

Village of Green Island, NY
Chapter 196 Zoning

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Article I General Provisions

§ 169-1 Statutory authority.

Pursuant to the authority conferred by § 7-700 of the Village Law of the State of New York, the Board of Trustees of the Village of Green Island hereby adopts and enacts as follows.

§ 169-2 Title.

This chapter shall be known as "Local Law No. 3-1978 of the Village of Green Island," as amended. The short title shall be the "Green Island Local Zoning Law."

§ 169-3 Purposes.

A.

The purposes of this chapter and the regulations and zoning districts, as outlined on the Zoning Map, are to provide for orderly growth, to lessen congestion in streets, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements and to promote the health, safety and general welfare of the public.

B.

This chapter has been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

§ 169-4 Applicability.

A.

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

B.

This chapter shall not apply to existing buildings and structures nor to the existing use of any building, structure or land to the extent to which it was used at the time of original enactment of this chapter, except for such provisions as set forth in §§ [169-36](#) and [169-41](#).

C.

Nothing herein contained shall require any change in plans or construction of a building for which a building permit has been issued.

§ 169-5 Word usage and definitions.

A.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular unless the context indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a copartnership or any other agency of voluntary action. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for." The word "his" shall include "hers," and "he" shall include "she."

~~For a full description of all terms used in this chapter please see Part II, Section 49 of the Village of Green Island Code~~

~~B-~~

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

~~ACCESSORY USE OR BUILDING~~

~~A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.~~

~~ADULT ENTERTAINMENT ACTIVITY~~

~~Any commercial activity, whether conducted intermittently or full time, which primarily involves the sale, display, exhibition or viewing of books, magazines, films, photographs or other materials distinguished or characterized by an emphasis on matter depicting, describing or relating to human sex acts or by emphasis on male and female genitals or buttocks or female breasts.~~

~~AGRICULTURAL USE~~

~~A use of land containing at least two acres for the production of horticultural or agricultural foodstuffs, excluding livestock. For the purposes of this chapter, agricultural uses shall not include stabling, kenneling, dairying, slaughtering or riding stables. The sale of agricultural produce raised on the property shall be considered as an accessory use.~~

~~ALTERATION~~

~~A structural change, rearrangement, change of location or addition to a building other than repairs and modification in building equipment.~~

~~BASEMENT~~

~~A story partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is six feet or more.~~

~~BOARDINGHOUSE~~

~~Any dwelling in which the owner, either individually or with family, maintains a dwelling unit and in which dwelling additionally three or more persons, whether individually or in families, are domiciled for compensation with or without meals. The term "boardinghouse" shall include "rooming house" or "furnished room house."~~

BUILDING

A structure having a roof supported by columns or walls and intended for shelter or enclosure of persons, animals or chattels.

BUILDING AREA

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, inclusive of covered porches, terraces and steps. All dimensions shall be measured between exterior wall faces.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the average height between the eaves and ridge for other roofs.

BUILDING LINE

A line parallel to the front lot line coinciding with the building face which is closest to the front lot line. This face includes porches and steps.

BUILDING LINE WIDTH, MINIMUM

The distance measured across the width of the lot at the required building line.

CAMP

Land on which is located one or more cabins, trailers, shelters, houseboats or other accommodation for seasonal or temporary living purposes, excluding mobile homes.

CLUB

A building or use catering exclusively to club members and their guests and not operated primarily for profit, including YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs.

COMMUNITY CENTER

A meeting hall, place of assembly, museum, art gallery or library not operated primarily for profit.

COVERAGE

That percentage of lot area covered by building area.

DRIVE-IN SERVICE

Includes drive-in outdoor theaters, refreshment stands, fast food restaurants, banks and the like, where patrons enter the premises and are served or entertained in automobiles.

DUMP

Land used for disposal, by abandonment, dumping, burial, burning or other means, of garbage, sewage, trash, refuse, junk, machinery, vehicles or parts thereof or waste material of any kind.

DWELLING, MULTIPLE-FAMILY

A building used as living quarters by three or more families living independently of each other.

DWELLING, ONE-FAMILY

A building used as living quarters by one family.

DWELLING, TWO-FAMILY

A building used as living quarters by two families living independently of each other.

DWELLING UNIT

A building or part thereof used as living quarters by one family. The terms "dwelling," "one-family dwelling," "two-family dwelling" or "multiple-family dwelling" shall not include a motel, hotel, boardinghouse, tourist home, camp, hospital, club or similar structure.

FAMILY

One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

FLOOR AREA

The sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OR ROOM, HABITABLE

The floor area of rooms in a dwelling unit used for bedrooms, living room, dining room and kitchen.

GASOLINE STATION

An area of land, including structures thereon or any building or part thereof, used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances and may also include the sale of motor vehicle accessories and/or facilities for lubricating, washing (without mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding or painting. Gasoline stations shall include filling stations and service stations.

HOME OCCUPATION

The 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 conforms to the following conditions:

(1)

Home occupations shall be carried on wholly within the principal building. Not more than one person outside the family shall be employed. There shall be no exterior storage of materials used in the occupation.

~~(2)~~

~~Home occupation includes but is not limited to an artist, babysitter, barber, beautician, cook, draftsman, dressmaker, launderer, musician and photographer. (See definition of "professional residence office.")~~

~~HOSPITAL~~

~~Includes a sanatorium, clinic, rest home, nursing home, convalescent home, home for the aged and any place for diagnosis and/or treatment of human ailments.~~

~~HOTEL or MOTEL~~

~~A building, group of buildings or part thereof containing five or more individual units intended as living and sleeping accommodations for transient occupancy for compensation. (See also "tourist home.")~~

~~JUNKYARD~~

~~Any land or building used for collecting, storage or sale of wastepaper, rags, scrap metal or discarded material or for the collecting, wrecking, dismantling, storage, salvaging or sale of machinery parts of vehicles not in running condition. Two or more vehicles not in running condition shall constitute a junkyard.~~

~~KENNEL~~

~~A building or land used for harboring four or more dogs or cats over six months old.~~

~~LOADING SPACE~~

~~An off-street space at least 12 feet wide by 40 feet long used for the temporary location of one licensed motor vehicle. Such space shall have access to a street or alley.~~

~~LOT~~

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

~~LOT AREA~~

~~The total area within property lines, excluding any part thereof lying within the boundaries of a street or proposed street.~~

~~LOT DEPTH~~

~~The mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building line.~~

~~LOT FRONTAGE~~

~~The distance measured across the width of the lot at the street right-of-way line.~~

MOBILE HOME

A detached residential dwelling unit designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed or other trailer and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, located on jacks or other temporary or permanent foundations and connected to utilities and the like. A travel trailer is not to be considered as a mobile home.

NEIGHBORHOOD COMMERCIAL

Any commercial use such as a grocery store, newspaper stand or drugstore which is clearly intended to serve the residents of the immediate surrounding area or neighborhood.

NONCONFORMING USE

The use of land or structure which does not comply with all regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment or amendment of this chapter.

OWNER

The person or persons holding title to the property.

PARKING SPACE

A space at least 9 1/2 feet wide by 20 feet long used for the temporary location of one licensed motor vehicle. Such space shall have access to a street or alley.

PROFESSIONAL RESIDENCE OFFICE

A dwelling in which the occupant has a professional office which is clearly secondary to the dwelling use for living purposes, does not change the residential character and where not more than one person outside the family is employed. (See definition of "home occupation.")

RECREATION, INDOOR

Includes bowling alleys, theaters, table tennis and pool halls, skating rinks, gymnasiums, swimming pools, hobby workshops and similar places of indoor recreation.

RECREATION, OUTDOOR

Includes golf courses, golf driving ranges, archery ranges, swimming pools, skating rinks, tennis courts, recreation stadiums, skiing facilities and similar places of outdoor recreation.

RELIGIOUS INSTITUTION

Includes churches, temples, parish houses, convents, seminaries and retreat houses.

RESIDENTIAL USE

Includes one family dwellings, two family dwellings, multiple family dwellings, professional residence offices and mobile homes.

RETAIL STORE

An enclosed store for the sale of retail goods, personal service shop, department store and restaurant and shall exclude any drive-up service, pushcart or peddler cart, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

SCHOOL

Includes a parochial, private and public school, college, university and accessory uses and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

SIGN

Any device, structure, building or part thereof for visual communication used to bring the subject thereof to the public's attention.

SIGN, ADVERTISING OR BILLBOARD

A sign which directs attention to a business, industry, profession, service, commodity or entertainment conducted, sold or offered elsewhere than upon the same lot.

SIGN, BUSINESS

A sign which directs attention to a business, industry, profession, service, commodity or entertainment sold or offered upon the same lot on which it is displayed, including "for sale or rent" signs.

SPECIAL USE

Any use requiring a special use permit to be obtained from the Planning Board.

[Added 12-19-1988 by L.L. No. 1-1988]

STABLE

A building in which one or more horses are kept, whether for private use or for hire. A stable shall include riding academies and riding stables.

STREET

A public way for vehicular traffic which affords the principal means of access to abutting properties.

STREET LINE

The right-of-way line of a street as dedicated by a deed of record.

TOURIST HOME

A building, group of buildings or part thereof in which not more than four individual units are provided to transient guests for compensation.

TRAILER

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~~A vehicle capable of being used as seasonal sleeping or living quarters, not exceeding 380 square feet in floor area, whether self-propelled or towed, or a camper body mounted on a motor vehicle. "Trailer" shall also include any vehicle which may be towed and used for carrying goods, equipment, machinery or recreation vehicles or as a site office.~~

USE, PERMITTED

~~A use specifically allowed in the district, excluding illegal and nonconforming uses.~~

YARD

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

YARD, FRONT

~~The yard between the front lot line and the front line of a building extended to the side lot lines.~~

YARD, REAR

~~The yard between the rear lot line and the rear line of a building extended to the side lot lines.~~

YARD, SIDE

~~The yard between the side lot line and the building, extending through from the front to the rear yard.~~

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Article II Administration and Enforcement

§ 169-6 Enforcement official designated.

This chapter shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the Board of Trustees.

§ 169-7 Fees.

Fees, as may from time to time be established by the Board of Trustees, may be charged for permits issued and for the processing of applications for zoning changes and variances.

§ 169-8 Zoning permits.

A.

No building or structure shall be erected, added to or structurally altered until a zoning permit has been issued by the Zoning Enforcement Officer.

B.

The Zoning Enforcement Officer shall not grant a zoning permit where the proposed construction, alteration or use thereof would be in violation of this chapter.

C.

The Zoning Enforcement Officer shall issue a zoning permit only after the site plan has been approved by the Planning Board, except in the case of one- or two-family dwellings.

D.

Zoning permits shall be required for all new construction, additions to existing structures and mobile homes.

E.

No building permit shall be issued until such time as a zoning permit has been issued.

§ 169-9 Certificates of occupancy.

No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy has been issued by the Zoning Enforcement Officer in accordance with the provisions of this chapter.

§ 169-10 Penalties for offenses.

[Amended 12-19-1988 by L.L. No. 1-1988; 7-15-2013 by L.L. No. 3-2013]

Any violation of this chapter is a violation punishable by a fine not exceeding \$250 per day or by imprisonment for a term not to exceed 15 days, or both. Each day's continued violation shall constitute a separate offense.

§ 169-11 Filing complaints.

Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed and shall be filed with the Zoning Enforcement Officer, who shall properly record such complaint and investigate in a timely manner.

§ 169-12 Amendment procedure.

A.

Regulations, districts and boundaries established by this chapter may be amended or repealed after official notice has been given and a public hearing has been held by the Board of Trustees as required by law.

B.

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

C.

The Board of Trustees shall refer every such proposed amendment to the Planning Board for a report before the public hearing.

D.

The Planning Board may require a plan of proposed development for which a zoning district change is sought, to assist it in understanding the case.

§ 169-13 Board of Appeals; variances.

A.

A Board of Appeals shall consist of five members appointed in accordance with § 7-712 of the Village Law.

B.

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

(1)

Interpretation: Upon appeal by an aggrieved party of a decision by the Zoning Enforcement Officer, to decide questions involving interpretation of any provision of this chapter.

(2)

Variances.

(a)

To vary strict application of this chapter's requirements in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the land

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or building involved. In granting a variance, the Board shall prescribe conditions that it deems necessary or desirable.

