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**Town of Alexandria**

**Local Law No. \_\_\_\_\_ of the year 2010**

**A local law to Amend and Restate the Town of Alexandria Zoning Ordinance**

(Insert title)

**Be it enacted by the Town Board of the Town of Alexandria as follows:**

(Name of Legislative Body)

Section 1. The Town of Alexandria Zoning Ordinance as previously amended is hereby amended and restated in its entirety to read as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**TOWN OF ALEXANDRIA ZONING LAW  
TABLE OF CONTENTS**

<u>PURPOSE</u>	<u>5</u>
<u>ARTICLE I: TITLE</u>	<u>5</u>
<u>ARTICLE II: DEFINITIONS</u>	<u>5</u>
<u>ARTICLE III: ESTABLISHMENT OF ZONING DISTRICTS</u>	<u>18</u>
<u>Section 1 – Zoning Map Certification</u>	<u>18</u>
<u>Section 2 – Interpretation of District Boundaries</u>	<u>18</u>
<u>ARTICLE IV: APPLICATION OF REGULATIONS</u>	<u>19</u>
<u>ARTICLE V: DISTRICT REGULATIONS</u>	<u>20</u>
<u>Schedule I – Use Controls</u>	<u>20</u>
<u>Schedule II – Lot Dimensions</u>	<u>26</u>
<u>ARTICLE VI: SUPPLEMENTAL REGULATIONS</u>	<u>31</u>
<u>1. In All Districts</u>	<u>31</u>
<u>ARTICLE VII: PLANNING BOARD REVIEW</u>	<u>37</u>
<u>1. Purpose</u>	<u>37</u>
<u>2. Site Plan Review</u>	<u>38</u>
<u>3. Special Use Permits</u>	<u>38</u>
<u>4. Application Requirements</u>	<u>38</u>
<u>5. Procedure</u>	<u>40</u>
<u>ARTICLE VIII: SITE PLAN REVIEW AND SPECIAL USE CRITERIA</u>	<u>43</u>
<u>1. Special Use Requirements</u>	<u>43</u>
<u>2. Site Plan Review Procedure</u>	<u>47</u>

<u>ARTICLE IX: TELECOMMUNICATION FACILITIES</u>	<u>54</u>
<u>1. Legislative Intent</u>	<u>54</u>
<u>2. Special Review Standards</u>	<u>55</u>
<u>3. Shared Use</u>	<u>56</u>
<u>4. New Towers</u>	<u>56</u>
<u>5. Set Backs</u>	<u>57</u>
<u>6. Height</u>	<u>57</u>
<u>7. Lighting</u>	<u>57</u>
<u>8. Screening</u>	<u>57</u>
<u>9. Parking</u>	<u>58</u>
<u>10. Supporting Documentation</u>	<u>58</u>
<u>11. Removal of Obsolete Unused Facilities</u>	<u>58</u>
<u>ARTICLE X: PLANNED DEVELOPMENT DISTRICTS</u>	<u>59</u>
<u>1. General Intent and Operation</u>	<u>59</u>
<u>2. General Requirement and Site Plan Review Criteria for the P.D. District</u>	<u>60</u>
<u>3. Procedure</u>	<u>61</u>
<u>ARTICLE XI: INDUSTRIAL DISTRICTS</u>	<u>63</u>
<u>1. General Intent and Objectives</u>	<u>63</u>
<u>2. General Requirements and Review Criteria</u>	<u>63</u>
<u>3. Procedure</u>	<u>64</u>
<u>ARTICLE XII: NON-CONFORMING USES AND STRUCTURES</u>	<u>64</u>
<u>ARTICLE XIII: ADMINISTRATION AND ENFORCEMENT</u>	<u>65</u>
<u>1. Zoning Permits</u>	<u>65</u>

2. Enforcing Officer	66
3. Zoning Board of Appeals	67
4. Planning Board	72
5. Temporary Permits	73
6. Violations and Penalties	73
ARTICLE XIV: AMENDMENTS	73
ARTICLE XV: INTERPRETATION AND SEPARABILITY	74
ARTICLE XVI: REPEALER CLAUSE	74
ARTICLE XVII: EFFECTIVE DATE	74

**TOWN OF ALEXANDRIA  
ZONING LAW  
JEFFERSON COUNTY  
NEW YORK**

**PURPOSE:** The Town of Alexandria Zoning Law is established for the purpose of promoting the health, safety and welfare, and the most desirable use for which the land in each district may be adapted; for conserving the value of buildings and for enhancing the value of land throughout the Town, pursuant to the authority conferred by Article 16 of the Town Law. Reasonable consideration is given to the best planned use of each district and its peculiar suitability for the particular use which it is intended. The Town Board of the Town of Alexandria in the County of Jefferson, State of New York, hereby

**ARTICLE I: TITLE**

This Local Law shall be known and may be cited as "The Town of Alexandria Zoning Law".

**ARTICLE II: DEFINITIONS**

**Construction of Words:** When used in this Law, words in the present tense include the future and words of one gender include all genders. The singular number includes the plural and the plural includes the singular. The term "shall" is intended to be mandatory. Whenever a word or term is defined to "include" certain items or matters, such inclusion is intended to be by way of specification and not of limitation.

**ACCESSORY BUILDING:**

A building, the use of which is customarily incidental to that of a principal building or use and which is located on the same lot as that occupied by the main building or use. An accessory building shall not be used as a sleeping or living facility.

**ACCESSORY USE:**

A use customarily incidental and subordinate to the principal use and conducted on the same lot therewith.

**ADULT USE:**

Any establishment or business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, including but not limited to adult bookstores, adult motion-picture theaters, adult entertainment cabarets, and adult entertainment revues.

**AGRI-BUSINESS OPERATION:**

Businesses that supply farms and agricultural operations with needed supplies, implements and other products.

**AGRICULTURAL USE:**

The raising and production (for compensation) of crops, livestock, poultry, dairy products, fish or other wildlife, trees, maple syrup products and other similar pursuits. Tree growing and harvesting, animal husbandry, horticultural operations, forestry operations and the sale at wholesale or retail of farm products upon the premises where the same are grown or produced. It shall also include riding and boarding stables and commercial activities involving on-site visitors to locations engaged in agricultural uses commonly referred to as agri-tourism.

**AIRFIELD:**

A field registered with F.A.A. where aircraft can take off and land.

**AIRPORT:**

A place from which aircraft operate that usually has paved runways and maintenance facilities and often serves as a terminal.

**AIRSTRIP:**

An airfield consisting of one or more runways without normal air base or airport facilities.

**ALTER/ALTERATION:**

To change or rearrange any exterior structural part of the existing facilities of a building or structure, by enlarging the building or structure, whether by extending any side or increasing the height thereof, or to move the same from one location or position to another. It shall not be considered an alteration if there is no expansion of exterior dimensions. For instance; replacement of windows, doors, siding, roofing, etc., as well as interior alterations, shall not be considered an alteration for the purposes of this Law.

**ANTENNA:** A system of electrical conductors that transmit or receive radio frequency waves.

**ASSISTED LIVING FACILITY:**

One or more buildings used to house the elderly or handicapped individuals as their primary residence and offering a range of assistance to the residents for their basic life requirements including, but not limited to, the furnishing of meals and nursing or custodial care for payment or compensation.

**AUTOMOBILE SERVICE STATIONS:**

Any lot or building, or portion thereof, used or occupied for the sale or supply of gasoline or motor vehicle fuels, oils or lubricants, or for the polishing, greasing, washing or servicing of motor vehicles.

**BED & BREAKFAST:**

The renting out a maximum of six (6) rooms and serving their guests breakfast.

**BILLBOARD:**

A free standing sign which has an area of one face side of thirty-two (32) square feet or more.

**BUILDING:**

Any structure having a roof supported by columns or by walls which is used or occupied, or is capable of being used or occupied, for the shelter, housing or enclosure of animals, persons or property. The term, unless specified, includes both principal and accessory buildings. Also includes alternative designs, including but not limited to, A-Frames, Quonset Huts and Geodesic Domes.

**BUILDING AREA:**

The total area, taken on a horizontal plane at main grade level, consumed by the principal building and all accessory buildings, excluding chimneys, uncovered porches, patios, terraces, steps and open areaways.

**BUILDING LINE:**

The line that is formed by the face of the building/structure, or the attached part of the building/structure, nearest the lot line. This shall include, but is not limited to, measurement from such structures as covered porches, patios, terraces, carports, attached garages, chimneys, steps, fire escapes, open areaways, roof overhangs, cornices, eaves and other similar protrusions.

**BURNED OR DAMAGED BUILDINGS:**

See "Unsafe Buildings"

**CAMP:**

A structure with accommodations for living and sleeping designed for seasonal occupancy of not more than six consecutive months.

**CAMPGROUND (COMMERCIAL):**

Any lot or area used or occupied by two (2) or more tents, recreation trailers or vehicles which are used for living or sleeping purposes or commercial purposes which is generally determined to be used by transients on a vacation trip.

**CELL TOWERS: See Telecommunications****COMMUNITY FACILITY:**

A building, structure or use operated for the benefit of the general well-being, health, safety, welfare and enjoyment of the public. This shall include, but is not limited to, fire stations, libraries, community-owned buildings, schools, hospitals, nursing homes and churches.

**COMMERCIAL ENTERPRISE:**

A business that is intended to sell or trade retail goods, products or services to residents in the immediate community and/or clientele from a wide area. Such enterprises shall

generally include, but are not limited to, grocery stores, small implement dealers, restaurants, hotels, motels, trucking centers, theme parks and similar operations.

**DANGEROUS USE:**

The manufacture, bulk storage or handling of explosives, flammable gases, lethal or toxic, noxious chemicals or other similar substances. The term does not include the operation of a retail gasoline station or marina.

**DRIVE-IN THEATER:**

A site where one or more theater screens are located outdoors to provide motion picture viewing to the public who drive up and remain seated in their cars or designated areas outside of their cars whether inside or outside of an enclosure for the viewing of the motion picture.

**DWELLING:**

A building, or portion thereof, used or occupied as living quarters for one or more families. The term does not include tourist accommodations, trailers, mobile homes or recreational vehicles, but does include double-wide and modular homes.

- a) DWELLING – SINGLE FAMILY: A detached building, designated for, or occupied exclusively by, one individual or single family unit and containing not more than one dwelling unit. It shall have a minimum of 800 square feet of interior floor area with a minimum of 600 square feet at ground level.
- b) DWELLING – TWO FAMILY: A detached building where not more than two individual families live; or where two dwelling units with separate cooking, sanitary, living and sleeping facilities exist. Each unit shall contain a minimum of 600 square feet of interior floor area.
- c) DWELLING – MULTIPLE FAMILY: A building or portion thereof used or designed as a residence (including cooking, sanitary living or sleeping facilities) for each of the three or more families who reside therein. Each unit shall contain a minimum of 600 square feet of interior floor area.

**ENFORCING OFFICER:**

The enforcing officer is the person appointed by the Town Board to carry out the regulations of this Law. This person may also be known as the Zoning Enforcement Officer or Code Enforcement Officer.

**ERECT:**

To construct, build, re-erect, reconstruct, rebuild or excavate for a building or structure.

**FAMILY:**

One or more persons living together as a single housekeeping unit.



**FENCE:**

The same definition as "wall". A hedge shall be considered a fence. A planter or decorative fence less than two (2) feet above ground level shall not be considered a "fence".

**FLOOR AREA:**

The total horizontal area of all floors of a building, excepting the basement and attic thereof measured along the faces of the interior walls.

**FUR FARM:**

Any lot or building, or part thereof, used or occupied for raising or keeping for compensation of rabbits, foxes, minks, skunks or other fur bearing animals.

**GASOLINE SERVICE STATION:**

The same definition as Automobile Service Stations.

**HEDGE:**

A thicket or row of bushes, shrubs or trees planted or located adjacent to or near a property line.

**HEIGHT:**

The vertical distance measured from the average elevation of the main grade at the front of the building/structure to the highest point of the roof.

**HIGHWAY RIGHT OF WAY LINE:**

The same definition as Street Line.

**HOG FARM:**

Any lot or building, or part thereof, used or occupied for the raising of pigs or hogs for compensation.

**HOME OCCUPATION:**

Any accessory use of a service character customarily conducted within a dwelling by a resident thereof which is clearly secondary to the use of the dwelling for living purposes and does not substantially change the character thereof or have an exterior evidence of such use, other than an approved advertising sign and parking requirements associated therewith. Occupations such as physician, dentist, lawyer, insurance sales, beauty salon, barber shop, convalescent homes, a musical instructor, dressmaker and other similar service uses conducted within the dwelling, shall be deemed to be home occupations, with the questions of similarity being determined by the Zoning Board of Appeals.

**HOSPITAL:**

Any hospital, sanitarium or other institution used or occupied for the care of persons mentally or physically ill, incapacitated or disabled. The term includes nursing and extended care homes.

**HOTEL:**

Generally determined as a single building used as sleeping or living quarters with related office, with or without, restaurant facilities, designed primarily for travelers, and provided with accessory off-street parking facilities. The individual units of such uses are usually accessed from interior passageways.

**INDUSTRY OR INDUSTRIAL OPERATION:**

A building, lot, or portion thereof, used for the manufacturing, design, assemblage or other fabrication of a product for sale.

