

**§ 125-1. Scope.**

This shall be a chapter regulating and restricting the location, construction, alteration, occupancy and use of buildings and structures and the use of land in the Village of Sodus and for said purpose dividing the Village into zoning districts.

**§ 125-2. Title.**

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

**§ 125-3. Authority; purpose.**

This chapter is enacted pursuant to the Village Law of the State of New York, Chapter 64 of the Consolidated Laws, Article 7, 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 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 eliminate the spread of strip business developments and provide for more adequate and suitably-located commercial facilities and consequently eliminate many roadside hazards and add to community attractiveness.
- 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.
- J. To enhance the aesthetic aspects throughout the entire community.

**§ 125-4. Definitions and word usage.**

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meaning 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.
- B. 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.

ATTIC – That space of a building which is immediately below and wholly or partly within the roof framing. An "attic" with a finished floor shall be counted as ½ stories in determining the permissible number of stories.

AUTO JUNKYARD – Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom or reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, or disposing of the same or for any other purpose. Such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles; provided however, that the term "junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

**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 or 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.

**CAMP TRAILER** - A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use.

**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.

COMMERCIAL VEHICLE - A vehicle used for the purposes of commercial business or advertisement.

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.

COTTAGE or CABIN DEVELOPMENT – Any parcel of land on which are located two or more cottages, cabins or other accommodations of a design or character suitable for seasonal or other temporary living purposes, including a summer colony or resort, but not including a trailer park, boardinghouse, hotel or motel.

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

DEVELOPMENT – The utilization of a lot of tract of land for two or more uses.

DISTRICT, MORE RESTRICTED or LESS RESTRICTED – In the following list, each district shall be deemed to be more restricted than the district which follow it: R-1; R-2; R-3; B-1; B-2; and I-1.

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 / MANUFACTURED HOME – A detached one-family dwelling unit having the following characteristics:

- A. Manufactured as a relocated dwelling unit for a year-round occupancy and for installation on a mobile home stand or a foundation, with or without a basement.
- 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 manufactures as the type of unit which would require, after January 15, 1974, a seal as provided for in the Uniform Code for construction and installation of mobile / manufactured 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.

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.

EXTRACTIVE OPERATION; SOIL MINING – The removal of soil, gravel, sand or dirt for purposes unrelated to excavation for construction.

FAMILY – One or more persons, whether or not related to each other by blood, marriage or adoption, all living together as a single, stable and bona fide housekeeping unit, so long as such persons together occupy and own, lease or rent the whole of a separate building or dwelling unit in a family-like living arrangement as the functional and factual equivalent of a natural family and use all rooms and housekeeping facilities in common.

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

FENCE – A barrier whether wood, metal, man-made material, masonry or living.

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.
- (1) Penthouses.
  - (2) Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet six inches or more.
  - (3) Interior balconies and mezzanines.
  - (4) Enclosed porches.
  - (5) 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.

GREENWAYSAND OPENSAND-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 initial surveyed height of the lot to the highest point of such building or structure, excluding those mentioned by §125-15 . If hardship arises where fill is required to make a lot habitable the zoning board may grant variance for a new surveyed height which will be measured from and be considered the “surveyed height of the lot” .

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.

JUNKYARD – An area of land with or without buildings used for or occupied by storage, keeping or abandonment of junk; Including scrap metals or other scrap or used or salvaged building materials.

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 / MANUFACTURED 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 – The property of a circulatory facility (see “street width”).

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

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 radio activated 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 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, contained in an excavation, structure, facility or receptacle, placed, constructed or assembled wholly or partially above or below ground level, collapsible or not collapsible, 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. This definition shall include hot tubs.

SWIMMING POOL, PORTABLE - A swimming pool, or artificial body thereof, of which can be transported, or whose depth is less than 18 inches.

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 and/or TRAILER PARK – A tract of land which is used or intended to be used for the packing of two or more house trailers.

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.

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 designated, 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.

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).

**§ 125-5. Zoning districts.**

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

R-1	Residence
R-2	Residence
R-3	Residence
B-1	General Business
B-2	Core Business
I-1	Light Industrial

**§ 125-6. Zoning Map.**

The location and boundaries of said zoning districts are shown on the map designated "Official Zoning Map of the Village of Sodus," 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. The Village Clerk will remain in possession of copies of said map.

**§ 125-7. 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.
- 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, § 125-11.

ARTICLE III  
Use Regulations

**§ 125-8. Permitted uses.**

No building or premises shall be erected, altered or used except for one or more of the uses designated for any district as follows. If a use does not fit into any category listed it shall be the duty of leading agency to assume the closest category thereof. If a use is not filled on this chart it shall be assumed that the fill is "SP", special use permit:

Symbols:

(P) Designates a use permitted by right.

(SP) Designates a temporary/ or conditional use contingent on securing a special use permit in each case from the Zoning Board of Appeals.

(-) Designates a non-permitted use.

<b>Residential Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>B-1</b>	<b>B-2</b>	<b>I-1</b>
Detached one-family dwelling	P	P	P	-	-	-
Two-family dwelling	-	-	P	-	-	-
Multifamily dwelling	-	-	P	-	-	-
Boardinghouse/bed-and-breakfast	-	-	P	-	-	-

House trailers (125-24)	-	-	-	-	-	-
<b>General Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>B-1</b>	<b>B-2</b>	<b>I-1</b>
Agriculture						
Not including keeping of fowl or farm animals	P	P	P	-	-	P
Including keeping of fowl or farm animals	-	-	-	-	-	-
Vacation resort, camp cottage or cabin development	-	-	-	-	-	-
Church or other place of worship	P	P	P	P	P	P
Private, academic or parochial school	P	P	P	P	P	-
Day nursery	P	P	P	P	P	P
Hospital	SP	SP	SP	-	-	-
Nursing or convalescent home or sanitarium	SP	SP	SP	-	-	-
Cultural facilities (library, art gallery, museum etc.)	P	P	P	P	P	-
Nonprofit club or recreation use	P	P	P	P	P	P
Institution or philanthropic use	SP	SP	SP	SP	SP	-
Cemetery in compliance with §125-25	P	-	-	-	-	-
Crematory in compliance with §125-25	-	-	-	-	-	-
Golf course or country club	P	P	P	-	-	-
Public utility or transportation use	P	P	P	P	P	P
Waste tire storage facility	-	-	-	-	-	SP
<b>Accessory uses</b>						
Home occupation in compliance with §125-19A	P	P	P	P	P	-
Accessory use customarily incident to any of the uses mentioned herein:						
On the same lot	P	P	P	P	P	P
Not on the same lot	SP	SP	SP	SP	SP	SP
Stables for horses for noncommercial purposes	P	-	-	-	-	-
<b>Business uses</b>						
Riding academy	-	-	-	-	-	-
Funeral home	-	-	-	P	P	-
General and professional office	-	-	-	P	P	-
<b>Business Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>B-1</b>	<b>B-2</b>	<b>I-1</b>

Retail business or service not otherwise specifically mentioned herein	-	-	-	P	P	-
School conducted for profit	-	-	-	P	P	-
Self-service laundry	-	-	-	P	P	-
Hotel	-	-	-	P	P	-
Restaurant	-	-	-	P	P	-
Bar or night club	-	-	-	P	P	-
Dance hall or skating rink	-	-	-	P	P	-
Bowling alley	-	-	-	P	P	-
Theater or concert hall	-	-	SP	P	P	-
Newspaper offices and printing shops	-	-	-	P	P	P
Commercial parking lot in compliance with §125-19I	-	-	-	P	P	P
Gasoline filling station in compliance with §125-22	-	-	-	SP	SP	SP
Automobile storage in compliance with §87 and §112	SP	-	-	SP	SP	SP
Automobile repair	-	-	-	-	-	P
Car washing station	-	-	-	-	-	P
Equipment rental or sales yard	-	-	-	-	-	P
Wholesale business or service not otherwise specifically mentioned herein	-	-	-	-	-	P
Laundry or dry cleaning plant	-	-	-	-	-	P
Veterinarian office, animal hospital or kennels	-	-	-	SP	SP	SP
Motel	-	-	-	P	P	-
Drive-in movie	-	-	-	-	-	-
Adult entertainment	-	-	-	-	-	SP
Recreation vehicle storage (boats, trailers, etc.)	-	-	-	-	-	P

**Light Industrial Uses**

Research laboratories	-	-	-	-	-	P
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**Business Uses**

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>B-1</b>	<b>B-2</b>	<b>I-1</b>
Manufacturing, fabrication, extraction, assembly, warehousing recycling and other handling of material, in	-	-	-	-	-	P

compliance with §125-19C and  
§125-21 and excluding prohibited  
uses as listed §125-9

**§ 125-9. Prohibited industrial uses.**

Extractive operations and soil mining are specifically excluded from the Village of Sodus. In the industrial district, where manufacturing or light industry is permitted, no manufacturing use, nor any trade, industry, use or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noisome 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, and this includes, more specifically, but is not limited to, the following such uses:

- Acetylene gas manufacturing for commercial purposes;
- Ammonia, chlorine or bleaching powder manufacturing;
- Arsenals;
- Asphalt manufacturing or refining;
- Blast furnaces, not including cupola or converter furnaces used in foundries and in which no wood is used as fuel;
- Boiler shops, structural steel fabricating shops, metalworking shops which operate reciprocating hammers or chisels or other noise producing electric or pneumatic tools within 100 feet of any boundary line of the premises and outside of any masonry buildings;
- Bronze and aluminum powder manufacturing;
- Carbon, lampblack, shoeblackening, graphite or stove polish manufacturing;
- Celluloid and other cellulose products manufacturing;
- Cement manufacturing;
- Coal tar products manufacturing;
- Creosote treatment or manufacturing;
- Disinfectant and insecticide manufacturing or storage;
- Distillation of coal, wood or bones;
- Dumps, unless operated or controlled by the municipality;
- Excelsior and fiber manufacturing;
- Explosives, fireworks or match manufacturing, assembling or storage in bulk, except the manufacturing, assembling and storage in bulk of safety matches in book form;
- Fat-rendering;
- Fertilizer manufacturing or potash refining;
- Fish smoking or curing;
- Glue, size or gelatin manufacturing or processing involving recovery from fish or animal offal;
- Incinerators, unless operated by the municipality;
- Junkyards;
- Lime, gypsum, cement, plaster or plaster of paris manufacturing, except the mixing of plaster;
- Linoleum or oil cloth manufacturing;
- Ore reduction or the smelting of iron, copper, tin, zinc or lead;
- Paint, oil, varnish, turpentine, shellac or enamel manufacturing, except the mixing of wet paints;
- Perfume and extract manufacturing;
- Petroleum refining;

Poisons manufacturing: fumigates, carbon disulfide, hydrocyanic acid, ethyl, stomach poisons, arsenate of lead, arsenate of calcium, hellebore and paris green, contact insecticides, lime, sulfur, nicotine and kerosene emulsions;  
 Printing ink manufacturing  
 Radium extraction;  
 Storage, coloring, curing, dressing or tanning of raw or green salted hides or skins;  
 Rubber caoutchouc or gutta-percha manufacturing from crude or scrap material, except in connection with a rubber products manufacturing plant;  
 Salt works;  
 Sandpaper and emery cloth manufacturing;  
 Slaughtering of animals, except for immediate consumption on premises or immediate retail sale;  
 Soap, soda ash or washing compound manufacturing, except products not containing caustic soda;  
 Starch, glucose or dextrin manufacturing;  
 Stockyards;  
 Sulfurous, sulfuric, nitric, picric or hydrochloric acid or other corrosive or offensive acid manufacturing or their use or storage, except on a limited scale as accessory to a permitted industry;  
 Tallow, grease, lard or candle manufacturing or refining;  
 Tar distillation or the manufacturing of aniline dyes;  
 Tar roofing or waterproofing manufacturing, except where the tar or asphalt is treated at a temperature under 100\* F;  
 Tobacco processing, exclusive of cigar or cigarette manufacturing;  
 Vinegar, pickle or sauerkraut manufacturing in bulk;  
 Wool pulling or scouring, except in connection with a woolen mill;  
 Yeast manufacturing.

