

# Chapter 190

## ZONING

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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 12-17-1998 by L.L. No. 9-1998. This local law superseded former Ch. 190, Zoning, adopted 10-18-1979 by L.L. No. 2-1979, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Board —See Ch. 35.  
Adult entertainment —See Ch. 51.  
Docks and moorings —See Ch. 86.

Building construction —See Ch. 102.  
Flood damage prevention —See Ch. 107.

ARTICLE I  
**General Provisions**

**§ 190-1. Scope.**

This is a law regulating and restricting the location, construction, alteration, occupancy and use of buildings and structures and the use of land in the Village of Sodus Point and for said purposes dividing the village into zoning districts. Further provisions pertaining to floodplain areas within the village and which may take precedence over this chapter are stated in Chapter 107, Flood Damage Prevention, of this Code.

**§ 190-2. Title.**

This chapter shall be known and may be cited as the "Zoning Law of the Village of Sodus Point, New York."

**§ 190-3. Authority; purpose.**

This chapter is enacted pursuant to the Village Law of the State of New York, Chapter 64 of the Consolidated Laws, Article **VI-A**, to protect and promote public health, safety, morals, comfort, convenience, economy, aesthetics and the general welfare, and for the following additional purposes:

- A. To promote and effectuate the orderly physical development of the Village of Sodus Point in accordance with the village's Master Plan.
- B. To encourage the most appropriate use of land in the community in order to conserve and enhance the value of property.
- C. To provide for more adequate and suitably located commercial facilities.
- D. To create a suitable system of open spaces and recreation areas, and to protect and enhance existing scenic areas and waterways.

- E. To regulate building densities in order to assure access of light and circulation of air, in order to facilitate the prevention and fighting of fires, in order to prevent undue concentration of population in order to lessen congestion on streets and highways and in order to provide efficient municipal utility services.
- F. To improve transportation facilities and traffic circulation and to provide adequate off-street parking and loading facilities.
- G. To realize a development plan properly designed to conserve the use of land and the cost of municipal services.
- H. To assure privacy for residences and freedom from nuisances and things harmful to the senses.
- I. To protect the community against unsightly, obtrusive and noisome land uses and operations.

#### **§ 190-4. Definitions and word usage.**

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number include the singular, unless the context indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a copartnership and any other agency of voluntary action. The phrase "used for" includes "arranged for" and "occupied for," "maintained for," "intended for" and "designed for."

**ACCESSORY BUILDING** — A building detached from and subordinate to a main building on the same lot and used for purposes customarily incidental to those of the main building.

**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.

**ALTERATION** — As applied to a building or structure, a change or rearrangement in the structural parts or existing facilities of such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location to another.

**APARTMENT COMPLEX** — Two or more buildings on the same parcel of land containing rooms or suites of rooms designed for housekeeping and residential occupancy.

**APPEAL** — If the owner of property does not agree with the Code Enforcement Officer's interpretation of the zoning regulations he may appeal to the Zoning Board of Appeals for a reversal or modification of the Code Enforcement Officer's decision.

**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 terraces and uncovered steps.

**BASEMENT** — A story partly below finished grade, but having at least 1/2 of its height measured from floor to ceiling, but not less than four feet, above average finished grade. A basement shall be counted as one story determining the height of a building in stories.

**BED-AND-BREAKFAST/BOARDINGHOUSE** — A building, other than a hotel, containing a general kitchen and a general dining room in which at least three, but not more than six sleeping rooms are offered for rent, **with** or without meals. A lodging house, tourist house or rooming house shall be deemed a boardinghouse.

**BILLBOARDS** — A sign or structure which directs attention to an idea, products, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot on which such sign is situated.

**BUILDING** — Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or cattle.

**BUILDING, ACCESSORY** - See "accessory building."

**BUILDING, DETACHED** – A building surrounded by open space on the same lot.

**BUILDING GROUP** — A group of two or more principal buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

**BUILDING LINE** — The line, established by statute, local law or ordinance, beyond which a building shall not extend as specifically provided by law.

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

**BUILDING, SEMIDETACHED** — A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

**BULK** — A term used to describe the size, volume, area and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures or other walls of the same buildings; and all open spaces required in connection with a building, other structure or tract of land.

**BUSINESS** — The act of buying and selling to the general public goods or service.

**CAMP** — Any parcel of land on which are located two or more cabins, tents, shelters or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, including summer colony, resort and day camp, a trailer camp, boardinghouse, hotel or motel.

**CELLAR** — Any space in a building the structural ceiling level of which is less than four feet above average finished grade where such grade meets the exterior walls of the building. A cellar shall not be counted in determining the permissible number of stories.

**CLUB, MEMBERSHIP** - An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, provided that there are not conducted any vending stands, merchandising

or commercial activities except as required generally for the membership and purposes of such club.

**CODE ENFORCEMENT OFFICER** – The duly appointed Code Enforcement Officer of the Village of Sodus Point.

**COMMERCIAL VEHICLE** — A vehicle of more than one-ton capacity used for the transportation of persons or goods primarily for gain or a vehicle of any capacity carrying a permanent affixed sign exceeding one square foot in area or lettering of a commercial nature.

**COMMUNITY POLE** — A sign owned and maintained by the Village Board or by a group of businessmen as approved by the Village Board and which sign contains several directional signs for the purpose of directing persons to business and community establishments within the community.

**CONTRACTOR'S YARD** — Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery or vehicles or parts thereof which are in active use by a construction contractor.

**COVERAGE** — That lot area or percentage of lot area covered by buildings or structures, including accessory buildings or structures.

**DRIVE-IN MOVIE** — An open lot or part thereof with appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

**DUMP** — A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

**DWELLING** — A building designed or used principally as the living quarters for one or more families. The terms "dwelling," "one-family dwelling," "two-family dwelling," "multifamily dwelling," "multiple dwelling" or "dwelling group" shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy. (See "residence.")

**DWELLING, GROUP** — A group of three or more, but not over nine, attached single- or two-family dwellings, with party walls between.

**DWELLING, MOBILE HOME** – A detached one-family dwelling unit having the following characteristics:

- A. Manufactured as a relocatable dwelling unit intended for and capable of year-round occupancy and for installation on either a mobile home stand or a foundation, with or without a basement and with or without wheels removed.
- B. Designed to be transported on its own chassis and wheels and connected to utilities after placement on a lot or mobile home stand, with only incidental unpacking, expanding and assembly needed.

- C. Designed and manufactured as the type of unit which would require, after January 15, 1974, a seal as provided for in the State Code for Construction and Installation of Mobile Homes or equivalent.

**DWELLING, MODULAR** — A detached one-family dwelling unit with a minimum installed minor dimension of 16 feet or more manufactured in two or more sections for transport to a site and assembled on a permanent masonry foundation. For purposes of this chapter, a double-wide mobile home is construed as a "modular home."

**DWELLING, MULTIFAMILY** — A dwelling containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other.

**DWELLING, ONE-FAMILY** - A building containing one dwelling unit only.

**DWELLING, TWO-FAMILY** - A building containing two dwelling units.

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

**EASEMENT** — A right in the owner of one parcel of land, by reason of such ownership, to use the land of another for a special purpose.

**FAMILY** —

- A. One person or two or more persons related by blood, marriage or adoption; or
- B. Not more than five persons not necessarily related by blood, marriage or adoption, and in addition any domestic servants or gratuitous guests, who live together in a single dwelling unit and maintain a common household.

**FARM ANIMALS** — Shall include but not be limited to the following: cattle, horses, goats, pigs, llamas, sheep and lambs.

**FINISHED GRADE** — The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade in computing height of buildings and other structures or for other purposes shall be the average elevation of all finished grade elevations around the periphery of the building, except that this average shall not exceed 1/2 of the floor to ceiling height.

**FLOOR AREA** — The aggregate sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior walls or from the center lines of walls separating two buildings.

A. In particular, the floor area of a building shall include:

- (1) Basement space.
- (2) Elevator shafts and stairwells at each floor.
- (3) Floor space for mechanical equipment, with structural headroom of seven feet six inches or more.

- (4) Penthouses.
- (5) Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet six inches or more.
- (6) Interior balconies and mezzanines.
- (7) Enclosed porches.
- (8) Accessory uses, not including space for accessory off-street parking.

B. However, the floor area of a building shall not include:

- (1) Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- (2) Elevator and stair bulkheads, accessory water tanks and cooling towers.
- (3) Floor space used for mechanical equipment, with structural headroom of less than seven feet six inches.
- (4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet six inches.
- (5) Uncovered steps; exterior fire escapes.
- (6) Terraces, breezeways, open porches and outside balconies and open spaces.
- (7) Accessory off-street parking spaces.
- (8) Accessory off-street loading berths.

FOWL — Shall include but not be limited to the following: chickens, turkeys, guinea hens, domestic ducks and domestic geese.

GARAGE SALE — The sale or offering for sale of new, used or secondhand items of tangible personal property from any one residential premises; the sale of tangible personal property from residential premises entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market" or any similar casual or occasional sale advertised to the public at large as such.

GASOLINE FILLING STATION — An area of land, including structures thereon or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding or painting.

GREENWAYS AND OPEN SPACE — Areas designated to remain in their natural condition or minimally improved to provide public use and access. Includes stream corridors, wetlands, beaches, hike/bike paths, steep slopes and public viewpoints.

**HEIGHT OF BUILDING** — The vertical distance measured from the average finished grade along the wall of the building (or adjacent to the side of the structure) to the highest point of such building or structure, excluding the chimney.

**HOSPITAL** — A building containing beds for four or more patients and used for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

**HOTEL** — A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

**INDUSTRIAL** — Includes all aspects of a business, plus consisting of the conversion of material into an end product.

**KENNEL** — Any place at which there are kept four or more dogs more than four months of age or any number of dogs that are kept for the primary purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

**LOT** — A defined portion or parcel of land consisting as a unit devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership and the customary accessories or open spaces belonging to the same. A lot shall abut or be accessible from a public or private street.

**LOT, CORNER** — A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle of intersection does not exceed 135°.

**LOT COVERAGE** — See "coverage."

**LOT, DEPTH OF** — The mean distance from the front street line of a lot to its rear line.

**LOT FRONTAGE** — A lot line which coincides with a street line.

**LOT LINES** — The lines bounding a lot as defined herein.

**LOT, THROUGH** — A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

**LOT WIDTH** — The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines; or the width of a lot measured along the rear line of the required front yard.

**MOBILE HOME PARK** — A tract of land in single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this chapter and which is intended for the express purpose of providing a satisfying living environment for four or more mobile home residents on a long-term occupancy basis.

**MOTEL** — A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes but is not limited to every type of similar establishment known

variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins or roadside hotel.

**NONCONFORMING BULK** — That part of a building, other structure or tract of land which does not conform to one or more of the applicable bulk regulations of this chapter, either following its effective date or as a result of subsequent amendment thereto.

**NONCONFORMING USE** — Any use of a building, other structure or tract of land which does not conform to the use regulations for the district in which such use is located, either at the effective date of this chapter or as a result of subsequent amendments thereto.

**NURSERY SCHOOL** — Any place, however designed, operated for the purpose of providing daytime care or instruction for two or more children from two to five years of age inclusive and operated on a regular basis, including kindergartens, day nurseries and day-care centers.

**NURSING OR CONVALESCENT HOME** — A building with less than 15 sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**PREMISES** — A lot together with all the buildings and uses thereon.

**RESIDENCES, RESIDENTIAL** — A building or any part of a building which contains living and sleeping accommodations for permanent occupancy. Residences, therefore, include all one-family, multifamily, boardinghouses, fraternity and sorority houses. However, residences shall not include the following:

- A. Transient accommodations, such as hotels, motels and hospitals; or
- B. That part of a building containing both residences and other uses which is used for any nonresidential uses, except accessory uses for residences.