[Amended 5-21-1979 by L.L. No. 3-1979]

(b)

No variance in the strict application of any provision of this chapter shall be granted unless the Board finds each and every of the following conditions:

[1]

The strict application of this chapter would produce undue hardship and the hardship is not self-created nor an economic hardship.

[2]

The hardship is unique and not shared by all properties alike in the immediate vicinity of the property and district.

[3]

The variance would observe the spirit of this chapter and would not change the district character or be injurious to the neighborhood or otherwise detrimental to public welfare.

[4]

The variance would observe the intent of any Comprehensive Plan as may be adopted by the Board of Trustees.

[5]

The variance is the minimum necessary to grant relief.

C.

Procedures for interpretation or variance.

(1)

The Board of Appeals shall act in strict accordance with the procedure specified by the Village Law and this chapter. All applications made shall be in writing, on forms prescribed by the Board, and shall be made within 30 days from the date of the action being appealed. Every application shall refer to specific provisions of this chapter and shall set forth the interpretation claimed or details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.

(2)

At least 30 days before the date of the public hearing, the secretary shall transmit to the Planning Board a copy of the application and notice of the hearing. The Planning Board shall submit a report of its advisory opinion prior to the hearing. Failure of the Planning Board to submit a report shall be deemed to signify approval of the application.

(3)

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

D.

Any variance not exercised within one year from the date of its issuance shall be deemed revoked, null and void without hearing by the Board of Appeals.

§ 169-14 Planning Board: site plan review.

A.

The Planning Board shall consist of five members appointed in accordance with § 7-718 of the Village Law.

B.

The Planning Board shall have the following powers and duties in accordance with §§ 7-725 and 7-726 of the Village Law:^[1]

(1)

Variances and amendments: to review all proposed variances and amendments and submit a report of its advisory opinion prior to the hearing.

(2)

Special use permits: to review and approve, disapprove or approve with modification any special use permit required by this chapter. (See Subsection C below.)

(3)

Site plan review: to review and approve, disapprove or approve with modifications all permitted uses, with the exception of one- and two-family dwellings, before a building permit is issued. (See Subsection E below.)

(4)

Rules and regulations: to adopt such rules and regulations as it deems necessary to exercise the powers so granted.

[1]

Editor's Note: Village Law §§ 7-725 and 7-726 were repealed by L. 1992, c. 694, § 3, eff. 7-1-1993; and L. 1992, c. 663, § 2, eff. 7-1-1993, respectively. See now Village Law §§ 7-718 and 7-725-a.

C.

Procedure for special use permit.

(1)

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The Planning Board shall act in strict accordance with the procedure specified by the Village Law and this chapter. All applications shall be in writing on forms prescribed by the Board. Every application shall refer to the specific use for which a special use permit is sought.

(2)

The application for a special use permit shall be accompanied by three sets of preliminary plans and other descriptive matter to portray clearly the intentions of the owner. These documents shall become a part of the record. Such plans shall show the location of all buildings, parking, access and circulation, open space, landscaping and other information necessary to determine if the proposed special use meets the requirements of this chapter.

(3)

The Planning Board shall, within 60 days of the date application for a special use permit is made, fix a time for the hearing thereon. Public notice shall be given at least five days prior to said hearing. The Planning Board shall render a decision upon the application within 60 days after the hearing.

[Amended 12-19-1988 by L.L. No. 1-1988]

(4)

Every decision of the Planning Board shall be by resolution, which shall contain a full statement of its findings of facts in the case and shall be recorded in its minutes.

D.

The Planning Board may issue a special use permit only after it has found that all the following standards and conditions have been satisfied:

(1)

The location, size of use and structure, nature and intensity of operations involved, size of the site in relation to it and location of the site with respect to streets giving access are such that it will be in harmony with orderly development of the district.

(2)

The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value.

(3)

The special use shall not conflict with any Comprehensive Plan as may be adopted by the Board of Trustees.

(4)

Operations of any special use shall not be more objectionable to nearby properties than would be operations of any permitted use.

(5)

No special use permit shall be issued for a use on a property where there is an existing violation of this chapter.

E.

Any special use permit not exercised within one year from the date of its issuance shall be deemed revoked, null and void without hearing by the Planning Board.

F.

Procedures for site plan review and approval.

(1)

A sketch plan conference between the Planning Board and owner shall be held to review the basic site design concept and generally determine the information to be required on the site plan. At the sketch plan conference, the applicant may be required to provide the data below in addition to a statement or rough sketch describing what is proposed:

(a)

An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets and easements within 200 feet of the boundaries thereof. Such area map shall be oriented to the nearest street or road intersection, and, if the parcel adjoins a state highway, such area map shall additionally be related to state mile markers.

(b)

A map of site topography at no more than five-foot contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two feet of elevation should additionally be provided.

(2)

The owner shall submit a site plan and supporting data and shall include the following information, presented in drawn form and accompanied by a written text, as determined necessary by the Planning Board at the sketch plan conference:

(a)

A survey of the property showing existing features, including contours, large trees, buildings, structures, streets, utility easements, rights-of-way, land use, zoning and ownership of surrounding property.

(b)

A site plan showing proposed lots, blocks, building locations and land use areas.

(c)

Traffic circulation, parking and loading spaces and pedestrian walks.

(d)

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Landscaping plans, site grading, landscape design and open areas.

(e)

Preliminary architectural drawings for buildings to be constructed, floor plans, exterior elevations and sections.

(f)

Preliminary engineering plans, street improvements, storm drainage, water supply and sanitary sewer facilities.

(g)

An engineering feasibility study of any anticipated problems which might arise due to proposed development, as required by the Planning Board.

(h)

The construction sequence and time schedule for completion of each phase for buildings, parking and landscape areas.

(i)

A description of proposed uses, hours of operation and expected number of employees, volume of business and volume of traffic generated.

(3)

The Planning Board shall, within 60 days of the date of application for site plan approval is made, fix a time for the hearing thereon. Public notice shall be given at least five days prior to said hearing. The Planning Board shall render a decision upon the application within 60 days after the hearing.

[Amended 12-19-1988 by L.L. No. 1-1988]

(4)

Every decision of the Planning Board shall be by resolution, which shall contain a full statement of its findings of facts in the case and shall be recorded in its minutes.

G.

Standards for site plan approval.

(1)

The Planning Board shall review the site plan and supporting data before approval or approval with stated conditions is given and take into consideration the following:

(a)

A harmonious relationship between proposed uses and existing adjacent uses.

(b)

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The maximum safety of vehicular circulation between the site and the street.

(c)

The adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety.

(d)

The adequacy of landscaping and setbacks to achieve compatibility with and protection of adjacent uses.

(2)

The Board may require changes or additions in relation to yards, driveways and landscaping, to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties. Should changes or additional facilities be required by the Board, final approval of the site plan shall be conditional upon satisfactory compliance by owner to the changes or additions.

(3)

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

H.

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

§ 169-15 Relief from decisions.

[Amended 1-28-1980 by L.L. No. 1-1980]

Any person who may have substantial interest in any decision of the Board of Appeals, the Planning Board or any officer, board, commission, department or office of the Village of Green Island may appeal to the Supreme Court of the State of New York by filing with the Clerk of said court a petition, in writing, setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal must be filed within 30 days after such decision is rendered.

Article III District Regulations

§ 169-16 Enumeration of districts.

The Village of Green Island is hereby divided into the following zoning districts:

Residential 1	R1
Residential 2	R2
Commercial	C
Industrial	IN
Recreational	REC
Floodplain	FP
Planned Development	PD

§ 169-17 Zoning Map.

[Amended 4-27-1998 by L.L. No. 3-1998; 7-21-2003 by L.L. No. 1-2003; 6-27-2005 by L.L. No. 1-2005; 10-29-2015 by L.L. No. 4-2015; 11-20-2017 by L.L. No. 3-2017; 9-17-2018 by L.L. No. 2-2018]

The zoning districts are shown, defined and bounded on the Zoning Map revised September 17, 2018, accompanying this chapter. The Zoning Map dated September 17, 2018, is hereby made a part of this chapter and shall be on file in the office of the Village Clerk.

§ 169-18 R1 Low-Density Residence District

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A. Purpose:

(1) The purpose of the Low-Density Residence District is to provide areas primarily for single-family and two-family residential development in the form of detached dwellings. The purpose is to create neighborhoods where people live and conduct their domestic activities. The Low-Density Residence District is characterized by traditional residential development.

(2) Map Color:

§ 169-19 R2 Medium-Density Residence District

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A. Purpose:

(1) The purpose of the Residential Medium Density District is to provide for a wide variety of residential building types to accommodate the lifestyles and housing needs of a diverse population and household types, in a compact, walkable neighborhood, to reduce greenhouse gas emissions and promote an energy-independent and secure community, and to enhance community resilience.

(2) Map Color:

§ 169-20 C Commercial

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A. Purpose:

(1) To promote new business development in appropriate locations within the Village and to foster the redevelopment of commercial properties within the district in a manner that will create a high

quality public realm and streetscape and a mix of compatible uses in a variety of building types, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.

(2) Map Color:

§ 169-21 IN Industrial

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A. Purpose:

(1) To promote the development of industry in appropriate locations within the Village and to tap into the research and technology innovation generated by regional institutions of higher education to contribute to the local tax base and provide employment while limiting negative impacts on the environment.

(2) Map Color:

§ 169-22 REC Recreational

A. Purpose:

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(1) The purpose of the Recreational District is to provide public and private recreational land, facilities, schools, fire stations, libraries, and other public and quasi-public lands and buildings. The zone includes open space areas, which are set aside to prevent environmental damage to sensitive areas and to limit development in areas that are unsuitable for development due to flooding or geologic hazards. The REC district may be applied to parks, outdoor recreation facilities, open space corridors, environmental areas, trails, recreational facilities, and similar areas.

(2) Map Color:

§ 169-23 FP Floodplain

Notwithstanding the other zoning district regulations, the following uses shall be prohibited in a designated floodplain:

A.

All residential, commercial, industrial and other buildings intended for human occupancy or employment, excluding recreational, agricultural and temporary uses, unless constructed to the standards established under the National Flood Insurance Program.

B.

All dumps, junkyards and excavation sites.

C.

Sewage disposal and water supply facilities, except those approved by the State Department of Health.

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§ 169-24 PD Planned Development

A.

Provision is included for Planned Development Districts to permit establishment of areas in which diverse residential, commercial and industrial uses may be brought together as a compatible and unified plan of development which is in the interest and general welfare of the public. Area, yard, coverage, height and supplementary regulation requirements shall be comparable to minimum requirements in appropriate residential, commercial or industrial zoning districts for each specific use, except where the Planning Board finds that it is in the public interest to modify these requirements.

B.

The owner shall submit three sets of site plans of proposed development to Planning Board for review, as required in § 169-14F.

C.

The Planning Board shall recommend approval, approval with modifications or disapproval of site plans. The Board may recommend to the Board of Trustees establishment of a Planned Development District, provided that it finds that facts submitted establish that:

(1)

The proposed uses will not be detrimental to present and potential adjacent uses.

(2)

The land surrounding the proposed development can be planned in coordination with and be compatible in use to the proposed development.

(3)

The proposed zoning change is in conformance with the intent of any Comprehensive Plan as may be adopted by the Board of Trustees.

(4)

The existing and proposed streets are suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed district.

(5)

The existing and proposed utility services are adequate for the proposed development.

(6)

Each phase of development as proposed to be completed contains the required parking spaces and landscaped areas necessary for creating and sustaining a desirable and stable environment.

D.

Public hearing.

(1)

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The Board of Trustees may amend the Zoning Map after holding a public hearing, but such action shall have the effect only of granting permission for development of the specific proposal, in accordance with site plans approved by the Board of Trustees. An appropriate notation to that effect shall be made on three sets of plans. One set shall be retained by the Village Clerk.

(2)

Approval by the Board of Trustees for each phase of development for planned development shall be secured by the owner.

§ 169-25 Interpretation of district boundaries.

A.

District boundaries shown within the lines of roads, streams or transportation rights-of-way shall be deemed to follow the center line.

B.

Where a district boundary is located not farther than 15 feet from a lot line of record, the boundary shall be construed to coincide with such line.

C.

Any boundary shown extending into the Hudson River shall be deemed to extend to the boundary of the Village unless otherwise indicated.

D.

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less-restricted part of such lot shall extend not more than 50 feet into the more-restricted part, provided that the lot has frontage on a street in a less-restricted district.

E.

Questions concerned with the exact location of district boundary lines as shown on the Zoning Map shall be resolved by the Board of Appeals.

