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~~County~~

~~City~~

of

Mexico

Town

~~Village~~

Local Law No. 5 of the year 20 03

A local law regulating land use in the Town of Mexico.  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~

~~City~~

of

Mexico

Town

~~Village~~

as follows:

ARTICLE 1: ENACTING CLAUSE, TITLE, PURPOSES, APPLICATION

SECTION 101 ENACTING CLAUSE

Pursuant to the authority conferred by Chapter 62, Article 16 of the Town Law of the State of New York, and the authority conferred by Chapter 36-a, Article 2 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Mexico hereby adopts and enacts as follows.

SECTION 102 TITLE

This local law shall be known as the "Land Use Regulations for the Town of Mexico, New York."

SECTION 103 PRIOR EXISTING LAND USE REGULATION LAW

This law shall replace and supercede the prior existing "Local Law #1 of 2000, Regulating Land Use in the Town of Mexico."

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## **SECTION 104 PURPOSES**

This local law is adopted pursuant to the Town Law of the State of New York to promote and protect the public health, safety and general welfare and in furtherance of the related and more specific purposes:

- A. To guide and regulate the orderly growth, development and redevelopment with the principles and standards deemed beneficial to the interests and welfare of the people.
- B. To protect the established character and the social and economic well-being of both private and public property.
- C. To promote, in the public interest, the utilization of land for the purposes for which it is most desirable and best adapted.
- D. To secure safety from fire, flood and other dangers, and to provide adequate light, air and convenience of access.
- E. To prevent overcrowding of the land and excessive density of population.
- F. To minimize and where possible to prevent traffic congestion on public streets and highways.
- G. To conserve the value of buildings and to enhance the value of the land through the town.
- H. In the case of the AP Aquifer Protection District, its establishment and its location on the district map is intended to protect watershed areas which provide water supply for the community.
- I. This Local Law, and the regulation and development of districts has been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

## **SECTION 105 APPLICATION OF REGULATIONS**

- 1. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations specified for the district in which it is located.
- 2. The following activities are not regulated by this law, and do not require a permit as otherwise required herein: Temporary yard sales, porch sales, garage sales and sales of a similar nature that are held less than a total of 30 days per year.

## **SECTION 106 VALIDITY**

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision.

## SECTION 110 WORD TERMS AND DEFINITIONS

Except where specifically defined in this section all words used in this law shall carry their customary meaning. Doubt as to the precise meaning of a word shall be clarified by the Board of Appeals under their powers of interpretation.

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm association, organization, partnership, trust, company or corporation as well as an individual.

Words used in the present tense include the future tense.

The singular includes the plural.

The words "shall" and "must" are mandatory.

The word "lot" includes the words plot or parcel.

**ACCESSORY USE OR BUILDING:** Use or building customarily incidental and subordinate to principal use or building, and located on the same lot.

**ADULT ARCADE:** An establishment where film, slides, or any other images of "specified sexual activities" or "specified anatomical areas" are available for viewing by the public.

**ADULT BOOKSTORE OR ADULT VIDEO STORE:** A bookstore or videostore where as one of its principal business purposes offers for sale or rental any printed matter or videocassettes that depict "specified anatomical areas" or "specified sexual activities." For the purpose of this definition, a principal business purpose shall mean that part of the business that constitutes 10 percent or more of the printed material or videocassettes for sale or rent in the establishment.

**ADULT CABARET:** A nightclub, bar, restaurant, juice bar, or similar establishment where persons appear in a state of nudity, or where there are live performances, films, videocassettes or slides characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**ADULT CARE FACILITY:** A residence for adults that provides temporary or long-term care and services to persons who, by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, are unable to live independently.

**ADULT USE OR ENTERTAINMENT ESTABLISHMENT:** An establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or waitresses; strippers; topless hair care or massages; entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade; adult bookstore; or adult videostore.

**AGRICULTURAL TENANT RESIDENCE:** A dwelling used exclusively for the purpose of housing a full-time employee of an agricultural business and his family for a definite period of time as prescribed by special permit.

**AGRICULTURAL USE:** Land used for raising or harboring livestock which includes but is not limited to horses, cows, sheep and goats; and/or land used for growing agricultural products. Includes farm structures and storage of agricultural equipment; riding and boarding stable; and as accessory use, sale of agricultural products raised on the property.

**ALTERATION:** Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment.

**BASEMENT:** Story partly underground. A basement shall be counted as a story if vertical distance between basement ceiling and average grade level of adjoining ground is more than six feet.

**BED AND BREAKFAST:** See "Tourist Home".

**BOARDING HOUSE OR ROOMING HOUSE:** A dwelling occupied by one family with three or more boarders, lodgers or roomers in the same structure or building, who are lodged for profit, with or without meals for the purpose of temporary residence, but over an extended period of time.

**BUFFER:** A green space with or without fencing intended to separate and obstruct the view of adjacent land uses or properties from one another.

**BUILDING:** Structure having a roof supported by column or walls and intended for shelter or enclosure of persons, animals, and chattels.

**BUILDING AREA:** Total of areas taken on a horizontal plane at main finished grade level of principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

**BUILDING FRONT LINE:** Line parallel to front lot line transection that point in the building face which is closest to front lot line. This face includes porches but does not include steps.

**BUILDING HEIGHT:** Vertical distance measured from average elevation of proposed finished grade at front of building to highest point of roof for flat and mansard roofs, and to average height between eaves and ridge for other types of roofs.

**BUILDING INSPECTOR:** Building Inspector and Enforcement Officer are synonymous for the purpose of this Local Law.

**CAMP:** Land on which is located no more than one (1) recreational vehicle, shelter, or other accommodation for seasonal or temporary living purposes.

**CAMPGROUND:** Any parcel of land on which are located two or more cabins, tent sites, shelters, travel trailer sites or other accommodations of a design or character suitable for seasonal or other temporary living purposes. The definition of campground includes a retail store, restaurant or snack bar intended to serve residents of the campground, but which may also serve others.

**CAMPING TRAILER.** A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

**CHARTER BOAT:** Shall mean every vessel which is propelled in whole or part by mechanical power and is operated for commercial purposes on navigable waters by carrying passengers for travel, recreational, or vacation purposes for which compensation is received. Operation of any vessel for a period of ten (10) days with an average of three (3) or more passengers shall constitute prima facie evidence that compensation is being received.

**CLUB:** Building or use catering exclusively to club members or their guests for recreational purposes, and not operated primarily for profit. Includes YMCA, YWCA, YMHA, Fraternity, sorority, lodge, religious and similar clubs which may have dormitory accommodation.

**COMMERCIAL MARINA:** Any waterfront activity which provides accommodations or services for watercraft by engaging in any of the following: (a) the sale of marine products or services, (b) the sale, lease, rental, or charter of watercraft of any type, (c) the sale, lease, rental or any other provisions of storage, dock space, or mooring for more than three watercraft not registered to the owners of said facility, member of the owner's immediate family, the owner or lessee of the immediately adjoining property, or members of the their immediate families, or an overnight guest on said property. Any camp ground or travel trailer park that provides accommodations for watercraft coincidentally with the rental of camping or travel trailer spaces shall be deemed to be a marina.

**COMMERCIAL USE:** Any use involving the sale, rental, or distribution of goods or services for a fee, such as retail and wholesale establishments, recreational facilities, offices, warehousing, trucking, and professional services.

**COMMUNITY CENTER:** Meeting hall, place of assembly, museum, art gallery, library, not operated primarily for profit.

**COVERAGE:** That percentage of lot area occupied by building area.

**DAY CARE CENTER:** A "child day care center," "group family day care home," or "family day care home," as defined by the Social Services Law of the State of New York, and which is duly licensed or registered by the state. Such facilities provide for the care of three (3) or more unrelated children for three (3) or more hours per day.

**DISPOSAL:** A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, burned, incinerated, or placed in or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.

**DRIVE-IN SERVICE:** Building or use where a product is sold to, or a service performed for customers while they are in or near their motor vehicle.

**DWELLING UNIT:** Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple family dwelling" shall not include a motel, hotel, boarding house, tourist home, recreational vehicle, camp or similar structure.

**DWELLING, ONE-FAMILY:** Detached building used as living quarters by one family.

**DWELLING, TWO-FAMILY:** Building used as living quarters by two families living independently of each other.

**DWELLING, MULTIPLE FAMILY:** Building used as living quarters by three or more families living independently of each other.

**ENCLOSED LIGHT INDUSTRIAL USE:** A light industrial use (see definition of light industrial use) where there is no: (a) outdoor processing or assembly, or (b) outdoor storage of materials or goods.

**ENCLOSED SERVICE OR REPAIR:** Service or repair business where there is no: (a) outdoor processing or assembly, (b) outdoor storage of materials or goods, or (c) outdoor parking or storage at any time of any vehicles, equipment, or any other items repaired or serviced by the business.

**ENCLOSED WAREHOUSE OR WHOLESALE USE:** Warehousing or wholesaling operation where there is no (a) outdoor processing or assembly, or (b) outdoor storage of materials or goods.

**EXCAVATION, QUARRY:** A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, as an industrial or commercial operation where one thousand (1000) tons or seven hundred fifty (750) cubic yards of material, whichever is less, is extracted within any successive twelve month period; but does not include the process of grading a lot preparatory to the construction of a building which has an approved building permit.

**FAMILY:** One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that such single housekeeping unit shall not contain more than five unrelated members.

**FIFTH WHEEL TRAILER.** A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed 400 square feet in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

**FUEL DISTRIBUTION:** Business for the delivery of fuel oil, propane, gasoline, kerosene or other liquid or gaseous fuels, either retail or wholesale.

**GARAGE, PUBLIC:** Shall mean a garage available to the public, operated for gain, and which is used for storage, repair, rental, painting, washing, servicing or equipping motor vehicles.

**GARAGE SALE:** A sale of household goods or clothing to the general public which are displayed in a garage, yard, or porch of a private residence.

**GASOLINE STATION:** Building or land 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.

**GROUP CAMP:** Any land or facility for seasonal housing and recreational, educational or business related use by private groups or semi-public groups, such as a boy or girl scout camp, camp for a religious organization, fraternal lodge, or university or college conference center.

**HAZARDOUS CHEMICALS:** Solid, liquid or gaseous substances which pose a potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed, including but not limited to hazardous substances designated by the U.S. Environmental Protection Agency under Section 311 of the Clean Water Act (40 CFR 116).

**HAZARDOUS WASTE:** A waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause or contribute to an increase in mortality or an increase in irreversible, or incapacitating reversible illness, or (b) pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

**HIGHWAY FRONTAGE:** Distance measured across the front lot line where it abuts a public or private road.

**HOME OCCUPATION:** Use of a service character which is clearly secondary to dwelling use for living purposes that does not change the residential character of the property, and complies with the requirements of Section 566 herein.

**HOSPITAL:** An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons, which is licensed by the

State of New York. Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for aged, and any other place for diagnosis and treatment of human ailments.

**HOTEL:** A building used primarily to provide sleeping accommodations for the transient public in which more than six rooms are available for hire.

**INDOOR RECREATION:** Any indoor place or enclosure in which is maintained or operated, for the amusement, patronage or recreation of the public, traditional sporting or recreational facilities including but not limited to bowling, indoor tennis, gymnasium, swimming pool, indoor driving range, and indoor miniature golf course, volley ball, roller skating rink, ice skating rink, and other similar uses.

**JUNK:** The outdoor storage or deposit of any of the following, whether in connection with another business or not. (a) One or more junked vehicles. (b) Junk mobile home: Any enclosed dwelling built upon a chassis, motor vehicle, or trailer used or designed to be used for either permanent or temporary living, business and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers and overnight trailers; which is no longer suitable for human habitation or business use. (c) Junk: Ordinary household or store trash such as paper, barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, lumber, brick, stone, scrap metal or discarded materials no longer intended or in condition for ordinary use; and any and all tangible personal property no longer intended or in condition or ordinary and customary use, including junk vehicles, appliances and mobile homes. (d) Junk appliance: any stove, washing machine, dryer, freezer, refrigerator or other household device or equipment abandoned, junked, discarded, or wholly or partially dismantled. (e) Toxic chemicals and radioactive materials at levels that could be injurious to human, animal and biological life, exempting New York State licensed applicators.

**JUNK VEHICLE:** A "junk vehicle" is any motor vehicle whether automobile, bus, trailer, truck, tractor, mobile home, motorcycle, motor bicycle, mini-bicycle or snowmobile, or any other contraption originally intended for travel on the public highways which: (a) is unlicensed, unregistered, old, wrecked, stored, discarded, abandoned or dismantled or partly dismantled, which is not intended or in any condition for legal use upon the public highway, (b) is being held or used for the purpose of resale, reclamation, storage or disposal of parts, or (c) is in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time before such repair.

With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a "junked motor vehicle".

The fact that a motor vehicle may be licensed or registered with the State of New York, but does not display a current license plate, shall be presumptive evidence that such motor vehicle is unlicensed.



**JUNK YARD:** A licensed location for the placement and storage of junk.

**KENNEL:** Land or building in which four (4) or more dogs more than six (6) months old are housed, groomed, bred, boarded, trained, or sold.

**LANDFILL:** A disposal facility in which refuse and earth or other suitable cover material are deposited and compacted in alternative layers of specified depth in accordance with all applicable rules and regulations.

**LIGHT INDUSTRIAL USE:** Any manufacturing or assembly facility which does not include: (a) the manufacture of hazardous chemicals, (b) the use of petroleum based products except as incidental to the main industrial use, (c) the outdoor storage of scrap metal or junk, (d) the creation of solid, liquid, or airborne hazardous wastes, (e) the creation of smoke or airborne particulate matter except as incidental to the main industrial use, or (f) the creation of noise which would have an adverse impact upon neighboring properties.

