

ZONING LAW

OF THE

VILLAGE

OF

MEXICO

ENACTED AUGUST 4, 2004

TABLE OF CONTENTS

ARTICLE I GENERAL PROVISIONS	PAGE 1
ARTICLE II INTERPRETATION	PAGE 3
ARTICLE III DEFINITIONS	PAGE 4
ARTICLE IV ZONING DISTRICTS	PAGE 15
ARTICLE V SUPPLEMENTARY REGULATIONS	PAGE 25
ARTICLE VI NON CONFORMING USES	PAGE 38
ARTICLE VII ADMINISTRATION	PAGE 39
ARTICLE VIII ENFORCEMENT	PAGE 46
ARTICLE IX ENACTMENT	PAGE 47
ARTICLE X AMENDMENT	PAGE 48

ZONING LAW OF THE VILLAGE OF MEXICO

ARTICLE I GENERAL PROVISIONS

101 ENACTMENT AND TITLE

The Village Board of the Village of Mexico, New York, pursuant to section 7-700 of Village Law and the Municipal Home rule, hereby adopts and enacts this local law known as the Zoning Law of the Village of Mexico.

102 PURPOSES

This zoning law is hereby enacted to establish a comprehensive zoning plan for the Village of Mexico, New York, which shall be set forth in the text and map that constitute this law and:

1. This local law is adopted to address the interest of the residents of the Village Of Mexico in the protection and promotion of health, safety and the general welfare of the Village.
2. It is intended as a guide for the future growth and development of the Village and to promote a reasonable relationship between the residential, non-residential and public areas of the Village. It establishes a criteria for each zoning district by considering the suitability of each area for such uses as indicated by historical and existing conditions, trends in population and mode of living and giving due regard for the use of land, building development and economic activity, considering these trends as they relate to the conditions both within the Village and in the areas surrounding the Village.
3. It is further intended to protect the character and the social and economic stability of the Village and it's inhabitants, to prevent overcrowding of the land and congestion of the population. It promotes the orderly and beneficial development of all parts of the Village and seeks to protect and preserve the value of land in the Village.
4. It provides a basis for public policy as it relates to the efficient provision of public facilities and services and for private enterprise in building development, investment and other economic activity relating to the use of land and buildings in the Village.

5. This law seeks to preserve the natural resources of the Village and to protect the inhabitants and their property from the pollution of air, streams, creeks and rivers and to assure the adequacy of drainage facilities, and encourage the sound use and management of the natural resources of the Village.

6. To maintain the natural and man-made attributes of the Village and ensure appropriate development.

ARTICLE II INTERPRETATION

201 INTERPRETATION OF THIS LAW

1. The regulations contained in this local law shall be considered to be minimum provisions. It is declared to be the legislative intent that this local law is regarded to primarily further the public and community interests in the Village.
2. When this local law imposes restrictions or allows uses that are different from any other statute or law, whichever provisions are more restrictive or impose higher standards shall apply.
3. The minimum standard for any construction, additions, alterations or improvements to or any occupation of, any structure within the Village shall be the International Codes.
4. Except as hereinafter provided, no building or structure shall be erected, moved, or the use altered and no land, building or structure or part thereof shall be occupied or used unless in conformity with the regulations specified for the district within which it is located.
5. Any use not expressly allowed by this law shall be considered to be prohibited.

ARTICLE III DEFINITIONS

301 GENERAL

Words used in the present tense include the future, the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot". The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used"; the word "shall" is mandatory and not directory.

302 SPECIFIC TERMS

For the purposes of this Chapter, the following terms shall have the following meanings:

1. **Accessory Building** - shall mean a structure used or occupied as an adjunct of, or in conjunction with, the use or occupancy of premises, or building or buildings thereon, and located on the same lot therewith.
2. **Accessory Use** - shall mean a use customarily incidental and subordinate to the principal use and located on the same lot therewith. In no case shall such accessory use dominate in area, extent or purpose of the principal lawful use or building.
3. **Addition** - shall mean a structural change to an existing use or building which is physically joined to, and made a part of the pre-existing use of building, including but not limited to an attached garage and treated decks.
4. **Alteration of Building** - shall mean any change in supporting members of a building except such changes may be required for its safety, any addition to a building, any change in use from one district classification to another, or removal of a building from one location to another.
5. **Alternate Tower Structure** - A mounting structure, other than a tower that can reasonably serve as a mounting point for an antenna and otherwise meets the requirements of this chapter.

6. **Antenna** – Any device, other than an exempt antenna, used to radiate into or capture from the air electromagnetic waves carrying any form of communication including, but not limited to, cellular phone antennas, PCS communication antennas. Directional antennas, such as panels and microwave dishes and omni directional antennas, such as whip antennas.

7. **Area Variance** - shall mean a change to the area requirements of this law.

8. **Billboard** - shall mean any sign or symbol, or depiction of a symbol, either free standing or attached to a structure, that is not related to the use of the property where it is erected.

9. **Building** - shall mean a structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

10. **Building Area** - shall mean the total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

11. **Building Height** - shall mean the vertical distance measured from the average ground level at the sides of the building to the extreme high point of the building, exclusive of chimneys and similar features.

12. **Building Inspector** - For the purpose of this law, the term Building Inspector, Enforcement Officer, and Zoning Enforcement Officer shall be considered as synonymous. The Building Inspector shall be that person or agent appointed by the Village board to enforce the provisions of this law.

13. **Business Limited** – A commercial activity generally conducted within an office and characterized by services of a clerical, administrative, technical, professional or general business nature, including without limitation data processing, computer programming and similar technology, but expressly excluding manufacturing, wholesaling or retail sales of merchandise kept on the premises.

14. **Cellar** – A story having more than ½ of its clear height below the average level of the adjoining ground.

15. Certificate of Occupancy - shall mean a document required pursuant to the **International Fire Prevention and Building Code** and prepared by the Village of Mexico Building Inspector and also certified by the Zoning Enforcement Officer. Upon completion of any project which requires a variance or special permit, the Zoning Enforcement Officer shall inspect the project to insure that it has been completed in accordance with any and all specifications and conditions imposed by the issuing board. The Certificate of Occupancy shall be issued pursuant to both the Village of Mexico Zoning Law and the **International Fire Prevention and Building Code** and a copy of each Certificate of Occupancy shall be maintained in the records of the Zoning Enforcement Officer.

16. Church – Any structure primarily used for worship or religious instruction, including social and administrative room's accessory therein.

17. Commercial and Industrial wholesale - shall mean any use involving the sale, rental or distribution of retail or wholesale goods or services.

18. Commercial Residence – A building, other than a hotel, where lodging and meals are served for compensation. For administrative purposes, this term shall consist of two categories "A" and "B". "A" shall be composed of a commercial residence for not more than three persons and "B" shall be composed of a commercial residence for lodging and meals where more than three persons are served for compensation.

19. Developed Open Space – Pedestrian ways and other areas for active and/or passive recreation, but not including parking areas. Additional school and recreation areas or any community property may be included as developed open space.

20. Dwelling - shall mean a building designed or used exclusively as living quarters for one or more families; the term shall not be deemed to include automobile court, motel, boarding or rooming house, mobile home, trailer, tourist home or tent.

21. Dwelling, Single Family, Attached - shall mean a building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes. (See Duplex and Townhouse).

22. **Dwelling, Factory Manufactured** - shall mean a dwelling that is constructed by a method or system of construction whereby the basic structure or its components are wholly or in a substantial part, manufactured in manufacturing facilities, designed to be transported to a lot, but not on its own chassis or wheels, for assembly and permanent installation on a foundation; a modular home as hereinafter defined. For purposes of this law, a mobile home is not to be construed as a factory manufactured home.

23. **Dwelling, Multiple Family** - shall mean a building or portion thereof containing three (3) or more dwelling units not including townhouses or duplexes.

24. **Dwelling, One Family** - shall mean a building containing one (1) dwelling unit.

25. **Dwelling, Two Family** - shall mean a building containing two (2) dwelling units.

