

## Table of Contents

<b>ARTICLE I - INTRODUCTORY PROVISIONS.....</b>	<b>5</b>
150 – 1. Purpose.....	5
150 – 2. Enacting Clause.....	5
150 – 3. Title.....	5
150 – 4. Applicability of Regulations.....	5
150 – 5. Prohibited uses.....	5
150 – 6.1 Limited exemption for filed subdivisions.....	5
150 – 6.2. Prior Existing Law.....	5
<b>ARTICLE II – DEFINITIONS.....</b>	<b>6</b>
150 – 7. Word Usage and General Meanings.....	6
150 – 8. Specific Definitions.....	6
<b>ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS .....</b>	<b>22</b>
150 – 9. Enumeration of Zoning Districts.....	22
150 – 9.1. Zoning Map Certification.....	22
150 – 9.2. Interpretation of District Boundaries.....	22
150 – 9.3. Lots in Two Districts.....	22
150 – 10. District Purposes.....	23
<b>ARTICLE IV - ZONING DISTRICT REGULATIONS .....</b>	<b>23</b>
150 – 11. Schedule of Uses:.....	23
150 – 12. Dimensional Regulations.....	25
<b>ARTICLE V – GENERAL REGULATIONS .....</b>	<b>25</b>
150 – 13. Area, yard, and building height.....	25
150 – 14. Fences.....	26
150 – 15. Lot coverage.....	26
150 – 16. Off-street parking and loading.....	26
150 - 17. Private Roads.....	27
150 – 18. Access/Ingress/Egress.....	27
150 – 19. Accessory Buildings and Structures.....	27
150 – 20. Temporary uses and structures.....	27
150 – 21. Shoreline Standards.....	27
150 – 22. Docking facilities.....	28
150 – 23. Fees, Deposits and Bonds.....	32

150 – 24. Signs:.....	33
150 – 25. Applicability .....	33
150 – 26. Signs that do not require Planning Board Review .....	33
150 – 27. Prohibited Signs:.....	34
150 – 28. Existing Non-conforming signs .....	35
150 – 29. Temporary Signs .....	35
150 – 30. Signs That Do Require Planning Board Review: Review Required .....	37
150 – 31. Requirements By Sign Type .....	40
150 – 32. Construction and Design Standards .....	43
150 – 33. PERMIT PROCESS - Applicability .....	46
150 – 34. Sign Requirements by Zoning District: .....	47
<b>ARTICLE VI – PLANNING BOARD REVIEWS AND USE SPECIFIC REGULATIONS .....</b>	<b>49</b>
150 – 56. Site Plan Review Authority .....	49
150 – 57. Special Use Permits .....	49
150 – 58. Application Requirements .....	50
150 - 59. Site Plan Review and Special Use Permit Procedure.....	52
150 - 60. General Performance Criteria .....	53
150 - 61. Additional Criteria for Specific Uses .....	54
150 - 62. Aboveground Fuel Storage Areas.....	54
150 – 63. Adult Care Facility.....	54
150 – 64. Adult Entertainment Uses .....	55
150 – 65. Boat Storage .....	55
150 - 66. Commercial and Industrial Site Plan Criteria .....	55
150 – 67. Downtown Business Site Plan Guidelines.....	56
150 - 68. Essential Services .....	56
150 – 69. Electronic Vehicle Charging Stations (EVCS).....	56
150 – 70. Food Trucks/Trailers .....	57
150 – 71. Home Occupations .....	58
150 - 72. Hotels, Motels and Resorts .....	59
150 - 73. Multiple Dwellings.....	59
150 – 74. Outdoor Storage, Commercial.....	60
150 – 75. Recreational Vehicle Standards.....	61
150 - 76. Rental Cottages .....	61

150 - 77. Shopping Centers .....	61
150 – 78. [Intentionally blank to reserve placement.] .....	62
150 - 79. Small Wind Energy System .....	62
150 - 80. Solar Energy Facility for Onsite Use .....	62
150 – 81. Telecommunications towers .....	63
<b>ARTICLE VII. NONCONFORMING USES, LOTS AND STRUCTURES.....</b>	<b>66</b>
150 - 95. Continuation of Use .....	66
150 - 96. Extension of Use .....	66
150 – 97. Restoration to safe condition .....	66
150 – 98. Conversion to a Conforming Use or Rebuilding/resumption of use .....	67
150 – 99. Development of Non-conforming lots of record .....	67
<b>ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT .....</b>	<b>67</b>
150 - 100. Zoning Permits .....	67
150 - 101. Layout or Plot Plan .....	67
150 - 102. Copies/Fee.....	67
150 – 103. Zoning Permit Expiration .....	67
150 – 104. Administration Fee .....	67
150 - 105. Zoning Enforcement Officer .....	67
150 - 106. Complaints .....	68
150 - 107. Reports on Complaints .....	68
150 - 108. Prosecution of Violations .....	68
150 - 109. Zoning Enforcement Officer or Mayor .....	68
150 - 110. Certificate of Occupancy .....	68
150 - 111. Zoning Compliance .....	68
150 - 112. Copies Upon Request .....	68
150 - 113. Temporary Certificates.....	68
150 - 114. Planning Board .....	69
150 - 115. Planning Board Procedure.....	69
150 - 116. Zoning Board of Appeals .....	69
C. Terms.....	69
D. Mayor Appoints Members .....	69
E. Powers and Duties.....	69
F. Interpretation.....	69

G. Variances .....	69
150 - 117. Complaints of Violations .....	70
150 - 118. Penalties .....	70
150 - 119. Village Board Action .....	70
150 - 120. Amendments .....	70
150 - 121. Construal of provisions – Interpretation and application .....	71
150 - 122. Separability.....	71
150 - 123. Effective Date .....	71

## ARTICLE I - INTRODUCTORY PROVISIONS

### 150 – 1. Purpose

This chapter is designed to protect existing development and provide some control of growth so that future development will not be detrimental to the village. Its intent is to reduce land use conflicts, retain and improve land values, encourage quality development, ensure wise use of utilities, promote vehicular and pedestrian traffic safety, enhance and protect the historic, natural and scenic resources of the village and promote the general welfare.

### 150 – 2. Enacting Clause

Pursuant to the provisions of Article 7, New York State Village Law, and Articles 2 and 3 of the Municipal Home Rule Law, the Village Board of Alexandria Bay, New York, hereby enacts this chapter.

### 150 – 3. Title

The chapter shall be known and cited as the “Village of Alexandria Bay Zoning Law.”

### 150 – 4. Applicability of Regulations

- A. No building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, moved or altered (to change the exterior physical dimensions) unless in conformity with the regulations for the district which it is located, as specified by this chapter.
- B. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building.
- C. Within each district, the regulations established by this chapter shall be minimum regulations and shall be applied uniformly to each class or kind of structure or land.

### 150 – 5. Prohibited uses

Any use not listed in the permitted use schedule of the various districts created by this chapter shall be presumed to be prohibited.

#### 150 – 6.1 Limited exemption for filed subdivisions

If a plot of a residential subdivision containing one or more new streets has been duly filed in the Jefferson County Clerks office prior to the adoption of this chapter, the lots of the subdivision may be developed with the lots and yards delineated on the plot, and any provisions of this chapter requiring larger lots or yards shall not apply to the subdivision, for a period of three years from the date of such filing.

#### 150 – 6.2. Prior Existing Law.

This chapter shall replace and supersede the prior existing Zoning Law of the Village of Alexandria Bay when adopted pursuant to law.

## ARTICLE II – DEFINITIONS

### 150 – 7. Word Usage and General Meanings

- A. **Word Usage:** When used in this chapter, 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. The word “lot” includes the word “plot” or “parcel.” If interpretation or clarification of any word used in this chapter is needed it shall be provided by the Village Zoning Board of Appeals in accordance with such powers granted to them.
- B. **General Meanings:** Words not included in this chapter shall be defined through their common use of the terms.

### 150 – 8. Specific Definitions

**ABOVE GROUND FUEL STORAGE TANK** - Any above-ground tank(s), including pipes and other appurtenances, either abandoned or in use for the storage of gasoline, fuel oil or other liquid hydrocarbon products.

**ACCESSORY BUILDING** – A building, the use of which is customarily incidental to that of a dwelling or principle use and which is located on the same lot as that occupied by the primary building.

**ACCESSORY STRUCTURE/USE** – Any building or use which is subordinate to and whose use is incidental to the principal building or use on the same lot or on an adjoining lot under the same ownership.

**ADJACENT UPLAND OWNER** – The person or persons having title in fee to the adjacent upland parcel. This shall include the owner(s), lessee(s), or occupant(s), easement holder(s), or any other person(s) or entity(ies) with a legal or beneficial interest in the adjacent upland parcel. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**ADJACENT UPLAND PARCEL** – A parcel of land bordering on the shore of the St. Lawrence River and adjacent bays. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**ADMINISTRATIVE EXPENSES** – All actual expenses and liabilities incurred by the village or any of its officers or agencies in compliance with this chapter and all other applicable laws or regulations, including but not limited to engineering fees and disbursements, legal fees and disbursements, publication expenses, administrative expenses and any other actual expenditure incurred or accrued by the village.

**ADULT CARE FACILITY** – Adult care facilities provide long-term, non-medical residential services to five or more adults who are substantially unable to live independently due to physical, mental, or other limitations associated with age or other factors. Residents do not require the continual medical or nursing services provided in acute care hospitals, in-patient psychiatric facilities, skilled nursing homes, or other health related facilities, as Adult Care Facilities are not licensed to provide for such nursing or medical care.

**ADULT ENTERTAINMENT USE** – Any of a range of uses that is involved in the viewing or distribution of materials or live behavior that is sexually explicit in nature and excludes minors by reason of age. Such

uses shall include erotic dance halls, erotic movie theaters, adult bookstores, peep shows, unlicensed massage parlors, etc.

**AGRICULTURAL OPERATION** - The raising for compensation (or private use) of poultry, crops, livestock and agricultural or dairy products, fish or game. The term includes plant, crop, and tree growing and harvesting, animal husbandry, horticulture, forestry, fish for bait or harvest and the sale for wholesale or retail of the products thereof upon the premises where the same are grown or produced.

**AGRICULTURAL USE** – Land which is used for raising livestock or agricultural products, including farm structures and storage of agricultural equipment, riding and boarding stables and, as an accessory use, the sale of agricultural products raised on the property.

**ALLEY** – A right-of-way which affords a secondary means of vehicular access in the village. All properties abutting any “alley” shall be considered to be rear or side yards.

**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 purpose of this chapter.

**APPLICANT** – The owner of record of the parcel or his duly authorized agent.

**AUTOMOBILE SERVICE STATION or Gasoline Station** – Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fumes, oils, or lubricants or for the polishing, greasing, washing or servicing (but not painting) of motor vehicles.

**BAR/TAVERN** - A NYS licensed commercial establishment used primarily for the sale or dispensing of alcoholic beverages for on-site consumption. Any food service would be considered secondary.

**BATTERY ENERGY STORAGE FACILITY** - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a small, medium or large battery energy storage system as follows:

**(1)** Small battery energy storage systems have an aggregate energy capacity less than or equal to 200 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

**(2)** Medium battery energy storage systems have an aggregate energy capacity greater than 201 kWh to 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**(3)** Large battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**BED AND BREAKFAST** - A business conducted within a single-family residential structure that is the principal residence of the operator with bedrooms rented for overnight lodging, and where food may be served to its registered guests only.

**BERTH** – See “boat slip.” [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-17]

**BOAT** – Any vessel, floating craft, seaplane, or personal watercraft which utilizes a docking facility, including, but not limited to, canoes, rowboats, rowing shells, kayaks, windsurfers, jet skis, and other small boats or personal watercraft which are contained in a docking facility. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**BOAT ACCESSORY STRUCTURE** – An enclosed storage structure, the purpose of which is the storage of related boating accessories. A boat accessory structure shall not be defined to mean a boat hoist structure, boat station or boathouse. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**BOAT HOIST STRUCTURE** – A temporary open-sided structure placed in the water; a mechanical or manual device is attached to the structure to raise or lift a boat out of the water for waterside storage. A boat hoist structure may have a roof. A boat hoist structure shall not be defined to mean a boat station, boathouse or boat accessory structure. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**BOAT HOIST/LIFT** – Any mechanical or manual device, the purpose of which is to raise or lift a boat out of the water for waterside storage. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**BOATHOUSE** – A permanent enclosed structure that provides direct water access for boats, and is wholly or partially supported or constructed below the mean high-water mark. A boathouse has a permanent roof and one or more enclosed sides. A boathouse shall not be defined to mean a boat hoist structure, boat station or boat accessory structure. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**BOAT LAUNCH** – A place, site or structure to facilitate the ingress or egress of a watercraft into or onto a body of water.

**BOAT SLIP** – A waterside storage area adjoining the shore, any structure, boat hoist structure, boat station, slip, boathouse, dock or pier, the purpose for which is the storage of a boat, yacht, or any floating craft. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**BOAT STATION** – A permanent open-sided structure constructed in the water, with a mechanical device, the purpose of which is to raise or lift a boat out of the water for waterside storage. A boat station is intended as a permanent boat hoist structure. A boat station shall not be defined to mean a boat hoist structure, boathouse or boat accessory structure. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**BOAT STORAGE, COMMERCIAL** - Property used for the storage of boats for a fee with no service or maintenance permitted on the premises.

**BUILDING** – Any structure having a roof supported by columns or by walls which is used or occupied for the shelter, housing or enclosure of animals, persons or property. The term, unless specified, includes both principal and accessory buildings.

**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 foundation line of that face of the building or structure nearest the lot line, excluding chimneys and (uncovered) porches, patios, terraces, steps and open areaways.

**CAMP** – A structure with accommodations for living and sleeping designed for seasonal occupancy having a minimum area of 200 square feet. The term does not include trailer camps.

**CAMPGROUND** – Any lot, building, structure or part thereof used or occupied by two or more recreation trailers or vehicles which are used for part-time living or sleeping purposes.

**CANNABIS FACILITY** – A NYS licensed business and/or structure or location where, or from where, retailing, distributing, processing, testing, manufacturing, or delivering of cannabis is operating.

**CANNABIS RETAIL** - A facility where medical or adult use cannabis or medical or adult use cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis or cannabis products as part of a retail sale. Also known as a cannabis “dispensary.”

**CAR WASH** – A building, structure or facility which obtains commercial income from the washing, cleaning or waxing of motor vehicles. Such a use may be the principle function of the building or land on which it is situated or an ancillary use thereof.

**CHILD DAY CARE FACILITY** - A State-licensed facility which provides non-medical care, protection, and supervision to more than five (5) children under 18 years of age, on a less than 24-hour basis. A commercial or non-profit child day care facility includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with business, school, or religious institution facilities, or as an independent land use.

**CLUB, PRIVATE** – A building or use catering exclusively to club members and their guests for fraternal or recreational purposes.

**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 use shall include but not be limited to fire stations, libraries and community owned buildings.

**CONDOMINIUM** – A building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior and other common elements.

**COTTAGE, RENTAL** – A small, detached dwelling unit, used to rent to overnight guests or longer duration on a seasonal basis. Cottages otherwise known as cabins are usually outbuildings on a larger tracts of land, may include a number of them clustered as a cottage colony or spread out along a shoreline taking advantage of waterfront views.

**COVERAGE, IMPERVIOUS LOT** - Impervious lot coverage means that portion of a lot that is covered by principal and accessory buildings or structures, as well as other surfaces that prevent the passage or absorption of stormwater into the existing water table such as paving and driveways.

**DANGEROUS/HAZARDOUS USE** – The manufacture, bulk storage, or handling of explosives, illuminating gases, lethal or toxic chemicals or other explosive, combustible, inflammable, lethal or toxic substances

in such quantities or such manner as may or does endanger the public safety. The term does not include the operation of a retail gasoline station. The use includes hazardous uses such as crude oil, solvents, gasoline or other highly flammable liquid storage greater than 500 gallons, except for retail sales.

**DOCK** – Any structure or fixed platform built on floats, columns, open timber, piles, or similar open-work supports, or cantilevered structures anchored to the shore, including piers and wharfs and designed to provide access from the shore to the St. Lawrence River or the many connected bays for swimming, boating or other recreational or commercial uses and shall also include accessorial uses. All structural descriptions provided above, which are placed on the waterside of the mean high-water mark, shall be defined as a dock. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**DRIVE-IN SERVICE** – A commercial facility, building, or use which relies upon the motoring public for its business. Such facilities contain appropriate traffic/parking arrangements to serve motor vehicles. Examples of such facilities include drive-in restaurants, banks, etc.

**DWELLING** – A building used or occupied as living quarters for one or more families. The term does not include tourist accommodations or trailers.

**DWELLING UNIT** – Any building used in whole or part for human habitation (trailers or manufactured homes are defined separately).

- A. **DWELLING, SINGLE FAMILY** – A detached building designated for or occupied exclusively by one family and containing not more than one dwelling unit.
- B. **DWELLING, TWO-FAMILY** – A building designed for or occupied by two families living independently of each other.
- 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 three or more families.

**ELECTRIC VEHICLE CHARGING STATION (EVCS)** – Any level of electric vehicle supply equipment station that is designed in compliance with the National Electric Code, as may be amended from time to time, which delivers electricity from a source outside the vehicle into a plug-in electric vehicle.

**Level 1:** Level 1 charging utilizes the slowest EV charger available, which provides between 1 kW and 1.8 kW of power through a standard 120-volt AC outlet through a standard three-prong outlet. It can take between 22-40 hours to fully charge a standard battery electric vehicle from empty. An hour of charging with a Level 1 EV charger will give your EV between 3-7 miles of range. Typically used at home or as a backup.

**Level 2:** Level 2 charging is much faster than Level 1 and utilizes a 208-volt to 240-volt AC outlet in North America. Level 2 EV charging can be as much as 19 times faster than a Level 1 charger, depending on the power output and the charge acceptance rate of the vehicle you are charging. Level 2 chargers top out at 19.2 kW but can range between 3kW – 22kW. An hour of charging with a Level 2 charger can provide a range of 10-75 miles. Level 2 charging is the most common type used in public charging stations, but can be installed at home, workplace, and in many public locations such as hotels, retail parks, and supermarkets. It is the ideal charging level for overnight charging or while at work.

