

**TOWN OF OXFORD ZONING ORDINANCE**  
**Local Law #1-2015**  
**Revision of Local Law #1-2007**

**BE IT ENACTED BY THE TOWN BOARD OF OXFORD, PURSUANT TO SECTION 261, OF THE  
TOWN LAW, THE ZONING ORDINANCE OF THE TOWN OF OXFORD.**

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## ARTICLE I – TITLE

### SECTION 1 – Title

This ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Oxford”.

## ARTICLE II – PURPOSES

### SECTION 2 – Purposes

The provisions of this ordinance shall be held to be the minimum requirements adopted to promote the health, safety, and general welfare of this community. Such requirements are deemed necessary for the following purposes:

- • **Promote Orderly Development** – To protect the character and maintain the stability of residential, business, and manufacturing areas within the Town, and to promote the orderly and beneficial development of such areas.
- • **Regulate Intensity of Use** – To regulate the intensity of use of zoning lots, and to determine the area of open spaces, surrounding buildings, necessary to provide adequate light and air, privacy, and convenience of access to property, and to protect the public health.
- • **Regulate Location of Buildings** – To establish building lines and the location of buildings designed for residential, commercial, manufacturing, or other uses within such lines.
- • **Establish Standards of Development** – To fix reasonable standards to which buildings or structures shall conform.
- • **Prohibit Incompatible Uses** – To prohibit uses, buildings, or structures which are incompatible with the character of development of the permitted uses within specified zoning districts.
- • **Regulate Alterations of Existing Buildings** – To regulate such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
- • **Limit Congestion in Roads** – To limit congestion in the public roads and so protect the public health, safety, convenience, and general welfare by providing for off-road parking of automobiles and for the loading and unloading of commercial vehicles.

- • **Protect Against Hazards** – To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and the general welfare.
- • **Conserve Taxable Value of Land** – To conserve the taxable value of land and buildings throughout the Town.
- • **To Preserve any Historic Resources within the Township.**

## **ARTICLE III – DEFINITIONS**

### **SECTION 3 – Terms of Words**

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

- • Words used in the present tense shall include the future.
  - The singular number includes the plural, and the plural, the singular.
  - • The word “person” includes a firm, association, partnership, trust, company or corporation as well as an individual.
  - • The word “lot” includes the word “plot” or “parcel”.
  - • The word “building” includes the word “structure”.
  - • The word “used” or “occupied” as applied to any land or building shall be construed to include the words “built, arranged, or designed to be used or occupied”.
  - • The word “shall” is mandatory.

### **SECTION 4 – Definitions**

**ACCESSORY BUILDING:** A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**ALLEY:** A service way which affords a secondary public means of vehicular access to abutting landlocked property.

**ALTERATION:** As applied to a building or structure, a change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**AUTOMOBILE JUNK YARD:** Shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways or for farm use, are held, whether for the purpose of resale of used parts there from, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric, or otherwise, for the purpose of disposing of the same or for any other purpose. Such term shall include any place of storage or deposit for any such purpose of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles; provided, however, the term junk yard shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal produce is scrap iron, steel, or nonferrous scrap for sale for remelting purposes.

**AUTO WRECKING YARD:** The dismantling or disassembling of used motor vehicles or the storage, sale, salvaging or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts. As used herein, the term "vehicle" shall mean passenger-type automobile, truck, tractor-truck, trailer, bus, motorcycle, snowmobile, or other vehicle, however propelled, as well as tractors, bulldozers, machinery and similar equipment.

**AUTO WASH:** A building or facility used or intended to be used for commercial washing of automobiles using power-washing equipment.

**BASEMENT:** A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the average grade of the adjoining ground, and which is not designed or used primarily for year-round living accommodations.

**BUILDING:** Any roofed structure intended for the shelter, housing or enclosure of persons, animals, or property.

**BUILDING AREA:** The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, parapets, steps, and terraces.

**BUILDING COVERAGE:** That area of the lot or plot covered by a building.

**BUILDING, DETACHED:** A building surrounded by open space on all sides on the same lot.

**BUILDING LINE:** A line established by law or by agreement, usually parallel with a property line, beyond which a structure may not extend.

**BUILDING FLOOR AREA:** The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential occupancy and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, eaves and ridges for gable, hip and gambrel roofs. For solar heating purposes, the height of the building will be governed by New York State Law.

**CELLAR:** That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level, or finished grade of the ground adjoining the building.

**DRIVE-IN RESTAURANT OR REFRESHMENT STAND –** Any place or premises use for sale, dispensing, or serving of food, refreshments, or beverages to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages.

**DWELLING, ONE-FAMILY:** A detached building, other than a mobile home or any temporary structure, designed for exclusive year-round occupancy by one family only.

**DWELLING, TWO FAMILY:** A detached building, other than a mobile home or any temporary structure, designed for exclusive year-round occupancy by two families living independently of each other.

**DWELLING, MULTIPLE:** A building or group of buildings, designed for year-round occupancy by more than two families, including apartment houses and group houses, but excluding hotels and rooming houses.

**DWELLING SEASONAL:** A detached dwelling unit providing complete housekeeping facilities for on family designed for seasonal or non-year-round-occupancy, but not including a mobile home or travel trailer.

**DWELLING SECTIONAL:** A factory-finished dwelling unit delivered to the building lot in halves or other major sections and erected on a permanent foundation, all complying with applicable local and state building codes. The term shall include Modular Dwelling.

**DWELLING UNIT:** One or more rooms with provision for living, sanitary, and sleeping facilities arranged for the use of one or more persons living as a single housekeeping unit. A factory-finished living unit delivered to the owner's lot in sections and capable of complying with all applicable local and state building codes shall be deemed to be a dwelling unit.

**FAMILY:** One or more related by blood, or marriage, or other recognized family relationship maintaining a common household.

**FARM:** A parcel or tract of land, which is used commercially for the production or raising of agricultural products.

**GARAGE, PRIVATE:** A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to non-resident of the premises.

**GARAGE, STORAGE:** A building or part thereof used only for the storage of vehicles, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired, or sold.

**GASOLINE STATION:** Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning, or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term Gasoline Station shall be deemed to include filling station and service station.

**HOME OCCUPATION:** Any occupation which:

- a.) Is customarily conducted entirely within a dwelling or its accessory buildings, and
- b.) Is carried on only by the family residents thereof,
- c.) Is clearly incidental and accessory or secondary to the use of the dwelling unit for residential purposes, and
- d.) Uses not more than 25% of the total floor area in the conduct of the home occupation, and
- e.) Is either of a service character or involves the sale of articles produced entirely on the premises, and
- f.) Which conforms to the following additional conditions:
  - 1) The occupation shall be carried on wholly within the dwelling or within a building accessory thereto.
  - 2) There shall be no exterior display, no exterior sign (except as permitted under Section 18), no exterior storage of materials, and no other variation from residential character of the dwelling or its accessory buildings.
  - 3) No offensive odor, noise, vibration, smoke, dust, heat or glare shall be produced.

**HOLDING AREA:** A special farm area where cattle are held and fed commercially in a restricted area as distinguished from a general farm.



**HOSPITAL:** A building or structure for diagnosis and medical or surgical care of human sickness or injuries.

**HOSPITAL, ANIMAL:** A building or structure for the diagnosis and medical care of sick or injured animals.

**HOTEL OR MOTEL:** A building or group of buildings where transient guests are lodged for hire, but excluding rooming houses.

**JUNKYARD:** A lot, land or structure or part thereof, used for the collecting, storage, and sale of waste paper, rags, scrap metals, used or salvaged building materials, or other discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of the parts thereof.

**LAUNDERETTE:** A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

**LOT:** A parcel of land considered as a unit, occupied or capable of being occupied by a building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this ordinance, and having its principal frontage on a public road or an officially approved place.

**LOT, AREA OF:** The total area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

**LOT, CORNER:** A lot located at the intersection of and fronting on two or more intersecting roads, and having an interior angle at the corner of intersection of less than 135 degrees.

**LOT, DEPTH:** The mean horizontal distance between the front and rear lines, measured in the general direction of the side lot lines.

**LOT, LINES:** The property lines bounding the lot.

- a.) Front Lot Line – the lot line separating the lot from the road right-of-way.
- b.) Rear Lot Line – the lot line opposite and most distant from the front lot line.
- c.) Side Lot Line - any lot lines other than a front or rear lot line. A side lot line separating a lot from a road is called a side road lot line.

**LOT, THROUGH:** A lot having frontage on two approximately parallel, or converging, roads other than a corner lot.

**LOT, WIDTH:** The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

**MOBILE HOME:** A movable living unit built on a chassis designed for and providing plumbing, heating, electrical, cooking, and refrigeration systems and equipment, and having minimum floor area of 400 square feet. The foundation of any mobile home shall be enclosed by a “skirt” or solid enclosure from the mobile home floor to the ground.

**MOBILE HOME COURT:** A parcel of land, which has been planned and improved for the placement of mobile homes for non-transient use.

**NON-CONFORMING BUILDING OR USE:** Use of a building or of land that does not conform with the regulations for the district in which it is situated.

**NON-CONFORMING LOT:** Any zone lot in single ownership which does not conform with the minimum area and/or dimensions required in the district in which it is situated or for any special use as the case may be.

**NURSING HOME:** A facility, governmentally licensed or regulated for the accommodation of convalescents or the aged.

**PLANNED DEVELOPMENT DISTRICT:** A tract of land in single ownership, or controlled by an individual, partnership, cooperative, or corporation designed or capable of being designed and used as a unit or group of related units and having certain facilities in common such as yards, open space, recreation areas, garages, or parking areas. A Planned Development District may be residential, commercial, industrial, recreational, or a combination of such uses.

**ROAD:** A public or private way, which affords the principal means of access to abutting property.

**ROAD, RIGHT-OF-WAY:** A public thoroughfare (other than alley) which has been dedicated or deed for public use as such or in which public rights have been acquired by operation of law by reason of long standing public use and which thoroughfare affords a means of access to abutting property.

**SANITARY LANDFILL:** A plot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means or for whatever purpose, of garbage, sewage, trash, refuse, junk discarded machinery, vehicles or parts thereof, or waste materials of any kind.

**SET BACK:** To be measured from the edge of a public/private right-of-way according to Schedule A. It is the required distance between any building on a lot and the road line or any other lot line.

