

ARTICLE I **INTENT AND PURPOSE**

SECTION 100 **LEGISLATIVE INTENT**

This Zoning Law is intended to promote the orderly development of the Village of Alexander, Genesee County, New York in accordance with the laws of the State of New York.

SECTION 101 **ENACTING AND SUPERCEDING CLAUSE**

Local Law No. 2 of 1975, a Local Law to establish a “Zoning Law of the Village of Alexander”, with all amendments and changes thereto are hereby repealed and declared to be of no effect. Said “Zoning Law” is henceforth replaced by this Zoning Law.

SECTION 102 **PURPOSE**

The purpose of the Zoning Law is to protect the health, safety and welfare of the community by regulating the use of land in a manner that protects the civic vitality of the community from nuisances or other adverse environmental impacts including noise, water and air pollution, visual blight and contextually inappropriate development. To maintain the value and character of residential neighborhoods, commercial shopping areas and industrial enterprises, the Village of Alexander is divided into Zoning Districts that restrict the types of land uses allowed in each District. In such districts only certain land uses shall be allowed, and in addition, distance and site design standards for the placement of new buildings, structures or improvements shall be required and maintained to protect the public health, safety and welfare and enhance the quality and enjoyment of public streets and neighborhoods.

SECTION 103 **NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

No provision of this Zoning Law shall be construed to repeal, modify or constitute an alternative to the New York State Uniform Fire Prevention and Building Code (hereafter referred to as the Uniform Code) or its successor. Village residents and other individuals using these zoning regulations should make sure they refer to the Uniform Code in order to determine its applicability to their specific project.

SECTION 104 **APPLICATION OF REGULATIONS**

No building or sign shall be erected, constructed, moved, altered, rebuilt or enlarged, nor shall any land, water or building be used, designed or arranged to be used for any purpose except in conformity with this Zoning Law, with the exception of the performance of necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical, heating or ventilation systems. Such necessary repairs may include, for example, the replacement of siding and roofing materials.

In interpreting and applying this Zoning Law, the requirements contained herein are declared

to be the minimum requirements for the protection and promotion of the public health, safety, morals and general welfare. This Zoning Law shall not be deemed to affect, in any manner whatsoever, any easements, covenants or other agreements between parties provided. However, that where this Zoning Law imposes a greater restriction upon the use of buildings or land, or upon the creation, erection, construction, establishment, moving, alterations or enlargement of buildings than are imposed by other ordinances, rules, regulations, licenses, certificates or other authorizations, or by easements, or covenants, or agreements, then the provisions of this Zoning Law shall prevail.

This Zoning Law shall not apply to uses of land which were legal prior to the adoption of this Local Law, whether conforming or not. Nothing contained herein shall require any change in plans or construction of a building for which a building/zoning permit has been issued. All buildings under construction at the time this Zoning Law is adopted shall conform to the Zoning Law that was in effect at the time construction was commenced.

SECTION 105 **VALIDITY AND SEPARABILITY**

If any clause, sentence, paragraph, section or part of this Zoning Law shall be judged by any court to be invalid or void, such judgment shall not impair or invalidate the remainder of the Zoning Law.

SECTION 106 **DEFINITIONS**

Definitions. For the purpose of this Zoning Law the terms used herein are defined as follows:

Accessory Apartment: A dwelling unit added onto, created within, or on the same lot as a principle single-family residential home or commercial building.

Accessory Building: A building, subordinate to the principal building on a lot and used for purposes customarily incidental to the main building such as a garage or storage shed.

Accessory Structure: A structure, the use of which is incidental to the primary use of the main structure and which is located on the same lot. Accessory structures include but are not limited to portable, demountable or permanent enclosures, shade structures, fences, and carports.

Accessory Use: A land use customarily incidental and subordinate to the principal use of buildings or land, and located on the same lot.

Addition: A structure added to an original structure at some time after the completion of the original.

Adult Care: The provision of temporary or long term residential care and services to adults who, though not requiring continual medical or nursing care as provided by facilities licensed or operated pursuant to Article 28 of the Public Health Law or Articles 19, 23, 29, and 31 of the Mental Hygiene Law, are, by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, unable or substantially unable to live independently.

Adult Care Facility: A facility other than a Family Type Home, which provides adult care. For the purposes of this Zoning Law an Adult Care Facility shall include the following: adult home, enriched housing program, residence for adults, shelter for adults, public home and private proprietary adult-care facility as defined by NYS Department of Social Services Chapter II, Subchapter D, Part 485.

Adult Use: An establishment consisting of, including, or having the characteristic of any or all of the following: Adult bookstore, adult cabaret, adult mini motion picture theater, or adult motion picture theatre. *See also Section 400 Adult Uses for additional definitions.*

Alley: A service roadway providing a secondary means of public access to abutting property, not intended for general traffic circulation.

Alteration: Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in windows, doors, means of ingress and egress or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amusement Game: Any mechanical, electric or electronic device used or designated to be

operated for entertainment or as a game by the insertion of a coin, slug, token, plate, disc, key or any other article into a slot, crevice, or other opening or by paying money to have it activated. Not included are rides, bowling alleys, any device maintained within a residence for the not-for-profit use of occupants thereof and their guests, any gambling device, or jukeboxes.

Animal Hospital: An establishment for the medical and/or surgical care of sick or injured animals.

Animal Shelter: Building or land used for the temporary harboring of stray or homeless dogs, cats, and other similar household pets, together with facilities for the provision of necessary veterinary care and adoption of the harbored animals.

Animal Waste Storage Facility: Any building, structure, pond, lagoon or yard for the bulk storage of animal waste for eventual removal and/or dispersion.

Antenna: An arrangement of wires or metal rods used in transmitting or receiving electromagnetic waves.

Applicant: Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the Village Planning Board or Village Board to approve a development.

Arcade: Any establishment having three (3) or more video or pinball games.

Area of Special Flood Hazard: Land subject to a one percent (1%) or greater chance of flooding in any given year, and part of Zone A on the Federal Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM).

Area Variance: The authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of this Zoning Law.

Automobile Service Station: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, cleaning or servicing such motor vehicles.

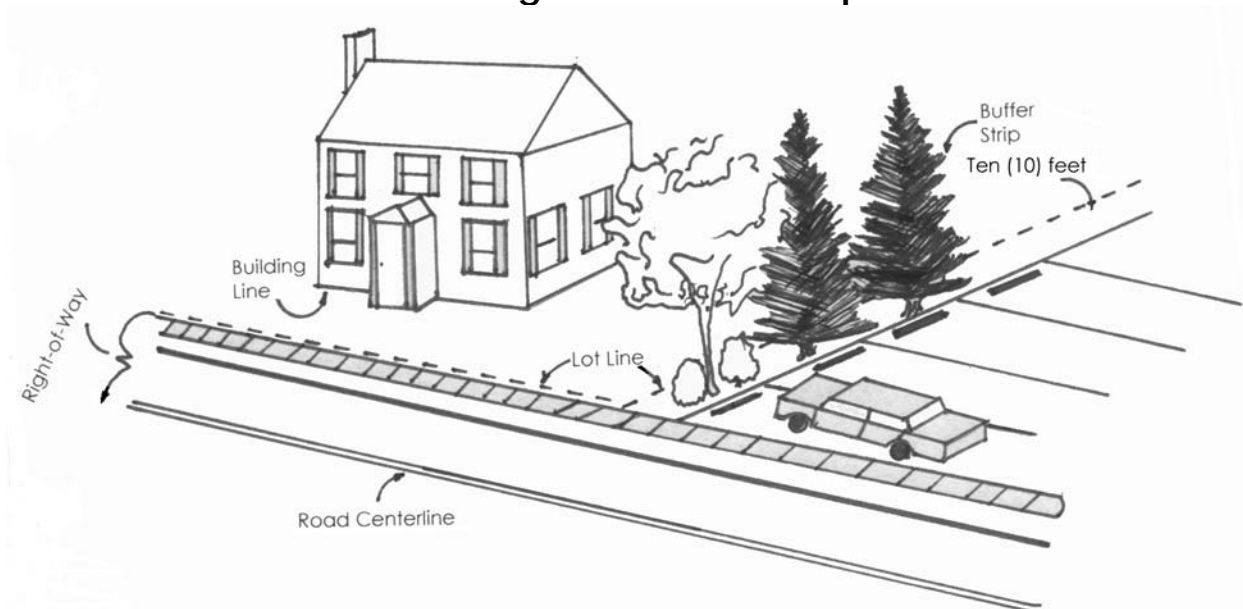
Bed and Breakfast: An owner-occupied one-family dwelling in which a room or rooms are rented on a nightly basis for periods of less than two (2) weeks. Meals may or may not be provided.

Bioremediation: The use of a bioremediation process for the treatment of petroleum contaminated soils.

Boarding House: Owner-occupied dwelling wherein more than three (3) non-related, non-transient people are sheltered for profit.

Buffer Strip: A continuous strip of trees and/or shrubs, an elevated berm or a combination of both, of not less than ten (10) feet in depth and not less than three (3) feet in height, densely planted to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, fumes, dust, smoke, noise or other noxious or objectionable elements. (Illustrated in Figure A – Buffer Strip, pg. 5).

Figure A – Buffer Strip

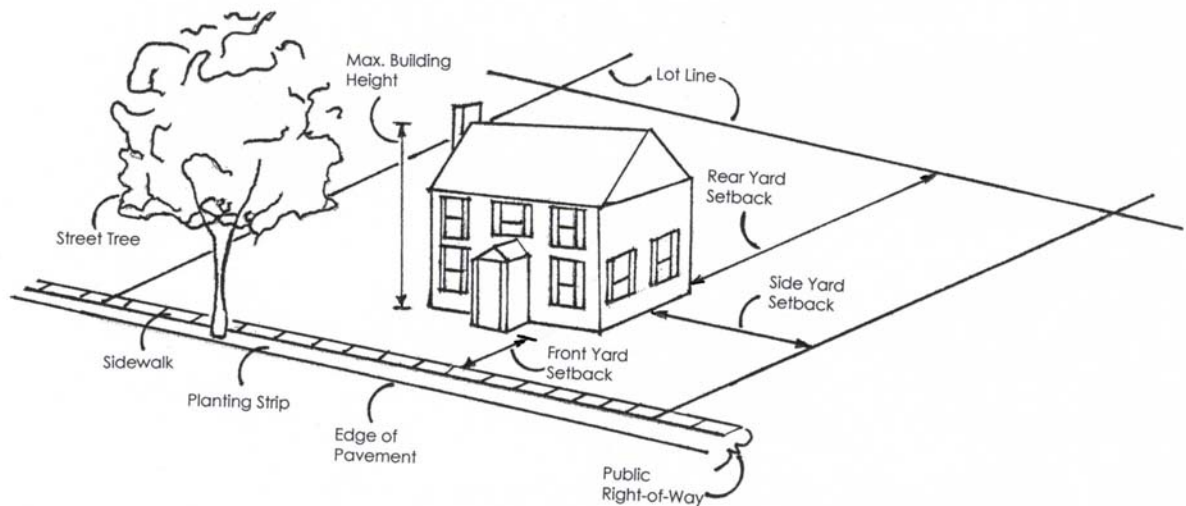


Building: Any structure having a roof supported by columns, piers or walls, including tents, lunch wagons, and trailers and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Area: The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

Building Height: The vertical dimension measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck-line of a mansard roof, or to the highest point of the ridge-line for other roofs. (Illustrated in Figure B – Yard Definitions, pg. 6).

Figure B – Yard Definitions



Building Line: A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line. (Illustrated in Figure A - Buffer Strip, pg. 5).

Building Permit: A permit issued by the Zoning Enforcement Officer, stating that plans for the proposed construction of a building are in conformance with the New York State Uniform Fire Prevention and Building Code.

Business Services: Printing, mailing and courier services, office equipment sales and service, and office supply sales and service.

Carport: A sheltering structure for vehicles that is open on two (2) or three (3) sides.

Centerline: The line marking the center of a road or right of way that is equidistant from the outmost edges of pavement or the right of way. (Illustrated in Figure A – Buffer Strip, pg. 5).

Certificate of Zoning Compliance: A certificate issued by the Zoning Enforcement Officer upon completion of construction, alteration or change in occupancy or use of a building or land. Said certificate shall acknowledge compliance with all the requirements of this Zoning Law only and such adjustment thereto granted by the Board of Appeals and/or the Planning Board.

Certificate of Occupancy: A certificate issued by the Building Inspector upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall

acknowledge compliance with all the requirements of the New York State Uniform Fire Prevention and Building Code.

Child Day Care Center: Shall mean a program or facility in which child day care is provided on a regular basis to children for compensation or otherwise by someone other than the parent, stepparent, guardian or relative within the third degree of consanguinity (blood relationship) of the parents or stepparents of such child. This definition does not include programs operating as a group family day care home, a family day care home, or school-age child care program as defined in this Section or any of the following:

- (1) A summer day camp, traveling summer day camp or children's overnight camp as defined in the State Sanitary Code;
- (2) A program for school-age children operated solely for the purpose of religious education, sports, classes, lessons or recreation;
- (3) A facility providing day services under an operating certificate issued by the NYS Department of Social Services;
- (4) A facility providing day treatment under an operating certificate issued by the Office of Mental Health or by the Office of Mental Retardation and Developmental Disabilities; or
- (5) A kindergarten, pre-kindergarten or nursery school for children three (3) years of age or older, or a program for school-age children three (3) years of age or older, or a program for school-age children conducted during non-school hours, operated by a public school district or by a private school or academy which is providing elementary or secondary education or both in accordance with the compulsory education requirements of the Education Law, provided that such kindergarten, pre-kindergarten, nursery school or program is located on the premises or campus where the elementary or secondary education is provided.

Club: A group of persons organized in accordance with the Not-For-Profit Corporation Law for social and/or recreational purposes. Fish and game clubs are an example of a club.

Cluster Development: A development of residential lots, each containing less area than the minimum lot area required for the zone within which such development occurs, while maintaining the overall density limitation imposed by said minimum lot area through the provision of open space as part of the site development plan.

Commercial Communication Tower: A structure, including one or more antennas, that is intended for transmitting and/or receiving radio, television, telephone or microwave communications but excluding those used either for fire, police and other dispatch communications, or exclusively for private radio and television reception.

Commercial Storage Building and Self Storage Facility: A building or structure, either divided or undivided, used for the temporary storage of tangible residential or commercial goods operated as a for-profit enterprise, excluding a warehouse operated for a specific commercial or industrial manufacturing or processing establishment.

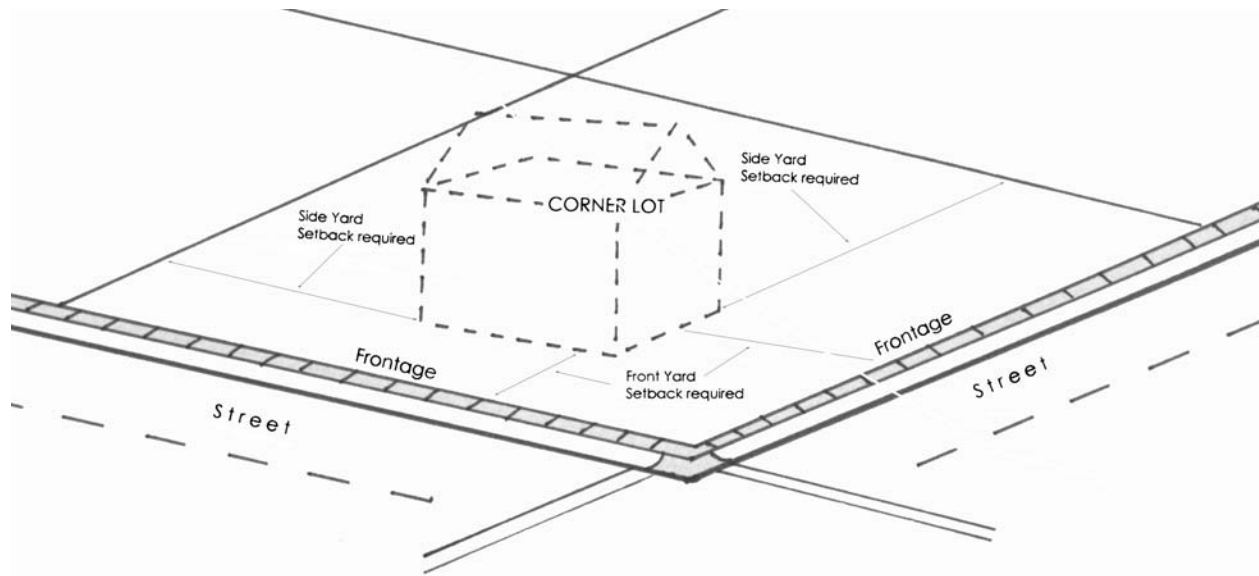
Community Center: Any meeting hall, place of assembly, museum, art gallery or library, not operated primarily for profit.

Community Residence: A supervised community home operated in compliance with the New York State Mental Hygiene Law that houses not more than fourteen (14) individuals and provides client supervision on a 24-hour basis.

Contractor's Yard: Outside storage associated with a business engaged in the construction of buildings and structures, remodeling and repairs to existing buildings and structures, electrical services, plumbing services, excavation and grading services, roofing and siding services, masonry services, paving services, well drilling, sewage disposal system installation and services, and other similar services.

Corner Lot: A parcel of land at the junction of and fronting on two (2) or more intersecting streets or fronting on one street that wraps around two contiguous yard areas to form the appearance of Figure C. (Illustrated in Figure C – Corner Lot, below).

Figure C – Corner Lot



Coverage: That percentage of the lot area covered by the combined area of all buildings or structures on the lot.

Curb Cut: A section of concrete curb that is removed to allow a driveway, access-way, or sidewalk to connect with a public roadway at grade.

Developer: Any person, firm, partnership, association, corporation, company or organization of any kind who or which constructs or proposes to construct one (1) or more highways, drainage facilities, utilities or parks within or in conjunction with a development and to convey or dedicate same to the Village.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, utilities, mining, dredging, filling, grading, paving, excavation, or drilling operations, which would lead to increased flood damage, excluding normal maintenance to farm roads.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste, radioactive, hazardous waste, or wastewater into or on any land or water so that such solid waste, radioactive material, hazardous waste, or wastewater will remain on the land or water and will not be removed.

Disposal Transfer Station: A solid waste management facility, other than a recyclables handling or recovery facility exclusively handling non-spoiling or non-decaying recyclables, that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles and placed in other transportation units for movement to another solid waste management facility.

Domestic Animal: Animals commonly kept as household pets including, but not limited to: dogs, cats, caged birds, rabbits, guinea pigs, non-poisonous snakes, fish, turtles, frogs, mice, and ferrets. Species of animals that are considered harmful or poisonous to humans shall not be considered domestic animals for the purposes of this Zoning Law.

Drainage Facility: All surface water drainage facilities, including, but not limited to, detention and retention basins, storm sewers and their appurtenances, drainage swales and ditches, and any easements through or over which said facilities may be constructed or installed in or in connection with a development.

Drive-In Service: Building or use where a product is sold to, or a service performed for customers while they are in their motor vehicle including but not limited to, fast food restaurants, drive-up bank tellers, film processing service booths, car washes, or drive-in theatres.

Dwelling: A detached building designed or used exclusively as living quarters for one (1) or more families; the term shall not be deemed to include motel, boarding or rooming house, mobile home, recreation vehicle, tourist home or tent.

Dwelling Unit: One (1) or more rooms providing living facilities for one (1) family, including equipment for cooking and provisions for the same and necessary sanitary facilities. *See also "One Family Dwelling", "Two Family Dwelling", or "Multi-Family Dwelling".*

Educational Institution, Private: Any non-public school or other organization or institution conducting a regularly scheduled curriculum of study similar to that of the public schools and operated under the Education Law of New York State and recognized by the appropriate educational authorities.

Electro-Chemical Battery: A fuel cell providing voltage through an electro chemical reaction,

including car and motorcycle batteries.

Entertainment Services: Indoor or outdoor movie theatres, stage theatres, libraries, museums, art galleries, sports venues, bars, saloons, or taverns, performance clubs with live musicians, private clubs, arts and crafts studios, dance studios, arcades, and health clubs.

Factory Manufactured Home or Modular Home: Factory-manufactured home structures or components designed for residential occupancy, constructed by a method or system of construction whereby the structure or component is wholly or in substantial part manufactured in a manufacturing facility and is intended for permanent installation on a building site. Factory-manufactured homes shall be deemed to be one (1) or two (2) family dwellings.

Family: One (1) or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.

Family Day Care Home: Shall mean a family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for more than three (3) hours per day per child for three (3) to six (6) children for compensation or otherwise, as provided for under NYS Department of Social Services. An additional two (2) children who are of school-age may be cared for when done in compliance with NYS Department of Social Services regulations. The name, description or form of the entity which operates a family day care home does not affect its status as a family day care home. For the purposes of this Zoning Law, a family day care home shall be considered an accessory use to a one (1) family dwelling.

Family-Type Home: Adult care operated and provided for the purpose of providing long-term residential care, room, board and personal care, and/or supervision to four (4) or fewer adult persons unrelated to the operator. For the purposes of this Zoning Law a family-type home shall be considered a home occupation.

Farm: The use of a minimum of ten (10) acres of land for agricultural purposes including tilling of the soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, viticulture, forestry, animal or poultry husbandry and the necessary accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Farm Animal: Any fowl, hoofed animals, species of cattle, sheep, swine, goats, llamas, horse or fur-bearing animals such as beaver, bobcat, coyote, raccoon, sable or marten, skunk, otter, fisher, nutria or muskrat, which are raised for commercial or subsistence purposes. Fur-bearing animals shall not include domestic household pets (for example rabbits, ferrets, dogs or cats).

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal, plantings or any other manufactured material or combination of materials. Fences shall also include dense hedges, plantings or bushes that act as a barrier.

Floor Area of a Building: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding basement or cellar floor areas and not devoted to habitable use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor Lowest: Lowest level including basement, cellar, crawl space, or garage of lowest enclosed area.

Frontage: The extent of a building or a lot along public streets as defined herein. (Illustrated in Figure C – Corner Lot, pg. 8).

Front Lot Line: In the case of a lot abutting upon only one (1) street, the line separating the lot from the street right-of-way; in the case of a lot abutting more than one street, each street line shall be considered a front lot line.

Front Yard: An open, unoccupied space on the same lot as the principal building, extending the full width of the lot and situated between the edge of the established right-of-way and the front line of the building projected to the side lines of that lot. Setback line shall be synonymous with the rear limit of the required "front yard area". (Illustrated in Figure B – Yard Definitions, pg. 6).

Garage: A deck, building or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Gasoline Station: Any building or land or any part thereof used for sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing vehicles, but not including painting or body repairs.

Gasoline Station-Market (Convenience Store): A gasoline station which provides a second commercial service such as a restaurant, dairy bar, beverage market, food or grocery market, or a commercial use which provides for gasoline sales. For the purpose of this definition, sales from vending machines are not considered commercial service.

Government Offices: Municipal, county, state and federal offices of the executive, legislative, and judicial branches of government.