**Level 3:** Level 3 charging converts alternating current (AC) to direct current (DC) within the charger itself, resulting in faster power delivery directly to the EV battery. A Level 3 charger can fully charge a standard electric car in under 20 minutes, depending on its charge acceptance rate. Level 3 chargers can range between 30kW – 360kW charging for between 15 minutes and 15 hours depending on the vehicle’s acceptance rate. Level 3 EV chargers are often found at public service stations near highways as they are essential for use on longer journeys. There are other locations where Level 3 charging is becoming more critical, including EV charging for fleets and auto dealerships, or any place where people park for short periods or the vehicle is in constant use like for delivery vehicles. (Source for level 1, 2, 3 charging information provided on the evesco website 2023).

**ENFORCEMENT OFFICER** – See definition for “Zoning Enforcement Officer.”

**ENVIRONMENTAL ASSESSMENT FORM (EAF)** – A form used to determine the environmental significance of proposed projects. An “EAF” describes the proposed activity, its location, purpose and potential impacts on the environment.

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

**EROSION PROTECTIVE STRUCTURE** – Any structure(s) designed, used or constructed to prevent damage of property by the littoral or riparian waters of a water body or other movement of water across a surface. Such structures are those designed in a conformance with New York Guidelines for Urban Erosion and Sediment Control or other equivalent generally accepted standard.

**ESSENTIAL SERVICE** – Erection, construction, alteration, operation or maintenance by a municipal agency or public utility or telephone dial equipment center, electrical or gas substations, water treatment or storage facility, pumping station and similar facility. Term includes bus shelter.

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

**FENCE** – Same definition as “wall.”

**FINANCE, INSURANCE AND REAL ESTATE USES** – Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, insurance agents and brokers and buyers, sellers, agents and developers of real estate.

**FLOATING STRUCTURE** – Any floating structure or device anchored or moored to the shore or land underwater of the St. Lawrence River or its many bays. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**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.

**FOOD TRUCK/TRAILER** - A motorized vehicle or trailer, registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution parked on gravel, pavement or asphalt.

**FRONT LOT LINE** – The lot line adjoining any street or highway right-of-way line. If a lot adjoins two or more streets or highways, it shall be deemed to have a “front lot line” respectively on each.

**FRONT YARD** – The yard between the front building line and the front lot line and extending the full width of the lot.

**FUNERAL HOME** – An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body or for the observances held for a dead person as an incident to burial and cremation.

**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.

**GRADES, FINISHED** – Completed surfaces of ground, lawns, walks, paved areas and roads brought to finished (final) grade, as shown on plans relating thereto.

**HEIGHT** – The vertical distance measured from the average elevation of the finished grade surrounding the structure or mean high-water level to the highest portion of the building or structure. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**HIGHWAY RIGHT-OF-WAY LINE** – Same definition as “road line.”

**HISTORIC LANDMARK** – Any building, structure or site designated as historic by the National Register of Historic Places.

**HISTORIC STRUCTURE/BUILDING/SITE** – Any building, structure or parcel of property possessing special character or historic or aesthetic interest or values as part of the cultural, political, economic or social history of the locality, region, state or nation or which is identified with historic personages or embodies a particular architectural style or the work of a significant architect or is visually singular to a neighborhood due to location or physical character.

**HOME OCCUPATION** – Any accessory use of a service character customarily conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have an exterior evidence of such secondary use, other than a small nameplate, and in connection therewith there is not involved the keeping of stock for trade. The office of a physician, surgeon, or dentist or insurance offices, licensed massage therapist, hair-cutting/beauty shop, convalescent homes and mortuary establishments or an instructor in violin, piano and other individual musical instruments who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods shall be deemed permitted as “home occupations,” and the occupations of dressmaker or seamstress, each with not more than one paid assistant, shall be permitted as “home occupations”.

**HOSPITAL** – An institution in which sick or injured persons are given medical or surgical treatment. It does not include an establishment for permanent occupation by the poor, convalescent or mentally ill.

**HOTEL** – A building which has a common entrance and general dining room and contains seven or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for short or extended periods of time.

**ICEBREAKER** – A device used in or near the water to interrupt the transformation of water to ice or to break up already established ice during the winter season. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**INDOOR AMUSEMENT FACILITY** – An indoor area or structure or portion thereof, open to the public, which contains four or more coin-operated games and/or similar entertainment and amusement devices.

**INOPERATIVE MOTOR VEHICLE** – Any motor vehicle which is unregistered and inoperative for a period of six successive months or more.

**INSTITUTIONAL USE** – A non-profit, religious, or public use, such as a religious building, library, public or private school, or government-owned or –operated building, structure, or land used for public purpose.

**JUNK VEHICLE** – Any motor vehicle (whether automobile, boat, bus, trailer, truck, motorhome, motorcycle or snowmobile, vessel or any other device originally intended for travel on public highways or on water) which is unlicensed, wrecked, discarded or dismantled and which is not intended or in any condition for legal use upon the public highway or waters. When referring to agricultural vehicles or other special purpose vehicles (such as for hunting and snowplowing), the term means any motor vehicle which is incapable of motion under its own power.

**JUNKYARD** – An area of land, with or without buildings, primarily used for the storage, outside of a completely enclosed building, of used and discarded 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 deposit or storage of two or more inoperative motor vehicles or the major parts of two or more such vehicles shall be deemed to make the lot a “junkyard”.

**KENNEL** – A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold for a fee or compensation.

**LIGHT INDUSTRY** – A use which has characteristics compatible with the rural character of the Village and should be appropriately sited, such as outside residential neighborhoods. Light industry may include manufacturing and production which utilizes previously prepared materials, but not those utilizing raw materials or any other process or activity which would result in or cause dissemination of excessive amounts of dust, smoke, gas, fumes, odors, noise, glare, vibration or any other nuisance to adjacent buildings or land, and which does not include any outdoor processing or materials or open accessory storage yards, unless completely enclosed by a solid wall or fence not less than six feet in height.

**LINEAR FOOT OF SHORE** – The horizontal lineal distance measured in a straight line between the lot lines at the mean high-water mark. Linear foot of shore for developments that involve alteration of shore will be measured at the natural mean high-water mark before such alteration. The mean high-water tie line of the adjacent upland parcel, which is described in the definition of “water rights line,” Subsection A, herein, determines the linear feet of shore. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**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 incident to it, including such yards as are required by this chapter.

**LOT AREA** – Total area within the property lines, excluding any part thereof lying within the boundaries of a public street or proposed public street.

**LOT, CORNER** – A parcel of land at the junction of and bounded by two or more intersecting streets.

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

**LOT LINE** – Any line dividing one lot from another or bounding a lot.

**LOT OF RECORD** – Any lot which, individually or as a part of a subdivision, has been recorded in the County Clerk’s office and for which proof can be given that the lot was intended for development prior to adoption of this chapter.

**LOT WIDTH** – The mean horizontal distance between the side lot lines measured at right angles to the lot depth.

**MANUFACTURED HOUSING** – A building designed for long-term residential use having the following characteristics:

- A. Constructed or produced in the factory for transportation to a site for installation and use when connected to required utilities.
- B. Either an independent, individual building (mobile home) or a module for combination with other elements to form a building on the site.

**MANUFACTURING PLANT** – An establishment engaged in the mechanical or chemical transformation of materials or substances into new products.

**MARINA** – Any lot, building, structure or part thereof located on the waterfront and providing docking and secure mooring facilities for yachts, motor boats, sailboats and other marine vehicles or craft. Includes the sale, rental and/or storage of marine and boating vehicles, as well as supplies, service, repair and other related facilities and/or operations necessary to maintain such craft.

**MEAN HIGH-WATER MARK** – The location where the mean high-water levels intersect with the adjacent upland parcel. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**MEAN LOW-AND HIGH-WATER LEVELS** – The approximate average low-water level or high-water level for a given body of water at a given elevation, determined by reference from survey datum provided by the United States Geological Services (USGS). The mean low/high-water level for Alexandria is according to data from the New York State Office of General Services. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**MEAN LOW-WATER MARK** – The location where the mean low-water level intersects with the adjacent upland parcel. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**MEDICAL FACILITY** – Any building, portion of a building or use thereof which is used in the diagnosis and/or treatment of medical ailments. This term includes hospital uses.

**MOBILE HOME** – Manufactured housing built on a chassis. A “mobile home” shall be construed to remain a “mobile home,” subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This does not include recreational vehicles or sectional prefabricated houses.

**MOBILE HOME PARK** – Any lot under single ownership on which three or more mobile homes are located, regardless of whether or not a charge is made for accommodations.

**MOBILE RETAIL** – General retail sales or services provided from a mobile vehicle or portable trailer without a fixed permanent location. This definition does not include Food Trucks/Trailers separately defined and regulated within. Exceptions to mobile retail include transient sales vehicles that travel to several or many locations in one day (such as typical ice cream trucks), and spend less than two hours in the same location, may be exempt from the Mobile Retail Sales requirements.

**MODULAR HOME** – A dwelling unit which is manufactured in two or more sections off-site and transported to the construction/replacement site and assembled there. All “modular homes” shall only be permitted on a permanent foundation.

**MOORING/MOORING BOUY** – A floating object anchored to the bed of the St. Lawrence River but not to the shore, to which a boat could be attached for waterside storage. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

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

**MOTOR VEHICLE SALES** – Enclosed establishment for display and sale of new and used motor vehicles, trailers, mobile homes, or boats.

**MOTOR VEHICLES, INOPERATIVE** – As they are related to agricultural use, any motor vehicle which is incapable of motion under its own power.

**NIGHTCLUB** - A place of entertainment typically open at night, generally providing music, space for dancing, or similar entertainment and where alcoholic beverages and minor food-stuffs may be sold for on-premises consumption contingent upon the establishment possessing a current and valid license permitting such sales.

**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 hog farm, fur farm, slaughtering house or rendering works.

**NON-MOTORIZED RECREATIONAL VEHICLE** – means a towable recreational vehicle, combining transportation and temporary living quarters for travel, recreation or camping, that can be unhitched. Examples include conventional travel trailers, travel trailers with expandable ends, folding camping trailers, and sport utility trailers. Boats, horse trailers, utility trailers for storing recreational vehicles, equipment, snowmobiles and all-terrain vehicles (ATVs), motorcycles, or personal watercraft stored on trailers, utilized for recreational purposes are also considered as non-motorized recreational vehicles.

**OFFICES** – A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OUTDOOR STORAGE, COMMERCIAL** - Outdoor storage is the storage of any object(s), material(s), equipment, unregistered vehicles, trailers or merchandise outside the confines of a building as an accessory use to the principle use. The parking of registered company vehicles and approved trash enclosures shall not be considered outdoor storage.

**OUTDOOR WOOD BURNING FURNACE** – Any equipment, device or apparatus which is installed, affixed or situated outdoors or is designed to be operated outdoors for the primary purpose of combustion of wood fuel to produce heat or energy used as a component of a heating system providing heat to a principal structure or any other site structure on the premises. Wood fuel is defined as tree trunks and branches, not including leaves, needles vines or brush.

**PARKING FACILITY, OFF-STREET** – A space for parking off the public streets and places in the village.

**PARKING SPACE** – An improved surface (gravel, concrete, or pavement) off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet, exclusive of passageways and accesses thereto, and having direct access to a street or highway.

**PERMANENT** – The type of construction for any dock, boathouse, boat station, or boat accessory structure that is anchored to the underwater land and intended not to be removed each season. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**PERMITTED USE** – Any use permitted under the provision for the district in which the land, building or structure is located.

**PERSONAL SERVICE USE** - A commercial activity where the customer is typically present and is the direct object of the services received and characterized by the direct on-premises sale of services to the ultimate customer and includes uses commonly referred to as: "barbershops," "beauty salons," "licensed massage therapy or spa," "tattoo parlors," "dry cleaners," "self-service laundries" and similar activities. (See also "retail use.")

**PERSONAL WATERCRAFT** – A vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and which is designed to be operated by a person sitting, standing in or kneeling on, or being toward behind the vessel rather than in the conventional manner of sitting or standing inside the vessel. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**PIER or WHARF** – Any structure extending out into or over the water, built upon fill, which shall include, but shall not be limited to, earth, clay, silt, sand, gravel, stone, rock, shale, concrete (whole or fragmentary), ashes, cinders, slag, metal, whether or not enclosed or containing: [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

A. Crib, crib work of wood, timber, logs, concrete or metal; or

B. Bulkheads and cofferdams or timber sheeting, bracing and piling or steel sheet piling, or steel H Piling, separate or in combination.

**PLACE OF AMUSEMENT** – Establishment engaged in providing entertainment for a fee, including such activities as dance halls, studios, theatrical productions, bands, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments, commercial facilities such as arenas, rings, rinks, and racetracks; public golf courses open to the public, coin-operated arcades, amusement parks, membership sports and health clubs.

**PLANNING BOARD** – The Planning Board of the Village of Alexandria Bay.

**POOL, SWIMMING** – A structure or facility constructed to hold water at least three feet deep and used by either private or public parties for recreational purposes.



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

**PROHIBITED USE** - A use of a building, structure, lot or land or part thereof which is not listed as a permitted, accessory use, site plan review or special permit use and therefore is not permitted.

**PRIVATE ROAD** - A road or driveway on privately owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from the village, town, county, or state.

**PUBLIC ASSEMBLY USE** – At establishment such as an auditorium, theater, public hall, school hall, meeting hall, church and temple.

**PUBLIC GARAGE** – Any garage operated for gain which is used or occupied for the storage, repair, rental, servicing, adjusting or equipping of automobiles or other motor vehicles.

**RADIO AND TELEVISION TRANSMISSION STATION** – An establishment engaged in transmitting oral and visual programs to the public and which consists of a studio, transmitter, tower and antenna(s) or antennae.

**REAR YARD** – The yard between the rear building line and the rear lot line and extending the full width of the lot.

**RECREATION AREA/FACILITY** – Any swimming pool, open space, tennis court, golf course, arena, athletic field or similar area or facility for public recreational use.

**RECREATION, INDOOR** - An establishment providing for recreational activities in a completely enclosed structure. Accessory uses may be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed recreational uses. Included in this definition shall be indoor ice rinks, pools, fields, courts, or other such facilities or arenas where patrons are engaged in and/or spectating sport or game activities.

**RECREATION, OUTDOOR** - An establishment providing for recreational activities in an open or partially enclosed structure. Accessory uses may be permitted to include the preparation and serving of food and/or the sale of equipment related to the recreational uses. Included in this definition shall be outdoor ice rinks, pools, fields, courts, or other such facilities or arenas where patrons are engaged in and/or spectating sport or game activities.

**RECREATIONAL VEHICLE** – Includes motorized and non-motorized road vehicles that combine transportation and temporary living quarters for travel, recreation, or camping. These include: a motor home, a truck camper or camping trailers less than 48 feet in length and used for recreational purposes. Does not include mobile homes, boats or off-road vehicles.

**RELIGIOUS INSTITUTION** – Includes a church, temple, parish house, convent, seminary and retreat house.

**RESTAURANT** – Any establishment at which food is sold for consumption to patrons seated in an enclosed building or on the premises.

**RETAIL OR WHOLESALE STORE, LARGE** – A retail or wholesale store with more than or equal to 7,500 square feet of gross floor area.

**RETAIL OR WHOLESALE STORE, SMALL** - A retail or wholesale store with less than 7,500 square feet of gross floor area.

**RETAIL USE** - An activity primarily characterized by the on-premises sale and display of goods and services to the consumer; the use may contain areas for related accessory uses. Examples include uses commonly referred to as: "department stores," "hardware stores," "grocery stores," "boutiques," "craft shops," "appliance repair shops," "pet shops," and "personal service uses" (defined separately in this code). Excluded are the following principal uses: restaurants; gasoline service stations; motor vehicle sales, service or rental; cannabis retail and outdoor retail sales, display or service.

**ROAD LINE** – Right-of-way line of a road as dedicated by a deed or record. Where the width of the road is not established, the "road line" shall be considered to be 25 feet from the center line of the road pavement.

**SALVAGE YARD** – Any lot, building or part thereof used or occupied for the collecting, storage, salvage, processing, dismantling or sale of any of the following materials collected or received from sources off the premises: wastepaper, rags, scrap or discarded metals or materials or machinery, equipment or vehicles not in running condition and parts thereof.

**SATELLITE DISH ANTENNA** – A permanently or temporarily placed dish-shaped antenna used for the purpose of receiving microwave television signals from earth-orbiting satellites.

**SCHOOL** – an educational institution that includes parochial, private, public and nursery schools and a college university and accessory uses and shall exclude a commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

**SERVICE STATION** – See definition for "automobile service station."

**SHOPPING CENTER** – A group of commercial establishments, three or more, 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 and providing on-site parking in definite relationship to the type and total size of the stores.

**SIDE YARD** – The yard between the side lot and the nearest side building line and extending from the rear line of the front yard to the front line of the rear yard.

**SIGN** - Any kind of billboard, signboard, inscription, pennant or other shape device or display used as an advertisement, announcement, or directions. Such a notice may be incorporated onto a building surface, be freestanding or be attached.

**SIGN, ADVERTISING** – A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered on the premises or elsewhere than where the sign is located.

**SIGN, FREESTANDING** – Any sign supported by its own base(s) or hung from above in cantilever fashion.

**SIGN, OFF PREMISE** – shall mean a sign or a portion thereof which directs attention to a business, profession, commodity or entertainment which is not primarily conducted, sold or offered upon

the same premises on which the sign is located and shall include any sign which is not an "on-premises sign."

**SIGN, PORTABLE** - Any sign, which by its design, is able to be and is commonly moved from place to place and/or is not permanently mounted.

**SIGN, PROJECTING** – A sign hung from a building, perpendicular to the building face.

**SIGN, SANDWICH BOARD** - a type of advertisement tool composed of two boards with a message or graphic on it and being either carried by a person, with one board in front and one behind in a triangle shape, hinged along the top, creating a "sandwich" effect; or set up next to a store advertising its goods.

**SIGN, TEMPORARY:** A type of non-permanent sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

**SIGN, WALL:** A building-mounted sign, which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: fascia sign, parallel wall sign, or band sign)

**SOLAR ENERGY FACILITY** – Facility containing electrical material, hardware, inverters, conduit, accessory energy storage devices, or other electrical and photovoltaic equipment associated with the production and storage of electricity generated from the sun.

**SOLAR ENERGY FACILITY, ACCESSORY OR ON-SITE USE** - The components and subsystems required to convert solar energy into electric energy for use on-site as an accessory use which would generate no more than 110% of the electricity consumed onsite or consumed among the owner's properties over the previous 12 months.

