

## **Chapter 200**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Windsor 7-25-67 as Articles XI through XXI of 1967 Ordinance Book. Sections 200-19, 200-28, 200-42A and 200-54 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction and fire prevention - See Ch. 67. floodplains - See Ch. 98. Signs - See Ch. 159.

Trailers and trailer parks - See Ch. 182.

**ARTICLE I  
Title; Definitions**

**§ 200-1. Title.**

This chapter may be known and may be cited as the "Village of Windsor Zoning Ordinance."

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**§ 200-2. Word usage; definitions.**

A. For the purpose of this chapter, words used in the present tense include the future; the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; and the word "occupies" includes the words "designed for occupancy or intended to be occupied."

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

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

**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.

**BOARDING HOUSE OR ROOMING HOUSE** – Any dwelling arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit. \*

**BUILDING** - Any structure on a lot resting upon a support or foundation and shall include any structure other than a boundary wall or fence.

**BUILDING, HEIGHT OF** - The vertical distance from the mean finished grade to the highest point of the building on any side under construction.

**CELLAR or BASEMENT** - A story, partly underground, the walls of which are used as the foundation and/or substructure for those remaining stories of the structure partially or completely above mean grade level.

**COVERAGE** - The percentage of the plot or lot area covered by the building area.

**CUSTOMARY HOME OCCUPATION** – Any use customarily conducted entirely within a dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, provided the user does not engage in the purchase or sale of economic goods and upon the following conditions: (a) no more than one-fourth (1/4) of the floor area of the principal building shall be used for said customary home occupation; and (b) no more than one person outside of the family residing on the premises shall be employed in connection with the customary home occupation use; and (c) no exterior storage of materials or equipment related to the customary home occupation use; and (d) no exterior display evidencing the customary home occupation use, except for one (1) non-illuminated sign having an area of not more than four (4) square feet".\*

DWELLING, MULTIPLE - A building or portion thereof containing three (3) or more dwelling units.

DWELLING, ONE-FAMILY- A detached building containing one (1) dwelling unit.

DWELLING, TWO-FAMILY- A detached building containing two (2) dwelling units.

\* Adopted 6-7-2011; Local Law #1-2011

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DWELLING UNIT - A building or portion thereof providing complete housekeeping facilities for one (1) family.

FAMILY - One (1) or more persons occupying the premises and living as a single housekeeping unit in one (1) dwelling unit.

HOME OCCUPATION - Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

LOT - A parcel of land occupied or capable of being occupied by one (1) building and accessory building and/or uses, including such open spaces as are required by this chapter.

LOT DEPTH - The mean horizontal distance between the front and rear lot. lines, measured in the general direction of its side lot lines.

LOT WIDTH – The mean horizontal distance measured at right angles to its depth, measured at the street right-of-way line.” \*

NONCONFORMING USE - A building, structure or use of land existing at the time of the enactment of this chapter or subsequent district amendments and which does not conform to the regulations of the district or zone in which it is situated.

PROFESSIONAL OFFICE - An office located in an RA Residence District and solely used as office space for an accountant, architect, doctor of dentistry, medical doctor, engineer, insurance broker, real estate broker, lawyer, doctor of ophthalmology and/or optometry, chiropractor or offices of a similar professional nature. The office staff shall consist of no more than four (4) persons and in no case more than two (2) professionals. **[Added 2-26-80 by L.L. No. 2-1980]**

PUBLIC UTILITY STRUCTURE - A building, structure or lot used for or in connection with the transmission, distribution or regulation of water, gas, telephone service or other similar service.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIP- PING - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale, as an industrial operation, and exclusive of the process of excavation and grading a lot preparatory to the construction of a building for which application for a building permit has been made.

TRAILER - Any vehicle or structure, including but not limited to an automobile trailer and trailer coach, mounted or capable of being mounted on wheels for use on highways and streets, and designated for use as a permanent dwelling or for the conduct of a business, profession, trade or occupation.

TRAILER PARK - A "trailer park" or camp shall consist of two (2) or more trailers located on one (1) or more lots and shall provide the necessary equipment and facilities for the trailers used as dwellings.

YARD, FRONT - An open, unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

\*Amended 7-1-2003; L.L.#3-2003

\*\* Amended 6-7-2011; L.L.#1-2011

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YARD, REAR - An open, unoccupied space, except for accessory buildings, on the same lot with the building between the rear line of said building and the rear lot line and extending the full width of the lot.

YARD, SIDE - An open, unoccupied space on the same lot with the building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear or front line shall be deemed a side lot line.

## ARTICLE II Establishment of Districts

### § 200-3. Enumeration of districts.\*

For the purpose of this chapter, the Village of Windsor is hereby divided into the following types of districts:

- RA Residence District
- RB Residence District
- C Commercial District
- CD Commercial Downtown District
- I Industrial District
- RA/C Residence/Commercial Transition Zone \*\*

### § 200-4. Zoning Map.\*

Said districts are shown, defined and bounded on a map entitled "Zoning Map, Village of Windsor," adopted July 1, 2003, and as amended on Jun 7, 2011, and certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter.\*\*

### § 200-5. District boundaries.



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

- A. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- B. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- D. Where uncertainty exists in determining the precise location of any district boundary line, the Board of Appeals shall interpret the intent and purpose of the Zoning Map.