**LOADING SPACE:** Off-street space at least twelve feet wide by forty feet long used for temporary location of one licensed motor vehicle. Such space shall have access to a street or alley.

**LOT:** Land occupied or which may be occupied by a building and its accessory uses, together with such open spaces as required, having not less than minimum area, width and depth, required for a lot in the district in which such land is situated, and having frontage on a street, or other means of access as may be determined by the Planning Board to be adequate as a condition of issuance of a building permit for a building.

**LOT AREA:** Total area within property lines, excluding any part thereof lying within the boundaries of a street, or proposed street.

**LOT, CORNER:** Lot which has an interior angle of [or] less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if tangents to the curve at points of intersection of side lot lines intersect at an interior angle of less than 135 degrees.

**LOT DEPTH:** Mean horizontal distance from street line of the lot to its opposite rear line measured at right angles to the building front line.

**LOT FRONTAGE:** Distance measured across width of the lot at the required building front line.

**MOBILE HOME:** Factory built housing at least thirty-two (32) feet in length constructed after June 15, 1976 in accordance with the federal building code, administered by the Department of Housing and Urban Development, which is designed and constructed to be used as dwelling unit when connected to required utilities, and which is assembled on site

with metal frame attached, to include both single-wide and double-wide units. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term mobile home shall include all additions made subsequent to installation. Modular homes or other dwelling units that are constructed in two or more main sections, and that are transported to and permanently assembled on a site with frame removed, are not considered to be mobile homes, and are considered to be single family dwellings for purposes of these regulations.

**MOBILE HOME PARK:** Any lot on which two (2) or more mobile homes are parked or located and for which use of said premises are offered to the public or to any person for a fee of any type, including cost sharing or time sharing.

**MOTEL:** A building or buildings providing overnight accommodations for motorists. The word "Motel" includes "motor court", "tourist court", "tourist cabins", "motor lodge", and similar descriptive titles.

**MOTOR HOME.** A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

**MOTOR VEHICLE REPAIR:** See "Garage, Public".

**NON-CONFORMING LOT:** A lot existing at the time of enactment of this law, or any amendment thereto, and which does not conform to the lot dimensional requirements of the zone or district in which it is located.

**NON-CONFORMING USE:** A use of land existing at the time of enactment of this law, or any amendment thereto, and which does not conform to the regulations of the district or zone in which it is located.

**OPEN STORAGE YARD:** Open area for the storage of boats, lumber, materials used in manufacturing, and other materials, not to include junk as defined herein.

**OUT-DOOR RECREATION:** Those uses including, but not limited to: a driving range, shooting range, boat launch, golf course, riding stable, marina and campground.

**OWNER:** Person or persons holding title to the property.

**PARKING SPACE:** Off-street space at least nine feet wide by twenty-two feet long used for temporary location of one licensed motor vehicle. Such space shall have access to a street or alley.

**PERMITTED USE:** Use specifically allowed in the district, excluding illegal and nonconforming uses.

**PERSONAL SERVICE BUSINESS:** Includes barber, beauty parlor, shoe repair, photographic studio, and businesses involving the care of a person or their apparel.

**PROFESSIONAL RESIDENCE-OFFICE:** Residence in which the occupant has a professional office which is clearly secondary to one-family dwelling use for living purposes and does not change the residential character, and where not more than three (3) persons outside the family are employed.

**QUARRY:** See Excavation.

**RECREATIONAL VEHICLE:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles are deemed to include, but are not limited to: camping trailers, fifth wheel trailers, motor homes, travel trailers as defined herein, and truck campers.

**RECREATIONAL VEHICLE PARK:** Property consisting of a tract of land and providing ground areas for the parking of two (2) or more recreational vehicles or for the erection of tents or other structures for over-night occupancy, primarily for, but not exclusively for, recreational or vacation purposes.

**RESTAURANT:** Shall mean an establishment primarily engaged in the sale of food and beverages, excluding alcoholic beverages, for on-premises consumption of its patrons. This does not include those establishments whose primary business is of a take-out nature.

**RESTAURANT - DRIVE-IN:** See Take-out Food Establishment.

**RESTAURANT - TAVERN:** Shall mean an establishment primarily engaged in the sale of food and beverages, including alcoholic beverages, for on-premises consumption. This does not include those establishments whose primary business is of a take-out nature.

**RELIGIOUS INSTITUTION:** Building or grounds which by design and construction are primarily intended for use by groups or persons to conduct organized religious services. Includes, but is not limited to, church, temple, parish home, convent, seminary and retreat house, and buildings and grounds of similar nature.

**RESIDENTIAL CLUSTER DEVELOPMENT:** A residential development consisting of four (4) or more lots whereby individual lots may be reduced in size, and/or where buildings may be placed closer together than otherwise permitted, so that open spaces on the development parcel may be retained. A parcel of land containing a single multi-family dwelling structure shall not be considered to be a cluster development.

**RESIDENTIAL USE:** One-family dwelling, two-family dwelling, multiple family dwelling, or professional residence-office.

RETAIL STORE: Enclosed restaurant, store for sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, free-standing retail stand, gasoline service and motor vehicles repair service, new and used car sales and services, trailer and mobile home sales and service.

SAWMILL: Mill for processing timber into boards and lumber, as a commercial operation.

SCHOOL: Parochial, private and public school, college, university, and accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

SEASONAL PRODUCE STAND: A stand operated on a seasonal basis that sells produce and other agricultural products grown both on and off the property.

SIGN: Any device, structure, building or part thereof, for visual communication used for the purpose of bringing the subject thereof to the public's attention.

SIGN, ADVERTISING OR BILLBOARD: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment conducted, sold or offered elsewhere than upon the same lot.

SIGN, BUSINESS: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot on which it is displayed, including "For Sale or Rent" signs.

SOLID WASTE: All materials or substances that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, medical and infectious waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles, and offal.

SPECIAL USE: Use for which the issuance of a special permit is required.

SPECIFIED ANATOMICAL AREAS.: (a) Less than completely and opaquely covered: human genitals, pubic region, buttocks, female breast below a point immediately above the areola, or (b) human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: (a) Human genitals in a state of sexual stimulation or arousal, (b) acts of human masturbation, sexual intercourse or sodomy, or (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

STATE OF NUDITY: The appearance of bared buttocks, male genitals, female genitals, or full female breast.

STREET: Public way for vehicular traffic which affords principal means of access to abutting properties.

STREET LINE: Right of way line of street as dedicated by a deed of record. Where the street width is not established, the street line shall be considered to be thirty feet from centerline of street pavement.

SWIMMING POOLS: Swimming pools shall mean any man-made, non-permeable, receptacle for water having a depth at any point greater than two feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above ground. A swimming pool shall be deemed a structure for all purposes under the provisions of this Local Law, except pools shall be erected or constructed with a minimum lot line of 10 feet in any direction from the vertical water containment line. For purposes of this Local Law, it would exclude ponds, streams, rivers, and other bodies of water which could otherwise exist naturally. Additionally, a small plastic type wading pool for small children shall not be considered to be a swimming pool. See Sections 202, 203, and 556.

TAKE-OUT FOOD ESTABLISHMENT. A restaurant with ready-to-eat foods with customers ordering their food at a counter as opposed to table service by menu. A restaurant shall be considered take-out even if some seating capacity exists as long as food is served in a take-out manner.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered, with or without meals, for transient guests for profit, but where the use is secondary to the occupancy of the dwelling by a family, provided, however, that no more than six rooms are for hire with each room having entrances within the house and no rooms for hire shall have an exterior entrance.

TRAVEL TRAILER: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and a gross trailer area less than 320 square feet.

TRUCK CAMPER. A portable unit constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

WASTE DISPOSAL AREA: Any area for the disposal of solid waste. (See definitions of solid waste and disposal.)

WATERCRAFT: Any floating vessel, to include but not limited to motorboats, sailboats, rowboats, canoes, kayaks, and personal watercraft such as jet-skis.

WHARF: Any structure built or maintained, extending wholly or partially into the water, capable of providing a berthing place for watercraft.

YARD: Space on a lot not occupied with a building. Porches shall be considered as part of the main building and shall not project into a required yard.

YARD, FRONT: Yard between front lot line and front line of a building extended to side lot lines. Depth of front yard shall be measured from street line to front line of building.

YARD, REAR: Yard between rear lot line and rear line of a building extended to side lot lines. Depth of rear yard shall be measured from rear lot line to rear line of building.

YARD, SIDE: Yard between principal building or accessory building and a side lot line, and extending through from front yard to rear yard.

## **ARTICLE 2: ENFORCEMENT, ADMINISTRATION AND AMENDMENTS**

### **SECTION 201 ENFORCEMENT**

This Local Law shall be enforced by the Building Inspector/Code Enforcement Officer. The Building Inspector/Code Enforcement Officer shall be appointed by the Town Board annually.

### **SECTION 202 FEES FOR PERMITS, DISTRICT CHANGES AND VARIANCES**

Fees may be charged for permits issued, and for processing of applications for district changes, and variances, as established by the Town Board. Such fees shall be established for the following:

- Building Permit

- Special Permit

- District Changes

- Variance

- Swimming Pool Permit

The cost of any legal advertising shall be borne by the applicant.

### **SECTION 203 BUILDING PERMIT**

1. No building or structure shall be erected, added to, or structurally altered until the Building Inspector or Enforcement Officer has issued a building permit.
2. The Building Inspector or Enforcement Officer shall not grant a building permit where the proposed construction, alteration or use thereof would be, or is, in violation of this Local Law.

3. The Building Inspector or Enforcement Officer shall issue a building permit only after the site plan has been approved by the Planning Board, except in the case of one or two-family dwellings.
4. No swimming pool shall be erected or constructed until the Building Inspector or Enforcement Officer has issued a swimming pool permit.

#### **SECTION 204 CERTIFICATE OF OCCUPANCY**

No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy has been issued by the Enforcement Officer in accordance with provisions of this Local Law. The Enforcement Officer will respond to the owner in writing within seven (7) calendar days after building has been inspected.

#### **SECTION 205 VIOLATIONS AND PENALTIES**

Except as specifically provided elsewhere in this Local Law, any violation of this Local Law is an offense punishable by a fine not exceeding two hundred fifty dollars and/or a term of imprisonment not exceeding a period of 30 days. Each week of continued violation shall constitute a separate offense and fine.

#### **SECTION 206 COMPLAINTS OF VIOLATIONS**

Whenever a violation of this Local 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 Enforcement Officer who shall properly record such complaint and immediately investigate.

#### **SECTION 207 APPLICATION OF REGULATIONS**

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

#### **SECTION 208 INSPECTION AND NOTICE OF VIOLATION**

- The Enforcement Officer is authorized to inspect and examine, or cause to be inspected and examined, any building structure, place, premises or use in the Town with regard to the provisions of this Local Law and to issue a written order for the proper remedying or compliance, within a reasonable period of time, not to exceed 30 days, of any condition found to be in violation thereof, subject to provisions of this Local Law.

#### **SECTION 209 LEGAL ACTION BY ENFORCEMENT OFFICER**

If an unlawful condition or use is found not to have been properly remedied or made to comply with the provisions of this Local Law by the expiration of thirty (30) days or a

reasonable time period thereafter if, in the opinion of the Enforcement Officer, an undue hardship prevents compliance with thirty (30) days, the Enforcement Officer is empowered to immediately institute any appropriate action, charge, or proceedings in the proper legal court, for the prevention, cessation or discontinuance of any condition, use, occupancy or act in, on, of, or around any building, structure, or tract of land - and for the prosecution of any owner, occupant or offender.

## **SECTION 210 PROCEDURE FOR AMENDMENTS**

1. Regulations, districts and boundaries established by this Local Law may be amended or repealed after official notice has been given and a public hearing has been held by the Town Board as required by law.
2. Each petition requesting a change of regulations or district boundaries shall be typewritten, signed by the owner, and filed in triplicate, and accompanied by the required fee.
3. Every such proposed amendment shall be referred to the Planning Board for a report before the public hearing.
4. Planning Board may require a plan of proposed development for which a district change is sought, to assist in their understanding of the case.

## **SECTION 211 NONCONFORMING USES**

The lawful use of any building or land existing at the time of the enactment of this Local Law may be continued although such use does not conform with the provisions of this Local Law subject to the following:

1. Enlargement. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of these regulations. The extension of a non-conforming use into any portion of a building which existed prior to the enactment of this law shall not be deemed to be an enlargement of such non-conforming use. Any expansion not permitted by this part shall require the issuance of a variance by the Board of Appeals before a building permit is issued; in addition such expansion shall require site plan approval by the Planning Board pursuant to Section 335 herein, and Special Use Approval by the Board of Appeals for the expansion of all uses except single-family residential, two-family residential, and residential accessory uses.
2. Non-conforming building setbacks or lot sizes. Existing buildings that are placed closer to front, side, or rear lot lines than permitted by this law shall not be expanded within such building setbacks without issuance of a variance. Existing buildings located on lots that do not meet the minimum lot size requirements of this law shall not be expanded without issuance of a variance.
3. Exemptions. In R-2 Districts, properties having been established as a single lot prior to the effective date of this local law shall be exempt from the requirements of section



211.1 above provided that the proposed construction or addition: (a) involves a residential use or a residential accessory use, (b) is within pre-existing home boundaries, or does not exceed two-hundred and fifty (250) square feet and come closer than five (5) feet from any property boundary, (c) the septic system is in compliance with New York State Department of Health regulations, and (d) no building or structure is constructed in any portion of a legally established right-of-way.