Group Family Day Care: Shall mean a family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for more than three (3) hours per day per child for seven (7) to twelve (12) children for compensation or otherwise, as provided for under NYS Department of Social Services. An additional two (2) children who are of school-age may be cared for when done in compliance with NYS Department of Social Services regulations.

Habitable Floor Area: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation or combination thereof. A floor used only for storage purposes is not "habitable".

Hazardous Substance: Any substance listed as a hazardous substance in a 6 NYCRR Part 597, List of Hazardous Substances, or a mixture thereof.

Hazardous Waste: A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous waste, because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed.

Highway: A street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, driveway, overpass and underpass and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders and sidewalks in or in connection with a development.

Home Occupation: An accessory use of a dwelling unit by a resident of the dwelling unit for gainful employment involving the manufacture, provision or sale of goods, and/or services.

In particular, a home occupation may include, but is not limited to, the following: art studio; barber shop/beauty parlors (limited to 2 work stations); cleaning services; contractors; computer programmer; cook; day nursing; direct sale product distribution including Amway, Avon, Tupperware; draftsman; dressmaker or tailor; electrical/radio/television repair; financial planning and investment services; insurance agent; musician; photographer; professional offices of a physician, dentist, lawyer, accountant, engineer or architect; real estate office; teaching or tutoring of no more than two (2) students at one time; telephone answering; upholsterer; school-age child care and family-type home.

However, a home occupation shall not be interpreted to include the following: motor vehicle repair shop, machine shop, welding and fabrication shop, commercial stables and kennels, restaurants or furniture refinishing involving dip tanks or stripping.

Hospital: Hospital, sanitarium, clinic, rest home, nursing home, convalescent home, home for aged, and any place for diagnosis and treatment of human ailments, except a doctor's office.

Indoor Recreation: Includes, but is not limited to, bowling alley, theater, table tennis, and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, arcade, and similar places of indoor recreation.

Interior Lot: A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.

Junk: Shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, scrapped, ruined, dismantled or wrecked motor vehicles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material, tires, lumber, pallets and other wood debris.

Junkyard: Outside storage or deposit, whether in connection with another business or not,

where one or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric, or otherwise. For the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles and/or material defined as junk by this Zoning Law which, taken together equal in volume one hundred (100) cubic feet; a junkyard shall include any land or structure used for collecting, storage, sale or disposal of junk, scrap metal, or other discarded materials. The following conditions do not constitute a junkyard: 1) storage of a single motor vehicle for use on a seasonal basis such as a winter car provided such vehicle is intact, located in other than the front yard, and has a N.Y.S. Motor Vehicle Inspection sticker which was issued within the previous twelve (12) months; and 2) a single motor vehicle offered for sale for a total period of time, consecutive or nonconsecutive, not to exceed thirty (30) days.

Kennel: Building or land used for harboring four or more domestic dogs over six (6) months old.

Light Industrial: The processing, fabrication, assembly or packaging of previously prepared or refined materials.

Lot: A parcel or area of land, the dimensions and extent of which are determined by the latest official records or by the latest approved map of a subdivision of which the lot is a part.

Lot Area: An area of land that is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

Lot Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot Lines: The property lines bounding a zoning lot as defined herein.

Lot of Record: An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of the County Clerk.

Lot Width: The horizontal distance between the side lot lines, measured at right angles to its depth at the street line.

Major Industrial uses: Any Minor industrial uses plus manufacturing, assembly, and processing, business-related offices, indoor or outdoor storage of manufacturing, assembly or construction materials, chemical manufacturing, oil or petroleum refining, solid waste transfer, mining, stone and gravel refining, plastics manufacturing, heavy equipment and automotive assembly, household goods manufacturing.

Medical facility: A facility for the provision of medical care including treatment of illnesses and/or injury of persons limited to outpatient care.

Minor Industrial uses: Storage and display of garden materials, supplies and plants, wholesale businesses, warehousing, trucking terminals, building materials storage (excluding coke, coal, or fuel oil), building, plumbing or electrical contractors, cold storage plants, grocery, beverage or household goods distributors, baking or food processing (excluding enterprises that emit smoke, vibration, noise, odor or effluent), exterminating and fumigating establishments, research and development laboratories, and household goods assembly.

Mobile Home: A structure, whether occupied or not, transportable in one (1) or more sections, which is built on a permanent, wheeled chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.

Mobile Home Park: A parcel which has been improved for the rental or lease of two (2) or more lots and the provision of services for mobile homes for non-transient residential use.

Modular Home: See Factory Manufactured Home.

Motel/Hotel: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room may be provided within the building or in an accessory building.

Motor Vehicle Service Shop: Any building or structure used for repair, cleaning, servicing of motor vehicles, other than the building's owner, for profit or as part of a commercial operation.

Multi-family Dwelling: A dwelling to accommodate three (3) or more families in separate dwelling units, including apartment houses and flats.

Non-Conforming Lot: A lot of record legally existing at the date of the passage of this Zoning Law which does not have the minimum frontage or contain the minimum area for the zone in which it is located.

Non-Conforming Use: A use of a building or of land that does not conform to the regulations as to use and area in the district in which it is situated, which was lawful under any applicable preceding ordinances or laws at the time the use was established, or if established before 1975 was lawful before such date and in either event has not been extended after becoming a nonconforming use or otherwise been rendered an illegal use pursuant to provisions of any prior law or ordinance.

Nursery - Any place used commercially as a garden for the open cultivation and growing of trees, shrubs and other plants, including the replanting of said plants grown at places other than the nursery, exclusive of retail sales.

Nursing Home: An extended or intermediate care facility licensed or approved to provide

full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

One Family Dwelling: A dwelling containing one (1) dwelling unit only. Factory-manufactured homes shall be considered one (1) family dwellings.

Outdoor Recreation: Includes, but is not limited to, golf courses; golf driving range; trap, skeet, and archery range; swimming pool; skating rink; tennis court; recreation stadium; baseball and softball fields; skiing facility; hunting preserve; ATV trails or tracks; camping and campgrounds; public performance venue; and other similar places of outdoor recreation.

Outdoor Solid Fuel Burning Device: A solid fuel burning device designed and intended for installation outside of the primary building on a lot, and used to produce heat for transfer to the primary or accessory building(s) on such lot.

Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Park: An area of land located within a development which is open to the public and devoted to active or passive recreation.

Parking Space: An off-street space available for the parking of one (1) motor vehicle on a transient basis and having a width of nine (9) feet, and an area of not less than one hundred thirty-five (135) square feet, exclusive of passageways and driveways, and having access to a street. Handicapped parking spaces may be larger and therefore require more space; however, regardless of their size, such space shall constitute a single parking space.

Patio/Deck: A level landscaped, and/or surfaced area directly adjacent to a principal building at finished grade and not covered by a permanent roof, excluding sidewalks and/or driveways.

Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her apparel including barbers, hairstylists, beauty salons, dry cleaning or laundry, tailoring, funeral homes, jewelry repair, shoe repair, florists, nurseries, pre-schools, hospitals, schools, family care or group homes, banks or financial offices, domestic animal grooming, or mortuaries.

Petroleum-based Product: A product containing at least 25% petroleum oil, either refined or unrefined, used for the lubrication, fueling and/or mechanical operation of an internal combustion engine, electrical turbine, or other mechanical device.

Planning Board: That Board appointed by the Village Board to carry out the provisions of

New York Village Law.

Planting Strip: A portion of a public right-of-way dividing a roadway from a sidewalk or private property. Used for snow storage, the planting of street side shade trees, or locating fire hydrants. (Illustrated in Figure B – Yard Definitions, pg. 6).

Ponds: A manmade body of water other than a swimming pool, greater than two (2) feet in depth.

Principle Building: A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

Principle Use: The main or principal use for which a building or lot is to be used.

Professional Office - An office used by a duly New York State licensed/registered architect, attorney, dentist, certified counselor, certified public account (CPA), chiropractor, engineer, insurance broker or salesman, massage therapist, optometrist, physician or surgeon, physical therapist, psychologist, real estate broker or salesperson, surveyor, teacher or veterinarian.

Public Utility - Telephone, electric, gas and cable television, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer station; and all other facilities; equipment and structures necessary for conducting a service by a government or a public utility.

Rear Lot Line: The lot line that is generally opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

Rear Yard: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building on the same lot. The depth of a rear yard shall be measured at right angles to the rear line of the lot, or if the lot is not rectangular, then in the general direction of its side building lines. (Illustrated in Figure B – Yard Definitions, pg. 6).

Recreational Vehicle: A unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own power or is mounted on or drawn by a motor vehicle (*see also Sport Recreational Vehicle*). The basic entities are:

- A. Travel Trailer: A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motor vehicle.
- B. Camp Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by a motor vehicle.
- C. Truck Camper: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two (2) basic types:
 1. Slide-in camper: A portable unit designed to be loaded onto and

- unloaded from the bed of a pickup truck.
2. Chassis-mount camper: A portable unit designed to be affixed to a truck chassis.

D. Motor Home: A vehicular unit built on a self-propelled motor vehicle chassis.

Recyclables Handling and Recovery Facility: Recyclables handling and recovery facility means a solid waste management facility, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream, or at which previously separated recyclables are collected and which is regulated by 6 NYCRR Part 360.

Religious Institution: Church, temple, parish house, convent, seminary and retreat house.

Residential Care Facility: A residential facility operated by either a public or private agency and regulated by the NYS Department of Social Services, exercising custody of dependent, neglected, abused, maltreated, abandoned or delinquent children, homes or shelters for unmarried mothers, residential programs for victims of domestic violence, or adult care facilities.

Restaurant: Any establishment, however designed, at which food is sold for consumption on the premises or taken off the premises. A snack bar or refreshment stand at a public or semi-public swimming pool, playground, play field or park operated by the agency or group of an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

Retail Store/Service: Stores for sale of retail goods and services including grocery, pharmacy and drug stores, confectioners, meat and fish markets, dairy products stores, bakeries, tobacco stores, newsstands, bars, restaurants and eating establishments (seating on premises), amusement and recreation, durable household goods, non-durable household services, and auto rental offices. Antique Stores, appliance stores including auto accessories, radios and televisions, artists studio and art store, bakery, ice cream and soft drink sales, sporting goods, clothing and clothing accessories, gifts and stationery stores. This definition shall not apply to gasoline stations or station markets (See pg. 11).

Right Of Way: A strip of land acquired by reservation, dedication, NYS Eminent Domain Procedure Law or condemnation intended to be occupied by a road, sidewalk, railroad, crosswalk, utility transmission or distribution lines, sanitary and storm water sewer pipes or water pipes. (Illustrated in Figures A and B, pgs. 5 & 6.)

Roadside Stand: A temporary and movable structure located on the owner's property utilized during the harvest season for the sale of agricultural products grown primarily by the owner.

Satellite Dish: A structure which is designed and/or intended to receive, relay or send television signals to or from orbiting satellites.

School: Parochial, private and public school, college, university and accessory uses operated in compliance with the Education Law of the State of New York and recognized by the appropriate

educational authorities; and shall exclude commercially operated schools of beauty, culture, business, dancing, driving, music and similar establishment.

School-Age Child Care Program: Care provided on a regular basis to more than six (6) school-age children under 13 years of age or who are incapable of caring for themselves where such children attend a school higher than kindergarten or attend full day (at least 6 hours) kindergarten at a public or private school whether such care is provided for compensation or otherwise.

Shopping Center: A group of businesses occupying adjoining structures, having adequate space for loading and unloading and adequate off-street parking.

Side Lot Line: The property line or lines extending from the front lot line to the rear lot line.

Side Yard: An open, unoccupied space between the side line of the lot and the nearest line of the building. It shall extend from the front yard to the rear yard, or in the absence of either, to the street or rear lot line, as the case may be. The width of a side yard shall be measured at right angles to the side lot line. (Illustrated in Figure B – Yard Definitions, pg. 6).

Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (Illustrated in Figure D – Sight Triangle, below).

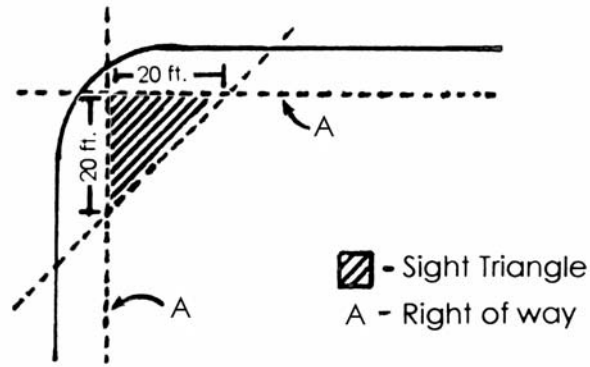


Figure D – Sight Triangle

Sign - Any object, device, display, structure, or part thereof situated indoors or outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. (Types of signs are illustrated in Figure E – Signs, pg. 19).

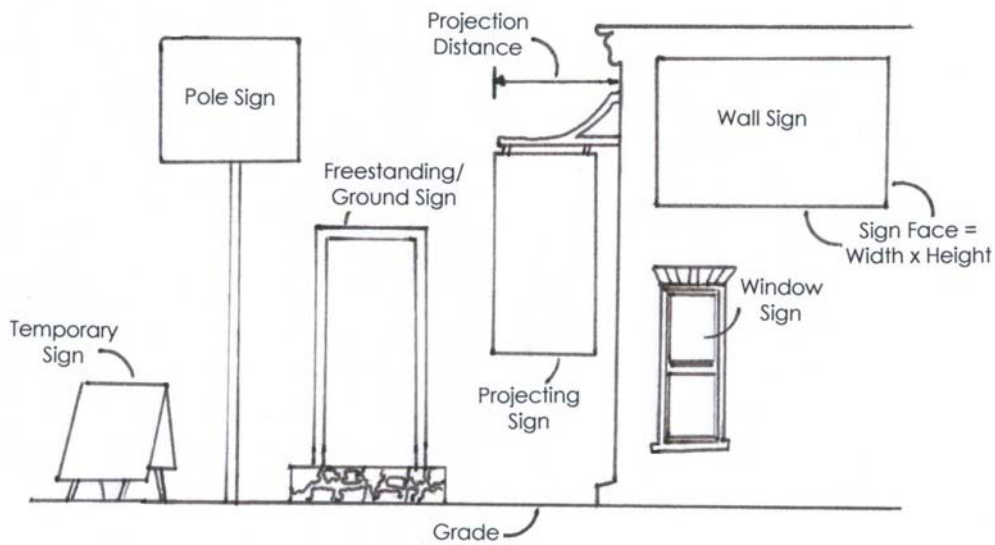


Figure E. Signs

Site Plan: A rendering, drawing or sketch prepared to specifications containing necessary elements, as set forth in this Zoning Law, which shows the arrangement, lay-out and design of the proposed use of a single parcel of land as shown on such plan. Plats showing lot, blocks or sites which are subject to review under Section 7-728 of NYS Village Law and/or any local laws of the Village of Alexander regulating the division of property shall not be subject to review, as site plans under this Zoning Law, unless a zoning application is submitted.

Skilled Trade Shop: A shop where an individual involved in a skilled building trade including a carpenter, plumber, electrician that assembles custom fixtures, cabinet, or other mechanical devices or apparatus for installation by him or herself at a job site location. No retail sales of materials and/or products directly to the public shall be allowed on site.

Small Engine Repair Shop: The repair, storage and refurbishing of motorized equipment or vehicles for commercial gain, other than automobiles, motorcycles and trucks, including all-terrain vehicles, lawnmowers, lawn tractors, mopeds, or any other item powered under an internal combustion engine or electric cell technology.

Special Use Permit: A specifically designated use that would not be appropriate generally without restriction in a zoning district, but which, if controlled as to number, area, location, relation to the neighborhood, or otherwise, in the opinion of the Planning Board, promotes the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity and/or the general welfare.

Sport Recreation Vehicle: Motor vehicles for personal use by occupants of a household. examples of recreational vehicles shall include motorcycles, all terrain vehicles (ATV's), snowmobiles and boats.

Stabling of Agricultural Animals: A concentration of animals, permitted under agricultural use within a building, structure or other defined area for the purpose of housing or feeding.

Street: A public thoroughfare which has been dedicated or deeded to the public use and which has been improved in accordance with municipal standards. (Illustrated in Figure C – Corner Lot, pg. 8).

Street Line: Right-of-way line of a street as dedicated by a deed of record, or if no such deed exists, then by any other record establishing such right-of-way line of a street.

Structure: A combination of materials to form a construction for use, occupancy or ornamentation, including, but not limited to, buildings, solar collectors, mobile homes, towers, wind energy conversion systems (WECS), antennas, satellite dishes, or gas or liquid storage tanks, that are principally above ground.

Swimming Pool: A structure intended for bathing, swimming or diving purposes, made of concrete, masonry, metal or other impervious materials with a controlled water supply over one

hundred (100) gallons with a depth of greater than two (2) feet.

Temporary Building: A building or structure, other than for residential occupancy, that is erected, constructed or placed upon the premises to exist there for a brief or temporary duration of time not exceeding six (6) months. All other buildings or structures shall be deemed and considered as permanent for the purposes of this Zoning Law.

Temporary Use: An activity conducted for a specified limited period of time that may not otherwise be permitted by the provisions of this Zoning Law. Examples of such uses are buildings incidental to new construction that are removed after the completion of the construction work.

Through Lot: A lot, other than a corner lot, which has frontage on more than one (1) street.

Trailer: Any vehicle which may be towed and used for carrying or storing goods, equipment, machinery, construction materials, snowmobiles, boats, all terrain vehicles (ATV's), motor vehicles or as a site office.

Transportation Services: Those enterprises that are engaged in service to automobiles or railroads including truck stop, hotel and motels, restaurants, gas stations, motor vehicle or recreational sales and service, motor vehicle repair garages, bus terminals, truck parking, and car wash.

Trucking Terminal: An area and building where trucks park, load and unload cargo and freight and where cargo and freight may be broken down into smaller or larger loads for transfer to other vehicles or modes of transportation.

Truck Parking: An area where trucks that carry freight are parked for temporary storage.

Two-Family Dwelling: A dwelling containing two (2) dwelling units only.

Under Story: Low woody plants or other vegetation used for visual screening beneath evergreen or deciduous trees. Bushes and shrubs are typical.

Unregistered Motor Vehicle: A passenger motor vehicle or truck with no current inspection or registration sticker.

Use Variance: The authorization by the Zoning Board of Appeals for use of land for a purpose that is not allowed or is prohibited by this Zoning Law.

Utilities: All water, sanitary sewer, gas, electric, telephone, cable television facilities and any easements through or over which said facilities maybe constructed or installed in or in connection with a development.

Veterinary Facility: A facility for the provision of medical care including treatment of illnesses and/or injury of domestic household pets. Boarding of animals is limited to short-term care

incidental to their treatment.

Village: The Village of Alexander.

Warehouse: A building primarily used for storing goods and materials.

Yard: A required open space located on the same lot as the principal building, unoccupied and unobstructed from ground to sky except for accessory uses and for tree or shrub growth, fences, walls or other encroachments expressly permitted elsewhere in these regulations. (Illustrated in Figure B – Yard Definitions, pg. 6).

Zoning Board of Appeals: That board appointed by the Village Board, specifically to hear all appeals as provided by these regulations and other duties specifically set forth in this Zoning Law or as assigned to it by the Village Board.

Zoning Enforcement Officer: The officially established Zoning Enforcement Officer of the Village of Alexander.

Zoning Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations and minimum yard setbacks.

Zoning Lot: A parcel of land occupied, or to be occupied by a principal use or uses, together with permitted accessory uses, yards and open spaces, having frontage on an officially accepted street and having not less than the minimum area required by these regulations for a lot in the zoning district within which said parcel of land is located. A lot of record may or may not be a "zoning lot".

Zoning Permit: A document issued by the Zoning Enforcement Officer, stating that the purpose for which a building or land is to be used is in conformance with the uses permitted and all other requirements of this Zoning Law.

ARTICLE II

ADMINISTRATION

SECTION 200

CERTIFICATE OF ZONING COMPLIANCE REQUIRED

No land shall be used or occupied and no building or sign hereafter erected, altered, or extended shall be used or changed in use until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer in accordance with the provisions of this Zoning Law. An existing, non-conforming structure, except mobile homes or mobile homes in mobile home parks, built before the adoption of this Zoning Law that is destroyed by fire, natural or man-made disaster may be replaced by an identical structure within one (1) year following its demolition or removal provided that restoration is completed within eighteen (18) months from the date of destruction and its placement on the property, construction dimensions, and the square footage of the building footprint do not deviate from those of the former structure. (*See also Section 300 Non-Conforming Uses*)

SECTION 201 **ENFORCEMENT**

The duty of administering and enforcing the provisions of this Zoning Law is conferred upon the Village's Zoning Enforcement Officer, who shall have such powers conferred upon him or her by this Zoning Law. He or she shall be appointed by the Village Board and may receive compensation as the Village Board shall determine. The Zoning Enforcement Officer may have other and further duties as may be assigned by the Village Board pursuant to this Zoning Law or otherwise.

SECTION 202 **DUTIES OF THE ZONING ENFORCEMENT OFFICER**

A. **Inspection and Review.** It shall be the duty of the Zoning Enforcement Officer, or his or her duly authorized assistants, to examine and/or inspect any plans, buildings or premises to determine that they meet the provisions of this Zoning Law.

The Zoning Enforcement Officer and all his or her duly authorized assistants shall be entitled to enter any building or premises, which includes the internal premises such as a basement or attic, for the purpose of inspection, observation, measurement, testing or records examination in performing his or her duties as set forth in this Zoning Law, and for the further purpose of ascertaining whether the provisions of this Zoning Law are being met. Persons or occupants of premises to be entered shall allow the Zoning Enforcement Officer and/or his or her assistants ready access at all reasonable times to all parts of the premises to carry out the actions specified herein. Where any owner or occupant has security measures in force which would require proper identification and clearance before entry into their premises, the owner or occupant shall make necessary arrangements with their security guards so that upon presentation of suitable identification, authorized personnel from the Village will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

The Zoning Enforcement Officer or any of his or her duly authorized assistants seeking to enter private property pursuant to the provisions of this Zoning Law may enter such property on the consent of the owner or occupant. In the event such consent is denied or if said Zoning Enforcement Officer or assistant determines that it is preferable to obtain a search warrant

without first seeking such consent, said Zoning Enforcement Officer or assistant shall be entitled to obtain a search warrant pursuant to the applicable provisions of law from a court of competent jurisdiction to compel the owner or occupant to permit immediate entry and inspection.

Notwithstanding the provisions contained in the immediately preceding paragraph, in the event an emergency situation exists, the Zoning Enforcement Officer and/or assistants shall be entitled to immediately enter upon any private property for the purposes set forth in this Zoning Law either with or without a search warrant.

B. Violations and Written Orders. Where the Zoning Enforcement Officer, in the course of his or her duties, determines that any plans, buildings or premises are in violation of the provisions of this Zoning Law, he or she shall order the responsible party, in writing through a Notice of Violation, to remedy such conditions within a specified time period in Section 209 Violations and Penalties of this Zoning Law.