\* Editor's Note: The Zoning Map is on file in the office of the Village Clerk and may be examined there during regular office hours

\*\* Amended 6-7-2011; Local Law #1-2011

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**§ 200-6. Lots in more than one district.**

Where a district boundary line divides a lot in single or joint ownership of record at the time such boundary line was established, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided that the lot has frontage on a street or highway in the less restricted portion.

**§ 200-7. Compliance required.**

Except as hereinafter provided, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

**§ 200-8. Use of open space for more than one building.**

Except as hereinafter provided, no part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

**§ 200-9. Regulations established.**

The following regulations shall apply in all RA Residence Districts.

**§ 200-10. Permitted uses.**

A. The following uses are permitted uses in the RA District:

- (1) One-family dwelling, but excluding a trailer used for a dwelling.
- (2) Churches or similar places of worship.
- (3) Cemeteries and the buildings and structures incidental thereto.
- (4) Public schools and private schools.
- (5) Public parks, playgrounds and recreational areas (i.e., golf course, country club, etc.) and similar uses when operated by membership organizations for the benefit of their members and not for gain.
- (6) Public libraries and public hospitals.
- (7) Electrical distribution substations and other public utility structures of a similar nature necessary for the service of the area are permitted following the issuance of a special permit as provided in Article XII of this chapter.
- (8) Philanthropic or eleemosynary institution other than a camp.
- (9) Professional offices as defined in Article II and subject to all provisions of the district and special permit provisions of Article X, § 200-52B. [Added 2-26-80 by L.L. No: 2-1980]
- (10) Customary home occupations.\*

\* Amended 6-7-2011; Local Law #1-2011

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§ 200-11

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§ 200-15

**§ 200-11. Accessory buildings or uses.**

A. No more than two (2) private garages per family shall be permitted and they shall be located at the rear of a main structure unless they form an integral part of the main structure. On any corner lot where the garage is not a part of the main building or structure, a private garage may only be erected in the interior of the lot.

B. Accessory uses are permitted, provided that such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Only one (1) accessory building shall be located on the same lot with the principal building. \*

**§ 200-12. Building height.**

No residential structure shall be erected or altered so as to exceed two and one-half (2½) stories or thirty-five (35) feet in height. Buildings other than those intended for residential use may exceed the height limitation only after a special permit has been granted by the Zoning Board of Appeals in conformity with Article X.

**§ 200-13. Lot area and lot width requirements**

The following lot area and lot width requirements shall apply in the RA District:

- A. One-family dwelling: The lot area shall be not less than nine thousand (9,000) square feet and lot width not less than seventy (70) feet.
- B. Deleted in its entirety.\*

**§ 200-14. Lot coverage.**

All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the lot area.

**§ 200-15. Yard requirements.**

Each lot shall have front, side and rear yards not less than the following dimensions:

- A. Front yard: twenty-five (25) feet or in line with existing structure. This measurement is to be the shortest distance between any portion of the structure (except outside entrances and steps occupying not more than thirty-five square feet) and the front property line.\*
- B. Each side yard: No side yard shall be less than six (6) feet, but the aggregate measurement of both yards shall not be less than fifteen (15) feet.

• Amended 01/10/2003; L.L.#1-2003

- C. Rear yard: thirty (30) feet. This measurement is to be the shortest distance between any portion of the structure and the rear lot line. Outside entrances and steps occupying not more than thirty-five (35) square feet are excluded from the measured distance.

**§ 200-16. Regulations for accessory buildings.**

Accessory buildings shall meet the following regulations:

- A. Maximum height: eighteen (18) feet.
- B. Minimum distance from lot lines:

- (1) Front yard: No accessory building is permitted in front of the principal building.
- (2) From side lot line: five (5) feet.
- (3) From rear lot line: five (5) feet.

ARTICLE IV  
**RB Residence Districts**

**§ 200-17. Regulations established.**

The following regulations shall apply in all RB Residence Districts.

**§ 200-18. Permitted uses.\***

A. The following uses are permitted uses in the RB District:

- (1) All uses permitted in RA Residence Districts subject to all provisions specified for such districts.
- (2) Multiple dwellings (Three-family or more dwellings).
- (3) A trailer may be used as a dwelling subject to the issuance of a special permit as provided in Chapter 182, Trailers and Trailer Parks.
- (4) A trailer park, subject to the issuance of a Special Permit as provided in Article X, § 200-52 and Article XII
- (5) Hotels and motels and the necessary accessory service areas or accessory buildings, subject to the issuance of Special Permit by the Zoning Board of Appeals in accordance with the standards set forth in Article XII.
- (6) Two family dwelling.

Amended 6-7-2011; Local Law #1-2011

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§ 200-19

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**§ 200-19. Building height.**

No building shall be erected or altered so as to exceed two (2) stories or forty-five (45) feet in height; provided, however, that this height limit may be increased one (1) foot for each one (1) foot that each yard exceeds the minimum required.