**SIDE LINE:** Side lot line.

**SIGN:** Any device affixed to, or painted, or represented directly or indirectly upon a building, structure, or land and which directs attention of an organization or business, but not including any flag, badge, or insignia of any government or government agency, school or religious group, or of any civic, charitable, religious, patriotic, fraternal or similar organization, not any considered to be a "sign".

**SIGN, ADVERTISING:** A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or "To Let" sign relating to the lot on which it is displayed shall be deemed to be an advertising sign.

**SITE PLAN:** The area or plot of ground on which anything is to be located within the township. This requires a drawing made to scale depicting what the project, building; development, design or scheme will be in relation to town environment or adjoining properties. (ref. Sect. 11)

**SIGN, FLASHING:** A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of the ordinance, any revolving illuminated sign shall be considered a "flashing sign".

**SPECIAL EXCEPTION:** A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a certain zoning district as a special exception if specific provision for such special exception is made in the zoning ordinance.

**STAGING AREA:** Temporary material storage.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STORY, HALF:** That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

**STRUCTURE:** Anything constructed or erected the use of which requires location on the ground or attachment to something having location on the ground.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**THEATRE, OUTDOOR:** An open lot of part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis.

**TRAVEL TRAILER:** A mobile unit designed for camping, recreational travel, or vacation use, built on a chassis and providing partial housekeeping facilities. The term includes camping trailers, pickup coaches and similar units.

**TRAILER CAMPGROUND:** An area occupied or designed for occupancy by two or more travel trailers.

**VARIANCE:** A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance shall not be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

**YARD, FRONT:** An open space extending across the principal road side of a lot measured between the side yard lines, the depth of which yard is the minimum horizontal distance between the road line and the main building or any projection thereof other than steps and unenclosed balconies, not extending more than eight (8) feet from the front of the building, except as otherwise provided in this ordinance.

**YARD, REAR:** An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than eight (8) feet from the rear of the building, except as otherwise provided in this ordinance. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

**YARD, SIDE:** An open space from the front yard to the rear yard between the building and the nearest side lot line unoccupied and unobstructed from the ground upward, except for steps and as otherwise specified in this ordinance.

## ARTICLE IV – DISTRICTS AND BOUNDARIES

### Section 5 – Designation of Districts

For the purpose of this ordinance, the Town of Oxford is divided into the following districts:

- A-1 Agricultural District
- R-1 Residential District
- RR-2 Residential – Recreational District
- RM-3 Residential – Mobile Home District
- C General Commercial District
- C-E Commercial Excavation District
- F-P Flood Plain District

In addition, the following additional districts may be established by amending the Zoning Map of the Town of Oxford:

- P-D Planned Development Districts:
- P-R Planned Residential Districts
- P-C Planned Commercial District
- P-M Planned Manufacturing District
- P-Rec Planned Recreational District

### Zoning Map

The location and boundaries of said districts are hereby established and based on the Zoning Map of the Town of Oxford, dated 1993.

### Section 6 – Interpretation of District Boundaries

The district boundary lines are intended generally to follow the center lines of streets or roads; the center lines of railroad rights-of-way; existing lot lines; the center lines of rivers, streams and other waterways; and Town boundary lines. Where a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance in feet from a road line or other boundary line as indicated.

Where district boundaries are so indicated that they approximately follow lot lines, such lot line shall be construed to be said boundary.

Where district boundaries are so indicated that they are approximately parallel to the center of right-of-way lines of roads, such district boundaries shall be construed to be parallel thereto and at such distance there from as indicated on the Zoning Map.

Where a district boundary line divides a lot in single ownership at the time of the passage of this ordinance, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet in to the more restricted portion, provided the lot has frontage on a road in the less restricted district.

In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall make a determination with respect thereto.

### **Section 7 – Application of Regulations**

Except as hereinafter otherwise provided:

- a. No building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is relocated.
- b. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- c. No building shall be erected, no existing buildings shall be altered, enlarged, or rebuilt, not shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.
- d. No yard or other space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- e. No lot in any R-1 or RR-2 Residential District shall be used for more than one residential structure unless lot area and yard requirements are met for each dwelling, including required road frontages.
- f. Any building 64 square feet or greater regardless of foundation type shall require a local zoning permit for proper placement on lot. (See Sec. 17, #8)

**ARTICLE V – USE REGULATIONS**  
**(Refer to Schedule A, attached)**

**Section 8 – A – 1      Agricultural District**

**PURPOSES:** To delineate those areas of the Town which are appropriate for agricultural purposes and for low density residential uses and to preserve the integrity of such areas for such purposes.

**a.)      Uses permitted:**

1.      Farm, nursery, truck garden and related marketing activities such as roadside stands.
2.      One or two-family dwelling
3.      Church, church school
4.      Public park, playground, forest or recreation area
5.      Municipal building or use, institution
6.      Recreational uses such as golf course, beach, riding trail, snowmobile trail, etc.
7.      Picnic grove, fish or game club
8.      Municipal reservoir, watershed or soil conservation area
9.      Grange hall, fraternal club or lodge
10.     Public utility structure or use
11.     Veterinary, animal hospital, kennel
12.     Home occupation
13.     Accessory building or use such as private garage and farm building
14.     Mobile home, on a lot having a minimum of 30,000 square feet

**b.)      Uses which may be permitted as a Special Exception by the Planning Board (include but not limited to):**

1.      Sanitary land fill, junk yard, automobile junk yard
2.      Commercial excavation, drilling for gas and oil
3.      Outdoor theatre
4.      Light manufacturing
5.      Commercial
6.      Wind power
7.      Utility towers
8.      Material Staging Area

**c.)      Set Back**

The farm house dwelling shall have a minimum setback of 40' from edge of road right-of-way. Farm buildings shall be a minimum of 75' from the edge of the road right-of-way and 75' from the sideline as long as it does not create a health or safety hazard.

## **Section 9 – R –1 Residential District**

**PURPOSE:** To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the Town Master Plan.

To improve the character of residential areas by requiring standards of land use and lot and building size which accurately reflect existing and desirable development.

To protect the integrity of residential areas by prohibiting the inter-mixture of incompatible non-residential uses.

### **R-1 Residential District**

In the R-1 Residential District – No building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

#### **(1) Uses Permitted:**

1. One-family dwelling
2. Public or parochial school
3. Church, parish house, convent, rectory
4. Public park or playground
5. Home occupation
6. Accessory building

(a) Uses which may be permitted as a Special Exception by the Planning Board (include but not limited to):

1. Public utility station or structure
2. Nursing home
3. Swimming pool
4. Wind power
5. Utility towers

## **Section 10 – RR-2 Residential/Recreational District**

**PURPOSE:** To delineate those areas which are appropriate for residential/recreational uses because of streams, lakes, mountains or scenic areas.

To preserve the integrity of such residential/recreational areas by requiring standards of land use, lot and building size and area, and land use intensity which will maintain the quality of the natural resources of present and future use and enjoyment.

#### **(a) Uses Permitted:**

1. R-1 Residential district uses
2. Hotel or motel
3. Education, religious or philanthropic institutions



4. Seasonal dwelling, organized group camp, trailer campground
5. Golf course, beach, ski area, boat livery, dock, bowling alley, or other recreational structures
6. Accessory building or use
  
7. A mobile home – (A minimum lot size in RR-2 is 30,000 square feet with a 1000 gallon holding tank and a tight sewage system required)

**(b) fs28 Uses Which May Be Permitted as a Special Exception by the Planning Board (include but not limited to):**

1. fs28 Public utility station or use
2. fs28 Club or lodge
3. fs28 Organized group camp
4. fs28 Trailer camp
5. Swimming pool
6. Wind power
7. Utility towers

**Section 11 – RM-3 Residential Mobile Home District**

**PURPOSE:** To designate areas where mobile homes are appropriate and compatible within the designated district and in relation to adjacent districts and land uses. The following regulations shall apply to any RM-3 Residential Mobile Home District.

**(a) fs28 Uses Permitted:**

1. fs28 Mobile home court, intended for rental of sites and/or mobile home.  
 Minimum area of mobile home court – 10 acres  
 Minimum mobile home floor area – 400 square feet  
 Minimum mobile home setback from public highway – 75 feet from edge of road right-of-way  
 Minimum mobile home setback from center line of interior road – 60 feet  
 Minimum width of mobile home court interior road pavement – 24 feet  
 Minimum mobile home site:  
     9,000 square feet if served by public water and public sewer  
     13,500 square feet if served by either public water or public sewer  
     30,000 square feet if served by neither public water nor public sewer
  
2. fs28 Mobile home subdivision intended for sale of lots  
 Minimum mobile home size:  
     12,000 square feet if served by public water and public sewer  
     15,000 square feet if served by public water or public sewer  
     30,000 square feet if served by neither public water nor public sewer  
  
 Minimum setback from edge of public road right-of-way to any mobile home – 75 feet.  
 Minimum width of interior road and pavement – Town standard  
 Minimum setback of any mobile home from center line of interior road – 60 feet  
 Minimum mobile home floor area – 400 square feet

3. fs28 Mobile Home, (individual), in RM-3 District Minimum lot size:  
 12,000 square feet if served by public water and public sewer  
 15,000 square feet if served by public water or public sewer  
 30,000 square feet if served by neither public water nor public sewer

A site plan shall be submitted to the Town Board for review and approval by the Town Planning Board prior to initiation or expansion of any mobile home court or subdivision development, or located of a mobile home on a parcel of land in any RM-3 district. The site plan shall show the topography, proposed road layout and road data, mobile home sites or lots, water service and waste disposal, public utilities, fencing and screening along adjacent properties, names of adjoining property owners, trees over eight inches in diameter on the site, a playground for residents of the mobile home court or subdivision having a minimum area of one acre for each 50 mobile homes or fraction thereof, accessory uses, and any other data necessary for consideration and approval of the plan. Such site plans shall conform with Town zoning and subdivision regulations, and the sanitation law.

4. fs28 Those uses permitted in R-1 Residential District

(a) fs28 Uses which may be permitted as a Special Exception by the Planning Board (include but not limited to):

1. fs28 Public utility station or structure
2. fs28 Nursing Home
3. Swimming pool
4. Wind power
5. Utility towers>

**Section 12 – C General Commercial District**

**PURPOSE:** To delineate areas appropriate for commercial uses, which are oriented either to retail uses or service to vehicles.

