

ZONING

Chapter 170

**From the
CODE
of the
VILLAGE OF WILSON

COUNTY OF NIAGARA
STATE OF NEW YORK**

**[Printed as last amended 3-26-1992 by L.L. No. 1-1992 and
as slated for amendment at time of adoption of Code.
Consult municipal records for for date of Code adoption
and for possible amendments adopted thereafter.]**

**GENERAL CODE PUBLISHERS CORP.
72 Hinchey Road
Rochester, New York 14624**

1994

Chapter 170

ZONING

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Zoning District Map

[HISTORY: Adopted by the Board of Trustees of the Village of Wilson 4-16-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 83.
Mobile homes — See Ch. 106, Art. I.
Property maintenance — See Ch. 118.

Unsafe structures — See Ch. 143.
Water — See Ch. 163.

ARTICLE I
General Provisions

§ 170-1. Short title.

This chapter shall be known as the “Zoning Ordinance of the Village of Wilson,” and the map referred to herein and made a part of this chapter shall be known as the “Zoning District Map.”

§ 170-2. Repealer.

The 1928 Zoning Ordinance of the Village of Wilson and any and all amendments thereto are repealed as of the effective date of this chapter. Such repeal shall not affect or impair any act done, offense committed or right occurring, occurred or acquired or liability, penalty, forfeiture

or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

§ 170-3. Conflict with other provisions.

Where a provision of this chapter is found to be in conflict with any other code or chapter of the village existing on the effective date of this chapter, or any regulation issued under the authority of such code or ordinance, the provision which establishes the higher standard for the protection of health, . safety and welfare shall prevail.

§ 170-4. Purpose and intent.

A. General.

- (1) The purposes of this chapter are set forth in general terms in the Village Law, which enables the village to adopt this chapter. The provisions of this chapter shall be held to be minimum requirements for the protection of the health, safety and welfare of the people at large and shall be designed to encourage the establishment and maintenance of reasonable standards of physical environment.
- (2) This section, together with all provisions of the chapter shall be considered when appraising the spirit of the chapter as a guide to its interpretation.

B. Relating development to local conditions.

- (1) It is a major purpose of this chapter to permit and encourage the concentrated and orderly physical development of the village in accordance with the Village Master Plan, in areas most suitable therefor because of physical conditions and relationship to existing or planned development and improvements. This is especially true with the relationship to the basic requirement of adequately and economically providing for the supply of potable water, for the purification of sewage and for the removal of stormwater.
- (2) Conversely, it is also a major purpose of this chapter to limit development in the areas less suitable therefor because of physical features or other conditions or where necessary to protect the agricultural economy.

- C. With relation to unnecessary hardship.** It is fundamental for the purpose of this chapter to recognize that some existing lots in the village will be difficult to use for a permitted purpose because of location, size, slope or general topography. Usually such differences will not make the use of a lot impractical although such use may require greater expense or ingenuity. Where such lots cannot practically be used for a permitted use, the remedy of variance is available for the modification in required yards or other requirements so as to enable the conduct of a use generally permitted in the district but not to permit a more intensive use. For example, a difficulty in using land for a permitted single-family dwelling because of topography problems should not justify use of the land for a multifamily or commercial use not normally permitted, but only accommodation in the regulations so as to facilitate the single-family use.

ARTICLE II
Terminology

§ 170-5. Word usage.

For the purpose of this chapter, certain terms and words are herein defined; whenever used in this chapter, they shall have the meaning indicated in this Article, except where the context indicates a clearly different meaning. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words “used for” include the meaning “designed or redesigned for” and vice versa; the word “shall” is mandatory and not discretionary, and the word “may” is permissive.

§ 170-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — A detached, subordinate structure, the use of which is incidental to the main structure or the use of the land.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

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.

ALTERATIONS, STRUCTURAL — Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

AREA, BUILDING — The total of areas 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.

AREA, LAND — When referring to the required area per dwelling unit, means “net land area,” the area exclusive of any street and alleys.

AUTOMATIC COIN LAUNDRY OR DRY CLEANER — A business premises equipped with individual clothes washing or cleaning machines for the principal use of retail customers.¹

AUTOMOBILE AND/OR TRAILER SALES AREA — An open area, other than a street or way, used for the display or sale of new or used automobiles or trailers and where minor and incidental repair work (other than body and fender) may be done.

AUTOMOBILE REPAIR GARAGE — A building used for the repair of motor vehicles involving operations not permitted at a gasoline station.

¹ Editor's Note: The former definition of “automatic laundry,” which immediately followed this definition, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

AUTOMOBILE WRECKING — The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT — A story partly underground but having at least one-half ($\frac{1}{2}$) of its height above the average level of the adjoining ground.

BOARDINGHOUSE — A building or portion thereof, other than a hotel, containing not more than one (1) dwelling unit, where meals and lodging are provided for three (3) or more persons in addition to the family unit.

BOATEL — An establishment providing overnight accommodations for guests arriving by boat, whether such guests are accommodated in their boats or on land.

BUILDING — A structure having a roof for the housing or enclosure of persons, animals or chattels.

BUILDING, ACCESSORY — A subordinate building, or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

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

CAR WASH — Premises regularly used for washing, cleaning or polishing motor vehicles for compensation.²

CELLAR — A portion of a building having one-half ($\frac{1}{2}$) or more of its height below the average level of the adjoining ground.

CEMETERY — Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and within the boundary of such "cemetery."

CENTER LINE (OF STREET OR ROAD) — A line midway between and parallel to the two (2) street right-of way lines, to be determined, in case of doubt, by the Zoning Administrator.

CHURCH — This term includes any or all of the following: church, cathedral, temple, synagogue, manse, rectory, convent, parish school or similar building incidental to the particular use or school for religious education; convents and other buildings for the housing of students, teachers, communicants and domestic or maintenance employees; but not including business offices (except administrative offices incidental to the operation of the particular use), rescue missions or the occasional use for religious purposes of properties not regularly so used.

CLUBHOUSE — A building housing a club or social organization.

COMMUNICATIONS CENTER — A structure housing a telephone exchange, telegraph office, radio or television broadcasting studio or similar activity.

² Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

COMMUNITY OPEN SPACE — Park or other recreation area owned in common by residents of lots in the vicinity and restricted by deed or covenant to such use.

COVERAGE — That percentage of the plot or lot area covered by buildings.

DOG KENNEL — A structure used for the harboring of more than three (3) dogs that are more than six (6) months old.

DRIVE-IN USE — Any use customarily providing service to, or selling at retail to, a person occupying an automobile or other vehicle.

DWELLING — A building or portion thereof designed for and used primarily for human occupancy, having the floor area required in this chapter and having complete housekeeping facilities; but not including hospitals, hotels, boardinghouses, motels, residential clubs, rooming houses and the like.

DWELLING GROUP — A group of two (2) or more one-family two-family or multiple dwellings occupying a lot in one (1) ownership and having any yard in common.

DWELLING, MULTIPLE-FAMILY — A building or portion thereof containing two (2) or more dwelling units.

DWELLING UNIT — One (1) or more living or sleeping rooms with cooking and sanitary facilities for one (1) person or one (1) family.

EDUCATIONAL INSTITUTION — A college or university giving general academic instruction. Included within this term are areas or structures used for administration, housing of students or faculty, dining halls or social or athletic activities, when located on part of the institution's land that is not detached from that portion of the campus where classroom facilities are maintained by more than a street and/or other property owned by the institution.

FAMILY — Either an individual, or two (2) or more persons related by blood or marriage or adoption, together with not more than three (3) other persons (not counting servants), or a group of not more than five (5) persons (not counting servants) not related by blood, marriage or adoption, living as a household in a dwelling unit.

FARM — Any parcel of land containing at least five (5) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes fur farms, commercial stables and dog kennels.

FLOOR AREA (OF A BUILDING) — The sum of the gross horizontal areas of the several floors, including basement, of a building and its accessory buildings on the same lot, and including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA RATIO — The floor area of a building divided by the area of the occupied lot.

GARAGE — A building or part of building used for the parking of one (1) or more operative motor vehicles.

GARAGE, REPAIR — See "automobile repair garage."

GASOLINE STATION — Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means, body- and fender work or the dismantling or replacing of engines.

GREENBELT — A strip of land, of stated width, lying adjacent to and running parallel with the lot line; which strip shall not be paved or made accessible to automobiles except for specifically permitted driveways, and in which no use other than vegetation and uses specifically stated by this ordinance is permitted. Unless otherwise indicated, the “greenbelt” shall follow the entire perimeter of the lot.

HEIGHT OF BUILDING — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

HEIGHT OF STRUCTURE (OTHER THAN A BUILDING) — Vertical distance between the mean elevation of the base of the structure and the highest point of the structure.

HOSPITAL — Unless otherwise specified, the term “hospital” shall be deemed to include a sanitarium, sanatorium, preventorium, clinic and other place for the diagnosis and treatment or other care of human ailments.

HOTEL — A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals, in which building:

- A. There are more than twelve (12) sleeping rooms.
- B. Incidental business may be conducted.
- C. There may be club rooms, ballrooms and common dining facilities.
- D. Such hotel services as maid, telephone and postal services are provided.

INSTITUTIONAL HOME — A building used for hire as the full-time home of three (3) or more babies, children or aged persons, except correctional institutions or hospitals, and including nursing homes.

JUNKYARD — A lot, land or structure, or part thereof, over two hundred (200) square feet in area, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof, except as accessory to a principal manufacturing use on the lot.

LOADING SPACE — An off-street space or berth, served by a driveway, intended for the standing of a commercial vehicle while being loaded or unloaded, which space is not less than ten (10) feet in width and will accommodate a truck or truck-trailer not less than thirty-five (35) feet in length, and which provides not less than fifteen (15) feet of clear height for such vehicles.

LOT — A parcel of land.

LOT, BUILDABLE AREA OF — That portion of a zoning lot or an accredited zoning lot bounded by required front and rear and side yards.

LOT, CORNER — A lot situated at and abutting the intersection of two (2) streets, having an interior angle of intersection not greater than one hundred thirty-five degrees (135°).

LOT DEPTH — The distance between the front and rear lot lines, measured along the median between the two (2) side lot lines as determined by the Zoning Administrator.

LOT INTERIOR — A lot other than a corner lot.

LOT LINES — The lines that bound a lot.

LOT OF RECORD — Any lot which has been established as such by plat, survey, record or deed in the records of Niagara County prior to the date of adoption of this chapter.

LOT WIDTH — The distance between the side lot lines, measured along the front building line as determined by the prescribed front yard requirement.

MAJOR EXCAVATING, GRADING OR FILLING — Any operation other than in connection with foundation for a structure or approved improvements in a subdivision) involving:

- A. Strip- or other mining of minerals, removal of topsoil, excavating of sand, gravel or rock and the washing, screening, grading, and crushing of rock or gravel, sanitary and other fills.
- B. Material alteration of the ground surface so as to affect streets and recreation sites and other public facilities, or physically affect private property within one thousand (1,000) feet of the intended operation.
- C. A volume of earth movement exceeding an average of one (1) cubic foot per ten (10) square feet of affected surface area, or five hundred (500) cubic yards, whichever is the lesser.

MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities.

MOTOR FREIGHT TERMINAL — Any premises used by a motor freight company regulated by the Public Utility Commission of New York and/or the Interstate Commerce Commission as a carrier of goods, which is the origin and/or destination point of goods being transported, for the purpose of storing, transferring, loading and unloading such goods.

NONCONFORMING SIGN — A sign, lawfully existing on the effective date of this chapter, or subsequent amendment hereto, which does not conform to the sign regulations applicable in the district in which it is located.

NONCONFORMING STRUCTURE — A structure or portion thereof, other than a sign, lawfully existing on the effective date of this chapter, or subsequent amendment thereto, which was erected or altered for a use that does not conform to the regulations applicable in the district in which it is located.

NONCONFORMING USE — A use of a structure or land, lawfully existing on the effective date of this chapter, or subsequent amendment hereto, which does not conform to the use regulations applicable in the district in which it is located.

NURSERY SCHOOL — A school designed to provide daytime care or instruction for four (4) or more children from two (2) to five (5) years of age, inclusive, and operated on a regular basis.

NURSING HOME — An institutional home in which medical care and supervision by nurses or medical practitioners licensed by the State of New York is provided.

OCCUPANCY — The utilization of a building or land.

OMNIBUS — A motor vehicle designed to carry a comparatively large number of passengers. [Added 7-10-1975 by L.L. No. 1-1975]

PARKING SPACE — A space in a parking garage or parking area, not less than nine (9) feet wide and twenty (20) feet long, exclusive of passageways and driveways, giving access thereto, except as provided in § 170-29D(1), and having direct access to a street or alley.

PUBLIC — The condition of being owned, operated or controlled by a government agency (federal, state or local, including a corporation or service district created by law for the performance of certain specialized governmental functions, and a public school district).

ROADSIDE STAND — A temporary structure or vehicle located on a seasonal basis within a required front or other yard abutting a street or road for the purpose of displaying for sale or selling farm products produced on the premises.

SCHOOL — Any place of instruction having regular sessions with regularly employed instructors.

SCHOOL, ELEMENTARY — Any school having regular sessions with regularly employed instructors who teach those subjects that are fundamental and essential in general education and who teach and provide elementary education under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body or a corporation meeting the requirements of the state.

SCHOOL, SECONDARY — Same as “elementary school,” except that secondary education is provided.

SCHOOL, VOCATIONAL — Any school having regular sessions with regularly employed instructors which, as a principal activity, provides training in a trade or vocation and teaches those subjects that are fundamental and essential in elementary or secondary education under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body or a corporation, meeting the requirements of the state.

SEASONAL — A condition of being utilized or occupied for not more than seven (7) months out of the calendar year.

SIGN — Any structure or part thereof attached thereto or painted or represented thereon which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation, but not including the flag, pennant or insignia of any political,

educational, charitable, philanthropic, civic, professional, religious or like organization on the property thereof.