§ 169-26 Use regulations.

No land, building, structure or premises or part thereof shall be erected, moved, altered or used except for one or more of the uses permitted in the district in which such land, building, structure or premises is located. Such permitted uses are set forth in the attached schedule entitled "Use Regulations," which is hereby made a part of this chapter. [\[1\]](#)

[\[1\]](#)

Editor's Note: The Schedule of Use Regulations is included as an attachment to this chapter.

§ 169-27 Area and bulk regulations.

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The regulations applying to minimum lot and yard dimensions and building height and lot coverage standards are set forth in the attached schedule entitled "Area and Bulk Regulations," which is hereby made a part of this chapter. [1]

[1]

Editor's Note: The Schedule of Area and Bulk Regulations is included as an attachment to this chapter.

~~§ 169-21 Planned Development Districts.~~

~~A.~~

~~Provision is included for Planned Development Districts to permit establishment of areas in which diverse residential, commercial and industrial uses may be brought together as a compatible and unified plan of development which is in the interest and general welfare of the public. Area, yard, coverage, height and supplementary regulation requirements shall be comparable to minimum requirements in appropriate residential, commercial or industrial zoning districts for each specific use, except where the Planning Board finds that it is in the public interest to modify these requirements.~~

~~B.~~

~~The owner shall submit three sets of site plans of proposed development to Planning Board for review, as required in § 169-14F.~~

~~C.~~

~~The Planning Board shall recommend approval, approval with modifications or disapproval of site plans. The Board may recommend to the Board of Trustees establishment of a Planned Development District, provided that it finds that facts submitted establish that:~~

~~(1)~~

~~The proposed uses will not be detrimental to present and potential adjacent uses.~~

~~(2)~~

~~The land surrounding the proposed development can be planned in coordination with and be compatible in use to the proposed development.~~

~~(3)~~

~~The proposed zoning change is in conformance with the intent of any Comprehensive Plan as may be adopted by the Board of Trustees.~~

~~(4)~~

~~The existing and proposed streets are suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed district.~~

~~(5)~~

~~The existing and proposed utility services are adequate for the proposed development.~~

~~(6)~~

~~Each phase of development as proposed to be completed contains the required parking spaces and landscaped areas necessary for creating and sustaining a desirable and stable environment.~~

~~D-~~

~~Public hearing.~~

~~(1)~~

~~The Board of Trustees may amend the Zoning Map after holding a public hearing, but such action shall have the effect only of granting permission for development of the specific proposal, in accordance with site plans approved by the Board of Trustees. An appropriate notation to that effect shall be made on three sets of plans. One set shall be retained by the Village Clerk.~~

~~(2)~~

~~Approval by the Board of Trustees for each phase of development for planned development shall be secured by the owner.~~

~~§ 169-22 Floodplain District.~~

~~Notwithstanding the other zoning district regulations, the following uses shall be prohibited in a designated floodplain:~~

~~A-~~

~~All residential, commercial, industrial and other buildings intended for human occupancy or employment, excluding recreational, agricultural and temporary uses, unless constructed to the standards established under the National Flood Insurance Program.~~

~~B-~~

~~All dumps, junkyards and excavation sites.~~

~~C-~~

~~Sewage disposal and water supply facilities, except those approved by the State Department of Health.~~

Article IV Supplementary Use Regulations

§ 169-23 Landfills.

In any district, dumping of refuse and waste material for a landfill, except for a municipally operated landfill, is prohibited. Loam, rock, stone, gravel, sand, cinders and soil may be used for landfill to grades approved by the Zoning Enforcement Officer after approval by the Planning Board. Nothing in this section shall prevent animal wastes being used as fertilizer.

§ 169-24 Mobile homes.

The use of mobile homes shall be prohibited within the Village of Green Island due to the lack of available space suitable for such a use, except as follows:

A.

The Planning Board may issue a special use permit for a mobile home to be located on the construction site of a new residence for a period not to exceed six months if, in its opinion, it finds that not to do so would cause a hardship.

B.

The Planning Board may issue a special use permit for a mobile home to be used as temporary office space related to a construction project for a period not to exceed one year.

C.

The Planning Board may issue a special use permit for other nondwelling uses of a mobile home if it is found to be in the public interest.

D.

The Planning Board may renew the above special use permits for mobile homes if, in its opinion, it finds that not to do so would cause a hardship.

§ 169-25 Automotive uses.

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

A.

The lot shall not be located within 300 feet of any lot occupied by a school, hospital, playground, library or religion institution. Measurement shall be made between the nearest respective lot lines.

B.

The lot size shall be at least 20,000 square feet.

C.

The lot frontage shall be at least 150 feet.

D.

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The lot depth shall be at least 125 feet.

E.

Pumps, other service devices and fuel and oil storage shall be located at least 30 feet from all lot lines.

F.

Automobile parts and dismantled vehicles are to be stored within the building, and no major repair work is to be performed outside the building.

G.

There shall be no more than two access driveways from any street. The maximum width of each access driveway shall be 30 feet.

H.

Suitably curbed landscaped areas, including sidewalks, shall be maintained at least five feet in depth along all street frontage not used as driveway.

§ 169-26 Public utility facilities.

Public utility substations and similar structures shall comply with the following:

A.

Facilities shall be surrounded by a fence set back from the property lines in conformance with the district regulations for front, side and rear yards.

B.

Landscaped areas shall be maintained in the front, rear and side yards required above.

C.

There shall be no open equipment visible from surrounding property.

D.

Low-profile equipment shall be used, where practical.

§ 169-27 Adult entertainment uses.

A. Findings. Evidence and studies concerning the impacts or "secondary effects" of adult-oriented businesses on the surrounding community, as presented in judicial decisions such as, but not limited to, City of Erie v. Pap's A.M. tdba "Kandyland," 529 U.S. 277 (2000); Barnes v. Glen Theater, Inc., 501 U.S. 560 (1991); City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986); Young v. American Mini Theaters, Inc., 427 U.S. 50 (1976); Stringfellow's of New York, Ltd, v. City of New York, 671 N.Y.S.2d 406 (1998); Town of Islip v. Caviglia, 73 N.Y. 2d 544 (1989); and Singer v. Town of East Hartford, 736 F.Supp. 430 (D. Conn. 1989), aff'd 901 F.2d 297 (2d Cir. 1990) (affirming judgment on basis of District Court opinion), and on studies conducted by other communities, including but not limited to New York City, New York (1994); Seattle, Washington

(1993); Seattle, Washington (1989); Village of Scotia, New York (1999); Town and Village of Ellicottville, New York (1998); Town of Islip, New York (1980); and Indianapolis, Indiana (1984), and from publications such as "Report to the American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses," produced by Peter Hecht, Ph.D. of the Environmental Research Group, and "Adult Uses and the First Amendment: Zoning and Non-Zoning Controls on the Use of Land for Adult Businesses," by Steve McMillen of Pace University Law School, and also on the findings from the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (1989, State of Minnesota), the Council finds that:

- (1) Adult-oriented businesses are unavoidably associated with unlawful, unhealthy and detrimental activities ancillary to the constitutionally protected speech activities of such businesses.
- (2) Employees of adult-oriented businesses engage in or may be requested to engage in sexual behavior as a result of the type of business by which they are employed.
- (3) People present in the vicinity of an adult-oriented business are often assumed by third parties to be engaged in, or amenable to, the types of unlawful, unhealthy and detrimental activities ancillary to such businesses. As a result, such persons are subjected to unwanted advances or attention by persons frequenting such adult-oriented business.
- (4) People who choose not to frequent adult-oriented businesses tend to avoid areas in which such businesses locate. As a result, areas in which adult-oriented businesses locate often become "dead zones," i.e., areas in which owners of non-adult-oriented businesses tend to choose not to locate in the first instance, or choose to migrate away from, because of diminished pedestrian traffic due to the presence of adult-oriented businesses.
- (5) Because non-adult-oriented businesses tend not to locate near, or migrate away from, adult-oriented businesses, the presence of one such business tends to attract other adult-oriented businesses into the dead zone, thereby increasing the pace and intensity of the unlawful, unhealthy and detrimental activities unavoidably associated with such businesses and contributing to the blighting of the area surrounding such businesses. The smaller the municipality, including the Village, the larger the effects of a dead zone because the zone encompasses a larger proportion of the municipality's businesses than a similar zone would in a larger Village.
- (6) Due to the small geographical area of the Village of Green Island, the probability increases that adult-oriented businesses will have substantial effects upon residential areas within the Village. Further, smaller municipalities, including the Village, are more likely to have fewer days and hours of commercial activity than a larger Village. This increases the likelihood that an adult-oriented business will have a larger effect on the area in which it is located during the off hours of non-adult-oriented businesses.
- (7) Sexual acts, including masturbation, occur at adult-oriented businesses, especially those which provide enclosed rooms, booths or other cubicles for viewing of films, videos or live sex shows, thereby creating unhealthy and unsanitary conditions within the premises of such businesses.

- (8) The constitutionally protected speech activities presented at adult-oriented businesses often encourages sexual activities, thereby creating unhealthy and unsanitary conditions.
- (9) Some patrons frequent adult-oriented businesses for the purpose of engaging in specified sexual activities within the premises of such businesses, thereby creating unhealthy and unsanitary conditions within the premises of such businesses.
- (10) Communicable diseases may be spread by specified sexual activities, including but not limited to transmission of the human immunodeficiency virus (HIV) and the contraction of the acquired immunodeficiency syndrome (AIDS), Hepatitis B and venereal diseases.
- (11) Venereal diseases, HIV, AIDS and Hepatitis B, as well as other communicable diseases spread by specified sexual activities, are serious health concerns in the local community.
- (12) Sanitary conditions in some adult-oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities engaged in by some patrons of such businesses and the failure of some business owners and operators to self-regulate those activities and maintain the business premises.
- (13) Numerous studies and reports have determined that semen and other bodily fluids are found in certain areas of adult-oriented businesses, particularly where persons view, in enclosed rooms, booths or other cubicles, adult materials or entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas.
- (14) Prohibiting the viewing, in enclosed rooms, booths or other cubicles, of adult materials or entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas is the least restrictive means available effectuating the legitimate and content-neutral legislative goal of preventing adult-oriented businesses from being operated and used in a unhealthy, unsafe and unsanitary manner facilitating the transmission of communicable diseases or otherwise degrading the public welfare, health, comfort and safety. Further, such a prohibition imposes a relatively minor imposition on the operating prerogatives of the owners of adult-oriented businesses compared to other means such as: mandating adult-oriented businesses inspect such cubicles and directing the frequency and form of such inspections, requiring adult-oriented businesses to hire employees whose duties are dedicated to monitoring such cubicles and conducting increased numbers of police and public health and safety inspections of such businesses.
- (15) Adult-oriented businesses have operational characteristics which should be reasonably regulated in order to protect the substantial governmental concerns raised by the various findings herein while permitting patrons and owners of such businesses to engage in constitutionally protected speech activities.
- (16) The presence of adult-oriented businesses is associated with declining property values.
- (17) The presence of adult-oriented businesses is associated with increased crime rates against both property and persons.
- (18) Children and teenagers are more likely to be exposed to graphic sexual images because of the presence of adult-oriented businesses.

- (19) Because persons patronizing adult-oriented businesses often travel a significant distance to such businesses, these persons tend not to share with Village residents the concerns for the quality of life in the Village. Consequently, persons from outside the Village patronizing such businesses tend to place an inordinate strain on Village services and facilities, such as parking, usage of Village streets, and trash collection and removal.
- (20) The presence of adult-oriented businesses tends to alter the character of the community in which they are located and quality of life for the residents of such community. The Village is presently in the process of undergoing a transformation altering both the character and quality of life in the Village. The alterations to character and quality of life associated with the presence of adult-oriented businesses are at odds with the goals of the transformation the Village is undergoing, and, consequently, the failure to properly regulate adult-oriented businesses could undermine this process.
- (21) The Village 's intent in regulating adult-oriented businesses is not to restrict constitutionally protected speech activities but rather to provide constitutionally sufficient alternate avenues for persons to engage in such activities in a manner consistent with the constitutions of the United States and New York State while addressing the unlawful, unhealthy and detrimental activities ancillary to such speech and ameliorating these secondary effects on the peace, good order, commercial viability and safety of Village residents and non-adult-oriented businesses.
- (22) The general welfare, health, comfort and safety of the citizens of the Village will be promoted by the enactment of this section.