In C, General Commercial District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

**(a) fs28 Uses Permitted:**

1. fs28 Existing residential uses
2. fs28 Retail store
3. fs28 Personal service shop
4. fs28 Launderette, laundry, dry cleaning
5. fs28 Restaurant, tavern, motel
6. fs28 Automobile, boat, farm implement, mobile home, trailer, snow mobile or motorcycle sales or rental
7. fs28 Garage, gasoline station
8. fs28 Office Equipment, business machines sales and service
9. fs28 Printing shop
10. tabfs28 Animal hospital, kennel

- 11. tabfs28 Lumber, building supplies
- 12. tabfs28 Heating, plumbing, electrical sales and service
- 13. tabfs28 Public utility station or structure
- 14. tabfs28 Business signs
- 15. tabfs28 Customary accessory uses
- 16. Agriculture>

**(b) fs28 Uses Which May Be Permitted as a Special Exception by the Planning Board (include but not limited to):**

- 1. fs28 Drive-in restaurant, refreshment stand
- 2. fs28 Auto wash
- 3. fs28 Manufacturing
- 4. Wind power
- 5. Drilling for gas and oil
- 6. Utility towers
- 7. Material Staging Area

**Section 13 – CE Commercial Excavation District**

**PURPOSE:** To recognize that earth, sand gravel, rock and mineral resources within the Town are necessary and beneficial to the economy of the community and welfare of its citizens.

To provide for utilization of these resources in a manner compatible with nearby residential areas and to insure restoration of excavation areas in such a manner as to conform with the land development plan.

In the Commercial Excavation District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

**(a) fs28 Uses Permitted:**

- 1. fs28 Earth, sand, gravel or mineral excavation processing or storage
- 2. fs28 Rock quarry operation
- 3. fs28 Ready-mix concrete plant
- 4. fs28 Manufacture of concrete products

An application for commercial excavation operations as permitted in the Section shall include and be subject to a plan for restoration and rehabilitation of the commercial excavation area or barrow pit, as described more fully in Section 34 of this ordinance, and a performance bond shall be filed with the Town Clerk to assure restoration and rehabilitation.

**Section 14 – FP Flood Plain District – Refer to Local Law 1-87**

## **Section 15 – Planned Developmental District**

**PURPOSES:** To provide for new residential, commercial, manufacturing or recreational districts in which the economics of scale and creative and innovative planning and architectural concepts and techniques may be utilized by the developer without departing from the spirit and intent of the zoning ordinance.

To provide for the use of those relatively extensive land areas within the community considered appropriate for development consistent with a Planned Development District but for which no development has been proposed at the time of adoption of this ordinance.

To insure that the regulations of this Section are so interpreted and applied that the benefits of this zoning ordinance to the residents or occupants of the Planned District and the residents or occupants of adjacent properties will be protected.

### **PROCEDURES:**

**(A) fs28 Planned Development Districts may be established hereafter on the Zoning Map in accordance with the procedures described below:**

1. fs28 Application for designation of a Planned District

Application for designation of a Planned District shall be made to the Town Board. The Town Board shall refer the application to the Planning board within ten (10) days of receipt. The applicant shall furnish basic data pertaining to the boundaries of the proposed district, the existing zoning, topography, drainage, soil conditions, and such preliminary plans as may be required for an understanding of the type, uses and design of the proposed development.

2. fs28 Planning Board review of Application to establish a Planned District

The Planning Board and the Board's professional planning consultant, if any, shall review such application. The Board may require such changes in the application as are found to be necessary to meet the requirements of this Section, to protect the established uses in the vicinity, and to promote the orderly growth and sound development of the community. In evaluating the proposal and in reaching its decision, the Planning Board shall consider and make finding regarding the following:

- a. fs28 The existing character of the neighborhood
- b. fs28 The height, bulk and location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity.
- c. fs28 The auto and pedestrian traffic circulation features within the site, and the amount, location of and access to automobile parking areas and loading areas.
- d. fs28 The proposed location, type, and size of signs, driveways and landscape features.
- e. fs28 The safeguards provided to minimize possible detrimental effects of the proposed use to adjacent properties and to the neighborhood in general.
- f. fs28 Water supply, sanitary and storm drainage, solid waste disposal and other utilities on sand adjacent to the site.

The Planning Board shall report its findings and recommendations to the Town Board within forty-five (45) days as to approval, disapproval, or conditional approval of the application.

3. fs28 Public Hearing on Application to amend Zoning Map

The Town Board shall hold a public hearing after public notice as required for any amendment to this ordinance and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto in regard to amending the zoning map to establish and define the boundaries of the planned district. Amendment of the zoning map shall not constitute authorization for development of a project in the district – the procedures prerequisite to development of a project being as described in “B” below.

**(B) fs28 Development within a Planned District:**

1. fs28 Application for Building Permits

Authorization for development in a planned district shall require that the applicant submit to the Planning Board such plans and specifications, supporting documents and data as are required by the Board. The plans shall show the building types and layout, setbacks, off-street parking and loading, ingress and egress, signs, existing and proposed amenities, screening, planting and ornamental features, and the plan or arrangement for development of the areas in stages or in its entirety.

2. fs28 Authorization for Building Permits

All conditions imposed by the Town Board in establishing the Planned District and all conditions imposed in the approval of the plans, including any of the performance of which may be conditions precedent to the issuance of any permit, shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district. No building permit shall be issued until the Planning Board has rendered a final report to the Town Board and the Town Board has authorized issuance of a building permit, by resolution.

3. fs28 Progress on Construction

If construction of a project in accordance with the approved plans and specifications has not begun within one year after the date of issuance of the building permit, all permits shall become null and void, the approval shall be deemed revoked and vacated, and the Town Board shall have the option to again amend the map to restore the zoning designation for the district to that which it had been prior to the application, or any other district.

**(C) fs28 Standards for Development:**

1. fs28 Permitted uses in “P-R”, “P-C”, and “P-Rec” Districts, and area and yard dimensions, shall be shown in Schedule A.

2. fs28 Building height shall be as shown in Schedule A.

3. fs28 Locations for ingress and egress, off-road parking and off-road loading in Planned Commercial and Planned Recreational Districts shall be so arranged as not to connect directly with local residential roads, and to cause a minimum of conflict with pedestrian and motor traffic.

4. fs28 Any Planned Development District (PD) created by this ordinance is intended to identify a certain area of the community which is relatively extensive and in which existing uses may not be the highest and best use of the site. Such areas are regarded as suitable for new development although such new uses and development objectives are unknown at his time.

Therefore, in a Planned Development District (PD), only existing uses and uses accessory thereto is permitted. No additional development or other use may be undertaken until procedures for re-zoning of the area to a specific Planned Development District are fully accomplished and the zoning map has been duly amended to designate such areas as “P-R” – Planned Manufacturing, or “P-Rec: - Planned Recreational.

5. fs28 The general classification designated as Planned Development District (PD) is intended to hold an extensive area of land for future development in one or more of the following specific categories:

- P-D Planned Development Districts
- P-R Planned Residential
- P-C Planned Commercial
- P-M Planned Manufacturing
- P-Rec Planned Recreational

**ARTICLE VI – SUPPLEMENTARY REGULATIONS:  
LOT AREA AND WIDTH, YARDS, BUILDING COVERAGE AND HEIGHT, SIGNS  
OFF-ROAD PARKING AND LOADING, SOUND, TELECOMMUNICATION TOWERS**

**Section 16 – Regulations in Schedule A**

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are specified in Schedule A and in the additional regulations of Article VI and are supplemented by the regulations of other sections of this ordinance. Schedule A accompanies and, with all explanatory matter thereon, is hereby made a part of this ordinance.

**Section 17- Additional Regulations**

1. fs28 Existing Lots of Record – A single-family structure may be constructed on any lot in any permitted District even if the lot has less than the minimum area required for building lots in the District in which it is located, subject to the following conditions;

a. fs28 Adjoining Vacant Land – The owner of the lot owns no adjoining vacant land which would create a conforming lot if combined with the lot which is deficient in area.

b. fs28 Side Yards – Any structure erected on a non-conforming lot shall have a minimum side yard of three feet, or a minimum side yard of ten feet adjacent to a side road lot line.

c. fs28 Front and Rear Yards – Any structure erected on a non-conforming lot shall have front and rear yards contoured to the minimums required for the Residence District in which said lot is located, except as said lot may meet the conditions set forth in this Section of this ordinance.

2. fs28 Lot Width – The minimum width of any lot shall be measured along the minimum building setback line required for the district in which it is located.

3. fs28 Reduction of Lot Area – The minimum yards and open spaces, including lot area per family, required by the ordinance shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirements of this ordinance.

4. fs28 Number of Dwellings on Lot – Two permanent residential structures on the lot, other than group housing, are not permitted unless lot area and yard requirements are met for each dwelling, including required street frontage.

5. fs28 Corner Lot – On a corner lot in any district where a front yard is required, a yard shall be provided on each road equal in depth to the required front yard on each such road. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit. The Board of Appeals shall determine the yard and building width of a corner lot facing an intersecting road, and of record at the time of the passage of this ordinance, if the yard requirements would result in a residential structure less than twenty-four (24) feet wide.

6. fs28 Visibility at Intersections – On a corner lot in any district where a front yard is required, no fence, wall, hedge, or other structure of planting more than 1 ½ feet above the finished grade on the road centerline shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting road right-of-way lines and a straight line joining said lines at points 50 feet distant from the point of intersection measured along said lines.

7. fs28 Projections into Required Yards – In determining the percentage of building coverage or the size of yards for the purpose of this ordinance, roofed or enclosed porches shall be considered a part of the building. Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed 8 feet.

8. fs28 Location of Accessory Buildings 64 square feet or greater regardless of foundation type – In Residential Districts which are not attached to a principal building shall be in accordance with the following requirements:

- a. fs28 Rear yard – at least 10 feet from side or rear property line.
- b. fs28 Side yard of corner lot – same as for principal building.
- c. fs28 No closer to a principal or other accessory building than 10 feet.
- d. fs28 Accessory farm buildings shall be a minimum of 75 feet from the road edge right-of-way and 75 feet from the side line.
- e. fs28 An accessory building attached to the principal building shall comply in all respects with the requirements of this ordinance applicable to the principal building.

9. fs28 Chimneys, Spires, etc. – The height limitations of this ordinance shall not apply to belfries, church spire, cupolas, penthouses, and domes which are not used for human occupancy, not to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; not to flag poles, monuments, transmission towers and cables, radio and television antennae or towers and similar structures; nor to silos. Such facilities, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the height limitations.