4. Mobile home exemptions. An existing non-conforming mobile home may be replaced with a larger or more recently manufactured mobile home provided that the provisions of Section 506 of this law are complied with, and that the older mobile home is replaced within one year of its removal.
5. Abandonment: Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Local Law.
6. Changes: Once changed to a conforming use, no building or land shall be allowed to revert to a non-conforming use.
7. Proof Required: The existence of a non-conforming use shall be presumed upon the presentation of proof tending to establish that a use or structure pre-dates the adoption of this Local Law.

## **SECTION 212 ALIENABILITY OF SPECIAL PERMITS AND VARIANCES:**

Unless the issuing body indicates that a special permit or variance is granted only to the applicant, any special permit or variance granted pursuant to this Local Law shall be deemed to run with the land. Any conditions imposed on the initial special permit or variance shall continue with the subsequent owner, and upon violation of such conditions by any subsequent owner, the Enforcement Officer may commence any enforcement action permitted under Section 209.

## **SECTION 213 ACTION TO TERMINATE SPECIAL PERMIT OR VARIANCE UPON FAILURE TO COMPLY WITH CONDITIONS IMPOSED**

1. At any time subsequent to the granting of a special permit or variance, the Enforcement Officer may commence a proceeding to terminate said special permit or variance based upon a failure of the applicant to comply with any condition imposed at the time of the granting of such permit or variance. Such proceeding to terminate shall be brought before the Board which has the power to grant the special permit or variance at the time that the action to terminate the special permit is brought. Said hearing shall be an evidentiary hearing.
2. The Chairman of the Board shall rule on all evidentiary matters, and the burden of proof shall be on the Enforcement Officer to prove, by a preponderance of the evidence that the conditions previously imposed have been violated.

3. After the hearing is completed, the Board shall determine whether such conditions have been violated. To make a finding that such violations have occurred, there must be a concurring vote of a majority of the members of the Board.
4. Upon finding of such violations or violation, the Board must take one or more of the following actions:
  - (a) Declare the special permit or variance terminated and instruct the Enforcement Officer to commence any enforcement proceedings permissible under Section 208 of this Local Law, as if the original permit had not been granted.
  - (b) Continue the special permit or variance under the same terms and conditions previously imposed.
  - (c) Impose a civil penalty of up to \$1000.00
  - (d) Impose a new or other conditions to revoke prior conditions placed upon the special permit or variance; however such new conditions shall not take effect, nor shall any existing conditions be revoked until after a public hearing is held at which time all members of the public may be heard. During the interim period between the date of the determination of the Board and the date of the public hearing, all conditions of the initial permit or variance shall be continued in effect.

## **SECTION 214 ABANDONMENT OF SPECIAL PERMITS OR VARIANCES**

A special permit or variance shall continue until such time as it is voluntarily terminated, terminated by action of the appropriate issuing agency pursuant to Section 213, or is terminated by abandonment. For the purposes of this Section, a special permit or variance shall be considered to be abandoned when it has been abandoned or discontinued for a period of 12 consecutive months. A determination may be entered that said special permit or variance has been abandoned after a hearing in accordance with the procedures set forth in Section 213.

## **ARTICLE 3 BOARD OF APPEALS, PLANNING BOARD**

### **SECTION 300 BOARD OF APPEALS CREATION**

There shall be a Board of Appeals consisting of five (5) members appointed by the Town Board pursuant to the Town Law.

### **SECTION 305 BOARD OF APPEALS POWERS AND DUTIES**

The Board of Appeals shall have all the following powers and duties:

1. Orders, requirements, decisions, interpretations, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the

matter by the administrative official charged with the enforcement of such Local Law or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

2. Special Permits: To issue special permits required by this Local Law.
3. Variances: To issue variances from the provisions of this law.

#### **SECTION 310 PLANNING BOARD POWERS AND DUTIES**

1. The Planning Board is hereby authorized to review and approve site plans for all applications requiring site plan approval pursuant to Section 335 herein, excepting certain applications approved concurrently with the creation of Industrial zones as specified in Section 470 herein.
2. The Planning Board shall submit an advisory opinion to the Board of Appeals on any application for a Special Permit.
3. The Planning Board shall submit an advisory opinion to the Town Board on any proposed amendment to this local law pursuant to Section 210 herein.

#### **SECTION 315 USE VARIANCES**

1. The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of this Local Law shall have the power to grant use variances, as defined herein.
2. No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
  - (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
  - (b) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
  - (c) The requested use variance, if granted, will not alter the essential character of the neighborhood.
  - (d) The alleged hardship has not been self-created.
3. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

## **SECTION 320 AREA VARIANCES**

1. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such Local Law or local law, to grant area variances as defined herein.
2. In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
  - (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;
  - (e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
3. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

## **SECTION 325 CONDITIONS**

The Board of Appeals shall, in the approval of Special Permits, and in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions deemed necessary to serve the interests of the public health, safety and general welfare, and to improve compatibility with surrounding properties. Such conditions may include, but shall not be limited to:

1. Requiring landscaping or vegetative screening.
2. Increasing building setbacks.
3. Limiting the size of buildings, parking areas or facilities.
4. Specifying the location and design of entrances, exits, and off-street parking space.
5. Requiring that materials be stored indoors or that certain activities be conducted indoors.
6. Requiring noise barriers.
7. Prohibiting construction activities during specified hours.
8. Requiring storm water retention ponds or other drainage and pollution control devices.

9. Requiring compatible color schemes to avoid adverse impacts upon nearby properties of historic or scenic value.

### **SECTION 330 BOARD OF APPEALS PROCEDURE FOR INTERPRETATION, SPECIAL PERMIT OR VARIANCE**

1. Meetings, minutes, records. Meetings of the Board of Appeals shall be open to the public to the extent provided in article seven of the Public Officers Law. Such Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question and determination, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the town clerk within five business days and shall be a public record.
3. Assistance to Board of Appeals. Such board shall have the authority to call upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.
4. Strict compliance. The Board of Appeals shall act in strict accordance with the procedure specified by the Town Law and by this Local Law. All applications made shall be in writing, on forms prescribed by the Board. Every application shall refer to the specified provision of the Local Law involved, and shall set forth the interpretation claimed, use for which the special permit is sought, or details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
5. Hearing appeals. In addition to hearing special permit and variance applications, the jurisdiction of the Board of Appeals shall include hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any Local Law or local law adopted pursuant to this article. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the town.
6. Time of appeal. Such appeal shall be taken within sixty days after the filing in the town clerk's office of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of such Local Law or local law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
7. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such

Local Law or local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

8. Hearing on appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the town at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
9. Time of decision. The Board of Appeals shall decide upon the appeal within sixty-two days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the board.
10. Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the office of the town clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
11. Notice to Oswego County Planning Board. At least five days before such hearing, the Board of Appeals shall mail notices thereof to the parties and to the Oswego County Planning Board, as required by section two hundred thirty-nine-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision one of section two hundred thirty-nine-m of the General Municipal Law.
12. Compliance with State Environmental Quality Review Act. The Board of Appeals shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.
13. Rehearing. A motion for the Board of Appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member 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 reheard order, decision or determination will not be prejudiced thereby.
14. Planning Board Referral. At least fourteen (14) days, but not more than sixty (60) days, before date of the public hearing for a special permit, the secretary shall transmit to the

Planning Board a copy of the application and notice of hearing. The Planning Board may submit a report of its advisory opinion prior to the hearing. Failure of the Planning Board to submit a report within sixty (60) days of the receipt of said report shall be deemed to signify approval of the application.

15. Resolution. Every decision of the Board of Appeals shall be by resolution, which shall contain a full statement of their findings of fact in the case, and shall be recorded in their minutes.

### **SECTION 332 SPECIAL PERMITS**

1. In every case where a Special Permit is required by this Local Law, the Board of Appeals shall issue such permit only after:
  - (a) Referral to the Planning Board of their recommendation and receipt of their report.
  - (b) A public hearing has been held by the Board of Appeals.
2. No special permit shall be issued for use on a property where there is an existing violation of this Local Law.

### **SECTION 335 SITE PLAN APPROVAL**

1. The Planning Board for the Town of Mexico shall have sole jurisdiction over Site Plan Approval for the Town of Mexico.
2. In all districts except Residential R-2 Districts, all uses shall require Site Plan Approval except: (a) one-family dwellings, (b) residential accessory uses such as garages and sheds, and (c) fences less than six (6) feet high.
3. In Residential R-2 Districts, all uses except residential accessory structures less than 250 square feet in ground area and fences less than three (3) feet in height shall require Site Plan Approval.
4. Erection of fences greater than three (3) feet high in R-2 Districts and fences greater than six (6) feet high in all other Districts shall require site plan approval.

### **SECTION 340 APPLICATION FOR SPECIAL USE APPROVAL OR SITE PLAN APPROVAL**

1. All applications for Special Use approval and/or Site Plan approval shall include three (3) copies of a site plan map and accompanying data, to include as applicable:
  - (a) Survey of the property, showing existing features of the property, including contours, large trees, buildings, structures, streets, utility easements, rights-of-ways, land use; zoning and ownership of surrounding property.

- (b) Site plan drawn to scale showing proposed lots, blocks, building locations, and land use areas.
  - (c) Existing watercourses and bodies of water.
  - (d) Location of any slopes of 5% or greater.
  - (e) Proposed grading and drainage.
  - (f) Location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls, and fences.
  - (g) Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
  - (h) Location of outdoor storage, if any.
  - (i) Description of the method of sewage disposal and location of the facilities.
  - (j) Identification of water sources; if well, locate.
  - (k) Location, size and design and construction materials of all proposed signs.
  - (l) Location and proposed development of all buffer areas, including existing vegetative cover.
  - (m) Location and design of outdoor lighting facilities.
  - (n) Traffic circulation, parking and loading spaces, and pedestrian walks.
  - (o) Landscaping plans, including site grading, landscape design, and open areas.  
Consideration should be given to planting shrubbery and/or trees along property lines, buffer areas, buildings, and around parking and loading areas that are visible from public highways. Site landscaping plans shall include the preservation of existing trees greater than six inches in diameter to the extent practicable.
  - (p) Preliminary architectural drawings for buildings to be constructed, including floor plans, exterior elevations and sections.
  - (q) Preliminary engineering plans, including street improvements, storm drainage systems, public utility extensions, water supply and sanitary sewer facilities.
  - (r) Engineering feasibility studies of any anticipated problems which might arise due to the proposed development, as required by the Planning Board.
  - (s) Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas.
  - (t) A description of the proposed uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated.
2. The Planning Board or Board of Appeals may, at their discretion, require that such site plan be prepared by a licensed engineer or architect for more complex, costlier, or larger projects.
3. The following are also required.
- (a) Application form and fee.
  - (b) Name and address of applicant and any professional advisors.
  - (c) Property deed, or authorization of owner if applicant is not the owner of the property.
  - (d) Short Environmental Assessment Form.
  - (e) Any additional endorsements, certifications or approvals required by the Planning Board.



- (f) Other information as the Board of Appeals or the Planning Board may reasonably require to assess the proposed project; such as location of fire lanes and hydrants, provisions for pedestrian access, or designation of the amount of building area proposed for use for retail sales or other commercial activity.
4. The Board of Appeals and the Planning Board may waive certain submission requirements in the case of minor projects of an uncomplicated nature.

## SECTION 345 STANDARDS APPLICABLE TO ALL SPECIAL USES

The Planning Board may recommend and the Board of Appeals may require that additional standards be imposed on a special use to provide adequate safeguards to protect the health, safety, morals or general welfare of the public, including the effect on the environment, and for the preservation of the general character of the neighborhood in which such proposed special use is to be placed, to minimize possible detrimental effects of use on adjacent property. All uses that require special use approval as provided herein shall be subject to the following standards.

1. Impact Upon Surrounding Properties. The proposed use shall not cause a significant adverse impact upon nearby properties by reason of traffic, noise, fumes, odors, vibration, flashing lights, litter, surface water or groundwater contamination, air pollution, drainage, visual impact, excessive night time lighting, creation of a safety hazard, or risk of fire or explosion, and shall otherwise be in harmony with the orderly development of the Land Use District.
2. Vehicular Access. Proposed vehicular access points shall be adequate in width, grade, alignment and visibility; not located too near road intersections or places of public assembly; and meet similar safety considerations.
3. Emergency Vehicle Access. All proposed buildings, structures, equipment and materials shall be readily accessible for fire and police protection.
4. Sight Distance at Entry and Exit. To the extent practicable, intersections with and entries onto any public road shall be designed so that minimum safe sight distances and other standards set forth in "Policy and Standards for Entrances to State Highways," State of New York Department of Transportation publication number M.A.P. 7.12-34, shall be maintained. As set forth in the above cited publication, the minimum unobstructed line of sight in each direction at the entrance to a public road shall be as follows:

Design Speed of Highway	Left Turn	Right Turn
30 mph	396 feet	286 feet
40 mph	583 feet	484 feet
50 mph	814 feet	770 feet

Said distances shall be measured from the point of entry onto the public road. (Said distances represent the safe braking distance for traffic along the public road.)