**SOLAR ENERGY FACILITY, COMMERCIAL** - The components and subsystems required to convert solar energy into electric energy for use off-site to sell to the grid.

**SOLAR ENERGY FACILITY, GROUND MOUNTED** - The components and subsystems mounted on the ground required to convert solar energy into electric energy.

**SOLAR ENERGY FACILITY, ROOFTOP/BUILDING INTEGRATED** – The components and subsystems mounted on the roof or integrated into the building surface or surfaces, to generate no more than 110% of the energy consumed onsite or consumed among the owner's properties over the previous 12 months.

**SOLAR ENERGY FACILITY, UNIFIED PERMIT** - A New York State standardized permit and process for approving small solar energy facilities. It consists of a streamlined approval process for small facilities (under 25 Kw) that meet the adopted criteria (refer to Section 150-82).

**SPECIAL FLOOD HAZARD AREA** – The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year or those properties located within the one-hundred-year floodplain.

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

**STRUCTURE** – Any combination of materials which forms a stable construction or fabrication. The term includes platforms, stadiums, towers, posts, billboards and signs but is not intended to include conventional sidewalks, driveways, curbs or fences, hedges or walls.

**TELECOMMUNICATIONS FACILITY** –

- A. Any commercial equipment uses in connection with the provision of wireless communications services, including cellular telephone services, personal communications services, radio and television broadcast communications and private radio communications services, and are regulated by the Federal Communications Commission, both in accordance with the Telecommunications Act of 1996 and other federal laws. A telecommunications facility shall include a monopole, guyed and latticework tower(s) and other similar structures, as well as antenna(s), switching stations, principal and accessory telecommunications equipment and supporting masts, wires, structures and buildings.
- B. The following types of telecommunications facilities are not subject to the provisions of this chapter:
  - 1) Antennas used solely for residential household reception.
  - 2) Satellite antennas measuring two meters or less in diameter and located in commercial districts and satellite antennas one meter or less in diameter, regardless of location.
- C. **Co-location** - the use of an existing tower or structure to support antennas for the provision of wireless services. Also known as the sharing of a telecommunication facility/tower or placement of a telecommunication antenna on a building, structure or tower by more than one provider.

**TEMPORARY or SEASONAL** – The type of construction for any waterside structure that is intended to be removed each season.

**TRAILER** – Includes any vehicle used as sleeping or living quarters mounted on wheels or a camper body usually mounted on a truck and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery or boats or as an office.

**USE** – The specific purpose for which any land, building or structure is used or occupied.

**USED or OCCUPIED** – Used or occupied or intended, arranged or designed to be used or occupied.

**VETERINARY SERVICES** – A building, portion thereof or use which is principally used in the treatment and convalescence of ailing animals. Such a facility may also be used to board animals. It is usually staffed by a trained veterinarian and/or other professionals/workers.

**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 shall be considered a “wall.”

**WAREHOUSE** – Includes a warehouse, wholesale establishment, discount house, bulk storage and bulk sales outlet.

**WASTE MATTER** – Any refuse, rubbish, waste matter, litter, garbage, decomposable or organic matter, putrescible matter, carcass, sewage, excrement, swill, slops, malodorous or obnoxious liquids or

substances, ashes, tin cans, crates, boxes, easily combustible matter or other substances or material offensive to the public or detrimental to its health.

**WATER RIGHTS LINE** – The lines that are used solely for determining the boundaries for the placement of waterside structures, and all other facilities subject to this law. The method for establishing water rights lines is as follows: [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

A. Water rights line. Waterside structures shall be placed within the water rights line of the parcel so as not to interfere with the waterside usage of adjacent parcels. Water rights lines are determined using the following method (See Figure 1):

- (1) Determine the four points where the mean high-water mark intersects the property lines of the parcel and the two adjoining shore parcels.
- (2) Connect the points of intersection with straight lines. These lines are called mean high-water tie lines.
- (3) Where two mean high-water tie lines meet, measure the angle on the waterside.
- (4) Bisect (or divide by two) that waterside angle measurement. The bisecting line, projected out over the waterside, is the water rights line.

B. It is the owner’s responsibility to determine water rights lines. The Zoning Enforcement Officer can be contacted for assistance if necessary.

**WATER DEPENDENT USE** – An activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body and which involves, as an integral part of such activity, the use of the water (i.e., commercial and recreational boating and fishing, swimming, marinas, facilities for shipping, ferry landings).

**WATER-ENHANCED USE** – An activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water’s edge (i.e., restaurants, parks, hotels, and shops.)

**WATERSIDE** – The water side of the mean high-water mark. [Added 4-29-2016 by L.L. No. 1-2016; amended 6-13-2017 by L.L. No. 4-2017]

**WATERSIDE STRUCTURES** – All temporary or permanent structures located on the waterside of the mean high-water mark.

**WIND ENERGY SYSTEM (SMALL)** – A wind energy system consisting of wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW intended primarily to reduce consumption of utility power at that location.

**WIND ENERGY SYSTEM (LARGE)** – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW and which is intended primarily for distribution on the utility grid.

**YARD** – Generally determined to mean that unoccupied open space (from the ground upward) between the building line and the nearest lot line or street line.

- A. **YARD, FRONT** – The yard between the front building line and the front lot line and extending the full width of the lot.
- B. **YARD, REAR** – The yard between the rear building line and the rear lot line and extending the full width of the lot.
- 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.

**ZONING ENFORCEMENT OFFICER (ZEO)** – The person appointed by the Mayor, subject to Village Board approval, to carry out the regulations of this chapter.

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

#### **150 – 9. Enumeration of Zoning Districts**

For the purpose of promoting health, safety, morals and the general welfare of the community, the Village of Alexandria Bay is hereby zoned into the following zoning districts:

Marine Residential – MR  
 Business – B  
 Marine Development – MD  
 Downtown Overlay - DO

#### **150 – 9.1. Zoning Map Certification.**

- A. The boundaries of the above-named zoning districts are bounded as shown on a map entitled “Zoning Map, Village of Alexandria Bay” dated November - 2023, as prepared by the Jefferson County Planning Department, a copy of which is on file in the Village Offices.

#### **150 – 9.2. Interpretation of District Boundaries.**

Where uncertainty exists with respect to exact boundaries of districts as shown on the Village Zoning Map, the following rules shall apply.

- A. Boundaries shown as approximately following the center line of streets or highways shall be construed to follow such center lines.
- B. Boundaries shown as approximately following platted lot lines shall be construed to follow such lot lines.
- C. Boundaries shown as following shorelines of streams, lakes and reservoirs shall be construed to follow such shorelines and to move with changes in the actual shorelines.
- D. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through C shall be construed to be parallel to or extensions of such features.
- E. Distances not specifically set forth on the Zoning Map shall be determined by the scale of the map.

#### **150 – 9.3. Lots in Two Districts.**

Where a district boundary line divides a lot in single or joint ownership existing at the time of enactment of this chapter, the use authorized on and the district requirements of the least restricted portion of said lot shall be construed as extending to the entire lot.

**150 – 10. District Purposes.**

- A. **Residential District – RES** is established to provide for the development of residential neighborhoods occupied by single-family, duplex and multi-family residences where appropriate. It is contemplated that all residences in these districts shall be served by public water supply and public sewage disposal facilities.
- B. **Marine Residential District – MR** is established to provide for the development of single-family residences and accessory uses while protecting the natural processes and aesthetic beauty of the Thousand Islands.
- C. **Business District – B** is established to provide districts to accommodate general retail, service, finance, insurance and real estate uses and related structures and uses in close proximity to be pedestrian oriented due to a limited amount of vehicular parking available. Such uses also include family-based entertainment uses. It is contemplated that these districts will be established only in areas served by public water supply and public sewage facilities.
- D. **Marine Development District – MD** is established primarily for the purpose of providing areas for water related resort activity along with specified commercial recreation activities normally associated with such areas.
- E. **Downtown Overlay** – is established to apply the Downtown Business Site Plan Guidelines (Section 150 - 67) to certain areas in the Village.

**ARTICLE IV - ZONING DISTRICT REGULATIONS**

**150 – 11. Schedule of Uses:**

SCHEDULE OF USES	RES	MR	B	MD
Above Ground Fuel Storage	NP	NP	SP	SP
Adult entertainment uses	NP	NP	SP	NP
Adult Care Facility	P	P	P	P
Agricultural operation	NP	NP	NP	NP
Automobile service stations	NP	NP	SP	NP
Bar/Tavern	NP	NP	SP	SPU
Bed and breakfast	NP	SP	SP	SP
Billboard	NP	NP	SP	SP
Billboard, Mobile Electronic (during events)	NP	NP	P	P
Boat storage, Commercial	NP	SPU	SPU	SPU
Cannabis Retail/Facility	NP	NP	NP	NP
Child Day Care Facility	SPU	SP	SP	SP
Club, private	NP	NP	SP	NP
Community Facility	SP	SP	SP	SP
Cottage, rental	NP	SP	SP	SP
Dangerous/Hazardous Use	NP	NP	NP	NP
Drive-in service (including banks)	NP	NP	SP	SPU
Dwelling, Single Family	P	P	P	P

**KEY: P= Permitted; SP = Site Plan Review; SPU = Special Permit Use; NP = Not permitted**

150 – 11. Schedule of Uses – (Continued)

SCHEDULE OF USES (continued)	RES	MR	B	MD
Dwelling, Two Family	P	NP	P	P
Dwelling, Multiple Family	SPU	NP	SP	NP
EV Charging Station (Level 1 & 2)	P	P	P	P
EV Charging Station (Level 3)	SPU	NP	SP	SP
Essential service	SPU	SP	SP	SP
Food trucks (also includes lunch wagons)	NP	NP	NP	SP
Funeral home	NP	NP	SP	SP
Home Occupations	P	P	SP	P
Hotels	NP	NP	SP	SP
Indoor amusement facility	NP	NP	SP	NP
Institutional	SPU	SPU	SP	SP
Junkyards/salvage yards,	NP	NP	NP	NP
Kennel	NP	NP	NP	NP
Light Industry	NP	NP	SP	NP
Marina (includes boat repair)	NP	NP	NP	SP
Medical Facility	NP	NP	SP	SP
Mobile Home	NP	NP	NP	NP
Mobile Home Park	NP	NP	NP	NP
Manufactured/Modular Home	P	P	NP	P
Motels and motor court	NP	NP	SP	SP
Motor vehicle sales	NP	NP	SP	NP
Noxious Use	NP	NP	NP	NP
Office	NP	NP	SP	SP
Outdoor storage, commercial	NP	NP	SP	NP
Outdoor wood burning furnace	NP	NP	NP	NP
Parking facility, off street	NP	NP	SP	SPU
Places of amusement or Public Assembly	NP	NP	SP	SP
Radio or television transmission facilities	SPU	NP	SP	NP
Recreational area/facility (publicly owned)	SP	SP	SP	SP
Restaurant	NP	SP	SP	SP
Retail or Wholesale Store, Large	NP	NP	NP	SP
Retail or Wholesale Store, Small	NP	NP	SP	SP
Retail Use	NP	NP	SP	SP
Recreational Vehicle (RV) Park	NP	NP	NP	NP
Senior Citizen Facility	SPU	NP	SP	SP
Solar Energy Facility, Building Integrated for onsite use including unified permit ground mounted	P	P	P	P
Solar Energy Facility, Ground Mounted for on-site use (except unified permit)	SP	SP	SP	SP
Solar Energy Facility, Commercial	NP	NP	NP	NP
Sign, Advertising (on-premise)	SP	SP	SP	SP
Sign, Electronic	NP	NP	SPU	SPU
Sign, Off-premise	NP	NP	SP	SP
Sign, Temporary	P	P	P	P
Telecommunications Facility	SPU	NP	NP	NP
Telecommunications Antenna Co-location	P	P	P	P
Veterinary Services	NP	NP	SP	SP
Wind Energy System (SMALL)	NP	SUP	SP	SUP
Wind Energy System - (LARGE)	NP	NP	NP	NP

KEY: P= Permitted; SP = Site Plan Review; SPU = Special Permit Use; NP = Not permitted



**150 – 12. Dimensional Regulations:**

Requirement	RES	MR	B	MD
Lot area per dwelling (dwelling in sq. ft.)	15,000	15,000	**	7,500
Pre-existing lot, area where no other unoccupied land in the same ownership exists	7500 sq. ft. with 50 foot lot width	7,500	narrower lots can continue or can be rebuilt upon	**
Lot width at front property/building line	80 feet	100 feet	30 feet	
Lot coverage	50%	50%	100%	50% - residential use 80% - non-residential use
Front yard setback	Average front yard distance on either side, within 100 feet of bldg, or 30 feet from centerline whichever is greater	Not applicable to islands	Average front yard distance on either side, within 100 feet of the building. Except the setback shall be zero feet (thereby being consistent) along the sidewalk within the Downtown Overlay District.	
*Side yard	two side yards, a total of which not less than 30 feet	15 foot side yard applicable to islands with more than one lot	**	Res - two side yards a total of 30 feet Non-residential 30 feet total
*Side yard - nonresidential other than a garage or accessory building	two side yards, a total of which not less than 30 feet	30 feet	**	10 feet each
Side and rear yard - detached garage or accessory building	10 feet	10 feet	10 feet	10 feet
Side yard for accessory buildings and structures	10 feet	10 feet	**	**
Rear yard setback (primary structures)	25 feet unless property extends street to street, in which case front yard shall be on both frontages	**	(for single family and two family residences only) 15 feet	Residential - 25 feet Non-residential 15 feet
Corner lots	Two front yards and two rear yards			
Height restrictions	Maximum of 30 feet	Maximum of 30 feet	Maximum of 50 feet	Maximum of 35 feet
Height restrictions - private garages and accessory structures	Maximum of 22 feet	Maximum of 22 feet	Maximum of 30 feet	Maximum of 30 feet
Notes - * = the width of the narrower of the two side yards shall not be less than 1/3 of the total width of the two side yards.				
** = no required minimum				

**ARTICLE V – GENERAL REGULATIONS**

**150 – 13. Area, yard, and building height:**

- A.** Area per dwelling unit and lot dimensions: The minimum land area of lot size per dwelling unit shall meet Village dimensional requirements in Section 150-12.
- B. Corner lots:** In the case of a corner lot, both yards abutting streets shall be determined as provided in subsection A above. The minimum width of the lot at the property line parallel to the street considered to be the front street shall be 100 feet.

- C. Front yards:** No building or part of a building other than steps, open porches, eaves and cornices and similar fixtures shall extend closer than the front street right of way than Section 150-12 requires for the front yard setbacks within each respective zoning district.
- D. Rear yards:** There shall be a rear yard with a depth of not less than 25 feet. When a building or property extends through a block from street to street, the front yard requirements in Section 150-12 shall be observed on both streets.
- E. Side yards:** each side yard or the side yards collectively shall meet Section 150-12 requirements.
- F. Building Height:** the maximum building height shall be as stated in Section 150-12.

**150 – 14. Fences:**

- 1) All fences requiring periodic maintenance shall be set back a minimum of two feet from a property line to provide adequate area for maintenance. [Added 9-15-1999 by L.L. 3-1999]
- 2) All fences, wall, hedges, or facsimiles shall be six feet high or less and 2 ½ feet in width. Fences, walls, hedges, or facsimiles which are six feet in height or less which may result in traffic safety, site hazard or other similar public safety or health hazards may also be required by the Village to file for special use permit consideration. [Added 5-10-1993 by L.L. No. 2-1993; amended 9-15-1999 by L.L. No. 3 – 1999.
- 3) Fences within front yards shall be four feet in height or less, within both front yards on corner lots.

**150 – 15. Lot coverage:** lot coverage shall meet the requirements as stated in Section 150-12 in the respective zoning district.

**150 – 16. Off-street parking and loading:**

A. Uses in all districts except the Business District shall meet the following off-street parking requirements:

USE	NUMBER OF PARKING SPACES REQUIRED
Churches or synagogues	1 for each 3.5 seats
Community buildings, social halls, places of private assembly and private assembly	1 for each 200 square feet of floor area or 1 for each 3.5 seats, whichever is greater
Doctor or dentist offices	10 for each office
Dwellings and mobile homes	2 for each dwelling unit
Home occupations	Minimum of 3 spaces
Industrial operations	1 for each employee in the maximum working shift
Marina	1 for each 5 boat slips
Motels, resorts, boarding and rooming houses	1 for each sleeping room/bedroom or dwelling unit
Offices, general	1 for each employee
Restaurants, bars, nightclubs, and recreation facilities	1 for each 50 square feet of patron space
Retail stores, store groups, shops, small commercial establishments and business uses	1 space for each 200 square feet of floor space, plus 1 for employ
Roadside stands	Minimum of 3 spaces
Wholesale establishments or warehouses	1 for each employee in maximum shift
Parking areas 20 or more spaces	1 EV charging station with two charging spaces

- B. All parking lots shall be landscaped between the road or sidewalk and the parking lot itself. Such landscaping shall include trees or shrubs to break up the visual impact of the concrete (gravel, pavement, etc.) [Added 7-26-1994 by L.L. No. 5-1994]
- C. The Planning Board may require that a buffer of thick brush, shrubs or evergreens be used to separate a parking lot from residential properties. A fence with landscaping may also be used to mitigate conflicts between parking lots and residential property. [Added 7-26-1994 by L.L. No. 5-1994]

**150 - 17. Private Roads:**

Private roadways to access property should be constructed to village road design standards to an adequate width of at least 20 feet of an improved surface such as gravel when providing access to a residence, or two or more parcels. This will ensure their adequacy for safe accessibility and emergency vehicular access pursuant to NYS Village Law Section 7-736. Proper maintenance shall also be provided by the owner/users to ensure adequate access in perpetuity.

**150 – 18. Access/Ingress/Egress:**

Entrances and exits upon public thoroughfares. There shall not be more than one vehicular entrance and/or exit per establishment upon any individual public thoroughfare, and the distance between them, if separated, shall not be less than 25 feet.

**150 – 19. Accessory Buildings and Structures**

- A. Detached garages and accessory buildings: No detached private garage or other accessory building shall be placed closer to a side yard or rear property line than 10 feet. No detached garage or other accessory building shall be placed closer to a rear building line than 10 feet or closer than a front building line, the average front setback on either side or 30 feet.
- B. Accessory Dwellings: Upstairs garage apartments shall be used as a full-time living space or dwelling, only as accessory to the primary dwelling on the parcel provided adequate off-street parking exists. Such accessory dwellings shall not be used as short-term rentals.
- C. Docks and boathouses: Docks and boathouses must be 125 feet from any neighboring shoal, island or mainland structure or shoreline.

