Chapter 293. Zoning

Article I. General Provisions

§ 293-1. Title.

[Amended 2-5-2013 by L.L. No. 1-2013[1]]

This chapter shall be known as the "Village of Oxford Zoning Law."

[1] *Editor's Note: This local law also provided that it superseded any inconsistent provisions of New York State Village Law, and included and incorporated an Appendix A, which set forth findings, determinations and declarations. A complete copy of the local law and the appendix are on file in the Village offices.*

§ 293-1.1. Severability.

[Added 2-5-2013 by L.L. No. 1-2013]

If any word, phrase, sentence, part, section, subsection, or other portion of this chapter, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this chapter that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this chapter or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Village Board hereby declares that it would have enacted this chapter, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

§ 293-2. Purpose.

The provisions of this chapter are the minimum requirements adopted to promote the health, safety and general welfare of this community. They are deemed necessary for the following purposes:

A. Promote orderly development. To protect the character and maintain the stability of residential, business and manufacturing areas within the Village and to promote the orderly and beneficial development of such areas.

B. Regulate intensity of use. To regulate the intensity of use of zoning lots and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, privacy and convenience of access to property and to protect the public health.

C. Regulate location of buildings. To establish building lines and the location of buildings designed for residential, commercial, manufacturing or other uses within such lines.

D. Establish standards of development. To fix reasonable standards to which buildings or structures shall conform.

E. Prohibit incompatible uses. To prohibit uses, buildings or structures which are incompatible with the character of development of the permitted uses within specified zoning districts.

F. Regulate alterations of existing buildings. To regulate such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

G. Limit congestion in streets. To limit congestion in the public streets and so protect the public health, safety, convenience and general welfare by providing for off-street parking of automobiles and for the loading and unloading of commercial vehicles.

H. Protect against hazards. To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and the general welfare.

I. Conserve taxable value of land. To conserve the taxable value of land and buildings throughout the Village.

Article II. Terminology

§ 293-3. Word usage.

Certain terms or words used herein shall be interpreted as follows:

A. Words used in the present tense shall include the future. The singular number includes the plural, and the plural, the singular.

B. The word "person" means any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
[Amended 2-5-2013 by L.L. No. 1-2013]

C. The word "lot" includes the word "plot" or "parcel."

D. The word "building" includes the word "structure."

E. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged or designed to be used or occupied."

F. The word "shall" is mandatory.

G. From and after the effective date of Oxford Local Law No. 1 of the Year 2013, the words "special exception," "Special exception," and "Special Exception" are hereby deleted everywhere they appear in this chapter, and the words "special permit," "Special permit," and "Special Permit" are hereby respectively substituted therefor.
[Added 2-5-2013 by L.L. No. 1-2013]

§ 293-4. Definitions.

Except where specifically defined or otherwise specifically provided herein, all words used in this chapter shall carry their customary dictionary meanings. Where the precise meaning of a word is in doubt by any board or official, the Board of Appeals shall make a determination in accordance with the purpose and intent of this chapter and the Comprehensive Plan. For purposes of this chapter, unless otherwise specifically provided, the following terms and words shall have the meanings set forth below: **[Amended 2-5-2013 by L.L. No. 1-2013]**

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

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

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

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

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

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

AUTO WASH
A building or portion thereof, the use of which is devoted to the washing of automobiles, including but not limited to one of the following types:

A. **CONVEYOR TYPE**
An auto wash facility where automobiles progress through the washing process pulled by an electrically operated chain conveyor or by some means other than their own power.

B. **DRIVE-THROUGH TYPE**
An auto wash facility where automobiles are driven through the washing process under their own power.

C. **SELF-SERVICE TYPE**
An auto wash facility where automobiles are washed by the drivers of the automobiles using machinery provided by the manager of the facility.

BASEMENT

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

BED-AND-BREAKFAST

A residence where overnight guests are lodged for hire. The residence shall be occupied by the owner, who shall be permitted to provide breakfast to the overnight guests. A home occupation may be contained within a "bed-and-breakfast" and may include other amenities such as an antique shop, a craft shop or a tearoom.