26. **Dwelling Unit** - shall mean a building or entirely self contained portion thereof containing complete housekeeping facilities for only one family (including any domestic servant employed on the premises), and having no enclosed place (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other "dwelling unit". A boarding house, convalescent home, dormitory, fraternity, sorority, hotel, inn, lodging or rooming house, nursing home or other similar house or other similar structure shall not be deemed to constitute a dwelling unit.

27. **Dump** - shall mean a lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

28. **Duplex** - shall mean a building consisting of two separate and distinct residential units separated by a party wall. Each unit shall have separate and independent utilities, entrances, exits and driveways and a minimum of two off-street parking spaces. (See Dwelling, Single Family, Attached).

29. **Family** - shall mean one or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit.

30. **Front Line** - shall mean the centerline of the street or road as it applies to front yard and the face of the principal building as it applies to structures.

31. Garage Sale - shall mean household goods and clothing for sale to the general public, which are displayed in the garage, yard, or porch of a private residence. A yard, or porch, lawn or rummage sale.

32. Group Residence – A structure designed exclusively as a place of residence and/or domicile by one or more persons wherein the residential quarters are considered an integral component of a recognized program or rehabilitation, custodial supervision or care, together with required supervisory personnel. For administrative purposes, this term shall consist of two categories: “A” and “B”. Category “A” shall be composed of not more than four persons and Category “B” of five to eight persons, exclusive of required resident supervisory personnel. This term shall exclude occupancy described in “family” as defined herein.

33. Home Occupation – Any accessory use of a service character conducted within a dwelling by residents thereof which is clearly secondary to dwelling use for living purposes and does not change the character or have any exterior evidence of such use, and which, when it requires a special permit, conforms to the additional conditions set forth in this Ordinance.

34. Hospital - shall mean a building used for diagnosis, treatment or other care of human ailments or medical conditions, which term includes a sanitarium, clinic, rest home, and institution for the insane.

35. Hotel – *A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming house as herein defined.*

36. Junk Yard - shall mean a lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

37. Lot - shall mean land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this law, having not less than the minimum area and width required by this law for a lot in the district in which

such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a building on such land.

a. **“Corner lot”** shall mean a lot of which at least two adjacent sides front their full lengths upon streets.

b. **“Interior lot”** shall mean a lot other than a corner lot.

c. **“Through lot”** shall mean an interior lot, which runs through a block from street to street.

38. **Lot Depth** - shall mean the average horizontal distance between the front and rear lot lines.

39. **Lot Lines** - shall mean the property lines bounding the lot. In the case of a lot fronting on more than one street the owner may elect any street lot line as the front lot line. The rear line shall be the lot line most distant from the front lot line.

40. **Lot Width** - shall mean the least horizontal distance across the lot between side lot lines, measured at the front of a main building erected or to be erected on such lot at a distance from the front line equal to the required depth of front yard.

41. **Mobile Home** - shall mean a dwelling designed for one family that has the following characteristics:

- a. manufactured as a movable or portable dwelling for year round occupancy and for installation on a masonry or concrete foundation or a mobile home stand or piers, with or without a basement or cellar;
- 4. designed to be transported on its own chassis and wheels connected to utilities after placement on a stand, foundation or piers;
- c. may contain parts that can be folded, collapsed or telescoped when being towed and later expanded to provide additional living space;
- d. may be constructed in two or more separately towable components for repeated towing

42. **Modular Home** - shall mean a factory manufactured dwelling. A building or structure that is a factory fabricated transportable building unit, designed to be

permanently located or used by itself or to be incorporated with similar units at a building site into a modular structure to be used as a dwelling, as heretofore defined. For the purposes of this law, a mobile home is not to be considered as a modular home.

43. MOTEL – *A building (or a group of buildings) containing living or sleeping accommodations used only for transient occupancy and offered to the public for compensation.*

44. Multiple Family Dwelling – *A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other in individual dwelling units.*

45. Multiple Use - shall mean any of the following:

- a. A building designed or occupied for residential purposes by more than two families as in “Dwelling, multiple family”; or
- b. A series of attached, detached, or semi-detached buildings, which are provided as a group collectively with essential services and utilities, and which are located on a lot, plot, or parcel of land, under common ownership; or
- c. The residential part of a mixed occupancy building.

46. Nonconforming Building - shall mean a building which in its design or location upon a lot does not conform to the regulations of this law for the district in which it is located.

47. Nonconforming Use - shall mean the use of land, premises, building or structure legally existing at the time of the effective date of the law, which fails to comply with the regulations set forth in this law, applicable to the district in which such use is located.

48. Nursing or Convalescent Home - shall mean a building, other than a hospital, where persons, except insane, feeble minded, drug or alcoholic dependent patients are lodged and furnished with meals and nursing care for hire.

49. Open Space - shall mean an unoccupied space open to the sky.

50. Owner - shall mean a person or persons holding title to a lot of record.

51. **Parking Space** - shall mean an off-street space available for the parking of one motor vehicle and having an area of not less than nine by eighteen feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

52. **Principal Structure** - shall mean the primary structure or building on any lot.

53. **Retail Business** – The direct on-premises sale of goods and services to the consumer, including incidental and customary on-premise processing, servicing and preparation. Included are department stores, food markets, financial institutions, business and professional offices and vehicular activities as defined in this article. Excluded are places of public assembly, medical centers, private businesses and technical schools, colleges, universities and similar places of postgraduate training and higher education.

54. **Reviewing Board** – The Village of Mexico Board of Trustees, the Zoning Appeals Board, the Village Zoning Board, or any other board, commission or agency of the Village when acting upon application made for a special permit, site plan approval, interpretation, variance, appeal, decision, approval or other action pursuant to this chapter.

55. **Set Back** - shall mean the horizontal distance from a particular lot line and the facade of any existing, proposed building or structure nearest said lot line.

56. **Sign** – Any letter, word, model, banner, pennant, insignia, logo, symbol, trade flag, or other device or representation used as or which is in the nature of an advertisement, announcement or direction, but excluding any public traffic or directional signs or signals. Signs regulated by this section shall also include those signs which are painted or affixed to the interior or exterior of a window and visible from the exterior of the premises which are intended to advertise and/or identify the name of the business or entity and/or any products or services provided or sold, on or off the premises, for compensation.

57. Sign, Advertising – A sign which directs attention to a business, commodity service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises, if at all.

58. Storage Shed – A single story structure that: is not insulated, possesses no plumbing fixtures, does not exceed eight feet in height, has a footprint of no more than 100 square feet and is used as an accessory structure for storage purposes only.

59. Street - shall mean a public or private thoroughfare which affords the principal means of access to adjoining premises.

60. Structure - shall mean anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground. The term structure includes the term “building”.

61. Structure, Accessory – A structure generally designed to accommodate an accessory use but detached from the principal structure, such as a garage for vehicles accessory to the principal use, a freestanding storage shed or similar facility. An accessory structure attached to or contained within a principal structure shall be considered part of the principal structure.

62. Structure, Secondary – A structure generally associated with the use of property, other than principal structure, including but not limited to the following: radio tower, television, antenna, flagpole, fireplace, signs and outdoor recreation facilities such as tennis courts, swimming pools and basketball courts.

63. Swimming Pool - shall mean any body of water or receptacle for water having a depth at any point greater than two (2) feet, used or intended to be used for swimming and 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 law, except a pool shall be erected or constructed with a minimum lot line of ten (10) feet in any direction from the vertical water containment line. For purposes of this law, the small plastic type wading pools for small children shall not be considered a swimming pool.

64. Telecommunications – The transmission or reception via wire, fiber optic cable or from the site of an antenna necessary to operation of the antenna including, but not limited to cables, switches, towers, accessory buildings and structures.

65. Tower – Any structure, other than an exempt tower, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term included, but is not limited to radio, and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and structures used to support the related equipment.

66. Tourist Home - shall mean a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

67. Townhouse - shall mean a structure of three or more separate and distinct residential units separated by a party wall. Each unit shall have separate and independent utilities, entrances and exits and driveways and two off street parking spaces. (see Dwelling, Single family, Attached).

