight fixtures, street signs and sidewalks.

(13) Lot lines of all proposed or existing lots, and suggested building envelopes.

(14) Conceptual future plans for the parcel, if any.

(15) Location and approximate dimensions of all property proposed to be reserved for park or public uses.

(16) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable).

(17) Information on all other County and State permits required for subdivision plat approval.

(18) A written statement of any requests for specific waivers of requirements by the Planning Board.

(19) Other data which must be available for consideration of the subdivision at this stage.

G. Final plat.

The plat submitted to the Board shall show or be accompanied by the following information:

(1) Data required by Subsection B, General Requirements and Subsection F, Preliminary Plat, subsections (2) through (19) of the Section.

(2) Location, width and name of each proposed street and typical cross sections showing street pavement and, where required, curbs, gutters and sidewalks.

(3) Lengths and deflection angles of all straight lines and radii: length, central angles, chords and tangent distances of all curves for each street proposed.

(4) Profiles showing existing and proposed elevations along the center line of all proposed streets and the elevations of existing streets for a distance of one hundred (100) feet either side of their intersection with a proposed street.

(5) Present elevations of all proposed streets shown every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, said elevation points being indicated at the center line of the street, each property line and points thirty (30) feet inside each property line (only when required by the Board because of the existence of steep slopes).

(6) Setback lines.

(7) Location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers; the exact location of utilities and fire hydrants.

(8) Location of any existing wells onsite and other proposed lot wells and individual water supply system details such as pumps, storage, treatment, controls, etc.

(9) Location of street trees, street lighting standards and street signs.

(10) Areas of all lots in hundredths of an acre; lots numbers as directed by the Village Assessor; and location, material and size of all permanent monuments.

(11) Accurate location of all property to be offered for dedication for public use, with the purpose indicated thereon, and of all property to be reserved by deed covenant for the common use of the property owners of the subdivision.

(l2) Sufficient data, acceptable to the Superintendent of Public Works, to readily determine the location, bearing and length of all street, lot and boundary lines and to reproduce such lines upon the ground.

(13) Necessary agreements in connection with required easements or releases.

(14) Formal offers of cession to the Village of all streets and public parks.

§170-69. Required improvements and agreements.

A. Completion of improvements or filing of bond required.

Prior to an action by the Planning Board approving a plat, the applicant shall be required to complete, in accordance with the Planning Board’s decision and to the satisfaction of the appropriate Village departments, all the street and other improvements specified in the action approving said plat or, as an alternative, to file with the Village Board of Trustees a bond in an amount estimated by the Planning Board to secure to the Village the satisfactory construction and installation of the incomplete portion of the required improvements. All required improvements shall be made by the applicant at their expense without reimbursement by the Village or any district therein.

B. Performance bonds.

Performance bonds shall comply with the requirements of §7-730 of New York State Village Law and shall be satisfactory to the Village Board of Trustees as to form, sufficiency and manner of execution. A period of one (1) year, or such other period as the Planning Board may determine appropriate, within which required improvements must be completed shall be specified by the Planning Board and expressed in the bond. The bond shall also provide that an amount determined adequate by the Planning Board shall be retained for a period of one (1) year after the date of completion of the required improvements to assure their satisfactory condition.

C. Required improvements.

(1) Monuments.

Monuments shall be placed at all block corners, angle points, points of curvature in streets and points of tangency or horizontal curves, and at intermediate points as required by the Village. However, in no case shall there be less than four (4) permanent monuments per block. At least one (1) monument in each subdivision shall be related to the United States Geological Survey system and shall bear the true elevation above sea level. In addition, markers shall be placed at all points when street lines intersect the plat boundary and at all lot corners. The monuments and markers shall be of such material, size and length as may be approved by the Village.

(2) Water and sewerage facilities.

Facilities for water and sewerage shall be provided in each new subdivision in accordance with the requirements of the Village of Northville in Chapters 131 and 162 of the Code of the Village of Northville and other appropriate agencies having jurisdiction over the planning and installation of these in the area of the subdivision.

(3) Storm drainage facilities.

(a) Regulation. The New York State Department of Environmental Conservation (NYSDEC) regulates stormwater management practice installation under SPDES General Permit GP-02-01. The technical standards for stormwater practice design are in the New York Stormwater Management Design Manual.

(b) Drainage. The NYSDEC’s, *Reducing the Impacts of Stormwater Runoff from New Development*, should be consulted. A primary goal is to ensure that the peak rate of surface water flowing off site shall not increase above predevelopment conditions and shall not adversely affect drainage on adjacent properties or public roads.

(c) General design.

1. Preferred runoff pattern. Preferred design of streets and grading in relation to storm drainage shall be such that runoff from roofs, driveways and other impervious surfaces will be collected in the ditches and/or gutters along the street in short runs [three hundred (300) or four hundred (400) feet] and will then be diverted from the surface into storm sewers or natural watercourses unless storm sewers are to be installed.

2. Downstream disposal. Subdivision and development of an area increases and concentrates the runoff of stormwater from the area. Applicants are warned that such increase may cause flood or erosion damage to undeveloped properties lying downstream. Storm drainage channels opening on unimproved land shall empty into natural watercourses unless a suitable agreement is reached with the owner of the downstream property for another method of handling. In any instance, the disposal of storm drainage downstream shall be satisfactory to the Planning Board as advised by the Village Engineer.

(d) Open water courses.

The use of open watercourses for drainage may involve problems relating to safety, erosion control, stagnant water, protection of capacity and appearance, all of which shall be given adequate attention by the developer as follows:

1. Safety. Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks, except in those areas where natural conditions are such that erosion of banks will not occur. Ditches shall, wherever feasible, be in the shape of a wide-top “V” with rounded or squared invert.

2. Erosion control. Adequate measure shall be taken to prevent erosion. The Planning Board shall require seeding, sodding, planting, riprap or such other measures as may be necessary to prevent scouring.

3. Drainage. The developer shall avoid the creation or continuation of swampy areas or stagnant pools. The Planning Board shall require fill and/or channel improvements in order to forestall such problems.

4. Protection of capacity. The developer shall provide adequate measures for the protection of open drainage channels by establishing drainage easements sufficiently wide [generally twenty (20) feet] to enable the working of the channel by motorized equipment, or, alternately, where authorized by the Planning Board, a center block park of a minimum width of fifty (50) feet. All easements shall prohibit the erection of structures, the dumping of fill or the alteration of obstruction of the watercourses without the written permission of the Village Board. Property lines shall be so drawn as to allow drainage easements alongside and rear lot lines, except that drainage easements may be allowed to cross lots larger than one (1) acre.

5. Appearance. As natural watercourses can be an attractive asset to the subdivision as well as to the community, the developer shall, where possible, improve and beautify the watercourses to this end.

(e) Design of storm sewers.

1. Size and grade. Storm sewers shall have a minimum diameter of twelve (12) inches and a minimum grade of one-half of one percent (0.5%.)

2. Manholes. Manholes shall not be more than three hundred (300) feet apart where pipe sizes of twenty-four (24) inches or less are used, and not more than five hundred forty (540) feet apart where larger sizes are installed.

3. Change in direction. Special sections with radii of ten (10) to fifteen (15) feet shall be installed where abrupt changes are made in alignment.

(f) Design of ditches and gutters.

1. Length of flow. Subdivisions shall be so designed that the length of flow of water in a gutter or roadside ditch does not exceed three hundred (300) feet, except as permitted by the Planning Board. Runs exceeding the maximum shall be put in storm sewers or diverted to natural drainageways.

2. Minimum grade. All enclosed drainage courses shall be designed with sufficient grade to create a water flow velocity of three (3) feet per second. A lesser grade may be permitted by the Planning Board where such a grade cannot be achieved.

3. Street crossing. Water in gutters and ditches shall not be allowed to flow over intersecting streets but shall be placed in adequate culverts.

4. Depth and shape of ditches. Where roadside ditches are permitted for runs of more than three hundred (300) feet, or where subgrade drainage is necessary, the bottom of such ditch should be below the subgrade and/at a minimum, should be approximately eighteen (18) inches below the crown of the road. Ditches shall be V-shaped or parabolic with sides sloping at approximately one (1) inch to three (3) inches horizontal, except where another cross-section plan is authorized.

(g) Erosion control. Suitable headwalls, endwalls, ditch seeding or sodding and other procedures or devices to prevent erosion shall be used. Village soil and erosion control regulations should be referenced.

4. Street and other improvements.

(a) Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants, except where the Planning Board may waive, subject to appropriate conditions, such improvements if they are not considered requisite in the interest of public health, safety and general welfare.

(b) Underground utilities required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines, the subdivider shall install underground service connections to the property line of each lot before the street is paved. Utility location should take into consideration the location of future street trees so as to minimize the risk of future disturbance of trees during repair activities.

(c) Grading and improvements shall conform to the Village minimum road specifications and shall be approved as to design and specifications by the Village Superintendent of Public Works.

D. Inspection.

The Village may employ an inspector to act as agent of the Planning Board for the purposes of assuring the satisfactory completion of improvements required by the Planning Board and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the Village costs of inspection before the subdivision plat is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved drawings, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

E. Public utilities.

The Planning Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Planning Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved plat.

§170-70. Reserved.

ARTICLE IX - NONCONFORMING USES AND STRUCTURES

§170-71. Purpose.

The purpose of this Article is to regulate nonconforming uses and structures. The zoning districts established by this Law are designed to guide the future use of the Village’s land by encouraging the development of desirable residential, commercial and other uses with appropriate groupings of compatible and related uses to promote and protect the public health, safety and general welfare. The regulations of this Article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood or the community and are consistent with the goals of the Comprehensive Plan.

§170-72. Continuation of nonconforming uses and structures.

A. The lawful use of any structure or land existing at the time of the enactment of this Law may be continued although such use does not conform to the provisions of this Law.

B. Any building or structure, for which a valid building permit was lawfully issued prior to the adoption of this Law, may be completed and used in accordance with the plans and specifications for such building or structure.

C. Any pre-existing legal use which is allowable by Special Use Permit under this Law, but which has not been issued a Special Use Permit, shall be considered a permitted use. The expansion of such a use, other than a single-family or two-family residence, shall require Site Plan approval, unless such expansion has been permitted by a prior site plan approval.

§170-73. Discontinuance.

A. Whenever a structure or land used for or occupied by a non‑conforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be used or occupied as a non‑conforming use except as provided in §170-74, Re-establishment.

B. A nonconforming use shall be deemed to have been discontinued if it is changed to a conforming use.

§170-74. Re-establishment.

A non-conforming structure or use may be rebuilt in the event that it is damaged or destroyed by fire, flood, wind or other natural disaster, provided that the structure occupies the same or a lesser footprint, including bulk and area, and may not exceed the original height of the totally or partially destroyed structure. Such rebuilding may require Site Plan Review as determined by the Code Enforcement Officer. The restoration or rebuilding shall be commenced with a building permit within six (6) calendar months of such damage or destruction and be completed within twenty-four (24) calendar months.

§170-75. Improvements.

A. A non-conforming use or structure shall be maintained and shall not constitute a danger to the health, safety or general welfare of the public.

B. A building within which there is a non-conforming use may be improved upon with approval by the Planning Board that the proposed improvements or remodeling of a building, including the improvement of its exterior appearance and of its grounds, would result in enhancing the compatibility of such building with its surroundings. Such improvements shall require Site Plan Review.