**150 – 20. Temporary uses and structures:**

Temporary permits may be issued by the Zoning Officer for a period not exceeding six months for nonconforming uses incidental to housing and constructing project, including such structures and uses as storage of building materials and machinery, the processing of building materials and a real estate office located on the parcel being offered for sale, provided that such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit. Such permits may be renewed upon application to the Zoning Officer for successive additional periods of six months, but in no case shall a temporarily permitted use be allowed to exist beyond 18 months of the date of its original permit without first obtaining a standard zoning permit.

**150 – 21. Shoreline Standards:**

- A. All construction on any shoreline lot shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project and to generally maintain the existing aesthetic and ecological character of the shoreline.

- B. No on-site sewage tile field or seepage pit shall be located within 100 feet of any shoreline, and no septic or other holding tank shall be located within 50 feet of the water body.
- C. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an adequate disposal system.
- D. Any marina, boat service facility or any storage of petroleum products within 100 feet or reasonable setback, as determined necessary by the Planning Board, of the shoreline shall include adequate provisions for ensuring that any leak, rupture or spill will be contained and not be introduced to the affect of the adjacent waterway. In particular, a raised earthen or paved berm or dyke may be required to be constructed in such manner so as to afford adequate protection.
- E. Any paved or otherwise improved parking, loading or service area within 100 feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.
- F. The design shall include landscaped green space or buffers to mitigate or minimize the adverse visual impact on the waterfront and to assist in the protection of the waterways from runoff and erosion. The Planning Board may stipulate the use of trees, evergreens, shrubs, fencing, etc., as required, based on the size, location and impact potential of the proposed project. [added 7-26-1994 by L. L. No. 5-1994]

**150 – 22. Docking facilities**

- A. Standards.
  - 1) Permitted structures. All waterside structures such as docks, piers, boat stations and boathouses, whether temporary or permanent, require a permit as determined in this article of the Village of Alexandria Bay Zoning Code.
    - a) Waterside structures for residential use. A permit shall be issued by the Zoning Enforcement Officer for construction of all seasonal or permanent docks, piers, boat hoists, boat stations, boathouses, or other waterside structures intended for private residential use in association with a residential waterfront parcel. Such permits shall be provided pursuant to Subsections A and B herein.
    - b) Site Plan approval for waterside structures for nonresidential use. All seasonal and permanent docks, piers, boat hoists, boat accessory structures, boat stations, boathouses, marinas or other waterside structures for nonresidential use, used in association with a nonresidential waterfront parcel shall require site plan approval from the Village Planning Board pursuant to Subsection B herein.
  - 2) Mooring buoys. Permanent mooring buoys shall not be allowed for residential or commercial uses on the St. Lawrence River or connected bays.
  - 3) Standards for all waterside structures. A seasonal or permanent waterside structure such as a dock, pier, boat station, or boathouse located within the water rights line of any waterfront property shall be constructed in conformance with the standards set forth below. These standards are in addition to the New York State Department of Environmental Conservation, New York State Office of General Services, New York State Department of State and Coast Guard regulations.
    - a) All waterside structures shall, at all times, be maintained in safe and sound condition. (See Village of Alexandria Bay Zoning, Chapter 150, Articles VII to XIA)

- b) All waterside structures shall be constructed of materials capable of maintaining position and location, supporting pedestrian traffic and resisting reasonable lateral loads resulting from wind, wave, ice and other potential impact forces.
  - c) Where appropriate, construction of structures shall include guardrails, handrails, and lighting.
  - d) Dock and pier surfaces shall be parallel to the water surface except for a gangway from the shoreline onto/or between such dock and pier.
  - e) All waterside structures shall be constructed, where possible, in a manner that permits the free circulation of water, reduces the effects of fluctuating water levels and prevents adverse modification of the shoreline. Maintaining the natural form with native vegetation along the shoreline is preferred whenever practicable.
  - f) The use of fingers, such as T- or L- or U-shaped appendages, is permitted as additional configurations from the main walkway of the dock to form boat slip spaces, provided the design is contained within the property owner's water rights line and does not interfere with neighboring navigation rights.
  - g) When two or more boat slips are constructed, they shall be separated by a minimum of four feet.
  - h) A boat accessory structure shall not exceed 120 square feet and 15 feet in height measured from the mean high-water level and are not permitted on the waterside of the mean high-water mark. Boat accessory structures shall not be used as a dwelling, sleeping, lodging or boarding place.
  - i) One seasonal boat hoist structure is permitted for each boat slip. Boat hoist structures may have a pitched roof. The sides shall not be enclosed and the maximum height shall be 15 feet.
  - j) Up to two boat slips are allowed per boat station. A single-story boat station shall not exceed a height of 30 feet above the mean high-water level and the sides shall not be enclosed. A roof is permitted. Boat stations shall not be used as a dwelling, sleeping, lodging or boarding place.
  - k) All waterside structures such as docks, piers, and boathouses, except for icebreakers, shall be set back a minimum of 10 feet from all water rights lines. No portion of a dock extending over the water shall be higher than five feet above the mean high-water level. No part of a dock, or associate structures and equipment, shall extend beyond a line that is 150 feet out from the mean high water mark along the shoreline. Information regarding the method of determining water rights lines is available from the office of the Zoning Enforcement Officer.
  - l) Icebreakers shall be placed in such a manner that they will be contained within the water rights line of the parcel. Any seasonal waterside structure or vessel tied to it shall be contained within the water rights of the parcel.
  - m) All boathouses are limited to a maximum of two boat slips. All boathouses shall be covered by a roof. A single story boathouse shall not exceed 33 feet in height above the mean high-water level. A boathouse shall not exceed 30% of the total shoreline frontage, but shall not be smaller than 15 feet wide.
- 4) Allowed dockage for residential use. For the purposes of this section, width is measured parallel to the mean high-water mark; length is measured perpendicular to the mean high-water mark. The main body of the dock shall not exceed a maximum width of eight feet and a maximum length of 150 feet as measured from the mean high-water mark.
  - 5) Allowed docking facilities for nonresidential use. The allowed size of docking facilities for nonresidential uses will be determined during the site plan review, and no docking facility shall interrupt the safe navigation of vessels through the St. Lawrence River and connected bays.
  - 6) Seasonal or temporary structures. All seasonal or temporary waterside structures, such as docks, piers, and boat stations, must follow the setback requirements stated in Subsection A (3)(k) herein

and must fit within water rights lines. Seasonal docks, piers, and boat stations are included in the total number of allowable docks. Preexisting seasonal docks or other waterside structures for residential use must conform to these regulations within two years of adoption of this law. All seasonal docks, piers, and boat stations require a seasonal building permit. Seasonal building permits can be obtained from the Village Zoning Enforcement Officer.

- 7) Repair or removal. All waterside structures that fall into disrepair must be repaired or removed within one year from the date cited as a hazard by the Zoning Enforcement Officer. A permit is not required for repairs to an existing dock, if such repairs do not alter the dock's size or shape. All repairs or renovations which cost more than 50% of the structure's value and are undertaken one year after the date of verification must comply with the standards and provisions set forth herein.
- 8) Steep slopes adjacent to shoreline. For purposes of this subsection, a steep slope is defined as 30 degrees (or 57% slope) or greater as measured from the horizontal, for a vertical height of 12 feet or more, commencing within 10 feet of the mean high-water mark.
  - a) Residential waterfront parcels with steep slopes which are restricted as to placement of their docking facilities may apply for a site plan review for docking facilities, and only one boat accessory structure and one boathouse.
  - b) If any or all of the boat accessory structure is located on the waterside of the mean high-water mark, such area of the boat accessory structure is to be included in the total square feet allowance. Boat accessory structures located on the landside of the mean high-water mark are subject to local planning and zoning regulations.
  - c) The boat accessory structure, boathouse, and additional dock space shall be constructed adjacent to or as close to the steep slope as possible.
- 9) State and federal review. All construction activities are subject to state and federal review by the following agencies as applicable and as required by law: The New York State Department of Environmental Conservation; the New York State Office of Parks, Recreation and Historic Preservation; the New York State Office of General Services; the New York State Department of State; and the United States Army Corps of Engineers. It is the responsibility of the property owner to obtain any and all state and federal permits as may be required.

B. Permit and site plan approval requirements.

- 1) Permanent residential waterside structure permits. To ensure compliance with this local law, a waterside structure permit must be obtained from the Zoning Enforcement Officer prior to any new construction or renovation, addition, or replacement of an existing permanent waterside structure for residential use. The Village Zoning Enforcement Officer shall issue a waterside structure permit upon proof that all criteria and standards set forth in Subsection A(3)(K) have been met. An application for such a permit can be obtained from the Village Clerk. The Zoning Enforcement Officer's determination of denial of a permit can be appealed by the applicant to the Zoning Board of Appeals pursuant to the procedures set forth in Article VI of the Zoning Code.
- 2) Seasonal residential waterside structure permits. To ensure that the construction and placement of a seasonal dock is in full compliance with the provisions of this local law, a seasonal waterside structure permit, issued by the Zoning Enforcement Officer, is required prior to the installation of such a structure. Such permits must be renewed every three years.
- 3) Site plan review and certificate of compliance. Site plan approval and a certificate of compliance are required for the new construction or renovation of or addition to all nonresidential permanent waterside structures, such as docks, boathouses, and marinas. Only the adjacent upland owner or

their agent is eligible to submit a site plan application for site plan review in compliance with Article VI of the Village of Alexandria Bay Zoning Code prior to the start of construction. After site plan approval is obtained, a certificate of compliance must be obtained from the Zoning Enforcement Officer prior to use of the waterside structure. A certificate of compliance shall be issued after inspection and determination by the zoning Enforcement Officer that the applicant followed all stipulated conditions as indicated on the approved site plan and supporting documentation.

a) Required statements. The application for site plan approval shall include the following statements:

1] I hereby certify that all owners, lessees, occupants, easement holders, and any other persons or entities with a legal or beneficial interest in any existing or proposed docking facility, or other waterside structure related to this property, have been notified of this application. Notification must be proven by the applicant.

2] The standards set forth in this Docking Facilities Local Law are applicable to all parties who have a property interest in the parcel. The applicant is advised that failure to notify any party with a property interest in the parcel may affect any rights granted as a result of this application and process.

b) Site plan submission requirements. An application for site plan approval shall follow the same submission requirements as set forth in Article VI of the Village Zoning Code. A site plan application shall contain the information listed below in addition to the requirements set forth in Article VI of the Village Zoning Code:

1] A site plan drawn to scale with a description of the existing and proposed new structures.

2] Name, address, parcel boundaries, tax map number of the adjacent upland parcel.

3] The linear feet of shore.

4] The specific location of all adjacent water rights lines.

5] Location of mean high-water mark.

6] The mean high-water tie line.

7] Water depths.

8] The dimensions of all new and existing structures.

9] The pitch of all rooflines.

10] Materials and paint color for all roofing and siding.

11] Docking material and paint color.

12] Number of proposed boat slips.

13] Identification of all equipment to be located on top of any docks, piers, or other waterside structures.

14] Proposed layout of all new structures and the location of all existing structures within 300 feet of the proposed new structure in or near the water or on adjacent properties.

15] Any other features determined to be relevant by the Zoning Enforcement Officer or the Planning Board.

16] Provide a silt and erosion control plan.

c) Site plan review criteria. The following criteria shall be used by the Planning Board in determining the appropriateness of all proposed new or altered docking facilities, or other waterside structures:

- 1] The construction of waterside structures shall be undertaken in such a way as not to impair water quality, cause harm to fish or fish spawning grounds, cause problems of erosion or sedimentation, create hazards for navigation, or otherwise threaten public health or safety.
- 2] Waterside structures shall be constructed only of sturdy, durable and stable materials capable of maintaining position and location, supporting pedestrian traffic and resisting reasonable lateral loads resulting from wind, wave, ice, and other potential impact forces.
- 3] Waterside structures shall be constructed, where possible, in a manner that permits the free circulation of water, reduces the effects of fluctuating water levels and prevents adverse modification of the shoreline. Maintaining the natural form with native vegetation along the shoreline is preferred whenever possible.
- 4] The amount of grading, filling, earth moving, and disturbance of land above the mean high-water mark during the construction of such facilities shall be minimized.
- 5] The visual impact of such facilities shall be minimized.
- 6] The impact of the proposed facility shall be within keeping with the character of the surrounding commercial and/or residential neighborhood.
- 7] Adequate pumping facilities for waste disposal will be provided when deemed appropriate.
- 8] The width and length of any docks or other waterside structure shall not impair navigational access through the St. Lawrence River.

### **150 – 23. Fees, Deposits and Bonds**

- A. All applicants for any permit, approval or variances under this chapter are required to pay a fee to cover the administrative expenses of the Village. Failure to pay such fee shall be deemed a violation of this chapter.
- B. All applications for any approval, permit or variance shall be accompanied by a cash deposit, certified check or surety bond payable to the Village of Alexandria Bay in an amount determined by the:
  - (1) Mayor, for all applications requiring the Village Board's approval or other action.
  - (2) Chairperson of the Planning Board, for all applications requiring the Planning Board's approval or decision.
  - (3) Chairperson Zoning Board of Appeals, for all applications requiring such Board's approval or decision.
  - (4) Zoning enforcement Officer, for matters requiring his/her approval or action. Such amount shall include his anticipated actual charges to the Village for reviewing the action.
- C. The Mayor, Chairperson of the Planning Board, Chairperson of the Zoning Board of Appeals and Zoning Enforcement Officer should obtain estimated expenses from the Village's Engineers, Attorney's and Clerk and ZEO prior to setting the amount of the cash deposit, certified check or surety bond required of each applicant.
- D. The Mayor, Chairperson of the Planning Board, Chairperson of the Zoning Board of Appeals and Zoning Enforcement Officer may require additional security for the Village's administrative expense, in accordance with the provisions of this section, in the event that the village's potential liability for such expense exceeds the initial amount deposited.
- E. Upon completion of the latter of final approval or rejection of any application for approval, or final approval of any and all completed improvements and submission of final bills to the village for its administrative expenses incurred as a result of the applicants proposed plan, all unused funds or proceeds from a surety bond shall be refunded to the applicant.



- F. The fee established under Section 150A shall be doubled for any applicant seeking a permit after they have already commenced the activity for which the permit is requested. [Added 11-14-17 by L.L. No. 5-2017]

**150 – 24. Signs: Statement of Findings, Purpose and Intent**

1. Signs can obstruct views, distract motorists, boaters, and pedestrians, displace alternative uses for land, and pose other problems that legitimately call for regulation. They can also affect quality of life in business and/or residential areas depending on their location, size and intensity.
2. The purpose of these regulations is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the preservation of the character of the various neighborhoods, the creation of an attractive and harmonious community, and protection against the interference with the historic character of designated areas, including the downtown area or Business District.
3. This zoning law allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs.
4. These sign regulations are intended to 1) promote compatibility with the use of the property to which the signs are appurtenant; 2) promote compatibility with the landscape and architecture of surrounding buildings; 3) be appropriate to the activity to which they pertain; 4) ensure that signs are not distracting to motorists, boaters, and pedestrians; 5) ensure that all signs are constructed and maintained in a structurally sound, safe and attractive condition.
5. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the Village. Rather they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
6. These regulations do not eliminate all of the potential harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the impacts potentially caused by signs.
7. Lastly, permitted signs should be highly legible, compatible with their surroundings, constructed and maintained in good condition, appropriate to the type of activity to which they pertain, and expressive of the identity of individual proprietors and of the community as a whole.

**150 – 25. Applicability**

Any sign erected, altered, or maintained after the effective date of adoption shall conform to the following regulations.

**150 – 26. Signs that do not require Planning Board Review**

The following signs are exempt from these Regulations:

- A. Signs erected and maintained pursuant to any governmental function, or required by law, ordinance or governmental regulation.
- B. Memorial signs or tablets, names of buildings and/or dates of erection when cut into any masonry surface when constructed of bronze, stainless steel or similar material.

- C. Signs integral to gasoline pumps including on-pump gasoline price signs.
- D. Traditional barber poles.
- E. Posting or trespassing notices (not to exceed 4 square feet in size).
- F. Official notices of hazard or safety precaution.
- G. Personal identification signs, identifying residents of premises or permitted home occupation (not to exceed four square feet and not illuminated).
- H. Any official flag, emblem, or insignia of a nation, state, municipality or school not in connection with a commercial use.
- I. Such sign or category of signs as specifically designated by the Planning Board after application to and determination by the Planning Board that such determination is consistent with the purpose of the zoning law.

**150 – 27. Prohibited Signs:**

The following signs, sign conditions and sign components are prohibited in all Zoning Districts unless exceptions are noted.

- A. Abandoned or Obsolete Signs. Signs that advertise an activity, business, product, or service no longer conducted on the premises on which the sign is located.
- B. Signs which are dilapidated or in disrepair.
- C. Billboards in SFR, GR, NR and MR Zoning Districts.
- D. Signs attached to fences, utility poles or trees or any other natural feature of the landscape, except for trespass and posting signs.
- E. Signs that employ reflective or luminous materials or finishes.
- F. Signs that employ florescent materials or finishes as a substantial portion of their construction or graphics.
- G. Sandwich board, A-frame, Easel or equivalent temporary/portable signs, except Sandwich Board signs in the Business District and Marine Development District as provided in Section (Temporary Signs, B. paragraph 9).
- H. Mobile Electronic Billboards, mobile signs, portable signs or motor vehicles on which signs are painted, or a sign parked or stationed in a manner primarily intended to display a permanent sign unless parked in an authorized parking space or unless in a location where building setbacks can be met.
- I. Signs that employ banners, pendants, ribbons, streamers, spinners or moving, fluttering or revolving devices of any kind.
- J. Signs which employ moving, flashing, rotating and intermittent or otherwise non-stationary lighting, except for permitted time/temperature or fuel price signs and/or approved digital signs.
- K. Signs affixed to a roof, chimney or balcony.
- L. Off-premise signs, except as provided in Section \_\_\_ Off-Premise Signs and Section \_\_\_ Off-Premise Sandwich Board signs.
- M. Signs that employ electronic or changeable message systems outside the Business or Marine Development District.
- N. Signs advertising short-term rentals outside of the Business District or Marine Development District.