SIGN, BUSINESS — A sign which directs attention to a business, profession or industry located upon the premises where the sign is displayed, to type of products sold, manufactured or assembled and/or to service or entertainment offered on said premises; except a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

SIGN, FARM PRODUCT — A sign advertising the sale of farm products raised on the premises.

SIGN, IDENTIFICATION — A sign used to identify the individual or organization occupying the premises or the name of the building on which the sign is displayed.

SIGN, REAL ESTATE — A sign advertising the property on which it is located, or a building located thereon, for sale, rent or lease, preceding such transaction only.

SIGN, SPECIAL EVENT — A temporary sign giving notice of a special event or activity of not more than quarterly occurrence.

SIGN, TRAFFIC INFORMATION — A sign used to provide only directional information relative to entrances, exits and traffic circulation.

STOP, BUMPER — A barrier capable of effectively preventing any encroachment by any part of a conventional passenger motor vehicle on or over an area.

STOP, WHEEL — A barrier capable of effectively preventing encroachment on an area by the operating wheels of a motor vehicle.

STREET — Any right-of-way greater than twenty (20) feet in width, dedicated to public travel and serving the abutting properties as means of access.

STREET LINE — The right-of-way line of a street as indicated by dedication or by deed of record or appearing on a duly adopted Official Map, such line to be determined in the instance of any question by the Zoning Administrator.

STREET, LOCAL — A village street so designed as to discourage through traffic, as designated by the Planning Board.

STREET, LOCAL-THROUGH — A village street which may carry some element of through traffic, as designated by the Planning Board.

STREET, MAJOR — State highways and such county roads and village streets as are so designated by the Planning Board.

STREET, SECONDARY — Any county highway not designated a major street, and such other village street as is so designated by the Planning Board.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SWIMMING POOL — Any body of water (excluding natural bodies of water fed by rivers, streams or brooks) or receptacle for water having a depth at any point greater than

two (2) feet, used or intended to be used for swimming or bathing and constructed, installed or maintained in or above the ground outside any building.

THEATER — A building or part of a building devoted to presenting entertainment on a paid admission basis.

TOURIST HOME — A private residence in which overnight accommodations are provided for not more than ten (10) transient, paying guests.

TRAILER, BOAT — A vehicle designed exclusively for the transportation of one (1) boat of less than ten-foot beam and twenty-four-foot length.

TRAILER, CAMP — A vehicle or portable structure not over one hundred fifty (150) square feet in floor area, equipped but not regularly used for sleeping.

TRAILER, CARGO — A vehicle not over seventy (70) square feet in floor area used for the hauling of cargo.

TRAILER, TRACTOR — A truck with a short chassis and no body, used in connection with a trailer for the hauling of freight on a highway. The term shall also include any trailer which is capable of being combined with such a truck for the hauling of freight on the highway. [Added 7-10-1975 by L.L. No. 1-1975]

USE — The specific purpose for which land or a building is designed, arranged or 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.

YARD — An open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky by a building or structure.

YARD, FRONT — A yard extending across the full width of the lot and abutting the front line, the required depth of which yard is a prescribed minimum distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR — A yard extending across the full width of the lot and abutting the rear lot line, the required depth of which yard is a prescribed minimum distance between the rear lot line and a line parallel thereto on the lot.

YARD, SIDE — A yard extending from the front yard to the rear yard and abutting a side lot line, the required width of which yard is a prescribed minimum distance between the side lot line and a line parallel thereto on the lot.

ARTICLE III

Establishment of Districts and District Map

§ 170-7. Enumeration of districts.

To carry out the purposes of this chapter, the area of the village is hereby divided into the following types of districts. For convenience in discussion, in the text and on the Zoning District Map each district has been assigned an identifying short title. Such short title may be used in the text or on the Zoning Map to identify the district.

District	Short Title
Residence 100	R-100
Residence 80	R-80
Residence 50	R-50
Central Commercial	CC
Waterfront Commercial	WC
Highway Commercial	HC
Industrial	I

§ 170-8. District relationships.

No ranking or hierarchy is intended among districts; for example, a residential district is not necessarily considered a “higher type” of district than a commercial. Each district is designed to provide optimum conditions for the intended uses. Uses permitted in a residential district are, therefore, not automatically permitted in a commercial district, nor are commercial uses necessarily permitted in an industrial district. For convenience, and where applicable, uses may be permitted by reference when they are identical in several districts.

§ 170-9. Zoning District Map.

The locations of the districts enumerated in preceding § 170-7, and the boundaries of such districts, are hereby established as shown upon the map which is attached hereto and made a part of this chapter, being designated as the “Zoning District Map.” The said map and all the notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said map were all fully described herein.³

§ 170-10. Boundary determinations.

The boundaries of districts shall be as shown by heavy solid lines on the Zoning District Map. Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following the center lines of streets, alleys, railroads, streams or canals or power transmission lines, such center lines shall be construed to be such boundaries.
- B. Where such boundaries are indicated as approximately following the boundary lines of parks or reservations, such lines shall be construed to be such boundaries.
- C. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

³ Editor’s Note: Said map is included at the end of this chapter.

- D. In unsubdivided land and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the Zoning Administrator by the use of the scale appearing thereon.

ARTICLE IV
District Regulations

§ 170-11. Applicability of regulations.

Except as may be hereinafter provided, the provisions of this Article shall govern the use of land and buildings in the various districts, specifically:

- A. Use of land and buildings. No building shall hereafter be erected, and no existing building shall be altered, added to or moved on or onto a lot, nor shall any land or building be used or arranged to be used, for any purpose other than is included among the uses listed in this Article for the district in which it is located.
- B. Structure and building height. No structure or building shall hereafter be erected or altered to exceed in height the limit designated for the district in which it is located.
- C. Space and area regulations. No building shall hereafter be erected, nor shall any existing building be altered, enlarged or moved, nor shall any lot, yard, lot width, open space, loading or parking space required in relation to any building or use be encroached upon or reduced in any manner, not in conformity with the lot area, lot area per family, lot coverage, open space and building bulk regulations, yard requirements and other space and area regulations designated herein for the district in which it is located, unless such reduction is by a duly constituted public authority for a public purpose.
- D. Yard as related to a building. No part of a yard or other open space required appurtenant to any building or use shall be included as a part of a yard or other open space required for any other building on any other lot.
- E. Use of yards. Yards, as required herein, shall not be used for the storage of merchandise, equipment, building materials, junk, vehicles, vehicle parts or any other material or for signs except as specific provision is made therefor.

§ 170-12. Residence R-100 Districts.

- A. Purpose. In addition to the general purpose of this chapter, the purpose of this section is to provide for the harmonious development of residential uses at a density of approximately two (2) families per acre.
- B. Permitted uses. Permitted uses shall be as follows:
- (1) Church, provided that a greenbelt of not less than twenty-five (25) feet is maintained on all sides.
 - (2) Dwelling for not more than one (1) family in accordance with the lot area per family requirements, except one-bedroom apartments and studio apartments. [**Amended 12-20-1973 by L.L. No. 2-1973**]

- (3) Elementary or secondary school.⁴
 - (4) Farm, with customary farm operations, subject to the following restrictions:
 - (a) No animal husbandry shall be permitted.
 - (5) Public park or recreation area or community open space, when approved by the Village Board.
 - (6) Village buildings or uses.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Farm accessory uses. In conjunction with a farming operation, the keeping of customarily accessory farm implements, equipment and vehicles used in the operation and the sale of products produced on the premises, other than in a required yard.
 - (2) Garage or open parking for operative passenger vehicles of persons visiting or residing on the premises, including one (1) commercial vehicle of less than one-ton capacity.
 - (3) Out-of-door storage of a boat, boat and trailer, boat trailer, camp trailer or cargo trailer owned for personal use by a resident of the premises, when more than twenty-five (25) feet to the rear of the front building line and not within any required yard.
 - (4) Toolhouse, garden house or greenhouse, when not operated for gain.
 - (5) A customary home occupation or profession.⁵
 - (6) Keeping of not more than two (2) nontransient roomers or boarders in connection with a conforming residential use.
 - (7) Signs in accordance with § 170-22.
 - (8) Private swimming pools.⁶
 - (9) Uses customarily accessory to permitted uses.
- D. Uses requiring a special permit in accordance with §§ 170-42 and 170-44. Uses requiring a special permit shall be as follows:
- (1) Nursery school.⁷
 - (2) Public utility substation necessary for the service of a village area.
 - (3) Roadside stand in connection with a farm, on a seasonal basis, for the sale of products produced on the premises.
 - (4) Town or county public use operated by the county or town government.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁵ Editor's Note: See § 170-25.

⁶ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (5) Clubhouse on a site of not less than two (2) acres.⁸
 - (6) Hospital on a site of not less than ten (10) acres.
 - (7) Out-of-door parking or storage of a tractor-trailer and/or omnibus owned for private and/or business use. [Added 7-10-1975 by L.L. No. 1-1975]
- E. Lot area requirements. The lot area requirements shall be as follows:
- (1) Minimum lot area requirement: fifteen thousand (15,000) square feet.
 - (2) Minimum lot area per family requirements: fifteen thousand (15,000) square feet.
- F. Minimum lot width requirements. Minimum lot width requirements shall be as follows:
- (1) Interior lots: one hundred (100) feet.
 - (2) Corner lots: one hundred twenty (120) feet.
- G. Lot coverage, open space and building bulk regulations. Lot coverage, open space and building bulk regulations shall be as follows:
- (1) Maximum land coverage by buildings permitted: fifteen percent (15%).
 - (2) Maximum floor area ratio permitted: thirty hundredths (0.30).
- H. Yard requirements. Yard requirements shall be as follows:
- (1) Front yards, minimum depth from the street center line. (See exceptions, § 170-27F.)
 - (a) On major streets, eighty (80) feet.
 - (b) On secondary streets, eighty (80) feet.
 - (c) On local-through streets, seventy (70) feet.
 - (d) On local streets, seventy (70) feet.
 - (2) Side yards, minimum width.
 - (a) For interior lot:
 - [1] Sum of both sides: twenty-five (25) feet.
 - [2] One (1) side: ten (10) feet.
 - (b) For corner lot:
 - [1] Street side: the same as front yard.
 - [2] Interior side: ten (10) feet.
 - (3) Rear yard, minimum depth: twenty (20) feet.
- I. Height limitations. Height limitations shall be as follows:
- (1) Residential building, maximum height: twenty-eight (28) feet.

⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (2) Other buildings, maximum height: thirty-five (35) feet.
- (3) Other structures, maximum height: fifty (50) feet.

§ 170-13. Residence R-80 Districts.

- A. Purpose. In addition to the general purpose of this chapter, the purpose of this section is to provide for the harmonious residential development of appropriate areas of the village where, because of previous development or local conditions, a lot size permitting development of approximately four (4) families per acre is considered desirable.
- B. Permitted uses. Permitted uses shall be as follows:
 - (1) Any use permitted in an R-100 District, § 170-12B.⁹
 - (2) Institutional home, provided that the site contains not less than ten thousand (10,000) feet for each resident family and two thousand five hundred (2,500) square feet for each person accommodated and that a greenbelt of not less than fifteen (15) feet is maintained on all sides.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
 - (1) Any accessory use permitted in an R-100 District (§ 170-12C).
- D. Uses requiring a special permit. Uses requiring a special permit shall be as follows:
 - (1) Any use requiring a special permit in an R-100 District (§ 170-12D).
 - (2) Multifamily dwelling with more than four (4) units.
 - (3) Dwelling group.
- E. Lot area requirements. Lot area requirements shall be as follows:
 - (1) Minimum lot area requirements: ten thousand (10,000) square feet.
 - (2) Minimum lot area per family requirement: ten thousand (10,000) square feet.
- F. Minimum lot width requirements. Minimum lot width requirements shall be as follows:
 - (1) Interior lot: eighty (80) feet.
 - (2) Corner lot: one hundred (100) feet.
- G. Lot coverage, open space and building bulk regulations shall be as follows:
 - (1) Maximum land coverage by buildings permitted: twenty percent (20%).
 - (2) Maximum floor area ratio permitted, forty hundredths (0.40).
- H. Yard requirements. Yard requirements shall be as follows:
 - (1) Front yard, minimum depth from the street center line. (See exceptions, § 170-27F.)
 - (a) On major streets: eighty (80) feet.

⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (b) On secondary streets: eighty (80) feet.
- (c) On local-through streets: seventy (70) feet.
- (d) On local streets, sixty-five (65) feet.
- (2) Side yards, minimum width.
 - (a) For interior lot:
 - [1] Both sides: eighteen (18) feet.
 - [2] One (1) side: ten (10) feet.
 - (b) For corner lot:
 - [1] Street side: the same as front yard.
 - [2] Interior side: eight (8) feet.
- (3) Rear yard, minimum depth: twenty (20) feet.
- I. Height limitations. Height limitations shall be as follows:
 - (1) Residential building. Maximum height: twenty-eight (28) feet.
 - (2) Other buildings. Maximum height: thirty-five (35) feet.
 - (3) Other structures. Maximum height: twenty (20) feet.

§ 170-14. Residence R-50 Districts.

