

#### M. Permits

1. No mobile home court shall be established in the Village until a Permit has been applied for and granted in compliance with this Local Law. All permits for the establishment of a mobile home court shall be approved in accord with the Planned Development process.
2. Application for a Permit for the establishment of a mobile home court shall include all information required in Section 15, and in addition:
  - a. A site plan to scale showing elevations, the layout of the court, individual mobile home lots, the roadway system, parking areas, water supply, sewage disposal and recreation area.
  - b. A complete statement describing the proposed method of sewage disposal, water supply, electric, utility and other services.
  - c. Approval by the County or State Health Department with regard to matters under their jurisdiction.
3. The court owner or operator shall not allow a replacement mobile home to be installed without first obtaining a Permit approved by the Enforcement Officer.

#### N. License

1. The court owner shall not permit occupancy of any mobile home in the court, until a license to operate has been issued.
2. After such time that all conditions, specified for the establishment of the mobile home court, have been met and have been approved by the Enforcement Officer, said officer will issue an initial operating license.
3. All licenses shall be effective until December 31 of the calendar year of their issuance. An application for a renewable operating license shall be made to the Village Clerk at least thirty (30) days prior to expiration date of the previous license. Upon recommendation of the Enforcement Officer, the Village Board shall authorize or deny such license in accord with the requirements set forth in this Section and the established fee schedule.
4. A temporary license to operate may be requested by the court owner prior to completion of the court. The Enforcement Officer may, upon approval of the completed portion, issue a temporary operating license for a specified number of mobile homes. The Enforcement Officer may from time to time reissue the temporary operating license increasing the number of mobile home specified, which may be occupied.
5. All temporary licenses shall be effective until December 31 of the calendar year of their issuance. An application for renewing a temporary license shall be made to the Village Clerk at least thirty

(30) days prior to expiration date of the previous license. Upon recommendation of the Enforcement Officer, the Village Board shall authorize or deny such license in accord with the requirements set forth in this Section.

6. Licenses shall not be transferred or reassigned and become void upon the transfer or change of ownership of the property.
7. Revocation - If the Village Board upon inspection finds that such mobile home court is not being maintained in a clean and sanitary condition or that such mobile home court is not being conducted in accordance with the provisions of this Local Law, it shall serve upon the holder of such license or the person in charge of such mobile home court an order in writing, directing that corrective action with regard to the conditions therein specified be started within five (5) days after the service of such order and completed within thirty (30) days. If after the expiration of such period, such conditions remain unchanged, or are not corrected in accordance with the order of the Board, the Board shall serve notice in writing upon such license holder or the person in charge of such mobile home court requiring the holder of such license to appear before the Village Board at a time and place to be specified in such notice, and show cause why such license should not be revoked. The Village Board may after a hearing, revoke such license if the holder has violated the regulations applicable to such mobile home court or has violated any of the provisions of this Local Law. Upon the revocation of such license, the premises shall forthwith cease to be used for the purpose of a mobile home court and all occupants shall be removed therefrom.
8. Permits - A Permit will be obtained for any structural addition or alteration to any mobile home within a mobile home court - except for a self-contained storage or service building not to exceed ten (10) feet in length by ten (10) feet in width by eight (8) feet in height - and such Permit shall include a provision for removing the structural addition at such time as the mobile home may be removed or relocated.

#### Section 27 - Trailer/Recreational Campgrounds

- A. All existing trailer/recreational campgrounds of record shall comply with the provisions of this Local Law whenever any addition, expansion or alteration of the use or operation is proposed and they shall be required to obtain an initial and annual operating license. In addition, existing campgrounds shall comply in every regard with minimum standards for health, sanitation and cleanliness.
- B. A trailer/recreational campground shall have a minimum lot size of two (2) acres.
- C. Sanitary Facilities
  1. Water and Sewer - All water supply and sewage disposal systems shall be approved by the State Health Department before any Permit is

issued. Each campground will contain adequate and suitably located restroom facilities which will include, where appropriate:

- a. toilet and urinal closets
- b. lavatory or washing sinks
- c. bath or shower stalls

The number and type of each shall be determined by the Planning Board. In addition, a dumping station will be provided for those travel trailers which have self-contained toilet facilities.