**JUNKYARD:**

See Salvage

**LARGE PRODUCT RETAIL:**

The sale or rental of large products such as automobiles, recreational vehicles, snowmobiles, trailers, boats, construction equipment, farm machinery, mobile and modular homes. This list is intended to be descriptive only and not exclusive of other types of large products.

**LAW:**

The word law shall refer to the Town of Alexandria Zoning Law.

**LEGALLY UNOPERATIVE MOTOR VEHICLES:**

A motor vehicle that is not capable of being legally operated on the public highway.

**LOT:**

A parcel of land used or occupied, or capable of being used or occupied, by a building or structure and the accessory buildings, structures or uses customarily incidental to it including such yards as are required by this Law.

**LOT, CORNER:**

A parcel of land at the junction of, and fronting on, two or more intersecting streets.

**LOT, DEPTH:**

The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines. Any line dividing one lot from another or from the street line or waterway line. On the street, public or private, where there is no right of way line, the lot line shall be the same as the nearest edge of the paved or improved surface including the sidewalks.

- a) **LOT LINE, FRONT:** The lot line adjoining any street or highway right-of-way line or the waterfront property line. If a lot adjoins two or more streets or highways, it shall be deemed to have a front lot line respectively on each.
- b) **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line.
- c) **LOT LINE, SIDE:** Any lot line other than the front or rear lot lines.

- d) **LOT LINE, CORNER:** Both streets shall be deemed as front lot lines, with the opposites becoming side lines.

**LOT, ILLEGAL:**

A lot that did not meet the minimum requirements of the Town of Alexandria Zoning Ordinance or law in effect when the lot was created.

**LOT OF RECORD:**

Any lot which has been recorded in the County Clerk's Office.

**LOT OF RECORD, SUBSTANDARD:**

A lot of record that was recorded in the County Clerk's Office prior to the adoption of the Town of Alexandria Zoning Ordinance dated November 1, 1984, or prior to any adopted amendments thereto and did not meet the minimum dimensional requirements of the Town of Alexandria Zoning Ordinance in effect at that time.

**LOT WIDTH:**

The horizontal distance between the side lot lines measured at the required front and rear setback lines.

**LOT WIDTH – CORNER LOT:**

Shall be measured from the front yard to the side yard.

**MANUFACTURED HOME:**

A dwelling unit consisting of one or more sectional units and constructed to the Federal HUD Code effective July 15, 1976. These homes are built entirely in a factory and designed to be used with or without a permanent foundation. A steel frame, an integral part of the structure, is permanently attached to the floor joist of the manufactured home or its section. The home is transported to the site using hitch, wheels and axles, which are removed at the site. Each home is labeled with an embossed seal that confirms compliance with the HUD Code. Each home shall be a minimum of 800 square feet in size.

**MANUFACTURED HOME PARK:**

Any lot, or adjacent lots, under single ownership on which three or more mobile homes or manufactured homes are located, regardless of whether rent is charged for such accommodations.

**MARINA:**

Any lot, building, structure or part thereof, located on or adjacent to the waterfront and which provides docking or secure mooring facilities for yachts, motor boats, sail boats or other marine vehicles or craft for a fee. The use can also include the sale, rental and/or storage of marine and boating vehicles; as well as the supplies, service, repair, fueling and other related facilities and/or operations necessary to maintain such craft and service those using these vehicles.

**MINING OPERATION:**

A lot, land or a part thereof, used for the purpose of extracting stone, gravel or topsoil for sale as a commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building or otherwise readying a lot for a use permitted under this Law.

**MOBILE HOME:**

A dwelling unit manufactured in one section, designed for long-term occupancy with plumbing and electrical connections provided for attachment to outside systems, designed to be transported after fabrication on its own wheels, and built before the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, *42 USC 5401 et seq.*, which went into effect on July 15, 1976.

**MODULAR HOME:**

A dwelling unit manufactured off-site in accordance with the New York State Uniform Fire Prevention and Building Code.

**MOTEL:**

A building, or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters, for a fee, with direct outside access and related office, with or without restaurant facilities, designed primarily for travelers, and provided with accessory off-street parking facilities.

**MOTOR VEHICLES, INOPERATIVE:**

Any motor vehicle, not on the premises of a licensed dealer, which is unregistered. As related to agricultural and other special uses, any motor vehicle incapable of motion under its own power and/or no longer in condition for legal use.

**NON-CONFORMING BUILDING OR STRUCTURE:**

A building or structure, the size, dimension or location of which was lawful prior to the adoption or amendment of this Zoning Law but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NON-CONFORMING USE:**

A use of land, building or structure, lawfully existing at the time of enactment of this Zoning Law which does not conform to the regulations of the district or districts in which it is located.

**NOXIOUS USE:**

Any use which is noxious, offensive or injurious by reason of the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or vibration. The term includes the operation of a slaughtering house or rendering works.

**OFFICE:**

A building, room, or series of rooms in which the affairs of a business or profession are carried on.

**PARCEL:**

That amount of contiguous land falling under a single deed of ownership. If a parcel is dissected by roadways, stream or other man-made or natural features it is still deemed to be contiguous and one parcel.

**PARKING SPACE:**

An off-street space available for the parking of one (1) 10x20 motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and accesses thereto, and having direct access to a street or highway, and being of a grade adequate for safely parking of a motor vehicle.

**PERMITTED USE:**

Any use permitted under the provisions for the district in which the land, building or structure is located.

**PERSON:**

Any person, firm, partnership, corporation, limited liability company (LLC), association or legal representative, acting individually or jointly.

**POOL, SWIMMING:**

A structure or facility constructed to hold water at least three (3) feet deep and used by either private or public parties, for recreational purposes.

**PRINCIPAL BUILDING:**

A building in which is conducted the main or principal use of the lot on which such building is located. The definition shall include barns and garages that are 320 square feet or larger in size.

**PRINCIPAL USE:**

The main or principal purpose for which any land, building or structure is used or occupied.

**PUBLIC UTILITIES FACILITY:**

A building, structure or facility designed to serve the public, or some portion thereof, by providing some needed public service such as the supply of water, gas, electricity, non wireless telephone service, or the disposal of sewage and other wastes.

**QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING:**

A lot, land, or part thereof, used for the purpose of extracting stone, sand, gravel or top soil for sale, as commercial operation (as defined under the New York State Environmental Conservation Laws), and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

**RECREATION FACILITY, PUBLIC OR PRIVATE:**

A municipally or privately owned and operated swimming pool, open space, tennis court, athletic field or similar facility for recreational use. This definition shall only apply

to facilities which are operated for the general public or members of a private organization, such as a country club and ice arena.

**RECREATION VEHICLES (FOR PART TIME LIVING PURPOSES):**

Motor homes, truck campers, camping trailers and similar vehicles used for recreational purposes.

**RESORT:**

A commercial business that offers a variety of facilities such as, but not limited to, lodging, dining, conventions, marina, camping and recreation.

**RESTAURANT:**

A place where the general public can purchase food or meals to consume within the premises.

**RETAIL STORE:**

A store or shop where goods, commodities or merchandise are sold directly to the consumer or the general public.

**SALVAGE YARD (ALSO CONSIDERED A "JUNK YARD"):**

An area of land, with or without buildings, primarily used for the storage outside of a completely enclosed building: of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, including junk, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outdoor storage of two or more legally inoperable vehicles (excluding unregistered operative vehicles used in conjunction with the operation of a farm), or the major parts of two or more such vehicles, for a period of thirty (30) days or longer, shall be deemed to make the lot a "junk" or "salvage" yard.

**SELF-STORAGE UNITS:**

A building or group of buildings designed or intended for individual use as off-site storage which are operated commercially for rental. Often referred to as "mini storage units".

**SHOP:**

A place where goods, commodities or merchandise are sold at retail.

**SHOPPING CENTER:**

A group of three or more commercial establishments built on a site that is planned, developed, owned and managed as an operating unit related in location, size and type of shops to the trade area that the unit serves; it provides on-site parking in specific relationship to the type and total size of the stores.

**SIGNS:**

Any kind of sign-board, pennant, or other shape or device or display less than thirty-two (32) square feet (not including a billboard) used as an advertisement, announcement or direction. Such a notice may be incorporated onto a building surface, free standing or attached.

**SIGNS, TEMPORARY SPECIAL EVENT:**

Any sign that advertises an event or activity that has a duration of no more than thirty (30) days.

**SINGLE FAMILY HOME (PERMANENT):**

See definition for Single Family Dwelling.

**STREET:**

A public thoroughfare for motor vehicles which affords the primary means of access.

**STREETLINE OR HIGHWAY RIGHT OF WAY LINE:**

The dividing line between a lot and a street right of way line. On a street or road (public or private) where there is no right of way line, the street line shall be the same as the nearest edge of paved or improved surface, including sidewalks.

**STRUCTURE:**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term includes dwelling units, buildings, swimming pools, platforms, stadiums, towers, docks (permanent), boathouses, billboards, signs, fences and walls, but is not intended to include conventional sidewalks, driveways, curbs, and chimneys.

**SWIMMING POOL:**

An artificially created closure containing water at a minimum depth of 24 feet used for swimming, wading or other water related recreational activities. Artificially created containers utilized for storing water for consumption such as a cistern and artificially created containers utilized for watering pets or other livestock are not considered to be swimming pools.

**TELECOMMUNICATION FACILITY:**

Any commercial equipment used in connection with the provision of wireless communication services, including cellular telephone service, personal communications services, radio and television broadcast communications and private radio communications services, that are regulated by federal laws. A telecommunication facility shall include towers and other structures, including supporting masts and wires, on which transmitting and/or receiving antenna(e) are located as well as antenna and accessory facilities such as transmission equipment and storage buildings.

**TELECOMMUNICATION TOWER:** A structure on which transmitting and/or receiving antenna (e) are located.

**TRAILER – SAME DEFINITION AS MOBILE HOME**

**USE:**

The specific purpose for which any land, building or structure is used, designed, arranged, intended or occupied.

**WALL:**

A facility of wood, stone or other materials or combination thereof intended for defense, security, screening, partitioning, or enclosure; or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads. A fence and/or a hedge shall be considered a "wall", and a berm of earth, sod or soil shall be considered a "wall".

**WAREHOUSE:**

A building where wares or goods are stored before being distributed to retailers.

**WASTE MATTERS:**

Any refuse, rubbish, waste matter, litter, garbage, decomposable or organic matter, putrescible matter, carcass, sewage, excrement, sludge, slops, hazardous liquids or substances (as per New York State Environmental Conservation Law), ashes, tin cans, crates, boxes or other substances or material offensive to the public or detrimental to its health, safety and welfare by virtue of its volume or untreated nature.

**WATERFRONT PROPERTY LINE:**

Along the front yards of waterfront property, the waterfront property line shall be determined as the mean low water mark.

**WHOLESALE:**

The sale of goods or merchandise in large quantities to retailers and not to the individual consumers.

**YARD:**

Generally determined to mean that unoccupied open space (from the ground upward) between the building line and the nearest lot line, street line or waterfront property line. A yard may also be established by measuring the required yard distance away from the building line. This approach shall be utilized for instance, when there is more than one principal structure permitted on a lot:

- A. **YARD, FRONT:** The yard between the front building line and the front lot line (or the required setback distance to a point measured from the building line) and extending the full width of the lot. For the purpose of this Law the front yard of waterfront property shall be the yard between the front building line and the waterfront property line.
- B. **YARD, REAR:** The yard between the rear building line and the rear lot line (or the required setback distance measured from the building line) and extending the full width of the lot. For the purpose of this Law the rear yard of waterfront property shall be the yard between the rear building line and the street line (or a point meeting the required setback distance, as measured from the building line).
- C. **YARD, SIDE:** An unoccupied space extending from the front yard to the rear yard between the required side setback line and the nearest side lot line (or the required setback distance, as measured from the side setback line).



**ZONING OFFICER:**

The Zoning Officer is the person appointed by the Town Board to carry out the regulations of this Law. This person may also be known as the Enforcing Officer.

**ZONING PERMIT:**

A permit issued under the regulations of this Law allowing a new use or construction/placement of a building or structure.

### **ARTICLE III: ESTABLISHMENT OF ZONING DISTRICTS**

For the purpose of promoting the health, safety and general welfare of the community, the Town of Alexandria is hereby divided into the following zoning districts:

Agriculture and Rural Residence District	– AR
Business	– B
Industrial District	– IDI (Floating)
Marine Residential District	– MR
Planned Development District	– PD (Floating)
Residential – Business District	– RB

#### **1. ZONING MAP CERTIFICATION**

The boundaries of the above-named zoning districts are depicted on the map entitled "Zoning Map, Town of Alexandria", dated January 1, 2010 and filed in the Town Clerk's Office, which is incorporated herein by reference and hereby made a part of this Law.

#### **2. INTERPRETATION OF DISTRICT BOUNDARIES:**

- a) Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the final decision will be made by the Zoning Board of Appeals.
- b) Where a district boundary line divides a lot existing at the time of enactment of this Law, the use authorized on, and the district requirements of the least restricted portion of such lot shall be understood as extending to the entire lot.
- c) District boundary lines generally follow or parallel, at set distances, center lines of roads, existing lot lines and other manmade and natural features. The Zoning Officer shall be given the authority to scale these districts from the Zoning Map and relate them to accurate ground points.