**RIDING ACADEMY** — Any establishment where horses are kept for riding, driving or stabling for compensation.

**RIGHT-OF-WAY** — A public or private way used to carry persons or vehicles from one place to another.

**ROAD STAND** — A structure intended for the sale of local produce to the general public.

**SATELLITE ANTENNA/SATELLITE ANTENNA SYSTEM** — Any parabolic dish, antenna or other device or equipment of whatever nature or kind, the primary purpose of which is to receive television, radio, microwave or other electronic signals from space satellites, and to convert the signal into electronic impulses usable for television viewing or for creating audible sounds.

**SETBACK** — The distance in feet from the street line to the principal building on a lot.

**SIGN** — Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, working, model, drawing, picture, banner, flag, insignia, device, marking or representation used as or which is in the nature of an announcement, direction or advertisement. A sign includes a billboard, neon tube, fluorescent tube or other artificial light or string of lights, outlining or hung upon

any part of a building or lot for the purposes mentioned above, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, campaign drive, movement or event which is temporary in nature.

**SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.

**SIGN AREA** — The area within the shortest lines that can be drawn around the outside perimeter of a sign, including all decorations and lights, but excluding the supports if they are not used for advertising purposes. All faces of that sign shall be counted in computing the area. Any neon tube, string of lights or similar device shall be deemed to have minimum dimensions of one foot.

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

**SIGN, DIRECTLY ILLUMINATED** — A sign which incorporates any artificial lighting as an inherent part or feature which depends for its illumination on transparent or translucent material or electricity or radioactivated or gaseous material or substance.

**SIGN, FLASHING** — An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

**SIGN, ILLUMINATED** — A sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.

**SIGN, INDIRECTLY ILLUMINATED** — A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

**SIGN, REPRESENTATIONAL** — Any three-dimensional sign which is built so as to physically represent the object advertised.

**SINGLE OWNERSHIP** — Possession of land under single or unified control, whether sole, joint, common or other ownership, or by a lease having a term of not less than 30 years, regardless of any division of such land into parcels for the purpose of financing.

**STORY** — That part of a building comprised between a floor and the floor or roof next above it. (See "attic," "basement" and "cellar.")

**STORY, HALF** — That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to 1/2 the floor-to-ceiling height of the story below.

**STREET** — An existing public or private way which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on a plan approved by all appropriate official agencies, including the Village Planning Board and/or recorded in the office of the County Clerk.

**STREET WIDTH** - The width of the right-of-way or the distance between property lines on opposite sides of a street.

**STRUCTURE** — Any static construction of building materials, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, reviewing stands, gasoline pumps, mobile dwellings (whether mobile or stationary at the time) and the like.

**SWIMMING POOL** — An artificial body of water greater than 18 inches in depth and having a plane surface area larger than 100 square feet, contained in an excavation, structure, facility or receptacle, placed, constructed or assembled wholly or partially above or below ground level, collapsible or noncollapsible, permanent or temporary, which is located outdoors and intended, used or maintained for swimming or bathing purposes by the owner, his lessees or other invitees.

**SWIMMING POOL, PORTABLE** — A swimming pool having a plane surface area of 100 square feet or less and shall include hot tubs.

**TOWNHOUSE** — A building consisting of a series of one-family attached dwelling units having common party walls between each dwelling unit. See also "building, semidetached."

**TRAILER CAMP** — Includes any premises adopted for or used for parking two or more portable structures or vehicles registered or capable of being registered as a vehicle, so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes and which vehicles are occupied not more than nine months in any calendar year.

**USE** — This term is employed in referring to:

- A. The purpose for which any buildings, other structures or land may be arranged, designed, intended, maintained or occupied.
- B. Any occupation, business activity or operation conducted (or intended to be conducted) in a building or other structure or on land.

**VACATION RESORT** — Any area of land on which are located two or more cabins, cottages or a hotel group of buildings containing living and sleeping accommodations hired out for compensation, which has a public lobby serving the guests and may contain one or more dining rooms and recreation facilities of a design and character suitable for seasonal or more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

**VARIANCE** – See Article XII.

**WASTE TIRE STORAGE FACILITY** —

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**STORAGE** — The containment or placing of waste tires such that it does not constitute disposal of that waste.

**WASTE TIRE** — Any tire that has ceased to serve the purpose for which it was initially intended due to factors such as, but not limited to, wear or imperfections and which has been discarded.

- B. Any facility that stores waste tires, either indoors or out, in a volume greater than 50 waste tires at any time shall be deemed a waste tire storage facility.

**WAY** — A thoroughfare, however designed, permanently established for passage of persons or vehicles.

**YARD, FRONT** — A yard extending along the full length of the front lot line between the side lot lines. The street side of the lot is considered to be the front.

**YARD, REAR** — A yard extending along the full length of the rear lot lines between the side lot lines.

**YARD, REQUIRED** — That portion of the open area of a lot extending open and unobstructed from the ground upward along a lot line for a depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

**YARD, SIDE** — A yard situated between the building and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or rear lot line).

## ARTICLE II

### Establishment of Districts

#### § 190-5. Zoning districts. [Amended 6-21-2007 by L.L. No. 1-2007]

- A. In order to fulfill the purpose of this chapter, the Village of Sodus Point establishes and is hereby divided into the following zoning districts:

R	Residential
MH	Mobile Home Park
LCR	Limited Commercial/Residential
WC	Waterfront/Commercial
I	Industrial
P	Public/Institutional
N	Natural Areas

- B. The aforementioned districts are generally described as follows:

- (1) Residential: conventional single-family housing at current development densities.
- (2) Mobile Home Park: four or more manufactured homes on a single lot, or complexes of owned lots for the exclusive use of mobile/manufactured housing.

- (3) Limited Commercial/Residential: allows multiple use of dwellings in areas on major thoroughfares along with various low-intensity uses such as small retail shops, crafts, professional offices, personal services, and home occupations.
- (4) Waterfront/Commercial: water-dependent, water-enhanced, professional, general retail, tourist accommodations, and visitor service businesses; this classification has special requirements for off-street parking, view protection, pedestrian circulation, dockage and architectural design.
- (5) Industrial: conventional processing, manufacturing, storage, repair of raw materials and fabricated items also would allow an R.V. park, boat storage, agriculture, research facilities, etc.
- (6) Public: land to be used as parks, walkways and/or public access.

### **§ 190-6. Zoning Map.**

The location and boundaries of said zoning districts are shown on the map designated "Official Zoning Map of the Village of Sodus Point," adopted and certified by the Village Clerk. Said map together with everything shown thereon and all amendments thereto is hereby adopted and is declared to be an appurtenant part of this chapter.<sup>1</sup>

### **§ 190-7. Interpretation of district boundaries.**

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

- A. Where district boundaries are indicated as approximately following the center lines of right-of-way lines of streets, highways, public utility easements or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a center line or right-of-way line of such street, highway, public utility or watercourse is moved not more than 50 feet.
- B. Where district boundaries are indicated as approximately following the village boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- C. Where district boundaries are so indicated that they are approximately parallel to the village boundary line, property lines, lot lines, right-of-way lines or projections thereof, boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
- D. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion.

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1. Editor's Note: The Zoning Map is available in the Village offices.

- E. In all other cases, where not dimensioned, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon, but in no instance will a district depth be less than the specified minimum lot depth shown for each district in the Density Control Schedule, § 190-11.

ARTICLE III  
Use Regulations

**§ 190-8. Permitted uses. [Amended 6-21-2007 by L.L. No. 1-2007]**

No building or premises shall be erected, altered or used except for one or more of the uses designated for any district as follows:

Symbols:

- P - Permitted
- V - Variance required
- \* - Requires Planning Board approval
- SP - Special use permit
- NP - Not permitted

District/Use	R*	MH*	LCR*	WC*	I*	P*	N*
<b>Residential</b>							
Boardinghouse (tourist home, bed-and-breakfast)	SP		p	p	p		
Condominiums	NP		p	p	p		
Detached one-family dwelling	p		p	p	p		
Mobile homes	NP	pl	NP	NP	NP		
Multifamily	NP		p	p	p		
Townhouses	NP		p	p	p		
Two-family dwelling	p <sup>2</sup>		p	p	p		
<b>General Uses</b>							
Adult entertainment	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>SP</b> <sup>3</sup>		
Agriculture <sup>4</sup>	P <sup>4</sup>		P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>		
Automobile storage or repair	<b>NP</b>		<b>SP</b>	<b>SP</b>	<b>SP</b>		
Automobile sales	<b>NP</b>		<b>SP</b>	<b>SP</b>	<b>SP</b>		
Bar or nightclub	<b>NP</b>		p	p	p		
Bowling lanes	<b>NP</b>		p	p	p		
Car-washing station	<b>NP</b>		p	p	p		
Church	<b>NP</b>		p	p	p		
Commercial parking lot	<b>NP</b>	p	p	p	p	p	
Cultural facilities (library, art gallery, museum, etc.)	p		p	p	p		
Dance hall or skating rink	<b>NP</b>		p	p	p		
Day nursery	<b>SP</b>		p	p	p		
Drive-in movie	<b>NP</b>		<b>NP</b>	p	p		
<b>Business</b>							
Funeral homes	SP		p	p	p		

District/Use	<b>R*</b>	<b>MH*</b>	<b>LCR*</b>	<b>WC*</b>	<b>I*</b>	<b>P*</b>	<b>N*</b>
Gasoline filling station	<b>NP</b>		<b>SP</b>	<b>SP</b>	<b>SP</b>		
General and professional offices	<b>SP</b>		p	p	p		
Home occupation, in compliance with § 190-22A	<b>SP</b>		p	p	p		
Hospital	<b>NP</b>		p	p	p		
Hotel	<b>NP</b>		p	p	p		
Institution or philanthropic use	<b>NP</b>		p	p	p		
Laundry or dry-cleaning plant	<b>NP</b>		<b>SP</b>	<b>SP</b>	p		
Marinas	V		<b>V</b>	p	<b>V</b>		
Marine construction	<b>NP</b>		<b>SP</b>	p <sup>5</sup>	p		
Motel	<b>NP</b>		p	p	p		
Newspaper offices and printing shops	<b>NP</b>		p	p	p		
Nonprofit club or recreation use	<b>NP</b>		p	p	p		
Nursing or convalescent home or sanitarium	<b>SP</b>		p	p	p		
Private, academic or parochial school	<b>NP</b>		p	p	p		
Public utility or transportation use	<b>NP</b>		p	p	p		
Restaurant	<b>V</b>		p	p	p		
Retail business or service, not otherwise specifically mentioned herein	<b>SP</b>		<b>SP</b>	<b>SP</b>	<b>SP</b>		
Satellite antenna	p	p	p	p	p		
School conducted for profit	<b>NP</b>		p	p	p		
Self-service laundry	<b>NP</b>		p	p	p		
Swimming pools	p	p	p	p	p		
Theater or concert hall	<b>NP</b>		p	p	p		
Vacation resorts; camp	<b>NP</b>		S	p	p		
Veterinarian, animal hospital or kennels	<b>SP</b>		<b>SP</b>	<b>SP</b>	<b>SP</b>		
Wholesale business or service	<b>NP</b>		p	p	p		
<b>Light Industrial</b>							
Research laboratories	NP		p	p	p		
Manufacture	NP		V	V	p		
Extractive operations and soiling mining	NP		NP	NP	NP		

## NOTES:

<sup>1</sup> Must be within an approved mobile home park as defined in § 190-4.

<sup>2</sup> One unit of the structure shall be owner-occupied.

<sup>3</sup> Must be in compliance with Ch. 51, Adult Entertainment.

<sup>4</sup> Not including the keeping of fowl or farm animals.

NOTES:

<sup>5</sup> Must have a minimum lot size of three acres.

**§ 190-9. Prohibited uses in all districts.**

No use, nor any trade, industry, use or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noxious fumes, radiation, gas, noise, vibration or excessive light or any combination of the above which is dangerous and prejudicial to the public health, safety and general welfare shall be permitted.

ARTICLE IV

**Area and Bulk Regulations; Density Control**

**§ 190-10. Purpose.**

In order to provide adequate open spaces for access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population and to lessen congestion on streets, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this section.