**§ 200-20. Lot area and lot width requirements.**

The following lot area and lot width requirements shall apply in the RB District:

A. One-family dwelling: same as in RA Districts.

B. Two-family dwellings: Minimum lot area shall not be less than six thousand (6,000) square feet per family unit and lot width not less than eighty (80) feet.\*

C. Multiple dwellings: Minimum lot area shall not be less than four thousand (4,000) square feet per family unit and a lot width not less than eighty-five (85) feet for the first three (3) dwelling units, but for every dwelling unit beyond three (3), an additional one thousand (1,000) square feet of lot area shall be required.

**§ 200-21. Lot coverage.**

All buildings, including accessory buildings, shall not cover more than forty percent (40%) of the lot.

**§ 200-22. Yard requirements.**

A. One-family and two-family dwellings: Minimum yard dimensions shall not be less than those specified for RA Districts.

B. Multiple dwellings.

(1) Front yard: twenty-five (25) feet. This measurement is to be the shortest distance between any portion of the structure (except outside entrances and steps occupying not more than thirty-five square feet) and the front property line.\*

(2) No one (1) side yard shall be less than six (6) feet, and the aggregate measurement of both shall not be less than fifteen (15) feet.

(3) Rear yard: twenty-five (25) feet.

**§ 200-23. Regulations for accessory buildings.**

For all buildings, the accessory building height, yard and coverage requirements shall be the same as in RA Districts.

\* Amended 01-07-2003; L.L.#1-2003

**§ 200-23A-1. Permitted Uses**

A. The following residential uses are permitted in the FA/C District:

- (2) All uses permitted in the RA Residence District.

B. The following uses are permitted in the RA/C District, upon issuance of a Special Permit from the Zoning Board of Appeals in accordance with Article XII:

- (1) Antique shops.
- (2) Art galleries.
- (3) Restaurants.
- (4) Microbreweries, provided they are operated in conjunction with a restaurant.
- (5) Personal service shops.
- (6) Retail shops.
- (7) Bed and Breakfast operations.
- (8) Theaters.
- (9) Other similar service and/or retail uses, provided the Zoning Board of Appeals determines the use to be similar in character to the other uses listed herein.

### **§ 200-23A-2. Building Height.**

No structure shall be erected or altered so as to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. Buildings other than those intended for residential use may exceed the height limitation, upon issuance of a Special Permit by the Zoning Board of Appeals in accordance with Article XII.

### **§ 200-23A-3. Lot Area and Lot Width Requirements**

Any building used for residential purposes either in whole or in part, shall have a lot area and lot width equal to that required in Residence RA District for the same type of dwelling.

### **§ 200-23A-4. Lot Coverage.**

All buildings, including accessory buildings, shall not cover more than forty percent (40%) of the lot.

Amended 06-07-2003; L.L.#1-2011

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### **§ 200-23A-5. Yard Requirements.**

Minimum Yard requirements in the RA/C District shall be as follows:

- A. Front yard: Twenty-five (25) feet.
- B. Side yard: Ten (10) feet on each side.
- C. Rear yard: Twenty (20) feet.

**§ 200-23A-6. Regulations for Accessory Buildings.**

The accessory building height, yard and coverage requirements in the RA/C District shall be as follows:

- A. Maximum Height: Twenty-five (25) feet.
- B. Minimum Distance from Lot Line:
  - 1. Front yard: No accessory building shall be permitted in front of a principal building.
  - 2. From side lot line: Five (5) feet on each side yard provided, however, that any lot bordering on a residential district shall have a side yard width of not less than fifteen (15) feet.
  - 3. From rear lot line: Five (5) feet.

ARTICLE V  
**C Commercial Districts**

**200-24. Permitted uses.**

- A. The following uses are permitted uses in the C District
  - (1) All uses permitted in RB Residence Districts, subject to all the provisions specified for such residential districts.
  - (2) Stores and shops for the conducting of any retail business.
  - (3) Personal service shops (barbershops, beauty parlors, undertaker, florist, etc.)
  - (4) Banks, theaters, offices, restaurants and similar community services.
  - (5) Garages and filling stations, subject to the issuance of a special permit by the Board of Appeals and subject to the following conditions:
    - (a) No garage or filling station lot shall be located within two hundred fifty (250) feet from the lot or parcel occupied by a public school, public or private hospital, public library or a church. The measurement distance shall be from the closest lot line to the closest lot line.
    - (b) No repair work shall be performed out-of-doors.

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- (c) Pumps, lubricating or other devices shall be located at least twenty (20) feet from any street line or highway right-of-way.
- (d) All fuel, oil or similar substances shall be stored at least thirty-five (35) feet distant from any street or lot line.

- (e) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
  - (f) Any illumination shall be non-flashing, indirect or diffused and shall be so constructed so that the illumination shall not shine or reflect light into adjacent properties.
- (6) Places of public amusement (e.g., bowling alley, skating rink, dance hall, tavern).
- (7) Place of business of the following and businesses of a no more objectionable nature, provided that any processing of goods on the premises is clearly incidental to a retail business conducted on the premises:
- (a) Baker.
  - (b) Cleaner.
  - (c) Dyer.
  - (d) Hand laundry.
  - (e) Printer.
  - (f) Tailor.
  - (g) Photographer.
  - (h) Upholsterer.
  - (i) Confectioner.
  - (j) Decorator.
  - (k) Furrier.
  - (l) Optician.
- (8) Accessory buildings and uses customary for commercial purposes.