§170-76. Documentation of legal nonconforming status.

A. Purpose.

The Village of Northville acknowledges that amending land use regulations may cause certain uses, structures, and/or lots to become legally non-conforming. The following process provides a voluntary means by which a landowner or business owner may document the nonconforming status of a use, structure or lot.

B. Procedure.

(1) Application for documentation of non-conforming status shall be made to the Code Enforcement Officer and shall include, but not be limited to:

(a) Submission of a written application on a form provided by the Code Enforcement Officer;

(b) Payment of the application fee; this fee shall be waived if the applicant submits the application within 18 months of the adoption of this Law; and

(c) Proof that the use, structure, or lot was established prior to the effective date of this law. The applicant may submit to the Code Enforcement Officer pictures, financial evidence, sworn statements or any other documentary evidence.

(2) The Code Enforcement Officer shall refer the application to the Zoning Board of Appeals with a recommendation stating whether or not the non-conformity was legally established prior to the adoption of this law.

(3) The Zoning Board of Appeals shall make a determination as to the prior legal non-conforming status of the use, structure or lot. The Zoning Board of Appeals shall make a determination on whether the use, structure, and/or lot is entitled to prior nonconforming status based upon all of the information provided, which may include documentary evidence submitted, site inspections, interviews with the applicant or any other persons, or any other information that can reasonably be considered relevant.

(a) The Zoning Board of Appeals may hold a public hearing to gather additional information and evidence relevant to the non-conforming status of the uses, structures, and/or lot. If a public hearing is held it shall be held within forty-five (45) days of the first meeting of the Zoning Board of Appeals, following the referral from the Code Enforcement Officer.

(b) The determination of the Zoning Board of Appeals shall be made within forty-five (45) days of the referral from the Code Enforcement Officer or within forty-five (45) days of the close of the public hearing if a hearing is held; unless said time periods are extended by mutual agreement between the applicant and the Zoning Board of Appeals.

(c) A copy of the determination of non-conforming status shall be mailed to the applicant and recorded with the Zoning Board of Appeals clerk and filed in the office of the Code Enforcement Officer.

(4) A positive determination of non-conforming status by the Zoning Board of Appeals shall create a conclusive presumption of legal non-conforming status.

(5) Failure to document a nonconforming status of a use, structure or lot in accordance with this process does not create a presumption that a use, structure or lot is not lawfully conforming.

C. Veracity.

The filing or submittal of false information, or information that is patently misleading, with the Code Enforcement Officer or the Zoning Board of Appeals, as it pertains to any material matter before the Zoning Board of Appeals shall be a violation of this provision.

ARTICLE X - TEMPORARY USES

§170-77. Applicability.

The following temporary uses are permitted in any zoning district subject to the following standards and may be subject to the issuance of a Zoning Permit from the Code Enforcement Officer, pursuant to Article XIV, Administration and Enforcement.

§170-78. Permitted Temporary Use – Permit Exemptions.

A. The following temporary uses shall be permitted without a Zoning Permit:

(1) Roadside stands or farm stands with an approved special use permit meeting the standards of §170-35.

(2) Contractors' offices, equipment sheds and construction staging areas.

(a) Contractors' offices, equipment sheds and construction staging areas containing no sleeping or cooking accommodations may be permitted in any district when used in conjunction with a valid Building Permit.

(b) Temporary storage shall be allowed as an accessory use to the contractor’s office or equipment shed.

(c) Such use shall be limited to a period not to exceed the duration of the Building Permit and shall be removed immediately upon expiration thereof.

(3) Christmas tree and wreath sales lots off-premise from site where grown. Such use shall be limited to a period not to exceed forty-five (45) days of operation per year.

(4) Garage sales.

(a) During any twelve (12) calendar month period, it shall be unlawful for the owner or occupant of any property used or occupied as a residence, acting alone or in combination with any other person, to have, or to permit another to have, more than two (2) garage sales on any lot, tract or parcel of land that is within a residential area within the Village of Northville.

(b) One (1) temporary sign as described in §170-52, Signage, shall be permitted.

(5) Portable storage containers and dumpsters.

(a) A portable storage container may be temporarily located on a lot of record as part of temporary storage solution. Portable storage containers shall not include dumpsters, cargo containers, tractor trailers or other vessels with other traditional uses.

(b) No more than one (1) portable storage container or dumpster shall be allowed at any location for more than one (1) time per calendar year, and for not greater than a period of thirty (30) consecutive days. A one-time thirty (30) day extension may be granted by the Code Enforcement Officer as required in §170-79 (2) below.

(c) Exemption. Dumpsters used for multifamily dwelling units and nonresidential uses as a trash receptacle for the regular disposal of trash collected by a garbage and recycling collection service shall not be considered temporary and no permit is required. However, such dumpster shall not be located in the front yard and shall be screened from the public right-of-way with landscaping or fencing.

(d) Portable storage containers and dumpsters shall meet the front, rear and side yard setback requirements for accessory uses provided in §170-16(2) of this Chapter. No part of the proposed portable storage container or dumpster shall encroach upon any required setback.

§170-79. Permitted temporary uses requiring a zoning permit.

A. Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses of land are permitted following the issuance of a Temporary Use Permit:

(1) Farmers markets and other open air markets.

(a) Parking: Adequate parking shall be provided.

(b) Safe ingress and egress from the farmers market or open air market shall be required including the provision of adequate pull-off areas and adequate parking.

(c) Signs: One (1) freestanding sign not exceeding six (6) square feet in area and six (6) feet in height is permitted unless located on a corner lot whereby one (1) additional sign is permitted.

(2) Extensions of Portable Storage Containers and Dumpsters.

A one-time thirty (30) day extension may be granted by the Code Enforcement Officer for a portage storage container or dumpster permitted in §170-78. A (5) above.

(3) Temporary trailers – disaster relief.

During the period immediately following an emergency or disaster identified as such by the Village Board, the Code Enforcement Officer may issue a Temporary Use Permit for one (1) or more trailers for a period not to exceed one (1) year. The number of such trailers shall be limited to one (1) per affected household or business, unless additional temporary trailers are authorized by the Planning Board as a Special Use Permit. Said temporary permit may be extended for additional successive periods of 6 months each, if the Code Enforcement Officer finds that construction has been diligently pursued and that justifiable circumstances require such an extension.

§170-80. (Reserved.)

§170-81. (Reserved.)

ARTICLE XI - SPECIAL USE PERMITS

§170-82. Purpose.

Under these regulations, special uses are considered to be uses which may be appropriate in the district in which they are located, but which possess special characteristics which may pose land use or nuisance concerns or difficulties if controlled only by the district regulation applicable to permitted uses.

Accordingly, such uses are further controlled by a procedure which requires special consideration and may include additional regulations for each such use in order to mitigate any such problems or difficulties and minimize the impact upon the district. Each use warrants consideration as an individual case in the district and on the specific lot on which it is proposed to be located. Granting of a Special Use Permit for a special use in a zoning district shall be based on its own unique facts and circumstances and shall not establish any precedent for granting of a Special Use Permit for the use or any other Special Permit Use on any other lot in the district or in other districts.

§170-83. Authorization of Planning Board.

In accordance with §7-725-b of the Village Law, the Village Board does hereby authorize the Planning Board to review and approve with modifications or disapprove Special Use Permits prepared to specifications set forth in this chapter and in accordance with regulations set forth by the Planning Board.

§170-84. General procedures and provisions.

A. All uses of land listed in Schedule A as uses permitted with a Special Use Permit shall be allowed upon issuance of a Special Use Permit by the Village Planning Board.

B. All special use permit review and approval shall occur as a part of any applicable Site Plan Review. Applicants shall refer to Article XII, Site Plan Review, for application content.

C. Site plan approval is required in the consideration of those Special Use Permit uses involving new construction, or any land development activities not specifically exempted by Article XII, Site Plan Review. Such Site Plan Review shall be carried out either in conjunction with or after, these special use permit procedures.

D. Procedures for Special Use Permits not requiring Site Plan Review.

(1) In cases where special use permits involve the conversion of an existing structure from one use to another with no exterior physical changes to the site or structure, or which involve only those activities exempt from Site Plan Review, a request for Special Use Permit shall be submitted on an application form available at the Village of Northville Code Enforcement Office.

(2) Each application shall be accompanied by a fee as established by the Village Board of Trustees in the Schedule of Fees no part of which is refundable.

(3) Applications shall be submitted to the Code Enforcement Officer, who shall then transmit to the Planning Board.

§170-85. Special use review criteria.

A. The Planning Board shall consider the following general criteria when making a determination for a Special Use Permit:

(1) The proposed building or use complies with all zoning district, overlay districts and other specific requirements of this Law, and will be consistent with the purposes of this Law and of the zoning district in which it is located.

(2) If the property is in a residential district, it will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social and economic impacts.

(3) The proposed building or use shall not substantially impact the nature and character of the surrounding neighborhood, historic district or corridor in which it is located. In determining substantial impact, the Planning Board shall consider the location and size of the proposed use, the nature and intensity of the operations involved in or conducted in connection with the proposed use, the size of the site in relation to the proposed use and the location of the site with respect to streets giving access to the proposed use.

(4) The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.

(5) Operations in connection with the proposed use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use not requiring a special use permit.

(6) The proposed building or use shall be served adequately by essential public facilities and services, such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.

(7) The proposed building or use shall not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

(8) The proposed building or use shall not have an adverse impact on adjacent historic resources as formally recognized by the Village Historic District and the New York State and Federal Registers of Historic Places.

(9) The use will not conflict in any way with the Village of Northville Comprehensive Plan and other adopted Village plans.

§170-86. Notice and hearing.

A. Upon the filing of an application for a Special Use Permit, the Planning Board shall set a reasonable time and place for a public hearing to consider the application. If the public hearing is to be concurrent with the public hearing required for Site Plan Review, only one (1) advertisement notice is needed.

B. Notices

(1) Such public hearing shall be advertised in the village’s official newspaper or, if there is none, in a newspaper of general circulation in the village at least ten (10) days before the public hearing.

(2) At the cost of the applicant, the Board shall send a notice of such public hearing by standard United States mail to the owners of properties within one hundred (100) feet of the property affected by the proposed application, including properties on the opposite side of the street or highway.

(3) If the land involved in an application is within five hundred (500) feet of the boundary of any other municipality, the Board shall mail a notice of the public hearing to the municipal clerk of such other municipality.

§170-87. Referrals.

Where the consideration for a Special Use Permit involves land within 500 feet of an adjoining municipality, or from the boundary of any existing or proposed county or state park, or from the right-of-way of any existing or proposed state or county highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county, or state or county-owned land on which a public building is situated, the application shall be referred to the Fulton County Planning Board at least thirty (30) days before the public hearing and acted upon in accord with the provision of §239-m of the General Municipal Law.

§170-88. Decision and notification.

A. The Planning Board shall not issue a Special Use Permit unless it makes a written finding that the proposed use will satisfy the criteria set forth in §170-85 above. In order to reach positive findings in support of the Special Use Permit, the Planning Board may require conditions of, and/or modifications to, the project. Such conditions must relate to the impact of the project. If the Planning Board does not make a positive finding in support of the Special Use Permit, it shall deny the Special Use Permit. In issuance of such a denial, the record of the Planning Board must address the criteria outlined in §170-85 above and include the facts and reasons upon which such denial was based.

