

ARTICLE V ZONING DISTRICT REGULATIONS

SECTION 501 AGRICULTURAL-RESIDENTIAL DISTRICT - A-R

The Agricultural-Residential District is designed to accommodate primarily agricultural uses in order to preserve the Town's agricultural base and maintain its rural nature, but residential uses are permitted therein. It is recognized, however, that agricultural and residential uses have a number of inherent conflicts between them. Individuals who plan to develop residential uses within the A-R District should be aware of such inherent conflicts and that residences are a secondary use.

A. Permitted Uses

The following uses are permitted in the Agricultural-Residential District:

1. Farms and all usual agricultural operations
2. One (1) and two (2) family dwellings
3. Churches and other places of worship, parish houses, convents, rectories and parsonages.
4. Schools, public parks, playgrounds, libraries, municipal buildings and water systems and similar public uses.
5. Farm water supply, recreation, conservancy and fire protection ponds located not less than one hundred (100) feet from any street or property lines and subject to review and recommendation by the Genesee County Soil and Water Conservation District.
6. Private stables
7. Accessory uses and buildings
8. The replacement of existing mobile homes - Existing mobile homes may be updated if they comply with Article VII, Section 701.A.1-6. Old mobile homes must be removed from premises within sixty (60) days from date of occupancy of new mobile home.
9. Wind energy device [LL No. 3 of 2007]

B. Uses Requiring Special Use Permit

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The following uses are permitted in an Agricultural-Residential District upon the issuance of a special use permit obtained from the Town Planning Board.

1. Multifamily dwellings
2. Home occupations
3. Wind Energy Conversion Systems-Production Model (windmill)
4. Outdoor recreation facility
5. Indoor recreation facility
6. Club
7. Airport landing strip
8. Dog kennel
9. Campgrounds or recreational vehicle parks
10. Community center
11. Agricultural industrial enterprises
12. Nursing home
13. Public utility
14. Public stable
15. Commercial greenhouse
16. Junkyards
17. Sales and service for agricultural equipment, materials, animals and crops
18. Mobile home park
19. Contractor's storage yard

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20. Temporary mobile homes in accordance with the provisions of Section 701
21. Flea market
22. Commercial excavation-minor excavation
23. Animal waste storage facility (see Section 613)
24. Land application facility
25. Commercial communication tower (see Section 616)
26. Wind energy conversion facility – The approval of this special use permit is reserved by the Town Board. [LL No. 3 of 2007]

SECTION 502 RESIDENTIAL DISTRICT - R

The Residential District is designed to accommodate primarily residential uses on lots with a minimum area of twenty thousand (20,000) square feet. The purpose of this district is to encourage residential growth in areas of the Town which has existing concentrations of residential uses. The residential district will allow for more economical provision of public services such as water and sanitary sewer should the need arise at some future date.

A. Permitted Uses

The following uses are permitted in the Residential District:

1. One (1) or two (2) family dwelling
2. Churches and other places of worship, parish houses, convents, rectories and parsonages
3. Schools, public parks, playgrounds, libraries, municipal buildings and water systems and similar public uses
4. Accessory uses and buildings
5. The replacement of existing mobile homes - Existing mobile homes may be updated if they comply with Article VII, Section 701.A.1-6. Old mobile homes must be removed from premises within sixty (60) days from date of occupancy of new mobile home.

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6. Pond

B. Uses Requiring Special Use Permit

The following uses are permitted in a Residential District upon issuance of a special use permit obtained from the Town Planning Board.

1. Farms and all usual agricultural operations, excluding stabling of farm animals
2. Multifamily dwellings
3. Wind Energy Conversion System-Production Model (windmill)
4. Home occupations
5. Outdoor recreation facility
6. Temporary mobile homes in accordance with the provisions of Section 701
7. Community center
8. Nursing home
9. Public utility

SECTION 503 COMMERCIAL-INDUSTRIAL DISTRICT - C-I

The Commercial-Industrial District is designed to accommodate commercial and industrial uses.

A. Permitted Uses

The following uses are permitted in the Commercial-Industrial District:

1. Retail uses and services
2. Restaurant
3. Motel
4. Commercial greenhouse

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5. Professional offices
6. Personal service business
7. Offices, banks
8. Clubs and fraternal organizations
9. Accessory uses and buildings
10. Pond
11. Self Service Storage Facility [LL No. 2 of 2007]

B. Uses Requiring Special Use Permit

The following uses are permitted in the Commercial-Industrial District upon the issuance of a special use permit obtained from the Town Planning Board.

1. Drive-in business
2. Motor vehicle repair shop
3. Gasoline station
4. Gasoline station-market
5. Indoor recreation facility
6. Motor vehicle sales
7. Recreational vehicle and mobile home sales and service
8. Public utility
9. One (1) or two (2) family dwelling
10. Multifamily dwelling
11. Flea market
12. Manufacturing industries

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13. Warehouse or wholesale use
14. Machinery and transportation equipment, sales, service and repair
15. Freight and/or trucking terminal
16. Contractor's yard
17. Adult use
18. Wind energy conversion facility - The approval of this special use permit is reserved by the Town Board [LL No. 3 of 2007]

SECTION 504 EARTH PRODUCTS DISTRICT

The Earth Products District is designed to allow the mining of valuable earth products.