68. Use - shall mean the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

69. Use, Accessory – An activity which is incidental, subordinate to and which may not be carried on independently of a principal use, such as business home occupation, accessory off-street parking facilities and small-scale manufacturing, repair or similar services incidental to retail business.

70. Use, Principal – An activity, which may be carried on independently of any other activity and which generally, characterizes the primary purpose for which land and/or the principal structures thereon are intended and designed.

71. Use Variance - shall mean written authorization to depart from the use regulations of this law.

72. Variance - shall mean written authorization to depart from or modify the regulations of this law, including the use of land, said authority to be granted by the Zoning Board of Appeals in accordance with the provisions contained within this law.

73. Wholesale Establishment – *An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial,*

commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

74. **Yard** - shall mean an unoccupied space open to the sky, on the same lot with a building or structure.

75. **Yard, front** - shall mean an open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot measured from the centerline of the street and extending the full width of the lot.

76. **Yard, Rear** - shall mean an open unoccupied space on the same lot with the main building between the rear line of the main building and the rear line of the lot and extending the full width of the lot.

77. **Yard, Side** - shall mean an open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ARTICLE IV ZONING DISTRICTS

For the purposes and intent of this law, the Village of Mexico is divided into zoning districts designated and known as:

INDUSTRIAL (I) ZONING DISTRICT (401)
BUSINESS (B) ZONING DISTRICT (402)
RESIDENTIAL (R) ZONING DISTRICT (403)
RESIDENTIAL-SINGLE FAMILY ATTACHED (R-1) DISTRICT (404)
RESIDENTIAL – BUSINESS (R-B) DISTRICT (405)

The zoning districts are bounded and defined as shown on a map which shall be available for review at the office of the Village Clerk and which shall be considered as a part of this law.

Site plan review approval by the Village Zoning Board shall be required before any development of land is undertaken for any land use other than a one or two family dwelling. No building permit shall be issued for any such use until a site plan has been approved in accordance with this local law.

The following text as well as the tables found in Appendix 1 of this Law describe the intended uses and restrictions in each of these districts

401 INDUSTRIAL (I) ZONING DISTRICT

The purpose and intent of the industrial zoning district is to provide for the continuation and development of wholesale commercial and light industrial uses in a manner that protects the natural environment and is compatible with a village setting. In order to assure such harmonious development, site plan review is required for all uses.

401.1 DEFINITION

west side
The Industrial (I) zoning district is hereby defined as all of the area situate in the Village of Mexico, from the intersection of the centerlines of Scenic Avenue (NY State Route 3) and Watson Ave. to a point 320 feet west and north to the Village line with frontages on Scenic Avenue, and from the intersection of Watson Avenue and Scenic Ave. east to the intersection of Watson Avenue and Hamilton St. south to a point 160 feet south of the
West Side only?

intersection of the centerline of Ontario Street west to a point at the center of the Little Salmon River and the centerline of Scenic Ave. to a point of the intersection of Scenic Ave. and Watson Ave., this section shall include all those lots with frontage on Ontario St. and south of the centerline of Watson Ave. between Scenic Ave. and Hamilton street.

401.2 RESTRICTIONS AND REQUIREMENTS - INDUSTRIAL ZONE

1. Area, Yard, dimensional, and Bulk regulations in the industrial zone:

Except as otherwise provided in this law, no zoning permit will be issued in the Industrial district unless the following standards are complied with.

Maximum height:	35 feet
Minimum front yard	100 feet
Minimum side yards:	10 feet
Minimum rear yard:	10 feet

These requirements represent the measurement from any structures, except fencing, to the nearest property line.

2. Any industrial lot bordering on a residential lot shall have a yard that is a minimum of 50 feet from any building to the property line and shall have a buffer area composed of densely planted shrubbery, solid fencing or a combination of both, which in the opinion of the Z.B.A. will be adequate to protect the privacy of said residence. Such buffer shall be a minimum of six feet in height above the finished grade and shall be of materials that are consistent with the character of the residence.

401.3 USES PERMITTED IN AN INDUSTRIAL ZONE

1. Residential uses as specified in Section 403
2. Business and commercial uses as specified in Section 402
3. Commercial wholesale uses

401.4 USES REQUIRING A SPECIAL PERMIT IN THE INDUSTRIAL (I)

ZONING DISTRICT

1. Industrial or commercial use provided such use is wholly enclosed within a building or fence, the processes are not noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes noise, vibration or similar substance or conditions provided, however, that any such use meets the minimum requirements and restrictions of this law and applicable state and federal laws
2. Hospitals and nursing homes with the appropriate state and/or federal permits and licenses
3. **Warehousing facilities**
4. **Wholesale businesses**

401.5 USES PROHIBITED IN AN INDUSTRIAL (I) ZONE:

1. **Acetylene gas manufacture or storage, ammonia, bleaching powder or chlorine manufacture; asphalt manufacture or refining.**
2. **Celluloid manufacture, treatment or storage.**
3. **Fertilizer manufacture or bone grinding; slaughterhouse, fireworks or explosives manufacture or storage.**
4. **Gasoline, naphtha or petroleum refining or bulk storage and storage and/or refining and conversion of hazardous waste.**
5. **Junk, scrap metal, automotive salvage and similar uses.**
6. **Rubber reclaiming plants, smelters as blast furnaces; tanning, curing or storage of rawhides or skins; coke oven.**

402 BUSINESS (B) ZONING DISTRICT

The purpose and intent of the business district is to recognize the existence of the traditional central business district of the village and to encourage harmonious development of land for uses appropriate in this district. In order to assure such harmonious development, site plan review is required.

402.1 DESCRIPTION

The Business (B) District is hereby defined as: Main Street from the Salmon River Bridge to Black Creek Bridge and Main Street west of the Norman Ave. and Academy Street intersection to the westerly Village line with frontages on Main Street. Also that area beginning at the intersection of Watson Ave. and Scenic Ave. on the west side of Scenic south to the center of the Little Salmon river, following the center of the Little Salmon river west to the center of Academy Street, north to the center of Watson Ave. and East to the intersection of Scenic Ave. and Watson Ave., and an area from the intersection of Scenic Ave. and Watson Ave. north to the intersection of Scenic Ave. and Hamilton

03-1.1

Grant

Street, with frontage on the east side of Scenic Avenue. All that area with frontage on Scenic Ave. beginning at the center of Little Salmon River, south to the south property line of parcel # (134.006-04-011.000) on the east side of Scenic Ave. and south to the south property line of parcel # (134.006-04-009.200) on the west side. Also included in the Business district is that parcel of land bounded on the east by the centerline of Scenic Ave., on the south by the existing north line of the Business Zone; on the west by the west line of parcel # (134.010-02-016.000) property and on the north by the division line between said parcel # (134.010-02-016.000) and parcel # (134.010-02-013.000) south line. Also included in the Business District is that parcel of property bounded on the west by the centerline of Scenic Avenue, on the north by the division line between the north line of parcel # (134.010-05-020.000) and the south line of parcel # (134.010-05-021.000), on the east by the west line of parcel # (134.010-05-013.000), and on the south by the north line of the existing Business Zone.

402.2 RESTRICTIONS AND REQUIREMENTS IN A BUSINESS DISTRICT

1. Area, Yard, dimensional and bulk regulations in the business district:

Minimum front yard	75 feet or the average of the set back of adjoining buildings, whichever is less.
Minimum side yard	10 feet
Minimum side yard when abutting	
An existing residence:	20 feet
Minimum rear yard	10 feet
Minimum rear yard when abutting	
an existing residence	20 feet
Minimum lot frontage	75 feet
Maximum Building Height:	35 feet

These requirements represent the measurement from any structures, except fencing, to the nearest property line.

2. Inclusive in the minimum frontage of lots in the business district shall be a "green area" consisting of landscaping, grass or shrubs which in the opinion of the Zoning Board of Appeals is sufficient to maintain and foster a pleasing and aesthetic character to the property and surrounding area.