5. Screening. This subdivision shall apply within all land use districts except Commercial and Industrial districts (C-1, C-2, IND). The following uses shall be substantially screened from view of pre-existing neighboring residential properties at all seasons of the year by vegetation or by fencing of a design and type approved by the Planning Board: industrial uses, trucking, warehousing, retail gasoline sales, motor vehicle repair shops, campgrounds, excavations, junkyards, and any use which in the judgement of the Planning Board may have an adverse visual impact upon neighboring properties. Parking and loading areas which may in the judgement of the Planning Board have an adverse visual impact upon neighboring residential properties shall be reasonably screened by vegetation or by fencing at all seasons of the year from the view of such properties.
6. Drainage and Erosion Control. Adequate provision shall be made for drainage of the site, and to insure that storm water runoff does not create an adverse impact upon nearby lands or waterways. Appropriate erosion control measures shall be taken to prevent the pollution of waterways by silt and sediment. Reference is made to USEPA MS4 regulations.
7. Lighting. Exterior lighting shall be not directed so that it shines onto adjoining residential properties or onto public roads. Lighting shall be shielded from shining into the night-time sky so as to prevent light pollution. High intensity lighting shall be minimized.
8. Utilities and Municipal Services. Adequate provision shall be made for water supply, sewerage disposal, electrical service, and solid waste disposal.
9. Impact upon Historic Resources. Adverse impacts to the integrity of neighboring properties of national, state, or local historic significance shall be minimized. A proposed development shall be designed, to the extent practicable, to harmoniously blend with the historic resource by means of utilizing green space buffers, vegetative or other screening, landscaping, and appropriate building designs and color schemes. Reference is hereby made to the Secretary of Interior Standards for Historic Preservation.
10. Impact upon Surrounding Properties. 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.
11. General Considerations. The location, size and use of structure, nature and intensity of operations involved, size of site in relation to it, and the location of the site with respect to streets giving access to it, such be in harmony with orderly development of the land

district in which it is located, and shall not conflict with the Town of Mexico Comprehensive Plan.

12. Existing Violations. No special permit shall be issued for a use on a property where there is an existing violation of this Local Law.

## **SECTION 350 PLANNING BOARD SITE PLAN REVIEW PROCEDURE**

Site Plan applications shall be reviewed in the following steps.

1. Referral to Planning Board. The Zoning Enforcement Officer shall refer the completed special permit application to the Planning Board.
2. Preliminary Review. The Planning Board shall undertake a preliminary review of an application at its first regularly scheduled monthly meeting after the application is submitted. At the review, the Board shall determine whether the application is complete. If the application is deemed to be incomplete, then the applicant shall be notified in writing of what further information is required. Pursuant to the New York State Environmental Quality Review Act (SEQRA) the Planning Board shall: (1) determine that no further action is necessary to fulfill the requirements of said act, or (2) require that the applicant submit a Full Environmental Assessment Form (EAF) for their review. Upon review of the Full EAF the Planning Board shall issue either a negative or positive declaration. The application shall not be considered complete until the requirements of SEQRA are fulfilled.
3. Optional Hearing. The Planning Board may require that a public hearing be held on the application. Said hearing shall be conducted within sixty-two (62) days of the receipt of a complete application. Notice of said hearing shall be printed in a newspaper of general circulation in the town at least five (5) days prior to the date of the hearing.
4. Hearing Notice. At least five days before a public hearing on the matter, the Board of Appeals shall mail notices thereof to the parties and to the Oswego County Planning Board, as required by section two hundred thirty-nine-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision one of section two hundred thirty-nine-m of the General Municipal Law.
5. Decision. The town Planning Board shall render its decision either approving, approving with conditions, or denying the application within sixty-two (62) days after the receipt of complete application; or if a public hearing is held, within sixty-two (62) days after the hearing. The time in which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board.

## SECTION 355 SITE PLAN REVIEW CONSIDERATIONS

In their review and approval of Site Plans, the Planning Board shall take into consideration the following factors.

1. Harmonious relationship between proposed uses in existing adjacent uses including but not limited to the size, arrangement, design, and general site compatibility of buildings, lighting, and signs.
2. Mitigating to the extent practicable adverse environmental impacts to nearby properties or environmental resources.
3. Maximum safety of vehicular circulation between the site and street network.
4. Adequacy of interior circulation, parking and loading facilities with particular attention to vehicular and pedestrian safety.
5. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersection with vehicular and overall pedestrian convenience.
6. Adequacy of storm water and drainage facilities.
7. Adequacy of water supply and sewage disposal facilities.
8. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicants and adjoining lands, including the maximum retention of the existing vegetation.
9. Adequacy of fire lines and other emergency zones in the provision of fire hydrants.
10. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, and/or erosion.
11. Every site plan shall conform to the Americans with Disabilities Act, when applicable.

## SECTION 360 CONDITIONS

1. In their review of Site Plans and Special Uses the Planning Board and Board of Appeals may impose conditions deemed necessary to serve the interests of the public health, safety and general welfare, and to improve compatibility with surrounding properties. Such conditions may include, but shall not be limited to:
  - (a) Requiring that construction activity be limited to particular days or hours so as to lessen noise impacts upon nearby properties.
  - (b) Requiring landscaping or vegetative screening.
  - (c) Increasing building setback.
  - (d) Limiting the size of buildings, parking areas or facilities.
  - (e) Specifying the location and design of entrances, exits, and off-street parking space.
  - (f) Requiring that materials be stored indoors or that certain activities be conducted indoors.
  - (g) Requiring noise barriers.
  - (h) Requiring storm water retention ponds or other drainage and pollution control devices.
  - (i) Requiring compatible color schemes to avoid adverse impacts upon nearby properties of historic or scenic value.

2. Performance Bond. The Planning Board and/or Board of Appeals may require as a condition of Site Plan Approval or Special Use Approval that the owner file a performance bond in such amount as they determine to be in the public interest, to insure that the proposed development will be built in compliance with the accepted plan.
3. Compliance. Compliance with conditions shall be mandatory throughout the duration of the special permit or site plan approval, and failure to conform to said conditions shall be grounds for revocation of the special permit pursuant to Section 213 herein. Upon revocation of the special permit, the building inspector may institute legal action as authorized in Section 313 herein.

## **ARTICLE 4: LAND USE DISTRICT REGULATIONS**

### **SECTION 400 ESTABLISHMENT OF DISTRICTS**

The Town of Mexico is hereby divided into the following land use districts:

A-1	Agricultural 1
A-2	Agricultural 2
A-3	Agricultural 3
R-1	Residential 1
R-2	Residential 2
AP	Aquifer Protection
C-1	Commercial 1
C-2	Commercial 2
M-1	Mixed Use 1
M-1	Mixed Use 2
IND	Industrial

### **SECTION 405 DISTRICT MAP**

The land use districts are shown, defined and bounded on the Land Use District map accompanying this Local Law. The district map is hereby made a part of this Local Law, and shall be on file in the office of the Town Clerk.

### **SECTION 410 INTERPRETATION OF DISTRICT BOUNDARIES**

1. District boundary lines are generally intended to follow property lines; highways; 200 feet, 300 feet, 500 feet, 1000 feet or other specified setback from roadways; railroad beds, or streams and rivers.
2. Questions concerned with the exact location of district boundary lines as shown on the district map shall be resolved by the Board of Appeals.

3. Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than fifty feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

#### **SECTION 415 INTERPRETATION OF PERMITTED USE CHART**

- A. Land uses designated by an "X" on the permitted use chart (Section 420) are Permitted Uses within the zone.
- B. Land uses designated by an "S" on the permitted use chart are Special Uses allowed after approval of a Special Use Permit by the Board of Appeals.
- C. A use shall be deemed prohibited within a zoning district unless it is listed as a permitted use or as a Special Use within that district.
- D. See Section 335 for uses requiring Site Plan Approval by the Planning Board.

## SECTION 420 PERMITTED USE CHART

x = permitted

S permitted after issuance of special permit

blank or unlisted = not permitted

Use	Land Use District										
	A-1	A-2	A-3	R-1	R-2	AP	C1	C2	M-1	M-2	IND
<b>RESIDENTIAL USES</b>											
One-family dwelling	x	x	x	x	x	x	x	x	x	x	
Two- family dwelling	x	x	x	x					x	x	
Multiple-family dwelling				S					S	S	
Mobile home		x								x	
Mobile home park		S								S	
Camp	x	x	x	x	x	x					
Recreational vehicle park, Campground	S	S	S								
Group camp	S	S	S								
Agricultural tenant residence	S	S	S								
Boarding house, Bed and Breakfast, Tourist home	S	S	S	S			S	S	S	S	
Adult care facility, Assisted living facility, Nursing home	S	S	S	S					S	S	
Residential cluster development	S	S	S	S					S	S	
<b>GENERAL USES</b>											
Accessory use	x	x	x	x	S	S	x	x	x	x	
Aircraft landing strip	S	S	S								
Club	S	S	S				S	S	S	S	
Community center	S	S	S				x	x	x	x	
Indoor recreation			S				x	x	S	S	
Outdoor recreation	S	S	S	S		S					
Public utility substation	S	S	S	S		S	S	S	S	S	x
Religious institution	x	x	x	x			x	x	x	x	
School	x	x	x	x					x	x	
Seasonal produce stand	x	x	x	x	x	x	x	x	x	x	
Wharf	x		x		x						
<b>AGRICULTURAL USES</b>											
Agricultural uses	x	x	x	S*	S*	X*	x	x	x	x	
*Permitted within an Oswego County Agricultural District only.											

	A-1	A-2	A-3	R-1	R-2	AP	C1	C2	M-1	M-2	IND
COMMERCIAL USES											
Adult Use or entertainment establishment							S				
Bank							x	x	x	x	
Business office							x	x			x
Car wash								S			
Cellular tower / wireless communication facility	S	S					S	S			x
Charter boat			S					S			
Commercial marina and/or boat launch								S			
Commercial riding stables	S	S									
Construction or well drilling business	S	S					x	x	S	S	x
Day care center	S	S	S			S	S	S	S	S	x
Drive-in service (other than restaurant)								S			
Fuel distribution											x
Gasoline station, retail gasoline outlet							S	S			
Golf course, Country club	S		S								
Health care facility	S	S	S	S			S		x	x	
Home occupation	x	x	x	x	x	x	x	x	x	x	
Hotel / motel			S				x	x			
Kennel (animal grooming facility), animal hospital	S	S									
Lawn and garden equipment sales, service							x	x	x	x	
Mobile home sales							x	x			
Mortuary, funeral home				S			x	x			
Motor vehicle repair, body shops							S	S			
Motor vehicle sales							S	S			
Nursery, florist, greenhouse	x	x	x				x	x	x	x	
Personal service business	S	S	S	S	S	S	S	S	S	S	x
Professional residence-office	S	S	S	S	S	S	x	x	S	S	
Restaurant			S				x	x	S	S	
Restaurant – drive in			S				x	x			
Retail store / retail service			S				x	x			
Shopping center							x	x	S	S	
Take out food establishment			S				x	x			
Tavern, bar, night club			S				S	S			



	A-1	A-2	A-3	R-1	R-2	AP	C1	C2	M-1	M-2	IND
INDUSTRIAL, TRUCKING, WAREHOUSING AND EXCAVATION USES											
Airport	S	S							S	S	
Enclosed manufacturing industries, enclosed light industrial uses	S						S		S	S	x
Enclosed service and repair							S		S	S	x
Enclosed warehouse or wholesale use							S		S	S	x
Excavation, Quarry									S	S	x
Freight or trucking terminal							S		S	S	x
Junk yard, recycling center											x
Machinery and transportation equipment, sale service and repair							S		S	S	x
Machinery wrecking yards											x
Manufacture of fuel and explosives											x
Non-hazardous waste landfill											x
Open storage yard											x
Racetrack for motor vehicles									S	S	
Research and testing laboratory							S	S	S	S	x
Sawmill	S	S							S	S	x
Trucking business							S	S	S	S	x
OTHER USES											
Short-term storage or staging of non-toxic raw materials and/or products for future shipment							S		S	S	x
Other uses upon finding that such use is of the same general character as those permitted, and which will not be detrimental to other uses within the district or to adjoining land uses.	S	S	S	S	S	S	S	S	S	S	x

## SECTION 421 PROHIBITED USES

1. The following uses are prohibited in all land use districts.
  - (a) Storage of toxic chemicals and radioactive materials at levels that could be injurious to human, animal and biological life. Exempted are NY State licensed applicators.
  - (b) Solid waste incinerator, medical waste incinerator.
  - (c) Hazardous waste disposal.
  - (d) Slaughterhouse
  - (e) Any facility that involves the manufacture of explosives or petroleum based fuels.
2. Storage of motor fuel in an amount exceeding 50 gallons is prohibited in Residential 2 (R2) land use districts.