B. Within sixty-two (62) days from the date of any public hearing, the Planning Board shall render a decision in writing. For purposes of this section, a decision shall be signed by the Chairman. Not later than five (5) days following the rendering of the decision of the Planning Board granting or denying the application, the applicant and parties of record shall be notified of the decision in writing. Such written notification shall include the findings of fact for denial or approval, whichever is applicable.

C. The Board shall file the decision in the Village Clerk’s Office within five (5) business days after the day it is rendered. The Planning Board will also retain in its files a copy of each decision, which files shall be available for inspection by the public.

§170-89. Special use permit restrictions, expiration, revocation and enforcement.

A. A Special Use Permit shall pertain only to the specific property for which the application was made. Such granted permit does not apply to any other property the applicant may control.

B. A Special Use Permit shall be deemed to authorize only the particular special use or uses specified therein.

C. A Special Use Permit may be issued as:

(1) Permanent: Permanent except where the permitted use is discontinued for any reason for a period of two (2) years or more.

(2) Conditional: Permanent with conditions where the Special Use Permit is approved with specified conditions that shall be met or the permit shall expire.

(3) Temporary: Permit ceases on a specified date and not to be renewable.

(4) Renewable: Temporary but renewable within a specified period of time set by the Planning Board.

D. A Special Use Permit may be revoked by the Planning Board if the conditions of the Special Use Permit are violated.

E. A conditional Special Use Permit approval shall expire at the end of six (6) months if the conditions have not been satisfied. The Planning Board may, however, consent to an extension of up to six (6) additional months.

F. Any violation of the conditions of a Special Use Permit or a violation of any applicable performance criteria of this Law shall be deemed a violation of this Law and shall be subject to enforcement action as provided in Article XIV, Administration and Enforcement.

G. All Special Use Permits shall run with the land and will be transferred to successive property owners provided the permit has not expired and it is not revoked for failure to meet the permit conditions.

ARTICLE XII - SITE PLAN REVIEW

§170-90. Purpose.

The purpose of Site Plan Review is to provide an opportunity for a community to review a proposed site improvement and its physical and functional integration on and off-site to ensure that it will be compatible by presenting the site’s existing characteristics and describing the intended design, arrangement and uses of land to be improved and their potential impact 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 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 Comprehensive Plan.

§170-91. Land use activities requiring review.

A. Site Plan approval by the Planning Board shall be required for all new permitted land use activities listed on Schedule A: Permitted Uses and their accessory uses and structures, except for the following uses and activities which shall be exempt from Site Plan approval:

(1) Construction of seasonal or four-season single-family dwellings and two-family dwellings and their ordinary accessory structures.

(2) Placement of individual manufactured homes (excludes manufactured home parks).

(3) Construction of agricultural structures with a gross floor area of less than ten thousand (10,000) square feet.

(4) Ordinary landscaping or grading that is not conducted in connection with land use reviewable under the provisions of this Law.

(5) Ordinary repair or maintenance or interior alterations to existing structures or uses.

B. Site Plan review shall be included as an integral part of the Special Use Permit approval process and no separate Site Plan approval shall be required for uses requiring a Special Use Permit.

C. Site Plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in Article VIII, Subdivision of Land as well as the provisions of this Article.

D. Site plan approval shall be included as an integral part of the license approval process for a manufactured home park.

§170-92. Authorization of Planning Board.

In accordance with §7-725-a of the Village Law, the Village Board does hereby authorize the Planning Board to review and 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.

§170-93. Pre-application meeting.

Prior to the submission of an application, a pre-application meeting may be requested by the applicant. The purpose of a pre-application meeting with the Code Enforcement Officer is to inform the applicant of applicable procedures, submission requirements, development standards and other pertinent matters before the applicant finalizes the development proposal. Opinions of the Code Enforcement Officer presented during a pre-application meeting are advisory only and do not represent a commitment on behalf of the village or represented agency regarding the acceptability of the development proposal.

§170-94. Site Plan review procedures.

A. Application for Site Plan approval shall be made to the Planning Board using forms supplied by and delivered to the Code Enforcement Officer in the manner prescribed in Subsection F below.

B. Prior to formal submission of a detailed site plan, there shall be a conceptual sketch plan conference with the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions, and generally, to determine the information to be required in order to have a complete application. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed:

(1) Name and address of applicant and authorization of owner, if different from applicant.

(2) Name and address of owner(s) of record, if different from applicant.

(3) Name and address of person or firm preparing the plan and map.

(4) The zoning district(s) in which the proposed land use activity is located.

(5) The Adirondack Park Agency land classification(s) for the proposed land use activity.

(6) An area map at an appropriate scale showing the parcel under consideration for site plan review, and all properties, subdivisions, streets and easements within 500 feet of the boundaries of the parcel under consideration.

(7) A map of site topography at no more than two (2) foot contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding or ponding, a soil's overlay on the topographic map is recommended.

(8) All existing structures, wooded areas, streams and other significant physical features, with the portion to be subdivided.

(9) All the utilities available and all streets which are either proposed, mapped or built.

(10) An aerial photograph at an appropriate scale showing the parcel under consideration for Site Plan review and all properties within five hundred (500) feet of the boundaries of the parcel under consideration.

(11) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable).

C. The Code Enforcement Officer or the Planning Board may request additional information including any of the items listed in Subsection H below. The Code Enforcement Officer and the Planning Board are not limited to this list and may request any additional information it deems necessary or appropriate. In determining the amount of information it will require, the Code Enforcement Officer or the Planning Board will consider the type of use, its location, and the size and potential impact of the project.

D. The Planning Board may require that any plans submitted as part of a Site Plan application be stamped by a New York State licensed land surveyor, engineer, architect, landscape architect or other appropriate licensed professional as applicable.

E. The Planning Board may request that conceptual elevation drawings of proposed structures be included in the Site Plan application.

F. After the conceptual Sketch Plan Review with the Planning Board, the applicant shall provide an application for Site Plan review to the Code Enforcement Officer accompanied by information drawn from the checklist in Subsection G below and Subsections D and E above, as determined necessary by the Planning Board at the sketch plan conference. Where applicable, site plan drawings and plans shall be submitted in a large-scale format of twenty-two inches by thirty-four inches (22” x 34”) or greater and shall also be submitted electronically in GIS or CAD format. In addition to the Site Plan drawings, the applicant shall submit:

(1) An Environmental Assessment Form or Draft Environmental Impact Statement (DEIS).

(2) The Site Plan application fee, as established by the Village Board and any required escrow deposit for review costs, as required by the Planning Board.

G. Site plan checklist:

The following is a list of information which may be required to be included in all Site Plan applications.

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
2. North arrow, scale and date.
3. Boundaries of the property plotted to scale by a New York State licensed land surveyor.
4. Existing watercourses, wetlands and floodplains.
5. Grading and drainage plan, showing existing and proposed contours.
6. Location, design, type of construction, proposed use and exterior dimensions of all buildings.
7. Location, design and construction materials of all parking and truck-loading areas, showing access and egress.
8. Provision for pedestrian access including sidewalks and street furniture.
9. Location of any outdoor storage, loading areas, and/or dumpsters.
10. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
11. Stamped plans describing the method of sewage disposal and location, design and construction materials of such facilities.
12. Description of the method of securing potable water and the location, design and construction materials of the facility that will supply that water.
13. Location of fire and other emergency zones, including the location of fire hydrants.
14. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
15. Location, size and design and construction materials of all proposed signs.
16. Location and proposed development of all buffer areas, including existing vegetative cover.
17. Location and design of outdoor lighting facilities.
18. Designation of the amount of building area proposed for retail sales or similar commercial activity.
19. General landscaping plan and planting schedule.
20. An estimated project construction schedule and phasing sequences.
21. A description and illustration (if available) of any anticipated future expansion plans.
22. Record of application for and approval status of all necessary permits from state, federal and county officials.
23. Identification of any federal, state or county permits required for the project’s execution.
24. Other elements to the proposed development as considered necessary by the Planning Board, including, within reason, engineering plans to illustrate grading plan, public or private utilities systems and such other supporting data as may be necessary.

H. Additional Requirements. In addition to the above, the Planning Board may require the applicant to submit additional information to aid in rendering a decision. Additional information may include, but is not limited to:

1. Traffic study to show the impact of the project on existing traffic patterns.
2. On-site testing for water quantity and/or quality.
3. Preparation of a Visual Impact Assessment (VIA) for the project using as guidance New York State Department of Environmental Conservation's Visual Policy, “Assessing and Mitigating Visual Impacts, DEP-00-2” as part of compliance with the State Environmental Quality Review Act (SEQRA).
4. Study to review the potential for air pollution when a use is identified as releasing possible pollutants**.**
5. Study to indicate the project's impact on adjacent watercourses in regard to increased water runoff and/or release of effluent to a nearby stream.
6. Project's impact on existing public services such as ambulance services, fire service, utilities and schools.

§170-95. Application for area variance.

Where a proposed Site Plan contains one or more features which do not comply with the dimensional regulations of this Law, application may be made to the Zoning Board of Appeals for an area variance pursuant to Article XIII, Variances and Appeals of this Law without a decision or determination by the Code Enforcement Officer.

§170-96. SEQRA compliance.

Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review (SEQR) process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within twenty (20) days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

§170-97. Planning Board review.

A. General criteria. The Planning Board's review shall include, as appropriate, but not limited to, the following criteria:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
3. Location, arrangements, appearance and sufficiency of off-street parking and loading.
4. Location, arrangement, size, design and general site compatibility of buildings as required in Article VI, Supplemental Development Standards.
5. Adequacy of stormwater and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
8. Compliance with the lighting standards of Article VI, §170-49, Lighting Standards, of this Law.
9. 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 as required in Article VI, §170-48, Landscaping and Screening standards.
10. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
11. Adequacy of protection of the village’s natural resources.
12. Adequacy of protection for and compatibility with any adjacent historic resources as formally recognized by the village and the New York State and Federal Registers of Historic Places.
13. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

§170-98. Planning Board action.

A. Notices and referrals. Applications which meet the criteria of §§239-l and 239-mof the New York General Municipal Law regarding referral to the County must be sent to the County Planning Board prior to the Planning Board decision. Applications that meet the criteria of §239–nn shall notify neighboring municipalities.

B. Public Hearings and Notices.

(1) The Planning Board shall conduct a public hearing on the Site Plan.

(2) Such hearing shall be held within sixty-two (62) days of the date that the Planning Board determines that the application for Site Plan review is complete.

(3) Notifications.

(a) Such public hearing shall be advertised in the village’s official newspaper or, if there is none, in a newspaper of general circulation in the village at least ten (10) days before the public hearing.

(b) At the cost of the applicant, the Board shall send a notice of such public hearing by standard United States mail to the owners of properties within one hundred (100) feet of the property affected by the proposed application, including properties on the opposite side of the street or highway.

(c) If the land involved in an application is within five hundred (500) feet of the boundary of any other municipality, the Board shall mail a notice of the public hearing to the municipal clerk of such other municipality.

(d) If the land involved in an application is within five hundred (500) feet of an adjoining municipality, or from the boundary of any existing or proposed county or state park, or from the right-of-way of any existing or proposed state or county highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county, or state or county-owned land on which a public building is situated, the appeal shall be referred to the Fulton County Planning Board at least thirty (30) days before the public hearing and acted upon in accord with the provision of §239-m of New York State General Municipal Law.