3. Where a commercial use in a Business District abuts an existing residential use either in a Business District or a Residential District, it shall be screened by a buffer area composed of densely planted

shrubby, solid fencing, or a combination of both, which in the opinion of the Z.B.A. will be adequate to protect the privacy of said residence, such buffer shall be a minimum of six feet in height and above the finished grade of the residential property and shall be of materials consistent with the character of the residence.

402.3 USES PERMITTED - BUSINESS DISTRICT

1. Residential uses as specified in Section 403
2. Retail stores and shops, food stores, appliance, apparel, hardware furniture, pharmacy, video, and similar shops
3. Personal service business including but not limited to barber shops, beauty shops, law offices, real estate, etc.
4. Community services, banks, theaters, offices, restaurants, and other similar establishments
5. Wholesale offices and sales rooms
6. Hotel and tourist homes.
7. Business or commercial uses which in the opinion of the Z.B.A. are of the same general character as those listed and which are and will not be detrimental to the district or the Village.

402.4 USES REQUIRING A SPECIAL PERMIT IN A BUSINESS DISTRICT

The following uses are allowed in the (B) district after a site plan review and the issuance of a special permit.

1. Automotive repair, automobile service stations and gasoline convenience markets with the approval of the Z.B.A. and subject to such conditions and safeguards as deemed appropriate by the Board of Appeals and upon securing of permit therefore.

402.5 USES NOT PERMITTED IN BUSINESS DISTRICT:

1. In order to maintain the first floor business character of the business district, no

street level dwellings shall be permitted in buildings fronting on the north side of Main Street between the east line of the Little Salmon River Bridge and the centerline of Scenic Ave. on the west, and on the south side of Main Street between the west property line of the garage presently owned of record by Andrews and to the east by the east line of the Little Salmon River Bridge.

403 RESIDENTIAL (R) ZONING DISTRICT

The purpose and intent of the Residential zoning district is to recognize the existence of residential and agricultural uses in a traditional village setting and to encourage the continuation and development of these uses in a harmonious manner. In order to assure such harmonious development, site plan review is required for those uses specified in Section 404.30.

403.1 DESCRIPTION

Hereinafter referred to as "R" District shall be all other areas of the Village not included in the I, B, R-1 or R-B Districts.

403.2 RESTRICTIONS AND REQUIREMENTS - RESIDENTIAL ZONE

1. Area, Yard, Dimensional and Bulk regulations in the residential district:

Minimum lot size:	6250 square feet
Minimum front yard	45 feet from the centerline of the street or the average of the adjoining buildings, whichever is less.
Minimum lot frontage:	50 feet
Minimum first floor area:	900 square feet (Not including garages porches or basements.)
Minimum side yard:	10 feet
Minimum rear yard:	10 feet
Maximum Height	35 feet

These requirements represent the measurement from any structures, except fencing, to the nearest property line.

403.3 USES PERMITTED

The following uses are permitted in the residential (R) zoning district:

1. One and two family dwelling units

2. **Permitted Accessory uses, located on the same lot with the permitted principal use**
 - A. **Private Garage**
 - B. **One single story storage shed not larger than 300 square feet.**
 - C. **Customary home occupations as defined, provided that there is no external evidence of such use except an announcement or professional sign not over two square feet in area.**
3. Customary agricultural operations provided that no storage of manure or odor or dust producing substance or use shall be permitted within 100 feet of any property line.
4. Swimming pools provided that they are completely fenced in or otherwise protected by a barrier not less than four feet in height from the finished grade

403.4 USES REQUIRING A SPECIAL PERMIT IN A RESIDENTIAL DISTRICT:

The following uses are allowed in the (R) zoning district after a site plan review and with the issuance of a special permit:

1. Hospitals and nursing homes provided the lot is such to allow for a building area not to exceed 30% of the area of the lot and the building is a minimum of 50 feet from any property line, it is determined that there is no detrimental effect to the infrastructure of the area, that the Village is able to provide adequate water and sewer service, and all required State and Federal licenses are provided.
2. Tourist houses, provided that there is sufficient off street parking to accommodate a ratio of one vehicle for each available room and one vehicle for the permanent residents.
3. **Churches, chapels and similar places of worship, parish houses, manses, rectories and convents.**
4. **Public parks, playgrounds and membership organizations for the sole benefit of their members and not for gain, public schools and institutions of higher learning, public libraries and municipal buildings.**

403.5 USES NOT PERMITTED IN A RESIDENTIAL DISTRICT:

1. The outside storage of materials used for business or commercial purposes.
2. Fences exceeding six feet in height

3. Multiple dwellings and attached, single family dwellings.

404 RESIDENTIAL- SINGLE FAMILY, ATTACHED DISTRICT

The purpose and intent of the Residential Single Family, Attached zoning district is to recognize the existence of a residential zone that incorporates the use of certain single-family dwellings and to encourage the development of these uses in a harmonious manner. In order to assure such harmonious development such uses are allowed as specified in Section 405.20.

DESCRIPTION

The Residential-Single Family, Attached district (R-1) is hereby described as all of that area situate in the Village of Mexico from the south line of the Industrial Zone, south to the southern property line of parcel #134.07-01.010 and the north property line of parcel # 134.11-01-02.000, bordered on the west by the Little Salmon River and on the east by the centerline of Hamilton and North Streets.

404.1 USES PERMITTED IN AN RESIDENTIAL-SINGLE FAMILY, ATTACHED ZONE (R-1) ZONE

1. Residential uses as described in section 404
2. Attached, single-family dwellings.

405 RESIDENTIAL-BUSINESS DISTRICT

The purpose and intent of the Residential-Business District is to recognize the unique character of this area of Main Street in that there are within the zone several residential properties that have been in existence for a long period as well as more recent business development. Further, it is the desire of the Village to maintain the residential character of this area as well as allow for future business development so long as that development maintains the residential character and aesthetic quality of the area. In order to achieve this end, the requirements set forth in Section 406 shall apply in this district.

DESCRIPTION

The Residential-Business District is hereby described as all of that area situate in the Village of Mexico from the intersection of Main Street, Academy Street and Norman Avenue and continuing westerly to the village line with frontage on Main St.

405.1 SPECIAL REQUIREMENTS IN THE RESIDENTIAL BUSINESS DISTRICT

Any future development or redevelopment in this zone other than 1 or 2 family residences will require a site plan and design review and approval by the ZBA and; any new business development in the area shall first seek to maintain the current residential structure as it exists on the property. Shall that not be practical, any new construction must be designed and built in such a way as to harmonize with the existing residential nature of this zone.

Site plans will require the following considerations:

- 1. Parking: Parking shall be designed to the rear of the property. Shall that not be practical, the area to the side of the building and away from any existing residential properties shall be utilized.**
- 2. Landscape: Appropriate landscaping including grass front lawns, trees and shrubbery shall be included in any site plan.**
- 3. Lighting: Area lighting, including illumination for parking areas and signage, shall be such that it does not infringe on residential dwellings.**
- 4. Drive Through: Drive through service is allowed so long as it is designed to be at the rear or side of the property and away from residences.**
- 5. Building scale and streetscape shall be consistent with the existing streetscape formed by the buildings existing within this district and to structures in any abutting residential districts.**
- 6. Exterior materials such as cinder block, sheet metal, preformed concrete or similar materials commonly used for exterior surfaces on commercial buildings shall not be used except in a manner consistent with residential construction. Use of such materials when necessary, shall be kept to the minimum amount that is practical.**
- 7. Use and design of both natural and man-made materials for walkways, driveways and outdoor activity areas shall be compatible with nearby residential development. Front and side lawn areas shall be maintained and rear yard landscaping shall screen parking and or drive through areas from abutting residential areas.**

405.2 USES PERMITTED IN THE RESIDENTIAL-BUSINESS ZONE

- 1. One and two family dwelling units.**
- 2. Public parks, playgrounds, public schools and institutions of higher learning and municipal buildings.**

3. Private Garages for accessory residential use.
4. Storage sheds for accessory residential use not exceeding 300 square feet.