**D. Roadways and Parking**

- 1. Access roads shall be a minimum of eighteen (18) feet wide for two-way traffic and twelve (12) feet for one-way traffic. There shall be no dead-end streets in any campground.

**E. Improvements**

- 1. An open space area of up to ten (10) percent of the total land area suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed trailer/recreational campground. No such open space area shall be placed in any designated floodplain or wetland.

**F. Permits**

- 1. No trailer/recreational campground shall be established in the Village until a Permit has been applied for and granted in compliance with this Local Law.
- 2. Applications for a Permit for the establishment of a trailer/recreational campground shall include all information required in Section 14, and in addition:
  - a. A site plan to scale, showing elevations, the layout of the campground, individual travel-trailer spaces, the roadway system and water and sewer system.
  - b. A complete statement describing the proposed methods of sewage disposal, water supply and restroom, wash and bathing facilities and any other utility services.
  - c. Approval by the County or State Health Department with regard to matters under their jurisdiction.

**G. License**

- 1. The campground shall not permit the occupancy of any site until a license to operate has been issued. After such time that all conditions specified under Section 27 of this Local Law for the establishment of the campground have been met and have been approved by the Enforcement Officer, said officer will issue an initial operating license.

2. All licenses shall be effective until December 31 of the calendar year of their issuance. An application for a renewable operating license shall be made at least thirty (30) days prior to the expiration date of the previous license. Upon recommendation of the Enforcement Officer, the Village Board shall authorize or deny such license in accord with the requirements set forth in this Section and the established fee schedule.
3. Licenses shall not be transferred or assigned and become void upon transfer or change of ownership of the property.
4. Revocation - If the Town Board upon inspection finds that such trailer/recreational campground is not being maintained in a clean and sanitary condition or that such trailer/recreational campsite is not being conducted in accordance with the provisions of this Local Law, it shall serve upon the holder of such license or the person in charge of such trailer/recreational campsite an order in writing directing that corrective action with regard to the conditions therein specified be started within five (5) days after the service of such order and completed within thirty (30) days. If after the expiration of such period such conditions remain unchanged, or are not corrected in accordance with the order of the Board, the Board shall serve notice in writing upon such license holder or the person in charge of such trailer/recreational campsite requiring the holder of such license to appear before the Town Board at a time and place to be specified in such notice and show cause why such license should not be revoked. The Town Board may after a hearing, revoke such license if the holder has violated the regulations applicable to such trailer/recreational campsite or has violated any of the provisions of this Ordinance. Upon the revocation of such license, the premises shall forthwith cease to be used for the purpose of a trailer/recreational campsite and all occupants shall be removed therefrom.

#### Section 28 - Non-conforming Uses

- A. General - The lawful use of any land or building existing on the effective date of this Local Law or its amendment may be continued, although such use does not conform with the provisions of this Local Law, and any such building may be changed, subject to the conditions stipulated herein.
- B. Additions - A non-conforming building or use shall not be added to or enlarged in any way that will extend the non-conforming features unless such non-conforming building or use is made to conform to the regulations of the district in which it is located.
- C. Alterations - A non-conforming building or use may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the fair value of the building, unless the use of such building is changed to a conforming use.
- D. Changes - A non-conforming use may be changed to other than permitted use only upon a determination by the Board of Appeals that such change represents a change to a more appropriate classification or otherwise represents an improvement to the existing use and its relationship to adjoining uses.