10. tabfs28 Access to Improved Road – In any district, a lot to be used for residential purposes shall have direct frontage on a public or private road.

11. tabfs28 Screening – Any commercial or industrial use which is not conducted within a completely enclosed building, including, but not limited to, junk yards, storage yards, and used building materials yards and which use in is, abuts, or is adjacent to a Residence District, or fronts on a public right-of-way, shall be screened from view from such Residence Districts and public rights-of-way in an effective manner.

12. tabfs28 Sewage System Setback – Dwelling to have a minimum setback of 50 feet from the mean high water mark of a stream or body of water. Sewage system to have a minimum setback of 100 feet from the mean high water mark of a stream or body of water. If a “tight tank” sewage system is used, the minimum setback of said “tight tank” sewage system shall be 50 feet from the mean high water mark of a stream or body of water.

## **Section 18 – Signs**

**(A) fs28 In R-1, RR-2 and RM-3 Districts, non-advertising signs are permitted, but not in any required yard, as follows:**

1. fs28 One nameplate, identification or professional sign not to exceed two (2) square feet of sign area, showing the name and address of the resident of the premises. In the case of a corner lot, such sign shall be located on the principal street frontage of the dwelling unit. For multiple dwellings, a sign shall not exceed twelve (12) square feet of sign area.
2. fs28 One non-illuminate sale or rental sign not to exceed six (6) square feet of sign area during and pertaining to the sale, lease, or rental of the land or building. Such sign shall be removed within 30 days after the premises have been sold or rented.
3. fs28 One temporary artisan’s sign not to exceed six (6) square feet of sign area during and pertaining to construction, repairs, or alterations on the property. Such sign shall be removed within 30 days after completion of the work.
4. fs28 Institutional or religious announcement sign not to exceed fifteen (15) square feet in area.
5. fs28 Signs advertising the sale of development of a tract of land may be erected upon the tract by the developer, builder, contractor or owner. The size of sign shall not exceed twenty (20) square feet and not more than two (2) signs shall be placed upon the tract.
6. fs28 Signs advertising functions, uses, products or services not pertaining to the premises on which they are located, and mobile advertising or attracting devices shall not be permitted in any Residence District.

**(B) fs28 In (C) Commercial District, the applicable signs above are permitted, and, in addition, the following:**

1. fs28 Any business sign erected hereafter in the C District shall not be located within any required yard in the District. No sign shall be located within any required yard in the District. No sign shall be higher than the building to which it is attached, and no sign shall be erected above the roof of any building. The gross surface area of any sign shall not exceed six (6) square feet per lineal foot of the building frontage for non-illuminated sign not three (3) square feet per lineal foot for illuminated signs.
2. fs28 Business signs shall not exceed 300 square feet in area and, if illuminated, the light shall not be directed toward any public road or adjacent residential property.



**(C) fs28 In any Planned Development District or Flood Plain District, the Planning Board shall review and approve any proposed business signs. No advertising signs shall be permitted in any Planned Development District.**

**General Regulations**

The following regulations shall apply to all permitted sign uses:

1. fs28 Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
2. fs28 Signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any road.
- 3 .fs28 Signs shall not project beyond property lines no over public sidewalk areas, except as noted.
4. fs28 A permit shall be required for the erection, alteration or maintenance of any permitted sign in a Residential District.
5. fs28 A permit shall be required for the erection, alteration of reconstruction of any business or advertising sign.
6. fs28 All temporary signs erected for a special event shall be removed by the property owner when the circumstances leading to their erection no longer apply.
7. fs28 In all districts, non-conforming signs shall be required to terminate in three years.

## Section 19 – Off Road Parking

### SCHEDULE B – OFF ROAD PARKING

	<b>USES</b>	<b>SPACES REQUIRED</b>
1.	Dwellings	1 space for each dwelling unit
2.	Apartments, town houses	1 ½ spaces for each dwelling
3.	Motel, hotel, rooming house	1 space for each sleeping room
4.	Office	1 space for each 600 square feet of floor space or fraction thereof
5.	Funeral Home	15 spaces, plus space for all employee and resident personnel
6.	Church or temple	1 space for each 8 seating spaces in main assembly room
7.	Schools: Elementary	2 spaces for each classroom
8.	Schools: High	4 spaces for each classroom
9.	Theatre or other place of assembly	1 space for each 5 seating spaces
10.	Nursing or convalescent home	1 space for each 3 beds, plus 1 for each employee
11.	Retail	1 space for each 300 sq. ft. of floor space devoted to retail or customer use
12.	Shopping Center	3 spaces per 300 sq. ft. of retail area
13.	Club or Restaurant	1 space for each 100 sq. ft. of floor space
14.	Wholesale, storage, warehouse	1 space for each employee
15.	Industrial or Manufacturing Use	1 space for each 4 employees on the maximum working shift
16.	Home occupation	Off-road parking space for all customers, patients, clients and residents
17.	Auto wash	2 spaces for each bay, plus space for all employee cars

## **Section 19 – Off Road Parking (Continued)**

Off-road parking space shall be required for all buildings constructed or substantially altered after the effective date hereof. Each off-road space shall consist of at least one hundred and eighty (180) square feet with a minimum width of nine feet.

In addition, space necessary for aisles, maneuvering and drives shall be provided. Required off-road parking areas shall be so arranged and regulated as not to interfere with pedestrian or motor traffic on the public road and no parking or maneuvering incidental to off-road parking shall be on any public road right-of-way or walkway. Parking requirements are specified in Schedule B, which is hereby made a part of this ordinance.

For uses not specified, the Board of Appeals shall, on appeal, and after recommendation of the Planning Board, establish parking requirements in specific cases consistent with those specified in Schedule B.

For any building having more than one use, parking space shall be required for each use.

Required off-road parking in Residence Districts shall be located only in the side or rear yard of the lot.

Required off-road parking in Commercial or Industrial Districts shall be located within 250 feet of a commercial or industrial use, but not in any residence district, and, if such parking area abuts a residence district, the parking area shall be screened in accordance with Section 17.

Floor areas for the purposes of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.

Parking or storage in Residence Districts of mobile homes, travel trailers or boats out-of-doors shall be confined to the side or rear yard and not within 10 feet of any property line.

Overnight parking or storage out-of-doors in any Residence District of any vehicle licensed for commercial purposes shall be prohibited.

Off-road parking lots for five or more cars or trucks shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, pedestrian walkways, ingress and egress, and shall be developed as an integral part of an overall site design, and the plan shall be submitted to and approved by the Planning Board.

## **Section 20 – Off Road Loading**

Off-road loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or motor traffic on the public road and shall be adequately screened if adjacent to a residential district. Such off-road loading space shall be logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-road parking spaces are filled. Required off-road loading space is not to be included as off-road parking space in computation of required off-road parking space. Any required off-road loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.

## **ARTICLE VII – NON-CONFORMING USES**

### **Section 21 – Use of Land(s) or Buildings(s) Prior to Original Adoption of Zoning Ordinance**

The lawful use of any land or building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the provisions of this ordinance, and any such building may be reconstructed or structurally altered and the non-conforming use therein changed, subject to the following regulations.

#### **Non-Conforming Uses**

1. fs28 Additions – A non-conforming building or use shall not be added to or enlarged unless such non-conforming building or use is made to conform to the regulations of the district in which it is located.
2. fs28 Alterations – A building non-conforming as to use may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) per cent of the fair value of the building, unless the use of such building is changed to a conforming use.
3. fs28 Change – A non-conforming use may be changed by special exception which may be issued by the Board of Appeals.
4. fs28 Discontinuance – Whenever a non-conforming use has been discontinued for a period of one year, any future use shall be in conformity to the provisions of this ordinance. A reasonable interim, however, between tenants or occupants shall not be construed to mean discontinuance.
5. fs28 Restoration – A building non-conforming as to use which has been damaged by fire or other causes to the extent of not more than fifty (50) per cent of its fair value may be restored, reconstructed or used as before, provided the bulk, height and area requirements shall not exceed that which existed before said damage. Said restoration must be completed within two years of such occurrence or the use of the building or land as a legal non-conforming use thereafter shall be terminated.
6. fs28 Removal – If a building in which any non-conforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform to the regulations of the district.

## **ARTICLE VIII – ADMINISTRATION**

### **Section 22 – Zoning Officer and Enforcement**

**Zoning Officer:** Shall administer and enforce these regulations, including the receiving of applications, the inspections of premises, and the issuing of zoning permits.

This ordinance shall be enforced by a person hereinafter call the “Zoning Officer”, designated by the Town Board, who shall in no case grant any permit for any building or use on premises where the proposed erection, alteration, relocation, or use thereof would be in violation of any provision of this ordinance. The Zoning Officer shall make such exterior inspections of buildings or premises as are necessary to carry out his duties. No permit required hereunder shall be issued by the Zoning Officer except in compliance with the provisions of this ordinance, or as directed by the Zoning Board of Appeals (ZBA) under the Provisions of Article IX or by the Planning Board under “Special Exceptions”.

### **Section 23 – Zoning Permit**

1. fs28 No building shall hereafter be erected, relocated, altered, or replaced as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun unless and until a permit therefore has been issued by the Zoning Officer. Permit fees are established by the Town Board. The Town Clerk will have the schedule of fees. A permit placard shall be posted in view from the street.

2. fs28 No such permit shall be issued until there has been filed with the Zoning Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location on the lot of the building or accessory buildings to be erected, relocated, altered or replaced and such other information as may be necessary to determine and provide for the enforcement of this ordinance. Each application shall state the purpose for which the structure or land is to be used and a general description of the type of construction.

3. fs28 The Zoning Officer shall issue or refuse to issue such permits within a reasonable time. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing and shall state the reasons for said refusal.

## **ARTICLE IX – BOARD OF APPEALS**

### **Section 25 – Board of Appeals**

There is hereby established a board of Appeals consisting of five (5) members which shall function in the manner prescribed by law. The Town Board shall designate one of the members to be chairman. No person who is a member of the Town Board shall be eligible for membership on such Board of Appeals. The members of the Board of Appeals shall be residents of the Town and shall be appointed by the Town Board to serve for five-year terms as prescribed by law. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term. The Town Board shall have the power to remove any member of the Board for cause and after public hearing. The Board of Appeals shall adopt such rules, as it may deem necessary to carry into effect the provisions of the ordinance, and all its resolutions and orders shall be in accordance therewith.