C. Revocation of Certificate of Zoning Compliance. A Certificate of Zoning Compliance previously issued for a building or use shall become null and void in the event that the conditions of a Notice of Violation are not met within the specified time period. A new Certificate of Zoning Compliance shall be required for any further use of such building or premises.

D. Records. The Zoning Enforcement Officer shall maintain a permanent record within the office of the Village Clerk of all matters considered and all action taken by him or her. Such records shall form a part of the records of the Village and shall be filed and maintained in the Village Office. A record of all acts and of all notices served by the Zoning Enforcement Officer shall be filed with the Village Clerk within five (5) days. The records to be maintained shall include at least the following:

(1) Property File. Each application for a permit provided for by this Zoning Law shall be maintained in the permanent Property File established at the time the application is made. Said file shall contain one (1) copy of the application and all supporting documents and plans; notations regarding pertinent dates and fees, and the like; as appropriate, one (1) copy of the resolution of the Planning Board and/or Zoning Board of Appeals in acting on the application if such action is required; and the date the permit applied for was issued or denied by the Zoning Enforcement Officer as well as a copy of any permit issued by the Zoning Enforcement Officer and any correspondence sent or received by the Zoning Enforcement Officer regarding such application.

A property file is not required for those actions that are exempt from Site Plan Review as set forth in Section 208 (B.) which includes single family dwellings and their accessory uses and/or buildings.

(2) Annual Report. The Zoning Enforcement Officer shall prepare an annual report for the Village Board. Said report shall cite all actions taken by the Zoning Enforcement Officer, including all referrals to the County Planning Board made by him or her; all permits and certificates issued and denied; all complaints of violations received; all violations found by him or her and the action taken by him or her consequent thereto.

SECTION 203

ISSUANCE OF CERTIFICATE OF ZONING COMPLIANCE

The Zoning Enforcement Officer is hereby empowered to issue a Certificate of Zoning Compliance for any plans regarding the construction or alteration of any building or structures or part of any building, or the change in the use of any land or building or part thereof, where he or she shall determine that such plans are not in violation of the provisions of this Zoning Law. The Certificate of Zoning Compliance shall also be the document to convey approval of a site plan and/or granting of a Temporary Use Permit, Special Use Permit, Use Variance or Area Variance. A Temporary Use Permit shall only be effective for a period not to exceed twelve (12) months. A Temporary Use Permit may be extended by the Zoning Enforcement Officer not more than once for an additional period not to exceed six (6) months.

SECTION 204

CERTIFICATE OF ZONING COMPLIANCE APPLICATION PROCEDURES

A. Application Submittals.

(1) Applicants shall be required to complete an Application For Zoning Permit.

(2) Upon completion, the application must be submitted and accompanied by a layout sketch, drawn to an acceptable scale, showing the shape and dimensions of the lot to be built upon, the size and location of all buildings or structures proposed as well as those that shall remain, the intended use of each building or structure, and any such other information with regard to the lot and neighboring lots, buildings and/or structures as the Zoning Enforcement Officer may in his or her discretion deem necessary to determine and provide for the enforcement of this Zoning Law. The Zoning Enforcement Officer shall carefully consider the application and supporting documents for compliance with this Zoning Law and either issue or deny issuing the Certificate of Zoning Compliance.

(3) If the application is for any non-residential use within the Village, the Zoning Enforcement Officer shall, prior to the issuance of any Certificate of Zoning Compliance, request seven (7) copies of said site plan prepared in accordance with Section 208 C (pg. 29) and refer such plans, drawings and statements to the Planning Board for Site Plan Review, and/or to the Zoning Board of Appeals in the event a variance is needed.

B. Issuance of a Certificate of Zoning Compliance. The Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance only after the site plan, if required, has been approved by the Planning Board and all required Variances and Special Use Permits have been obtained.

C. Completion of Construction. A Certificate of Zoning Compliance shall be void if construction is not substantially completed within a period of one (1) year from the date of said permit. The Zoning Enforcement Officer may issue a six (6) month extension of a permit for good cause shown. Two (2) such extensions of a permit may be allowed.

D. Public Posting of the Certificate of Zoning Compliance. The Certificate of Zoning Compliance shall be located in a place readily visible to the public during construction activities.

SECTION 205 **FEES**

Fees may be charged for hearings and permits issued and for the processing of applications for amendments, Variances, Site Plan Review, Special Use Permits and other administrative and/or enforcement activities. A fee schedule shall be set by the Village Board and may be changed from time to time in the same manner.

SECTION 206 **FEES FOR ENGINEERS AND ATTORNEYS**

A. Intent and Purpose.

In order to protect and safeguard the Village of Alexander, its residents and their property with respect to certain land developments within the Village, all buildings, highways, drainage facilities, sanitary sewer facilities, other utilities and parks within said developments should be designed and constructed in a competent and workmanlike manner. In addition they should be in conformity with all applicable governmental codes, rules and regulations and dedicated and conveyed to the Village in a legally sufficient manner. In order to assure the foregoing, it is essential for the Village to have competent engineers retained by the Village to review and approve plans and designs and make recommendations to the Village Board and Planning Board. Such engineers would inspect the construction of highways, drainage, sewer, other facilities and parks to be dedicated to the Village and recommend their acceptance by the Village. Competent attorneys retained by the Village would negotiate and draft appropriate agreements with developers, obtain, review and approve necessary securities, insurance and other legal documents, review proposed deeds and easements to assure the Village is obtaining good and proper title and to generally represent the Village with respect to legal disputes and issues with respect to developments. The cost of retaining such competent engineers and attorneys should ultimately be paid by those who seek to profit from such developments rather than from general Village funds, which are raised by assessments paid by taxpayers of the Village.

B. Reimbursement of Fees for the Review of Development.

(1) An applicant, for the approval, amendment or extension of a development in the Village that is classified as a subdivision or a Type 1 Action in accordance with the New York State Environmental Quality Review Act, shall reimburse the Village for all reasonable and necessary legal and engineering expenses incurred by the Village in connection with the review and consideration of said application.

(2) A developer who constructs or proposes to construct one (1) or more buildings, highways, drainage facilities, utilities or parks in connection with a subdivision or a Type I Action as

defined by the New York State Environmental Quality Review Act shall reimburse the Village for all reasonable and necessary legal and engineering expenses incurred by the Village in connection with the granting of any building permit and in connection with the inspection and acceptance by the Village of such highways, drainage facilities, utilities and parks and the dedication of same to the Village.

C. Exceptions.

Any subdivision of land into no more than two (2) lots abutting an existing public highway is exempt.

Notwithstanding anything to the contrary contained in this local law, an applicant or developer shall not be required to reimburse the Village for any part of a legal or engineering fee incurred by the Village for services performed in connection with matters, including but not limited to those resulting from complaints by third parties, as to which the Village Board determines the applicant or developer had no responsibility or was beyond the reasonable control of the applicant or developer.

D. Deposit of Funds and Payment of Fees.

(1) Simultaneously with the filing of an application for approval of a development and prior to the commencement of any construction of buildings, highways, drainage facilities, utilities or parks therein the applicant or developer, as the case may be, shall deposit with the Village Clerk a sum of money, which sum shall be used to pay the costs incurred by the Village for engineering and legal services as described in Section 3 of this local law.

(2) Upon receipt of such sums, the Village Clerk shall cause such monies to be placed in a separate non-interest bearing account in the name of the Village and shall keep a separate record of all such monies so deposited and the name of the applicant or developer and project for which such sums were deposited.

(3) Upon receipt and approval by the Village Board of itemized vouchers from an engineer and/or attorney for services rendered on behalf of the Village pertaining to the development, the Village Clerk shall cause such vouchers to be paid out of the monies so deposited, and shall furnish copies of such vouchers to the applicant or developer at the same time such vouchers are submitted to the Village.

(4) The Village Board shall review and audit all such vouchers and shall approve payment of only such engineering and legal fees as are reasonable in amount and necessarily incurred by the Village in connection with the review, consideration and approval of developments and the inspection and acceptance of highways, drainage facilities, utilities and parks within or in conjunction with such developments. For purpose of the foregoing, a fee or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by engineers or attorneys to the Village for services performed in connection with the approval or construction of a similar development and in this regard the Village Board may take into consideration the size, type

and number of buildings to be constructed, the amount of time to complete the development, the topography of the land on which such development is located, soil conditions, surface water, drainage conditions, the nature and extent of highways, drainage facilities, utilities and parks to be constructed and any special conditions or considerations as the Village Board may deem relevant; and a fee or part thereof is necessarily incurred if it was charged by the engineer or attorney for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Village, protect public or private property from damage from uncontrolled, surface water run-off and other factors, assure the proper and timely construction of highways, drainage facilities, utilities and parks, protect the legal interests of the Village including receipt by the Village of good and proper title to dedicated highways and other facilities and the avoidance of claims and liability, and such other interests as the Village Board may deem relevant.

SECTION 207 **ZONING BOARD OF APPEALS**

In the event that a Zoning Permit or Temporary Use Permit is denied to an applicant, a variance is sought from the Zoning Law or an interpretation of the Zoning Law is requested, applicants may file a Notice of Appeal with the Village of Alexander Zoning Board of Appeals in accordance with NYS Village Law 7-712 b. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the Zoning Enforcement Officer.

A. Organization.

The Board of Appeals shall consist of five (5) regular members including a chairperson and a deputy chairperson, and two (2) alternate member(s) all of whom shall be appointed by the Mayor subject to the approval of the Village Board. If the Mayor fails to appoint a Chairperson then the Planning Board may then itself select one. The term of office for regular members shall be governed by the applicable provisions of New York Village Law and the term of office for the alternate member(s) shall be two (2) years. The Chairperson of the Board of Appeals may designate an alternate member to substitute for a regular member when such member is unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of a regular member. Such designation shall be entered into the minutes of the initial Board of Appeals meeting at which such substitution is made. All provisions of State Law relating to Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any Village requirements related to training, compensation and attendance, shall also apply to alternate members.

B. Meetings, Minutes and Records.

Meetings of the Zoning Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the roll call vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official

actions.

C. Filing Requirements.

Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the Village Clerk within five (5) business days and shall be a public record.

D. Hearing Appeals.

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the Zoning Enforcement Officer. The concurring vote of a majority of the entire Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer, or to grant a Use or Area Variance. In those instances where due to the location of the affected property, a Variance request is subject to review under NYS General Municipal Law Section 239-m, a majority plus one (1) vote of the entire Zoning Board of Appeals is necessary to override a County Planning Board recommendation of disapproval or approval with modification.

E. Time Limit for Filing of an Appeal.

The request for an appeal must be made within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the Zoning Enforcement Officer by filing with said official and with the Village Clerk a notice of appeal specifying the grounds thereof and the relief sought. Such notice of appeal shall be filed on forms available from the Chairperson of the Zoning Board of Appeals or Village Clerk. The cost of sending or publishing any notice relating to such appeal shall be borne by the appealing party and shall be paid to the Village Clerk in the form of a Hearing Fee prior to the hearing of such appeal.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer, from whom the appeal is taken, certifies to the Board of Appeals, after notice of appeal shall have been filed with the Zoning Enforcement Officer, that by reason of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Enforcement Officer from whom the appeal is taken and undue cause shown.

F. Public Hearing Required; Notice and Referrals.

A public hearing shall be held by the Zoning Board of Appeals before deciding an appeal. Such public hearing shall be advertised in accordance with Section 214 of this Zoning Law.

At least thirty (30) days before the date of the public hearing, unless such time limit is waived by the Planning Board, the secretary of the Zoning Board of Appeals shall transmit to the

Planning Board a copy of the notice of hearing and all pertinent information for those appeals involving a Use Variance. The Planning Board shall inform the Zoning Board of Appeals in writing of its advisory opinion (including recommendations) prior to the hearing. Failure of the Planning Board to inform the Zoning Board of Appeals within the allotted time shall be deemed to signify no recommendation on the application.

G. Permitted Actions by the Zoning Board of Appeals.

(1) Interpretations, Requirements, Decisions and Determinations.

The Zoning Board of Appeals may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determinations as in its opinion ought to have been made by the Zoning Enforcement Officer.

(2) Use Variances.

The Zoning Board of Appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances, authorizing a use of land which otherwise would not be allowed or would be prohibited by this Zoning Law.

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 use allowed under the zoning regulations for the particular district where the property is located:

- a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- b. 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;
- c. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- d. That the alleged hardship has not been self-created.

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 proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(3) Area Variances.

The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the Zoning Enforcement Officer, to grant area variances from the area or dimensional requirements of this Zoning Law.

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:

- a. 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;
- b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- c. Whether the requested area variance is substantial;
- d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and
- e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(4) Imposition of Conditions.

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

H. Time of Decision by Zoning Board of Appeals.

The Zoning Board of Appeals shall decide upon an appeal within sixty-two (62) days after the conduct of the public hearing. Prior to rendering its decision the Board shall first complete the New York State Environmental Quality Review process. Said time of decision may be extended by mutual consent of the applicant and the Zoning Board of Appeals.

I. Filing of Decision and Notice.

The decision of the Zoning Board of Appeals on an appeal shall be filed in the Office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant by regular mail.

J. Rehearing.

A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the board not previously reviewed may be made by any members of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

SECTION 208 PLANNING BOARD

A. Organization.

The Planning Board shall consist of five (5) members including a Chairperson and a Deputy Chairperson and two (2) alternate member(s) all of whom shall be appointed by the Mayor subject to the approval of the Village Board whose term shall be governed by the applicable provisions of NYS Village Law. If the Mayor fails to designate a chairperson, the Planning Board may then itself select one. The term of office for regular members shall be governed by the applicable provisions of New York Village Law and the term of office for the alternate member(s) shall be two (2) years. The Chairperson of the Planning Board may designate an alternate member to substitute for a regular member when such member is unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of a regular member. Such designation shall be entered into the minutes of the initial Planning Board meeting at which such substitution is made. All provisions of State Law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any Village requirements related to training, compensation and attendance, shall also apply to alternate members.

B. Powers and Duties.

Powers and duties of the Planning Board shall be as follows.

(1) Site Plan Review

Review of site plans in accordance with NYS Village Law Section 7-725-a as set forth in Subsection C of this Section, for any application for a Zoning Permit, Special Use Permit or Temporary Use Permit other than those for single family dwellings and their accessory uses and/or buildings exempted from Site Plan Review as provided by Section 302.

(2) Special Use Permits

Granting of Special Use Permits in accordance with NYS Village Law Section 7-725-b as set forth in this Zoning Law based upon the criteria set forth in Subsection D of this Section.

(3) Review Use Variances

Review in an advisory capacity variances referred to the Planning Board as set forth in Section 207. G.

(4) Temporary Uses and Structures.

Grants permits for temporary uses and structures.

a. The Planning Board may direct the Zoning Enforcement Officer to issue a temporary permit for a period of time not to exceed twelve (12) months, for incidental nonconforming uses and structures as follows provided the public hearing and notification requirements set forth in Section 214 have been met:

1. Temporary uses incidental to a construction project.
2. Temporary real estate sales office incidental to a subdivision.
3. Other similar temporary incidental uses which:

(a) In no way exert a detrimental effect upon the lawful use of land and activities normally permitted in the zone in question, and

(b) Contribute materially to the welfare and well-being of the Village.

b. Permits shall be conditioned upon an agreement by the applicant to remove the use upon expiration of the permit.

c. Permits may be reissued a maximum of one (1) time for an additional period of up to six (6) months.

(5) Other Powers and Duties.

The Planning Board shall have such other powers and duties as are provided by law including this Zoning Law or as are otherwise assigned to it by the Village Board.

C. Site Plan Review.

The Planning Board, at a regular or special meeting, shall review and approve, approve with modification, or disapprove a site plan in connection with any application for a zoning permit other than those for single family dwellings and their accessory uses and/or buildings exempted under Section 302.

(1) Submission of Site Plan and Data.

All applications for a Zoning Permit shall be accompanied by a site plan. The applicant shall

submit to the Village Clerk seven (7) copies of the site plan and supporting data, including, but not limited to, the following information presented in graphic form and accompanied by a written text.

- a. Survey of property showing existing features, including contours, utility easements, large trees, buildings, uses, structures, streets, rights-of-way, zoning and ownership of surrounding property.
- b. Layout sketch showing proposed lots, blocks, building locations and land use area.
- c. Traffic circulation, parking and loading spaces.
- d. Pedestrian walks.
- e. Landscaping plans including site grading, landscape design, open space, proposed buffering and/or screening.
- f. Preliminary architectural drawings for buildings to be constructed, floor plans, exterior elevations and sections.
- g. Preliminary engineering plans, street improvements, storm drainage, water supply and sanitary sewer facilities and fire protection.
- h. Engineering feasibility study of any anticipated problem which may arise from the proposed development, as required by the Planning Board.
- i. Construction sequence and time schedule for completion of each phase for buildings, parking and landscaped areas.
- j. Description of proposed uses, anticipated hours of operation, expected number of employees, and anticipated volume of traffic generated.
- k. Description of proposed measures to control runoff and drainage from the site and when required by NYS Department of Environmental Conservation and/or State Environmental Quality Review process, a Storm water Management and Erosion Control Plan.
- l. Documentation from the NYS Department of Transportation or the Genesee County Highway Department approving any proposed driveways or improvements affecting their facilities.
- m. Description of the proposed generation, storage and/or disposal of hazardous materials and/or hazardous wastes on-site, including estimates of amounts involved and provisions for transport, storage and environmental protection.
- n. Other permits or applications made to other governmental agencies and any additional information requested by the Planning Board.

(2) Need for an Area Variance Uncovered during Site Plan Review.

Notwithstanding any provisions of the law to the contrary, pursuant to NYS Village Law Section 7-725-a, where a proposed site plan contains one (1) or more features which do not comply with the zoning regulations, applications may be made to the Zoning Board of Appeals for an area variance, without the necessity of a decision or determination of the Zoning Enforcement Officer or other administrative official charged with the enforcement of the zoning regulations.

(3) Notice and Public Hearing.

The Planning Board shall notify all property owners within the Village of Alexander that own land that is either contiguous or directly across from the involved property. Such notice shall be sent by regular mail, at least ten (10) days before the meeting. In those instances when the Planning Board holds an optional public hearing (see following paragraph) on a Site Plan Review, this notice to property owners is required.

The Planning Board may, in its sole discretion, hold a public hearing as part of the Site Plan Review process. When a public hearing is held as part of the Site Plan Review, the public hearing shall be held at a time fixed within sixty-two (62) days from the date of the application for Site Plan Review is received by it and such public hearing shall be advertised in accordance with Section 214 of this Zoning Law. When necessary under Section 239 of the General Municipal Law, the Planning Board shall forward the site plan to the Genesee County Planning Board for its review prior to taking any final action.

(4) Site Plan Review Criteria.

The Village Planning Board shall review the site plan and supporting data before approval, approval with modifications, or disapproval of such site plan, taking into consideration the following:

- a. Maximum safety of pedestrian & vehicular circulation between the site and street including emergency vehicle access.
- b. Adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety and emergency vehicle access.
- c. Adequacy of landscaping and setbacks to achieve compatibility with, and protection of, adjacent land uses.
- d. Adequacy of municipal facilities to serve the proposal including streets, water supply and wastewater treatment systems, storm water control systems, and fire protection.

(5) Modifications and Conditions Required by Planning Board.

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. The Planning Board may require changes or additions in relation to yards, driveways, landscaping, buffer zones, and other physical features on-site or within an adjacent public right-of-way or Village owned lands to insure safety, to minimize traffic difficulties and to safeguard adjacent properties. Should changes or additional facilities be required by the Planning Board, final approval of site plan shall be conditional upon satisfactory compliance by applicant in making the changes or additions. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village.

(6) Required Reservation of Parkland on Site Plans Containing Residential Units.

- a. Before the Planning Board may approve a site plan containing residential

units, such site plan shall also show, when required by this Zoning Law, a park, parks or other recreational lands suitably located for playground or other recreational purposes.

b. Land for park, playground or other recreational purposes may not be required until the authorized board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Village. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village based on projected population growth to which the particular site plan will contribute.

c. In the event the Planning Board makes a finding pursuant to paragraph (b) of this subdivision that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the Planning Board may require a sum of money in lieu thereof to be established by the Village Board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the site plan that could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this Section, shall be deposited into a trust fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property.

d. Notwithstanding the foregoing provisions of this subdivision, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved pursuant to NYS Village Law Section 7-728, the Planning Board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of re-subdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

(8) Performance Bond or Letter of Credit as a Condition of Site Plan Approval.

The Planning Board may require as a condition of site plan approval that the applicant file a performance bond or Letter of Credit in such amount as the Planning Board determines to be in the public interest, to insure that proposed development will be built in compliance with accepted plans.

Any such bond must be in a form acceptable to the Village Attorney for an amount approved by the Village Board.

(9) Environmental Performance Standards.

In all districts, uses are not permitted which violate applicable county, state and/or federal codes and regulations pertaining to environmental issues. The Planning Board, under its powers of Site Plan Review and approval, may in its discretion reject any uses if it determines that insufficient evidence has been submitted to show compliance with these environmental standards. However, final responsibility for compliance with all environmental laws and regulations lies with the applicant.

(10) Time of Decision by Planning Board

The Planning Board shall decide any matter referred to it under this Subsection within sixty-two (62) days after the first regular monthly meeting of the Planning Board at least ten (10) days prior to which the site plan and all supporting data required by this Article are submitted to the Village Clerk. Such time may be extended by mutual consent of the Planning Board and the developer. Prior to rendering its decision the Board shall first complete the SEQOR process. In those instances where due to the location of the affected property, a variance request is subject to review under NYS General Municipal Law Section 239-m, a majority plus one vote of the entire Planning Board is necessary to override a County Planning Board recommendation of disapproval or approval with modification. The decision of the Planning Board shall be filed in the office of the Village Clerk within five (5) business days after such decision is rendered, and a copy mailed to the applicant by regular mail.

(11) Changes and Revisions.

Any applicant wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

D. Special Use Permit.

The Planning Board, at a regular or special meeting, shall review and approve, approve with modification, or disapprove an application for a Special Use Permit. Uses requiring a Special Use Permit are those that are compatible with the general spirit of the Zoning Law if certain standards and conditions are met. Each such use is listed in this Zoning Law as a use permitted within a zoning district upon the issuance of a Special Use Permit. All provisions of this Zoning Law shall be followed and the Planning Board must find that the proposed implementation of such use is consistent with the public welfare. A Special Use Permit may be subject to conditions and safeguards imposed by the public welfare. Also, the Zoning Enforcement Officer shall at least annually inspect the use of the property in question to insure compliance with conditions which have been imposed by the Planning Board in issuing such Special Use Permit and other applicable provisions of this Zoning Law.

(1) Submitting an Application.

Applications for Special Use Permits shall be made in writing using the Application For Zoning Permit form obtained from the Zoning Enforcement Officer. A copy of each application, including a site plan, shall be submitted to the Zoning Enforcement Officer, who shall review the application for completeness prior to forwarding it to the Village Clerk and the Planning Board. Such site plan shall show the location of all buildings, pedestrian walks, parking, vehicular access and circulation, open space, landscaping and other information necessary to determine that the proposed special use complies with the intent of this Zoning Law.