C. Planning Board Decision.

(1) Within sixty-two (62) days of the public hearing, the Planning Board shall make a decision unless the period is extended by mutual agreement between the applicant and the Planning Board.

(2) A copy of the decision shall be immediately filed in the Village Clerk's office and mailed to the applicant.

(3) If the Planning Board's decision includes a requirement that modifications be incorporated in the Site Plan, conformance with these modifications shall be considered a condition of approval. If the Site Plan is disapproved, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after it has been revised or redesigned.

(4) The activity for which the Site Plan was approved shall be completed within twenty-four (24) months. The Planning Board may provide an extension of up to eighteen (18) months upon an applicant’s request.

§170-99. Performance guarantee.

To ensure the completion of required improvements; such as but not limited to roads, landscaping, or other improvements required by the Planning Board, the applicant may be required to post performance bond(s) or other form of security pursuant to cover the full cost of the infrastructure and improvements as estimated by the Planning Board or designated village department in accordance with the procedures provided for in §7-725-a, Subsection 7 and §7-730, Subsection 9 of New York State Village Law. A period of one (1) year (or such other period as the Planning Board may determine appropriate, not to exceed three (3) years) shall be set forth in the bond within which required improvements must be completed.

§170-100. (Reserved.)

§170-101. (Reserved.)

ARTICLE XIII - VARIANCES AND APPEALS

§170-102. Organization and General Procedures of Zoning Board of Appeals.

A. A Zoning Board of Appeals (“ZBA”) is hereby created in accordance with Section §7-712 of New York State Village Law.

B. The ZBA 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.

C. A Chairperson of the ZBA shall be appointed by the ZBA along with an Acting Chairman to serve in their absence. The ZBA shall adopt rules of procedure governing the organization of the ZBA and conduct of its meetings.

D. All meetings of the ZBA shall be open to the public. A quorum shall consist of three (3) members.

§170-103. Powers and duties of the Zoning Board of Appeals.

The Zoning Board of Appeals shall have all the power and duties proscribed by this Law which are more particularly specified as follows:

A. Interpretation of the Zoning Law or Zoning Map of the Village of Northville.

B. Upon appeal from a decision by the Code Enforcement Officer or on request by any official or board of the village, the Zoning Board Appeals shall decide any question involving the interpretation of any provision of this Law.

C. Determinations of prior legal non-conforming status for uses and structures as described in Article VIII, Nonconforming Uses and Structures.

D. Variances.

The Zoning Board of Appeals, on appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant variances, as follows:

(1) Use Variances.

(a) A use variance is an authorization by the Zoning Board of Appeals that allows a specified use in a zoning district where such specified use is not allowed. No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

4. That the alleged hardship has not been self‑created.

(b) The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(2) Area variances.

(a) An area variance is an authorization by the Zoning Board of Appeals that allows a departure from the requirements of this Law. Area variances include any departure not covered by a use variance (for example, lot size, yard sizes and number of parking spaces). In making its determination, on an area variance application the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

3. Whether the requested area variance is substantial;

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

5. Whether the alleged difficulty was self‑created, which consideration shall be relevant to the decision of the ZBA but, shall not necessarily preclude the granting of the area variance.

(b) The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(3) Imposition of conditions.

The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§170-104. Application to the Zoning Board of Appeals.

All applications for variances shall be made in a form required by the ZBA, and shall be accompanied by payment of a filing fee as established in the Schedule of Fees which have been promulgated by the Village Board and a plot plan signed by a New York State licensed land surveyor, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.

§170-105. Public hearings, notices and referrals.

A. The Zoning Board of Appeals shall hold a public hearing on all appeals or applications within sixty-two (62) days of filing of a complete and proper appeal or application. Notice of the public hearing shall be provided in the following manner:

* 1. The public hearing shall be advertised by the Board in the newspaper of general circulation in the village at least ten (10) days before the public hearing.
  2. At the cost of the applicant, the Board shall send a notice by standard United States mail to the owners of properties within one hundred (100) feet of the property affected by the proposed application, including properties on the opposite side of the street or highway.
  3. If the land involved in an application is within five hundred (500) feet of the boundary of any other municipality, the Board shall mail a notice of the public hearing to the municipal clerk of such other municipality.
  4. If the land involved in an application is within five hundred (500) feet of an adjoining municipality, or from the boundary of any existing or proposed county or state park, or from the right-of-way of any existing or proposed state or county highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county, or state or county-owned land on which a public building is situated, the appeal shall be referred to the Fulton County Planning Board at least thirty (30) days before the public hearing and acted upon in accord with the provision of §239-m of New York State General Municipal Law.

§170-106. Zoning Board of Appeals decisions and notification.

A. All decisions of the Zoning Board of Appeals shall be in writing and shall contain the basis for the decision of the Board and a detailed summary of the facts upon which the determination was rendered. In the case of variances, the decision shall state whether or not the standards set forth in Subsection B of this Article and §7-712 of New York State Village Law for unnecessary hardship (Use Variances) or practical difficulty (Area Variances), as the case may be, have or have not been met and such determination shall be supported by findings of facts thereby warranting the reversal or affirmation of the Code Enforcement Officer. The decision shall also state in detail what conditions and safeguards are required.

B. If a use variance is granted for a use requiring Site Plan review, the applicant shall obtain Site Plan approval from the Planning Board prior to commencing the use or obtaining a Building permit.

C. Building permits authorized by the ZBA on variance cases shall be obtained within six (6) months and shall automatically expire if construction under the permit completed within one (1) year from obtaining the building permit. Extensions of these periods may be granted by the Code Enforcement Officer where cause is shown.

ARTICLE XIV - ADMINISTRATION AND ENFORCEMENT

§170-107. Powers and duties of the Code Enforcement Officer.

A. It shall be the duty of the Code Enforcement Officer to administer and enforce the provisions of this Law and other applicable local, state and federal laws.

B. Should the Code Enforcement Officer be in doubt as to the meaning or intent of any provisions of this Law, or as to the location of any district boundary line on the Zoning Map, or as to the propriety of issuing a Building Permit, Zoning Permit or Certificate of Occupancy in a particular case related to the provisions of this Law, the Code Enforcement Officer shall appeal the matter to the Zoning Board of Appeals for interpretation or decision.

§170-108. Zoning and building permits.

A. Applicability.

(1) A Permit approved by the Code Enforcement Officer shall be required for the following uses:

(a) Accessory structures one hundred (100) square feet or greater.

(b) The construction or alteration of a sign as permitted in Article VI, §170-52.

(c) Temporary Uses pursuant to Article X.

(2) Pursuant to Chapter 95 of Code of the Village of Northville, §95-6, a Building Permit shall be required for the erection, construction, re-construction, enlargement, alteration, replacement, demolition, or removal of any building or structure

(3) No building permit shall be required for any alteration of or ordinary repairs to an existing building or structure which is not structural in nature, and which is not intended to or does not provide for a new or extended use of the building, structure or premises.

(4) In the case of emergency action to address damage from fire or other casualty, the applicant may commence construction required to stabilize a structure without a building permit. In order to protect the safety of persons entering such a structure to stabilize it, a permit shall be applied for as soon as possible and in no event more than one (1) week following such fire or casualty.

(5) Nothing in this Law shall require any change in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior to the effective date of this Law or any amendment thereto affecting such building or structure, or the use thereof, provided that:

(a) The construction of such building or structure shall have been begun and diligently prosecuted within three (3) months from the date of such permit.

(b) The entire building or structure shall be completed according to such filed and approved plans upon which the issuance of such permit was based, within one (1) year from the effective date of this Law or any such amendment thereto.

(c) In the event that either condition is not complied with, such building permit shall be revoked by the Code Enforcement Officer.

B. Steps to obtain permits.

(1) Any person intending to undertake a use of a building or lot or new construction or structural alteration requiring a permit shall consult with the Code Enforcement Officer, submit the appropriate application form and pay the required fee as established by the Village Board.

(2) The Code Enforcement Officer shall grant or deny the permit as provided or refer the application to the Planning Board if a Special Use Permit and/or Site Plan approval is required.

(3) If a building or zoning permit is issued, the applicant may proceed to undertake the action permitted upon submission of any required fee as established by the Village Board

(4) If the Code Enforcement Officer denies a building or zoning permit and does not refer the application to the Planning Board or Village Board, the applicant may appeal to the Zoning Board of Appeals.

C. Application submission requirements for a permit.

(1) All applications for a permit shall be made on prescribed forms provided by the Code Enforcement Officer and shall include the required application fee as established by the Village Board and the following information:

(a) Land: A description of the land on which the proposed use or construction will occur, lot numbers and tax parcel numbers. Deed and filed map references may be required under certain circumstances.

(b) Use, occupancy: A statement of the existing and proposed use of all parts of the land and the location, character and existing and proposed use of any existing or proposed buildings or structures; including the number of floors, entrances, rooms, type of construction and the kind and extent of any exterior horizontal extension proposed toward any boundary or street line of the lot.

(c) Identity of owner and applicant: The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers if any of them are corporations.

(d) Description of work or changes in use: A brief description of the nature of the proposed work or change in use.

(e) Valuation of work: The valuation of the proposed construction work, if any.

(f) Plans and Specifications: In addition to the requirements of this section, each application for a building permit shall be accompanied by plans and specifications as required in §95-6 of the Village Code.

(g) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable).

(2) Applications for a building permit for the construction of a new structure equal to one thousand five hundred (1,500) gross square feet or more shall require plans and specifications that shall bear the signature of the person responsible for the design and drawings and where required by the Education Law or any other applicable statutes, laws, rules or regulations of the State of New York, the seal of a licensed architect, licensed professional engineer or licensed landscape architect.

(3) The Code Enforcement Officer may waive one or more of the requirements of this Article for minor alterations, as defined in the New York State Uniform Code.

(4) Additional information: Such other information as may reasonably be required by the Code Enforcement Officer to establish compliance of the proposed work or change in use with the requirements of this Law.

D. Action upon permit applications.

(1) The Code Enforcement Officer shall review a Permit application and approve, deny, or refer the application to the Planning Board if Site Plan Review or a Special Use Permit is required. The Code Enforcement Officer shall provide a written reason for any denial. A copy of the approved or disapproved application shall be delivered or sent by certified mail, return receipt to the applicant.

(2) An application approved by the Code Enforcement Officer shall constitute the Building Permit or Zoning Permit, which shall become effective when the Code Enforcement Officer has provided written approval of the permit. A copy of the permit shall be placed in the permanent property file for the property.

E. Appeal.

An appeal may be made to the Zoning Board of Appeals from any decision of the Code Enforcement Officer within forty-five (45) days of the decision.

F. Termination of a Permit.

An approved permit as defined in this section, approved by the Code Enforcement Officer shall terminate and become void if there is no construction or commencement of the new use within one (1) year of the date of approval. Permits may be extended for one (1) additional year with the payment of an extension fee as per the Schedule of Fees established by the Village Board.

§170-109. Certificates of occupancy.

A. No land use shall be altered and no building shall be occupied, used or changed in use until a Certificate of Occupancy has been approved and issued by the Code Enforcement Officer stating that the building or proposed use thereof complies with the provisions of this law and substantially in compliance with all other applicable laws and regulations.

B. No Certificate of Occupancy shall be issued until the road or roads have been completed sufficiently to provide proper and reasonable ingress and egress for emergency vehicles.