B. Purpose.

- (1) The primary purposes of this section are as follows:
- (a) To preserve the character and quality of the life of the Village 's neighborhoods and business and maintain the viability of the Village 's ongoing process of transformation;
 - (b) To control the documented adverse secondary effects that are ancillary to adult-oriented businesses as set forth in Subsection A, including decreased property values; attraction of transients; parking and traffic problems; increased crimes against persons and property; loss of business for surrounding non-adult-oriented businesses; and deterioration of neighborhoods;
 - (c) To maintain property values;
 - (d) To prevent crime;
 - (e) To safeguard the continued commercial viability of currently existing non-adult-oriented businesses;
 - (f) To ensure the continued commercial viability of the Village as a location for new non-adult-oriented businesses;
 - (g) To restrict minors' inadvertent exposure to graphic sexual images;
 - (h) To preserve and protect public hygiene, health and sanitation; and
 - (i) To maintain the general welfare, health, comfort and safety of Village residents and businesses.
- (2) So as to effectuate these purposes, and based upon the findings set forth in Subsection A, such uses shall be subject to the standards and regulations set forth in this section.

C. Location of adult-oriented business. An adult-oriented business shall be permitted, in accordance with the requirements of this section, only in the Commercial District of the Village of Green Island, as such is established under § 535-5 and delineated by the boundaries shown on the Official Zoning Map of the Village established under § 535-6.

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D. Separation, lot, bulk and parking requirements.

(1) Minimum separation required from sensitive sites. No adult-oriented business shall be located within 500 feet of any sensitive site.

(2) Measurement.

(a) General provision. For the purposes of this section, the distance between an adult-oriented business and a sensitive site shall be measured by following a straight line from the most proximate points between the lot line of such business and the lot line of such site or second such business.

(b) Multi-tenant facility. Where a multi-tenant facility such as a shopping center is involved, measurement shall be made from the most proximate point along the boundary of the leasehold interest of such business or such site rather than the lot line of the facility containing such business or such site.

(3) Minimum separation required from residential districts.

(a) No adult-oriented business shall be located within 300 feet of any area zoned for residential use, as measured in a straight line from the most proximate points between the lot line of the adult-oriented business and the residential zoning district boundary line.

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(b) For purposes of this section, any railroad line that passes between the lot line of an adult-oriented business and any residential zoning district boundary line shall constitute a sufficient buffer between said adult-oriented business and said residential district. Such adult-oriented business shall be deemed to meet the minimum separation required from residential districts pursuant to Subsection E(3)(a).

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(4) Buildings containing residential uses. No adult-oriented business shall be established or permitted in any building of which any part is used for residential purposes. No residential use shall be established in a building of which any part is used as an adult-oriented business.

(5) Lot, bulk and parking regulations. Adult-oriented businesses shall conform to applicable Central Business District lot, bulk and parking regulations set forth in this chapter, as such regulations may be enacted or amended from time to time.

E. Signs and displays.

(1) General provision. No more than one exterior sign or display not to exceed a surface area of 20 square feet for each side, or a similar interior sign or display visible from the outside of an adult-oriented business, shall be permitted which identifies or portrays the adult-oriented business.

(2) Additional restrictions.

(a) Signs and displays shall not depict or describe specified sexual activities or specified anatomical areas.

(b) Signs and displays may be illuminated or composed of lighted material such as neon but shall not feature flashing illumination.

- (3) Additional regulations applicable. In addition to the provisions of this section, signs and displays identifying or portraying an adult-oriented business shall be subject to all regulations applicable to signs and displays within the Village of Green Island in addition to the requirements of this section.[2] Editor's Note: See **Art. X, Signs**, of this chapter.
- F. Interior and exterior lighting. During the period that an adult-oriented business is occupied, it shall be illuminated by sufficient natural or nonflashing artificial light to permit safe ingress and egress to and from the premises.
- G. Live performance security. Each adult-oriented business offering entertainment consisting of live performances shall maintain adequate security during hours of operation to ensure the public peace and order. The provisions of this subsection shall require each adult-oriented business offering live performances to employ not less than one uniformed security guard per every 50 or fewer patrons on the premises. For any number of patrons over 50, each adult-oriented business offering live performances shall employ not less than two uniformed security guards. All uniformed security guards shall be employed in accordance with the New York State Security Guard Act of 1992, as may be amended from time to time.[3] Editor's Note: See Art. 7-A of the General Business Law, § 89-e et seq.
- H. Nonconforming buildings or lots. No nonconforming building or lot shall be used for an adult-oriented business. No existing building, lot or use shall be added to, enlarged, expanded in size or converted for purposes of conducting an adult-oriented business so as to render such building, lot or use nonconforming.
- I. Termination and amortization of nonconforming adult-oriented businesses.
- (1) Termination of nonconforming adult-oriented businesses. Any establishment in existence prior to the effective date of this section which has made financial expenditures for the purpose of operating an adult-oriented business, falls within the definition of an adult-oriented business, and is not in conformity with the requirements of this section shall either conform to the requirements of this section or terminate its operation as an adult-oriented business within two years following the effective date of this section. Such nonconforming uses shall not be increased, enlarged, extended, or altered within the two-year period or any extension thereof, except that the use may be changed to a conforming use.
- (2) Zoning Board of Appeals jurisdiction. The Zoning Board of Appeals of the Village of Green Island shall have the power to hear and decide applications submitted to the Board for the continuation of a nonconforming adult-oriented business made pursuant to this Subsection J. The Board shall hear and decide such applications using the same procedures by which it hears applications for use and area variances pursuant to General City Law § 81-a and **§ 535-86** of this chapter and subject to the same time constraints for rendering a decision. Submissions of such applications to the Board shall be subject to payment of the same fees and costs as are required by the Village from time to time for variance applications.
- (3) Amortization of certain nonconforming adult-oriented businesses. Notwithstanding Subsection J(1), the Board may permit an adult-oriented business subject to termination to continue for a limited period of time beyond the two-year period established in Subsection J(1), provided that:

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(a) An application is made by the owner of such adult-oriented business to the Board at least 120 days prior to the date on which such business must terminate; and

(b) The Board shall find, in connection with such adult-oriented business, that:

(1) The owner of such a business had made substantial financial expenditures related to such business;

(2) The owner has not recovered substantially all of such financial expenditures; and

(3) The period for which such business may be permitted to continue is the minimum period sufficient for the owner of such business to recover substantially all of such financial expenditures.

J. Prohibited activities. The following shall not be permitted on the premises of any adult-oriented business or other public place within the Village of Green Island:

(1) Appearance by a person knowingly or intentionally engaging in specified sexual activities;

(2) The knowing and intentional appearance of a person in a state of nudity; or

(3) The use of sound-amplification equipment to amplify a description or discussion of specified anatomical areas or specified sexual activities if:

(a) Such description or discussion is audible beyond the exterior of the structure from which the description or discussion originates; or

(b) Such description or discussion is amplified in a public place.

K. Exception for certain establishments.

(1) Exception. This section shall not be applicable to an establishment otherwise within the definition of an adult-oriented business if not more than 10% of the interior square footage of the establishment accessible to patrons is devoted to the:

(a) Sale, rental, lease, trade, gift or display of adult materials; or

(b) Featuring of entertainment characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas.

(2) Limitations on exemption. Notwithstanding Subsection L(1), this section shall be applicable to an establishment within the definition of an adult-oriented business if:

(a) In the establishment adult materials or entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas are displayed and featured in a manner that permits minors to access or view such materials or entertainments;

(b) The interior configuration and layout of the establishment requires patrons to pass through an area of the establishment with adult materials or entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas in order to access an area of the establishment without such materials and entertainments;

(c) The establishment maintains one or more rooms, booths or other cubicles where entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas are available to patrons;

(d) The establishment uses a method of operation requiring patron transactions with respect to non-adult materials to be made in an area of the store which

- includes adult materials or entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas;
- (e) The establishment uses a method of operation under which non-adult materials are offered for sale only and adult materials are offered for sale or rental;
- (f) The establishment offers a greater number of different titles of adult materials than the number of different titles of non-adult materials;
- (g) The establishment uses a method of operation excluding or restricting minors from the establishment as a whole or from any section of the establishment with non-adult materials;
- (h) The establishment displays a sign advertising the availability of adult materials or entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas which is disproportionate in size relative to a sign advertising the availability of non-adult materials, when compared with the proportions of adult materials or entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas offered by the establishment, or the proportion of the interior square footage of the establishment accessible to patrons containing adult materials or featuring the presentation of an entertainment characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas; or
- (i) The establishment features a window display in which the number of items or area of the display of adult materials is disproportionate in size relative to the number of items or area of display of non-adult materials, when compared with the proportion of adult materials and non-adult materials offered for sale, rental, lease, trade, gift or display in the establishment, or the proportion of the interior square footage of the establishment accessible to patrons containing adult materials.

L. Interior configuration and layout.

- (1) General provision. An adult-oriented business shall not offer adult materials or entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas for viewing in rooms, booths or other cubicles if the interior square footage of any one such room, booth or other cubicle is insufficient to accommodate the total number of persons who may lawfully occupy the premises of such business at one time.
- (2) Exception. Notwithstanding Subsection M(1), an adult-oriented business may offer adult materials or entertainments characterized by an emphasis on nudity or specified sexual activities or specified anatomical areas for viewing in one or more rooms, booths or other cubicles insufficient to accommodate the total number of persons who may lawfully occupy the premises of such business at one time, provided that:
 - (a) The interior of each such room, booth or other cubicle is visible without obstruction by merchandise, display racks or other materials at all times from at least 50% of the interior square footage of the establishment accessible to patrons;
 - (b) Each such room, booth or other cubicle is equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are

permitted access at an illumination of not less than five footcandles as measured at floor level and such illumination is maintained at all times patrons are present on the premises:

(c) There is no opening of any kind between such rooms, booths or other cubicles:
and

(d) No such room, booth or other cubicle is equipped with a nontransparent door, curtain or any similar device which may be used to block the view into each such room, booth or other cubicle.

Adult entertainment activities shall comply with the following:

A.

Before the Board of Appeals may issue a special use permit, the owner shall submit written consent of at least 65% of property owners and mortgagees within 500 feet of the lot line of record of an adult entertainment activity.

B.

An adult entertainment activity shall not be located within 300 feet of any lot occupied by a school, hospital or religious institution.

C.

No material or displays for material shall be visible from the street or adjoining properties which visually depict or describe human sex acts or emphasize male or female genitals or buttocks or female breasts.

§ 169-28 Natural resource extraction.

A.

In any district, removal of soil, sand, gravel or quarried stone, except when incidental to or connected with construction of a building on the same premises, shall be permitted only after issuance of a special use permit.

B.

All excavation slopes in excess of 1:1 shall be adequately fenced.

C.

Stripping of topsoil for sale or use on other premises, except as may be incidental to a construction project, is prohibited.

D.

Before approval of any new or extension to any existing sand, gravel or stone quarrying operation, a performance bond shall be secured from the owner sufficient to insure that, upon completion of extraction operations, the abandoned site will be left in a safe, attractive and useful condition in the

interest of public safety and general welfare. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, recreation area or other usable open space.

§ 169-29 Swimming pools.

Any outdoor water pool made of concrete, masonry, metal or any other impervious material having a depth at any point greater than 18 inches and used or intended to be used for swimming or bathing shall comply with the following:

A.

A permanent, good-quality fence shall be erected to encompass the entire perimeter of the swimming pool, and the fence shall be not less than five feet in height.

B.

Every gate or other opening in the fence enclosing such pool, except an opening through the dwelling or other main building, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool.

C.

Such pool shall be maintained to standards prescribed by the New York State Sanitary Code.

§ 169-30 Tourist Homes Code Provision

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A. Scope.

This article in this chapter shall apply to all boardinghouses, rooming houses and lodging houses, multifamily dwellings, group dwellings, mobile home courts, tourist accommodations, bed-and-breakfasts, as defined, located within the Village of Green Island.

B. Applicability

The provisions of this article in this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes or regulations, and nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, County or state or existing requirements of any other applicable state or local laws, ordinances, codes or regulations. In case of conflict between any provision of this chapter and any applicable state or local laws, ordinances, codes or regulations, the more restrictive or stringent provision or requirement shall prevail.

C. Permit required.

All boardinghouses, rooming houses and lodging houses, multifamily dwellings, group dwellings, mobile home courts, tourist accommodations and bed-and-breakfasts in the Village must have a permit issued by the Village Building Inspector.