- E. Discontinuance - Whenever a non-conforming use has been discontinued for a period of one (1) year, any future use shall be in conformity to the provisions of this Local Law.
- F. Restoration - A building non-conforming as to use or on a non-conforming lot which has been damaged by fire or other causes may be restored, reconstructed or used as before, provided the foundation, height and exterior dimensions shall not exceed that which existed before said damage. Said restoration must be completed within one (1) year of such occurrence or the use of the building or land as a legal non-conforming use or in a non-conforming manner thereafter shall be terminated.
- G. Validity - Any building or use for which a Permit has been lawfully granted, and on which construction or placement has been started and diligently prosecuted before the effective date of this Local Law or its amendment may be completed.

## ARTICLE VI - ADMINISTRATION AND ENFORCEMENT

### Section 29 - Enforcement

No zoning permit or certificate of zoning compliance shall be issued except in compliance with the provisions of this Local Law and any amendment thereto or as directed by the Board of Appeals under the provisions of Article VI. Application for Building Permits and Certificates of Occupancy shall be obtained and filed in the office of the Village Clerk.

The office of Enforcement Officer is hereby established. The Enforcement Officer shall be appointed by the Village Board to serve at its pleasure. It shall be his duty to enforce the provisions of this Local Law and of all rules, conditions and requirements adopted or specified pursuant to the same. The Village Board may appoint one (1) or more Deputy Enforcement Officers to exercise any or all of the duties of the Enforcement Officer.

The Enforcement Officer shall maintain files, open to the public, of all applications for certificates of occupancy and zoning permits along with plans submitted therewith as well as final certificates and permits.

The Enforcement Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of this Ordinance as well as action taken as a result of such complaints.

The Enforcement Officer shall submit to the Village Board for insertion in the Board minutes, an annual written report summarizing for the year all building permits and certificates of occupancy issued by him as well as complaints of violations and action taken as a result of such complaints.

### Section 30 - Zoning Permit

No building shall be erected, moved, structurally altered, added to, enlarged, or a change in its use effected, or a change in the use of a property and no excavation for any building shall be begun unless and until a zoning permit for such action has been issued by the Enforcement Officer.

Applications for zoning permits shall be submitted in triplicate on a form or forms provided by the Village Clerk. Each application shall set forth the purpose for which the building is intended to be used and a general description of the structure to be erected, and shall be accompanied by a plot plan showing the dimensions of required yards, floor elevations and street and lot grades. The Enforcement Officer may require such additional information, other than that called for on the application form, as may reasonably be needed for him to determine if the proposed building, its use, and the use of the land are in conformity with the provisions of this Local Law.

The zoning permit when signed and issued by the Enforcement Officer shall be posted conspicuously on the premises facing the street or road where the permit authorizes the work to be done.

A zoning permit for a conforming use shall expire in six months unless the construction authorized by such permit shall have been started and vigorously prosecuted during that time. The Enforcement Officer may extend the building permit for a single one year period, if in his judgement, the facts in the particular situation warrant such extension. Construction shall be initiated within six (6) months of the date of issuance of the permit. Failure to do so shall nullify the permit.

#### Section 31 - Certificate of Zoning Compliance

A certificate of zoning compliance is required for any of the following. No certificate shall be issued unless the work has been substantially completed in accordance with the plans and specifications:

1. Occupation and use of a building hereafter erected, altered, moved or extended.
2. Change in the use of an existing building.
3. Occupancy and use of vacant land, except for agricultural use.
4. Change in the use of land, except for agricultural use.

A certificate of zoning compliance shall be issued only if the proposed use of the building or land conforms with the provisions of this Local Law. The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of zoning compliance has been applied before issuing such certificate. Such inspection and determination shall be made within ten (10) days from the date of application, Saturdays, Sundays and legal holidays excepted. Failure to make such inspection and determination within the specified period of time shall not be deemed to be an approval or a disapproval of the application for certificate of occupancy.