[Added 9-6-1994 by L.L. No. 3-1994]

BELOW-REGULATORY CONCERN

Radioactive material in a quantity or of a level that is distinguishable from background (as that phrase is defined at 10 CFR 20.1003), but which is below the regulation threshold established by any regulatory agency otherwise having jurisdiction over such material in the Village.

[Added 2-5-2013 by L.L. No. 1-2013]

BUILDING

Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a "building" is divided into separate parts extending from the ground up, each part so divided is deemed a separate "building."

BUILDING AREA

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

BUILDING COVERAGE

That area of the lot or plot covered by a building.

BUILDING, DETACHED

A building surrounded by open space on all sides on the same lot.

BUILDING LINE

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

BUILDING FLOOR AREA

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

BUILDING, HEIGHT OF

The vertical distance, measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL

A building in which the main use of the lot is conducted.

CELLAR

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

COMMERCIAL; COMMERCIAL USES

Notwithstanding any provision hereof to the contrary, for purposes of this chapter in no event shall the terms "commercial," "commercial uses," or any variation thereof, be construed to mean, be, include, or authorize any land application facility, natural gas and/or petroleum exploration activities, natural gas and/or petroleum extraction activities, natural gas and/or petroleum exploration, extraction or production wastes disposal/storage facility, natural gas and/or petroleum exploration, extraction or production wastes dump, natural gas compression facility, natural gas processing facility, underground injection, or underground storage of natural gas.

[Added 2-5-2013 by L.L. No. 1-2013]

COMPREHENSIVE PLAN

Any document, styled comprehensive or master plan or otherwise, adopted by the Village Board for the protection, enhancement, growth, and development of the Village, immediate as well as long-range, specifically pursuant to § 7-722 of the New York State Village Law, together with all other materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material, adopted by the Village Board, that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the protection, enhancement, growth and development of the Village, immediate as well as long-range, as the same may from time to time be amended, updated, and supplemented, including without limitation by planning policy statements, goals, and standards adopted by the Village Board.

[Added 2-5-2013 by L.L. No. 1-2013]

DRIVE-IN RESTAURANT or REFRESHMENT STAND

Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

DUMP

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

DWELLING, ONE-FAMILY

A detached building, other than a trailer or other temporary structure, designed for exclusive year-round occupancy by one family only.

DWELLING, TWO-FAMILY

A detached building, other than a trailer or other temporary structure, designed for exclusive year-round occupancy by two families living independently of each other.

DWELLING, MULTIPLE-FAMILY

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

DWELLING UNIT

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

FAMILY

One or more persons related by blood or marriage or other recognized family relationship maintaining a common household.

GARAGE, PRIVATE

A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC

A building or part thereof operated for gain and used for the storage, hiring, selling, greasing, washing, servicing or repair of motor-driven vehicles.

GARAGE, STORAGE

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

GASOLINE STATION

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

HOME OCCUPATION

Any use customarily conducted entirely within a dwelling or its accessory buildings and carried on only by the inhabitants thereof, which use is clearly incidental to the use of the dwelling as a place of residence, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the "home occupation," and further provided that no article is sold or offered for sale except as may be produced by the immediate family residing therein. In particular, a "home occupation" includes but is not limited to the following: professional office of a physician, dentist, lawyer, engineer, architect and similar professions; antique shop; art or photographic studio; dressmaker or seamstress; a tearoom associated with a bed-and-breakfast; teaching of musical instruments limited to one pupil at a time; and a barber- or beauty shop operated only by a resident of the premises and in which no nonresidents are employed or engaged. However, a "home occupation" shall not be interpreted to include a barbershop or beauty parlor or other use in which nonresidents of the premises are employed or engaged; commercial stable or kennel; restaurant; boardinghouse; animal hospital; convalescent home; mortuary establishment; and stores, trades or businesses of any kind not herein excepted.