**§ 200-25. Building height.**

No business structure shall be erected or altered to exceed a height of thirty-five (35) feet.



**§ 200-26. Lot area and lot width requirements.**

Any building used for residence purposes shall have a lot area and lot width equal to that required in Residence RB Districts for the same type of dwelling.

**§ 200-27. Lot coverage.**

Business structures, including accessory buildings, shall not cover more than forty percent (40%) of the lot.

**§ 200-28. Yard requirements.**

Yard requirements in the C District for business structures shall be the following:

- A. Front yard: twenty-five (25) feet.
- B. Side yard: ten (10) feet each side.
- C. Rear yard: ten percent (10%) of the depth of the lot, but no less than twenty (20) feet.

**§ 200-29. Regulations for accessory buildings.**

The accessory building height, yard and coverage requirement in the C District shall be as follows:

- A. Maximum height: twenty-five (25) feet.
- B. Minimum distance from lot line:
  - (1) Front yard: No accessory building shall be permitted in front of the principal building.
  - (2) From side lot line: five (5) feet each side yard; provided, however, that any lot bordering on a residential district shall have a side yard of a width of not less than fifteen (15) feet.
  - (3) From rear lot line: five (5) feet.

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**§ 200-29A. Permitted Uses**

Section 1.

A. The following uses are permitted uses in the CD District:

All uses permitted in C Commercial Districts, subject to all specifications and requirements for such use, including, but not limited to, bulk and area requirements as set forth in sections 200-25 through 200-29, and subject to the provisions set forth in Paragraph (B) of this section.

B. No dwelling or residential use shall be permitted on the first or ground floor of any structure located in a CD District.

Said "CD" Commercial Downtown District shall include the following tax map numbers:

182.07-3-12	182.07-3-13	182.07-3-30	182.07-3-31
182.07-4-16	182.07-4-18	182.07-4-19	182.07-4-20
182.07-4-21	182.07-4-22	182.07-4-23	182.07-4-24
182.07-4-25	182.07-4-26	182.11-2-6	182.11-2-7
182.11-2-8	182.11-2-9		

**ARTICLE VI  
I Industrial Districts**

**§ 200-30. Permitted uses.**

A. The following uses are permitted uses in the I District:

(1) Any use permitted as a matter of right or on a special permit in any other district subject to all specifications and requirements for such use.

(2) Industrial uses of the following and uses of a no more objectionable nature, provided that no use shall be allowed which produces or emits dust, smoke, odor, gas fumes, noise, vibration or similar substances or conditions comparable in character or in aggregate amount to any uses listed in §§ 200-31 and 200-32.

- (a) Baking plant.
- (b) Coal, coke or lumber yard.

- (c) Laundry.

- (d) Veterinary hospital.
- (e) Motor vehicle repair shop.
- (f) Cold storage plant.
- (g) Creamery.
- (h) Dry-cleaning plant.
- (i) Meat packing.

(3) Uses of a light manufacturing nature, employing electricity or other unobjectionable motor power, utilizing hand labor or unobjectionable machinery or processes and free from any objectionable odors, fumes, dirt, vibration or noise.

**§ 200-31 Special permit uses.**

A. The following uses may be permitted by the Board of Appeals, provided that the Board receives sufficient evidence to indicate that the proposed use will not materially harm adjacent property nor comprise a nuisance to the health, safety or welfare of the community. The Board may impose such conditions and safeguards as may be deemed necessary to protect and conserve adjacent property and to maintain the character of the district, as provided in Article X, § 200-52.

- (1) Bottling works.
- (2) Monument works.
- (3) Wholesale storage and warehouse.
- (4) Ice manufacture.
- (5) Railroad yards.
- (6) Foundry.
- (7) Stable.
- (8) Quarry, sand pit, gravel pit, topsoil stripping or other types of mining.\*
- (9) And other uses similar in character and no more objectionable to those enumerated.
- (2) Boarding houses or rooming houses, subject to the issuance of a special permit by the Zoning Board of Appeals and in accordance with the standards set forth in Article XII.\*

\* Amended 6-7-2011; Local Law #1-2011

- B. The foregoing uses shall be subject to site plan review by the Village Planning Board.

**§ 200-32. Prohibited uses. \***

- A. The following uses are prohibited uses in the I District:

- (1) Abattoir (slaughterhouse).
- (2) Dead animal and offal reduction.
- (3) Fat rendering.
- (4) Petroleum storage.
- (5) Power forge.
- (6) Rock crusher.
- (7) Scrap paper or rag storage.
- (8) Scrap iron or junk storage.
- (9) Cement batching.
- (10) Boilermaking.
- (11) Bone distillation.
- (12) Petroleum refining and tar distillation.
- (13) Stockyards.
- (14) Curing, tanning and storage of hides.
- (15) Manufacture of: asphalt, ammunition, brick, carbon, disinfectant, fireworks, glucose, paper, plaster, scrap, tile, vinegar, etc., acids, ammonia, cement, chlorine fertilizer, glue, gypsum, lime, soda, dyestuffs, grease, lard or tallow, matches, rubber, plaster of paris, etc.
- (16) In general, those industries which by reason of excessive or frequent emission of smoke, gas, noise, odor, vibration and dust or other

substances or conditions constitute a nuisance or detriment to public safety, convenience and welfare.