D. Application for permit.

(1) Application for a permit for a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast shall be made, in writing, to the Village Building Inspector on a form provided by the Inspector for that purpose.

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(2) Such application shall be filed in duplicate and shall contain:

(a) The name, address and telephone number, if any, of the owner of the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast.

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(b) The street address and Tax Map description (section, block, lot or lots) of the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast.

(c) The number of dwelling units/rooms in the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast, the dimensions of each dwelling unit/room, the number of persons intended to be accommodated by and to reside in each such dwelling unit/room and a description of the present use or uses thereof, if any.

(d) The name, address and telephone number of the managing agent or operator of each such boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast who is authorized to act on behalf of the owner, along with his or her phone number. The name and phone number of an on-premises person who can grant access to the building and its occupants shall also be furnished. The Village Building Inspector shall be notified within 10 working days of any change in this information.

(e) The name and address of the insurance company, if any, providing the fire and other hazard and public liability insurance for the owner of the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast, with a description of the type of insurance provided, the policy limits for each coverage and the policy number and expiration date of such policy.

(3) Such application shall be signed by the owner of the boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast, and the statements of such owners therein contained shall be verified under oath.

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E. Fees.

A nonrefundable permit application fee set from time to time by the Village Board in Chapter A212, Fees, shall be paid upon filing an application for a permit. A nonrefundable permit renewal fee also set by the Village Board shall be paid upon filing an application for renewal.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

F. Review of permit application; registry; posting.

(1) Review. The Village Building Inspector shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast. If satisfied that the proposed use and premises comply fully with all applicable laws, rules and regulations of the state, County and Village, including local laws and ordinances, and that such proposed use would not create an unsafe or dangerous condition or create an unsafe or substandard structure or create a nuisance to adjoining or nearby properties, the Village Building Inspector shall issue the permit or permits applied for.

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(2) Registry. It shall be the duty of the Village Building Inspector to maintain a register of permits issued pursuant to this chapter. Such register shall be kept by street address, showing the name and address of the permittee, the number of dwelling units/rooms at such street address and the date of expiration of permit for such unit. Such registry shall be kept available for public inspection during regular business hours at the office of the Inspector.

(3) Posting. The permit containing the number of dwelling units/rooms and the names and addresses and phone numbers of the owner and premises manager shall be conspicuously posted at or near the principal entrance.

G. Term of permit; renewal; enlargement.

(1) Term. All permits issued pursuant to this chapter shall be valid for a period of one year from the date of issuance and may be renewed for additional one-year periods as provided in Subsection B of this section.

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(2) Renewal.

(a) A renewal application must contain the same information required for the initial application by § 250-37, must be accompanied by the fee required under § 250-38 and must be submitted to the Village Building Inspector.

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(b) A renewal permit shall be granted unless the Village Building Inspector finds there is reasonable cause not to renew. The Inspector shall notify the applicant of there being reasonable cause not to renew. Within 10 working days the applicant may request a hearing before the Inspector. During this hearing process, the applicant will be issued a temporary permit which shall expire 60 days after the final decision of the Inspector.

(c) The aforesaid hearing shall be public, and the applicant may be represented by counsel and shall be able to call witnesses on his or her behalf. The Inspector shall act as Hearing Officer and, in his or her discretion, may decide not to renew the permit if, upon substantial evidence, the Inspector determines that the subject boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast is either a nuisance to neighboring or adjoining property or is not in compliance with all required state, County and Village laws, ordinances, rules and regulations.

(3). Enlargement. Any enlargement of an existing boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast shall require a full review under this section.

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H. Inspections; search warrants.

(1) Inspections. The Village Building Inspector or his or her designee is authorized to make or cause to be made inspections, from time to time, to determine the condition of any boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast and to safeguard the health, safety and welfare of the public. The Village Building Inspector or his or her designee is authorized to enter, upon consent of the owner or occupant, any rental unit and the premises in which the same is located at any reasonable time. Unconsented entries and entries at unreasonable hours may be made upon warrant duly issued by a justice of the VillageTown Court of the VillageTown of Green Island. All applications and renewals shall be granted only after an inspection.

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(2) Search warrants. The Village Building Inspector or his or her designee is authorized to make application to the VillageTown Court of the VillageTown of Green Island for the issuance of a search warrant to be executed by a Village constable, state trooper or other law enforcement officer where there exists reasonable justification for an inspection to be conducted pursuant to this chapter or where there is reasonable cause to believe that there has occurred or is occurring a violation of this chapter, of the Multiple Residence Law, of the New York State Uniform Fire Prevention and Building Code or of the Village of Green Island Zoning Law. The application for a search warrant shall, in all respects, comply with applicable laws of the State of New York.

I. Notification of permit violations.

The Village Building Inspector shall notify a permit holder of reasonable cause to believe the permit has been violated in any of the following ways:

(1) The permit holder has caused, permitted, suffered or allowed to exist and remain upon the premises for which such permit has been issued for a period of 10 days or more after written notice has been given to the permit holder or the managing agent of such rental unit a violation of the Multiple Residence Law, the New York State Uniform Fire Prevention and Building Code or of the Village of Green Island Zoning Law; or

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J. Unlawful acts.

(1) It shall be unlawful and a violation of this chapter and an offense within the meaning of the Penal Law of the State of New York for any person to:

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(a) Operate a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast without a permit.

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(b) List, solicit, advertise or offer, exhibit or show to any person a dwelling unit/room in a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast

located within the Village of Green Island for the purpose of bringing about the rental thereof where no currently effective permit has been issued in respect of such dwelling unit/room as herein required. No violation of this section shall occur if the person is licensed by New York State as a real estate broker or real estate salesman and is acting solely in that capacity.

(c) Accept a deposit of rent or security or a commission in connection with the rental of a rental unit in a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast located within the Village of Green Island where no currently effective permit has been issued in respect of such rental unit as herein required. No violation of this section shall occur if the person is licensed by New York State as a real estate broker or real estate salesman and is acting only in that capacity.

(d) Sell a boardinghouse, rooming house, lodging house, multifamily dwelling, group dwelling, mobile home court, tourist accommodation or bed-and-breakfast which does not have a permit under this chapter.

~~(2) In the event that a person convicted of a violation of Subsection A(4) of this section shall have been a real estate broker or sales person licensed by the State of New York at the time such violation was committed, it shall be the duty of the Village Clerk to transmit a record of such conviction to the Division of Licensing Services of the Department of State and to make complaint thereto against such licensee on behalf of the Village pursuant to the provisions of Article XIII A of the Real Property Law.~~

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K. Penalties for offenses.

A violation of any provision of this article of this chapter shall constitute an offense within the meaning of the Penal Law of the State of New York, punishable as provided for in this chapter. A fine of no less than \$250 and no greater than \$500 for a first offense and/or up to 15 days in jail shall be imposed upon conviction, and a fine of no less than \$500 and no greater than \$1,000 and/or up to 30 days in jail shall be imposed for conviction of a second or subsequent offense.

§ 169-31 Solar Energy Power Systems

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A. Purpose and intent

(1) The Village of Green Island wishes to promote renewable energy resources by permitting solar energy power systems and limiting their location to protect the public health, safety and welfare.

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(2) This chapter is not intended to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this chapter imposes a greater restriction upon the use of buildings or premises than is required by existing provisions of law,

ordinance, regulations or permits or by such easements, covenants or agreements, the provisions of this chapter shall control.

B. Solar Code Definitions

As used in this Article, the following terms shall have the meanings indicated, unless the context or subject matter requires otherwise.

- (1) Accessory Structure: A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto, and is located on the same lot or premises as the principal building.
- (2) Alternative Energy Systems: Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal building.
- (3) Building-Integrated Photovoltaic (BIPV) Power Systems: A solar energy power system that consists of integrating photovoltaic modules into the building structure, such as the roof of the façade and which does not alter the relief of the roof.
- (4) Collective Solar: Solar installations owned collectively through subdivision homeowner associations, college student groups, "adopt-a-solar-panel" programs, or other similar arrangements.
- (5) Flush-Mounted Solar Panel: Photovoltaic panels and tiles that are installed flush to the surface of a roof and which cannot be angled or raised.
- (6) Freestanding or Ground-Mounted Solar Energy Power System: A solar energy power system that is directly installed in the ground and is not attached or affixed to an existing structure. Pole mounted solar energy power systems shall be considered Freestanding or Ground-Mounted Solar Energy Power Systems for the purposes of this Local Law.
- (7) Large-Scale Solar: For purposes of this article, the term "large-scale solar" refers to solar photovoltaic systems that produce more than 12 kilowatts per hour of energy or solar-thermal systems which, although it may serve the building or electrical service to which they are attached, provides energy for other buildings, other properties or the commercial electrical grid.
- (8) Net-Metering: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.
- (9) Photovoltaic (PV) Power Systems: A solar energy power system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.
- (10) Qualified Solar Installer: A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified

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Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified installers if the Village of Green Island determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

(11) Rooftop or Building Mounted Solar Power System: A solar energy power system in which solar panels are mounted on top of the structure of a roof as a flush-mounted power system.

(12) Setback: The distance from a front lot line, side lot line or rear lot line of a parcel to any component of a freestanding or ground-mounted solar energy power system, solar facility or solar power plant within which no solar components shall be permitted.

(13) Small-Scale Solar: For purposes of this article, the term "small-scale solar" refers to solar photovoltaic systems that produce up to 12 kilowatts per hour of energy or solar-thermal systems which serve only the building or electrical service to which they are attached, and do not provide energy for any other buildings.

(14) Solar Access: Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy power systems on individual properties.

(15) Solar Collector: A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

(16) Solar Easement: An easement recorded pursuant to NYS Real Property Law §335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

(17) Solar Energy Equipment/Power System: Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar power systems include solar thermal, photovoltaic and concentrated solar. For the purposes of this law, a solar energy power system does not include any solar energy power system of four square feet in size or less.

(18) Solar Panel: A device for the direct conversion of solar energy into electricity.

(19) Solar Power Plant: Energy generation facility or area of land whose principal use is allowed by special permit issued by the Planning Board to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sales of

electriVillageelectricity. No other buildings or uses are required unless needed for the solar installation.

(20) Solar Storage Battery: A device that stores energy from the sun and makes it available in an electrical form.

(21) Solar-Thermal Power Systems: Solar thermal power systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

C. Applicability

(1) The requirements of this local law shall apply to all solar energy power systems and equipment installations modified or installed after the effective date of this local law.

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(2) Solar energy power system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has been completed before the effective date of this local law shall not be required to meet the requirements of this local law.

(3) All solar energy power systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code and the Village of Green Island Code.

(4) Solar energy power systems, unless part of a Solar Facility or Solar Power Plant, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or "net-metering" arrangement in accordance with New York Public Service Law §66-j or similar state or federal statute within the limitations provided in herein.

D. Permitting

(1) No solar energy power system or device shall be installed or operated in the Village of Green Island except in compliance with this article.

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(2) The distinction between residential and commercial solar facilities shall be consistent with the latest determinations and kilowatt thresholds held by NYSEDA. The purpose of residential solar facilities is to provide electrical power to the property where such power is generated. The purpose of commercial solar facilities is primarily to provide electrical power for properties beyond where such power is generated.

(3) Rooftop and Building-Mounted Solar Power Systems, including BIPV: Rooftop and building-mounted solar power systems, including BIPV on residential or commercial structures are permitted in all zoning districts in the Village subject to the following conditions:

(a) Building permits shall be required for installation of all rooftop and building-mounted solar power systems, including BIPV. No Planning Board approval is required for these installations, unless in the sole opinion of the Code Enforcement Officer a Planning Board review is necessary and appropriate.

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(b) Rooftop and building-mounted solar power systems, including BIPV when installed shall not exceed the maximum permitted building height in the zoning district where the system is to be located.

(c) Rooftop and building-mounted solar power systems shall match the contour and slope of the existing roof structure.

(d) Rooftop and building-mounted solar power systems, including BIPV are only permitted on structures and are not permitted on accessory structures.

(e) Rooftop and building-mounted solar power systems, including BIPV must be eighteen inches from any chimney and shall not be permitted on any roof overhangs.

(f) In order to ensure firefighter and other emergency responder safety, rooftop and building-mounted solar power systems, including BIPV shall be installed in accordance with the following:

[1] Each photovoltaic array shall not exceed 150 feet in any direction.