**§ 190-11. Density Control Schedule. [Amended 6-21-2007 by L.L. No. 1-2007]**

The attached schedule of density control regulations is hereby adopted and declared to be a part of this chapter and is hereinafter referred to as the "Density Control Schedule." "Front lot" shall mean the portion of the lot facing the street for all properties not abutting Sodus Bay or Lake Ontario. For all properties abutting Sodus Bay or Lake Ontario, the water side shall be considered the front of the property.

District	Density Control Schedule {Area and Bulk Schedule}					Maximum Lot Coverage  {Includes all Accessory Buildings}	Maximum Building Height	
	Minimum Lot Size		Minimum Yard Dimensions				Stories	Feet
	Area per Dwelling Unit	Width at Building Line {feet}	Front {feet}	Side {feet}	Rear {feet}			
R	12,500, <sup>1</sup>	100	25	12 1/2	12 1/2	30%	2 1/2	30
MH	See Note 2							
LCR	12,500	100	25	2	15	40%	3	35
WC	12,500	100	25	2	15	40%	3	35
	12,500	100	50	25	50	35%	3	35
P								
N								

NOTES:

<sup>1</sup> See cluster development regulations, § 190-27.

<sup>2</sup> See manufactured home and manufactured home park regulations, §§ 190-42 through 190-48.

**§ 190-12. Corner lots.**

Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.

**§ 190-13. Projections into required yards.**

Any open or closed porch or carport shall be considered a part of the building in the determination of size of the required yard or lot coverage. Accessory uses not enclosed in a building may be located in a rear yard in accordance with § 190-11.

**§ 190-14. Exceptions to height regulations.**

Building height regulations shall not apply to flagpoles, radio or television antennas, transmission towers or cables, spires or cupolas, chimneys, elevator or stair bulkheads, penthouses, parapets or railings, water tanks or cooling towers, or any similar structures, provided that such structures in their aggregate coverage occupy no more than 10% of the roof area of the building.

**§ 190-15. Compliance with minimum average density; yard restrictions.**

- A. In all districts where residences are permitted, a lot held in single ownership may be improved for residential bulk regulations for each district as set forth in the Density Control Schedule, § 190-11, provided that there shall be no more than one principal building and use on each lot. If two or more principal residential structures are located on the same lot, the minimum average density requirement must be complied with.
- B. A residential lot of required or larger than required size as set forth in this chapter shall not be reduced in size for transfer of ownership if such lot as subdivided will form two or more lots, any of which shall not be in compliance with the requirements for the minimum average residential density for the district in which lot or lots are situated.
- C. Any lot held in single and separate ownership prior to the adoption of this chapter and whose area and/or width and/or depth are of less than the specified minimum lot requirements of this chapter for the district in which such lot is located may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:
  - (1) Two or more adjoining substandard lots owned by the same person or entity shall be considered merged into one lot for the purposes of lot sizes, area and setback restrictions contained in this chapter. Once two or more substandard lots are merged so as to have taken benefit of this provision, said lots shall not thereafter be subdivided.
  - (2) The following minimum yard setback requirements are maintained for residences:
    - (a) Each side lot must not be less than 10% of the average lot width, and in no event shall the minimum side lot setback be less than five feet.
    - (b) Rear yard setback must be a minimum of 12 1/2 feet, except for all waterfront lots which shall require a twenty-five-foot rear lot setback.
    - (c) Front yard setbacks must be pursuant to § 190-11 of this chapter.

- (3) In addition to the requirements of this chapter, the placement of all structures shall comply with the New York State Coastal Erosion Management regulations contained in 6 NYCRR Part 505.
  - (4) All existing undersized lots are exempt from the maximum lot coverage regulations as stated in the Density Control Schedule but must comply with the setback requirements as stated in § 190-15C(2).
- D. An enclosed utility building for the storage of lawn and garden equipment, not exceeding 100 square feet of floor area or more than 12 feet in height, may be erected behind the rear building line of any dwelling, but not closer than five feet to any rear or side set lot line, provided that such building shall not be used for any home occupation or commercial use.

**§ 190-16. Side yards for semidetached or townhouses.**

Side yards for semidetached or townhouses shall be required at the ends of the total structure only.

**§ 190-17. Minimum living area for dwelling units.**

- A. Apartments. All apartments constructed new or created from existing structures through renovation, remodeling or addition shall have a living area which conforms to the following minimum sizes:
- (1) Studio: 550 square feet. (NOTE: No more than 25% of any apartment complex may be studio apartments.)
  - (2) One-bedroom: 675 square feet.
  - (3) Two-bedroom: 800 square feet.
  - (4) Three-bedroom: 950 square feet.
- R Condominiums. All condominiums constructed new or created from existing structures through renovation, remodeling or addition shall have a living area which conforms to the following minimum sizes:
- (1) Studio: not allowed.
  - (2) One-bedroom: 750 square feet.
  - (3) Two-bedroom: 850 square feet
  - (4) Three-bedroom: 950 square feet.

**§ 190-18. Damage or loss within any district.**

Any building which is demolished or sustains damage amounting to 50% or more of the property's value may be rebuilt on the original foundation, excepting that said structure may

not encroach upon any adjoining property, and that construction must begin within one year of the loss.

**§ 190-19. Residential houses in I, LCR or WC Districts.**

Residential houses built in the industrial, limited commercial/residential, or waterfront commercial areas must comply with residential regulations.

**§ 190-20. Satellite antennas.**

No property owner shall cause, suffer or permit the erection and/or maintenance of any satellite antenna upon property owned by them within the Village of Sodus Point unless in conformity with the provisions herein set forth.

- A. No satellite antenna system in excess of 42 inches in diameter shall be installed, erected, replaced or maintained without a building permit, and the application for such a permit shall include a complete description of the installation, including the type of foundation and the planned provisions for stabilizing and supporting the unit.
- B. Size and location.
  - (1) No satellite antenna erected or maintained in the Village of Sodus Point shall have a dish diameter in excess of 42 inches in diameter without a special use permit issued by the Zoning Board of Appeals.
- C. Violation. The violation of any subsection of this section shall be punishable by a fine of \$50. Each successive day shall be a separate offense and subject to prosecution.
- D. This section shall apply to all satellite antennas. A satellite antenna existing at the effective date of this section shall have 180 days to be brought into compliance with the requirements contained herein.

**§ 190-21. Swimming pools.**

- A. A property owner or the lessee of property may erect or construct, or cause to have erected or constructed, a swimming pool, only after the owner of the property on which erection or construction will occur either obtains or authorizes obtaining a building permit for the construction or erection.
- B. All swimming pools hereafter erected or constructed in the Village of Sodus Point shall be placed or constructed on the lot in such a manner that the swimming pool and its accessory units or fixtures shall comply with all the setback and coverage requirements of zoning in effect in the Village of Sodus Point at the time of erection or construction of the swimming pool. In no event may the swimming pool that is erected or constructed be nearer to the street line than the main building on the premises. In the case of a corner lot, the pool may not be placed closer to the street line than any structure might be placed.
- C. Swimming pool equipment and fencing requirements.

- (1) Each swimming pool shall be surrounded by an adequate and permanent fence or barrier so as to completely enclose the pool itself or that portion of the yard in which the swimming pool is situated. The fence or barrier shall be erected and maintained so as to prevent accidental entry by small children. The fence or barrier shall be adequately supported and shall be not less than four feet in height as determined by the Zoning Enforcement Officer, as hereafter provided. The fence or barrier, where required, shall have not more than two openings for ingress and egress. Each of said openings shall have a self-closing gate or door with an adequate lock which can be opened from the outside of the swimming pool enclosure only by means of a key or combination. The gate, door and lock shall at all times be maintained in proper working order, and the gates or doors shall be kept closed or locked at all times when the swimming pool is not in use or is not supervised by a responsible person. The fence or barrier shall be of durable construction consisting of wood, wire, brick or similar material, and shall have the capability of withstanding a force of 40 pounds per square foot traveling at a speed of five miles per hour. If the fence is of wire construction or of a similar construction, the linkage or holes in the fence or barrier may not exceed two inches in diameter. The type and height of the fence or barrier used and all gates, doors and locking devices shall be approved by the Zoning Enforcement Officer, who in evaluating a request for approval shall give due consideration to the adequacy and durability of the proposed fence or barrier, the terrain, character of the district and the difficulty of climbing the fence or barrier to, as best possible, ensure the safety and welfare of the general public and in particular that of small children and yet preserve the value of the buildings and land. If the swimming pool is an aboveground pool, when the top of the swimming pool itself is four or more feet above ground and the exit steps can be removed or made unusable and properly locked, the fence or barrier described above may be waived.
- (2) Any lighting used in conjunction with such swimming pool shall be directed away from adjoining properties.
- (3) If the swimming pool is abandoned or removed, the property owner shall arrange to fill in the depression within four weeks of dismantling the unit. The Zoning Enforcement Officer shall be notified of the abandonment or removal so an inspection may be made and the records of the permit be marked accordingly.
- (4) This section shall apply to all swimming pools. A swimming pool existing at the effective date of this section shall have 180 days to comply with the requirements contained herein.
- (5) The Zoning Enforcement Officer is hereby authorized and directed to approve a fence or other barrier in existence prior to the effective date of this section if, in his judgment, it is in substantial compliance with the intent of this section.
- (6) Any swimming pool that has electrically motivated or activated pumps, filter or other integral parts, and/or has electrical circuits within 10 feet of water area, including the walkway around the pool, shall:

- (a) Not be used until inspected for electrical safety by a person so authorized by the Village of Sodus Point; and
  - (b) Be reinspected for electrical safety at least once every four years.
- D. This section shall not waive any requirements of the State Sanitary Code if they should apply to any swimming pool in the Village of Sodus Point but shall be in addition to those requirements. In the case of conflict with the State Sanitary Code, if applicable, the State Sanitary Code shall apply.
- E. Administration and enforcement of this section.
- (1) The responsibility for the enforcement of this section shall be assigned to the Zoning Enforcement Officer.
  - (2) Any single failure to comply with this section that continues for a period of seven days or less shall constitute a violation, and each additional week shall constitute an additional violation.
  - (3) A single violation of this section shall constitute a misdemeanor and shall be punishable by imprisonment for not more than 10 days or a fine of not more than \$200, or by both such imprisonment and fine.
  - (4) Because of the potential threat to the health, safety and welfare of citizens of the village caused by the existence of any violation, a second violation within a twenty-four-month period shall be punishable by imprisonment for not more than 30 days or by a fine of not more than \$500, or by both imprisonment and a fine.

## ARTICLE V Supplementary Regulations

### § 190-22. General provisions.

- A. Home occupations. A business, trade or profession may be conducted by a person in his own home or residence, provided that no more than two persons be employed in addition to the owner or tenant of the property; that no other professional shall be permitted to share, let or sublet space for professional use; that there be no external evidence of such use except for one sign not exceeding eight square feet in area; and that there shall not be any exterior storage of materials or equipment.
- B. Excavations. Excavations shall not create objectionable dust or noise, contribute to soil erosion nor create any noxious or injurious substance or condition or cause public hazard, nor change conditions of the earth in such a manner as to adversely affect natural drainage or the structural safety of adjoining buildings. In any district, excavation relating to the construction, on the same lot, of a building or structure for which a building permit has been issued shall be permitted. In the event that construction of a building or structure is stopped prior to completion, and the building permit is allowed to expire, the premises shall immediately be cleared of any rubbish or building materials and any excavation with a depth greater than two feet below existing grade shall immediately be filled in and the topsoil replaced.