## 150 – 28. Existing Non-conforming signs

- A. **Pre-existing:** Non-conforming signs that legally existed prior to adoption of the sign regulations, other than prohibited as described in the section above or temporary signs below, shall be allowed to remain as long as the original use is in place and the sign is not abandoned.
- B. **Maintenance Required:** Satisfactory routine maintenance shall be required for non-conforming signs. Any proposed alteration of color, dimension or materials shall require that the sign be brought into conformance with the regulations, including but not limited to sign size, height and setback.
- C. **Change of Use:** Change of use shall require removal of the non-conforming sign and any replacement signs shall conform to these regulations. However, signs which legally existed prior to the adoption of these regulations in any district other than the Business District and Marine Development District may be maintained and replaced in kind, with no increase in size or lighting intensity or hours lit.

## 150 – 29. Temporary Signs

Temporary signs are all those installed for a specific and limited time duration as set forth in the requirements below:

### A. General Requirements

1. Construction requirements do not apply to temporary signs. However, temporary signs and banners shall comply with all other requirements of these regulations as applicable.
2. Such temporary signs and banners shall be removed within the specified time limit. Temporary installation/mounting methods, except building mounted banner brackets, must also be removed when the sign is removed.
3. Temporary signs do not require a building permit. However, the zoning officer may order the removal of any temporary sign if deemed a nuisance or safety hazard, or the when the time limit has passed requiring their removal.
4. Temporary signs should be placed on private property, not within the public street right-of-way. Street corner placement should avoid blocking the visibility of pedestrians and vehicles to maintain safety.

### B. Requirements by Temporary Sign Type

1. Event or Function(s) signs or Banners
  - a. They must be associated with a church, school, civic or nonprofit group.
  - b. They shall not represent a commercial activity or enterprise.
  - c. May be installed 14 days prior to the event.
  - d. Shall be removed within two days after the event.
2. Temporary Window Signs
  - a. They shall not exceed 15 percent of the window display area.
  - b. They shall not be displayed for more than 30 consecutive days.
3. Flags

- a. A flag with a brief commercial message, i.e., “Open,” may be displayed during the hours of the commercial operation, and may only be displayed in the Business District and Marine Development District.
  - b. Shall not exceed two flags per lot.
  - c. Each flag shall not exceed 12 square feet in area.
  - d. Shall be flown from freestanding or projecting flagpoles.
  - e. Shall have a vertical clearance from sidewalk of at least seven feet, and shall not physically or visually impair vehicular or pedestrian traffic.
4. Property Sale, Lease or Rental Signs
- a. One sign may be displayed prior and pertaining to the sale or long-term lease/rental of a parcel of land and/or building thereon.
  - b. Shall be removed within five days upon the sale, or long-term (greater than 30 days) lease/rental of the property.
  - c. Shall not advertise short-term rentals.
  - d. Shall not exceed four square feet in area and six feet in height.
  - e. Directional signs located off the premise of the property for sale or lease are prohibited.
5. Garage/Estate Sale Signs
- a. May be displayed seven days prior to the sale and shall be removed within two days after the sale concludes.
  - b. Shall not exceed six square feet in area and three feet in height.
6. Bulletin Boards
- a. One bulletin board may be displayed as customarily incident to places of worship, libraries, museums, social clubs or societies.
  - b. Shall not exceed 12 square feet in area and 8 feet in height.
  - c. Shall not represent a commercial product, activity or enterprise.
7. Artisan/Contractor signs
- a. One artisan sign may be displayed on-site during construction, repairs or alterations of a property.
  - b. Shall not exceed six square feet in area and four feet in height.
8. Campaign Election Signs
- a. Signs supporting candidates for election may not be put in place more than 45 days before the date of the primary, general election, and/or special election and must be removed within four days afterwards.
  - b. Such signs are limited to 16 square feet in area and shall not exceed 4 feet in height above grade level.
9. Sandwich Board Signs
- a. Only one sandwich board sign per public building entrance shall be permitted.

- b. In the Business District and Marine Development District, such signs shall be no more than 36 inches in height and not larger than 6 square feet.
- c. In the Business District, where the building abuts the sidewalk, one edge of the sign must abut and be tethered to the building, within 3 feet of the entrance.
- d. Should a sandwich board sign be placed on or adjacent to a sidewalk, an unobstructed pedestrian clearance of at least six feet (6') in width must be provided adjacent to the sign and the sign shall not be placed near the curb. Adequate wheel chair, stroller and pedestrian access must be maintained without sandwich board or other obstructions consistent with Americans with Disabilities Act requirements for accessibility.
- e. Within parking lots, any sandwich board sign cannot obstruct traffic.
- f. Parking lot signs must be free standing.
- g. Any such sign shall be displayed during business hours only and shall be brought inside the building when the business is closed.
- h. Off-premise single or multi-tenant sandwich board signs may be permitted if they can be placed on private property (with written permission) and maintain vehicular and pedestrian visibility at intersections. Their maximum size shall be based on six square feet for a single tenant (maximum of 36 inches high), or four (4) square feet per multi-tenant sign (up to 12 square feet) and both single and multi-tenant must meet the off premise sign standards except the square foot limitation as noted for multi-tenant signs.
- i. Placement of a sandwich board sign requires a zoning permit from the zoning officer. The sign permit application form for a Sandwich Board sign shall contain an agreement by the owner or lessee applicant to indemnify and hold the Village, their officers, agents and employees harmless against any claim or liability related to or arising out of the placement of such sandwich board sign.
- j. Any Sandwich Board sign erected in any area other than that authorized by this regulation or which does not comply with the rules set forth above, shall constitute a violation of the zoning law and shall, in addition to any other penalty or procedure provided for in the zoning law, be subject to removal by the zoning officer.

10. Mobile Billboards – Mobile billboards may be used during events only and must meet building setbacks or be stationary in a designated parking space. This will help to maintain vehicular traffic and pedestrian visibility especially at corners/intersections, also to alleviate vehicular congestion and distraction during such events within the downtown area. Existing business signage and facades shall not be blocked by parked mobile billboards unless written permission is granted by the business manager.

**150 – 30. Signs That Do Require Planning Board Review: Review Required**

- A. The location, placement, alteration, extension, installation or other erection of any advertising sign other than an exempt sign or temporary sign, as hereinafter defined, shall require a site plan review and zoning permit in accordance with the standards and requirements as set forth hereunder.

- B. Any application for an advertising sign requiring a permit shall be reviewed by the Planning Board, except for Home Occupation Signs. Those applications may be approved by the zoning officer.

#### **Location, Visibility, and Pedestrian Access**

- A. No sign shall physically or visually impair vehicular, boat, or pedestrian traffic by design, illumination, color, or placement.
- B. No sign shall be located on public property or in the public right-of-way. In any case it shall not be located within eight (8) feet of the edge of the curb or improved travel surface of the roadway, except as provided herein.
- C. No sign shall be located within the vision clearance area, which is the triangular area at a roadway intersection defined by measuring 20 feet along the intersecting road edges, except that in the Business District no projecting sign shall project into, above or within eight (8) feet from the curb.
- D. No natural object shall be defaced and no sign other than a trespass or posting sign shall be placed upon or be supported by any tree, rock or other natural object other than the ground.
- E. All signs shall be on premise, except as expressly permitted otherwise in these Regulations.

#### **Construction**

- A. All construction, fixtures, wiring and installations shall conform to the New York State Uniform Fire Prevention and Building Code and the National Electric Code, where applicable. All construction and installation shall be of high quality, durable materials and designed to withstand all predictable environmental conditions and wind loads.
- B. All exposed elements of any sign structure shall be composed of wood, stone, ornamental metal, or materials which have a similar appearance. Other structural materials may be acceptable to the Planning Board and may be submitted for review with a permit application. Sign structure design and materials shall be compatible with the architecture of the associated building.
- C. The back or reverse side of any single-face sign visible from any public right-of-way shall be constructed in a manner consistent with the terms of materials and finish with the facing and to suitably cover the structural members of the sign. Exceptions to the covering of structural members may be acceptable to the Planning Board/Zoning Officer if such structure serves a decorative purpose.

#### **Sign Illumination**

- A. Advertising signs within the Village shall be designed to limit detrimental effects on public safety, adjacent property (especially residential property), the natural environment and the general appearance of the village.
- B. Light levels at the property line and 10 feet beyond shall not exceed 0.1 footcandle adjacent to property zoned for commercial use, and 0.05 footcandle at residential property boundaries. A photometric plan should be submitted to ensure the limits are met by the proposed lighting fixtures.

- C. Within Single Family Residential, Neighborhood Residential, General Residential and Marine Residential Districts, permanent advertising signs may be illuminated subject to the following criteria:
- a. Exterior lighting shall be designed, installed, and maintained to minimize glare and light trespass across property lines, into roadways (whether public or private), and waterways.
  - b. Illuminated signs shall be at least 50 feet away from the closest building occupied as a residence.
  - c. The source of illumination is within the sign cabinet or mounted on the ground. Illumination by means of neon tubing is allowed only for commercial uses within the Business District and Marine Development District.
  - d. Adjacent to residential streets and residences in residential districts, illumination shall stop between the hours of 11:00 pm and 6:00 am (or turned off during non-business hours), except signs permitted for medical services and public services such as fire protection, which are provided on a 24-hour basis.
  - e. Digitally illuminated signs shall be dimmed after dark or during night-time hours to limit glare on nearby receptors.
- D. All electrical boxes and transformers shall be integrated into the sign and/or support structure design or shall be otherwise screened to minimize their visual impact.

#### **Maintenance**

- A. All signs shall be maintained in good condition and shall not be allowed to become dilapidated or in a state of disrepair.
- B. All nonconforming signs when replaced, repaired or remodeled shall be brought into conformance with current standards.
- C. Any sign associated with a use no longer in existence shall be removed within 30 days. The structure, wall, surface or other area from which the sign is removed shall also be disassembled or restored during that time period so that no remnant of the sign is visible.

#### **Sign Area Calculation**

- A. Sign area shall be quantified as square feet and shall be calculated by using the smallest geometric shape (s) that will encompass the entire sign face including any extensions beyond the primary edges of the sign face.
- B. Signs without integral background areas. In instances in which a sign consists of individual elements, such as letters, symbols, or other graphic objects or representations that are painted, attached to or otherwise affixed to a surface such as a wall, window, canopy, awning, or architectural projection or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of the geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.
- C. A sign designed to be viewed from two directions and which two faces are either parallel or at not more than a 30 degree angle to one another shall be considered to be one sign for the

purpose of these regulations and the dimensions of only one side will be used to calculate square footage.

- D. Sign support structures bearing no text or graphics shall not be considered when calculating sign area, but such structures shall be in reasonable proportion to the sign.
- E. Fences, outbuildings and appurtenant structures shall not be included in the calculation of lineal feet for use in sign area formulas.
- F. The sign area of cut-out letters applied to a building shall be calculated using the smallest geometric shape (s) that will encompass the group of letters. If a sign consists of cut-out letters applied to a background the area shall be calculated by the area of the background.
- G. Sign area of three dimensional or representational signs shall be calculated as one-half of the sum total of the projected area of the largest front and side views.
- H. Total permitted sign area may be divided among a group of signs for any single use provided that multiple signs are permitted. Secondary signs can be combined but shall not exceed the allowable secondary sign area.

## 150 – 31. Requirements By Sign Type

In addition to the aforementioned requirements the following standards shall apply to the individual types of signs identified. Any sign or use of signs not specifically allowed by provision of these Regulations is prohibited.

### 1. Billboards

- A. **Illumination.** A billboard may be illuminated, provided that all light sources shall be designed, shielded, arranged and installed to confine or direct illumination to the surface of the billboard and away from adjoining properties. Light sources shall not be visible from any street or any adjoining properties. Billboards may contain or include such public service information as time, date, temperature, weather or similar information. This regulation shall not prohibit digital billboards, as defined in this chapter. However, digital billboards may not display more than one message every eight seconds. Also, digital billboards shall be made available to Village, county and state emergency services in case of emergency or for such matters as Amber Alerts.
- B. **Movement.** Moving, fluttering or revolving devices prohibited. No billboard or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices.
- C. **Size.** No billboard facing streets, sidewalks or pathways shall exceed 200 square feet. Billboards facing waterways in the Business or Marine Development District shall be permissible to be 200 square feet in size. Multiple billboards (mounted on walls for example) shall cumulatively meet the size limit.
- D. **Height.** No billboard shall be in excess of 30 feet in height above the average existing grade level at the billboard.



- E. **Maintenance required.** A billboard and its structure shall be maintained, including the change of the advertising message, the repairing and replacing of component parts and the performance of other acts as incident to the upkeep of the billboard.
- F. No billboard shall confuse, mislead or resemble any government billboard.

## 2. Freestanding signs

- A. Freestanding signs shall be no more than 14 feet in height as measured from the average grade at the base of the sign to the top of any structural or decorative element of the sign panel, except in the SFR, NR, GR, and MR Districts where the height limit shall be 8 feet. Business directional and advance notice signs shall not exceed six feet in height in any District.
- B. Freestanding signs shall be set back 10 feet from any lot line.
- C. Freestanding signs shall not project into, above or within 10 feet of the improved travel surface of a roadway.
- D. Freestanding signs shall not be permitted for uses above ground floor level, except if such sign is a portion of a freestanding sign permitted for a multi-tenant building or group of buildings.
- E. Freestanding sign supports/bases shall be proportional to the sign face (s). Such supports or bases shall not exceed 100 percent of the sign area and shall not extend more than one foot horizontally in any direction beyond the horizontal edges of the sign.
- F. Freestanding sign supports or bases shall not incorporate or include any attachments, lettering, logos, or graphics. Any support structure that includes attachments, lettering, logos, or graphics, shall be considered part of the sign area.

## 3. Projecting Signs

- A. Projecting signs shall not physically or visually impair vehicular or pedestrian traffic. Projecting signs in Business and Marine Development Districts shall have a vertical clearance at least nine feet. Projecting signs in the SFR, NR, GR and MR Districts shall have a vertical clearance of five feet provided that no pedestrian traffic on sidewalks or other pathways are impacted. All other projecting signs shall have vertical clearance of at least 7.5 feet.
- B. Projecting signs shall project no more than two feet from the building face, except that projecting signs in the Business District and Marine Development District may project as far as eight feet.
- C. Projecting signs shall not extend more than 13 feet above ground level or exceed the height of the building at the location of the sign, whichever is more restrictive. Projecting theater marquee signs shall be subject to planning board review and may be deemed exempt from this requirement.
- D. The top edge of projecting sign panels or any extensions of the sign panel shall not exceed the height of the bottom edge of second story windowsills. Minimal support structures, chains or cables may be permitted to exceed such height and shall be subject to planning board review.
- E. Projecting signs shall not project into, above or within ten feet of the curb or gutter's outer edge, whichever is further from the centerline of the roadway and shall not project beyond lot lines.
- F. Wording or communicative matter which is located on the sides of awning signs which are perpendicular or nearly perpendicular to the street shall be treated as projecting signs for purposes hereof.

#### **4. Wall Signs**

Wall signs shall not project more than 1.5 feet (unless the sign is under 7.5 feet from the ground, in that case it shall project 0.5 feet or less), except that wall signs in the Single Family Residential District, Neighborhood Residential District, General Residential District and Marine Residential District shall not project more than four inches.

#### **5. Window Signs**

Permanent Window Signs shall be considered part of the total permitted sign area and shall not exceed 20 percent of the window area of the front face of the principal use. Such signs shall be silk screened, hand painted, cut vinyl, etched or other similar graphic treatment applied directly to the window surface.

#### **6. Awning Signs**

Awnings over windows or doors may be used as permitted signs or portions thereof provided that such signs shall not exceed 15 percent of the total awning area, and provided that the provisions of the Projecting Sign section are complied with. Internally illuminated awnings or neon on awnings shall not be permitted.

#### **7. Three-Dimensional and Representational Signs**

The Planning Board may only approve a three-dimensional or representational sign if the design, materials and lighting are compatible with the use to which it pertains, the character of the Village and the immediate neighborhood. It must also otherwise meet the standards of these regulations.

#### **8. Off-Premise Signs**

The Planning Board may only permit off-premise signs for businesses that are not located adjacent to a main street or otherwise deemed necessary. One free-standing off-premise sign shall be permitted for each business. The message of off premise signs shall be limited to minimal information necessary to direct the motorists or pedestrians to the use. Such signs shall not exceed eight square feet and ten feet in height. Also, off-premise signs shall not be permitted within the Single Family Residential District, Neighborhood Residential District, General Residential District and the Marine Residential District.

#### **9. Franchise Signs**

Signs for regional, national and international franchises shall employ colors, materials and design style, proportion and size appropriate the Village Character. Standardized franchise sign designs are subject to Planning Board review and shall be required to comply with all applicable requirements and standards set forth in these sign regulations.

#### **10. Home Occupation Signs**

Home occupation signs may be free standing, projecting, wall or window signs, and they shall not exceed 4 square feet.

#### **11. Day Care Signs**

A day care use may have a single sign, not to exceed 12 square feet in the Business and Marine Development Districts. Such signs may be wall signs, freestanding or projecting in design. Within the Single Family Residential District, Neighborhood Residential District, General Residential District and Marine Residential District, the size shall not exceed 4 square feet.

## **12. Religious Signs**

Signs associated with a place of worship shall not exceed 12 square feet. Such signs may be wall signs, freestanding or projecting in design.

## **13. Multi-Tenant Property Signs**

The Planning Board may consider an alternate arrangement with respect to the number and size of individual signs for any application that involves a proposed group of signs for a building, a group of buildings, or a lot under single ownership or management containing more than one individual business.

- A. Any sign displaying information or graphics for more than one tenant shall emphasize the name and location of the multi-tenant property over individual tenants. Such sign shall not exceed 64 sq. ft. and shall not be calculated when determining the allowable signage for the property.
- B. Signs for individual tenants in multi-tenant building or lots shall be of a consistent design style, height and placement, and be otherwise coordinated.
- C. Multiple tenants may be required to share permitted signs, but such signs shall not exceed the total permitted sign area for an individual business as specified for the District in which it is located.

## **150 – 32. Construction and Design Standards**

### **1. Applicability**

Realizing that these regulations must provide for a wide range of individual use, choice, and taste, the following design guidelines shall serve as the basis for all Design Review in addition to the aforementioned regulations. The Planning Board shall consider the following design criteria and may base its decision to approve or disapprove any sign application upon these criteria.