### **Section 26 – Procedure**

The Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be in writing. The Board of Appeals may prescribe forms, which are to be used. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall set forth the interpretation that is claimed, the details of the Variance that is applied for and the basis thereof. At least seven days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the Secretary and/or Chairman of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said application or appeal and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.

### **Section 27 – Meetings**

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall also keep records of its examinations and other official actions.

### **Section 28 – Records**

All decisions of the Board shall be by resolution and a copy of each decision shall be sent to the applicant, to the Town Clerk and to the Zoning Officer. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Town Clerk and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards pertaining thereto where the appeal is for a Variance.

### **Section 29 – Appeal**

The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this ordinance. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in this ordinance. Such appeal may be taken by any persons aggrieved, or by an officer, department or board of the Town.

Such appeal shall be taken within 30 days or such additional time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from were taken.

### **Section 30 – Stay**

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him that, by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, otherwise proceedings shall not be stayed except by a restraining order which may be granted by the Board of Appeals or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

### **Section 31 – Hearing and Determination**

The board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in the official paper of a notice of such hearing, at least five days prior to the date thereof to the parties and to the regional state park commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal, and shall decide the same within sixty days after the final hearing. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken (see also Section 36 for additional notice requirements).

The applicant shall bear the cost of advertising as required in connected with hearings.

### **Section 32 – Rehearing**

Upon motion initiated by any member and adopted by the unanimous present, but not less than a majority of all members, The Board of Appeals shall review at a rehearing held upon notice given as upon an original hearing, any order, decision or determination of the Board not previously reviewed. Upon such re-hearing, and provided it shall then appear that the rights vested prior thereto in persons acting in good faith in reliance upon the order, decision or determination reviewed will not be prejudiced thereby, the board may, upon the concurring vote of all the members then present, reverse, modify or annul its original order, decision or determination.

### **Section 33 - Jurisdiction**

The Board of Appeals shall have the following powers and duties prescribed by statute and by this ordinance as described below:

#### **Appellate Jurisdiction –**

1. fs28 appeals for the Interpretation of the Zoning Officer;
2. fs28 to grant a variance in case of unnecessary hardship

#### **Original Jurisdiction –**

1. fs28 Interpretation – On appeal from a determination of the Zoning Officer to hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer involving the interpretation of any provision of the ordinance.
2. fs28 Variance – On appeal from a determination of the Zoning Officer and in conformity with law, to vary the requirements as they apply to a particular lot where the property owner can show that his property was acquired in good faith and where the strict application of this ordinance would result in particular difficulty or unnecessary hardship. No application for a variance shall be acted on until the required public hearing has been held. The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case that:
  - a) fs28 because of exceptional narrowness, shallowness, shape or area of the specific parcel, or because of extraordinary topographic conditions or other physical condition or location of the specific parcel, the strict application of the provisions of this ordinance actually prohibit or unreasonably restrict the use of the land or building for which such variance is sought, that the granting of the variance is necessary for the reasonable use of such property, and that the variance granted by the Board is the minimum variance that will provide for the reasonable use of the property; or
  - b) fs28 the granting of the variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the owner, which conditions are peculiar to such land or building and do not apply generally to land or building in the vicinity or neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this ordinance; and
  - c) fs28 in any case, the granting of the variance will be in harmony with the intent and purpose of this ordinance, will not constitute, in effect, an amendment of any district regulations or boundaries, and will not be injurious to the neighborhood.
3. fs28 On application, supplementing an application to the Zoning Officer for a permit, the Zoning Board of Appeals may authorize the Zoning Officer to grant a permit for any use for which approval of the Board is required by this Ordinance. The Board shall, pursuant to law, hold a public hearing on any such application prior to acting thereon. In authorizing such permit, the Board may designate appropriate conditions in harmony with the following:



- a) fs28 The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
- b) fs28 The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood, I applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to road intersections, and the general character and intensity of development of the neighborhood.
- c) fs28 The location and height of building, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

**Section 34 – Special Exceptions to be considered by the Planning Board, but not limited to the following:**

Public Utility Station or Structure

Such uses shall include electric substations, transformers, and auxiliary apparatus serving a distribution area, and water pumping stations in any Residential District and shall be subject to the following regulations:

- 1. fs28 Such facility shall not be located on a residential road (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such roads.
- 2. fs28 The location, design, and operation of such facility shall not adversely affect the character of the surrounding residential area.
- 3. fs28 Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen planted in accordance with the provisions of Section 17.

Drive-In Restaurant or Refreshment Stand

In addition to meeting the minimum yard and lot coverage requirements, such businesses, where persons are served in automobiles or out-of-doors shall be subject to the following regulations:

- 1. fs28 Shall be not closer than two hundred (200) feet to a Residence District.
- 2. fs28 Shall have frontage on a public road.
- 3. fs28 Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
- 4. fs28 Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property.

### Auto Wash

In addition to meeting the minimum yard and lot coverage requirements, any auto wash establishment shall be subject to the following regulations:

1. fs28 Such establishment shall not be closer than two hundred (200) feet to a Residence District.
2. fs28 The wash water shall not pollute any stream, nor create a hazard because of surface drainage.
3. fs28 The number and location of driveways shall be subject to review and approval of the Board of Appeals.
4. fs28 Such establishment, in addition to meeting the off-road parking requirements of Schedule B, shall provide adequate stacking spaces per bay on the lot to prevent the waiting of automobiles in the public road.

### Commercial Excavation

Except in a Commercial Excavation District, and except when incidental to the construction of a building on the same lot, the excavation, processing or sale of topsoil, earth, sand, gravel, rock, clay or other natural deposits is subject to the following conditions: An application shall be made to the Planning Board for a Special Exception for commercial excavation.

In its consideration of said application, the Planning Board shall find that such excavation will not endanger the stability of adjacent land or structures not constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic or other consideration. The Planning Board shall specify any reasonable requirements to safeguard the public health, safety, and welfare in granting such permit.

Whether the commercial excavation is to occur in a commercial excavation district or out of such district, the appropriate New York State Department of Environmental Conservation permit shall be first obtained. All requirements imposed by the aforesaid Department on the excavation shall also be deemed to be requirements of this zoning ordinance. Any violation of the aforesaid requirements shall be deemed to be a violation of this ordinance.

### Junk Yard. Automobile Junk Yard

No junk yard or automobile junk yard shall be operated or established hereafter in any area of the Town unless a Special Exception shall have been granted by the Planning Board for such use. Any such use existing at the time of adoption of this ordinance shall be discontinued within two years unless such use shall comply with the requirements below and shall be granted a Special Exception by the Planning Board.

Before a permit for a junk yard, or automobile junk yard is authorized, the Planning Board shall find that such use will not constitute a detriment to the public health, safety, welfare, convenience and property values by reason of dust, smoke, fumes, noise, traffic odors, vermin or other condition. The Planning Board may specify any reasonable requirements to safeguard to the public health, welfare, safety, convenience and property values in granting such permit, including the following:

1. fs28 Said use shall not be located within 50 feet of any highway, stream, or property line: or 500 feet of any existing church, school, public building or place of public assembly.

2. fs28 Any new junk yard, or automobile junk yard shall be completely surrounded with a fence which substantially screens said area and shall have a suitable gate which shall be closed and locked except during the normal working hours of said use.

Such fence shall not be erected nearer than 50 feet from any road or property line. All junk and dumping materials stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence except during the transportation of same in the reasonable course of the business. No dumping or burning of same shall be done within the Town.

3. fs28 Where the topography, land forms, natural growth of trees or other considerations accomplish the purpose of this section in whole or in part, the fencing requirements hereunder may be reduced by the Planning Board, provided however, that such natural barrier conforms with the purposes of this section. Where the topography, land forms, natural growth of trees or other considerations are such as to prevent effective screening, other means shall be designed, or the use shall not be allowed in the particular location.

Any new junkyard or automobile junkyard shall also meet all other local and state requirements.

#### Swimming Pool

Any body of water or receptacle for water having a depth at any point greater than two (2) feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground outside any building.

Private outdoor swimming pools which are accessory to a principal residential use shall be regulated as follows:

1. fs28 Such pool may be erected only on the same lot with the principal structure.
2. fs28 Such pool may be erected only in the side or rear yard of such structure and not less than ten (10) feet from the side or rear lot line.
3. fs28 Such pool shall not adversely affect the character of any residential neighborhood

#### **Section 35 – Procedure for submitting Special Exception applications**

When a Special Exception is proposed to be made and before any permit for the erection of a structure in such proposed Special Exception shall be granted, the applicant or his duly authorized agent shall apply in writing for approval of such proposed Special Exception in accordance with the procedures set forth below.

##### **SKETCH PLAN/PRELIMINARY APPLICATION**

1. Submission of Sketch Plan/Preliminary Application: Any owner of land or developer shall, prior to any construction, submit to the Town Clerk at least 10 days prior to the regular meeting of the Planning Board copies of a Sketch Plan/Application of the proposed project.
2. Discussion of Requirements: The Applicant or his duly authorized representative, may attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, flood protection, and similar aspects, as well as the availability of existing services and other pertinent information.

At this time the Planning Board shall review the Sketch Plan/Application. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare that more information or clarification of said Application is required.

3. Study of Sketch Plan/Application: The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.
4. The Planning Board shall review the location of the proposed Special Exception for the presence of and adverse natural considerations limiting development on the site as indicated by the Natural Resource Composite Maps of file in the Town offices. If the site falls into areas on the soils map denoted as having "moderate", "severe", or "very severe" limitations, within flood hazard areas, or areas of unique hydrologic or natural habitat areas, (including wetlands), the Planning Board may require the Applicant to consult with the appropriate technical review or assistance agencies (such as, but not limited to the Soil Conservation Service, the State or County Health Departments, Army Corps of Engineers, and the Department of Environmental Conservation) to determine appropriate measures to mitigate or eliminate such problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or applicant.