C. No Certificate of Occupancy shall be issued without prior approval of water supply and sewerage facilities by the New York State Department of Health or the Code Enforcement Officer.

D. Temporary certificates.

Upon request, the Code Enforcement Officer may issue a Temporary Certificate of Occupancy for a building or structure, or part thereof, before the entire work covered by the Building Permit has been completed, provided such portion or portions as have been completed may be occupied safely without endangering life or the public welfare. Such Permit shall be effective for a period not to exceed thirty (30) days.

§170-110. Violations, penalties and remedies.

A. Violations.

(1) Complaints and Investigations.

Whenever a suspected violation of this Law occurs, any person may file a signed written complaint reporting such violation to the Code Enforcement Officer. The Code Enforcement Officer shall investigate any written complaint made to his/her office. All written complaints shall be properly recorded, filed, and promptly investigated by the Code Enforcement Officer, and reported to the Village Board.

(2) Notice of violations.

(a) Upon finding there to be a violation of this Law, the Code Enforcement Officer shall transmit a written Notice of Violation certified mail, return receipt requested, to the owner and tenants of the property upon which the alleged violation occurs, describing the alleged violation, with a copy to the Village Board. The Notice of Violation shall require an answer or correction of the alleged violation to the satisfaction of the Code Enforcement Officer within a reasonable time limit set by the Code Enforcement Officer. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Code Enforcement Officer within the time limit constitutes admission of a violation of this Law. The notice shall further state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if a violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Village.

(b) If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the Code Enforcement Officer, a “Notation of Compliance” shall be made on the Code Enforcement Officer's copy of the notice.

(c) If there is no reply within the time limit set (thus establishing admission of a violation of this Law) and the alleged violation is not corrected to the satisfaction of the Code Enforcement Officer within the time limit set, the Code Enforcement Officer shall take action in accordance with Subsection (3) below.

(d) A permanent record of all Notices of Violation and their disposition shall be kept in the office of the Code Enforcement Officer.

(3) Abatement of Violations.

The Code Enforcement Officer may issue a stop-work or cease-and-desist order and/or institute an appropriate legal action or proceeding to prevent, restrain, correct, or abate any violation of this Law to prevent the occupancy of premises, or to prevent any activity, business, or use that violates this Law.

(a) Stop Work Orders.

1. Stop Work Orders shall be in writing, dated and signed by the Code Enforcement Officer with the stated reason(s) for issuance and if applicable, state the conditions which must be satisfied before work will be permitted to resume.

2. The Stop Work Order, or copy thereof, shall be transmitted certified mail, return receipt to the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder). The Code Enforcement Officer shall be permitted, but not required, to transmit a copy of the Stop Work Order by certified mail to any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order; provided however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

3. Upon issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

4. The issuance of a Stop Work Order shall not be the exclusive remedy to a violation, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under this Law or any other local Law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

(b) Appearance tickets.

The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Law.

(c) Legal action.

An action or proceeding may be instituted in the name of the Village of Northville in Justice Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Board of the Village of Northville.

B. Penalties.

(1) Civil penalties.

Any person who violates any provision of this Law or who fails to do any act required thereby shall for each and every such violation, be liable to a civil penalty of not less than one hundred fifty dollars ($150.00.) When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.

(2) Criminal penalties.

In addition to the civil penalties described in Subsection B(1), the following criminal penalties shall apply:

(a) A first or second offense under this law shall be treated as a Violation of the Local Law.

1. For a first conviction, such Violation shall be punishable by a fine not to exceed two hundred fifty dollars ($250.00)

2. For a second conviction within five (5) years, such Violation shall be punishable by a fine not less than two hundred fifty dollars ($250.00) and not to exceed five hundred dollars ($500.00) and/or imprisonment not to exceed fifteen (15) days.

(b) A third conviction within a five (5) years period shall be treated as an Unclassified Misdemeanor and shall be punishable by a fine not less than five hundred dollars ($500.00) and not to exceed one thousand dollars ($1,000.00) and/or imprisonment· for a period not to exceed six (6) months.

C. Unpaid fines.

If a fine is imposed and is not paid within thirty (30) days or such other time period established by the Court, then following mailing of the Notice described herein, the unpaid fines shall be assessed by the Village as a lien against the fine debtor’s real property in the Village and added to the current tax roll by the Village as an unpaid charge attributable to the real property. Prior to assessing this lien for unpaid fines, the Village shall mail a notice to the fine debtor at his/her last known address by regular first-class mail stating that unless the fines are paid within fifteen (15) days of the notice date, they will be assessed and collected as an unpaid charge attributable to the real property.

D. Additional remedy.

The imposition of penalties for any violation of this Law shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this Law shall not prevent the abatement of a violation pursuant to Subsection A(3) of this Section. The expenses of the Village in enforcing such removal, including legal fees, may be chargeable (in addition to the criminal and civil penalties) to the offender, and may be recovered in a civil court of appropriate jurisdiction.

ARTICLE XV - AMENDMENTS

§170-111. Authority.

The Village Board, from time to time on its own motion, on petition by property owners, or on recommendation of the Planning Board may amend, supplement, modify or repeal in whole or in part this Law.

§170-112. Procedures.

A. Petitions.

(1) Any petition for amendments shall be submitted in quadruplicate to the Village Clerk with an application as established by the Village Board in the Schedule of Fees. Any petition for a change in the Zoning Map shall include the following:

(a) The name of the property owner.

(b) A map accurately drawn to an appropriate scale showing the proposed zone district boundary changes, property lines, the calculated areas affected in acres or square feet, the street rights-of-way in the immediate vicinity, and the lands and names of owners immediately adjacent to and extending within three hundred (300) feet of all boundaries of the property to be rezoned.

(c) A metes and bounds description of the proposed amendment.

(2) Any petitioner shall submit evidence that he/she has notified by certified mail, return receipt request, all the property owners within three hundred (300) feet of all boundaries of the affected property.

B. Referrals.

(1) Any such proposed change in the text or zoning map of this Law shall first be referred to the Planning Board (except a proposal from the Planning Board), which shall submit a written report to the Village Board prior to a public hearing on the proposed amendment by the Village Board. The Planning Board shall favorably recommend adoption of an amendment or change in this chapter or in a district boundary only if:

(a) Such change does not conflict with the general purposes, goals and intent of this Law; and

(b) Such change is consistent with the Comprehensive Plan.

(2) The Planning Board shall submit to the Village Board its advisory report within 30 days after receiving notice from the Village Clerk of the proposed change. The failure to make such report within forty-five (45) days shall be deemed to be a favorable recommendation.

(3) Proposed amendment shall be referred to the Fulton County Planning Board under the provisions of §239-m of the New York State General Municipal Law. No action shall be taken to approve a proposed zoning amendment referred to the County until its recommendation has been received, or thirty (30) days have elapsed after its receipt of the full statement of the proposed amendment, unless the County and Village agree to an extension beyond the thirty (30)-day requirement for the County’s review.

C. SEQRA compliance.

The Village Board shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.

D. Public hearing.

(1) If the Village Board chooses to consider a proposed zoning amendment, it shall, by resolution at a duly called meeting, set the time and place for a public hearing on the proposed amendment. If a proposed amendment is initiated by petition, the petitioner shall be responsible for publication of notice and for notice to adjacent municipalities, if necessary.

(2) Publication of notice.

(a) Newspaper notice of hearing. At least ten (10) days prior to the date of such public hearing, a notice of the time and place shall appear in the official newspaper. Such notice shall describe the area, boundaries, regulations or requirements that such proposed change involves.

(b) Written notice of change or amendment. At least ten (10) days prior to the date of said public hearing, written notice of such proposed change or amendment affecting property within five hundred (500) feet of the boundaries of the Village of Northville shall be given to the Village Clerk. The Village shall have the right to appeal and to be heard at such public hearing with respect to any such proposed change or amendment.

§170-113. Adoption.

A. The Village Board may adopt amendments to this Law by a majority vote of its membership, except in the case of local protest as described in Subsection B below.

B. A protest against a proposed change or amendment to this Law, if signed 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 from the proposed change, 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, shall require the favorable vote of at least four (4) members of the Village Board to become effective.

ARTICLE XVI - DEFINITIONS

§170-114. Use of words and terms.

A. Except where specifically defined herein, all words used in this Law shall carry their customary meanings.

B. Unless the context clearly indicates the contrary, words used in the present tense includes the future, the singular number includes the plural, and the plural the singular.

C. The word “person” includes a profit or non-profit corporation, company, partnership or individual.

D. The word “lot” includes the word “plot,” and the word “land.”

E. The word “structure” includes the word “building.”

F. The word “used” refers to the actual fact that a lot or land, building or structure is being occupied or maintained for a particular use. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”

§170-115. Definition of words and terms.

ACCESS: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY DWELLING UNIT: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. For purposes of this chapter an accessory dwelling is also an “ACCESSORY APARTMENT” and “IN-LAW APARTMENT.”

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

ACCESSORY USE, CUSTOMARY: An accessory use that is customary to a principal building including a private garage, parking area or lot, patio, garden or storage shed, pools and ball courts.

ADIRONDACK PARK AGENCY or AGENCY: The Adirondack Park Agency created by §803 of Article 27 of the Executive Law of the State of New York.

ADIRONDACK PARK AGENCY ACT: Article 27 of the Executive Law of the State of New York, including any future amendments thereto.

ADIRONDACK PARK: Land lying within the area described in Subdivision 1 of §9-0101 of the Environmental Conservation Law of the State of New York, including any future amendments thereto.

ADULT USE: A bookstore, video store, entertainment cabaret or nightclub, motion picture theater, theatre, massage establishment as defined below, or a retail store or other establishment which prominently features entertainment or materials with sexually explicit content. An establishment which sells such materials as an incidental part of its business or which presents such material or entertainment primarily as a form of legitimate artistic expression shall not be considered an adult use. Adult Uses are further defined to include the following:

(1) ADULT BOOK AND/OR VIDEO STORE: An establishment having as a substantial or significant portion (more than twenty-five (25%)) of merchandise in number, value or bulk and/or more than ten percent (10%) floor area) of its stock in trade books, magazines, periodicals or other printed or digital matter or photographs, films, videos, digitalized compact discs, slides or other visual representations, which are characterized by the exposure or emphasis of specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities, which are for sale, rental or viewing on or off the premises.

(2) ADULT ENTERTAINMENT CABARET: A public or private establishment which regularly presents topless and/or bottomless dancers, strippers, waiters or waitresses, male or female impersonators, lingerie models or exotic dancers, or other similar entertainment or films, motion pictures, digitalized compact discs or videos, slides or other photographic or digital material, or which utilizes employees that as part of their employment, regularly expose patrons to specified sexual activities or specified anatomical areas.

(3) ADULT THEATER: A theater, concert hall, auditorium or similar establishment which, for any form of consideration regularly features live performances characterized by the exposure of specified sexual activities or specified anatomical areas.

(4) ADULT MOTION-PICTURE THEATER: Any motion-picture theater where, for any form of consideration, films, motion pictures, digitalized compact discs or videocassettes, slides or other photographic or digital reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(5) MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths or steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or duly licensed massage therapist, or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.

(6) SPECIFIED SEXUAL ACTIVITIES: Any of the following specified activities: human genitals in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse, oral copulation or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttocks or breasts.