(2) Need for an Area Variance Uncovered during Special Use Permit review.

Where a proposed Special Use Permit contains one (1) or more features that do not comply with the Zoning Law, an application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 7-725-b of NYS Village Law, without the necessity of a decision or determination of the Zoning Enforcement Officer.

(3) Notice and Public Hearing.

The Planning Board shall hold a public hearing as part of the Special Use Permit review process. The public hearing shall be held at a time fixed within sixty-two (62) days from the date of the application for a Special Use Permit is received by it and such public hearing shall be advertised in accordance with Section 214 of this Zoning Law. When necessary under Section 239 of the NYS General Municipal Law, the authorizing board shall forward the Special Use Permit application materials to the Genesee County Planning Board for its review prior to taking any final action.

(4) Conditions.

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed Special Use Permit plan. Upon its approval of said Special Use Permit, any such conditions must be met in connection with the issuance of the Special Use Permit by the Zoning Enforcement Officer.

(5) Decisions.

The Planning Board shall decide any matter referred to it under this Subsection within sixty-two (62) days after the public hearing. Such time may be extended by mutual consent of the Planning Board and the applicant. Prior to rendering its decision the Board shall first complete the SEQR process. In those instances where due to the location of the affected property, a Special Use Permit request is subject to review under NYS General Municipal Law Section 239-m, a majority plus one vote of the entire Planning Board is necessary to override a County Planning Board recommendation of disapproval or approval with modification. The decision of the Planning Board shall be filed in the office of the Village Clerk within five (5) business days after such decision is rendered, and a copy mailed to the applicant by regular mail.

(6) Abandonment of Special Use Permit.

A Special Use Permit shall expire when there occurs a cessation of such use or activity, for which said special use was originally issued, for a period of one (1) year. Upon evidence that a Special Use Permit has been abandoned the Zoning Enforcement Officer shall issue a notice of abandonment to the owner of record for the property by registered mail. If after sixty (60) days the owner has not provided satisfactory proof that the special use did not cease, the Planning Board may revoke the Special Use Permit by a vote of the majority of the whole Board.

(7) Standards Applicable for all Special Use Permits.

The Planning Board may issue a Special Use Permit only after it has found that all the following standards and conditions have been satisfied, in addition to any other applicable standards and conditions contained elsewhere in this Zoning Law.

a. The location and size of such use, and the intensity of the operations involved, the site layout and the relation to access streets shall not pose a hazard to pedestrian and vehicular traffic, and shall be in harmony with the character of the area.

b. The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.

c. The operation of any such use shall not be more objectionable to nearby properties than would be operation of any permitted use.

d. The proposed use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact on adjacent properties, and appropriate site improvements are proposed, or will be required, to minimize these nuisances.

e. When a commercial or industrial special use abuts a residential property the Planning Board may require screening or buffering including fencing or hedges of sufficient height and density to reduce or eliminate the conflicting visual intrusion and other environmental conditions previously mentioned.

f. Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.

g. The proposed use shall meet the off-street parking and loading requirements of similar uses.

h. Appropriate on-lot storm water drainage shall be provided so as to eliminate any potential on-site water related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties.

i. Traffic access to and from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards. The Planning Board shall review and approve all such proposals.

j. Such use shall be attractively landscaped. This shall involve grading, seeding, and regular mowing of the front yard area at a minimum.

k. A Special Use Permit shall not be issued for a use on a lot where there is an existing violation of this Zoning Law unrelated to the use which is the subject of the requested Special Use Permit, as determined by the Planning Board.

l. As a condition of all Special Use Permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.

m. In addition to the general standards for special permits as set forth herein, the Planning Board may, as a condition of approval for any such use, establish any other additional standards, conditions, and requirements it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this Zoning Law.

n. The above standards are not intended to apply to uses whose regulation has been preempted by the State or Federal government, including mining.

SECTION 209 **VIOLATION AND PENALTY**

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any land, building or structure or part thereof in a manner not permitted by an approved Zoning Permit or Certificate of Zoning Compliance.

B. Any person violating any provision of this Zoning Law shall be served by the Zoning Enforcement Officer with a written Notice of Violation/ Correction Order stating the nature of the violation found to exist, the remedy ordered and a time limit for the satisfactory correction thereof. Unless a different time limit is provided by this Zoning Law for the correction of any violation, which alternate time limit shall prevail, said Notice of Violation and Correction Order shall provide a time limit of thirty (30) days for the satisfactory correction of the violation. The Notice of Violation shall further inform the violator of his or her right to appeal the Zoning Enforcement Officer's interpretation to the Zoning Board of Appeals.

Service of the Notice of Violation/Correction Order shall be sufficient if directed to the owner, operator or occupant of a residence, commercial or industrial facility, as the case may be, violating this Zoning Law. Service of said Notice of Violation/Correction Order shall be made personally upon the alleged violator, if said violator can be found with due diligence; otherwise, service of said Notice of Violation/Correction Order shall be sufficient if service is completed by delivering the same to a person of suitable age or discretion at the actual residence, commercial or industrial facility at which said violation is occurring and by mailing the Notice to the person to be served at his or her last known residence or business address; or, where service cannot otherwise be made with due diligence, by affixing said Notice of Violation/Correction Order to the door of the residence, commercial or industrial facility at which said violation is occurring and by mailing said Notice to such person at his or her last known residence or place of business. It shall be unlawful for any person to fail to comply with a written Notice of Violation/Correction Order of the Zoning Enforcement Officer within the time fixed for compliance therewith.

C. It shall be unlawful for any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or for any person taking part or assisting in the construction, repair or use of any land, building or structure to violate any of the applicable provisions of this Zoning Law, or any lawful order, notice, directive, permit or certificate of the Zoning Enforcement Officer made hereunder.

D. Any violation of this Section and/or this Zoning Law is hereby declared to be an offense, punishable by a fine not exceeding three hundred and fifty (350) dollars for a conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty (350) dollars nor more than seven hundred (700) dollars; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred (700) dollars nor more than one thousand (1000) dollars. Each week's continued violation shall constitute a separate additional violation.

E. The Zoning Enforcement Officer may, with permission of the Village Board, institute court action to enforce the provisions of this Zoning Law, or may refer the matter to the Village Board for its action.

F. Any person violating any provision of this Zoning Law shall be liable to the Village for any and all losses, damages and expenses incurred by the Village or for which the Village may be held liable as a result of said violation. The Village or Zoning Enforcement Officer shall have the right to obtain reimbursement for any loss, damage or expense incurred by it as a result of any violation of this Zoning Law including, but not limited to, attorney's fees and court costs incurred as a result of any legal proceedings brought hereunder.

Nothing contained in this Zoning Law shall prevent the Village or Zoning Enforcement Officer, either alone or in conjunction with the foregoing penalties, from maintaining an action or proceeding in the name of the Village or Zoning Enforcement Officer in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this Zoning Law.

SECTION 210 **NOTICE OF COMPLAINT**

Whenever a violation of this Zoning Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed, and shall be filed with the Zoning Enforcement Officer who shall properly record such complaint and immediately investigate it. Where the Zoning Enforcement Officer finds such violation, he or she shall take appropriate action and/or submit the results of his or her investigation in writing to the Village Board if action by it is required.

SECTION 211 **PROCEDURE FOR AMENDMENT**

A. The Village Board may, from time to time, on its own motion, on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Zoning Law after official notice has been given and a public hearing has been held by the Village Board as required by law.

B. Each petition requesting a change of zoning regulations or district boundaries shall be typewritten, signed by the owner and filed in triplicate, accompanied by the required fee.

C. Every such proposed amendment shall be referred to the Planning Board for a report prior to any public hearing.

D. Prior to adoption by the Village Board, a proposed amendment may, in the proper case, have to be referred to the County Planning Board pursuant to law.

E. In case of a protest against such change signed by the owners of twenty (20) per cent or more, either of the area of the land included in such proposed change, or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto, extending one hundred (100) feet, from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of the members of the Village Board.

SECTION 212 **REMEDIES**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, or land is divided into lots, blocks or sites in violation of this act, or of any Zoning Law or other regulation made under authority conferred thereby, 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, repair, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. All issues in any action or proceeding for any of the purposes herein stated shall have preference over all other civil actions and proceedings.

SECTION 213 **STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

A. The State Environmental Quality Review Act (SEQR) requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article 3 and Part 617 of Title 6 of the New York Code of Rules and Regulations (8 NYCRR Part 617) sets forth the SEQR regulations in detail and should be reviewed for compliance prior to undertaking any of the above mentioned activities.

B. As set forth in 8 NYCRR Part 617, determination of lead agency status is one of the initial steps in the SEQR process. When the Village is designated lead agency for a particular zoning action, the following boards (agencies) may typically be the lead agency for the actions identified below:

Zoning text amendment	Village Board of Trustees
Zoning district amendment	Village Board of Trustees
Site Plan Review	Planning Board
Special Permit	Planning Board
Zoning Permit	Planning Board
Variance	Zoning Board of Appeals

When a project involves two (2) or more separate zoning actions, the board (agency) having the final (last) approval would typically be the lead agency. Nothing in this Section shall be

interpreted to override the process for designation of lead agency status as set forth in 8 NYCRR

Part 617.

SECTION 214 **PUBLIC HEARING AND NOTICE REQUIREMENTS**

When a public hearing is required by this Zoning Law the requirements set forth in this Section as well as the applicable requirements of NYS Village Law shall be followed. All costs for the public hearing including, but not limited to, the legal ad(s) and required mail notifications shall be paid by the applicant.

A. Legal Advertisement

Each notice of a public hearing shall be published in a newspaper of general circulation in the Village at least five (5) days prior to the date of the hearing for all zoning public hearings conducted by the Planning Board and Zoning Board of Appeals. Public hearing notices conducted by the Village Board for zoning law amendments and zoning map amendments shall be published at least ten (10) days prior to the date of the hearing.

B. Notices To Surrounding Property Owners

Notice of a required public hearing shall be mailed by first class mail service to all owners of property located within two hundred (200) feet of the property that is the subject of the application, at least ten (10) days before the date of the hearing. For this purpose, the names and addresses of owners as shown on the latest assessment records of the Village of Alexander shall be used.

C. Recess or Adjournment of a Public Hearing

The Planning Board, Village Board or Zoning Board of Appeals may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or to persons it decides may be interested in the proposal being considered. Upon recessing or adjournment, the time and date when the hearing is to be resumed shall be announced. No further notice of publication will be necessary.

ARTICLE III **LAND USE AND ZONING REGULATIONS**

SECTION 300 **NON-CONFORMING USES**

The following provisions of this Section apply to all development and land uses in all zoning districts.

A. Lawful Existing Uses or Structures.

Except as otherwise provided in this Section, the lawful use of land or structures existing at the effective date of this Zoning Law may be continued, provided however:

- (1) That no nonconforming lot shall be further reduced in size.
- (2) That no nonconforming building be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance.
- (3) That no nonconforming use may be expanded.
- (4) No existing conforming use shall be changed to a nonconforming use.
- (5) No non-conforming mobile home or mobile home in a mobile home park may be replaced in its entirety or renovated in excess of fifty (50%) percent of its value. All such mobile homes must comply with Section 405.

B. Abandonment.

A nonconforming use shall be abandoned when there occurs a cessation of any such use or activity and a failure on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

C. Restoration and Repair.

Nothing in this Zoning Law shall prevent the restoration and repair or continuation of use of a legal nonconforming building, except mobile homes and mobile homes in mobile home parks, destroyed or partly destroyed by a fire, natural or man-made disaster provided that restoration is commenced within one (1) year following its demolition or removal provided that restoration is completed within eighteen (18) months from the date of destruction.

D. Reversion.

No nonconforming use shall, if once changed into a conforming use, be changed back again to a nonconforming use.

E. Alterations.

A nonconforming building may not be structurally altered during its life to an extent exceeding, in aggregate cost, fifty percent (50%) of the assessed value of the building unless said building is changed to conform to the requirements of this Zoning Law.

F. District Changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein or created thereby.

SECTION 301 SUBDIVISIONS, LAND OWNERSHIP AND IRREGULAR LOTS

The following provisions of this Section apply to all development and land uses in all zoning districts.

A. Land Separation or Subdivision of a Lot.

Where a lot is hereafter formed from part of a lot already occupied by a building, such separation shall be effected so as not to violate any of the requirements of this Zoning Law with respect to the existing building, including yards and other required spaces in connection therewith. No zoning permit shall be issued for the erection of a building on the new lot thus created unless there is full compliance with all the provisions of this Zoning Law.

B. Adjacent Lots under Same Ownership.

Where two (2) or more adjacent lots are, at the time of the effective date of this Zoning Law, in the same ownership they shall not be considered a single lot, unless they are described as one parcel in a deed recorded at the Genesee County Clerk's Office.

C. Irregularly Shaped Lots

Where a question exists as to the proper application of any of the requirements of this Zoning Law to a particular lot or parcel, the matter shall be referred to the Zoning Board of Appeals and dealt with in accordance with the applicable provision of Section 207.

D. Required Street Frontage

No zoning permit shall be issued for any structure unless the lot which that structure is to be built upon has the required frontage on a street, as defined herein, which frontage provides the actual access to such structure, and which street shall have been suitably improved to Village Board standards or a bond posted therefore to the satisfaction of the Village Board and Planning Board.

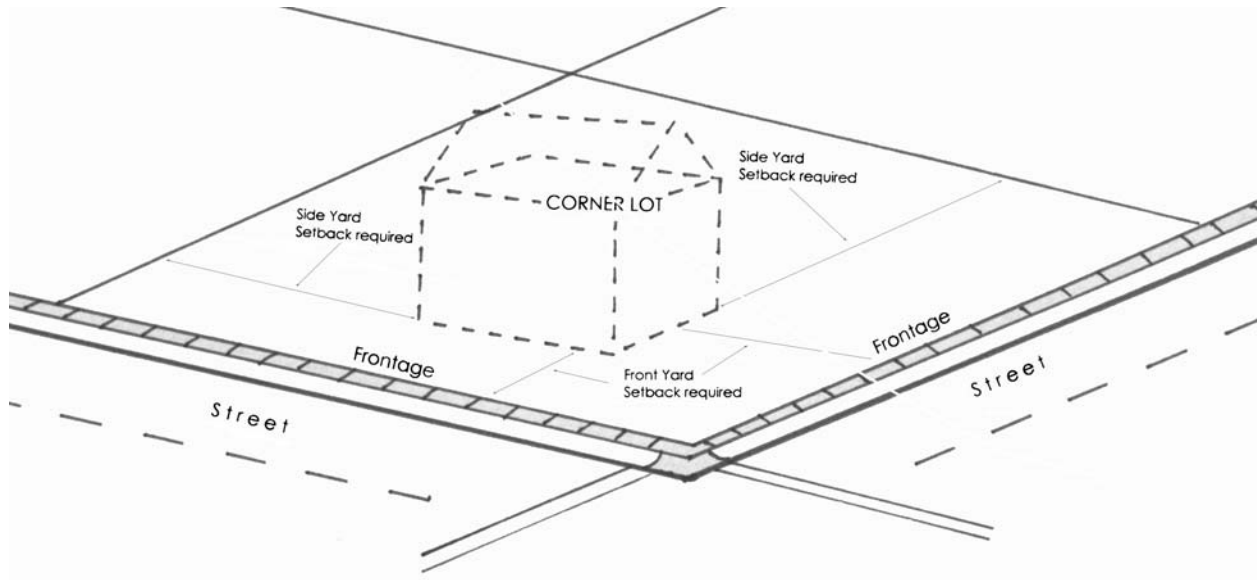
E. Parts of Lot Not Counted Toward Area Requirements

No part of any lot less in width than one-half (½) of the minimum lot width requirement for the district in which it is located, shall be counted as part of the minimum lot area.

F. Corner Lots

Corner lots shall have two (2) front yards (those along public streets) and the remaining two (2) yards will be considered side yards for the purposes of applying the yard setback regulations contained in this Zoning Law (See Figure F, below).

Figure F - Corner Lot Setbacks Required



SECTION 302 **ACCESSORY BUILDINGS, STRUCTURES, FIXTURES, AND FENCES**

The following provisions of this Section apply to all development and land uses in all zoning districts, unless otherwise noted.

A. Residential Accessory Buildings and Structures.

All residential accessory buildings and structures shall comply with the maximum height requirements of the district it is located in.

(1) Patios, porches and decks.

A covered or uncovered patio, porch and/or deck, foyers, doorway awnings, sunrooms or breezeways, located fully or partially in any yard, shall comply with all minimum setback requirements for the zoning district it is located in. A covered or uncovered patio, porch and/or deck, foyers, doorway awnings, sunrooms or breezeways constructed in conjunction with a property principally used for a residential use is exempt from Site Plan Review.

(2) Pools.

All accessory swimming pools, game courts, and associated attached decks or equipment shall not be located in a front or side yard, and shall otherwise be located behind the principal building and comply with all minimum setback requirements for the zoning district it is

located in. Swimming pools shall be fenced and protected by an appropriate gate as set forth in the New York State Uniform Fire Prevention and Building Code. A Building Permit shall be obtained prior to installing any pools. Swimming Pools are exempt from Site Plan Review.

(3) Satellite dishes and antennas.

Satellite dish antennas with a diameter over forty (40) inches shall not be located in front of the principal building and shall not be located within ten (10) feet of an adjoining property line.

(4) Detached garages, carports, and sheds.

Detached garages, carports, and sheds must comply with the minimum setback requirements for the Zoning District they are located in. No detached garages, carports or sheds may be located in front of the principal building. Detached garages, carports and sheds with a building footprint less than one hundred and fifty (150) square feet and constructed in conjunction with a property principally used for a residential use are exempt from Site Plan Review. All detached garages, carports, and sheds with a building footprint larger than one hundred and fifty (150) square feet and/or not constructed in conjunction with a property principally used for a residential use must submit a Site Plan for review by the Village Planning Board.

(5) All other accessory buildings and structures.

All other types of residential accessory structures having a total floor area of one hundred and fifty (150) square feet or less and a building height of not more than six (6) feet shall comply with the minimum setbacks required for the zoning district they are located in. The location of structures having a total floor area greater than one hundred fifty (150) square feet or a building height of greater than six (6) feet shall be located in compliance with the required yard areas of the respective district and shall not be located in the front yard or otherwise in front of the principal building. Accessory buildings and structures with a building footprint larger than one hundred and fifty (150) square feet, a height greater than six (6) feet, and/or not constructed in conjunction with a property principally used for a residential use must submit a Site Plan for review by the Village Planning Board.

a. Projecting Architectural Features. Architectural features, such as window sills, belt courses, chimneys, cornices, eaves or bay windows, shall be considered a part of the principal structure and shall comply with the minimum setback requirements for the zoning district they are located in.

b. Vertical Features. District building height regulations shall not apply to flagpoles, radio or television antennas, transmission towers or cables, spires or cupolas, chimneys, elevator or stair bulkheads, penthouses, parapets or railings, water tanks or cooling towers, or any similar structures, provided that such structures are located on the roof and in their aggregate coverage occupy no more than ten percent (10%) of the roof area of the building and that such structure(s) pose no hazards to aircraft operations.

B. Commercial and Industrial Accessory Buildings and Structures.

(1) Accessory buildings and structures greater than one hundred and eighty (180) square feet. All commercial and industrial related accessory buildings and structures including but not limited to covered and uncovered storage sheds and barns, parking lots, loading docks, decks and patios, swimming pools, utility buildings and processing machinery that are subordinate to a principal commercial or industrial use and have a building footprint greater than one hundred and eighty (180) square feet shall not be located closer than twelve (12) feet from a property in residential use, and shall be properly buffered where required by district regulations.

(2) Accessory buildings and structures less than one hundred and eighty (180) square feet. All commercial and industrial related accessory structures including but not limited to covered and un-covered storage sheds and barns, loading docks, decks and patios, parking lots, swimming pools, utility buildings and processing machinery that are subordinate to a principal commercial or industrial use and have a building footprint less than one hundred and eighty (180) square feet shall not be located closer than twelve (12) feet from a property in residential use, and shall be properly buffered as required by district regulations.

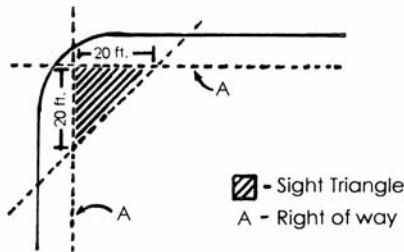
(3) Maximum Height. All accessory buildings and structures that are subordinate to a principal commercial or industrial use shall not exceed the maximum building height regulation set for the district in which it is located.

(4) Site Plan Review required. All accessory buildings and structures that are subordinate to a principal commercial or industrial use are required to submit a Site Plan for review by the Planning Board.

C. Visibility at Intersections.

On a corner lot in any district no accessory building, fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected, placed or 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. (See Figure G, below) This paragraph shall not apply to trees, provided that no branches are closer than six (6) feet to the ground.

Figure G. Sight Triangle



D. Waste Containers / Dumpsters.

Waste Containers and Dumpsters for multi-family and non-residential uses shall be considered accessory structures subject to Site Plan Review. The placement of new or the relocation of an existing waste container(s) and/or dumpster(s) shall be subject to review and approval by the Planning Board. The Planning Board may require screening of waste containers/dumpsters. This provision shall not apply to the temporary placement of garbage cans awaiting collection or the temporary use of dumpsters or "roll-offs" during a cleaning, moving or construction project.

E. Exterior Security or Other Lighting.

Exterior security or other lighting including mercury vapor, high pressure sodium, spot or flood lights shall not be installed or maintained so as to shine directly in or upon adjoining residential dwellings. Such lighting shall not be installed or maintained so as to pose a hazard for vehicular traffic.

F. Outside Solid Fuel Burning Devices.

Outside solid fuel burning devices shall not be permitted within the Village of Alexander.

G. Fences.

Before a fence shall be erected, a Zoning Permit must be obtained from the Zoning Enforcement Officer. A request for a Permit shall be accompanied by a Site Plan which shall show the height and location of the fence in relation to all other structures and buildings, and in relation to all adjoining streets, the property's lot lines and yards. The applicant is solely responsible for the accuracy of all site plans and locations.

All Fencing Erected On a Residential Lot In The Village of Alexander Shall Adhere To The Following Standards:

1. It shall be the responsibility of the property owner whose land contains a fence to maintain that fence so that it remains structurally sound and does not aesthetically detract from neighboring properties. The property owner is also responsible to see that any vegetation, including grass and weeds, around a fence is regularly mowed. Failure on the part of a property owner to maintain his or her fence in accordance with these provisions shall constitute a violation of this Zoning Law.

2. Fencing shall be located on an individual's own property and not on adjoining property or directly upon a property line.

3. No fencing shall be installed or replaced which poses a potential hazard to either pedestrians or motorists by restricting vision. Installed or replacement fencing shall conform to current zoning codes.