A. Permitted Uses

The following uses are permitted in the Earth Products District:

1. None

B. Uses Requiring Special Use Permit

The following uses are permitted in the Earth Products District:

1. Commercial excavation - major excavation

SECTION 505 FLOOD PLAIN OVERLAY ZONE - FPO (Information Only)

The Flood Plain Overlay Zone is shown on the zoning map of the Town of Alexander for information purposes only to identify potential areas of special flood hazard, to insure coordinated review of zoning and flood damage prevention regulations, and to minimize the threat of flood damages. Exact boundaries of the special flood hazard areas can be found on the Federal Emergency Management Agency's (FEMA) most current Flood Insurance Rate Map (FIRM), or equivalent map for the Town of Alexander (Community Number 360277).

In addition to the Zoning Ordinance, areas within special flood hazard areas are regulated by the Town of Alexander's Flood Damage Prevention Ordinance

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which is administered by the Zoning Enforcement Officer or other designee of the Town Board. These requirements are in addition to those contained in the underlying zoning district.

SECTION 506 PLANNED UNIT DEVELOPMENT - PUD

A. Purpose

The purpose of the Planned Unit Development District is to permit greater flexibility, more creative and imaginative design and utilization of innovative land development techniques while promoting more economical and efficient use of land, buildings, circulation systems and utilities; to provide for both individual building sites and common property which are planned and developed as a unit; to provide harmonious land uses which offer a high level of amenities; to permit a variety of residential types and/or nonresidential uses; and to preserve natural and scenic qualities of the site during the development process.

B. General Requirements

1. Minimum Area

The minimum area required to qualify for a Planned Unit Development shall be two (2) contiguous acres of land.

2. Ownership

The tract of land for a Planned Unit Development may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner, or jointly by owners, of all property included in a project. In the case of multiple ownership, the approved Planned Unit Development plan is binding on all owners.

3. Location

The Planned Unit Development District shall be applicable to any zoning district or parts of zoning districts where the applicant can demonstrate that the characteristics of his holdings and plan will meet the objectives of this Section.

4. Common Open Space

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Common open space in a Planned Unit Development may be one (1) or more sites for use in common by all of the occupants within the project area or by the residents of the Town as a whole, depending upon dedication of such sites. Such common open space may be retained in private ownership or received in dedication by the Town. If the open space remains in private ownership, arrangements for the operation, maintenance, improvement and liability of such common property and facilities must be approved by the Town Board. No common open space, so designated by the proposal and approved by the Town Board, may be thereafter developed or disposed of except with the approval of the Town Board.

5. Permitted Uses

Any uses identified as permitted uses or uses allowed by special permit as set forth in this Zoning Ordinance may be permitted in a Planned Unit Development.

6. Mix of Uses

The mix of permissible uses shall be determined by the Town Board.

C. Application Procedure and Approval Process

1. Conceptual Review

Before submission of a petition for rezoning as a Planned Unit Development, the developer is encouraged to meet with the Town Planning Board to determine the feasibility and suitability of his proposal before entering into any binding commitments or incurring substantial expenses of site plan preparation and the required documentation.

2. Rezoning Procedure

a. Submission of Petition

All petitions for the establishment of Planned Unit Development districts shall be submitted to the Town Clerk (see Paragraph d. of this Subsection).

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b. Notification and Referral

Within five (5) working days, the Town Clerk shall notify the Town Board of the petition and shall refer the petition and all supporting documentation to the Town Planning Board for their review and recommendations.

c. Planning Board Review

Within forty-five (45) days of receipt of the application, the Town Planning Board shall review the petition and shall recommend approval, approval with modifications or disapproval. Failure to act within forty-five (45) days or such longer period as may be consented to shall cause such application to be forwarded to the Town Board without a recommendation.

d. Submission Requirements

The applicant shall submit a minimum of four (4) sets of such plans, and drawings (additional sets may be required). These four (4) sets shall be submitted to the Town Clerk. The preliminary plans shall be accompanied by such maps, charts and written material necessary for the Boards to make a preliminary judgment on the suitability and impact of the proposed Planned Unit Development on the Town. Preliminary plans should include the following:

- i. A preliminary site plan of the property covered by the petition showing the approximate size and location of the various development areas (road rights-of-way, single-family housing areas, multifamily housing areas, commercial and open space areas, etc.); the number and type of residential structures and dwelling units within each residential area; the approximate square footage of nonresidential use within each nonresidential area; the amount of open space; traffic circulation; and the surrounding land uses.
- ii. A written preliminary description of the proposal including the total number of acres in the site; the estimated number and type of housing units; the

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estimated residential and nonresidential density; the major planning assumptions and objectives; the probable effect on adjoining properties; and the effect on the overall Town development plan and the effect on this Zoning Ordinance.