## ARTICLE IV: APPLICATION OF REGULATIONS

1. No building structure, or land shall hereafter be used or occupied and no building, structure, or part thereof shall be erected, moved or altered (to expand the exterior physical dimensions) unless in conformity with the regulations herein specified for the District in which it is located.
2. No building shall hereafter be erected or altered:
  - a) To exceed the maximum height requirements of the District in which they are located.
  - b) To have narrower or smaller rear yards, front yards, side yards, than is specified in this Ordinance for the District in which such building is located.
3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Law shall be included as part of a yard or other open space similarly required for another building.

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE 1 – USE CONTROLS**

**AGRICULTURAL & RURAL RESIDENCE DISTRICT – AR**

**PURPOSE:** The primary purpose of this district is to promote agriculture, rural residences, open space and other complimentary uses.

**PERMITTED USES:** Agricultural uses; agri-business operation; single, two family, and multiple dwellings; mobile homes; camps, manufactured and modular homes, barns and garages 320 square feet or larger in size where it is the only structure on the lot.

**PERMITTED ACCESSORY USES:** Barns, milk sheds and other agriculturally related structures, private garages, carports, patios, swimming pools, signs, boathouses, and other customarily incidental uses.

**SPECIAL USES:** Educational institutions, drive-in restaurants, hospital, small commercial enterprises, forest product uses, agricultural processing plants, animal hospital, church, crematorium, community facilities, cemetery, public riding stable, automobile service station, above ground fuel storage tanks (over 1,000 gal.), building supply operation, fraternal organizations, salvage yard, machine and welding shops.

**SITE PLAN REVIEW:** Slaughter houses, airports, air strips, quarry, mobile home parks, public utility facility, motel, hotel, resorts, billboards, home occupations, recreation facilities, drive-in theaters, bed and breakfast, assisted living facilities, telecommunication facilities, and campgrounds.

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE 1 – USE CONTROLS**

**MARINE RESIDENTIAL DISTRICT – MR**

**PURPOSE:** The Marine Residential District is designated to promote residential neighborhoods, and certain supporting marine uses which are compatible with the environment and local area.

**PERMITTED USES:** Single and two family dwellings including manufactured or modular homes, and camp,.

**PERMITTED ACCESSORY USES:** Signs, private garages, boathouses, docks/bulkheads, etc., carports, patios, swimming pools.

**SPECIAL USES:** Community facilities and mobile homes.

**SITE PLAN REVIEW:** Marinas, multiple dwelling mobile homes, mobile home parks, small commercial enterprises, recreation facilities, hotels, motels, resorts, automobile service stations, fraternal organizations, mechanically moving, flashing or self-illuminating signs only in conjunction with an on-site business, agricultural uses, home occupation, assisted living facilities, campgrounds, drive-in theater, bed and breakfast, and telecommunication facilities.

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE 1 – USE CONTROLS**

**RESIDENTIAL BUSINESS DISTRICT – RB**

**PURPOSE:** The primary purpose of this district is to promote and enhance residential neighborhoods and related small commercial functions.

**PERMITTED USES:** Single and two family dwellings, including manufactured and modular homes, and camps.

**PERMITTED ACCESSORY USES:** Private garages, swimming pools, patios, carports, signs, barns and other agriculturally related structures, boathouses, and other customarily incidental uses.

**SPECIAL USES:** Neighborhood grocery stores, churches, community facilities, motels, hotels, resorts, mobile homes, modular homes, telecommunications facilities.

**SITE PLAN REVIEW:** Multiple dwellings, small commercial enterprises, agricultural uses, home occupation, recreation facilities, assisted living facilities, bed and breakfast.

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE 1 – USE CONTROLS**

**BUSINESS DISTRICT - BD**

**PURPOSE:** The primary purpose of this district is to promote wholesale and retail business establishments.

**PERMITTED USES:** Single and two family dwellings including manufactured and modular homes, and camps.

**PERMITTED ACCESORY USES:** Barns, milk sheds and other agriculturally related structures, private garages, carports, patios, swimming pools, signs and other customarily incidental uses.

**SITE PLAN REVIEW:** Shopping centers, billboards, multiple dwellings, mobile homes, mobile home parks, small commercial enterprises, recreation facilities, hotels, motels, resorts, automobile service stations, fraternal organizations, agricultural uses, home occupation uses, telecommunication facilities, assisted living facilities, and bed and breakfast.

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE 1 – USE CONTROLS**

**INDUSTRIAL DISTRICT – IND (floating):**

**PURPOSE:** The purpose of this district is to promote industry in acceptable areas of the Town.

**SITE PLAN REVIEW:** Manufacturing plants (including assembling, processing and fabricating), light industrial operations, public utility facilities, and business and commercial uses listed in the RB District are permitted.

**PERMITTED ACCESSORY USES:** Signs and billboards, service buildings for the industrial or business uses, necessary utility structures and facilities, and other similar accessory uses.



PLANNED DEVELOPMENT DISTRICTS

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE 1 – USE CONTROLS**

**PLANNED DEVELOPMENT DISTRICTS – PD (floating):**

**PURPOSE:** The purpose of this district is to allow the Town the flexibility to vary certain requirements of this Law, providing the development adheres to basic criteria, is of quality nature, and meets the overall intent and conditions set forth in this Law. The district allows a combination of residential, commercial and recreational uses.

**PERMITTED USES:** See Article X.

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE II – LOT DIMENSIONS**

**ACRICALTURAL AND RURAL RESIDENCE – AR:**

*Note: Front yard measurements are taken from the highway right of way line.*

**PERMITTED USES:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width;	100 ft.
Minimum Front Yard:	55 ft.
Minimum Side Yard:	15 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

**ACCESSORY USES:**

Minimum Front Yard:	55 ft.
Minimum Side Yard:	6 ft.
Minimum Rear Yard:	6 ft.
Minimum Building Height:	35 ft.

**SPECIAL PERMIT AND SITE PLAN REVIEW USES:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Minimum Front Yard:	55 ft.
Minimum Side Yard:	15 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height	35 ft.

**LOT OF RECORD:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	7,500 sq. ft.
Minimum Lot Width:	50 ft.
Minimum Front Yard:	55 ft.
Minimum Side Yard:	6 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height	35 ft.

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE II – LOT DIMENSIONS**

**MARINE RESIDENTIAL – MR:**

Exception: Boathouses, docks and other similarly situated Marine Accessory Uses may be located on the front property line, but are required to meet side yard requirements where they touch the shore.

*Note: Front yard measurements are taken from the mean low water mark for waterfront parcels and from the highway right of way line for nonwaterfront parcels..*

**PERMITTED USES:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Minimum Front Yard:	55 ft.
Minimum Side Yard:	15 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

**ACCESSORY USES:**

Minimum Front Yard:	55 ft.
Minimum Side Yard:	6 ft.
Minimum Rear Yard:	6 ft.
Minimum Building Height:	35 ft.

**SPECIAL PERMIT AND SITE PLAN REVIEW USES:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Minimum Front Yard:	55 ft.
Minimum Side Yard:	15 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

**LOT OF RECORD:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	7,500 sq. ft.
Minimum Lot Width:	50 ft.
Minimum Front Yard:	55 ft.
Minimum Side Yard:	6 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE II – LOT DIMENSIONS**

**RESIDENTIAL – BUSINESS RB:**

*Note: Front yard measurements are taken from the highway right of way line..*

**PERMITTED USES:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Minimum Front Yard:	30 ft.
Minimum Side Yard:	15 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

**ACCESSORY USES:**

Minimum Front Yard:	30 ft.
Minimum Side Yard:	6 ft.
Minimum Rear Yard:	6 ft.
Minimum Building Height:	35 ft.

**SPECIAL PERMIT AND SITE PLAN REVIEW USES:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Minimum Front Yard:	30 ft.
Minimum Side Yard:	15 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

**LOT OF RECORD:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	7,500 sq. ft.
Minimum Lot Width:	50 ft.
Minimum Front Yard:	30 ft.
Minimum Side Yard:	6 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

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**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE II – LOT DIMENSIONS**

**BUSINESS DISTRICT – BD:**

**PERMITTED USES:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Minimum Front Yard:	55 ft.
Minimum Side Yard:	15 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

**ACCESSORY USES:**

Minimum Front Yard:	55 ft.
Minimum Side Yard:	6 ft.
Minimum Rear Yard:	6 ft.
Minimum Building Height:	35 ft.

**SPECIAL PERMIT AND SITE PLAN REVIEW USES:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Minimum Front Yard:	55 ft.
Minimum Side Yard:	15 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

**LOT OF RECORD:**

Maximum Lot Coverage:	50%
Minimum Lot Area:	7,500 sq. ft.
Minimum Lot Width:	50 ft.
Minimum Front Yard:	55 ft.
Minimum Side Yard:	6 ft.
Minimum Rear Yard:	25 ft.
Maximum Building Height:	35 ft.

**ARTICLE V: DISTRICT REGULATIONS  
SCHEDULE II – LOT DIMENSIONS**

**INDUSTRIAL DISTRICT – IND. (floating):**

**WAIVED:** All lot dimensions for permitted uses, as noted, will be waived and will be at the discretion of the Planning Board and Town Board. See Article XI for details.

**Maximum Building Height:** 35 ft. all structures

**PLANNED DEVELOPMENT – PD (floating):**

**WAIVED:** All lot dimensions for permitted uses, as noted, will be waived and will be at the discretion of the Planning Board and Town Board. See Article X for details.

**Maximum Building Height:** 35 ft. all structures

## ARTICLE VI – SUPPLEMENTAL REGULATIONS

1. **IN ALL DISTRICTS** the following supplemental uses shall apply:
  - A. **FENCES, WALLS AND HEDGES** – shall be permitted in all districts provided that they meet the following requirements:
    1. Fences, walls and hedges along all front property lines and along side property lines as far from the front as the set back specified for the district in which located shall not exceed four feet (4') in height from the ground measured from the original grade. From said set back, fences, walls and hedges around the remaining perimeter of side and rear yards shall not exceed six feet (6') in height from the ground measured from the original grade.
    2. Fences, walls and hedges shall be set back three feet (3') from the property line to permit adequate room for maintenance.
    3. Fences, walls and hedges shall be so constructed and maintained that they do not constitute a safety hazard and so that they are not visually or aesthetically detrimental to the neighborhood. There must be a clear line of sight at all intersections, and the use of barbed wire and/or electrically charged fences shall be restricted to agricultural uses only. All fences and walls shall be constructed and maintained so as to be aesthetically pleasing to the adjoining property owners.
    4. It shall be the responsibility of the property owners to keep such fences, walls and hedges at the proper height. Should the property owner fail to maintain the proper height, their permit for the same shall be voided and the property owner shall be responsible for their removal.
  - B. **GARAGE (PRIVATE) OR OTHER ACCESSORY STRUCTURE – ATTACHED** - A private garage or other accessory structure that is connected to a dwelling or structure, becomes a part of the principal building rather than an accessory building. Such structure shall not be required to have a setback distance from the principal building. It shall only maintain required setbacks from adjacent lot and street lines, as specified by this law. An attached garage or carport may extend into a required rear yard, however, it shall be at least fifteen (15) feet from the rear lot line in the AR and MR Districts and shall be at least five (5) feet from the rear lot line in the RB District.
  - C. **GARAGE OR OTHER ACCESSORY STRUCTURE – DETACHED** - Private garages and other accessory buildings that are detached from the principal building shall meet required yard setback distances but shall not have a required setback distance from the principal building.

- D. HEIGHT** – The maximum building height of 35 feet may be increased if the minimum setback requirements are also increased by 2 feet for each 1 foot variance granted over 35 feet. Silos and other agricultural uses, churches, and similar uses with attached projecting structures are exempt from this regulation.
- E. HOME OCCUPATION** – Home occupation uses are permitted in all districts (except Industrial), subject to any approvals that may be required under Article V, Schedule 1. Following is a list of criteria that they must meet:
1. Not more than five (5) people shall be employed at such use, including residents of the dwelling.
  2. The use must be conducted within the dwelling.
  3. One identification sign is permitted and shall not exceed two square feet in area.
  4. Off street parking space requirements, as identified in this Article, shall be adhered to.
  5. No unsafe traffic conditions shall be produced by vehicles at the use, because of sign placement, etc.
  6. No objectionable odors, noise or unsightly conditions shall be encountered by neighboring properties.
- F. LIVESTOCK** – In all districts, all farm livestock, such as cows, pigs, horses and other similar animals (as determined by the Planning Board) shall not wander at large, and create a public nuisance (i.e. traffic hazards, etc.) Rather they shall be sufficiently restrained by a pen, fence, building or other similar facility.
- G. LIVESTOCK STRUCTURES** - No structure used for livestock purposes shall be placed closer to a residential building line than 50 feet in AR and MR.
- H. LOADING-UNLOADING BERTHS** – In all districts, loading – unloading berths have the following off-street loading requirements:
1. In connection with every building or building group or part thereof having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing or commercial uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same lot with such building, a minimum number of off-street loading berths or unloading berths, as follows:



4,000 – 25,000 sq. ft.	-	1 berth
25,001 – 40,000 sq. ft.	-	2 berths
40,001 – 60,000 sq. ft.	-	3 berths
For each additional 50,000 sq. ft.	-	1 space

- The loading berth required in each instance shall be not less than twelve (12) feet in width, twenty-five (25) feet in length, fourteen (14) feet in height and may occupy all or any part of any required yard. Such space may also be a part of a required parking area.