4. Temporary fencing shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open construction. A temporary fence permit shall be effective for a period not exceeding six (6) months but may be extended by the Zoning Enforcement Officer for an additional period not exceeding six (6) months upon showing of good cause.

5. The finished side of the fence shall face the adjoining properties.

6. Commercial and industrial fences shall be reviewed and approved by the Planning Board as part of the site plan approval process.

7. All fencing shall be three (3) feet in from lot lines or sidewalks.

8. Fencing located within front yards shall be no more than three (3) feet in height.

9. Fencing located in side yards shall be no more than three (3) feet in height for the first twenty (20) feet from the front lot line or the sidewalk.

10. Fencing located in the rear yard shall be no more than six (6) feet in height.

SECTION 303 **STORMWATER DRAINAGE, FLOOD DAMAGE CONTROL, PONDS, AND STREAM BANK STABILIZATION**

A. Intent.

The Village finds that uncontrolled drainage and runoff associated with land development has a significant impact upon the health, safety and welfare of the community. Specifically, storm water runoff can carry pollutants into receiving water bodies degrading water quality and increasing nutrients in storm water runoff such as phosphorus and nitrogen that accelerate eutrophication. The

improper design and construction of drainage facilities can increase the velocity of runoff thereby increasing stream bank erosion, flooding and sedimentation, and construction requiring land clearing or the alteration of natural topography tends to increase erosion and the siltation of water bodies. Increased erosion decreases capacity to hold and transport water, interferes with navigation, and harms flora and fauna. In addition, impervious surfaces increase the volume and rate of storm water runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow. Improperly managed storm water runoff can increase the incidence of flooding and the level of floods that occur, endangering property and human life.

B. Applicability.

The provisions set forth in this Section shall apply to all new construction and land development activity in the Village except for the maintenance, alteration, use or improvement to an existing structure which will not change the quantity, rate, volume, or location of surface water discharge or contribute to sedimentation or erosion.

C. Regulations.

(1) The surface grade of front yards of dwellings, measured at the midpoint of the front wall, shall be at least one (1) foot above the elevation of the street center line, unless adequate site drainage is otherwise provided and approved by the Village Superintendent of Public Works.

(2) All open excavations shall be limited to a maximum of thirty (30) days and shall have appropriate fencing, barricades, or covering to limit access and otherwise assure public safety.

(3) All excavation shall have appropriate erosion control devices to mitigate the movement of soil or water onto adjoining property.

(4) No persons shall initiate any excavation or landscape alteration that will directly or indirectly divert storm water onto an adjoining property.

(5) There shall be no storage of manure within the Village.

(6) There shall be no storage of bulk quantities, in excess of ten (10) gallons or fifty (50) pounds, of fertilizer, pesticides, and/or herbicides, or similar odor or dust producing or hazardous substances within any Zoning District without first submitting an application for Site Plan Review.

(7) Prior to storing bulk quantities in excess of ten (10) gallons or fifty (50) pounds of fertilizer, pesticides, and/or herbicides, or similar odor or dust producing or hazardous substances property owners shall prepare a Storm Water Management and Erosion Control Plan as a part of the site plan approval process that evaluates the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community water, and the effectiveness and acceptability of those measures proposed by the applicant for reducing or mitigating adverse impacts.

(8) No ponds shall be constructed within the Village without first submitting an application for Site Plan Review and submitting a copy of said site plan to the Genesee County Soil and Water Conservation District for review. No ponds shall be located within twenty-five (25) feet of a property line.

(9) In the course of construction, and during the course of regular property maintenance, any existing trees with a caliper diameter greater than six (6) inches located within

twenty-five (25) feet of the top of a stream bank or known drainage channel shall be protected and remain intact. For the purpose of this regulation, in the event that a tree subject to this provision is removed, the owner of said property shall replace it with a tree of similar genus with a caliper diameter of at least three (3) inches within six (6) months of the issuance of the Notice of Violation. The replacement tree must be planted within twenty-five (25) feet of the stream bank. This replacement penalty is in lieu of a fine for a first violation as provided by Section 209. All subsequent violations of this provision will be subject to the penalties set forth under Section 209.

SECTION 304 **UNREGISTERED MOTOR VEHICLES**

No more than one (1) unregistered car or truck may be stored outdoors on a property. Not included are motor vehicles intended, maintained and used on a seasonal basis including motorcycles, recreational vehicles, and winter or summer cars provided such a vehicle has a valid New York State motor vehicle inspection sticker issued within the previous twelve (12) months.

SECTION 305 **ZONING DISTRICT CLASSIFICATIONS**

The Village of Alexander is hereby divided into the following zoning districts and overlay zones:

- R-1 Residential 1 District
- R-2 Residential 2 District
- C Commercial District
- I Industrial District
- LC Land Conservation District

A. Uses Not Permitted.

Uses which are not specifically allowed by this Zoning Law are prohibited.

B. Newly Annexed Lands.

In order to promote orderly development and the general welfare of the community, where land is newly annexed but before legislative action can be taken to zone said land designating said land as being in one of the districts referred to in Section 305 of this Article, such newly annexed land shall not be improved or developed in any manner, including the erection of any buildings or other structures or alteration of any existing buildings or other structures thereon or change of any use with respect thereto until such legislative action is taken; provided, however, that if such legislative action is not taken and such designation is not made within one hundred eighty (180) days of the effective date of the annexation, the restrictions contained in this Section shall no longer apply.

C. Zoning Map.

The zoning districts are shown on the zoning map accompanying this Zoning Law. The Zoning Map is hereby made a part of this Zoning Law and shall be on file in the Village Clerk's Office.

D. Interpretation of Zoning District Boundaries.

(1) Questions concerning the exact location of district boundary lines as shown on the zoning map shall be resolved by the Zoning Enforcement Officer with the option of appeal of such determination to the Zoning Board of Appeals pursuant to the provisions of Section 207 of this Zoning Law.

(2) Where a district boundary line divides an existing lot of record, the regulations for the less restricted part of such lot shall extend to the lot line in the more restrictive district or fifty (50) feet or whichever is less, provided the lot has frontage on a street in the less restricted district.

SECTION 306 **RESIDENTIAL R-1**

The R-1 District is designed to accommodate primarily single-family residential uses on lots with a minimum area of ten thousand (10,000) square feet. All non-residential land uses shall have a minimum lot area of twenty thousand (20,000) square feet. The primary purpose of this district is to encourage quality residential development with accessory uses that shall not pose any nuisances to neighboring residences and shall not adversely impact the residential character of the district.

A. The following uses and their accessory buildings & structures (see Section 302) are permitted in the R-1 District:

- (1) Single family dwellings
- (2) Professional offices (requires Site Plan Review)
- (3) Home and farm gardens
- (4) Athletic fields and structures
- (5) Parks
- (6) Public utility facility (see Section 406)

B. The following uses and their accessory buildings & structures (see section 302) are permitted in the R-1 District upon the issuance of a Special Use Permit:

- (1) Home occupation (see Section 404)
- (2) School, including nursery and pre-school
- (3) Church
- (4) Educational institution, private
- (5) Governmental use

- (6) Funeral home
- (7) Social organization/club
- (8) Day care center, including group family day care and family day care home
- (9) Bed and breakfast
- (10) Community center
- (11) Cemetery
- (12) Ponds (see Section 303)

C. Minimum Dimensional Criteria.

(1) Minimum lot size: Ten thousand (10,000) square feet for single family homes. Twenty thousand (20,000) square feet for non-residential land uses. Cemeteries shall be on lots at least five (5) acres in area.

(2) Maximum building coverage – Twenty percent (20%) of the lot area.

(3) Maximum building height – Twenty five (25) feet.

(4) Minimum lot width - Eighty (80) feet for residential uses. One hundred and sixty (160) feet for non-residential uses.

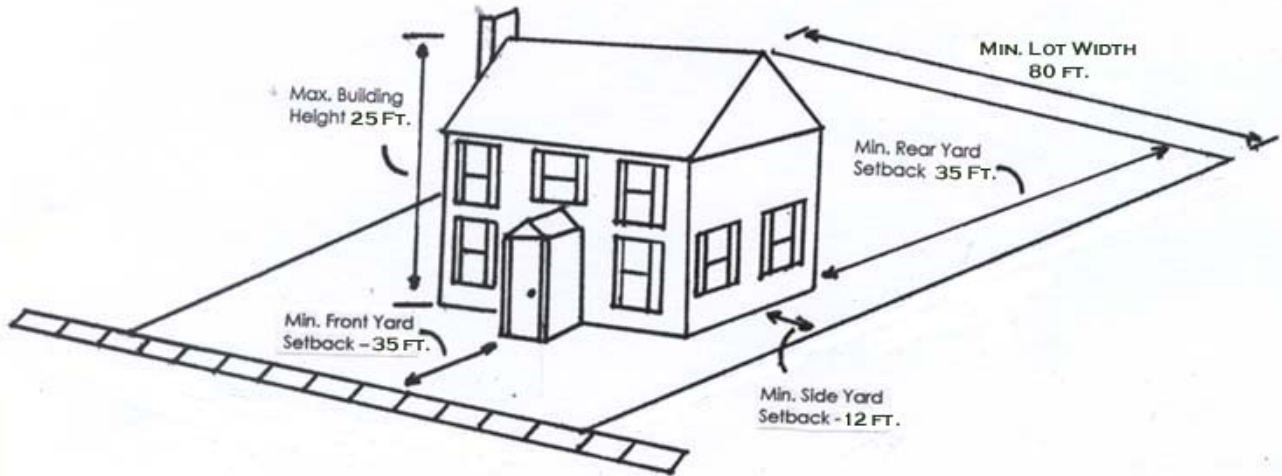
(5) Minimum lot depth – One hundred (100) feet.

(6) Minimum front yard – In an effort to maintain the existing block faces and uniform front yard setbacks exhibited by existing homes and other structures fronting on Church Street and Main Street (NYS Rte. 98) a new dwelling(s) or structure located on a lot that fronts on these roads and that is adjacent, and on the same block as, one or more existing buildings shall maintain a front yard setback that does not deviate any more than two (2) feet from the setback exhibited by any of the pre-existing buildings. (See Figure J for an example). In all other areas of the R-1 District the front yard shall be thirty-five (35) feet.

(7) Minimum Side Yard – Twelve (12) feet.

(8) Minimum Rear Yard – Thirty-five (35) feet.

Figure H – Dimensional & Setback Requirements in the R-1 District*



*The required front yard setback is different for homes and other structures on lots with frontage on Church Street and Main Street (NYS Route 98). See Section 306 (C).

D. Minimum Enclosed Living Area.

1. One (1) family dwellings shall have a minimum enclosed living area (not including garage but also not limited to only habitable floor area) as follows:
 - a. One (1) story dwellings nine hundred –fifty (950) square feet on the first floor.
 - b. Two story (2) dwellings seven hundred-fifty (750) square feet on the first floor.
2. Two (2) family dwellings shall have an enclosed living area of at least seven hundred fifty (750) square feet per unit.
3. Multiple family dwellings shall have an enclosed living area per unit as follows:

<u># of Bedrooms Per Unit</u>	<u>Minimum Square Footage</u>
Efficiency	300
1-bedroom	550
2-bedroom	650
3-bedroom	800
4-bedroom	1,000
5+ bedroom	As determined by Planning Board

E. Parking Requirements

- (1) All parking spaces shall be at least nine (9) feet wide and eighteen (18) feet deep.

(2) One (1) parking space shall be provided for every dwelling unit.

(3) Home occupation and professional offices. One (1) parking space for every two hundred (200) square feet of office space or any nonresidential use, in addition to any other required spaces.

(4) Community center or other governmental use, churches, or commercial use. One (1) parking space for every five (5) seats or one (1) parking space for every one hundred (100) square feet of floor area.

(5) No driveway(s) giving access to off-street parking shall be located closer than fifty (50) feet from the intersection of two (2) public streets.

(6) Parking in the front yard shall be allowed on hard surfaced driveways provided that the parking of such vehicles shall not obstruct visibility of traffic and shall not exceed one-fourth (1/4) of the front yard. The term vehicle, as used in this paragraph shall include but not be limited to automobiles, motorcycles, trucks, motor homes, campers and trailers, including recreational and boat trailers.

(7) Weight limit. Not more than two (2) commercial vehicles over one (1) ton shall be garaged or parked on any lot in the Residential (R-1) District. As used herein, a commercial vehicle shall not include any tractor, tractor-trailer combinations, or trucks in excess of five (5) tons gross weight.

(8) The parking of any vehicle used for the purpose of removing, transporting or disposing of any sewage, sludge, human or animal excreta, industrial waste, garbage or any refuse shall be prohibited in the Residential (R-1) District.

F. Signs in the R-1 District.

(1) Exempt signs. No sign shall be erected in the Residential (R-1) District without obtaining a zoning permit with the exception of the following:

a. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.

b. Flags and insignia of any government, except when displayed in connection with commercial promotion.

c. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.

d. One (1) on-premises sign, either a freestanding, ground, wall or window sign, in connection with any residential building in any zoning district, for permitted professional office or home occupation, not exceeding one (1) square foot and set back at least three (3) feet from any property line or public right-of way. Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.

e. Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding one (1) square foot in area.

f. Lawn signs identifying residents, not exceeding one (1) square foot per side. Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support, with no advertising message thereon.

g. Private-owner merchandise sale signs for garage sales and auctions, not

exceeding four (4) square feet for a period not exceeding four (4) days within a given month.

h. One (1) temporary non-illuminated "For Sale", "For Rent", "Garage Sale", real estate signs and signs of similar nature, concerning the premises upon which the sign is located not exceeding ten (10) square feet per side. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises, or cessation of an approved temporary use permit.

i. Temporary, non-illuminated window signs and posters not exceeding twenty-five (25) percent of the window surface, when such signs are located within eighteen (18) inches of the window surface.

j. Holiday decorations of a noncommercial nature, including lighting, are exempt from the provisions of this Zoning Law and may be displayed in any district without a permit.

k. Temporary directional signs for meetings, conventions, and other assemblies.

l. One (1) sign, not exceeding six (6) square feet listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress.

m. Political posters, banners, promotional devices and similar signs, not exceeding four (4) square feet in the residential districts nor sixteen (16) square feet in nonresidential districts. Such signs shall be removed within forty-eight (48) hours of the election or event.

n. Signs required by Federal, State, County or Village regulations (excluding NYS registered motor vehicle shop and NYS inspection stations).

(2) Permitted signs.

a. Freestanding/ ground, wall or window signs advertising a use allowed in a Residential District such as a business, public or quasi-public building or buildings used solely for nonprofit, church, school, hospital or other like purposes shall be permitted provided such sign is located on the same premises as the use that it advertises (See Figure E, pg. 19 for examples). No such sign shall exceed ten (10) square feet in area or five (5) feet in height, and such sign shall be located not less than five (5) feet from property lines.

b. For large scale multifamily developments one (1) project identification sign shall be permitted which shall not exceed ten (10) square feet in area and shall be situated not less than five (5) feet from the property lines. The sign may include only the name of the property, the street address, and the presence or lack of vacancies.

(3) Prohibited signs.

a. No off-premise signs shall be allowed.

b. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature.

c. No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement. No such sign shall impair visibility for the motorist at a street corner or intersection by placement or location.

d. No sign or sign supports shall be placed upon the roof of any building.

e. No pole signs or projecting signs.

f. Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the top of the first floor of the building. Such signs shall be limited to three (3) feet in height.

g. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.

h. No portable, copy-change signs.

i. No permanent sign may be attached to or placed upon any tree, lamp post, utility pole, hydrant, bridge or fence located within a public right-of-way.

(4) Temporary Signs.

a. All signs of a temporary nature, except as otherwise provided by this Section, shall be permitted for a period not exceeding six (6) weeks prior to the activity or event nor exceeding four (4) days after the activity or event. Such signs shall not exceed eight (8) square feet in the R-1 District, nor be attached to fences, trees, utility poles, rocks or other facets of the natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

b. A cash deposit equal to the fee may be required to be deposited with the Zoning Enforcement Officer at his or her discretion, to insure removal of such signs upon expiration of the permit period. The Zoning Enforcement Officer, after seven (7) days written notice to the permit holder to remove such signs, and after the failure of the permit holder to do so, shall cause said signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal. The seven (7) days written notice provided herein shall be computed from the date of mailing said notice. Said notice shall be directed to the permit holder at the address provided to the Zoning Enforcement Officer on the permit application, and shall be sent to the owner by regular first-class mail.

(5) Nonconforming Signs. A nonconforming sign shall not be enlarged, altered or replaced by another nonconforming sign. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than fifty (50%) percent of the current depreciated value of the sign as of the date of alteration or repair. No repair or alteration exceeding fifty (50%) percent of the current depreciative value shall be made without making the sign a conforming sign.

(6) Removal of Signs. Any sign, existing on or after the effective date of this section, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed. In addition, where the permit for a sign is revoked for any reason, the sign shall be removed immediately.

If the Zoning Enforcement Officer shall find that any sign regulated in this Section is not used, does not advertise a current product or service available on the property, is abandoned, unsafe or insecure, or is a menace to the public, the Zoning Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within thirty (30) days from the date of the notice. If the sign is not removed or repaired within said time period, the Zoning Enforcement Officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such service.

The Zoning Enforcement Officer may cause any sign that is a source of immediate peril to persons or property to be removed immediately and without notice.

SECTION 307 **RESIDENTIAL R-2**

The R-2 District is designed to accommodate primarily single family dwellings on lots with a minimum area of seven thousand- five hundred (7,500) square feet, and ten thousand (10,000) square feet for all other allowed uses. An additional two thousand (2,000) square feet of lot area shall be required for each dwelling unit in excess of two (2).

A. The following uses and their accessory structures (see Section 302) are permitted in the R-2 District:

- (1) Single-family dwellings
- (2) Two-family dwellings
- (3) Multi-family dwellings
- (4) Professional offices (requires Site Plan Review)
- (5) Home and farm gardens
- (6) Athletic fields and structures
- (7) Parks
- (8) Public utility facility (see Section 406)

B. The following uses and their accessory structures (see Section 302) are permitted in the R-2 District upon the issuance of a Special Use Permit:

- (1) Home occupations (see Section 404)
- (2) Schools, including nursery and pre-school
- (3) Educational institution, private
- (4) Church
- (5) Governmental use
- (6) Funeral home
- (7) Adult care & residential care facilities, and nursing homes
- (8) Social organization/club
- (9) Day care center, including Group family day care and family day care home
- (10) Bed and breakfast
- (11) Community center
- (12) Cemetery
- (13) Mobile home parks (see Section 405)
- (14) Outdoor recreation
- (15) Ponds (see Section 303)
- (16) Motor vehicle repair and/or sales on a lot with an existing commercial building

C. Minimum Dimensional Criteria.

(1) All one (1) and two (2) family dwelling units located on individual lots shall have a minimum outside width of at least twenty (20) feet.

- (2) Smaller additions or projections from larger units may be constructed onto an existing structure, provided a twenty (20) foot minimum width is clearly established for the overall unit.
- (3) Maximum Building Coverage – Thirty percent (30%) of the lot area.
- (4) Maximum Building Height – forty (40) feet.
- (5) Minimum Lot Width - Sixty (60) feet for single-family dwellings, eighty (80) feet for all other uses.
- (6) Minimum Lot Depth – One hundred (100) feet.
- (7) Minimum Front Yard – In an effort to maintain the existing block faces and uniform front yard setbacks exhibited by existing homes and other structures, a new dwelling(s) or structure constructed on a lot that is adjacent, and on the same block as, one or more existing buildings shall maintain a front yard setback that does not deviate any more than two (2) feet from the setback exhibited by any of the pre-existing buildings. But at no time may this setback be closer than three (3) feet to the right-of-way. If there are no other structures on the same block the Front Yard shall be twenty-five (25) feet.
- (8) Minimum Side Yard – Ten (10) feet.
- (9) Minimum Rear Yard – Twenty-five (25) feet.

Figure I – Dimensional & Setback Requirements in the R-2 District

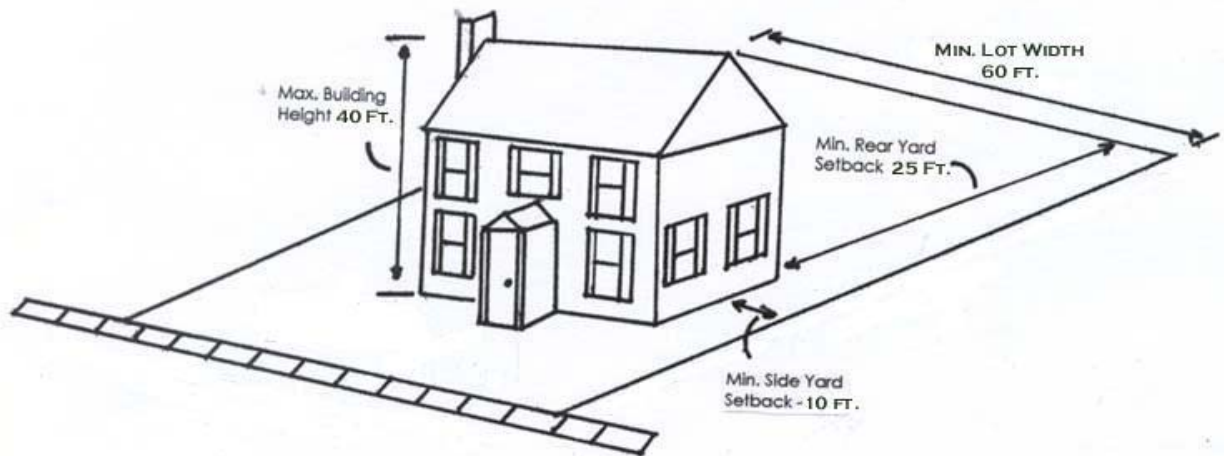
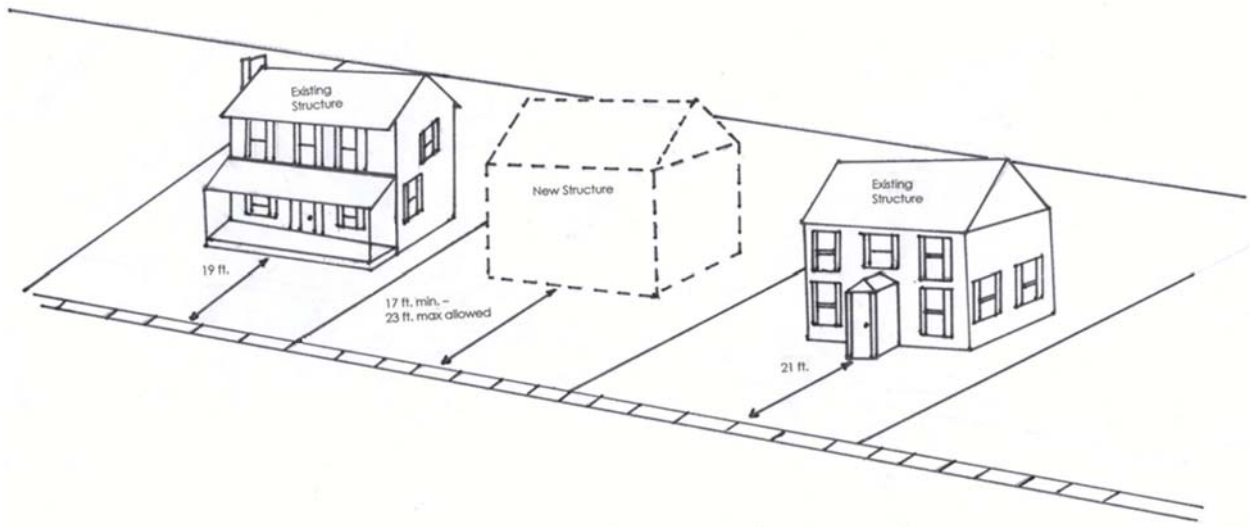


Figure J – Example of Required Front Yard Setback in the R-2 District and lots fronting on Church Street and Main Street (NYS Route 98) in the R-1 District



D. Minimum Enclosed Living Area.

(1) One (1) family dwellings shall have a minimum enclosed living area (not including garage but also not limited to only habitable floor area) as follows:

a. One (1) story dwellings nine hundred-fifty (950) square feet on the first floor.

b. Two story (2) dwellings seven hundred-fifty (750) square feet on the first floor.