ARTICLE IV

**Area and Bulk Regulations; Density Control**

**§ 125-10. 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.

**§ 125-11. Density Control Schedule.**

- A. 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."

District	Minimum Lot Size		Minimum Yard Dimensions			Maximum Lot coverage (Includes all accessory building)	Maximum Building Height	
	Area Per Dwelling Unit	Width at building line (Ft)	Front (Ft)	Side (Ft)	Rear (Ft)		Stories	Feet
R-1	1 Acre	200	50	20	50	25%	2 ½	30
R-2	12,500 Sq Ft	100	35	12.5	35	30%	2 ½	30
R-3	7,200 Sq Ft (b)	60	30	10(b)	30	60%	2 ½	30
B-1	10,000 Sq Ft	100	40	(a)	(a)	60%	3	35



B-2	2,500 Sq Ft	25	0	(a)	(a)	80%	3	35
I-1	15,000 Sq Ft	100	50	25	50	35%	3	35

NOTES:

- (a) – None required, but if provided shall be at least 20 feet. Townhouses permitted in R-3
- (b) – For semidetached residences only, one 25 feet side yard is required.

B. Minimum living area for dwelling units.

1. Apartments and dwelling units. All apartments and dwelling units constructed new or created from existing structures through renovation, remodeling or addition shall have a living area which conforms to the following minimum sizes or to that of the uniform state code, whichever is more restrictive:
  - a. Studio: 550 square feet. (NOTE: No more than 25% of any apartment complex may be studio apartments.)
  - b. One-bedroom: 675 square feet.
  - c. Two-bedroom: 800 square feet.
  - d. Three-bedroom: 950 square feet.
2. 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:
  - a. Studio: not allowed.
  - b. One-bedroom: 750 square feet.
  - c. Two-bedroom: 850 square feet
  - d. Three-bedroom: 950 square feet.

**§ 125-12. Corner lots.**

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

**§ 125-13. Projections into required yards.**

- A. The following projections into required yards may be permitted:
  1. Open fire escapes: four feet into side or rear yards
  2. Awnings or movable canopies: six feet into any yard
  3. Cornices, eaves and other similar architectural features: three feet into any yard.
- B. Any open or enclosed porch or carport shall be considered a part of the building in the determination of size or the required yard or lot coverage.

- C. Accessory uses not enclosed in a building may be located in a rear yard in accordance with §125-18E.

**§ 125-14. 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.

**§ 125-15. Compliance with minimum average residential density.**

- A. In all districts where residence are permitted, a lot held in a single ownership may be improved for residential use according to the minimum lot size per family and bulk regulations for each district as set forth in the Density Control Schedule, 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 requirements must be complied with. More than one detached single-family home shall not be permitted on one lot.
- 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 so subdivided will form two or more lots which shall not be in compliance with the requirements for the minimum average residential density for the district in which such lot or lots are situated, except as provided in Article VI.

**§ 125-16. Side yards for semidetached dwellings or townhouses.**

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

**§ 125-17. Distance between principal buildings on same lot.**

No detached principal building shall be closer to any other principal building on the same lot than the average heights of said buildings.

ARTICLE V  
**Supplementary Regulations**

**§ 125-18. General provisions.**

- A. Home occupations.
1. Upon application to the Zoning Board, a home occupation will be permitted provided that the following standards are complied with:
    - a. Such home occupation is one customarily carried on in a dwelling unit or a building or other structure accessory to a dwelling unit.
    - b. Such home occupation shall be carried on by a member of the family residing in the dwelling unit.
    - c. Such home occupation is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
    - d. Such home occupation conforms to the following additional conditions:

1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
  2. Not more than one person outside the family shall be employed in the home occupation.
  3. There shall be no exterior display or storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building, except that one exterior sign no larger than two square feet in area shall be permitted.
  4. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, the emission of sounds, noises, vibrations, dust or odors.
  5. The home occupation will not cause a hazard to health, safety or use of neighboring properties.
  6. Home occupations shall be renewed annually, provided that there are no complaints.
2. Examples of a home occupation would be an art studio, beauty and barber shop, tailoring and dressmaking, teaching, professional office of a physician, dentist, lawyer, engineer, architect, real estate salesman or accountant. However, a home occupation shall not be interpreted to include the following: commercial stables and kennels, animal hospitals, restaurants, musical instruction groups, dancing instruction to groups, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles, television, radio or electrical appliances and other trades and businesses of a similar nature.

B. Excavation.

1. Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. 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. Excavation shall be for the purpose of subsequent construction only.
2. 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, or all such excavations shall be entirely surrounded by a substantial fence at least six feet high that will effectively block access to the area in which the excavation is located.

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 discharge of any liquid or solid waste into any stream or body of water or any public or private disposal system or into the ground of any materials of such nature that may contaminate any water supply, including groundwater supply.
  4. 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.
  5. 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.
1. Accessory buildings not attached to principal buildings shall be located no closer to the principal buildings than 12 feet or a distance equal to the height of each accessory building, whichever is greater.
  2. In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts:
    - a. Shall be erected only on the same lot as the principal structure;
    - b. May not be constructed in the side or front yards of such lot;
    - c. Shall be a distance of not less than 20 feet from any lot line nor less than 10 feet from the principal structure; and
    - d. Shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.
- F. In all districts, accessory uses, including satellite dishes, solar collector panels and energy-producing windmills shall be erected only on the same lot as the principal structure; shall not be located in the front yard; shall be a distance of not less than 10 feet from any lot line; and shall not adversely affect the character of any neighborhood by reason of noise, glare, safety or sight obstruction, except that a minimum setback of 12 feet be measured from any residence.
- G. Corner clearance. For the purpose of minimizing traffic hazards at street intersections, on any corner lot, no obstructions higher than 2 ½ feet above the adjacent top of curb elevation shall be permitted to be planted, placed, erected or maintained within 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 a distance of

50 feet from their points of intersection.

H. Fences and walls.

1. In any residential district, walls and fences up to eight feet in height shall be permitted anywhere on a lot, except where corner sight clearances are required for traffic safety and in accordance with §88.
  2. In any business or industrial district, there shall be no restriction on fences or walls, except on a residence district boundary line where such fences or walls shall be limited to eight feet in height except where corner clearances are required and in accordance with §88.
- I. Commercial parking lots. Commercial parking lots shall comply with the provisions of §125-20D, H and I of this article.

**§ 125-19. 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. Office, business and commercial uses shall be as follows:

1. For retail business or service, bank or post office: one space for each 200 square feet of customer floor area.
2. For office, including professional, personal service, public utility or public: one space for each 300 square feet of gross office floor area.
3. For a restaurant, bar or nightclub: one space for each five seating capacity.
4. For any commercial use: one space for each company vehicle.
5. For a hotel: one space for each two bedrooms.
6. For a motel and vacation resort: one space for each bedroom, plus one space for each four employees.

- b. 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 shall be as follow:
  - a. one space for each 400 square feet of floor area devoted to manufacture, including printing, publishing and laundry or dry-cleaning plants;
  - b. one space for each 2,000 square feet of floor area devoted to storage or stationary operating equipment;
  - c. 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;
  - d. one space for each company vehicle.
3. Public and semipublic uses shall be as follows:
  - 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 shall be as follow:
  - 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 shall be as follows:
  - a. For single family dwellings: one space for each bedroom to be provided on a buildable portion of the lot.
  - b. For multifamily dwellings: one space per bedroom, plus an additional space every third bedroom rounded to nearest third calculated for the whole of the building to be provided on a buildable portion of the lot.
  - c. For home occupation: one additional space for each employee. For dentist or doctor: two additional spaces for patients.

- d. 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-degree parking. Thirteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two directional flow.
    3. Forty-five-degree parking. Sixteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
    4. Sixty-degree 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.
    1. 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 front yard or required open areas. An unattached automobile garage shall be regarded as an accessory building. Such a garage shall be constructed no closer than four feet to the rear lot line and one side lot line. Such a garage shall be located in the rear yard.
    2. 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.
    3. 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.
    4. 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.
1. 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, access way 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.
  2. The location, number, size and design of loading and unloading areas for nonresidential uses and the access ways thereto shall require the approval of the Zoning Board prior to the issuance of a building permit or certificate of occupancy by the Code Enforcement Officer.
- H. Construction and maintenance of parking areas. Parking areas shall be paved with an all-weather surface of asphalt or concrete. The individual spaces shall be visibly marked with paint or other durable materials and shall also be in accordance with §87.
- I. Landscaping. At least 8% of the area of the lot usable for off-street parking shall be devoted to landscaping with a lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line and any parking lot for more than 20 cars shall be screened by a six-foot high solid masonry wall or compact evergreen hedge or a landscaped strip of trees and shrubs at least 10 feet wide, so designed as to form a visual screen from the adjoining property. All parking areas and landscaping shall be properly maintained thereafter in a slightly and well-kept condition.
- J. 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.