- C. Activity standards. In any district, the following standards for activities shall apply:
- (1) No offensive or objectionable vibration, odor or glare shall be noticeable at or beyond the property line except for outdoor cooking and campfires.
  - (2) No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause, to persons or property in the same or adjacent district.
  - (3) There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin or endangers health in any way.
  - (4) The emission of smoke, fly ash or dust which can cause damage to the health of persons, animals, plant life or to other forms of property is prohibited.
- D. Planned new streets. After the planned right-of-way line for future streets, for future extensions of existing streets or for future street widening is established on an approved subdivision map, buildings and structures shall be set back from such lines as though it were a street line.
- E. Accessory buildings and uses. Accessory buildings not attached to principal buildings shall be located no closer to the principal buildings than eight feet.
- F. Corner clearance. For the purpose of minimizing traffic hazards at street intersections, on any corner lot no obstructions higher than 2 1/2 feet above the adjacent top-of-curb elevation shall be permitted to be planted, placed, erected or maintained with the triangular area formed by the intersecting pavement lines or their projections (where corners are rounded) and a straight line joining the pavement lines at points 50 feet distant from their points *bf* intersection.
- G. Fences and walls. In a residential district, walls and fences up to four feet in height shall be permitted anywhere on a lot with Planning Board approval except where corner sight clearances are required for traffic safety. In any waterfront/commercial, limited commercial/residential or industrial district, there shall be no restriction on fences or walls except on a residential district boundary line where such fences or walls shall be limited to four feet in height and except where corner clearances are required. Electric and barbed wire fences are not permitted within the village limits.
- H. Commercial parking lots. Commercial parking lots shall comply with the provisions of § 190-23.

**§ 190-23. Off-street parking and loading.**

In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed or altered as follows:

- A. Required off-street automobile parking spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees and/or seats contained in such new buildings or

structures or added by alterations of buildings or structures and such minimum number of spaces shall be maintained by the owner of such buildings or structures as follows:

- (1) Office, business and commercial uses.
  - (a) For retail business or service, bank or post office: one space for each 200 square feet of customer floor area.
  - (b) For office, including professional, personal service, public utility or public: one space for each 300 square feet of gross office floor area.
  - (c) For a restaurant, bar or nightclub: one space for each five seating capacity.
  - (d) For any commercial use: one space for each company vehicle.
  - (e) For a hotel: one space for each two bedrooms.
  - (f) For a motel and vacation resort: one space for each bedroom, plus one space for each four employees.
  - (g) Spaces in municipal parking lots, where provided, may be credited toward the parking requirements for these nonresidential uses, provided that:
    - [1] These spaces are within 400 feet of the uses to be served;
    - [2] The parking needs of existing facilities (within 400 feet and computed on the same basis as for new facilities) are satisfied first and only excess capacity is used for this purpose; and
    - [3] A special permit for such use is obtained from the Zoning Board of Appeals.
- (2) Industrial uses: one space for each 400 square feet of floor area devoted to manufacture, including printing, publishing and laundry or dry-cleaning plants; one space for each 2,000 square feet of floor area devoted to storage or stationary operating equipment; one space for each 3,000 square feet of area devoted to outside storage, including used car lots and equipment rental or sales yards. For any industrial use, one space for each company vehicle.
- (3) Public and semipublic uses.
  - (a) For places of public assembly (including churches): one space for each six seats of auditorium or stadium capacity.
  - (b) For an elementary school or day nursery: two spaces for each classroom.
  - (c) For a high school or college: five spaces for each classroom.
  - (d) For a museum, art gallery, institution or philanthropic use: one space for each 800 square feet of gross floor area.
  - (e) For a hospital, sanitarium, nursing or convalescent home: one space for each two beds.

- (f) For a club: one space for each 200 square feet of gross floor area.
  - (4) Recreational uses.
    - (a) For a dance hall: one space for each 50 square feet of dance floor area.
    - (b) For a golf course, bowling alley or billiard hall: four spaces for each tee, alley or table.
    - (c) For skating rinks: one parking space for each 250 square feet of area available for skating.
  - (5) Residential uses.
    - (a) For dwellings: one space for each dwelling unit, to be provided on a buildable portion of the lot.
    - (b) For multifamily dwellings: one additional space per three dwelling units.
    - (c) For home occupation: one additional space for each employee.
    - (d) For dentist or doctor: two additional spaces for patients.
    - (e) For a boardinghouse: one space for each bedroom.
  - (6) For uses not listed herein: as established by the Zoning Board of Appeals.
- B. Calculation of required spaces. In the case of a combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.
- C. Dimensions for off-street automobile parking spaces. Every such space provided shall be at least 10 feet wide and 20 feet long and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:
- (1) Parallel curb parking. Five feet end to end with twelve-foot aisle width for one-directional flow and twenty-four-foot aisle width for two-directional flow.
  - (2) Thirty-foot parking. Thirteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two directional flow.
  - (3) Forty-five-foot parking. Sixteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
  - (4) Sixty-foot parking. Twenty-one-foot aisle width for one-directional flow and twenty-six foot aisle width for two-directional flow.
  - (5) Perpendicular parking. Twenty-six-foot aisle width for one-direction and two-direction flow.

- D. Location of required spaces. In any residential district, required automobile parking spaces shall be provided on a buildable portion of the same lot and shall not encroach on any required yards or required open areas. In business districts or industrial districts for nonresidential uses, such spaces shall be provided on the same lot, or not more than 400 feet therefrom. No open or enclosed parking area shall encroach on any required front yard or required open areas. Open parking areas may encroach on a required side or rear yard to within three feet of a property line. Adequate access drives shall be provided from an adjoining public street. In business districts parking spaces for residential uses shall be located on the same lot and shall not encroach on any required yards or required open areas. No entrance and exit drives connecting the parking area and the street shall be permitted within 25 feet of the intersection of two public rights-of-way.
- E. Required off-street truck loading areas.
- (1) For permitted general uses: one loading berth for 10,000 square feet to 25,000 square feet of floor area and one additional berth for each additional 25,000 square feet of floor area, unless it can be proven that truck deliveries shall not exceed one vehicle per day.
  - (2) For funeral homes: one loading berth for each chapel.
  - (3) For hotels, motels and vacation resorts: one berth for floor area in excess of 10,000.
  - (4) For office, business and commercial uses: one berth for 10,000 square feet to 25,000 square feet of floor area and one additional berth for each additional 25,000 square feet of floor area.
  - (5) For manufacturing and permitted industrial uses: one berth for the first 10,000 square feet of floor area and one additional berth for each additional 40,000 square feet of floor area.
- F. Dimensions for off-street loading berths. Each required loading berth (open or enclosed) shall have the following minimum dimensions: 35 feet long, 12 feet wide and 14 feet high, except that berths for funeral homes may be 20 feet long, 10 feet wide and eight feet high.
- G. Location of required berths. All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Open off-street loading areas shall not encroach on any required front or side yard, accessway or off-street parking areas, except that in business districts, off-street parking areas where they exist may be used for loading or unloading, provided that such spaces shall not be used for more than three hours during the daily period that the establishment is open for business. The location, number, size and design of loading and unloading areas for nonresidential uses and the accessways thereto shall require the approval of the Planning Board prior to the issuance of a building permit or certificate of occupancy by the Code Enforcement Officer.
- H. Parking areas for shopping centers. Any parking lot for a commercial use and containing more than 20 cars shall provide separate pedestrian ways, lanes for customers loading,

defined curbs, aisles and spaces, and convenient and safe entry and exit drives subject to the approval of the Planning Board.

**§ 190-24. Industrial district restrictions.**

A. Performance standards.

- (1) General standards. The following general standards are hereby adopted for the control of uses in any Industrial District and no use shall be permitted, established, maintained or conducted therein which shall cause or be likely to cause:
  - (a) Excessive smoke, fumes, gas, dust, odor or any other atmospheric pollutant beyond the boundaries of the lot whereon such use is located. What smoke is excessive shall be determined according to the Ringelmann Scale for grading the density of smoke, published by the United States Bureau of Mines, when the shade or appearance of such smoke is darker than No. 2 on said Ringelmann Smoke Chart.
  - (b) Excessive noise, perceptible beyond the boundaries of the lot occupied by such use causing the same.
  - (c) Any pollution by discharge of any waste material whatsoever into any watercourse, open ditch or land surface as per state sanitation regulations.
  - (d) Discharge of any waste material whatsoever into any sanitary disposal system or sewerage system, except only in accordance with the rules of and under the control of public health authorities or the public body controlling such sewerage system. Any chemical or industrial waste which places undue loads, as determined by the Village Engineer, shall not be discharged into any municipal system and must be treated by the industrial use.
  - (e) Outside storage or stocking of any waste materials whatsoever, except with the approval of the Zoning Board of Appeals.
  - (f) Glare or vibration perceptible beyond the lot lines whereon such use is conducted.
  - (g) Hazard to person or property by reason of fire, explosion, radiation or other cause.
- (2) Specific standards. The following specific standards are hereby adopted and must be complied with for and by any use in any industrial district and before the same be permitted, established, maintained or conducted.
  - (a) Loading docks. No loading docks shall be on any street frontage that interfere with the flow of traffic.
  - (b) Landscaping. It is hereby declared that all areas of the plot not occupied by buildings, parking, driveways or walkways or storage shall be landscaped attractively with lawn, trees, shrubs or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises and

the nature and condition of the terrain as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises.

- (c) Fences and walls. Property that is adjacent to a residential or business district shall be provided along such property lines with a wall, fence, compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen not less than six feet high at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a six-foot solid masonry wall, chain link fence covered with an evergreen vine or compact evergreen hedge. Where a front yard adjoins a street, the wall, fence or hedge shall be located no closer to the street than the depth of the required yard.
  - (d) Off-street parking and loading. Refer to § 190-23.
  - (e) Signs. Refer to § 190-26.
  - (f) Buffer strip. In addition to the fences and walls, the entire district must be separated along its outside boundary from any adjoining residential zones by a buffer strip, suitably landscaped, at least 100 feet wide.
- (3) Proper and adequate water supply, sewerage and waste disposal, other utility services and accessibility to and from public streets must be provided.
  - (4) Special consideration must be given to the traffic generated by each proposed use in an industrial district and no undue traffic volumes shall be permitted on residential streets. Such data is to be submitted with each petition of amendment. No access drive for an industrial district shall be within 300 feet of and on the same side of the street as a school, public library, theater, church or other public gathering place, park, playground or fire station unless a street 50 feet or more wide lies between such access drive and such building or use.
- B. Area and bulk regulations. Area and bulk requirements shall be in compliance with those for industrial districts as set forth in the Density Control Schedule of this chapter, § 190-11.
  - C. The Planning Board, upon review of the proposed development, may prescribe such additional conditions as are in its opinion necessary to secure the objectives of this chapter.
  - D. Procedure. Application for rezoning classification of a site shall be filed by the owner or several owners jointly, or the holder of a written option to purchase the site, with the secretary of the Village Board in writing in a form required by the Village Board, and shall be accompanied by a certified check in the amount of \$50 to help defray the cost of advertising the hearing on said petition and incidental disbursements.
- (1) The applicant shall also submit the following:
    - (a) A plan of the site and surrounding areas drawn to scale and accurately dimensioned, showing the location of all existing and proposed land use

areas, lots, buildings, structures, parking and loading areas and access roads and streets, community facilities and topography.

- (b) The use and height of each proposed building or structure, yard lines, lot coverage and the number of parking spaces in each proposed parking area, and the expected flow of traffic in and out of the area.
  - (c) Any additional data as may be required by the Planning Board in order to determine the suitability of the tract for the proposed development.
- (2) Each application shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Village Board, accompanied by a full statement of the reason for such recommendations prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Village Board, the Village Board may act without such report. If the Planning Board disapproves the proposed amendment, or recommends modification thereof, the Village Board shall not act contrary to such disapproval or recommendation except by adoption of a resolution passed unanimously or by 4/5 of its members fully setting forth the reasons for such contrary actions. The Village Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:
- (a) By publishing a notice of the application and the time and place of the public hearing in the official newspaper of the Village of Sodus Point as designated by the Village Board not less than 15 days prior to the date of the public hearing.
  - (b) By giving notice of hearing to any required municipal, county, state or federal agency in the manner prescribed by law. Upon approval of the proposed development, the new district established shall be excepted from the provisions and controls of this chapter only to the extent specified in the approval and such new district shall become a part of the regulations established herein, shall be enforced in the same manner and be similarly subject to amendment, except that, if construction of the proposed development is not commenced within one year after approval of the Village Board, such approval shall be revoked and such area shall be subject to the requirements of the prior district regulations.