## SECTION 425 DIMENSIONAL REQUIREMENTS, AGRICULTURAL ZONES

	A1, A2 and A3 Zones		
	Lots with Frontage on a State highway	Lots with Frontage on other highway	
		Not serviced by a public water system	Serviced by a public water system
ONE-FAMILY RESIDENTIAL			
Lot area minimum (sq. ft.)	120,000	40,000	20,000
Building front line minimum (ft.)	300	150	100
Minimum highway frontage (ft.)	300	25	25
Lot depth minimum (ft.)	200	200	125
Front yard minimum (ft.)	50	40	40
Rear yard minimum (ft.)	40	40	40
Side yard minimum (ft.)	20	20	15
Coverage maximum (percent)	none	none	20%
Building height maximum (ft.)	35	35	35
TWO-FAMILY RESIDENTIAL			
Lot area minimum (sq. ft.)	120,000	60,000	30,000
Building front line minimum (ft.)	300	200	125
Minimum highway frontage (ft.)	300	25	25
Lot depth minimum (ft.)	200	300	150
Front yard minimum (ft.)	50	40	40
Rear yard minimum (ft.)	40	40	40
Side yard minimum (ft.)	20	20	15
Coverage maximum (percent)	none	none	20%
Building height maximum (ft.)	35	35	35
NON-RESIDENTIAL USES			
Lot area minimum (sq. ft.)	120,000	80,000	80,000
Building front line minimum (ft.)	300	200	200
Minimum highway frontage (ft.)	300	50	50
Lot depth minimum (ft.)	300	200	200
Front yard minimum (ft.)	50	50	50
Rear yard minimum (ft.)	50	50	50
Side yard minimum (ft.)	50	50	50
Coverage maximum (percent)	10%	10%	10%
Building height maximum (ft.)	none	none	none

## SECTION 430 DIMENSIONAL REQUIREMENTS, RESIDENTIAL ZONES

	R1 zone		R2 zone	AP zone	
	Not serviced by a public water system	Serviced by a public water system		Lots with Frontage on a State highway	Lots with Frontage on other highway
ONE-FAMILY RESIDENTIAL					
Lot area minimum (ft.)	40,000	20,000	20,000	120,000	80,000
Building front line minimum (ft.)	150	100	100	300	200
Minimum highway frontage (ft.)	25	25	25	300	25
Lot depth minimum (ft.)	200	125	125	200	200
Front yard minimum (ft.)	40	40	40	50	40
Rear yard minimum (ft.)	40	40	40	40	40
Side yard minimum (ft.)	15	15	15	20	20
Coverage maximum (percent)	20%	20%	20%	none	None
Building height maximum (ft.)	35	35	35	35	35
Minimum square footage, ground floor			850 ft.		
TWO-FAMILY RESIDENTIAL					
Lot area minimum (ft.)	60,000	30,000		120,000	80,000
Building front line minimum (ft.)	200	125		300	200
Minimum highway frontage (ft.)	25	25		300	25
Lot depth minimum (ft.)	300	150		200	300
Front yard minimum (ft.)	40	40		50	40
Rear yard minimum (ft.)	40	40		40	40
Side yard minimum (ft.)	20	15		20	20
Coverage maximum (percent)	none	20%		none	20%
Building height maximum (ft.)	35	35		35	35
NON-RESIDENTIAL USES					
Lot area minimum (ft.)	80,000	80,000	20,000	120,000	80,000
Building front line minimum (ft.)	200	200	100	300	200
Minimum highway frontage (ft.)	50	50	25	300	50
Lot depth minimum (ft.)	200	200	125	200	200
Front yard minimum (ft.)	50	50	40	50	50
Rear yard minimum (ft.)	50	50	40	50	50
Side yard minimum (ft.)	50	50	15	50	50
Coverage maximum (percent)	10%	10%	20%	10%	10%
Building height maximum (ft.)	none	none	35	none	none
Minimum square footage, ground floor			850 ft.		

## SECTION 435 DIMENSIONAL REQUIREMENTS, COMMERCIAL ZONES

	C1 , C2 Zones	
	Not Serviced by a public water system	Serviced by a public water system
<b>ONE-FAMILY RESIDENTIAL</b>		
Lot area minimum (sq. ft.)	40,000	20,000
Building front line minimum (ft.)	150	100
Minimum highway frontage (ft.)	25	25
Lot depth minimum (ft.)	200	125
Front yard minimum (ft.)	40	40
Rear yard minimum (ft.)	40	40
Side yard minimum (ft.)	20	15
Coverage maximum (percent)	none	20%
Building height maximum (ft.)	35	35
<b>TWO-FAMILY RESIDENTIAL</b>		
Lot area minimum (sq. ft.)	60,000	30,000
Building front line minimum (ft.)	200	125
Minimum highway frontage (ft.)	25	25
Lot depth minimum (ft.)	300	150
Front yard minimum (ft.)	40	40
Rear yard minimum (ft.)	40	40
Side yard minimum (ft.)	20	15
Coverage maximum (percent)	none	20%
Building height maximum (ft.)	35	35
<b>NON-RESIDENTIAL USES</b>		
Lot area minimum (sq. ft.)	40,000	40,000
Building front line minimum (ft.)	150	150
Minimum highway frontage (ft.)	50	50
Lot depth minimum (ft.)	200	200
Front yard minimum (ft.)	40	40
Rear yard minimum (ft.)	40	40
Side yard minimum (ft.)	20	20
Coverage maximum (percent)	None	None
Building height maximum (ft.)	None	None

## SECTION 440 DIMENSIONAL REQUIREMENTS, MIXED USE ZONES

	M1 and M2 Zones		
	Lots with Frontage on a State highway	Lots with Frontage on other highway	
		Not Serviced by a public water system	Serviced by a public water system
<b>ONE-FAMILY RESIDENTIAL</b>			
Lot area minimum (sq. ft.)	120,000	40,000	20,000
Building front line minimum (ft.)	300	150	100
Minimum highway frontage (ft.)	300	25	25
Lot depth minimum (ft.)	200	200	125
Front yard minimum (ft.)	50	40	40
Rear yard minimum (ft.)	40	40	40
Side yard minimum (ft.)	20	20	15
Coverage maximum (percent)	none	none	20%
Building height maximum (ft.)	35	35	35
<b>TWO-FAMILY RESIDENTIAL</b>			
Lot area minimum (sq. ft.)	120,000	60,000	30,000
Building front line minimum (ft.)	300	200	125
Minimum highway frontage (ft.)	300	25	25
Lot depth minimum (ft.)	200	300	150
Front yard minimum (ft.)	50	40	40
Rear yard minimum (ft.)	40	40	40
Side yard minimum (ft.)	20	20	15
Coverage maximum (percent)	none	none	20%
Building height maximum (ft.)	35	35	35
<b>NON-RESIDENTIAL USES</b>			
Lot area minimum (sq. ft.)	120,000	80,000	40,000
Building front line minimum (ft.)	300	200	150
Minimum highway frontage (ft.)	300	50	50
Lot depth minimum (ft.)	300	200	200
Front yard minimum (ft.)	50	50	50
Rear yard minimum (ft.)	50	50	50
Side yard minimum (ft.)	50	50	50
Coverage maximum (percent)	20%	20%	20%
Building height maximum (ft.)	35	35	35

## SECTION 445 DIMENSIONAL REQUIREMENTS, INDUSTRIAL ZONES

ALL USES	Not Serviced by a public water system	Serviced by public a water system
Lot area minimum (sq. ft.)	40,000	40,000
Building front line minimum (ft.)	150	150
Minimum highway frontage (ft.)	50	50
Lot depth minimum (ft.)	200	200
Front yard minimum (ft.)	40	40
Rear yard minimum (ft.)	40	40
Side yard minimum (ft.)	20	20
Coverage maximum (percent)	None	None
Building height maximum (ft.)	None	None

## SECTION 450 DIMENSIONAL REQUIREMENTS, MULTI-FAMILY DWELLINGS, ALL ZONES

	Not Serviced by a public water system	Serviced by public a water system
Lot area minimum (sq. ft.)	120,000 s.f.; or 40,000 s.f. for first unit and 10,000 s.f. for each additional unit; whichever is greater	60,000 s.f.; or 20,000 s.f. for first unit and 5,000 s.f. for each additional unit; whichever is greater
Building front line minimum (ft.)	300	200
Minimum highway frontage (ft.)	50	50
Lot depth minimum (ft.)	300	200
Front yard minimum (ft.)	50	50
Rear yard minimum (ft.)	50	50
Side yard minimum (ft.)	50	50
Coverage maximum (percent)	10%	10%
Building height maximum (ft.)	35	35

## SECTION 455 HEIGHT EXCEPTIONS

Nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bell, clock, fire and observation towers, and essential public utility structures.

## SECTION 460 HEIGHT EXCEPTIONS BY SPECIAL PERMIT

A radio or television antenna or tower, water or cooling tower, oil or gas container, elevator bulkhead, chimney, or similar structures in excess of 60 feet may be erected after issuance of a Special Permit. A variance is not required.

## SECTION 465 GREEN SPACE BUFFER

1. The section shall apply within all land use districts except Commercial-1 Commercial-2 districts.
2. A minimum thirty (30) feet green space landscaped buffer along side and rear property lines is required for all non-residential uses that abut an existing residential property.
3. The green space buffer must be maintained as a vegetated area. No driveways, parking lots, or storage of materials or vehicles shall be permitted, nor shall the buffer be used as a work area.
4. Landscaping shall be installed and maintained in a healthy growing condition in front, side and rear yards and shall take the form one or more of the following: shade trees, deciduous shrubs, evergreens, well-kept grass areas or ground cover.
5. The privacy of any existing residence shall be protected by densely planted shrubbery, solid fencing, or a combination of both, as deemed appropriate by the Planning Board and/or Board of Appeals at the time of Site Plan Approval and/or Special Use Approval.
6. For purposes of this section, an existing residential property is defined as any lot 5 acres or less in size for which the principle use is residential, and upon which a dwelling is located at the time of Special Use approval.
7. At the time of Site Plan Approval and/or Special Use Approval the Planning Board and/or Board of Appeals, shall have the authority to reduce the minimum width of the green space buffer on any side without the issuance of a variance provided that: (a) that side does not border upon an existing residential property, and (b) future development of adjacent properties is not impaired.

## SECTION 470 INDUSTRIAL FLOATING ZONES

1. Intent. Industrial zones may be established in the town and designated as specific locations on the zoning map using the procedure for establishing a floating zone as prescribed in Section 475 herein. There are, at the time of adoption of this law, no centers of industrial use in the Town, but there are many potential sites for industry. Therefore it has not been feasible to designate specific locations for industrial use zones. Rather, the intent is that industrial zones be created on the zoning map at such time as desirable locations become apparent either as a result of specific development proposals or other factors.
2. Review Authority. The Town Board shall have the authority for amending the zoning map to create Industrial zones, and the Planning Board shall have the responsibility to make a recommendation on such action. The Town Board shall have the authority to approve site plans for any development proposals that are submitted simultaneously with



the proposal to create an Industrial zone, and the Planning Board shall have the responsibility to make a recommendation on such approval. After an Industrial zone has been created the Planning Board shall have the sole authority to review and approve site plans for subsequent proposals within such zone.

3. General Requirements.

- (a) The zone change shall be for a minimum of ten (10) contiguous acres. One or more land parcels may be involved.
- (b) The proposed industrial use district shall not create significant adverse impacts upon adjacent or nearby land uses, traffic patterns, or the environment.
- (c) Possible adverse impacts upon nearby properties shall be mitigated to extent practicable by requiring a minimum green space buffer surrounding the zone or other such measures or conditions as deemed appropriate.
- (d) Creation of the industrial use district shall be in the interests of the health, safety and general welfare of the Town of Mexico.

## **SECTION 475 PROCEDURE FOR ESTABLISHING FLOATING ZONES**

1. Initiation. Proposals for creation of a floating industrial zone may initiated by the Town Board, by the Planning Board, by the Board of Appeals, or by an applicant in conjunction with a specific development proposal.
2. Planning Board Review and Recommendation. Upon receipt of a proposal to create an Industrial Zone the Planning Board shall undertake a review and make a recommendation to the Town Board. If a specific development is proposed, the Planning Board shall also make a recommendation to approve, approve with modifications, or to disapprove the site plan for such development. The Planning Board shall conduct its review and recommendation on the creation of an Industrial zone and any specific development proposals in accordance with the procedure for reviewing site plans as specified in Section 350 herein.
3. Hearing. The Town Board shall conduct a public hearing on the proposed creation of an Industrial Zone. If a specific development is proposed, the public hearing shall include consideration of the site plan for such development.
4. Town Board Decision. The Town Board shall have the authority to approve the location of the Industrial Zone on the Land Use District Map, and to prescribe any special regulations that apply generally within the entire zone so approved. Special regulations may include, but shall not be limited to, buffer areas around the zone, permitted or not permitted uses, lot dimension requirements, and conditions. The Town Board shall also have the authority to approve, concurrent with the aforementioned zone approval, the site plan for any specific development that is proposed within the Industrial zone.

## **ARTICLE 5: SUPPLEMENTARY REGULATIONS**

### **SECTION 500 OFF-STREET PARKING SPACE REQUIREMENTS**

For every building hereafter erected, altered or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least twenty feet clear in width, except for one and two-family dwellings. Except for one and two-family dwellings, all off-street parking spaces are to be arranged so that all backing movements take place within the parking area and not in a public street.

1. Residential Uses:
  - (a) One-and-two-family dwellings and conversions; two parking spaces for every dwelling unit.
  - (b) Multiple family dwellings; five parking spaces for every three dwelling units.
  - (c) Professional residence-office; three parking spaces, plus an additional parking space for every two hundred square feet of office area.
2. Hotel, motel, tourist home, boarding house; three parking spaces, plus one for every guest room.
3. Dormitory, fraternity, sorority, nursing home, hospital: one parking space per employee on duty at any one time, plus one space for every two beds.
4. Places of public assembly; one parking space for every five seats, or one parking space for every one hundred square feet of floor area.
5. Business, professional and medical offices; three parking spaces, plus one for every two hundred square feet of office area.
6. Commercial and business; in groups over 20, 000 sq. ft. of business floor area: one parking space for every one hundred square feet of business area.
7. Commercial and business; individual establishments on separate lots: one parking space for every two hundred square feet of business area.
8. Restaurant, eating and drinking establishments; one parking space for every one hundred square feet of floor area.
9. Industrial, wholesale, warehouse, storage, freight and trucking uses: one parking space for every 400 square feet of warehouse floor area.
10. Unspecified uses; as required by the Board based upon use intensity, turnover, customer, employees and vehicles used.
11. Consideration shall be given for handicapped parking in all instances.

### **SECTION 501 OFF-STREET LOADING SPACE REQUIREMENTS**

Every building occupied for the purpose of industry or business shall provide adequate space for loading and unloading of vehicles off the street, and in no case shall a loading area be less than 12 feet by 46 feet.