**§ 125-20. Electric vehicle supply equipment.**

- A. Intent and purpose.
  - 1. The State of New York has established programs to encourage the use of electric vehicle charging stations.
  - 2. The purpose of this section is to support and enable the use of indoor and outdoor residential EVSE charging stations by providing a straightforward Village permit process with reasonable controls to protect the health, safety, and general welfare of residents in the Village of Sodus. This code will leverage the work of the State of New York Energy and Research Development Authority (NYSERDA) the U.S. Department of Energy, the National Electrical Code (NEC), and the National Fire Protection Association (NFPA) to provide the regulation foundation.
- B. Permits required. No person, firm, or corporation, being the owner or occupant of any land or premises within the Village of Sodus, shall use or permit the use of said land or premises for the construction or installation of an electric vehicle charging station without meeting the permit requirements and obtaining site plan approval as defined herein.
- C. Permit code requirements. Refer to NYSERDA EVSE template Section 2 through 625.28.
- D. Indoor sites. Refer to NYSERDA Indoor Sites Section 625.29 in the template.
- E. Outdoor sites. Refer to NYSERDA Outdoor Sites 625.30 in the template. NOTE: NYSERDA amp and volt requirements needs must be considered by the applicant. The template for the most part covers equipment rated at 125 volts, 15 amperes or 20 amperes. The Village may allow a simplified form if the conditions in the template are met and the residence has electrical service to the house of at least 200 amps and the EVSE does not exceed 200 amps.
- F. Permit application. The applicant must utilize and submit the permit application provided by the Village of Sodus and include a simple site diagram, a sample of which is attached to the permit. The application includes a certification that all of the requirements identified in this section have been met.
- G. The Village of Sodus encourages referring to the NYSERDA guidelines and requests the applicant to provide a simple sample site plan and electrical diagram as described in the NYSERDA template. The Code Enforcement Officer has available for the applicant's review the National Electrical Code requirements for EVSE installation as referenced in the template checklist.

**125-21. Light Industrial district restrictions.**

The Village Board may, after Zoning Board review, public notice and hearing, approve the development of a parcel of land for light industrial use and establish a special Light Industrial District for such development to be imposed on any R-1 District, subject to the following conditions:

- A. The location and minimum required acreage of sites shall be as follows:
  - 1. R-1 Districts: Three acres.

- B. Application of regulations. Individual uses and structures in a Light Industrial District need not comply with the specific building location, height, lot size and open space requirements of the underlying basic district. The overlay superimposes the regulations for the Light Industrial District upon the underlying district.
- C. Use regulations.
1. Permitted uses shall be as follows:
    - a. Any use permitted by right in an I-1 District.
    - b. Any use permitted by special permit in an I-1 District, subject to the favorable approval thereof by the Board of Appeals.
  2. Prohibited uses shall be as follows:
    - a. Residential uses, except dwellings of caretakers and any and all residential uses made and permitted prior to the establishment of such I-1 District, in accordance with this subsection, shall be allowed to continue as so permitted heretofore.
    - b. All prohibited industrial uses as so listed in §125-9 of this chapter shall be prohibited.
    - c. Any use, although expressly allowed as permitted use, shall be prohibited if the particular application or adaption of such use is or shall become or cause a nuisance.
- D. 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. Noise perceptible beyond the boundaries of the lot occupied by such use causing the same.
    - c. Any pollution by any waste material whatsoever into any watercourse, open ditch or land surface.
    - 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. Storage or stocking of any waste materials whatsoever.
    - 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.
  - h. Any other nuisance harmful to persons or property.
2. Specific standards. The following specific standards are hereby adopted and must be complied with for and by any use in any Light Industrial District and before the same be permitted, established, maintained or conducted.
- a. Storage facilities. Materials, supplies or semi-finished products shall be stored on the rear one-half (1/2) of the property and shall be screened from any existing or proposed street.
  - b. Loading docks. No loading docks shall be on any street frontage. Provisions for handling of all freight shall be on those sides of any building which do not face on any street or proposed streets.
  - c. 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.
  - d. 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 four 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.
  - e. For provisions regarding off-street parking and loading. Refer to § 125-19.
  - f. For provisions regarding Signs. Refer to § 125-23.
  - g. 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 Light 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 I-1 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.

- E. Area and bulk regulations. Area and bulk requirements shall be in compliance with those for I-1 districts as set forth in the Density Control Schedule of this chapter, § 125-11.
- F. The Zoning 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.
- G. Procedure.
  - 1. 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 for an amount determined by the fee schedule to help defray the cost of advertising the hearing on said petition and incidental disbursements. 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 Zoning Board in order to determine the suitability of the tract for the proposed development.
  - 2. Each application shall be referred to the Zoning Board. The Zoning 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 Zoning 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 Zoning 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.
  - 3. 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 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.

4. 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.

**§ 125-22. Gasoline filling stations.**

In any district where permitted, a gasoline filling station shall be 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. No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theater, church or any other public gathering place, park, playground or fire station, unless a street 50 feet or more wide lies between such service station and such building or use.
- e. All repair work and storage shall be within a completely enclosed building which has a maximum height of 18 feet. Such repair work shall not include any body repair work or spray painting or car washing which requires mechanical equipment.
- f. Such other conditions as the Zoning Board deems appropriate.

**§ 125-23. 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. No sign or other device for advertising purposes of any kind may be erected or established in any residential district, except as follows:
  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 15 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 non illuminated signs identifying the premises, having an aggregate total face of not more than 12 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 two square feet in area.
  4. Any boardinghouse may display one sign not exceeding five square feet in area and not projecting more than 24 inches from the principal building on the lot.
- B. Signs in business districts. No more than two signs per business unit, having an aggregate total face area of not more than one square foot per linear foot of width for each foot of principal frontage of the lot may be displaying, but not exceeding 50 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 extend more than 20 feet above ground level or exceed the highest part of the building housing the business or service advertised whichever is less restrictive.
- C. Signs in a Light Industrial districts. Two signs having an aggregate total face area of not more than 100 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 more than 20 feet above the ground level or more than five feet above the height of the roof of a building at the point of location of the sign, whichever is less restrictive.
- D. Representational signs. No representational sign shall be permitted in any district except such sign as shall be approved by the Zoning 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 Zoning 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. Subdivision signs. Any person offering lots for sale in a subdivision may erect no illuminated, directional signs within the limits of the subdivision, or adjoining property in the same ownership, having an aggregate total face area of not more than 50 square feet. The permit for such signs shall be issued for a period of one year and may be renewed for successive periods of one year each following a determination by the Code

Enforcement Officer that the signs have been painted or are in good condition in each case.

H. Exemptions from above regulations shall be as follows:

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 Light 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.

I. Illuminated signs. In every district, directly illuminated signs are prohibited. Illumination of signs shall not be of intermittent or varying intensity or produce direct glare beyond the limits of the side property line. Colored lights of such shape and hue that they may be confused with official traffic lights and signals shall be prohibited. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.

J. 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.

K. 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.

L. Vandalism, Defacement, Graffiti. The use of any paints or materials when combined create an image or word on any structure or sign, by definition herein, that is deemed to be offensive in nature shall be strictly prohibited in any district and shall be removed immediately at the owner of such properties expense.

M. 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

**§ 125-24. House Trailers.**

Single house trailers, trailer parks and camps are specifically prohibited in all zoning districts.

**§ 125-25. Cemeteries and crematories.**

No burial or memorial plats or buildings shall be located closer than 50 feet to any residential lot line, except that when a dense evergreen hedge or a wall or landscaped strip at least six feet in height providing complete visual screening from all adjacent residential property is provided, burial or memorial plats of less than six feet in height may be located no closer than 20 feet from any residential lot line. Crematories shall be located only in cemeteries.

**§ 125-26. Sanitary disposal.**

No person shall undertake to construct any new building or structure in the Village of Sodus without first meeting the requirements for a system or facilities for separate disposal of waterborne sewage or domestic or trade wastes in accordance with §95 and all other applicable regulations of the Village, The State Department of Health and other governmental authorities.

**§125-27. Residential cluster development.**

In order to promote the health and general welfare of the community and to preserve and make available open space, the Village Zoning 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:
  - 1. Create an attractive residential environment;
  - 2. Produce a total average density as specified in §125-11
  - 3. Provide aggregate open space to be no less than that required in the district in which it is located;
  - 4. Have population density which will offer no adverse influences;
  - 5. Guarantee permanent retention of open areas; and
  - 6. Ensure care and maintenance of open space.
- B. Development must start within one year of the date of approval and be completed within a reasonable time and be consistent to the spirit and intent of the chapter and plans must be prepared with competent professional advice.
  - 1. Townhouse developments.
    - a. In an R-3 district where townhouse units are planned, there shall be no more than eight townhouse units in any contiguous group and the gross population density and building density of any area is to remain unchanged and conform to the minimum average density and maximum coverage requirements of the zoning district in which they are situated; however, lot dimensions may be reduced as follows:



1. The minimum lot size shall be no less than 2,000 square feet. The rear yard shall be a minimum of 25 feet, and side yards at the ends of each unit must be at least 25 feet each.

**§125-28 Camping trailers.**

Camping trailers may be left standing on a residential lot, provided that they are stored only in the rear yard of the lot. They shall not be occupied for dwelling purposes and no telephone, electrical, water or other utility connection to such a trailer shall be permitted. Guests or other visitors arriving at an improved residential lot with a camping trailer may be permitted to park the trailer on the lot and use it for sleeping purposes for a period of not more than two weeks in any six-month period.

**§ 125-29. 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.

**§ 125-30. Storage sheds and out buildings.**

Building permits are required for storage sheds and out buildings.

Article VI

**Nonconforming Buildings, Uses and Lots**

**§125-31. Continuation of nonconforming buildings and uses.**

Any lawful building, structure or use of premise 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.
- B. Any undeveloped lot in a subdivision which was not properly approved by the Zoning Board and/or not filed in the office of the County Clerk and whose area and/or width and/or depth are less than the specific minimum lot requirements and average density requirements of this chapter shall be considered a violation of this chapter.
- C. A waste tire storage facility that becomes nonconforming shall be removed or altered so as to conform within 60 days after the date such facility becomes nonconforming.
- D. 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, except that said structure may not encroach upon any adjoining property, and that construction must begin within one year of the loss.

**§125-32. 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.

**§125-33. Necessary maintenance and repairs.**

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

**§125-34. 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.

**§125-35. 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.

**§125-36. Existing undersized lots.**

- A. 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 less than the specified minimum lot requirements in this chapter for that district may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:
1. Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
  2. Such lot has an area of at least 5000 square feet and minimum width of at least 50 feet at the required setback line if it is to be used for residential purposes.
  3. The following minimum yard setback dimensions are maintained for residences.
    - a. Side yards: eight feet
    - b. Front and rear yards: 25 feet.
  4. All other bulk requirements for that district are complied with.
- B. In any district where residences are permitted, such undersized nonconforming lots may be used for not more than one single-family dwelling.
- C. A lot of nonconforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' property or properties.