AGRICULTURE: The land and on-farm buildings, equipment, manure processing and handling facilities; practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise; and forestry. For purposes of the law, this definition shall not include commercial equestrian facilities. Such agricultural use may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

"Crops, livestock and livestock products" shall include, but not be limited to, the following:

(1) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.

(2) Fruits, including apples, peaches, grapes, cherries and berries.

(3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.

(4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.

(5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur-bearing animals, wool-bearing animals, such as alpacas and llamas, milk, eggs and furs.

(6) Maple sap.

(7) Christmas trees derived from a managed Christmas tree operation, whether dug for transplanting or cut from the stump.

(8) Aquaculture products, including fish, fish products, water plants and shellfish.

(9) Woody biomass, which means short rotation woody crops raised for bioenergy.

(10) Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies, including the nuc box, which is a smaller version of a beehive, designed to hold up to five (5) frames from an existing colony.

(11) Actively managed log-grown woodland mushrooms.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. See also the definition of “STRUCTURAL ALTERATION.”

AMENDMENT: A change to any portion of this Law which includes revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Village Board.

ANIMAL SHELTER: Any structure or property which houses stray, abandoned or owner-surrendered animals except for fish for impoundment purposes for future disposition including redemption, adoption, sale or disposal. This use may include facilities for the destruction and disposal of animals. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.

ANTENNA (See also WIRELESS COMMUNICATION FACILITY): A structure or device utilized for the receiving and/or transmitting of radio signals, not enclosed within a building or structure, and any form of satellite receiving dishes. It shall specifically exclude customary VHF and UHF TV antennae and TV/Radio transmission towers licensed for public broadcast by the FCC. For purposes of this Chapter, a SATELLITE DISH is also an antenna.

AREA, BUILDING: The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps; all dimensions shall be measured between the exterior faces of walls.

AREA, FLOOR: The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, and basements, but excluding exterior balconies, unfinished basements and attics. All horizontal dimensions of each "floor area" shall be measured by the exterior face of walls of each such floor, including the walls of roofed porches having more than one wall. The "floor area" of a building shall include the floor area of accessory buildings on the same lot, measured the same way.

ART GALLERY: A structure or building utilized for the display and sale of art work.

ARTIST STUDIO: A workshop or workroom for the creation of fine arts and crafts such as painting, sculpturing, photography or other handmade pieces of art. The space may include a residential unit and it may also include teaching area for small groups of ten or less.

ASSEMBLY OR MEETING FACILITY: A structure for groups of people to gather for an event or regularly scheduled program. Places of public assembly include but are not limited to concert halls, arenas, lecture halls, banquet facilities and similar facilities. This definition excludes community centers, membership clubs or theaters.

BAR: A place in which the principal income is derived from the sale or serving of alcoholic beverages for consumption on the premises, with or without live entertainment. For purposes of this Chapter, this definition also applies to the term “TAVERN.”

BASEMENT: A story partly below grade and having a portion of its clear floor-to-ceiling height above the average grade of the adjoining ground.

BED AND BREAKFAST: An owner-occupied single dwelling unit in which at least one (1), but not more than four (4), sleeping rooms are provided by the owner-occupant as overnight/lodging facilities, with or without meals, for the accommodation of transient guests.

BERM: A man-made mound of earth designed for decorative, screening or buffering purposes.

BOAT LAUNCH: A place, site or structure to facilitate the ingress or egress of a watercraft into or onto a body of water.

BOAT MAINTENANCE FACILITY: Any building, land area or other premises, or portion thereof, used or intended to be used for the care, maintenance and/or repair of boats and/or marine products and accessories.

BOAT STORAGE, COMMERCIAL: A place, site or structure used to store more than three (3) boats, not registered to family members for thirty (30) consecutive days or more.

BREW PUB: An eating and drinking establishment where beer is prepared on the premise for on-site consumption. The brewing of such beer is accessory to the eating and drinking establishment.

BROADCASTING FACILITY, RADIO OR TELEVISION: Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

BUFFER AREA: A strip of land, usually landscaped and open in area, intended to protect one type of land use from the other that may be incompatible or separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

BUILDABLE LAND: That portion of a lot which is suitable for building structures and locating septic disposal facilities, i.e. all land excluding wetlands and watercourses, steep slopes and flood hazard areas as mapped on the Federal Emergency Management Agency’s Insurance Rate Map.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING, ACCESSORY: See STRUCTURE, ACCESSORY.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

CAFÉ: A small restaurant, coffeehouse, or delicatessen of no more than 1,000 square feet of gross floor area where beverages and/or food are served for consumption on and/or off-premises.

CALIPER: The diameter of a tree trunk.

CAMPGROUND: Any area designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter. This definition shall not include a mobile home park, boarding house, hotel or motel.

CAMP, GROUP: Any land or facility for seasonal housing and recreational, educational, or business-related use by private groups or semi-public groups.

CARPORT: A roofed structure not more than seventy-five percent (75%) enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles. See also CARPORT, TEMPORARY.

CARPORT, TEMPORARY: An accessory structure made of canvas, aluminum, or similar materials, or any combination thereof, on movable framing for the shade and shelter of motorized vehicles.

CAR WASH:A structure or building designed for the washing, waxing, cleaning or similar treatment of automobiles as its principle function.

CEMETERY: Property used for the interring of the dead. This use shall not include facilities for cremation.

CERTIFICATE OF OCCUPANCY: A document issued by the Code Enforcement Officer allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable Village laws. For purposes of this Law, a Certificate of Occupancy may be a CERTIFICATE OF COMPLIANCE as deemed appropriate by the Code Enforcement Officer.

CLINIC: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists or social workers and where patients are not usually lodged overnight.

CLUB, MEMBERSHIP: Buildings and/or land owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose to which membership is required for participation and not primarily operation for profit nor to render a service that is customarily carried on as a business. For purposes of this Chapter, this definition shall also apply to the term “MEMBERSHIP LODGE.”

COMMON USE DRIVEWAY: A private deeded right-of-way which serves as the access to no more than two (2) lots or parcels of land.

COMMUNITY CENTER: A not-for-profit or publicly owned facility providing community facilities such as recreational programs and meeting rooms that are open to the public and designed to accommodate and serve significant segments of the community.

COMPREHENSIVE PLAN: The Comprehensive Plan adopted by the Village Board for the future preservation and development of the Village of Northville pursuant to §7-722 of the Village Law, including a part of such plan separately adopted and any update or amendment to such plan.

CONDOMINIUM: A building or groups of buildings in which dwelling units are owned individually, and the owners own the structure, common areas and facilities jointly.

CONSERVATION EASEMENT: A voluntary agreement between a private landowner and a municipal agency or qualified not-for-profit corporation to restrict the development, management, or use of the land. That agency holds the interest and is empowered to enforce its restrictions against the current landowner and all subsequent owners of the land.

CONVENIENCE STORE: Any retail establishment containing less than five-thousand (5,000) square feet offering for sale prepackaged food products, household items, newspapers and magazines, or sandwiches or other freshly prepared foods, such as salads, for off-site consumption. For purposes of this definition a convenience store does not include the dispensing of gasoline.

CRAFT INDUSTRY: The craft industry encompasses goods that are generally handmade by artisans or those skilled in a particular trade, although machinery may be used. Small businesses engaged in the craft trade may include but are not limited to art galleries, handmade textiles, woodworking, and culinary products.

CROSSWALK: A right-of-way, publicly or privately owned, which cuts across a block to furnish access for pedestrians to adjacent street or properties.

CULTURAL FACILITY: A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

DAY CARE, ADULT: Provision of daytime care to adults whose ability to independently perform the normal activities of daily life is limited by age or physical or other impairment but who do not require the level of care provided by nursing homes or medical facilities. Said care shall be provided for a period of time of more than three (3) but less than twelve (12) hours on any given day.

DAY CARE, FAMILY/CHILD: A program or facility caring for children. Said care shall be provided for a period of time of more than three (3) hours per day but less than twenty-four (24) hours on any given day for any given child by an individual, association, corporation, institution or agency whose activities including providing child day care or operating a facility where child day care is provided as defined in §390 of the New York State Social Services Law.

DECK: A roofless outdoor space built as an aboveground platform projecting from the wall of a principal building or accessory structure.

DEED RESTRICTION: A restriction on the use of a property set forth in the deed. For purposes of this Chapter, this is also the definition for the term RESTRICTIVE COVENANT.

DENSITY: The lot area per dwelling unit required in the zoning district regulations.

DEVELOPMENT**:** Any man-made change to improved or unimproved real estate, including but not limited to construction or alteration of buildings or other structures, as well as clear-cutting mining, dredging, filling, paving, excavations, or drilling operations.

DOCK: A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

DRIVE-THROUGH SERVICE FACILITY (or WINDOW): Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. A drive-through facility is considered an accessory use. A gasoline service station is not considered a drive-through facility for purposes of this Law.

DRIVEWAY: A private way providing vehicular access from a public or private road to a single lot, facility or establishment.

DRY CLEANING COLLECTION FACILITY:A facility serving customers directly and operated for the purpose of cleaning garments, fabrics, draperies, etc. with any of various nonaqueous agents used in small quantities.

DUMPSTER: An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle. For purposes of this chapter, this is also the definition of the term “ROLL-OFF.”

DWELLING: A building arranged, intended or designed to be occupied by one (1) or more families living independently of each other upon the premises.

DWELLING, MULTI-FAMILY: A building containing separate living units for three (3) or more families.

DWELLING, SEASONAL: A dwelling which is occupied for no more than six (6) months of the year and may only be designed for seasonal use by virtue of its construction, or the design or construction of the infrastructure servicing the building.

DWELLING, SINGLE-FAMILY: A freestanding building designed for and occupies exclusively by one (1) family, also known as Single-family dwellings. A freestanding residential dwelling designed for and occupied by one household only.

DWELLING, TWO-FAMILY: A building containing separate living units for two (2) families.

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

ENTERTAINMENT AND RECREATION FACILITY, COMMERCIAL: Any establishment that is operated, maintained, or devoted to amusement of the general public, whether privately or publicly owned, where entertainment is offered by the facility. Entertainment facilities shall include, but not be limited to, theaters, bowling alleys, movie theaters, dance halls or clubs, video arcades, skating rinks, batting cages, and miniature golf courses. Entertainment facilities shall not include adult entertainment businesses, taverns, pubs, shooting ranges, golf courses or parks.

EXTRACTION, COMMERCIAL (MINING): The act of removing more than seven hundred and fifty (750) cubic yards of any natural resources in any one (1) year period from the land, including, but not limited to, the removal of earth, rock, gravel, sand and underground materials, excluding timber and water; the preparation and processing of those same natural resources, including any activities or processes or parts thereof for the extraction or removal from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; for the purpose of sale. Commercial extraction excludes any other manufacturing processes, or other related commercial activities at the same property location.

FAMILY: One or more persons who live together in one (1) dwelling unit and maintain a common household. It may consist of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption. Family may also include domestic servants and gratuitous guests.

FARMERS MARKET: See OPEN AIR MARKET.

FENCE: Any artificially constructed barrier constructed of any material or combination of materials erected to enclose or screen areas of land from view.

FLEA MARKET: See OPEN AIR MARKET.

FORESTRY USES: Forestry uses include the raising and growing of trees, both natural stands and plantations; logging operations, including temporary storage sheds and portable sawmills.