## **SECTION 502 SPECIAL PARKING AND LOADING SPACE REQUIREMENTS**

Planning Board under their powers of site plan review and approval may modify requirements for parking and loading spaces and:

1. Require additional spaces if they find the requirements insufficient.
2. Require fewer spaces if they find the requirements excessive.
3. Permit spaces for separate uses to be combined in one parking lot.
4. The Board shall take into account existing parking spaces in the vicinity of the proposed development.

## **SECTION 504 PERFORMANCE STANDARDS**

All uses shall meet New York State Air and Water Pollution Standards.

## **SECTION 506 INDIVIDUALLY SITED MOBILE HOMES**

1. No person shall park, set up or otherwise be allowed to use a mobile home on any public or private property, except in an approved mobile home park, in a district specified as permitting mobile homes as living accommodations, or in an approved mobile home sales lot.
2. No person shall park, set up, or otherwise be allowed to use on any public or private property any mobile home more than ten (10) years old on the date it is placed or relocated in the Town of Mexico, unless it is deemed habitable after being inspected by the Building Inspector of the Town of Mexico.
3. All mobile homes not located within an approved mobile home park shall be placed on a permanent foundation extending below the frost line, or upon a reinforced concrete slab at least five (5) inches thick which extends the full length and width of the mobile home which is placed upon it.
4. Each mobile home shall be installed with anchors or tie-downs capable of securing the stability of the mobile home from effects of the wind. Anchors and/or tie-downs shall be placed at each corner of the foundation or concrete slab per manufacturer's specifications.
5. Each mobile home shall be skirted to screen the space between the mobile home and the ground. Such skirting shall be of non-transparent durable material such as wood, stone, cement block, or vinyl, and shall not consist of wire mesh, bales of hay, or transparent plastic. Such skirting shall be installed within 60 days of occupancy, and shall be maintained in good repair.
6. All mobile homes shall be provided with exterior walls of traditional site-built appearance made of clapboards, shingles, and shakes; masonry; wood board-and-batten; or "Texture 1-11" exterior plywood.
7. Tires, pieces of metal, boards, cement blocks, bricks and similar loose objects shall not be placed upon the roof of a mobile home.
8. No mobile home may be used for any purpose other than for a single family residence. A mobile home may not be used as a storage building.

9. Any existing mobile home may be replaced with a mobile home of larger size without obtaining a variance as prescribed by Sections 315 and 320 of this law, provided that: (a) A permanent concrete slab as required by subdivision 2 above is placed beneath the full length and width of the larger mobile home. (b) The extent of any existing non-conformity with minimum building setbacks is not increased.
10. This subdivision shall apply to all Land Use Districts except Agricultural-2 (A-2) and Mixed Use-2 (M-2). All mobile homes shall be provided with a factory manufactured roof pitch of 3/12 (about 14 degrees) or greater, with shingle, shingle-like, or metal roof.
11. Any mobile home must be placed so as to be horizontal to the street or road upon which it is fronting.

## **SECTION 508 MOBILE HOME PARKS**

No person shall construct or operate a mobile home park without first obtaining a permit in accordance with requirements of the "Town of Mexico Mobile Home Park Law."

## **SECTION 512 GASOLINE STATION, PUBLIC GARAGE AND MOTOR VEHICLE SALES**

Gasoline stations, public garages, and motor vehicle sales agencies shall comply with the following:

1. The lot shall not be located within three hundred feet of any lot occupied by a school, hospital, playground, day care center, library or religious institution. Measurement shall be made between nearest respective lot lines.
2. Lot size shall be at least 40,000 square feet or as otherwise required by this law.
3. Lot frontage shall be at least 150 feet or as otherwise required by this law.
4. Lot depth shall be at least 250 feet or as otherwise required by this law.
5. Pumps, other service devices, and fuel and oil storage shall be located at least thirty feet from all lot lines.
6. All automobile parts and dismantled vehicles are to be stored within a building and no major repair work is to be performed outside a building.
7. There shall be no more than two access driveways from any street. Maximum width of each access driveway shall be thirty feet.
8. A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.

## **SECTION 514 PUBLIC UTILITY FACILITIES**

Public utility substation and similar utility structures, shall comply with the following:

1. The facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.
2. A landscaped area at least fifteen feet wide shall be maintained in front, rear, and side yards.

3. There shall be no open equipment visible from surrounding property.
4. Where practical, low profile equipment shall be used.

## SECTION 516 SEASONAL PRODUCE STANDS

Seasonal produce stands shall be located at least ten (10) feet from any public highway right-of-way. Entry, exit and parking shall not constitute a traffic hazard.

## SECTION 518 SIGNS

1. General provisions.
  - (a) Each commercial use is permitted to place a ground sign and building sign on its premises in accordance with this section.
  - (b) On-premise advertising ground signs or building signs, not larger than 50 sq. ft. on a single mounting shall be permitted after issuance of a special permit.
  - (c) The following signs are permitted in any district:
    - (1) Professional residence-office and home occupation signs not exceeding 6 sq. ft.
    - (2) One "For Rent" and/or "For Sale" sign not exceeding six square feet in residential districts, thirty-two square feet in other districts.
    - (3) Directional or information signs not exceeding four square feet.
    - (4) Signs necessary for public safety or welfare.
    - (5) Sign identifying a construction project and the specialists concerned, not exceeding eight square feet for a house, and sixteen square feet for other buildings.
    - (6) Signs identifying any permitted non-residential use in a residential district, one square foot of sign for each lineal foot of building frontage, but not exceeding a total of thirty-two square feet.
2. Signs in Commercial and Industrial Districts.

In Commercial and Industrial Districts the minimum size building sign shall be: (a) 50 square feet, or (b) two square feet for each one lineal foot of building frontage occupied by the establishment, whichever is greater.
3. Traffic hazards, safety, and obstruction. Every sign shall be designed and located in such a manner as to:
  - (a) Not impair public safety
  - (b) Not restrict clear vision between a sidewalk and street
  - (c) Not be confused with any traffic sign or signal
  - (d) Not prevent free access to any door, window or fire escape
  - (e) Withstand a wind pressure load of thirty pounds per square foot
4. Illuminated and Flashing Signs.
  - (a) Signs may be illuminated by a steady light provided that such lighting does not illuminate adjacent property.

- (b) Flashing, oscillating and revolving signs are not permitted, unless necessary for public safety or welfare.
5. Signs by Special Permit. Other signs may be permitted after issuance of a Special Permit, if the Board of Appeals finds that such a sign:
- (a) Is in the public interest and is not detrimental to public safety, welfare, or surrounding properties.
  - (b) Is of a character, size and location that it will be in harmony with orderly development of the district.
6. Non-conforming Signs. Any nonconforming sign existing at the time of enactment or amendment of this Local Law may be continued although such use does not conform with this Local Law, except as hereinafter provided. Nonconforming signs may not be enlarged, extended, relocated or altered in any way, except to make them conform to the provisions of this Local Law. This provision shall not restrict the routine maintenance of nonconforming signs involving replacement of electrical parts and repainting.
7. Discontinuance. When a nonconforming sign has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with this Local Law.
8. Change of Use. No nonconforming sign shall be changed to other than a conforming use for the district in which it is situated.
9. Temporary Signs. Temporary signs, such as signs for garage sales, notices of events, or political posters, shall be removed within one week after the sale, event or election is concluded.

## **SECTION 520 UNSAFE STRUCTURES, RESTORATION, ALTERATION AND EXTENSION**

A nonconforming structure or part thereof may be:

1. Restored to a safe condition.
2. Repaired, if damaged by fire or other causes, provided that construction starts within a period of 12 months.
3. Structurally altered only to the extent of its prior nonconformity. A nonconforming use shall not be extended. Extension of a lawful use to any part of a nonconforming building shall not be deemed extension of such non-conforming use.

## **SECTION 522 RESIDENTIAL LOTS EXISTING PRIOR TO AMENDMENT OR LOCAL LAW**

In residential districts nothing shall prohibit the use of a lot of less area or less frontage than required for a one-family dwelling in this district in which the lot is located, when such lot

was held under separate ownership from the adjoining lots at the time of passage or amendment of this Local Law.

#### **SECTION 524 ONE DWELLING PER LOT**

There shall be only one residential building on a lot, except as provided in Section 562 herein.

#### **SECTION 526 CALCULATION OF BUILDING COVERAGE**

In determining percentage of building coverage of a lot or size of yards, all principal buildings, roofed porches, garages, carports, and other accessory buildings shall be included.

#### **SECTION 528 REQUIRED AREA OR YARDS**

No space necessary under this Local Law to satisfy area, yard or other open space requirements in relation to any building or use shall be counted as part of a required open space in relation to any other lot or buildings.

#### **SECTION 530 YARDS ON CORNER LOTS**

Any yard adjoining a street shall be considered a front yard for the purposes of this Local Law. Only one front yard is required to comply with the minimum depth requirement. All other front yards shall either equal the minimum, or be at least twenty feet in depth, whichever is the less.

#### **SECTION 532 PROJECTION IN YARDS**

Every part of a required yard shall be open from the ground to the sky unobstructed, except for ordinary projections of sills, chimneys and eaves, provided that no such projections may extended more than three feet into any required yard.

#### **SECTION 534 FRONTAGE ON PUBLIC STREET**

All residential lots shall have at least twenty feet frontage on a public street, or as otherwise provided by the minimum highway frontage requirements of Sections 425, 430, 435, 440 and 450 herein.

#### **SECTION 536 LOCATION OF DRIVEWAYS**

All driveways must be located at least twenty-five feet from a street line intersection.

#### **SECTION 538 PERMIT FOR TEMPORARY USES AND STRUCTURES**

1. The Enforcement Officer may issue a temporary permit for a period not exceeding one year, for incidental nonconforming uses as follows:

- (a) Temporary uses incidental to a construction project
  - (b) Temporary real estate sales office incidental to a subdivision
  - (c) Other similar temporary incidental uses, except storage or disposal of toxic chemicals or radioactive materials at levels that could be injurious to human, animal and biological life.
2. Permits shall be conditioned upon agreement by the owner to remove the use upon expiration of permit.
3. Permits may be re-issued for additional periods of six months.

## **SECTION 540 ABANDONMENT OF CONSTRUCTION PROJECTS AND STRUCTURES**

Within 12 months after a construction project, building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and any excavation remaining shall be covered over or filled to the normal grade by the owner.

## **SECTION 542 OBSTRUCTION OR VISION ON A CORNER LOT IN RESIDENTIAL DISTRICTS**

In all districts on a corner lot, within the triangular area formed by the intersection of two street property lines and a third line joining them at points thirty feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

## **SECTION 544 FENCES**

1. No fence or planting over three feet in height shall be permitted within fifteen feet of the intersection of either side of a driveway with the street line. No fence or planting shall be permitted within one foot of the street line. Excepting swimming pools, see Section 556.
2. No fence higher than three (3) feet above ground level shall be erected in R-2 Districts, and no fence higher than six (6) feet above ground level shall be erected in any other Land Use District. This requirement may be waived by the Planning Board at the time of site plan approval. Excepting swimming pools, see Section 556.

## **SECTION 546 MULTIPLE FAMILY DWELLING UNITS BELOW GRADE**

No living spaces are permitted in basements in multiple family dwellings.

## **SECTION 548 ACCESSORY BUILDING IN RESIDENTIAL DISTRICTS**

Outbuildings, garages, carports, storage sheds, greenhouses and all similar accessory use buildings must be attached to the main building on the lot, except that each residential use may have three (3) unattached accessory buildings on a lot.



## **SECTION 550 RECREATIONAL VEHICLES LOCATED OUTSIDE RECREATIONAL VEHICLE PARKS**

1. No recreational vehicle may be connected to water, sewer or electrical utilities in any zoning district except for a temporary fifteen (15) day period.
2. No recreational vehicle may be stored on a property except that the owner of a recreational vehicle may store it on their own property provided that: (a) there is an existing residential structure on the lot, and (b) such vehicle is stored either in an enclosed garage or out-of-doors no closer to the property line than as specified by the minimum front yard, rear yard and side yard requirements of Sections 425 through 450 herein.

## **SECTION 552 RECREATIONAL VEHICLE PARKS**

1. Minimum lot size: 5 acres.
2. Each recreational vehicle park shall have adequate access to a public highway, and each recreational vehicle site shall be serviced from interior roadways.
3. A recreational vehicle park shall be divided into campsites. The corners of each campsite shall be clearly marked, and each campsite shall be numbered for identification.
4. The minimum size of each campsite shall be 2500 square feet, provided however, that there shall be no more than 10 campsites per acre.
5. There shall be a minimum fifty (50) feet green space buffer surrounding the recreational vehicle park. No campsite or portion thereof, building, structure or roadway shall be placed within the buffer area.
6. No campsite shall be located within seventy-five (75) feet of the mean high water mark of any water body.
7. The Planning Board and/or the Board of Appeals may require that the recreational vehicle park be substantially screened from the view of public roads and neighboring properties by use of vegetation and/or fencing.
8. Each recreational vehicle park shall comply with all applicable rules and regulations of the New York State Department of Health.
9. Adequate plans shall be made for the collection and disposal of garbage, rubbish and solid wastes generated within the park. There shall be no on-lot exposed garbage, junk, or other wastes. The operator shall provide for the pick up of trash at least once a week.
10. Mobile homes, whether permanent or temporary, shall not be parked in any campground.

## **SECTION 554 STORAGE OF MOTOR VEHICLES**

Motor vehicles used for drag or stock car racing, or an abandoned or junked vehicle, must be parked in an enclosed garage.

## **SECTION 556 SWIMMING POOLS**

Every private swimming pool shall be completely surrounded by a fence or wall not less than four feet in height, and constructed in such a manner so as not to be easily climbed, and erected with the underlying objective of being protective in nature. For purposes of this Local

Law, the wall of the pool above ground may be included as part of this barrier. The fence or wall shall be equipped with a door, gate, or retractable steps which can be securely locked. The fence must be erected within 30 days after filling the pool.