**§125-37. 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.

**§125-38. Exemption of lots shown on approved subdivision plats.**

- A. Any lot proposed for residential use in a subdivision whose plat delineates one or more new streets, roads or highways and which said subdivision plat has been properly approved by the Zoning 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 plat.

- B. If at any time of the filing of the subdivision plat referred to above there was no Zoning Board vested with authority to approve subdivision plats, then the exemption provided for such subdivision shall apply for a period of one year after the filing of said subdivision plat in the office of the County Clerk.

**§125-39. Auto junkyards.**

Any auto junkyard existing at the time of the adoption of this chapter shall be removed within one year of the effective date of this chapter.

Article VII  
**Administration**

**§125-40. Enforcement.**

- A. This chapter shall be enforced by the Code Enforcement Officer, who shall be appointed by the Village Board, in the same manner and with the same power as now or hereafter practiced or provided under the Building Code.
- B. No building permit or certificate of occupancy shall be issued by the Code Enforcement Officer, and no permit of license for any purpose shall be issued by any official of the Village, if the same would be in conflict with the provisions of this chapter.

**§ 125-41. 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.
- B. 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 as determined by the fee schedule.
- C. In each case where a building or use is proposed and is required to the Code Enforcement Officer shall refer the site plan of such proposal to the Zoning Board for review before issuing a building permit. The Zoning Board shall, within 62 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. Either issuing a build permit, postponing issuing such permit pending compliance with the decision of the Zoning Board or denying such permit. If the Code Enforcement Officer does not receive any written communication on the case by the Zoning Board within 45 days after he refers such case to said Zoning Board, he shall assume that the site plan meets with their

approval. A fee as determined by the fee schedule shall be paid by the applicant to cover the expenses of the Zoning Board review of his/her case, such fee to be in addition to the regular fee for issuance of the building permit.

**§ 125-42. Certificate of occupancy.**

- A. 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.
- B. 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 determined by the fee schedule shall accompany every application for a certificate of occupancy.

ARTICLE VIII  
**Board of Appeals**

**§ 125-43. Zoning Board of Appeals.**

- A. Establishment. The Board of Appeals, heretofore created pursuant to the provisions of the Village Law, is hereby continued as now constituted of five members. Each member of the Board of Appeals shall continue to hold office to the expiration of his or her present term, at which time the Village Board shall appoint a successor as provided by law.
- B. Appointment of members. The Village Board shall appoint a Board of Appeals consisting of five members and shall designate the Chairperson thereof. In the absence of a Chairperson, the Board of Appeals may designate a member to serve as Acting Chairperson. The Village Board may provide for compensation to be paid to experts, clerks, and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Village Board for such purposes.
- C. Term of office. Members of the Board of Appeals shall be appointed for a five-year term, with one term expiring at the end of every calendar year. The Chairperson shall be appointed annually.
- D. Vacancy in office. Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.
- E. General grant of power. The Board of Appeals shall perform all the duties and have all the powers prescribed by the laws of the State of New York.
- F. Meetings, minutes, and records. Meetings of the Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of

its proceedings and other official actions.

- G. Rules of procedure, bylaws, and forms. The Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedures, bylaws, and forms as it may deem necessary for the proper execution of its duties. Such rules, bylaws, and forms shall not be in conflict with nor have the effect of waiving any provisions of this chapter. Such rules, bylaws, and forms and any amendments and supplements thereto shall be submitted to the Village Board by the Board of Appeals for approval and filing as a public record. The Village Board shall move to approve, reject, or modify such rules, bylaws, and forms within 30 days after submission. Failure of the Village Board to so move shall be construed as constituting approval.
- H. Filing requirements. Every rule, regulation, amendment, or repeal thereof and every order, requirement decision, or determination of the Board of Appeals shall be filed in the Village Clerk's office and shall be a public record.
- I. Assistance to Board of Appeals. The Board of Appeals shall have the authority to call upon any department, agency, or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Village Board.

**§ 125-44. Powers and Duties of Zoning Board of Appeals.**

- A. Jurisdiction of Board of Appeals. Except as otherwise provided in this chapter, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, or determination made by the Code Enforcement Officer.
- B. Additional duties. The Board of Appeals shall have the following powers and duties:
  - (1) To grant final approval for subdivision proposals in accordance with Article 9 of this chapter, Subdivision of Land.
  - (2) To make investigations, maps, reports, and recommendations relating to the planning and development of the Village as it seems desirable, which shall include, but not be limited to, changes in boundaries of districts, recommended changes to the provisions of this chapter, other land use and development matters of importance to the Village, and to act on any matter lawfully referred to it by the Village Board.
- C. Site plan review.
  - (1) Purpose. The purpose of this section is to promote the public health, safety, and general welfare by providing a site plan approval requirement and process for certain types of land development and use in the Village of Sodus to ensure that such developments and use accords with proper design and planning considerations. To that end, this section is adopted to implement a system for the site plan review and approval for the development and uses made subject thereto.
  - (2) Legislative authority. Section 7-725-a authorizes the Village Board by local law to empower the Board of Appeals to review and approve, approve with modifications, or

disapprove site plans prepared to specifications set forth in such sections and/or in regulations of the Board of Appeals. The Village Board hereby authorizes the Board of Appeals, and vests in it, the power to approve, approve with conditions or modifications, or deny site plans required under this section. The Village Board further authorizes the Board of Appeals to adopt regulations to supplement or add to the site plan specifications set forth in this section, or to modify or waive the same in particular or in a class of cases, where the circumstances warrant and such is consistent with the purpose of the section.

(3) Site plan approval review. Site plan approval shall be required prior to the issuance of a building permit for or conversion of buildings and structures, and uses other than single- or two-family residential dwellings.

(4) Site plan application.

(a) All applications for site plan approval shall be by written application on forms provided by the Village. The application shall include a site plan setting forth specific site data on a map in acceptable form and content, which shall be prepared to scale and in sufficient detail and accuracy and which shall show the following:

[1] General location of plan of subject site, showing location within the Village.

[2] Boundaries of the lot involved, along with the names of adjacent property owners.

[3] Physical and geographic characteristics of the property.

[4] Existing buildings.

[5] Existing easements.

[6] Existing standards of time.

[7] Design and type of construction.

[8] Contour map and/or grading plan, with existing and proposed grade.

[9] A storm water management plan with drainage calculations for site.

[10] An erosion and sediment control plan for the construction phase.

[11] Exterior lighting details.

[12] Proposed landscaping with details about species, spacing, and heights.

[13] Building location with first floor elevations noted.

- [14] Proposed driveway(s) with sight distances.
- [15] Adjacent roads with pavement, right-of-way, and culvert details.
- [16] Parking lot detail, showing layout, parking plan with spaces marked, wheel stops, and landscaping.
- [17] Calculations of required parking spaces; and screening from adjacent lots.
- [18] Existing water and sewer mains and plans and test data.
- [19] Locations of water service and size, and nearest fire hydrant and flow test data.
- [20] Electrical needs and location, natural gas line location.
- [21] Location, size, and design of all exterior signs.
- [22] Scale applicable to each drawing and legend or key for all symbols used.
- [23] Descriptive notes.
- [24] Specifications legend.
- [25] Compass directions.
- [26] Designations data, including at a minimum:
  - [a] Name of firm designing the plan.
  - [b] Name of property owner.
  - [c] Job number identification and drawing date.
- [27] Engineer's or surveyor's signature and seal.
- [28] Statement by licensed engineer or surveyor certifying that the design conforms with state and Village regulations for sanitary waste disposal and/or potable water.

(b) The application shall include the appropriate environmental assessment form with Part 1 completed as required under the State Environmental Quality Review Act, as well as a statement of the project schedule and phases and the status of other required permits. The Board of Appeals may require such additional information as it deems appropriate.

(5) Factors for consideration. The Board of Appeal's site plan review shall include:

(a) Adequacy and arrangement of pedestrian traffic access and circulation, vehicular

traffic, parking, walkway structures, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons.

- (b) Location, arrangement, size, architectural features, and design of buildings, lighting, and signs. As much as is possible, consideration should be given to noise sources, privacy, and outdoor waste disposal locations.
  - (c) Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise-detering buffer between these and adjoining properties.
  - (d) Adequacy of storm water, sanitary waste disposal, and public water facilities.
  - (e) Protection of adjacent properties and the general public against noises, glare, unsightliness, or other objectionable features.
  - (f) The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes, and watercourses.
  - (g) Compliance with this chapter and other state and local sections, rules, and regulations, including the New York State Environmental Quality Review Act.
  - (h) Provision for adequate drainage.
  - (i) The impact of the proposed use on adjacent properties, considering means of ingress and egress, adequacy of parking areas, type and amount of signage, potential noise level, clear sight distance, existing and proposed buffering, proposed generation of noxious odors, exterior lighting, and proposed hours of operation.
- (6) Procedure.
- (a) If the Board of Appeals determines that a public hearing would serve no community benefit, it may dispense therewith, and shall render a decision on the application within 62 days after the first Board of Appeals meeting held following receipt of a completed application and site plan.
  - (b) If the Board of Appeals determines that the public benefit would be served by a public hearing, said hearing shall be conducted within 62 days after the first Board of Appeals meeting held following receipt of a completed application and site plan, and shall render a decision on the application within 62 days thereafter.
  - (c) At least 10 days before any public hearing, the Board of Appeals shall mail notices thereof to the Wayne County Planning Board if required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the proposed action. In the event a public hearing is not required, such proposed action shall be referred, if required, to the Wayne County Planning Board before final action is taken thereon.



- (d) The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
  - (e) The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board of Appeals. The decision of the Board of Appeals shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.
  - (f) The Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with issuance of permits by the Building Inspector.
- (7) Limitation on construction time. Construction must begin within one year after the date of the Board of Appeals resolution of approval; otherwise, an extension or re-approval must be obtained.
- (8) Enforcement.
- (a) No site preparation or construction shall commence, nor shall existing buildings or structures be occupied, or lands used, until site plan approval required under this section has been granted and all required permits have been issued.
  - (b) Violations of this section shall be enforced and punished as provided in § 125-57 of this chapter, as may be hereinafter amended or codified.
- D. Votes necessary for decision. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or to grant a use or area variance.