FOUNDATION: A system of components that are controlled by the Uniform Building Code of New York State.  These components are required to be capable of accommodating all loads according to the same Code.  This accommodation also includes transmission of the resulting loads to the soil.

FUNERAL HOME: A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services. Such facilities shall not include crematoriums.

GARAGE, PRIVATE: An enclosed space for the storage of one or more motor vehicles (a private airplane may be considered as a motor vehicle in this instance) provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car leased to a non-resident of the premises.

GARAGE SALE: A sale that is conducted, or that is permitted or allowed to be conducted, by the owner or occupant dwelling designed for human habitation and located in a residential area where any goods or merchandise is displayed outdoors and the public is invited by signs, advertising, or in any other manner to come for the purpose of purchasing goods, wares, or merchandise. Garage sale means and includes all sales entitled garage sale, lawn sale, attic sale, yard sale, rummage sale, or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

GASOLINE SERVICE STATION:Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental. A gas station may include the sale of propane or kerosene as accessory uses.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. For purposes of this Chapter, this is also the definition for the term “NURSERY.”

GROSS FLOOR AREA:The aggregate floor area of an entire building or structure enclosed by an including the surrounding exterior walls.

GUEST COTTAGE: An accessory structure designed for guests of a residence as an accessory to a single family dwelling and which: is used only on an occasional basis; is used only by guests of the resident(s) of the single family dwelling; is not offered or available for rent or hire separately from the single family dwelling; contains one-half or less of the enclosed floor space of the single family dwelling or two-thousand (2,000) square feet, whichever is less; and otherwise meets the definition of accessory structure.

HAZARDOUS MATERIAL: Includes any of the following:

(1) Petroleum.

(2) Any substance or combination of substances designated as a hazardous substance under Section 311 of the Federal Water Pollution Control Act (33 USC 1321).

(3) Any substance listed by the NYS DEC which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly stored or otherwise managed.

HAZARDOUS WASTE:All materials or chemicals listed as hazardous wastes pursuant to Article 27 of the Environmental Conservation Law (ECL), and all toxic pollutants as defined in subdivision nineteen of Section 17-0105 of the ECL.

HEIGHT, STRUCTURE: The vertical distance from the highest point of a structure to the lowest point of either the natural or finished grade.

HOME-BASED BUSINESS: An occupation carried on in a dwelling unit or accessory structure by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public. It may provide additional services such as restaurants, meeting rooms, and recreational facilities. For purposes of this Chapter, this definition shall also apply to the term “INN.”

HUDSON RIVER BLACK RIVER REGULATING DISTRICT: The Hudson River Black River Regulating District created by [Article 15 Title 21 of the Environmental Conservation Law](http://www.hrbrrd.com/title21.html) of the State of New York.

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas (paved or gravel), sidewalks, patios and paved recreation areas.

IMPERVIOUS SURFACE COVERAGE: The percentage of the area of a lot that is covered by impervious surface.

INDUSTRY, LIGHT: A use which involves the fabrication, reshaping, reworking, assembly, or combination of products, including processing, packaging, incidental storage, sales and distribution of such products, but is exclusive of uses that require offensive, noisy, or otherwise objectionable disturbances, such as vibration, dust, and odors. Light Industry does not include production requiring raw materials, such as but not limited to: asphalt, cement, charcoal, fuel briquettes, chemicals and related products which may be dangerous, offensive, or create nuisances; and processes, whether or not related to such production including but not limited to nitrating, milling, reduction, refining, melting, alloying and distillation.

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.

KENNEL: A commercial establishment in which more than four (4) dogs, cats or other domesticated animals owned by another person are temporarily boarded for a fee or compensation.

LAUNDROMAT: A business premises equipped with individual washer/dryers for a service to, or self-serve use by retail customers, including drop-off and off premises cleaning.

LIVE-WORK SPACE: A dwelling unit, typically in a commercial or multi-tenant building, that includes a workspace appropriate for the practice of an occupation permitted in the district and conducted by a resident of the dwelling.

LOT: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

LOT AREA: The total horizontal area included within LOT LINES.

LOT AREA, MINIMUM: The smallest lot area established by this Law on which a use or structure may be located in a particular zoning district.

LOT, CORNER: A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT COVERAGE: The percentage of the area of the lot covered by a structure or structures or roofed areas excluding projecting eves, balconies, decks and similar features.

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

LOT FRONTAGE: The length of the front lot line measured at the street right of way line.

LOT LINES: Any line dividing one lot from another lot or from a street line.

LOT OF RECORD**:** Any lot which has been established as such by plat, survey record, or deed prior to the date of this Law as shown on the records in the Office of the County Clerk.

LOT, THROUGH: A lot which faces on two (2) streets at opposites ends of the lot, which is not a corner lot.

LOT WIDTH: The distance between side lot lines measured at right angles to the lot depth along a straight line parallel to the front lot line at the minimum required building front setback line.

MACHINARY REPAIR SHOP: A workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built with a trailer hitch and a permanent chassis and wheels and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

MANUFACTURED HOME SITE: A plot of land within a manufactured home park that is designated for, and designated as, the location for only one (1) manufactured home and customary accessory uses.

MANUFACTURED HOME PARK: A plot or tract of land separated into two (2) or more spaces or lots, which are rented or leased or offered for rent or lease to persons for the installation of manufactured homes for use and occupancy as residences.

MANUFACTURING: The making or fabrication of raw material by hand, art, machinery, or combination thereof, into finished parts or products.

MARINA: Any waterfront facility which provides accommodations or services for boats by engaging in any of the following:

(1) The sale of marine products or services.

(2) The sale, lease, rental or charter of boats of any type.

(3) The sale, lease, rental or any other provisions of storage, wharf space, or mooring for more than two (2) boats not registered to the owners of said facility, member of the owner's immediate family, the owner or lessee of the immediately adjoining upland property, or members of their immediate families, or an overnight guest on said property.

MEAN HIGH WATER MARK: The average annual high-water level of a lake, pond, reservoir, river, stream, creek or other body of water.

MEDICAL OFFICE: An office, or building that contains offices, dispensing health services.

MIXED USE: The development of a lot, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, service, public or entertainment.

MODULAR HOME: A factory fabricated, New York State Uniform Building Code approved transportable building unit, designed to be used by itself or to be incorporated with similar units at a building site, into a modular structure and placed on a permanent foundation. Modular homes shall bear the New York State building code certification as factory-manufactured dwellings. For purposes of this Law a modular home is a single-family home.

MOTEL: A building or group of detached or connected buildings designed or used for providing transient sleeping accommodations where each accommodation unit maintains a separate outside entrance.

MOTOR VEHICLE REPAIR (GARAGE): A building, premises or land in which or on which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles in conducted or rendered.

MUNICIPAL FACILITIES: Basic uses and services usually furnished by the Village of Northville but which also may be provided by a private enterprise, essential to the support of the community including municipal offices and buildings, emergency services such as ambulance and fire protection, water supply and sewage treatment facilities. This definition does not include community centers, public utilities or public transportation shelters.

NONCONFORMING LOT: A lot of record which does not comply with the area, shape, frontage, or locational provisions of this Law for the district in which it is located.

NONCONFORMING STRUCTURE: A building or structure that was lawfully erected prior to the adoption or amendment of this Law but that no longer complies with all regulations applicable to the zoning district in which the structure is located.

NONCONFORMING USE: A use or activity which lawfully existed prior to the adoption or amendment of this Law but fails by reason of such adoption or amendment to conform to the present use requirements of the district in which it is located.

OFFICE: A building or portion thereof used primarily for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment. No manufacturing processes, retail sales, construction, or warehousing occur on the premises.

OFFICE, GENERAL: A building or portion of a building wherein services are performed involving predominantly administrative or clerical operations.

OFFICE, PROFESSIONAL: The use of office related spaces for such professional services that are provided by accountants, attorneys, architects, engineers, dentists, physicians and similar professionals.

OFFICIAL NEWSPAPER: The newspaper or newspapers designated by the Village for the publication of official notices of meetings and public hearings.

OFF-STREET PARKING: An area used as a parking lot.

OPEN AIR MARKET: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Open air markets include, but are not limited to flea markets, farmers markets and craft fairs.

OUTDOOR WOOD BOILER: A fuel burning device that is:

(1) designed to burn wood or other fuels;

(2) specified by the manufacturer for outdoor installation or installation in structures not normally occupied by humans; and

(3) used to heat building space and/or water via the distribution, typically through pipes, of a gas or liquid (e.g., water or water/antifreeze mixture) heated in the device.

PARKING LOT: An off-street, ground-level open area for the temporary storage of motor vehicles. Does not include an area used exclusively for the display of motor vehicles for sale as part of a motor vehicle sales establishment.

PARKING, SHARED: Two or more land uses or a multi-tenant building that merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and result in a superior grouping of building(s).

PARKING SPACE: A stall or berth which is arranged and intended for parking of a motor vehicle in a garage or parking lot.

PARK, PUBLIC: Land that is publicly owned or controlled for the purpose of providing parks, recreation, or open space for public use.

PATIO: A level surfaced area adjacent to a principal building which has an average elevation of not more than thirty (30) inches, and without walls or a roof. A patio may be constructed of any materials.

PLAT: A map representing a tract of land showing the boundaries and location of individual properties and streets prepared by a licensed professional engineer, registered architect, licensed land surveyor or licensed landscape architect, which shall have his/her New York State seal affixed thereon and on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

PORCH: A roofed area attached to or part of and with direct access to or from the building. For purposes of this Law a porch may be glazed or screened, however, it shall not be heated or air conditioned and, if glazed, the percentage of window area to wall area shall not be less than fifty percent (50%).

PORTABLE STORAGE CONTAINER: A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise.  
This term shall not include dumpsters/roll-off containers or storage containers having storage capacity of less than 150 cubic feet.

PUBLIC TRANSPORTATION SHELTER: A facility located at selected points along public transportation routes for passenger pickup, drop off or transfer.

PUBLIC UTILITY: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, cable, fiber optics, transportation, water, or sewage systems. Telecommunication facilities and telecommunication towers may be considered public utility facilities; however, nothing in this definition shall exempt telecommunications from being subject to any telecommunication facility requirements of this Law.

PUBLIC WATER AND SEWER SYSTEMS: Any municipal water and sewer system or privately operated water and sewer system regulated by the Public Service Commission and approved by the Health Department or their successor agencies.

RECREATION AND RECREATION FACILITY, PUBLIC: Recreation facility operated as a nonprofit enterprise by the Village of Northville, any other governmental entity or any nonprofit organization and open to the general public.

RECREATIONAL EQUIPMENT, MAJOR: Major recreational equipment includes travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snow machines and snow machine trailers, all-terrain vehicles, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not. Such major recreational equipment shall only be for private use by the principal owner of the lot.

RECREATIONAL VEHICLE (RV): Any portable vehicle or structure which is designed to be self- propelled or permanently towable on its own wheels (sometimes referred to as a “fifth-wheel” or “tow-behind”); which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes.

REDEMPTION CENTER, BOTTLE AND CAN: A facility that collects bottles and cans and pays the refund value of an empty beverage container to a redeemer, or any person who contracts with one or more dealers or distributors to collect, sort and obtain the refund value and handling fee of empty beverage containers for, or on behalf of, such dealer or distributor.