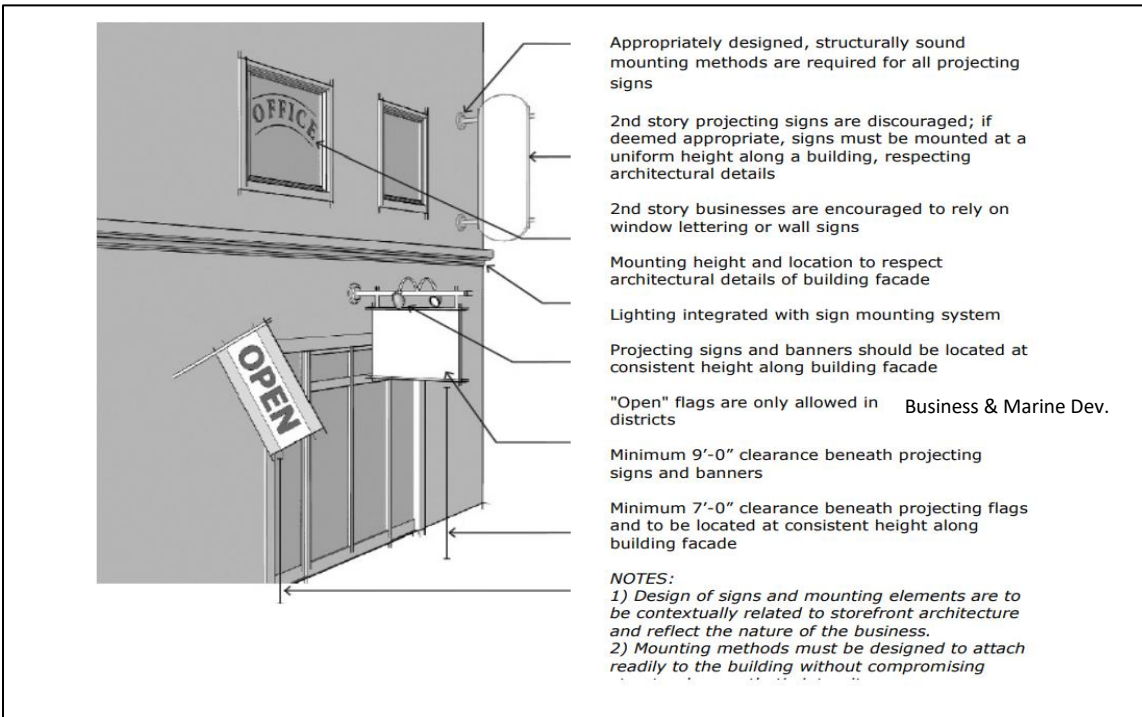
### **2. Architecture and Location - Specific provisions**

- A. As far as possible, architectural features such as windows, cornices, pilasters and the like structural or ornamental features should not be covered by signs.
- B. Sign panels and graphics should be in alignment with and/or relate to adjacent architectural features and be in proportion to them.
- C. Signs for a number of enterprises in a single building should be of uniform height and placement, and be otherwise coordinated.
- D. Horizontal and vertical proportions should be appropriate to and oriented with the architecture of the sign location.

### 3. Architecture and Location Design – Examples:



(Typical commercial street frontages with appropriate signage)



(Typical commercial 1<sup>st</sup> and 2<sup>nd</sup> floor example of appropriate signage)

#### 4. Sign Design, Color and Legibility

- A. Each sign should be designed as to provide maximum legibility in its particular surroundings and shall be designed to include the minimum number of items of information (symbol, syllable, number, and shape) that will permit the individual business or proprietor to communicate effectively the name and nature of the business or services offered. The maximum number of items of information should be in keeping with the ability of the prospective viewer to see, assimilate and react to the message.
- B. Layout should be orderly. Graphics should have a highly legible design with sufficient contrast between background and graphics.
- C. Lettering size should be appropriate to the space available and viewing context. (see Society of Environmental Graphic Design standards for information).
- D. No more than two typefaces should be used on any sign or group of signs, excluding the primary



typeface employed in a logo or brand image. E. The number of colors should be the minimum necessary to

effectively communicate the intended message of the design. Three or fewer colors are recommended.

#### 5. Advertising / Franchise Graphics

Sign graphics should feature individual business, organization, and product or service identity where possible. Brand identity should be less dominant.

### 150 – 33. PERMIT PROCESS - Applicability

- A. No sign or display other than an exempt sign or temporary sign not requiring a permit shall be displayed in the Village of Alexandria Bay until a Site Plan Review by the Planning Board and/or zoning permit (as applicable) has been issued.
- B. A permit shall not be required for maintenance, repair, or repainting of a legal, existing sign so long as the color configuration, size and location are not altered and such alterations are in conformance with these regulations.

#### 1. Permit Application

An application for a sign permit shall include the following:

- A. Site plan of parcel of land, building and/or structure to which or upon which the sign is to be attached or erected, including the proposed sign location(s), lot dimensions and setbacks from parcel lines and adjoining structures, land and signs within any critical distances as set forth in these Regulations.
- B. Detailed drawings of the sign (s), including sign panel height, width, depth and structural component dimensions including height, width, depth, and clear distance from ground level.
- C. Detailed description and/or drawings of the sign (s) and structural components, including construction materials, colors, finishes, text style, graphic content and dimensions, lighting fixtures and wiring, installation method and construction details where required.
- D. Statement and description of all other signs located or proposed to be located on the property.
- E. Such other information as may be necessary in the judgment of the Planning Board or Zoning Officer to render a determination under and provide the administration and enforcement of these regulations.

#### 2. Sign Plans (for multi-sign projects, multi-tenant properties or multi-use sites)

- A. Objective – Sign Plans are designed for multi-tenant properties or a single property with more than one use with unique or intensive sign needs. The goal of the Sign Plan is to discourage numerous or larger signs, and to promote communication, safety and aesthetic compatibility. A Sign Plan application may be required by the Planning Board in accordance with this section.
- B. Applicability – An application may be submitted for Sign Plan approval if one or more of the following conditions are met:
  - 1. The project is reviewed as a special use permit or site plan review, or
  - 2. The project contains multiple buildings or uses with shared parking and/or access,
  - 3. The building contains multiple tenants with and has multiple public entrances facing more than one direction, or
  - 4. The building faces more than one audience to communicate with such as the waterfront (boaters), sidewalk (pedestrians), and/or street(s) (vehicles).
  - 5. Any other situation the Planning Board deems necessary.

### **3. Sign Plan – Permit Application**

An application for a Sign Plan permit approval shall contain the following information:

1. Number of freestanding signs: up to one per public street entrance or as approved by the Planning Board.
2. Building directories: the number of signs necessary by applicant to adequately present information with approval by the Review Board.
3. Wall Signs: increase in size on any single façade and use of additional facades as deemed appropriate.
4. Number of Wall Signs: as determined by the Planning Board.
5. Projecting Signs: increase in size on any single façade and use of additional facades as deemed appropriate.
6. Number of Projecting Signs: as determined by the Planning Board.

### **4. Procedure**

- 1.** A Sign Plan permit may be included in any development plan, site plan, or special use permit and shall be processed simultaneously with the other plans.
- 2.** A Sign Plan may be amended by submitting a new Sign Plan that conforms to all requirements in these Regulations.

### **5. Enforcement and Remedies**

The zoning officer may order in writing the removal of any sign not erected or not maintained in a safe condition or if found to be abandoned or in violation of the requirements. When the zoning officer has ordered a sign to be removed because it is in disrepair or unsafe he/she may not permit it to be repaired, altered or reconstructed unless it meets all the requirements of these regulations.

### **150 – 34. Sign Requirements by Zoning District:**

Marine Development District	Sign Type	Maximum Quantity	Maximum Area	Sign Type (s) Permitted
Public, Municipal, Institutional or Service Organization		1	32 sq. ft.	Freestanding, Wall, Window OR Awning
Home Occupation Use	Principal Sign	1 per dwelling unit	four sq. ft.	Freestanding OR Window
All Uses	Temporary Sign		16 sq. ft.	Freestanding OR Window
Individual Commercial Use (ground floor)	Principal Sign	1	32 sq. ft. facing street, 64 sq. ft. facing waterfront	Freestanding, Wall, Window OR Awning
		1	16 sq. ft.	Projecting
		1	48 sq. ft.	Wall, Window OR Awning
		AND		
	Accessory Sign	1	25% of principal bldg frontage sq. ft.	Wall, Window OR Awning
		AND		
<b>REQUIREMENTS BY ZONING DISTRICT</b>		As needed; By	6 sq. ft. each OR 24 sq. ft. total	Freestanding
<b>Business District</b>	<b>Directional Sign Type</b>	Planning Board Review	<b>Maximum Area</b>	<b>Sign Type (s) Permitted</b>
Home Occupation Use	Principal Sign	1 per dwelling unit	AND IF LOT WIDTH IS GREATER THAN 500 ft. four sq. ft.	Freestanding OR Window
All Uses	Off-premise/sign	Planning Board Review	25% of Principal	Freestanding OR Window
Public, Municipal, Institutional or Service Organization		1	32 sq. ft.	Freestanding, Wall, Window OR Awning
Individual Commercial Use (ground floor level)	Principal Sign	1 per additional roadway frontage or water frontage	32 sq. ft. OR 75 percent of Principal	Freestanding, Wall, Window OR Awning
	Secondary Principal	1	12 sq. ft.	Same type as Principal Projecting
		1	20 sq. ft. AND	Wall, Window OR Awning
	Secondary Accessory	1 per additional roadway frontage or water frontage	75 percent of Accessory 16 sq. ft.	Same type as Accessory
Individual Commercial Use (above ground floor)	Principal Sign	1 2	OR IF NO PRINCIPAL SIGN IS USED 32 sq. ft. total	Wall, Window OR Awning
		AND		
		Whenever a Maximum area limit is expressed as a percentage of a principal sign size, the percentage shall be calculated with regard to the maximum permissible principal sign size rather than actual or proposed principal size sign associated with the use in question.		
<b>Residential or Marine Residential District</b>	<b>Sign Type</b>	<b>Maximum Quantity</b>	<b>Maximum Area</b>	<b>Sign Type (s) Permitted</b>
Public, Municipal, Institutional or Service Organization		1	32 sq. ft.	Freestanding, Wall, Window OR Awning
	Secondary Accessory	1 per additional roadway frontage or water frontage	75 percent of Accessory 8 sq. ft.	Same type as Accessory Projecting
Individual Commercial Use	Principal Sign	1	24 sq. ft.	Wall, Window OR Awning
	Off-premise/Informational	2 - subject to Planning Board review	2 sq. ft. AND/OR	Freestanding, Wall Or Window Wall, Window OR
Individual Commercial Use (above ground floor level)	Accessory Sign	1	20% of Principal	Wall, Window OR Awning
Home Occupation Use	Principal Sign	1 per dwelling unit	16 sq. ft.	Freestanding OR Window
All Uses	Accessory Sign	1	4 sq. ft. AND	Wall, Window OR Freestanding OR Awning
All Uses	Temporary Sign	1	20% of Principal 16 sq. ft.	Freestanding OR Window
		Whenever a Maximum area limit is expressed as a percentage of a principal sign size, the percentage shall be calculated with regard to the maximum permissible principal sign size rather than actual or proposed principal size sign associated with the use in question.		
		Mechanically moving, flashing or self-illuminating signs shall not be permitted, although flood lights and other external lighting fixtures to be used in the illumination of signs shall be permitted if so located and/or shielded so as to not interfere with enjoyment of residential use or detract from the safety of motorists.		
All Uses	Nonconforming Sign	To be replaced with any increase in size, lighting intensity, or hours lit must conform to current District regulations.		



**Section 150-35 to 150-55** (intentionally blank and reserved for future use).

**ARTICLE VI – PLANNING BOARD REVIEWS AND USE SPECIFIC REGULATIONS**

**150 – 56. Site Plan Review Authority**

**A. Authority**

Pursuant to the authority delegated in accordance with Section 7-725-a of the Village Law of the State of New York, the Village hereby authorizes the Planning Board to review and approve, approve with modifications 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. Expansions, additions, or changes to an existing site plan review use require a new site plan review.

**150 – 57. Special Use Permits**

**A. Authority**

Pursuant to the authority delegated in accordance with Section 7-725-b of the Village Law of the State of New York, the Village 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 for specific uses and any condition. 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. Expansions, additions, or changes to an existing special use permit requires a new special use permit.

**150 – 58. Application Requirements**

**A. Application Fee**

All Planning Board review applications shall be accompanied by a check, cash or money order for a fee in an amount that shall be set annually by the Village Board of Trustees, payable to the Village of Alexandria Bay. This fee is not refundable and is to cover the cost of advertising, stenographic fees, transcripts, inspection by the zoning officer and other administrative expenses not provided for below.

**B. Costs**

Costs incurred by the Planning Board or Board of Trustees for consultation fees, such as legal and engineering fees, or other out-of-pocket expenses in connection with the review of a proposed project shall be passed on to the applicant on a contractual basis or hourly rate as charged by the consultant. The Village, at its discretion, may require the applicant to deposit and maintain a designated sum in escrow with the Village, for the Village's use to pay professionals or consultants which the Planning Board deems necessary or appropriate to assist in its review of the application. The Village shall make the determination of the applicability of an escrow fund and the amount to be maintained on a case-by-case basis.

**C. Fees**

All fees shall be submitted before the application is considered complete.

**D. Waiver of Application 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 in the requisite interest of the public health, safety, or general welfare and inappropriate to a particular site plan or special use permit. The reasons for, and scope of any such waiver granted by the planning board shall be in writing and entered into the minutes of the board.

**E. Application Submittal Data**

An application for project review shall be made on forms prescribed by the Village and include a site plan at a scale approved by the Planning Board. Eight (8) copies minimum of all materials shall be submitted to the board by the applicant. Extra copies may be required by the planning board as deemed necessary. The following information shall be required of all applications, unless specifically waived by the planning board:

- 1) Name and address of the applicant and owner, if different, and of the person responsible for the preparation of such drawing;
- 2) Date, north arrow, written and graphic scale;
- 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;
- 10) Location, size, and design of the following: existing and proposed buildings, driveways, parking and loading areas, outdoor storage areas, sewage facilities, water facilities, snow storage areas, docks, walls and fences, energy distribution facilities, fire lanes, hydrants, and other emergency zones;
- 11) Provisions for safe pedestrian access and movement;
- 12) Information on location, types, and design (heights and dimensions) of lighting and signs proposed. A photometric plan should be provided;
- 13) A landscaping plan and planting schedule;
- 14) A list of all necessary reviews and permits required from federal, state, or county agencies;
- 15) Plans for controlling soil erosion and sedimentation during construction;
- 16) Plans for grading and stormwater facilities showing existing and proposed contours at five-foot intervals;
- 17) Significant or outstanding natural features of the property (e.g. wetlands, streams, high-water lines, cliffs, dense vegetation, etc.);
- 18) Designation of the amount of gross floor area and gross leasable area proposed for each non-residential use;
- 19) Project construction schedule and staging phases, if applicable;
- 20) An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617 where required;
- 21) An agricultural data statement, pursuant to Village Law Section 7-739 of New York State, when applicable;
- 22) 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 Village or the County of Jefferson in the application pursuant to General Municipal Law Section 809, when applicable;
- 23) 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;
- 24) Description of the traffic generation and on-site circulation. A traffic study may be required by the Planning Board;
- 25) Federal Emergency Management Agency (FEMA) Flood Plan or Flood Hazard Area Boundaries should be shown if applicable;
- 26) Provide information that the Village of Alexandria Bay's Local Waterfront Revitalization Program policies are being followed. A Waterfront Assessment Form or Consistency Form shall be completed when necessary;

- 27) New York State Law requires stamped plans and specifications from a New York State licensed Architect or Professional Engineer for the construction of any commercial work. Although stamped plans may in some instances not be required, detailed plans and specifications are still required. For more information, please contact the Zoning Enforcement Officer.

## 150 - 59. Site Plan Review and Special Use Permit Procedure

**A. APPLICATION, EXCEPTIONS.** Applications for all site plan review uses and all uses permitted as special permit uses shall be subject to site plan review criteria in accordance with the standards and procedures set forth in this chapter, except the following:

- (1) Construction of one or two-family dwellings and ordinary accessory structures and related land use activities with the exception of boathouses and related waterfront structures.
- (2) Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this chapter.
- (3) Ordinary repair or maintenance of existing structures or uses.
- (4) Exterior alterations or additions to existing one- or two-family structures which would not increase the square footage of the existing structure by more than 25%.
- (5) Nonstructural structures.

### **B. PROCESS.**

1. 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 conceptual drawings, proposed uses, the possible waiver of submission requirements, the review process, and the criteria that the project must meet.

2. Complete application submission. An application is considered complete when the information required has been formally accepted at a public meeting of the Planning Board.

3. Public hearing. The Planning Board shall have a maximum of 62 days once a completed application has been formally accepted by the Board to hold a public hearing on the application to entertain public comment. This time period may be extended upon the mutual consent of the Planning Board and the applicant.

4. Public hearing notice. Notice of the public hearing shall be provided as follows:

a. Written notice shall be mailed to the owners of all parcels adjacent to the applicant's property. The notice shall be mailed by first-class U.S. mail to the property owner's address as appearing on the latest completed assessment roll for the Village of Alexandria Bay and shall be postmarked not less than 10 days prior to the date of the public hearing.

b. Written notice of the public hearing shall be published in the official newspaper of the Village of Alexandria Bay not less than five days prior to the date of the public hearing.

c. In addition to any other application fee required to be paid by the Village of Alexandria Bay, the applicant shall, at the time of application, pay the Village fee established by the Board of Trustees.

In the event that the Board of Trustees fails to establish a fee on any given year, the fee established in the immediately preceding year shall continue to apply.

d. Notwithstanding any provision to the contrary contained herein, the Zoning Officer shall have the authority to schedule public hearings before the Village Planning Board to consider site plan and special permit applications or other matters within the jurisdiction of the Planning Board upon the determination of the zoning officer that the application has been received and is therefore complete.

e. The notice shall also be mailed to any farm operation listed on the agricultural data statement.

## 150 - 60. General Performance Criteria

The following is a list of performance site plan review criteria against which the quality of the development proposal must be assessed. The Planning Board may specify certain standards in line with these criteria with which the applicant must comply. Board shall not be limited to reviewing and setting criteria only in the following areas.