- A. Purpose. In addition to the general purpose of this chapter, the purpose of this section is to provide for the harmonious development of residential districts at reasonably high densities in those areas of the village where previous conditions of small lot development and/or the particular suitability of the area for small lot and/or multifamily residential development make more intensive residential development desirable.
- B. Permitted uses. Permitted uses shall be as follows:
 - (1) Any use permitted in § 170-12B, except farm.¹⁰
 - (2) Institutional home, provided that the site contains not less than four thousand (4,000) square feet for the resident family and one thousand (1,000) square feet for each additional person accommodated and that a greenbelt of not less than fifteen (15) feet is maintained on all sides.
 - (3) Multifamily dwelling for not more than eight (8) families.
 - (4) One-bedroom apartments and studio apartments. [Added 12-20-1973 by L.L. No. 2-1973]
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:

¹⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (1) Any accessory use permitted in § 170-12C.
- D. Uses requiring a special permit. Uses requiring a special permit shall be as follows:
- (1) Any use requiring a special permit in § 170-12D, subject to the same requirements.
 - (2) Service or commercial facility serving and designed as an integral part of a multifamily or group dwelling with more than twenty (20) families.
 - (3) Multifamily dwelling or dwelling group with more than eight (8) dwelling units.
 - (4) Clubhouse on a site of not less than one-half ($\frac{1}{2}$) acre when on a major or secondary street or adjacent to a commercial district.
 - (5) Mortuary or a funeral home on a site of not less than one-half ($\frac{1}{2}$) acre when on a major or secondary street or adjacent to a commercial district.
 - (6) Mobile home park on a site of not less than three (3) acres.¹¹ [Added 6-17-1971]
- E. Lot area requirements. Lot area requirements shall be as follows:
- (1) Minimum lot area requirements: six thousand (6,000) square feet.
 - (2) Minimum lot area per family requirements:
 - (a) First family: six thousand (6,000) square feet.
 - (b) Each additional family: two thousand five hundred (2,500) square feet.
- F. Minimum lot width requirements. Minimum lot width requirements shall be as follows:
- (1) Interior lot: fifty (50) feet.
 - (2) Corner lot: seventy (70) feet.
- G. Lot coverage, open space and building bulk regulations. Lot coverage, open space and building bulk regulations shall be as follows:
- (1) Maximum land coverage by buildings permitted: twenty-five percent (25%).
 - (2) Minimum open space required: twenty percent (20%).
 - (3) Maximum floor area ratio permitted: fifty hundredths (0.50).
- H. Yard requirements. Yard requirements shall be as follows:
- (1) Front yard, minimum depth from the street center line.
 - (a) On major streets: eighty (80) feet.
 - (b) On secondary streets: eighty (80) feet.
 - (c) On local-through streets: seventy (70) feet.
 - (d) On local streets: sixty (60) feet.
 - (2) Side yards, minimum width.

¹¹ Editor's Note: See Ch. 106, Mobile Homes.

- (a) For an interior lot:
 - [1] Both sides: sixteen (16) feet.
 - [2] One (1) side: six (6) feet.
 - (b) For a corner lot:
 - [1] Street side: the same as front yard.
 - [2] Interior side: six (6) feet.
 - (3) Rear yard, minimum depth: twenty (20) feet.
- I. Height limitations. Height limitations shall be as follows:
- (1) Residential building. Maximum height: twenty-eight (28) feet.
 - (2) Other buildings. Maximum height: thirty-five (35) feet.
 - (3) Other structures. Maximum height: twenty (20) feet.

§ 170-15. Central Commercial CC District.

- A. Purpose. In addition to the general purpose of this chapter, the purpose of this section is to provide for the development of a Central Commercial District as a safe, convenient, efficient and attractive shopping center with adequate provision for off-street parking and loading, all in accordance with the Village Master Plan.
- B. Permitted uses. Permitted uses shall be as follows:
- (1) Any use permitted in a Residence 50 District, except single-family dwellings, subject to the regulation of that district, when the only principal use on the lot.
 - (2) Automatic coin laundry or dry cleaner.
 - (3) Bank.
 - (4) Clubhouse.
 - (5) Communication center.
 - (6) Hotel.¹²
 - (7) Manufacturing for sale exclusively on the premises, at retail, of food products or hand-crafted items.
 - (8) Mortuary or funeral parlor.
 - (9) Newspaper publishing and job printing.
 - (10) Offices.
 - (11) Personal service establishment, other than drive-in establishments,

¹² Editor's Note: Former Subsection B(6) Dance hall, theater, bowling alley, billiard room and similar places of recreation, was repealed 5-18-1978 by L.L. No. 3-1978.

- (12) Restaurant, other places of food service, other than drive-in restaurant.
 - (13) Store or shop for the conduct of retail trade, other than drive-in establishments.
 - (14) Wholesale sales without storage.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Accessory uses which customarily accompany and are a part of permitted uses.
 - (2) Dwelling of a watchman, caretaker or proprietor in conjunction with a permitted use.
 - (3) The keeping of transient or nontransient roomers or boarders.
 - (4) Signs in accordance with § 170-22.
- D. Uses requiring a special permit in accordance with the general provisions of § 170-42 and the specific provisions of § 170-44. Uses requiring a special permit shall be as follows:
- (1) Automobile repair garage.
 - (2) Bus station.
 - (3) Drive-in retail or service establishment, except restaurants.
 - (4) Dwelling or dwellings in combination with a use or uses not permitted in a residence district.
 - (5) Gasoline station.
 - (6) Multifamily dwelling or dwelling group for more than eight (8) families.
 - (7) Parking lot or parking garage for more than ten (10) vehicles, other than a publicly owned facility.
 - (8) Shopping center.¹³
 - (9) Out-of-door parking or storage of a tractor-trailer and/or omnibus owned for private and/or business use. **[Added 7-10-1975 by L.L. No. 1-1975]**
 - (10) Dance hall, theater, bowling alley, billiard room and similar places of recreation. **[Added 5-18-1978 by L.L. No. 3-1978]**
- E. Lot area requirements. Lot area requirements shall be as follows:
- (1) Minimum lot area requirement: six thousand (6,000) square feet.
 - (2) Minimum lot area per family requirements: the same as in an R-50 District.
- F. Minimum lot width requirements: The minimum lot width requirement shall be fifty (50) feet.
- G. Lot coverage and building bulk regulations. Lot coverage and building bulk regulations shall be as follows:
- (1) Maximum land coverage by buildings permitted, eighty percent (80%).

¹³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (2) Maximum floor area ratio permitted: two and zero-tenths (2.0).

H. Yard requirements. Yard requirements shall be as follows:

- (1) Front yards, minimum depth.
 - (a) On Young Street: none required.
 - (b) On other streets: twenty-five (25) feet.
- (2) Side yards, minimum width.
 - (a) For interior lot: none required, but if any side yard is left, it must be not less than three (3) feet in width.
 - (b) For corner lot: none required.
- (3) Rear yard, minimum depth.
 - (a) Adjoining commercial zoned property: ten (10) feet.
 - (b) Adjoining residential district: twenty (20) feet.

I. Height limitations. Height limitations shall be as follows:

- (1) Height of structure, maximum: fifty (50) feet.
- (2) Height of building, maximum: thirty-five (35) feet.

§ 170-16. Waterfront Commercial WC Districts.

- A. Purpose. In addition to the general purpose of this chapter, the purpose of this section is to provide for the suitable development of designated areas of the village which are oriented to the harbor and water-related uses.
- B. Permitted uses. Permitted uses shall be as follows:
 - (1) Sales, rental, service, storage and maintenance of boats and marine supplies and fuel.
 - (2) Boat launching.
 - (3) Clubhouse.
 - (4) Commercial fishing.
 - (5) Sale of fishing equipment and supplies, including bait.
 - (6) Restaurant or other place of food service, other than drive-in restaurant.
 - (7) Town or village park or recreation areas.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
 - (1) Accessory uses which customarily accompany and are a part of permitted uses.
 - (2) Dwelling of a watchman, caretaker or proprietor in conjunction with a permitted use.

- (3) Signs in accordance with § 170-22.
- D. Uses requiring a special permit in accordance with the general provisions of § 170-42 and the specific provisions of § 170-44. Uses requiring a special permit shall be as follows:
 - (1) Boatel.
 - (2) Motel.
 - (3) Commercial swimming pools.
 - (4) Commercial recreation areas.
 - (5) Out-of-door parking or storage of a tractor-trailer and/or omnibus owned for private and/or business use. **[Added 7-10-75 by L.L. No. 1-1975]**
- E. Lot area requirements. Lot area requirements shall be as follows:
 - (1) Minimum lot area requirements: ten thousand (10,000) square feet.
 - (2) Minimum lot area per family requirement: the same as in an R-80 District.
- F. Minimum lot width requirements. The minimum lot width requirement shall be eighty (80) feet.
- G. Lot coverage, open space and building bulk regulations. Lot coverage, open space and building bulk regulations shall be as follows:
 - (1) Maximum coverage by buildings permitted: twenty percent (20%).
 - (2) Maximum floor area ratio permitted: four-tenths (0.4).
- H. Yard requirements. Yard requirements shall be as follows:
 - (1) Front yard, minimum depth from the street center line: eighty (80) feet.
 - (2) Side yards, minimum width.
 - (a) For interior lot: twelve (12) feet.
 - (b) For corner lot:
 - [1] Street side: the same as front yard.
 - [2] Interior side: twelve (12) feet.
 - (3) Rear yard, minimum depth: twelve (12) feet.
- I. Height limitations. Height limitations shall be as follows:
 - (1) Height of structure, maximum: thirty-five (35) feet.
 - (2) Height of building, maximum: thirty-five (35) feet, except that such greater height may be permitted buildings used for boat storage as may be necessary to accommodate boat superstructure.

§ 170-17. Highway Commercial HC Districts.

- A. Purpose. In addition to the general purposes of this chapter, the purpose of this section is to permit the development of automobile-oriented and related uses at suitable locations along major traffic arterials in areas indicated by the Village Master Plan and to provide adequate standards for such development. Where such districts may be partly in residential use, an additional purpose is to provide for a gradual and orderly change from residential to permitted uses.
- B. Permitted uses. Permitted uses shall be as follows:
- (1) Farm, as permitted in a Residence 100 District.
 - (2) Greenhouse or nursery with sales.
 - (3) Gasoline station.
 - (4) Sales or rental, with incidental service, of new or used and operable:
 - (a) Automobiles.
 - (b) Trucks and buses.
 - (c) Farm implements.
 - (d) Cargo or camping trailers.
 - (e) Boats, boat trailers or marine equipment.
 - (f) Mobile homes.
 - (5) Wholesale sales.
 - (6) Warehouse storage.
 - (7) Substation, storage yard and service area for a public utility.
 - (8) Building materials sales yard for new materials only, including the sale and display of complete buildings.
 - (9) Salesroom or shop of a builder, contractor or artisan, provided that all equipment is stored in a buildings or a fenced area that is not part of any required yard.
 - (10) Communications center.¹⁴
 - (11) Restaurant.
 - (12) Motel.
 - (13) Real estate sales office.
 - (14) Customary home occupations and professions in conjunction with an existing dwelling.¹⁵

¹⁴ Editor's Note: Former Subsection B(11), Frozen food locker, which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁵ Editor's Note: See § 170-25.

- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Accessory uses which customarily accompany and are a part of permitted uses.
 - (2) Dwelling for a watchman, caretaker or proprietor in connection with a permitted use.
 - (3) Signs in accordance with § 170-22.
- D. Uses requiring a special permit. The following uses may be permitted by the Board of Appeals in accordance with the general provisions of § 170-42 and the specific provisions of § 170-44:
- (1) Automobile repair garage.
 - (2) Manufacturing enterprise on a site of not less than two (2) acres.
 - (3) Conversion of a residential structure so as to contain other uses as well as dwellings.
 - (4) Drive-in restaurant.
 - (5) Car wash.¹⁶
 - (6) Roadside stand.
 - (7) Animal hospital.¹⁷
 - (8) Commercial swimming pool.
 - (9) Commercial recreation area.
 - (10) Out-of-door parking or storage of a tractor-trailer and/or omnibus owned for private and/or business use. **[Added 7-10-1975 by L.L. No. 1-1975]**
- E. Lot area requirements. Lot area requirements shall be as follows:
- (1) Minimum lot area requirements: twenty thousand (20,000) square feet.
 - (2) Minimum lot area per family requirements: twenty thousand (20,000) square feet.
- F. Minimum lot width requirements. The minimum lot width requirement shall be one hundred (100) feet.
- G. Lot coverage, open space and building bulk regulations. Lot coverage, open space and building bulk regulations shall be as follows:
- (1) Maximum land coverage by buildings permitted: twenty percent (20%).
 - (2) Minimum open space required: twenty percent (20%).
 - (3) Maximum floor area ratio permitted: thirty-hundredths (0.30).
- H. Yard requirements. Yard requirements shall be as follows:
- (1) Front yards, minimum depth.

¹⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (a) On major and secondary streets, from the street center line: one hundred (100) feet.
- (b) On other streets, from the street center line: seventy (70) feet.
- (2) Side yards, minimum width.
 - (a) For interior lot: fifteen (15) feet.
 - (b) For corner lot:
 - [1] Street side: the same as front yard requirements.
 - [2] Interior side: fifteen (15) feet.
- (3) Rear yard, minimum depth: twenty (20) feet.
- I. Greenbelt requirement. The greenbelt requirement shall be ten (10) feet on all sides and the rear, except twenty (20) feet when adjoining a residential use or residence district.
- J. Height limitation. Height limitation shall be as follows:
 - (1) Height of structure, maximum: fifty (50) feet.
 - (2) Height of building, maximum: thirty (30) feet.

§ 170-18. Industrial I District.