#### APPROVAL OF SPECIAL EXCEPTION

1. Within 6 months after the Planning board receives the application for Special Exception, the applicant shall submit a Final Application for approval of an Application. Failure to do so may require resubmission the Sketch Plan/Application to the Planning Board for re-consideration. The Plat shall conform to the layout shown on the Sketch Plan plus and conditions established by the Planning Board. Said Application shall also conform to the requirements listed below.
2. Sufficient copies of the Final Application/Sketch Plan as specified in the Operational Requirements of the Planning Board shall be presented to the Town Clerk at least 10 days prior to the scheduled meeting of the Planning Board. The Applicant or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Application.
3. The Planning Board shall determine whether a Short or Long Environmental Assessment form is appropriate for the proposed Application and shall be available for review at this meeting. A statement should consider potential impacts of the development as anticipated by the developer.
4. A public hearing shall be held by the Planning Board within 45 days of the time of submission the Final Application for approval. Said hearing shall be advertised at least once in a newspaper of general circulation in the Town at least 10 days before such public hearing. Each adjacent property owner of the Application site shall also be notified by mail of such Public Hearing. The property will have a "posting" 10 days prior to the public hearing in a conspicuous place visible from the road. The Planning Board shall determine the contents of the display.
5. The Planning Board shall, within 45 days from the date of said public hearing, conditionally approve, with or without modifications, disapprove or approve such application and so indicate on the Plat and application. Failure to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the application. A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the Plat/Application subject to completion of such conditions as may be specified in said resolution.

Within 5 days of the Planning Board resolution of conditional approval, the application shall be certified by the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Town Clerk and a copy mailed to the Applicant including any conditions that must be met before the Plat/Application can be signed.

Conditional approval of a Plat shall expire 180 days after the date of the resolution of such conditional approval. Within such 180 day period, or extension thereof granted by the Planning Board, the conditionally approved Plat/Application must be submitted for the Planning Board signature of final approval required by these regulations.

6. Upon receiving the signature of final approval, the Final Plat/Application shall be filed in the offices of the County Clerk and Town office.

#### REQUIRED DOCUMENTS

The Sketch Plan shall consist of a drawing based on the tax map information or some other similarly accurate base map at a scale, preferably not less than 200 feet to the inch to enable the same entire ownership of the applicant to be shown on one sheet, and shall include:

1. A location map to indicate the relationship of the proposed Special Exception Application to significant existing community facilities which will serve or influence the lay-out, such as major traffic arteries, shopping areas, schools, parks, employment centers, etc. Significant local natural resources such as water bodies, rivers, wetlands, bluffs, dunes and beaches shall also be indicated.
2. All existing structures, wooded areas, streams or water courses, flood hazard areas, wetlands, quarries or excavations, bedrock outcrops and other significant physical features, within the area to be considered and within 200 feet thereof. Topographic conditions shall be indicated at contour intervals of not more the 10 feet. U.S.G.S. maps are suitable.
3. The name and address of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
4. The tax map sheet, block and lot numbers, if available: scale, north arrow and acreage involved.
5. All the utilities available, and all streets which are either proposed or built.
6. The proposed pattern and approximate dimensions and area of lots, street layout, recreation areas, proposed surface water drainage, sewage, and water supply within the application area. Any proposed construction or development needs to be included.
7. All existing restrictions on the use of land including easement, covenants, or zoning divisions.

#### SPECIAL EXCEPTION PLAT

In addition to the information required above (which, if previously submitted, need not be resubmitted unless modified but may be incorporated by reference thereto), the following shall be submitted:

1. A copy of such covenants or deed restrictions as are proposed to cover any part of the tract.
2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments customarily used, and shall be referenced and shown the Plat.
3. Any report needed from the Health Department of jurisdiction approving the sewer and water supply facilities etc. proposed for the site.
4. Proposed Special Exception Application name.
5. The Environmental Assessment Form deemed to be required by the Planning Board.

## **ARTICLE X – AMENDMENTS**

### **Section 36 – Amendments, How Initiated**

The Town Board may, from time to time on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this ordinance pursuant to law.

Whenever the owners of fifty (50) per cent or more of the frontage in any district or part thereof included in such change shall present a petition duly signed and acknowledged to the Town Board requesting and amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Town Board to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Town Clerk.

The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal of specific portions of the regulations. The Within thirty (30) days from the time such resolution is filed with the Town Clerk, it shall be the duty of the Board to vote on such proposed amendment.

### **Section 37 –Referral of Proposed Amendment to the Town Planning Board and County Planning Agency**

All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be disapproval of the proposed amendment.

Whenever any zoning regulation or any amendment including special permits or variances would change the district classification of or a regulation applying to real property within a distance of 500 feet from any boundary line of properties in a neighboring municipality or upon other county or state property as described in Sections 239-L and 239-M of the General Municipal Law, said zoning regulation or amendment shall be referred to the Chenango County Planning Board to report within 30 days may be construed to be approval by the Board.

### **Section 38 – Hearing on Proposed Amendment**

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. At least ten- (10) day's notice of the time and place of such hearing shall be published in the official newspaper of the Town.

### **Section 39 – Adoption of Amendment**

After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the zoning ordinance in the section on Protest Petition.

Every amendment to the zoning ordinance (excluding any map incorporated therein) adopted shall be entered in the minutes of the Town Board; such minutes shall describe and refer to any map adopted in connection with such amendment and a copy thereof (exclusive of any map incorporated therein) shall be published once in a newspaper in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, as the Town Board may designate, and affidavits of the publication thereof shall be filed with the Town Clerk. Such ordinance shall take effect ten days after such publication, but such ordinance or amendment shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the corporate seal of the town; and showing the date of its passage and entry in the minutes. Every town clerk shall maintain a separate file or filing cabinet for each and every map adopted in connection with a zoning ordinance or amendment and shall file therein every such map hereafter adopted; said file or filing cabinet to be available at any time during regular business hours for public inspection.

### **Section 40 – Protest Petition**

In case of a protest against any amendment, supplement or change signed by the owners of twenty per centum or more, either of the area of the land included in such proposed change or of that immediately adjacent extending one hundred feet there from or of that directly opposite thereto, extending one hundred feet, from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the Town Board.

## **ARTICLE XI – MISCELLANEOUS**

### **Section 41 – Validity**

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

### **Section 42 – Violations and Penalties**

A violation of this ordinance is hereby declared to be an offense, punishable by a fine not exceeding two hundred fifty dollars or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this ordinance shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. Upon determination by the Zoning Officer that a violation of this ordinance exists, he shall send written notice by certified mail, return receipt required, to the last known owner of record of the property, informing said owner of the violation of specific provisions of this ordinance and stating that action is to be taken by said owner to remove such violation in 20 days; or proceedings to compel compliance with the ordinance will be instituted.

In case any building or structure is erected, constructed, re-constructed, altered, converted or maintained, or any building, structure or land is used, or any land is divided into lots, blocks, or sites in violation of this ordinance, the Zoning Officer, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, construction, abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises; and upon the failure of refusal of the Zoning Officer to institute such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such Zoning Officer is authorized to do.

### **Section 43 – Interpretation**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standards shall govern.

### **Section 44 - Availability of Copies of Ordinance**

This ordinance and all subsequent amendments thereto when adopted shall be published in abstract form. Printed copies shall be available from the Town Clerk at a charge to be determined by the Town Board.

## **Section 45 – Telecommunication Towers**

### **(1) Enabling Authority:**

The Planning Board of the Town of Oxford is authorized to review and approve, Approve with modifications or disapprove special use permits and site plans consistent with the Town Of Oxford Zoning Ordinance.

### **(2) Definitions:**

**(A) Telecommunication Tower** - A structure on which transmitting and/or receiving antenna (s) are located.

**(B) Antenna-** A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio television, wireless and microwave communications. The frequency of these waves generally range from 10 hertz to 300,000 megahertz.

**(C) Accessory Facility** - an accessory facility serves the principle use, is subordinate in area, extent and purpose to the principle use, and is located on the same lot as the principle use. Examples of such facilities include transmission equipment and storage sheds.

**(D) Special Use** (A.K.A. Conditional Use) - A use which is in deemed allowable within a given zoning district, but which is potentially incompatible with other uses and therefore is subject to special standards and conditions set forth for such use subject to approval by the Town Of Oxford Planning Board.

### **(3) Purpose:**

The purpose of these supplemental regulations is to promote the health, safety and general welfare of the residents of the Town, to provide standards for the safe provision of telecommunications consistent with applicable Federal and State regulations and to protect the natural features and aesthetic character of the Town Of Oxford with special attention to health, safety and welfare of the Town Of Oxford.

These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall they be used to unreasonably discriminating among providers of functionally equivalent services consistent with current federal regulations.

### **(4) Application of Special Use Regulations:**

**(A)** No Telecommunication Transmission Tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a special use permits and in conformity with these regulations. No existing structure shall be modified to serve as a Telecommunication Transmission Tower unless in conformity with these regulations

**(B)** These regulations shall apply to all property within the A-1 and C districts. These districts are the only districts where cell towers are a permitted use.

**(C) Exceptions to these regulations are limited to**

**(i)** new uses which are accessory to residential use and

**(ii)** lawful and approved uses existing prior to the effective date of these regulations.

**(D)** Where these regulations conflict with other laws and regulations of the Town of Oxford, the more restrictive shall apply, except for tower height restrictions, which are 200ft maximum.

### **(5) Special Use Standards:**

**Site Plan (i)-** An applicant shall be required to submit a site plan as described on pg.6- the zoning ordinance. The site plan shall show all existing and proposed structures and improvements including roads and shall include grading plans for the new facilities and



roads. The site plan shall also include documentation on the proposed intent and the capacity of use as well as a justification for the height of any tower or antennae and justification for any land or vegetation clearing required.

(ii)- Additionally, the Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF) and a landscaping plan addressing other standards listed within this section with particular attention to visibility from key viewpoints within and outside of the municipality as defined in the Visual EAF. The Planning Board may require submittal of a more detailed visual analysis based on the result of the Visual EAF.

**Shared Use (i)**- At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antenna on pre-existing structures shall be considered. An applicant shall be required to present adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to a new construction.

(ii) – An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and cost of adapting an existing tower or structure to a new shared use. Those cost include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other charges including real property acquisition or lease required to accommodate shared use.

(iii) – In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written request and responses for shared use shall be provided.

**Setbacks**- Towers and antennae shall comply with all existing setbacks within the affected zone. Additional setbacks may be required by the Planning Board to contain on-site substantially all ice-fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities. Minimum setback shall be tower height plus 20 feet.

**Visibility (i)**- All towers and accessory facilities shall be sited to have the least practical adverse effect on the environment.