[Amended 12-11-1990 by L.L. No. 5-1990; 9-6-1994 by L.L. No. 3-1994]

HOSPITAL

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

HOSPITAL, ANIMAL

A building or structure for the diagnosis and medical or surgical care of sick or injured animals.

HOTEL or MOTEL

A building or group of buildings where transient guests are lodged for hire, but excluding rooming houses.

INDUSTRIAL; INDUSTRIAL ESTABLISHMENT; INDUSTRIAL FACILITIES; INDUSTRIAL USES; INDUSTRY

Notwithstanding any provision hereof to the contrary, for purposes of this chapter in no event shall the terms "industrial," "industrial establishment," "industrial facilities," "industrial uses," "industry," or any variation thereof contained in this chapter be construed to mean, be, include, or authorize any land application facility, natural gas and/or petroleum exploration activities, natural gas and/or petroleum extraction activities, natural gas and/or petroleum exploration, extraction or production waste disposal/storage facility, natural gas and/or petroleum exploration, extraction or production wastes dump, natural gas compression facility, natural gas processing facility, underground injection, or underground storage of natural gas.

[Added 2-5-2013 by L.L. No. 1-2013]

INJECTION WELL

A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension of the hole, through which fluids (which may or may not include semisolids) are injected into the subsurface and less than 90% of such fluids return to the surface within a period of 90 days.

JUNKYARD

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

LAND APPLICATION FACILITY

A site where any natural gas and/or petroleum extraction, exploration or production wastes are applied to the soil surface or injected into the upper layer of the soil.

[Added 2-5-2013 by L.L. No. 1-2013]

LAUNDERETTE

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

LOT

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

LOT AREA

The total area included within lot lines. No part of the area within a public right-of-way may be included in the computation of "lot area."

LOT, CORNER

A lot located at the intersection of and fronting on two or more intersecting streets and having an interior angle at the corner of intersection of less than 135°.

LOT DEPTH

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

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

The property lines bounding the lot.

A. **FRONT LOT LINE**
   The lot line separating the lot from the street right-of-way.

B. **REAR LOT LINE**
   The lot line opposite and most distant from the front lot line.

C. **SIDE LOT LINE**
   Any lot line other than a front or rear lot line. A "side lot line" separating a lot from a street is called a "side street lot line."

LOT, THROUGH

A lot having frontage on two approximately parallel or converging streets, excluding Route 12 other than a corner lot.
[Amended 3-29-1976 by L.L. No. 1-1976]

LOT WIDTH

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

MANUFACTURING; MANUFACTURING FACILITIES; MANUFACTURING USES

Notwithstanding any provision hereof to the contrary, for purposes of this chapter in no event shall the terms "manufacturing," "manufacturing facilities," "manufacturing uses," or any variation thereof contained in this chapter be construed to mean, be, include, or authorize any land application facility, natural gas and/or petroleum exploration activities, natural gas and/or petroleum extraction activities, natural gas and/or petroleum exploration, extraction or production waste disposal/storage facility, natural gas and/or petroleum exploration, extraction or production wastes dump, natural gas compression facility, natural gas processing facility, underground injection, or underground storage of natural gas.
[Added 2-5-2013 by L.L. No. 1-2013]

MEDICAL CLINIC

A building or structure in which diagnosis and medical or surgical care of human sickness or injuries is provided on an outpatient basis only.
[Added 10-3-1991 by L.L. No. 5-1991]

MOBILE HOME

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

MOBILE HOME COURT

A parcel of land which has been planned and improved for the placement of two or more mobile homes for nontransient use. The term shall include "mobile home court," "mobile home park" or other area planned and/or improved for two or more mobile homes.