(2) Two (2) family dwellings shall have an enclosed living area of at least seven hundred fifty (750) square feet per unit.

(3) Multiple family dwellings shall have an enclosed living area per unit as follows:

<u># of Bedrooms Per Unit</u>	<u>Minimum Square Footage</u>
Efficiency	300
1 bedroom	550
2 bedroom	650
3 bedroom	800
4 bedroom	1,000
5+ bedroom	As determined by Planning Board

E. Parking Requirements.

(1) All parking spaces shall be at least nine (9) feet wide and eighteen (18) feet deep. One (1) parking space shall be provided for every dwelling unit.

(2) Home occupation and professional offices. One (1) parking space for every two hundred (200) square feet of home occupation or office space.

(3) Community center or other governmental use, churches, or commercial uses. One (1) parking space for every five (5) seats or one (1) parking space for every one hundred (100) square feet of floor area.

(4) No driveway(s) giving access to off-street parking shall be located closer than fifty (50) feet from the intersection of two (2) public streets.

(5) Parking in the front yard shall be allowed on hard surfaced driveways provided that the parking of such vehicles shall not obstruct visibility of traffic and shall not exceed one-fourth (1/4) of the front yard. The term vehicle as used in this paragraph, shall include but not be limited to automobiles, motorcycles, trucks, motor homes, campers and trailers, including recreational and boat trailers.

(6) Weight limit. Not more than one (1) commercial vehicle over one-half (1/2) ton shall be garaged or parked on any lot in the Residential (R-2) District. As used herein, a commercial vehicle shall not include any tractor, tractor-trailer combinations, or trucks in excess of five (5) tons gross weight.

(7) The parking of any vehicle used for the purpose of removing, transporting or disposing of any sewage, sludge, human or animal excreta, industrial waste, garbage or any refuse shall be prohibited in the Residential (R-2) District.

F. Signs in the R-2 District.

(1) Exempt signs. No sign shall be erected in the Residential (R-2) District without obtaining a zoning permit with the exception of the following:

a. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.

b. Flags and insignia of any government, except when displayed in connection with commercial promotion.

c. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.

d. One (1) on-premises sign, either a freestanding, ground, wall or window sign, in connection with any residential building in any zoning district, for permitted professional

office or home occupation, not exceeding one (1) square foot and set back at least three (3) feet from any property line or public right-of way. Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.

e. Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding one (1) square foot in area.

f. Lawn signs identifying residents, not exceeding one (1) square foot per side. Such signs are to be non-illuminated except by a light which is an integral part of a lamppost if used as a support, with no advertising message thereon.

g. Private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet for a period not exceeding four (4) days within a given month.

h. One (1) temporary non-illuminated "For Sale", "For Rent", "Garage Sale", real estate signs and signs of similar nature concerning the premises upon which the sign is located not exceeding ten (10) square feet per side. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises, or cessation of an approved temporary use permit.

i. Temporary, non-illuminated window signs and posters not exceeding twenty-five (25) percent of the window surface, when such signs are located within eighteen (18) inches of the window surface.

j. Holiday decorations of a noncommercial nature, including lighting, are exempt from the provisions of this Zoning Law and may be displayed in any district without a permit.

k. Temporary directional signs for meetings, conventions, and other assemblies.

l. One (1) sign, not exceeding six (6) square feet listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress.

m. Political posters, banners, promotional devices and similar signs, not exceeding four (4) square feet in the residential districts nor sixteen (16) square feet in nonresidential districts. Such signs shall be removed within forty-eight (48) hours of the election or event.

n. Signs required by Federal, State, County or Village regulations (excluding NYS registered motor vehicle shop and NYS inspection stations).

(2) Permitted signs.

a. Freestanding/ ground, wall or window signs advertising a use allowed in a Residential District such as a business, public or quasi-public building or buildings used solely for nonprofit, church, school, hospital or other like purposes shall be permitted provided such sign is located on the same premises as the use that it advertises (See Figure E, pg. 19 for examples). No such sign shall exceed ten (10) square feet in area or five (5) feet in height, and such sign shall be located not less than five (5) feet from property lines.

b. For large scale, multifamily developments one (1) project identification sign shall be permitted which shall not exceed five (5) square feet in area and shall be situated not less than ten (10) feet from the property lines. The sign may include only the name of the property, the street address, and the presence or lack of vacancies.

(3) Prohibited signs.

- a. No off-premise signs shall be allowed.
- b. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature.
- c. No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement. No such sign shall impair visibility for the motorist at a street corner or intersection by placement or location.
- d. No sign or sign supports shall be placed upon the roof of any building.
- e. No pole signs or projecting signs.
- f. Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the level of the second floor of the building. Such signs shall be limited to three (3) feet in height.
- g. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.
- h. No portable signs, including copy-change signs.
- i. No permanent sign may be attached to or placed upon any tree, lamp post, utility pole, hydrant, bridge or fence located within a public right-of-way.

(4) Temporary Signs.

a. All signs of a temporary nature, except as otherwise provided by this Section, shall be permitted for a period not exceeding six (6) weeks prior to the activity or event nor exceeding four (4) days after the activity or event. Such signs shall not exceed sixteen (16) square feet in business or industrial districts nor eight (8) square feet in the R-2 District, nor be attached to fences, trees, utility poles, rocks or other facets of the natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

b. A cash deposit equal to the fee may be required to be deposited with the Zoning Enforcement Officer at his or her discretion to insure removal of such signs upon expiration of the permit period. The Zoning Enforcement Officer, after seven (7) days written notice to the permit holder to remove such signs, and after the failure of the permit holder to do so, shall cause said signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal. The seven (7) days written notice provided herein shall be computed from the date of mailing said notice. Said notice shall be directed to the permit holder at the address provided to the Zoning Enforcement Officer on the permit application, and shall be sent to the owner by regular first-class mail.

(5) Nonconforming Signs.

A nonconforming sign shall not be enlarged, altered or replaced by another nonconforming sign. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than fifty (50%) percent of the current depreciated value of the sign as of the date of alteration or repair. No repair or alteration exceeding fifty (50%) percent of the current depreciative value shall be made without making the sign a conforming sign.

(6) Removal of Signs.

Any sign, existing on or after the effective date of this section, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed. In addition, where the permit for a sign is revoked for any reason, the sign shall be removed immediately.

a. If the Zoning Enforcement Officer shall find that any sign regulated in this Section is not used, does not advertise a current product or service available on the property, is abandoned, unsafe or insecure, or is a menace to the public, the Zoning Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within thirty (30) days from the date of the notice. If the sign is not removed or repaired within said time period, the Zoning Enforcement Officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such service.

b. The Zoning Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice.

SECTION 308 **COMMERCIAL (C) DISTRICT**

The Commercial (C) District is designed to accommodate primarily commercial uses on lots with a minimum area of fifty-six hundred (5,600) square feet. The primary purpose of this district is to provide areas for small to medium sized commercial uses. Site Plan Review is required of all uses in the C District.

A. The following uses and their accessory structures (see Section 302) are permitted in C District:

- (1) Office buildings
- (2) Restaurants
- (3) Shopping center
- (4) Retail stores and services, excluding drive-in services
- (5) Business services
- (6) Government offices
- (7) Personal services, excluding drive-in services
- (8) Business and professional offices, excluding drive-in services
- (9) Social organization/club
- (10) Entertainment services, excluding drive-in services
- (11) Multi-family dwellings
- (12) Motel/hotel
- (13) Accessory apartments
- (14) Community center
- (15) Hospital or medical facility
- (16) Indoor recreation
- (17) Public utility facility (see Section 406)
- (18) Educational institution, private

B. The following uses and their accessory structures (see Section 302) are permitted in C

Districts upon the issuance of a Special Use Permit.

- (1) Drive-in services (see Section 403)
- (2) Animal hospital, kennel, shelter or veterinary facility
- (3) Day care center
- (4) Adult care center
- (5) Gasoline station & station market (see Section 403)
- (6) Self-service storage facility

C. Minimum Dimensional Criteria.

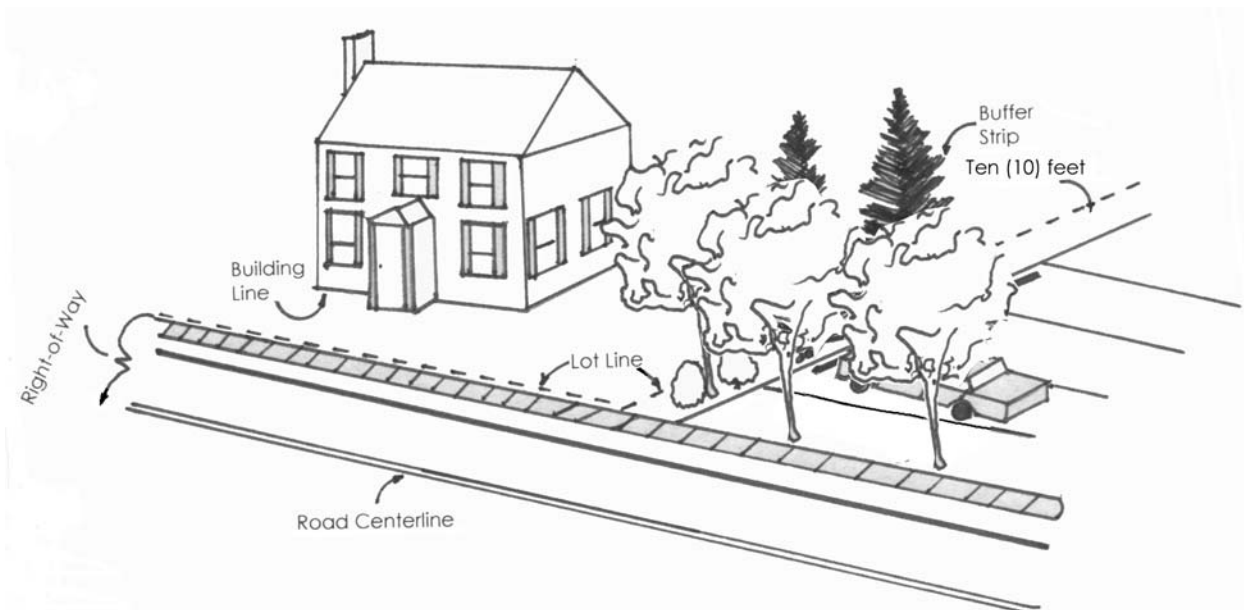
- (1) Minimum Frontage and Lot Width: Forty-eight (48) feet.
- (2) No new principal structures shall be located less than three (3) feet but no greater than six (6) feet from a lot line abutting a public street.
- (3) All parking areas shall be located to the side or rear of the principal structure.
- (4) All parking areas that are within view of neighboring residential districts shall have a buffer to visually screen the paved surfaces from the view. (See figure K, pg. 66)

(5) At least twenty-five percent (25%) of any proposed paved parking area shall be landscaped using a combination of trees and scrubs appropriate for the local soil and climatic conditions. Such landscaping should adequately and ornamentally screen the parking area from the street right of way.

Figure K – Required Buffering in the C District

D. Parking Space Requirements.

(1) All parking spaces provided shall be at least nine (9) feet wide and eighteen (18) feet deep.



(2) Substitution of on-street parking spaces.

Off-street parking should be provided for all new residential uses and commercial uses in the C District. But where feasible, and with the approval of the Village Planning Board, applicants may substitute required off-street parking spaces for on-street parking spaces.

(3) The parking of any vehicle used for the purpose of removing, transporting or disposing of any sewage, sludge, human or animal excretia, industrial waste, garbage or any refuse shall be prohibited in the Commercial District.

(4) For all residential uses, one (1) parking space for every dwelling unit.

(5) Motel: two (2) parking spaces, plus one (1) space for every guest room.

(6) Places of public assembly: One (1) parking space for every five (5) seats or one (1) parking space for every one hundred (100) square feet of floor area.

(7) Professional offices: two (2) parking spaces, plus one (1) space for every four hundred (400) square feet of office space.

(8) Restaurant, eating and drinking establishment: One (1) parking space for every one hundred (100) square feet of floor area.

(9) All other commercial uses: One (1) parking space for every motor vehicle used directly in the business, plus one (1) parking space for every two hundred (200) square feet of

business area, or as specified by the Planning Board.

(10) Off-street loading requirements: Every building occupied for the purpose of business or industry shall provide adequate space for off-street loading and unloading vehicles.

E. Signs.

The purpose of this subsection is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs that excessively overhang or project over public rights-of-way, provide more visual open space, and curb the deterioration of the community's appearance and attractiveness.

This Section is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

It is unlawful for any person to erect, alter or relocate any sign other than those identified as exempt in Subsection 1 of this Section, within the Commercial (C) District without first obtaining a zoning permit and complying with all applicable regulations under Subsection 2.

(1) Exempt Signs - (Require No Permits).

a. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.

b. Flags and insignia of any government, except when displayed in connection with commercial promotion.

c. On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding four (4) square feet per face and four (4) feet in height. Business names and advertising messages shall not be allowed as part of such signs.

d. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.

e. Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding one (1) square foot in area.

f. Temporary non-illuminated "For Sale", "For Rent", real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In a commercial district, one (1) sign not exceeding fifty (50) square feet. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises, or cessation of an approved temporary use permit.

g. Temporary, non-illuminated window signs and posters not exceeding twenty-five (25%) percent of the window surface, when such signs are located within eighteen (18) inches of the window surface.

k. Holiday decorations of a noncommercial nature, including lighting, are exempt from the provisions of this Zoning Law and may be displayed in any district without a permit.

1. Temporary directional signs for meetings, conventions, and other assemblies.

m. One (1) sign, not exceeding six (6) square feet listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress.

n. Political posters, banners, promotional devices and similar signs, not exceeding four (4) square feet in the residential districts nor sixteen (16) square feet in nonresidential districts. Such signs shall be removed within forty-eight (48) hours of the election or event.

o. Signs required by Federal, State, County or Village regulations (excluding NYS registered motor vehicle shop and NYS inspection stations).

(2) Signs Permitted in the (C) District.

Wall signs, freestanding/ ground signs, projecting signs, temporary signs and window signs shall be permitted in the Commercial District (See Figure E, pg. 19 for examples). The total cumulative sign area of all signage permitted on a lot shall not exceed five percent 5% of the total surface area of walls facing the roadway(s) in front of the building, but in no case shall the total cumulative signage for a lot exceed ninety (90) square feet, whichever is less. In calculating the total cumulative surface area, only one (1) side or wall of a building shall be used. The specific design criteria for the four (4) types of signs permitted in the District are as follows:

a. Wall signs: Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the second floor of the building. Wall signs shall not extend more than nine (9) inches from the face of the buildings to which attached.

b. Freestanding/ Ground signs: No freestanding/ ground sign shall be more than sixteen (16) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is less, to the highest point of the sign, including supporting structures. No freestanding/ ground sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.

c. Projecting signs: Projecting signs shall not project in any direction more than four (4) feet beyond the principal structure. The exterior edge of a projecting sign shall extend not more than five (5) feet from the building face. Projecting signs shall not extend above the level of the second floor of the buildings to which attached.

d. Window signs: The area of a window sign(s) shall not exceed twenty-five (25%) percent of the area of the window.

(3) Prohibited Signs and Acts.

a. No off-premise signs shall be allowed other than as permitted under the exempt signs provision of this Section.

b. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature.

c. No sign shall impair, impede or cause confusion of vehicular or pedestrian traffic, in its design, color or placement. No such sign shall impair visibility for the motorist at a street corner or intersection by placement or location.

d. No pole signs shall be allowed.

e. No sign or sign supports shall be placed upon the roof of any building.

f. No sign shall be installed or mounted onto, or otherwise project within the upper ten (10) feet of the top story of any structure in the Commercial (C) District.

g. No sign shall consist of pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.

h. No advertising message shall be extended over more than one (1) sign placed along a street or highway.

i. No Portable signs, including copy-change signs, price banners and item banners.

j. No sign, temporary, portable, and/or permanent, may be attached to or placed upon any tree, lamp post, utility pole, hydrant, bridge or fence located within a public right-of-way.

(4) Temporary Signs.

a. All signs of a temporary nature, except as otherwise provided by this Section, shall be permitted for a period not exceeding six (6) weeks prior to the activity or event nor exceeding four (4) days after the activity or event. Such signs shall not exceed sixteen (16) square feet in the Commercial District, nor be attached to fences, trees, utility poles, rocks or other facets of the natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

b. A cash deposit equal to the fee may be required to be deposited with the Zoning Enforcement Officer at his or her discretion to insure removal of such signs upon expiration of the permit period. The Zoning Enforcement Officer, after seven (7) days written notice to the permit holder to remove such signs, and after the failure of the permit holder to do so, shall cause said signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal. The seven (7) days written notice provided herein shall be computed from the date of mailing said notice. Said notice shall be directed to the permit holder at the address provided to the Zoning Enforcement Officer on the permit application, and shall be sent to the owner by regular first-class mail.

(5) Nonconforming Signs. A nonconforming sign shall not be enlarged, altered or replaced by another nonconforming sign. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than fifty (50%) percent of the current depreciated value of the sign as of the date of alteration or repair. No repair or alteration exceeding fifty (50%) percent of the current depreciative value shall be made without making the sign a conforming sign.

(6) Removal of Signs. Any sign, existing on or after the effective date of this

section, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed. In addition, where the permit for a sign is revoked for any reason, the sign shall be removed immediately.

If the Zoning Enforcement Officer shall find that any sign regulated in this Section is not used, does not advertise a current product or service available on the property, is abandoned, unsafe or insecure, or is a menace to the public, the Zoning Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within thirty (30) days from the date of the notice. If the sign is not removed or repaired within said time period, the Zoning Enforcement Officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such service.

The Zoning Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice.

SECTION 309 **MANUFACTURING & INDUSTRIAL (M-I) DISTRICT**

The M-I District is designed to accommodate industrial uses. Site Plan Review is required of all uses in the M-I District.

A. The following uses and their accessory structures (see Section 302) are permitted in M-I Districts:

- (1) Drive-in services (see Section 403)
- (2) Automobile service stations (see Section 403)
- (3) Agriculture and agricultural service businesses
- (4) Light industrial
- (5) Minor industrial uses
- (6) Wholesale business
- (7) Commercial storage buildings and self-service storage facilities
- (8) Lumber yard
- (9) Exterior storage
- (10) Boarding house
- (11) Enclosed motor vehicle sales, service and repair (see Section 403)
- (12) Machinery and transportation equipment, sales, service and repair
- (13) Enclosed industrial processes and service
- (14) Trucking terminal and truck parking
- (15) Contractor's yard
- (16) Skilled trade shops and small engine repair shops
- (17) Adult uses (see Section 400)
- (18) Animal kennels
- (19) Commercial printing
- (20) Automobile, truck and trailer rentals
- (21) Public utility facility (see Section 406)

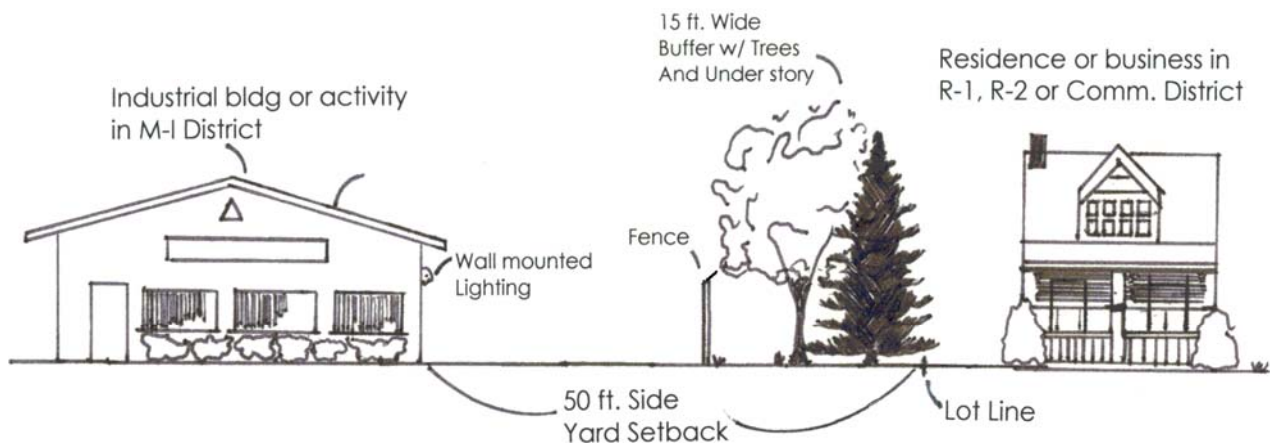
B. The following uses and their accessory structures (see Section 302) are permitted in M-I Districts upon the issuance of a Special Use Permit:

- (1) Major industrial uses
- (2) Junkyards
- (3) Commercial communications tower (see Section 402)
- (4) Transportation services
- (5) Bioremediation (see Section 401)
- (6) Disposal transfer stations
- (7) Recyclables handling and recovery facility

C. Minimum Dimensional Criteria.

- (1) All principal structures shall be set back at least fifty (50) feet from side and rear lot lines that abut a Residential 1 or 2 District, or a Commercial District.
- (2) All parking areas and other facilities that border, or are within view of, a Residential or commercial district shall have a buffer to visually screen the paved surfaces or other facilities from view. (See figure L, pg. 71)
- (3) At least twenty-five percent (25%) of any proposed paved parking area shall be landscaped using a combination of trees and scrubs appropriate for the local soil and climatic conditions and shall adequately and ornamentally screen the parking areas from the street right of way.

Figure L – Required Buffering and lighting in the M-I District



D. Parking Space Requirements.

For every building hereafter erected, altered or changed in use, there shall be provided at least the minimum number of off-street parking spaces set forth under this Section. Off-street parking in the Manufacturing - Industrial Districts may be provided in any yard space, but shall not be closer than ten (10) feet to the pavements edge of any public roadway.

(1) All parking spaces provided shall be at least nine (9) feet wide and eighteen (18) feet deep.