**§ 125-45. Appeal from Code Enforcement Officer.**

- A. Standing to appeal. An appeal to the Board of Appeals from any ruling of the Code Enforcement Officer may be taken by any person aggrieved or by an officer, board, or bureau of the Village of Sodus affected thereby.
- B. Time for appeal. Such an appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation, or determination of the Code Enforcement Officer, by filing with the Code Enforcement Officer a notice of appeal, specifying the grounds thereof and the relief sought.
- C. Contents of appeal. All appeals or applications made to the Board of Appeals shall be in writing on forms supplied by the Code Enforcement Officer. Every appeal shall refer to the specific provision of this chapter and shall exactly set forth the interpretation that is claimed and the plans for a special use or the details of the variance that is applied for, in addition to the following information:

- (1) The name and address of the applicant.
  - (2) The name and address of the owner of the district lot to be affected by such proposed variance or appeal.
  - (3) A brief description and location of the district lot to be affected by such proposed variance or appeal.
  - (4) A statement of the present zoning classification of the district lot in question, the improvements thereon, and the present use thereof.
  - (5) A reasonably accurate description of the present improvements and the additions or changes intended to be made under the application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.
- D. Procedure for Code Enforcement Officer. Upon receipt of an appeal complying with the provisions of this section, the Code Enforcement Officer shall transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken. All fees due from the appealing party shall be paid prior to such transmittal.
- E. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Code Enforcement Officer certifies to the Board of Appeals after the notice of appeal shall have been filed with the Code Enforcement Officer that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Code Enforcement Officer, and on due cause shown.

**§ 125-46. Procedure for Zoning Board of Appeals.**

- A. Hearing of appeals. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the Village of a notice of such hearing at least five days prior to the date thereof. In case of an appeal alleging error or misinterpretation in any order or other action by the Code Enforcement Officer, the following persons shall be notified: the applicant and the person or persons, if any, who benefit from the order, requirement, regulation, or determination.
- B. County Planning Board referral. At least five days before a hearing, the Board of Appeals shall mail notice of the appeal to the Wayne County Planning Board, if required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full Statement of the matter under consideration as set out in § 239-m, Subdivision 1, of the General Municipal Law. The Board of Appeals shall defer any decision until 30 days after the referral or receipt of the report of the County Planning Board, whichever is earlier.

- C. Compliance with SEQRA. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and regulations promulgated thereunder, codified in Title 6, Part 617 of the New York Code of Rules and Regulations.
- D. Time of decision. The Board of Appeals shall decide upon the appeal within 62 days after the conduct of the hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board of Appeals.
- E. Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the office of the Village Clerk within five business days after the date such decision is rendered and a copy thereof mailed to the applicant.
- F. Expiration of appeal decision. Unless otherwise specified by the Board of Appeals, a decision on any appeal for a variance or special use permit shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorization permit within six months from the date of authorization.

**§ 125-47. Permitted Action by Zoning Board of Appeals; Variances.**

- A. Interpretations, requirements, decisions, determinations. The Board Of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation, or determination appealed from and shall make such order, requirement, decision, interpretation, or determination as, in its opinion, ought to have been made in the matter by the Code Enforcement Officer and, to that end, shall have all the powers of the Code Enforcement Officer from whose order, requirement, or decision the appeal is taken.
- B. Use variances.
  - (1) The Board of Appeals, on appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant use variances, authorizing a use that otherwise would not be allowed or would be prohibited by the terms of this chapter. 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, under the applicable zoning regulations, the applicant cannot realize a reasonable return, provided that:
    - (a) A lack of return is substantial as demonstrated by competent financial evidence;
    - (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
    - (c) The requested use variance, if granted, will not alter the essential character of the neighborhood; and
    - (d) The alleged hardship has not been self-created.

- (2) 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 proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.
- C. Area variances. The Board of Appeals shall have the power, upon an appeal from a decision or determination of law, to grant area variances from the area or dimensional requirements of this chapter. 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. 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. Special use permits. The Board of Appeals shall have the power to issue special permits as provided for in this chapter. Before any special use permit shall be issued, the Board of Appeals shall make written findings certifying compliance with the requirements governing special permit issuance. The Board of Appeals, after complying with the procedures set forth in § 125, shall not issue the special permit unless, in addition to any other requirement in this chapter, it shall first:
- (1) Determine that the proposed use is so designed, located, or proposed to be located so as to protect the public health, safety, welfare, and convenience of the community.
  - (2) Determine that the proposed use will be compatible with the adjoining property and require such conditions as may be necessary to afford protection for such adjoining property.
  - (3) Determine that the proposed use conforms with all applicable local, state, and federal requirements.
  - (4) Determine compliance with the State Environmental Quality Review Act.

- (5) Consider the effect of proposed use upon the logical, efficient, and economical provision of public services, such as police and fire protection, streets, water and sewer, public parking, and public recreation facilities.
- E. Imposition of conditions. The Board of Appeals shall, in the granting of use variances, area variances, and special permits, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property or the period of time such variance shall be in effect. 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.
- F. Duration, modification, suspension, or revocation of variance or special permit. A variance or special permit issued under this chapter shall continue for an indefinite duration, unless the Board of Appeals specifies an expiration date or condition upon which it shall terminate. The Board of Appeals may reevaluate the circumstances and conditions of any variance or special use permit issued under this chapter, either on its own motion, at the request of the applicant or a third party, or at the request of the Code Enforcement Officer. The Board of Appeals may modify, suspend for a definite duration, or revoke a permit as may be necessary by consideration of the public interest. Among the factors to be considered are the extent of the applicant's compliance with the terms and conditions of the variance or special use permit; whether or not circumstances relating to the authorized activity have changed since issuance of the special use permit; the continuing adequacy of the permit conditions; any significant objections to the authorized activity that were not earlier considered; revisions to applicable statutory or regulatory authority; and the extent to which modification, suspension, or revocation would adversely affect plans and investments; and actions the applicant has reasonably made or taken in reliance on the variance or special use permit.

**§ 125-48. Planning Board.**

Dissolution. The Planning Board of the Village of Sodus is hereby dissolved.

**§ 125-49. Alternate Members of Board of Appeals.**

- A. The positions of alternate members of the Zoning Board of Appeals are hereby established. There shall be two such alternate members for the Board of Appeals.
- B. The alternate members of the Board of Appeals shall serve in the absence, unavailability, or inability of a regular member to serve. Copies of notices sent to regular members of the Board of Appeals shall be sent to the 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(s) of the Board of Appeals will be unable to hear and deliberate upon an application, then the alternate member(s) of the Board of Appeals, at the call of the Chairman or Clerk of the Board, shall be duly authorized to hear any application, to deliberate, and to vote with full force and effect as if duly appointed a regular member of the Board.
- C. The alternate members of the Board of Appeals shall be appointed for the same term and in the same manner as regularly appointed members.

**§ 125-50. Fees.**

Fees to cover the processing of applications for building permits, certificates of occupancy, variances, and special permits shall be payable to the Village of Sodus according to a schedule of fees as adopted by the Village Board.

ARTICLE IX  
**Site Plan Review and Approval**

**§ 125-51 Approval required.**

Prior to the issuance of a building permit or certificate of occupancy in all zoning districts, the Code Enforcement Officer shall require the preparation of a site plan. If the work being detailed in the site plan is estimated to cost over \$10,000, the Code Enforcement Officer shall refer the site plans for construction on such lot to the Zoning Board for its review and approval. The following construction jobs shall be exempt from this job:

1. Accessory residential structures, whether attached or detached from the residential structure;
2. Interior remodels and work which is located in any residential district, that does not change the use of the structure, and will not alter the exterior of said structure;
3. Repairs to structures and members thereto, interior or exterior, which do not alter the foot print or architectural lines of the structure, I.E. replacement of the exact same with new materials.

**§ 125-52. Pre-application site plan conference.**

- A. A pre-application site plan conference may be held between the Board of Appeals and the site plan applicant prior to preparation and submission of a formal site plan. The intent of such conference is to enable the applicant to inform the Board of Appeals of his or her proposal prior to the preparation of a detailed site plan and for the Board of Appeals to review the basic site plan concept, advise the applicant as to potential problems and concerns, and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant should provide the following:
  - (1) Statement and sketch plan showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features and anticipated changes in the existing topography and natural features.
  - (2) A map of the area of 100 feet to an inch which clearly shows the location of the site with respect to the nearby street right-of-way, properties, easements, and other pertinent features.
  - (3) A topographical or map of ten-foot contour scale and detail to show site topography.
- B. The site plan applicant may request, in writing, at any time that his or her application for a pre-application site plan conference be added to the agenda of a regularly scheduled Board of Appeals meeting, and his or her application shall be so added, provided that the request is submitted at least 10 business days prior to the regularly scheduled Board of

Appeals meeting.

**§ 125-53. Application for approval.**

- A. An application for site plan approval shall be in writing and shall be accompanied by seven prints of a site plan, certified by a professional engineer and/or land surveyor, containing information contained on the following checklist. The application must contain a statement setting forth:
  - 1. The impact of the development on the Village's sanitary sewer capacity, water supply capacity, drainage, and traffic flow.
- B. If the site plan applicant is not the owner of record of the site, the application must include a notarized affidavit from the owner of record giving his or her consent to the application.
- C. The following materials shall be submitted by the applicant:
  - (1) A map of the applicant's entire holding at the scale of not more than one inch equals 100 feet, unless the Board of Appeals determines a different scale more appropriate.
  - (2) An area map, at the scale of one inch equals not more than 50 feet, showing all properties, subdivisions, streets, watercourses, and easements which pass through the property or are known to abut the applicant's property.
  - (3) A topographic map, at a scale of one inch equals not more than 100 feet, showing contours at intervals not greater than five feet.
  - (4) A site plan containing the following information necessary to demonstrate conformance with standards for site plan approval as required in § 125-54.
    - (a) The title of the drawing, including the name(s) and address(es) of the site plan applicant and the owner of record.
    - (b) North point, dates, and scale.
    - (c) The name and address of the person, firm, or organization preparing the map and seal or certification of licensure.
    - (d) Boundaries of the property plotted to scale.
    - (e) Existing watercourses and directions of drainage flow.
    - (f) A site plan showing the location of the proposed use or uses, bulk and height of all buildings, and location of all parking areas with access drives thereto.
    - (g) Description of methods of sewage disposal and location of such facilities.
    - (h) The location of all existing or proposed site improvements, including:

- [1] Drains, culverts, retaining walls, and fences.
  - [2] Existing water and other utility facilities.
  - [3] Location and size of all permitted or proposed signs.
  - [4] Location and design of lighting facilities.
  - [5] Amount(s) of building area(s) proposed for retail sales, if any.
  - [6] Existing areas of vegetation and trees (in general, five inches or more in diameter or, if in significant clusters, those less than five inches).
  - [7] Driveways/access roads and their available sight distances.
- (i) A tracing overlay showing areas, if any, with moderate to high susceptibility to flooding or ponding, moderate to high susceptibility to erosion, and slopes in excess of 15%. In areas with potential erosion problems, the overlay shall also include an outline of existing vegetation.
  - (j) Finished floor elevations.
  - (k) A grading plan showing existing and proposed site elevation.
  - (l) Landscape plan and planting schedule.
  - (m) Architectural plans. Architectural plans of all proposed commercial and industrial buildings and structures and signs and outdoor illumination facilities, unless otherwise provided in connection with the site plan, as applicable to the particular application, which plans may be preliminary in form but shall include:
    - 1) Exterior elevation drawings;
    - 2) Floor plans;
    - 3) Perspective drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, roofline, ornamentation, and general characteristics;
    - 4) Interior uses of the floor area. All prepared, except the drawings for signs, by an architect or professional engineer licensed to practice in the State of New York; three copies shall be submitted. All revisions shall be numbered, dated and notated.