RESIDENTIAL CARE FACILITY: Any building used as a group residence or extended care facility for the care of persons, including assisted living facilities and nursing homes, where compensation and/or reimbursement of costs is paid to an operator, pursuant to State or Federal standards, licensing requirements, or programs funding residential care services.

RESTAURANT: A business establishment whose principal business is the selling of prepared food and beverages to the customer in a ready-to-consume state. For purposes of this Chapter the term restaurant includes SIT-DOWN RESTAURANTS AND TAKE-OUT RESTAURANTS.

RELIGIOUS INSTITUTION: A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. For purposes of this Chapter it includes churches, synagogues, temples, mosques, or other such places of worship and religious activity.

RETAIL SALES ESTABLISHMENTS: A building or portion thereof engaged in selling goods, services, or merchandise to the general public for personal and household consumption and rendering services incidental to the sale of such goods.

RETAIL SALES ESTABLISHMENT, SMALL: An enclosed retail sales establishment with less than 4,000 square feet of gross floor area.

RIDING ACADEMY: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIGHT-OF-WAY**:** Property that is publicly owned or upon which a governmental entity has an expressed or implied property interest (e.g. fee title or easement) held for a public purpose. Examples of such public purpose include, by way of example and not by limitation, a highway, a street, sidewalks, drainage facilities, a crosswalk, a railroad, a road, an electric transmission line, an oil or gas pipeline, a water main, a sanitary or storm sewer main, shade trees or for any other special use. The usage of the term “right of way” for subdivision platting purposes means that every right-of-way established and shown on a final plat is separate and distinct from the lots or parcels adjoining the right-of-way, and is not included, within the dimensions or areas of such lots or parcels. Rights-of-way involving maintenance by a public agency are dedicated to public use by the maker of the plat on which the right-of-way is established.

ROADSIDE STAND: A direct marketing operation offering outdoor shopping. Such an operation is seasonal in nature and features food stands such as, but not limited, to hot dog stands, as well as locally produced agricultural products, enhanced agricultural products and handmade crafts. For purposes of this Chapter, roadside stands include FARM STANDS.

SAW MILL: A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SCHOOL, PRIVATE: A private facility furnishing comprehensive curriculum of academic instruction similar to that of a public school on the, pre-kindergarten, kindergarten, primary and/or secondary level.

SCHOOL, PUBLIC: Any place offering instruction in any branch of knowledge under the supervision of the State of New York.

SELF STORAGE FACILITY: A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

SENIOR HOUSING: A facility consisting of three (3) or more dwelling units, the occupancy of which is limited to persons where at least one of the occupants is fifty-five (55) years of age or older. The facility may include medical facilities or care. Senior housing shall typically consist of attached dwelling units but, may include detached dwelling units as part of a wholly owned and managed senior development.

SERVICES, PERSONAL: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

SETBACK: The minimum horizontal distance between the streets, rear or side lines of the lot and the front, rear or side lines of a structure.

SHED: Any accessory structure used for storage or containment.

SIDEWALKS: Any strip or section of concrete or granite the prime purpose of which is a 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 or any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization. See §170-52 for additional definitions of sign types.

SITE PLAN: A plan of a lot on which is shown topography, location of all buildings, structures, roads, rights-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

SHOOTING RANGE, OUTDOOR: The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots.

SHOPPING CENTER: A tract of land, with buildings, planned as a whole, intended for two (2) or more retail establishments, with common accessory parking on the same site.

SHORELINE: That line at which land adjoins the waters of lakes, ponds, rivers and streams.

SHORELINE SETBACK: The minimum horizontal distance between any point of a building and the shoreline of any lake, reservoir, or pond, or the shorelines of any brook, stream or river within the Village.

SHORELINE FRONTAGE: The distance measured along the shoreline as it winds and turns between the boundary lines of a lot as they intersect the shoreline of any lake, reservoir, or pond and the shorelines of any river to be studied as wild, scenic, or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including by canoe.

SHORT TERM RENTAL: The rental of a permitted dwelling or dwelling unit to the transient, traveling or vacationing public for a term of sixty (60) days or less. For purposes of this Chapter the term “short term rental” includes TEMPORARY RENTAL and VACATION RENTAL.

SOLAR ENERGY SYSTEM: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun’s radiant energy for a beneficial use.

SOLAR ENERGY SYSTEM, SMALL SCALE: An area of land or other area used for a solar collection system which may be principally used to capture solar energy and convert it to electrical energy which has a collector area of less than five thousand (5000) square feet.

SOLAR ENERGY SYSTEM, LARGE SCALE: An area of land or other area used for a solar collection system which may be principally used to capture solar energy and convert it to electrical energy which has a collector area of more than five thousand (5000) square feet.

SPECIAL USE PERMIT: A special use permit is an allowed use in a district, which because of its unique characteristics requires individual consideration in each case by the Planning Board, before it may be permitted.

SPORTSMAN’S CLUB: Establishments primarily engaged in providing opportunities for hunting, fishing, skeet, trap, target shooting and other shooting sports. See also SHOOTING RANGE, OUTDOOR.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, COMMERCIAL: A building and/or land used in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

STORAGE, OUTDOOR: Land used for the keeping of goods, wares, equipment or supplies outside of a structure.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost "story" shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

STREET: A public or private way, which affords the principal means of access to abutting properties, including any highway.

STREET GRADE: The officially established grade of the street upon which a lot fronts; or, if there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STREET LINE: The dividing line between a lot and a street right-of-way.

STRUCTURE: Anything constructed or erected on, above or under the ground or water, or upon another structure except that a portable container shall not be considered a structure for purposes of this Chapter.

STRUCTURE, ACCESORY: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

STRUCTURAL ALTERATION: Any change in the supporting members of a structure, including but not limited to bearing walls, retaining walls, columns, beams or girders.

SUBDIVIDER: Any person, firm, corporation, partnership or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION: The division of any parcel of land into two (2) or more lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale or building development.

TAVERN: See BAR.

TELECOMMUNICATION FACILITY (TOWER): Any commercial equipment used in connection with the provision of wireless communication services, including cellular telephone services, personal communications services, and are regulated by the Federal Communications Commission, both in accordance with the Telecommunications Act of 1996 and other federal laws. A Telecommunication Facility shall include monopole, guyed, or latticework tower(s), as well as antenna(s), switching stations, principal and accessory telecommunication equipment and supporting masts, wire, structures, and buildings.

THEATER: A building or part of a building devoted to the presentation of theatrical or other entertainment performances including the showing of motion pictures on a paid admission basis.

THEATER, DRIVE-IN:An open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

TOWNHOUSE: A building on its own separate lot containing one (1) dwelling unit with a private entrance, that occupies space from the ground to the roof, and is attached to one or more other townhouse dwelling units by at least one (1) common wall.

UNDEVELOPED LOT: Land that is generally in its natural state before development. For purposes of this definition, some clearing of natural vegetation may have occurred on an undeveloped lot.

USE: The specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, PRINCIPAL: The main or primary purpose of which a building, structure and/or lot is designed, arranged or intended, or for which they may be used, occupied or maintained under this code (see Schedule A). The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this code shall be considered an accessory use.

USE, PROHIBITED: A use of a building, structure, lot or land, or part thereof, which is not listed as a permitted use or a use requiring a special permit.

VARIANCE, AREA: The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE: The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. An increase in density or intensity of use shall be deemed to require a use variance if such increase is not allowed by right or by Special Permit.

VETERINARY CLINIC, OFFICE AND HOSPITAL: Any structure where animals or pets are given medical or surgical treatment, including short-term boarding of animals when boarding is for the purpose of monitoring recovery, but not including boarding or kenneling. For purposes of this Chapter, this definition shall also apply to the term “ANIMAL HOSPITAL.”

VILLAGE ENGINEER: A New York State licensed engineer providing professional services to the Village of Northville as a consultant or as an employee of the Village.

WALL: A structure of wood, stone or other materials or combination thereof intended for security, screening, or enclosure or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.

WAREHOUSE: A facility characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

WATER-DEPENDENT USES: An activity which requires a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses include public and private marinas, yacht clubs, boat yards, commercial and recreational fishing facilities, waterborne commerce, and ferries.

WATER-ENHANCED OR WATER-RELATED USES: Uses that have no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users is increased significantly when it is adjacent or has visual access to the waterfront.

WATERBODY: Any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high-water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

WATERCOURSE: Any natural or artificial, intermittent, seasonal, or permanent, and public or private water body or water segment. A water body is intermittently, seasonally, or permanently inundated with water and contains a discernible shoreline and includes ponds, lakes, and reservoirs. A watercourse includes rivulets, brooks, creeks, streams, rivers, and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WETLAND: All areas that comprises hydric soils and/or are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytic vegetation as defined by Federal Interagency Committee for Wetlands Delineation 1989; Federal Manual for Identifying and Delineating Jurisdictional Wetlands; United States Army Corp. of Engineers; Unite States Environmental Protection Agency; United States Fish and Wildlife Service; and U.S.D.A Soil Conservation Service, Washington D.C.; Cooperative Technical Publication. Wetland areas include vernal pools, wet meadows, marshes, swamps, bogs, and similar wet areas. Wetlands also include Jurisdictional and Non-Jurisdictional wetlands as defined by current policy of the United States Army Corp. of Engineers.

WETLAND/WATERCOURSE BUFFER: The wetland/watercourse buffer is a specified area surrounding a wetland or watercourse that is intended to provide some degree of protection to the wetland or watercourse from human activity and other encroachment associated with development. The buffer shall be subject to the regulations for wetlands and watercourses as defined in this Law.

WHARF: Any structure built or maintained for the purpose of providing a berthing place for vessels.

WILDLIFE REFUGE/NATURE PRESERVE: An area maintained in a natural state for the preservation of both animal and plant life.

WIND ENERGY SYSTEM, SINGLE COMMERCIAL: A single wind turbine producing greater than one-hundred (100) kilowatts of rated capacity.

WIND ENERGY SYSTEM, SMALL: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, or similar technology, which has a rated capacity of not more than one-hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.

YARD: An open space on the same lot with a building, unoccupied or obstructed by a 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 a main building, extending the full width of the lot and situated between the street line and the front line of the main building projected to the side lines of the lot.

YARD, REAR: A space on the same lot as the main building, open and unoccupied except for accessory buildings, extending the full width of the lot and situated between the rear line of the main building projected to the side lines of the lot and the rear line of the lot.

YARD, SIDE: An open, unoccupied space on the same lot with a main building, situated between the side line of the main building and the adjacent side line of the lot and extending from the front yard to the rear yard.

ZONING DISTRICT: The specially delineated areas (or districts) within the Village as delineated on the Zoning Map of this Chapter within which uniform regulations and requirements govern the use, placement, spacing and size of land and buildings.

ARTICLE XVII - MISCELLANEOUS PROVISIONS

§170-116. Repealer.

1. Chapter 170 of the Village of Northville Code, entitled "Zoning” adopted as of February 19, 1991 as codified by Local Law No. 1 of 1991, together with all changes and amendments thereto, is hereby repealed and declared to be of no effect.

§170-117. Severability.

1. If any provision of this Law or the application thereof to any person, property, or circumstances is held to be invalid, the remainder of this Law and the application of each provision to other persons, property, or circumstances shall not be affected thereby.

§170-118. Effective date.

1. This Law shall take effect upon filing with the New York State Secretary of State.