(2) The parking of any vehicle used for the purpose of removing, transporting or disposing of any sewage, sludge, human or animal excretia, industrial waste, garbage or any refuse shall be prohibited within three hundred (300) feet of any Residential or Commercial District.”

(3) For all residential uses, one (1) parking space for every dwelling unit.

(4) All other uses: One (1) parking space for every motor vehicle used directly in the business, plus one (1) parking space for every two hundred (200) square feet of business area, or as specified by the Planning Board.

(5) Off-street loading requirements: Every building occupied for the purpose of business or industry shall provide adequate space for off-street loading and unloading vehicles.

(5) The Planning Board, under its powers of Site Plan Review and approval, may modify requirements for parking and loading spaces.

E. Signs.

The purpose of this Section is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended, hereby, to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space, and curb the deterioration of the community's appearance and attractiveness.

This Section is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

It is unlawful for any person to erect, alter or relocate any sign other than those identified as exempt in Subsection B of this Section, within the Village without first obtaining a sign permit, paying the fee therefore as provided in this Zoning Law and complying with all applicable regulations.

(1) Exempt Signs - (Require No Permits).

a. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.

b. Flags and insignia of any government, except when displayed in connection with commercial promotion.

c. On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding four (4) square feet per face and four (4) feet in height. Business names and advertising messages shall not be allowed as part of such signs.

d. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.

e. Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding one (1) square foot in area.

f. Temporary non-illuminated "For Sale", "For Rent", real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In a commercial district, one (1) sign not exceeding fifty (50) square feet. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises, or cessation of an approved temporary use permit.

g. Temporary, non-illuminated window signs and posters not exceeding twenty-five (25%) percent of the window surface, when such signs are located within eighteen (18) inches of the window surface.

k. Holiday decorations of a noncommercial nature, including lighting, are exempt from the provisions of this Zoning Law and may be displayed in any district without a permit.

1. Temporary directional signs for meetings, conventions, and other assemblies.

m. One (1) sign, not exceeding six (6) square feet listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress.

n. Political posters, banners, promotional devices and similar signs, not exceeding four (4) square feet in the residential districts or sixteen (16) square feet in nonresidential districts. Such signs shall be removed within forty-eight (48) hours of the election or event.

o. Signs required by Federal, State, County or Village regulations (excluding NYS registered motor vehicle shop and NYS inspection stations).

(2) Signs Permitted in the (M-I) District.

Wall signs, freestanding/ ground signs, projecting signs, and window signs shall be permitted in the Manufacturing – Industrial District (See Figure E, pg. 19 for examples). The total cumulative sign area of all signs permitted on a lot shall be calculated at the rate of two (2) square feet of sign area per linear foot of building frontage, but in no case shall exceed one hundred (100) square feet, whichever is less. In calculating the total cumulative sign area, only one (1) side, or

wall, of a building, shall be used. The specific dimensional criteria for the four types of signs permitted in the District are as follows:

a. Wall signs: Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the second floor of the building. Wall signs shall not extend more than nine (9) inches from the face of the buildings to which attached.

b. Freestanding/ Ground signs: No freestanding/ ground sign shall be more than sixteen (16) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is less, to the highest point of the sign, including supporting structures. No freestanding/ ground sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.

c. Projecting signs: Projecting signs shall not project in any direction more than five (5) feet beyond the principal structure. The exterior edge of a projecting sign shall not extend more than five (5) feet from the building face. Projecting signs shall not extend above the second floor of the buildings to which attached.

d. Window signs: The area of a window sign(s) shall not exceed twenty-five (25%) percent of the area of the window.

(3) Prohibited Signs and Acts.

a. No off-premise signs shall be allowed other than as permitted under the Exempt Signs provision of this Section.

b. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature.

c. No sign shall impair, impede or cause confusion of vehicular or pedestrian traffic, in its design, color or placement. No such sign shall impair visibility for the motorist at a street corner or intersection by placement or location.

d. No sign or sign supports shall be placed upon the roof of any building.

e. No sign shall consist of pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.

f. No advertising message shall be extended over more than one (1) sign placed along a street or highway.

g. No sign, temporary, portable, and/or permanent, may be attached to or placed upon any tree, lamp post, utility pole, hydrant, bridge or fence located within a public right-of-way.

(4) Temporary Signs.

a. All signs of a temporary nature, except as otherwise provided by this Section, shall be permitted for a period not exceeding six (6) weeks prior to the activity or event nor exceeding four (4) days after the activity or event. Such signs shall not exceed sixteen (16) square feet in the Manufacturing-Industrial District, nor be attached to fences, trees, utility poles, rocks or other facets of the natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

b. A cash deposit equal to the fee may be required to be deposited with the Zoning Enforcement Officer at his or her discretion to insure removal of such signs upon expiration of the permit period. The Zoning Enforcement Officer, after seven (7) days written notice to the permit holder to remove such signs, and after the failure of the permit holder to do so, shall cause said signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal. The seven (7) days written notice provided herein shall be computed from the date of mailing said notice. Said notice shall be directed to the permit holder at the address provided to the Zoning Enforcement Officer on the permit application, and shall be sent to the owner by regular first-class mail.

(5) Nonconforming Signs.

A nonconforming sign shall not be enlarged, altered or replaced by another nonconforming sign. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than fifty (50%) percent of the current depreciated value of the sign as of the date of alteration or repair. No repair or alteration exceeding fifty (50%) percent of the current depreciative value shall be made without making the sign a conforming sign.

(6) Removal of Signs.

Any sign, existing on or after the effective date of this section, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed. In addition, where the permit for a sign is revoked for any reason, the sign shall be removed immediately.

If the Zoning Enforcement Officer shall find that any sign regulated in this Section is not used, does not advertise a current product or service available on the property, is abandoned, unsafe or insecure, or is a menace to the public, the Zoning Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within thirty (30) days from the date of the notice. If the sign is not removed or repaired within said time period, the Zoning Enforcement Officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such service.

The Zoning Enforcement Officer may cause any sign, which is a source of immediate peril to persons or property, to be removed immediately and without notice.

SECTION 310 **LAND CONSERVATION (L-C) DISTRICT**

The LC District contains those designated areas of the Village where substantial development of the land in the way of buildings or structures is prohibited because of special or unusual conditions of topography, drainage, flood plain or other natural conditions, whereby considerable damage to buildings or structures and possible loss of life may occur due to the processes of nature. These areas lack the proper facilities or improvements resulting in the land not being suitable for development at the present time, and where such facilities or improvements must be undertaken on an area-wide rather than an individual parcel basis in order to adequately serve the area at a reasonable cost to the village. These areas may also be most suitable for the preservation of natural resources.

A. Permitted uses:

The following land uses are the only permitted activities within the LC District:

- (1) Farm or other agricultural operations, including gardens, nurseries, and usual farm accessory buildings not including dwellings provided that storage of manure or other odor or dust producing substances shall be prohibited.
- (2) Animal or insect housing not closer than fifty (50) feet from a property line.
- (3) Park, playground, athletic field, golf course, or other similar uses including accessory structures.

ARTICLE IV **SUPPLEMENTARY USE-SPECIFIC REGULATIONS**

SECTION 400 **ADULT USES**

A. Purposes.

The Village of Alexander conducted a study of the potential secondary effects posed by adult uses. This study, along with other similar studies, has shown buildings and establishments operated as adult uses pose secondary effects that have a detrimental and harmful effect to the health, safety, morals and general welfare of a community. In order to promote the health, safety, morals and general welfare of the residents of the Village of Alexander, this Section is intended to control those secondary effects of adult uses by restricting adult uses to non-residential areas of the Village, and otherwise regulate their operation.

B. Definitions.

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

(1) Adult Establishment - A commercial establishment where a substantial portion (equal to or greater than twenty-five percent (25%) of the establishment includes adult book store, adult eating or drinking establishment, adult theater, or other adult commercial establishment, or any combination thereof, as defined below:

a. An adult bookstore is a bookstore, which has a substantial portion, equal to or greater than twenty five percent (25%), of its stock-in-trade in any one or more of the following:

1. Books, magazines, periodicals or other printed matter which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical area; or,

2. Photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

b. An adult eating or drinking establishment is an eating or drinking establishment that regularly features any one or more of the following:

1. Live performances which are characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities; or

2. Films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or

3. Employees, who as part of their employment, regularly expose to patrons specified anatomical areas, and which is not customarily opened to the general public

during such features because it excludes minors by reason of age.

c. An adult theater is a theater that regularly features one or more of the following:

1. Films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or,

2. Live performances which are characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities, and which is not customarily opened to the general public during such features because it excludes minors by reason of age.

An adult theater shall include commercial establishments where such materials or performances are viewed from individual enclosures.

d. Any other adult commercial establishment is a facility - other than an adult bookstore, adult eating or drinking establishment, adult theater, commercial studio, or business or trade school - which features employees who, as part of their employment, regularly expose to patrons specified anatomical areas and which is not customarily open to the general public during such features because it excludes minors by reason of age.

For the purpose of defining adult establishments, specified sexual activities are: (i) human genitals in a state of sexual stimulation or arousal; (ii) actual or simulated acts of human masturbation, sexual intercourse, or sodomy; or (iii) fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast.

Specified anatomical areas are: (i) less than completely and opaquely concealed (a) human genitals, pubic region, (b) human buttock, anus or (c) female breast below a point immediately above the top of the areola; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely concealed.

For the purpose of determining whether a substantial portion, equal to or greater than twenty-five percent (25%), of an establishment includes an adult bookstore, adult eating or drinking establishment, adult theater, or other adult commercial establishment; or combination thereof, the following factors shall be considered: (1) the amount of floor area and cellar space accessible to customers and allocated to such uses; and (2) the amount of floor area and cellar space accessible to customers and allocated to such uses as compared to the total floor area and cellar space accessible to customers in the establishment.

For the purpose of determining whether a bookstore has a substantial portion, equal to or greater than twenty-five percent (25%), of its stock in materials defined in paragraphs (a) (1) or (a) (2) hereof, the following factors shall be considered: (1) the amount of stock accessible to customers as compared to the total stock accessible to customers in the establishment; and (2) the amount of floor

area and cellar space accessible to customers containing such stock; and (3) the amount of floor area and cellar space accessible to customers containing such stock as compared to the total floor area and cellar space accessible to customers in the establishment.

(2) Person - A person, firm, partnership, corporation, association or legal representative, acting individually or jointly.

(3) Substantial - For the purposes of the Section the term substantial shall mean an amount equal to or greater than twenty-five percent (25%) percent of the total.

C. Restrictions Affecting Adult Uses.

Adult uses, including but not limited to adult bookstore, adult motion-picture theater, adult mini-motion-picture theater, and adult entertainment cabaret shall be permitted subject to the following restrictions (all distance setbacks shall be measured from the respective property lines and/or district boundary lines):

- (1) No such adult uses shall be within one hundred (100) feet of another existing adult use.
- (2) No such use shall be within five hundred (500) feet of a residential property.
- (3) No such adult use shall be located within one hundred (100) feet of the boundaries of any Residential Zoning District (R-1 or R-2).
- (4) No such adult use shall be located within four hundred (400) feet of a pre-existing school, place of worship, playground, park, or the Village Hall.
- (5) No such adult use shall be located in any zoning district except the Commercial or Manufacturing - Industrial Districts (C, M-I).
- (6) Only one adult establishment shall be permitted on a zoning lot.

D. Prohibition Regarding Public Observation.

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

SECTION 401 **BIOREMEDIATION**

The purpose of this provision is to allow for use of bioremediation for the treatment of petroleum-contaminated soils within M-I Districts. It is recognized that operation of such uses without adequate regulations and conditions may pose adverse impacts upon neighboring residential uses.

A. Process.

An applicant shall apply to the authorizing board for a special use permit to establish a bioremediation cell(s) in an M-I District.

B. Conditions.

The following conditions are intended to insure the use of bioremediation will not adversely affect surrounding land uses or pose unnecessary risks to residents and the environment:

(1) All contaminated soils to be treated must have originated from within the Village of Alexander. No contaminated soils from property located outside of the Village of Alexander shall be used in a bioremediation process located within the Village.

(2) All operations processing soils that were contaminated on another site in the Village must be set back not less than one thousand (1,000) feet from any neighboring residential use or place(s) of public assembly.

(3) Prior to approval of any special use permit, the authorizing board, in its sole discretion, may require the applicant and/or owner to post and file with the Village Clerk a maintenance and/or performance bond or other form of security acceptable to the Village Attorney, in an amount sufficient to cover the clean up and/or remediation of said bioremediation cell(s) during its lifetime and provide for its removal. The amount required shall be determined in the sole discretion of the authorizing board, based upon the unique characteristics of the bioremediation cell(s) and site. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the authorizing board in supplying all necessary construction, sampling, maintenance and reclamation data to the authorizing board prior to approval of any application to accomplish the foregoing.

SECTION 402 **COMMERCIAL COMMUNICATION TOWERS**

No commercial communication tower or antenna(s) shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these regulations.

A. Shared Use of Existing Towers and/or Structures.

At all times, shared use of existing towers and/or structures including water towers and buildings shall be preferred to the construction of new commercial communication towers. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing

facilities as an alternative to a proposed new commercial communication tower. The installation of a commercial communication antenna(s) on an existing structure located within the M- I District shall be considered a permitted use not subject to Site Plan Review, provided the following criteria are met:

(1) The existing structure is not increased in height or otherwise modified so as to change its visual appearance,

(2) The antenna(s) do not extend above such structure more than ten (10) feet, and

(3) The applicant provides the necessary documentation to the Building Inspector to verify the existing structure and proposed antenna(s) installation would comply with the NYS Uniform Fire Prevention and Building Code.

(4) An applicant proposing to share use of an existing tower and/or structure shall be required to document intent from an existing tower/structure owner to allow shared use.

B. New or Altered Towers and/or Structures.

The Planning Board may, at its sole discretion, consider a new or altered (including towers or structures which are modified, reconstructed, or changed) commercial communication tower/structure where the applicant demonstrates to the satisfaction of the Planning Board that shared usage of an existing tower/structure is impractical. The applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers/structures as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

The applicant shall be required to submit a site plan in accordance with Section 208 for all commercial communication towers that are proposed to be erected, moved, reconstructed, changed or altered. Site Plan Review will also be required in those instances when antenna(s) are being added to existing structures not in compliance with the criteria set forth in Subsection A of this Section. In addition to Section 208, the site plan shall show all existing and proposed structures and improvements including roads, buildings, tower(s), guy wire anchors, parking and landscaping and shall include grading plans for new facilities and roads.

C. Supporting Documentation.

The Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF - SEQR); and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antenna and justification for any required clearing. The applicant must provide a coverage/interference analysis and capacity analysis that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the cellular system and to provide adequate portable cellular telephone coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district. The

Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF in addressing this Subsection and Subsections J and K of this Section.

D. Shared Usage of Site with New Tower.

Where shared usage of an existing tower/structure is found to be impractical, as determined by the sole discretion of the Planning Board, the applicant shall investigate shared usage of an existing tower/structure site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsection B, Paragraphs 1 and 2 of this Section. Any new commercial communication tower approved for an existing tower/structure site shall be subject to the standards of Subsections F through N of this Section.

E. New Tower at a New Location.

The Planning Board may consider a new commercial communication tower on a site not previously developed with an existing tower/structure when the applicant demonstrates that shared usage of an existing tower site is impractical, as determined by the sole discretion of the Planning Board, and submits a report as described in Subsection B of this Section.

F. Future Shared Usage of New Towers.

The applicant must design a proposed commercial communication tower to accommodate future demand for commercial broadcasting and reception facilities. This requirement may be waived, in the sole discretion of the Planning Board, provided that the applicant demonstrate that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:

- (1) The number of Federal Communications Commission (FCC) licenses available for the area;
- (2) The kind of tower site and structure proposed;
- (3) The number of existing and potential licenses without tower spaces;
- (4) Available spaces on existing and approved towers; and
- (5) Potential adverse visual impact by a tower designed for shared usage.

G. Setbacks for New Towers.

All proposed commercial communication towers and accessory structures shall be set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site all ice-fall or debris from tower failure and preserve the privacy of adjoining residential properties.

(1) All commercial communication tower bases must be located at a minimum setback from any property line at a distance at least equal to the tower height, or the distance between the tower base and guy wire anchors, or the minimum setback of the underlying zoning district, or a minimum setback at a distance which shall be established in the sole discretion of the

Planning Board based on the unique characteristics of the site, whichever of the foregoing is greater. The minimum setback requirement of this paragraph may be increased or decreased at the discretion of the Planning Board in those instances when the applicant has submitted plans for a tower designed in such a manner as to collapse within a smaller area. Such tower design and collapse zone must be acceptable to the Village Engineer and the Planning Board.

(2) Accessory structures must comply with the minimum setback requirements in the underlying district.

H. Visual Impact Assessment.

The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modifications of an existing tower that will increase the height of the existing tower. Construction of a new commercial communication tower or modification of an existing tower shall be subject to the relevant guidelines and criteria below that are determined, by the sole discretion of the Planning Board, at the pre-submission conference to be appropriate.

(1) Assessment of "before and after" views from key viewpoints both inside and outside of the Village, including state highways and other major roads, from state and local parks, other public lands; from any privately-owned preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers.

(2) Assessment of alternative tower designs and color schemes, as described in Subsection I below.

(3) Assessment of visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.

I. New Tower Design.

Alternate designs shall be considered for new towers, including lattice and single pole structures. Plans should show that the owner of the commercial communication tower has agreed to permit other persons to attach other communication apparatus which do not interfere with the primary purposes of the commercial communication tower; provided that such other persons agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment. The design of a proposed new tower shall comply with the following:

(1) Unless specifically required by other regulations, all towers shall have a neutral, earth tone, sky tone or similar finish that will minimize the degree of visual impact that the new tower may have. Artificial lighting, including strobes, beacons and other hazard avoidance lighting, shall be limited to that required by the Federal Aviation Administration (FAA) or other governmental agency, recognized safety guidelines and the Planning Board.

(2) Any new tower shall be designed and constructed to have the minimum height

and carrying capacity needed to provide future shared usage of a minimum of two (2) additional antennas.

(3) The Planning Board may request a review of the application by the Village Engineer, or other engineer selected by the Planning Board, for evaluation of need for and design of any new tower. The costs associated for such review shall be borne by the applicant.

(4) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(5) No portion of a tower may be used for signs or advertising purposes, including company name, banners, streamers, etc.

(6) The applicant shall provide documentation acceptable to the Planning Board that certifies the operation of the proposed commercial communication tower facility will not interfere with usual and customary transmission or reception of radio, television or other communication equipment.

(7) Space on communication towers shall be made available for public safety purposes at no cost to public safety agencies.

J. Existing Vegetation.

Existing on-site vegetation shall be preserved to the maximum extent possible and no cutting of trees exceeding four (4) inches in diameter, measured at a height of four (4) feet off the ground shall occur. If any trees of a caliper diameter greater than four (4) inches are removed, said trees shall be replaced on-site with trees of a similar genus that have a caliper diameter of at least three (3) inches. The Village reserves the right to require the preservation of any existing mature trees that would significantly reduce the visual impact of the proposed tower from view from afar.

K. Screening.

Tree plantings shall be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all commercial communication towers, at least one (1) row of shrubs or trees suitable for the local soil conditions and climate and capable of forming a continuous hedge at least ten (10) feet in height within two (2) years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

L. Access.

Adequate emergency and service access shall be provided. Maximum use of existing roads,

public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the top of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

M. Fencing.

Sites of proposed new commercial communication towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a wooden or stone fence, eight (8) feet in height from finished grade. No barbed or razor wire shall be utilized in the design of the fence. Such security fencing shall surround the tower base as well as any and all guy anchors.

N. Maintenance and/or Performance Bond.

Prior to approval of any application, the Planning Board, in its sole discretion, may require the applicant and/or owner to post and file with the Village Clerk a maintenance and/or performance bond or other form of security acceptable to the Village Attorney, in an amount sufficient to cover the installation, maintenance and/or construction of said tower during its lifetime and provide for its removal. The amount required shall be determined in the sole discretion of the Planning Board, based upon the unique characteristics of the tower and site. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application to accomplish the foregoing.

O. Removal of Obsolete/ Unused Facilities.

Approval of a new commercial communication tower facility shall be conditioned upon the applicant's agreement to remove such facility once it is no longer used. Removal of such obsolete and/or unused commercial communication towers facilities shall take place within twelve (12) months of cessation of use. The applicant shall submit an executed removal agreement with their application to ensure compliance with this requirement.

**SECTION 403 GASOLINE STATIONS, GASOLINE STATION-MARKETS, AND
MOTOR VEHICLE REPAIR OR SALES OR DRIVE-IN BUSINESSES**

A. Gasoline stations, gasoline station-markets, motor vehicle repair shop, motor vehicle sales and /or storage facilities, and drive-in business shall comply with the following:

- (1) Lots containing such uses shall not be located within three hundred (300) feet of any lot occupied by a school, playground, library or religious institution. Measurement shall be made between the nearest respective lot lines.
- (2) Lot size shall be at least five thousand (5,000) square feet.
- (3) Lot frontage shall be at least one hundred (100) feet.
- (4) Lot depth shall be at least one hundred fifty (150) feet.

- (5) Pumps, other service devices, and the storage of petroleum-based products shall be located at least thirty (30) feet from all lot lines.
- (6) Automobile parts and dismantled vehicles are to be stored within the building and no major repair work is to be performed outside the building.
- (7) Petroleum-based products, electro-chemical batteries and hazardous materials shall be properly stored indoors and disposed of in accordance with effective State and Federal regulations.
- (8) There shall be no less than one (1) access driveway from any street. Minimum width of the access driveway shall be fifteen (15) feet.

SECTION 404 HOME OCCUPATIONS

A. Purpose

The purpose of this provision is to allow for home occupations that are compatible with the neighborhoods in which they are located.

Some home occupations by the extent of the investment required therefore and/or the nature of their operation, have a tendency of increasing beyond the scope of a home occupation and thereby violating the use provisions of the zoning district in which such home occupation exists and adversely affecting surrounding property values.

B. Process

An applicant shall apply to the Zoning Enforcement Officer for a zoning permit for a home occupation.

C. Conditions

The following conditions are intended to insure both that the home occupation is secondary to the residential use and that it is compatible with the residential character of the neighborhood:

- (1) The home occupation shall be carried on inside the principal dwelling and/or inside a building or other structure accessory thereto.
- (2) No alteration to the exterior of the principal dwelling and/or the accessory building or structure shall be made which changes the residential character thereof.
- (3) No more than one (1) nonresident person shall be employed actually on-site at the residence in a Home Occupation.
- (4) Not more than twenty-five (25%) of the floor area of the principal dwelling may be used for the home occupation and the total floor area to be utilized (not including accessory buildings and structures) shall not exceed five hundred (500) sq. ft.
- (5) There shall be no exterior advertising of the home occupation, except for a sign no larger than two (2) square feet.
- (6) There shall be no exterior storage of materials used in the home occupation.