#### Section 32 - Fees

The Village Board shall establish a schedule of fees, charges and expenses and a collection procedure for Zoning Permits, Certificates of Zoning Compliance, appeals, site plan reviews, and other matters pertaining to this Local Law. The schedule of fees shall be published in a newspaper of general circulation in the Village and may be altered or amended only by the Village Board.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

### Section 33 - Violations and Penalties

Whenever a violation of this Local Law occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Enforcement Officer. Upon the receipt of a written complaint, the Enforcement Officer shall record the complaint in his files, conduct an investigation, and issue his findings in writing. If the Enforcement Officer finds that any of the provisions of this Local Law are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and orderly the action necessary to correct it. The Enforcement Officer shall file copies of any notice of violation with the Village Clerk and the Village Attorney.

Any person or corporation, whether as owner, or lessee, agent or employee, who shall violate any of the provisions of this Local Law or who fails to comply with any order or regulation made thereunder; or who erects, alters, moves, or uses any building or uses any land in violation of any detailed statement of plans submitted by him and approved under the provisions of this Local Law, shall be guilty of an offense and upon conviction shall be punished by a fine not exceeding \$250.00 or imprisonment not exceeding six (6) months, or both, in accordance with the provisions of Article 7 of the Village Law and any amendments thereto and any other statutes relating thereto. Each week's [seven (7) days] continued violation shall constitute a separate violation.

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this Local Law, the proper local authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such building, structure, or land.

### Section 34 - County Referrals

Pursuant to Sections 239-1 and 239-m of General Municipal Law of the State of New York, certain classes of zoning actions shall be referred to the Herkimer County Planning Board before final action is taken.

The actions to be referred include the following:

A. Any municipal zoning regulation or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within a distance of five hundred (500) feet from:

1. Any municipal boundary, or
2. The boundary of any existing or proposed county or state park or other recreation area, or
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or
4. The existing or proposed boundary of any county or state owned land on which a public building or institute is situated;

B. And, any special permit or variance affecting such real property within such distance of five hundred feet. The term "special permit" shall be deemed to include any special permit, use permit, exception or other special authorization which a Board of Appeals, planning board or legislative body is authorized to issue under the provisions of this Local Law.

Within thirty days after receipt of such referred matter, the Herkimer County Planning Board shall report its recommendations thereon to the referring municipal body. If the county planning board fails to report within such period or within such mutually agreed extension thereof, the municipal body may act without such report. If the county planning board disapproves the proposal, or recommends modifications thereof, the municipal body shall not act contrary except by a vote of a majority plus one of its full membership and after adoption of a resolution fully setting forth the reasons for such contrary action.

## ARTICLE VII - BOARD OF APPEALS

### Section 35 - Appointment

A Board of Appeals is hereby established in accordance with the provisions of Section 7-706 of the Village Law. The Board of Appeals shall consist of three (3) members, each to serve for a term of three years. The terms of office shall be in accordance with the provisions of the Village Law applicable thereto. Vacancies occurring in said Board shall be filled for such unexpired period only.

### Section 36 - Organization

The Board of Appeals shall adopt rules of procedure governing the organization of the Board and the conduct of its meeting.

### Section 37 - Meetings

Meetings of the Board shall be held as provided in the rules of procedure adopted by the Board. The Board shall keep minutes of its proceedings, showing the vote of each member on each question and shall keep records of its hearings and other official actions. If any member is absent or fails to vote, the minutes shall indicate such fact. The concurring vote of three members of the Board shall be necessary to reverse any order or decision of the Enforcement Officer, or to decide in favor of any applicant on any matter over which the Board has jurisdiction. All hearings of the Board shall be open to the public and the minutes of Board meetings and hearings shall be a public record. Every rule or regulation, amendment or repeal thereof, order, requirement, decision or determination of the Board shall be filed immediately with the Enforcement Officer and shall be a public record.

### Section 38 - Appeals to Board of Appeals

The Board of Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Enforcement Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under

the provisions of this Local Law. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse or modify any order, requirement, decision or determination of the Enforcement Officer, or to decide in favor of the applicant any matter upon which it is required to pass under this Local Law or to effect any variance of the provisions of this Local Law. Such appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the Village.