**§ 125-54. Standards for approval.**

- A. Comprehensive Plan. In acting on any proposed site plan application, the Board of Appeals shall take into consideration the requirements of the Comprehensive Plan, as well as the Official Map as it may be adopted by the Village Board. Site plans shall conform to all



other provisions of the Village law.

- B. Neighborhood. The site plan and architectural plan shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values, and to preserve and enhance the appearance and beauty of the community.
- C. Access and circulation. Provision shall be made for vehicular access to the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street, and to provide safe and convenient circulation upon the lot. Access and circulation shall also conform to the following:
  - (1) Where reasonable alternative access is available, the vehicular access to the lot shall be arranged to avoid commercial traffic use of local residential streets situated in or bordered by residential districts.
  - (2) Where a lot has frontage on two or more streets, the access may be limited to one Street if the Board of Appeals feels such limitation is necessary to lessen potential for traffic congestion and hazards to traffic and pedestrians.
  - (3) The street giving access to the lot shall have traffic-carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed use, taking into account access to existing uses along the street and existing traffic, projected to the date of occupancy of the site. Roadway, traffic management, and other deficiencies in the street giving access which result in congestion or impairment of safety and convenience may be remedied by the applicant if authorized by the owner of the street.
  - (4) Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional signals, frontage road driveways, and traffic controls within the street.
  - (5) Access driveways shall be of a design and have sufficient capacity to avoid stacking of entering vehicles with any street.
  - (6) Driveways into the lot shall not exceed a grade of 10% and shall meet the street line, and travelway of the street with proper transition grades and sight lines for safe, convenient, and efficient access and in such a manner as to conform to the established cross section for the street.
  - (7) Where topographic and other conditions are reasonably usable, provision may be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway connection will facilitate fire protection services and/or when such driveway will enable the public to travel between two existing or potential uses, open to the public generally, without need to travel upon a street
  - (8) There may be no more than one driveway connection from any lot to any street,

except that an additional driveway connection may be provided where necessary to safeguard against hazards and to avoid congestion or when it is determined that there will be no increased hazards or congestion as a result of the additional driveway connection.

- D. Existing streets. Where the lot has frontage on an existing street, proper provision shall be made for grading and improvement of the shoulders and sidewalk areas within the right-of-way of the street and for provision of curbs and sidewalks in accordance with the pattern of development along the street. Where necessary to provide for suitable access or for a system of neighborhood circulation streets, provision shall also be made for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.
- E. Parking and loading. Off-street parking and truck loading spaces shall be provided in accordance with the Village zoning regulations. Whenever possible, the area on the lot shall be provided for any truck maneuvering necessary to use off-street truck loading spaces. Truck loading spaces and maneuvering areas shall have dimensions sufficient to accommodate the type and size expected at the premises.
- F. Drainage.
  - (1) Provisions shall be made on the lot for the management of storm water, including collection, detention, retention, and disposal thereof, in the following manner:
    - (a) To assure the usability of off-street parking and loading spaces.
    - (b) To avoid hazards to pedestrians and vehicular traffic on the lot and in any street.
    - (c) To avoid storm water flow across sidewalks and other pedestrian ways.
    - (d) To protect watercourses and wetlands from pollution, erosion, and sedimentation.
    - (e) To avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels.
    - (f) To avoid downstream flooding.
  - (2) Provisions shall also be made for an on-site detention, retention, or recharge facility for the protection or improvement of existing watercourses, channels, floodways, and other drainage systems on the lot or downstream from the lot, as needed to accept or regulate the proposed drainage discharge based on sound design criteria under good engineering practice, taking into account the drainage requirements of the entire watershed in which the lot is located.
- G. Soil erosion and sediment control. Provision shall be made for soil erosion and sediment control prior to commencement of construction and during and upon completion of construction in accordance with Phase II NYS DEC Regulations.

- H. Wetlands and watercourses. Where wetlands and/or watercourses are located on or adjacent to the lot, provisions shall be made for their protection in a natural state unless modification is approved by the Board of Appeals and, when subject to regulatory jurisdiction by a village, county, state, or federal agency, is approved by such agency prior to site plan approval.
- I. Fire protection/emergency service vehicles. Proper provisions shall be made for fire protection facilities and access, taking into account, any recommendations of the Chief of the Fire Department serving the proposed development and including the following:
- (1) Suitable location for and access to fire hydrants and other water storage.
  - (2) Suitable access to buildings and open storage areas for operation of fire protection vehicles and equipment.
  - (3) Sufficient controls on traffic and parking to permit access by fire protection vehicles in emergencies.
  - (4) Adequate circulation driveways within the lot coordinated with access to other lots to permit access by fire protection vehicles.
- J. Sanitation. Provisions shall be made for water supply, sewage disposal, control of wastes, and protection of water quality in accordance with the following criteria:
- (1) Proper provision shall be made for water supply and sewage disposal requirements of the proposed use. When on-site systems are to be used, such systems shall be designed and constructed in accordance with applicable county and/or state law, and the design concept and layout for such systems shall be approved by the county or state departments and agencies, if required, prior to approval of the site plan. Approval of the site plan may be conditioned upon such department's or agency's approval of the final design of the system.
  - (2) Proper provision shall be made for the collection, storage, and disposal of solid and liquid wastes accumulated in connection with the proposed use and for control of litter by means of receptacles, fences, programs for site maintenance and cleaning, and other means approved by the Board of Appeals.
  - (3) The site plan shall demonstrate how any toxic or hazardous substances are to be managed in accordance with applicable law. Danger to the public health and degradation of surface waters and groundwaters and wetlands will be avoided.
- K. Landscaping. Landscaping shall be provided and permanently maintained on the lot to conform to the standards of the Village zoning regulations, particular requirements of this article's §§ 125-50 A( 1), 125-51C(4)(h)[6] and C(4)(l) and the following:
- (1) All areas of the lot not covered by buildings and other structures, open storage, and approved paving shall be landscaped with trees and/or shrubs, lawns, or other suitable landscaping or shall be left as natural terrain, if not disturbed by filling, grading, or excavating.

- (2) Landscaping, including grading, provided in the front yard area of the lot shall be a type, size, and height as needed to avoid obstruction of minimum sight lines along the street. Whether the driveway is located on the lot or on an adjacent lot, recommended sight distances shall be maintained in accordance with the standards of the New York State DOT, Wayne County Highway Department design standards, and AASHTO, where applicable.
- L. Lighting. The location, height, design, direction, and brightness of outdoor illumination (area lighting, floodlighting, and illumination of signs) shall be arranged and maintained as follows:
- (1) To provide sufficient illumination for safety, convenience, and security.
  - (2) To minimize sky glow.
  - (3) To safeguard against discomfort glare and visibility veiling glare in any street and upon pedestrian ways and vehicular parking, loading and circulation areas on the lot where located, or any other lot.
  - (4) To harmonize with the neighborhood and avoid trespass illumination on any other lot.
- M. Signs. Any signs to be established on the lot shall be part of the site plan submission and shall conform to the Village zoning regulations. In lieu of specific sign proposals in connection with the site plan submission the applicant may submit, and the Board of Appeals may approve, a general sign plan and program for the premises, specifying intended locations, sizes, areas, message, design, and illumination.
- N. Buildings and structures. Buildings and other structures shall have an exterior design to harmonize with the surrounding neighborhood. The exterior walls of any building that are visible from any street or any other lot shall present a finished appearance by means of materials consistent with the design of the building as a whole. No mechanical equipment shall be located on the roof of a building if visible from any street, unless such equipment is housed or screened from view in a manner consistent with the architectural design of the building.
- O. Nonconformity. After public hearing as provided in § 125-53C of this article, the Board of Appeals may approve a site plan authorizing the construction, relocation, or alteration of buildings and structures on a lot having existing site development which fails to conform to the standards of this section and/or authorize continuation, enlargement, extension, movement, or reconstruction of existing site development which fails to conform if the Board of Appeals finds that the following standards are met:
- (1) The proposed construction will result in a general improvement of the lot with regard to safe access, sight lines along streets, suitable drainage, and adequate landscaping
  - (2) Nonconforming signs and lighting will be brought into a conforming, or more nearly conforming, condition.
  - (3) Adequate provision is made for landscaping abutting a non-business district

- (4) There shall be no increase in the nonconformity of buildings and other structures and site improvements

**§ 125-55. Board of Appeals Procedures.**

- A. The site plan applicant may at any time request, in writing, that his or her application be added to the agenda of a regularly scheduled Board of Appeals meeting, and his or her application shall also be added, provided that the request is submitted at least 10 business days prior to the requested regularly scheduled Board of Appeals meeting if a hearing is required and three business days prior to the regularly scheduled Board of Appeals meeting if no public hearing is required.
- B. Submission to Wayne County Planning Board.
- C. Public hearing and decision on site plans. In the event a public hearing is required by local law adopted by the Village Board of Trustees, the Board of Appeals shall conduct a public hearing within 62 days from the day an application is received on any matter referred to it under this section. The Board of Appeals shall mail notice of said hearing to the applicant at least 10 days before such hearing, and shall give public notice of said hearing in a newspaper of general circulation in the Village at least five days prior to the date thereof and shall make a decision on the application within 62 days after such hearing, or after the day the application is received if no hearing has been held. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board of Appeals. The decision of the Board of Appeals shall be filed in the office of the Village Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant. Nothing herein shall preclude the holding of a public hearing on any matter on which a public hearing is not so required.