- (7) No home occupation shall result in:
- a. Dissemination of noise, vibration, smoke, observable gas or fumes, or other atmospheric pollutant beyond the boundaries of the immediate site of the building in which such use is conducted.
 - b. Hazard of fire, explosion, release of toxic or harmful substances (including solvents and waste products) or other physical hazard to any person, building, vegetation, or ground water.
 - c. Radiation or interferences with radio or television reception beyond the boundaries of the immediate site of the building in which such use is conducted, or the testing of material or instruments in such manner as to constitute a public nuisance.
 - d. Adequate parking shall be provided as set forth in Section 401. Such off-street parking shall be located not less than ten (10) feet from any property line.
 - e. No residential lot shall contain more than one (1) home occupation. No residential lot shall contain a home occupation together with any other non-residential use requiring a Special Use Permit.

SECTION 405 **MOBILE HOMES & MOBILE HOME PARKS**

Mobile home parks may be permitted in the R-2 District upon the issuance of a Special Use Permit provided the following standards and requirements are complied with:

- A. Size - The size of all mobile home parks shall be a minimum of ten (10) acres.
- B. Construction and Safety Standards
 - (1) Factory manufactured homes shall be constructed and installed in accordance with the requirements of Subchapter B of the State Fire Prevention and Building Code and shall bear an Insignia of Approval issued by the State Fire Prevention and Building Code Council.
 - (2) All mobile homes within the park shall comply with the current construction and safety standards set forth by the U.S. Department of Housing and Urban Development. Mobile homes shall have a minimum habitable floor area of eight hundred (800) square feet. Solid fuel burning devices shall not be permitted within any mobile home in a mobile home park.
- C. Layout and Design
 - (1) Double Access - All mobile home parks containing twenty (20) or more units shall have access to a public highway at two (2) points, with such points being separated by at least one hundred (100) feet. This provision may be waived by the Planning Board if the applicant's proposal contains acceptable alternatives for emergency access.
 - (2) Buffer Zone - The site shall be located and laid out so that no mobile home is located within one hundred (100) feet of any adjacent public highway right-of way or within thirty-five (35) feet of any other adjoining property line. Additional buffer areas may be required by the Planning Board if deemed necessary in order to avoid potential conflicts with existing or planned land uses.
 - (3) Sales Area - Commercial areas may be provided for the display and sales of mobile homes within the confines of the mobile home park, except on the frontage established in the buffer zone. Model units shall only be placed upon individual lots, limited to one (1) unit per lot.

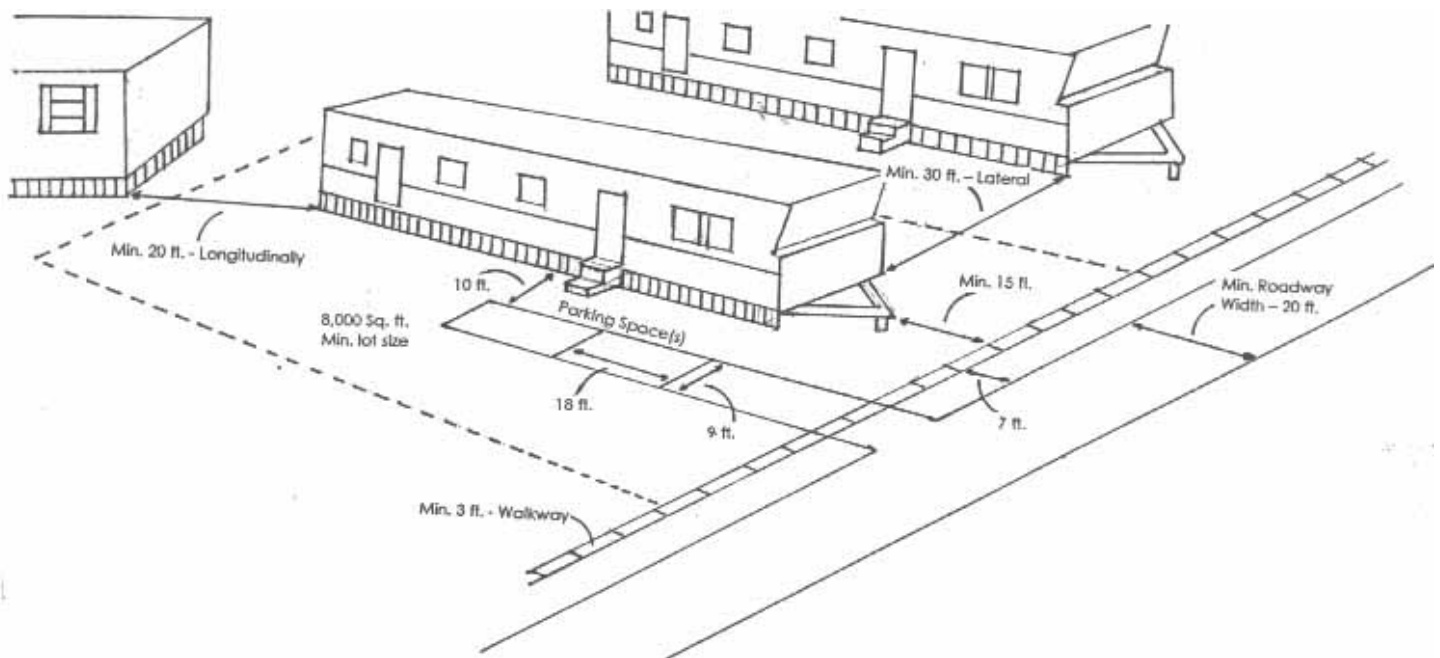
(4) Other Principal Structures - A private conventional residence may be located within the confines of the mobile home park. Lot location and minimum distances shall be fixed by the Planning Board after due consideration of each case.

(5) Interior Roadways - The layout of interior roadways, driveways, and walkways shall be designed and maintained in such a manner as to provide for safe, efficient and orderly vehicular and pedestrian traffic acceptable to the Planning Board. In addition, all interior roadways shall be clearly identified by signs at each intersection. Such signs shall be acceptable to the Planning Board.

(6) Roadway (or Driveway) Clear Zone Width - All roadways shall have a minimum clear zone width of forty (40) feet which is completely clear of obstructions to a height of twelve feet.

(12) **Figure M – Required Mobile Home Site Layout and**

(7) Roadway Grades - The maximum roadway grade shall be seven (7%) percent.



Entrance gradients shall be less than three (3%) percent for a distance of seventy-five (75) feet from the edge of the right-of-way of the public highway.

(8) Minimum Radius - The minimum radius of curvature for any street shall be seventy-five (75) feet.

(9) Alignment - Roadways shall be laid out so as to intersect as nearly as possible at right angles, and in no case shall any angle or intersection be less than seventy-five (75) degrees. Roadways in four way intersections shall be directly across from one another or offset a minimum of one hundred twenty-five (125) feet.

(10) Roadways - Roadway or driveway pavement shall be located in the center of the roadway clear zone and shall be at least twenty (20) feet wide or as designated by the Planning Board. If parking provision is made within the roadway clear zone such parking shall be off the

pavement and the clear zone shall be increased accordingly.

(11) Parking - Two (2) parking spaces shall be provided for each mobile home lot to meet the needs of occupants of the mobile home park and their guests without interference with normal movement of vehicular or pedestrian traffic. Such parking may be in tandem. Each parking space shall have minimum dimensions of at least ten (10) feet by twenty (20) feet per vehicle and shall have an all weather surfacing.

(12) Auxiliary Parking - Auxiliary parking areas for motor vehicles shall be provided at a ratio of one (1) parking space to every five (5) mobile home units. Additional auxiliary parking areas are to be provided for parking trucks, maintenance equipment, boat trailers, utility trailers, and similar such equipment and vehicles.

(13) Mobile Home Lot Size - All lots shall be a minimum of eight thousand (8,000) square feet exclusive of any common areas and shall have a minimum dimension of eighty (80) feet across the lot. No common areas such as buffer zones, roadway clear zones, auxiliary parking lots, recreational areas, service buildings and areas, sales areas, etc., shall be counted towards required individual mobile home lot areas.

(14) Walkways - Walkways shall be laid out so as to connect service buildings, dry yards, and storage lockers with roadways. Walkways shall also provide access to recreation areas if such areas are not located adjacent to a roadway. Each roadway shall have a walkway running parallel to it, separated from the roadway by a minimum distance of seven (7) feet. Additional walkways may also be placed along the rear of each lot. All walkways shall be a minimum of three (3) feet wide and thickness of four (4) inches and shall be provided with joints so designed as to minimize cracking. All walkways shall be made of concrete or blacktop or other similar material approved by the Planning Board.

(15) Recreation Areas - Recreation areas shall be provided in central locations at an amount equal to ten percent (10%) of the total park area. Recreational areas shall include playgrounds for children and separate areas for more passive enjoyment by adults. The playgrounds shall be equipped with play equipment for children under ten (10) years of age and should be away from traffic.

(16) Public Telephone - If public telephones are provided within the court, they shall be located directly adjacent to service buildings.

(17) Mailboxes - Mailboxes shall be located in compliance with U.S. Postal Service regulations and shall not be placed in any location where they constitute a safety hazard to pedestrians or to vehicles.

(18) Trees - All existing trees shall be preserved insofar as possible in the design of the park.

D. Siting of Mobile Homes - Mobile homes shall be so situated within the mobile home park in conformance with the following:

(1) The following minimum distances shall be maintained when providing specific locations of mobile homes as related to each other within the park.

a. Laterally - (side of mobile home facing the side of another) thirty (30) feet.

b. Longitudinally - (end of mobile home facing the end of another) twenty (20) feet.

c. Perpendicularly - (end of one mobile home facing the side of another)

twenty-five (25) feet.

(2) In cases of irregularly shaped lots the Planning Board shall determine the application of the above listed provisions but in no case shall any two (2) mobile homes be closer than twenty (20) feet from one another.

(3) No mobile home shall be located less than fifty (50) feet from any service or storage building other than approved accessory buildings located on and serving the specific mobile home lot as set forth in sub-section E, paragraph 12 of this Section.

(4) The minimum setback from the roadway line (clear zone rather than pavement) shall be fifteen (15) feet. Minimum setback from all interior lot lines shall be five (5) feet.

(5) The percent lot coverage for an individual mobile home lot shall be no greater than twenty-five percent (25%).

(6) The minimum distance between a mobile home and a parking space for motor vehicles shall be ten (10) feet.

(7) No occupied travel or vacation trailer or other form of temporary type living units shall be permitted in a mobile home park.

(8) Every mobile home lot shall be clearly identified by a number located on a sign or light post located on the lot.

E. Required Improvements

(1) Water and Sewage System. Water supply and sewage treatment facilities shall be installed and maintained in compliance with the requirements of the New York State Health Department, Department of Environmental Conservation and the Genesee County Health Department.

(2) Underground Utilities. Electrical systems, gas piping systems, cable and telephone wires, and community and individual fuel storage shall be installed underground and maintained in compliance with the N.Y.S. Uniform Code.

(3) Artificial Lighting. Artificial lighting shall be provided from dusk to dawn to illuminate walks, driveways, roadways and parking spaces for the safe movement of pedestrians and vehicles. Specifically, roadway lighting standards shall be provided as follows:

a. Overhead roadway lighting standards shall be placed no farther than one hundred (100) feet apart, have a minimum clearance above the pavement of twelve (12) feet and shall have a minimum capacity of one hundred (100) watts or as specified by the Planning Board.

b. Service buildings shall have sufficient exterior lighting fixtures so as to properly illuminate entrances and drying yards connected therewith.

(4) Refuse Disposal. It shall be the responsibility of the park owner to insure that garbage and rubbish shall be collected and properly disposed of outside the park as frequently as may be necessary to insure that garbage receptacles do not overflow. This responsibility shall include either the provision of garbage cans with tight fitting covers to each unit or dumpsters which service a number of units. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, incident or fire hazard. Suitable screening shall be provided for all community refuse (dumpster) areas.

(5) Roadway Paving. All roadways within the park shall be paved for a minimum width of twenty (20) feet in accordance with specifications acceptable to the Planning Board.

(6) Parking Area Paving. Areas for motor vehicle parking and access driveways shall be surfaced with asphalt or concrete.

(7) Mobile Home Lot. Each mobile home lot shall contain a mobile home stand to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home as a result of any frost action, inadequate drainage, vibration or other such forces. The material used in constructing the stand should be durable and capable of supporting the expected load regardless of the weather, and shall be constructed in compliance with the N.Y.S. Uniform Code. In addition, the footings and the load-carrying portion of the ground anchors shall extend below the frost line.

(8) Patios/Decks. Mobile home lots may be provided with patios and/or decks. If installed, patios and/or decks may be covered and shall conform to distance separations, lot setbacks and percent lot coverage requirements, and shall not be enclosed (insect screening is allowable).

(9) Storm Water Drainage. Mobile home parks shall have adequate facilities for drainage of surface and subsurface water. The entire mobile home park shall be graded to facilitate the safe and efficient drainage of surface water and to permit no ponding areas where water will stand for lengths of time so as to constitute a health or other hazard. Drainage ditches shall be provided where necessary to provide for the removal of surface drainage. Such ditches shall be provided in such a way as not to constitute a hazard to pedestrians. Gutters, culverts, catch basins, drain inlets, storm water sewers or other satisfactory drainage systems shall be utilized where deemed necessary and shall be acceptable for a size specified by the Planning Board and the Genesee County Soil and Water Conservation District.

(10) Landscaping. Each mobile home lot shall be provided with at least two (2) shade trees with trunks not less than one and one-half (1 1/2) inches in diameter as measured three (3) feet from the ground. Poplars, silver or soft maples, box elders, catalpas, and horse chestnuts shall not be planted. The planting of elms is not recommended. Shade trees shall also be planted at intervals of not less than fifty (50) feet within the buffer areas to the sides and rear of the mobile home court. Shade trees are recommended in the buffer area between the public highway and the adjacent mobile home lots. Due regard shall be had to the obstructive qualities of limbs and branches along mobile home movement and access ways.

(11) Service Buildings. The developer shall be required to furnish service buildings in conformance with the following:

a. Service buildings shall be located in such a way as to prohibit primary access directly adjacent to a mobile home lot.

b. Service buildings housing sanitation and laundry facilities or any other facilities shall be permanent structures complying with the N.Y.S. Uniform Code and the New York State Sanitary Code.

c. The service buildings shall be well lighted at all times from dusk to dawn and shall be well ventilated with screened openings, shall be constructed of such moisture proof material, including painted woodwork, as shall permit repeated cleaning and washing, and be maintained at a temperature of at least 68 degree Fahrenheit during the period of October 1 to June 1. The floors of such buildings shall be of concrete and supplied with drains.

(12) Additional Structures on Mobile Home Lots. Additional structures on mobile home lots are subject to the following:

a. No non-integral structural addition or other accessory building or structure in excess of one hundred (100) square feet shall be permitted on any mobile home lot.

b. Structural additions, accessory buildings, car ports and awnings shall conform to distance separations, lot setbacks and percent lot coverage requirements.

c. Accessory buildings shall not be placed in front yards.

(13) Mobile Home Park Owner Obligations. In general, mobile home parks shall be properly maintained so as to insure the desirable residential character of the property. Specifically, the following shall apply:

a. Yard Maintenance. Mobile home parks shall be maintained reasonably free from holes and excavations, sharp protrusions, and other objects or conditions which might be a potential cause of personal injury. Walks, steps, driveways and roadways that contain holes or tripping hazards shall be filled, repaired, or replaced as the need indicates. Trees, or limbs of trees, that constitute a hazard, shall be removed. Snow removal is the responsibility of the mobile home park owner.

b. Noxious Weeds. Ragweed and other noxious weeds considered detrimental to health such as a poison ivy or poison sumac shall be completely eliminated from all areas of the mobile home park. Open areas shall be maintained free of heavy undergrowths of any description.

c. Accessory Structures. All accessory buildings or structures shall be kept in good repair, free from health, fire and accident hazards. They shall be of durable construction and appropriate for intended use and location and exterior wood surfaces of all structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating or paint or other suitable preservative.

d. Gravel Areas. All areas surfaced with gravel shall be kept clear of all forms of vegetation.

e. Infestation. Grounds and structures shall be maintained free of insect, vermin, and rodent harborage and infestation. Methods used for purposes of extermination shall conform to generally accepted practice.

f. Skirts. Skirts for individual mobile homes are required and shall conform to the New York State Uniform Code. Such skirting shall be installed within thirty (30) days of the installation of the mobile home and must be maintained.

(14) Mobile Home Park Plans and Registration of Mobile Home Park Occupants. It shall be the duty of each mobile home park owner/operator to keep a register containing a record of all mobile home owners and occupants located within the park. This register shall contain the following:

- a. The name and legal address of all occupants.
- b. The name and address of the owner of each mobile home.
- c. The make, model, year, and license number of each mobile

home.

SECTION 406 **PUBLIC UTILITY FACILITY**

Public utility installations shall comply with the following:

- (1) Such facility shall be surrounded by a fence if required by the Planning Board.
- (2) The facility shall be landscaped in a manner approved by the Planning Board.
- (3) To the extent practicable, equipment shall be stored so as not to be visible from surrounding properties.
- (4) Any other requirements as determined by the Planning Board.

SECTION 407 RECREATIONAL VEHICLES AS EMERGENCY HOUSING

Recreational vehicles may be permitted as a temporary residence in any district upon the determination that an emergency housing situation exists. Such emergency housing situation shall be limited to either man-made or natural disasters including but not limited to fire, flooding, and hazardous material incidents which rendered the existing housing unit(s) uninhabitable. The Zoning Enforcement Officer may grant a non-renewable temporary emergency housing permit for a period of time not exceeding ninety (90) days. Any extension of an emergency housing permit past this initial ninety (90) day period shall only be granted by the Planning Board.

SECTION 408 STABLING FARM ANIMALS

There shall be no harboring of animals outdoors or in accessory structures other than domestic cats and domestic dogs in the Residential and Commercial Districts.

- (1) Stabling of farm animals is only permitted in the Manufacturing-Industrial District and the Land Conservation District.
- (2) Parcels that are enrolled in a State Certified Agricultural District are permitted to employ all customary farm practices involving the keeping of farm animals, provided that such practices are not injurious to the public health and do not violate standards set forth in the Genesee County Sanitary Code.
- (3) Those farm animals that exist in Residential Districts and the Commercial District prior to enactment of this Law shall continue provided they meet the following requirements and shall not be replaced upon death.

A. Shelter

- (1) Permanent shelter that has a protective covering which provides protection from the weather and predators shall be provided for all farm animals and equipped with food and water for the number and type(s) of animals harbored on the premises. At no time shall a dwelling unit or basement of a dwelling unit be used to shelter farm animals
- (2) A shelter shall only be allowed in the rear yard and shall be located a minimum of 35 feet from any property line.

B. Fences

- (1) A fenced area or enclosed area shall be provided on the lot which is capable of containing the farm animals harbored on site.
- (2) Fences shall not exceed six (6) feet in height, as measured to the highest point of ground directly below the fence and shall be located wholly within the bounds of the owners parcel.
- (3) The finished side (good side) of any fence or enclosure shall face adjoining properties. Fence posts shall face in and away from any adjoining lots or property owned by others.
- (4) Materials used for any fence or enclosure shall be of sufficient sturdiness and properly designed, installed and maintained so as to prevent straying.

C. Animal Waste

- (1) All feces produced by farm animals shall be collected and disposed of on a regular basis for health purposes and to control flies, rodents and odor, in accordance with a recognized animal waste plan. If feces must be temporarily stored on site, it shall be located a minimum of 35 feet from any property line, stream, wetland, pond or drinking water well.
- (2) Stored feces shall be either composted and reused on the premises or entirely removed from the lot. Feces that are removed from the premises shall be located and transported in a manner to prevent loss, discharge or spillage of feces onto the highway or neighboring properties.

D. Enforcement of Regulations

- (1) All farm animals, shelters, grounds and operations associated with this section shall be subject to periodic visual inspections by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall determine the need for and timing of inspections.
- (2) A person shall be considered in violation of this local law if one ore more of the following occurs; exceeding the number of animals listed under Section 106; failure to provide proper food and water; failure to provide permanent shelter; failure to provide adequate pasture land; failure to properly clean and maintain the shelter and grounds; failure to properly collect, store, compost, reuse or dispose of feces; failure to provide adequate fencing or enclosure; repeated straying of farm animals off the property; and failure to allow visual inspection of the premises. Any person deemed in violation of this local law shall be subject to the procedures and penalties set forth herein.
- (3) If the owner of the farm animals fails to correct any identified violation(s) following due notice to correct the same, the Village shall have the authority to issue a violation notice and/or appearance ticket.

SECTION 409 KENNELS

Those domestic dogs that are owned prior to enactment of this law that exceed the maximum number allowed shall continue provided they meet the following requirements and shall not be replaced upon death.

A. Shelter

- (1) Permanent shelter that has a protective covering that provides protection from the weather and predators shall be provided for all domestic dogs, as well as food and water for the number of domestic dogs harbored on the premises.
- (2) A shelter shall only be allowed in the rear yard and shall be located a minimum of 35 feet from any property line.

B. Fences

- (1) A fenced area or enclosed area shall be provided on the lot which is capable of containing the domestic dogs harbored on site.
- (2) Fences shall not exceed six (6) feet in height, as measured to the highest point of ground directly below the fence and shall be located wholly within the bounds of the owners parcel.
- (3) The finished side (good side) of any fence or enclosure shall face adjoining properties. Fence posts shall face in and away from any adjoining lots or property owned by others.
- (4) Materials used for any fence or enclosure shall be of sufficient sturdiness and properly designed, installed and maintained so as to prevent straying.

C. Animal Waste

- (1) All feces produced by domestic dogs shall be collected and disposed of on a regular basis for health purposes and to control flies, rodents and odor, in accordance with a recognized animal waste plan. If feces must be temporarily stored on site, it shall be located a minimum of 35 feet from any property line, stream, wetland, pond or drinking water well.
- (2) Stored feces shall be either composted and reused on the premises or entirely removed from the lot. Feces that are removed from the premises shall be located and transported in a manner to prevent loss, discharge or spillage of feces onto the highway or neighboring properties.

D. Enforcement of Regulations

- (1) All shelters, grounds and operations associated with this section shall be subject to periodic visual inspections by the Zoning Enforcement Officer. The Zoning

Enforcement Officer shall determine the need for and timing of inspections.

- (2) A person shall be considered in violation of this local law if one or more of the following occurs; exceeding the number of domestic dogs and/or domestic cats listed under Section 106; failure to provide proper food and water; failure to provide permanent shelter; failure to properly clean and maintain the shelter and grounds; failure to properly collect, store, compost, reuse or dispose of feces; failure to provide adequate fencing or enclosure; repeated straying of domestic dogs and/or domestic cats off the property; and failure to allow visual inspection of the premises. Any person deemed in violation of this local law shall be subject to the procedures and penalties set forth herein.
- (3) If the owner of the domestic dogs fails to correct any identified violation(s) following due notice to correct the same, the Village shall have the authority to issue a violation notice and/or appearance ticket.