**I. LOT OF RECORD – SUBSTANDARD** – A substandard lot of record may be constructed upon for permitted uses as provided in Article V – Schedule I, and provided that minimum yard requirements set forth in Article V – Schedule II and other Town Laws and Zoning Regulations are followed. Any deviation from the above requirements requires a variance. A zoning permit for any proposed construction on such a lot is required as set forth under this Law.

**J. MANUFACTURED HOMES – INDIVIDUAL** – shall meet the following criteria in all districts in which they are permitted:

- Manufactured homes shall be skirted with all-weather, solid material around the entire carriage base. This shall be so placed as to prevent the wind from circulating under the floor of the mobile home.
- All manufactured homes shall be placed on a concrete pad or permanent foundation.
- A manufactured home used as a tenant residence on a farm will be permitted provided that it is located on a lot at least 100 feet by 150 feet and no closer than 80 feet to a farm house or any farm building and shall meet the same yard requirements as a dwelling.
- All manufactured homes shall have a pitched, shingled roof and have siding that is residential in appearance.
- All manufactured homes shall be located and installed in compliance with the New York State Uniform Fire Prevention and Building Code.
- All manufactured homes shall comply with the Federal Manufactured Home Construction and Safety standards as published in Volume 24 of the Code of Federal Regulations in Chapter XX, Parts 3280 and 3282 in effect as of the date of installation on the premises. Said standards shall apply to such manufactured homes whether constructed prior to, or subsequent

to, the effective date of said Federal Regulations. In the event that the said Federal Standards are in conflict with any of the provisions of this Zoning Law, the Federal Standard shall control.

**K. PARKING LOTS** – In the respective districts, parking lots for all site plan uses shall be at least twenty (20) feet from all lot and street lines. There shall be an exit and entrance to accommodate travel concurrently. The placement of the required yard except where this Law permits such placement.

**L. PARKING STANDARDS – MINIMUM** – In the respective districts, the following are **minimum parking standards**. They may be modified by special permit or site plan review criteria found elsewhere in this Law:

- |     |   |  |
|-----|---|--|
| 1.  | Community Facilities  | 1 for each 200 sq. ft of gross floor area, or 1 for each 3.5 seats, whichever is greater |
| 2.  | Motels, Hotels, Resorts<br>Bed and Breakfast                              | 1 each for sleeping room or dwelling unit  |
| 3.  | Industrial Operations   | 1 for each employee in the maximum working shift   |
| 4.  | Restaurants and Recreation<br>Facilities                                  | 1 for each 50 square feet of patron space  |
| 5.  | Retail Stores, Store Groups<br>Shops, Small Commercial<br>Establishments, | 1 space for each 200 square feet of floor space, plus 1 for each employee                |
| 6.  | Wholesale Establishments<br>or Warehouses                                 | 1 for each employee in maximum shift   |
| 7.  | Office – General  | 1 for each 200 square feet of office space (not including storage area)                  |
| 8.  | Office – Doctor or Dentist  | 5 for each doctor or dentist and 1 for each examining room                               |
| 9.  | Home Occupation   | Minimum of 3 spaces  |
| 10. | Dwelling & Mobile Homes   | 2 for each dwelling unit   |

**M. PERMITTED USED – MORE THAN ONE** – In all districts where more than one permitted use exists on the same parcel (with the exception of home occupation uses), the minimum lot size shall be increased by the same multiple as the number of uses, and all such uses shall have a required yard, which shall be determined by measuring the required distance from the use's building line.

**N. POOLS – IN THE AR, MR, RB, B, AND PD DISTRICTS**, swimming pools are permitted structures and may be located within a required side or rear yard. However, swimming pools shall:

1. Not be closer than ten (10) feet to a lot line or thirty (30) feet from a street line.
2. All pools shall have a fence that is five (5) feet tall around the entire structure. The fence shall be constructed of such materials so as to prevent unauthorized entrance by children or other individuals. This shall not apply to above-ground pools which have attached fences and restraining devices.
3. Pools must be removed at the property owner's expense after being abandoned for a period of 60 days.

**O. RECREATION FACILITIES**

1. The facility shall be located at least fifty (50) feet from a lot or street line.
2. If it is a commercial facility and is intended to serve a membership or clientele in excess of twenty-five (25) people at one time on a regular basis, the facility shall not be closer than one hundred (100) feet to a residential lot line.
3. Appropriate screening to reduce noise and dust shall be required when such a commercial use is adjacent to a residential lot. This screening may include fencing or hedges of appropriate density, as defined by the Planning Board.
4. Off-street parking spaces shall be provided in compliance with the off-street parking requirement of this Article.

**P. RECREATIONAL VEHICLES**, campers and similar vehicles may be permitted by temporary permit in any district, provided they are not parked in a required front yard or other location where they will inhibit traffic and fire safety. Such vehicles may be used for temporary residence, but not for a period to exceed one month. Sewage from such vehicles shall be disposed of properly (i.e. in a septic system, dumping station, etc.)

**Q. ROADWAYS/STREETS** – In all districts, roadways, and/or streets that are constructed by private individuals or enterprise, and which serve or are intended to serve the public as a public thoroughfare, shall meet Town highway and road standards as set forth by the Town Board. Such standards include grade, horizontal curves, right of way, width of surface, type of surface, line of sight, shoulders, driveways and drainage.

**R. SIGNS AND BILLBOARDS**

**1. All Districts**

- a) All signs and billboards must be properly maintained.
- b) No sign shall be installed to interfere with traffic safety or be placed closer than five (5) feet to a street line or lot line.
- c) Floodlights and other external lighting fixtures used in illumination of signs shall be permitted if located and/or shielded so as to not produce direct glare towards residential areas and/or highway traffic.
- d) Signs that are part of a building surface or flush with the surface shall not exceed thirty-two (32) square feet.
- e) Any business, enterprise, institution or other advertising entity that ceases operation shall remove their sign within ninety (90) days of such cessation. This provision shall not apply to seasonal businesses which are open at least ten (10) weeks per year.
- f) Two (2) contemporary special event signs shall be permitted.
- g) Any nonconforming sign existing at the time of the adoption of this law, or an amendment thereto, shall only be replaced by a sign conforming to the regulations in this Law and/or amendment thereto.

**2. AR**

- a) The top of a standing sign shall not exceed twenty-five (25) feet in height.
- b) An advertising sign, excluding a farm name or other farm identification, larger than thirty-two (32) square feet in area shall be considered a billboard and shall conform to setbacks and side yard requirements established for principal buildings. Billboards shall only be allowed by site plan approval.
- c) Mechanically moving, flashing or self-illuminating signs shall not be permitted, unless required for public safety purposes, as identified by a unit of government.

**3. MR**

- a) The ,maximum sign size shall be four (4) square feet.

- b) Mechanically moving, flashing or self-illuminating signs shall not be permitted, unless required for public safety purposes, as identified by a unit of government.

4. **RB**

- a) The top of a standing sign shall not exceed ten (10) feet in height.
- b) The maximum sign size shall be eight (8) feet.
- c) Mechanically moving, flashing or self-illuminating signs shall not be permitted, unless required for public safety purposes, as identified by a unit of government.

5. **B**

- a) An advertising sign, excluding a farm name or other farm identification, larger than thirty-two (32) square feet in area shall be considered a billboard and shall conform to setback and side yard requirements as established for principal buildings. Billboards shall only be allowed by site plan approval.
- b) On-site, mechanically moving, flashing or self-illuminating signs shall be permitted in conjunction with a business.

**S. PARKING LOTS** – In the respective districts, parking lots for all site plan uses shall be at least twenty (20) feet from all lot and street lines. There shall be an exit and entrance to accommodate travel concurrently. The placement of the required yard except where this Law permits such placement.

## **ARTICLE VII – PLANNING BOARD REVIEW**

1. **PURPOSE**

It is the intent of this Article to promote the health, safety and welfare of the town through project review. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town, and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants. It is intended for the Planning Board to attach reasonable safeguards and conditions to those uses that might otherwise produce deleterious effects on the environment, the rural and scenic character of the town or the town residents' health, safety and welfare.

## 2. SITE PLAN REVIEW

- A. **Authority.** Pursuant to authority delegated in accordance with Section 274-a of the Town Law of the State of New York, the Town Board hereby authorizes the Planning Board to review and approve, approve with modification, or disapprove site plans.
- B. **Applicability.** Site plan review uses shall be controlled by the regulations in this Article in addition to the regulations that apply in each district or for specific uses. No zoning permit or certificate of compliance shall be issued for any use or structure requiring site plan review until approval has been granted by the Planning Board.

## 3. SPECIAL USE PERMITS

- A. **Authority.** Pursuant to authority delegated in accordance with Section 274-b of the Town Law of the State of New York, the Town Board hereby authorizes the Planning Board to grant special use permits as set forth in this law.
- B. **Applicability.** Uses requiring a special use permit shall be controlled by the regulations in this Article in addition to the regulations which apply in each district or for specific uses. No zoning permit or certificate of compliance shall be issued for any use or structure requiring a special use permit until approval has been granted by the Planning Board,

## 4. APPLICATION REQUIREMENTS

An application for project review shall be made on forms prescribed by the Town. Five (5) copies, minimum, of all materials shall be submitted to the Board by the applicant. Extra copies as may be deemed necessary by the Planning Board may be required. The following information shall be required of all applications, unless specifically waived by the Planning Board:

1. Name and address of applicant and owner, if different, and of the person responsible for the preparation of such drawing;
2. Date, north arrow, written and graphic scale. The scale shall be in the range of 1 inch = 20 feet to 1 inch = 50 feet. At the request of the applicant, the Planning Board may permit a scale of up to 1 inch = 100 feet as long as the approved scale permits the Planning Board to adequately understand the site plan and approve all applicable criteria;
3. Boundaries of the area plotted to scale, including distances, bearings and areas;
4. The current zoning classification of the property, including the exact zoning boundary if in more than one district;

5. A complete outline of existing or proposed deed restrictions or covenants applying to the property;
6. Location and ownership of all adjacent lands as shown on the latest tax records;
7. A written description of all proposed uses and activities on the site, including the number and distribution by type of all dwelling units;
8. Location, name, and existing width and right-of-way of adjacent roads, including traffic circulation patterns;
9. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use adjoining the property;
10. Location, size, and design of the following: existing, proposed, and alterations to buildings, driveways, parking and loading areas, outdoor storage areas, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, buffer areas, snow storage areas; walls and fences, energy distribution facilities, fire lanes and other emergency zones;
11. Plans for controlling soil erosion and sedimentation during development;
12. Plans for grading and drainage showing existing and proposed contours of five foot intervals;
13. Significant or outstanding natural features of the property (e.g. wetlands, streams, high-water lines, cliffs, dense vegetation, etc.);
14. Designation of the amount of gross floor area and gross leasable area proposed for each nonresidential use;
15. Project construction schedule and staging phases, if applicable;
16. An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617, where required;
17. An agricultural data statement, pursuant to Town Law Section 283-a, when applicable;
18. A statement with the name, address and the nature and extent of the interest of any state employee, or any officer or employee of the town/village in the application pursuant to General Municipal Law Section 809, when applicable;

19. Other elements integral to the proposed development as considered necessary by the Planning Board including identification of any federal, state, or county permits required for the project's execution;
20. Application fee as stated in the fee schedule adopted by the Town.
21. All applicants for site plan review and special use permits shall agree to reimburse the Town of Alexandria for fees incurred for consultants and/or specialists to assist the Planning Board in its review of the application, including, but not limited to, attorneys fees and engineering fees.

## 5. PROCEDURE

### A. Pre-Submission Conference

The applicant is encouraged to request and attend a pre-submission conference with the Planning Board prior to formal submission of an application. This conference may be used to discuss rough conceptual drawings, proposed uses, the possible waiver of submission requirements, the review procedure and the criteria that the project must meet.

### B. Waiver of Requirements

The Planning Board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of site plans or special use permits submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety or general welfare and inappropriate to a particular site plan or special use permit. The reasons for, and the scope of any such waiver granted by the Planning Board shall be in writing and entered into the minutes of the Board.

### C. Public Hearing

Once a completed application has been formally accepted by the Planning Board at a public meeting of the Board, the Board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment, unless the hearing is waived. This time period may be extended upon the mutual consent of the Planning Board and the applicant.

A waiver of the hearing shall NOT be allowed in any one of the following circumstances:

1. the use requires a special use permit pursuant to this law;
2. the use is a Type I action according to the State Environmental Quality Review Act;
3. the use is over 2,000 square feet of floor or ground area;



4. the use is over 35 feet in height;
5. the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;
6. the applicant has requested a public hearing.

**D. Public Hearing Notice**

At least five days advance public notice of the hearing shall be published in a newspaper in general circulation in the Town. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing. The notice shall also be mailed to any farm operations listed on the agriculture data statement.

**E. County Planning Board Review.**

Pursuant to General Municipal Law Section 239-m, at least 10 days before the hearing, or where the hearing has been waived, before final action, the Planning Board shall refer all site plan reviews or special use permits to the County Planning Board that fall within 500 feet of the following:

1. the boundary of the town/village or any village within the town;
2. a state or county park or recreation area;
3. a state or county highway or expressway;
4. a state or county owned drainage channel;
5. state or county land where a public building or institution is located;  
or
6. the boundary of a farm operation located within an agricultural district.