**§ 125-56. One-lot Residential Developments.**

- A. Site plans for a one-lot, one-parcel, one-plot, or one-site residential development where the lot, parcel, plot, or site is not a subdivision lot, parcel, plot, or site or was subdivided with or without formal subdivision approval or was subdivided pursuant to a waiver of normal subdivision procedures, shall be reviewed and be subject to the approval by the Code Enforcement Officer or the Village Engineer. The Code Enforcement Officer or Village Engineer may refer the site plan applicant to the Board of Appeals for site plan review and approval in accordance with the provisions of this chapter. Accessory structures on existing one-lot developments are exempt from this article.
- B. Application for a one-lot residential site plan approval shall be made, in writing, to the Code Enforcement Officer and Village Engineer and shall be accompanied by eight copies of a site plan prepared by a professional engineer or land surveyor. The plan sheet shall be prepared on Mylar having a trim line dimension of 22 inches by 34 inches, and the plan shall be at scale of one inch equals 100 feet or larger. All dimensions or distances shall be to the nearest 1/100 of a foot. The following information shall be shown on the site plan:
- (1) Identification: a title for each sheet in the lower right-hand corner indicating the name of the proposed development, owner, and developer; Tax ID number for the Village of Sodus, Wayne County, New York, scale and date.

- (2) North arrow: a North arrow oriented towards the top or right-hand side of the sheet.
- (3) Bench mark: United States Geological Survey (USGS) or assumed datum bench mark.
- (4) Certification: the plan sheet certification shall read as follows:

"This site plan was prepared from the notes of a boundary line and topographic survey completed under my supervision (completion date of survey). Sewage disposal and water supply facilities have been designated to meet the minimum requirements of the State of New York, Department of Health. Signed

\_\_\_\_\_  
P.E. License No. \_\_\_\_\_ or signed and sealed pursuant to 7208, Subdivision, of the State Education Law. Signed

\_\_\_\_\_  
L.S. License No. \_\_\_\_\_."

- (5) Stamp and signature: legibly stamp the plan with professional engineer or licensed surveyor license stamp and affix signature adjacent to the stamp.
- (6) Existing street: show right-of-way lines, street width, street pavement, pavement width, and any assigned state route numbers and street names.
- (7) Property lines: boundaries of the proposed development with bearings and distances. Tie dimensions to nearest street intersection.
- (8) Property markers: steel rod or pipes set flush with finished grade to mark all property corners of the development and note stating that "Property markers shall be set prior to issuance of a certificate of occupancy."
- (9) Owners' names: the names of the owners of all adjacent properties including those on the opposite side of the street.
- (10) Area: area shall be given to the nearest 1/100 of an acre for each lot.
- (11) Easements: boundaries of existing and proposed easements with bearings and distances.
- (12) Existing topography: existing grade contours at one-foot intervals and other significant topographic features.
- (13) Existing utilities: water mains, with size and location, hydrants, valves, wells within 100 feet of the proposed development; storm drains and culverts with size, invert elevations and direction of flow; electric poles, and telephone poles.
- (14) Proposed grading and drainage: finished grade contours at one-foot intervals, storm drains, and culverts with size, invert elevations, and direction of flow, drainage ditches, and swales.
- (15) Proposed water supply: for well supplies, provide well sections; for public water

supply, show size of existing main and proposed service with curb stop location and/or meter pit for services exceeding 200 feet in length.

(16) Proposed sewage disposal: in accordance with Chapter 125 of Village Zoning Regulations.

(17) Proposed driveway location with sight distance dimensions.

(18) Zoning requirements for lot size, setbacks, etc. and illustrated building envelope.

**§ 125-57. Performance Security.**

The applicant may be required to post performance security in the form of a letter of credit or a certified check based on an engineer's estimate. This is meant to assure that all streets and other improvements and other public places shown on a site plan shall be suitably graded and paved and that the street signs, sidewalks, streetlighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices, including necessary ducts and cables and other connecting facilities, sanitary sewers, and storm drains and combined sewers shall be installed in accordance with standards, specifications, and procedures acceptable to the Village Board. If performance security is required, the Village Board may also require labor payment, material payment, operation, and maintenance security.

**§ 125-58. Waiver of Requirements.**

Upon a finding by the Board of Appeals that, due to special conditions particular to a site, certain information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the Board of Appeals may vary or waive such requirements whenever, in the opinion of the Board of Appeals, such variance or waiver shall not be detrimental to the public health, safety, or general welfare or have any effect of nullifying the intent and purpose of the site plan submission, the Official Map, the Village's Comprehensive Plan, or this article. The site plan applicant desiring such waiver shall file a written request, at the time the application is added to the Board of Appeal's agenda, setting forth why the waiver should be granted.

**§ 125-59. Expiration; Renewal.**

A site plan will be void if construction is not started within one year and completed within two years of the date of the final site plan approval, except that such site plan approval may be renewed by the Board of Appeals at its discretion.

**§ 125-60. General Regulations; Integration of Procedures.**

Whenever the particular circumstances of a proposed development require compliance with either another procedure of this chapter, the requirements of subdivision of land as set forth in this chapter, the requirements for site plan review and approval as set forth in this chapter, or the requirements of the State Environmental Quality Review Act (SEQRA) or any other applicable law, rule, or regulation, the Board of Appeals may integrate, if it deems appropriate and to the extent

of its authority under law, subdivision of land approval or site plan review and approval, as required by this chapter, with the procedural and/or submission requirements for such other compliance. Such integration of procedures may require, upon, mutual written consent of the Board of Appeals and the applicant, reasonable modification of the time schedules otherwise stated in this chapter or in said related laws, regulations, or requirements.

**§ 125-61. Modification of Required Improvements.**

The Village Engineer, during construction of any improvement, shall have the right to make minor modifications pertaining to the location or design of any required improvements, provided the modifications are within the intent of the Board of Appeal's approval and do not constitute a substantial alteration of any improvements required by the Board of Appeals. The Village Engineer shall issue any authorization under this section in writing and shall transmit a copy of the authorization to the Chairman of the Board of Appeals.

**§ 125-62. Inspection and Approval of Improvements.**

The Village Engineer and Code Enforcement Officer shall inspect construction and testing of improvements to be dedicated to the Village and other site improvements during and after construction so that the certification prior to dedication and a certificate of approval can be issued after satisfactory completion. The Village Board shall have a right to employ personnel to effect proper inspection of improvements during construction and testing, who shall work under the supervision of the Village Engineer or Code Enforcement Office. All notifications and instructions from Village officials shall be in writing to the developer or applicant with copies to the Village Board and Board of Appeals. The Code Enforcement Officer shall issue the certificate of approval after the satisfactory completion of the improvements.

**§ 125-63. Unsatisfactory Work.**

Unsatisfactory work shall be promptly corrected by the developer and/or site plan applicant. Upon the developer's and/or site plan applicant's failure to do so, the Village Board may authorize correction or completion by others under the performance security. All unsatisfactory work on improvements to be dedicated to the Village shall be corrected prior to the expiration of the performance security, and any other unsatisfactory work shall be corrected prior to issuance of a certificate of approval. A certificate of approval shall not be issued as long as any work remains unsatisfactory.

**§ 125-64. Construction and Dedication.**

- A. All improvements and facilities shall be constructed and tested in accordance with the approved final plat and/or site plan and construction specifications. Prior to the acceptance by the Village Board of an offer of dedication, the Village Engineer shall certify to the Village Board that improvements and facilities offered to be dedicated have been substantially completed in accordance with the approved final plat and/or site plan.
- B. Prior to dedication, the developer's or applicant's professional engineer or land surveyor shall prepare and submit one set of prints of as-built final plans to the Village Engineer for approval. Such record drawing shall clearly show the horizontal and vertical location, as constructed, of all underground facilities. Such record drawing shall also be clearly identified and certified by the subdivider and/or , site plan applicant's professional



engineer or land surveyor. Upon approval by the Village Engineer, four sets of as-built plans, one reproducible, shall be submitted to the Village Engineer to be distributed to Village officials.

C. A formal offer of dedication of facilities and improvements, when made, shall be submitted by the developer and/or site plan applicant and shall include the following:

- (1) A deed containing a metes and bound description of the street right-of-way to be conveyed in a form to be approved by the Village Attorney.
- (2) Permanent easements shall contain a metes and bounds description of the parcel or parcels being granted and shall set forth the rights and conditions for laying, constructing, operation, maintaining, altering, repairing, replacing, inspecting, or changing the size of any improvement dedicated to the Village, and said easements shall contain language and be in a form approved by the Village Attorney.
- (3) Release of any obligation being an encumbrance or lien on the interest in the facilities and improvements offered to the Village.

**§ 125-65. Monuments and Markers.**

Street right-of-way final monuments and property corner markers shall be set either before or after dedication but not before site grading has been completed. If setting monuments and property markers is delayed until after dedication, the cost of providing such monuments and markers shall be included in the labor payment, material payment, operations, and maintenance security.

ARTICLE X  
**Subdivision of Land**

**§ 125-66. Approval of Zoning Board and conformance with procedures required.**

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

**§ 125-67. Inconsistency with Village Law.**

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

**§ 125-68. Self-imposed restrictions.**

Nothing in this chapter shall prohibit the subdivider from placing self-imposed restrictions no in violation of this chapter on the development. Such restrictions, however, shall be indicated on the plat.

**§ 125-69. Pre-application discussion.**

All parties concerned with a proposed subdivision of land will benefit from a pre-application discussion, at which the applicant should present the following information:

- A. A sketch plan on a topographic survey of the proposed area to be subdivided, showing, in simple sketch form, the proposed layout of streets, lots and other

features. Sketch plans shall be at a scale of not more than one hundred (100 feet to the inch)

- B. General subdivision information necessary to explain and/or supplement the sketch plan.

**§ 125-70. Definitions.**

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

ARTERIAL STREET – A street which serves or is designated to be used primarily for fast or heavy traffic.

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 not classified as a minor subdivision

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

MINOR SUBDIVISION – Any subdivision containing not more than three (3) lots, each of at least the minimum size as permitted by Chapter 125, Zoning; each fronting on an existing public street; not involving any new street or road or the extension of municipal facilities; not adversely affecting the development of the remainder of the parcel or adjoining properties; and not in conflict with any provisions or portion of the Master Plan (as it may be adopted)

OFFICIAL MAP – The map, and any amendments thereto, adopted by the Village Board under 7-724 of the Village Law.