- A. **Vehicular Traffic** - Adequacy and arrangement of safe vehicular traffic access and circulation, including intersections, road widths, curb cuts, channelization (separation of divergent traffic flows within a parking area or roadway) structures and traffic controls. Such facilities must be constructed to Village specifications and standards.
- B. **Pedestrian Traffic** - Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrians from vehicular traffic, walkway structures, control of intersections with vehicular traffic and pedestrian convenience. This shall also include specifications and standards to which such facilities shall be constructed.
- C. **Parking** - Location, arrangement, appearance and sufficiency of off-street parking and loading to meet the needs of proposed uses. Certification may be required by using the off-street parking requirements found in Section 150-16 as a guide.
- D. **Electronic Vehicle (EV) Charging** – Consider the provision of electric vehicle charging stations throughout the Business and MD zoning Districts within required parking areas, as well as within public parking areas and at public facilities.
- E. **Buildings, Lighting, Signs** - Location, arrangement, size and design of buildings, lighting and signs.
- F. **Landscaping and Screening** - Landscaping and screening (i.e., plantings, fences, etc.) may be required by the Planning Board to reduce the visual impact on neighboring properties and roads or to reduce/eliminate other unfavorable characteristics of the proposed use.
- G. **Water, Sewer, and Drainage** - Adequacy and quality of water supply, stormwater drainage ways, sanitary waste disposal facilities and other utilities that will serve the site. The applicant shall assure that all water and sewer connections and installations are made in a timely fashion and prior to project approval and operation. Such connections and installations shall be made according to specifications of the Village.
- H. **Flood Hazard Areas** - Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion. Construction specifications may be required.
- I. **Noise and Glare, etc.** - Protection of adjacent properties against noise, glare, unsightliness or other objectionable features from conflicting uses.

- J. **Dimensional Requirements** - All uses subject to site plan review must conform to the dimensional requirements outlined in this chapter.
- K. **Open Space** - Open space may be required for recreation, circulation and other reasons. The area shall be of sufficient size to accommodate these purposes in relation to the residential and nonresidential uses. Access to such areas will be considered. Such areas may be publicly or privately owned.
- L. **Scenic and Historic** - Adequacy in preserving the scenic historical and cultural attributes of the site. The integrity of existing historic sites or structures on the National Register of Historic Places shall not be endangered by the development.
- M. **Architectural Compatibility** - Architectural design compatibility with surrounding areas.
- N. **Drainage** - The proposed use, either in operation or construction, shall not cause erosion or drainage problems. The Village Engineer may specify conditions to alleviate such situations.
- O. **Fire Protection** - In making its decision, the Village Planning Board may also consider the capability of local Fire Departments to provide adequate protection to the project.
- P. **Local Waterfront Revitalization Plan** - The Planning Board shall also consider the project's compatibility and consistency with the Village of Alexandria Bay and Town of Alexandria Bay and Town of Alexandria's Local Waterfront Revitalization Plan, with specific attention to its Waterfront Revitalization Policies.
- Q. Conformance with other specific intent of this chapter.

#### **150 - 61. Additional Criteria for Specific Uses**

The following is a more specified list of particular criteria. The particular criteria associated with respective uses must be complied with, in addition to the appropriate criteria previously listed in this Article.

#### **150 - 62. Aboveground Fuel Storage Areas**

For tanks or areas with five hundred gallons or more stored:

- A. Such areas shall be located at least 200 feet from the nearest residential lot line.
- B. Such areas shall be enclosed by a fence at least six feet tall and of sufficient design to keep out the public.
- C. The recommendations of the local Fire Department having jurisdiction shall also be considered prior to approval of such a use.
- D. All such areas shall be installed, protected, and maintained in accordance with generally accepted standards, as required by the New York State Uniform Fire Prevention and Building Code. (Refer to Title 9 of NYCRR Chapter 613-1.3)

#### **150 – 63. Adult Care Facility**

- A. Where legally required, the Adult Care Facility shall be licensed by, certified by or registered with the State of New York and evidence shall be provided to the Planning Board within ninety days of final Planning Board approval.
- B. Within formerly single-family homes, no exterior changes which would alter its residential character shall be made to the exterior of the building (s) and the grounds, except for adequate

off-street parking to be provided and improvements to conform with Americans with Disabilities Act (ADA) compliance.

#### **150 – 64. Adult Entertainment Uses**

- A. Such uses may not be located within 1,000 feet, measured from lot line to lot line, of churches, schools, parks, playing fields or other areas in which groups of minors regularly congregate.
- B. Uses shall not be located within 1,000 feet of any residential lot line.
- C. Such uses shall not be located within a radius of 1,000 feet of another such use.
- D. One exterior sign that meets that sign requirement for the district within the use is located will be allowed. However, said sign shall not depict lewd or obscene objects or activity or utilize lewd or obscene language.
- E. All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic place.

#### **150 – 65. Boat Storage – Private and/or Commercial**

- A. **Private Storage by Occupants.** Outside storage of boats and boat trailers is prohibited in all residential zoning districts, unless the boat or boat trailer is owned by the owners or occupants of the property used for storage, and provided that such storage is not within the front yard of the property.
- B. **Commercial Storage.** Setbacks for commercial boat storage areas shall be the same as structure setbacks for the zone that the commercial boat storage occurs.
- C. **Screening.** The Planning Board may at its discretion impose reasonable conditions as it deems necessary based on a particular site plan, including but not limited to greater setbacks, vegetative screening or fencing to reduce visibility of the boats being stored outside of a building.

#### **150 - 66. Commercial and Industrial Site Plan Criteria**

- 1. Commercial and industrial uses shall meet the following site plan review criteria, in addition to the appropriate criteria listed above.
  - A. Such uses shall meet the off-street parking requirements of Section 150-16.
  - B. Such uses shall not produce high volumes of polluting wastes.
  - C. Any manufacturing, fabricating, or servicing related to the operation must take place within a building designed to accommodate the use.
  - D. Materials used in the manufacturing, fabricating or servicing operation may be stored outside the building accommodating the use, provided that they shall be arranged in a neat and orderly fashion and shall be enclosed by a fence at least five feet in height so as to prohibit unauthorized entrance by children and individuals. The outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation.

- E. The use shall be set back a sufficient distance from neighboring residential property to reduce any possible land use conflicts, traffic problems, noise, dust, odors, unsightliness or other unhealthy/objectionable conditions. The Planning Board may also impose various screening techniques (i.e., plantings, fences, etc.) of such character that alleviates or reduces these conditions.
- F. The use shall produce exterior noise levels that are detrimental to off-street residential areas. Such levels shall not exceed 90 dB at off-lot locations.

**150 – 67. Downtown Business Site Plan Guidelines (applies within the Downtown Overlay Zone)**

- A. Design Concept – New uses/buildings shall conform to the historic visual architectural character and desirable physical pattern of the Village. Downtown areas should be compact, pedestrian friendly with less emphasis on vehicle parking due to on-street and public parking lots nearby.
- B. Land uses – Encourage a mix of residential, commercial, and institutional uses emphasizing small scale businesses that could fit into existing buildings or new buildings at a compatible scale.
- C. Parking and access – Downtown businesses should maintain the façade along the sidewalk, therefore any parking shall be located to the side or rear to maintain this pedestrian friendly sidewalk connection and proximity to one another. Any driveway access should be shared and reduced to a minimum number.
- D. Architecture – Existing buildings in character with predominant historical styles and heights should be retained, with any additions placed to the rear in compatible architectural styles. Larger uses should be accommodated by connecting existing buildings together.
- E. Landscape – Shade trees should be added where possible, and existing trees retained which would shade new parking lots and reduce their apparent scale. Evergreen shrub plantings screen parking from view are recommended.
- F. Pedestrian enhancements – Priority for sidewalks to be maintained to provide pedestrian access to all users, shared entrances and between/among the various uses. **Sidewalk** obstructions should be limited to avoid congestion and minimize/eliminate any safety risk.
- G. Streetscape – maintaining and improving sidewalks, use of benches, bike racks and sandwich board sign where placement maintains pedestrian flow. Connections and navigation to other downtown uses and parcels as well as access to the shorelines are extremely important.

**150 - 68. Essential Services**

- A. The location, design, noise and operation of such facility shall not adversely affect the character of any nearby residential area.
- B. Adequate fences, barriers and other safety devices shall be provided around such new uses at height of at least six feet.
- C. Such new uses shall be set back at least 150 feet from the nearest residential lot line. This shall not apply to existing uses or additions thereon.

**150 – 69. Electronic Vehicle Charging Stations (EVCS)**

Electric Vehicle Charging Stations (EVCS) have become increasingly important as alternatives to fossil fuel use in vehicles continue to be pursued. The Village considers it a priority for charging stations to be



provided to encourage electric vehicle owners to access businesses and destinations in the village and continue to grow the local economy capitalizing on this opportunity. Therefore, certain size development projects and larger shall provide EV Charging Stations consistent with this initiative. Additional charging stations beyond the requirements are welcomed.

**EVCS Requirements:**

(1) a residential use that proposes more than five (5) dwelling units, or

(2) a non-residential use that proposes twenty (20) or more contiguous parking spaces, shall make provision for the installation and use of one or more electric vehicle charging stations (EVCS) in accordance with the following:

[a] Office, business, commercial, recreational and other non-residential uses, including civic, cultural and not-for-profit uses (for instance, libraries, daycare centers, schools, churches, etc.) shall provide at least one parking space with convenient and suitable access to an EV – Charging Station (with two charging plugs each) for every 20 automobile parking spaces;

[b] Parking spaces for non-residential uses shall be designed and arranged so that electric vehicle parking spaces are available. Parking spaces designated on an approved site plan for a public EVCS shall be used exclusively for the parking of a vehicle that is connected to the EVCS for charging.

[c] All installed EVSC parking facilities shall be maintained in good operating order at all times during the duration of the proposed use.

[d] In the event that the Planning Board determines that the applicant has demonstrated good cause to waive the installation of EVCS facilities otherwise required by this Section, it shall require that a sufficient number of spaces be provided with conduit and such other equipment as may be necessary to enable EVSE to be installed in the future with minimal inconvenience or disturbance of parking areas.

[e] A parking space available for use by an electric vehicle shall continue to be deemed a parking space for purposes for calculating the number of parking spaces required by Section 150-16.

**150 – 70. Food Trucks/Trailers**

- A. **Location** - Food trucks and trailers (that meet NYS Health Department requirements for food service) shall only be located on private property (or public parks/parking areas with the approval of the Village) due to the relatively narrow public streets and importance of on street parking and traffic flow within business areas of the Village.
- B. **Setbacks** – Food trucks shall meet minimum side and rear yard setback requirements for a principle structure, and shall have a minimum front yard setback of five feet, unless parked within an existing parking area.
- C. **Driveway setbacks** – Further, food trucks shall be located a minimum of ten feet from any driveway, utility box and vault, handicapped ramp, building entrance, exit or emergency access/exitway or emergency call box.

- D. **Restaurant setbacks** – Food trucks shall be located a minimum of 150 feet from the main entrance to any restaurant and/or outdoor dining area associated with any restaurant, and 50 feet from any food truck/food trailer on another property, as measured from the designated location on the lot accommodating the food truck.
- E. **Traffic flow** – Food trucks must be sited in a location that does not obstruct or interfere with the free flow of pedestrian or vehicular traffic, does not restrict visibility at any driveway or intersection, and does not unreasonably interfere with the activities of other businesses or otherwise interfere with other lawful activities or violate any statutes, ordinances, or other laws.
- F. **Parking** – Food trucks must demonstrate that a minimum of four parking spaces are available on the lot or an adjacent lot (with adjacent landowner permission) to serve the food truck, and that such spaces are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of another business or activity that is operating on the lot at the same time as the food truck.
- G. **Trash and Waste** – Food truck operators shall provide trash and recycling receptacles within 10 feet of their food truck. A food truck operator is responsible for the proper disposal of waste and trash associated with the operation of the food truck. Operators shall remove all waste and trash from their approved location at the end of each day or more frequently as needed to maintain the health the safety of the public. No grease or liquid waste shall be disposed of in or on streams, wetlands, storm drains, lawns, sidewalks, streets or other public space or in sanitary sewers or septic tanks not equipped with a grease trap.
- H. **Sound/noise** – The food truck operation shall comply with the village noise ordinance.
- I. **Signage** – All food trucks shall be permitted a single freestanding sign not greater than eight square feet in size, in addition to the following:
  - a. There shall be no limit on the size or number of signs on the truck.
  - b. Signs affixed to food trucks shall not be mounted perpendicular to the food truck, and shall not protrude beyond the edges of the food truck.
- J. **Operation** – Hours of operation shall be limited to 7:00 am to 10:00 pm.
- K. **Special Events/exceptions** – Food trucks can be located on public streets (that may be temporarily closed to vehicular traffic) only during special events if they can meet all other requirements listed herein.

## 150 – 71. Home Occupations

- A. **Exterior** – No physical change to the exterior of the principle or accessory structure is permitted to accommodate the home occupation.
- B. **Operation** – The home occupation shall be carried on by a member of the family residing therein and can employ one nonresident at one time.
- C. **Dwelling or Structures** – The use shall be conducted entirely within the dwelling and/or it’s appurtenant structures.
- D. **Signage** – One identification sign, not to exceed two square feet, shall be permitted as specified by relevant regulations for said zoning district.
- E. **Vehicular Trips/Deliveries** - No Home Occupation shall generate more than fifteen (15) additional pedestrian or vehicular trips per day.
- F. **Parking** – Off-street parking shall be provided as specified by regulations for said zoning district.
- G. **Outdoor Storage** – The exterior storage materials, articles or products of the home occupation is not permitted, unless stored in a rear yard with sufficient screening and buffering from public view and nearby residential view.

- H. **Outdoor Display** - Outdoor display of items for sale shall be kept to one or two examples with a small sign that meets the signage size limit to primarily maintain the appearance of a residence.
- I. **No Neighborhood Impacts** - Operations of the home occupation shall not cause undue noise, traffic, odors or lighting glare that are detrimental to the neighborhood.
- J. **Prohibited Occupations** - Animal hospital, private club, restaurant, kennel, and motel/hotel.
- K. **Unlisted** - Unlisted home occupations, including any proposed home occupation that is neither specifically permitted nor specifically prohibited, may be permitted after obtaining a special use permit.

## 150 - 72. Hotels, Motels and Resorts

- A. **Traffic Access.** Roads adequate in grade, width, alignment, visibility and property related to other nearby traffic circulation considerations to meet village standards shall be provided.
- B. **Off-street parking.** There shall be provided on the site of such development an area or areas devoted to the parking of automobiles. The required number of off-street parking spaces shall be determined from the Off-Street Parking Schedule. Section 150-76.
- C. **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.
- D. **Proper landscaping.** Where adjacent land use is residential in nature and within 50 feet 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 1 or, if this is impossible, mulched until seeding can take place.
- E. **Open space.** A minimum of 25% of the site shall be developed as open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

## 150 - 73. Multiple Dwellings

- A. **Traffic access.** All on-site access roads shall be composed of all-weather materials and shall be built to village 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 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 village.
- B. **Circulation and parking.** The interior circulation system shall not be congested and shall allow the concurrent flow of entering and existing traffic. As stated above, the surface shall be of all-weather material, as specified by the village highway standards. There shall be two 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 10 feet to any building.
- C. **Arrangement of buildings.** Adequate provision shall be 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 exterior exposures.
- D. **Proper landscaping.** Within one month of such constructions or at least by September 1, the bare grounds must be seeded. Where 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.

**E. Zoning certificate of occupancy.** No zoning certificate of occupancy shall be issued for any such building or buildings unless the proposed use conforms in all respects to the site plan and the conditions stated herein. The ZEO shall inspect the property to ensure compliance with the plans and conditions stated prior to issuing the zoning certificate of occupancy.

**F. Distance between buildings.**

- (1) The front and rear of any principal building shall be no closer to the front or rear of any other principal building than 40 feet.
- (2) The side of any principal building shall be no closer to the side, front or rear of any other principal building than 30 feet.

**G. 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 area not less than 25% of the total living space of all dwelling units served. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.

**H. Drainage.** Drainage ways on the lots and at the interior public roadsides shall be constructed so as to handle the capacity flows at any given time. The Soil Conservation Service or the respective Highway Department may be contacted to provide technical assistance on the size of the drainage way or culverts therein.

**I. Lighting.** Exterior lighting shall be adequate to promote safety in the parking areas and on lots adjacent to the multiple dwelling.

**J. Interior Floor Space.** Each dwelling unit shall have at least 300 square feet of interior floor space.

**150 – 74. Outdoor Storage, Commercial**

- A. Location** – Outdoor storage areas (as primary use or as an accessory to another primary commercial use) must be on the premises of the business or in close proximity to the premises, and shall be located as to minimize views from adjacent public rights-of-way and residences. Where possible, they should be located behind buildings, away from streets and obscured from public view to the maximum extent possible.
- B. Screening** – Outdoor storage areas must be screened on the perimeter with a minimum **six (6)** foot high solid fence or wall. The fence must conceal the entire area of storage from public view on all four sides. Gates shall be the same material and height as the fencing. Chain link is not permitted, unless it is sufficiently screened by landscaping or other material as determined by the Planning Board.
- C. Landscaping** – Landscaping must be installed in front of all fencing on the visible exterior sides which abut a public street right-of-way and residences to soften the visual impacts of the fencing and further screen the outdoor storage areas.
- D. Organization** – All outdoor storage material, must be arranged in an orderly manner such that fire codes are met (i.e., access lanes) and access to all areas of the yard is possible.

- E. **Vehicles** – All vehicles, trailers and equipment stored outdoors in connection with a commercial or industrial use must have a valid registration. Unenclosed outdoor storage of unregistered or unlicensed vehicles, trailers or equipment is prohibited.

#### **150 – 75. Recreational Vehicle Standards**

- A. No camper or recreational vehicle shall be occupied within the Village except in approved and permitted mobile home parks or recreational vehicle parks, with the exception that the temporary occupancy by family of the owner of the real property or the invited guest of the owner of the real property upon which the recreational vehicle or camper is located shall be permitted, provided that the recreational vehicle or camper not be occupied in excess of ten (10) days annually.
- B. In no event shall a recreational vehicle or camper be utilized as a rental unit or occupied upon a lot where there is no existing one-, two-, or multiple-family residence other than in an approved and permitted mobile home or recreational vehicle park.
- C. No more than one camper or recreational vehicle shall be allowed, stored or maintained on any residential lot within the Village.