## **SECTION 558 EXCAVATIONS, QUARRIES**

1. The minimum lot size for excavations or quarries shall be 10 acres.
2. Prior to their approval of a special permit the Planning Board shall review the mining and reclamation plan prepared for the New York State Department of Environmental Conservation.
3. Excavations or quarries shall not present a hazard to aquifers or public water supplies.
4. Excavation activities or haul routes shall not create hazardous conditions on Town of Mexico highways.
5. Site distance at points of entry onto local roads shall comply with standards established by the NYS Department of Transportation as stated in the publication "Policy and Standards for Entrances to State Highways."

## **SECTION 560 ADULT USE AND ENTERTAINMENT ESTABLISHMENTS**

1. No adult use and entertainment establishment shall be located: (a) within 500 feet of the boundary of any residential zoning district, or (b) within 500 feet of the property line of any preexisting residential property, church, synagogue or other place of worship, school, day-care facility, park, playground or community center.
2. The adult use shall be conducted entirely within an enclosed building. No "specified anatomical area" or "specified sexual activity" (see definitions) shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.
3. No outside displays or advertising other than an approved sign shall be permitted.
4. The serving of alcoholic beverages shall be prohibited unless specifically permitted by the Planning Board in their review of the Special Use application.

## **SECTION 562 RESIDENTIAL CLUSTER DEVELOPMENT**

1. Intent. The intents of this section are to allow the following: (a) Residential developments such as senior citizen housing developments, or similar type arrangements for rental or condominium dwelling units, whereby several residential structures are located on a single property, often consisting of attached housing with two more units per structure. (b) Single family residential subdivisions whereby some or all residential lots are permitted to be smaller than otherwise required by this law, provided that other portions of the project site are retained as permanent open space of value to the community. Such open space may preserve good views from a roadway, provide wildlife habitat, establish green space buffers along streams, or preserve farmland. (c) Alternative arrangements and configurations for the layout of lots, buildings and structures.

2. The use of cluster development, whereby residential buildings and residential accessory buildings are grouped together on smaller than normal lots and portions of the site are set aside as permanent open space, is permitted subject to the following standards.
3. Minimum lot size, minimum lot width, and minimum building setbacks as specified in Article 4 of this law may be reduced provided that:
  - (a) Four (4) or more dwelling units or principal structures are proposed to be placed on a single lot, or a subdivision of four (4) or more lots in single ownership or in ownership by a group of four or more owners acting in concert, is involved.
  - (b) The total number of dwellings permitted on the site does not exceed the number which would otherwise be permitted by application of the required minimum lot size for single family dwellings on the site. Regulated wetlands, regulated flood hazard areas, and other areas physically unsuitable for development shall be excluded in determining the number of dwellings permitted on the site.
  - (c) The number of principal structures proposed to front on existing public streets does not exceed the number which could otherwise front upon such streets in a conventional subdivision layout designed in compliance with minimum lot width requirements.
  - (d) All proposed land uses within the cluster development are listed as either permitted uses or as special uses in the land use district where the development is located.
  - (e) Open areas within the site are chosen so as to facilitate one or more of the following objectives: to preserve views, to provide recreation areas, to serve as a buffer between neighboring properties or streets, to preserve wooded areas and hedgerows, to preserve other natural areas which add to the quality of the residential environment, or to protect environmentally sensitive features such as providing green space buffers along streams.
  - (f) Provision, by deed restriction, covenant, or other legal arrangement, is made to ensure that the undeveloped portion of the parcel remains as permanent open space or recreation area: (1) Designated open space areas may be owned privately by individuals. Adequate provision shall be made by covenant, deed restriction or other legal means to insure that future owners are aware of the development restrictions upon such areas. (2) Open space or recreation areas may be owned in common by individuals within the subdivision. In such case, covenants, deed restrictions or other legal arrangements shall specify ownership of the open space, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions, and any other specifications deemed necessary.
3. Cluster development review and approval shall be undertaken simultaneously with subdivision plat review and approval. All provisions of New York State Town Law, Section 278 shall apply.

## **SECTION 564 TELECOMMUNICATION FACILITIES**

All telecommunication facilities shall comply with "Local Law Number 1 of 1999 of the Town of Mexico: A local law to "Regulate Telecommunication Facilities."

## **SECTION 566 HOME OCCUPATIONS**

All home occupations shall comply with the following.

1. Home occupations shall be carried on wholly within a dwelling which is the bona fide residence of the principal practitioner.
2. No more than twenty-five (25) percent of the gross floor area of such residence shall be used for the conduct of the home occupation.
3. Not more than one person other than members of the immediate family occupying said dwelling unit may be employed in the home occupation.
4. There shall be no outdoor storage of materials, goods, or products.
5. One sign is permitted in accordance with Section 518 herein.
6. No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater degree or frequency than normally experienced in a property used for residential purposes only.
7. No semi-trailer type truck or trailer greater than 24 feet in length shall be parked or stored outdoors on the property within five-hundred (500) feet of any neighboring property line at any time.
8. There shall be a total of no more than one truck, piece of earth moving equipment, or similar heavy equipment stored outdoors on the property at any time.
9. Home occupations may include, but shall not be limited to: antique sales, babysitting, barber, beautician, cooking, drafting, dressmaking, furniture refinishing, laundering, upholsterer, artist, photographer, and electrical, radio and television repair.
10. Home occupations shall not include: animal hospital, commercial stable or kennel, convalescent home, mortuary, music or dancing instruction to groups, restaurant, garage or repair of motor vehicles, and other trades and businesses of similar nature.

## **Section 568 Agricultural Tenant Residence**

In addition to the principal dwelling, a single mobile home or other single-family dwelling may be placed on an active farm in any land use district provided that:

- A. It is occupied by a person employed in the operation of an active farm, or is occupied by the owner of the farm and a farm employee resides in the primary residential structure on the property.
- B. The mobile home or other dwelling unit is removed within six (6) months of the date it ceases to be used for such purpose.

## **SECTION 570 Wharfs, Docks**

No wharf or dock shall exceed a total of two hundred and fifty (250) square feet including walkways, and shall be designed to provide berthing for no more than three (3) watercraft each 30 feet in length. The use of fingers, and T or L shaped docks are permitted in any configuration from the main body of the dock, within the maximum footage allowed.

## **ARTICLE 6: LAND USE DISTRICT DESCRIPTIONS**

### **SECTION 600 LAND USE DISTRICT MAP**

Land use districts are shown, defined and bounded on the Land Use District map accompanying this Local Law. District boundary lines are generally intended to follow property lines; highways; 200 feet, 300 feet, 500 feet, 1000 feet or other specified setback from roadways; railroad beds, or streams and rivers.

### **SECTION 610 RESIDENTIAL 2 DISTRICT**

The R-2 shown on the Land Use District Map shall be the following areas:

1. FIRST AREA: Beginning at the intersection of the westerly line of the Town of Mexico in the southerly shore of Lake Ontario and running thence southerly along the division between the Town of New Haven and the Town of Mexico a distance of about 440 feet to the intersection of said town line with the southerly line of a 30 feet wide right-of-way; thence easterly along said southerly road line a distance of about 355 feet to a point intersecting the southerly boundary with the westerly boundary of an intersection 30 feet wide right-of-way; thence easterly in a straight line a distance of about 135 feet to a southwest corner of premises deeded to one McManus and recorded in the Oswego County Clerk's Office in book 844 of Deeds at Page 136; thence northeasterly on a line parallel with and 100 feet southerly of the southerly boundary of a 30 foot wide right-of-way a distance of about 409.72 feet; thence southerly along the westerly line of Swamp Road, and extensions thereof, a distance of about 170 feet to a point which is 150 feet southerly as measured at right angles from the northerly boundary of Swamp Road; thence northeasterly and parallel with Swamp Road a distance of 890 feet, more or less to a point which is 100 feet southwesterly as measured at right angles from the southwesterly boundary of Swamp Road; thence southeasterly along a line parallel with and 100 feet southwesterly from the southwesterly boundary of Swamp Road a distance of about 320 feet to a point which is 100 feet southerly as measured at right angles from the westerly extension of the southerly boundary of Swamp Road; thence running easterly and parallel to the southerly boundary of Swamp Road a distance of about 425 feet to the westerly boundary of a 20 feet wide right-of-way and being southerly along said westerly boundary, a distance of 100 feet from the southerly boundary of Swamp Road; thence southerly along the westerly boundary of a 20 feet wide right-of-way a distance of about 25 feet to a point which is 200 feet southerly from the southerly line of

Mexico Point Road; thence easterly crossing said right-of-way and running parallel to and 200 feet southerly from the southerly boundary of Mexico Point Road a distance of about 196.42 feet; thence northerly parallel to the east boundary of said 20 feet right-of-way a distance of 100 feet; thence easterly parallel to Mexico Point Road a distance of 60 feet; thence northerly parallel to a 20 feet wide right-of-way a distance of 100 feet to the southerly boundary of Mexico Point Road; thence easterly along the southerly boundary of Mexico Point Road a distance of about 72 feet to the easterly line of Farm Lot No. 25; thence northerly along said lot line a distance of about 760 feet to the southerly shore of Lake Ontario; thence running westerly along said shore a distance of about 2,800 feet to the point of beginning.

2. SECOND AREA: Beginning at the intersection of the easterly line of lands of New York State and used as boat launching sites with a southerly shore of Lake Ontario; thence running southerly along the lands of New York State a distance of about 110 feet to the northerly line of County Route #40; thence westerly and southwesterly along the lines of New York State a distance of about 80 feet to the westerly extension of the southerly boundary of County Route #40; thence easterly along the southerly line of County Route #40 a distance of 205 feet more or less, to the northwest corner of former Boison as recorded in the Oswego County Clerk's Office in Book 871 at Page 90; thence southerly along the westerly line of Boison and extension thereof, a distance of about 395 feet to the northerly shore of the Little Salmon River; thence continuing southerly on the same course a distance of about 400 feet, crossing the Little Salmon River to the southerly shore; thence running southwesterly along said shore a straight line distance of about 1,000 feet to the westerly line of one Hart; thence running southerly along the westerly line of Hart a distance of about 100 feet to the northeasterly boundary of the Mexico Point Road; thence southeasterly along said road boundary a distance of about 482 feet to the southern most corner of one Bradshaw and recorded in the Oswego County Clerk's Office in Book 697 of Deeds at Page 679; thence running northeasterly along the line of Bradshaw a distance of about 720 feet to the easterly line of a 20 feet wide right-of-way; thence running easterly along the southerly line of one Graboski and recorded in the Oswego County Clerk's Office in Book 888 of Deeds at Page 95, a distance of about 336 feet to the westerly shore of the Little Salmon River; thence continuing easterly on the same course and crossing the Little Salmon River a distance of about 300 feet to the east shore; thence southerly along said shore a distance of about 1,400 feet to the southerly line of one Schleger and recorded in the Oswego County Clerk's Office in Book 779 of Deeds at Page 425; thence easterly along said southerly line of Schleger a distance of about 750 feet to the westerly boundary of County Route #40; thence northerly along said road line a distance of about 1,600 feet to the westerly extension of the southerly line of one Trumble and recorded in the Oswego County Clerk's Office in Book 808 of Deeds at Page 297; thence running easterly along said extension and southerly line of Trumble a distance of about 594 feet to the southeast corner; thence northerly along the easterly line of Trumble a distance of about 160 feet to the northeast corner; thence running easterly on the extension of the northerly line of Trumble a distance of about 250 feet to the edge of a creek; thence northeasterly in a straight line, a distance of about 1,860 feet to the easterly line of Sage Creek Road at the southwest

corner of Lot #59 of "Grandview Bluff Park Extension"; thence easterly on a line parallel with and 140 feet south of a southerly boundary of Grand View Ave., a distance of about 1,130 feet the northeasterly line of the Town of Mexico; thence northwesterly along the line between the Town of Richland and the Town of Mexico a distance of about 400 feet to the southerly shore of Lake Ontario; thence westerly along said shore a distance of about 4,325 feet to the point of beginning".

## **ARTICLE 7: FLOOD CONTROL REGULATIONS**

### **SECTION 700 PURPOSE**

The purpose of this section is to provide such land use regulations and construction regulations in area susceptible to flood as set forth in the Map of the Town of Mexico, Oswego County, designated FIA Flood Hazard Boundary Map No. H01-07, dated 11/15/74 (or its revisions) which is incorporated by reference and made a part of this Local Law, so that (1) buildings to be constructed and existing buildings to be changed shall be in accordance with the regulations provided in this Local Law to protect them from flood damage and to ensure the safety of the inhabitants thereof; (2) to provide such land use and construction regulations in said flood areas as will entitle those with an interest in the real and personal property situate in said designated areas to Federal Flood Insurance pursuant to the provisions of the National Flood Insurance Program and the regulations thereof promulgated by the Department of Housing and Urban Development as set forth in the Federal Register 36 F.R. 18175-86, September 10, 1971 as amended, pursuant to the authority granted by the National Flood Insurance Act of 1968 as amended, 42 U.S.C. 4001-4127.

### **SECTION 710 DEFINITIONS**

1. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland or tidal water, (b) the unusual and rapid accumulation or runoff of surface waters from any source, or (c) mud-slides which are caused or precipitated by accumulations of water on or under the ground.
2. "Flood Hazard Boundary Map" means the aforesaid Map No. H01-07 described in the paragraph entitled Purpose which is approved by the Federal Insurance Administrator on which the boundaries of the flood plain having special hazards have been drawn.
3. "Flood Insurance" means insurance coverage for floods.
4. "Flood Plain" or "flood-prone area" means a land area adjoining a river, stream, watercourse, bay or lake which is likely to be flooded.
5. (e)"Flood plain area having special flood hazards" means that maximum area of the flood plain that, on the average, is likely to be flooded once every 100 years (that is, that has a 1 percent chance of being flooded each year).
6. "Flood plain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures.