405.3 USES PERMITTED WITH A SIGHT PLAN REVIEW AND DESIGN APPROVAL BY THE ZBA

1. Retail and personal service establishments.
2. Medical Facilities.
3. Restaurants and drive-in food service facilities

405.4 USES PROHIBITED IN THE RESIDENTIAL-BUSINESS ZONE

1. Automobile sales, storage and repair facilities
2. Manufacturing facilities.
3. Bars.
4. Radio or cell towers and antennas.
5. Mobile homes.
6. Any other uses not expressly allowed.

ARTICLE V SUPPLEMENTARY REGULATIONS

500 REGULATIONS

1. No lot shall be so reduced in size so that such lot does not meet the minimum requirements of the district in which it is situate.
2. No dwelling shall be constructed on a lot that does not have permanent frontage on a street or road within the Village.
3. Mobile homes, recreational vehicles, and other structures commonly used for temporary dwelling purposes shall not be permitted to be occupied or used in any district except those cases that at the time of this law, are occupied by a mobile home and the size of the lot is such that it will not accommodate a customary dwelling, the existing mobile home can be replaced by a mobile home that was constructed after 1983 and is properly anchored and skirted.
4. Junk yards and dumps shall be prohibited within the Village.
5. No unlicensed motor vehicle, unless contained wholly within a garage or other permanent structure, shall be allowed on any property within the Village for a period exceeding ten days either continuous or interrupted.
6. Parking. A parking space shall be no less than 9 feet wide and 18 feet long. Parking shall be provided as follows:
 - A. Each dwelling shall have at least one parking place.
 - B. Hospitals and nursing homes shall have at least one parking space for each five beds.
 - C. Restaurants and bars shall have at least one parking spot for each 150 square feet of gross floor space.
 - D. Medical or dental office or clinic shall have one parking place for each 250 square feet of gross floor area.

- E. Funeral homes shall have at least one parking space for each 125 square feet of gross floor area excepting those areas used as a residence.
- F. Retail stores shall have at least one parking space for every 300 square feet of gross floor area.
- G. Other commercial or industrial buildings shall have at least one parking space for each three persons employed at the premises.
- H. All parking spaces shall be on the same lot as the building except that the Board of Appeals may allow a parking lot within 500 feet of the building if it is impractical to provide parking on the same lot.
- I. Any parking area that abuts a sidewalk shall be separated from the sidewalk by use of an area that is landscaped a minimum of three feet in depth and not exceeding three feet in height, or a barrier sufficient to prevent automobiles from entering the area of the sidewalk.
- J. In a residential district, no parking shall be allowed in the required front yard, except within a residential driveway.
- K. Drainage and runoff from any parking area shall not adversely affect adjacent property.
- L. All parking areas including landscaping and drainage facilities shall be properly maintained in a sightly and well-kept condition.
- 7. Garage sales are allowed, provided that they do not exceed three days on the same lot within any thirty-day period.
- 8. In residential district, any boat, boat trailer, camping trailer, utility trailer, or horse trailer shall not be parked or stored in a front or side yard that is in view of the traveling public for a period of more than three days.
- 9. No building shall be constructed within fifty feet of the Little Salmon River.
- 10. **Excavations.**
 - a. **Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited.**

Excavations shall not create any noxious or injurious substance or condition or cause a public hazard.

- b. In any district, excavation relating to the construction on the same lot of a building or a structure for which a building permit has not been issued shall be subject to the provisions of applicable building codes. In the event that construction of a building or structure is stopped prior to completion and the building permit is allowed to expire, the premises shall immediately be cleared of any rubbish or building materials and any excavation with a depth greater than two feet below existing grade shall immediately be filled in with topsoil or all such excavation shall be entirely surrounded by a substantial fence at least six feet high that will effectively block access to the area in which the excavation is located.**
- c. In any district, excavation for the purpose of mining, which includes the removal of topsoil for commercial sale from residential lots, is strictly prohibited.**

11. Activity Standards.

In any district the following standards for activities shall apply:

- a. No offensive or objectionable noise, vibration, lights, glare or odor shall be noticeable at or beyond the property line.**
- b. No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause to persons or property in the same or adjacent district.**
- c. There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin or endangers the public health in any way.**
- d. There shall be no discharge of any liquids or solid waste into any stream or body of water or any public or private disposal system or into the ground, of any materials of nature that may contaminate any water supply, including groundwater supply.**
- e. The emission of smoke, fly ash or dust, which can cause damage to the health of persons, animals or plant life or other forms of property, shall be prohibited.**

12. No freestanding ATM uses or drive in facilities with the exception of self-service gasoline filling stations, shall be permitted in any district.

13. Signs:

In order to enhance the aesthetic and historical characteristics of the Village of Mexico, it is desirable that signs be designed in conformance with the prevailing historic and aesthetic character of the community. Regulating signs shall be to coordinate the type, placement, aesthetic character and physical dimensions of signs within the different land use zones and neighborhoods located within the Village; to recognize the commercial communication requirements of all sectors of the business community while preserving the character of the Village as a whole and its individual neighborhoods; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulations of the design, display, location, erection, use and maintenance of signs.

13a. REQUIREMENTS FOR SIGN PERMITS AND APPROVAL

After the effective date of this article and except as otherwise provided, it shall be unlawful and a violation of this chapter for any person to erect, construct, paint, alter, display or maintain or cause to be erected, constructed, displayed or maintained in the Village of Mexico, any sign or signs without first having obtained both written sign approval from the Village Zoning Board, written sign permit from the Village Zoning Enforcement Officer and a certificate of sign compliance for such sign or signs (except where herein specially exempted therefrom) and without having complied with the provisions of this chapter. A "sign" shall be defined as in Article 111.

13b APPLICATION FOR SIGN APPROVAL AND PERMIT

- a. Except as otherwise stated, any person desiring to procure a permit for a sign or signs shall file a written application for sign approval with the Zoning Enforcement Office. Each application will be approved or disapproved by the Village Zoning Board. Upon approval by the Village Zoning Board, a sign permit must be obtained from the Village Codes Officer, which sign permit shall be granted upon a showing that the proposed sign complies with said approval, this chapter and the International Building Code.**
- b. All applications for sign approval and/or sign permit shall include the following:**
 - 1. Name, address and telephone number of applicant.**

2. Location and zoning district of the building, structure or land to which or upon which the sign is to be erected.
3. A detailed drawing or blueprint showing description of the construction details, size and color of the sign and showing the lettering style and pictorial matter composing the sign, position of lighting or other devices, a location plan showing the position of the sign on any building or land and its position in relation to nearby buildings and structures, lot lines and to any private or public street or highway.
4. Written consent of the owner of the building, structure or land to which or upon which the sign is to be erected.
5. A copy of any required or necessary electrical permit issued for said sign or a copy of the application thereof.

If a sign permit has not been obtained within 60 days from the date of issuance of said sign approval, the said sign approval shall become null and void but may be renewed by the Zoning Board for good cause after expiration of said date. In order to obtain a renewal, a written request for the same and explanation of the need for the renewal must be submitted to the Zoning Board. If the sign authorized under any such sign permit has not been erected within six months from the date of the issuance of such permit, the permit shall become null and void but may be renewed by the Zoning Enforcement Officer for one additional three-month period, for good cause shown, after the expiration date. In order to obtain a renewal, a written request for the same and explanation of the need for said renewal must be submitted to the Zoning Enforcement Officer.

13c CRITERIA FOR SIGNS:

The number, area and dimensions of permitted signage set forth in this article shall be considered the maximum allowable, and the ZBA shall permit lesser signage wherever necessary to comply with the standards set forth herein.

The ZBA shall grant sign approval for only that signage which complies with each of the following standards, and shall be the applicant's

responsibility to provide all documentation required by the ZBA to establish compliance with this article.