\*Amended 6-7-2011; Local Law #1-2011

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**§ 200-33. Building height.**

No industrial structure shall be erected or altered to exceed a height of three (3) stories or forty-five (45) feet.

**§ 200-34. Lot area and lot width requirements.**

Lot area requirements shall be not less than nine thousand (9,000) square feet and lot width not less than sixty (60) feet.

**§ 200-35. Lot coverage.**

Industrial structures, including accessory buildings, shall not cover more than forty percent (40%) of the area of the lot.

**§ 200-36. Yard requirements.**

Industrial structures shall have front, side and rear yards not less than the following dimensions:

- A. Front yard: twenty-five (25) feet.
- B. Side yard: ten (10) feet for each side yard; provided, however, that any lot bordering on a residential district shall have a side yard of a width not less than thirty (30) feet.
- C. Rear yard: ten percent (10%) of the depth of the lot, but no less than twenty-five (25) feet.

**§ 200-37. Regulations for accessory buildings.**

The accessory building height, yard and coverage requirements in the I District shall be as follows:

- A. Maximum height thirty (30) feet.
- B. Minimum distance from lot lines:
  - (1) Front yard: No accessory building is permitted in front of the principal building.
  - (2) From side lot line: eight (8) feet each side yard; provided, however, that any lot bordering on a residential district shall have a side yard of a width not less than twenty-five (25) feet.
  - (3) From rear lot line: eight (8) feet.

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ARTICLE VII  
**Supplementary Regulations**

**§ 200-38. Establishment.**

The provisions of this chapter shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

**§ 200-39. Height exceptions.**

The limitation of height shall not apply to chimneys, aerials, silos, ventilators, skylights, tanks and other necessary features usually carried above roofs, nor to towers or spires of churches or other buildings.

**§ 200-40. Dwellings on small lots.**

Nothing in this chapter shall prohibit the erection of a one-family dwelling on any lot less than the required area, except in the Industrial District, provided that all other provisions of this chapter are complied with, if such lot at the time of passage of this chapter was held under separate ownership or lesseeship from the adjoining lots.

**§ 200-41. Visibility at intersections.**

On corner lots, clear vision shall be maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are twenty (20) feet distant from the point of intersection, measured along said street lines. In such areas, no foliage, shrubbery, fence or other obstructions shall be permitted higher than three (3) feet, nor low foliage or branches of trees less than twelve (12) feet from the ground.

**§ 200-42. Off-street parking requirements.**

A. One (1) automobile parking space, consisting of at least nine by eighteen (9 x 18) feet and not located on a public street or highway and necessary egress from and ingress to said parking space shall be provided for:

- (1) Each dwelling unit.
- (2) Each guest room in boarding- and rooming houses, residential hotels, motels, tourist homes and similar uses.
- (3) Each five (5) seats in churches, theaters and other places of assembly.
- (4) Each one hundred (100) square feet of gross floor area in the main structure of restaurants, tea rooms, dance halls and similar uses.

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- (5) Each one hundred (100) square feet of gross floor area in the main structures of business offices, professional offices, banks and similar uses.

- (6) Each five hundred (500) square feet of gross floor area in the main structure or structures used primarily for wholesale trade, storage or warehousing.
- (7) Each one hundred (100) square feet of gross floor area in the main structure of retail business uses.
- (8) Each two hundred (200) square feet of gross floor area of industrial uses.

B. "Gross floor area" as used herein shall mean the area of space contained within the room or rooms in the main structure.

### **§ 200-43. Off-street loading requirements.**

Each business or industrial use hereafter erected shall provide off-street loading space at least twelve (12) feet in width and forty (40) feet in length and not located on a public street or highway with necessary ingress and egress provided.

#### **§ 200-43.1 Fences.\***

- A. Fences shall not be considered structures under this chapter and, as such, may be erected in any district, subject to the provisions of this chapter.
- B. In residential districts, no fences shall be constructed, established, or built in excess of 6 feet in height, with the exception of tennis or recreation courts which may be 12 feet in height. In nonresidential districts, fences may be constructed, established or built up to 10 feet in height above the average natural grade, provided that they do not create a traffic hazard. There shall be no requirement as to which side of the fence should face the neighboring property.
- C. No solid fences over 36 inches in height shall be permitted in the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are twenty (20) feet in distance from the point of intersection measured along the street lines.\*\*
- D. No fence shall be erected or encroach upon a public right-of-way. Solid fences shall maintain an 8 foot setback from the street property line or shall be no greater than 3 feet in height. If the fence is to be located on a corner lot, the provisions of paragraph 3 of this section shall also apply. Split rail and similarly open fences are permitted to be placed in the 10 foot street setback, provided that they do not create a traffic hazard or block visibility.



E. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.

\*Amended 11-4-2003; L.L.7-2003

\*\*Amended 6-7-2011; Local Law #1-2011

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- F. All swimming pools shall be surrounded by a substantial impassible fence at least 4 feet in height, each entrance to which, whether gate or door, shall be equipped with a self-closing and self-latching device. All such gates and doors shall be kept closed and locked when the pool is unattended. A wall(s) of a building, including the walls of an aboveground swimming pool, if at least 4 feet in height, may be used in place of the fencing. The steps of ladders must be removed or fenced in a manner similar to the foregoing, and the filter and accessory equipment must also be fenced in accordance with the foregoing. The fence may be constructed at the lot line, provided that all the other requirements of this chapter are met.
- G. Every fence shall be maintained in a safe, sound and upright condition. No fence shall be erected which will create a safety problem for people using the public right-of-way.

**§200-43.2 Demolition Permit\***

No building or structure shall be demolished or removed from its present site until a demolition permit is issued by the code enforcement officer. Prior to issuing a demolition permit, the code enforcement officer shall determine if the structure to be demolished predates 1900. If said structure predates 1900, the code enforcement officer shall notify the Planning Board of the intent to demolish. The Planning Board shall, within sixty (60) days from notification by the code enforcement officer, make a determination whether said structure is historically significant to the Village. If the Planning Board makes such a determination, the owner of the structure shall be required to offer the structure for sale, either on its present site or for removal to another site, for a minimum period of forty-five (45) days prior to the issuance of the demolition permit. If no determination is made within that time period, the structure shall be deemed not to be historically significant to the Village.

ARTICLE VIII  
Nonconforming Uses and Buildings

**§ 200-44. Continuations.**

The lawful use of any building or use of land existing at the time of the enactment of this chapter may be continued although such use may not conform with the provisions of this chapter except as hereinafter provided.

**§ 200-45. Changes.**

A nonconforming use may be changed to a conforming use, and, when so changed to a more restrictive classification, it shall not thereafter resume the less restrictive use.

**§ 200-46. Restoration.**

No building which has been damaged by fire or other natural causes to the extent of more than fifty percent (50%) of its equalized assessed value for county tax purposes shall be repaired or rebuilt except in conformity with the regulations of this chapter.

- Amended 6-7-2011; Local Law #1-2011

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**§ 200-47. Alterations and extensions.**

No nonconforming building shall be altered or nonconforming use of building or land extended except as authorized by the Board of Appeals.

**§ 200-48. Completion.**

Nothing in this Article shall prohibit the completion of any lawful structure for which the excavation has been prepared and the foundation walls constructed at the date this chapter takes effect; provided, however, that construction must be completed within a period of one (1) year from that date.

**§ 200-49. Abandonment and discontinuance.**

Whenever a nonconforming use has been abandoned or discontinued for a period of one (1) year, any future use shall be in conformity with provisions of this chapter.

**ARTICLE IX  
Administration**

**§ 200-50. Enforcement.**

This chapter shall be enforced by the administrative officer or other designated official who shall be appointed by the Village Board of Trustees. No building permit or certificate of occupancy shall be issued by him except in compliance with the provisions of this chapter.

**ARTICLE X  
Zoning Board of Appeals**

**§ 200-51. Creation, appointments and organization. \***

- A. The Zoning Board of Appeals shall consist of five members appointed by the Mayor, subject to the approval of the Village Board of Trustees. The members of the Zoning Board of Appeals, as now constituted, shall continue in office until the expiration of their present terms. Thereafter, their successors shall be appointed for five-year terms in accordance with the New York State Village Law, so that one term shall expire at the end of each successive official year. If a vacancy shall occur otherwise than by expiration of a term, the Mayor shall appoint the new member for the unexpired term.
  
- B. The Chairperson shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees. In the absence of a chairperson, the Zoning Board of Appeals may designate a member to serve as acting chairperson.

\*Amended 6-7-2011; Local Law #1-2011

- C. **Alternate Members.** The Village Board of Trustees hereby establishes the position of alternate Zoning Board of Appeals member, for the purpose of substituting for a regular member in the event of a conflict of interest or because of illness or an extended absence of more than four months in one calendar year. Alternate Zoning Board of Appeals members shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees, for three year terms. When so appointed, an alternate Zoning Board of Appeals member shall possess all of the powers and responsibilities of a regular Zoning Board of Appeals member.
- D. **Training.** Each Zoning Board of Appeals member shall complete training requirements as established by resolution of the Village Board of Trustees, as amended from time to time.

**§ 200-52. Powers and duties.\***

The Zoning Board of Appeals shall have the powers and duties prescribed by Article 7 of the Village Law and by this chapter, provided that none of the following provisions shall be deemed to limit any power of the Zoning Board of Appeals that is conferred by Village Law.