NATURAL GAS

Methane and any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.
[Added 2-5-2013 by L.L. No. 1-2013]

NATURAL GAS AND/OR PETROLEUM EXPLORATION ACTIVITIES

Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise making any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.
[Added 2-5-2013 by L.L. No. 1-2013]

NATURAL GAS AND/OR PETROLEUM EXPLORATION, EXTRACTION OR PRODUCTION WASTES

A. Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of "industrial waste," "hazardous," or "toxic," and whether or not such substances are generally characterized as waste:
   (1) Below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Village, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons;
   (2) Natural gas or petroleum drilling fluids;
   (3) Natural gas or petroleum exploration, drilling, production or processing wastes;
   (4) Natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semiliquid material);
   (5) Any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of natural gas or petroleum;
   (6) Soil contaminated in the drilling, transportation, processing or refining of natural gas or petroleum;
   (7) Drill cuttings from natural gas or petroleum wells; or
   (8) Any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum.

B. This definition specifically intends to include some wastes that may otherwise be classified as "solid wastes which are not hazardous wastes" under 40 CFR 261.4(b).

C. The definition of "natural gas and/or petroleum extraction, exploration or production wastes" does not include:
   (1) Recognizable and nonrecognizable food wastes; or
   (2) Waste generated by farm use.
   [Added 2-5-2013 by L.L. No. 1-2013]

NATURAL GAS AND/OR PETROLEUM EXPLORATION, EXTRACTION OR PRODUCTION WASTES DISPOSAL/STORAGE FACILITY

Any of the following:

A. Tanks of any construction (metal, fiberglass, concrete, etc.);

B. Impoundments;

C. Pits;

D. Evaporation ponds; or

E. Other facilities, in any case used for the storage or treatment of natural gas and/or petroleum extraction, exploration or production wastes that:
   (1) Are being held for initial use;
   (2) Have been used and are being held for subsequent reuse or recycling;
   (3) Are being held for treatment; or
   (4) Are being held for storage.
   [Added 2-5-2013 by L.L. No. 1-2013]

NATURAL GAS AND/OR PETROLEUM EXPLORATION, EXTRACTION OR PRODUCTION WASTES DUMP

Land upon which natural gas and/or petroleum extraction, exploration or production wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.
[Added 2-5-2013 by L.L. No. 1-2013]

NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES

The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.
[Added 2-5-2013 by L.L. No. 1-2013]

NATURAL GAS COMPRESSION FACILITY

Those facilities or combination of facilities that move natural gas or petroleum from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.
[Added 2-5-2013 by L.L. No. 1-2013]

NATURAL GAS PROCESSING FACILITY

Those facilities that separate and recover natural gas liquids (NGLs) and/or other nonmethane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO_2 separated from natural gas streams.

[Added 2-5-2013 by L.L. No. 1-2013]

NONCONFORMING BUILDING OR USE

Use of a building or of land that does not conform with the regulations for the district in which it is situated.

NONCONFORMING LOT

Any zone lot in single ownership where the owner of said lot does not own any adjoining property the subdivision of which could create one or more conforming lots, which does not conform with the minimum area and/or dimensions required in the district in which it is situated or for any special use as the case may be.

NURSING HOME

A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who require skilled nursing care and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

NURSERY SCHOOL

Facilities for the daytime care or instruction of two or more children from two to five years of age, inclusive, and operated on a regular basis.

PARKING SPACE

An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.

PLANNED DEVELOPMENT DISTRICT

A tract of land in single ownership, or controlled by an individual, partnership, cooperative or corporation, designed or capable of being designed and used as a unit or group of related units and having certain facilities in common such as yards, open space, recreation areas, garages or parking areas. A planned development district may be residential, commercial, manufacturing, recreational or a combination of such uses.

[Amended 2-5-2013 by L.L. No. 1-2013]

PUBLIC UTILITY; PUBLIC UTILITY STATION

An entity which operates as a monopoly, and whose rates charged to customers are established by a utility commission. A public utility station, structure, or use is a facility, structure, or use which is operated by a public utility, and which provides electric, gas, steam, CATV, telephone or other communication service, water or sewerage directly to the general public. Notwithstanding any provision hereof to the contrary, for purposes of this chapter in no event shall the terms "public utility," "public utility station," or any variation thereof contained in this chapter be construed to mean, be, include, or authorize a natural gas compression facility, or a natural gas processing facility.