- (1). The signage shall be specifically compatible with the architectural, aesthetic and historical features of the structures and improvements located on the site.**
- (2). The signage shall be generally compatible with the architectural style of the structures and improvements located on the adjacent properties in the surrounding neighborhood and character thereof.**
- (3). The signage shall not impede vehicular or pedestrian safety on or surrounding the site and shall be constructed, located and maintained in a safe manner.**
- (4). The signage shall comply with the Code of the Village of Mexico.**
- (5) The ZBA shall consider the following factors in determining whether the signage complies with the above standards.**
 - A. Sign, type, number, material, color, location and design.**
 - B. The physical and aesthetic characteristics of all structures and improvements on the site; and the surrounding area and physical characteristics of the site.**
- (6) The ZBA shall impose such conditions on the approval of any sign as, in its opinion, are necessary and reasonable to implement the provisions of this article.**

13d. CERTIFICATE OF SIGN COMPLIANCE

- 1) New or modified signs.**

Application for a certificate of sign compliance must be filed with the Zoning Enforcement Officer immediately upon erection of any new or modified sign for which a sign permit is required.
- 2) If a certificate of sign compliance is denied or if application has not been filed within two weeks of erection and/or modification of a sign, said sign must be removed immediately. The Zoning Enforcement Officer may extend said time period, even after expiration thereof, for one additional two-week period upon a showing of just cause. In order to obtain an extension, a written request for extension and explanation of the need for the same must be submitted to the Zoning Enforcement Officer**

13e. SIGNS EXISTING AT THE EFFECTIVE DATE OF THIS LOCAL LAW

- 1) Application for certificate of sign compliance for all existing signs shall be filed within 10 days of receipt of written notice from the Zoning Enforcement Officer.
- 2) If a certificate of sign compliance is denied or if application is not filed within two weeks of receipt of said written notice, said sign must be removed immediately. The Zoning Enforcement Officer may extend said time period, even after expiration thereof, for one additional two-week period upon a showing of just cause. In order to obtain an extension. A written request for extension and explanation of the need for the same must be submitted to the Zoning Enforcement Officer.
- 3) Said Certificate of Sign Compliance must be kept on the premises at all times and must be made available for inspection during regular business hours.
- 4) If a sign for which a valid certificate has not been obtained pursuant to this section is not removed by the owner of the sign or the owner of the property on which it is located as yet set forth herein, the Zoning Enforcement Officer may cause said sign to be removed and charge the costs to the owner of the sign or the owner of the property on which said sign is located. Said expense may be charged as a lien against the real property.

13f. SIGN FEES/BOND

- 1) Except as otherwise stated in this chapter, application fees of \$25.00 shall be required to apply for permanent sign approval and \$15.00 shall be required to apply for a temporary sign permit. Such fees shall accompany the written application. No additional fee shall be required for a sign permit or for a Certificate of Sign Compliance from the Zoning Enforcement Officer.
- 2) When, in the opinion of the Village Zoning Board, a hazard exists to the public health, welfare and safety, the Village Zoning Board may require a bond and/or insurance policy for the protection of the Village in such amount(s) deemed to be sufficient at the time of application.

13g. DIMENSION AND MEASUREMENT OF SIGNS:

- 1) Attached signs, including a border or frame, shall be measured along the exterior edge of said border or frame, and the interior area of such measurement shall be considered the area of the sign.
- 2) Where letters, symbols or signs are attached to a translucent backlit structure or canopy, the area of the face of the translucent backlit surface shall be considered the sign border.
- 3) Signs of freestanding letters and/or symbols attached to a structure or canopy shall connect the exterior edge of said letters and/or symbols for the purposes of measurement, and said connected area shall be deemed the border for measurement as set forth above.
- 4) Freestanding signs shall be measured along the exterior edge of the border or frame, and only one side of double sided signs shall be counted as the sign area.

13h. SIGNS PERMITTED

In districts as established by this chapter, signs shall be permitted in compliance with the following regulations upon issuance of the Village Zoning Board sign approval, a sign permit and a certificate of sign compliance. The Village Zoning board shall permit less than the maximum allowance where necessary to meet the criteria of 24 Sq. feet.

- 1) The maximum size of any sign may not exceed 24 square feet and must not exceed 75% of the street frontage of the business establishment upon which a sign is erected or applied and no lettering on such sign shall be more than 12 inches in height or width. No sign shall extend beyond the top or ends of the building's surface upon which it is applied. No sign shall hang over a walkway less than eight feet from the bottom of the sign to the level of the ground.
- 2) More than one attached sign for each business establishment may be permitted subject to the approval of the Village Zoning Board, provided that the combined signs do not exceed the maximum limitations for a single sign herein prescribed.
- 3) Advertising on signs is restricted to the name of the owner, trademark, logo, trade name of main products sold and/or the business activity conducted on the premises whereon the sign is located, except as may otherwise be specifically allowed herein.

Any combination of one or more of the preceding shall not exceed the authorized dimensions as stated in (1) above.

- 4) One freestanding sign may be used, subject to the approval of the Village Zoning Board in place of all permitted attached signage. Such freestanding sign shall not be larger than six square feet, nor exceed 60 inches in height and must be located within the lot boundary and at least three feet behind any sidewalk.**
- 5) At the entrance of buildings with business establishments, nameplates of uniform design and appearance at each such building and not more than 18 inches long and nine inches high may be mounted on the sides of such entrance, provided that they are placed flat against the exterior wall. Signs may bear either the name of the proprietor of the business conducted, the nature of the business, the goods sold or the services rendered on the premises, or any or all of them. No approval is required from the Village Zoning Board, but a sign permit from the Zoning Enforcement Officer is required. No fee will be charged for signs as outlined in this subsection.**
- 6) Such signs, which by nature are regulatory to the control of traffic on private property, are subject to the approval of the Village Zoning Board.**
- 7) Notwithstanding the provisions described, public and not-for-profit uses in said districts shall be entitled to one sign of at least 24 square feet upon compliance with all other restrictions.**
- 8) Subject to the approval of the Village Zoning Board, a banner sign may be displayed over a street, sidewalk or highway for a period not to exceed 14 days, provided that it is securely fastened to buildings or anchored to other adequate devices and a public liability bond or policy in the sum of at least \$50,000. shall be furnished for each banner, which extends across a street, sidewalk or highway.**
- 9) Political signs referring to a specific election shall be allowed to be setup no more than 30 days prior to an election and must be removed one day after the election.**
- 10) Moveable sidewalk signs are not permitted in any district except for businesses in the business districts. Moveable sidewalk signs shall not exceed four (4) feet in total height. They shall only be displayed during business hours and must be located to permit the safe and convenient flow of pedestrian traffic. Moveable sidewalk signs shall not exceed one (1) per business and shall not exceed**

eight (8) square feet for one-sided signs and twelve (12) square feet for two-sided signs.

13i. SIGNS PROHIBITED

Except as otherwise herein provided by this chapter, the following are prohibited:

1. Billboards
2. Exposed neon or gas-filled tube-type signs projecting from buildings, except where attached flush or parallel to and within 12 inches of the permitted structure.
3. Roof signs (except aviation direction painted on roof surfaces)
4. Flashing, moving, fluttering, revolving or intermittent signs.
5. Banners, posters, ribbons, spinners or streamer devices. Strings of lights for advertising or attracting attention. Tether, gas-filled, airborne advertising devices.
6. Signs or other lighting devices of excessive intensity beamed or directed upon a public right-of way or adjacent premises so as to cause a traffic hazard or other nuisance.
7. Any sign(s) that constitute(s) a traffic hazard/pedestrian hazard.
8. No representational signs shall be permitted in any district unless approved by the ZBA.
9. Signs not pertaining to the use, sale, rent or lease of property on the same lot and signs not representing construction or subdivision activity as allowed are not permitted in any districts.
10. Any sign not specifically permitted by this article.

13j. PERMIT FEE NOT REQUIRED:

The following signs are permitted in any use district without a sign permit or fee:

- 1) Signs advertising the sale, lease, rental of premises upon which sign is located. Signs shall not exceed four square feet and may not exceed two per property. Nothing in this section allows signs that advertise the lease or rental of premises available for durations of less than one month, including but not limited to hotels, motels, bed and breakfast, or guesthouses.
- 2) Signs denoting the architect, engineer, or contractor, placed on premises where construction, repair or alteration is in progress. These may not exceed four square feet in area.