OFFICIAL SUBMITTAL DATE – The date when a subdivision plat shall be considered submitted to the Zoning Board as provided in 7-728 of the Village Law, hereby defined to be the date of the meeting of the Zoning Board at which all required surveys, plans and data described herein are submitted.

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.

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

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 Zoning Board as to the form of the layout and objectives of these regulations.

STET - Includes streets, roads, avenues, lanes or other traffic ways between right-of-way lines.

STREET – A right-of-way for vehicular traffic, including roads, avenues, lanes, highways or other

ways.

STREETPAVEMENT – The wearing or exposed surface of the roadway used by vehicular traffic.

STREETWIDTH – The width of right-of-way, measured at right angles to the center line 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 Zoning Board, and to the Code Enforcement Officer at least 15 days before submission to the Zoning 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.

**§ 190-71. Subdivision application filing procedure.**

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.

- C. Submission of sketch plan. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Code Enforcement Officer, at least 14 days prior to the regular meeting of the Zoning 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.
- D. Discussion of requirements and classification. The subdivider, or his or her duly authorized representative, shall attend the meeting of the Zoning 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.
- E. Study of sketch plan. The Zoning 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 Zoning Board

**§ 190-72. Preliminary plan application and approval.**

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 by the fee schedule, changed as needed by resolution

of the Village Board.

- A. 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 Zoning Board.
- B. Subdivider to attend Zoning Board meeting. The subdivider, or his or her duly authorized representative, shall attend the meeting of the Zoning Board to discuss the preliminary plan.
- C. Study of the preliminary plan. The Zoning 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.
- D. The Zoning 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.

**§ 125-73. 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.

**§ 125-74. Required improvements.**

- A. Improvements and performance bond.
  - 1. Before the Zoning Board grants final approval of the subdivision plan, the subdivider shall follow procedures set forth in either Subsection A(l)(a) or A(l)(b) below:
    - a. In an amount set by the Zoning 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 Zoning 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 Zoning 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 Zoning 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 Zoning 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(l)(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(l)(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 Zoning 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 Zoning 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, set forth by the fee schedule, changed as needed by resolution of the Village Board, required by the Zoning 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 Zoning 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 Zoning Board. The Zoning 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 Zoning Board as long as the subdivider is in default on a previously approved plan.

**§ 125-75. 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 Zoning Board constituting final approval by the Zoning 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 Zoning 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.

**§ 125-76. Public streets and recreation areas.**

- A. Public acceptance of streets. The approval by the Zoning 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 Zoning Board shall require the plan to be endorsed with appropriate notes to this effect. The Zoning 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.

**§ 125-77. General requirements and design standards.**

- A. Standards to apply; waivers. In considering applications for subdivision of land, the Zoning 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. Relation to topography. Streets shall be logically related and conform, insofar as possible, to the original topography. They shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.
  - 2. Bloc size. Block dimensions shall be at least twice the minimum lot depth and generally not more than twelve (12) times the minimum lot width required by this regulation. In log blocks, the Zoning Board may require this reservation, through the block of a twenty-five foot wide easement to accommodate utilities or pedestrian traffic. Blocks at least nine hundred (900) feet long are recommended with an easement in blocks exceeding one thousand two hundred (1,200) feet.

3. Intersections. Intersections of major streets by other streets shall be at least eight hundred (800) feet apart, if possible. Cross-street (four-cornered) intersections shall be avoided, except at important traffic intersections. A distance of at least one hundred fifty (150) feet shall be maintained between offset intersections. Within forty (40) feet of an intersection, streets shall be approximately at right angles, [but in no instance shall the angle be less than seventy degrees (70\*)] and grades shall be limited to one and one-half percent (1 ½ %). All street intersection corners shall be rounded by curves of at least twenty-five (25) feet in radius at the property line.
4. Visibility at intersections. Within the triangular area formed at corners by the intersecting street lines, for distance of forty (40) feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavation, if necessary. Nothing in the way of fences, walls, hedges or other landscaping, shall be permitted to obstruct such visibility.
5. Design standards. Streets shall meet the following standards, unless otherwise indicated on the Village Plan:

	<u>Street Classification</u>	
	<b>Minor</b>	<b>Collector and Secondary</b>
Minimum width of right-of-way	55 Feet	65 Feet
Minimum width of pavement	28 Feet	36 Feet
Minimum radius of horizontal curves	150 Feet, except for street intersection corners	400 Feet
Minimum length of vertical curves as measured from the center line of right-of-way	100 Feet, but not less than 20 feet for each one-percent algebraic difference of grade	200 Feet, but not less than 60 feet for each one-percent difference of grade
Minimum length of tangent between reverse curves	100 feet, except where excessive grades may be reduced to reasonable grades by shortening the tangent	200 Feet
Maximum grade	10%	8%
Minimum grade	1%	1%
Minimum sight distance (Vertical)	150 Feet	250 Feet

**NOTES:** Standards are not shown for arterial streets, as they would, in all probability, be built by the state.

6. Continuation of streets into adjacent property. Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and particularly where such continuation is in accordance with the Village Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround a minimum of fifty (50) feet in radius shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.
7. Permanent dead-end streets (culs-de-sac). Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance of not less than one hundred (100) feet. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property; however, the Zoning Board may require the reservation of a twenty-foot wide easement to accommodate pedestrian traffic or utilities. A circular turnaround with a minimum right-of-way radius of sixty-five (65) feet shall be provided at the end of a permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to eight hundred (800) feet.
8. Street names. All streets shall be named, and such names shall be subject to the approval of the Village Zoning Board. Names shall be sufficiently different in sound and spelling from other street names in the village so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.
9. Improvements. Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants, except where the Zoning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public, health, safety and general welfare. Underground utilities required by the Zoning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines, and the subdivider shall install underground service connections to the property line of each lot before the street is paved. Grading and improvements shall conform to the village's minimum road specifications and other village standards and shall be approved as to design and specifications by the Superintendent of Streets, Village Engineer, Superintendent of Public Works or other duly designated village officials.

D. Lots.

1. Arrangement. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in locating a building on each lot and in providing access to buildings on such lots from an approved street.
2. Access across a watercourse. Where a watercourse separates the buildable



area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Superintendent of Streets, Village Engineer, Superintendent of Public Works or other duly designated village official.

3. Lot dimensions and area. Lots shall comply in totality with §125-11.
4. Side lot lines. Side lot lines shall be at right angles to street lines, unless a variation from this rule will give a better street or lot plan.
5. Access from major streets. Lots shall not, in general, derive access exclusively from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Zoning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.

E. Reservation and easements.

1. Parks and playgrounds. The Zoning Board may require adequate, convenient and suitable areas for parks and playgrounds or other recreational purposes to be reserved on the plat, but in no case more than ten percent (10%) of the gross area of any subdivision. The area shall be shown and marked on the plat "Reserved for Park or Playground Purposes." If the Zoning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is or are otherwise not practical, the Board may require, as a condition to approval of any such plat, a payment to the village in the amount of ten percent (10%) of the appraised market value of the land to be subdivided. Such money shall be used by the village for park and recreation purposes, including acquisition of property.
2. Realignment or widening of existing streets. Where the subdivision borders an existing street and the Official Map (as it may be adopted) or Village Plan indicates plans for realignment or widening of the streets that would require reservation of some land of the subdivision, the Zoning Board may require that such areas be shown and marked on the plan "Reserved for Street Alignment (or Widening) Purposes."
3. Utility and drainage easements. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.
4. Easement for pedestrian access. The Zoning Board may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width.
5. Responsibility for ownership of reservations. Ownership shall be clearly marked on all reservations.

ARTICLE XI  
**Amendments**

**§ 125-78. Procedure.**

The Village Board, may, from time to time, on its own motion or on petition or on recommendation from the Board of Appeals, amend the regulations and districts established

under this chapter after public notice and hearing in each case. All petitions for any amendment of the regulations or districts herein established shall be filed, 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 disbursement.

**§ 125-79. Advisory Report by Board of Appeals.**

Every proposed amendment to this chapter, unless initiated by the Board of Appeals, shall be referred to the Board of Appeals. The Board of Appeals shall report its recommendations thereon to the Village Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Board of Appeals fails to report within a period of 45 days from the date of receipt of the 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 Board of Appeals 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.

**§ 125-80. 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 as follows:

- A. By publishing a notice of the proposed amendment and the time and place of the public hearing in the official paper of the Village not less than 15 days prior to the date of the public hearing.
- B. By giving written notice of hearing to any required municipal, county, regional, metropolitan, state, or federal agency in the manner prescribed by law.

**§ 125-81. Protest by Owners.**

If a protest against a proposed amendment is presented to the Village Board, duly signed and acknowledged by the owners of 20% or more of the area of land included in such proposed amendment or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom or by the owners of 20% or more of the area of land directly opposite thereto, such amendment shall not be passed except by the favorable vote of at least three-fourths (3/4) of the members of the Village Board.

**§ 125-82. Changes by Board of Appeals.**

The Board of Appeals, in accordance with the Village Law, may simultaneously with the approval of any plat make any reasonable change to the regulations established under this chapter with respect to the land so platted. Before the Board of Appeals shall make any such change, there shall be a public hearing preceded by the same notice as in the case of the approval of the plat itself. On the filing of the plat in the office of the County Clerk, such changes shall be and become part of the regulations of this chapter, take the place of any regulations established herein by the Village Board, be enforced in the same manner and be similarly subject to amendment.

**§ 125-83. Publication and Posting.**

Every amendment to this chapter, including any map incorporated therein, adopted in accordance with the Village Law shall be entered in the minutes of the Village Board, and a copy thereof, exclusive of any map incorporated therein, shall be published once in the official newspaper of the Village of Sodus, and a copy of such amendment, together with a copy of any map incorporated therein, shall be posted on a signboard maintained by the Village Clerk pursuant to the Village Law. Affidavits of the publication and posting thereof shall be filed with the Village Clerk.

**ARTICLE XII**

**Interpretation; Application; Penalties**

**§ 125-84. Legislative Intent.**

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.

**§ 125-85. Noninterference and Precedence.**

This chapter shall not interfere with, abrogate, annul, or repeal any ordinance or any rule, regulation, or permit previously or hereafter enacted, adopted, or issued pursuant to law, provided that, unless specifically excepted, where this chapters imposes greater restrictions, its provisions shall control.

**§ 125-86. Penalties for Offenses.**

A violation of this chapter is an offense punishable by a fine not exceeding \$50 or by imprisonment for not more than six months, or both such fine and imprisonment. Violations of this chapter shall be deemed misdemeanors. Each week the violation continues shall be deemed to be a separate and distinct violation.