Such appeal shall be taken within thirty (30) days or such additional time as shall be prescribed by the Board of Appeals by general rule, by filing with the Enforcement Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

#### Section 39 - Stay of Proceedings on Appeal

An appeal stays all proceedings in furtherance of the action appealed from unless the Enforcement Officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril of 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 officer from whom the appeal is taken and on due cause shown.

#### Section 40 - Jurisdiction of Board of Appeals

The Board of Appeals shall have the following powers and duties prescribed by statute and this Local Law:

- A. Interpretation. On appeal from a determination of the Enforcement Officer to hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Enforcement Officer involving the interpretation of any provision of this Local Law.
- B. Variance. On appeal from a determination of the Enforcement Officer and in conformity with law, to vary the requirements as they apply to a particular lot where the property owner can show that his property was acquired in good faith and where the strict applicant of this Local Law would result in practical difficulty (area variance) or unnecessary hardship (use variance). No application for a variance shall be acted on until the required public hearing has been held. The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case as specified below:
  1. Area Variance. This is a variance involving dimensional deviations from the standards set forth in this Local Law. Because of the exceptional narrowness, shallowness, shape or area of the specific parcel, or because of extraordinary topographic conditions or other physical conditions or location of the specific parcel, the strict application of the provisions of this Local Law actually prohibit or

unreasonably restrict the use of the land or building for which such variance is sought, that the granting of the variance is necessary for the reasonable use of such property, and that the variance granted by the Board is the minimum variance that will provide for the reasonable use of the property. Practical Difficulty is the test for an area variance. The Board shall address each of the following criteria in making a determination for an area variance.

- a. How substantial the variance is in relation to the zoning requirement.
- b. The effect of the increased population density or land use intensity on available government facilities. This could include fire and police protection, schools and utilities.
- c. Whether a substantial change will be produced in the character of the neighborhood, or whether a substantial detriment to adjoining properties will be created.
- d. Whether the difficulty can be eliminated by some method other than a variance which is feasible for the applicant to pursue. In the case of side yard variances in particular, it is frequently feasible, proper and possible for the applicant to alter the plot plan to locate a proposed structure or addition in a new location which does not require any variance.
- e. Whether, in view of the manner in which the difficulty arose and in consideration of the above factors, the interests of justice will be served by allowing the variance.

2. Use Variance. This is a variance which permits a use of land which is prohibited by this Local Law. The granting of a use variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the owner, which conditions are peculiar to such land or building and do not apply generally to land or buildings in the vicinity or neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this Local Law. Unnecessary Hardship is the test for a use variance. The Board shall address each of the following criteria in making a determination for a use variance:
  - a. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone.
  - b. The use to be authorized by the variance will not alter the essential character of the locality.
  - c. The plight of the owner is due to unique circumstances and not to the general conditions of the neighborhood which may reflect the unreasonable aspect of the Local Law itself.
3. In any case, the granting of the variance will be in harmony with the intent, spirit and purpose of this Local Law and will not permit a use of the property in question for any purpose not permitted in the district in which such property is located or otherwise be injurious to the neighborhood.

#### Section 41 - Decisions of the Board

All decisions of the Board shall be in writing, and a copy of each decision shall be sent to the applicant and to the Enforcement Officer. The Board shall

also retain in its files a copy of each decision, which files shall be available for inspection by the public. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards of subsections of Articles IV and VI where the appeal is for a variance or a special permit.

## ARTICLE VIII - AMENDMENTS

### Section 42 - Declaration of Policy

For the purpose of establishing and maintaining sound and stable development and to conserve property values generally, this local law shall not be amended except to correct a manifest error in the local law, or to provide for regulations more appropriate to an area because of changed or changing conditions.