7. "Flood proofing" means any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.
8. "Floodway" means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.
9. "Floodway encroachment lines" means the lines marking the limits of floodways on official Federal, State and local flood plain maps.
10. "100 year flood" means the highest level of flooding that, on the average, is likely to occur once every 100 years (that is, it has a 1 percent chance of occurring each year).
11. "Start of construction" means the first placement of permanent construction on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure of any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling; excavation for basement, footings, piers, or foundations; erection of temporary forms; the installation of sewer, gas, and water pipes, or electric or other service lines from the street; or existence on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure.
12. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.
13. "Water surface elevation" means the heights in relation to Mean Sea Level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the flood plains of coastal or river areas.

## **SECTION 720 LIMITATIONS ON LAND USE AND CONSTRUCTION**

1. The aforesaid Map No. H01-07 described in the paragraph entitled PURPOSE, attached hereto and adopted by this Town having this Local Law, sets forth the areas of riverain, flood plain having special flood hazards, and sets forth the floodways in this Town and the coastal flood plain areas having special flood hazards, and sets forth and delineates the 100 year flood; now, therefore, the following provisions shall limit land use and construction in said designated areas as follows:
  - (a) Within the flood plain area this Local Law concerning land use and control and other measures designed to reduce flood losses shall take precedence over any other conflicting Local Law, if any.
  - (b) Anyone who proposes new construction or substantial improvements to existing construction within the flood plain area having special flood hazards must apply for a building permit.



(c) Said application shall set forth:

- (1) the location of the property with sufficient information so that its' location relative to identifiable objects can be ascertained;
- (2) the type of materials and utility equipment that are intended to be used, the design by which provision is made to anchor the structure to prevent flotation, collapse or lateral movement of the structure;
- (3) a description of all public and private utilities and facilities to be used, including sewer, gas, electrical, water system, sewage disposal if not sewer;
- (4) the manner in which adequate drainage is to be provided;
- (5) other structures and measures designed to prevent flood damage.

(d) Said application shall be deposited with the Town of Mexico together with an application fee in an amount specified by the Town Board. The Town of Mexico shall turn the said application over to such person or body specified as qualified by the Town Board to pass upon whether it complies with the requirements of this Local Law as hereinbefore and hereinafter set forth.

(e) The Building Inspector shall not issue a permit pursuant to such application until such aforesaid person or body specified as qualified by the Board has reviewed the same and that the following requirements of this Local Law are complied with:

- (1) that the proposed repair or construction or substantial improvements uses construction materials and utility equipment that are resistant to flood damage;
- (2) that the methods and practices of construction applied for will minimize flood damage;
- (3) that the proposed construction (including prefabricated and mobile homes) is protected against flood damage;
- (4) that the proposed construction or repair or substantial improvement is designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure;
- (5) that any new or replacement water supply systems and/or sanitary sewer systems and/or septic tank systems be designed to minimize or eliminate infiltration or flood waters into the systems and discharges from the systems into flood waters, and that on-site waste disposal systems be located so as to avoid impairment of them or contamination from them during flooding;
- (6) any new residential construction or substantial improvement of any residential structure within the are of special flood hazard shall have the lower floor (including basement) elevated to or above the level of the 100 year flood and the attendant utility and sanitary facilities to be flood-proofed up to the level of the 100 year flood. Industrial and commercial uses may be flood-proofed if low elevation is necessary for business.

2. Attached on the aforesaid FIA Flood Hazard Boundary Map No. H01-07 described in the paragraph entitled PURPOSE showing the area of special flood hazards, there is also set

forth floodways for passage of the water of the 100 year flood. Any flow or encroachment within the said designated floodways that impairs their ability to carry and discharge the waters resulting from the 100 year flood is hereby prohibited except where the effect on flood heights is fully offset by stream improvement.

3. Any person seeking a variance from the strict letter of these regulations may make application therefor to the Mexico Town Board. Upon such application, the Mexico Town Board shall, when there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the regulations, have authority to vary or modify the application of such regulations so that the spirit of such regulations shall be observed, public safety and welfare secured and substantial justice done.

#### **ARTICLE 8: REPEALER**

All local laws, ordinances or regulations heretofore adopted in conflict with this local law are hereby repealed.

#### **ARTICLE 9: SEVERABILITY**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **ARTICLE 10: ADMINISTRATIVE LIABILITY**

No officer, agent or employee of the Town of Mexico shall render himself personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his duties under this local law and such action shall be defended by the town until the final determination of the proceeding thereon.

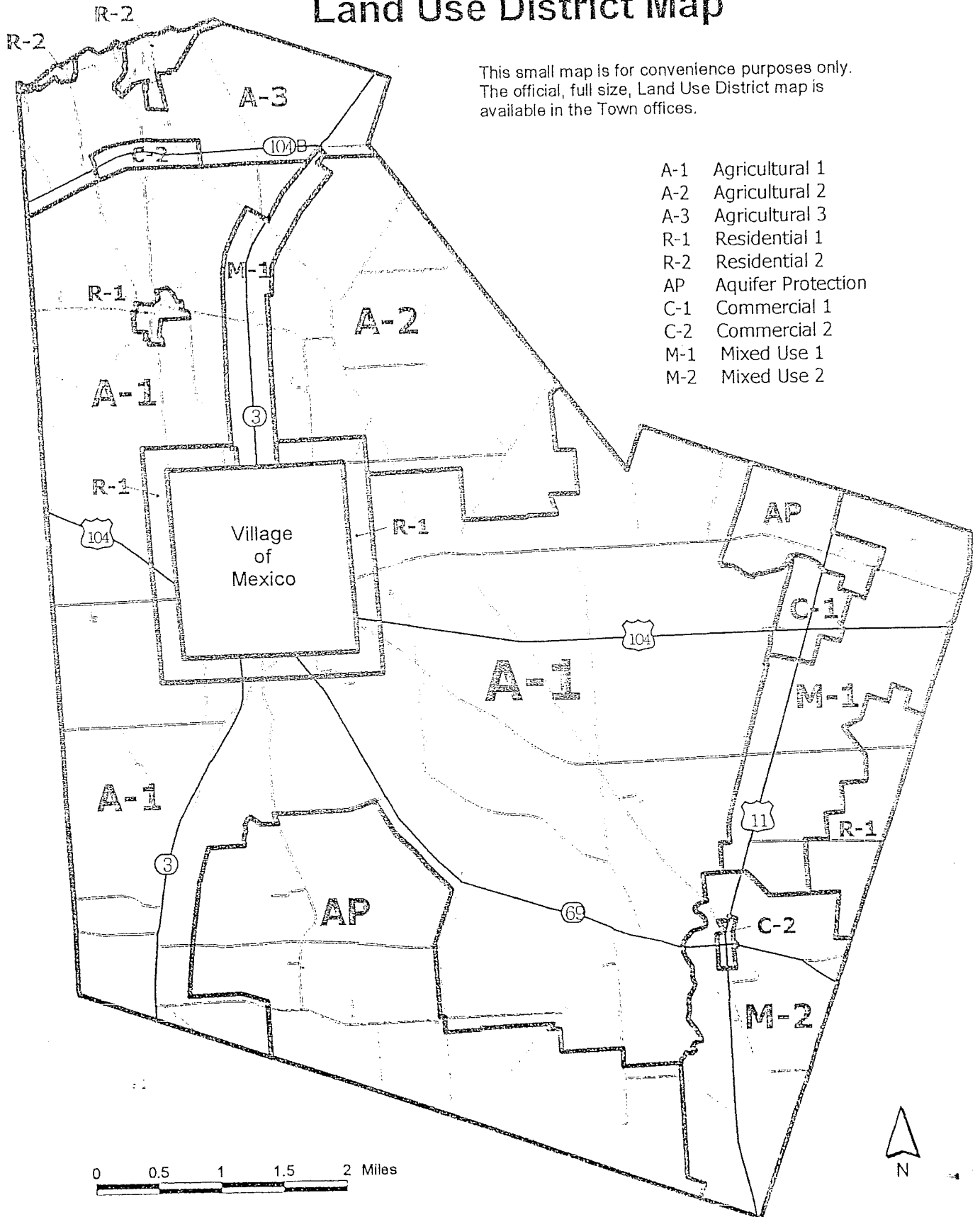
#### **ARTICLE 11: EFFECTIVE DATE:**

This local law shall take effect immediately upon filing with the New York State Secretary of State's Office.

# Town of Mexico Land Use District Map

This small map is for convenience purposes only.  
The official, full size, Land Use District map is  
available in the Town offices.

- A-1 Agricultural 1
- A-2 Agricultural 2
- A-3 Agricultural 3
- R-1 Residential 1
- R-2 Residential 2
- AP Aquifer Protection
- C-1 Commercial 1
- C-2 Commercial 2
- M-1 Mixed Use 1
- M-2 Mixed Use 2



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20 03 of the ~~(County)(City)~~(Town)(~~Village~~) of Mexico was duly passed by the Town Board on 8/11 20 03, in accordance with the applicable provisions of law.  
*(Name of Legislative body)*

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*  
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 1\_\_\_\_, above.

*Elizabeth Dishaw*

Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
ELIZABETH DISHAW, Town Clerk

Date: 8/28/23

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_ OSWEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Norman W. Seiter, Jr.*  
Signature NORMAN W. SEITER, JR., ESQ.

Town Attorney

Title

~~COUNTY~~

~~CITY~~  
Of

Mexico

Town

~~VILLAGE~~

Date: 8-26-03

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

**DRAFT**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~

~~XXXXXX~~

Town

~~XXXXXX~~

of Mexico

Local Law No. 1 of the year 2008

A local law regulating unsafe buildings and structures in the Town of Mexico  
(Insert Title)  
to more effectively deal with unsafe buildings and structures.

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~

~~City~~

Town

~~Village~~

of Mexico as follows:

## SECTION 1: TITLE

This Local Law shall be known as Local Law No. 1 of 2008 repealing Local Law No. 2 of the Year 1982 and Local Law No. 1 of 2003 and amending Local Law No. 2 of 2006 of the Town Code of the Town of Mexico.

## SECTION 2: PURPOSE

This Local Law No. 1 of 2008 is enacted for the purpose regulating unsafe buildings and structures in the Town of Mexico and allowing the Town of Mexico to more efficiently deal with unsafe buildings and structures.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

### **SECTION 3: SUPERCEDING POWERS**

This Local Law, pursuant to the authority of the Municipal Home Rule Law, Article 3 Section 22 thereof, hereby supersedes Local Law No. 2 of 1982 and Local Law No. 1 of 2003 of the Town of Mexico, and any amendments thereto.

### **SECTION 4: ENFORCEMENT ALTERNATIVES**

Section 11 of Local Law No. 2 of 2006, a Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, of the Town of Mexico shall be amended to read as follows:

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the following procedures:

The Town shall have the following enforcement alternatives available to it in the event a building shall be reported unsafe or dangerous:

1. In addition to any other penalties imposed or other available remedies available to the Town, the Town Board may conduct a hearing to determine whether such violation constitutes a significant public health or safety issue. Such hearing shall be on a minimum of 10 days notice to the owner, which notice may be served personally or by certified mail, return receipt requested, to the last known address of the owner as shown on the last completed tax roll.

a. Such notice shall specify the date, time and place of the hearing, the purpose of the hearing, the nature of the alleged violation, the owner may be present and participate in the hearing individually and/or through counsel, the fact that if the Town does determine that there is a significant health, safety or welfare issue, that it may enter the property to clean up the violation, and that all costs so incurred, including legal expenses, which will be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

b. The Town Board shall conduct a hearing on the date and time indicated in the notice and shall make findings of fact. Based on such findings, the Town Board shall determine whether any remedial action is required.

c. The Town Board shall notify the owner of its decision in the same manner as the notice of hearing. If no corrective action is taken within 10 days of such notice being either mailed or personally served upon the owner, then the Town Board may authorize entry onto the property to do such remediation work or removal of the building and may charge all costs so incurred, including legal expenses, as a tax against the land.

2. In addition to all other penalties and remedies available to the Town under this section, the Town shall have the authority, upon resolution, to make an application at a special term of the Supreme Court in the judicial district in which such property is located for an order determining the building to be a public nuisance, directing that it shall be repaired, secured or demolished and removed by either the owner or the Town and imposing a fine of \$200 per day for each day the property remains in violation. In the event the Town is authorized to secure or demolish the building, the costs so incurred, including legal expenses, shall be a tax against the land on which such building is located in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

3. The hearing process outlined in this section is not an administrative remedy that must be exhausted before proceeding to Supreme Court. The Town Board for the Town of Mexico shall have the discretion to determine which enforcement alternative is appropriate under the circumstances of each case, and shall have the discretion to determine whether to pursue more than one enforcement alternatives.

4. Whenever it is found that a building or structure or part thereof may be an imminent danger to life and safety of the public for any reason, the Code Enforcement Officer may require the occupants of any such building or structure or any part thereof to vacate the premises forthwith. No person shall use or occupy such building or structure or part thereof until it is made safe. No unauthorized person shall enter premises which have been ordered vacated unless authorized to perform inspections or repairs or to demolish and remove such building or structure or part thereof.

#### **SECTION 5: SEPARABILITY**

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

#### **SECTION 6: EFFECTIVE DATE**

This Local Law shall take affect immediately upon the filing thereof in the Office of the Secretary of State.