[Added 2-5-2013 by L.L. No. 1-2013]

RADIATION

The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

[Added 2-5-2013 by L.L. No. 1-2013]

RADIOACTIVE MATERIAL

Material in any form that emits radiation. This definition specifically includes NORM (naturally occurring radioactive material), but only if such naturally occurring material has been moved from its naturally occurring location through a mechanical or other man-made process. All such material is "radioactive material" for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the New York State Department of Labor, the United States Nuclear Regulatory Commission, the United States Environmental Protection Agency, the United States Department of Energy, the United States Department of Transportation, or any other regulatory agency.

[Added 2-5-2013 by L.L. No. 1-2013]

SIGN

Any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business, but not including any flag, badge or insignia of any government or government agency, school or religious group or of any civic, charitable, religious, patriotic, fraternal or similar organization nor any official traffic control device. Each display surface shall be considered to be a "sign."

SIGN, ADVERTISING

A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed and only incidentally on the premises, if at all.

SIGN, BUSINESS

A sign which directs attention to a business or profession conducted or a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed. A "for sale" or "to let" sign relating to the lot on which it is displayed shall be deemed to be a "business sign."

SIGN, FLASHING

Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this chapter, any revolving illuminated sign shall be considered a "flashing sign."

SPECIAL PERMIT USE; SPECIAL PERMIT

A use that because of its unique characteristics requires individual consideration through a procedure of review by the Board of Appeals, in order to determine whether a special use permit should be granted, conditionally granted, or denied in accordance with § **293-46** of this chapter.

[Added 2-5-2013 by L.L. No. 1-2013[1]]

STORY

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

STORY, HALF

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

STREET

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

STRUCTURE

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

STRUCTURAL ALTERATION

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

SUBSURFACE

Below the surface of the earth, or of a body of water, as the context may require.

[Added 2-5-2013 by L.L. No. 1-2013[2]]

TRAVEL TRAILER

A mobile unit designed and built for camping, recreational travel or vacation use which is equipped to provide portable housing, including temporary facilities.

TRAILER CAMP

An area occupied or designed for occupancy by two or more travel trailers.

UNDERGROUND INJECTION

Subsurface emplacement of natural gas and/or petroleum extraction, exploration or production wastes, including emplacement by or into an injection well.

[Added 2-5-2013 by L.L. No. 1-2013]

UNDERGROUND NATURAL GAS STORAGE

Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location, whether for the purpose of load balancing the production of natural gas or for any other reason, including without limitation short-term, long-term, or intermittent storage for product quality, processing, or transportation purposes, or because of market conditions. Without limitation, this term includes compression and dehydration facilities, and associated pipelines.

[Added 2-5-2013 by L.L. No. 1-2013]

VARIANCE

An area variance or a use variance, as the context may admit.

[Amended 2-5-2013 by L.L. No. 1-2013]

VARIANCE, AREA

The authorization by the Board of Appeals for the use of land in a manner that is not allowed by the dimensional requirements of the applicable zoning regulations.

[Added 2-5-2013 by L.L. No. 1-2013]

VARIANCE, USE

The authorization by the Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

[Added 2-5-2013 by L.L. No. 1-2013]

VILLAGE BOARD

The Village Board of Trustees of the Village of Oxford, New York.

[Added 2-5-2013 by L.L. No. 1-2013]

YARD, FRONT

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

YARD, REAR

An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than steps and unenclosed balconies not extending more than eight feet from the rear of the building, except as otherwise provided in this chapter. On both corner and interior lots, the "rear yard" shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE

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

---

[1] *Editor's Note: This local law also deleted the former definition of "special exception" and substituted this definition in its place.*

[2] *Editor's Note: This local law also deleted the former definition of "theater, outdoor" which immediately followed the definition of "structural alteration."*

Article IV. Zoning District Uses; Any Use Not Specifically Permitted Is Prohibited

§ 293-10. R-1 Residential District.