- A. **Interpretation.** Upon appeal from an order, requirement, decision or determination made by an administrative official, Code Enforcement Officer, administrative officer or upon the written request by an official board or agency of the Village to decide any of the following questions:
  - (1) Determination of the meaning of any portion of the text in this chapter or of any condition or requirement specified or made under the provision of this chapter.
  - (2) Determination of the exact location of any district boundary shown on the Zoning Map.
  - (3) Determination that a use not specifically listed in any district established by this chapter is a similar use to those enumerated in a specific district.
- B. **Appeals.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error or misinterpretation in any order, requirements, decision or determination by the administrative officer or other such official charged with enforcement of this chapter.
  - (1) **Use Variances.**
    - a. The Zoning Board of Appeals, upon appeal from the decision or determination of the administrative officer charged with the enforcement of this chapter, shall have the power to grant use variances, as defined herein.

- b. No such use variance shall be granted by the Zoning 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 Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located.
  - i. That the Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - ii. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

\*Amended 6-7-2011; Local Law #1-2011

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- iii. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - iv. That the alleged hardship has not been self-created
- c. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**(2) Area variances**

- a. The Zoning Board of Appeals, upon appeal from a decision or determination of the administrative official charged with the enforcement of this chapter, shall have the power to grant area variances as defined herein.
- b. In making its determination, the Zoning 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:

- i. 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;
- ii. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- iii. Whether the requested area variance is substantial;
- iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- v. 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.

C. **Special Permits.** The Zoning board of Appeals shall have the power to grant Special Permits in accordance with Article XII of this chapter.

D. **Imposition of conditions.** The Zoning Board of Appeals, in the granting of interpretations, use variances, area variances, and Special Permits, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

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E. **Recommendation of the Planning Board.** Prior to a public hearing, every such interpretation, appeal and variance request shall be referred by the Zoning Board of Appeals to the Planning Board for a recommendation. The Planning Board's recommendation will be based on the granting of the interpretation, appeal or variance and its impact on

the surrounding neighborhood, the community's health, safety and welfare and consistency with the comprehensive plan.

- F. **County zoning referrals.** In accordance with the New York State General Municipal law §239-1, m, or n, before taking final action on any proposed action required to be referred under §239-1, m, or n, the Zoning Board of Appeals shall refer the proposed action to the Broome County Planning Department for recommendation.

ARTICLE X.A  
**Planning Board**

**§ 200-52.A Creation, appointments and organization**

- (1) The Planning Board shall consist of five members appointed by the Mayor, subject to the approval of the Village Board of Trustees. The members of the Planning Board, as now constituted, shall continue in office until the expiration of their present terms. Thereafter, their successors shall be appointed for five-year terms in accordance with the New York State Village Law, so that one term shall expire at the end of each successive official year. If a vacancy shall occur otherwise than by expiration of a term, the Mayor shall appoint the new member for the unexpired term.
- (2) The Chairperson shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees. In the absence of a chairperson, the Planning Board may designate a member to serve as chairperson.
- (3) **Alternate Members.** The Village Board of Trustees hereby establishes the position of alternate Planning Board member, for the purpose of substituting for a regular member in the event of a conflict of interest or because of illness or an extended absence of more than four months in one calendar year. Alternate Planning Board members shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees, for three-year terms. When so appointed, an alternate Planning Board member shall possess all of the powers and responsibilities of a regular Planning Board member.
- (4) **Training.** Each Planning Board member shall complete training requirements as established by resolution of the Village Board of Trustees, as amended from time to time.

**§ 200-52.B Power and duties**

- (1) Referrals.
  - (a) Zoning referrals. All matters requiring referral by statute, ordinance or local law shall be so referred to the Planning Board for its recommendations. Within a reasonable time as specified by law or by the referring body after receipt of a full statement of the referred matter, the Planning Board shall report its recommendations to the referring body, with a full statement of its reasons for such recommendations. If the Planning Board fails to respond within the prescribed time, the referring body may act without such report.
  - (b) County zoning referrals. IN accordance with the New York State General Municipal Law §239-l, m, and n, before taking final action on any proposed action required to be referred under §239-l, m, and n, the Planning Board shall refer the recommendation.

**§ 200-52.C Rules of Procedure.**

The Planning Board shall adopt rules and regulations for the conduct of its business, consistent with statute and with this Article. In addition to all of the powers and duties conferred upon the Planning Board by the New York State Village Law, the Planning Board shall have the following powers and duties:

- (1) The Chairperson of the Planning Board shall schedule all meetings of the Planning Board.
- (2) The Chairperson of the Planning Board may administer oaths and compel the attendance of witnesses in the manner and to the extent permitted by law.
- (3) The Planning Board may seek recommendations from other agencies as it deems appropriate.
- (4) The Planning Board shall conduct its meeting and public hearings in accordance with the New York State Public Officers Law, known as the “Open Meetings Law.”



- (5) All applications subject to review by the Planning Board shall be in writing shall be accompanied by a fee as shall be set from time to time by resolution of the Village Board of Trustees.
- (6) The Planning Board shall give notice to adjacent municipalities of any public hearing that may be required on an application for a special use permit, site plan review, or subdivision, if the property is located within 500 feet of the adjacent municipality, in accordance with §239-nn of the General Municipal Law. Notice shall be provided by first class mail or by email, at least 10 days prior to such public hearing.
- (7) The decisions of the Planning Board shall include findings supporting its decisions. The findings of the Planning Board may be based on evidence submitted or on personal knowledge of the Planning Board members, after a thorough review of the application and consideration of all of the evidence, including public comment, if required, and after a personal inspection of the parcel in question.