- 3) **Signs advertising garage, household items or lawn sale:** Two signs are permitted, one on the premises and one as a directional sign to the sale. Each shall not exceed Four square feet in area. The signs may be displayed for a period, not to exceed 72 hours. Such signs may not be attached to fences, trees, utility poles or the like and may not impair or obstruct vision or traffic or create a hazard to health and welfare of the general public.
- 4) **Historic plaques,** intended to denote the original construction or historical significance of the structure.

13k. TEMPORARY SIGNS:

- 1) **All signs of a temporary nature,** such as political posters, banners, promotional devices and other signs of like nature are considered temporary and are permitted as either temporary sticker signs or temporary window signs. All other signs are considered permanent, requiring sign approval.
- 2) **Temporary Window Signs:** All signs which are painted or affixed in a nonpermanent manner to the interior or exterior of a window and visible from the exterior of the premises and which are intended to advertise and/or identify any products or services provided or sold on or off the premises for compensation are considered temporary window signs and are permitted without sign approval. The temporary sign may not create a hazard or disturbance to the health and welfare of the general public.
- 3) **Temporary Sticker Signs:** All temporary signs which are not considered temporary window signs, shall be considered temporary sticker signs and are permitted with the following requirements:
 - a) **Temporary sticker signs** may not be affixed to fences, trees, posts, utility poles or the like and must not obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the general public. The maximum permitted area is six square feet and maximum height is four feet from grade.
 - b) **Signs advertising events or activities for not-for-profit entities** may be erected in place for no later than one week after the activity advertised.
 - c) **Temporary window and sticker signs not in compliance** must be immediately removed, by the owner.

131. ISSUANCE AND REVOCATION OF SIGN PERMITS

- 1) All signs must be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring, loose fittings or fixtures and must be maintained at all times in a safe condition. In the event of a violation of any of the foregoing provisions, the Zoning Enforcement Officer shall provide written or personal notice specifying the violation to the owner of the sign and the named owner of the land upon which the sign is erected, sent to the addresses as stated on the application for the sign permit, to conform or remove such sign. If the sign is not brought into compliance within 30 days of issuance of the notice, it may be removed by the Zoning Enforcement Officer. If the sign is causing an immediate peril to person or property it may be removed summarily and without notice and all charges and costs, and expenses incurred in the removal will be the responsibility of the owner of the sign and/or of the property on which the sign is located.**
- 2) Penalties: Any sign in violation of the requirements set forth will cause the owner to be fined \$100.00. Further, the business shall be prohibited from erecting, displaying or maintaining any sign for a continuous one-month period from the date of removal.**
- 3) All fees shall be subject to revision from time to time upon resolution of the Village Board and posting in the Village Office.**

Removal of certain signs:

Any sign existing on or after the effective date of this article, which no longer advertises any existing business conducted or product sold on the premises shall be removed by the owner of the premises. The Zoning Enforcement Officer shall notify the owner of the premises in writing to remove sign within 30 days from the date of such notice. Upon failure to comply within 30 days, the Zoning Enforcement Officer is authorized to remove or cause removal of sign and shall charge all costs and expenses incurred in the removal against the owner of the sign or the owner of the premises on which the sign is located. Expenses may be charged as a lien against the real property.

Nonconforming signs:

In the event that a sign erected prior to the effective date of this article does not conform to the provisions and standards of this chapter, the requisite permit as

provided may be granted, upon application of the owner for every such sign or other advertising structure, by the Village Board of Trustees for a reasonable period of time, in any case not to exceed three years, to enable the owner to, replace, alter or remove the nonconforming sign. All nonconforming signs shall be removed and brought into conformance with this chapter, pursuant to a valid sign permit and certificate of sign compliance within three years from the effective date of this article.

14. Towers are prohibited without a variance from the ZBA.

ARTICLE VI
NON-CONFORMING USES

600 NON-CONFORMING USES

The following provisions shall apply to non-conforming uses in the village;

1. The lawful use of any building or land existing at the time of the enactment of this law may be continued although such use does not conform with the provisions of this chapter.
2. Any structure or portion thereof that is declared as unsafe by the Code Enforcement Officer or the Fire Inspector shall either be restored to a safe condition or demolished.
3. A nonconforming building shall not be reconstructed or structurally altered during its life unless said building is changed to a conforming use.
4. When ever a nonconforming use has been discontinued for a period of one year, it can no longer be used in the nonconforming manner.
5. Once a nonconforming use is changed to a conforming use, it cannot revert to the nonconforming use.
6. A non-conforming use can be changed to a more conforming use within that district upon the issuance of a special permit.

ARTICLE VII ADMINISTRATION

700 ADMINISTRATION

700.10 GENERAL PROVISIONS-ADMINISTRATION

The following provisions shall apply to the administration of this law:

1. The Code Enforcement Officer and/or Zoning Control Officer shall be appointed yearly by the Mayor with the concurrence of the Village Board.
2. The Code and/or Zoning Enforcement Officer shall administer and enforce the provisions of this law. The Code and/or Zoning Enforcement Officer shall have the exclusive authority to grant building and use permits, subject to the provisions of this law.
3. No building or structure shall be erected, relocated, altered, reconstructed, extended or enlarged and no premises shall be used or occupied for any purpose without the appropriate permits.
4. Any permit shall expire six months after being issued except within such period the work has commenced and continuously been pursued.
5. The Zoning Board of Appeals shall consist of three members duly appointed by the Mayor with the concurrence of the Village Board. There shall be an appointment each year of one member of the Zoning Board of Appeals to a three-year term. The Board shall each year elect from its membership a chairperson and a secretary.
6. Shall the Board of appeals lose a member due to a conflict, the Mayor shall, on an ad-hoc basis appoint additional members to constitute a three member board.
7. The Board of Appeals shall have all of the powers and duties set forth in Village and State Law.
8. The Board of Appeals shall have the power to hear and decide, in

accordance with the provisions of this law, all applications relating to this law and its enforcement.

9. In the event of a dispute regarding the enforcement of this law by the Zoning Officer or the Building Inspector, an appeal may be filed under the following guidelines:

A. A written application containing all pertinent papers, drawings, permits and correspondence and a description of the complaint shall be filed with the chairman or the Village Clerk within 30 days. Any such application shall be accompanied by the appropriate fee.

B. The Zoning Board of Appeals shall schedule a Public Hearing on said appeal at a hearing to be held on the last Wednesday of each month provided the application and all pertinent documents and information are received by the Zoning Board of Appeals by the tenth of the same month.

C. The Zoning Board of Appeals shall render a decision within sixty-two days of the Public Hearing.

D. All appeals to the Zoning Board of Appeals must be made within 30 days of notification of denial of an application or of an actual granting of a building permit.

10. Each application for a building permit shall include the following:

A. Plans and drawings as prescribed by the International Codes.

B. Proof of adherence to all requirements of Environmental Impact Studies.

C. Site plans when required.

700.20 Application Procedures

All applications for special use permits, variances, site plan review, zone changes, sign permits and interpretations shall be considered only after a complete application providing all required information has been filed with the Village Clerk. The Village Clerk shall be responsible to refer all applications to the Zoning Officer or appropriate board for review.

1. Request for Zone Change:

All requests for a zone change shall be referred to the Zoning Board of Appeals, which shall submit a recommendation to the Village Board within sixty days. Such recommendation will address whether the requested zone change is in keeping with comprehensive plan of the village and shall include a draft SEQR environmental assessment form. Upon receipt of such recommendation, the Village Board shall schedule a public hearing within sixty days and shall publish notice of the hearing at least ten days prior to the hearing. Within thirty-two days of the hearing the village board shall, by resolution, approve or deny the request for a zone change.

2. Variances

A. All requests for use, lot area, dimensional or yard variances shall be accompanied by an explanation of why a variance is needed. The explanation shall demonstrate unnecessary hardship or practical difficulty that would deprive the owner of the reasonable use of the land or building involved. The applicant is required to provide with the application for variance, proof of notification of all property owners within three hundred feet of the property for which the variance is requested, of the nature of the request for variance. The Zoning Board of appeals may accept but is not bound by, the comments of said neighboring property owners. All requests for variance shall be referred to the zoning board of appeals, which shall review the request and issue a decision within sixty-two days.