If the County Planning Board does not respond within 30 days from the time it received a full statement on the referral matter, then the Planning Board may act without such report. However, any County Planning Board report received after such 30 days but two or more days prior to final action by the referring body, shall be subject to the provisions of an extraordinary vote upon recommendation of modification or disapproval. If the County Planning Board recommends modification or disapproval of a proposed action, the referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

**F. State Environmental Quality Review**

The Planning Board shall be responsible for the completion of an environmental assessment form (EAF) for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application. The Planning Board shall complete its environmental review and make an environmental determination prior to final action on the application.

**G. Final Decision**

The final decision by the Planning Board must be made within sixty-two (62) days following the close of the public hearing, or where the public hearing has been waived, within sixty-two (62) days of the official submission date. The decision shall be in writing, specifying any conditions that may be attached to an approval, the reasons that the Planning Board approved, approved with modifications or disapproved the proposal, and the motions/vote of the Planning Board. This time period may also be extended upon the mutual consent of the Planning Board and the applicant.

**H. Filing of Decision**

All decisions shall be filed in the office of the Town Clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the County Planning Board, the Planning Board shall file a report of the final action with the County Planning Board.

**I. Conditions on Approval**

In its approval, the Planning Board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a special permit or site plan approval. Upon approval of the project, any such conditions must be met in connection with the issuance of permits by the enforcement officer of the Town.

**J. Area Variance**

Notwithstanding any provisions of law to the contrary, where a proposed project contains one or more dimensional or physical features which do not comply with the zoning law, application may be made to the Zoning Board of Appeals for an area variance without the necessity for a decision or determination of the enforcement officer.

**K. Expiration of Site Plan Reviews and Special Use Permits**

Site plan review decisions and special use permits shall expire six months from the date of issue unless substantial progress has been made towards carrying out the terms of Planning Board decision. The applicant shall have two years to complete the terms of the decision, or all work shall cease at the site. An extension may be allowed by the enforcement officer

upon proof of necessity submitted by the applicant due to conditions unusual or beyond the control of the applicant.

## **ARTICLE VIII: SITE PLAN REVIEW AND SPECIAL USE CRITERIA**

### **1. SPECIAL USE REQUIREMENTS:**

#### **A. RIDING STABLES, AGRICULTURAL PROCESSING PLANTS AND SLAUGHTER HOUSES.**

1. Such facilities shall be located at least 300 feet from any residential lot line.
2. Animal wastes and remnants shall be disposed of in an environmentally safe manner that does not pollute the air, land or water. State Environmental Conservation and Health Laws and Regulations shall be adhered to.
3. On-lot drainage shall be acceptable to carry run-off water to an off-site location.

#### **B. AIRSTRIPS**

1. Airstrips shall not be located closer than 1,000 feet to any residential lot line.
2. There shall be adequate undeveloped takeoff and landing approach area to meet FAA Airport Development standards. Visibility for takeoff and approach patterns shall not be inhibited by topography, development, or vegetation.

#### **C. ANIMAL HOSPITALS**

1. Adjacent properties shall not be impacted by noise, odors, and/or unsightly appearance of the use.
2. All buildings, structures, and accessory uses (except off-street parking) shall be at least 150 feet from any property line.

#### **D. AUTOMOBILE SERVICE STATION AND PUBLIC GARAGES**

1. All motor vehicle service stations shall be so arranged and all gasoline and/or fuel pumps shall be so placed, as to require all servicing on the premises no closer to any street right-of-way line than 40 feet. No gasoline pump shall be placed closer to any side property line than 30 feet.

2. All junk waste, and servicing materials shall be stored within a structure or enclosed within fencing so as not to be visible from off the property.
3. Entrance and exit driveways shall be located at least five (5) feet from any side or rear property line.
4. Such uses shall only be permitted on a lot at least 150 feet in width, and 20,000 square feet in area.

**E. ABOVE GROUND FUEL STORAGE TANKS (Over 1,000 Gallons)**

1. Any such installation of flammable liquids or gas shall be in conformance with the applicable recommendations of the National Board of Fire Underwriters.
2. The recommendation of the local fire chief having jurisdiction shall also be considered prior to approval of such a use.
3. All such uses shall be located on sites large enough to contain the impact of any potential accident that might result from their explosion (without damaging adjacent properties).

**F. MACHINE AND WELDING SHOPS**

1. Such uses shall not be located closer to an off-lot residential lot line than 100 feet.
2. Such uses shall not cause electrical disturbances that will disrupt neighborhood communication reception.
3. No junk waste, discarded parts of materials used in the business shall be stored outside a building unless it is enclosed by a fence and not visible from neighboring properties.

**G. COMMERCIAL ENTERPRISES**

1. Any assembling or servicing related to the operation must take place within a building designed to accommodate the use.
2. Materials used in the assembling or servicing operation may be stored outside the building accommodating the use; however, they must be enclosed within a fence or structure so as not to be visible from off the property. The outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation.

3. One identification sign shall be permitted and shall not exceed eight square feet in area. It shall meet all other pertinent sign regulations found elsewhere in this Law.
4. The commercial use must be at least 100 feet from the nearest neighboring residential lot line (off-premises from the commercial lot).
5. The commercial use shall be in keeping with other adjacent uses and shall not conflict with neighboring residential and other uses.
6. Parking spaces shall be adequate to meet the requirements for Off Street Parking and Article VII, Supplementary Regulations.
7. No unsafe traffic conditions shall be caused by establishment of the use, or any accessory uses, signs or other appurtenances. Such facilities shall be so placed as not to hinder public thoroughfare and traffic site views. Drainage along roadways or affecting such area shall not be impeded by placement of such facilities.

#### **H. SALVAGE/JUNK YARDS**

1. Such uses shall NOT be located within three hundred (300) feet from the nearest residential lot line and street line.
2. The standard for operation and placement of a junk yard or salvage yard shall conform to the General Municipal Law, Article 6, Section 136. The provisions for salvage or junk yards found in this Law are not deemed to be local regulations controlling the operation of such uses.

#### **I. COMMUNITY FACILITIES**

1. Such facilities shall be in keeping with the character of the neighborhood.
2. Sufficient parking spaces must be provided to meet the off-street parking requirements of Article VII.
3. The use shall not produce dust, noise, lighting glare or other objectionable environmental conditions to neighboring residential properties. If it does, the applicant shall install adequate screening (fences, hedges, etc.) to eliminate such conditions. The screening shall be installed in conformance with reasonable standards established by the Planning Board, on a case by case basis.

4. Interior thoroughfares shall be arranged so as to insure public safety.

**J. PUBLIC UTILITY FACILITY**

1. The location, design, noise and operation of such facility shall not adversely affect the character of the surrounding area.
2. Adequate fences, barriers and other safety devices shall be provided around the structure (of any new use) at a height of at least six (6) feet.
3. Such uses shall be setback at least 200 feet from the nearest residential lot line.

**K. SALES AND RENTAL OPERATIONS FOR:** motor vehicles, marine uses, recreational vehicles, trailers, self-storage units construction equipment, farm machinery, mobile and modular homes; includes automobile dealership.

1. Such sales, rental operations, storage of inventory and parking facilities shall be located at least 50 feet from the nearest residential lot line.
2. When within 200 feet of a residential structure, such operations shall be screened from adjacent residential property by a fence, hedge or other planting or structure so as not to be visible from the adjacent property. The screening shall be installed in conformance with reasonable standards established by the Planning Board on a case by case basis.
3. The use shall not cause undue noise, odor or lighting glare that is objectionable or harmful to the neighborhood.
4. Such operations that also have service facilities for the same equipment shall meet the requirements of "Automobile Service Stations and Public Garages" under this Article.
5. The use shall not cause electrical disturbances that will disrupt communications reception of neighboring areas.
6. The lot where the products are displayed and the parking spaces on-lot shall be constructed of all-weather (e.g. gravel, paved, etc.) materials.
7. The use shall provide sufficient parking spaces to accommodate business uses as listed under the off-street parking requirements (Article VII). In addition the lot shall be adequate size to

accommodate the maximum number of products that are for sale or rent and parked on-lot.

## **L. BUILDING SUPPLY SALES AND STORAGE YARDS**

1. Such operations, storage of inventory and parking areas shall be at least 50 feet from the nearest residential lot line.
2. When within 200 feet of a residential structure, such operations shall be screened from adjacent residential property by a fence, hedge or other planting or structure so as not to be visible from the adjacent property. Acceptable screening conditions shall be determined through reasonable standards, as established by the Planning Board.
3. The use shall not cause undue noise, odor or lighting glare that is objectionable or harmful to the neighborhood.
4. The lot where products are stored and parking is situated shall be constructed of all-weather (e.g. gravel, paved, etc.) materials.
5. The use shall adhere to the parking space requirements for business uses under the off-street parking schedule in Article VII.

## **2. SITE PLAN REVIEW CRITERIA**

### **A. QUARRYING OF STONE, SAND, GRAVEL**

1. No below ground level excavation (creating a pit) of materials shall be located within 150 feet of any public road or any off-lot residential property line. If within 300 feet from a residence there shall be screening to reduce visibility of the pit and eliminate noise and dust from the excavation operation. The Planning Board shall determine what is acceptable screening.
2. All blasting shall be done by a licensed and insured blaster. The blaster must submit a blasting plan which describes all aspects of blasting work. A pre-blast survey of adjacent property will be required as well as the use of a seismograph. The Planning Board shall set appropriate conditions for blasting relative to noise, dust, shock impact, etc. that the blaster must meet.

### **B. MULTIPLE DWELLINGS**

1. **TRAFFIC ACCESS** - All on site traffic access roads shall be composed of all-weather materials and shall be built to Town Highway standards. The interior roadways shall enter or exit onto State, County or local highways only with the permission of those respective Highway departments. Such

entrances or exits shall not be closer than fifty (50) feet to street corners. Visibility on interior roadways or at exits and entrances shall not be impeded so as to cause unsafe traffic conditions as determined by the local Planning Board. Any of these conditions may be waived or altered by the Planning Board.

2. **CIRCULATION AND PARKING-** The site plan shall insure that the interior circulation system is not congested and allows the concurrent flow of entering and exiting traffic. As stated above, the surface shall be of all-weather material, as specified by the Town Highway standards. There shall be two (2) parking spaces for each dwelling unit. All units shall have ready access to the interior roadways and parking spaces. No interior public roadway shall be closer than ten (10) feet to any building. Any of these conditions may be waived or altered by the Planning Board.
3. **ARRANGEMENT OF BUILDINGS-** The site plan shall insure that adequate provision has been made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.
4. **PROPER LANDSCAPING-** Within one month of completion of construction or at least by September 1<sup>st</sup>, the bare grounds must be seeded. Where completion of such construction takes place later than this date or it is impractical to seed, the site shall be mulched to reduce erosion until seeding can take place. Where adjacent land use districts or uses are of a commercial, industrial or business nature the Board may require that proper screening and buffer zones be required to reduce noise, dust and disturbances.
5. **DISTANCE BETWEEN BUILDINGS**
  - A. The front and rear of any principal building shall be no closer to the front or rear of any other principal building than forty feet (40').
  - B. The side of any principal building shall be no closer to the side, front, or rear of any other principal building than thirty feet (30').
6. **OUTDOOR RECREATION SPACE-** There shall be provided on the site of such a use an area or areas devoted to the joint recreational use of the residents thereof. Such recreation space shall consist of an outdoor area not less than twenty-five (25) percent of the total lot areas of all dwelling units served. Parking areas and vehicle access facilities shall not be considered to meet this requirement.
7. **DRAINAGE -** Drainage ways on the lots and at the interior or public roadsides shall be constructed so as to handle maximum capacity



flows at any given time. The Soil Conservation Service or the respective Highway Department may be contracted to provide technical assistance on the size of the drainage way or culverts therein.

8. **LIGHTING** - Exterior lighting shall be adequate to promote safety in the parking areas and on-lot adjacent to the multiple dwelling.

## **C. HOTELS, MOTELS AND RESORTS**

### **1. TRAFFIC ACCESS**

Roads shall be adequate in grade, width, alignment, visibility and properly related to other nearby traffic circulation considerations to meet Town standards.

### **2. OFF-STREET PARKING**

There shall be provided on the site of such development an area or areas devoted to the parking of motor vehicles. The required number of off-street parking spaces shall be determined from the Off-Street Parking Schedule found in Article VII

### **3. EXTERIOR LIGHTING AND SIGNS**

Illuminated signs and other exterior lighting shall be directed away, or shielded from, adjacent residential properties in such a manner as not to disturb the occupants thereof.

### **4. PROPER LANDSCAPING**

Where adjacent land use is residential in nature and within fifty feet (50') of the property line, buffer zones shall be required to eliminate visibility, noise, and dust from the use. The area shall be seeded before September 1st, or if this is impossible, mulched until seeding can take place.

### **5. OPEN SPACE**

A minimum of twenty-five percent (25%) of the site shall be developed as open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

### **6. RENTABLE SPACE**

Such uses shall have a minimum area of one hundred fifty (150) square feet of rent able space for each unit, exclusive of bathroom facilities.

### **7. RENTABLE UNITS**

Each rent able unit shall include a minimum of one (1) bedroom and a shower or bathroom with toilet.