**§ 190-25. Gasoline filling stations.**

The Zoning Board of Appeals may grant a special use permit for a gasoline filling station subject to the following regulations:

- A Filling stations shall be permitted only on lots of 10,000 square feet or more, with 100 feet minimum frontage.
- B. The area for use by motor vehicles, except access drives thereto, as well as any structures shall not encroach on any required yard area.

- C. No fuel pump shall be located closer than 20 feet to any side lot line nor closer than 35 feet to any street line, measured from the outside edge of the fuel island.
- D. Such other conditions as the Zoning Board of Appeals deems appropriate.

**§ 190-26. Sign regulations.**

No sign or other device for advertising purposes of any kind may be erected or established in the municipality except as provided as follows:

- A. Signs in residential districts.
  - (1) Permitted nonresidential uses and legal nonconforming nonresidential uses, but not including day nurseries, may display signs pertaining to the use of property, having an aggregate total face area of not more than eight square feet, and not projecting beyond the principal building of such use more than 24 inches, except that where such nonresidential uses are set back from property lines, one sign may be erected in the ground, provided that such ground sign shall not exceed eight square feet in total face area, shall not exceed five feet in height and shall be no nearer than 10 feet to any property line. If such freestanding signs face substantially at right angles to the road and/or display in more than one direction, they shall have a face area of not more than eight square feet per side, with no more than two sides.
  - (2) Dwellings for five or more families may display nonilluminated signs identifying the premises, having an aggregate total face of not more than eight square feet, and not projecting beyond the principal building on the lot more than 24 inches.
  - (3) Any dwelling unit in a detached, attached or townhouse structure may display one name plate or professional sign not exceeding eight square feet in area.
  - (4) Any boardinghouse may display one sign not exceeding eight square feet in area and not projecting more than 24 inches from the principal building on the lot.
- B. Signs in general business districts. No more than two signs per business unit, having an aggregate total face area of not more than 20 square feet. Such signs shall not project more than five feet beyond the principal building on the lot, and there shall be no more than one projecting sign per business unit, provided, further, that such signs shall not exceed the highest part of the building housing the business or service advertised and may not project into the street or sidewalk.
- C. Signs in industrial districts. Two signs having an aggregate total face area of not more than 50 square feet may be displayed for each establishment, provided that such signs shall be located no nearer than 10 feet to any property line, and provided further that such signs shall not extend above the height of the roof of a building at the point of location of the sign.
- D. Representational signs. No representational sign shall be permitted in any district except such sign as shall be approved by the Planning Board. Further, such sign shall not project more than five feet beyond the principal structure to which it is attached and shall not

have a face area of more than 15 square feet. Only one sign per establishment shall be permitted.

- E. Billboards. Notwithstanding any other provisions of this chapter, signs not pertaining to the use, sale, rent or lease of property on the same lot, and signs not representing construction or subdivision activity as allowed, are not permitted in any district, except that signs for the purpose of directing persons to a local business or community establishment may be erected in any district, provided that such signs shall not exceed four square feet in area per establishment, shall conform with applicable regulations of the district in which they are located, shall be grouped on community poles and shall be approved by the Village Planning Board.
- F. Projecting signs. Signs projecting into a public right-of-way shall have a clearance of not less than 10 feet above the sidewalk or surrounding ground and not less than 15 feet above any public driveway or thoroughfare. No sign may project into any public right-of-way without written approval from the Village Board; if there is a building setback, no projections shall be allowed.
- G. Exemptions from above regulations.
- (1) Real estate signs which advertise the sale, rental or lease of the premises upon which said signs are located, having an aggregate total face of not more than six square feet within any residential district and business district or not more than 20 square feet within any industrial district.
  - (2) One professional sign or business nameplate not exceeding one square foot in area for any one professional or business establishment where such signs would not otherwise be a permitted use.
  - (3) One sign denoting the architect, engineer and/or contractor when placed upon work under construction and not exceeding 24 square feet in area.
  - (4) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material.
  - (5) Traffic or other municipal signs, legal notices and such temporary, emergency or nonadvertising signs may be authorized by the Village Board.
- H. Banners. Banners and similar devices are prohibited, except nonpermanent ones displayed for the occasion of special events which shall be displayed no longer than for a three-week period.
- I. Posters. Temporary, nonpermanent posters covering such things as political events, sporting events, shows and elections shall not be displayed four weeks prior to the event and must be removed within two days after the event.
- J. Removal of certain signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product for purchase by the public on the premises shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within 10 days after the

written notification from the Code Enforcement Officer, and upon failure to comply with such notice within the time specified in such order, the Code Enforcement Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

**§ 190-27. Residential cluster development. [Amended 6-21-2007 by L.L. No. 1-2007]**

In order to promote the health and general welfare of the community and to preserve and make available open space, the Village Planning Board may grant a developer the right to vary the residential density within a tract to be developed (but not maintained) under single ownership, leaving a substantial area free of building lots. The right to vary the density shall be subject to the following conditions:

- A. The proposed residential development must create an attractive residential environment; produce a total average density as specified in § 190-11; provide aggregate open space to be no less than that required in the district in which it is located; have population density which will offer no adverse influence; and guarantee permanent retention of open areas and ensure care and maintenance of open space.
- B. Development must start within one year of the date of approval. It must be consistent to the spirit and intent of the law, and plans must be prepared with competent professional advice.
  - (1) Special design. In cases where a developer has designed special groups of dwellings and garages, the Planning Board after inspecting plans and elevations may approve smaller minimum lot sizes, provided that the sanitary systems are approved by the State Health Officer, that the average density does not exceed that permitted within the zoning district in which the land occurs or that layout is not detrimental to the health and general welfare of the community.
- C. For each square foot of land gained within a residential subdivision through the reduction of lot size below that required by minimum average density requirements as set forth in this chapter, equal amounts of land shall be preserved and maintained as open land and the development rights thereto shall be conveyed to the Village of Sodus Point for as long as these structures shall exist. The balance of the land not contained in the lots or the road right-of-way, if provided, shall be contiguous and of such size and shape as to be usable for recreation or agriculture. Such land shall be held in corporate ownership by the owners of lots within the development, and the developer shall incorporate into the deeds of all property within the development a clause giving to the owners an interest in such open land which shall be used for recreational or agricultural purposes only. No structure save those incidental to the recreational or agricultural use shall be permitted thereon. Open land shall be a minimum of three acres and shall be subject to taxation, unless it is deeded to the Village. In the case of such tracts of five or more acres, the developer may petition to the Village to take over the land to be used in perpetuity as open space. Any residential development proposed under the provisions of this subsection shall follow all applicable procedures, standards and requirements of the ordinance governing the subdivision of land in the Village of Sodus Point.

**§ 190-28. Excavation for soil mining.**

Excavation for the purpose of soil mining such as gravel pits, quarrying or any subsoil removal shall be allowed only by special use permit subject to the following provisions:

- A. Before a special use permit is issued, the applicant shall submit to the Board of Appeals two copies of a map at a scale of one inch equals no more than 100 feet showing all land within 200 feet thereof, with exact locations of all buildings, streets, utilities, drainage or other easements, watercourses, lot lines, block and lot numbers and names of the land owners. Such map shall also show the present topography at two-foot contour intervals. The map shall be signed by a licensed engineer or land surveyor for certification of its accuracy.
- B. The applicant shall also submit to the Zoning Board of Appeals two copies of the proposed plan of excavation at the same scale as above showing the proposed finished elevations at one-foot contour intervals and the proposed drainage plan.
- C. During excavation or quarry operations, open pits and quarry walls shall be entirely surrounded by a substantial fence at least six feet high that will effectively block access to the area, with suitable gates provided with locks. The top and/or toe of slope shall not be closer than 40 feet to a property line.
- D. No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating the product of such excavation shall be permitted.
- E. The proposed finished grading plan shall show the land to be smooth-graded and topsoil respread to a minimum depth of four inches; slopes shall not exceed the normal angle of repose of the material.
- F. The applicant shall be required to furnish a performance bond in an amount determined by the Code Enforcement Officer to be sufficient to guarantee completion of the finished grading and drainage plan. Such bond shall be released only upon certification by the Code Enforcement Officer that all requirements, including the finished grading and drainage, have been complied with.
- G. No special permit for excavation operations or soil mining shall be granted for a period of more than three years, but such permit may be extended for an additional two years upon approval of the Board of Appeals.
- H. Upon approval, one copy of the approved excavation plan shall be returned to the applicant by the Village Clerk together with the special use permit upon the payment of a fee of \$50 to cover all engineering and other costs directly attributable to the approval and office and field checking of the proposed soil mining operations.

ARTICLE VI  
**Nonconforming Buildings, Uses and Lots**

**§ 190-29. Continuation of nonconforming buildings and uses.**

Any lawful building, structure or use of premises existing at the time of enactment of this chapter or any subsequent amendment thereof applying to such building, structure or use of premises may be continued although such building, structure or use of premises does not conform to the provisions thereof, except as follows:

- A. Any sign which becomes nonconforming upon the date of enactment of this chapter shall be removed or altered so as to conform within three years after such date of enactment.

**§ 190-30. Discontinuance.**

Any building or land used for or occupied by a nonconforming use which is abandoned for one year, changed to or replaced by a conforming use shall not thereafter be used for or occupied by a nonconforming use.

**§ 190-31. Necessary maintenance and repairs.**

A building or structure of nonconforming use may be repaired or restored to a safe condition on its original building lines.

**§ 190-32. Change to other nonconforming use.**

A nonconforming use of a building, structure or land may be changed to another nonconforming use more nearly conforming to the requirements of the district in which it is situated.

**§ 190-33. Construction started prior to this chapter.**

Any building or structure for which construction was begun prior to the effective date of this chapter, or any subsequent amendment thereof applying thereto, may be completed and used in accordance with the plans and specifications for such building or structure.

**§ 190-34. Reduction in lot area.**

No lot shall be reduced in area so that it creates a nonconforming bulk or use in violation of any regulations contained in this chapter.

**§ 190-35. Exemption of lots shown on approved subdivision plans.**

Any lot proposed for residential use in a subdivision whose plan delineates one or more new streets, roads or highways, and which said subdivision plan has been properly approved by the Planning Board and filed in the office of the County Clerk prior to the passage of this chapter and whose area and/or width and/or depth are less than the specified minimum lot

requirements of this chapter for that district shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plan. If at the time of the filing of the subdivision plan referred to above there was no Planning Board vested with authority to approve subdivision plans, then the exemption provided for such subdivision shall apply for a period of one year after the filing of said subdivision plan in the office of the County Clerk.

#### ARTICLE VII

#### Miscellaneous Use Regulations

##### **§ 190-36. Junkyards.**

Junkyards as defined in New York State General Municipal Law § 136 are not permitted within the village limits.

##### **§ 190-37. Used car lots.**

Used car lots must be kept neat and orderly. Partially dismantled vehicles may not be left in public view for more than two months.

##### **§ 190-38. Automobile repair garages.**

Partially dismantled vehicles may not be left in public view for more than two months. Unregistered vehicles may not be left in public view for more than three months.

##### **§ 190-39. Garage sales.**

Garage sales must be concluded within seven days, with the exception of nonprofit organizations, and may be held no more than twice a year.

##### **§ 190-40. Storage sheds and out buildings.**

Building permits are required for storage sheds and out buildings.

##### **§ 190-41. Boats.**

Boats which are not seaworthy or which have been abandoned may not be left in public view for more than 12 months.

## ARTICLE VIII

**Mobile Homes and Mobile Home Parks****§ 190-42. Compliance with statutory provisions.**

Where not specifically stated within this chapter, all mobile homes and mobile home parks shall comply with the standards and regulations as set forth in § 233 of the New York State Real Property Law.