(ii) – Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). In all cases, structures offering slender silhouettes (i.e monopoles or guyed tower) shall be preferable to free-standing structures except where such free-standing structures offer capacity for future shared use. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

(iii) – Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

**Existing Vegetation**- Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special permit use.

Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be Prohibited.

**Screening-** Deciduous or evergreen tree plantings may be required to screen portions of the Tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in- height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

**Access and Parking-** A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this subsection.

**Fencing-** The Planning Board will determine if personnel or livestock fencing is required.

**(6) Authority to Impose Conditions:**

The authorized board shall have the authority to impose such reasonable conditions and Restrictions as are directly related to and incidental to the proposed Telecommunication Tower special use or site plan.

**(A) Removal Upon Abandonment:** Dismantling and removal of towers and accessory Facilities upon abandonment of use.

## **Section 46 – Noise Control**

**1. Short Title:**

Sound and Noise Control.

**2. Policy:**

This section shall be liberally construed so as to effectuate the purposes described in this section. Nothing herein shall abridge the powers and responsibilities of any Police Department or Law Enforcement Agency or Code Enforcement Department to enforce the provisions of this section. Nothing herein shall be construed to abridge the emergency powers of any Health Department or Code Enforcement Department or any such Departments or Agencies to engage in any necessary or proper activities.

**3. Purpose:**

The Purpose of this section is to protect the public health, welfare, safety, peace and tranquility of the residents of The Town of Oxford by regulating noise levels.

**4. Authority:**

In accordance with Article 10 of The Municipal Home Rule Law of The State of New York.

**5. Performance Standards:**

Property with the geographical boundaries of The Town of Oxford shall be utilized within the limits specified as follows as safeguards and conditions for the protection of the community welfare. Standard methods of collection, measurement and chemical analysis or any method approved by The Town of Oxford, United States Bureau of Standards and Chenango County Health Department shall be used in the application of these standards.

**6. Definitions:**

**A.** All terminology defined herein which relates to the nature of sound and mechanical detection and recording of sound is in conformance with the terminology of The American National Standards Institute (ANSI) or its successor body.

**B.** As used in this section, the following terms shall have the meaning indicated.

**Ambient Noise** - The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources. The calculation or measurement of ambient noise shall subtract any or all noise generated by properties or uses that have been issued a special permit, as prescribed herein.

**Weighted Sound Level** - The sound-pressure levels in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA"

**Continuous Sound** - Any Sound that is not impulse sound dBA, the abbreviation designating the unit of sound as measured by a decibel level meter using A-weighting, also known as "dBA."

**dBA** - The abbreviation designating the unit of sound level as measured by a sound level meter using the A-weighting, also known as "dBA." All references to "decibel" or "dB" shall be presumed to mean "dBA" unless otherwise specified.

**Decibel** - The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals), abbreviated "dB."

**Emergency** - Any occurrence or circumstance involving actual or imminent physical or property damage which demands immediate action.

**Frequency** - The number of sound pressure oscillations per second, expressed in hertz, abbreviated "HZ."

**Impulse Sound** - Sound characterized by either a single pressure peak or a single burst (multiple pressure peaks) having duration of less than one second.

**Noise** - Any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property with in the Town.

**Peak Sound Pressure Level** - Maximum absolute value of instantaneous sound pressure level during a specific time interval.

**Real Property Line** - Either-

(1) The imaginary line, including its vertical extension, that separates one parcel of real property from another: or

(2) The vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.

**Sound** - An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

**Sound Level** - The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, C as specified in American National Standards institute specifications for sound level meters (ANSI). If the frequency weighting employed is not indicated, the A-weighting shall apply.

**Sound Level Meter** - Any instrument, including a microphone, amplifier, an output meter device and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with the standards established by the American National Standards Institute (ANSI) specifications for sound level meters.

**Sound Pressure Level** - The level of a sound measured in dB units with a sound level meter, which has a uniform "Flat" response over the band of frequencies measured.

**Sound Source** - Any persons, animal, device, operation, process, activity or phenomenon that emits or causes sound.

**7. Unreasonable Noise Prohibited:**

No person shall make, cause or permit to be made any unreasonable noise upon property within the geographical boundaries of The Town Of oxford, except as otherwise provided herein.

**8. Maximum Permissible Continuous Sound Levels:**

The following general prohibitions regarding continuous sound levels shall apply in determining unreasonable noise. Noise shall be measured as follows:

**A.** The measurement of sound or noise shall be made with a sound level meter meeting the standards as prescribed by the American National Standards Institute.

**B.** The slow meter response of the sound level meter shall be used in order to best determine that the average amplitude has not exceeded the limiting noise level.

**C.** Measurement of noise levels shall be made at or beyond the property line of the property on which such noise is generated or perceived, as appropriate and shall be taken at least four feet from ground level.

**D.** Compliance with the noise limits shall be maintained at all elevations at the boundary of the property.

E. Daytime hours shall be between 7:00 A.M. and 10:00 P.M. Nighttime hours shall be between 10:00 P.M. and 7:00 A.M.

F. The maximum permitted noise or sound levels on property, within the geographical boundaries of the Town Of Oxford.

During daytime hours: ambient noise levels plus (5) dBA.

During nighttime hours: ambient noise levels plus (3) dBA

No event shall be allowed noise or sound levels on the property exceed 55 dBA, unless as allowed via a Special Permit.

Moreover, noise levels shall be measured as described in this section.

**9. Exceptions:**

The provisions of this law shall not apply to:

1. Sounds and vibrations emitted for the purpose of alerting people in emergencies.
2. Sounds created by bells or chimes of religious institutions.
3. Sounds created by any governmental entity, their agents, employees or contractors in the course of its duties (Fire Districts, Towns, Villages, Counties, Schools, Police Agencies etc.)
4. Noise from burglar alarms of any building or motor vehicle.
5. Noise from lawn mowers and related lawn equipment, snow blowers and snowplows. If working within the parameters as set forth by the Manufacturer.
6. Noise typically associated with residential uses (e.g., Air Conditioners in good working order or Swimming Pool filter motors, etc.)
7. Noise created by the normal operation of public and private schools, typically consisting of classes and other school-sponsored activities.
8. Noise generated by municipally sponsored concerts and special events.
9. Noise generated by volunteer fire companies in the performance of their duties, drills and public demonstration.
10. Noise allowed, pursuant to this section by Special Permit issued by the Town Board of the Town of Oxford or by temporary license issued by the Town Clerk of the Town Of Oxford.
11. Noise due to emergency repairs, where the repairs are necessary due to actual or imminent physical or property damage, which demands immediate action.
12. Sound from farming such as, repair, day to day activities and/or emergency work that is done in the pursuit of farming.
13. Noise from emergency generators used during power outages.

**10. Enforcement and Administration:**

The noise control requirements established herein shall be administered and jointly enforced by the Town Enforcement Officers and Police Agencies of Chenango County or officials authorized by the Town Board of the Town of Oxford. Violations may be established upon verbal or written complaint by at least one person, including the enforcement officer.

- A. **Compliance orders**- The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in this section. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. If the condition or activity is not remedied after the issuance of the compliance order, then the appearance ticket may be issued as provided hereinafter.
- B. **Appearance tickets**- The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation in this section.
- C. **Penalties and offenses**- Any person who violates any provision of this section shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to penalties in a fine of not less than \$50 and not more than \$250.
- D. In addition to those penalties prescribed herein, any person who violates any provision of this section shall be liable for a civil penalty of not more than \$3000 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town.
- E. If the violation is of a continuing nature, each eight-hour period during which it occurs shall constitute an additional, separate and distinct offense.
- F. **Injunctive relief**- An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, abate any violation of or to enforce any provision of this section. In particular, but not by way of limitation, where there is a violation of this section, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of the Town.
- G. **Remedies not exclusive**- No remedy or penalty specified in this section shall be the exclusive remedy penalty available to address any violation described in this section. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section.
- H. In addition to the above-provided remedies, the Town Board may also seek reimbursement to the Town for costs incurred by the Town in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

#### 11. **Temporary License:**

- A. **Application for a temporary license**- The Town Clerk shall have the authority to grant temporary licenses for limited times and purposes of this section. Any persons seeking a temporary license pursuant to this section shall file an application with the Town Clerk. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information, which demonstrates that bringing the source of sound or activity for which the permit is sought into compliance with this section would constitute an unreasonable hardship on the applicant, on the community or on other persons. In addition, the following information shall be provided:
  1. The plans, specifications and any other information pertinent to the source of sound and vibration
  2. The characteristics of the sound and vibration entitled by the source, including but not limited to the sound levels, the presence of impulse sounds or discrete (pure) tones, the day(s) and hours during which such vibration and sound is generated.
  3. The noise abatement and control methods used to restrict the emissions of the sound and vibration.
  4. A time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of sounds and vibrations.

5. The name and address of the applicant and the applicant's agent, if any, and whether the applicant is the owner, lessee, licensee, etc., of the premises. If the applicant is not the owner, the application must contain the written consent of the owner.
6. A filing fee as set by the Town Board, from time to time, via a resolution.
7. requested duration of the permit.
8. The hours and days of operation and maintenance.

**B. Decision:**

1. Upon receipt by the Town Clerk of all the information required for the granting of the temporary license and upon receipt of the appropriate filing fee, the Town Clerk shall issue or deny the temporary license.
2. The Town Clerk shall not issue the temporary license if the requested duration of the permit is in excess of three days.
3. If the Town Clerk denies the application for a temporary license for any reason, the applicant may apply to the Town Board for a special permit, following the procedure established below.
4. If the Town Clerk issues a temporary license pursuant to this provision, the temporary license shall be valid for the time requested, but shall be rendered invalid if the actual source of sound authorized under the issued permit, as measured by an Enforcement Officer, causes a continuous noise level in excess of 80 dBA across any real property boundary.