- A. Purpose. In addition to the general purposes of this chapter, the purpose of this section is to provide, in suitable locations as may be indicated by the Village Master Plan, for the growth and continued operation of the industrial uses of a limited character, such uses being suitably restricted so as to protect the general character of the village, provide adequate protection for neighboring residential uses and provide an adequate environment for modern industrial operations. Where such areas may be partly in residential use, an additional purpose is to provide for a gradual and orderly change from residential to permitted uses.
- B. Permitted uses. Permitted uses shall be as follows:
 - (1) Farm, as provided in § 170-12B.
 - (2) Public utility storage and service.
 - (3) Storage, manufacturing or processing of goods, provided that no air pollutant, noise, vibration or glare is produced that creates a nuisance, that no electrical interference with normal radio and television reception is caused beyond the zoning district line and that no unusual hazard is involved for nearby users because of the character of materials involved or the manufacturing process as determined by the Zoning Administrator.
 - (4) Any use permitted in a Highway Commercial District.¹⁸

¹⁸ Editor's Note: Former Subsection B(5), Any public use, which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Accessory uses which customarily accompany and are a part of permitted uses.
 - (2) Signs in accordance with § 170-22.
- D. Uses requiring a special permit in accordance with §§ 170-42 and 170-44. Uses requiring a special permit shall be as follows:
- (1) Auction sales barn.
 - (2) Conversion of dwelling structures to contain other uses and dwellings.
- E. Lot area requirements. Lot area requirements shall be as follows:
- (1) Minimum lot area requirement: forty thousand (40,000) square feet.
- F. Minimum lot width requirements. The minimum lot width requirement shall be one hundred fifty (150) feet.
- G. Lot coverage, open space and building bulk regulations. Lot coverage, open space and building bulk regulations shall be as follows:
- (1) Maximum land coverage by buildings permitted: twenty percent (20%).
 - (2) Minimum open space required: twenty percent (20%).
 - (3) Maximum floor area ratio permitted: four-tenths (0.4).
- H. Yard requirements. Yard requirements shall be as follows:
- (1) Front yards, minimum depth from the street center line.
 - (a) On major and secondary streets: one hundred (100) feet.
 - (b) On other streets: seventy (70) feet.
 - (2) Side yards, minimum width.
 - (a) For interior lots: twenty-five (25) feet.
 - (b) For corner lot:
 - [1] Street side: the same as front yard.
 - [2] Interior side: twenty-five (25) feet.
 - (c) Rear yard, minimum depth: thirty (30) feet.
- I. Greenbelt requirements. The greenbelt requirement shall be fifteen (15) feet on all sides, except that greenbelts on side yards adjoining a residential district shall be not less than thirty (30) feet or ten percent (10%) of the lot width, whichever is the lesser.
- J. Height limitations shall be as follows:
- (1) Height of structure, maximum: eighty (80) feet.
 - (2) Height of building, maximum: fifty (50) feet.

ARTICLE V

General Requirements and Exceptions**§ 170-19. Applicability.**

The following supplementary regulations covering requirements and exceptions shall apply to all districts or to such districts as specified.

§ 170-20. Supplementary use regulations.

Supplementary use regulations shall be as follows:

- A. Utility transmission lines. Utility transmission lines approved by appropriate federal or state agencies may be located anywhere in the village and shall not be subject to height limitations.
- B. Storage of flammable liquids. The storage of alcohol, gasoline, crude oil or any other highly flammable liquid or liquefied or compressed gases in aboveground tanks with unit capacity greater than five hundred fifty (550) gallons shall be prohibited in all districts unless such tanks shall be placed in conformity with the requirements of the rules and regulations of the National Fire Board of Underwriters.

§ 170-21. Supplementary temporary use regulations.

The following uses are permitted in any district, or in such districts as may be designated, as temporary uses subject to the conditions stated:

- A. Contractors' sheds. Contractors' buildings, trailers or sheds may be erected on a construction site to serve as office, workshop or storage area during the construction of any authorized structure following the issuance of a building permit. Such buildings shall not remain longer than eighteen (18) months unless a special permit for a longer period is granted by the Board of Appeals in accordance with §§ 170-42 and 170-44. They may not be used as a residence except as the quarters of a watchman.
- B. Construction signs. Signs bearing information as to the nature of a building being erected or altered and the names of contractors, architects, engineers and artisans engaged in the construction may be erected at the site of any authorized construction project during the period of construction only. Such signs shall be grouped on a single panel not exceeding one hundred twenty (120) square feet in area.
- C. Fairs and carnivals. An out-of-door fair, carnival or similar event may be conducted by a church, civic organization or similar nonprofit group on the premises of such organization, on a lot in a commercial or industrial district, or on a lot or in an undeveloped part of a residence district for a period not exceeding three (3) days in any calendar year in any district, subject to the granting of a special permit therefor by the Board of Appeals in accordance with §§ 170-42 and 170-44.
- D. Special events. Any nonprofit, commercial or industrial operation in other than a residential district may celebrate, during not more than three (3) days a month nor more than six (6) days of any calendar year, a special promotional event, such as a grand

opening, on the granting of a special permit by the Board of Appeals. During such period, it may use such signs and other devices as the Board shall find appropriate to the occasion and within the limits of the sign regulations.

§ 170-22. Signs.

A. General regulations.

- (1) Signs, accessory use only. Signs are permitted as an accessory use only, not as a principal use.
- (2) Rules for measuring signs.
 - (a) Back-to-back signs. Identical signs arranged back to back or diverging by less than thirty degrees (30°) from a common point may be counted as one (1) sign.
 - (b) The area of a sign which consists of an insignia or other device but which has no frame shall be calculated as the smallest triangle, parallelogram or circle possible of enclosing the insignia.
- (3) Certain signs and lighting prohibited. The use of moving signs or devices and self-illuminated signs (other than those with bulbs concealed behind translucent glass, plastic or similar material) and the use of flashing or intermittent lighting in connection with the signs shall not be permitted. Floodlights for the illumination of signs shall be so located and/or shielded as not to interfere with the enjoyment of residential uses or to detract from the safety of motorists. Signs which, in the opinion of the Zoning Administrator, are so similar to standard traffic signs as to cause confusion shall not be permitted.
- (4) Location.
 - (a) Extension over public streets. Only the following signs may be placed in or extended over any public street:
 - [1] Signs erected by a public agency or authorized on the public rights-of-way by resolution of the Village Board of Trustees.
 - (b) Location in front yards. No sign shall be permitted in a front yard except as follows:
 - [1] In any residence zone:
 - [a] A permitted sign may be located in that portion of a front yard that is more than fifteen (15) feet from the street line.
 - [b] A permitted sign may be located within fifteen (15) feet of the street line only if less than three (3) square feet in area and less than three (3) feet high.
 - [c] Identification and business signs existing on the effective date of this chapter relating to nonconforming uses and attached to, and not extending more than twelve (12) inches from the wall of a building occupied by the related use may remain if otherwise conforming.

- [2] In any commercial or industrial district:
- [a] Permitted identification and traffic direction signs if less than six (6) square feet in area and three (3) feet in height may be located in a required greenbelt.
 - [b] One (1) permitted sign not over thirty (30) feet in area may be located at the part of the front yard not in a required greenbelt, but no part of such sign shall extend more than five (5) feet over the greenbelt.
- (5) Height. No sign shall exceed twenty-five (25) feet in height or extend above the facade of a building to which it is attached.
- (6) Signs on vehicles. Vehicles bearing signs more than six (6) square feet in area shall not be permitted to park, as a customary operation, in a residential district so as to be visible from a street.
- B. Nonconforming signs to be removed.¹⁹
- (1) Nonstructural signs. Any nonconforming sign painted, pasted or otherwise applied to a fence, wall or facade of a building shall not be repainted, restored or replaced.
- C. Signs in residential districts. In any residence district, the following signs and sign areas are permitted:
- (1) One (1) bulletin board not exceeding twenty (20) square feet in area, for a church or other institutional use, may be located in a required yard abutting a street if more than fifteen (15) feet from any street line.
 - (2) Continuation of a previously existing business sign as a nonconforming sign in connection with a nonconforming use but only in accordance with § 170-22B.
 - (3) One (1) farm products sign in each direction of approach to a stand or farmhouse selling farm products and one (1) such sign at the stand, each sign not exceeding six (6) square feet in area.
 - (4) One (1) home occupation or professional sign not exceeding three (3) square feet in area.²⁰
 - (5) Identification sign.
 - (a) For a dwelling, one (1) identification sign not exceeding two (2) square feet in area.
 - (b) For a principal use other than a dwelling, one (1) identification sign not exceeding eight (8) square feet in area, attached to and parallel with the wall of a building.
 - (6) One (1) real estate sign not exceeding six (6) square feet in area when relating to the rent, lease or sale of the lot or buildings thereon. For a subdivision of land, one (1)

¹⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provision, Art. I.

²⁰ Editor's Note: See § 170-25.

sign not exceeding twenty-five (25) square feet may be permitted on each street frontage of the land being subdivided.

- (7) Temporary signs not exceeding five hundred (500) square feet on the premises of a special event as provided in § 170-21D.
 - (8) One (1) traffic information sign not over three (3) square feet in area or over three (3) feet in height, at a driveway entrance or point of divergence of driveways.
- D. Signs in Central Commercial Districts. In any Central Commercial District, the following signs are permitted:
- (1) Signs as permitted in residence districts.
 - (2) Business signs or identification signs not exceeding two (2) square feet in area for every linear foot of street frontage occupied, but not exceeding sixty (60) square feet for any such sign, when parallel to and flat against the facade of a building.
- E. In any Highway Commercial, Waterfront Commercial or Industrial District, the following signs are permitted.
- (1) Signs as permitted in residence districts, except that two (2) times the sign area permitted in a residence district shall be permitted.
 - (2) Business or identification signs as permitted in the Central Commercial District. One (1) freestanding sign not exceeding thirty (30) square feet in area per street frontage may be erected in the yard of a building set back from the street, but not in any required greenbelt.
- F. In any district, the following signs are permitted:
- (1) A sign giving directions to the public to a use, such as a church, club, marina or restaurant, or a group of such uses, which is (are) not located on a major or secondary street, when specifically authorized by resolution of the Village Board of Trustees, provided that no advertising is contained.
 - (2) A fuel price sign not over three (3) square feet in area may be located in a yard, but not in a required greenbelt, of a gas station.

§ 170-23. Private swimming pools.

A private swimming pool installed or maintained as an accessory use in a residential district shall require a building permit and meet the following requirements:

- A. When permitted, any such pool shall be used only as an accessory use to a dwelling or a special permit, use, for the private use of the owner or occupant of such dwelling or building and his or her family, guests or employees.
- B. Safety measures. Any such pool shall be completely enclosed by a security fence not less than four (4) feet in height, with all gates or doors opening through such enclosure equipped with self-closing and self-latching devices of a type approved by the Zoning Administrator, designed to keep and capable of keeping such gates or doors securely closed at all times when not in actual use. Any pool with sides extending more than three

(3) feet above grade may alternately be equipped with folding or removable steps or other means of denying access to small children as may be approved by the Zoning Administrator.

- C. Water quality. Such pool shall be maintained in a manner sufficient to meet the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.
- D. Filters. Such pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices which shall be so located and constructed as not to interfere with the peace, comfort and repose of the occupant of any neighboring property.
- E. Drainage. A request for installation of a pool shall be accompanied by a statement of proposed method of draining the pool, indicating to the satisfaction of the Zoning Administrator that such drainage will not interfere with the enjoyment of neighboring properties.
- F. Corrective measures. The Zoning Administrator shall order the immediate correction of any situation which does not meet the requirements or intent of this section or for which he receives a written complaint from the County Health Department and shall, when considered necessary, require any pool to be immediately drained.

§ 170-24. Bed-and-breakfast facilities. [Added 4-16-1987 by L.L. No. 1-1987; amended 1-17-1991 by L.L. No. 1-1991]

The renting of rooms for lodging and serving of breakfast to casual and transient roomers, guests, lodgers occupants and boarders (hereinafter "guests") shall be permitted within the village, provided that the following conditions are complied with in each instance:

- A. The quarters to be utilized by the guests of the premises shall not be permitted in any accessory structure, but shall only be permitted in the principal building of the premises.
- B. The principal building in which the use is permitted shall be occupied by the owner of such building, or the owner's agent, as his or her domicile. **[Amended 3-26-1992 by L.L. No. 1-1992]**
- C. The owner of the premises shall make application to the Village Clerk for a permit to operate a bed-and-breakfast facility on such premises. Such application shall be accompanied by an application fee as set forth by resolution of the Board of Trustees, together with a certification from the owner that the premises have been inspected by the Zoning Administrator and are in compliance with all applicable New York State, Niagara County and Village of Wilson health and building codes for the intended use. Such permit shall be valid for a period of one (1) year following the date of issuance. **[Amended 9-19-1991 by L.L. No. 2-1991²¹]**
- D. Bathroom facilities for guests shall be maintained in the ratio of one (1) bathroom for every six (6) guests.

²¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- E. Serving meals to paying guests shall be limited to breakfast only. No other meals shall be served or provided for guests.
- F. Display of an exterior sign shall be permitted, provided that such sign shall not exceed the size of two by two (2 x 2) feet and shall not be illuminated by any flashing device. Except as the same may be inconsistent with this subsection, such signs shall also be regulated by § 170-22 of this Code.
- G. One (1) off-street parking space shall be provided for each room available for guests, in addition to the parking spaces required for other nonpaying occupants of the premises pursuant to § 170-29 of this Code.²²

§ 170-25. Customary home occupations.

A. Restrictions:

- (1) The use must be carried out within a dwelling by a resident thereof.
- (2) Not more than three (3) rooms or three hundred (300) square feet of floor area shall be utilized.
- (3) There shall be no exterior display or indication of the use other than specifically permitted signs.
- (4) No inventory of goods produced off the premises shall be maintained for sale on the premises.
- (5) There may be incidental services provided by not more than one (1) nonresident person.
- (6) Not more than one (1) commercial vehicle may be utilized in connection with the activity, and such vehicle may not be of more than one-ton capacity.

B. Permitted professions:

- (1) Licensed architect.
- (2) Licensed landscape architect.
- (3) Attorney.
- (4) Instructor in musical instruments when teaching only one (1) or two (2) students at one (1) time.
- (5) Licensed physician or surgeon, osteopath, dentist or other medical practitioner.
- (6) Licensed professional engineer.
- (7) Licensed land surveyor.
- (8) Artist.

²² Editor's Note: Former Subsection H, providing for a penalty for violating the provisions as this section, which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (9) Tutor dealing with individual students.
 - (10) Licensed insurance agent and broker.
 - (11) Certified public accountants (CPA's) and accountants.
- C. Permitted home occupations:
- (1) Custom dressmaking, millinery.
 - (2) Home baking with customary domestic equipment for sale off the premises.
 - (3) Hairdresser.
 - (4) Barber.
 - (5) Telephone answering service.
 - (6) Care of not more than three (3) nonresident children.
 - (7) Real estate sales.
 - (8) Home-based retail or wholesale sales operation with no sales on the premises.
 - (9) Conduct of an elected public office when permitted by the Village or Town of Wilson.

§ 170-26. Supplementary lot requirements.