**§ 190-43. Existing nonconforming mobile homes and mobile home parks.**

- A. Any preexisting mobile home which is not in compliance with the terms of this chapter shall not be replaced on its site by any other mobile home unless a special use permit to do so has been granted by the Zoning Board of Appeals.
- B. Any preexisting mobile home park that is not in compliance with the terms of this chapter shall be brought into compliance with this chapter (excluding preapproved lot sizes) within 24 months of the enactment of this chapter. Upon demonstration of progress toward compliance and demonstration of hardship, the Zoning Board of Appeals may at its discretion grant an extension of up to 12 months.
- C. The owner, or the owner's duly authorized representative, of a mobile home park which is not in compliance with the terms of this chapter shall present to the Planning Board within three months of the adoption of this chapter a schedule for compliance which will detail the steps required for compliance with this chapter and an acceptable timetable for their completion.

**§ 190-44. Annual license required for mobile home parks.**

- A. It shall be a violation of this chapter for any person to construct or operate a mobile home park without first securing a license from the Village Board as provided in law of the State of New York. All mobile home parks shall comply with the regulations of this chapter.
- B. Annual license application. The application for an annual license, or renewal thereof, shall be accompanied by a fee as set forth in the Fee Schedule<sup>2</sup> of the Village of Sodus Point. Such application shall be filed with the Village Clerk on forms prescribed by the village and shall include the name and address of the owner in fee title of the tract. If fee title is vested in some person other than the applicant, a duly verified statement by the person that the applicant is authorized by the owner to construct or maintain the mobile home park shall accompany the application. Each license or renewal thereof shall expire on the 31st day of December following the issuance thereof.

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2. Editor's Note: The Fee Schedule is on file in the village offices.

**§ 190-45. Application for mobile home park license.**

- A. Applicant. Any applicant for a mobile home park license shall state that they, as agent or owner, shall be responsible for the proper maintenance and upkeep of the proposed park.
- B. Required. Any applicant must provide copies of maps, plans and documents showing:
- (1) Boundaries of the park area.
  - (2) Entrances, exits and walkways.
  - (3) Mobile home sites or lots (refer to installation and site requirements).
  - (4) Method and plan of sewage disposal.
  - (5) Method and plan of garbage and refuse disposal.
  - (6) Method and plan of water supply.
  - (7) Method and plan of lighting.
  - (8) Landscape plans.
  - (9) Owners' and operators' names and addresses.
  - (10) Park rules and regulations.
  - (11) Register of park occupants.
  - (12) Detailed map of each lot

**§ 190-46. Park plan.**

- A. Area. A mobile home park shall have an area of not less than 25 acres, and no mobile home lot or office or service building shall be closer to the public highway or other property line than 100 feet. The 100 feet shall constitute a buffer zone which must be maintained by the park owner and shall be in accordance with the site plan approval by the Village of Sodus Point Planning Board.
- B. Site location. A mobile home park shall be located on a well-drained site suitable for the purpose.
- C. Roads. All roads shall be constructed and paved to a width of at least 20 feet.
- D. Lot size. Individual mobile home lots shall have an area of not less than 6,000 square feet, with a minimum width of 60 feet.
- E. Lot spacing requirement. No mobile home or portion thereof shall be placed closer to any other mobile home or portion thereof than 30 feet.
- F. Lots per acre. The total number of mobile home lots shall not exceed five per gross acre.

- G. Recreation area. In all parks accommodating or designed to accommodate five or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.
- (1) The size of such recreation area shall be based upon a minimum of 200 square feet for each lot. No such recreation area shall contain less than 5,000 square feet.
  - (2) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

**§ 190-47. Additional provisions.**

- A Maintenance. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition that will not endanger the health of any occupant or the public or constitute a nuisance.
- B. Registration.
- (1) The licensee shall keep a record of all occupants of the park, noting the name and address of each occupant, the license numbers of all units, if licensed, and the state issuing such license.
  - (2) The licensee shall keep a copy of the register available for inspection at any time by any authorized person and shall not destroy such registry until the expiration of 12 months from the date of registration.
- C. Inspection. Before any park commences renewal of the annual license, the Code Enforcement Officer shall make an inspection of the premises to determine that all requirements of this Chapter have been met and shall issue a certificate of occupancy. No occupancy shall be permitted until such a certificate has been issued.
- D. Revocation or suspension of license.
- (1) The Village Board shall have the authority to enter and inspect for health, sanitary and other provisions of this chapter any facility licensed hereunder at any reasonable time.
  - (2) If, upon inspection, it is found that the licensee has violated any provisions of this chapter, the Village Board shall have the power to suspend such license and order any mobile home removed or the mobile home park closed after notice.
- E. Parking spaces. Parking spaces shall be provided at the rate of at least one parking space, as defined herein, for each mobile home lot, plus one additional parking space for each two lots in the mobile home park.
- F. Roads and hydrants shall be kept free of snow and ice by the licensee.
- G. Nonconforming mobile home parks. Mobile homes presently located in nonconforming mobile home parks shall be subject to all of the terms of this chapter and any expansion or additions to said mobile home parks must conform to the regulations provided in this chapter.

**§ 190-48. Installation and site requirements.**

- A. Support of the mobile home.
- (1) Each mobile home site shall be provided with a stand which will give a firm base and adequate support for the mobile home. Such stand shall have a dimension approximating the width and length of the home and any expansions or extension thereto. Well-anchored tie-downs capable of withstanding windloads equal to or in excess of the requirements set forth in the New York State Building Construction Code shall be provided at least on each corner of the stand. Stands shall be a full concrete slab at least six inches thick.
  - (2) The stand area shall be graded to ensure adequate drainage, but in no event shall the grade variance exceed six inches from one end of the stand to the other.
- B. Utilities. All utilities, including but not limited to electrical, water, sewer, gas, LPG, oil and telephone, must be installed in accordance with all applicable state and local codes.
- C. Unit installation and skirting. At the time of installation of the mobile home, the tires and wheels, and the hitch if possible, shall be removed, and the unit shall be securely blocked, leveled, tied down and connected to the required utility systems and support services. The mobile home shall be completely skirted within 30 days of occupancy. Materials used for skirting shall provide a finished exterior appearance and shall be similar in character to the material used in the mobile home.
- D. Expansions and extensions. Expandable rooms and other extensions to a mobile home unit shall be supported on a stand constructed in accordance with construction standards for the mobile home. Skirting matching the skirting around the mobile home shall be required around the base of all such expansions or extensions.
- E. Accessory buildings. The mobile home park operator shall provide or require each occupant to provide an accessory storage building. Such building shall be not less than 30 square feet in size and not greater than 100 square feet and shall be a standard prefabricated product complete with an integral floor. The location of the accessory building shall be determined by the park operator either at the time the park is developed or as sites are occupied.
- F. Entrance steps. Entrance steps shall be installed at all doors leading to the inside of the mobile home or any expansions or extensions. Such steps shall be constructed of materials intended for permanence, weather resistance and attractiveness and shall be equipped with handrails which will provide adequate support for users.
- G. Drainage. Proper drainage is the responsibility of the park owner.
- H. Representative. All parks must have a designated individual who can act on behalf of the owner(s) to address any problems or questions that arise for any reason. This individual must be an on-site manager and be available 24 hours a day.

ARTICLE IX  
**Site Plan Approval and Special Permits**

**§ 190-49. Site plan review.**

- A. Except for one-family dwellings or two-family dwellings in approved subdivisions, no building permit or certificate of occupancy for a change in use of an existing premises shall be issued except in accordance with standards and procedures set forth in this section.
- B. Prior to issuing a building permit for the construction of a building on a lot in any district, or a certificate of occupancy for a change in use of an existing premises except for one-family dwellings or two-family dwellings in approved subdivisions or residential additions or renovations estimated to cost under \$10,000, the Code Enforcement Officer shall refer the site plans for construction on such lot to the Planning Board for its review and approval.
- C. Application for preliminary site plan approval. Any preliminary application for site plan approval shall be made in writing to the Code Enforcement Officer and shall be accompanied by the following information, prepared by an engineer, architect, landscape architect or surveyor duly licensed by the State of New York according to each person's particular discipline. At the Code Enforcement Officer's discretion, for projects reasonably estimated to cost less than \$20,000 and not involving environmentally sensitive areas, the Code Enforcement Officer may accept a site plan prepared to show the information below, yet not sealed by an engineer, architect, landscape architect or surveyor duly licensed by the State of New York according to each person's particular discipline.
- (1) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration and all properties, subdivisions, streets and easements within 500 feet of the applicant's property.
  - (2) If grades exceed 3% or portions of the site have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than five feet of elevation shall be provided.
  - (3) A preliminary site plan, including the following information:
    - (a) Title of drawing, including name and address of applicant.
    - (b) North point, scale and date.
    - (c) Boundaries of the property plotted to scale.
    - (d) Existing watercourses.
    - (e) A site plan showing location, proposed use and height of all buildings; location of all parking and truck-loading areas, with access and egress drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including sidewalks, drains, culverts, retaining

walls and fences; description of the method of stormwater drainage and sanitary sewage disposal and location of such sewerage facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for retail sales, if any.

- (4) A tracing overlay showing all soil areas and their classifications, and those areas, if any, with moderate to high susceptibility to flooding and moderate to high susceptibility to erosion. The overlay shall also include an outline and description of existing vegetation.

D. Factors for consideration.

- (1) The Planning Board's review of a preliminary site plan shall include but is not limited to the following considerations:
  - (a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
  - (b) Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrians from vehicular traffic, walkway structures, control of intersections with vehicular traffic and pedestrian convenience.
  - (c) Location, arrangement, appearance and sufficiency of off-street parking and loading, including landscaping, curbs and provisions for adequate and safe interior pedestrian and vehicular traffic.
  - (d) Location, arrangement, size and design of buildings, lighting and signs.
  - (e) Adequacy, type and arrangement of trees, shrubs, embankments, berms, fences, walls and other landscaping constituting a visual and/or a noise-detering buffer between these and adjoining lands.
  - (f) In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation.
  - (g) Adequacy of stormwater drainage and sanitary sewage disposal facilities.
  - (h) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
  - (i) Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
- G) Structural adequacy of pavement for private roadways and parking areas with paved or unpaved surfaces.
- (2) In its review the Planning Board may consult with the Town Engineer, Parks Commissioner, Wayne County Planning Department and any other village, town and/or county official(s), as well as with representatives of federal and state agencies, including the Soil Conservation Service, Army Corps of Engineers and

the New York State Department of Environmental Conservation. The Planning Board may require that the exterior design of all structures be made by or under the direction of a registered architect, whose seal shall be affixed to the plans, and submission of landscape plans made by or under the direction of a registered landscape architect, together with an estimate of the cost of installing the same. Each architect is to assume responsibility for the execution of the plans prepared by him.

- E. Modifications. The Planning Board may require such additional provisions and conditions that appear necessary for the public health, safety and general welfare, and it may waive, in appropriate circumstances, any of the above requirements which it deems not applicable to a particular application.
- F. Action on preliminary application.
  - (1) Within 62 days of the receipt of the application for preliminary site plan approval, the Planning Board shall hold a public hearing. If no decision is made within 62 days following the hearing, the preliminary site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is conditionally approved. A copy of the decision of the Planning Board shall be sufficient notice.
  - (2) The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, conformance with which shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such case the Planning Board may recommend further study of the site plan and resubmission of the preliminary site plan to the Planning Board after it has been revised or redesigned.
  - (3) No modification of existing stream channels, filling of lands with a moderate to high susceptibility to flooding, grading or removal of vegetation in areas with a moderate to high susceptibility to erosion or excavation for construction of site improvements shall begin until the developer has received preliminary site plan approval. Failure to comply shall be construed as a violation of this chapter and, where necessary, final site plan approval may require the modification, restoration or removal and unapproved site changes.
- G. Application for final detailed site plan approval.
  - (1) After receiving conditional approval from the Planning Board on a preliminary site plan, and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his final detailed site plan and submit it to the Planning Board for approval, except that if more than six months has elapsed between the time of the Planning Board's report on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for her review and possible revision prior to accepting the proposed final site plan for review.