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- (8) The Planning Board shall comply with the requirements of the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations
- (9) The decisions of the Planning Board shall be filed in the office of the Village Clerk within five (5) business days after the decision is rendered and a copy shall be mailed to the applicant.

## ARTICLE XI

### **Amendments; Penalties for Offenses.**

#### **§ 200-53. Amendments.**

A. The Village Board may from time to time, on its own motion, or on petition or on recommendations of the Planning Board, amend, supplement or repeal the regulations and provisions of this chapter.

B. Every such proposed amendment or change, whether initiated by the Village Board or by petition, shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for.

C. The Village Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as follows:

(1) By publishing a notice once a week for two (2) consecutive weeks in at least one (1) newspaper of general circulation in the village.

(2) By mailing a notice thereof to every association of residents of the village which shall have registered its name and address for this purpose with the Village Clerk. The notice shall state the general nature of the proposed amendment as well as the text.

D. Whenever the owner of fifty percent (50%) or more of the street frontage in any district or any specified part thereof shall present to the Village Board a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for the Zoning Map, including said district or specified part thereof, it shall be the duty of the Village Board to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed above.

E. Any proposed amendment shall be submitted to the Planning Board for report and recommendation prior to any action thereon by the Village Board. If the Planning Board recommends against the enactment of any proposed amendment or a protest is lodged as described in § 179 of the Village Law, the amendment shall become effective only by a favorable vote of three-fourths (3/4) of the members of the Village Board as provided in § 179 of the Village law.

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**§ 200-54. Penalties for offenses.**

Any violation of this chapter is punishable by a fine set forth in Appendix C of the Code of the Village of Windsor containing the list of Fines and Penalties for the Village or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation. A first violation shall be deemed to have occurred

from the date of written notification of violation issued by the administrative officer, or from such date as may be designated in such written notice.\*

**§ 200-55. Complaints of violations.**

Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the administrative officer, or other enforcing officer, who shall properly record such complaint and immediately investigate any report thereof.

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\* Amended 9/4/2001; L.L.5-2001

**ARTICLE XII  
Special Permits**

**§ 200-56. Special Permits Authorized.**

The Zoning Board of Appeals is hereby authorized to issue Special Permits, hereby defined as an authorization of a particular land use which is expressly authorized elsewhere in this chapter, subject to the following standards, to assure that the proposed use is in harmony with this chapter and will not adversely affect the neighborhood if such standards are met. The terms “special permit,” “special use permit,” and “special permit use” shall all be deemed to mean Special Permit in accordance with this Article.

**A. Procedure.**

- (1) The Zoning Board of Appeals shall act in strict accordance with procedures specified by the Village Law and this chapter. Every application shall refer to the specific authorizing provisions of this chapter. The application for a Special Permit will fully document the reasons why a Special Permit is being requested.
- (2) The Zoning Board of Appeals may issue a Special Permit only after referral to the Planning Board for its recommendation, receipt of its report and after a public hearing has been held. At least thirty (30) days before the date of any public hearing, the Zoning Board of Appeals shall transmit to the Planning Board a copy of the application and notice of hearing. The Planning Board shall submit a report of its advisory opinion to the Zoning Board of Appeals. Failure of the Planning Board to submit a report shall be deemed a recommendation of approval.

- (3) Public hearing and decision on Special Permits. The Zoning Board of Appeals shall conduct a public hearing within sixty-two (62) days from the day an application is received on any meter referred to it under this section. Public notice of said hearing shall be printed in one newspaper of general circulation in the Village at least five (5) days prior to the date thereof. The Zoning Board of Appeals shall decide upon the application with sixty-two (62) days after the hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Zoning Board of Appeals on the application after the holding of the public hearing shall be filed in the office of the Village Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.
- B. Standards. The Zoning Board of Appeals may issue a Special Permit only after it has found that all of the following standards and conditions have been satisfied.
- (1) The location, size and use of, and the structure, nature and intensity of operations involved and the size of the site in relation to it, and the location of the site with respect to streets giving access are such that it will be in harmony with orderly development of the district.
  - (2) The location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value.
  - (3) The requested Special Permit shall not conflict with any Comprehensive Plan.
  - (4) Operations connected with any Special Permit shall not be more objectionable to nearby properties than would be operations of any permitted use.
  - (5) No Special Permit shall be issued for a use on a property where there is an existing violation of these regulations.

- (6) The Zoning Board of Appeals may recommend that additional standards be imposed on a Special Permit to provide adequate safeguards to protect the health, safety, morals and general welfare of the public and for preservation of the general character of the neighborhood in which such proposed special use is to be placed to minimize possible detrimental effects of the Special Permit use on adjacent property.
  
- (7) Conditions attached to the issuance of Special Permits. The Zoning Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Special Permit. Upon its granting of said Special Permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village.