- A. Area measurement. For purposes of measuring lot area, only that part of the depth which is no more than three (3) times the average width of the lot may be utilized in calculations.
- B. Lot area per family when other uses present. In computing the lot area available for residential use on a lot which has other uses (such as a dwelling use over a retail use), the lot area occupied by the buildings containing the other use, together with the area of required parking or off-street loading, shall first be deducted from the total lot area.
- C. Substandard lot of record. Other provisions of this chapter notwithstanding, any parcel of land having access to a street and having an area or a width less than that prescribed for the district in which such parcel is situated may be used as a lot for any purpose permitted in such district, provided that all of the following requirements are met:
 - (1) Such parcel has an area of at least sixty percent (60%) of the area required and a lot width of at least sixty percent (60%) of the lot width required.
 - (2) Such parcel was under the ownership of the applicant at the time of the effective date of this chapter and the owner thereof at the time did not then own, and has at no time since then owned, any land adjoining such parcel.
- D. Variation of requirements for large-scale housing development. The Village Planning Board is hereby empowered, as provided in § 7-738 of the Village Law, simultaneously with the approval of any subdivision, to confirm the zoning regulations of the land so platted or to make any reasonable change therein, in accordance with the procedures and safeguards set forth in § 7-738, provided that no change is made in the overall density for the land so platted.

§ 170-27. Supplementary yard requirements.

- A. Exceptions to yard requirements. The following may project into required yards: steps or stoops not exceeding twenty-four (24) square feet in area; eaves, cornices and belt courses not exceeding two (2) feet; and open fire escapes not exceeding four (4) feet six (6) inches.
- B. Side yard on lots nonconforming in width. On a lot of record that is narrower than required in its zoning district, the side yard requirements may be reduced to the same percentage of the lot width that is required for a minimum width conforming lot [e.g., if the yard required for one (1) side is six (6) feet on a sixty-foot lot, the yard may be reduced to five (5) feet on a fifty-foot lot]. However, in no event shall the side yard in a residential district be less than four (4) feet.
- C. Fences and hedges. Except as provided in Subsection D of this section, the requirements of this chapter shall not be deemed to prohibit any otherwise lawful fence or wall, provided that in any residential district no fence or wall in conjunction with a dwelling or any board, wire, shrubbery or hedge enclosure shall exceed six (6) feet in height or three (3) feet above the curblin^e.²³
- D. Visibility at intersections. On a corner lot in any district other than the Central Commercial District, no structure, fence, wall, hedge or other planting shall be erected, placed or maintained at a height of between three (3) and six (6) feet above the curblin^e within the triangle formed by the street lines and a straight line joining said street lines at points twenty (20) feet from the point of intersection.
- E. Transition areas. When a lot in a commercial, highway commercial or industrial district abuts a lot in a residential district, there shall be provided on such commercial, highway commercial or industrial district lots, on any side abutting the residential lot, a greenbelt not less than twenty-five (25) feet in width, or such greater width as may be required herein, to serve as a buffer.
- F. Exceptions as to front yard requirements. Where there is an established building line, in that three (3) or more buildings in the frontage two hundred (200) feet or either side of the use in question are closer to the right-of-way than the required setback, the minimum required front yard may be reduced to not less than the average setback of such buildings.
- G. Private garage in rear yard. In a residential district, a detached private garage, when otherwise permitted, may be erected in a rear yard but shall not be closer to a street line than the buildable area of the lot nor closer than three (3) feet to other rear or side lot lines, and it shall not occupy more than one-third ($\frac{1}{3}$) of the required rear yard.

§ 170-28. Exceptions to height requirements.

The height limitations for buildings shall not apply to silos, barns and other farm structures; church spires, belfries, domes or similar projections not used for human occupancy; nor to chimneys, air-conditioning equipment, water tanks, antennas and other necessary mechanical apparatus usually carried above roof level; all of which apparatus shall be considered as structures and be subject to structural height limitations contained herein.

²³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 170-29. Off-street parking.

- A. Purpose. The purposes of this section, in addition to the general purposes of this chapter, are more specifically:
- (1) To require installation of off-street parking in sufficient quantity to meet the normal needs of all uses in all districts.
 - (2) In requiring and regulating the development and maintenance of parking areas, to provide measures to protect the safety of pedestrians on the sidewalks and traffic in the street and the quiet enjoyment of other uses, particularly residential uses in close proximity to the parking areas, and to preserve and enhance the attractiveness of the village.
- B. Required parking.
- (1) When required. Permanent off-street automobile parking space shall be provided, as specified hereinafter, at the time of erecting any structure, at the time any structure is enlarged or increased in capacity by adding dwelling or rooming units, seats, floor area or other element on which parking requirements are based or before conversion from one zoning use or occupancy to another.
 - (2) Parking units required. For every building or structure hereafter erected or altered, or use hereafter established, there shall be provided off-street parking as set forth in this section, except as provided in Subsection B(4).
 - (a) Units required. The following parking units are required:
 - [1] Each dwelling unit: two (2).
 - [2] Each rooming couple or each boarder or transient guest: one (1).
 - [3] Each professional person maintaining office hours: three (3), plus one (1) for each employee.
 - [4] Each home occupation: three (3).²⁴
 - [5] Each place of worship or parish house, clubhouse, auditorium or hall, theater or other place of public assembly: one (1) for each three (3) units of seating capacity.
 - [6] Each rectory, parsonage or church office: two (2), plus one (1) for each employee.
 - [7] Rentable office space: one (1) for each one hundred (100) square feet of rental floor area.
 - [8] Retail or personal service uses, for the first one thousand (1,000) square feet of space: one (1) for each two hundred fifty (250) square feet of floor space; for all additional space, one (1) for each one hundred fifty (150) square feet of floor space plus space for all vehicles usually used in the business.

²⁴ Editor's Note: See § 170-25.

- [9] Restaurants or other places serving beverages or refreshments, except drive-in uses: one (1) unit for each two (2) seats.
 - [10] Mortuaries or funeral homes: twelve (12) units.
 - [11] Industrial or warehouse uses: one (1) space for each two (2) employees.
 - [12] Hospitals: one (1) for each bed.
 - [13] Institutional homes: one (1) for each four (4) beds for persons over eighteen (18) years, one (1) for every eight (8) beds for persons under eighteen (18) years, plus one (1) for each employee.
 - [14] Bowling alleys: five (5) per alley, plus required space for any bar, restaurant or other use on the premises.
 - [15] Drive-in uses: sufficient spaces to accommodate all customers. Customers shall not be served on the public right-of-way or in other than an approved parking space.
 - [16] Motor vehicle salesrooms: five (5) units plus one (1) space for each employee. (NOTE: In the case of a salesroom with repair garage and used car lot, the number of spaces required shall be the total of requirements for each use.)
 - [17] New and used car lots: five (5) units, plus one (1) additional unit for each ten (10) cars or major fraction thereof on display.
 - [18] Motor vehicle garages: one (1) unit for each five hundred (500) square feet of floor space.
 - [19] Medical or dental clinics: four (4) units for each physician or dentist, plus one (1) additional space for every two (2) regular employees.
 - [20] Motels and hotels: one (1) unit for each sleeping room offered for tourists' accommodations, plus one (1) for each dwelling unit and one (1) for every two (2) persons employed on the premises.
 - [21] Gasoline stations: one (1) unit for each vehicle used in the conduct of the business; one (1) unit for each gas pump; three (3) units for each service bay; and one (1) unit for each two (2) persons employed on a single shift.
 - [22] An automatic coin laundry or dry cleaner: one (1) unit for every two (2) washing or dry-cleaning machines.
 - [23] Amusement or recreation facilities such as swimming pools and skating rinks: one (1) unit for every five (5) patrons computed on the basis of maximum servicing capacity at one (1) time, plus one (1) unit for every two (2) persons regularly employed on the premises.
- (3) Location as related to use. All required parking space provided pursuant to this section shall be on the same lot with the related use, except that the Board of Appeals may grant a special permit for the parking space to be on any lot within three hundred

(300) feet of the use if it is determined it is impractical to provide space on the same lot with the use in accordance with the provisions.

(4) Exceptions.

- (a) Combinations permitted. The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, except that up to one-half (1/2) of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will normally be closed at night and on Sunday, as determined by the Zoning Administrator.
- (b) Public parking. Any uses within a public parking district for which district public parking provisions have been or are being provided may, by resolution of the Village Board, be relieved of the requirement of providing off-street parking in proportion to the degree that the public parking meets the requirement.
- (c) Parking facilities for dwellings for the elderly. Dwelling facilities or other facilities provided for the elderly may be granted a special permit reducing required parking but not less than half the normal requirement.

C. Permitted parking.

- (1) As a principal use. Parking as a principal use is permitted only where expressly stated.
- (2) As an accessory use. Parking units in excess of those required may be installed for the use of occupants, patrons or visitors of a permitted use, subject to compliance with all other provisions of the chapter, but not in any residence district in excess of twice the required space.

D. Use of front yard restricted.

- (1) In residence districts. In any residence district, a front yard or side yard abutting a street shall not be used for parking, except that in connection with a one- or two-family dwelling, passenger vehicles may be parked in a front yard or side yard in an access driveway but such area shall not constitute a parking space, as required herein, for more than one (1) car.
- (2) In industrial districts. In any industrial district, any yard space not in a required greenbelt may be used for parking if effectively separated from the greenbelt by a wheel stop or bumper stop.

E. Design and installation of parking areas. Any area used for off-street parking for more than ten (10) cars shall be designed, installed and maintained in accordance with the following standards:

- (1) Plan required. A plan shall be submitted with the application for a use permit in accordance with § 170-31, and all installations made and maintained in accordance with such plan.
- (2) Access drives to parking lots with more than ten (10) units.

- (a) Location and design. Every required parking unit shall have direct access to a driveway, of not less than eight (8) nor more than twenty-four (24) feet in width, connecting with a public street. Such driveway shall not be located within any required greenbelt area except when crossing it to a road, nor placed closer than six (6) feet to any residential structure nor within two (2) feet of any side lot lines, except that a driveway built as a joint venture to serve two (2) abutting properties may be built on a lot line.
- (b) Number and entry into street. These shall be as provided in § 170-31.
- (c) Improvement. Improvement shall be as provided in § 170-31.
- (d) Use for parking. Required driveways may not be used for parking so as to block access to any parking unit.

§ 170-30. Off-street loading.

- A. Purpose. The purposes of this section, in addition to the general purposes of this chapter, are more specifically:
 - (1) To require the installation of off-street loading areas sufficient to meet the normal needs of uses regularly attracting truck traffic.
 - (2) To permit truck loading area in excess of that required where consistent with other purposes of the chapter.
 - (3) To require, in connection with the installation of such off-street loading, measures necessary to protect the safety of pedestrian and vehicular traffic and to preserve the quiet enjoyment of other uses, particularly residential uses in the immediate area, and to preserve the attractiveness of the village.
- B. Required loading spaces.
 - (1) When required. Permanent off-street loading space, in accordance with the requirements hereinafter stated, shall be provided for all uses regularly involving the receipt or distribution of merchandise or material as specified hereinafter at the time of erection or enlargement of any structure or, in the case of use of land not involving a structure, at the time of occupancy or enlargement of such use.²⁵
 - (2) Off-street loading units required. Off-street loading units shall be provided as follows:
 - (a) Multifamily dwellings or dwellings in groups with more than twelve (12) dwelling units: one (1).
 - (b) For every freight terminal, hospital, industrial plant, retail establishment, warehouse or wholesale establishment: one (1) if three thousand (3,000) to twenty thousand (20,000) square feet in floor area, plus one (1) for each additional twenty-five thousand (25,000) square feet.

²⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (c) For every place of public assembly over three thousand (3,000) square feet in area: one (1).
 - (d) For every restaurant: one (1).
 - (e) For every funeral home: one (1).
 - (f) For every hotel: one (1).
 - (g) For any use not mentioned, the Zoning Administrator shall determine the requirements in relation to that required for similar uses.
- C. Collective provisions permitted. The collective provisions and utilization of loading space may be accomplished, provided that it is within the same block and not over one hundred (100) feet walking distance from a delivery entrance of all uses involved, and that provisions suitable to the Zoning Administrator are made to assure the continued provision of such use for all involved.
- D. Greenbelt and front yard use prohibited. Use of a required greenbelt or front yard for loading area shall not be permitted.
- E. Design and installation of off-street loading areas. All off-street loading areas shall be designed, installed and maintained in accordance with standards for automobile access areas contained in § 170-31.

§ 170-31. Automobile access areas.

- A. Permit required. No work, other than site clearance and grading, may be performed in the installation or altering of any of the following vehicle access areas except on the written approval of plans therefor by the Zoning Administrator in conjunction with the issuance of a building or use permit:
- (1) Parking area for more than ten (10) cars.
 - (2) Off-street loading area with more than one (1) truck space.
 - (3) Automobile access area at gasoline station and other drive-in use.
 - (4) Out-of-doors display area for vehicles equipped to operate on the public highways.
- B. Plan required. A plan for proposed improvements shall be prepared at a scale of not more than fifty (50) feet to one (1) inch, in a manner specified by the Zoning Administrator. Such plan shall show, as a minimum, the following information, both as existing and proposed for the entire area within one hundred (100) feet of the point of entry of access drives or fifty (50) feet from any part of the proposed improvements:
- (1) Major drainage features (culverts, bridges, streams, ditches, etc.). A topographic map shall be required by the Zoning Administrator where necessary to determine drainage requirements.
 - (2) Lot lines.
 - (3) Street pavement curb, drainage inlets, utility poles and fire hydrants.