- (2) The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It should incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission. If a landscape plan was not submitted on prior applications, such a plan must be submitted with the application for final approval.
- H. Action on the final detailed siteplan application.
- (1) Within 62 days of the receipt of the application for final site plan approval, the Planning Board shall review the proposal. Within 62 days of this review the Planning Board shall render its decision. If no decision is made within the 62 days, the final site plan shall be considered approved.
- (2) Upon approving an application, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer, who shall then issue a building permit to the applicant if the project conforms to all other applicable requirements.
- (3) Upon disapproving an application, the Planning Board shall so inform the Code Enforcement Officer, and he shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.
- I. Expiration of site plan approval. Such site plan approval will automatically terminate one year after the same is granted unless significant work has been commenced on the project. It may be terminated for cause at any time after 10 days' written notice to the applicant.

## ARTICLE X Subdivision of Land

### § 190-50. Approval of Planning Board and conformance with procedures required.

No property within the Village of Sodus Point shall be divided or subdivided without approval of the Planning Board and in conformance with the procedures specified herein.

### § 190-51. Definitions.

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

**COLLECTOR STREET** — A street that serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

**DEAD-END STREET or CUL-DE-SAC** — A street or portion of a street with only one vehicular traffic outlet.

**EASEMENT** — Authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his or her property.

**ENGINEER or LICENSED PROFESSIONAL ENGINEER** — A person licensed as a professional engineer by the State of New York.

**MAJOR STREET** — A street that serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

**MAJOR SUBDIVISION** — Any subdivision, including but not limited to subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

**MINOR STREET** — A street intended to serve primarily as an access to abutting properties.

**PRELIMINARY PLAN** — A drawing or drawings clearly marked as "preliminary plan" and showing the salient features of a proposed subdivision, as specified in these regulations.

**SKETCH PLAN** — A sketch of a proposed subdivision showing the information specified in these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

**STET** — Includes streets, roads, avenues, lanes or other trafficways between right-of-way lines.

**STREET PAVEMENT** — The wearing or exposed surface of the roadway used by vehicular traffic.

**STREET WIDTH** — The width of right-of-way, measured at right angles to the centerline of the street.

**SUBDIVIDER** - Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof, as defined herein, either for himself or herself or others.

**SUBDIVISION** — A division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.

**SUBDIVISION PLAN or FINAL PLAN** — A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board, and to the Code Enforcement Officer at least 15 days before submission to the Planning Board, for approval, and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Register.

**SURVEYOR** — A person licensed as a land surveyor by the State of New York.

**VILLAGE'S MASTER PLAN** — The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the village.

**§ 190-52. Subdivision application filing procedure.**

- A. Procedures to be followed. Whenever any subdivision of land is proposed to be made and before any contract for the sale of, or an offer to sell, any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his or her duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.
- B. Submission of sketch plan. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Code Enforcement Officer, at least 10 days prior to the regular meeting of the Planning Board, two copies of a sketch plan of the proposed subdivision, which shall comply with requirements of this article for the purpose of classification and preliminary discussion.
- C. Discussion of requirements and classification. The subdivider, or his or her duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.
- D. Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board

**§ 190-53. Preliminary plan application and approval.**

- A. Application fee. Prior to the filing of an application for the approval of a major subdivision plan, the subdivider shall file an application for the consideration of a preliminary plan of the proposed subdivision, in the form described in this article. The application for conditional approval of the preliminary plan shall be accompanied by a fee as set forth from time to time by resolution of the Board of Trustees.
- B. Number of copies. Five copies of the preliminary plan shall be presented to the Code Enforcement Officer at least 15 days prior to a regular meeting of the Planning Board.
- C. Subdivider to attend Planning Board meeting. The subdivider, or his or her duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plan.
- D. Study of the preliminary plan. The Planning Board shall study the practicability of the preliminary plan, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, the relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Village Master Plan, the Official Map and the other regulations contained within this chapter.

- E. The Planning Board shall study the preliminary layout and follow the procedures of State of New York Village Law § 7-728, Subdivision 5, to approve, approve with conditions or disapprove the preliminary layout.

**§ 190-54. Final plan approval.**

Final subdivision plan approval shall be granted, granted with conditions or disapproved pursuant to State of New York Village Law § 7-728, Subdivision 6.

**§ 190-55. Required improvements.**

A. Improvements and performance bond.

- (1) Before the Planning Board grants final approval of the subdivision plan, the subdivider shall follow procedures set forth in either Subsection A(1)(a) or A(1)(b) below:
- (a) In an amount set by the Planning Board, the subdivider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Planning Board, the Village Attorney and the Code Enforcement Officer as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
  - (b) The subdivider shall complete all required improvements to the satisfaction of the Code Enforcement Officer, who shall file with the Village Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Village Clerk a bond or certified check covering the cost of such improvements and the cost of satisfactorily installing any improvement not approved by the Code Enforcement Officer. Any such bond shall be satisfactory to the Planning Board, Village Attorney and the Code Enforcement Officer as to form, sufficiency, manner of execution and surety.
- (2) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Code Enforcement Officer and a map satisfactory to the Code Enforcement Officer has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection A(1)(b), then said map shall be submitted prior to endorsement of the plan. However, if the subdivider elects to provide a bond or a certified check for all required improvements as specified in Subsection A(1)(a), such bond shall not be released until such map is submitted.

- B. Modification of design of improvements. If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the Code Enforcement Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Code Enforcement Officer may authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvement required by the Board. The Code Enforcement Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.
- C. Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Village Clerk the inspection fee required by the Planning Board and shall notify the Code Enforcement Officer in writing of the time when he or she proposes to commence construction of such improvements so that the Code Enforcement Officer may cause inspection to be made to assure that all village specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of all improvements and utilities required by the Planning Board.
- D. Proper installation of improvements. If the Code Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the Code Enforcement Officer shall so report to the Planning Board. The Planning Board shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the village's right under the bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.

**§ 190-56. Filing of approved subdivision plan.**

The owner shall file in the office of the County Clerk such approved final plan or a section of such plan within 62 days from the date of final approval or such approval shall expire. The following shall constitute final approval: the signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plan as herein provided; or the approval by such Board of the development of a plan or plans already filed in the office of the County Clerk of Wayne County in which such plan or plans are located if such plans are entirely or partially undeveloped; or the certificate of the Village Clerk as to the date of the submission of the final plan and the failure of the Planning Board to take action within the time herein provided. In the event that the owner shall file only a section of such approved plan in the office of the County Clerk, the entire approved plan shall be filed within 30 days of the filing of such section with the Village Clerk. Such section shall encompass at least 10% of the total number of lots contained in the approved plan, and the approval of the remaining sections of the approved plan shall expire unless said sections are filed before the expiration of the exemption period to which such plan is entitled under the provisions of § 7-708 of the Village Law.

**§ 190-57. Public streets and recreation areas.**

- A. Public acceptance of streets. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute, or be evidence of, any acceptance by the village of any street, easement or other open space shown on such subdivision plan.
- B. Ownership and maintenance of recreation areas. When a park, playground or other recreation area shall have been shown on a plan, the approval of said plan shall not constitute an acceptance by the village of such an area. The Planning Board shall require the plan to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the village covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation areas.

**§ 190-58. General requirements and design standards.**

- A. Standards to apply; waivers. In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth herein.
- B. General requirements.
  - (1) Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other maintenance.
  - (2) Conformity with Official Map and village's Master Plan. Subdivisions shall conform to the Official Map of the village and shall be in harmony with the village's Master Plan.
  - (3) Specifications for required improvements. All required improvements shall be constructed or installed to conform to the village specifications, which may be obtained from the Code Enforcement Officer.
- C. Street layout.
  - (1) Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the village's Master Plan and to accommodate the prospective traffic and afford access for fire-fighting, snow-removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
  - (2) Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage facilities.

Where, in the opinion of the Planning Board, topographic or other considerations make such continuance undesirable or impractical, the above conditions may be modified.

- (3) Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (4) Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separations of through and local traffic.
- (5) Provision for future resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required by the zoning district in which a subdivision is located, the Planning Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.
- (6) Dead-end streets. The creation of dead-end or loop residential streets will be encouraged whenever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing 20 lots or more may be required to have at least two street connections with existing public streets, or streets shown on the Official Map, or streets on an approved subdivision plan for which a bond has been filed.
- (7) Block size. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable, and may further specify, at its discretion, that a four-foot-wide paved footpath be included.
- (8) Intersection with collector or major arterial roads. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- (9) Street jogs. Street jogs with centerline offsets of less than 125 feet shall be avoided.
- (10) Angle of intersection. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles with the street it joins.
- (11) Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be

arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

- (12) Other required street. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades at future grade separations.

### § 190-59. Street design.

- A. Widths of rights-of-way. Streets shall have the widths indicated herein. When not indicated on the village's Master Plan or Official Map, the classification of streets shall be determined by the Board.
- (1) Major streets shall have a minimum right-of-way of 70 feet and a minimum pavement width of 36 feet.
  - (2) Collector streets shall have a minimum right-of-way of 60 feet and a minimum pavement width of 34 feet.
  - (3) Local streets have a minimum right-of-way of 60 feet and a minimum pavement width of 34 feet.
- B. Improvements. Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Planning Board. All such improvements as noted above shall be approved as to design and specifications by the Village Engineer.
- (1) Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of the village's standard thread and as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York. Fire hydrants shall be of a make approved by the village.
  - (2) Streetlighting facilities. Lighting facilities shall be in conformance with the lighting system of the village. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and Code Enforcement Officer.
- C. Utilities in streets. The Planning Board shall, whenever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required facilities before the street is paved.

- D. Utility easements. Where topography is such as to make impractical inclusion of utilities within the street right-of-way, perpetual unobstructed easements of at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Whenever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
- E. Grades. Grades of all streets shall conform in general to the terrain and shall not be less than 1% nor more than 7%, but in no case more than 3% within 50 feet of any intersection.
- F. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Village Engineer so that clear visibility shall be provided for a safe distance.
- G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet in radius and curves shall be adjusted accordingly.
- H. Grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot, whether at an intersection entirely within the subdivision or of a new street with an existing street, within the triangular area formed by two lines along the center lines of the streets and a third line joining them at points 75 feet away from the intersection of the center lines of the street there shall be no obstructions to vision above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.
- I. Dead-end streets (culs-de-sac). Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.
- J. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Planning Board. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Planning Board, and in no case less than 20 feet in width.
- K. Curve radii. In general, street lines within a block, deflecting from each other at any one point by more than 10 feet, shall be connected with a curve, the radius of which for the center line of the street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets unless otherwise approved by the Planning Board.
- L. Service streets or loading space in commercial developments. Paved rear service streets of not less than 20 feet in width or, in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

- M. Free flow of vehicular traffic abutting commercial developments. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic.

**§ 190-60. Documents to be submitted.**

- A. Sketch plan. The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:
- (1) The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
  - (2) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
  - (3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
  - (4) The Tax Map sheet, block and lot numbers, if available.
  - (5) All the utilities available and all streets that are either proposed, mapped or built.
  - (6) The proposed pattern of lots, including lot width and depth; street layout; recreation areas; systems of drainage; sewerage and water supply within the subdivided area.
  - (7) All existing restrictions on the use of land, including easements, covenants or zoning lines.
- B. Major subdivision preliminary plan and accompanying data. The following documents shall be submitted for conditional approval:
- (1) Five copies of the preliminary plan prepared at a scale of not more than 100, but preferably not less than 50, feet to the inch showing:
    - (a) The proposed subdivision name; name of village, town and county in which it is located; date; true North point; scale; and name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
    - (b) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.