## **D. MANUFACTURED AND MOBILE HOME PARKS**

1. A mobile home park must meet the following criteria:
  - A. No mobile home or service building shall be closer to a street line than 55 feet or other property line than 30 feet.
  - B. The park shall be located on a well drained site, properly graded to insure that it is rapidly drained and free from stagnant pools of water.
  - C. The park shall have an adequate entrance road at least 24 feet wide. The roadway shall be constructed of all-weather materials as specified by the Town.
  - D. Individual mobile home lots shall have an area of not less than 5,000 square feet with a minimum width of 50 feet and a minimum depth of 100 feet.
  - E. The total number of mobile home lots shall not exceed seven per gross acre.
  - F. Side and rear property lines shall be densely planted to trees and shrubs, or as specified by the Planning Board.
  - G. Mobile homes parks which accommodate 25 percent or more mobile homes shall provide an open space area consisting of at least 10 percent of gross site area of mobile home park.
  - H. Refuse shall be disposed of in a manner acceptable to the Town and to the New York State Health Department or other appropriate State agency. There shall be no on-lot exposed garbage, junk or other wastes. Each lot shall have a garbage can and weekly refuse pickup shall be assured.
  - I. A mobile home shall be so placed on each lot that it shall be a distance of at least twenty (20) feet from any mobile home in such park.
  - J. Each mobile home park shall provide weatherproof electric service connections and outlets for each lot; all such connections and outlets to be of a type approved by the New York State Fire Underwriters.
  - K. Lighting shall be provided along park roadways and walkways to insure safety for residents. It shall meet Town standards.

- L. The entire park shall be landscaped to insure a slightly appearance. Individual lots shall be graded, seeded and mowed on a regular basis.
  - M. Requirements for individual mobile homes found elsewhere in this Law (i.e. Article VII) shall be adhered to for mobile homes in parks as well.
  - N. All mobile homes or modular homes located in the Park shall be placed on concrete pads or solid concrete/block.
2. A mobile home within a mobile home park existing as of the date of the adoption of this Law, or established thereafter in conformity with the provisions of this Law, may be removed and replaced with another mobile home placed on the same lot, provided the placement of the new mobile home does not increase a preexisting nonconformity of the Provisions of paragraph (I), for preexisting mobile home park, or create a nonconformity of those or any other provisions of this Law in mobile home park established pursuant to the provisions of this Law. Such replacement may be accomplished upon zoning permit issued by the Zoning Officer upon proper application in accordance with the provision of this Law.

**E. CAMPGROUNDS**

- 1. No camping area or site shall be closer to a street line than 55 feet or other property line than 200 feet.
- 2. The campground shall be located on a well drained site, properly graded to insure rapid drainage and free from stagnant pools of water.
- 3. The campground shall have an adequate entrance road at least 24 feet wide. The roadway shall be constructed of all-weather materials as specified by the Town. It shall be posted for slow speeds.
- 4. Individual campground sites shall have an area of not less than 400 square feet.
- 5. Side and rear property lines shall be densely planted with trees and shrubs.
- 6. Campgrounds shall provide an open space area consisting of at least 10 percent of the gross site area, for recreation.

7. Refuse shall be disposed of in a manner acceptable to the Town and to the New York State Health Department or other appropriate State agency. There shall be no on-lot exposed garbage, junk or other wastes. One garbage can shall be provided for no more than four (4) sites.
8. Where electrical service is provided to sites, it shall be weatherproofed and of a type approved by the New York State Fire Underwriters.
9. Where applicable, each campground shall contain approved (New York State Health Department) sanitary facilities for toilets, trailer dumping station and wash and shower area. Swimming areas shall also meet State standards.

#### **F. SHOPPING CENTERS**

A proposed shopping center shall be developed in accordance with a unified site plan and architectural scheme. A site plan proposal showing: layout of the center, parking, drainage, utilities, landscaping, walkways and other similar features shall be provided by the applicant. Each shopping area shall consist of at least three acres.

1. Off-street parking shall meet the combined requirements outlined for store groups in the off-street parking requirements of Article VII.
2. Off-street loading and unloading space shall be provided in addition to space required by (1) above. It shall meet the off-street loading requirements of Article VII.
3. No building shall be placed closer to any street line or right-of-way than fifty (50) feet. No parking space shall extend nearer to any street line or right-of-way than twenty (20) feet, or closer to any other property or marked right-of-way than twenty-five (25) feet. The boundaries along all side and rear property lines shall be appropriately landscaped and seeded for depth of not less than ten (10) feet adjacent to the structures or parking lots (whichever is most extreme). All front yards shall be fully landscaped.
4. No center shall be constructed closer than one-hundred (100) feet to the nearest residential property line. No shopping center building or parking lot shall be closer than two-hundred (200) feet to the nearest residential building line.
5. Access patterns (both on-lot and exiting/entering onto public thoroughfares) shall not cause safety hazards. The Planning Board shall review and approve such plans.

6. There shall be no setback requirements between the buildings that are located within a shopping center.

#### **G. PUBLIC UTILITY FACILITY**

1. Such uses shall include the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of: underground or overhead gas, electrical, steam or water transmissions, generation or distribution systems; electronic communications apparatus; solid waste transfer sites; sewage treatment plants, etc., and other similar equipment and accessories used in connection therewith for the furnishing of adequate services for the public health, safety or general welfare.
2. The location, design, noise and operation of such facility shall not affect the character of the surrounding area.
3. Adequate fences, barriers and other safety devices shall be provided around the structure at a height of at least six (6) feet.
4. Such uses shall be setback at least two-hundred (200) feet from the nearest residential lot line.

#### **H. COMMERCIAL ENTERPRISES**

1. Any manufacturing, fabricating or servicing related to the operation must take place within a building.
2. Materials used in the manufacturing, fabricating or servicing operation may be stored outside the building accommodating the use; however, they must be enclosed within fencing so as not to be visible from off the property. The outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation.
3. One identification sign shall be permitted and shall not exceed eight (8) square feet in area. It shall meet all other pertinent sign regulations found elsewhere in this Law.

#### **I. DRIVE-IN THEATERS**

1. Each drive-in theater shall consist of at least five (5) acres.
2. Each area shall be attractively landscaped.
3. Each area shall be so located that the noise, lights and traffic will not adversely impact neighboring residential areas.

4. Each area shall be at least 200 feet from the nearest residential lot line.
5. Traffic access and egress from the area shall be by separate driveways. Interior roadways shall be appropriately marked for traffic direction.

**J. HOG OR FUR FARM**

1. Such facilities shall be located at least 300 feet from any residential lot line.
2. Animal wastes and remnants shall be disposed of in an environmentally safe manner that does not pollute the air, land or water. State Environmental Conservation and Health Laws and Regulations shall be adhered to.
3. On-lot drainage shall be acceptable to carry run-off water to an off site location.
4. All such livestock shall not wander at large, and/or create a public nuisance (i.e. traffic hazards, etc.). Rather, they shall be sufficiently restrained by a pen, fence, building or other similar facility.

**ARTICLE IX: TELECOMMUNICATION FACILITIES**

Telecommunication facilities shall be permitted subject to site plan review by the Planning Board in accordance with the procedures set forth in Article VIII supplemented by this Article IX in the Agricultural-Rural Residential (AR), Residential-Business (RB), and Industrial (I) districts. Telecommunication facilities may be allowed by Special Use Permit issued by the Planning Board pursuant to the criteria and procedures set forth in Article VII as supplemented by this Article IX in the Marine-Residential (MR) and Business (B) districts only if the applicant provides proof that the facility must be cited in the Marine-Residential (MR) or the Business (B) district to maintain adequate service.

**1. LEGISLATIVE INTENT:**

The residents of the Town of Alexandria have expressed a strong desire to maintain a small Town atmosphere with close ties to the St. Lawrence River (site last plan). The Town of Alexandria has as one of its prime sources of revenue the visitors and summer residents that come here to enjoy the beautiful area, especially the scenic St. Lawrence River. Sound land use planning dictates that all that is possible be done to preserve the aesthetic quality of the area.

The Town of Alexandria recognizes the increased demand for wireless communication facilities and the need for the service they provide. The intent of

this Article is to insure the siting of telecommunication facilities in a manner consistent with sound land use planning by:

- A. Minimizing visual effects of telecommunication facilities through careful design, siting and proper screening.
- B. Insuring adequate safety through proper engineering and careful siting of telecommunication facilities.
- C. Reducing the number of towers needed by maximizing the use of any new (i.e. build for shared use) or existing tower and encouraging the use of any existing building and/or structure.

## **2. SPECIAL REVIEW STANDARDS**

- A. Any request for a telecommunication facility shall be considered a Type I Action under the New York State Environmental Quality Review Act.
- B. No telecommunication facility shall hereafter be used, erected, moved, reconstructed, changed or altered except after the approval of a Special Use Permit or site plan and in conformity with these regulations. No existing structure shall be modified to serve as a transmission tower unless in conformity with these regulations.
- C. These regulations shall apply to all districts in the Town.
- D. Exceptions to these regulations are limited to new uses that are accessory to residential uses and lawful or approved uses existing prior to the effective date of these regulations.
- E. Where these regulations conflict with other laws, regulations and/or ordinances of the Town of Alexandria, the more restrictive shall apply, except for tower height restrictions which are governed by these special standards.
- F. All applicants applying for telecommunication facilities special use permits shall agree to reimburse the Town of Alexandria for fees incurred for consultants and/or specialists to assist in the application and/or engineering costs.
- G. The owner of the telecommunication facility shall have all towers inspected at least every second year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the Town of Alexandria Zoning Enforcement Officer.

### **3. SHARED USE**

- A. 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(e) on pre-existing structures shall be considered. An applicant shall be required to present an adequate report listing existing towers and structures within a reasonable distance of the proposed site and the possible use thereof.
- B. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. These costs include, but are not limited to, structural reinforcement, preventing transmission or receiver interferences, additional site screening and other changes including real property acquisition or lease required to accommodate shared use.

### **4. NEW TOWERS**

- A. An applicant shall be required to submit a site plan as described in Article VIII of this Law. The site plan shall also include documentation on the proposed capacity and uses as well as justification for the height of any tower or antenna. Additionally, the Planning Board shall require that the site plan include a complete Visual Environmental Assessment Form. The Planning Board may require submittal of a more detailed visual analysis, based on the results of the Visual Environmental Assessment Form.
- B. The applicant shall be required to submit a "search ring" prepared, signed and sealed by a qualified engineer, registered in New York State and overlaid on an appropriate background map depicting the area within which the communication facility needs to be located, in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain to the Planning Board why it selected the proposed site, discuss the availability, or lack thereof, a suitable structure within the search ring for co-location and the extent to which the applicant has explored locating the proposed tower in a less sensitive area. All correspondence with other telecommunication providers is part of this requirement.
- C. In the interest of minimizing the number of new towers, the Planning Board may require as a condition of telecommunication facility approval, that the applicant indicate in writing its commitment to co-location of telecommunication facilities. The applicant will design the tower to have the minimum height and carrying capacity needed to provide future shared use and agree to negotiate in good faith for shared use of the proposed tower by other telecommunication providers in the future. The condition for future co-location may not be required if the applicant demonstrates that provisions of future shared usage is not feasible based on:



1. The kind of tower site and structure proposed.
  2. Available spaces on other existing and approved towers.
  3. The potential adverse visual impact of a tower designed for shared use.
- D. All towers and other structures shall be sited to have the least practical adverse visual effect on the environment.

**5. SETBACKS:**

- A. Towers and antenna(e) shall be setback from property lines their height plus 20 feet unless an engineer's report can specify the need for a lesser debris fall zone, which such report shall be certified to the Town of Alexandria and the Town of Alexandria Planning Board. In no case shall that be less than the existing setbacks within the district. All accessory structures shall comply with the existing setbacks within the district.
- B. Setbacks shall apply to all structural parts excluding guy wires and anchors which shall have a minimum of 15 feet setback.
- C. Additional setbacks may be required by the Planning Board to preserve privacy of adjoining property owners.

**6. HEIGHT**

The applicant shall submit information to justify the proposed height as the minimum necessary to achieve its coverage objectives. At no time however, shall any tower, including antenna(e) exceeding two hundred fifty feet (250") without a variance from the Zoning Board of Appeals.

**7. LIGHTING**

Towers shall not be artificially lighted except to assure human safety as required by the F.A.A. Towers shall be galvanized finish or painted gray unless other standards are required by the F.A.A. Towers shall be designed and sited so as to avoid, whenever possible, application of the F.A.A. lighting and painting requirements.

**8. SCREENING**

- A. Existing on site vegetation shall be preserved to the maximum extent possible.
- B. Deciduous or evergreen tree planting may be required to screen portions of the structure(s) from nearby property.

## **9. PARKING**

The applicant will provide a service road and parking to assure adequate emergency and service access. Road construction shall be consistent with proper practice to reduce loss of vegetation and eliminate soil erosion.

## **10. SUPPORTING DOCUMENTATION**

- A. All information prepared by the manufacturer of the proposed antenna(e) and or tower including but not limited to:
  - 1. Make and model of tower.
  - 2. Detail of tower type.
  - 3. Manufacturers design data for installation instructions and construction plans.
  - 4. Applicants proposed tower maintenance and inspection procedures and records systems.
  - 5. Anti-climb devices for the tower and any guy wires.
- B. A copy of the applicants F.C.C.license.
- C. When shared use is possible, an engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure or existing or approved tower and explaining what modification, if any, will be required in order to certify to the above.
- D. Documentation from the owner of the existing tall structure or tower for allowed shared use.
- E. Documentation that all guy wires, guy wire anchors and structures shall be sufficiently secured to protect them from trespassing or vandalism.
- F. The applicant shall agree in writing to keep the telecommunication facility, including road and all surrounding area, in good and safe condition.