- (4) Paved areas.
 - (5) The location and type of traffic barriers.
 - (6) Structures.
 - (7) The layout of parking units and loading units.
 - (8) Landscaping.
- C. Design standards for vehicle access areas.
- (1) Driveway location standards.
 - (a) Sight distance. Driveways shall not be permitted where there is inadequate sight distance for safety, considering both the view from vehicles on the street and from vehicles leaving the driveway.
 - (b) Distance from schools. Driveways shall not be located within two hundred (200) feet of a principal entrance of any elementary or secondary school, playground or church, when another solution is possible.
 - (c) Only two (2) driveways shall be permitted on any lot with street frontage of three hundred (300) feet or less and not more than one (1) additional driveway for each additional three hundred (300) feet of street frontage.
 - (d) A driveway shall not cross a street right-of-way line within forty (40) feet of the street right-of-way line of an intersecting street, within five (5) feet of a fire hydrant or catch basin or within fifty (50) feet of a driveway on the same lot, when another solution is possible.
 - (e) A driveway shall not exceed thirty (30) feet in width within ten (10) feet of the street right-of-way line.
 - (2) Parking and maneuvering area standards.
 - (a) Any parking area for more than four (4) cars shall be so designed as to preclude any necessity for vehicles to back across sidewalks or into any public right-of-way.
 - (b) Parking areas shall not extend more than one hundred twenty (120) feet in any direction unless interrupted by a planting area not less than twenty (20) feet in width and protected from vehicular encroachment. The improved parking area shall be surrounded by a landscaped area not less than eight (8) feet in width if protected by wheel stops, or three (3) feet in width if protected by bumper stops.
 - (c) Lighting. Parking areas may be lighted but any lighting shall be suitably located and shielded to protect surrounding properties and adjacent highway from glare.
 - (d) No parking space, except for a one- or two-family dwelling, shall be provided within ten (10) feet of a building used in part or entirely for human occupancy,

unless provided in garage space meeting the New York State Uniform Fire Prevention and Building Code standards.²⁶

- (3) Standards for improvement.
 - (a) Grading and drainage. Vehicle access areas shall be suitably graded so as to drain and provisions made for the handling of storm drainage so as to prevent stormwater flow across a public sidewalk.
 - (b) Paving. Vehicle access areas shall be paved and maintained with an all-weather, dust-free surfacing of sufficient strength to carry loads imposed, except that the Board of Appeals may grant a special permit waiving this requirement for any area more than one hundred (100) feet removed from any lot line or for areas used only seasonally or occasionally or under such other conditions as to make the paving unnecessary, in accordance with the provisions of §§ 170-42 and 170-44.

§ 170-32. Supplementary dwelling regulations.

- A. Minimum floor area. No dwelling shall henceforth be constructed nor shall any existing dwelling be altered in area so as to contain less than the following areas as applicable:
 - (1) For one-bedroom apartments and studio apartments, no such dwelling unit shall have less than five hundred (500) square feet of floor area usable for living purposes, nor less than an average of two hundred (200) square feet of floor area usable for storage or communal activities per dwelling unit. **[Added 12-20-1973 by L.L. No. 2-1973]**
 - (2) For single-family dwellings: not less than eight hundred (800) square feet of floor area usable for living purposes and three hundred (300) square feet of floor area usable for storage.
 - (3) For a two-family dwelling, one (1) of the dwelling units shall meet the floor area standards for a single-family dwelling and the other shall have not less than six hundred (600) square feet of floor area available for dwelling space and not less than two hundred (200) square feet of floor area usable for storage.
 - (4) For a multiple-family dwelling or dwelling group other than a two-family dwelling, no dwelling shall contain less than five hundred (500) square feet of floor area usable for living purposes, and there shall be not less than an average of two hundred (200) square feet of floor area available for storage or communal activities per dwelling unit. **[Amended 12-20-1973 by L.L. No. 2-1973]**
- B. Usable open space. No one-bedroom apartment, studio apartment, multiple-family dwelling or dwelling group shall be constructed as a separate use or as part of a building complex containing commercial or other uses unless there shall be provided five hundred (500) square feet of usable open space of the lot for each dwelling unit. **[Amended 12-20-1973 by L.L. No. 2-1973]**

²⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- C. Community open space. On any lot containing more than twelve (12) dwelling units, there shall be provided community open space containing not less than two hundred (200) square feet of land area per dwelling unit.
- D. Cellar occupancy prohibited. It shall be unlawful to occupy all or any part of a cellar for sleeping purposes.
- E. Basement occupancy. Any basement area used for sleeping purposes shall have not fewer than two (2) means of egress, at least one (1) of which shall be a door giving access to an open area whose surface is at least eight (8) inches below the level of the basement floor.
- F. Room size. No dwelling unit shall henceforth be constructed or moved onto a lot unless it shall have at least one (1) room having a floor area of not less than one hundred thirty-two (132) square feet, a clear height of seven (7) feet and clear horizontal dimensions of at least eight (8) feet. No existing dwelling unit shall be altered so as to provide less than the above standard.
- G. Slope of yards. No building containing dwelling units shall henceforth be constructed or moved onto a lot, nor shall any existing building be altered to contain any dwelling unit, unless the surface grade of the front yard at the front wall of the building is more than one (1) foot above the center line of the road at a point at right angles thereto, wherever such design is practical in the judgment of the Zoning Administrator. Where the Zoning Administrator shall judge such relationship to be impractical, he may accept alternate plans which provide that the land surface falls away on all sides of the structure to a level more than ten (10) inches lower than the level at the structure wall and at a grade of not less than one (1) foot in one hundred (100).
- H. Sanitary facilities. No one-bedroom apartment or studio apartment shall henceforth be constructed, nor shall any existing one-bedroom apartment or studio apartment be altered, unless each such dwelling unit shall contain separate use sanitary facilities including one (1) toilet, one (1) sink and one (1) tub and/or shower. [Added 12-20-1973 by L.L. No. 2-1973]
- I. Number of one-bedroom apartments or studio apartments. No more than two (2) such dwelling units shall be permitted on any lot. [Added 12-20-1973 by L.L. No. 2-1973]

§ 170-33. Public properties and utilities.

Nothing in this chapter shall restrict the construction, use or maintenance of public buildings, structures or facilities, parks or other public-owned properties nor the installation and maintenance of such public utilities and facilities as may be essential to the servicing of any district or area in which they are installed.

§ 170-34. Excavations and filling of natural materials.

- A. Stripping of topsoil. No person shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which such topsoil was taken in direct connection with an improvement or operation on such premises for which a building permit has been issued, except that a special permit may be granted by the Board of Appeals, as provided in

§§ 170-42 and 170-44, for the removal of topsoil from a right-of-way to be graded or excavated.

- B. Major excavating, grading or filling. Major excavating, grading or filling, as defined herein, shall not take place in any district except by a duly constituted public body, unless a special permit therefor has been granted by the Board of Appeals in accordance with §§ 170-42 and 170-44.

ARTICLE VI Nonconforming Uses

§ 170-35. Lawful preexisting uses.

Except as otherwise provided in this section, the lawful use of land or buildings existing at the time of adoption of this chapter may be continued even though such use does not conform to the regulations specified by this chapter for the district in which such land is located. Except as hereinafter provided, any lawful use existing at the time of the adoption of this chapter, or of any amendment thereto which, if newly created under this chapter, would require a special permit in the district in which it is situated may be continued and shall be deemed to be a nonconforming use, but any modification, change or extension thereof shall be subject to the issuance of a special permit as provided in this chapter.

§ 170-36. Nonconforming uses of land.

- A. Enlargement. No nonconforming use shall be enlarged or extended off the lot or lots of record occupied by such use at the time of the adoption of this chapter, nor shall a nonconforming use be enlarged or extended on the lot except within the confines of an existing building.
- B. Change of use. No nonconforming use may be changed by the addition or substitution of other processes or operations except on the granting of a special permit by the Board of Appeals in accordance with §§ 170-42 and 170-44.
- C. Movement. No nonconforming use or building shall be moved in whole or in part to any other portion of the lot occupied at the time of the adoption of this chapter, except on the granting of a special permit by the Board of Appeals in accordance with §§ 170-42 and 170-44.
- D. Removal of nonconforming uses.
- (1) Cessation of use. If any nonconforming use of land ceases for any continuous period of not less than two (2) years for any reason, any subsequent use of such land shall be in conformity with the regulations specified by this chapter for the district in which such land is located.²⁷
 - (2) Automobile and other junkyards. Notwithstanding any other provisions of this chapter, no junkyard shall be permitted in any use district.

²⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 170-37. Nonconforming structures and uses of buildings.

- A. Change to other nonconforming use. A nonconforming use of a building may be changed to another nonconforming use which is of the same nature or conforms more closely to the character of the neighborhood, on the granting of a special permit therefor by the Board of Appeals in accordance with the provisions of §§ 170-42 and 170-44.
- B. Cessation of building use. If any nonconforming use of a building ceases for a continuous period of not less than two (2) years for any reason, or if the building in or on which such use is conducted or maintained is moved for any distance, then any future use of such building shall be in conformity with the regulations specified by this chapter for the district in which such building is located. If any building in or on which any nonconforming use is conducted or maintained is hereafter removed, the subsequent location and use of any building on the premises shall be in conformity with the regulations specified by this chapter for the district in which such land is located. These provisions shall not apply, however, to farm uses for which different regulations are provided herein.²⁸
- C. Destruction of nonconforming building. If at any time any building in existence at the time of the adoption of this chapter and not conforming to the regulations for the district in which it is located shall be destroyed by any means to an extent of fifty percent (50%) or more thereof, the immediate area occupied by said building shall thenceforth be subject to all the regulations specified by this chapter for the district in which such land and buildings are located.
- D. Nonconforming signs. Nonconforming signs shall be removed as provided in § 170-22B.

ARTICLE VII
Board of Appeals

§ 170-38. Continuation; membership; appointment.

The previously existing Board of Appeals is hereby continued in office and its members shall continue to serve their appointed terms. Future appointments shall continue to be governed by § 7-712 of the Village Law.

§ 170-39. Powers and duties.

The Board of Appeals shall have all powers and duties prescribed by the Village Law and by this chapter, which powers and duties as related to zoning are summarized and more particularly specified in §§ 170-40 through 170-44. In exercising its responsibilities, all referrals to the County Planning Board as required in §§ 239-1 and 239-m of the General Municipal Law or other agencies as required by other state legislation shall be duly accomplished.

²⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 170-40. Interpretation.

The Board of Appeals shall hear and decide appeals for an interpretation where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any action pursuant thereto.

§ 170-41. Variances.

- A. The Board of Appeals shall hear any request for variance and may in specific instances grant such variance from the terms of the chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done.
- B. In granting any variance, the Board of Appeals shall prescribe any condition applying thereto that it may deem necessary or desirable. No variance from the strict application of any provision of this chapter shall be granted by the Board of Appeals unless it finds:
- (1) That there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this ordinance, whether in violation of the provisions hereof or not.
 - (2) That, for reasons set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
 - (3) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

§ 170-42. Special permits.

The Board of Appeals shall hear and decide any requests for a special permit as required by this chapter.

- A. Findings required. The Board of Appeals shall not grant a special permit unless and until it shall make the following findings:
- (1) Consistent with purpose. That the proposed special permit is consistent with the general purposes of this chapter and any additional statement of purpose applying to the particular request.
 - (2) Specific requirements met. That all specific requirements relating to the special permit are complied with, including all provisions of § 170-44 relating to the special permit.

- (3) Neighboring properties protected. That the proposed action will not detract materially from the use or enjoyment of neighboring property.
 - (4) Traffic adequacy. That the streets serving the use are adequate for the traffic generated by the use, and that conditions of traffic will not be created that will adversely affect the neighborhood.
 - (5) Traffic safety. That adequate provision is made for the safety of motorists and pedestrians.
 - (6) Effect of utilities and services. That the proposed change will have no adverse effect on the logical, efficient and economical provision of public services and utilities.
 - (7) Provisions for sanitary sewage and storm drainage. That adequate provisions are made for the treatment of sanitary sewage and the handling of storm runoff.
 - (8) Village appearance. That the effect of the proposed change on the appearance of the village will not be deleterious.
- B. Conditions to be imposed. The Board of Appeals, in granting any special permit, shall impose such conditions as it considers necessary to comply with the purposes and intent of the chapter, which conditions may include, but are not limited to, the harmonious design of buildings, installation and maintenance of fences or planting and prescribing hours or methods of operation. Such conditions shall be expressed in writing as an integral part of any special permit, and any special permit may be revoked if the conditions are not fully complied with.
- C. Time limit for permits.
- (1) Where required by this chapter or deemed desirable by the Board of Appeals, a special permit shall be limited in time to permit periodic review in the light of the established character of the permitted operation and its effect upon the community and in view of changing conditions.
 - (2) Where maximum periods for such renewable permits are stated herein, the Board may establish shorter but not longer periods. After seventy-five percent (75%), or such other period as may be specified, of the permit time period has elapsed, application for a renewal of the permit may be submitted. Renewals shall be processed in similar manner as new permits, with advertising and public hearing required. Prior to renewing such a permit, a member or representative of the Board shall inspect the site and report as to compliance with the chapter and any specified requirements of the permit. Such report shall be entered into the record and given due consideration relative to the requested renewal.

§ 170-43. Procedure for applications and appeals.

A. Application.

- (1) Interpretation. An appeal for interpretation of a decision of the Zoning Administrator may be taken by an aggrieved person or by any village officer affected in his duties by the decision. Such appeal shall be taken within thirty (30) days of the decision, by

filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers relating to the appeal.

- (2) Variance. An appeal for a variance may be taken by a person qualified to receive a building or occupancy permit after denial of a permit by the Zoning Administrator.
 - (3) Special permit. An application for a special permit is not an appeal and may be made directly to the Board of Appeals.
- B. Form of application. All appeals and applications made to the Board of Appeals shall be in writing, on forms approved by the Board, and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specified provision of the ordinance involved and shall exactly set forth, as the case may be, the following:
- (1) The interpretation that is claimed.
 - (2) The details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.
 - (3) The use or change in requirements for which the special permit is sought.
- C. Fees. Appeals and applications requiring public notices shall be accompanied by a fee to be determined from time to time by appropriate resolution of the Village Board. **[Amended 7-10-1975 by L.L. No. 2-1975; 8-16-1985 by L.L. No. 3-1985; 2-15-1990 by L.L. No. 1-1990]**
- D. Public notice. The Board of Appeals shall fix a time and place for a public hearing on each application and shall give notice thereof as follows:
- (1) By advertising once, at least one (1) week before said hearing, in the official newspaper of the village.
 - (2) By notifying the parties in interest by registered mail one (1) week before the hearing.
 - (3) By notifying any village citizen or group of citizens who may have deposited self-addressed, postage-paid envelopes with the Board for this purpose.
 - (4) By posting notice on a bulletin board in the Village Hall.
 - (5) The applicant shall be required to post a sign, to be provided by the village, giving notice that a zoning action is pending, in a conspicuous place on the property in question not less than fifteen (15) days prior to the hearing.
- E. Notification of Planning Board. At least ten (10) days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the Secretary of said Board shall transmit to the Secretary of the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing. The Planning Board may submit to the Board of Appeals an advisory opinion on said application or appeal, which opinion shall be read in full at the hearing and made a part of the record.
- F. Hearings. The hearings of the Board shall be held at the call of the Chairman. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the

attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing a vote of each member on every question, and shall keep records of its examinations and other official actions, which shall be filed with the Village Clerk and shall be on public record.

