

ARTICLE I: ENACTMENT AND INTENT

SECTION 100 TITLE

The title of this Local Law is the "Zoning Local Law of the Village of Lyndonville, Orleans County, New York", and shall include this text and the Official Zoning Map. All existing Zoning Ordinances and Local Laws of the Village of Lyndonville Orleans County, New York, are hereby repealed upon the effective date of this Local Law.

SECTION 101 PURPOSE

This Zoning Local Law is adopted pursuant to the Village Law of the State of New York, to promote and protect the public health, safety and general welfare and in furtherance of the following related and more specific purposes:

- A. To protect and preserve the small-town character of the Village.
- B. To guide and regulate the orderly growth, development and redevelopment of the Village of Lyndonville in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people.

SECTION 102 APPLICATION OF REGULATIONS

The regulations set by this Local Law shall be the minimum regulations within each district and shall apply uniformly to each class or kind of structure or use of land, except as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or structure shall hereafter be erected or altered which:
 - 1. Exceeds the height limitation for any structure within a specified district;
 - 2. Accommodates or houses a greater number of dwelling units than is permitted within a specified zoning district;
 - 3. Occupies a greater percentage of lot area than is permitted by the zoning schedule; or
 - 4. Has narrower or smaller yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Local Law or the requirements of the Codes of New York State.

- C. No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the regulations set forth herein, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as provided in Sections 601 and 602 of this Local Law.
- D. No yard or lot existing at the time of enactment of this Local Law shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Local Law shall meet or exceed the minimum requirements established herein.

SECTION 103 CONFLICTS WITH OTHER LAWS

Whenever the requirements of this Local Law are in conflict with the requirements of any other lawfully adopted rule, regulation, code, ordinance or local law, the most restrictive of such rules, regulations, codes, ordinances or local laws or those imposing the higher standards shall govern.

SECTION 104 VALIDITY AND SEVERABILITY

Should any section or provision of this Local Law be decided by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the Local Law as a whole, or any part thereof, other than the part so decided to be unconstitutional or otherwise invalid.

SECTION 105 FEES

Permit fees shall be collected and paid according to the fee structure in effect at the time of application. A fee schedule is posted at the Village Clerk's Office and Zoning Officer's Office. Said fee schedule may be amended, from time to time, by the Village Board of Trustees by resolution.

SECTION 106 VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any provision of this Local Law including of any terms or requirements stipulated by the Village Planning Board as conditions on Special Use Permits issued by such Board or any terms or requirements stipulated by the Zoning Board of Appeals as conditions on any Variances issued by such Board shall be guilty of an offense, and upon conviction thereof, shall be subject to a fine of not more than \$250.00 or imprisonment for a period not more than six (6) months or both. Each week a violation is continued shall be deemed a separate offense.

SECTION 107 ACTIONS

- A. If the Zoning Enforcement Officer discovers a project commencing or operating without the required permits, he shall undertake enforcement actions as authorized by this Local Law and other provisions of New York State Law.

- B. The Village may maintain an action for a temporary restraining order, temporary injunction, or injunction to restrain, correct, or abate any violation of this Local Law or any failure to comply with any of the provisions of this Local Law including of any terms or requirements stipulated by the Village Planning Board as conditions on Special Use Permits issued by such Board or any terms or requirements stipulated by the Zoning Board of Appeals as conditions on any Variances issued by such Board.

SECTION 108 ENFORCEMENT OF ZONING LOCAL LAW

Any building or structure erected, or any use conducted without a zoning permit or certificate of compliance, where required, or not in conformity with the provisions of this Local Law including of any terms or requirements stipulated by the Village Planning Board as conditions on Special Use Permits issued by such Board or any terms or requirements stipulated by the Zoning Board of Appeals as conditions on any Variances issued by such Board, may be removed, closed or halted at once by the Zoning Enforcement Officer with the issuance of a stop order, with assistance, if deemed necessary, of any appropriate Village office or employee.

SECTION 109 CONSISTENCY WITH COMPREHENSIVE PLAN

The provisions and regulations of this Zoning Local Law and interpretations thereof shall be made in accordance with the objectives of the Village's Comprehensive Plan.

SECTION 110 EFFECTIVE DATE

This Local Law shall take effect 30 days after the adoption and filing with the Department of State as provided by the New York State Village Law and Municipal Home Rule Law.

SECTION 111 AMENDMENTS TO ZONING

A. PROCEDURE

The Village Board of Trustees may, from time to time, on its own motion, on petition or on recommendation of the Village Planning Board, and in accordance with the laws of the State of New York, amend, supplement or repeal the regulations, provisions or district boundaries of this Local Law, after public notice and hearing.

B. FILING OF PETITION

A petition to amend, change or supplement the text of this Local Law or any zoning district as designated on the Official Zoning Map established herein shall be filed with the Village Clerk and accompanied by the appropriate fees. The Village Clerk shall transmit the documentation to the Village Board of Trustees. A petition for a change to the Zoning Map shall contain a map which clearly describes the affected property and its boundaries and shall indicate the existing zoning district and the requested zoning change. In addition, every petition for a change to the Official Zoning Map shall contain an environmental assessment form completed and signed by the petitioner, or agent, in accordance with the procedures set forth in the State Environmental Quality Review (SEQR) regulations.

C. REFERRAL TO VILLAGE PLANNING BOARD

Every such proposed amendment or change, whether initiated by the Village Board of Trustees or by petition, shall be referred to the Village Planning Board for report thereon before the public hearing and within forty-five (45) days after the date of referral by the Village Board of Trustees. Such forty-five (45) day period shall be deemed to commence at the time the referral is first presented at a duly called meeting of the Village Planning Board. If the Village Planning Board shall fail to file such a report, it shall be conclusively presumed that the Village Planning Board has approved the proposed amendment, supplement or change.

D. PUBLIC HEARING; NOTICE; REFERRALS; RECORDING OF ACTIONS

The Village Board of Trustees by resolution adopted shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as provided by New York State Village Law or Municipal Home Rule Law.

Unless otherwise provided, the provisions of the State of New York Village Law pertaining to public hearings, official notices, referrals to the County Planning Board, and proper recording of zoning actions taken by the Village Board of Trustees shall apply to all amendments to this Local Law.

E. NOTIFICATION OF PROPERTY OWNERS

For zoning map amendments initiated by petition, all property owners within a distance of five hundred (500) feet of any proposed change or amendment shall be notified by mail by the Zoning Enforcement Officer. The notification shall specify the date, time and place of the public hearing and a telephone number to call for more specific information. Such notification shall be mailed so that property owners receive the notification not less than ten (10) days prior to the public hearing. All expenses associated with the preparation and distribution of the notification shall be paid by the petitioner or petitioners.

F. DISPOSITION FINAL; REHEARING ON PETITION

The disposition of a petition for amendment by the Village Board of Trustees shall be final and disapproval or denial of the proposed amendment shall void the petition. No new petition for an amendment which has been previously denied by the Village Board of Trustees shall be considered by it, except for a vote to table or to receive and file, and no public hearing shall be held on such amendment within a period of one (1) year from the date of such previous denial unless the Village Planning Board shall submit a recommendation, with reasons stated therefore, certifying that there have been substantial changes in the situation which would merit a rehearing by the Village Board of Trustees. Such rehearing may be granted only upon a favorable vote of a majority of the Village Board plus one (1).