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[2] Panels, modules or arrays installed on roofs with a single ridge shall be located in a manner that provides two (2) thirty-six (36) inch wide access pathways extending from the roof access point to the ridge.

[3] Panels, modules or arrays installed on dwellings with hip roofs shall be located in a manner that provides a clear access pathway not less than thirty-six (36) inches wide, extending from the roof access point to the ridge or peak, on each roof slope where panels, modules or arrays are located.

[4] Panels and modules shall not be located less than eighteen (18) inches from a valley, ridge or peak on any roof.

[5] In the event any of these standards are more stringent than the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be installation guidelines only and the standards of the state code shall apply.

(4) Solar-Thermal Power Systems: Solar-Thermal Power Systems are permitted in the Village under the following conditions:

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(a) Rooftop and building-mounted solar-thermal power systems are permitted in all zoning districts and shall be subject to the same requirements set forth in Subsection 2 above as for rooftop and building-mounted solar power systems.

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(b) Freestanding or ground-mounted solar-thermal power systems are permitted as accessory structures in all zoning districts and shall be subject to the same requirements set forth in Subsection 4 below as for freestanding and ground-mounted solar power systems.

(5) Freestanding and ground-mounted solar power systems: Freestanding or ground-mounted solar power systems are permitted in all zoning districts as an accessory structure to single family and two-family residences under the following conditions:

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(a) Building permits shall be required for the installation of all freestanding and ground-mounted solar power systems. No Planning Board approval is required for these installations, unless in the sole opinion of the Code Enforcement Officer a Planning Board review is necessary and appropriate.

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(b) Freestanding and ground-mounted solar power systems shall only be permitted on lots with a minimum size of 80,000 square feet.

(c) Developmental coverage on a lot, including freestanding and ground-mounted solar power systems shall not exceed that permitted in the bulk table for single family and two-family residences in the zoning district in which the lot is located.

(d) All freestanding and ground-mounted solar power systems shall be subject to a fifteen (15) foot setback from the property line.

(e) All freestanding and ground-mounted solar power systems shall be enclosed by a continuous fence (or fence with privacy slats) consistent with NYS and Federal requirements.

(f) Freestanding and ground-mounted solar power systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.

(g) Freestanding and ground-mounted solar power systems, including any mounts shall not exceed ten (10) feet in height when oriented at maximum tilt.

(h) Freestanding and ground-mounted solar power systems can only be installed in side or rear yards. No front yard installations are permitted.

(i) Freestanding and ground-mounted solar power systems shall only be permitted as an accessory use provided they generate 30 kilowatts or less. The code enforcement officer may require up to twelve (12) months of electrical usage invoices to demonstrate the applicant's installation complies with this requirement.

(j) Any application for the installation of freestanding or ground-mounted solar power systems which will produce kilowatts in excess of the amount specified in **\$535.36(E)(9)** above shall constitute an application for site plan approval and special use permit which shall require the Planning Board's approval pursuant to Article XI herein. Any solar installations that require Planning Board site plan and special use permit approval can, based on surrounding uses, be required to install additional screening and/or fencing to mitigate visual impact.

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(6) Freestanding and Ground-Mounted Solar Power Systems Accessory to Approved Site Plans: Freestanding or ground-mounted solar power systems installed pursuant to this section shall be considered accessory uses which shall require site plan approval. Accessory freestanding and ground-mounted solar power systems are permitted in all zoning districts as an accessory structure subject to the following conditions:

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(a) Site plan approval granted by the Village of Green Island Planning Board is required under Article XI of the Village Code. If an accessory freestanding and ground-mounted solar power system is installed after site plan approval and/or construction has already been completed at the site, a site plan amendment approval is required.

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(b) All accessory freestanding and ground-mounted solar power systems shall be subject to a minimum fifteen (15) foot setback from the property line. The Planning Board may require increased setbacks as it deems necessary based on the surrounding conditions.

(c) Developmental coverage on a lot, including accessory freestanding and ground-mounted solar power systems shall not exceed that permitted in the bulk table for the primary use of the lot in the zoning district in which the lot is located.

(d) All accessory freestanding and ground-mounted solar power systems shall be enclosed by a fence consistent with NYSERDA regulations.

(e) Accessory freestanding and ground-mounted solar power systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors. Additional screening may be required as part of the Planning Board approval.

(f) Accessory freestanding and ground-mounted solar power systems, including any mounts shall not exceed ten (10) feet in height when oriented at maximum tilt.

(g) Accessory freestanding and ground-mounted solar power systems can only be installed in side or rear yards. No front yard installations are permitted.

(h) The installation of accessory freestanding or ground-mounted solar power systems shall be considered a Land Development Activity for purposes of Article XII, Stormwater Management of the Code of the Village of Green Island. The site shall comply with all current standards for New York State Stormwater Regulations.

(i) Accessory freestanding and ground-mounted solar power systems shall only be permitted on a site to provide sufficient kilowatts to power the site plus twenty percent (20%) and the applicant must provide a calculation demonstrating the required amount.

(j) Any application for the installation of accessory freestanding or ground-mounted solar power systems which will produce kilowatts in excess of the amount specified in **§535.36(F)(9)** above shall constitute an application for a special use permit which shall require the Planning Board's additional approval pursuant to Article XI herein. Any solar installations that require Planning Board special use permit approval can, based on surrounding uses, be required to install additional screening and/or fencing to mitigate visual impact.

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(7) Solar Facilities and Solar Power Plants: Solar Facilities and Solar Power Plants shall be permitted as structures in all zoning districts subject to the following conditions:

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(a) Site plan and special use permit approval granted by the Village of Green Island Planning Board is required under Article XI herein. As part of the application, the applicant shall submit the following (in addition to all other submittal requirements for site plans):

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[1] A written narrative describing how the solar facility or solar power plant will be constructed, operated and maintained.

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[2] Manufacturer's information and specifications for the proposed solar facility or solar power plant.

[3] A written narrative describing the eventual decommissioning of the solar facility or solar power plant that describes the anticipated life of the solar facility or solar power plant, the estimated decommissioning costs and the method for insuring funds will be available for decommissioning and restoration of the site.

(b) Compliance with the State Environmental Quality Review Act shall be required. Applicants shall prepare and submit a completed Part I of a Full Environmental Assessment Form, together with such additional analyses as may be required by the Planning Board.

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(c) The installation of a solar facility or solar power plant shall be considered a Land Development Activity for the purposes of Article XII, Stormwater Management of the Code of the Village of Green Island. The site shall comply with all current standards for New York State Stormwater Regulations.

(d) The site plan shall indicate all existing and proposed access to the site, including road, electric power, emergency access, and other utilities existing and proposed within the property boundaries. All easements and rights-of-way should be shown on the site plan.

(e) The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and clearly visible.

(f) The solar facility or solar power plant shall be screened when possible and practicable from adjoining lots and street rights of way through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with the normal operation of the solar collectors. Additional screening may be required as part of the Planning Board approval.

(g) All solar facility or solar power plant equipment and installations shall be subject to a minimum setback of 100 feet plus the setback minimum from all property lines required in the zoning district. The Planning Board may require increased setbacks as it deems necessary based on the surrounding conditions.

(h) A solar facility or solar power plant shall only be permitted on lots with a minimum size of 10 acres.

(i) Notwithstanding bulk table requirements to the contrary, developmental coverage of a lot with a solar facility or solar power plant shall not exceed 85%.

(j) The height of the freestanding or ground-mounted solar collectors and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

(k) The solar facility or solar power plant installation shall be enclosed by a fence consistent with NYSERDA regulations. Planning Board may require a greater height in fencing depending on individual conditions.

(l) Solar facility and solar power plant panels and equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.

(m) On-site power lines shall, to the maximum extent practicable, be placed underground.

(8) All solar energy power systems and equipment shall be permitted only if they are determined by the Village of Green Island not to present any unreasonable safety risks, including but not limited to: weight load, wind resistance and ingress or egress in the event of fire or other emergency.

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(9) All solar energy power systems and equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.

E. Safety

(1) All solar energy power system installations must be performed by a qualified solar installer.

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(2) Prior to operation, electrical connections must be inspected by a Village of Green Island Code Enforcement Officer and by an appropriate electrical inspection person or agency as determined by the Village.

(3) Any connection to the public utility grid must be inspected by the appropriate public utility.

(4) Solar energy power systems shall be maintained in good working order.

(5) Rooftop and building-mounted solar power systems shall meet New York's Uniform Fire Prevention and Building Code standards.

(6) If solar storage batteries are included as part of the solar power system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Village and other applicable laws and regulations.

(7) If the solar power system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collectors, mount and associated equipment no later than 90 days after the end of the twelve-month period.

(8) Solar energy power systems and equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar energy power system. Materials used for marking shall be weather resistant.

(a) For one and two-family residential installations, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.

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(b) For accessory installations, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

(c) In the event any of the standards of this subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be guidelines only and the standards of the state code shall apply.

F. Decommissioning

(1) If a solar energy power system ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the power system, mount and associated equipment from the property no later than ninety (90) days after the end of the 12 month period.

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(2) If a freestanding solar power system, ground-mounted solar power system, solar facility or solar power plant has been out of active and continuous service for a period of one (1) year, it shall be removed from the premises to a place of safe and legal disposal. Any and all structures and accessory structures shall also be removed. The site shall be restored to as natural a condition as possible. Such removal shall be completed within eighteen (18) months of the cessation of active and continuous use. A permit for the demolition of the system shall be required under Chapter 94 of the Village Code.

(3) If the owner of a freestanding solar power system, ground-mounted solar power system, solar facility or solar power plant that has ceased operation as provided in Section 535-38(A) fails to remove the system, the Village may serve on the owner a notice of demand to remove.

(a) Notice shall be served upon the owner or owners by certified mail, addressed to his or their last known address, and/or posting of said notice on the premises and mailing a copy of said notice to the owner at the address or addresses as recorded in the Sole Assessor's office on the same day as posted. Service of notice upon any owner of land, or the designated person to receive process as provided by law, shall suffice for the purposes of this section.

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(b) Whenever a notice or notices referred to in this article has or have been served upon or posted on said real property requiring such owner or owners of the respective lots or parcels to remove a freestanding solar power system, ground-mounted solar power system, solar facility or solar power plant, and such owner or owners shall

neglect or fail to comply with the requirements of such notice or notices within the time provided therein, the Village ~~Supervisor~~Mayor may authorize the work to be done and pay the cost thereof out of general Village funds or authorize Village employees and equipment to perform the work.

(c) The Village shall be reimbursed for the cost of the work performed or services rendered by direction of the Village ~~Supervisor~~Mayor, as herein provided, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered, and the expenses so assessed shall constitute a lien and charge on the real property on which they are levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.

G. Appeals

(1) If a person is found to be in violation of the provisions of this Local Law, appeals should be made in accordance with the established procedures and time limits of the Zoning Code and New York State Village Law.

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(2) If a building permit for a solar energy power system is denied based upon a failure to meet the requirements of this Local Law, the applicant may seek relief from the Zoning Board of Appeals in accordance with the established procedures and time limits of the Zoning Code and New York State Village Law.

H. Fees

The fees for all building permits required herein shall be paid at the time each building permit application is submitted pursuant to the Schedule of Fees provided for in the Village Code

~~§169.32~~
Electric Vehicle Charging Stations

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A. Purpose.

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The purpose of this chapter is to ensure the effective installation of electric vehicle charging stations.

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Where any other provisions of the Green Island Municipal Code directly conflict with this chapter, this chapter shall control. (Ord. 1425 § 3 (part), 2011).

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B. Designation of electric vehicle charging stations.

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An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:

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A. Level 1 is considered slow charging and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.

B. Level 2 is considered medium charging and operated on a forty to one hundred amp breaker on a two hundred eight or two hundred forty volt AC circuit.

C. Level 3 is considered fast or rapid charging and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles. (Ord. 1425 § 3 (part), 2011).

C. Where permitted.

A. Level 1 and 2 electric vehicle charging stations are a permitted use in all zoning districts.

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B. Level 3 electric vehicle charging stations are a permitted use in the Industrial and Commercial zoning districts as part of all site plan reviews.

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C. Battery exchange stations are permitted in the Industrial and Commercial zoning districts.

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D. Standards for electric vehicle charging stations.