#### **150 - 76. Rental Cottages**

Cottages in groups shall conform to the following:

- A. The land area per unit shall not be less than 750 square feet.
- B. The space between rental units or structures shall not be less than 15 feet.
- C. No rental structure or part thereof shall be placed closer to any street or road center right-of-way line than 75 feet or closer than 50 feet to any other established or marked right-of-way line or closer to a side or rear property line than 15 feet.
- D. Automobile parking space shall be accommodate not less than one car for each rental unit.
- E. No outdoor swimming pool shall be placed closer to any street center line than 50 feet or closer than 25 feet from any other marked or established right-of-way line or closer to a side or rear property line than 25 feet.
- F. The property is to be appropriately landscaped, particularly at the front and sides.

#### **150 - 77. Shopping Centers.**

- A. Proposed shopping center development shall be in accordance with a unified site plan and architectural scheme. A site plan proposal showing layout of center, occupancy commitments, parking, drainage, utilities, landscaping, walkways and other similar features shall be provided by the applicant.
- B. Off-street parking shall meet the requirements outlined in Section 150-76.
- C. Off-street loading and unloading space shall be provided in addition to the space required by Subsection A above and meet the requirements outlined in Section 150-76.
- D. The Village Planning Board shall determine the appropriate setback distance from adjacent residential property lines based upon such conditions as traffic, noise, odor, dust and other environmental

characteristics of the use. The Board may require screening (i.e., plantings, fences, etc.) of such nature as to reduce or eliminate such unfavorable characteristics.

E. Access patterns (both on-lot and exiting/entering onto the public thoroughfares) shall not cause safety hazards. The Planning Board shall review and approve such plans.

**150 – 78.** [Intentionally blank to reserve placement.]

### **150 - 79. Small Wind Energy System**

The Planning Board is hereby authorized to approve, approve with conditions, or disapprove small wind energy system applications designed for residential, institutional, and business use on the same parcel. Such applications may be appropriately modified by the Planning Board to reflect the scale of the proposed facility relative to the surrounding area to reflect the scale of the proposed facility. All small wind energy turbines shall comply with the following standards and with all other requirements of this law not in conflict herewith:

- A. The freestanding or ground mounted system shall be located on a lot with a minimum of one (1) acre in size.
- B. The small wind energy system shall be used primarily to reduce the onsite consumption of electricity.
- C. Total height shall be a maximum of 100 feet on a parcel that meets the setbacks.
- D. Small wind turbine pole shall be set back one and one half (1.5) times the height of the tower, unless the wind turbine lacks a pole and is integrated into or on the building.
- E. The maximum system power output is limited to 110% of onsite consumption.
- F. Decibel levels of the system shall not exceed 60 decibels measured at the closest non-participating inhabited dwelling, except during storm events such as utility outages and severe windstorms.
- G. For non-building mounted wind turbines, tower climbing apparatus shall be located no closer than 12 feet from the ground, a locked anti-climb device shall be installed on the tower or locked, protective fence of at least six feet in height the encloses the tower shall be installed to restrict tower access.
- H. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from the ground up to a minimum of eight feet.

### **150 - 80. Solar Energy Facility for Onsite Use**

Onsite use solar energy facilities can utilize the NYS Unified Permit for residential and small business purposes. Otherwise, a site plan review will be required as described in B. below:

- A. The unified solar permitting process is available to all districts in the Village of Alexandria Bay for eligible photovoltaic (PV) installations that meet the following criteria:
  - (1) Has a rate direct current capacity of 25 kW (kilowatt) or less.

- (2) Meets the required setbacks within the Zoning District and therefore does not require a zoning variance; however, will require an approved zoning permit and building permit.
  - (3) Is mounted on a permitted roof structure or on a legal accessory structure.
  - (4) The solar installation contractor complies with all licensing and other requirements of the Village and New York State.
  - (5) If the structure has a sloped roof, solar panels are mounted parallel to the roof structure.
- B. If an applicant cannot meet the criteria for a NYS unified permit, they must obtain a zoning permit from the zoning enforcement officer for roof and building mounted systems. The ground mounted system must be reviewed by the Planning Board for a site plan review. This would allow onsite use solar energy systems less than 110% of on-site electricity use regardless of capacity of the system.
- 1) Roof and building-mounted solar energy systems for onsite use:  
For the installation of all roof- and building mounted solar systems, and all building permit applications of for the installation of roof- and building mounted solar systems on residential and commercial buildings shall be reviewed by the official charged with building code permit administration and receive a zoning and building permit.
  - 2) Ground-mounted solar energy facilities for onsite use are permitted as accessory structures in all zoning districts of the Village of Alexandria Bay, subject to the following conditions:
    - (a) All permit applications for the installation of ground-mounted solar collectors on residential and commercial property shall be reviewed by the zoning officer and the planning board as applicable.
    - (b) The location of the solar collector meets all applicable setback requirements for accessory structures in the zoning district, unless it exceeds 120 square feet in area, then the setback requirements for primary structures shall apply.
    - (c) The height of the solar panel/mount system shall not exceed 15 feet when oriented at maximum tilt.
    - (d) Solar collector placement and orientation should be designed and located to prevent reflective glare toward any inhabited building on adjacent properties and on roads.
    - (e) Systems in the Business and Marine Development zoning districts may be installed on all areas of a parcel in accordance with local planning and zoning regulations.
    - (f) Ground-mounted solar energy systems shall be screened when possible and practicable through the use of landscaping or other screening which will harmonize with the character of the property and surrounding area and do not impact the effective amount of solar energy produced.

**150 – 81. Telecommunications towers**

- A. Site Plan. An applicant shall be required to submit a site plan in accordance with Article VI of this chapter. The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.
- B. Supporting documentation. The Planning Board and Zoning Board of Appeals shall require that on the site plan include a complete visual environmental assessment form (EAF) and

documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The Planning Board and the Zoning Board of Appeals may require submittal of a more detailed visual analysis based on the result of the visual EAF in addressing this subsection and Subsections J and K below. The Board shall also require a copy of the certificate of need from the Public Service Commission.

- C. Shared use of existing tower. At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within the reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
  - 1) An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.
  - 2) The Board shall consider a new telecommunications tower where the applicant demonstrates that shared usage of an existing tower is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
- D. Shared usage of site with new tower. Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsection C 1), and 2) above. Any new telecommunication tower approved for an existing site shall be subject to standards of Subsections F through N below.
- E. New tower at new location. The Board shall consider a new telecommunications tower at a site not previously developed with an existing tower when the applicant demonstrates that shared usage of an existing tower site is impractical and submits a report demonstrating good faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use shall be provided). Information regarding the required need for the new telecommunications tower shall be required in the form of empirical data illustrating said need.
- F. Future shared usage of new towers. The applicant must examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for reception and transmitting facilities. The scope of this analysis shall be determined by the Board. This requirement may be waived, provided that the applicant demonstrates that provisions of future usage of the facility is not feasible and an unnecessary burden, based upon:
  - 1) The number of Federal Communications Commission (FCC) licenses foreseeably available for the area.
  - 2) The kind of tower site and structure proposed.
  - 3) The number of existing and potential licenses without tower spaces.
  - 4) Available spaces on existing and approved towers.
  - 5) Potential adverse visual impact by a tower designed for shared usage.



- G. Lot size and setbacks for new towers. All proposed telecommunications towers and accessory structures shall be located on a single parcel and be set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of the adjoining residential properties.
- 1) Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements; if the land is to be leased the entire lot required shall be leased from a single parcel.
  - 2) All tower bases shall be located at a minimum setback from any property line at a minimum distance equal to 1 ½ times the height of the tower.
  - 3) Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.
- H. Visual impact assessment. The Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modification of an existing tower to include:
- 1) A Zone of Visibility Map, provided in order to determine locations where the tower may be seen.
  - 2) Pictorial representations of before-and-after views from the key viewpoints both inside and outside of the Town, including but not limited to state highways and other major roads and state and local parks.
  - 3) Assessment of alternative tower designs and color schemes.
  - 4) Assessment of the visual impact of the tower base, accessory buildings and overhead utility lines from abutting properties and streets.
- I. New tower design. Alternate designs shall be considered for new towers, including lattice and single-pole structures. The design of the proposed new tower shall comply with the following:
- 1) All towers shall be of a self-supporting design which shall not require the installation of guy wires.
  - 2) Unless specifically required by other regulations, all towers shall have a neutral, earth tone or similar painted finish that shall minimize the degree of visual impact.
  - 3) The maximum height of any new tower, or any tower in existence intended to be used as a telecommunications tower, shall not exceed that which shall permit operation without artificial lighting of any kind or nature in accordance with municipal, state and/or federal law and/or regulation.
  - 4) Any new tower shall have the minimum height needed to provide future shared usage, but artificial lighting of any kind shall be prohibited.
  - 5) The Board may request a review of the application by a qualified engineer for evaluation of the need for and design of any new tower.
  - 6) Accessory facilities shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
  - 7) No portion of any tower or related structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, streamers, etc.
- J. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to the approval of the special permit.
- K. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites

known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

- L. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall at all times, minimize ground disturbance and vegetation cutting to within toe of fill, the top of cuts or no more than 10 feet beyond the edge of pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- M. Parking. A minimum of three parking spaces shall be provided. No parking spaces shall be located in any required yard.
- N. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, the design of which shall be approved by the Board, unless the applicant demonstrates to the Board that such measures are unnecessary to secure the security of the facility.
- O. Removal. Obsolete or unused towers and related structures shall be removed from any site within four months of discontinuance of use.
- P. Maintenance and/or performance bond. The Board at its sole discretion, may require the applicant and/or owner to establish, prior to approval of any such application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance and/or construction of said tower during its lifetime. The amount required shall be determined at the sole discretion of the Board, based upon the unique characteristics of the tower and site. The applicant and/or owner shall cooperate with the Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application. Cost estimates shall be reviewed by the Town Engineer.

**Section 150-82 to 150-94 (intentionally blank and reserved for future use).**

## **ARTICLE VII. NONCONFORMING USES, LOTS AND STRUCTURES**

### **150 - 95. Continuation of Use**

A nonconforming use may be continued subsequent to adoption of this chapter, but the structure shall not be enlarged or altered in a way which increases its nonconformity, and the use shall not be enlarged or increased to occupy a greater land area. A structure or sign which is destroyed by an act of God, vandalism or accident may be restored.

### **150 - 96. Extension of Use**

A nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption of this chapter. A nonconforming use may not be changed for another nonconforming use.

### **150 – 97. Restoration to safe condition**

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure declared unsafe by a qualified public official.

**150 – 98. Conversion to a Conforming Use or Rebuilding/resumption of use**

A nonconforming structure or use may not be altered, rebuilt or resumed except in conformity with the regulations for the district in which it is located if:

- A. It has been changed to a conforming use.
- B. A nonconforming use of a structure of land has ceased for a consecutive period of twelve (12) months or for eighteen (18) months during any three-year period.

**150 – 99. Development of Non-conforming lots of record**

A non-conforming lot of record may be developed for any allowable use in the district in which it is located as long as the setback requirements are met.

**ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT**

**150 - 100. Zoning Permits**

No building or structure shall be erected or substantially altered or changed until a zoning permit has been issued by the Zoning Enforcement Officer (ZEO). Except upon a written order of the Zoning Board of Appeals, no such zoning permit or zoning certificate of occupancy shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of the provisions of this chapter.

**150 - 101. Layout or Plot Plan**

There shall be submitted with all applications for zoning permits, two copies of a layout or plot plan showing the actual dimensions of the lot to be built upon, the size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this chapter.

**150 - 102. Copies/Fee**

One copy of such layout or plot plan shall be returned when approved by the ZEO together with such permit to the applicant upon the payment of a fee as established pursuant to Section 150-26.

**150 – 103. Zoning Permit Expiration**

Zoning Permits shall remain valid for a maximum of one year from **the** date of issue.

**150 – 104. Administration Fee**

No application for a zoning permit will be complete until the appropriate administration fee, established pursuant to Section 150-26, is deposited with the Village Treasurer.

**150 - 105. Zoning Enforcement Officer**

The Zoning Enforcement Officer (ZEO) shall enforce the provisions of this chapter. No zoning permit or certificate of occupancy shall be issued by him/her except where all the provisions of this chapter have been complied with.

#### **150 - 106. Complaints**

The Zoning Enforcement Officer shall promptly investigate complaints of violations of this Chapter and shall cause a written report on each such violation to be rendered to the Village Board of Alexandria Bay on at least a monthly basis or more often as designated by the Village Board.

#### **150 - 107. Reports on Complaints**

Such a report shall contain the ZEO assessment of whether a violation exists, a statement as to any and all actions taken by the ZEO to seek any voluntary abatement of such violations of violations and a recommendation of the Village Board as to whether or not further prosecution of the violation is indicated. The ZEO or the Village Attorney shall commence and prosecute enforcement proceedings in any court of valid jurisdiction in the name of the village.

#### **150 - 108. Prosecution of Violations**

In prosecuting violations in a local justice court, the ZEO or Village Attorney may initiate such by the service upon the alleged violators of an appearance ticket which shall be on a form approved by the Village Board and which adequately describes the date, time and place of the alleged violation, the section of law violated, a brief description of said violation and the time, date and place to appear in court.

#### **150 - 109. Zoning Enforcement Officer or Mayor**

In the absence of the ZEO or in case said officer is unable to act for any reason, the Mayor of the Village of Alexandria Bay shall have all the powers and duties of the Zoning Enforcement Officer.

#### **150 - 110. Certificate of Occupancy**

No land shall be occupied or used and no building shall hereafter erected or substantially altered or changed in use until a certificate of occupancy shall have been issued by the ZEO stating that the building or proposed use thereof complies with the provisions of this chapter.

#### **150 - 111. Zoning Compliance**

All zoning certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificates shall be issued within 10 days after the erection or alteration shall have been approved by the ZEO as complying with the provisions of this chapter.

#### **150 - 112. Copies Upon Request**

The ZEO shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

#### **150 - 113. Temporary Certificates**

Under such rules and regulations as may be established by the Zoning Board of Appeals, a temporary certificate of occupancy for not more than 30 days for a part of the building may be issued by the ZEO.

#### **150 - 114. Planning Board**

Powers and duties. The Planning Board shall have the following powers and duties with respect to this chapter:

- 1) Approval or disapproval of site plans, special use permits and subdivisions.
- 2) Submittal of an advisory opinion to the Zoning Board of Appeals for use and area variances.
- 3) Submittal of an advisory opinion to the Town Board for proposed amendments to this chapter.
- 4) Attach conditions and restrictions to an approved special use permit or site plan that are reasonable, directly related and incidental to the special use or site plan.
- 5) All other powers granted by state law and this chapter.

#### **150 - 115. Planning Board Procedure**

- 1) The Planning Board shall act in strict accordance with the procedures specified by this chapter.
- 2) All applications made shall be made in writing on forms prescribed by the Village and shall conform to the requirements of Article VI.
- 3) Every decision of the Planning Board shall contain a full record of findings in the case.
- 4) The concurring vote of a majority of the members of the Planning Board shall be necessary to approve special use permits and/or site plans.
- 5) The Planning Board may provide advisory opinions in the form of a positive recommendation or a negative recommendation and shall provide to the Zoning Board of Appeals or Village Board a reasonable explanation contained within the resolution in support of the Planning Board's opinion.
- 6) The Planning Board may also withhold the submittal of an advisory opinion in instances where the Planning Board lacks a proper motion on which to vote.

#### **150 - 116. Zoning Board of Appeals**

- C. Terms - The current Zoning Board of Appeals shall continue, and members shall serve their remaining terms.
- D. Mayor Appoints Members - The Mayor, subject to Village Board approval, shall appoint the members and designate the chairperson of the Zoning Board of Appeals. The Mayor shall appoint a Secretary, subject to Village Board Approval, and the Village Board shall prescribe rules for conduct of the ZBA Affairs.
- E. Powers and Duties - The Zoning Board of Appeals shall have all the power and duties prescribed by law, which are more particularly specified as follows:
- F. Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- G. Variances. To vary or adapt the strict application of any of the requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provision of this chapter shall be granted by the Board of Appeals unless it finds:

- [1.] That there are special circumstances or conditions, fully described in the findings of the Board, applying to such land or buildings and not applying generally to land or buildings in the neighborhood and said circumstance or conditions are such that strict application of the provisions of said chapter would deprive the applicant of the reasonable use of said land or buildings.
  - [2] That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
  - [3] That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- F. Condition. In granting any variance, the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

#### **150 - 117. Complaints of Violations**

Whenever a violation of this chapter occurs, the ZEO, Village Board or any person may file a complaint. All such complaints must be in writing and filed with the enforcement officer, who shall properly record such complaint and immediately investigate and shall institute appropriate legal procedures to correct the violation being issued. If the violation is not corrected within the specified time, the Zoning Enforcement Officer shall take action to compel compliance.

#### **150 - 118. Penalties**

Any person, firm or corporation that commits a violation against, disobeys, neglects or refuses to comply with or resists the enforcement of any provision of this chapter shall, upon conviction, be deemed guilty of an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

#### **150 - 119. Village Board Action**

In addition to the penalties provided above, the Village Board may also maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this chapter.

#### **150 - 120. Amendments**

The Village Board may from time to time amend, supplement or repeal the regulations and provisions of this chapter after public notice and public hearing. All proposed changes shall be referred to the Jefferson County Planning Board for its recommendation and for a report thereon prior to final action. The Village Board, by resolution adopted at a stated meeting, shall fix the time and place of a public

hearing on the proposed amendment and cause notice to be given as required by **NYS** Village Law Section 7-708.

**150 - 121. Construal of provisions – Interpretation and application**

The provisions of this chapter shall be held to be a minimum requirement adopted for the promotion of public health, morals, safety, or general welfare. Whenever the requirements of any other lawfully adopted rules, regulations, laws or ordinances conflict, the most restrictive, or that imposing the highest standards, shall govern.

**150 - 122. Separability**

Should any section or provisions of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**150 - 123. Effective Date**

This Law together with the appurtenant official Zoning Map shall take effect immediately upon adoption by the Village Board of Trustees of the Village of Alexandria Bay, New York, and proper publication, posting and filing with the Secretary of State as required by Municipal Home Rule Law.