## **11. REMOVAL OF OBSOLETE UNUSED FACILITIES:**

- A. The applicant shall agree, in writing, to remove obsolete unused facilities and post a bond or other security acceptable by the planning Board. The amount(s) of the performance bond(s) shall be set by a professional engineer, licensed architect or attorney selected by the Town and the terms under which the bond(s) may be called shall be set forth by the Town Board as part of its determination of the application. This will be to

remove the tower and or antenna(e) if the telecommunication facility becomes obsolete, damaged beyond use, or ceased to be used for its intended use for twelve (12) consecutive months. After that twelve month period, removal shall take place within six (6) months. Such agreement shall also include a commitment by the applicant to impose a similar obligation upon any person subsequently securing any rights to the tower or telecommunication facility.

## **ARTICLE X: PLANNED DEVELOPMENT DISTRICTS**

### **1. GENERAL INTENT AND OPERATION**

From time to time, Planned Development Districts may be established in the Town and designated as specific locations on the Zoning Map. The purpose for establishing such Districts is to allow compatible development of a variety of uses (e.g. residential, commercial, recreation, historical, etc.) and to vary the strict application of the regulations contained elsewhere in this Law.

It is the intent of this Planned Development District (PDD) Article to provide flexible land use and design regulations through the use of performance criteria so that small-to-large scale neighborhoods or portions thereof may be developed within the Town that incorporate a variety of residential types and non-residential uses, and contain both individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. This Article specifically encourages innovation in residential development so that the growing demands for housing at all levels may be met by greater variety in type, design, and siting of dwellings and by the conservation and more efficient use of land in such developments. Planned developments do not require a mix of residential and non-residential uses to be considered for Planned Development District status.

This Article recognizes that while the standard zoning function (use and bulk) is appropriate for the regulation of land use in some areas or neighborhoods, these controls represent a type of regulatory strictness which may be detrimental to the innovative techniques of quality land development contained in the Planned Development District concept. Further, this Article recognizes that a rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Thus, where PDD techniques are deemed appropriate through the rezoning of land to a Planned Development District by the Town Board, the dimensional specifications found elsewhere in this Law are herein replaced by an approval process based upon the performance criteria outlined in Article VIII, Site Plan Review, and as prescribed by the Town Planning Board.

2. **GENERAL REQUIREMENTS AND SITE PLAN REVIEW CRITERIA FOR THE PLANNED DEVELOPMENT DISTRICT.**

A. Requirements for consideration as a PD District. Following are a list of the requirements that a proposal must meet to be considered for P.D.D. status:

1. **MINIMUM AREA:** The district must comprise at least three (3) acres of contiguous land.
2. **OWNERSHIP:** The tract of land for a project may be owned, leased or controlled either by a single person, corporation, partnership or LLC, or by a group of individuals, corporations, partnerships, or LLCs. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
3. **LOCATION OF PDD:** The PDD shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article.
4. **PERMITTED USES:** Following are descriptions of residential and non-residential uses permitted in the PD District. These uses may be mixed, separated or the development may accommodate only one type of use (I.e. residential or non-residential).
  - a) **RESIDENTIAL USES:** Residences may be of any variety of types including single family dwellings, two family dwellings and multiple dwellings. No mobile homes will be permitted.
  - b) **ACCESSORY, COMMERCIAL, BUSINESS, HISTORIC, RECREATIONAL, SERVICE AND OTHER NON-RESIDENTIAL USES:** Non-residential uses may include retail and wholesale commercial operations, theaters, places of amusement and recreation, cultural and historic facilities, public and private parks, home occupations, community facilities, restaurants, tourist facilities, marine uses. All such uses shall be in keeping with the residential character of the proposed district and adjacent areas. No industrial uses shall be permitted.
    - i) The non-residential uses of a commercial or business nature shall not exceed the square footage devoted to residential (and its accessory) uses. This shall be determined by building floor area. Such commercial or service area may be in separate buildings or

incorporated within two family or multi-family structures or in suitable combinations of these alternatives.

- ii) Customary accessory or associated uses, such as private garages, storage spaces, community activities, churches and schools shall also be permitted as appropriate to the PDD.

- 5. **COMMON PROPERTY IN THE PDD:** Common property is not required to be considered for PDD status, however it is often characteristic of such proposals. Common property in a PDD is a parcel or parcels of land, with or without the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be presented for the improvement, operation and maintenance of such common property and facilities, including private street, drives, service and parking areas, and recreational and open space areas.

### 3. PROCEDURE

Following are procedural steps that shall be followed when applying for PDD status:

- A. In order to establish Planned Development Districts, this Zoning Law must be amended by the following procedures outlined herein and the prescribed regulations for amendments to this Zoning Law found in Article XIV.
- B. Application for establishment of a Planned Development District shall be made to the Town Board by the owner(s) of property proposed to be included in the District. The Town Board shall refer such application to the Town Planning Board for consideration within seven (7) working days of receipt of such an application.
- C. Within fourteen (14) days following referral, the applicant must provide a development plan and detailed program which would enable the Planning Board to evaluate the proposed development and its effects on nearby land uses and public services. Such a plan and program must consist of the application requirements of Articles VII and VIII, and this Article. Once this information is submitted the Planning Board shall review the proposal in light of the requirements of Section 3 of Article VIII and this Article. However, the site plan review procedural requirements, other than the application criteria, of Articles VII and VIII shall not be followed when creating a new PDD; rather the procedure outlined herein shall be followed.

- D. The Planning Board must discuss the proposal with the applicant at a regular meeting of the Board within thirty (30) days of the submission of the required information by the applicant. Within ten (10) working days of such a meeting, the Planning Board must render a decision which recommends approval, approval with modifications and conditions, or disapproval of such an application and then report these recommendations to the Town Board. The Planning Board will base this decision upon the development's ability to meet the Site Plan Review standards established under Articles VII and VIII, Section 3.
- E. In determining its recommendations on the proposed development, the Planning Board must consider, where appropriate, the need for the proposed use in the proposed location; its consistency with the Town Development Plan; and the existing character of the neighborhood in which the use would be located. It also must consider the safeguards to minimize possible detrimental effects of the proposed use on the adjacent properties, on public services and on the historic character of the area.
- F. It shall be the authority of the Planning Board to prescribe conditions for the proposed use and make a recommendation for PDD status based upon this. It is the Town Board's authority to review this PDD status recommendation (from the Planning Board) and enact or disapprove an amendment thereon. Within forty-five (45) days of receipt of the recommendations, the Town Board must, following public notice provided by this Law (see Article VIII) hold a public hearing on the proposal; and must then deny, approve or approve with modifications the proposal.
- G. If such an amendment is enacted, the permitted development must be confined to the specific designated area and adhere to the approved development plan and program. Anything different from this constitutes a violation of this Zoning Law.
- H. In order to exceed any of the above time frames for adoption of a PD District there must be agreement by both the applicant and the Town Board.
- I. A PD District that is in effect shall only be expanded if in compliance with original permits granted. Expansions requiring new permit action shall undergo the site plan review procedure of Article VIII and this Article.
- J. The Town Board and/or the Planning Board are specifically authorized to retain the services of professionals in connection with their review of an application for a Planned Development District, or an amendment thereof, including, but not limited to, professional engineers, licensed architects and attorneys. Fees for such services provided to the Town Board and/or the Planning Board in connection with any such application shall be paid by the applicant prior to the issuance of a final determination by the Town Board on the application. The time limits imposed by this Article for reviews and determinations upon an application for a Planned Development District or an amendment thereto shall not be deemed to commence

until the applicant has paid all fees in connection therewith as required by the provisions of this Article or elsewhere contained in this Law. "

- K. The Town Board may require a performance bond(s) to cover the development in part on Town public improvement costs, local inspection, bond approval and other Town liabilities incurred as well as to ensure the completion by the applicant of all necessary infrastructure limited to water and sewer facilities and roads. The amount(s) of the performance bond(s) shall be set by a professional engineer, licensed architect or attorney selected by the Town and the terms under which the bond(s) may be called shall be set forth by the Town Board as part of its determination of the application.

## **ARTICLE XI: INDUSTRIAL DISTRICTS**

### **1. GENERAL INTENT AND OBJECTIVES:**

Industrial Districts established in this Law as Floating Districts. There are, at the time of the adoption of this Law, no centers of industrial use in the Town. With this in mind, and the fact that there are many potentially adequate sites for industry, it is not feasible to select or limit the use to a few arbitrary spots. However, it is also intended that industrial uses should not conflict with existing uses. For this reason, review criteria have been written in this Article to mitigate any potential conflicts. It is a concern also that industrial uses become concentrated in one area and not spread throughout the entire town. The Town should encourage, once a district is formed, future industrial uses be built in the same area. One way to achieve this is to rezone a larger area for one request. Another method to concentrate industry that is being used is to restrict the districts that can have the floating zone formed within them. It is the intention of this Law that once a substantial area has been zoned for industry, this Article will be repealed by the Town Board. There will then be an Industrial District and, therefore, no need for a floating zone.

### **2. GENERAL REQUIREMENTS AND REVIEW CRITERIA:**

The following standards apply when forming an Industrial District.

- A. The zone change shall be for a minimum of five (5) acres.
- B. The proposed industrial use shall not cause undue interference or nuisance that may be detrimental to adjacent uses.
- C. The Town Board and Planning Board shall use the Site Plan Review objectives as outlined in this Law as criteria for reviewing all requests for creating industrial districts.

### **3. PROCEDURE:**

The Planned Development District procedure, as outlined in Article X, shall also be utilized when reviewing applications for the establishment of industrial districts.

## **ARTICLE XII: NONCONFORMING USES AND STRUCTURES**

1. Every structure or use not conforming to the regulations of the district in which it is located at the time of adoption of this Law, shall be a "Nonconforming Use" or "Nonconforming Structure".
2. A nonconforming structure or use may not be altered, or resumed except in conformity with the regulations for the district in which it is located.
3. A nonconforming use of a structure or land that has ceased for a consecutive period of twelve (12) months may not be altered, rebuilt, or resumed unless in conformity with the regulations contained within this Law.
4. A nonconforming use may be continued subsequent to adoption of this Law. However, the structure shall not be enlarged in a way which increases its nonconformity, and the use shall not be enlarged or increased to occupy a greater land area.
5. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this Law.
6. Nothing in this Law shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure declared unsafe by a duly designated official.
7. Nothing in this Law shall be deemed to prevent the reconstruction of a nonconforming structure to its original configuration when destroyed by fire or Act of God.
8. Whenever an area is transferred from a district of one classification to a district of a different classification, or amendments are adopted which change permitted uses or other regulatory measures governing such, the above regulations shall apply to nonconforming uses created by such transfer.



## ARTICLE XIII: ADMINISTRATION AND ENFORCEMENT

### 1. ZONING PERMITS

- A. No building or structure shall be erected, or use instituted, until a zoning permit therefore has been issued. The exterior structural area of a building shall not be enlarged until a permit therefore has been issued.
- B. A zoning permit shall not be required for:
  - 1. Silos, com cribs, grain bins and other similar agricultural accessory uses (exclusive of barns).
  - 2. Interior structural alterations or routine maintenance and improvements (e.g. roofing, window replacement, siding replacement, etc.) that do not expand the exterior dimensions of the structure.
  - 3. Placement of posts, and other similar accessory uses.
- C. When establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the street line, lot line or nearest high water elevation to the point attached to the structure which projects out the furthest. This shall include such projecting facilities as chimneys, porches, carports, attached garages, fire escapes, etc. When more than one principal building or structure is proposed for a single parcel or lot the new building/structure shall have its own required front, side and rear yards as specified by this Law (i.e. Article V, Schedule 2). These measurements shall be made from the building line out.
- D. No such zoning permit shall be issued for any building where said construction, addition, and exterior expansion or use thereof would be in violation of any of the provisions of this Law.
- E. A zoning permit issued under this Law shall expire six months from the date of issue, if construction is not started.
- F. Any use that has been discontinued for a period of twelve (12) months or longer shall be termed abandoned and may not be reinstated without applying for a new zoning permit.
- G. If construction is not completed by one year from the date the zoning permit was issued, the zoning permit must be renewed at a cost of half the price of the original permit.

- H. Applications for zoning permits shall be submitted to the Zoning Officer and shall include two (2) copies of a plot plan showing the actual dimension the lot to be built upon; the size, location and height (on the lot) of the building and accessory buildings to be erected; the distances from the building line to all lot lines, road right-of-way lines, waterfront property line, streams and any other features of lot; and such other information as may be necessary to determine and provide for the enforcement of this Law.
- I. A fee as determined by the Town Board shall be paid for each zoning permit used.
- J. Parking lots for places of public assembly and/or off street parking for commercial, business, or industrial uses shall require a permit for placement. They shall meet the requirements of Articles VII and VII.
- K. A temporary zoning permit may be issued by the zoning officer if the proposed structure/use will only be temporary in nature. A temporary permit, and accompanying use, will only be permitted for six (6) months. It must be approved by the Zoning Officer.
- L. Prior to issuing a zoning permit the Town Zoning Officer shall notify the applicant that the proposed action may be subject to provisions of the State Environmental Quality Review Act (Environmental Conservation Law Article S, Section 617), the National Flood Insurance Program (Criteria for Flood Plan Management), New York State Uniform Fire Prevention and Building Cod (9 NYCRR).
- M. Prior to issuing a zoning permit for any use that involves the installation or reconstruction of a driveway from the subject parcel to a public road or highway under the jurisdiction of the Town of Alexandria Highway Superintendent, the applicant must first obtain a permit therefor from the Town of Alexandria Highway Department.