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Electric vehicle charging stations utilizing parking stalls located in a parking lot or parking garage or in on-street parking spaces shall comply with the following standards. Due to the fact the technology associated with electric vehicles, batteries and electric vehicle charging stations is relatively new and is anticipated to change, and that there is a lack of municipal experience on consumer and community preferences and attitudes with regard to electric vehicles, the code enforcement officer may authorize variations from these standards, so long as the intent and goal of the standards and this chapter are addressed.

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A. Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.

B. Signage. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. Signage shall include items contained in subsection F of this section. Way finding signs conveniently located to guide motorists to the charging stations are permitted with approval of the planning department.

C. Accessibility. The design and location of the electric vehicle charging stations shall comply with the following barrier-free accessibility requirements:

1. Accessible vehicle charging stations shall be provided based on the following table:

<u>Number of EV Charging Stations</u>	<u>Minimum Accessible EV Charging Stations</u>
<u>3 – 50</u>	<u>1</u>
<u>51 – 100</u>	<u>2</u>

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2. Accessible charging stations shall be located in proximity to the buildings or facility entrances and shall be connected to a barrier-free accessible route of travel.

3. Accessible charging stations shall comply with the requirements of ADA Act.

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D. Lighting. Adequate site lighting shall be provided, which shall also comply with any other provisions of this chapter regarding outdoor lighting on public and private property.

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E. Equipment. Equipment for electric vehicle charging stations shall comply with the following standards:

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1. Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.

2. Charging station outlets and connector shall be no less than thirty-six inches or no higher than forty-eight inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.

3. Equipment shall be protected by wheel stops or concrete-filled bollards.

F. Notification. The following information shall be posted at all electric vehicle charging stations:

1. Voltage and amperage levels;

2. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;

3. Usage fees;

4. Safety information;

5. Contact information for reporting when the equipment is not operating or other problems.

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E. Minimum parking requirements.

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Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces required pursuant to any site plan review and minimum parking standards.

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Article V Provisions Applicable to All Districts

§ 169-30 Off-street parking.

A.

For every building hereafter erected, altered or changed in use, there shall be provided parking spaces as set forth below:

(1)

Residential uses:

(a)

One- and two-family dwellings: one parking space for every dwelling unit.

(b)

Multiple-family dwellings: one parking space for every dwelling unit.

(c)

Professional residence-office: one parking space, plus one additional parking space for every 200 square feet of office area.

(2)

Hotels, motels and tourist homes and boardinghouses: one parking space, plus one space for every guest room.

(3)

Nursing homes or hospitals: one parking space, plus one space for every two beds.

(4)

Places of public assembly: one parking space for every 10 seats or one parking space for every 100 square feet of floor area, whichever is less.

(5)

Business, professional and medical offices: one parking space, plus one space for every 200 square feet of office area.

(6)

Commercial and business, in groups over 20,000 square feet of business floor area: one parking space for every 100 square feet of business area.

(7)

Commercial and business, individual establishments on separate lots: one parking space for every motor vehicle used directly in the business, plus one parking space for every 200 square feet of business area.

(8)

Restaurants and eating and drinking establishments: one parking space for every five seats.

(9)

Industrial, wholesale, warehouse, storage, freight and trucking uses: one parking space for every motor vehicle used directly in the business, plus additional parking as required by the Planning Board.

(10)

Unspecified uses: as required by the Planning Board based upon use intensity, turnover, customers, employees and vehicles used.

B.

Except for one- and two-family dwellings:

(1)

Off-street parking spaces are to be arranged so that backing movements take place entirely within the parking area.

(2)

Required driveways shall be at least 20 feet wide.

§ 169-31 Off-street loading.

Every building occupied for the purpose of business or industry shall provide adequate space for the off-street loading and unloading of vehicles.

§ 169-32 Sidewalks – Maintenance and repairs.

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A.

Property owners, or a person authorized to open a street or sidewalk pursuant to the provisions hereof (the permittee) shall have a continuing duty to keep such area free from settlement or other defects caused by said openings and shall, when necessary, repair and restore such area to a condition satisfactory to the Code Enforcement Office.

B.

If a permittee fails to properly repair within ten days after written notice thereof from the Code Enforcement Office, the Department of Public Works shall have such repairs made, which shall be charged against the permittee.

C.

Nothing contained herein, however, shall prevent or preclude the Department of Public Works from taking whatever steps may be necessary, with or without notice, when emergency or otherwise dangerous conditions exist.

Snow and ice removal from sidewalks and streets.

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A.

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Within 24 hours of the cessation of a snowfall and at such other occasions requiring the same, every owner or occupant of any house or other building and the owner or proprietor, lessee or person entitled to the possession of any vacant lot, parking lot or gasoline service station and every person having the charge of any church, cemetery, jail or other public building in this Village, shall clear the sidewalks in front of such house or other building and in front of such lot of snow and ice and keep them conveniently free therefrom or shall, in case the snow and ice are so congealed that they cannot be removed without injury to the pavement, cause said snow and ice to be strewn with ashes, sand or the like and shall also at all times keep such sidewalk clean and free from all dirt, filth or other obstruction or encumbrances so as to allow the use of said sidewalks in an easy and commodious manner. Such snow and ice removal shall be in accordance with the Americans with Disabilities Act of 1990,^[1] Pub. L. No. 101-336, 104 Stat. 328 (1990) and any regulations or guidelines promulgated thereunder.

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B.

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In no event shall any owner or proprietor, lessee or person entitled to the possession of any vacant lot, parking lot, gasoline service station or public garage cast, shovel or otherwise deposit snow and/or ice in the roadway of any public street in the Village of Green Island or upon any public sidewalk and/or crosswalk in said Village.

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C.

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The Code Enforcement Officer, shall promulgate rules to gather complaints and shall deploy the necessary personnel to investigate complaints. If such complaint is brought against a county, state, or federal entity, that entity shall be notified of the complaint and urged to clear the sidewalk as soon as possible.

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§ 169-32 Modification of parking and loading requirements.

A.

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

(1)

Require additional spaces if it finds the requirements insufficient.

(2)

Require fewer spaces if it finds the requirements excessive.

(3)

Permit spaces for separate uses to be combined in one parking lot.

B.

The Board shall take into account existing parking spaces in the vicinity of proposed development.

§ 169-33 Landscaping.

The following are minimum landscaping requirements:

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A.

Where any land use in a nonresidential district abuts land in any residential district, a strip of land at least 15 feet wide shall be maintained by the owner as a landscaped area in front, side and rear yards which adjoin these other districts.

B.

Where any permitted nonresidential land use or multiple-family development in a residential district abuts any land use in a residential district, a strip of land at least 15 feet wide shall be maintained as a landscaped area in front, side and rear yards which adjoin these uses.

C.

In an industrial or commercial district, each use shall have a strip of land at least 15 feet wide in any required front yard and at least five feet wide in any required rear and side yards, which shall be maintained as a landscaped area.

D.

In a planned development district, landscaping shall be required by the Planning Board under its powers of site plan review and approval.

E.

Required planting shall be installed and maintained in a healthy, growing condition and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover.

§ 169-34 Performance standards.

In all districts, uses shall comply with all federal and state standards related to noise, air pollution and water pollution. The Planning Board may from time to time adopt additional standards of performance deemed necessary in order to promote the health, safety and general welfare of the public, provided that they are not less stringent than any applicable federal and state standards.

§ 169-35 Signs.

A.

Prohibited signs; signs permitted in all districts.

(1)

Off-premises advertising signs, billboards and roof signs are not permitted in any district.

(2)

The following signs are permitted in any district:

(a)

Professional residence-office and home occupation signs not exceeding two square feet.

(b)

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One "for rent" or "for sale" sign not exceeding six square feet in residential districts or 32 square feet in other districts.

(c)

Direction or information signs not exceeding four square feet.

(d)

Signs necessary for public safety or welfare.

(e)

Signs identifying a construction project and the specialists concerned, not exceeding eight square feet for a dwelling and 16 square feet for other buildings.

(f)

Signs identifying any permitted nonresidential use in a residential district, one square foot of sign for each linear foot of building frontage, but not exceeding a total of 32 square feet.

(g)

Political signs associated with elections not exceeding six square feet in all districts. Political signs are allowed to be displayed thirty days before an election and must be removed within three calendar days after an election, with express consent of the property owner(s), unless otherwise authorized by the County Board of Elections. Political signs are not allowed in any Village Parks, Right-of-Ways, or other public property.

B.

Signs in commercial and industrial districts. The following additional signs are permitted in commercial and industrial districts:

(1)

All signs permitted under Subsection A(2) above.

(2)

Business signs with a total area not to exceed two square feet for each one linear foot of building frontage. Total signage not to exceed 20% of the building frontage.

C.

Freestanding signs. Every freestanding sign shall:

(1)

Not exceed 20 feet in height above grade.

(2)

Be set back at least 10 feet from any street line and at least 10 feet from any other lot line.

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(3)

Not exceed 80 square feet in area.

(4)

Be at least eight feet above the pedestrian walk.

D.

Traffic hazards, safety and obstruction. Every sign shall be designed and located in such a manner as to:

(1)

Not impair public safety.

(2)

Not restrict clear vision between a sidewalk and a street.

(3)

Not be confused with any traffic sign or signal.

(4)

Not prevent free access to any door, window or fire escape.

(5)

Withstand a wind pressure load of 30 pounds per square foot.

E.

Illuminated and flashing signs.

(1)

Signs in any district may be illuminated by a steady light, provided that lighting does not directly illuminate or cause excessive glare upon adjacent property.

(2)

| Flashing, oscillating, scrolling, and revolving signs are not permitted unless necessary for public safety or welfare.

F.

| Signs by special use permit. Other types of signs may be permitted after issuance of a special use permit, if the Planning Board finds that such a sign:

(1)

Is in the public interest and is not detrimental to public safety, welfare or surrounding properties.

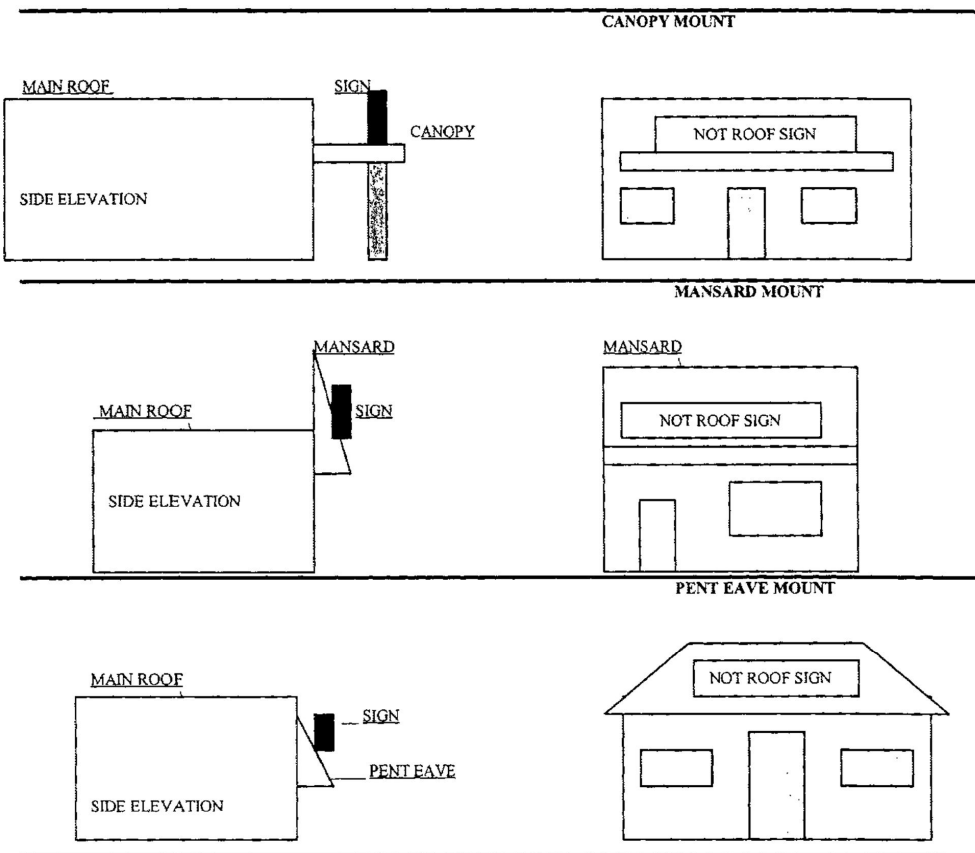
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Is of a character, size and location that it will be in harmony with orderly development of the district.

G.