- (c) The zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the text of the Zoning Law applicable to the area to be subdivided.
- (d) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (e) The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk and other significant existing features for the proposed subdivision and adjacent property.
- (t) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- (g) Contours with intervals of five feet or less, as required by the Planning Board, including elevations on existing roads; approximate grading plan if natural contours are to be changed more than two feet.
- (h) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan within the area to be subdivided and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (i) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed water and sewer lines.
- U) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles; connection to existing lines or alternate means of disposal.
- (k) Plans and cross sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof; the character, width and depth of pavements and subbase, the location of manholes, basins and underground conduits.
- (l) Preliminary designs of any bridges or culverts which may be required.
- (m) The proposed lot lines with approximate dimensions and area of each lot.
- (n) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plan shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the Official Map.

- (o) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Village Engineer, and shall be referenced and shown on the plan.
  - (2) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the planted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract, and the probable future drainage layout of the entire tract, shall be submitted. The part of the subdivider's entire holding submitted shall be considered in light of the entire holding.
  - (3) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- C. Major subdivision plan and accompanying data. The following documents shall be submitted for plan approval:
- (1) The plan to be filed with the County Clerk shall be printed upon linen, mylar or any medium acceptable to the County Clerk or clearly drawn in India ink upon tracing cloth. The plan shall be drawn at a scale of no more than 100 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The plan shall show:
    - (a) The proposed subdivision name or identifying title and the name of the village, town and county in which the subdivision is located; the name and address of record owner and subdivider; and name, license number and seal of the licensed landsurveyor.
    - (b) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
    - (c) Sufficient data acceptable to the Village Engineer to determine readily the location, bearing and length of every street line, lot line and boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates and, in any event, should be tied to reference points previously established by public authority.
    - (d) The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plan shall show the boundaries of the property, location, graphic scale and true North point.

- (e) The plan shall also show, by proper designation thereon, all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plan copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
  - (t) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.
  - (g) Permanent reference monuments shall be shown and shall be constructed in accordance with the specifications of the Village Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Village Engineer and their locations noted and referenced upon the plan.
  - (h) All lot corner markers shall be permanently located, satisfactorily to the Village Engineer, at least 3/4 inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.
  - (i) Monuments of a type approved by the Village Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Village Engineer.
- (2) Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

**§ 190-61. Variances and waivers.**

- A. Variations. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan or this chapter.
- B. Waivers. Where the Planning Board finds that, due to the special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity of the proposed subdivision, it may waive such requirements subject to appropriate conditions.

- C. Variances and modifications. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE XI  
**Administration**

**§ 190-62. Code Enforcement Officer.**

- A. Office and appointment. There is hereby established the position of Code Enforcement Officer who shall be appointed by the Village Board.
- B. Power and duties. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter. He or she 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 laws, rules and regulations of the Village of Sodus Point enforced at the time of application. Permits for construction and uses that require approval from the Board of Appeals shall be issued only upon written order of that Board. It shall also be the duty of the Code Enforcement Officer to administer and enforce the New York State Uniform Fire Prevention and Building Code.
- C. Records and reports. The Code Enforcement Officer 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. They shall make such reports as the Village Board requires and shall report to the Village Board on all problems that arise in the administration of this chapter.
- D. Entry. The Code Enforcement Officer shall have the right, at any reasonable time, to enter any premises in the presence of the owner or occupant for the purpose of making an inspection of the building or premises necessary to carry out his duties.

**§ 190-63. Stop-work orders.**

- A. Whenever any construction work is being done contrary to the provisions of this chapter, the applicable building code or a permit issued thereunder, the Code Enforcement Officer 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 such stop-work order has been withdrawn or canceled.
- B. In the event that there is a violation of a stop-work order by the owner, agent, occupant, contractor or builder, any building permit, certificate of occupancy, special permit or use or area variance therefor issued for such property shall become null and void and new permits, certificates or variances, as the case may be, shall be required for further occupancy or use of such building or land.

**§ 190-64. Building permits.**

- A. No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Code Enforcement Officer in accordance with the provisions of this chapter and the applicable building code. All applications for building permits shall be accompanied by two copies of a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot and such other information as may be required by the Code Enforcement Officer to determine compliance with this chapter and the applicable building code. One copy of such plan, when approved by the Code Enforcement Officer, shall be returned to the applicant upon payment of the fee established in Subsection B. In each case where a building or use is proposed in an industrial district or in a residential cluster development, not including new streets, the Code Enforcement Officer shall refer the site plan of such proposal to the Planning Board for review before issuing a building permit. The Planning Board shall, within 45 days of receipt of the proposal, either approve, approve with modifications or disapprove said site plan stating the reasons therefor in writing in its records, and shall send a written notice of its decision to the Code Enforcement Officer who then shall act accordingly.
- B. Every application for a building permit shall be accompanied by a fee based on the following scale:

<b>Estimated Market Value</b>	<b>Fee</b>
Up to \$500	\$15
\$501 to \$2,000	\$25
\$2,001 to \$25,000	\$25 <sup>1</sup>
\$25,001 to \$50,000	\$117 <sup>2</sup>
Over \$50,000	\$192 <sup>3</sup>

NOTES:

<sup>1</sup> Twenty-five dollars for the first \$2,000 plus \$4 for each additional \$ 1,000 or fraction thereof, to and including \$25,000.

<sup>2</sup> One hundred seventeen dollars for the first \$25,000 plus \$3 for each additional \$1,000 or fraction thereof, to and including \$50,000.

<sup>3</sup> One hundred ninety-two dollars plus \$2 for each additional \$1,000 or fraction thereof.

**§ 190-65. Certificate of occupancy.**

No land shall be used or occupied and no building or structure hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Code Enforcement Officer in accordance with the provisions of this chapter and the applicable building codes. All applications for certificates of occupancy for new or altered buildings or structures shall accompany the application for a building permit therefor. Such

certificates of occupancy shall be issued within 10 days after the erection or alteration shall have been completed and approved as complying with the provisions of this chapter and the applicable building codes. A fee of \$20 shall accompany every application for a certificate of occupancy.

ARTICLE XII  
**Zoning Board of Appeals**

**§ 190-66. Establishment and duties.**

Pursuant to village law, the Village Board shall appoint a Zoning Board of Appeals, hereafter referred to as the "Board of Appeals," consisting of five members, shall designate its Chairman and also provide for compensation to be paid to said members and provide for such other expenses as may be necessary and proper. The Chairman is to be appointed by the Village Board for a period of three years. A member of the Board of Appeals shall not at the same time be a member of the Village Board.

A. Term of appointment.

- (1) Of the members of the Board of Appeals first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, from and after his appointment.
- (2) Their successors shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Village Board by appointment for the unexpired term.

B. Staff. The Board of Appeals may employ such clerical or other staff assistance as may be necessary and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of appropriations made by the Village Board and then available for that purpose.

C. Rule of procedure and forms. The Board of Appeals shall have the power to make, adopt and promulgate such written rules of procedures and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this chapter. Such rules and forms shall not be in conflict with, nor have the effect of waiving, any provisions of this chapter or any other ordinance or local law of the Village of Sodus Point.

D. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance or witnesses. All meetings of such Board shall be open to the public. The concurring vote of a majority of all members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Code Enforcement Officer or to decide in favor of an applicant in any matter upon which they are required to pass under any ordinance or law to effect any variation in this chapter.

- E. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be a public record.
- F. Position established for alternate members. The position of alternate member(s) of the Board of Appeals of the Village of Sodus Point is hereby established. The Village Board is authorized to appoint up to three alternate members.
- G. Terms. All alternate members of the Board of Appeals of the Village of Sodus Point shall be appointed for a one-year term and in the same manner as regularly appointed members of the Board of Appeals.
- H. Duties. Alternate members shall serve in the absence, unavailability or inability of a regular member of the Board of Appeals to serve. Copies of notices shall be sent to all members, including alternate members. When a meeting of the Board of Appeals shall be duly noticed and called for discussion, if it shall become apparent that a regular member of the Board of Appeals will be unable to hear and deliberate upon an application, then an alternate member of the Board of Appeals, at the call of the Chairman of said Board or, if absent, then the present members of the Board, shall be duly authorized to hear the application, to deliberate and to vote with full force and effect as if duly appointed a regular member of the Board.

**§ 190-67. Public notice and hearing.**

Public notice of any required hearing by the Board of Appeals shall be given in accordance with village law as follows:

- A. By publishing a notice of any appeal or application and the time and place of public hearing in the official newspaper of the Village of Sodus Point not less than five days prior to the date of such hearing.
- B. By giving written notice of hearing to any required municipal, county, metropolitan, regional, state or federal agency in the manner prescribed by law.

**§ 190-68. Variances. [Amended 3-15-2001 by L.L. No. 1-2001]**

Where there are unnecessary hardships in the way of carrying out the strict letter of this chapter, the Board of Appeals shall have the power, after public notice and hearing, to vary or modify the application or provisions of the chapter relating to the use, construction or alteration of buildings or structures or the use of the land, so that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done.

- A. All applications for variances shall be filed with the Secretary to the Board of Appeals in writing, shall be made in a form required by the Board of Appeals and shall be accompanied by payment of a filing fee of \$40 and plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.

B. Any variance which is not exercised (computed) within one year from the date of issuance is hereby declared to be revoked without further hearing by the Board of Appeals.

C. Criteria for granting variances.

(1) Use variances.

(a) The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of this chapter, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

[1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

[2] That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

[3] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

[4] That the alleged hardship has not been self-created.

(c) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(2) Area variances.

(a) In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

- [3] Whether the requested area variance is substantial;
  - [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (b) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- D. Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

**§ 190-69. Special use permits.**

- A. The Board of Appeals shall have the power, after public notice and hearing, to grant special use permits where authorized in this chapter.
- B. All applications for special use permits shall be filed with the Secretary to the Board of Appeals in writing, shall be accompanied by payment of a filing fee of \$50 and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot, plus any additional information the Board may require.
- C. Whenever the Board of Appeals grants a special use permit, appropriate conditions and safeguards and/or time limitations shall be attached thereto so as to assure other uses or structures in the vicinity and district in which the subject property is situated.
- D. Any special use permit which is not exercised shall expire automatically one year from the date of issuance without further hearing by the Board of Appeals.
- E. Temporary structures or mobile homes will be granted special use permits (not to exceed six months) while building construction is in progress.

ARTICLE XIII  
**Amendments**

**§ 190-70. Procedure.**

The Village Board may, from time to time, on its own motion or on recommendation from the Planning Board, amend the regulations and districts established under this chapter after public notice and hearing in each case.

**§ 190-71. Advisory report by Planning Board.**

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report its recommendations to the Village Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearings. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Village Board, the Village Board may act without such report. If the Planning Board disapproves the proposed amendment, or recommends modification thereof, the Village Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting forth the reasons for such contrary action.

**§ 190-72. Public notice and hearing.**

The Village Board by resolution shall fix the time and place of the public hearing and cause notice to be given in such manner as shall be required by law.

ARTICLE XIV  
**Interpretation; Penalties**

**§ 190-73. Construal of provisions.**

- A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety and general welfare.
- B. This chapter shall not interfere with, abrogate, annul or repeal any ordinance, law or any rule, regulation or permit previously or hereafter enacted, adopted or issued pursuant to law, provided that, unless specifically excepted, where this chapter imposes greater restrictions its provisions shall control.

**§ 190-74. Penalties for offenses.**

For any and every violation of the provisions of this chapter, the owner, general agent, contractor or tenant of any building or entire premises where such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be liable upon

conviction thereof to a penalty not to exceed \$350 and/or imprisonment for a term not to exceed six months; for a second violation within five years, a penalty not to exceed \$700 and/or one year imprisonment; and for a third violation within five years, a penalty not to exceed \$1,000 and/or one year's imprisonment. Whenever such person shall have been notified by the Code Enforcement Officer by service of a summons in a prosecution or in any other way that he is committing such violation of this chapter, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by an additional fine not to exceed \$50 per day. Such fines or penalties shall be collected as like fines or penalties are now by law collected.