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

A. Permitted uses.

  (1) One-family dwelling.

  (2) Public or parochial school.

  (3) Church, parish house, convent or rectory.

  (4) Public park or playground.

  (5) Customary home occupation.

  (6) Accessory building or use, such as private garage or toolhouse.

B. Uses which may be permitted upon issuance of a special permit by the Board of Appeals:
[Amended 2-5-2013 by L.L. No. 1-2013]

  (1) Public utility station or structure.

  (2) Swimming pool.

§ 293-11. R-2 Residential District.

In the R-2 Residential District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Permitted uses.

  (1) R-1 Residential District uses.

  (2) Two-family dwelling.

  (3) Three- or four-family dwelling by conversion of existing structure.

  (4) Public library, firehouse or other public building or use.

  (5) Customary home occupation.

  (6) Accessory building or use.

  (7) Medical clinic.
  [Added 10-3-1991 by L.L. No. 5-1991]

  (8) Bed-and-breakfast.
  [Added 9-6-1994 by L.L. No. 3-1994]

B. Uses which may be permitted upon issuance of a special permit by the Board of Appeals:
[Amended 2-5-2013 by L.L. No. 1-2013]

  (1) Public utility station or structure.

  (2) Swimming pool.

§ 293-12. RM-3 Residential Mobile Home District.

A. The purpose of the RM-3 Residential Mobile Home District is to designate areas where mobile home dwellings are appropriate and compatible within the designated district and in relation to adjacent districts and land uses.

B. In the RM-3 Residential Mobile Home District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

  (1) Permitted uses.

    (a) Mobile home or one-family dwelling.

    (b) Mobile home court.

    (c) Customary accessory use or building.

C. A site plan shall be submitted to the Village Board for review and approval by the Village Planning Board. Prior to initiation or expansion of any mobile home court, the site plan shall show the topography, proposed road layout and road data, mobile home sites, water service and waste disposal, public utilities, fencing and screening along the adjacent properties, names of adjacent property owners, existing trees six inches or more in diameter, a playground having a minimum area of one acre for each 25 mobile homes or fraction thereof, accessory uses, including storage facilities, and any other data necessary for consideration and approval of the plan. In addition, the applicant should show the method to be used to enclose the space from the mobile home to the ground with skirting or other suitable material.

§ 293-13. PB-1 Public Buildings District.

A. The purpose of the PB-1 Public Buildings District is to delineate an area where educational, cultural and institutional uses, selected business services and municipal buildings and services may be adequately accommodated.

B. Permitted uses. Permitted uses shall be as follows:

  (1) Public building or library.

  (2) Church, parish house or rectory.

  (3) Public or parochial school.

  (4) Institutional building or use.

  (5) Dwellings.

  (6) Funeral home.

  (7) Professional or business office.

§ 293-14. C-1 Retail Commercial District.

A. Purpose. The purpose of the C-1 Retail Commercial District is:

  (1) To delineate an area where retail stores, personal services and offices; recreational, institutional and cultural facilities; and municipal buildings and services are provided for the community.

  (2) To encourage new development in the Retail Commercial District by providing for public and commercial off-street parking areas for patrons of the businesses in the district.

B. In the C-1 Retail Commercial District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

  (1) Permitted uses.

    (a) Public building or library.

    (b) Institutional building or use.

    (c) Professional or business office.

    (d) Funeral home.

    (e) Retail store or market.

    (f) Personal service shop.

    (g) Launderette.

    (h) Restaurant or tavern.

  - (i) Office equipment or business machine sales and service.
  - (j) Club or lodge, except those the chief activity of which is a service customarily carried on as a business.
  - (k) Household appliance sales or service.
  - (l) Antique sales and accessory service.
  - (m) Public utility station or structure.
  - (n) Customary accessory uses.
- (2) Uses which may be permitted upon issuance of a special permit by the Board of Appeals:
[Amended 2-5-2013 by L.L. No. 1-2013]
  - (a) Gasoline station.
  - (b) Dwellings.