### Section 43 - Amendments, How Initiated

The Village Board may from time to time on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this local law.

Whenever the owner or owners of frontage in any district or part thereof shall present a petition duly signed and acknowledged, to the Village Board, requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Village Board to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Village Clerk and to notify the petitioners immediately thereafter.

The Planning Board may, by resolution, propose an amendment, supplement, change or repeal of the regulations to the Village Board.

Amendment of the local law may be subject to the State Environmental Quality Review process (SEQR). The Village Board should identify the type of action the zone change is according to SEQR regulations. Depending on the size of the zone change and several other factors it may be a TYPE I or an UNLISTED action. To make a decision, the Board should consult Part 617 of Article 8 of Environmental Conservation Law (New York).

If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been filed. An application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement is completed.

### Section 44 - Referral of Amendments to Village Planning Board and County Planning Board

All proposed amendments shall be referred to the Village Planning Board for its recommendation thereon. The Planning Board shall submit its report within

forty-five (45) days after receiving such referral. Prior to making such report as required herein, a meeting shall be held between the Planning Board and the petitioner of such amendment. The purpose of this meeting shall be to review the basic concept of the proposal. The petitioner shall, at the time of filing for such amendment, provide the data discussed below in addition to a written statement describing the proposal. Following this conceptual review meeting and a review of the submitted data, the Planning Board shall submit its report. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

Required data:

1. An area map showing the parcel under consideration for the zone map amendment and all properties, subdivisions, streets, and easements within two hundred (200) feet of the boundaries thereof.
2. A map of site topography at no more than five (5) feet contour intervals.

Whenever any zoning regulations or any amendment would change a district classification, or a regulation applying to real property within a distance of 500 feet from any boundary line of properties in a neighboring municipality or upon other county or state property as described in ARTICLE V, Section 34 of this local law, said zoning regulations or amendments shall be referred by the Village Board to the Herkimer County Planning Board pursuant to ARTICLE V, Section 34.

Section 45 - Hearing on Proposed Amendment

Before any amendment, supplement, repeal or change in the regulations or district boundaries, there shall be a public notice and hearing thereon by the Village Board as provided by law. In addition to the public notice of a hearing, written notice shall be given to all property owners on record of the land included in such proposed change, and situated within 200 feet of the boundaries of the land upon which the proposed change is to be made and the land directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite land.

Section 46 - Adoption of Amendment

After the public hearing, referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend the local law except as described in Section 47, Protest Petitions.

Section 47 - Protest Petition

If a protest against a proposed amendment, supplement, repeal or change is presented to the Village Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom; or by the owners of twenty (20) percent or more of the land directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite land, such amendment shall not be passed except by a favorable vote of at least three-fourths of the members of the Village Board.

### Section 58 - Periodic Review of Local Law

From time to time, at intervals of not more than three (3) years, the Planning Board shall re-examine the provisions of this local law and the location of district boundary lines and shall submit a report to the Village Board recommending such changes of amendments, if any, which may be desirable in the interest of public welfare, convenient and necessity.

## ARTICLE IX - MISCELLANEOUS

### Section 49 - Interpretation

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

### Section 50 - Severability

If any section, subsection, or phrase of this local law is declared to be invalid, such invalidity shall not affect any other portion of the local law.

### Section 51 - Effective Date

This local law shall be in effect upon its adoption and ten (10) days after the publication as provided by law.