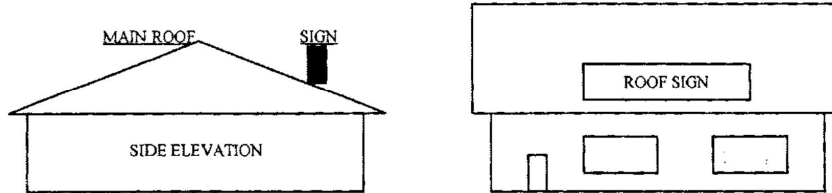
Examples of Sign Types as per Definitions:



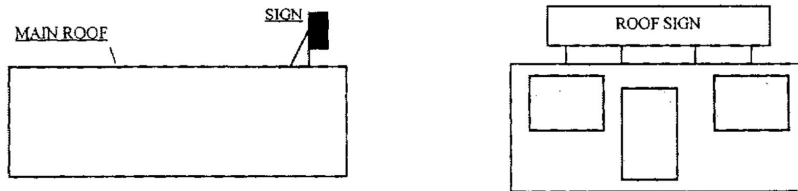
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Roof signs (Not permitted):

SLOPING ROOF MOUNT (Prohibited)

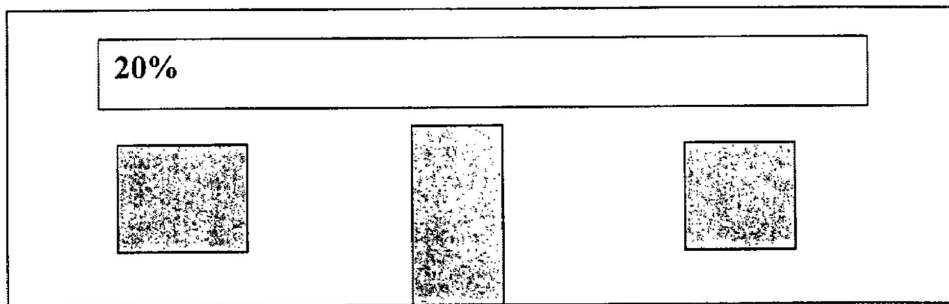


FLAT ROOF MOUNT (Prohibited)



Painted wall signs may be unlit or illuminated by non-glare wall-mounted lighting suitable to the Building Official, and shall not exceed 20% of the building's frontage.

Example:



Example Calculations:

Building = 12' H x 35' W = 420 sq. ft.

20% of building front = 3.91' H x 28.01' L = 84 sq. ft.

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§ 169-36 Nonconforming uses.

A.

General provisions. Lawful use of any building or land existing at the time of enactment or amendment of this chapter may be continued although such use does not conform to this chapter, except as hereinafter provided.

B.

Discontinuance. When a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with this chapter.

C.

Change of use. No nonconforming use shall be changed to other than a conforming use for the district in which it is situated.

D.

Extension, unsafe structures, restoration and alteration. A nonconforming use shall not be extended. Extension of a lawful use to any part of a nonconforming building shall not be deemed extension of such nonconforming use. A nonconforming structure or part thereof may, by special permit issued by the Planning Board be:

(1)

Restored to a safe condition.

(2)

Repaired if damaged or destroyed by fire or other causes, provided that construction starts within a period of one year and that substantial restoration is made within six months from the date construction is begun.

(3)

Structurally altered only to the extent of its prior nonconformity.

E.

Nonconforming junkyards. Nonconforming junkyards shall be discontinued and the site cleared within six months of enactment of this chapter.

F.

Nonconforming signs.

(1)

Nonconforming signs shall be removed by the owner when any use of property on which the sign is located is discontinued.

(2)

Nonconforming signs may not be enlarged, extended, relocated or altered in any way, except to make them conform to provisions of this chapter. This provision shall not restrict routine maintenance of nonconforming signs, including repair or replacement of structural or electrical parts and/or repainting.

G.

Residential lots existing prior to amendment of chapter. In residential districts, nothing shall prohibit use of a single lot, as identified on the official Village of Green Island Tax Maps, of less area or less frontage than required for a one- or two-family dwelling in the district in which the lot is located, when such lot was held under separate ownership from adjoining lots at time of enactment or amendment of this chapter.

§ 169-37 Limitation on number of dwellings/uses per lot; frontage.

[Amended 1-26-2009 by L.L. No. 1-2009]

A.

There shall be only one residential building on a lot unless otherwise approved under Planned Development District provisions.

B.

Residential lots shall have at least 20 feet of frontage on a street.

C.

Two- or three-story buildings originally used as either a single-family or multifamily residential structure in a zone now designated as commercial are restricted to a single commercial business use and a single-family residential dwelling use per floor.

§ 169-38 Building coverage.

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

§ 169-39 Yards.

A.

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

B.

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

C.

Any yard adjoining a street shall be considered a front yard for purposes of this chapter.

§ 169-40 Visibility at intersections.

On a corner lot, within the triangular area formed by the intersection of two street right-of-way lines and a third line joining them at points 15 feet away from their intersection, there shall be no obstruction to vision between the height of two feet and 10 feet above grade of each street.

§ 169-41 Temporary uses or structures.

A.

The Zoning Enforcement Officer may issue a temporary permit, except as provided for in § [169-24](#), for a period not exceeding one year for incidental nonconforming uses as follows:

(1)

Temporary use incidental to a construction project.

(2)

Temporary real estate sales office incidental to a subdivision.

(3)

Temporary roadside stand for the sale of agricultural products raised on the property.

(4)

Other similar temporary incidental uses.

B.

Permits shall be conditioned upon agreement by the owner to remove the use on expiration of the permit.

C.

Permits may be reissued for additional periods of six months.

§ 169-42 Abandoned construction and excavations.

A.

Within three months after a construction project, all construction materials shall be removed from the site and any excavation filled to normal grade by the owner.

B.

Unfenced excavations associated with a construction project shall not be carried on for a period in excess of 60 days.

§ 169-43 Height exceptions.

A.

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

B.

No radio or television antenna tower, water or cooling tower, oil or gas holder, elevator bulkhead or similar structure may be erected in excess of district height limits until after issuance of a special use permit.

§ 169-44 Abandoned and junked vehicles.

Abandoned and junked vehicles must be parked in an enclosed garage or in a licensed junkyard. For the purposes of this section, an "abandoned or junked vehicle" shall mean any vehicle which is unlicensed for a period of more than one year or not in condition for legal use on the highway.

§ 169-45 Minimum floor area.

A.

One-family and two-family dwellings shall have a habitable floor area of at least 950 square feet per dwelling, and all multiple-family dwelling units shall have a habitable floor area of at least 550 square feet.

B.

No habitable rooms are permitted in the basements of multiple-family dwellings.

§ 169-46 Front yard grade.

The surface grade of residential front yards, measured at the midpoint of the residence front wall, shall be at least one foot above the elevation of the street center line, unless adequate site drainage is provided.

§ 169-47 Stabling of horses.

There shall be no stabling of horses nor storage of manure or fertilizer associated with a stable within 100 feet of any lot line.

§ 169-48 Planned Retirement Community District.

[Added 7-21-2003 by L.L. No. 1-2003]

A.

Findings.

(1)

It has been determined by the Village Board that the influx of people to the Village of Green Island in recent years will continue, if not accelerate, during the coming decade or two and that, due to medical advances and a higher standard of living, a substantial portion of the Village's population, both those now residing in the Village and those expected to arrive in the future, will be over 55 years of age.

(2)

In many states, special communities commonly called "planned retirement communities (PRC)" have been erected and special buildings and facilities designed to accommodate older persons because their needs, habits and requirements, particularly those who have retired from active business life, are considerably different from their younger compatriots.

(3)

It appears to the Village Board that such communities are desirable since they are organized, constructed, signed and planned from the very outset to serve the needs of older persons, including suitable and adequate facilities for social, cultural and recreational activities which are regarded as essential to the well-being of the occupants and the success of the community. If such planning is not done in this manner and on a large enough scale to provide adequate room, light, air and other facilities, such a community may adversely affect the health, safety and welfare of the occupants.

(4)

Thus, the Village Board deems it imperative that it ensure that any community so constructed be properly designed for the purposes set forth above and that such community be safeguarded from deterioration, and in order to carry out the purposes set forth in this preamble, the Village Board hereby enacts the following provisions.

B.

Permitted uses. In the Planned Retirement Community Residence District, no building, structure or premises shall be used or occupied and no building or part thereof or structure shall be erected or altered, unless otherwise provided in this chapter, except for the following uses:

(1)

Residential accommodations, including units in apartment houses, garden apartments and townhouses, but not including motels, rooming houses or tourist homes. Dwelling units may have one bedroom or two bedrooms. In no event, however, shall a dwelling unit have more than two bedrooms.

(2)

Accessory uses: necessary accessory buildings and uses, including facilities for maintenance, administration, sales office, off-street parking, storage facilities, professional and medical offices where the service to be rendered is primarily for the benefit of the residents of the community and those facilities necessary to the operation of utility systems serving the community.

C.

The planned retirement community shall be limited to persons who are 55 years of age or over, with the following exceptions:

(1)

A husband or wife under the age of 55 years who is residing with his or her spouse who is 55 years of age or over.

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(2)

Children and grandchildren residing with their parents or grandparents where one of said parents or grandparents with whom the child or children or grandchild or grandchildren is/are residing is 55 years of age or older, provided that said child or children or grandchild or grandchildren are over the age of 19 years.

(3)

Adults under 55 years of age may be admitted as permanent residents if it is established to the satisfaction of the Village Board that the presence of such person is essential for the physical care and economic support of eligible older persons.

D.

The Planned Retirement Community Residence District shall be subject to all the provisions of this Chapter 169 with a Planned Development District.

E.

It shall be the responsibility of every owner, manager and agent of a planned retirement community residence to ascertain the age of every person(s) desiring to rent, lease or occupy any planned retirement community residence prior to renting, leasing, or permitting or suffering occupancy therein and to provide proof of age of all such persons to the Village Board of Trustees.

[Added 10-24-2005 by L.L. No. 2-2005]

§ 169-49 Weeds, grass and other vegetation regulated.

[Added 8-16-2010 by L.L. No. 1-2010]

A.

Height regulated. It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied or unoccupied lot or land or any part thereof in the Village, to permit or maintain on any such lot or land or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for 10 feet outside the property line if there be no curb, any growth of weeds, grass or other rank vegetation to a greater height than nine inches on the average, or any accumulation of dead weeds, grass or brush.

B.

Poisonous plants prohibited. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any adjacent property, or allow the seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any adjacent property.

§ 169-50 Duty to cut and remove.

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[Added 8-16-2010 by L.L. No. 1-2010]

It shall be the duty of every owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of § [169-49](#), provided that cutting and removing such weeds, grass and vegetation at least once in every two weeks between May 15 and September 15 shall be deemed to be a compliance with this section.

§ 169-51 Village action for noncompliance.

[Added 8-16-2010 by L.L. No. 1-2010]

If the provisions of §§ [169-49](#) and [169-50](#) are not complied with, the Zoning Enforcement Officer of the Village of Green Island may elect to do one of the following:

A.

Serve written notice, either personally or by mail, upon the owner, lessee or occupant or any person having the care and/or control of any such lot or land to comply with the provisions of §§ [169-49](#) and [169-50](#). If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weed, grass or other vegetation within 15 days after receipt of such notice, or if no person can be found in the Village who either is or claims to be the owner of said lot or land or who represents or claims to represent such owner, the Zoning Enforcement Officer shall cause such weeds, grass and/or other vegetation to be cut and removed. The actual cost for such cutting and removal, plus 25% for inspection and other additional costs in connection therewith, shall be certified by the Zoning Enforcement Officer to the Village Treasurer and shall there upon become and be a lien upon the property and shall become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

B.

Said notice shall also contain the date, time, and location at which the Village will conduct a public hearing to determine whether the conditions upon the subject property constitute a public nuisance. Said notice shall state that the property owner, his/her agent, lessee or occupant is entitled to be heard at such hearing and present evidence or testimony. The date of such public hearing must be at least 10 days after service or mailing of the notice of violation. Notice of the public hearing shall be published in a paper of general circulation in the Village at least five days prior to the date of the public hearing.

C.

Nothing contained herein shall require notice as a prerequisite to the issuance of a summons or appearance ticket for a violation of this chapter.

D.

Issue a court appearance ticket to the owner, lessee or occupant or any person having the care and/or control of said lot or land alleging a violation of §§ [169-49](#) and [169-50](#) and requiring a court appearance to defend against same.