- G. Decisions. Every decision of the Board shall be by resolution and recorded on standard forms, together with the vote of each member and any conditions attached to the appeal. Where an action is related to a specific site plan, a reproducible copy of such site plan, suitably referenced by the Secretary of the Board, shall be filed therewith as a permanent part of the record. A copy shall be provided for the Zoning Administrator for field inspection where deemed necessary.
- H. Records. Decisions shall be numbered serially and a serial index shall be kept of all actions. The original copy of the decision shall be filed, together with all supporting documentation, by street address in the office of the Village Clerk.

§ 170-44. Additional special permit requirements for specific permits.²⁹

- A. In addition to the general requirements applying to all special permits, as contained in § 170-42, the Board of Appeals shall require compliance with the requirements hereinafter stated for each special permit.
 - (1) Nursery school. For a nursery school on a site of not less than two (2) acres as provided in § 170-12D(1), additional requirements shall be as follows: A site plan shall be required showing all proposed improvements and their relationship to adjacent areas. The maximum number of children that may be accommodated at one (1) time shall be specified and limited in relationship to the area and facilities available. A fenced area, adequate in size and suitably removed or screened from existing or possible dwellings, shall be provided for outdoor activity. A permit shall not be granted for a period longer than six (6) years, but may be made renewable on expiration of not less than two-thirds (2/3) of the grant period.
 - (2) Public utility substation. For a public utility substation as provided in § 170-12D(2), additional requirements shall be as follows: A site plan shall be required showing all proposed improvements and their relationship to the adjacent area. A landscape plan shall be prepared by a licensed landscape architect. Normally no storage of materials not necessary to the operation of the plant shall be permitted.
 - (3) Roadside stand. For a roadside stand in connection with a farm as provided in § 170-12D(3), additional requirements shall be as follows: A site plan shall be provided showing pavement, curb or ditch, sidewalk, right-of-way line; trees, poles, shrubbery, signs or other obstacles to vision along the roadside within three hundred (300) feet of the stand; proposed parking and automobile access areas, the proposed design of the stand and signs; and other information necessary to judge the safety and appearance of the operation. Particular attention shall be given to automotive safety, and there shall be adequate provision for automobiles to enter and leave the traffic lanes without undue hazard. Operation shall normally be limited to daylight hours.

²⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Permits shall extend for not more than seven (7) months in any calendar year, and stands shall be required to be removed at all other periods. Permits shall not be granted for a period longer than six (6) years, but may be made renewable on expiration of not less than two-thirds ($\frac{2}{3}$) of the grant period.

- (4) Town or county public use. For a town or county public use, other than a park or recreation area as provided in § 170-12D(4), there shall be no additional requirements.
- (5) Clubhouse. For a clubhouse on a site of not less than two (2) acres as provided in § 170-12D(5), additional requirements shall be as follows: A suitable site plan shall be required. Particular attention shall be given to the design and operation of driveways and parking areas, exterior lighting, hours of operation and character of activities so as not to interfere with the quiet enjoyment of nearby dwellings or other uses. The extent to which the facilities may be used by groups other than the sponsoring organization shall be specified, as well as the extent to which food and liquor may be prepared and served on the premises.
- (6) Hospital. For a hospital on a site of not less than ten (10) acres as provided in § 170-12D(6), additional requirements shall be as follows: A site plan shall be required showing all proposed improvements and their relationship to the adjacent areas. The hospital site shall not interfere with the proposed development of the area, as certified by the Planning Board.
- (7) Multifamily dwelling. For a multifamily dwelling with more than four (4) dwelling units as provided in § 170-13D(2), additional requirements shall be as follows: A site plan shall be required showing all proposed improvements and their relationship to adjacent areas. A suitable area shall be provided for outdoor activities of the residents.
- (8) Dwelling group. For a dwelling group as provided in § 170-13D(3), additional requirements shall be as follows: A site plan shall be required showing all proposed improvements and their relationship to adjacent areas. A suitable area shall be provided for outdoor activities of the residents.
- (9) Service or commercial facility. For service or commercial facility serving a multifamily dwelling or dwelling group with more than twenty (20) families as provided in § 170-14D(2), additional requirements shall be as follows: Adequate provision shall be made that the facility is not externally evident, is not advertised and is utilized primarily by residents of the premises.
- (10) Mortuary or funeral home. For a mortuary or funeral home on a site of not less than one-half ($\frac{1}{2}$) acre, etc., as provided in § 170-14D(5), additional requirements shall be as follows: A site plan shall be required showing all proposed improvements and their relationship to the adjacent area.
- (11) Mobile home park on a site of not less than three (3) acres. **[Added 6-17-1971]**
- (12) Automobile repair garage. For an automobile repair garage as provided in § 170-15D(1), additional requirements shall be as follows: A site plan shall be required. The scale of operations shall be limited in accordance with the small size of central business area. All activities shall be carried on within buildings. No

- inoperative vehicles or vehicle parts are to be stored outside of buildings. The location of the garage and its activities shall not interfere with the development of the shopping center.
- (13) Bus station. For a bus station as provided in § 170-15D(2), additional requirements shall be as follows: Reserved space shall be available either on or off the street for bus loading, which space may be safely entered and left by buses.
 - (14) Drive-in retail or service establishment. For a drive-in retail or service establishment, except a restaurant, as provided in § 170-15D(3), additional requirements shall be as follows: A site plan shall be required. Automobile movement shall not interfere with pedestrian circulation between stores in the center.
 - (15) Dwelling in conjunction with nonresidential use. For a dwelling or dwellings in conjunction with a nonresidential use as provided in § 170-15D(4), additional requirements shall be as follows: Dwellings shall be adequately separated and insulated from possible harmful effects of other uses; adequate out-of-door space shall be provided for the exclusive use of the residents and suitability insulated from surrounding uses.
 - (16) Gasoline station. For a gasoline station as provided in § 170-15D(5), additional requirements shall be as follows: A site plan shall be required. The site shall be not less than ten thousand (10,000) square feet unless provided with additional parking by virtue of combination with other uses. It shall not interfere with the continuity of pedestrian movement between stores within the center or with planned development of the shopping area.
 - (17) Parking lot or parking garage. For a parking lot or parking garage, other than a publicly owned facility, as provided in § 170-15D(7), additional requirements shall be as follows: A site plan shall be required. Areas shall be so arranged that there is no need for automobiles to back across public sidewalks. On open lots, suitable landscaping, fencing and lighting shall be required.
 - (18) Shopping center. For a shopping center as provided in § 170-15D(8), additional requirements shall be as follows: The plan for the area shall be approved by the Planning Board. The Board of Appeals shall require adequate surety that the proposed development is completed in accordance with approved plans.
 - (19) Boatel. For a boatel as provided in § 170-16D(1), additional requirements shall be as follows: Adequate provisions shall be made to prevent the pollution of the waters by sanitary facilities aboard the boats. Adequate sanitary facilities shall be required with sewers connecting to the village sewers. A site plan shall be required.
 - (20) Motel. For a motel as provided in § 170-16D(2), additional requirements shall be as follows: A site plan shall be required.
 - (21) Commercial swimming pool as provided in § 170-16D(3).
 - (22) Commercial recreation area as provided in § 170-16D(4).
 - (23) Manufacturing enterprise. For a manufacturing enterprise on a site of not less than two (2) acres as provided in § 170-17D(2), additional requirements shall be as

follows: The industry shall not produce any nuisance factors noticeable beyond its lot boundary lines. A site plan shall be required.

- (24) Conversion of residential structure. For the conversion of a residential structure so as to contain permitted nonresidential uses and dwellings as provided in § 170-17D(3), additional requirements shall be as follows: A site plan shall be required. Such conversion shall only be permitted when there is fully adequate room on the lot for both the dwelling use, according to the standards of the R-50 District, and the nonresidential use. The dwelling portion shall be adequately separated by a fire barrier from the nonresidential use and shall be free of any other hazard or nuisance effects of the nonresidential use. Provision shall be made for exclusive use of a portion of the yard, adequate for outdoor activity by residents of the dwelling. In no instance shall the number of dwelling be increased. The addition of floor area to the dwelling structure shall not be permitted.
- (25) Drive-in restaurant. For a drive-in restaurant as provided in § 170-17D(4), additional requirements shall be as follows: A site plan shall be required showing the location of all improvements as related to adjacent areas. A greenbelt, not less than twenty-five (25) feet in width, shall be required on the sides. At the discretion of the Board, part of the front yard that is not a part of the required greenbelt may be used for the parking of cars and serving of food. The entire perimeter of the food service area shall be fenced with a fence suitable for the stopping of blowing paper. Adequate and convenient trash receptacles shall be provided. All service areas shall be paved and well drained. Provision shall be required that the area be kept neat, clean and free from trash. The permit shall be subject to suspension or revocation if, after hearing, it is found that this provision is not being adequately met.
- (26) Car wash. For a car wash as provided in § 170-17D(5), additional requirements shall be as follows: A site plan shall be required with existing and finished grading shown at one-foot intervals. A greenbelt of not less than fifteen (15) feet shall be required on all sides. The waiting area shall be such as to accommodate peak waiting lines with no requirement for cars to park on the street. All drainage of washing wastewater shall be into public sewers, as approved by the Village Sewer Department. Stormwater from the site shall not be permitted to flow into sanitary sewers. All operations shall be conducted within buildings.
- (27) Animal hospital. For an animal hospital as provided in § 170-17D(7), additional requirements shall be as follows: A plot plan shall be required. Any pens or other noise-producing elements shall be so located or shielded as to protect adjacent uses. Adequate sanitary measures shall be ensured.
- (28) Auction sales barn. For an auction sales barn as provided § 170-18D(1), additional requirements shall be as follows: A plot plan shall be required. All activities and storage shall be within buildings.
- (29) Fair or carnival. For a fair or carnival as provided in § 170-21C, additional requirements shall be as follows: Suitable guaranty shall be made for cleaning and policing the site after the operations. Hours of operation, noise level controls on any noisemaking devices, etc., shall be established as necessary to permit the quiet enjoyment of neighboring residential areas.

- (30) Special event. For a special event as provided in § 170-21D, additional requirements shall be as follows: There are none specified.
- (31) Stripping of topsoil. For the stripping of topsoil in connection with a right-of-way to be graded or excavated, as provided in § 170-34A, additional requirements shall be as follows: Provisions shall be made to protect the area against noise or dust due to the operation.
- (32) Major excavating, grading or filling. For major excavating, grading or filling as provided in § 170-34B, additional requirements shall be as follows:
- (a) Suitable site plans showing before and after conditions shall be required. The finished condition shall normally not permit any bank with slope of more than one (1) inch vertical to three (3) inches horizontal. Replacement of topsoil, finished seeding or sodding and other landscaping shall be required where applicable. Adequate information relative to any pond to be created shall be provided to permit the Board to determine that such pond will not become a public nuisance. A time schedule of the operations shall be provided, including an expiration date for the permit, which shall, in no instance, run more than three (3) years, but which may be renewable. Measures shall be introduced to assure that any interim hazardous or nuisance-producing stage in the operations shall be prevented.
 - (b) Where failure to complete the work as permitted would result in an unsatisfactory situation, a performance bond, similar in nature to that required by the Village Subdivision Regulations, if any, shall be required. Where engineering inspection is deemed necessary, the Board shall determine the cost of such inspection and require payment to the Village Clerk of a fee sufficient to cover such inspection. Such fees shall be utilized, in manner determined by the Village Board, to cover the costs of inspection.
- (33) Change in nonconforming use. For change in a nonconforming use as provided in § 170-36B, additional requirements shall be as follows: The new process or operations shall conform more closely to the spirit of this chapter than those existing. Any major investment in the property which would tend to prolong the nonconforming utilization shall not be permitted to accompany the change.
- (34) Change to other nonconforming use. For change to other nonconforming use as provided in § 170-37A, additional requirements shall be as follows: The change of use will be to one conforming more closely to the spirit of this chapter and will not tend to prolong the life of the nonconforming use.
- (35) Contractor's shed. For a contractor's shed for a longer period than eighteen (18) months as provided in § 170-21A, additional requirements shall be as follows: There are none specified.
- (36) Off-premises parking. For required parking space to be provided off the premises as provided in § 170-29B(4), additional requirements shall be as follows: Suitable assurance shall be required as to the permanency of the arrangement.

- (37) Combined parking. For required parking spaces to be combined on one (1) lot as provided in § 170-29B(4), additional requirements shall be as follows: Suitable assurance shall be required as to the permanency of the arrangement.

ARTICLE VIII
Administration and Enforcement

§ 170-45. Zoning Administrator.