- e. Review Considerations - In review of the preliminary plans, the Planning Board shall consider the manner with which the proposal fits the general pattern of land use established by the Zoning Ordinance, and the impact on the established land uses in the area, overall density of development, traffic circulation, the provision of open spaces, and the effect on schools and other municipal facilities.
- f. Town Board Review and Approval - Upon receipt of the Planning Board's recommendation, the Town Board may, after a public hearing and review of the proposed zone change by the County Planning Board, amend the Zoning Ordinance so as to establish and define the boundaries of the Planned Unit Development. If the rezoning request is approved for the Planned Unit Development, such action does not authorize improvements to the rezoned land.

3. Final Plan

a. Ownership

Before final approval of the Planned Unit Development, the applicant must show evidence of the full legal ownership in the land.

b. Submission of Final Plan

Upon approval of the zone change, the applicant has one (1) year in which to submit a final plan to the Town Clerk.

c. Notification and Referral

Within five (5) working days, the Town Clerk shall notify the Town Board of the petition and shall refer the petition and all supporting documentation to the Town Planning Board for their review and recommendation.

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d. Planning Board Review

Within forth-five (45) days of receipt of the application, the Town Planning Board shall review the petition and shall recommend approval, approval with modifications or disapproval. Failure to act within forth-five (45) days or such longer period as may be consented to shall cause such application to be forwarded to the Town Board without a recommendation.

e. Submission Requirements

The applicant shall submit a minimum of four (4) complete sets of the final plan and drawings (additional sets may be required). These four (4) sets shall be submitted to the Town Clerk. The applicant shall submit detailed site plans comparable to the requirements for final approval of a subdivision plat. The final plan shall be accompanied by a detailed justification for the proposal including such maps, charts and written material necessary for the Town to make an impartial judgment on the suitability and impact of the proposed Planned Unit Development on the Town. Such material shall include, but not be limited to, the following:

- i. A mapped development plan of the property covered by the petition showing the approximate size and location of the various development areas (road rights-of-way, single-family housing areas, multifamily housing areas, commercial and open space areas, etc.), the number of residential structures and dwelling units within each residential area, the approximate square footage of nonresidential use within each nonresidential area and the amount of open space.
- ii. A written description of the proposal including the major planning assumptions and objectives, the probable effect on adjoining properties, the effect on the overall Town development plan and the effect on this Zoning Ordinance.
- iii. Such additional written material, graphs or charts as are necessary to present the total number of acres in

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the site, the number and type of housing units, the gross and net residential densities, the approximate selling and/or rental prices of the units, and square feet of nonresidential floor area including the approximate selling and/or rental price, the development schedule expressed in units per month (or year or any other appropriate time sequence), the phasing plan (if any), the approximate completion date of the entire project, and the estimated total construction cost of the project upon completion.

- iv. Such other written or graphic material as is necessary for the Planning Board to judge the impact of the proposal on the Town. Such material shall include, but not be limited to: the need for new public facilities and the adequacy of existing facilities including a statement of the intent to which the applicant intends to provide needed facilities, a fiscal impact statement including a summary of new costs and revenues to the Town due to the development, the projected new population, and the method of assuring that all open spaces will be permanently maintained and devoted to open space uses.

f. Review Considerations

In review of the final plan, the Planning Board shall consider the manner with which the proposal fits the general pattern of land use established by the Zoning Ordinance, and the protection of the established and permitted uses in the area. It shall consider: the location of main and accessory buildings and their relation to one another; the circulation pattern of the site, and the amount, location, and access of parking and off-street loading space facilities; the height and bulk of buildings; the provision of open spaces, landscaped areas, signs, and similar features of the site plan; and the safeguards provided to minimize possible detrimental effects of the proposed development on adjacent property and the surrounding neighborhood; the manner of conformance with the official development policies of the Town; the effect on schools and other municipal facilities; and the manner in which natural and scenic characteristics of the site are

preserved.

g. Town Board Review and Approval

Upon receipt of the Planning Board's recommendation, the Town Board may, after a public hearing and review of the final plan by the County Planning Board, approve, approve with modifications or disapprove the final plan. The Town Board shall make final decision in accordance with official Town development policies and may impose conditions relating to that plan.

D. Design Standards

1. Area Requirements

Overall area, yard, coverage, height, density and supplementary regulation requirements shall be comparable to minimum requirements in appropriate zoning districts for each specific use, except where the Planning Board finds that it is in the public interest to modify these requirements and the Town Board approves such modifications.

2. Traffic and Circulation

All proposed public roads shall meet the design and construction specifications set forth by the Town. Special consideration should be given to pedestrian movement from the standpoint of safety, convenience and amenity. Sidewalks, curbs and gutters should be considered in the design of the overall circulation system.

3. Common Open Space

All common open space should be preserved and maintained for the intended purpose through one (1) or more of the following methods:

- a. Public dedication
- b. Establishment of a Home Owners Association
- c. Retention of responsibilities, control and maintenance by the developer.

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4. Performance and Maintenance Bonds
 - a. Performance and maintenance bonds may be required at the discretion of the Town Board.