## SCHEDULE B - OFF-STREET PARKING

USE	SPACES REQUIRED
1. Dwellings	1 space for each dwelling unit
2. Rooming house, tourist home, motel, hotel	1 space for each guest room
3. Administration, professional, governmental or utility office	1 space for each 200 sq.ft. of floor space
4. Funeral home	15 spaces, plus space for all employees and resident personnel cars
5. Church or temple	1 space for each 8 seating spaces in main assembly room
6. School Elementary Junior and Senior High	2 spaces for each classroom 4 spaces for each classroom
7. Theatre or other place of assembly	1 space for each 5 seating spaces
8. Nursing or convalescent home	1 space for each 4 beds, plus 1 space for each employee on duty at any one time
9. Retail store or bank	1 space for each 250 sq.ft. of floor space devoted to customer use
10. Clubs and restaurants	1 space for each seating space or patron accommodation
11. Bowling alley	5 spaces for each alley
12. Wholesale, storage, freight terminal or utility use	1 space for each 1,000 sq.ft. of gross floor area
13. Industrial or manufacturing use	1 space for each 2 employees on the maximum working shift
14. Shopping centers	5 spaces per 1,000 sq.ft. of gross leasable area
15. Miniature golf course and golf driving range	10 spaces, plus 1 space for each employee on duty at any one time
16. Auto wash	1 space for each employee, plus standing space for 4 cars per day
17. Home occupation	1 space for each client or patient at any one time

## SCHEDULE A

## VILLAGE OF MIDDLEVILLE

ZONING DISTRICT	PERMITTED USES	SITE PLAN REVIEW USES	MINIMUM LOT SIZE		MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED	MAXIMUM BUILDING HT.		YARD DIMENSIONS				
			AREA IN SQ.FT.	WIDTH-ROAD FRONTAGE IN FT.		IN STORIES	IN FEET	FRONT	SIDE	DEPTH		
R-1 RESIDENTIAL	One-family dwelling Accessory uses (res.)	Home occupation Fences over 4' (height) Park or playground Public utility station	20,000	100	20	2½	35	35	20 3	40 10	40 3	
R-2 RESIDENTIAL	One-family dwelling 2, 3 or 4 family dwelling Double-section mobile home Accessory uses (res.)	Home occupation Church School Nursing home 2,3 or 4 family dwelling - by conversion Fences over 4' (height) Public utility station	12,000 1 acre 12,000	100 100 100	20 30 20	2½ 1	35 35 20	25 25 25	5 5 5	15 15 15	35 35 35	
R-3 RESIDENTIAL	One-family dwelling Single-section mobile home Double-section mobile home Accessory uses (res.)	Home occupation Public utility station Fences over 4' (height)	12,000 12,000 12,000	100 400 400	20 20 20	2½ 1	35 20 20	25 25 25	5 5 5	15 15 15	35 35 35	
AG AGRICULTURAL	Farms, nurseries One-family dwellings Two-family dwellings - by conversion Accessory uses - (ag. and res.)	Home occupation Boarding home-by conversion Public utility station Ag. related mobile home	12,000 12,000	100 100	20 20				35 35 35	20 20 20	40 40 40	
OS OPEN SPACE	Cemetery Park											
B-1 BUSINESS	Business office Bank, savings and loan Personal service shops Retail stores Accessory uses		5,000 5,000 5,000 5,000	50 50 50 50	50 50 50 50	2 2 1 2	30 30 20 30	15 15 15 15	10 10 10 10	20 20 20 20	30 30 30 30	
B-2 HEAVY COMM./LT. INDUSTRIAL	Warehousing	Restaurant, tavern Shopping center Laundromat Hortuary Appliance sales Service station Motels Fences over 4' (height)	10,000 2 acres 35,000 1 acre 6,000 20,000 1.5 acre	75 200 100 100 60 75 150	30 30 20 20 30 20 40	2 1 1 2½ 1 1 2	30 35 30 40 25 20 35	15 50 40 25 15 15 15	10 25 20 20 10 15 10	20 50 40 40 20 30 20	30 50 45 50 30 25 30	
B-3 RECREATION/BUSINESS	Campground Diamond prospecting		2 acres 4 acres						45 45	30 50	60 100	50 50
PBD PRD PMHD	Planned Business Development Planned Residential Development Planned Mobile Home Development		1 acre 1 acre 2 acres						As determined by Planning Board			

\* Agricultural accessory uses