§ 293-15. C-2 General Commercial District.

A. The purpose of the C-2 General Commercial District is to delineate areas appropriate for commercial uses which are oriented either to highway use or intended for service to vehicles or nonretail commercial uses.

B. In the C-2 General Commercial District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

- (1) Permitted uses.
  - (a) Uses permitted in the C-1 Retail Commercial District.
  - (b) Motel, restaurant or tavern.
  - (c) Automobile, boat, farm implement, mobile home, trailer, snowmobile, motorcycle or lawn and garden equipment sales and rental.
  - (d) Garage or filling station.
  - (e) Laundry or dry cleaning plant.
  - (f) Letter press or printing shop.
  - (g) Animal hospital or kennel.
  - (h) Lumber or building supplies.
  - (i) Heating, plumbing or electrical sales and service.
  - (j) Customary accessory uses.
- (2) Uses which may be permitted upon issuance of a special permit by the Board of Appeals:
[Amended 2-5-2013 by L.L. No. 1-2013]
  - (a) Drive-in restaurant or refreshment stand.
  - (b) Auto wash.
  - (c) Dwellings.

Article V. Supplemental Regulations

§ 293-27. Off-street parking.

A. Off-street parking space shall be required for all buildings constructed or substantially altered after the effective date hereof, except nonresidential uses in the C-1 Retail Commercial District. Each off-street space shall consist of at least 180 square feet, with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. Required off-street parking areas shall be so arranged and regulated as not to interfere with pedestrian or motor traffic on the public street or highway, and no parking or maneuvering incidental to off-street parking shall be on any public street right-of-way or walkway. Parking requirements are specified in **Schedule B**, which is hereby made a part of this chapter.[1]

[1] Editor's Note: ***Schedule B** is **included as an attachment to this chapter***.

B. For uses not specified, the Board of Appeals shall, on appeal, and after recommendation of the Planning Board, establish parking requirements in specific cases consistent with those specified in **Schedule B**.[2]

[2] Editor's Note: ***Schedule B** is **included as an attachment to this chapter***.

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

D. Required off-street parking in residence districts shall be located only in the side or rear yard of the lot.

E. Required off-street parking in commercial or industrial districts shall be located within 250 feet of the commercial or industrial use, but not in any residence district, and, if such parking area abuts a dwelling or a residence district, the parking area shall be screened in accordance with § **293-25**.

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

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

H. Overnight parking or storage out-of-doors in any residence district of any vehicle licensed for commercial purposes shall be prohibited.

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

Article VI. Nonconforming Uses; Preexisting, Legal Nonconforming Natural Gas and/or Petroleum Extraction Activities

§ 293-29. Existing uses.

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

§ 293-30. Nonconforming uses.

A. Additions. A nonconforming building or use shall not be added to or enlarged unless such nonconforming building or use is made to conform to the regulations of the district in which it is located.

B. Alterations. A building nonconforming as to use may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 50% of the fair value of the building, unless the use of such building is changed to a conforming use.

C. Changes. A nonconforming use may be changed to another nonconforming use of the same or higher classification according to the provisions of this chapter, and when so changed, such use shall not thereafter be changed to a nonconforming use of a lower classification.

D. Discontinuance. Whenever a nonconforming use has been discontinued for a period of one year, any future use shall be in conformity to the provisions of this chapter. A reasonable interim, however, between tenants or occupants shall not be construed to mean discontinuance.

E. Restoration. A building nonconforming as to use which has been damaged by fire or other causes to the extent of not more than 50% of its fair value may be restored, reconstructed or used as before, provided that the bulk, height and area requirements shall not exceed that which existed before said damage. Said restoration must be completed within two years of such occurrence, or the use of the building or land as a legal nonconforming use thereafter shall be terminated.

F. Removal. If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform with the regulations of the district.

G. Validity of permit. Any building for which a permit has been lawfully granted and on which the construction has been started and diligently prosecuted before the effective date of this chapter may be completed.