- A. Office and appointment. The position of Zoning Administrator of the Village of Wilson is hereby created and designated to administer and enforce the provisions of this chapter and the New York State Uniform Fire Prevention and Building Code (Uniform Code) in the Village of Wilson. [Amended 9-22-1988 by L.L. No. 1-1988]
- B. Powers and duties.
- (1) It shall be the duty of the Zoning Administrator to enforce the provisions of this chapter. He shall examine all applications for permits and issue permits only for construction and uses which are in accordance with the requirements of this chapter and also other ordinances, rules and regulations of the village enforced at the time of application and also in compliance with applicable laws of the State of New York. Permits for construction and uses which require action by the Board of Appeals shall be issued only upon written order of that Board. He shall periodically check compliance with conditions established for uses permitted under variance or special exception where the Board of Appeals has established conditions relative to such action, shall enforce the terms of such actions and report on such matters to the Board of Appeals.
- (2) He shall maintain a file, by date of expiration, of all permits that are limited in time and shall take appropriate action to see that any use for which a permit has expired is concluded.
- C. Records and reports. The Zoning Administrator shall maintain, in the office of the Village Clerk, records and files of all applications for permits with any accompanying plans and documents, which shall be matters of public record. He shall make such reports as the Village Board of Trustees requires and shall report to the Village Board of Trustees on any problems which arise in the administration of the chapter.
- D. Entry. The Zoning Administrator shall have the right at any reasonable time to enter any premises for the purpose of making inspection of buildings or premises necessary to carry out his duties.
- E. Stop-work order. Whenever any construction work is being done contrary to the provisions of this chapter or a permit issued under it, the Zoning Administrator may order the work stopped by notice, in writing, served on anyone engaged in such work or causing such work to be done, and such person shall forthwith stop such work until notice is received, in writing, that the stop-work order has been withdrawn or canceled.

§ 170-46. Permits required. [Amended 9-22-1988 by L.L. No. 1-1988]

- A. Building permit. No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure, except an agricultural building or structure, nor install heating equipment without having applied for and obtained a permit from the Zoning Administrator. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature.
- B. Application; contents.
- (1) Applications for a building permit may be obtained from the office of the Village Clerk. A completed application shall be delivered to the Zoning Administrator and must include:
 - (a) The signature of the applicant or authorized agent.
 - (b) A description of the site on which the proposed work is to be done.
 - (c) A statement of the use or occupancy of all parts of the land and of the proposed building or structure.
 - (d) A brief description of the proposed work.
 - (e) The estimated cost of the proposed work with appropriate substantiation.
 - (f) The full name and address of the owner and the applicant and, if either is a corporation, the names and addresses of responsible officers.
 - (g) One (1) set of plans and specifications for the proposed work showing North point and scale.
 - (h) The fee specified in § 170-48 herein.
 - (i) A statement acknowledging that the Zoning Administrator may enter the property and structure thereon at reasonable hours, as necessary, to inspect the same for compliance with the Uniform Code.
 - (2) The applicant may request that the requirement of plans and specifications be waived where the work to be done involves minor alterations.
- C. The applicant shall notify the Zoning Administrator of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code and this chapter of the Village of Wilson. The authority conferred by such permit may be limited by conditions, if any, contained therein.
- D. No building permit shall be issued until the Zoning Administrator has certified that the proposed action complies with the provisions of this chapter. In the event that an application is denied by the Zoning Administrator, he shall issue to the applicant a written statement containing the reasons therefor.

- E. A building permit issued pursuant to this chapter shall be prominently displayed on the property or premises to which it pertains.
- F. A building permit issued pursuant to this chapter may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or this chapter or with any condition attached to such permit or if there has been a misrepresentation or falsification of a material fact in connection with the application for the permit.
- G. A building permit issued pursuant to this chapter shall expire one (1) year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods, provided that:
 - (1) The permit has not been revoked or suspended at the time the application for renewal is made.
 - (2) The relevant information in the application is up to date.
 - (3) The renewal fee is paid.

§ 170-47. Certificates of occupancy and inspection. [Added 9-22-1988 by L.L. No. 1-1988]

- A. No building erected subject to the Uniform Code and this chapter shall be used or occupied, except to the extent provided in this section, until a certificate of occupancy has been issued. No building similarly enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than thirty (30) days after the completion of the alteration or work unless a certificate of occupancy has been issued.
- B. Request for issuance of an occupancy permit may be made upon completion of the erection, addition or alteration of any building, structure or portion thereof. If the request is denied, the Zoning Administrator shall issue to the applicant a written statement containing the reasons for such denial.
- C. If the Zoning Administrator finds that the construction has been completed or has progressed to an extent that compliance with the terms of the building permit is ascertainable, finds that the building may be safely occupied and finds that provisions for use are in conformity with the provisions of this chapter, he may issue the certificate of occupancy prior to completion.
- D. No building shall be converted from one general occupancy classification to another, as defined in the Uniform Code, unless a certificate of occupancy authorizing the change has been issued. The owner or his agent shall make application for all certificates of occupancy.
- E. A temporary certificate of occupancy may be issued if the building or structure, or a designated portion of a building or structure, is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire six (6) months from the date of issuance but may be renewed an indefinite number of times.

- F. No certificate of occupancy shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation of the Uniform Code in the area intended for use and upon payment of the appropriate fee.
- G. Items to be inspected.
- (1) Work for which a building permit has been issued under this chapter shall be inspected for approval prior to enclosing or covering any portion thereof so as to permit the observation of, but not limited to, the following:
 - (a) The foundation.
 - (b) Superstructure and structural elements.
 - (c) Electrical systems, plumbing systems and heating, ventilation and air-conditioning systems.
 - (d) Fire-protection and -detection systems and exit features.
 - (2) In addition, the Zoning Administrator may require such other inspection as he may deem reasonably necessary. It shall be the responsibility of the owner, applicant or his agent to inform the Zoning Administrator that the work is ready for inspection and to schedule such inspection with the Zoning Administrator.
- H. Frequency.
- (1) Existing buildings not subject to inspection under Subsection G of this section shall be subject to periodic firesafety inspections for compliance with the Uniform Code in accordance with the following schedule:
 - (a) All areas of public assembly defined in the Uniform Code, all buildings or structures containing areas of public assembly and the common areas of multiple dwellings: every twelve (12) months.
 - (b) All buildings or structures open to the general public: every twelve (12) months.
 - (c) All other buildings: every eighteen (18) months.
 - (2) Notwithstanding any requirement of this subsection to the contrary, no regular, periodic inspections of occupied dwelling units shall be required. However, this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare.
- I. The inspections may be performed by the Zoning Administrator. The Zoning Administrator is authorized to order, in writing, the correction of any condition in violation of the Uniform Code found in, on or about any building. Such orders shall be served in person upon a responsible party or his authorized agent or by certified mail sent to the address of a responsible party set forth in any relevant application for a permit or in any relevant certificate. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition within the specified time shall be subject to a penalty as provided by law.

- J. A person subject to inspection may be required by the Zoning Administrator to have such inspection performed at his own cost and expense by a competent inspector acceptable to the Zoning Administrator. Such inspector may be a registered architect, licensed professional engineer, certified code enforcement officer or other person whose experience and training has been demonstrated to the satisfaction of the Zoning Administrator. Such inspector shall certify the result of his inspection to the Village of Wilson. Any person required by the Zoning Administrator to have an inspection performed at his own cost and expense shall not be assessed the fees otherwise prescribed in this chapter but shall be subject to any renewal fees set forth hereinafter.
- K. If the Zoning Administrator is the owner of or is involved in work on the premises to be inspected or if there shall otherwise be any conflict of interest, the Village Board shall appoint a qualified individual to perform such duties.
- L. The Zoning Administrator shall make provision for a system of records of the activities specified in this section, of building permit applications, of building permits issued and of fees charged and collected, if any.

§ 170-48. Fees. [Amended 9-22-1988 by L.L. No. 1-1988³⁰]

- A. All fees paid to the Zoning Administrator shall be paid by him to the Village Clerk not later than the 10th day of the month following their receipt and shall be deposited to the credit of the village.
- B. All fees shall be as set forth by resolution of the Board of Trustees.

§ 170-49. Notice of violations.

- A. The use or occupancy of any building, structure or land contrary to the terms herein and any other applicable laws or ordinances shall not be permitted. Upon notice of such unlawful use or occupancy, the Zoning Administrator shall serve a written notice of such violation upon the owner, agent, occupant, contractor or builder to cease or desist such unlawful use or occupancy or remove said violation within five (5) days from the date of such notice. In the event that such violation is removed within said period to the satisfaction of said officer serving such notice, he shall note the same accordingly upon his copy of such notice.
- B. In the event that such violation or unlawful use is not terminated within said period, then the occupancy or use permit for such property shall become null and void, and a new occupancy or use permit shall be required for any further occupancy or use of such building or land, and action instituted to stop the use.
- C. If, in the opinion of the Zoning Administrator, such violation or unlawful use tends to jeopardize health, life or limb, he may order its use to cease and desist forthwith, and any further use or occupancy of such property shall be unlawful until the violation or unlawful use is terminated and a new occupancy or use permit issued.

³⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 170-50. Penalties for offenses. [Amended 9-22-1988 by L.L. No. 1-1988]

- A. If no other penalty for violation of any part of this chapter or orders issued in compliance with this chapter is provided otherwise by law, a person violating such part of this chapter or such orders shall be punishable by a fine of one hundred dollars (\$100.) or imprisonment not to exceed thirty (30) days, or both, and each day such violation continues shall constitute a separate violation.
- B. An action or proceeding in the name of the Village of Wilson may be commenced in any court of competent jurisdiction to compel compliance with or restrain violation of this chapter or orders issued in compliance with this chapter.

§ 170-51. Remedies.

- A. In case any building, sign or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, sign, structure or land is used or any hedge, tree, shrub or other growth is maintained in violation of this chapter or of any regulations pursuant hereto, in addition to other remedies provided by law, any appropriate action or procedure may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- B. The various remedies provided herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**ARTICLE IX
Amendments**

§ 170-52. Authority of Board of Trustees.

The Village Board of Trustees may, from time to time, amend, supplement, change, modify or repeal the provisions of this chapter, including the Zoning Map attached hereto, in the manner specified in the Village Law.

§ 170-53. Initiation of proposed amendment.

A proposed amendment to or change of this chapter may be initiated by motion of the Village Board of Trustees or by recommendation of the Planning Board to Board of Trustees or by petition of a property owner to the Board of Trustees in accordance with § 170-54.

§ 170-54. Petition to Board of Trustees.

- A. A petition for amendment to this chapter may be presented to the Village Board of Trustees by the owner of any property in the village who desires a change in the provisions of this chapter affecting his property and/or related property.

- B. Such petition shall be accompanied by a proposed amendment to the chapter in a form compatible with the form of the chapter and satisfactory to the Village Attorney.
- C. Zoning map amendment.
- (1) If the change is in the Zoning Map, the amendment shall read as follows: "The Zoning District Map of the Village of Wilson attached to the Village Zoning Ordinance and made a part thereof by § 170-9 of that chapter is hereby amended by changing from (list present zoning district or districts) to (list proposed zoning district) of that land described as follows.... Such land being further described and bounded by a map accompanying this amendment and hereby made a part thereof.
 - (2) The required map shall be drawn to scale and shall give scale and North point, the names of all streets and all related property lines. Existing zoning shall be shown in blue and proposed changes outlined and designated in red.
- D. When a proposed amendment or change is initiated by petition, the expenses of advertising notice of a public hearing of such proposal shall be paid by the petitioner.

§ 170-55. Referral to Planning Board.

Every such proposed amendment initiated by motion of the Village Board of Trustees or by petition of a property owner shall be referred by the Board of Trustees to the Planning Board for a report and recommendation thereon before a public hearing is conducted by the Board of Trustees pursuant to the provisions of § 170-57. The Planning Board shall submit its report and recommendation to the Board of Trustees not more than sixty (60) days after the first meeting of the Planning Board held subsequent to such referral, unless, within such sixty (60) days, such proposal shall be withdrawn or amended or the Planning Board shall determine that, by reason of the complexity of the questions presented or like considerations, an additional period of time, not exceeding thirty (30) days, is reasonably required for the proper disposition thereof. If the Planning Board shall not have submitted its report and recommendation within such sixty (60) days, or requested additional period of not exceeding thirty (30) days, the Board of Trustees, in its discretion, may proceed to final consideration of the proposal.

§ 170-56. Contents of report and recommendation.

In recommending the adoption of any proposed amendment or change, the Planning Board shall report to the Village Board of Trustees the reasons for such recommendation, describing any change in conditions that the Planning Board believes warrant the amendment or change, its relation to the Master Plan and the effect of the proposed amendment or change on the established pattern of this chapter. If the Planning Board recommends against the adoption of a proposed amendment or change, it shall include in its report a statement of its reasons for such disapproval.

§ 170-57. Public hearing by Board of Trustees.

The Village Board of Trustees shall hold a public hearing, following publication of a notice thereof as required by law, on each proposed amendment or change.

§ 170-58. Notice of public hearing.

- A. Each notice of public hearing shall state the general nature of the proposed amendment or change as well as the text thereof. In the instance of a map change, the map need not be published but shall be placed on display at the office of the Village Clerk and suitable reference made thereto in the notice.
- B. A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any state park or parkway shall be given to the Niagara Frontier State Park Commission at least ten (10) days prior to the date of such public hearing.
- C. A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries of the Town of Wilson shall be given to the Clerk of such town at least ten (10) days prior to the date of such hearing.
- D. As provided in § 239 of the General Municipal Law, all amendments to this chapter which would change the district classification or the regulations applying to real property lying within a distance of five hundred (500) feet from the village boundary or the boundary of any county or state park or other recreational area, or from the right-of-way of any county or state parkway, thruway, expressway or other controlled-access highway, or from the right-of-way of any stream or drainage channel owned by the county for which the county has established channel lines, or from the boundary of any county- or state-owned land on which a public building or institution is situated, shall be referred to the Niagara County Planning Board. If the Niagara County Planning Board fails to report within thirty (30) days after receipt of a full statement of such referred matter, the Village Board of Trustees may act without such report. If the Niagara County Planning Board disapproves of the proposed amendment, supplement, change or modification, or recommends modification of the proposal, the Village Board of Trustees may not act contrary to such disapproval or recommendation except by a majority vote of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary act.

§ 170-59. Petition of protest; required vote.

In case of a protest against such change signed by the owners of twenty percent (20%) or more of the area of land included in such proposed change or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of the members of the Village Board of Trustees.