B. The Zoning Board of Appeals may also hear and decide any matter where it is alleged by appellants that an administrative officer was in error in issuing a building permit, certificate of occupancy or other permit as a result of misinterpretation of the meaning or intent or application of any section or part thereof of this chapter. To appeal under this subsection, a person or persons must be jointly or severally aggrieved by the decision in question. It is determined for purposes of this subsection that any person or persons owning property within 300 feet of the property in question shall be considered to be an "aggrieved person". Any other person or persons or group of persons must in addition to other procedural requirements, state with particularity the specific personal or legal interest they have in the subject matter of the decision. Prior to hearing such on appeal for interpretation, the Zoning Board of Appeals must initially make a finding of fact that the applicant has demonstrated that he or she is an "aggrieved person".

A. Use variance:

The Zoning Board of appeals will not issue a use variance unless it finds:

- a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

- b. That the hardship is unique and does not apply to a substantial portion of the district or neighborhood, and
- c. That the variance will not alter the essential Character of the neighborhood, and
- d. That the hardship is not self created.
- e. In granting a use variance the Zoning Board of Appeals shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserves and protect the character of the neighborhood and the health, safety, and welfare of the community.

B. Area Variance

The Zoning Board of Appeals will not grant a request for a dimensional requirement variance unless it considers the benefit to the applicant from the variance, and the detriment to the health, safety, and welfare of the community or the neighborhood that would occur if the variance were to be granted. The board of appeals shall consider the following before making a decision:

- 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 variance.
- b. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
- c. Whether the requested 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, although such a finding will not necessarily preclude the granting of the variance.
- f. In the granting of an area variance, the Board of Appeals shall grant the minimum variance that it deems necessary and adequate and to protect the

character of the neighborhood and the health, safety and welfare of the community.

C. Imposition of Conditions

The Zoning Board of Appeals shall in granting a variance, have the authority to impose reasonable conditions and restrictions as are directly related to the proposed use of the property and/ or the period of time such variance shall be in effect. Such conditions shall be in keeping with the spirit and intent of this law.

3. Site Plan /Special Permit Approval

Pursuant to the authority delegated in accordance with section 7-725 of the village law of the State of New York, the Village Board hereby authorizes the Zoning Board of Appeals to review and approve, approve with modifications or disapprove site plans and special permits. Site plan reviews and special permit applications shall be done under the following guidelines:

A. Applicability:

Site plan review and/or special permit approval shall be required under this law before any development of land is undertaken for a use identified as requiring site plan review and/or special permits in this law. No building permit shall be issued for such use until a site plan and/ or special permit has been approved in accordance with this article.

B. Application requirements:

An applicant must submit to the Chairperson of the Zoning Board of Appeals a complete application. Site Plan review shall be professionally prepared and/ or drawn to scale and include the following:

- (1). Location and dimensions of all existing proposed buildings on the property with each building clearly labeled as to whether it is existing or proposed and the intended use of each building.
- (2). The setback of all existing and proposed buildings from front, side and rear property lines and road centerlines and right of ways.
- (3). The location of all existing and proposed driveways.
- (4). The location dimensions and delineation of all required parking spaces, loading areas and driving lanes.

- (5). The location and nature of existing and proposed vegetation and landscaping.
- (6). The location of any required or proposed buffer areas
- (7). Any required or proposed screening from adjacent properties
- (8). The location and dimensions of any existing or proposed signs
- (9). The location of any surface water bodies or stream courses.
- (10). Any other significant natural characteristics
- (11). The location of any existing or proposed septic systems, wells or sewer lines.
- (12). Any other information necessary to show compliance with the requirements of this law, including but not limited to the location of outdoor sales areas.
- (13). The location of any sidewalks or other public walkways.
- (14). All other information required by the Zoning Board of Appeals to show compliance to this law.

The Zoning Board of Appeals shall consider and render a decision on all applications for site plan approvals and special permits within sixty two days of the proper filing of such applications, except in the case of a positive State Environmental Quality Review (SEQR), when the time frames provided therein shall take precedence.

The Zoning Board of appeals shall file all decisions with the village Clerk within five days of the decision. The village clerk shall notify the applicant of said decision, by mail and shall retain original copies of all decisions in the Village Office.

The Zoning Board of appeals shall have the authority to place reasonable conditions on site plan and special permit approvals provided that they comply with the intentions and requirements of this law. Any site plan modifications imposed by the board shall be clearly marked on a copy of the site plan, which shall be attached to the approval of the application.

4. Interpretation of the Zoning Text

Requests for interpretations of the zoning text shall be referred to the Zoning Board of appeals, which shall decide questions involving interpretations of the text of this law.

**700.30 FEES, FOUND IN THE VILLAGE'S GENERAL FEE SCHEDULE,
SHALL BE REQUIRED FOR THE FOLLOWING:**

- Building Permit
- Special Permits
- Site Plan Review
- Variance
- Appeal
- Copy of Law

700.40 COMPLAINTS

Any person may file a signed complaint when a violation of this law is suspected. All complaints must be in writing and shall be filed with the Village Clerk who shall within a reasonable time notify the enforcement officer of said complaint. If a violation is found to exist, the enforcement officer shall order the violation to cease.

ARTICLE VIII ENFORCEMENT

800 ENFORCEMENT

The following provisions shall apply to enforcement of this law:

1. It shall be unlawful for any person to violate any provisions of this law. Any violation shall constitute disorderly conduct and shall be referred to the appropriate local court.
2. Violation of any provisions of this law shall be subject to a fine not less than one hundred dollars and not to exceed one thousand dollars.
3. The imposition of the penalties prescribed shall not preclude the taking of appropriate action by the Village to prevent the unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises.
4. No provision of this chapter shall be construed to deprive the Village or the Board of Trustees or any citizen of any other available remedy for the enforcement of this law or the punishment or abatement of violations thereof; and all such remedies shall be cumulative and not exclusive.

**ARTICLE IX
ENACTMENT**

900 ENACTMENT

1. This local law shall supersede the existing zoning law of The Village of Mexico which took effect in 1996, as amended, except that shall this new law be deemed to have been unlawfully enacted or otherwise legally infirm in any respect, then the said 1996 law or so much as thereof as regulates the use in Question shall be deemed to remain in full force and effect and shall remain in full force and effect.

2. The voidance of any particular provision of this local law shall not be deemed to nullify or render unlawful the remainder of the local law.

**ARTICLE X
AMENDMENT**

1000 AMENDMENT

The Village Board may from time to time, on its own motion, or on the petition or on the recommendation of the Zoning Board of Appeals amend, supplement, change, modify or repeal the regulations and provisions of this law after public notice and hearing as prescribed in Village Law.

Appendix I Use Schedule

The following table is for reference purposes only. Refer to text descriptions found in the preceding pages for actual use requirements

	Industrial District	Business District	Residential District	Residential-Single Family Attached District	Residential-Business *District
Single Family	A	A	A	A	A
2 Family	A	A	A	A	A
Multiple Family	SPR/SP	SPR/SP	SPR/SP	SPR/SP	SPR/SP
Single Family Attached	N	N	N	A	N
Commercial	A	A	N	N	SPR/SP
Retail	A	A	N	N	SPR/DA
Personal Service	A	A	N	N	SPR/DA
Schools	A	A	SPR/SP	SPR/SP	SPR/SP
Churches	A	A	SPR/SP	SPR/SP	SPR/SP
Wholesale Offices	A	A	N	N	N
Hotels/Tourist Home	N	A	N	N	N
Automotive Repair	SP	SPR/SP	N	N	N
Automotive Sales	SP	A	N	N	N
Parks	A	A	SP	SP	SP
Customary Home Occupation	A	A	A	N	N
Hospital	SP	SP	SPR/SP	N	SPR/SP
Nursing Home	SP	SP	SPR/SP	N	SPR/SP
Convenience Marts	SP	SP	N	N	N

**A=Allowed N=Not allowed SPR=Site Plan Review SP=Special Permit
DA=Design Approval**