**12. Special Permit:**

- A. Any person seeking a special permit from the Town Board pursuant to this section shall file an application with the Town Clerk. The Special Permit, if granted, shall be valid for a term of 5 years.
- B. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information, which demonstrates that bringing the source of sound or activity for which the Special Permit is sought into compliance with this section would constitute an unreasonable hardship of the applicant, on the community or on other persons. In addition, the following information shall be provided:

1. The plans, specifications and any other information pertinent to the source of sound and vibration.
2. The characteristics of the sound and vibration emitted by the source, included but not limited to the sound levels, the presence of impulse sounds or discrete (pure) tones, the day(s) and hours during which such vibration and sound is generated.
3. The name and address of the applicant and the applicant's agent, if any, and whether the applicant is the owner, lessee, licensee, etc., of the premises. If the applicant is not the owner, the application must contain the written consent of the owner.
4. The name and addresses of all owners of contiguous land within 500ft of the premises.
5. A filing fee as set by the Town Board, from time to time, via a resolution.
6. The requested duration of the Special Permit.
7. Certification that there are no zoning or uniform code violations on the property.
8. The hours and days of operation and maintenance for the activity causing noise or sound.
9. A Noise Management Plan, the goal of which is to mitigate noise levels and keep the noise levels as low as possible. Such NMP shall include:
  - A. Identification of noise sources;
  - B. Assessment of current and available noise mitigation programs;
  - C. Method of noise measurement;
  - D. Best practices programs; and
  - E. Continuous improvement programs.

**C. Public Hearing** - Upon prior reasonable public notice published in the official newspaper of the Town and public notice board designated for that purpose by the Clerk for a minimum of 14 days, the Town Board shall hold a public hearing on the Special Permit application. The applicant in like manner shall give notice of the public hearing and application by certified mail, return receipt requested, to all property owners surrounding the sound source site within a radius 500 feet from the borders of said site. The notice to the neighbors shall be deposited in the mailbox at least 21 days prior to the public hearing date. The applicant shall provide an affidavit of mailing, showing proof of mailing to the neighbors as required herein. The applicant's affidavit of mailing shall become part of the application. Failure to provide notice to the neighbors shall result in automatic denial of the application.

**D. Applicant** to obtain other necessary permits or variances. This section does not preclude the necessity of the applicant to obtain any other approval, permit or variances as required by any other agency or local law before proceeding with the application for a Special Permit. The application for a Special Permit may be initiated by the applicant until such time that other permits or variances, as may be required, are issued.

**E. Decision -**

1. In determining whether to grant or deny the application, the Town Board shall apply the following balancing test:
  - A. The use possesses characteristics of unique and special form to warrant its consideration as an individual case.
  - B. The location, size of the use and structure, nature and intensity of the operations involved, size of the site in relation to it and the location of the site with respect to the streets giving access to it are such that it will be in harmony with the orderly development of the district.
  - C. The proposed Special Permit will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; including but not limited to odor, light, traffic etc..
  - D. The use shall not conflict with any Master Plan or part thereof.
  - E. The relief granted must be the minimum required to achieve the use. Best practices as to noise management and operating procedures shall be taken into account when determining what constitutes the minimum to achieve the use.
  
2. The Town Board may consider other factors including, but not limited to the following:
  - A. The sound level of the noise;
  - B. The frequency of the noise;
  - C. Whether the noise is unusual and incongruous with the surrounding environment;
  - D. The sound level and frequency of the ambient noise, if any;
  - E. The use, nature and character of the zoning district of the immediate area where the noise source exists;
  - F. The time of day or night the noise occurs;
  - G. The duration of the noise;
  - H. The intensity of the noise;
  - I. Whether the origin of the noise is associated with nature or with human-made activity;
  - J. The existence of complaints concerning the noise from persons living or working in different places or premises who are affected by the noise;
  - K. Seasonal and prevailing weather; including wind, precipitation and tree cover.



3. In connection with this section, the Town Board may cause the taking of sound level readings in the event that there shall be any dispute as to sound levels.
4. The Town Board shall have the power to impose restrictions, conditions and the recording of covenants upon any sound source site, including time limits on permitted activity in the event that it shall grant any Special Permit hereunder.
5. The Town Board shall comply with the State Environmental Quality Review Act. If such a SEQRA review is necessary, the Town Board shall be lead agency in that SEQRA review.
6. The Board, upon reviewing all input from the public hearing and obtaining any additional data as deemed necessary, shall then pass or deny the application by resolution. The decision shall be transmitted to the Clerk, who will advise the applicant of such decision and conditions, if any, imposed by the Town Board attached.

**F. Transferability and Expiration of Special Permit** - A Special Permit is not transferable except upon approval by resolution by the Town Board.

A Special Permit shall authorize only one use and shall expire if the use ceases for more than three months for any reason.

Changes or modifications to the use, including but not limited to changes in the noise levels, shall void the Special permit. Changes or modifications to the use require a new application pursuant to this section.

The Town Board may revoke the Special Permit at any time if the permit holder fails to comply with any section of this chapter of the Special Permit.

**G.** The applicant or his agent shall have readily available the approved Special Permit at the location or site for which the Special Permit has been issued and shall show same to any agent of the Town whenever requested.

**H.** Activity open to inspection. Activity conducted under the Special Permit shall be open to inspection at any time by any agent of the Town.

**I. Request for Recertification of the Special Permit:**

1. The Special Permit, if granted, shall need to be recertified prior to the five-year anniversary date of the original grant and every five years thereafter. The holder of the Special Permit shall submit a signed written request to the Town Board for recertification between 12 months and 6 months prior to each five-year anniversary date. The application shall include all the information required for the original submission requesting the Special Permit with the additional information:

- A. The date of the original granting of the Special Permit.
- B. A statement that use is in compliance with the Special Permit and is in compliance with all applicable statutes, laws, local laws, ordinance, codes, rules and regulations.
- C. Whether the use has been moved, relocated, rebuilt, repaired or otherwise modified since the issuance of the Special Permit.

2. A filing fee as set by the Town Board, from time to time, via a resolution.
3. The review shall be an administrative review, not requiring a public hearing or notice to the neighbors.

4. If after such a review, the Town Board determines that the use is in compliance with the Special Permit and all applicable statutes, laws, local laws, ordinances, codes, rules and regulations, then the Town Board shall issue a recertification of the Special Permit, which may include any new
5. provisions conditions that are mutually agreed upon, or required by applicable statutes, local laws, ordinances, codes, rules and regulations, then the Town Board may refuse to issue a recertification of the Special Permit, and in such event, such use shall not be used after the date that the applicant receives written notice of such decision by the Town Board. Any such decision shall be in writing and supported by substantial evidence contained in a written record.

J. The Board may hire any consultant and/or expert necessary to assist the Town Board in reviewing and evaluating the application and any recertification.

1. The Town requires an applicant to deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town Board in connection with the review of any application. The initial deposit shall be the sum of \$5000. However, the Town Board may, in its discretion reduce said fee upon good cause shown. These funds shall accompany the filing of the application and the Town shall maintain a separate escrow account for all such funds. The Towns consultants/experts shall, in accordance with an agreement between the Town and its consultants or experts, bill or invoice the Town not less frequently than monthly for its services in reviewing the application and performing its duties. If at any time during the review process this escrow account has a balance that shall not reasonably cover the cost of the remaining work of the Town's consultants/experts, the Town will require applicant to immediately replenish said escrow account in an amount set by the Town, but not to exceed \$2500. Such additional escrow funds must be deposited with the Town before any further action or consideration is taken on the application. If at the conclusion of the review process, the cost of such consultant/expert services is more than the amount escrowed pursuant hereto, the applicant shall pay the difference to the Town prior to the issuance of any Special Permit. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing by the Town's consultants or experts, the difference shall be promptly refunded to the applicant.
2. A request may be made by the applicant to reduce or eliminate the funds needed for the consultant/expert escrow. After a recommendation by the Attorney for the Town, Engineer for the Town and/or any other consultant /expert engaged by the Town pursuant to this section, the Town Board shall review the request and make a determination based upon the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town Board or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as required and requested by the Town, shall be paid by the applicant. The initial amount of the escrow deposit may be established by the Town Board upon receipt of information sufficient to make such a determination.

K. **Other Costs** - The applicant seeking the Special Permit and/or recertification must reimburse the Town all costs associated with the Special Permit , including the cost of the public hearing publication. Such reimbursement may be a condition of granting Special Permit.

**13. Severability:**

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

**Section 47 – Effective Date**

The Town of Oxford Zoning Ordinance shall take effect at the time and in the manner provided by law.

**Town of Oxford Building Placement Compliance is as follows:**

**HOUSE –**

LOT SIZE: Need Minimum of 30,000 SQ. FT. (135' Road Frontage)

SET BACKS: 40' from Road Right of Way  
20' on Side (50' combined total)  
20' from the Rear

Road Right of Way: 25 feet from the center of the road.

**SHED / BARN –**

SET BACKS: Front – 75' from Road Right of Way

Side – 10' (50' combined total)

Rear – 10' from the Rear

Road Right of Way: 25 feet from the center of the road.

## ZONING SCHEDULE A TOWN OF OXFORD FEBRUARY, 1987

DISTRICTS	PRINCIPAL PERMITTED USES (See Section 5 - Use Regulations for complete list)	SPECIAL EXCEPTION	MINIMIZE		LOT COVERAGE MAX. PERCENT	BUILDING HEIGHT		YARD DIMENSIONS				
			LOT SIZE Area In Sq. Ft.	Width Ft.		MAXIMUM IN STORIES	IN FT.	FRONT	SIDE ONE TOTAL	REAR		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	
A-1 Agricultural	Farm, nursery, truck garden							75	50	75	50	
	One or two family dwelling		30,000/du*	135	15	2-1/2	35	40	20	50	50	
	Church, church school		3 acres**	300				100	50	100	50	
	Public park, playground, forest											
	Public or parochial school		3 acres**	300			100	50	50	100		
	Municipal building or use, Institution											
	Golf course, beach, trails											
	Picnic grove, fish or game club											
	Municipal reservoir, watershed,											
	Conservation area											
	Grange hall, fraternal club or lodge			1 acre	200				100	50	100	50
	Public utility structure or use											
	Veterinary, animal hospital, kennel											
	Customary home occupation											
Customary accessory building or use												
		Sanitary landfill, Dump, junkyard										
		Automobile junk yard										
		Commercial excavation										
	Mobile Home		30,000	135				40	20	50	50	
	Outdoor theatre											
R-1 Residential	One family dwelling		30,000	135	15	2-1/2	35	40	20	50	50	
	Public or parochial school		3 acres	300				100	50	100	50	
	Church, parish house, convent, rectory		3 acres for church	300				100	50	100	50	
	Public park or playground											
	Customary home occupation											
	Accessory building or use											
			Public Utility									
		Nursing home,	1 acre	200	10	2-1/2	35	50	50	100	50	
		Home for aged	1 acre	200	10	2-1/2	35	50	50	100	50	
		Swimming pool										