## **2. ENFORCING OFFICER**

- A. The Enforcing Officer shall be empowered to:
  - 1. Issue and deny permits.
  - 2. Scale and interpret district boundaries on the Zoning Map.
  - 3. Refer appropriate appeal matters to the Planning Board, Zoning Board of Appeals and Town Board.
  - 4. Revoke a permit where there is false, misleading or insufficient information, revoke a permit where the applicant has not done what was proposed on the application.

5. Revoke a permit where the applicant has not done what was agreed to in the applicant's Site Plan Approval and/or Variance Approval.
6. Issue stop work orders.
7. Report to the Town Board the number of permits issued and fees collected at periodic Town Board Meetings.
8. Issue appearance tickets to the Town Justice Court for violations of this Law.

### **3. ZONING BOARD OF APPEALS**

#### **A. CREATION, APPOINTMENT, AND ORGANIZATION**

A Zoning Board of Appeals is hereby created. Said Board shall consist of five (5) members. The Town Board shall appoint the members of the Board of Appeals on a staggered term basis in conformance with Town Law. The Zoning Board of Appeals shall select a Chairman and secretary and shall prescribe rules for the conduct of its affairs. In the Chairman's absence or inability to act, the ZBA shall appoint an Acting Chairman.

#### **1. ALTERNATES:**

- A. The Town of Alexandria Board has established four (4) alternate member positions for the Town of Alexandria Zoning Board of Appeals. The alternate Zoning Board of Appeals member positions are established for the purpose of substituting for a regular member of the Zoning Board of Appeals in the event such regular member is unable to participate in a matter before the Zoning Board of Appeals because of a conflict of interest, is scheduled to be absent from the Town of Alexandria Zoning Board of Appeals for two (2) or more consecutive meetings of said Board or in the event there is a lack of quorum of said Board at any meeting thereof. The alternate members of the Zoning Board of Appeals shall be appointed by resolution of the Town Board, for terms established by the Board.
- B. In the event a regular member of the Zoning Board of Appeals is unable to participate in a matter before the Board due to conflict of interest, or has indicated that he/she will be absent from at least two (2) consecutive meeting of said Board, or in the event there is not a quorum present for any meeting of the Zoning Board of Appeals, the Chairperson may designate an alternate member or members from those

appointed by the Town Board to participate on a matter or matters pending before the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made, and when so designated, the alternate member or members shall possess all of the powers and responsibility of the regular member of the Board for whom the appointment has been made. The substitution shall continue until the matter or matters for which the substitution is made have been finally decided by the Zoning Board of Appeals.

## **B. POWER AND DUTIES**

The Zoning Board of Appeals shall have all the power and duties prescribed by Town Law and by this Law, which are more particularly specified as follows:

1. **INTERPRETATION:** Upon appeal from a decision by an administrative official or citizen to decide any question involving the interpretation of any provision of this Law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
2. **VARIANCES:** To vary or adapt the strict application of any of the requirements of this Law in the case of exceptionally irregular, narrow, shallow, or steep lots, and other exceptional physical conditions; or undue use hardships; whereby such strict application would result in practical difficulty or unnecessary hardship what would deprive the owner of the reasonable use of the land or buildings. Variances must meet the criteria of Town Law, legal parameters, and the regulations/intent of this Law. In granting any variance, the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.
  - a. **USE VARIANCES:**
    - (i) The Zoning Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of the Town of Alexandria Zoning Law, shall have the power to grant Use Variances as defined herein.
    - (ii) No such Use Variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for

each and every Permitted Use under the Zoning Law for the particular district where the property is located,

- (a) the applicant cannot realize a reasonable return provided that lack of return is substantial as demonstrated by competent financial evidence;
  - (b) that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
  - (c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - (d) That the alleged hardship has not been self-created.
- (iii) The Zoning Board of Appeals, in the granting of a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**b. AREA DIMENSIONAL VARIANCES**

- (i) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of the Zoning Law to grant area variances as defined' herein.
- (ii) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall consider:
  - (a) Whether a substantial change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

- (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
  - (c) Whether the requested area variance is substantial.
  - (d) Whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district.
  - (e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (iii) The Zoning Board of Appeals, and the granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**C. PROCEDURE:** The Zoning Board of Appeals shall act in strict accordance with the procedure specified by the Town Law and by this Law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Town. Every application shall be accompanied by a nonrefundable fee which is intended to defer the cost to the Town of Alexandria of the expenses associated with processing of the application, including, but not limited to, the cost of publication of the notices of the public hearings, postage, and miscellaneous administrative expenses. Fees will be established by separate fee schedule adopted by the Town Board from time to time. Every appeal or application shall refer to the specific provisions of the Law being appealed or reviewed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal review that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance and special permit actions in accordance with the requirements of Town Law. Every decision of the Zoning Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Zoning Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public. Each

hearing in front of the Zoning Board of Appeals shall be upon notice to the public as follows:

1. Notice of the public hearing and the subject matter thereof shall be published in either of the official newspapers for the Town of Alexandria at least ten (10) days prior to the date of the scheduled hearing.
  2. At least fourteen (14) days prior to the date of the scheduled hearing, the Zoning Officer shall mail written notice of the public hearing and the subject matter thereof to the owners of all property within a three hundred foot (300') radius of any portion of the applicant's property. The identity of the owners and the address for mailing shall be determined based upon the latest completed assessment roll for the Town of Alexandria in effect at the time of the mailing.
- D. All variance actions that fall under the jurisdiction of General Municipal Law, Article 12-B, Section 239 m shall be referred to the Jefferson County Planning Board for their review and action thereon, prior to any local decision. The requirements of this section of the Law shall be followed by the Town. A summary of the above-referenced law is as follows: within 500 feet of the boundary of the Town; a State/County park or recreation area; a State or County highway or expressway; a State or County owned drainage channel; and State or County land where a public building or institution is located or a farm operation within a New York State certified agricultural district shall be referred to the Jefferson County Planning Board for their recommendations thereon. If the County Planning Board does not respond within thirty (30) days from the time it received a full statement on the referred matter then the local Board may act without such report. The local Board must report to the County Planning Board on its final action within seven days of that event.
- E. In reviewing an application for variance or for an interpretation of any provision of this Law, the Zoning Board of Appeals is specifically authorized to retain the services of professionals as it deems necessary, including, but not limited to, professional engineers, licensed architects and attorneys. Fees for all such services rendered to the Zoning Board of Appeals in connection with its review shall be paid by the applicant prior to the issuance by the Zoning Board of Appeals of its final determination on the application. The time periods imposed herein or otherwise by law for the Zoning Board of Appeals to render its determination shall not be deemed to have commenced running until all fees required to be paid by the applicant under this Article or elsewhere in this Law have been remitted in full.

#### 4. PLANNING BOARD

- A. **CREATION, APPOINTMENT AND ORGANIZATION:** A Planning Board is hereby created. Said Board shall consist of five (5) members. The Town Board shall appoint the members of the Planning Board on a staggered term basis in conformance with Town Law. The Planning Board shall select a Chairman and secretary and shall prescribe rules for the conduct of its affairs.
- B. **POWERS AND DUTIES:** The Planning Board shall have all the power and duties prescribed by the Town Law and by this Law, some of which are specified below: •
1. **AMENDMENTS:** The Town Board shall refer all amendment proposals to the Planning Board for a twenty (20) day (maximum) review and recommendation period, prior to Town Board action thereon. If the Planning Board does not recommend on the proposal (to the Town Board) within this period, it shall be deemed that they have approved the proposal. The Planning Board's recommendation shall be made in writing to the Town Board. The Planning Board's recommendation should consider the amendment and its impact on the intent of the Comprehensive Plan, the Zoning Law and other long range planning concerns of the Town.
  2. **SITE PLAN REVIEW:** The Planning Board shall have the authority to administer the site plan review requirements of this Law, found in Article VIII. In so administering these regulations, it is recognized that Site Plan Review allows the Planning Board to vary the strict application of the Law, in order that the applicant meet generally prescribed performance criteria. However, the Planning Board shall be empowered to establish specific conditions, dimensions and other requirements to establish these standards. In performing this duty, the Planning Board shall act in accordance with the legal authority of this Law, as well as Section 274(a) of the Town Law.
  3. **SPECIAL PERMITS:** The Planning Board is empowered to issue or deny special permits in accordance with the requirements of this Law and Town Law. All appropriate procedures outlined in Article VIII shall be followed. Special permits can only be approved if they are listed as an acceptable special use in Article V, Schedule I, and if they meet the appropriate requirements for such a use in Article VII.
- C. **GENERAL MUNICIPAL LAW, ARTICLE 12-B, SECTION 239:** All site plan or special permit actions that fall under the jurisdiction of General Municipal Law, Article 12-B, Section 239 m shall be referred to the Jefferson County Planning Board for its review and action thereon, prior to



any local decision. The requirements of this section of the Law shall be followed by the Town.

5. **TEMPORARY PERMITS** (in any district), may be issued for a period of not exceeding one year, for non-conforming uses incidental to construction projects. These include such structures and uses as a storage of building materials and machinery, processing of building materials, a real estate office located on a housing tract being offered for sale and a construction site office. Such temporary permits are conditioned upon agreement by the owner or operator to remove the structure or use upon expiration of the permit. Such permits may be renewed yearly upon application to the Zoning Officer, for an additional period of one year.

6. **VIOLATION AND PENALTIES**

A. **VIOLATIONS AND PENALTIES:** A violation of any provision of this Law is an offense punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six (6) months, or both for a conviction of a first offense; for conviction for a second offense both of which were committed within a period of five (5) years, punishable by a fine of not less than \$350.00 nor more than \$700.00, or imprisonment not to exceed six months, or both; and upon conviction of a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine of not less than \$700.00 nor more than \$1,000.00, or imprisonment for a period not to exceed six (6) months, or both. Each weeks continued violation of any provision of this Law shall constitute a separate offense.

B. **COMPLAINTS OF VIOLATIONS:** Whenever a violation of this Law occurs, the Zoning Enforcement Officer, Town, or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. The Town Board shall institute appropriate legal procedures to correct the violation or issue penalties. This shall be done by issuing a stop work order and/or order to correct the violation. If the violation is not corrected within the specified time noted on the order, the Town shall issue an injunction against the violator and require his appearance in court. The seeking of an injunction shall not preclude the Town from enforcing the penalty provisions contained in the above paragraph.

**ARTICLE XIV: AMENDMENTS**

1. The Town Board may from time to time on its own motion, or petition, amend, supplement, or repeal the regulations and provisions of this Law after appropriate public notice and hearing in conformance with the requirements of Town Law and the Municipal Home Rule Law.

2. **PROCEDURE:** The Town Board, by resolution adopted at a public meeting, shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:
  - A. A notice shall be published at least ten (10) days prior to the time and place of such hearing in a paper of general circulation in the Town.
  - B. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any city, village, town or county, or within 500 feet of any existing or proposed State or County highway right-of-way shall be given to the clerk of such municipality and referred to the Jefferson County Planning Board for their review and action thereon at least thirty (30) days prior to the date of such hearing. The requirements of this section of Law shall be followed by the Town.
  - C. Other provisions of posting, publication and action on the amendments; as set forth in Town Law; shall be adhered to.
  - D. The Town Board shall refer all amendment proposals to the Planning Board for a 20 day (maximum) review and recommendation period, prior to Town Board action thereon. If the Planning Board does not recommend on the proposal (to the Town Board) within this period it shall be deemed that they have approved the proposal.

#### **ARTICLE XV: INTERPRETATION AND SEPARABILITY**

1. **INTERPRETATION:** Interpretation and application of the provisions of this Law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Law differ with the requirements of any other lawfully adopted-rules, regulations, ordinances, or laws, the most restrictive, or that imposing the higher standards shall govern.
2. **SEPARABILITY:** Should any section or provisions of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. This Law shall take effect on January 1, 2010.

#### **ARTICLE XVI: REPEALER CLAUSE**

The Town of Alexandria Ordinance, titled "Town of Alexandria Zoning Ordinance" adopted on November 1, 1984 shall be repealed in its entirety and replaced with this local law as of the effective date of this Law.

#### **ARTICLE XVII: EFFECTIVE DATE**

This Local Law shall take effect on January 1, 2010.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.) I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2010 of the Town of Alexandria was duly passed by the Town Board on \_\_\_\_\_, \_\_\_ 2010, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective

Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 \_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted

(Elective Chief Executive Officer\*)

on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 \_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_

(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.) I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the

of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)

approved)

(Name of Legislative Body)

(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local

(Elective Chief Executive Officer)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_

20\_\_\_\_, in accordance with the applicable provisions of law.

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general)election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_, 20 \_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the town of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

(seal)

\_\_\_\_\_  
Ellen Peck, Clerk, of the  
Town of Alexandria  
Date:

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Town Attorney  
Title

Town of Alexandria  
Date: