LOCAL LAW No. _____ OF 2019

A LOCAL LAW REPEALING IN ITS ENTIRETY THE TOWN OF ULYSSES ZONING LAW AS ADOPTED BY LOCAL LAW NUMBER 3 OF 2013 AMENDED FROM TIME TO TIME, AND CODIFIED AS CHAPTER 212 OF THE LAWS OF THE TOWN OF ULYSSES, AND IN ITS PLACE ADOPTING A NEW ZONING LAW.

BE IT ENACTED by the Town Board of the Town of Ulysses as follows:

SECTION 1. The Town Board of the Town of Ulysses finds and determines that:

(a) The within Local Law repeals in its entirety the Town of Ulysses Zoning Law (hereafter "Chapter 212"),[1]

(b) The within Local Law concurrently repeals Chapter 212 and in its place enacts a new Zoning Law to be codified as a replacement Chapter 212 of the Codified Laws of the Town of Ulysses.

(c) The within Local Law has heretofore been referred by the Town Board to the Planning Board of the Town of Ulysses for recommendation in relation thereto on or about [date].

(e) The Planning Board issued a report, in response to said referral with reference to the within Local Law, recommending adoption thereof.

(f) A copy of said report of the Planning Board of the Town of Ulysses shall be retained on file in the office of the Town Clerk.

[1] The Town of Ulysses Zoning Law is contained in Chapter 212 of the Codified Laws of the Town of Ulysses, which Zoning Law was enacted by Local Law No. 3, of 2013, a law that amended by repealing, the Town of Ulysses Zoning Ordinance and the Town of Ulysses Trailer Park Ordinance as adopted in 1968; the Town of Ulysses Zoning Law, as adopted on August 30, 2005 and amended November 28, 2007; the Town of Ulysses Site Plan Review Ordinance as adopted on October 6, 1998; the Town of Ulysses Tower Ordinance as adopted on March 17, 1997; and the Town of Ulysses Subdivision Ordinance dated November 18, 1986. Since the enactment by Local Law 3 of 2013, Chapter 212 has been amended from time to time as follows: By Local Law No. 2 of 2014; Local Law No. 3 of 2014; Local Law No. 2 of 2015; Local Law No. 3 of 2015; Local Law No. 1 of 2018 and Local Law No. 3 of 2018.

(g) The within Local Law has heretofore been referred by the Town Board to the Tompkins County Department of Planning pursuant to the provisions of section 239-m of the General Municipal Law on or about [date].

(h) The Tompkins County Department of Planning has issued a report, in response to said referral with reference to the within Local Law, which report has not identified any significant county-wide or inter-community impacts associated with said Local Law.[i]

(i) A copy of said report of the Tompkins County Department of Planning shall be retained on file in the office of the Town Clerk of the Town.

(j) A resolution was duly adopted by the Town Board of the Town of Ulysses (the "Town") on [date] fixing [time] on [date], in the Town Hall at 10 Elam Street, Trumansburg, NY, as the time and place for a public hearing to be held by the Town Board with respect to the within Local Law.

(k) Notice of said public hearing was duly published in the Ithaca Journal, the official newspaper of the Town on [date], and duly posted on the Town Clerk's signboard maintained by the Town Clerk pursuant to subdivision [no.] of Section [no.] of the Town Law on or about [date].

(l) A public hearing was duly held by the Town Board at the time and place fixed therefor, and all parties in attendance had an opportunity to be heard in relation thereto.

(m) Pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) it has been determined by the Town Board that adoption of the within Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to the State Environmental Quality Review Act.

(n) The Town Board, after due deliberation, finds it to be in the best interests of the Town to adopt the within Local Law.

SECTION 2. AUTHORITY. This Local Law is enacted pursuant to the statutory authority conferred on the Town of Ulysses by Municipal Home Rule Law Section 10, and New York Town Law Section 264.

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SECTION 3. Chapter 212 of the Codified Laws of the Town of Ulysses is hereby repealed in its entirety and in its place is enacted a new Chapter 212 as follows:

Chapter 212
Zoning

Article I
Purpose

§ 212-1 **Declaration of policy.**

A. This law was enacted to promote the health, safety, morals and general welfare of the community; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overuse of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, under and pursuant to Chapter 62, Articles 9 and 16, of the Consolidated Laws of New York State. This law also seeks to regulate and restrict the form, height, area and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, the density of population, and the use of buildings, structures and land for trade, industry, residence or other purposes.

B. Further, these restrictions and regulations are provided in order to preserve, foster and enhance the native beauty and rural character of one of the most picturesque and charming communities in the Finger Lakes region of New York State. Ulysses is a community well-known for its fine vistas of farmland, hills and Cayuga Lake. As it presently contains more historic homes within its borders than any other township in the County, this chapter shall provide appropriate controls over the use of buildings, structures and land.

Article II
Application

§ 212-2 **Conformance.**

A. It shall be unlawful to use or permit the use of any building or part thereof hereafter erected, changed or extended in whole or in part, or altered beyond what is generally accepted as normal maintenance, in a manner which shall not conform in all respects to the requirements of this chapter.

B. Any use not specifically set forth as a permitted use in any zone shall be expressly prohibited in that zone. A use specifically set forth as a permitted use in one zone shall not be permitted in another zone unless it is specifically set forth as a permitted use in

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said zone.

C. The above notwithstanding, any lot that is deemed conforming to the lot size requirements of the prior Town of Ulysses Zoning Law, or was created prior to any local zoning ordinance or law but now is deemed nonconforming, shall not require the approval of an area variance by the Board of Zoning Appeals should said lot meet all setback, front and rear yard requirements of this law.

§ 212-3 **Space and construction.**
Except as hereinafter provided, no building or part thereof shall be erected, altered or relocated unless done so in conformance with the regulations on space and construction specified herein for the zone in which it is located, and with any relevant supplementary regulations. No portion of a yard or other open space within a lot that is required for the purpose of complying with lot coverage or setback requirements of this chapter shall be included as a portion of a yard or other open space similarly required for another lot.

§ 212-4 **Enforcement; penalties for offenses.**

A. Zoning Officer. This chapter shall be enforced by the Zoning Officer who shall be appointed by the Town Board. The Zoning Officer shall in no case, except under written order by the Board of Zoning Appeals, grant any statement of compliance for any building or land use in violation of any provisions of this chapter.

B. Violation pursuant to Town Law § 268. Any person, firm, corporation or other entity (hereinafter referred to as any "person") violating any provision of this chapter shall be deemed guilty of an offense pursuant to Town Law § 268 and, upon conviction thereof, shall be subject to a fine or to imprisonment or both for each and every violation, as provided for in Town Law § 268. For the purpose of this chapter, each week that a violation continues shall constitute a separate and distinct offense.

C. Compliance order.

(1) The Zoning Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on, or about any building, structure, or premises in violation of this chapter. Upon finding that any such condition or activity exists, the Zoning Officer shall issue a compliance order.

(2) The compliance order shall:

(a) Be in writing;

(b) Be dated and signed by the Zoning Officer;

(c) Specify the condition or activity that violates this chapter;

(d) Specify the provision or provisions of this chapter which is/are violated by the

specified condition or activity;

(e) Specify the period of time which the Zoning Officer deems to be reasonably necessary for achieving compliance;

(f) Direct that compliance be achieved within the specified period of time; and

(g) Sate that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

(3) The Zoning Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by regular mail.

D. Appearance tickets. The Zoning Officer is authorized to issue appearance tickets for any violation of this chapter.

E. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of this chapter shall be liable for a civil penalty in an amount determined by resolution of the Town Board for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.

F. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order preventing the erection, construction, alteration of use of any building or land, or directing the removal of the building or structure, or directing an abatement of the condition in violation of this chapter. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Supervisor of this Town.

G. Remediation by Town. In the event that a property owner fails to comply with the compliance order of the Zoning Officer to remedy violations of this chapter, the Town shall have the following remedies in addition to all remedies set forth in state, local or other applicable law:

(1) If the property owner fails to remedy the condition(s) constituting the violation within the period stated in the compliance order, the Zoning Officer may present a compliance and remediation plan ("the plan") to the Town Board. The plan shall detail how the Town may cause the condition(s) to be corrected through reasonable measures and shall include an estimate of the direct cost of such measures, plus legal costs and administrative costs of the Town for administering, supervising and

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handling such work in accordance with the provisions of this chapter.

(2) If the Town Board adopts the plan, notice of the Town's intent to remedy the violation will be provided to the property owner by personal service pursuant to the New York Civil Practice Law and Rules. The notice shall include the following:

(a) A copy of the proposed plan;

(b) That the Town intends to remedy the conditions constituting the violation;

(c) That the property owner will be billed for the cost of implementing the plan, in the amount set forth in the plan, and, that upon the property owner's failure to do so, the cost will be added to the property tax bill for the property;

(d) That he or she has 30 days from the date of service of the notice to request a public hearing before the Town on the plan and the estimated cost thereof, or remedy the condition.

(3) If the property owner requests a public hearing in writing, the Town will conduct such hearing and shall publish notice of such hearing and provide a copy of the notice to the property owner by regular and certified mail at least 10 days before the hearing.

(4) After such public hearing, the Town board shall determine whether to modify the plan and/or the cost of measures to remedy the violation.

(5) If after the public hearing, or if no public hearing is requested, the Town causes the violation to be remedied in accordance with the plan, the property owner shall receive a bill for the cost of the remediation as set forth in the plan, with a notice that if the cost remains unpaid after 30 days, the Town will take the necessary steps to have the cost added to the property owner's next property tax bill. The bill shall be mailed to the property owner by regular and certified mail.

(6) If the sum stated in the bill is not paid within 30 days after mailing thereof to the property owner, the Town will file a certificate with the Tompkins County Department of Assessment stating the cost of abatement and administrative and legal costs to the Town, as detailed in the bill, together with a statement identifying the property and landowner. The Tompkins County Department of Assessment shall in the preparation of the next assessment roll assess such unpaid costs upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Town of Ulysses. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.

H. Collection of unpaid fines and penalties. In the event that a property owner fails to pay

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fines imposed by Town Court or any other court with jurisdiction over the matter for violation of the provisions of this chapter and/or the Town Law, and/or any civil penalties imposed pursuant to this chapter, and such fines and penalties remain unpaid 30 days after they were levied, the Town may file a certificate with the Tompkins County Department of Assessment stating the amount of the unpaid fine or penalty, together with a statement identifying the property and landowner. The Tompkins County Department of Assessment shall in the preparation of the next assessment roll assess such unpaid costs upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Town of Ulysses. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.

I. Remedies not exclusive. No remedy or penalty specified in this chapter shall be the exclusive remedy or penalty available to address any violation of this chapter, and each remedy or penalty shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this chapter, or in any other applicable law. Any remedy or penalty specified in this chapter may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this chapter or in any other applicable law.

§ 212-5 **Building permits.**

A. The issuance of building permits shall be the responsibility of the Code Enforcement Officer who shall be appointed by the Town Board.

B. A building permit application shall be made to the Code Enforcement Officer before any nonagricultural building or other structure, including, but not limited to, signs, swimming pools (except portable children's wading pools), aboveground or below-ground tanks, power and pump stations, radio or telecommunications towers, and canopies and pavilions, is begun, erected, constructed, enlarged, improved, renovated, repaired or altered.

C. No building in any zone shall be changed, altered or extended if such change, alteration or extension shall affect the dimensions of the building or the number of dwelling units in said building, without a building permit issued by the Code Enforcement Officer.

D. The Code Enforcement Officer shall in no case, except under written order by the Board of Zoning Appeals, grant any building permit for any building or land use in violation of any provisions of this chapter.

E. No sign shall be erected in excess of 12 square feet without a building permit.

F. No building permit shall be required for any residential accessory building 120 square feet or less in gross floor area and not exceeding 15 feet in height, provided that it meets the

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area requirements of the zone.

G. Every application for a building permit shall state the intended use of the building and shall be accompanied by a satisfactory plot plan, drawn to scale with dimensions shown, that indicates the size and shape of the lot, any existing and proposed buildings, and all required yard areas and setback required herein.

H. Unless there has been substantial progress made in the work for which a building permit has been issued, said building permit shall expire one year from the date of issue. In no case shall a building permit be valid for more than two years from the date of issue.

§ 212-6 **Fees for permits.**
Fees for applications for site plan approval, special permit approval, request for variances from the requirements of this chapter, and consideration of request for changes in zoning designation and building permits shall be established by the Town Board and may be adjusted from time to time at the discretion of the Board. In addition to any fees set by the Town Board, applicants shall be responsible for bearing the cost of any advertising and reasonable consultant costs.

§ 212-7 **Building Code conformance.**
All zoning regulations stated herein shall be in accord with requirements established by the New York State Uniform Building Code or its successors. Where the requirements of this chapter and the New York State Uniform Building Code differ, the stricter of the two shall govern. Requirements for building codes and maintenance presented in the New York State Uniform Building Code but not contained in this chapter are considered to be part of the zoning requirements for the Town of Ulysses.

§ 212-8 **Approval of Tompkins County Health Department.**
No permit for any structure shall be granted until the Tompkins County Health Department requirements with respect to proposed methods of sewerage or other waste disposal have been met.

§ 212-9 **Certificate of compliance or occupancy.**
No building or structure or part thereof hereafter erected, altered or extended shall be used or changed in its use until a certificate of compliance or occupancy has been issued, signifying that such building or structure, or use change, complies with the provisions of this chapter and applicable building codes, except in the case of continued occupancy during the building permit period.

§ 212-10 **Establishment of zones.**

A. For the purpose of this chapter the Town of Ulysses is hereby divided into the following zones:

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A/R—Agricultural/Rural Zone

A2—Special Agricultural Zone

R— Residential Zone

LS—Lakeshore Zone

CZ—Conservation Zone

RM—Multiple-Residence Zone

MHP—Manufactured Home Park

HC—Hamlet Center Zone

HN—Hamlet Neighborhood Zone

B1—Business Zone

MZ—Marina Zone

OTMU – Office Technology Mixed Use Zone

PR—Park/Recreation Zone

DD--Development District

WH – Waterburg Hamlet

B. The boundaries of these zones are shown on the map entitled "Zoning Map, Town of Ulysses, Tompkins County, New York," as adopted by the Town Board and amended from time to time. Said map and all notations on it or amendments to it are incorporated by reference into this chapter and made part of it.

§ 212-11 **Zone boundaries.**
Where uncertainty exists with respect to the exact boundaries of a zone shown on the Zoning Map, the following rules shall apply:

A. Where the Zoning Map indicates a zone boundary approximately on a lot line, such lot line shall be construed to be the zone boundary.

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B. Distances shown on the Zoning Map are perpendicular or radial distances from the road or highway right-of-way line measured back to the zone boundary line.

C. In all cases where a distance is given between the road or highway right-of-way line and a zone boundary line, said line is parallel to the road or highway right-of-way line from which the distance is measured.

D. Where a zoning district boundary line follows a stream, or the shoreline of a lake or other body of water, said boundary line shall be deemed to follow the center line of the stream or be deemed to be at the limit of the Town of Ulysses, unless otherwise noted.

E. In all other cases the location of a zoning district boundary line shall be determined by the Zoning Officer through use of the scale on the Zoning Map.

F. In the case of a split lot, in which a zone boundary line runs through a lot, zone standards are applied separately to each portion of the lot.

G. In the event that none of the above rules is applicable or if further clarification is necessary, the location of a zone boundary shall be determined by the Zoning Board of Appeals.

§ 212-12 **Amendments.**
The regulations, restrictions and boundaries set forth in this chapter may be amended, supplemented, changed or repealed by the Town Board pursuant to local law.

§ 212-13 **Local laws superseded.**
This chapter upon its effective date shall supersede the following local laws and ordinances:

- Town of Ulysses Zoning Ordinance and Town of Ulysses Trailer Park Ordinance as adopted in 1968; and
- Town of Ulysses Subdivision Ordinance, dated November 18, 1986.
- the Town of Ulysses Tower Ordinance as adopted March 17, 1997;
- Town of Ulysses Site Plan Review Ordinance as adopted October 6, 1998;
- Town of Ulysses Zoning Law, as adopted August 30, 2005, and
- Town of Ulysses Zoning Law amended by Local Law No. 4 on November 28, 2007; and
- Town of Ulysses Zoning Local Law No. 3 on December 17, 2013 (repealing and re-enacting zoning law including lakeshore and conservation zones plus non-conformance); and
- Town of Ulysses Zoning Local Law amended by Local Law No. 2 on June 10, 2014
- Town of Ulysses Zoning Local Law amended by Local Law No. 3 on August 12, 2014
- Only the portions of Local Law No. 2 of 2015 regarding the amendment of the Town of Ulysses Zoning Local Law on October 27, 2015;
- Town of Ulysses Zoning Local Law amended by Local Law No. 3 on November 24, 2015 (including solar)

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- Town of Ulysses Zoning Local Law amended on February 28, 2017 (including zoning violation fees)
- Town of Ulysses Zoning Local Law amended on January 23, 2018 (including Development District 8-boats and Development District 9-Flo-Tech) and on May 22, 2018

§ 212-14 **Right to inspect.**
The Zoning Officer shall have the right upon reasonable notice to inspect any premises, building or area covered under the provisions of this chapter. No person shall refuse to allow said officer to fully inspect any and all premises, and no person shall molest or resist the officer in the discharge of his or her duties. Failure to comply with this section shall be deemed a violation under this chapter, allowing for civil and penal remedy as set forth herein.

§ 212-15 Reserved

Article III
Administration

§ 212-16 **Board of Zoning Appeals.**

A. Establishment.

(1) There is hereby established a Board of Zoning Appeals consisting of five persons who shall function in the manner prescribed by law.

(2) The members of the Board of Zoning Appeals shall be residents of the Town of Ulysses and shall be appointed by the Town Board to serve staggered terms of five years. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.

(3) All Board members must comply with Town Law § 267, Subdivision 7-a, as to noncompliance with minimum requirements relating to attendance and training as established by the Town Board.

(4) The Town Board shall designate the Chairman of the Board of Zoning Appeals. The Board of Zoning Appeals shall choose its Vice Chairman, who shall preside in the absence of the Chairman. In the absence of both the Chairman and the Vice Chairman, the Board of Zoning Appeals shall choose one of its number as acting Chairman. Such Chairman, or the party acting in his or her stead during his or her absence, may administer oaths and compel the attendance of witnesses.

(5) There may be appointed additionally up to two alternate members of the Board Zoning of Appeals. Alternate members shall be appointed by resolution of the Town Board for terms established by the Town Board.

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(6) The Chairperson of the Board Zoning of Appeals shall designate an alternate member to substitute for a regular member in the event that a regular member is unable or unwilling to vote because of a conflict of interest, recusal, absence, abstention, or any other reason and an alternate member is present at the meeting when the designation takes place.

(7) To the extent this provision is inconsistent with Town Law § 267, Subdivision 11, it is intended to supersede such section, in accordance with Municipal Home Rule Law § 10(1)(ii)d(3). All other rights, responsibilities and procedures related to alternate members set forth in said § 267 shall apply.

(8) The Board of Zoning Appeals shall appoint a secretary who shall take minutes of all its meetings and keep its records.

(9) The Board of Zoning Appeals shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter, and all its resolutions and orders shall be in accordance therewith.

(10) The Board of Zoning Appeals shall act in accordance with the provisions hereinafter contained in this section, hold public hearings to determine appeals from any refusal of a building permit or statement of compliance by the Zoning Officer, or review any order, decision, interpretation or refusal thereof of the Zoning Officer, where such order or decision is based upon the requirements of this chapter. An appeal must be made within the time prescribed by the rules of the Board of Zoning Appeals. All Board of Zoning Appeals procedures shall comply with Town Law § 267-a, as amended from time to time.

(11) All permitted actions by the Board of Zoning Appeals shall comply with Town Law § 267-a, as amended from time to time.

B. Area variances. The Board of Zoning Appeals may hear an appeal for an area variance to relieve dimensional or similar requirements. In considering the grant of an area variance, the Board shall comply with the criteria for the granting of such variances set forth in Town Law § 267-b, as amended from time to time.

C. Use variances. The Board of Zoning Appeals may hear an appeal for a use variance to consider allowing a use not permitted by this chapter. In considering the grant of a use variance, the Board shall comply with the criteria for the granting of such variances set forth in Town Law § 267-b, as amended from time to time.

D. Interpretation. The Board of Zoning Appeals may hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the administrative official charged with the enforcement of this chapter in accordance with Town Law § 267-b, as amended from time to time.

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§ 212-17 **Planning Board.**

A. The Planning Board is hereby charged with carrying out the functions provided for in § 274-a of Town Law: to review and approve, approve with modification and conditions, or disapprove site plans. The Planning Board is charged with carrying out the functions provided for in § 274-b of Town Law: to grant special permits. The Planning Board may be charged with additional specific activities by resolution of the Town Board.

B. The Planning Board may review and provide written comments on all variance applications to the Board of Zoning Appeals for projects that would be subject to Planning Board review and approval if the variance is granted. If providing written comments, the Planning Board shall submit said comments no less than five calendar days prior to the public hearing for the zoning variance application.

C. There is hereby established a Planning Board consisting of five persons who shall function in the manner prescribed by law.

D. The members of the Planning Board shall be residents of the Town of Ulysses and shall be appointed by the Town Board to serve staggered terms of five years. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.

E. All Board members must comply with Town Law § 271, Subdivision 7-a, as to noncompliance with minimum requirements relating to attendance and training as established by the Town Board.

F. The Town Board shall designate the Chairman of the Planning Board. The Planning Board shall choose its Vice Chairman, who shall preside in the absence of the Chairman. In the absence of both the Chairman and the Vice Chairman, the Planning Board shall choose one of its number as acting Chairman. Such Chairman, or the party acting in his or her stead during his or her absence, may administer oaths and compel the attendance of witnesses.

G. There may be appointed additionally up to two alternate members of the Planning Board. Alternate members shall be appointed by resolution of the Town Board for terms established by the Town Board.

H. The Chairperson of the Planning Board shall designate an alternate member to substitute for a regular member in the event that a regular member is unable or unwilling to vote because of a conflict of interest, recusal, absence, abstention, or any other reason and an alternate member is present at the meeting when the designation takes place.

I. To the extent this provision is inconsistent with Town Law § 271, Subdivision 15, it is intended to supersede such section, in accordance with Municipal Home Rule Law § 10(1)(ii)d(3). All other rights, responsibilities and procedures related to alternate members set forth in said § 271 shall apply.

J. The Planning Board shall appoint a secretary, who shall take minutes of all its meetings

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and keep its records.

K. The Planning Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter and all its resolutions and orders shall be in accordance therewith.

§ 212-18 **Special permits.**

A. Purpose and establishment. The purpose of this section is to set forth regulations, procedures, and conditions that apply to certain permitted uses that, because of size, intensity, or other special factors, warrant special evaluation of each individual case. The Planning Board is hereby charged with carrying out the review and approval functions provided for in Town Law § 274-b: to grant special permits as set forth in this chapter.

B. Applicability. The requirements set forth in this section shall apply to all construction, activities, uses, or developments that are referred to elsewhere in this chapter as being allowed only upon receipt of a special permit. Before a building permit can be issued for any of the structures or activities for which a special permit is required, such a permit shall be obtained in accordance with these and other applicable provisions. Any change of use of an existing structure to a use that requires a special permit shall be subject to the requirements of this article.

C. Procedure.

(1) Activities or uses that require a special permit also require site plan review and approval. Application for a special permit shall be made on a form provided by the Town, in addition to the site plan review requirements in § **212-19**. The application for special permit shall not be deemed complete until all of the materials are received by the Zoning Officer and the requirements of SEQR have been met.

(2) Upon receipt of a complete application, the Planning Board shall hold a public hearing in accordance with the provisions of Town Law § 274-b or any similar or successor applicable statutes and shall render a decision approving, approving with conditions, or denying the special permit. Such hearing may be combined with any other hearing relating to the same proposal (e.g., site plan approval and special permit hearings may be combined).

(3) In making its decision, the Planning Board shall have the power to impose conditions and restrictions as authorized by Town Law § 274-b or any similar or successor applicable statutes.

D. Waiver of requirements. The Planning Board may waive one or more of the normal application requirements when it determines that the particular circumstances do not require all of the full application materials for adequate consideration of the request for special permit.

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E. Considerations for approval. The Planning Board's determination of an application for special permit shall include findings consistent with any special criteria set forth in this chapter relating to the specific use or activity for which approval is being sought, and shall also include as appropriate, but shall not be limited to, findings that the following standards have been met:

(1) The health, safety, morals and general welfare of the community in harmony with the general purpose of this chapter (including the specific purposes related to the zone in which the premises are located) are being promoted.

(2) The premises are reasonably adapted to the proposed use, and such use will fill a neighborhood or community need, except that all publicly owned or educational buildings are deemed to be adapted to the proposed use and are deemed to fill a neighborhood or community need.

(3) The proposed use and the location and design of any structure will be consistent with the character of the zone in which it is located.

(4) The proposed use will not be detrimental to the general amenity or neighborhood character in amounts sufficient to devalue neighboring property or seriously inconvenience neighboring inhabitants.

(5) Operations in connection with the proposed use will not be more unreasonably objectionable to nearby properties by reason of noise, fumes, vibrations, illumination, or other potential nuisance, than the operation of any permitted use in the particular zone, except that as to all public buildings, churches, and educational institutions the determination shall be whether the presumed benefit of such a use is outweighed by the objectionable impacts of such use on nearby properties.

(6) Community infrastructure and services, including, but not limited to, protective services, roadways, garbage collection, schools, and water and sewer facilities are currently, or will be, of adequate capacity to accommodate the proposed use.

(7) The proposed use, building design, and site layout comply with all the provisions of this chapter and, to the extent considered by the Planning Board, with other regulations and ordinances of the Town, with the Building Code and all other state and federal laws, rules and regulations, and with the Town's Comprehensive Plan.

(8) The proposed access and egress for all structures and uses are safely designed and the site layout provides adequate access for emergency vehicles.

(9) The general effect of the proposed use upon the community as a whole, including such items as traffic load upon public streets and load upon water and sewerage systems, is not detrimental to the health, safety and general welfare of the community, except that as to all public, religious and educational uses, the

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determination shall be whether the presumed benefit of such a use is outweighed by the detrimental effect of the proposed use upon the health, safety, and general welfare of the community.

(10) The lot area, access, parking, and loading facilities are sufficient for the proposed use and access, parking and loading facilities are adequately buffered to minimize their visual impact.

(11) Natural surface water drainage is adequately managed in accordance with good engineering practices and in accordance with any applicable Town local law or ordinance, including Chapter 156 Stormwater Management and Erosion and Sediment Control, and existing drainage ways are not altered in a manner that adversely affects other properties.

(12) To the extent reasonably deemed relevant by the Planning Board, the proposed use or structure complies with all the criteria applicable to site plan review set forth in this chapter.

F. Modifications of special permit. A special permit that has been issued may be modified upon the application of the owner for such modification. Such application shall be in accordance with the provisions of this section, and the procedures applicable to such application shall be the same as are applicable to an initial application for a special permit. Notwithstanding the foregoing, no approval shall be required if the change is a modification set forth in § **212-19K**, Modifications to approved site plans, as not requiring approval of a modification to a site plan. The waiver of the requirement for approval of a modification to a special permit is subject to the same conditions, and subject to the same limitations as pertain to modifications to approved site plans.

G. Expiration of special permit. A special permit shall be deemed to authorize only the particular use or uses specified therein. Unless otherwise specified by the Planning Board, a special permit shall automatically lapse and expire 18 months after the date the decision is filed if the applicant fails to obtain a building permit or fails to comply with the conditions of the special permit, unless the applicant's failure to obtain a building permit is as a result of a lawsuit brought to challenge the special use permit, in which case the 18-month time allowed to secure a building permit shall only start to run from the date of a final decision, order or judgment of a court of competent jurisdiction upholding the validity of the special permit. A special permit shall expire if the use or uses cease for any reason for more than 12 consecutive months. A special permit may be revoked by the Planning Board if the conditions of the special permit are violated. A special permit shall run with the land and can be transferred to successive property owners, unless the permit has expired or has been revoked for failure to meet the permit conditions.

§ 212-19 **Site plan review.**

A. Purpose and establishment. The purpose of this section is to provide for the review and approval of development plans to ensure that land development occurs in harmony with

surrounding uses, without adversely impacting neighboring parcels, property values, public facilities, infrastructure, or the natural environment. The Planning Board is hereby charged with carrying out the review and approval functions provided for in Town Law § 274-a: to review and approve, approve with modifications and conditions, or disapprove site plans.

B. Applicability. The requirements set forth in this section shall apply to all construction, activities, uses, or developments that are referred to elsewhere in this chapter as requiring site plan approval. Before a building permit can be issued for any of the structures for which site plan review is required, a site plan must be approved by the Planning Board in accordance with these and other applicable provisions. No building permit shall be issued for any proposed improvements that would be in violation of use restrictions, required yard setbacks, lot coverage limits or any other provisions of this chapter. Any change of use of an existing structure to a use that requires site plan approval shall be subject to the requirements of this article.

C. Procedure.

(1) Sketch plan conference. The sketch plan conference with the Planning Board shall precede the submission of a detailed site plan. The purpose of the sketch plan conference is to allow the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions, and generally to determine the information to be required in the detailed site plan.

(2) A sketch plan conference will be scheduled with the Planning Board, no sooner than one week after the Zoning Officer deems the sketch plan materials are complete. The applicant must submit the following materials:

(a) Completed and signed application form, including a description of proposed project;

(b) Payment of all application fees, based on the most recent fee schedule adopted by the Town Board;

(c) Completed and signed Part I of the short environmental assessment form (SEAF) or full environmental assessment form (FEAF), whichever is required;

(d) Completed and signed agricultural data statement (for properties containing or within 500 feet of a farm operation located in a County-designated Agricultural District);

(e) Written approval from the owner to submit the sketch plan, if not the owner of the land under consideration;

(f) Digital and nine paper copies of the following materials:

[1] Brief narrative and preliminary concept showing the locations and

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dimensions of principal and accessory buildings, parking areas, and other planned features and any anticipated changes in the existing topography and natural features;

[2] Sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 300 feet;

[3] Topographic or contour map to adequate scale and detail to show site topography and natural features such as unique natural areas, critical environmental areas, and all streams and wetlands or evidence of these such as hydric soils or vegetation indicative of wetlands;

[4] Conceptual stormwater management plan consistent with local law that outlines the approach to manage runoff and its post-construction treatment on the site. A stormwater pollution prevention plan does not have to be submitted at this time.

[5] Location of proposed septic system.

(g) Location of all existing streams, drainage-ways, water bodies, wetlands and underground agricultural drain tile and piping.

(3) At the sketch plan conference, based upon the information provided, the Planning Board will determine any and all additional information required in the application for approval of a detailed site plan, and whether a public hearing will be required. By the conclusion of the next regularly scheduled meeting after the completion of the sketch plan conference, the Chair of the Planning Board shall provide, in writing, a detailed list of necessary materials to be included in an application for a detailed site plan.

(4) At the completion of the sketch plan conference, the Planning Board will determine which of the following public notices will be required:

(a) Signage provided by the Zoning Officer to be posted at the site by the applicant in a manner that is readily visible to the public from the nearest adjacent public road at least 10 days prior to subsequent review of the site plan materials;

(b) Notice of site plan review (or public hearing) to be mailed to the owners of record as of the last filed assessment roll within 500 feet of the subject property at least five days prior to the date of the meeting; or

(c) Notice of public hearing (see § **212-19E** below).

(5) The Planning Board may, in appropriate cases, waive further site plan review based upon the information provided in the sketch plan after review of the same.

(6) Detailed site plan materials shall be reviewed by the Zoning Officer in order to determine completeness. When deemed complete, the Zoning Officer will schedule a site plan review meeting and public hearing, if required by the Planning Board.

(7) The applicant shall supply all necessary materials for site plan review, including digital and paper copies of plans as required by the Zoning Officer.

D. Site plan information required.

(1) At or following the sketch plan conference, the Planning Board may request that the applicant provide more information, including, but not limited to, any or all of the items from the following list. In determining the information it will require, the Board may consider the type of use, its location, and the size and potential impact of the project.

(2) Site plan checklist:

(a) Names and addresses of all owners of record.

(b) A detailed site plan showing all integral elements within 300 feet of the proposed project site, including, but not limited to:

[1] Property lines for the site, including metes and bounds;

[2] Locations of adjacent public and private streets and highways;

[3] Approximate size and locations of all existing and proposed buildings and structures, including locations of access drives, parking and pedestrian facilities, and off-street loading facilities;

[4] Existing vegetation and proposed landscaping;

[5] Existing and proposed overhead and underground utilities;

[6] Location and design of all water and sewerage facilities;

[7] Location of all existing streams or drainage ways, water bodies, wetlands, and drain tile (if available);

[8] Elevation plans at an appropriate scale for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features;

[9] Proposed exterior lighting; and

[10] Number of parking spaces existing and required for all intended uses.

(c) Stormwater pollution prevention plan, as required by local law.

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(d) Site topography showing contours at an interval appropriate for the site. A two-foot interval is recommended.

(e) For all uses except single- and two-family residences:

[1] Proposed sign(s), including size, height and location;

[2] Area of building to be used for a particular use, such as retail operations, office storage, etc.;

[3] Maximum number of employees;

[4] Maximum seating capacity, where applicable; and

[5] Estimated type and volume of traffic.

(3) In addition to the above, the Planning Board may require other information related to the proposal, including, but not limited to:

(a) A detailed traffic study for large developments or developments in heavy traffic areas, to include:

[1] The number of motor vehicle trips projected to enter or leave the site, estimated daily and peak-hour traffic levels;

[2] The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and

[3] The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities (existing and proposed daily and peak-hour traffic levels as well as road capacity levels shall also be given).

(b) A historical and cultural resources study completed to standards set forth by the State Historic Preservation Office.

E. Action on site plan review application. Site inspections. The Planning Board (individually or as a group), and any such persons as they may designate, may conduct such examinations, tests, and other inspections of the site deemed necessary and appropriate.

(1) Public hearing.

(a) The Planning Board may hold a public hearing, which shall be conducted within 62 days from the day the site plan materials are deemed complete by the Zoning Officer;

(b) In determining whether a public hearing is necessary, the Board shall be guided by the expected level of public interest in the project;

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(c) Applicants may request a public hearing. When an applicant requests a public hearing, no site plan review may be disapproved without such a hearing;

(d) The applicant shall be informed of the public hearing date by the Zoning Officer at least 10 days before said hearing;

(e) Notice of the public hearing shall be advertised in the official newspaper at least five days prior to the date of said public hearing, and the applicant shall be billed by the official newspaper; and

(f) Notice of the public hearing shall be mailed to the owners of record as of the last filed assessment roll within 500 feet of the subject property at least five days prior to the public hearing.

(2) Review criteria. The Planning Board's review of the site plan shall include, but is not limited to, the following considerations:

(a) Location, size, and design of proposed buildings, landscaping, lighting, open spaces and buffers, and outdoor waste facilities;

(b) Location and adequacy of vehicular access and circulation, including intersections, road widths, pavement surfaces, off-street parking and loading areas, and traffic controls;

(c) Location and adequacy of pedestrian and bicycle facilities and appropriate provisions for persons with disabilities;

(d) Potential effect of the proposed development on environmentally sensitive features within the site, such as stream courses, steep slope areas, mature woodlands, wetlands, and other bodies of water;

(e) In the case of multiple residence site plans, location and adequacy of any proposed open space and recreational facilities;

(f) Protection of adjacent neighboring properties from any undue disturbance, such as may be caused by excessive or unreasonable noise, glare, vapors, smoke, fumes, dust, or odors;

(g) Adequacy of stormwater and drainage facilities;

(h) Adequacy of water supply and sewage disposal facilities;

(i) Adequacy of the site layout for beneficial coordination with adjacent properties with respect to pedestrian and vehicular traffic, recreational, space and undeveloped or open space; and

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(j) Compliance with this chapter and any other applicable Town rules and regulations and policies.

(3) Approval Criteria.

(a) No approval or approval with conditions shall be granted until the Board determines that the applicant is in compliance with all other provisions of this and other ordinances.

(b) The project shall be sited and designed so as to be harmonious with the surrounding area and not interfere with the development, use, and enjoyment of adjacent property. In areas where agriculture is permitted use, the project should not have a significant adverse impact upon the agricultural use of neighboring properties.

(c) The project shall promote building design that responds to the surrounding neighborhood and demonstrates respect for surrounding historic resources, while allowing for a diversity of architectural styles and original and distinctive design approaches.

(d) The project shall ensure safe and efficient access for all site users, including pedestrians, cyclists, transit passengers, the mobility impaired, and motor vehicles, as applicable.

(e) The project shall be located, designed, and/ or managed to meet its anticipated travel demand, and shall include reasonable efforts to minimize single-occupancy vehicle trips, reduce vehicle miles travelled, and promote transportation alternatives.

(f) The project shall provide for the adequate protection of significant natural, cultural, heritage, and scenic assets on or near the site.

(g) The project contributes to existing pedestrian-oriented rights-of-way in relation to the public realm and streetscape.

(h) The project shall utilize plant materials that are capable of withstanding the climatic conditions of Ulysses and the microclimate of the site, and shall be planted so as to maximize prospects for healthy growth.

(i) The project shall make for the most efficient use of land and municipal services, utilities, and infrastructure.

(j) Buildings should be oriented to maximize the ability for passive and active solar collection.

(k) Roofs should be structurally capable of supporting solar collectors.

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(l) Buildings should not impede solar access of neighboring parcels.

(m) The Planning Board shall make a decision on the site plan within 62 days after the public hearing, or 62 days after the site plan application materials are received and deemed complete if no hearing is required. The time within which the Planning Board must render its decision may be extended by mutual consent in writing of the applicant and the Planning Board. The decision of the Planning Board shall be filed in the Town Clerk's office within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

F. Consultation on proposed site plan.

(1) At its sole discretion, the Planning Board may consult with agencies or individuals, including, but not limited to, the Zoning Officer, Fire Commissioners, Agriculture Committee, Conservation and Sustainability Advisory Committee, Commissioner of Public Works, other local and county officials, in addition to representatives of federal and state agencies, including the USDA Natural Resource Conservation Service, Tompkins County Soil and Water Conservation District, the State Department of Transportation, and the State Department of Environmental Conservation.

(2) Consultation where fees are involved requires approval by the Town Board. These fees shall be borne by the applicant.

G. Submission of final detailed site plan.

(1) After receiving approval, with or without conditions, from the Planning Board on a site plan, the applicant shall submit a final, detailed site plan to the Zoning Officer for verification before a building permit will be issued.

(2) If more than 12 months has elapsed between the time of the Planning Board's decision on the proposed site plan and the submission of the final detailed site plan, the Planning Board may require a resubmission of the proposal.

H. Waiver of requirements for site plan approval. When considering a proposed site plan, whether it is a sketch plan, preliminary site plan or final site plan, the Planning Board may waive one or more items or design details of the plan that are otherwise normally required under Article **III**, § **212-19D**, to be shown on the plan, if in its discretion it determines that the lack of such information is not a hindrance to its consideration of the proposed site plan.

I. Performance guarantee.

(1) The Zoning Officer shall be responsible for the overall inspection of site improvements, including coordination with Highway Department officials and other

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officials and agencies as appropriate.

(2) Prior to the issuance of a certificate of occupancy and/or site plan compliance certificate, the applicant shall complete all required improvements to the satisfaction of the Zoning Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board.

(3) In the instance when all improvements shown on the approved site plan are not yet completed, a certificate of occupancy and/or site plan compliance certificate may be issued upon:

(a) Deposit by the applicant with the Town Clerk of a certified check in an amount set by the Planning Board to cover the full cost of the required improvements, where costs are determined or verified by a consultant hired by the Planning Board; or

(b) Filing by the applicant with the Town Clerk of a performance bond to cover the full cost of the required improvements, where costs are determined by a contractor hired by the Planning Board. Any such bond shall comply with the requirements of § 274-a of the Town Law and, further, shall be satisfactory to the Town Board and Attorney for the Town as to form, sufficiency, manner of execution, and surety. A period of one year, or such other period as the Planning Board may determine appropriate, not to exceed three years, within which required improvements must be completed shall be set forth in the bond.

J. Reservation of parkland on site plans containing residential units. If the proposed project includes dwelling units, the Planning Board may, in accordance with the provisions and requirements of Town Law § 274-a or any similar or successor law, require a park or parks suitably located for playground or other recreational purposes to be shown on the site plan or, to the extent permitted by § 274-a, monies in lieu of parkland.

K. Modifications to approved site plans.

(1) If at any time subsequent to the approval of a final site plan by the Planning Board an applicant or property owner desires to modify the site plan as approved, an application with the revised site plan shall be submitted to the Planning Board for its consideration of approval. The Planning Board may hold a public hearing on said application of the proposed site plan, and impose any conditions, modifications or additional requirements upon the approval as it may determine appropriate in the furtherance of this chapter and the Ulysses Comprehensive Plan.

(2) Such modification may be made without resubmittal and approval by the Planning Board, upon receipt of a building permit, if it:

(a) Does not involve a violation of any conditions imposed by the Planning Board in

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its original grant of final site plan approval;

(b) Does not involve the shift of the location of one or more buildings or structures a distance exceeding 10 feet in any one direction from the location shown on the final site plan as approved; provided, however, that such a shift does not result in an encroachment on any required yard setback or buffer area;

(c) Does not alter the location of any proposed points of ingress into or egress from the site, or proposed traffic flow within the site;

(d) Involves the construction of or alteration to less than 500 square feet of interior space, or construction which results in the increase in the amount of square feet of an existing building by less than 10%, whichever is less;

(e) Involves the construction, alterations or renovations to the exterior of a building without any change in building footprint, provided said alterations do not affect the size and locations of windows or doorways, or are changes necessitated by New York State Fire Prevention Code and Building Construction Code or its successors;

(f) Involves the construction of or relocation of three or fewer parking spaces;

(g) Involves the installation of any below- or aboveground utilities; and

(h) Is reviewed and approved by the Zoning Officer and Planning Board Chair.

L. Expiration of site plan approval. Unless otherwise specified by the Planning Board, site plan approval shall automatically lapse and expire 18 months after the date the decision is filed with the Town Clerk if the applicant fails to obtain a building permit or fails to comply with the conditions of the site plan approval.

M. Streamlined Site Plan checklist for farm operations in a Tompkins County-adopted, State-certified Agricultural District:

(1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. Show the existing features of the site including land and water areas, water or sewer systems, drain tiles and systems, and the approximate location of all existing structures on or immediately adjacent to the site.

(2) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic. Show the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, and manure storage/manure composting sites and Animal Waste Storage Facilities.

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(3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.

(4) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

(5) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.

(6) Application form and fee.

§ 212-20 **Rezoning for DD—Development Districts or other rezoning actions.**

Intent

The Development District (DD) procedure provides a flexible land use and design regulation through the use of performance criteria so that development may be matched with sensitivity to the unique characteristics of a particular site, and innovative development techniques may be accommodated that might not otherwise be possible through strict application of existing zoning and subdivision requirements. The conventional use, area, form, materials, bulk, and density specifications set forth by other sections of this Land Use Code are intended to be replaced by an approved Development District (DD) for a particular site, which then becomes the basis legislatively established by the Town Board for detailed design, review and control of subsequent development within the designated site.

Thus, where DD techniques are deemed appropriate through the rezoning of land to a Planned Development District by the Town Board, the set of use and dimensional specifications elsewhere in this Land Use Code are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls. While flexibility in substantive regulations is thus encouraged, it is intended that this uniform procedure and the required conformance with this Zoning Code and municipal service capability shall ensure the general welfare through equal treatment under the law, as well as precise control of all aspects of the Planned Development as approved.

Objectives

In order to carry out the intent of this article, a Development District shall achieve the following

objectives:

- A greater choice in the types of environment, types of housing and dwelling unit types, lot sizes and community facilities available to existing and potential Town residents at all economic levels.
- More usable open space and recreation areas.
- The preservation of trees, outstanding natural topography and geologic features and prevention of soil erosion.
- A creative use of land and related physical development which allows an orderly transition of land from rural to village uses.
- An efficient use of land resulting in smaller networks of utilities and streets and thereby lower costs.
- A development pattern in harmony with the objectives of the Comprehensive Plan.
- A more desirable environment than would be possible through the strict application of other articles of this Zoning Code.

A. Requests for rezoning.

(1) The Town Board shall review the request for rezoning, upon submission of preliminary materials to adequately describe the scope of the project to the Town Zoning Officer. Should the Town Board decide that the proposed request for rezoning merits further consideration, the Board shall direct the applicant to proceed with a sketch plan conference, and then shall refer the proposal to the Planning Board for further review and recommendations. The Town Board shall be the lead agency for the public hearing and State Environmental Quality Review (SEQR) as required for changes in zoning. In addition, the Planning Board may schedule a separate public hearing and SEQR as part of site plan review.

(2) Sketch plan conference. The applicant for any rezoning action shall have a sketch plan conference with the Zoning Officer, the Planning Board Chair, the Town Board Planning Liaison, and the Planning Management Officer. The purpose of this conference is to generally and informally review the proposed project, to advise the applicant as to the general process and the application requirements, and to coordinate the rezoning between the Town and Planning Boards. Rezoning actions are at the discretion of the Town Board and do not have a specified time frame within which the action must be decided.

(a) Upon receipt of a request from the Town Board for review of rezoning, the Planning Board shall:

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[1] Review the proposed rezoning for compliance with the Ulysses Comprehensive Plan for development of the Town of Ulysses and may only make recommendation to approve the rezoning request following a finding that it is in conformance with the Town Comprehensive Plan;

[2] Review the development for the proposed site rezoning, including any proposed structures or modifications of structures using the review criteria outlined in § **212-20** for compliance with district regulations of the zone for which rezoning is requested and with relevant sections of this chapter, and require such changes as may be necessary to ensure compliance;

[3] Adopt a resolution recommending approval, approval with modifications, or disapproval of the proposed Development District and general site plan, and forward the same to the Town Clerk within the required time period set forth in Town Law.

(b) The Planning Board shall consider:

[1] The need within the community for the proposed use;

[2] The desirability of the proposed location;

[3] The compatibility of the Applicant's proposed particular mix of land uses with the existing character of the neighborhood in which the proposed use would be located, and the impact on the future quality of the neighborhood;

[4] Safeguards proposed by the applicant to mitigate possible detrimental effects of the uses within the proposed rezoning on the entire area and on adjacent property;

[5] Safeguards proposed by the applicant to preserve existing trees and outstanding topographic or geologic features, and reduce potential for soil erosion and sedimentation.

[6] Evidence that the application is compatible with the goals of Comprehensive Plans, if any.

[7] A general statement as to how common open space is to be owned and maintained.

[8] If the development is to be phased, a general indication of how the phasing is to proceed. Whether or not the development is to be staged, the sketch plan shall show the intended total project.

[9] Evidence of the Applicant's capacity to carry out the plan and the Applicant's awareness of the scope of the application, both physical and financial.

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B. Requirements for rezoning plan. The applicant(s) or petitioner(s) shall submit a plan of the site to be rezoned to the Town Board which plan shall clearly show:

(1) Property lines, including metes and bounds;

(2) All public streets abutting the lot or parcel;

(3) Site topography;

(4) Location and size of all existing structures and site utilities, points of ingress and egress, parking and loading areas and pedestrian facilities;

(5) Location of all existing streams, woodland, wetlands and other significant natural features;

(6) Location and size of all proposed structures and site utilities, points of ingress and egress, parking and loading areas and pedestrian facilities; and

(7) Other plans and specifications related to the proposed use of the site deemed reasonably necessary by the Town Board for a thorough understanding of the proposed use.

C. Development District rezoning plan. The purpose of a Development District is to give flexibility to this chapter in order to accommodate such developments as would be beneficial to the community, but which are not now permitted in the established zoning district where the proposed project is located. These Development Districts must not be contrary to the Ulysses Comprehensive Plan or this chapter. In addition to the requirements for rezoning, a proposed Development District shall be a minimum of three acres. Site plan material submitted with the application for review by the Planning Board must be in accordance with the Town Development District application procedure, available from the Zoning Officer, and amended as necessary from time to time.

D. Process for rezoning by Town Board.

(1) Upon receipt of the requested recommendation from the Planning Board, the Town Board shall hold a public hearing and conduct environmental review under the State Environmental Quality Review, after which it may, at its discretion, approve the proposed rezoning request, disapprove the proposed change, or approve it with modifications. The Town may impose any conditions, modifications, or additional requirements upon the approval as it may determine appropriate in the furtherance of this chapter and the Town Comprehensive Plan. In making its decision, the Town Board shall make an affirmative finding regarding whether or not the proposed change is in conformance with the Town Comprehensive Plan.

(2) An affirmative vote of at least four members of the Town Board shall be required to establish the Development District if:

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(a) The Planning Board recommends that the proposed Development District not be approved based on the Ulysses Comprehensive Plan; or

(b) The Planning Board recommends that the proposed Development District be approved but with modifications, including modifications of proposed allowed uses and to the proposed site plan, that the applicant is not willing to make.

(3) The Town Board in establishing a new zoning district shall define, in writing, the boundaries of the new district, approve the site plan and list all specifications and restrictions approved for the site plan. The site plan as approved by the Town Board shall be binding on the applicant.

(4) Upon the approval by the Town Board of a site plan submitted as part of an application or petition for the establishment of a Development District, said site plan shall be submitted to the Planning Board for consideration of final site plan approval if not previously conducted as part of the rezoning review.

Article IV
Terminology

§ 212-21 **Word usage.**
For the purpose of this chapter certain words shall have the following meanings unless otherwise required by the context:

A. Words used in the present tense include the future;

B. The singular number includes the plural, and the plural the singular;

C. The word "building" includes the word "structure";

D. The word "occupied" includes the words "designed or intended to be occupied"; and

E. The word "used" includes the words "arranged, designed or intended to be used."

§ 212-22 **Definitions.**
As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING

A building subordinate to and clearly incidental to the principal building on the same lot, and used for the purposes customarily incidental to those of the principal building. An accessory building shall not contain habitable space. For the purposes of this chapter, tractor trailers, shipping containers, PODS®, and similar structures are not considered to be accessory buildings.

ACCESSORY DWELLING UNIT

A habitable living unit added to or detached from a single-family residence that provides

the basic requirements of living, sleeping, eating, cooking, and sanitation.

ADULT CARE CENTER

A building used for the care, protection and supervision for fee of more than 12 elderly or disabled adults for part of a twenty-four-hour day, such care to include personal assistance, development of skills for daily living and opportunities for social contact.

ADULT CARE, FAMILY

Any building used for the care, protection and supervision for fee, at least once a week, of not more than six elderly or disabled adults for part of a twenty-four-hour day by a resident of the dwelling, such care to include personal assistance, development of skills for daily living and opportunities for social contact, excluding, however, the care of an adult(s) given by relatives.

ADULT CARE, GROUP

Any building used for the care, protection and supervision for fee, more than once a week, of more than six but not more than 12 elderly or disabled adults for part of a twenty-four-hour day by a resident of the dwelling, such care to include personal assistance, development of skills for daily living and opportunities for social contact.

ADULT ENTERTAINMENT BUSINESS

A business, including arcades, bookstores, theatres, dance clubs, massage parlors and similar establishments, providing live, motion picture, videocassette, slide, photographic or computer-generated visual entertainment characterized by: the display of less than opaquely covered female human genitals or male human genitals in a discernible turgid state, the human pubic region, buttocks, or female breast or breasts below the top of the areola; or human sexual activity, including human genitals in a state of sexual arousal, or acts of sexual intercourse, sodomy or masturbation, or fondling or other touching of human genitals, pubic region, buttocks or breasts for the purpose of sexual arousal; and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions characterized by: the display of less than opaquely covered female human genitals or male human genitals in a discernible turgid state, the human pubic region, buttocks, or female breast or breasts below the top of the areola; or human sexual activity, including human genitals in a state of sexual arousal, or acts of sexual intercourse, sodomy or masturbation, or fondling or other touching of human genitals, pubic region, buttocks or breasts for the purpose of sexual arousal.

AGRICULTURE

[*See 'Farm Operation'*]

AGRICULTURAL BUILDING

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation.

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AGRICULTURAL EDUCATION AND RECREATION FACILITIES

Facilities for recreational, educational, and entertainment activities operated in conjunction with and as part of an overall direct farm marketing strategy for an active farm operation or farm market. These facilities shall contribute to the production, preparation and marketing of the following:

- crops;
- livestock and livestock products;
- distilled and brewed products, cider, and wine when composed predominantly of on-farm produced grain, hops, grapes or other fruits; and
- foodstuffs and prepared foods comprised primarily of ingredients produced on the premises for consumption on-site and off-site.

AGRICULTURAL EVENTS

On-farm events, including, but not limited to, farm tours, hayrides, corn mazes, seasonal petting farms, opportunities to pick or cut produce on "pick your own" or "cut your own" fields or orchards or pumpkin patches, educational demonstrations, and classes related to agricultural products or skills offered in conjunction with the above. Events must be directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm; incidental and subordinate to the retail or wholesale sale of the farm's crops, livestock and livestock products; hosted by the farm operation; and prominently feature the farm's crops, livestock and livestock products at all locations in which the event is conducted on the farm.

AIR-ACTIVATED GRAPHIC

A sign, all or any part of which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

AIRPORT

An area of land or water set aside and designed for the landing and takeoff of aircraft, that is regulated by the Federal Aviation Administration (FAA), and that includes facilities necessary for the housing and maintenance of aircraft.

AIRSTRIP, PRIVATE

An area of land or water set aside and designed to be utilized by the owner of the property for the landing and takeoff of aircraft, and that includes facilities necessary for the housing and maintenance of aircraft.

ALL-WEATHER SURFACE

Any roadway, driveway, alley or parking lot surface paved with crushed stone, asphalt, concrete or other pervious or impervious material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions and minimize the potential for

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ruts, potholes or pooling of water. (See also "impervious surface.")

AMUSEMENT, PLACE OF

A facility providing rides, games, variety shows and other forms of entertainment, and food and drink for the amusement of the general public.

ANIMAL WASTE STORAGE FACILITY

An animal waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure consisting of constructed surfaces, tanks, or walls for the purpose of storing waste above or below the ground surface.

ARTIST'S STUDIO

A use involving small-scale production or assembly with no noxious by-products, and which may include a showroom or ancillary sales of products. No processes or equipment may be used that create heat, glare, dust, smoke, fumes, odors, or vibration detectable off the property.

AUCTION HOUSE

An enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items of a personal or business nature, motor vehicles, machinery, heavy equipment, items of an industrial nature, or items not normally found within retail stores are offered for sale through competitive bidding. The term ''auction house'' does not include flea markets, yard sales, livestock markets, or bank repossession sales.

AWNING SIGN

An awning sign is a sign printed on any of the surfaces of an awning, and which may include an under-awning sign attached to and mounted under the awning.

BALLOON SIGN

A sign that is an air-inflated graphic, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. See also 'air-activated graphics.'

BANNER SIGN

A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

BAR

An establishment primarily engaged in the retail sale of alcoholic drinks, such as beer, ale,

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wine and liquor, for consumption on the premises.

BED-AND-BREAKFAST

An owner-occupied, one-family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers and containing not more than six bedrooms for such lodgers.

BICYCLE/SKI RENTAL BUSINESS

Establishment for the purpose of renting non-motorized recreation equipment, such as bicycles and cross-country skis, where there is no permanent outdoor storage or display of equipment, and may include retail sales incidental and subordinate to non-motorized recreation activities, subject to the following: no more than 20% of the square footage of the building or structure used by the establishment will be used for such retail sales.

BLADE SIGN

A temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

BOARDING HOUSE

A building arranged or used for lodging for compensation, with or without meals, for up to 15 occupants, and which is not occupied as a single-family unit.

BREAST HEIGHT (bh)

The standard height at which the caliper (diameter) of a tree is measured, 4 1/2 feet above the base of the trunk of the tree.

BUFFER, STREAM PROTECTION

A strip of land on each side of a stream that is left vegetated or replanted with native woody tree and shrub plants to provide several important societal services, including flood reduction, erosion control, groundwater filtration, surface water quality improvement and wildlife habitat.

BUILDING

Any structure having a roof supported by columns, posts or walls.

BUILDING HEIGHT

The height of any building shall be the vertical distance of the highest point of the roof or any rooftop deck, fence, railing, widow's walk, or other rooftop structure or feature above the mean finished grade of the ground adjoining the building. Chimneys, ventilators, antennas, skylights, tanks, bulkheads, or solar panels shall not be considered part of the height of the building if they do not extend more than four feet above the specific height limit. Domes, towers, or spires which are the integral part of churches or religious buildings shall not be subject to these limitations, provided that such features shall in no

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way be used for living purposes.

CAMPER

A dwelling designed and used for temporary residence mounted on a chassis designed to be towed or mounted on a truck for travel over roads and highways. Units may be self-contained or designed for temporary connection to electric, water or sewerage utilities. (See also "motor home.")

CAMPGROUND, GROUP

Any parcel of land on which the following are located for group activities by private groups or semipublic groups, such as a boy or girl scout camp, fraternal lodge, summer camp facility, conference center or nature center: 1) tent sites, cabins, or other accommodations of design or character suitable for seasonal and temporary accommodations; and/or 2) a structure or structures containing communal facilities, such as a kitchen, dining area, gathering space and bathrooms. No camping vehicles, campers or motor homes shall be permitted on the premises. There shall be no more than two year-round single-family homes for each group campground facility, which shall be accessory to the group campground use, such as housing for a caretaker

CAMPGROUND, OVERNIGHT

Any parcel of land on which are located two or more tent sites on or off platforms, or small camper sites, such as pop-up type, and is primarily used by overnight, weekend, or short-term (not seasonal) campers, and for which fees are charged. Large campers, such as Class A or C self-propelled units, are clearly an incidental and accessory use and limited to no more that 10% of the campsites. Storage on more than 10% of the campsites, storage on more than 10% of the total site capacity and commercial sales of Class A or C vehicles are prohibited.

CAMPGROUND, SEASONAL

Any parcel of land on which are located two or more cabins, park models, travel trailers, recreational vehicles or other accommodations of design or character suitable for seasonal or temporary living purposes, and on which these accommodations may be stored year around, and for which fees are charged. Each seasonal camp site shall be connected to utilities and sanitary waste disposal system.

CHILD-CARE CENTER

A building used for the care, protection and supervision for fee, more than once a week, of more than 12 children at any one time. If conducted within a dwelling by a resident of said dwelling, children of the resident under the age of 16 shall be counted in determining the number of children being cared for.

CHILD CARE, FAMILY

The care, protection and supervision for fee, more than once a week, of not more than six children at any one time by a resident of a dwelling. Children of the resident under the age

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of 16 shall be counted in determining the number of children being cared for.

CHILD CARE, GROUP

The care, protection and supervision for fee, more than once a week, of more than six but not more than 12 children at any one time. If conducted within a dwelling by a resident of said dwelling, children of the resident under the age of 16 shall be counted in determining the number of children being cared for.

CLEAR-CUT

A stand in which essentially all trees have been removed in one operation. Depending on management objectives, a clear-cut may or may not have reserve trees left to attain goals other than regeneration.

CLINIC

A building designed and utilized in the diagnosis and treatment on an outpatient basis only of persons who are sick or injured, providing clinical, temporary, surgical and laboratory medical services.

COMMUNITY CENTER

A place, structure or other facility used for fraternal, social, educational and recreational programs generally open to the public and intended to serve significant segments of the community.

CONFERENCE CENTER

A building or structure designed and available to rent to persons, businesses or organizations for the purpose of one or more group meetings, social events, exhibitions or other large gatherings. Restaurant or cafeteria facilities may be included in such a building or structure.

CONSERVATION EASEMENT

A perpetual restriction on the use of land, created in accordance with the provisions of § 49, Title 3, of the Environmental Conservation Law, or § 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land or natural, cultural, historic or scenic resources.

CORNICE

A projection aligned horizontally along and crowning a building wall, door, window, or other opening in the building wall.

COTTAGE INDUSTRY

A manufacturing, construction or service enterprise owned and operated by a resident of the principal dwelling on a lot, but which is not engaged in retail sales with established hours of operation, or services on the premises, and which does not employ more than 10

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persons on site not residing on the property.

CUL-DE-SAC

See "road, dead-end."

DOMESTIC LIVESTOCK

Domestic animals, such as cattle, sheep, hogs, goats, horses, poultry, alpacas, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, or farmed buffalo, raised for sale or home consumption of meat, fiber, milk, eggs, or as work animals.

DRIVE-THROUGH

A facility that dispenses goods through an attendant window or automated machine to persons remaining in vehicles in a designated drive aisle.

DWELLING

A building or portion thereof designed and used for human habitation, with an independent entrance and with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family, excluding tents, hotels, motels or other building designed for transient residence.

DWELLING UNIT

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, cooking, sanitation and sleeping.

ECO-TOURISM

Environmentally responsible travel and visitation to natural areas, in order to enjoy and appreciate nature (and any accompanying cultural features, both past and present) that promote conservation, have a low visitor impact and provide for beneficially active socio-economic involvement of local peoples. Uses may include bike rentals, kayak rentals, hiking trails, bird watching, etc.

ELDER COTTAGE

A separate, detached one-family dwelling of not less than 560 square feet and not more than 750 square feet. The unit may be manufactured housing, provided that the width of the unit shall be no less than 22 feet. The unit shall be designed to be temporarily placed on a lot as an accessory dwelling to the principal dwelling, for the purpose of providing housing for one or more persons related by blood, marriage or adoption

ELECTRONIC MESSAGE CENTER

An electrically-activated display that utilizes computer-generated messages or other electronic means of changing sign copy to present variable messages and/or graphic presentations. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

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EXTRACTIVE INDUSTRY

The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes used for the extraction or removal of minerals from their original location and the preparation such as washing, cleaning, crushing, stockpiling or other processing at the mine location that makes a mineral suitable for commercial, industrial or construction use, but does not include operations extracting natural gas and/or petroleum. For the purpose of this chapter, borrow pits (excavations for removing material for filling operations) which exceed 2,000 tons in a one-year period are considered extractive industry.

FAIR

A competitive exhibition of agricultural products and animals, usually with accompanying food and merchandise vendors, displays, entertainment and amusements.

FAMILY

A. One or more persons living together in a single dwelling unit, all of whom are related by blood, marriage or adoption; or

B. A functional family unit, defined as follows: A group of individuals living together in a single dwelling unit and functioning as a family. In determining whether a group of legally unrelated individuals is a functional family unit, the following criteria must be met:

(1) The occupants must share the entire dwelling unit.

(2) The household must have stability. Evidence of such stability may include following:

(a) The presence of minor dependent children regularly residing in the household.

(b) Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.

(c) Whether different members of the household have the same address for the purposes of:

[1] Voter registration.

[2] Drivers' licenses.

[3] Motor vehicle registration.

[4] Summer or other residences.

[5] The filing of taxes.

(d) Common ownership of furniture and appliances among the members of the

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household.

(e) Enrollment of dependent children in local schools.

(f) Employment of household members in the local area.

(g) A showing that the household has been living together as a unit for a year or more, whether in the current dwelling or other dwelling units.

(h) Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

FAMILY CHILD CARE

See "child care, family."

FARM [*See 'Farm Operation'*]

FARM BREWERY

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law§ 51-a or a successor provision to produce beer and cider.

FARM CIDERY

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law § 58-c or a successor provision to produce beer and cider.

FARM DISTILLERY

An entity an entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law §61(2-c) or a successor provision to produce liquor.

FARM OPERATION

As defined in the Agriculture and Markets Law Article 25-AA, §301, the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation, a timber operation, compost, mulch or other biomass and commercial equine operation. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FARM OPERATION, ACCESSORY COMMERCE

A retail or enterprise operated as an accessory use to an active farm operation on the same premises:

- Selling products principally utilized in agricultural production, limited to 1,500 square feet of outdoor display or storage of products. Examples of such products include seed, fertilizers, agricultural equipment and agricultural equipment parts, batteries and tires;

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and products allowed to be sold by the New York State Department of Agriculture and Markets such as farm machinery. Sale of plants and plant materials is exempt from the outdoor display limitation.

- Providing agricultural equipment repairs;
- Processing and packaging of food where the predominant ingredient is not grown on-farm.

FARM WINERY

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law §76-a or §76-d or a successor provision to produce wine and cider.

FARM LABOR HOUSING

A temporary or permanent structure that is clearly accessory to an agricultural operation and occupied by farm workers employed on the premises and their families.

FLAG LOT

See "lot, flag."

FLOOR AREA

The sum of the gross horizontal areas of all the floors of a building, measured from the exterior faces of exterior walls, or from the centerline of party walls separating two buildings. Floor area does not include unoccupiable space, within a basement or attic, per the New York State Uniform Fire Prevention and Building Code.

FRATERNAL ORGANIZATION

An organization of persons, excluding churches, mosques, synagogues, temples or other places of worship, formed for a specific purpose, such as the promulgation of arts, literature, politics, civic involvement or other mutual interest, or out of a common experience or heritage, but not operated for profit.

FRONTAGE

The length of the boundary line of a lot abutting on the public highway right-of-way. In the case of lots that bound on a lake shore, the length of the boundary line abutting the lake on a line or lines running parallel to the general shoreline.

FULLY SHIELDED LIGHT

An outdoor light fixture shielded or fabricated so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

GLARE

A continuous source of light caused by the reflection of sunlight from a solar collection system that has the potential to create an after-image when viewed directly.

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GRADE

The average finished ground level of the land at which the perimeter of a building or structure meets the ground.

GROUP CAMPGROUND

See "campground, group."

GROUP CHILD CARE

See "child care, group."

HANDICAPPED PERSON

See "person with disabilities."

HANDICRAFT ITEM

An object that requires use of the hands, hand tools and human craft skills for its production, and which is usually not adaptable to mass production by mechanical means.

HEALTH CLUB

A private gymnasium, athletic, fitness, health or recreational facility, or reducing salon or weight-control establishment.

HOME OCCUPATION

An occupation, profession, activity or use performed by the resident that is clearly a customary, incidental and secondary use of a residential property, ; and which does not affect the use of the property for residential purposes or alter the exterior residential character of the property.

HOSPITAL

An establishment for temporary occupation by persons who are sick or injured for the purpose of medical diagnosis and treatment, including clinical, temporary, surgical, laboratory and emergency medical services.

HOSTEL

An establishment providing transient, overnight accommodations, typically characterized by low cost, shared use of a self-service kitchen, common areas, sleeping rooms and bathroom facilities.

HOTEL

A multiple dwelling used primarily for the purpose of furnishing for compensation lodging, with or without meals, for transient guests, and which may provide additional services, such as restaurants, meeting rooms, recreational facilities and shops for the sale of gifts and incidental items to guests.

HUNTING CLUB

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A building, facility or organization catering exclusively to members and their guests, and including facilities for trap shooting, target shooting, and archery, for both practice and competition, and other outdoor recreational pursuits by members and their guests, except motorized racing; provided, however, that vending stands, merchandising or other commercial activities are not conducted on their premises, as may be incidental to the operation and maintenance of the facility, and generally for the benefit of members and to further the purposes of the club.

IMPERVIOUS SURFACE

Any material or surface that substantially reduces or prevents the infiltration of water into the ground, including areas covered by buildings, conventionally surfaced roads and highways, driveways and parking lots, and sidewalks. (See also "all-weather surface.")

INN

A facility with not more than 15 guest rooms providing temporary overnight lodging for transient guests, including related guest services, including spas, dining rooms, restaurant, meeting and conference facilities, and retail sales that are clearly accessory to, and identified with the business of the facility.

JUNKYARD

An open area used for the storage or accumulation of wastes, used and secondhand materials, including, but not limited to, building materials, scrap metal, plastic, paper, rags, glass, broken appliances and electronic equipment, rubber tires, bottles, refuse, inoperative vehicles and other machinery, and other debris that is not generated by or used in any ongoing agricultural operations on the premises. For the purpose of this chapter, an automobile wrecking yard is also considered a junkyard.

KENNEL

Any building or lot where four or more dogs are raised and/or boarded for the purpose of sale, breeding, training or exhibition, or are boarded for a fee or are sheltered for humanitarian reasons.

LAND ANNEXATION

The transfer of title of land from its owner to an abutting owner, for consolidation with an abutting lot.

LAWN/LANDCAPING SERVICE

A business or not-for-profit organization that provides yard and garden maintenance service which may include an office or other buildings and structures where equipment, inventory, and vehicles are kept. The accumulation of trash, debris, garbage or other waste or junk or scrap material is not permitted.

LIFE-CARE FACILITY

A facility for the residency of persons aged 55 or older and/or persons with disabilities that

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includes one or more of the following features or services: individual dwellings; congregate apartments where residents may share common meals; nursing home facilities; laundry services; common recreational facilities; and other personal services.

LIGHT FIXTURE

The assembly that houses a lamp or lamps and which can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

LIGHT POLE BANNER

A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.

LIGHT INDUSTRY

The manufacture of finished products or parts predominantly from previously processed or prepared materials, including processing or fabrication, assembly, treatment, packaging, incidental storage, or sales and distribution of such products.

LIGHTWELL

An entry type where part of the building front facade is below ground, entry may step up to the above ground floor and/or step down to the below grade floor.

LODGE

A building or buildings located on a parcel of at least 15 acres in which overnight accommodations and meals may be offered to paying transient guests, where such use is secondary to an active farm operation or is part of an eco-tourism enterprise. The capacity of said facility shall be no more than eight (8) overnight guest rooms.

LOT

A parcel of land that may be occupied by one or more principal buildings and accessory buildings for uses customarily incidental to the principal buildings, including such open spaces as are used in connection with the principal building or buildings.

LOT AREA

All of the land between the boundary lines of a lot but not including any portion of the public highway right-of-way that may be included in the deed description of said lot.

LOT, CORNER

A lot or parcel of land abutting two or more public or private road or highway rights-of-way at their intersection, or on two sections of the same road or highway.

LOT COVERAGE

That portion of a lot covered by all buildings or structures on a lot or parcel, including

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concrete, asphalt or similar impervious surfaces used for parking, sidewalks, drives and roads. Driveways, walkways, and parking areas for a single-family or two-family dwelling on the lot are excluded from the calculation of lot coverage.

LOT DEPTH

The least distance measured perpendicular from the front lot line to the rear lot line of a parcel.

LOT, FLAG

A parcel of land whose configuration is so designed to make a legally conforming lot that is otherwise landlocked by road-fronting parcels. Access to a road from the interior lot is provided for by a strip of land (called the "pole") that is contiguous with the interior lot (called the "flag"). The buildable, interior portion of the lot (the "flag") must meet the minimum lot area requirements in the zone, exclusive of the acreage of the pole. A "front lot line" is defined as a line within the flag portion of the parcel that is parallel to or approximately parallel to the accessed road and meets the minimum lot width at the front lot line for the zone. This front lot line established in the flag will be used as a baseline for measuring the front yard setback and identifying side and rear lot locations. A lot that meets all of the lot area and yard requirements for the zone, except for the required road frontage, may not be declared a flag lot unless the land adjacent to the pole and in front of the flag is part or all of a separate legal and conforming lot for that zone.

LOT LINE

A boundary line of a lot.

LOT LINE, FRONT

The lot line or lines of a parcel of land coterminous with a public highway right-of-way or private road, or approximately parallel to and nearest to a public highway right-of-way or private road as determined by the Zoning Officer, or, in the case of lots that bound on a lake shore, the line coterminous with or approximately parallel to the published mean high-water line.

LOT LINE, REAR

The lot line or lines of a parcel of land on the opposite side of said parcel from a public highway right-of-way or private road, or on the opposite side of said parcel approximately parallel to and nearest to a public highway right-of-way or private road as determined by the Zoning Officer.

LOT LINE, SIDE

Any lot line that is not a front or rear lot line.

LOT WIDTH

The shortest distance between the side lot lines, measured from the point where each side lot line intersects with the minimum front lot setback line.

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LUMINAIRE

A complete lighting system, including a lamp or lamps and the attendant light fixture.

MAJOR SOLAR COLLECTION SYSTEM (or MAJOR SYSTEM)

An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, and/or for on-site use. Facilities consist of ground-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Major solar collection systems are defined as ground-mounted accessory systems with a total surface area greater than 2,000 square feet of panels. [Added 11-24-2015 by L.L. No. 3-2015]

MANUFACTURED HOME

A dwelling which is factory-built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401) and which is transportable in one or more sections, is affixed to a chassis with axles and wheels, and is designed to be placed on a permanent or temporary foundation.

MANUFACTURED HOME, DOUBLEWIDE

A manufactured home comprised of at least two sections transported separately and attached on site, and having a minimum width of 22 feet.

MANUFACTURED HOME PARK

A parcel of land under single ownership that has been improved for the purpose of renting or leasing sites for the placement of manufactured housing.

MANUFACTURED HOME, SINGLEWIDE

A manufactured home comprised of no more than one section, on a single chassis, and having a width of at least 12 feet.

MARINA

A facility for berthing, servicing, fueling, launching and storage of private watercraft that may also include the sale, lease, rental or charter of watercraft, and the sale of fuel, marine products and accessories, and incidental supplies for water craft owners, crews and guests.

MEAN HIGH-WATER ELEVATION (MHWE)

Mean high-water elevation (MHWE) is measured using the National Geodetic Vertical Datum 1929 (NGVD 1929) and the lake elevation at the Cayuga inlet based on the United States Geological Survey. [Added 8-12-2014 by L.L. No. 3-2014]

MINOR SOLAR COLLECTION SYSTEM or MINOR SYSTEM

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A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, accessory to the use of the premises for other lawful purposes. Minor solar collection systems are defined as roof- or building-mounted solar collectors greater than 60 square feet on any code-compliant structure, and ground-mounted solar collectors with the total surface area greater than 60 square feet and less than 2,000 square feet. [Added 11-24-2015 by L.L. No. 3-2015]

MOBILE HOME

A dwelling which is factory-built, transportable in one or more sections, affixed to a chassis with axles and wheels, and designed to be placed on a permanent or temporary foundation, but which is not built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401).

MONUMENT SIGN

A freestanding sign attached to a pedestal or perimeter wall.

MOTEL

A multiple dwelling used primarily for motorists, not over two stories in height, in which the exit from each dwelling unit or sleeping room is directly to the exterior. The term includes, but is not limited to, the terms "motor court," "motor hotel," and "tourist court."

MOTOR HOME

A dwelling designed for temporary residence mounted on a self-propelled chassis designed for travel over roads and highways. Units may be self-contained or designed for temporary connection to electric, water or sewerage utilities. (See also "camper.")

NATURAL GAS

Any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

NATURAL GAS AND/OR PETROLEUM EXPLORATION

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, which include, but are not limited to, core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

NATURAL GAS AND/OR PETROLEUM EXPLORATION AND PRODUCTION WASTES

Any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material that

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results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

NATURAL GAS AND/OR PETROLEUM EXTRACTION

The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum, or other hydrocarbons.

NATURAL GAS AND/OR PETROLEUM SUPPORT ACTIVITIES

The construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

NONCONFORMING USE

A building, structure or use of land lawfully existing at the time of the enactment of this chapter which, as a result of the adoption of this chapter or an amendment hereto, does not conform to the zoning regulations of the zone in which it is situated.

NURSERY AND GREENHOUSE

Buildings, greenhouses and land used for growing horticultural specialties, including nursery stock, shrubs, trees, flowers, and hothouse plants.

NURSING HOME

An extended- or intermediate-care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

PARENT LOT

Any parcel of land owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this chapter which has a total area which exceeds the minimum requirements for lot size, and for which there exists the legal possibility of subdivision, re-subdivision, and/or a Development District.

PARK, COMMUNITY

A parcel of land in public or private ownership available to the public for daytime and evening recreational, educational, cultural or scenic purposes, intended for use by residents living within a few miles of the facility.

PARK, REGIONAL

A parcel of land in public or private ownership available to the public for daytime, evening and overnight recreational, educational, cultural or scenic purposes, such as a county, regional or state park.

PAVEMENT

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See "all-weather surface."

PENNANT

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

PERSON WITH DISABILITIES

A person having a physical or mental impairment that substantially limits one or more of the person's major life activities so that such a person is incapable of living independently; possessing a record of having such an impairment; and being regarded as having such an impairment. This term, however, does not include current illegal use of or addiction to a controlled substance, nor does it include any person whose presence would constitute a direct threat to the health and safety of other individuals.

PLAT

A. A map representing a tract of land, showing the boundaries and location of individual properties and roads;

B. A map of a subdivision or site plan.

PLOT PLAN

See "site plan."

PORCH

A porch is a raised, roofed platform attached to a building forming an articulated entryway and semi-private social space.

PORCH SIGN

A porch sign is a sign that is hung from the porch of a building and intended to be viewed from the sidewalk at close range.

PRACTICABLE

Capable of being done after taking into consideration of cost, time, technology, and logistics in light of overall project purposes.

PRESERVE

A tract of land dedicated to the protection of one or more scenic or environmental attributes, including, but not limited to, flora, fauna, geological features, lakes, streams, wetlands or other hydrological features.

PRINCIPAL BUILDING

The building on a lot which provides housing for the owner or tenants, or, in a business or industrial zone, the largest building on the lot.

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PROFESSIONAL OFFICE

A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public. A professional office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services. Professional offices may include government offices, the practice of an accountant, architect, landscape architect or other design professional, engineer, insurance agent, attorney, real estate agent or broker, securities broker or similar profession, or the place of business or practice of a group of such professionals operating as a partnership, corporation or other legal business arrangement.

PROJECT SITE

Any area that has been or will be physically changed as a result of a proposed development or construction project, or has been or will be utilized on a temporary basis during the course of construction.

RECREATIONAL VEHICLE

See "motor home" and "camper."

REPAIR SHOP, PERSONAL SERVICE

A store or other place of business at which is conducted the repair of personal customer items such as shoes, clothing, jewelry, etc. or personal service such as barber shops or hairdressers; decorators, dressmakers or tailors; opticians; photographers; digital imaging; video, DVD and other electronic visual and audio entertainment media rentals; and businesses of a similar and no more intense nature.

RESEARCH AND DEVELOPMENT

A business or facility dedicated to research, investigation, enterprise, experimentation, testing and product development, including, but not limited to, computer software, data compilation and manipulation, but not including facilities for manufacturing, distribution or sales of products, except as an incidental activity.

RESIDENCE, MULTIPLE-FAMILY

A building or structure situated on a single lot and containing three or more dwelling units.

RESIDENCE, SINGLE-FAMILY

A building or structure situated on a single lot and containing one dwelling unit, including doublewide manufactured homes.

RESIDENCE, TWO-FAMILY

A building or structure situated on a single lot and containing two dwelling units.

RESIDENTIAL CARE/ASSISTED LIVING/REHABILITATION FACILITY

A building or portion thereof housing persons on a twenty-four-hour basis who because of age, mental disability, addiction or other reasons live in a supervised residential

environment that provides personal-care services, but who nonetheless are capable of responding to an emergency situation without any physical assistance from staff, including, but not limited to, residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol- and drug-abuse centers and convalescent facilities.

RESOURCE ANALYSIS

The inventory and evaluation of natural, historic, and cultural resources on a property to identify those resources to be protected, provide the basis for the maximum density calculation and determine locations for building envelopes.

RESTAURANT

An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, where the sale of alcoholic beverages is incidental to the sale and consumption of food, and where customers are served their food and beverages by a restaurant employee for consumption:

A. At the same table or counter at which the food or beverages are served; or

B. Elsewhere within the building; or

C. Within a motor vehicle parked on the premises; or

D. Off the premises as carry-out orders.

RETAIL USE [*See 'Retail Service*]

RETAIL SERVICE

A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the "primary function" of the business when such sales equal at least 80 percent of the gross sales of the business.

RIGHT-OF-WAY, HIGHWAY OR ROAD

A strip of land owned or controlled by the Town government for the purpose of providing access to abutting lots or for providing a bed for a future improved roadway. All Town rights-of-way are shown on the Town of Ulysses Official Map. Unless otherwise indicated, all Town rights-of-way are 60 feet wide.

ROAD

A street, avenue, lane, highway or other public way; a public right-of-way improved or intended to be improved for traffic. A private drive is not considered to be a road.

ROAD, DEAD-END

A road or a portion of a road with only one vehicular traffic outlet.

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ROAD, MAJOR

A road with the capacity to serve heavy flows of traffic and intended primarily as a route for traffic between areas generating heavy volumes of traffic.

ROAD, MINOR

A road intended to serve primarily as an access to abutting properties.

ROAD PAVEMENT

The wearing or exposed surface of a roadway used by vehicular traffic.

ROADSIDE STAND

A temporary or permanent accessory building, wagon or trailer, not exceeding 240 square feet in size, for the purpose of retail sale of produce, baked goods and handicraft items to the public.

ROAD WIDTH

The width of a right-of-way, measured at right angles to the center line of the road.

SAUNA

A steam bath or heated bathing room used for the purposes of bathing and relaxation, with steam or hot air used as a cleansing and relaxing agent.

SAWMILL, COMMERCIAL

A facility, generally operating on one or more full-time work shifts, five or more days per week, constructed for the processing of timber logs into forestry products, such as milled lumber, cants, treated posts, firewood and wood by-products, such as slab wood, wood chips, bark chips and sawdust, and including planing and sizing facilities, kilns, storage yards and accessory maintenance facilities incidental to sawmill operations.

SAWMILL, SMALL-SCALE

A facility for the processing of timber logs into forestry products, such as milled lumber, cants, treated posts, firewood and wood by-products, such as slab wood, wood chips, bark chips and sawdust, and which may include planing and sizing facilities, kilns, storage yards and accessory maintenance facilities incidental to sawmill operations, but which is generally operated for the custom cutting of timber for local craftsmen.

SELF-SERVICE STORAGE FACILITY

A building comprised of small self-contained units that are leased to individuals or businesses for the storage of household or business goods and supplies.

SETBACK

The distance between any building on a lot or parcel of land and a property line. The highway right-of-way shall be deemed a property line for the purpose of measuring setback.

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SHOPPING CENTER

A number of businesses located on single parcel, or adjacent parcels under single ownership, or in every case, adjacent parcels having shared access to a public thoroughfare.

SIDE YARD

See "yard, side."

SIGN

Any permanent or portable structure, or part thereof, or any device attached to a structure or painted or represented on a structure which displays or includes any lettering, wording, image, model, drawing, banner, flag, insignia, device, marking or representation used as, or which is the in the nature of an announcement, direction, or advertisement visible from a right-of-way whose purpose and design is to convey messages by means of words or images. Public art that contains no commercial messages is not a sign.

SIGN COPY

The graphic content or message of a sign.

SIGN FACE

The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

SIGN, FREESTANDING

Any sign not affixed to a building.

SIGN, OFF-PREMISE

An off-premise sign is a permanent sign erected, maintained, or used for the purpose of the display of messages not related to the use of, products sold on, or the sale or lease of, the property on which it is displayed and is oriented to and within 660 feet of a state highway.

SIGN, ON-PREMISE

An on-premise sign is a sign erected, maintained, or used for the purpose of the display of messages or which otherwise directs attention to the use of, products sold on, services provided on, or the sale or lease of the property on which it is displayed.

SIGN, TEMPORARY

Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure which is permanently embedded in the ground.

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SILVICULTURE

An on-going practice involving the dedicated and cyclic cultivation of trees expressly for the periodic production of timber including harvesting operations, tree nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, surface drainage, and directly associated road construction and maintenance including the felling, skidding, preparation (e.g., delimbing and trimming), loading and initial transport of forest products from an active harvest site. Tree removal in preparation for development or other conversion to a non-forestry use is not silviculture.

SITE PLAN

A plan for the development or use of one or more lots or parcels of land that is prepared and presented to the Town for site plan review and consideration of approval pursuant to applicable sections of this chapter.

SKIRTING

Siding that covers the area from the ground to the base of a manufactured home or porch, as defined by New York State Residential Building Code, Appendix E, Section E503.

SLOPE OVERLAY AREA

A. Area in Conservation and Lakeshore Zones where soils are highly erodible because of soil characteristics and/or slope steepness. The slope overlay area consists of soils with the following map unit symbol (with map unit name in parentheses): BtF (Bath, Valois, and Lansing soils, 35 to 60% slopes); HpE (Howard and Palmyra soils, 25 to 35% slopes); HsD3 (Hudson silty clay loam, 12 to 20% slopes, eroded); HuD (Hudson-Cayuga silt loams, 12 to 20% slopes); HzE (Hudson and Dunkirk soils, 20 to 45% slopes); and Ro (Rock outcrop).

B. The soil survey for Tompkins County (1965) was classified and delineated using second order mapping techniques at a scale that might not be adequate for site level evaluation. An applicant may hire a professional soil scientist/classifier, certified by the American Society of Agronomy, to complete a first order survey of the building site in order to determine the soil suitability for the proposed type of land disturbance.

STABLE, COMMERCIAL

A facility where one or more horses are kept for riding, driving, training, breeding or sale, or are boarded for a fee, including indoor and outdoor riding arenas and paddocks, and where more than 50% of feed, bedding and other supplies are produced at off-premises locations, and manure and other wastes are disposed of off-premises.

STOOP

A stoop is a small raised platform that serves as an entryway to a building.

STORAGE FACILITY, SELF-SERVICE

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See "self-service storage facility."

STREAM

A watercourse that carries water for six months or more throughout a year. The edge of the stream is the bank of the stream or the edge of the embankment if the stream is more than 10 feet below grade.

STREAM, INTERMITTENT

Surface water drainage channels with definite bed and banks in which there is not a permanent flow of water (and is represented as a dashed line on United State Geological Survey (USGS) 7.5 Minute Quadrangle maps).

STREAM, PERENNIAL

A stream that flows continuously throughout the year in a natural or man-made channel (which is represented as a solid blue line on United States Geological Survey (USGS) 7.5 Minute Quadrangle maps).

STRUCTURE

Anything that is constructed or erected on the ground or upon another structure or building. "Structure" also includes anything that is constructed or erected underground and projects up to the ground surface or above, or anything that is constructed or erected wholly underground other than utility lines, septic and water systems, or other similar types of underground construction wholly ancillary to a principal building or structure on the premises. "Structure" also includes constructed parking spaces. The term "structure" includes a building. There is excluded from the term "structure," however, underground graves, vaults or other underground facilities for the interment of bodies.

SUBDIVISION

The carving up of any parcel of land into two or more lots, including the original lot, and plots, sites, or other division of land, with or without streets, for the purpose of immediate or future sale, transfer of ownership, or development after the date of adoption of § 212-140. The term “subdivision” includes any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk. Subdivisions are classified as “major,” “minor,” or “cluster” and further defined in § 212-141.

TAVERN

See "bar."

TEMPORARY BUILDING

A structure used for office, sales, storage or fabrication activities related to the development of a site for residential purposes, that is placed on a lot or tract of land for a period of not more than one year except upon receipt of a special permit.

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TOURIST COURT

See "motel."

TREE

A living woody plant with an erect perennial trunk greater than four inches in diameter at breast height with a definitely formed crown of foliage and a total height of at least 13 feet from the ground.

UNIQUE NATURAL AREA (UNA)

Designated by the Tompkins County Environmental Management Council, an area of outstanding environmental qualities that deserves special attention for preservation in its natural state.

VEHICLE SIGN

Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign.

VINEYARD

Land used in the cultivation of grape-bearing vines, grown for winemaking, raisins, table grapes and non-alcoholic grape juice.

WALL SIGN

A sign that is attached flat to or mounted away from, but parallel to, any exterior wall of a structure.

WAREHOUSE

A building used primarily for storage of goods and materials, also referred to as "wholesale distribution center or truck terminal."

WHOLESALE DISTRIBUTION CENTER

See "warehouse."

WINERY

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law §76 or §76-c to produce wine.

WRECKING YARD

See "junkyard."

YARD

The unoccupied space, open to the sky, within a lot containing one or more buildings.

YARD, FRONT

The land between the public highway right-of-way and the front line of the principal building on a lot and extending to the side lot lines of the lot. In the case of lots that bound

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on a lake shore, the land between the published mean high-water line and the principal building and extending to the side lot lines of the lot.

YARD, REAR

The land between the rear lot line of a lot and the rear line of the principal building on a lot and extending to the side lot lines of the lot.

YARD, SIDE

The land between the principal building and the side lot lines of a lot, and extending through from the front yard to the rear yard.

ZONE

A portion of the territory of the Town of Ulysses shown on the Zoning Map and designated for a specific land use or uses, and within which certain yards and open spaces are required and certain height limits are established for buildings, as provided for in this chapter.

ZONING OFFICER

The person or their designee appointed by the Town Board and charged with the authority and responsibility for enforcing the provisions of this chapter and the decisions of the Board of Zoning Appeals.

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Article V

AR — Agricultural/Rural Zone

§ 212-23 Purpose.
The A/R – Agricultural/Rural Zone is primarily intended to preserve farming and agricultural lands in the Town and also to maintain open space and the quality of life enjoyed by residents of the Town. Agriculture is an important part of the Town's economy, providing both direct and indirect employment benefits, and it also provides the visual benefits of open space. This zone prioritizes and preserves viable agriculture in the Town by providing an area where agricultural operations and agricultural-based enterprises are the predominant active land uses in the zone. The creation of the Agricultural/Rural Zone illustrates the Town's commitment to farming and agricultural uses as preferred uses in this zone. The Agricultural/Rural Zone protects existing agricultural areas by limiting suburban and urban development; encourages the continuation of agriculture as a viable economic activity and way of life; reduces land use conflicts; protects ecological and natural resources; and preserves open space. Furthermore, this zoning is designed to preserve the existing agricultural operations that flourish on the excellent soils and to promote the establishment of new agricultural enterprises to assure the continuation of the rural nature of the town.

§ 212-24 Right to farm.
In the A/R Agricultural /Rural Zone, agriculture shall be the primary land use. Within the zone any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, § 308, including, but not limited to, practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a private nuisance.

§ 212-25 Permitted uses.

In the A/R – Agricultural/Rural Zone the following buildings or uses are permitted: ,

A. Farm Operation, and agricultural buildings including nurseries, greenhouses, orchards and vineyards.

B. Agricultural events, subject to the standards set forth in Chapter 142: Special Events.

C. Commercial stables, subject to the standards set forth in Article **XX**, § **212-138**.

D. Silviculture.

E. Roadside stands, subject to the standards set forth in Article **XX**, § **212-135**.

F. Single-family residences, two-family residences, and their accessory buildings are allowed subject to limitations in Article XXIV § 212-167: Accessory Buildings.

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G. Farm labor housing as regulated by the New York State Uniform Code. These residences shall be located on the same land where other structures of the farm operation are located. Each dwelling must be a minimum of 560 square feet. A streamlined site plan for siting considerations is required for more than two units. The Town may require a notarized statement from the property owner to certify that the occupants in the on-farm labor housing are employed on the farm.

H. Temporary buildings as defined in Article **IV**.

§ 212-26 Permitted accessory uses.
The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in §212-25:

A. Accessory dwelling units, subject to the provisions of Article **XX**, §**212-128**.

B. Farm Operation, Accessory Commerce when no new building is constructed. [*See also 212-27.H*]

C. Bed-and-breakfast establishments, subject to the standards for parking, outdoor lighting and signs set forth in **Article XX**: **Design Standards.**

D. Customary home occupations, conducted solely by residents of the dwelling.

E. Elder cottages, subject to the provisions of Article **XX**, § **212-139.5**.

F. Family adult care

G. Family child care.

H. Adult care groups.

I. Fences and walls, subject to the provisions of Article XX, § **212-162**.

J. Home occupations.

K. Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015

L. Playgrounds.

M. Professional offices where such office is part of the residence building and no more than three persons not residing on the premises are employed.

N. Signs as regulated under Article **XX**, § **212-122**; also note Article **XX**, § **212-122E, F, G, and H**.

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§ 212-27 Uses allowed by site plan approval.
The following uses are allowed upon approval of a site plan by the Planning Board, pursuant to **Article III, § 212-19**, subject to the design standards set forth in relevant sections of Article **XX**.

A. Airstrips, private.

B. Animal processing structures, limited to a maximum building footprint of 2,000 square feet.

C. Cemeteries as regulated by New York State, and the buildings and structures incidental to cemetery operations.

D. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses

E. Communication transmission towers and telecommunications facilities, subject to the provisions of Article **XXII**.

F. Cottage industries

G. Facilities for agricultural education and recreation events.

H. Farm Breweries, Farm Cideries, Farm Distilleries, Farm Wineries.

I. Farm Operation, Accessory Commerce when constructing a new building or adding an addition to an existing building, subject to the provisions of Article **XX**, § **212-139**

J. Lawn/landscaping services

K. Lodges

L. Major solar collection systems subject to the provisions of Article XX, § 212-139.2. **[Added 11-24-2015 by L.L. No. 3-2015]**

M. Small-scale sawmills subject to the provisions of Article XX, § 212-136.

N. Wineries

§ 212-28 Uses allowed by special permit.
The following uses are allowed upon approval of a Special Permit pursuant to **Article III, § 212-18**, subject to the standards set forth in relevant sections of **Article XX**: ***Design Standards***:

A. Airports.

B. Animal confinement regulated by confined or concentrated animal feeding operation (CAFO), subject to the provisions of Article XX, § 212-141

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C. Animal Waste Storage Facility, subject to the standards set forth in **Article XX, §212-139.3.**

D. Group campgrounds subject to the provisions of Article **XX**, § **212-127**.

E. Campgrounds, overnight subject to the provisions of Article **XX**, § **212-127**.

F. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.

G. Hunting clubs

H. Kennels

I. Public and private schools, nursery schools and institutions of higher education, including dormitory accommodations.

J. Regional parks and preserves.

K. Golf courses,

L. Residential Care/Assisted Living/Rehabilitation Facility

§ 212-29 Lot area and yard requirements.

A. There shall be no more than one principal building on any lot in the AR--Agricultural/Rural Zone.

B. Accessory buildings are subject to provisions in Article XXIV § 212-167 Accessory Buildings.

C. Minimum lot area shall be two acres.

D. Minimum lot width at front lot line shall be 400 feet.

E. Minimum lot depth shall be 200 feet.

F. Minimum front yard setback shall be 50 feet.

G. Minimum side yard setbacks shall be 30 feet.

H. Minimum rear setback shall be 75 feet.

I. Maximum building height for any nonagricultural building or structure shall be 32 feet.

J. Maximum lot coverage shall be 5% of the lot area.

K. Maximum floor area of a new agricultural building shall be 20,000 square feet. Farm

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Operation, Accessory Commerce building floor area shall be limited to 5,000 square feet.

L. Maximum floor area of a new non-agricultural building shall be 5,000 square feet except an Accessory Dwelling Units shall be no more than 1,200 sq. ft. (see § 212-128).

M. Flag lots, subject to the standards set forth in Article XX, § 212-130.

N. Streams and wetlands are required to a have a protective setback as defined in § 212-124.

Article VI
A2 — Special Agricultural Zone

§ 212-30 Purpose.
The purpose of the A2—Special Agricultural Zone is to encourage the continuing tradition of annual agricultural fairs, which are an integral part of the Town's heritage, as well as other cultural and civic events, displays, exhibitions and entertainment events that occur within the typical fairgrounds complex.

§ 212-31 Permitted uses.
In the A2—Special Agricultural Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

A. Accessory building, subject to the provisions of Article XXIV **§ 212-167: *Accessory Buildings*.**

B. Farm Operation

C. Animal training.

D. Athletic competition.

E. Auctions, flea markets, craft fairs and merchandise sale of a temporary nature.

F. Circuses.

G. Commercial stables.

H. Communication transmission towers and telecommunications facilities, subject to the provisions of Article **XXII**.

I. Concerts, dramas, plays, religious events and revivals, variety shows and other forms of

live entertainment.

J. Day camps and supervised youth programs, community-sponsored programs, reunions and other public and private assemblies.

K. Fairs and agricultural, horticultural and animal husbandry displays, exhibitions and competitions.

L. Any legal form of racing.

M. Industrial, merchandise and arts and crafts displays, exhibitions and competitions.

N. Racing and other events that utilize motorized or otherwise self-propelled vehicles, except during weekdays from 7:30 a.m. to 5:00 p.m. during the school calendar year.

O. Temporary occupancy by motor homes, campers and tent dwellings, provided that such dwellings are for the use of vendors, competitors, participants and employees of an event on the grounds.

P. Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-32 **Permitted accessory uses.**
Such necessary uses as are customarily incidental to the above uses:

A. Signs as regulated under Article **XX**.

B. Temporary buildings as defined in Article **IV**.

C. Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-33 **Lot area and yard requirements.**

A. Minimum lot area shall be 25 acres.

B. Minimum lot width at the front lot line shall be 1,000 feet.

C. Minimum lot depth shall be 200 feet.

D. Minimum front yard setback to any permanent structure shall be 30 feet.

E. Minimum side yard setbacks shall be 15 feet, or 25 feet if parallel to a public road.

F. Minimum rear setback shall be 35 feet.

G. Maximum building height for any nonagricultural building or structure, including tents, shall be 32 feet above average grade measured at the building perimeter.

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H. Maximum lot coverage by permanent structures shall be 7.5% of the lot area.

§ 212-34 Buffer areas.

A. Streams and wetlands are required to a have a protective setback as defined in § 212-124

Article VII
R —Residential Zone

§ 212-35 Purpose.

The purpose of the R—Residential Zone is to provide for moderate-density residential development in areas served by public water and/or public sewerage. Development densities when combined with cluster residential subdivision development options have the potential for providing for attractive, quality neighborhoods while preserving important open space resources consistent with the Ulysses Comprehensive Plan and the goals of organized and logical growth, increased employment opportunities and an increased tax base.

§ 212-36 Permitted uses.

In the R—Residential Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

A. Farm Operation.

B. Single-family residences and their accessory buildings, subject to Article XXIV **§ 212-167: *Accessory Buildings*.**

C. Two-family residences, provided the second dwelling is contained in the principal building and their accessory buildings, subject to Article XXIV **§ 212-167: *Accessory Buildings*.**

§ 212-37 Permitted accessory uses.

Such necessary uses as are customarily incidental to the above uses:

A. Accessory Dwelling Unit, subject to the provisions of Article **XX**, § **212-128**.

B. Bed-and-breakfast establishments.

C. Home occupations.

D. Elder cottages subject to the provisions of Article **XX**, § **212-139.5**.

E. Family adult care.

F. Family child care.

G. Professional offices where such office is part of the residence building and no more than

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three persons not residing on the premises are employed.

H. Noncommercial gardens and home nurseries.

I. Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

J. Signs as regulated under Article **XX**, § **212-122**; also note Article **XX**, § **212-122E**.

K. Roadside stands, subject to provisions of Article **XX**, § **212-135**.

L. Temporary buildings as defined in Article **IV**.

§ 212-38 Uses permitted by site plan approval.
The following uses are allowed upon approval of a site plan by the Planning Board pursuant to Article **III**, § **212-19**, subject to the design standards set forth in relevant sections of Article **XX**:

A. Adult care centers.

B. Cemeteries and the buildings and structures incidental to cemetery operations.

C. Child-care centers, group child care.

D. Churches, mosques, synagogues, temple and other places of worship, convents, rectories, parish houses.

E. Community centers.

F. Fraternal organizations and the clubhouse, hall, post, temple and other facilities associated with the activities of the organization, except that the on-premises sale of alcoholic beverages is prohibited.

G. Libraries, museums.

H. Life care facilities.

I. Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

J. Nursing homes.

K. Residential care/assisted living/rehabilitation facilities.

§ 212-39 Uses allowed by special permit.
The following uses are allowed upon approval pursuant to Article **III**, § **212-18**, subject to the design standards set forth in relevant sections of Article **XX**:

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A. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood, upon approval of the Town Board.

B. Golf courses, except miniature golf courses operated on a commercial basis, upon approval of the Town Board.

C. Public and private schools, nursery schools, institutions of higher education, including dormitory accommodations, upon approval of the Town Board.

D. Public and private community parks and preserves, upon approval of the Town Board.

§ 212-40 Lot area and yard requirements.

A. There shall be no more than one principal building on any lot in the R—Residential Zone
B. In areas where public water or sewer service is available, the minimum lot area shall be 32,000 square feet.

B. In areas where public water or sewer service is available, the minimum lot area shall be 32,000 square feet.

C. In areas where public water or sewer service is not available, the minimum lot area shall be one acre or a size as regulated by the Tompkins County Health Department.

D. Minimum lot width at front lot line shall be 160 feet.

E. Minimum lot depth shall be 200 feet.

F. Minimum front yard setback shall be 50 feet.

G. Minimum side yard setbacks shall be 15 feet, except for a corner lot fronting on two public streets where the minimum yard setback for the side yard adjacent to the street shall be 25 feet.

H. Minimum rear setback shall be 35 feet.

I. Maximum building height for any building or structure shall be 32 feet above average grade measured at the building perimeter.

J. Maximum lot coverage shall be 7.5% of the lot area.

K. Maximum floor area of a new non-agricultural building shall be 5,000 square feet except an Accessory Dwelling Units (see § 212-128).

L. Maximum floor area of a new agricultural building shall be 20,000 square feet.

M. Flag lots, subject to the standards set forth in Article XX, § 212-130.

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§ 212-41 Buffer areas.

A. Perennial streams are required to have a minimum 50 feet of buffer on each side of the stream, extending from the stream bank toward the upland. Intermittent, also known as "seasonal," streams require a minimum of 50 feet of setback on each side of the stream, extending from the stream bank toward the uplands. (See § 212-124 “Standards for buffer areas”)

B. No buildings or other structures, or parking areas or roads, shall be located within 100 feet from any NY State Regulated wetland. No buildings or other structures, or parking areas or roads, shall be located within 50 feet from any Federally or locally designated wetland. (See § 212-124 “Standards for buffer areas”).

Article VIII
LS — Lakeshore Zone

§ 212-42 **Purpose.**

A. The purposes of the Lakeshore Zone are:

(1) To protect the fragile environment of the lakeshore, that area east of State Route 89 to the center line of Cayuga Lake, in accordance with the Town of Ulysses Comprehensive Plan (2009);

(2) To provide a regulatory framework through which development can occur with minimal environmental impact; and

(3) To develop design standards for houses and accessory buildings that create a harmonious effect for the natural environment and the residents.

B. In particular, the following are important aspects or considerations for the Lakeshore Zone:

(1) Among the important natural and ecological features of the Lakeshore Zone are steep slopes, mature forests, fragile cliffs, tributaries, and seasonal streams feeding into Cayuga Lake.

(2) In recognition of their natural and ecological significance, several areas of the Lakeshore Zone have been designated as unique natural areas by the Tompkins County Environmental Management Council.

(3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article **IV**, Terminology).

C. Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York

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State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

§ 212-43 Permitted uses.

A. Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article **III**, § **212-19**, is required in unique natural areas and slope overlay areas:

(1) Single-family residences and their accessory buildings.

(2) Two-family residences and their accessory buildings.

(3) Any municipal or public utility purpose necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.

§ 212-44 Permitted accessory uses.

A. The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § **212-50**:

(1) Accessory buildings, as defined in Article **IV** and subject to provisions of Article **XXIV**, § **212-167:** *Accessory Buildings*.

(2) Accessory Dwelling Unit, subject to the provisions of Article **XX**, § **212-128**.

(3) Elder Cottage, subject to the provisions of Article XX, § 212-139.5.

(4) Open-sided elevators/lifts.

(5) Temporary buildings, as defined in Article **IV**.

(6) Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

B. Site plan approval, pursuant to the provisions of Article **III**, § **212-19**, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in this section.

C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this article, § **212-50**.

(1) Signs as regulated under Article **XX**, § **212-122**

(2) Home occupations, where no more than one person residing off the premises is employed.

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§ 212-45 Uses permitted by site plan approval.
The following uses are allowed upon approval of a site plan by the Planning Board and subject to the design standards set forth in relevant sections of Article **XX**:

A. Adult care, family.

B. Farm Operation.

C. Bed-and-breakfast operations where such is part of the residence.

D. Child care, family.

E. Professional offices where:

   1) Such office is part of the residence property; and

   2) No more than three persons residing off the premises are employed on site.

§ 212-46 Uses allowed by special permit.
The following uses are allowed upon approval of a special permit pursuant to Article **III**, § **212-18**, subject to the design standards set forth in relevant sections of Article **XX** and site plan review by the Planning Board:

A. Fire stations or other public buildings necessary to the protection of or servicing of a neighborhood.

B. Restaurants.

C. Public or nonprofit owned boat launching site, swimming beach, picnic area.

D. Public or nonprofit owned park or playground, including accessory buildings and improvements.

§ 212-47 Lot area and yard requirements.

A. Number of principal buildings per lot: two single-family residences or one two-family residence.

B. Minimum lot area shall be two acres for lakeshore lots and five acres for non-lakeshore lots.

C. Minimum lot width at the mean high-water elevation (MHWE) shall be 250 feet and minimum lot width at the road frontage shall be 250 feet for all non-flag lots.

D. Minimum lot depth shall be 250 feet for lakeshore lots and 450 feet for non-lakeshore lots.

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E. Minimum setback, front and rear, shall be 50 feet from the highway right-of-way, and 50 feet where the lot abuts the lake; the MHWE shall be used for setback measurement. Docks, boat hoists, and boat ramps are permitted within the setback area.

F. Minimum side yard setbacks shall be 15 feet, except for a corner lot fronting on two public streets, where the minimum yard setback for the side yard to the street or road shall be 25 feet.

G. Maximum building height for the principal dwelling shall be 32 feet above average grade measured at the building perimeter.

H. Maximum lot coverage for all building footprints shall be 5% of the lot area. For lots with single-family and two-family residences, lot coverage calculations do not include driveways, walkways, or parking areas.

I. Streams and wetlands are required to a have a protective setback as defined in § 212-124.

J. No parking areas shall be constructed within 50 feet of the MHWE.

K. Flag lots shall meet minimum lake frontage (250 feet) and lot area (two acre) requirements. Lot area excludes the pole. The pole shall connect to the road, not the lake. Non-lakeshore flag lots shall meet minimum lot area (five acres) excluding the pole. See Article **XX**, Design Standards, § **212-130**.

L. The above notwithstanding, in the case of a lot with frontage on the lake, accessory uses such as pump houses, docks, boat ramps and boat hoists typically associated with water-oriented recreational pursuits are permitted within the front yard setback area fronting on the lake; provided, however, that they are located outside of the required side yard setback areas and conform to the regulations or permits of the United States or New York State.

M. For the purposes of cluster development on a lakeshore lot, one dwelling unit will be allowed per 150 feet of lake frontage.

Lot Area and Yard Requirements Summary

Requirement	Lakeshore	Non-lakeshore
Lot coverage, maximum (percent)	5	5
Building height, maximum (feet)	32	32
Lot area, minimum (acres)	2	5

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Lot Area and Yard Requirements Summary

Requirement	Lakeshore	Non-lakeshore
Lakeshore frontage, minimum (feet)	250	Not applicable
Lot width at road frontage, minimum (feet)	250	250
Lot depth, minimum (feet)	250	450
Setback from lakeshore, minimum, measured from MHWE (feet)	50	Not applicable
Setback from road or rear property line (feet)	50	50
Side yard setback, minimum (feet)	15	15
Structure or parking area or road setback from perennial/intermittent stream, minimum (**not** in unique natural area or steep slope overlay (feet)	50	50
Structure or parking area or road setback from any perennial/intermittent streams, or Federal wetland edge in unique natural area and steep slope overlay areas, minimum (feet).	75	75
Structure or parking area or road setback from any State wetland edge.	100	100
Structure or parking area or road setback from any Federally or	50 – 100 (see §212-48	50-100 (see §212-48 below)

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Lot Area and Yard Requirements Summary

Requirement	Lakeshore	Non-lakeshore
locally designated wetland edge.	below)	

N. Maximum footprint of a new building shall be 2,000 square feet, except Accessory Dwelling Units pursuant to Article XX, §212-128.

§ 212-48 Design standards.

In the event of any conflict between the provisions of this § **212-48** and other provisions of this chapter, the provisions of this section shall prevail.

A. Streams.

(1) Perennial and intermittent streams are, and wetlands may become, prominent features of the Lakeshore Zone and the condition of these water bodies directly affects the health of Cayuga Lake and the various creatures that depend on the water for sustenance. As such, it is the intent of these Lakeshore Zone regulations to ensure the continued preservation and health of these many Cayuga Lake tributaries for current and future generations.

(2) For the purposes of this section, the area of a wetland is defined by both state and federal governing regulations. Buffer areas apply to federally protected wetlands greater than 0.1 acre.

(3) Requirements.

(a) To the extent possible, perennial and intermittent streams shall be protected from sediment, effluent, sewage, and driveway runoff.

(b) Diverting or altering the course of perennial or intermittent streams shall be prohibited, except where a NYSDEC permit is obtained in advance of starting work.

(c) Unless otherwise authorized by the Planning Board or state or federal agency, no disturbance as listed previously in this section shall be located within 100 feet of any NY State regulated wetland or 50 feet from a Federally or locally regulated wetland.

(d) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine potential impacts of development on said wetland.

(4) Recommendations.

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(a) Plowing of salt laden snow from driveways into streams should be avoided.

(b) The proximity of docks to mouths of tributaries should consider natural variation in stream boundary location so as to not interfere with stream flow over time.

(c) Stream bank vegetation should be encouraged to minimize erosion. Where necessary, stream banks should be replanted with native species.

(d) Flow of water in Cayuga Lake tributaries should not be impeded by human-made structures in or spanning streams.

B. Vegetation and landscape.

(1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive trees and shrubs, in the Lakeshore Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town. The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.

(2) The intent of the Town of Ulysses is to preserve the natural features of the Lakeshore Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.

(3) Requirements. Tree removal, except clear-cutting, is allowed in the Lakeshore Zone outside of unique natural areas or slope overlay areas. Tree removal is allowed in the Lakeshore Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:

(a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.

(b) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a construction site, septic system, parking areas, and the driveway access.

(c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the requirements of a building project is prohibited.

(d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A

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woodland management plan shall be prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the New York State Department of Environmental Conservation.

(4) Recommendations.

(a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest management and forest improvement.

(b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.

(c) Buffer areas proximal to water bodies are to be promoted using noninvasive plants to protect water resources.

(d) Removal of trees for the purpose of expanding a view is discouraged.

(e) Removal of trees for the purpose of expanding sunlight exposure is discouraged.

(f) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.

(g) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.

(h) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.

(i) Dead trees that do not pose a threat to life, property or a healthy forest should be left to provide wildlife habitat for both birds and animals.

(j) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.

(k) Regrading should blend in with the natural contours and undulations of the land.

(l) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.

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(m) Building design should harmonize with the natural setting.

(n) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

C. Soil and sediment control.

(1) A structure or parking area shall have a minimum setback to perennial and intermittent streams of 50 feet or 75 feet if within a Unique Natural Area or Steep Slope Overlay, as measured from the top edge of the slope rising from the bank of the stream. See § **212-124.B**.

(2) On sites within the slope overlay area or unique natural area, there shall be no excavation, grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.

(3) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.

(4) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.

D. Driveways and parking.

(1) Requirements.

(a) For new impervious surfaces proposed for driveways, parking areas, or walkways in unique natural areas or slope overlay areas, site plan review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.

(b) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto Route 89.

(2) Recommendations.

(a) Semi-pervious and pervious surfaces for driveways and parking areas are

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encouraged to minimize runoff and erosion.

(b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface, which would contribute to runoff.

(c) Driveways and parking areas should follow contour lines of the land as much as possible.

(d) Excavation and regrading of slopes for parking areas should be minimized.

§ 212-49 Limitations on subdivision of parent tracts.

Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than three lots.

Article IX
CZ — Conservation Zone

§ 212-50 Purpose.

A. The purposes of the Conservation Zone are:

(1) To preserve the outstanding natural features in the Town of Ulysses in accordance with the Town of Ulysses Comprehensive Plan (2009);

(2) To provide a regulatory framework through which development can occur with minimal environmental impact;

(3) To preserve existing areas of contiguous open space, prevent destruction of natural areas, preserve existing and potential agricultural land, and promote mechanisms that protect these areas, such as enlarged stream buffer areas, conservation easements, and deed restrictions when considering any future land development; and

(4) To preserve the scenic beauty of the area to promote tourism as an important benefit to the Town of Ulysses.

B. In particular, the following are important aspects or considerations for the Conservation Zone:

(1) Among the natural values and ecological importance of this area are the mature forest, plant and wildlife habitat, numerous streams, and natural character. The Conservation Zone contains large areas of steep slopes, wetlands, and highly

erodible soil, where any future development may have an adverse environmental impact on both the land and Cayuga Lake.

(2) In recognition of its natural and ecological significance, several large areas of the Conservation Zone have been designated as unique natural areas by the Tompkins County Environmental Management Council.

(3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article **IV**, Terminology).

C. Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

§ 212-51 Permitted uses.

A. Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article **III**, § **212-19**, is required in unique natural areas and slope overlay areas:

(1) Farm Operation.

(2) Single-family residences and their accessory buildings.

(3) Two-family residences and their accessory buildings.

(4) Two unattached single-family residences and their accessory buildings where there is a minimum lot size of 10 acres.

(5) Any municipal or public utility necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.

(6) Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-**52 Permitted accessory uses.**

A. Only the following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § **212-58**:

(1) Accessory buildings, as defined in Article **IV** and subject to the provisions of Article **XXIV**, § **212-167:** *Accessory Building*.

(2) Accessory Dwelling Unit, subject to the provision of Article **XX**, § **212-128**.

(3) Adult care, family.

(4) Bed-and-breakfast establishments.

(5) Child care, family.

(6) Elder cottage, subject to the provisions of Article XX, § 212-139.5.

(7) Professional offices where such office is part of the residence property and no more than three persons residing off the premises are employed on site.

(8) Roadside stands, subject to the provisions of Article **XX**, § **212-135**.

(9) Temporary building, as defined in Article **IV**.

(10) Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

B. Site plan approval, pursuant to the provisions of Article **III**, § **212-19**, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in this section.

C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this Article **X**, § **212-58**.

(1) Signs as regulated under Article **XX**, § **212-122**

(2) Home occupation where no more than one person residing off the premises is employed.

§ 212-53 Uses allowed by special permit.
The following uses are allowed upon approval pursuant to Article **III**, § **212-18**, subject to the design standards in the Conservation Zone and site plan review by the Planning Board:

A. Museums and nature centers.

B. Public and private community parks, regional parks and preserves.

C. Residential care/assisted living.

D. Restaurants.

E. Bicycle/ski rental business.

§ 212-54 Lot area and yard requirements.

A. There shall be no more than two principal buildings on any lot in the Conservation Zone where the lot size is less than 10 acres. Principal buildings shall be no less than 30 feet

apart. No elder cottage or Accessory Dwelling Unit may be placed on a lot with two existing principal buildings.

B. Minimum lot area for one principal building shall be five acres.

C. Minimum lot width at front lot line shall be 400 feet.

D. Minimum lot depth shall be 450 feet.

E. Minimum front yard setback shall be 75 feet.

F. Minimum side yard setback shall be 50 feet.

G. Minimum rear yard setback 50 feet.

H. Maximum building height shall be 32 feet above average grade measured at the building perimeter or as determined by the Planning Board when slope exceeds 15%. It is within the discretion of the Planning Board whether or not to allow any building on slopes greater than 25%.

I. The maximum footprint of all new buildings shall be 2,000 square feet except Accessory Dwelling Units which are limited to 1,200 square feet floor area (§ 212-128).

J. Driveways and parking areas may be considered a building as part of the lot coverage requirements at the discretion of the Planning Board.

K. Flag lots are permitted, subject to the standards set forth in Article **XX**, § **212-130**.

L. Accessory buildings shall not occupy the front yard, except for roadside stands (subject to provisions of Article **XX**, § **212-135**), and a garage may be attached to the front of a house.

M. Maximum lot coverage by permanent structures shall be 5% of the lot area.

§ 212-55 **Design standards.**
In the event of any conflict between the provisions of this § **212-55** and other provisions of this chapter, the provisions of this section shall prevail.

A. Stream and wetland setbacks.

(1) Perennial and intermittent streams and wetlands are prominent features of the Conservation Zone, and the condition of these water bodies directly affects the health of Cayuga Lake and the fauna that depend on the water for sustenance. As such, it is the intent of these Conservation Zone regulations to ensure the continued preservation and health of these many Cayuga Lake water resources for current and future generations. (See§ 212-124 Standards for buffer areas).

(2) For the purposes of this section, wetlands are defined by both state, federal and local governing regulations. Buffer areas apply to federal and locally protected wetlands greater than 0.1 acre and all state wetlands.

(3) No buildings, structures, paved areas, or storage of construction equipment or machinery shall be located within the following buffer areas: 50 linear feet of the bank of any perennial or intermittent stream and 100 feet of any wetland. These buffer areas may be increased by up to 50% should the Planning Board determine that such an increase is necessary to protect water quality or to minimize the impacts of erosion and sedimentation.

(4) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine the exact boundaries and to evaluate potential impacts of development on said wetland.

B. Vegetation and landscape.

(1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive trees and shrubs, in the Conservation Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town.

(2) The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.

(3) The intent of the Town of Ulysses is to preserve the natural features of the Conservation Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.

(4) Requirements. Tree removal, except clear-cutting, is allowed in the Conservation Zone outside of unique natural areas or slope overlay areas. Tree removal is allowed in the Conservation Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:

(a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.

(b) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a construction site, septic system, parking areas, and the driveway access.

(c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the requirements of a building project is prohibited.

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(d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A woodland management plan shall be prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the New York State Department of Environmental Conservation.

(5) Recommendations.

(a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest management and forest improvement.

(b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.

(c) Buffer areas proximal to water bodies are to be promoted using noninvasive native plants to protect water resources.

(d) Retain existing stone walls.

(e) Removal of trees for the purpose of expanding a view is discouraged.

(f) Removal of trees for the purpose of expanding sunlight exposure is discouraged.

(g) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.

(h) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.

(i) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.

(j) Dead trees that do not pose a threat to life, property, or a healthy forest should be left to provide wildlife habitat for both birds and animals.

(k) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.

(l) Regrading should blend in with the natural contours and undulations of the land.

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(m) Siting of buildings should be below ridgelines or hilltops.

(n) Where possible, buildings and structures should be located on the edges of open fields to minimize visual impacts.

(o) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.

(p) Building design should harmonize with the natural setting.

(q) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

C. Soil and sediment control.

(1) A structure or parking area shall have a minimum setback to perennial and intermittent streams of 50 feet, as measured from the top edge of the slope rising from the bank of the stream. See § **212-124.B** of this chapter.

(2) On sites within the slope overlay area or unique natural area, there shall be no excavation, grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.

(3) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.

(4) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.

D. Driveways and parking.

(1) Requirements.

(a) For new impervious surfaces proposed for driveways, parking areas, or walkways in unique natural areas or slope overlay areas, site plan review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for

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by the applicant.

(b) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto roads.

(2) Recommendations.

(a) Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.

(b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface which would contribute to runoff.

(c) Driveways and parking areas should follow contour lines of the land as much as possible.

(d) Excavation and regrading of slopes for parking areas should be minimized.

E. Limitations on subdivision of parent tracts.

(1) Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than 3 lots.

Article X
RM — Multiple-Residence Zone

§ 212-56 Purpose.
The purpose of the RM—Multiple-Residence Zone is to expand opportunities for quality and affordable rental housing in the Town and to protect existing and future single-family and two-family residential neighborhoods, consistent with the Ulysses Comprehensive Plan and the goals of organized and logical growth, increased employment opportunities and an increased tax base.

§ 212-57 Establishment of zone.
An RM—Multiple-Residence Zone may be established in any R—Residential Zone or HC—Hamlet Center Zone of the Town that is served by municipal water and shall be established by an amendment to this chapter by act of the Town Board, pursuant to Article **III**, § **212-20**.

§ 212-58 Permitted uses.
In the RM—Multiple-Residence Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

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A. Flag lots, subject to the standards set forth in Article **XX**, § **212-130**.

B. Multiple-family residences, subject to site plan approval pursuant to Article **III**, § **212-19**, and the standards set forth in Article **XX**, § **212-133**, and their accessory buildings.

C. Single-family residences and their accessory buildings.

D. Two-family residences and their accessory buildings.

E. Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212--**59 Permitted accessory uses.**
Such necessary uses as are customarily incidental to the above uses, including rental offices, storage sheds, coin-operated laundry facilities for use by residents, and refuse dumpsters, as well as the following:

A. Family child care.

B. Family adult care.

C. Garages provided for the use of residents only

D. Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

E. Signs as regulated under Article **XX**, § **212-122**, and also note § **212-122D**.

F. Temporary buildings as defined in Article **IV**.

G. Vehicle parking, pursuant to the provisions of Article **XX**, § **212-121**.

§ 212--**60 Uses permitted by special permit.**
The following uses are allowed upon approval of a special permit pursuant to Article **III**, § **212-18**, and subject to the design standards set forth in Article **XX**:

A. Child-care centers, group child care.

B. Community centers.

§ 212-61 **Lot area and yard requirements.**

A. Minimum lot area shall be one acre.

B. Maximum allowed density shall be one dwelling for each 3,500 square feet of lot area.

C. Minimum lot width at front lot line shall be 160 feet.

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D. Minimum lot depth shall be 250 feet.

E. Minimum front yard setback shall be 50 feet.

F. Minimum side yard setbacks shall be 25 feet, except that accessory buildings, excluding garages, not exceeding 10 feet in height, may be placed not less than 10 feet from a side lot line.

G. Minimum rear yard setback shall be 25 feet, except that accessory buildings, excluding garages not exceeding 10 feet in height, may be placed not less than 10 feet from a rear lot line.

H. Maximum building height for any building or structure shall be 32 feet above average grade measured at the building perimeter.

I. Maximum lot coverage by buildings, parking areas, driveways, walkways and other impervious surfaces shall not exceed 50% of total parcel area.

§ 212-62 Buffer areas.
Buildings or other structures or parking areas shall be located as provided in § **212-124**.

Article XI
MHP — Manufactured Home Park Zone

§ 212-63 **Purpose.**
The purpose of the MHP—Manufactured Home Park Zone is to expand opportunities for quality and affordable housing in the Town and to protect existing and future single-family and two-family residential neighborhoods, consistent with the Ulysses Comprehensive Plan and the goals of organized and logical growth, increased employment opportunities and an increased tax base.

§ 212-64 Permitted uses.
In the MHP—Manufactured Home Park Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

A. Campground, seasonal subject to the provisions of Article **XX**, § **212-127**.

B. Doublewide manufactured homes and their accessory buildings.

C. Singlewide manufactured homes and their accessory buildings.

D. Single-family residences and their accessory buildings subject to provisions in § **212-167**.

E. Two-family residences and their accessory buildings subject to provisions in § **212-167**.

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§ 212-65 Permitted accessory uses.
Such necessary uses as are customarily incidental to the above uses, including rental offices, storage sheds, coin-operated laundry facilities for use by residents, and refuse dumpsters, as well as the following:

A. Family adult care.

B. Family child care.

C. Garages provided for the use of residents only.

D. Signs as regulated under Article **XX**, § **212-122**; also note Article **XX**, § **212-122D**.

E. Storage sheds for the use of residents of individual lots, provided that said shed is shown on an approved site plan.

F. Self-service storage facilities, provided solely for the use of park residents, and provided that said facilities are shown on an approved site plan.

G. Temporary buildings as defined in Article **IV**.

H. Vehicle parking, pursuant to the provisions of Article **XX**, § **212-121**.

I. Minor solar collection system subject to the provisions of Article **XX**, § **212-139.1**. **[Added 11-24-2015 by L.L. No. 3-2015]**

§ 212-**66 Uses permitted by special permit.**
The following uses are allowed upon approval of a special permit pursuant to Article **III**, § **212-18**, subject to the design standards set forth in Article **XX**:

A. Child-care centers, group child care.

B. Community centers.

C. Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-67 Lot area and yard requirements.

A. Minimum lot area shall be one acre.

B. Maximum allowed density shall be one dwelling for each 6,000 square feet of lot area.

C. Minimum lot width at front lot line shall be 160 feet.

D. Minimum lot depth shall be 250 feet.

E. Minimum front yard setback shall be 50 feet.

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F. Minimum side yard setbacks shall be 25 feet, except that accessory buildings, excluding garages, not exceeding 10 feet in height, may be placed not less than 10 feet from a side lot line.

G. Minimum rear yard setback shall be 25 feet, except that accessory buildings, excluding garages not exceeding 10 feet in height, may be placed not less than 10 feet from a rear lot line.

H. Maximum building height for any building or structure shall be 32 feet above average grade measured at the building perimeter.

I. Maximum lot coverage by buildings, parking areas, driveways, walkways and other impervious surfaces shall not exceed 50% of total parcel area.

§ 212-68 Buffer areas.
Streams and wetlands are required to a have a protective setback as defined in § 212-124

Article XII
HC — Hamlet Center Zone

§ 212-69 **Purpose.**
The purpose of the HC1—Hamlet Center is to provide opportunities for village- and hamlet-scale residential and small-scale, pedestrian-oriented, commercial development to serve the varied needs of local residents, to encourage redevelopment of the Town's hamlet, and to provide the Town with the ability to assert reasonable controls over such development consistent with the Ulysses Comprehensive Plan and the goals of organized and logical growth, increased employment opportunities and an increased tax base.

§ 212-70 **Permitted uses.**
In the HC—Hamlet Center, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

A. Single-family residence and their accessory buildings.

B. Two-family residence and their accessory buildings.

§ 212-71 **Permitted accessory uses.**
Such necessary uses as are customarily incidental to the above uses:

A. Accessory building for business.

B. Accessory Dwelling Unit, subject to the provisions of Article **XX**, § **212-128**.

C. Bed-and-breakfast establishments.

D. Elder cottages, subject to the provisions of Article XX, § 212-139.5.

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E. Family child care.

F. Family adult care.

G. Home occupations.

H. Minor solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

I. Off-street loading areas.

J. Professional offices, where such office is part of the residence property and no more than three persons not residing on the premises are employed.

K. Signs as regulated under Article **XX**, § **212-122**; also note Article **XX**, § **212-122F**.

L. Temporary buildings as defined in Article **IV**.

M. Vehicle parking, pursuant to the provisions of Article **XX**, § **212-121**. Limited parking is permitted between the facade of a primary building and the street; most parking must be located to the side or behind primary buildings.

§ 212-72 Uses permitted by site plan approval.
The following uses are allowed upon approval of a site plan by the Planning Board pursuant to Article **III**, § **212-19**, subject to the design standards set forth in relevant sections of Article **XX**:

A. Adult care centers.

B. Adult group care.

C. Banks and other financial institutions, provided that there is no drive-through window.

D. Child-care centers, group child care.

E. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.

F. Clinics.

G. Community centers.

H. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.

I. Clubhouse, hall, post, temple and other facilities associated with the activities of social organizations, except that the on-premises sale of alcoholic beverages is prohibited.

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J. Funeral homes.

K. Gasoline and other retail vehicle fuel sales, subject to the standards set forth in Article XX, § 212-131, and subject to the requirement that no gasoline or other retail vehicle fuel sales business locate within 1 mile of any existing gasoline or other retail vehicle fuel sales business.

L. Inn.

M. Libraries, museums.

N. Life-care facilities.

O. Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

P. Residence, Multiple-family, subject to the provisions of Article XX, § 212-133.

Q. Outdoor dining facilities, excluding any permanent structures within any required setback areas.

R. Places of amusement, such as theatres, including bowling alleys, game arcades, and skating rinks.

S. Professional offices.

T. Public and private schools, nursery schools and institutions of higher education.

U. Public and private community parks and preserves.

V. Residential care/assisted living/rehabilitation facilities.

W. Restaurants, bars and other places for serving food and beverages, and provided that there is no drive-through window.

X. Repair Shop, Personal services, provided the establishment does not exceed 5,000 gross square feet in floor area, with the exception of basement storage areas

Y. Retail use, provided the establishment does not exceed 5,000 gross square feet in floor area, with the exception of basement storage areas, and provided that there is no drive-through window.

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§ 212-73 Lot area and yard requirements.

A. There shall be no more than one principal building on any lot in the HC—Hamlet Center Zone.

B. Minimum lot area shall be 10,000 square feet.

C. Minimum lot width at front lot line setback shall be 50 feet.

D. Minimum lot depth shall be 120 feet.

E. Minimum front yard setback shall be 10 feet for all single-family and two-family residences, bed-and-breakfast establishments and adult- and child-care facilities, and zero feet for all other uses.

F. Minimum side yard setback shall be five feet, except in the instance where two or more single-family dwellings are attached with a common wall, or two or more commercial structures are attached with a common wall, in which case the setback may be zero feet. Property owners are encouraged, but not required, to minimize driveway impacts by creating shared driveway easements.

G. Minimum rear yard setback shall be 10 feet, except for detached garages and other accessory buildings or parking lots, in which case the minimum setback shall be five feet.

H. Maximum building height for any building or structure shall be 40 feet above average grade measured at the building perimeter.

I. Maximum lot coverage of all buildings shall be 50% of the lot area unless otherwise noted.

J. Maximum floor area of a new building shall be 5,000 square feet except an Accessory Dwelling Units (see § 212-128).

§ 212-74 Form requirements.

A. All primary buildings must include a primary entrance facing the street.

Primary entrances should be architecturally detailed incorporating a porch, stoop, or lightwell for single-family homes and porch, stoop, lightwell, canopy, awning or marquis entries for all other primary buildings.

B. New buildings and any new lots should be designed so that buildings fill a minimum of 50% of the lot width in the Hamlet Center.

C. Buildings including commercial uses must include transparent windows with a view to the building interior covering least 50% of the street facing facade area between 3 feet and 8 feet

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above grade.

D. New “residence, multiple-family” and non-residential buildings on lots larger than 10,000 square feet must include at least one entry facing the street for every 60 feet of frontage.

E. New buildings must include architectural features such as peaked roofs, architectural brackets supporting a flat roof or an architectural cornice facing the street.

F. New buildings may not have blank walls longer than 30 feet facing any street.

§ 212-75 Buffer areas.
Buildings or other structures or parking areas are required to be setback from perennial and intermittent streams and any state, federal or locally designated wetlands as provided in § 212-124.

Article XIII HN—Hamlet Neighborhood Zone

§ 212-76 Purpose.
The purpose of an HN—Hamlet Neighborhood is to provide opportunities for village- and hamlet-scale residential development to serve the varied housing needs of the residents while preserving the historical nature of the Town. This zone encourages the redevelopment of the Town's hamlets while providing the Town and the residents of the zone with the ability to assert reasonable controls over development in the designated zone that is consistent with the Comprehensive Plan, the historic nature of the zone, and organized and logical growth

§ 212-77 Permitted uses.
In the HN—Hamlet Neighborhood, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

A. Single-family residence and their accessory buildings, subject to Article XXIV **§ 212-167:** *Accessory Buildings*.

B. Two-family residence and their accessory buildings, subject to Article XXIV **§ 212-167:** *Accessory Buildings*.

§ 212-78 Permitted accessory uses.
Such necessary uses as are customarily incidental to the above uses:

A. Accessory buildings, subject to Article XXIV **§ 212-167:** *Accessory Buildings***.**

B. Bed-and-breakfast establishments.

C. Accessory dwelling unit, subject to the provisions of Article XX, § 212-128.

D. Family child care.

E. Family adult care.

F. Home occupations.

G. Professional offices, where such office is part of the residence property and no more than three persons not residing on the premises are employed.

H. Signs as regulated under Article XX, § 212-122.

I. Temporary buildings as defined in Article IV.

J. Vehicle parking, pursuant to the provisions of Article XX, § 212-121. Limited parking is permitted between the facade of a primary building and the street; most parking must be located to the side or behind primary buildings.

K. Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-79 Uses permitted by Site plan review.

The following uses are allowed upon site plan approval by the Planning Board pursuant to Article III, § 212-19, subject to the design standards set forth in relevant sections of Article XX:

A. Adult group care.

B. Child-care centers, group child care.

C. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.

D. Community center.

E. Clubhouse, hall, post, temple and other facilities associated with the activities of social organizations, except that the on-premises sale of alcoholic beverages is prohibited.

F. Library, museum.

G. Residence, Multiple-family, subject to the provisions of Article XX, § 212-133.

H. Nursery school.

I. Public and private community parks and preserves.

J. Residential care/assisted living/rehabilitation facilities.

K. Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

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§ 212-80 Lot area and yard requirements.

A. There shall be no more than one principal building on any lot.

B. Minimum lot area shall be 21,780 square feet (1/2 acre).

C. Minimum lot width at front yard setback shall be 50 feet.

D. Minimum lot depth shall be 175 feet.

E. Minimum front yard setback shall be 20 feet.

F. Minimum side yard setback shall be 15 feet.

G. Minimum rear yard setback shall be 35 feet, except for detached garages and other accessory buildings, in which case the minimum setback shall be five feet.

H. Maximum building height for any building or structure shall be 32 feet above average grade measured at the building perimeter.

I. Maximum lot coverage for all buildings and structures shall be 30% of the lot area.

J. Flag lots, subject to the standards set forth in Article XX, § 212-130.

K. Maximum floor area of a new building shall be 5,000 square feet except Accessory Dwelling Units pursuant to § 212-128 (Standards for Accessory Dwelling Units).

§ 212-81 Buffers.

No buildings or other structures, or parking areas, shall be located within 50 feet from a perennial or intermittent stream edge or any wetland as defined by local, state or federal law and further provided for in §212-124.

§ 212-82 Reserved

Article XIV
WH — Waterburg Hamlet Zone

§ 212-83 Purpose.

The purpose of an WH—Waterburg Hamlet Zone is to provide opportunities for village- and hamlet-scale residential development to serve the varied housing needs of the residents while preserving the historical nature of the Town. This zone encourages the redevelopment of the Town's hamlets while providing the Town and the residents of the zone with the ability to assert reasonable controls over development in the designated zone that is consistent with the Comprehensive Plan, the historic nature of the zone, and organized and logical growth.

§ 212-84 Permitted uses.

In the WH—Waterburg Hamlet Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than

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the following:

A. Single-family residences and their accessory buildings.

B. Two-family residences in the same dwelling and their accessory buildings.

§ 212-85 Permitted accessory uses.
Such necessary uses as are customarily incidental to the above uses:

A. Accessory building, subject to Article XXIV **§ 212-167: *Accessory Buildings*.**

B. Accessory Dwelling Units, subject to provisions of Article XX, § 212-128

C. Bed-and-breakfast establishments.

D. Elder cottages, subject to the provisions of Article **XX**, § **212-139.5.**

E. Family child care.

F. Family adult care.

G. Home occupations.

H. Professional offices where such office is part of the residence building and no more than three persons not residing on the premises are employed.

I. Signs as regulated under Article **XX**, § **212-122E**.

J. Temporary building as defined in Article **IV**.

K. Vehicle parking, pursuant to the provisions of Article **XX**, § **212-121**.

L. Minor solar collection system subject to the provisions of Article **XX**, § **212-139.1**. **[Added 11-24-2015 by L.L. No. 3-2015]**

§ 212-86 **Uses permitted by Site Plan Review.**
The following uses are allowed upon approval of a site plan pursuant to Article **III**, § **212-19**, subject to the standards set forth in Article **XX**:

A. Adult care centers

B. Adult group care.

C. Church, mosque, synagogue, temple or other place of worship, convent, rectory, parish houses.

D. Community center.

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E. Library, museum.

F. Nursery school.

G. Public and private community parks and preserves.

§ 212-87 **Lot area and yard requirements.**

A. There shall be no more than one principal building on any lot.

B. Minimum lot area shall be 2 acres.

C. Minimum lot width at front yard setback shall be 400 feet.

D. Minimum lot depth shall be 200 feet.

E. Minimum front yard setback shall be 50 feet.

F. Minimum side yard setback shall be 30 feet.

G. Minimum rear yard setback shall be 75 feet,

H. Maximum building height for any building or structure shall be 32 feet above average grade measured at the building perimeter.

I. Maximum lot coverage shall be 15% of the lot area.

J. Maximum floor area of a new building shall be 5,000 square feet except Accessory Dwelling Units pursuant to § 212-128.

K. No buildings or other structures, or parking areas, shall be located within 50 feet from a perennial or intermittent stream edge or any wetland as defined by local or federal law and 100 feet for any state designated wetland. See also §212-124: Buffers.

Article XV
B1 — Business Zone

§ 212-88 **Purpose.**

The purpose of the B1—Business Zone is to provide opportunities for neighborhood-scale retail commercial development in appropriate locations in the Town of Ulysses to serve the needs of local residents, and to provide the Town with the ability to assert reasonable controls over commercial development consistent with the Ulysses Comprehensive Plan and the goals of organized and logical growth, increased employment opportunities and an increased tax base.

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§ 212-89 **Permitted uses.**
In the B1—Business Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following, upon receipt of site plan approval from the Planning Board, pursuant to the provisions of Article **III**, § **212-19**:

A. Adult care centers.

B. Business and professional offices.

C. Banks and other financial institutions.

D. Boarding house.

E. Child-care centers, group child-care centers.

F. Communication transmission towers and telecommunications facilities, subject to the provisions of Article **XXII**.

G. Community centers.

H. Conference centers.

I. Dry cleaners.

J. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.

K. Fraternal organizations and their clubhouse, hall, post, temple and other facilities associated with the activities of the organization.

L. Funeral homes.

M. Gasoline and other retail vehicle fuel sales, subject to the standards set forth in Article **XX**, § **212-131**.

N. Health clubs.

O. Hospitals.

P. Hotels.

Q. Marinas.

R. Places of amusement, such as theatres, including drive-in theatres, bowling alleys, game arcades, miniature golf courses and skating rinks.

S. Private schools, nursery schools, institutions of higher learning including dormitories.

T. Restaurants, bars and other places for serving food and beverages.

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U. Retail lumber and building-supply centers.

V. W. Retail services, such as barber shops or hairdressers; decorators, dressmakers or tailors; opticians; photographers; film developing, printing, photocopying and digital imaging; video, DVD and other electronic visual and audio entertainment media rentals; and businesses of a similar and no more intense nature.

W. Retail stores, provided the establishment does not exceed 12,000 gross square feet in floor area, with the exception of basement storage areas, and operates only between the hours of 6:00 a.m. and 11:00 p.m.

X. Self-service storage facilities, subject to the standards set forth in Article **XX**, § **212-137**.

§ 212-90 Permitted accessory uses.
In the B1—Business Zone, no building or structure shall be erected, altered, or extended, and no land or building thereof shall be used for any purpose other than the following, upon receipt of site plan approval from the Planning Board, pursuant to the provisions of Article **III**, § **212-19**.

A. Accessory buildings, subject to Article XXIV **§ 212-167** *Accessory Buildings***.**

B. Off-street loading areas.

C. Temporary buildings, as defined in Article **IV**.

D. Signs as regulated under Article **XX**, § **212-122**, and also note § **212-122F**.

E. Vehicle parking, pursuant to the provisions of Article **XX**, § **212-121**.

F. Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-91 Uses permitted by special permit.
The following uses are allowed within the B1—Business Zone upon receipt of approval for a special permit, per Article **III**, § **212-18**, upon receipt of approval for site plan approval from the Planning Board, pursuant to the provisions of Article **III**, § **212-19**:

A. Any establishment ordinarily operating between the hours of 11:00 p.m. and 6:00 a.m.

B. Drive-through restaurants.

C. Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015].

D. Multiple dwellings and their accessory buildings.

E. One and two-family dwellings and their accessory buildings.

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F. Vehicle and boat sales, rentals, service, auto body and repair shops.

§ 212-92 Lot area and yard requirements.

A. Minimum lot area: none.

B. Minimum lot width at front lot line: none.

C. Minimum lot depth: none.

D. Minimum front yard setback shall be 30 feet.

E. Minimum side yard setbacks shall be 15 feet or as required by the New York State Fire Prevention Code, whichever is greater.

F. Minimum rear setback shall be 15 feet.

G. Maximum building height for any building or structure shall be 32 feet above average grade measured at the building perimeter.

H. Maximum lot coverage by all buildings, structures and impervious surfaces shall be 70% of the lot area.

I. No parking shall be allowed within the required front yard setback.

J. No outdoor display of products shall be allowed within the front yard setback.

K. Maximum floor area of a new building shall be 20,000 square feet except where otherwise noted.

§ 212-93 Buffer areas.

A. Wherever a B1—Business Zone abuts an R—Residential Zone, RM—Multiple-Residence Zone, WH—Waterburg Hamlet Zone, or HC—Hamlet Center Zone, or HN Hamlet Neighborhood Zone there shall be in addition to the required side yard and rear yard a vegetated buffer area of not less than 35 feet. No building or structure, parking or outside storage of any kind shall be allowed within this buffer area.

B. No buildings or other structures, or parking areas, shall be located within 100 feet from any stream or any wetland as defined by local, state or federal law. With the exception of stream crossings, no roadways shall be located within 50 feet from a stream or any wetland as defined by local, state or federal law. Streams are required to have a stream protection setback as defined in Article **XX**, § **212-124**.

C. All buffer area plantings shall be subject to the requirements of Article **XX**, § **212-124**.

§ 212-94 Building permits.

No building permit shall be issued for a building or structure within a B1—Business Zone unless

the proposed building or structure is in accordance with an approved site plan, except as provided for in Article **III**, § **212-19J**.

Article XVI
MZ — Marina Zone

§ 212-95 Purpose.
The purpose of the MZ—Marina Zone is to preserve and protect the natural, environmental, and historic resources of the lakeshore and to provide waterfront access to Cayuga Lake.

§ 212-96 Permitted uses.
In the MZ—Marina Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

A. Recreational facility, such as park, playground, preserve, fishing pier, or yacht club.

§ 212-97 Permitted accessory uses.
Such necessary uses as are customarily incidental to the above uses:

A. Accessory buildings, subject to Article XXIV **§ 212-167** ***Accessory Buildings*****.**

B. Docks and moorings as regulated by state and federal agencies.

C. Single-family residence and their accessory buildings.

D. Signs as regulated under Article **XX**, § **212-122**.

E. Swimming beach, as regulated by Tompkins County Health Department.

F. Temporary buildings and structures used for office, sales, storage and fabrication activities related to the development of a site, provided that such building or structure may not be continued for more than one year except upon receipt of a special permit.

G. Vehicle parking, pursuant to the provisions of Article **XX**, § **212-121**.

H. Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-98 Uses permitted by site plan review.
The following uses are allowed within the MZ—Marina Zone upon receipt of site plan approval from the Planning Board pursuant to Article **III**, § **212-19**, and subject to the design standards set forth in relevant sections of Article **XX**:

A. Business or professional office.

B. Sale, rental, repair, or storage of marine-related recreation equipment, such as boats,

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sails.

C. Restaurant.

§ 212-99 Uses permitted by special permit.
The following uses are allowed within the MZ—Marina Zone upon approval of a special permit pursuant to Article **III**, § **212-18**, upon receipt of site plan approval from the Planning Board pursuant to Article **III**, § **212-19**, and subject to the design standards set forth in relevant sections of Article **XX**:

A. Campgrounds and group campgrounds, subject to the provisions of Article **XX**, § **212-127**.

B. Cultural facility, such as museum or nature center.

C. Hotel.

D. Public, private, or parochial school.

§ 212-100 Lot area and yard requirements.

A. Minimum lot area shall be five acres.

B. Minimum lot width at front lot line shall be 250 feet. In the case of lots with frontage on a lake, minimum lot width shall be measured at the front yard setback opposite the side fronting on the lake.

C. Minimum lot depth shall be 250 feet.

D. Minimum front yard setback shall be 50 feet.

E. Minimum side yard setbacks shall be 50 feet.

F. Minimum rear setback shall be 50 feet.

G. Maximum building height shall be 32 feet.

H. Maximum lot coverage shall be 5% of the lot area.

I. Maximum footprint of a new building shall be 2,000 square feet

J. The above notwithstanding, in the case of a lot with frontage on a lake, accessory uses such as boathouses, pump houses, docks, piers, boat ramps, patios, decks and other facilities typically associated with water-oriented recreational pursuits are permitted within the front yard setback area fronting on the lake; provided, however, that they are located outside the required side yard setback areas.

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§ 212-101 Buffer areas.
No buildings or other structures, or parking areas, shall be located within 100 feet from a perennial or intermittent stream edge or any wetland as defined by local, state or federal law and further provided for in §212-124.

§ 212-102 Design standards.

A. Streams.

(1) Perennial and intermittent streams are, and wetlands may become, prominent features of the Marina Zone, and the condition of these water bodies directly affects the health of Cayuga Lake and the various creatures that depend on the water for sustenance. As such, it is the intent of these Marina Zone regulations to ensure the continued preservation and health of these many Cayuga Lake tributaries for current and future generations.

(2) For the purposes of this section, the area of a wetland is defined by both state, local and federal governing regulations. Buffer areas apply to local and federally protected wetlands greater than 0.1 acre.

(3) All perennial and intermittent streams and all state, federal, and locally designated wetlands are required to have a protective setback as defined in § 212-124.b and § 212-101.

(4) Requirements.

(a) To the extent possible, perennial and intermittent streams shall be protected from sediment, effluent, sewage, and driveway runoff.

(b) Diverting or altering the course of perennial or intermittent streams shall be prohibited, except where a NYSDEC permit is obtained in advance of starting work.

(c) Unless otherwise authorized by the Planning Board or state or federal agency, no disturbance as listed previously in this section shall be located within 100 feet of any wetland.

(d) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine potential impacts of development on said wetland.

(5) Recommendations.

(a) Plowing of salt laden snow from driveways into streams should be avoided.

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(b) The proximity of docks to mouths of tributaries should consider natural variation in stream boundary location so as to not interfere with stream flow over time.

(c) Stream bank vegetation should be encouraged to minimize erosion. Where necessary, stream banks should be replanted with native species.

(d) Flow of water in Cayuga Lake tributaries should not be impeded by human-made structures in or spanning streams.

B. Vegetation and landscape.

(1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive trees and shrubs, in the Marina Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town. The intent of this section is to encourage landowners in this zone to preserve and encourage vegetation for the benefit of current and future residents of the Town.

(2) The intent of the Town of Ulysses is to preserve the natural features of the Marina Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.

(3) Requirements. Tree removal, except clear-cutting, is allowed in the Marina Zone outside of unique natural areas or slope overlay areas. Tree removal is allowed in the Marina Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:

(a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.

(b) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a construction site, septic system, parking areas, and the driveway access.

(c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the requirements of a building project is prohibited.

(d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A woodland management plan shall be prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the

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New York State Department of Environmental Conservation.

(4) Recommendations.

(a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for firewood or lumber use and for forest management and forest improvement.

(b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.

(c) Buffer areas proximal to water bodies are to be promoted using noninvasive plants to protect water resources.

(d) Removal of trees for the purpose of expanding a view is discouraged.

(e) Removal of trees for the purpose of expanding sunlight exposure is discouraged.

(f) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.

(g) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.

(h) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.

(i) Dead trees that do not pose a threat to life, property or a healthy forest should be left to provide wildlife habitat for both birds and animals.

(j) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.

(k) Regrading should blend in with the natural contours and undulations of the land.

(l) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.

(m) Building design should harmonize with the natural setting.

(n) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

C. Soil and sediment control.

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(1) All streams and state, federal, and locally designated wetlands are required to a have a protective setback as defined in §212-101 and § 212-124. b.

(2) On sites within the slope overlay area or unique natural area, there shall be no excavation, grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.

(3) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.

(4) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.

D. Driveways and parking.

(1) Requirements.

(a) For new impervious surfaces proposed for driveways, parking areas, or walkways in unique natural areas or slope overlay areas, site plan review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.

(b) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto Route 89.

(2) Recommendations.

a) Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.

b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface, which would contribute to runoff.

c) Driveways and parking areas should follow contour lines of the land as much as possible.

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d) Excavation and regrading of slopes for parking areas should be minimized.

Article XVII

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OTMU — Office/Technology Mixed Use Zone

§ 212-103 **Purpose.**
The purpose of the OTMU – Office Technology Mixed Use Zone is to provide for employment, support local entrepreneurs and stimulate local economic development by providing areas where land uses may include office, research and development; light industrial; overnight lodging accommodations and commercial and service businesses to support area workers and residents. This zone is intended for low-impact and moderate-impact employment uses, which may benefit from close proximity to, but clear separation from residential neighborhoods, and is located adjacent to a state highway access point.

§ 212-104 Permitted uses.
In the OTMU – Office Technology Mixed Use Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

A. Agricultural events, subject to standards set forth in Chapter 142: Special Events.
B. Commercial stable, subject to the standards set forth in Article XX, §212-138.
C. Farm Operation.
D. On-farm labor housing.

§ 212-105 Permitted accessory uses.
In the OTMU – Office Technology Mixed Use Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

A. Accessory buildings, subject to Article XXIV § 212-167: Accessory Buildings.
B. Child-care centers, group child care, family child care.
C. Cottage industry; if structure or use of land exceeds the square footage of the principal dwelling, site plan approval is required.
D. Farm operation, accessory commerce.
E. Fences and walls, subject to the provisions of Article XX, §212-162.
F. Home occupation.
G. Minor solar collection system, subject to the provisions of Article XX, §212-139.1.
H. Off-street loading areas.
I. Roadside stands, subject to the provisions of Article XX, § 212-135.
J. Indoor and outdoor dining facilities, except that such facilities shall be for the exclusive use of employees or their guests.
K. Off-street loading areas.
L. Signs as regulated under Article XX, § 212-122; also note Article XX, § 212-122F.

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M. Temporary buildings as defined in Article IV.

N. Vehicle parking, pursuant to the provisions of Article XX, § 212-121.

§ 212-106 Uses allowed by site plan approval.

In the OTMU – Office Technology Mixed Use Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following, upon receipt of site plan approval pursuant to Article III, § 212-19:

A. Adult entertainment businesses, subject to the standards set forth in Article XX, § 212-125.

B. Auction house.

C. Artist's studio.

D. Bicycle/ski rental business.

E. Professional offices.

F. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.

G. Clinic.

H. Communication transmission towers and telecommunications facilities, subject to the provisions of Article XXII.

I. Conference center.

J. Facilities for agricultural education and recreation events.

K. Farm breweries, farm cideries, farm distilleries, farm wineries.

L. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.

M. Health club.

N. Hospital.

O. Hotel.

P. Lawn/landscaping service.

Q. Light industry.

R. Off-premise signs, subject to the provisions of Article XX, § 212-122 (D).

S. Large- and small-scale sawmills, subject to the provisions of Article XX, § 212-136.

T. Major solar collection system, subject to the provisions of Article XX, §212-139.2.

U. Motel.

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V. Public and private schools, nursery schools, institutions of higher education.

W. Public or private park or playground, including accessory buildings and improvements.

X. Regional parks, wildlife sanctuaries, woodland preserves, arboretums.

Y. Research and development enterprises not involving the manufacture, fabrication, processing, or sale of products, with the exception of prototype development.

Z. Restaurant.

AA. Retail lumber and building-supply centers.

BB. Repair shop, personal service.

CC. Retail use, provided the establishment does not exceed 12,000 gross square feet in floor area, with the exception of basement storage areas.

DD. Self-service storage facility, subject to the standards set forth in Article XX, § 212-137.

EE. Signs, subject to limitations set forth in Article XX, § 212-122.

FF. Warehouse, provided the establishment does not exceed 20,000 gross square feet in floor area.

GG. Wineries.

§ 212-107 **Uses by special permit.**
The following uses are allowed upon approval of a special permit pursuant to Article III, § 212-18, and upon receipt of site plan approval from the Planning Board, pursuant to the provisions of Article III, § 212-19, subject to the standards set forth in Article XX:

A. Auto body and repair shops subject to the standards set forth in § 212-131.

B. Boat repair and service shop, subject to the standards set forth in § 212-131.

§ 212-108 Lot area and yard requirements.

A. Minimum lot area: none, subject to approval by the Tompkins County Health Department as set forth in § 212-8

B. Minimum lot width at front lot line: none.

C. Minimum lot depth: none.

D. Minimum front yard setback shall be 50 feet in the case of a public road right-of-way. In cases where the lot or parcel fronts on a private interior street or road, the minimum front yard setback shall be 80 feet from the center line of said street or road.

E. Minimum side yard setbacks shall be 25 feet.

F. Minimum rear setback shall be 35 feet.

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G. Maximum building height for any building or structure shall be 32 feet above average grade measured at the building perimeter.

H. Maximum lot coverage by all buildings, structures and impervious surfaces shall be 50% of the lot area.

I. Maximum floor area of any new building (agricultural or non-agricultural) shall be 20,000 square feet except where otherwise noted.

§ 212-109 Buffer areas.

A. Wherever an OTMU – Office Technology Mixed Use Zone abuts an R—Residential Zone, RM—Multiple-Residence Zone or HC—Hamlet Center, there shall be in addition to the required side yard and rear yard a vegetated buffer area of not less than 50 feet. No building or structure, parking or outside storage of any kind shall be allowed within this buffer area. All buffer area plantings shall be subject to the requirements of Article XVI, § 212-124.

B. No buildings or other structures, or parking areas, shall be located within 100 feet from a stream or any wetland as defined by local, state or federal law. Streams are required to have a stream protection setback as defined in Article **XX**, § **212-124**.

Article XVIII
PR —Park/Recreation Zone

§ 212-110 Purpose.

The purpose of the PR—Park/Recreation Zone is to protect those natural areas and scenic and recreational resources within the Town of Ulysses that contribute to the high quality of life and economic vitality of the Town.

§ 212-111 Permitted uses.

In the PR—Park/Recreation Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

A. Farm Operation.

§ 212-112 Uses permitted by special permit.

The following uses are allowed within the PR—Park/Recreation Zone upon approval of a special permit pursuant to Article III, § 212-18, upon receipt of site plan approval from the Planning Board pursuant to Article III, § 212-19, and subject to the design standards set forth in relevant sections of Article XX:

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A. Signs as regulated under Article XX, § 212-122

B. Seasonal campgrounds, overnight campgrounds and group campgrounds, subject to the provisions of Article XX, § 212-127.

C. Cemeteries and the buildings and structures incidental to cemetery operations.

D. Golf courses, except miniature golf courses operated on a commercial basis.

E. Nature centers.

F. Public and private community parks, regional parks and preserves.

G. Commercial stables, subject to the provisions of Article XX, § 212-138.

§ 212-113 Permitted accessory uses.

The following uses shall only be permitted as accessory uses to the uses set forth July 8, 2014, in §§ 212-111 and 212-112. Site plan approval shall be required from the Planning Board pursuant to the provisions of Article III, § 212-19.

A. Accessory buildings.

B. Single-family residences and their accessory buildings, subject to the limitations set forth in Article **IV**, Terminology; and Article **XX**, Design Standards.

C. Seasonal roadside stand, subject to provisions of Article **XX**, § **212-135**.

D. Temporary buildings and structures used for office, sales, storage and fabrication activities related to the development of a site, provided that such building or structure may not be continued for more than one year except upon receipt of a special permit.

E. Vehicle parking, pursuant to the provisions of Article **XX**, § **212-121**.

F. Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-114 Lot area and yard requirements.

A. Minimum lot area shall be 10 acres.

B. Minimum lot width shall be 400 feet at the front and rear lot lines.

C. Minimum lot depth shall be 450 feet.

D. Minimum front and rear yard setback shall be 75 feet.

E. Minimum side yard setbacks shall be 15 feet.

F. Minimum lakeside setback shall be 100 feet, measured from the MHWE.

G. Maximum building height shall be 40 feet.

H. Maximum lot coverage shall be 5% of the lot area, including roads.

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I. Maximum footprint of a new building shall be 2,000 square feet.

J. The above and the provisions of § **212-115** notwithstanding, in the case of a lot with frontage on a lake, accessory uses such as boathouses, pump houses, docks, piers, boat ramps, patios, decks and other facilities typically associated with water-oriented recreational pursuits are permitted within the yard setback area and buffer area fronting on the lake; provided, however, that they are located outside the required side yard setback areas.

§ 212-115 Buffer areas.

A. No buildings or other structures, or parking areas, shall be located within 100 feet from any stream edge or any wetland as defined by local, state or federal law, or in the case of a lot with frontage on a lake, within 100 feet of the lakefront using the mean high-water elevation. See § 212-124: Buffers.

B. The above notwithstanding, in the case of a lot with frontage on a lake, accessory uses such as boathouses, pump houses, docks, piers, boat ramps, patios, decks and other facilities typically associated with water-oriented recreational pursuits are permitted within the buffer area fronting on the lake, provided; however, that they are located outside the required side yard setback areas set forth in § **212-114** above.

Article XIX
Development Districts

§ 212-116 Purpose.

The purpose of the Development District is to give flexibility to this chapter in order to accommodate such developments which would be beneficial to the community but which are not now permitted in any established zone. These developments must not be contrary to the Ulysses Comprehensive Plan or this chapter.

§ 212-117 Establishment.

Any Development District established after the adoption of this chapter shall be established in accordance with the procedures set forth in Article **III**, § **212-20**.

§ 212-118 Existing Development District.

NOTE: The following Development Districts were established prior to the adoption of this chapter and shall remain in effect as set forth below.

A. **Development District 1: Spruce Row Campsite** (formerly Development District 1, as amended October 8, 1991, June 2009).

(1) Allowed uses. The purposes for which the district may be used are as follows:

(a) The site plan as listed on the map dated June 2009 for this district is listed as a legal and conforming use. Any future buildings, site changes/additions will require compliance with § **212-127A**, Campgrounds, seasonal.

[1] Site plan review shall be required for future buildings, site changes/additions above the 208 sites regulated by Tompkins County Department of Health.

[2] The maximum sites for the Development District shall be 425.

(b) Campsites.

(c) Living accommodations for campers shall be tents, recreational vehicles, recreational park trailers, or camping cabins intended for transient use.

[1] A "tent" shall be defined as a portable shelter, made of fabric, stretched over a supporting framework of poles with ropes and pegs.

[2] A "recreational vehicle" shall be defined as a vehicle that can only be moved on the highway without a special permit from the New York State DOT (therefore no wider than eight feet), built on a single chassis, mounted on wheels, with gross trailer area not to exceed 400 square feet in area.

[3] A "recreational park trailer" shall be defined as a vehicle that can be moved on the highway with a special permit from the New York State DOT (therefore may be wider than eight feet but no more than 12 feet), built on a single chassis, mounted on wheels with gross trailer area not to exceed 400 square feet in area.

[4] A "camping cabin" shall be defined as a hard sided tent or shelter less than 400 square feet in an area without plumbing which is on skids or otherwise designed to be readily moveable.

(d) The campgrounds shall be open for the season camping annually from May 1 through October 31. Off season, no more than 20% occupancy of existing sites at any given time is permitted for temporary camping units. Length of stay is no more than seven consecutive days during the off season. (This is designed to accommodate such recreational activities as hunting, fishing, skiing, etc.) Snowmobiles will be limited to four per site with a maximum of 40 allowed in the campground at any one time.

(e) Commercial sales of recreational vehicles, recreational park trailers and retail sales of camping-related items shall be an allowed use.

(f) The following recreational uses are allowed in the campsite for only registered campers and guests: mini-golf, hayrides, arcade, two playgrounds (as listed on the map), swimming pool, fishing pond, paddle boat rentals, geocaching, pedal cart rentals, golf cart rentals, volleyball, basketball, horseshoes, nature/hiking trails, live

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music entertainment, ball field and similar activities.

(2) District area boundaries.

(a) The area of said district shall be approximately 83 acres as described on the map dated June 2009.

(b) The district boundaries are as follows: All that tract or parcel of land situated in the Town of Ulysses, County of Tompkins and State of New York, being part of Military Lot 16 in said Town and bounded and described as follows:

BEGINNING at a point in the center line of Kraft Road approximately 2,643 feet from the west line of Military Lot 16, thence south parallel to the west line of Military Lot 16 approximately 2,061 feet to the south line of Military Lot 16; thence west along the said south line of Military Lot 16 approximately 2,643 feet to the west side of said Military Lot 16 (being the east line of military lot 15); thence north along the west line of Military Lot 16 approximately 1,188 feet to a point; thence northeasterly along a hedgerow and woodlot about 528 feet; thence southeasterly along the said hedgerow and woodlot about 462 feet; continuing in a southeasterly direction along the said hedgerow about 792 feet to a second hedgerow which runs north and south; thence north along said second hedgerow about 792 feet to a third hedgerow which runs east and west; thence west and parallel to Kraft Road approximately 88 feet to a point; thence north and perpendicular to Kraft Road approximately 351 feet to a center line of Kraft Road; thence east along center line of Kraft Road 1,034 feet to the point of beginning.

(3) Specifications for campsites.

(a) The number of campsites in the district is not to be more than 425 sites. The sites shall be a minimum of 30 feet wide and a depth of 50 feet or as directed by NYS DOH.

(b) East of the driveway (to the left as entering the campgrounds) campsite numbers 2, 4, 6 to 9, 11, 20, 21 and 20A are to remain as they are. No campsites will be permitted closer than 275 feet from the center line of Kraft Road. A natural vegetative buffer must be maintained between the eastern most campsites and the eastern most boundary. Campsites to remain as they are on the map, no new campsites are to be added within this area.

(c) Parking. Two-hour temporary parking is permitted north of the hedgerow (labeled as Hedgerow No. 1 on the map) for patrons and their guests.

(d) Each campsite shall have a designated area for a campfire that shall be located, cleared and protected in accordance with recommendations of the Trumansburg Fire Chief. All firewood in the campground to be in compliance with DEC regulations on

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transported in firewood.

(e) The sites as listed in the map dated June 2009 shall be considered legal and conforming according to existing zoning regulations. All new and additional campsites are required to be in compliance with § **212-127A**, Campgrounds, seasonal.

(f) Recreational park trailers will be limited to 15% of existing sites within the district not to exceed 43 sites. Recreational park trailers can be located on sites indicated with an X on the map dated June 2009.

(g) Camping cabins will be limited to 15% of existing sites within the district not to exceed 43 sites.

(4) Sewage and garbage disposal.

(a) Sewage and garbage disposal shall meet all requirements of the Tompkins County Health Department.

(b) Rodent-tight refuse containers shall be provided so that there shall be a minimum of one container for every four campsites.

(c) There shall be absolutely no dumping of any type of refuses whatsoever in Willow Creek.

(d) Garbage shall be picked up at least twice per week during the months of June, July and August, and at least once per week the remainder of the season.

(e) Underground sewage receptacles shall not be allowed within 100 feet of the edge of Willow Creek; all recreational vehicles within that area must have self-contained sewage holding tanks.

(5) Water.

(a) Drinking water shall be provided and conform to the standards of the Tompkins County Health Department.

(b) There shall be no cleaning activities (activities that include soaps, shampoos, or cleansers) in Willow Creek (e.g., bathing, car washing, and dishwashing).

(c) Under conditions of drought, a water conservation plan shall be enacted that could include reduction of shower usage, prohibition of washing vehicles, campers and pets. Further, under drought consideration no watering of lawns or plants shall take place.

(6) Maintenance.

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(a) The entire district shall be kept free and clear of all litter and be maintained in a neat and orderly manner.

(b) A monthly visual inspection shall be conducted of the sewage holding tanks of all recreational vehicles and recreational park trailers located along and upgradient of Willow Creek.

(c) Chlorinated water from the swimming pool will not be discharged in excess of 100 gallons in a twenty-four-hour period for maintenance procedures.

(7) Signs. One namesake sign or bulletin board not exceeding 18 square feet is allowed. Said sign shall not be self-illuminating and the bottom of said sign shall not be more than five feet from the ground.

(8) Commercial sales.

(a) Commercial sales of recreation vehicles and recreational park trailers are allowed in this district. A maximum of six units may be displayed in the area (40 feet by 75 feet) listed on the map dated June 2009.

(b) New units are allowed on camping sites for purpose of commercial sales.

(c) Individuals may display their used units for second-hand sale on sites within the district.

(d) The existing retail store for sales of camping related items, such as firewood, ice, and sundry items, for the accommodations of the campers and their guests is permitted.

(9) Storage.

(a) Storage of recreation vehicles and boats on trailers is allowed, with the provision that no more than 60% of the existing campsites can be used for storage and no more than one unit per campsite.

(b) In-season storage shall be limited to the campsites themselves or the area designated on the map June 2009 as off-site storage.

(10) Buffers. All natural buffers are to remain, and in addition:

(a) From the current driveway, east, approximately 40 feet from the center line of the road in line with the current tree line, a hedge (indicated as Hedgerow No. 2 on the map) of evergreens is to be maintained, using a minimum spacing of six feet, with the minimum size of trees to be planted of four feet and with the hedgerow to be two rows of trees deep. If any trees die, they are to be replaced.

(b) The area along Hedgerow No. 1 is to be inter-planted with evergreen trees and

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shrubs, from the entrance road to the west boundary. The purpose is to create a dense visual barrier to hide vehicles and activities and to provide privacy for regular users and campers as well as neighbors. Minimum size of plants at planting shall be four feet.

(c) All natural covers on the remaining boundaries shall remain and natural growth of said hedgerows shall be encouraged.

(d) The existing sites along Willow Creek indicated on the map dated June 2009 will be maintained with a minimum twenty-foot wide natural vegetative buffer adjacent to the stream. All future sites will be in compliance with § **212-127A** which states no campsite, buildings, structures, or parking areas shall be located within 100 feet of a stream edge or any wetland as defined by local, state or federal law.

(11) Mobile home.

(a) One mobile home, larger than 750 square feet, shall be permitted in the Development District as indicated on the map dated June 2009.

(b) The mobile home will be skirted and the hedgerow that now exists shall remain as screening.

B. Development District No. 2: Podunk Ski Shop (formerly Development District No. 5, created June 15, 1976).

(1) Allowed uses. The purposes for which the district may be used are as follows:

(a) Ski retail and rental shop.

(b) Sauna.

(c) Hostel/lodge.

(2) District area and boundaries:

(a) Located at the southeasterly corner of Cold Springs Road and Podunk Road and being all of Tax Parcel Nos. 21-1-1 and 21-1-1.1 as shown on the Tompkins County Tax Map.

(b) Located on west side of Podunk Road opposite Cold Spring Road and being all of Tax Parcel No. 22-5-2 as shown on the Tompkins County Tax Map.

(3) District specifications. No district specifications are listed as part of this Development District.

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C. Development District No. 3: Bar/Restaurant/Trailers (formerly Development District No. 7, created May 8, 1979).

(1) Allowed uses. The purposes for which this district may be used are as follows:

(a) Bar and restaurant;

(b) Maintenance of mobile home adjacent to the existing bar and restaurant;

(c) Maintenance of a second mobile home adjacent to Halseyville Road, for so long as said mobile home may be occupied by Howard and Anna Brown, or the survivor of them;

(d) No other mobile home shall be established or occupied within this district.

(2) District area and boundaries. The area of said district shall be approximately 14 acres, triangular in general shape, bounded on the east by State Highway Route 96, on the west by Halseyville Road, and on the south by premises formerly of Strong, later of Stover, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Ulysses, Tompkins County, New York and being part of Military Lots #8 and #14 in said Town more particularly bounded and described as follows:

BEGINNING at a point in the center line of Halseyville-Enfield Road at the southwest corner of lands now or formerly of Robert Dean Murphy and also the northwest corner of premises conveyed to Edmund Pearsall by deed of Isaac Ball and wife dated February 28, 1868 and recorded in the Tompkins County Clerk's Office in Liber 3 of Ulysses Deeds at page 132; running thence south (S 3 West) along the center line of said Halseyville-Enfield Road (also the westerly line of Lots #8 and #14) twenty chains and forty-nine links (20.49 chs.) to a point (also the southwest corner of said Ball-Pearsall parcel); running thence N 77E, nine chains and ninety-nine links (9.99 chs.) (previous deeds described said course as being "along the north side of the Road," which road is now nonexistent); thence continuing along said same course in a straight line to the center of the Ithaca-Trumansburg State Highway at or near the intersection of said highway and the line between Military Lot #8 on the north and #14 on the south (the last course is straightened in accordance with the Ball-Pearsall deed above mentioned, which reads: "It is understood and agreed that the fence on the southwest side of the turnpike shall be straightened and correspond with a straight line. . . ."); running thence northwesterly along the center of said Ithaca-Trumansburg State Highway about twenty chains to the southeast corner of lands now or formerly of Robert Dean Murphy; running thence westerly along Murphy's south line to the point or place of beginning.

(3) District specifications.

(a) At such time as Howard and Anna Brown, or the survivor of them, shall no longer

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occupy the second mobile home permitted by Article **XVI**, § **212-118C(1)(c)** above, one of the mobile homes shall be immediately removed from the district, and shall not be replaced; thereafter only a single mobile home shall be permitted therein.

(b) Sewage and garbage disposal shall meet all requirements of the Tompkins County Health Department.

(c) The entire district shall be kept free and clear of all litter and maintained in a neat and orderly manner and landscaped in keeping with the surrounding area.

(d) Off-street parking shall be provided adjacent to all structures as specified in Article **XX**, § **212-121**.

(e) Signs may be erected or affixed as specified in Article **XX**, § **212-122**.

D. Development District No. 4: Stover Saw Mill (formerly Development District No. 8, created October 14, 1980).

(1) Allowed uses. The purposes for which this district may be used are as follows:

(a) Operation of a sawmill in an existing 30 feet by 144 feet structure, with planing and treating sheds, for the processing and sale of forestry products, such as milled lumber, treated posts, firewood and wood by-products, such as sawdust and slab wood.

(b) Retail sale of agricultural fertilizers, lime, chemicals and seed, and mixing and custom-application of agricultural fertilizers, lime and chemicals.

(c) Retail sale of small motorized agricultural equipment to farmers; this does not include lawn mowers, garden tillers, chainsaws and other lawn and garden equipment and supplies.

(d) Retail sale of Farm Bureau tires and batteries for agricultural equipment.

(e) The construction of a farm shop and agricultural sales and service building approximately 48 feet by 96 feet to house a portion of the activities above described, on the north side of Gorge Road.

(f) The construction of a sawdust-containment building approximately 30 feet by 30 feet on the south side of Gorge Road.

(g) The construction of a sizing building approximately 30 feet by 50 feet on the south side of Gorge Road.

(h) The construction of a treating shed approximately 40 feet by 125 feet on the south side of

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Gorge Road.

(i) Construction of a fertilizer- and chemicals-mixing building approximately 40 feet by 100 feet on the south side of Gorge Road.

(j) The construction of a truck scale shelter approximately 25 feet by 50 feet on the south side of Gorge Road.

(k) All structures shall be located at least 75 feet from the highway right-of-way.

(l) Creation of this Development District, or the specification herein of permitted uses, does not limit the continuing permitted use of farming, i.e., for the general agricultural purposes of livestock and crop production and sales.

(m) The construction of any other buildings within the Development District hereinafter described shall be considered an additional and further use for which an application shall be made to the Town Board pursuant to Article **III**, § **212-20**.

(2) District area and boundaries. The area of said district shall be approximately 38 acres, on both the northerly and southerly sides of Gorge Road, bounded and described as follows:

BEGINNING at a point in the center of Taughannock Falls Road (Gorge Road), said point of beginning being 441.3 feet southwesterly along the center of said road from its intersection with the north line of Military Lot #9, thence north 68 degrees, 22' west (passing through a pipe in the northwesterly line of said road) along an old fence, 303.4 feet to a point marked by an iron pipe; thence south 62 degrees, 8' west. 797.8 feet to a point in an old fence and hedgerow; thence south 11 degrees, 32' east 1,137 feet crossing Gorge Road to a pipe in the north line of the former Lehigh Valley Railroad right-of-way (New York State Electric and Gas right-of-way); then running south 72 degrees 10' east along said right-of-way approximately 1,243 feet to a point marked by a pipe; then running northwesterly approximately 904 feet to a point marked by a pipe; then running northeasterly approximately 575 feet to a point marked by a pipe on the south bank of the stream near a large honey locust tree; then running northwesterly approximately 700 feet along the hedgerow passing through a point marked by a pipe at the end of the hedgerow to the center of Gorge Road; then running southeasterly along Gorge Road approximately 100 feet to the point of beginning.

(3) District specifications.

(a) No access road or driveway shall enter the public highway within 75 feet from the intersection of the highway and a boundary of the district.

(b) No saw logs, lumber or wood by-products shall be placed within 75 feet of any boundary of the district or any highway.

(c) Evergreen trees 4 feet to 5 feet in height shall be planted in two rows, alternately spaced, at intervals of 20 feet along that portion of the western boundary of the district southerly

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from the Gorge Road to the New York State Electric and Gas right-of-way, in order to provide both a visual screen and sound barrier for the existing building housing the sawmill.

(d) An electric motor for the new sawmill shall replace the present power source and be located to the east of the sawmill; this new power source shall be operational within three months or as soon thereafter as New York State Electric and Gas Corp. can provide the necessary electrical service.

(e) Until the aforesaid electric motor shall be in operation, a temporary sound barrier shall be erected to the west of the present sawmill in accordance with specifications of the Extension Safety Engineer, Department of Agricultural Engineering, Cornell University.

(f) No sawing of logs shall take place on Sundays or holidays, or on weekdays except between the hours of 7:00 a.m. and 7:00 p.m.

(g) Any agricultural chemicals or chemicals for the preservative treatment of lumber shall be stored, used and disposed of in accordance with applicable federal, state and local regulations so that there shall be no discharge of hazardous chemicals to the environment and no broadcast of offensive odors.

(h) There shall be no outside storage or display of farm machinery and equipment offered for retail sale.

(i) The entire district shall be kept free and clear of all litter and maintained in a neat and orderly manner.

(j) Off-street parking shall be provided adjacent to all buildings housing retail sales as specified in Article **XX**, § **212-121**.

(4) Signs. Two signs not exceeding 18 square feet in area per sign, referring to the use of the premises, are authorized. These signs shall not be self-illuminating and the bottom of said signs shall not be more than five feet from the ground.

E. Development District No. 5: Automobile Business — David Kline (formerly Development District No. 9, created February 14, 1984, amended May 31, 1984, October 10, 1989, June 19, 1997, October 1, 1998, August 2005, and March 2008).

(1) Allowed uses. The purposes for which the district may be used are as follows:

(a) Automobile, farm equipment and truck repairs, including all types of mechanical, body and interior work.

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(b) New York State motor vehicle inspections.

(c) Retail sales of automotive, farm equipment and truck parts, both new and used, and automotive-related items, such as paint, oil, tires, rims, tools, gas cans, jacks, etc.

(d) Retail sales of new and used vehicles, including exterior display of vehicles for sale.

(e) The construction of an addition to the existing garage on the premises approximately 24 feet by 42 feet for a retail store and work space.

(f) A custom cabinet, furniture and woodworking shop and related accessory sales uses per amendment adopted October 1, 1998.

(g) The construction of any other buildings within the Development District hereinafter described shall be considered an additional and further use for which an application shall be made to the Town Board pursuant to Article **III**, § **212-20**.

(2) The district areas and boundaries shall be amended to read as follows. The area of said district shall be 1,750 feet along the west side of State Highway Route 96, with a depth of 500 feet, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Ulysses, County of Tompkins, and State of New York, and being part of Military Lot Nos. 8 and 14 in said Town, more particularly bounded and described as follows:

BEGINNING at a point in the southwesterly line of New York State Route 96 (Ithaca-Trumansburg Turnpike) that is located South 57° 22' 46" West a distance of 33 feet from a point in the center line of said New York State Route 96 that is located northwesterly measured along the center of the line of New York State Route 96 a tie measurement of 1,312 feet, more or less, from the intersection of said center line with the center line of Cold Springs Road.

Thence North 35° 17' 27" West along the southwesterly highway line of New York State Route 96 a distance of 419.66 feet to a point;

Thence South 61° 15' 35" West (passing through a point marked by an iron pin at 9 feet and passing through a point marked by another iron pin an additional 531.60 feet) a total distance of 578.10 feet to the point of intersection with the line labeled "approx. location zoning boundary" as shown on a survey map entitled "SURVEY MAP SHOWING LANDS OF DAVID G. KLINE, LOCATED ON N.Y.S. RTE. 96, TOWN OF ULYSSES, TOMPKINS COUNTY, NEW YORK" completed by T.G. Miller P.C., Engineers, & Surveyors, dated 5/21/2007;

Thence in a southeasterly direction on a line labeled "approx. location zoning boundary", which line is parallel with the southwesterly highway line of New York State Route 96 a distance of approximately 53.12 feet to a point in the northerly line of premises reputedly owned by Murray as shown by instrument recorded in the Tompkins County Clerk's Office as instrument

No. 456001-001;

Thence South 86°14' 38" East a distance of approximately 18.7 feet to a point marked by an iron pin;

Thence South 86° 14' 38" East and distance of 159.32' to a point marked by an iron pin;

Thence North 57° 22' 46" East a distance of 218.70 feet to a point marked by an iron pin;

Thence South 35° 08' 38" East a distance of 242.00 feet to a point marked by an iron pin;

Thence South 86° 46' 17" East a distance of 100.13 feet to a point marked by an iron pin;

Thence North 57° 22' 46" East (passing through a point marked by an iron pin at 124.88 feet) a total distance of 140.88 feet to the point and place of beginning, labeled as PARCEL B on the aforementioned survey map and being that portion of Parcel B currently located in Development District No 5. as shown on the aforementioned survey map.

(3) District specifications.

(a) Vehicles for sale shall not be parked or displayed closer than 75 feet from the paved edge of the highway, and shall be confined to an area within the Development District, measured along State Highway Route 96, no longer than 500 feet from the southernmost and northernmost vehicle so displayed.

(b) All inoperative motor vehicles or vehicles under repair, parts and bulk supplies shall be kept in an enclosed structure; there shall be no outside storage or display of any parts, supplies or materials.

(c) The entire district shall be kept free and clear of all litter and maintained in a neat and orderly manner.

(d) Off-street parking shall be provided adjacent to all structures as specified in Article **XX**, § **212-121**.

(e) The provisions of Article **XX**, § **212-131** shall apply to this Development District.

F. Development District No. 6: Koskinen Auto Repair (formerly Development District No. 10, created May 31, 1984, and January 30, 2003).

(1) Allowed uses. The purposes for which the district may be used are as follows:

(a) Automotive and truck repairs, including all types of mechanical, body and interior work.

(b) New York State motor vehicle inspections.

(c) Retail sales of automotive and truck parts, both new and used, and automotive-related items, such as paint, oil, tires, rims, tools, gas cans, jacks, etc.

(d) Existing residential and agricultural uses.

(e) Development District No. 6 was modified to allow a 30 foot by 48 foot addition on January 30, 2003.

(f) The construction of any other buildings within the Development District shall be considered an additional and further use, for which an application must be made to the Town Board pursuant to Article **III**, § **212-20**.

(2) District area and boundaries.

BEGINNING at a point in the westerly line of the Podunk Road, and in the southerly line of the premises of Richard Stilwell (Tax Map Parcel 22-5-3); running thence westerly along Stilwell's south line a distance of 300 feet to a point; running thence southerly parallel with the Podunk Road a distance of 535 feet to a point; running thence easterly and perpendicular to the Podunk Road a distance of 175 feet to a point; running thence southerly parallel with the Podunk Road a distance of 200 feet to a point; running thence southeasterly a distance of approximately 130 feet to a point in the westerly highway line, running thence in a northerly direction along the western edge of the Podunk Road a distance of approximately 830 feet to the place of beginning. Together with a rectangular area with a depth of 500 feet and frontage of 600 feet on the easterly side of Podunk Road, across from the parcel above described, in the northwest corner of Tax Map Parcel 21-1-13.

(3) District specifications.

(a) All inoperative motor vehicles or vehicles under repair, parts and bulk supplies shall be kept within an enclosed structure; there shall be no outside storage or display of any parts, supplies or materials.

(b) The entire district shall be kept free and clear of all litter and maintained in a neat and orderly manner.

(c) Off-street parking shall be provided adjacent to all structures as specified in Article **XX**, § **212-121**.

(d) Signs may be erected or affixed as specified in Article **XX**, § **212-122**.

(e) The provisions of Article **XX**, § **212-131**, shall apply to this Development District.

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G. Development District No. 7: Finger Lakes-Seneca Cooperative Insurance Company (formerly Development District No. 18, created August 16, 1988).

(1) Allowed uses. The purposes for which the district may be used are as follows:

(a) Professional office building.

(2) District area and boundaries.

BEGINNING at an iron pin set in or near the westerly street line of Mecklenburg Road (New York State Route 227), which pin is set North 86 degrees 27 minutes 2 seconds West a distance of 94.92 feet from a point in the center line of Mecklenburg Road, which said point is northeasterly a distance of 749.1+/- feet from its intersection with the center line of Mayo Road; running thence North 86 degrees 27 minutes 22 seconds West along a hedgerow, a distance of 345.38 feet to an iron pin, running thence North 5 degrees 34 minutes 57 seconds East along a hedge row, a distance of 805.61 feet to an iron pin set in the southerly line of lands now or formerly of Douglas J. Austic and Paula K. Austic, which line also marks the boundary between Military Lots #11 and #5; running thence, South 83 degrees 50 minutes, 36 seconds East a distance of 560.61 feet to a point in a twelve-inch cherry tree, marking a fence corner; running thence, South 5 degrees, 16 minutes 21 seconds West along the westerly line of land now or formerly of Fred M. and Margaret Denmark, a distance of 552.48 feet to an iron pin, which pin is northwesterly a distance of 3.54 feet from an old pipe and southwesterly a distance of 28.85 feet from a concrete monument; running thence, South 48 degrees, 27 minutes, 33 seconds West, along the westerly street line of Mecklenburg Road, a distance of 320.99 feet to the iron pin marking the point and place of beginning, containing 9.667 +/- acres of land.

(3) District specifications.

(a) The size of the main building shall be no more than 5,500 square feet with a height of no more than 28 feet, six inches at its highest point as per Project No. 7372, dated July 1988, which is on file. The exterior of the building shall be done in cut stone and one-inch by six-inch cedar board.

(b) There will be a minimum of 25 parking spaces and a maximum of 55 parking spaces. All parking, except for visitor parking, will be on the west side of the building. Asphalt on the parking areas will be applied within two years.

(c) The building and its use are considered a professional office building as defined in Article **IV**.

(d) A storage building not more than 400 square feet in area may be erected. The exterior of this storage building shall be of the same materials as the main building. It will be

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landscaped and will be situated on the west side of the main building. It will be subject to the issuance of a building permit.

(e) Signs shall conform to Article **XX**, § **212-122**.

(f) Exterior building lights, sign and security lights are permitted, however, they are subject to the provisions of Article **XX**, § **212-123**.

(g) The property shall be maintained in a well-groomed and mowed condition and shall be landscaped in such a manner as to be attractive to the area.

(h) The construction of any other buildings within the Development District shall be considered an additional and further use for which an application must be made to the Town Board pursuant to Article **III**, § **212-20**.

H. Development District No. 8: Boat sales, service, and storage (formerly Development District No. 19, created July 18, 1991). [Amended 11-24-2015 by L.L. No. 3-2018]

(1) Allowed uses. The purposes for which the district may be used are as follows:

(a) Sales and service of small marine motors, used boats and accessories.

(b) Storage of boats.

(2) District area and boundaries.

BEGINNING at an iron pin set near the easterly road line of Dubois Road 30 feet north of center line of creek culvert which defines the southwest border to Tax Parcel 32-2-8.22 and continuing northerly 184 feet along the center line of Dubois Road to an iron pin along the easterly road line of Dubois Road; then continuing 220 feet easterly and perpendicular to Dubois Road to an iron pin,; then continuing 125 feet northerly and parallel to Dubois Road to an iron pin; running thence 380 feet easterly and perpendicular to Dubois Road to an iron pin, then continuing 309 feet southerly and parallel to Dubois Road to an iron pin; and thence returning 600 feet westerly and perpendicular to Dubois Road to the iron pin marking the point and place of beginning; conveying 3.14 acres.

(3) District specifications.

(a) The existing building is to be used for business. Well and septic systems are to be maintained according to Tompkins County Health Department requirements.

(b) No mechanical sound associated with boat repair shall emanate from the property before

8:00 a.m. or after 8:00 p.m. Monday through Saturday, nor on Sundays and federal holidays.

(c) Maintain parking between the front of the building and highway right-of-way, and on the south side of building, as shown on "Survey Map Showing Development District for Moore's Marine Located at No. 3052 Dubois Road, Town of Ulysses, Tompkins County, New York," by TG Miller P.C., revised January 22, 2018. The owners of the land on which the Development District is located shall file the map in the Tompkins County Clerk's office no later than 30 days after adoption of this subsection.

(d) Boats ready to be picked up and/or serviced shall be stored on the north side of the building, on the south side of the building, on the east side of the building, and on the lower lot/east side of the building, as shown on approved site plan on "Survey Map Showing Development District for Moore's Marine Located at No. 3052 Dubois Road, Town of Ulysses, Tompkins County, New York," by TG Miller P.C., revised January 22, 2018, which is incorporated herein by reference and made a part hereof.

(e) Outside storage of boats shall be permitted on the south side of the building, and on the lower lot/east side of building, as shown on approved site plan on "Survey Map Showing Development District for Moore's Marine Located at No. 3052 Dubois Road, Town of Ulysses, Tompkins County, New York," by TG Miller P.C. revised January 22, 2018, which is incorporated herein by reference and made a part hereof.

(f) Used boat sales shall be permitted only on the south side of the building, as shown on approved site plan on "Survey Map Showing Development District for Moore's Marine Located at No. 3052 Dubois Road, Town of Ulysses, Tompkins County, New York," by TG Miller P.C., revised January 22, 2018, which is incorporated herein by reference and made a part hereof.

(g) Vegetated buffer shall be installed and maintained on the property boundaries with 3060 Dubois Road (Tax Parcel Number 32-2-10) and 3072 Dubois Rd (Tax Parcel Number 32-2-8.21). Landscape plan for the vegetated buffer shall be reviewed and approved by the Planning Board and filed with the Town.

(h) Area around building to be kept clean with no outside storage other than boats with or without motors and trailers.

(i) Signs: One freestanding sign not to exceed 18 square feet. For sign(s) attached to the building, the cumulative square footage shall not exceed 64 square feet. Signs required by New York State are not included in the area calculation. No illuminated signs shall be permitted.

(j) Exterior building lights and security lights are permitted, subject to the provisions of Article XX, § 212-123.

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(k) Used gear lubricants and motor oils shall be stored in a tank or tanks not to exceed 300 gallons, which shall be pumped when full by an authorized handler of petroleum waste material. There shall be no liquid or solid waste disposed of on the property other than that authorized by the Tompkins County Health Department.

(l) The construction of any other buildings within the Development District shall be considered an additional and further use for which an application must be made to the Town Board pursuant to Article **III**, § **212-20**.

(m) A vegetated buffer 100 feet wide shall be maintained on the eastern boundary of the Development District.

(n) Engine/boat maintenance and repair involving lubricants, oils, or other hazardous materials shall be performed over a permanent or portable impermeable surface with sufficient capacity to collect the maximum volume of liquids used during the maintenance/repair work. Spills shall be cleaned up according to best management practices.

(o) No edible plants shall be grown for human consumption without first testing the soil for contaminants.

I. Development District No. 9: Flo-Tech (formerly Development District No. 21, created January 26, 2004).

(1) Allowed uses. The purposes for which the district may be used are as follows:

(a) The manufacture of prosthetic devices, and all necessary activities connected therewith.

(2) District area and boundaries. **[Amended 3-19-2018 by L.L. No. 1-2018]**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Ulysses, County of Tompkins, State of New York, being bounded and described as follows: BEGINNING at a point in the center line of Halseyville Road, said point being further located South 60° 31' 24" West a distance of 39.02' from a point marking the present center line of Halseyville Road and NYS 96; RUNNING THENCE North 82° 59' 19" West for a distance of 24.75' to a point located on the West right-of-way of Halseyville Road; RUNNING THENCE North 19° 01' 41" West along the West line of NYS Route 96 for a distance of 224.04' to an iron pin; RUNNING THENCE North 19° 01' 41" West along the West line of NYS Route 96 for a distance of 109.68' to a point; RUNNING THENCE North 82° 44' 09" West for a distance of 306.00' to a point; RUNNING THENCE South 07° 15' 51" West for a distance of 261.60' to a point; RUNNING THENCE South 65° 23' 33" East passing through an iron pin at a distance of 169.58', passing through an iron pin at an additional distance of 303.33' and continuing for a distance of 28.98' to a point, said course having a total distance of 501.89';

RUNNING THENCE North 07° 00' 41" East along the present center line of Halseyville Road for a distance of 112.13' to the point and place of beginning; Said parcel having an area of 2.95 acres net to the road right of ways. SUBJECT TO covenants, restrictions, easements and encumbrances of record. For a more particular description thereof, reference is hereby made to a survey map entitled "Survey Map Showing Lands of Robert N. Brown, Sr., Located on Halseyville Road, Town of Ulysses, Tompkins County, New York," dated August 18, 2009, amended September 16, 2010, September 15, 2011, and October 10, 2016, prepared by T.G. Miller, P.C., Engineers and Surveyors, Ithaca, New York. The owners of the land on which the Development District is located shall file the map in the Tompkins County Clerk's office no later than 30 days after the subdivision of the Development District and other lands owned by said owners is approved by the Town of Ulysses.

The above premises being three acres of land.

(3) District specifications.

(a) In connection with said use, up to 10 full-time or full-time-equivalent employees are permitted.

(b) The facility on site must comply with all given application criteria and receive Ulysses Planning Board site plan approval, to insure compliance of all of the applicant's proposals before a building permit shall be issued.

(c) Any road entrance shall comply with state and county highway rules and regulations.

(d) Any water and septic infrastructure shall comply with Tompkins County Health Department codes and receive its approval.

J. Development District No. 10: Computer Services (created September 6, 2005).

(1) The purposes for which the Development District may be used is as follows:

(a) Agricultural use as defined under the Agriculture and Markets Law.

(b) Computer software research and development not to exceed 30 employees to be located in structures shown on site plan map dated May 30, 2005, as drawn by Cheryl Lee Thompson, licensed architect, inclusive of residential use in said structures.

(2) Area of the district. The area of said district shall be approximately 22.84 acres consisting of parcels presently owned by Terrill Moore and Judith Cone, Tax Parcels 33.-2-1.2, 33.-2-1.3; and 33.-2-1.4 in the Town of Ulysses, bordering Perry City Road on the North and Krum’s Corners Road on the west, and more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Ulysses, County of Tompkins, State of New York, more particularly Bounded and described as follows:

BEGINNING at a point marking the intersection of the center line of Perry City Road with the center line of Krum's Corners Road;

Thence South 81 degrees 50 minutes 15 seconds East along the center line of Perry City Road 803.21 feet to a point;

Thence South 7 degrees 10 minutes 51 seconds West (passing through a pin a 25.76 feet) 754.20 feet to a pin;

Thence South 81 degrees 50 minutes 15 seconds East (passing through a pipe at 150 feet) 395.82 feet to a pin;

Thence South 9 degrees 06 minutes 01 second West 360 feet to a pin;

Thence North 82 degrees 00 minutes 35 seconds West 998.57 feet to a pin;

Thence North 82 degrees 08 minutes West passing a pipe at 174.7 feet a total distance of 200 feet to the center line of Krum's Corners Road;

Thence North 7 degrees 45 minutes East 446.9 feet along the center line of Krum's Corners Road;

Thence North 07 degrees 47 minutes 50 seconds East 671.70 feet to the point or place of beginning.

Article XX
Design Standards

§ 212-119 Purpose.
The purpose of this article is to provide specific standards to be applied to the design of buildings, structures, commercial or industrial sites and other types of land uses in the Town of Ulysses, in order to promote the orderly physical development of the community, ensure the health and safety of the public, conserve the natural and cultural resources and the rural character of the community and to minimize the negative environmental impact of such development.

§ 212-120 Environmental performance standards.

A. Yards. All required yards in any zoning zone may be either landscaped or left in a natural state. In any case, however, they shall be maintained as not to cause health or

safety conditions as specified in Section 302 of the New York State Property Maintenance Code. Parking areas in all zoning zones shall also be maintained as not to cause health and/or safety conditions.

B. Noise.

(1) All events issued permits and recognized public celebrations are excluded from the noise restrictions of this chapter.

(2) Noise from any source shall be muffled so as not to become objectionable due to sustained intermittence, beat, frequency, tone, pitch or intensity that repeatedly exceeds two hours during daylight and 30 minutes at night. Noise associated with normal property maintenance and temporary construction is exempt from this provision.

(3) No land use or other activity that generates a sound level that exceeds the limits set forth below shall be undertaken. The level of sound shall be measured at the boundary of the property generating the sound, and shall not exceed 90 dBa between the hours of 7:00 a.m. and 11:00 p.m., and 55 dBa between the hours of 11:00 p.m. and 7:00 a.m.

(4) For the purpose of this chapter, noise generated during the course of agricultural operations defined as sound agricultural practices pursuant to Article 25-AA, § 308, of the Agriculture and Markets Law is exempt.

C. Odors. Odors from any use, except for agricultural practices as provided for in Article V, § 212-24, shall not be discernible at the property line to the extent that they are reasonably obnoxious to a surrounding inhabitant within 500 feet of the property line.

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§ 212-121 Standards for parking in all zoning zones.

A. Purpose.

The design objective for the access, parking, and circulation standards is to:

1. Emphasize the importance of site accessibility from a variety of modes of transportation wherever appropriate, including pedestrians, bicycles, automobiles, and current or potential future transit service;
2. Ensure the appropriate site location and design features that mitigate the impact of parking lots on other land uses and design goals for surrounding zones;
3. Create the least visible impact of parking on adjacent private and public property;
4. Promote parking designs that minimize runoff and incorporate infiltration of stormwater into the ground; and

B. Loading Areas

1. In R, HN, and HC, no loading berth may be located on a front facade, and no loading area may be located in a front yard.
2. For building larger than 5000 square feet devoted to a use that is allowed in the B1—Business Zone, HC—Hamlet Center Zone, and OTMU – Office Technology Mixed Use Zone, but not allowed in the R or RM zone, there shall be one off-street loading space for each 20,000 square feet of floor area or portion thereof.
3. Where any loading area is located within 50 feet of, and visible from, an interior side or rear lot line that abuts any lot in an R—Residential Zone, LS—Lakeshore Zone, CZ—Conservation Zone, RM—Multiple-Residence Zone, MZ—Marina Zone, HN – Hamlet Neighborhood, or MHP—Manufactured Home Park Zone, the loading area must be screened by a vegetated buffer yard, designed per § 212-124.

C. Parking design standards.

1. Except in the case of single-family and two-family dwellings, there shall be no parking allowed in any front yard, side yard or rear yard setback areas, except in established driveways.
2. The minimum allowable dimensions of a parking space shall be nine feet wide by 18 feet long, the minimum allowable dimensions for a parallel parking space shall be seven feet wide by eighteen feet long**.** Parking spaces so designated for persons with disabilities shall include on one side a minimum of an additional four feet of width in order to accommodate wheelchair lifts.
3. Travel aisles for vehicles within a parking lot shall be a minimum of 22 feet in width for aisles intended for two-way traffic. Where angled parking with one-way traffic circulation is proposed, the minimum aisle width shall be 13 feet if

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the angle of the parking spaces is 45° from the perpendicular, and 18 feet if the angle of the parking spaces is 60° from the perpendicular.

4. All off-street parking shall be, surfaced so as to be durable and well-drained with design consideration based on the expected level of traffic for the parking area, and shall be provided with necessary access drives.

5. All parking areas are to be maintained in a well-kept condition.

6. Permeable pavement shall should be used when possible to reduce stormwater runoff.

D. Pedestrian design standards

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1. Pedestrian facilities must provide connecting main entrances to parking, adjacent public rights-of-way and transit stops, and all uses on a site that allow for public access. Pedestrian facilities must be paved with a fixed, firm, and non-slip material.
2. Pedestrian facilities must be provided between rows of parking spaces.

E. Landscape Plan.

1. All developments subject to Site Plan Review § 212-19 must submit a landscape plan. Where developments involve either 10,000 square feet or more of development area or construction or reconstruction of a parking lot containing 20 or more spaces, the landscape plan must be stamped by a New York State licensed landscape architect. Single-family dwellings, two-family dwellings, and multiple-family residences (Residence, Multiple-Family) of 6 units or less are exempt from this requirement.
2. At least 10% of the interior of the parking lot, calculated as the total surface area of all parking spaces, drive aisles, and interior landscape, must be landscaped.
3. Where any parking lot is located along, within 50 feet of, and visible from, a public right-of-way the parking lot must be screened by a vegetated buffer, per Section 212-124.
4. Where a proposed parking lot is larger than nine spaces in size, there shall be planted one deciduous canopy tree for every five parking spaces proposed. Said trees shall be of a species with a height at maturity of at least 30 feet, of a species known to be compatible with regional climate conditions, and shall be at least 2.5 inches in diameter and four feet from the ground at time of planting. Trees used to meet this requirement must be planted within the perimeter of the parking area.
5. Where any parking lot is larger than 9 (nine) spaces the parking lot must be screened by a vegetated buffer yard, designed per § 212-124

§ 212-122 Standards for signs.

Purpose. The purpose of this article is:

1. to provide standards to protect the public health, safety and welfare by controlling the number, location, construction, installation, illumination and maintenance of all signs and sign structures in the Town of Ulysses;
2. to create a more attractive economic and business climate and to enhance and protect the physical appearance of the community;
3. to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and provide more visual open space; and
4. to promote attractive signs, which clearly present the visual message in a manner that is compatible with the sign's surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

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A. General.

1. No sign or other outdoor devices for the purpose of advertising of any kind may be erected or established in the Town of Ulysses except in conformance with the standards in this section.

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2. All signs with a surface area greater than 24 square feet require a building permit and must comply with applicable regulations of this section. Sign alteration and maintenance activities such as painting, cleaning, or other normal maintenance and repair do not require a building permit, provided that no change is made to any structural or electronic component of the sign.
3. All new, reconstructed, altered, or relocated signs must comply with the standards of this section.
4. Temporary signs are allowed for a maximum of 30 days per occurrence, up to a maximum of 180 days per calendar year.
5. No permanent or temporary sign may be erected or placed at or near the intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position shape or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or which makes use of the words “Stop,” “Look,” “Drive-in,” “Left” or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse pedestrians, cyclists, or motorists. The regulations of the New York State Department of Transportation must be followed with respect to the placement of a permanent or temporary sign within the right of way of a state highway.
6. Signs projecting into a public right-of-way require approval from the Town Highway Superintendent and/or County and State Highway Departments, and must have a clearance of not less than 8 feet above the sidewalk or surrounding ground and not less than 15 feet above any public driveway or street.
7. No sign, other than signs placed by agencies of government with appropriate jurisdiction, or a sign whose placement is authorized by such agencies, may be erected or placed on public property.
8. The provisions of this section do not apply to safety signs, street signs, historical markers or highway directional signs erected by municipal or public agencies.
9. All temporary signs must be non-illuminated. Allowed permanent signs may be non-illuminated, or illuminated by internal light fixtures or external indirect illumination, unless otherwise specified.
10. No sign shall be placed on the roof of any structure or building.
11. Off-premise signs are prohibited on the Cayuga Lake Scenic Byway, New York Route 89.
12. Signs may not contain mirrors.
13. Signs may not contain day-glow or fluorescent paint.

B. Sign illumination and internally illuminated signs

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1. Sign lighting fixtures must be selected and designed with International Dark-Sky Association features to focus lighting downward.

2. In this section the term "illuminated sign" applies to both signs that are illuminated by external and internal illumination.

3. No light shall be cast upward beyond a horizontal plane level with the light source, or onto any adjoining property.

4. An illuminated sign or lighting device shall not be placed or located as to permit the beams and illumination to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

5. Any illuminated sign or sign-lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights.

6. Signs must have photocells that automatically dim in dark conditions in direct correlation to natural ambient light conditions. At no time shall the sign lights be greater than 0.3 footcandle above ambient light conditions.

7. External Illumination

    a. An externally illuminated sign is characterized by the use of artificial light reflecting off its surface.

    b. External light sources intended to illuminate the sign face must be fully shielded, direct light only in a downward manner, and placed close to, and directed upon, the sign face.

    c. Externally illuminated signs must be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.

8. Internal Illumination

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a. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.

b. Internal illumination is permitted only as white or off-white graphics on an opaque dark colored background or as white or off-white halo lighting,

c. Internal illumination is limited to letters, numbers, symbols, and accents. No more than 50% of the total sign area may be internally illuminated, measured by the smallest rectangles that can fully enclose the internally illuminated elements. The remaining area of the sign face must remain opaque.

9. Direct Illumination

A directly illuminated sign is characterized by the use of exposed lamps, such as neon tubes or incandescent bulbs that have no shielding and are visible to the eye. Direct illumination of signs is not permitted in the Town of Ulysses.

10. Electronic Message Centers (EMC)

An electrically-activated display that utilizes computer-generated messages or other electronic means of changing to present variable messages and/or graphic presentations. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix. Electronic Message Centers (EMCs) are not permitted in the Town of Ulysses.

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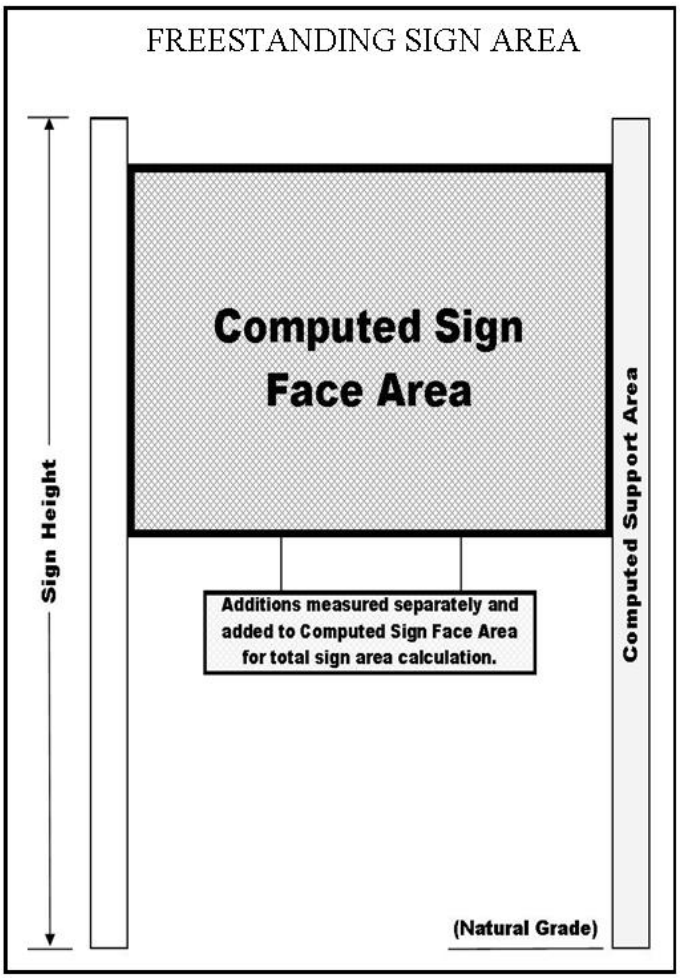
C. Sign Measurement

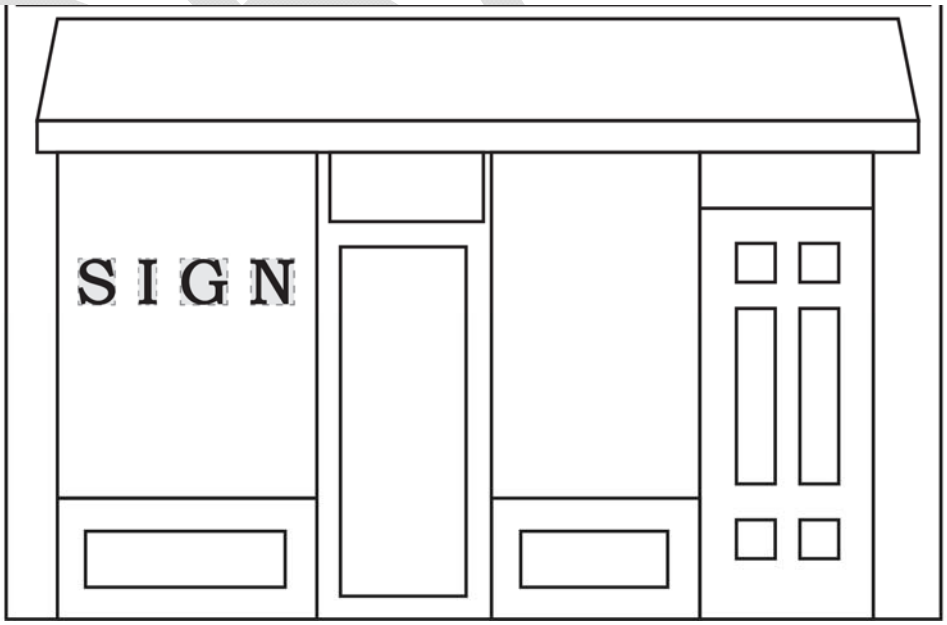
1. Sign Area. Sign area is measured as the total area of a sign, as follows:

   a. For freestanding signs, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed.

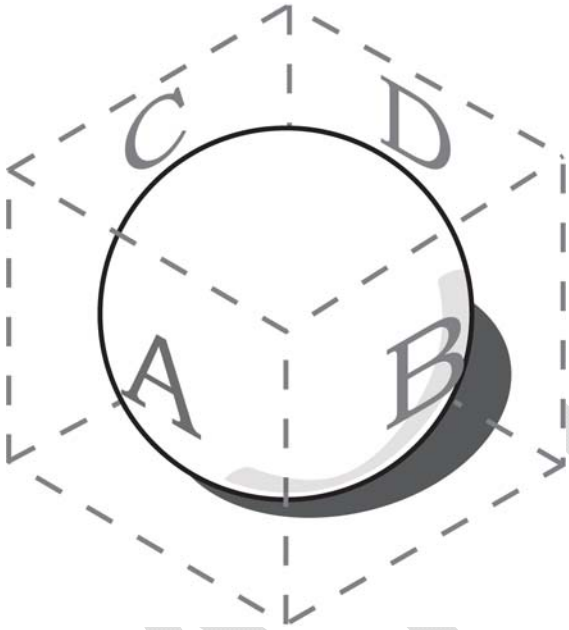


   b. For signs on a building façade consisting of freestanding letters or features, the sign area is calculated as the total area of each rectangle that encompasses each individual letter or feature. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.

c. Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or features, provided that the portion of the film around the individual letters or features is fully transparent.



d. The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.



e. If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back to back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area.

2. Sign Height. Sign height is measured as the vertical distance from the base of a sign or sign structure, to the highest point of the sign or sign structure. Building mounted sign height is measured from the bottom of the sign to the top of the sign. No portion of a building mounted sign may protrude above the building the sign is mounted to.

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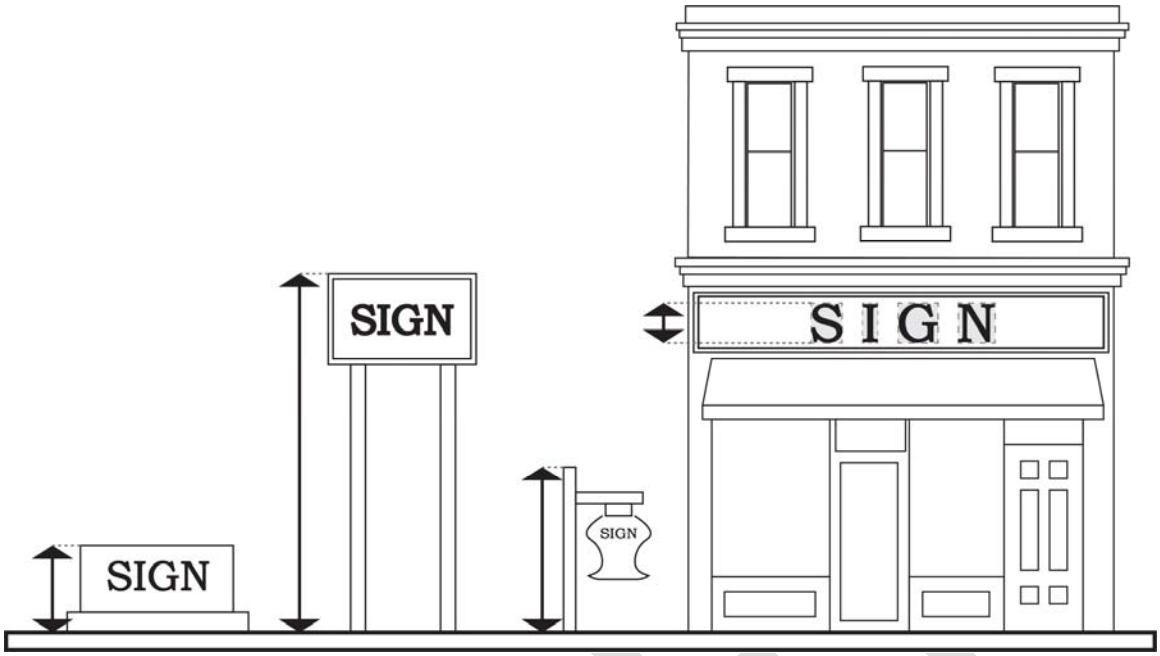
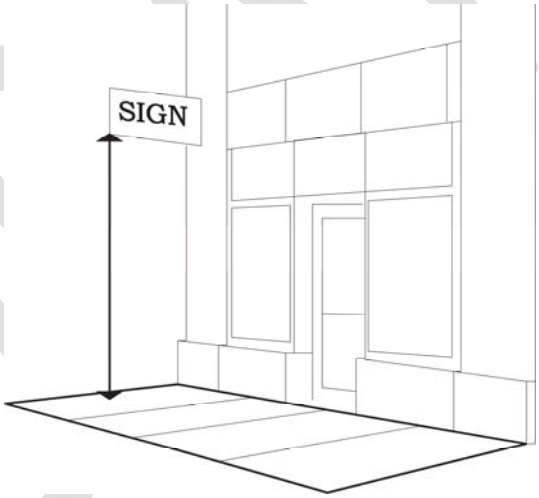


3. Vertical Clearance. For signs attached to a structure, vertical clearance is measured as the vertical distance from the sidewalk or nearest ground level to the lowest point of the sign.



D. Off-premise signs.

1. All off-premise signs are limited to 12 square feet per face.
2. No off-premises/advertising signs may exceed 6 feet in height, including support, as measured from the ground below the sign.
3. Only two sign faces shall be permitted on any one structure or support.
4. No illumination is permitted, either located on or directed toward the off-premises sign.

5. No off-premise sign may be located nearer than 300 feet to another off-premises sign.

6. All off-premise sign applications are subject to Site Plan Review, § 212-19.

E. Signs in A/R, R, LS, CZ, RM, MZ,PR, HN, WH, and MHP Zones. In an A/R-Agricultural/Rural Zone, R—Residential Zone, LS—Lakeshore Zone, CZ—Conservation Zone, RM—Multiple-Residence Zone, MZ—Marina Zone, PR—Park/Recreation, HN—Hamlet Neighborhood, WH—Waterburg Hamlet, or MHP—Manufactured Home Park the following signs are permitted:

1. Any sign required by law;

2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;

3. No more than two signs advertising the sale of locally produced farm products at a roadside farm stand, each not to exceed 12 square feet in area;

4. For all other uses, one freestanding sign and one sign on a building facade, each not to exceed 20 square feet in area. Freestanding signs must not exceed a height of 6 (six) feet;

5. On-premise temporary signs provided such sign area does not exceed a total 12 (twelve) square feet in area. Freestanding signs must not exceed a height of 6 (six) feet.

F. Signs in the B1 Zone and OTMU Zone. In B1—Business and OTMU- Office Technology Mixed Use, the following signs are permitted:

1. Any sign required by law;

2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;

3. Signs used to advertise or call attention to a place, business, person, event, product or service offered on the premises, either freestanding or attached to the facade of a building.

4. For retail businesses not in a shopping center, no more than two signs, not to exceed 24 square feet each if freestanding. If more than one sign is attached to the building facade, the cumulative square footage of all signs shall not exceed 48 square feet.

5. For retail businesses in a shopping center, no more than one sign, not to exceed 40 square feet if attached to a building facade.

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6. For a sign that identifies a shopping center or plaza, and its tenants, no more than one two-sided sign, not to exceed 120 square feet on a side, not more than 15 feet high located at the entrance to the shopping center.

7. For gasoline stations, no more than three signs, freestanding or affixed to the building, one of which shall not exceed 24 square feet in area, including all areas necessary to display gasoline and other fuel prices, and two of which shall not exceed 10 square feet in area each. Signs required by state and federal law are exempt.

8. For printing, welding, plumbing, and similar enterprises, automobile, appliance and machinery sales and service, hotels, and commercial indoor recreation, no more than one freestanding sign not to exceed 24 square feet in area. In addition, no more than one sign on a building facade not to exceed 64 square feet shall be permitted.

9. One sign on the property where a home occupation, professional office, family child care business, or bed-and-breakfast establishment is located, provided that such sign does not exceed nine square feet in area.

10. For all other uses, no more than one freestanding sign not to exceed 24 square feet and no more than one sign on a building facade not to exceed 24 square feet.

G. Signs in the HC Zone.

In the HC—Hamlet Center Zone the following signs are permitted:

1. Any sign required by law;

2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;

3. A maximum of one monument sign, limited to a sign area of 10 (ten) square feet and a height of 4 (four) feet is permitted per site per right-of-way frontage. A monument sign may be erected only on a site where the building is set back a minimum of 15 feet from the lot line.

4. A maximum of one under-awning sign of 4 (four) square feet is permitted per establishment with a ground-floor main entrance. An under-awning sign must be securely fixed to the underside of the awning with metal attachments, may not project beyond the awning, and may not be illuminated.

5. A maximum of one porch sign is permitted per establishment per right-of-way frontage, and is limited to 8 (eight) square feet in sign area.

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6. A maximum of one wall sign is permitted per establishment per right-of-way frontage, and is limited to 80% of the facade width and projection from wall is limited to 2 (two) feet.

    a. No wall sign may extend above the window sills of the second story, unless the establishment extends to the second story or above. No portion of a wall sign may extend above the roofline or parapet wall, or, in the case of a wall sign attached to an appurtenance, the highest point of the appurtenance.

7. Window signs that cover less than 10% of the window area.

H. Public Safety

1. No direct or reflected light from the primary light source of a sign may create hazards for pedestrians, cyclists, or operators of motor vehicles.
2. No sign may be installed in a way that obstructs free and clear vision, or free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, building entrance, standpipe, or accessibility ramp.
3. Colored light must not be used at a location or in a manner so as to be confused with or construed as traffic control devices.
4. Blinking, flashing, fluttering, strobe-light effects, and streaming video are prohibited.

I. Construction

1. All signs must be erected in compliance with building, electrical, and fire codes, and with the following requirements as applicable:

    a. Supports and braces must be designed as an integral part of the overall sign structure and hidden from public view to the extent technically practicable.

    b. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and do not exceed allowable stresses of supporting materials.

    c. When a building-mounted sign is removed, the wall must be repaired and restored to its original condition prior to sign installation.

    d. All signs and their supporting structures must be enclosed so as to prevent inhabitation by birds, rodents, insects, and other wildlife.

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e. All signs must be designed and constructed to withstand wind loads, dead loads, and snow loads as required by the New York State Fire Prevention and Building Code.

f. Materials for signs must be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance. Glass forming any part of a sign, with the exception of exposed lamps, must be safety glass.

g. Signs constructed of fabric or fabric-like material must be held taut within frames.

h. Audio components are prohibited as part of any sign.

i. Conduits and other electrical components must be designed as an integral part of the overall sign structure and hidden from view to the extent technically practicable. Visible transformers are prohibited.

j. All electrical fixtures, devices, circuits, conduits, raceways, or any apparatus used to illuminate any sign must be installed and maintained in compliance with the National Electric Code (NEC). A Nationally Recognized Testing Laboratory (NRTL) listing label number must be provided for any sign with electrical components.

J. Maintenance

1. Signs and sign structures, together with their supports, braces, guy wires, anchors, and electrical components, must be maintained in a proper state of repair. Any damage to or deterioration of a sign must be repaired immediately or within 30 days of receipt of notice from the Town of Ulysses Code Enforcement Officer.

2. When an existing sign is removed, replaced, or repaired, all brackets, poles, wiring, and other supporting hardware that are no longer required must be removed, and any surfaces to which the sign may have been attached must be repaired or painted, immediately or within 30 days of receipt of notice from the Town of Ulysses Code Enforcement Officer.

3. Where a sign is totally or partially illegible, where sign copy has been removed, or when an establishment to which the sign pertains has been discontinued for three or more months, the sign must be repaired, reused, or removed immediately or within 30 days of receipt of notice from the Town of Ulysses Code Enforcement Officer. If the property owner fails to repair, reuse, or remove the sign within the timeframe established by the Town of Ulysses Code Enforcement Officer, the sign may be removed by the Town at the property owner's expense.

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4. If a sign is in an unsafe or non-secure condition, the sign must be repaired or removed immediately or within three days of receipt of notice from the Town of Ulysses Code Enforcement Officer. The Code Enforcement Officer may remove any sign that is an immediate peril to persons or property summarily, without notice, and at the property owner's expense.

K. Prohibited Signs

1. The below listed signs, as well as any sign type not expressly allowed by this Law, are prohibited:

   a. Abandoned or illegally erected signs.

   b. Mechanically activated signs, other than barber poles and clocks.

   c. Neon and tubular gas signs.

   d. Light pole banners.

   e. Freestanding signs or devices motivated by wind, thermal changes, or other environmental input, such as s, spinners, pennants, pinwheels, balloon signs, air-activated graphics, or other devices or displays that respond to naturally or artificially induced external motivation, except for flags erected in conformance with Section M. Exempt Signs.

   f. Vehicle Signs, including signs on motor vehicles that are inoperable, do not display a current vehicle inspection sticker or license plate, are not principally used as a mode of transportation for business purposes, and/or are conspicuously parked or located on a lot for more than 24 hours to advertise a product or service, or to direct the public to a business or activity located on or off the premises.

   g. Signs that are burned, cut, painted, pasted, or otherwise marked on or affixed to a tree, standpipe, fire escape, utility pole, trash receptacle, bench, or any other unapproved structure or surface.

   h. Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that may interfere with, mislead, or confuse pedestrian, cyclist, or vehicular traffic.

   i. Internal illumination is limited to letters, numbers, symbols, and accents. No more than 50% of the total sign area may be internally illuminated, measured by the smallest rectangles that can fully enclose the internally illuminated elements. The remaining area of the sign face must remain opaque.

   j. Signs exceeding allowed height or area for the zone where the sign is located.

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k. Example images for Prohibited Signs:

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From left to right, top row: Blade Sign; Neon/Tubular Gas Sign; bottom row: Sign with 100% of Area Internally Lit, Freestanding Sign exceeding allowed height,

L. Exempt Signs

1. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations, not exceeding six square feet.
2. Flags and insignia of any government, except when displayed in connection with commercial promotion.
3. Up to three different flags per lot, subject to the following restrictions:
4. The total area of all flags shall not exceed fifty square feet. The total area of an individual flag shall not exceed 24 square feet;
5. The flag pole shall be attached to a building;
6. The flag pole or other structure on which such a flag is displayed shall be treated as part of any building to which it is attached for all height computations and not as an appurtenance or a part of the sign;
    a. No freestanding flags are allowed;
    b. No flag bearing an explicit commercial message shall constitute an exempt flag.
7. On-premises directional signs for the convenience of the general public, such as identifying parking areas and fire zones, when not visible from a right-of-way.
8. Nonilluminated warning, private drive, posted or no trespassing signs, not exceeding two square feet.

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9. Number and nameplates identifying residences or businesses mounted on a house, building, apartment, or mailbox, not exceeding one square foot in area.
10. Lawn signs identifying residences, not exceeding one square foot or two square feet if double-faced. Such signs are to be non-illuminated except by a light which is an integral part of a lamppost if used as a support.

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§ 212-123 Standards for outdoor lighting.

A. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the Town. Principal among these concerns is:

1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare;
2. Lighting practices that produce excessive glare and brightness that interferes with the health and safety of the Town of Ulysses' citizens and visitors;
3. Unnecessary waste of energy and resources in the production of too much light or wasted light;
4. Interference in the use or enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased sky-glow; and
5. The impact of inappropriately designed outdoor lighting that disrupts nocturnal animal behavior, particularly migrating birds and other species.

B. This section is intended to assist property owners in their efforts to provide a safe and secure environment, control energy costs and keep unnecessary direct light from shining onto abutting properties or streets. It is also intended to reduce the problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of Ulysses.

C. Any lights used to illuminate the exterior of a single-family residence, two-family residence, multiple-family residence, dormitory or other group residence, or manufactured home park, or a commercial, industrial, or other nonresidential space or parcel, including buildings, signs and other structures, parking and pedestrian areas and landscaping, shall be designed and installed such that:

1. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire;
2. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value 3 + (D/3), where D is the distance in feet to the nearest property boundary;
3. The maximum height of the luminaire may not exceed 25 feet.

D. Exceptions to the above shall be:

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1. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less, and any flood or spot luminaire with a lamp or lamps rated at 900 lumens or less, may be used without restriction as to light distribution or mounting height, except that if any spot or flood luminaire rated 900 lumens or less is aimed, directed or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions;
2. Luminaires used for public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

E. Light Trespass Standard

1. Site lighting fixtures shall be selected and designed with International Dark-Sky Association features to focus lighting downward without excessive illumination of the upper residential stories of buildings or of the night sky.
2. All light fixtures, including security lighting, shall be located, aimed and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source.
3. Any privately or publicly owned outdoor light fixture with a lamp of initial output over 10,000 lumens located within 50 feet of any residential (including Residence, multiple-family) property or public right-of-way shall utilize an internal or external shield, with the light fixture and shield oriented to minimize light trespass over the adjacent property or right-of way line. If an external shield is used, its surface must be painted black to minimize reflections.

F. Prohibited Outdoor Lighting. The following types of outdoor lighting are prohibited:

1. Outdoor floodlighting by flood light projection above the horizontal plane.
2. Search lights, flood lights, laser source lights, or any similar high intensity light, except in emergencies by police, fire, or medical personnel or at their direction; or for meteorological data gathering purposes.
3. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating or strobe light illumination.

G. Exceptions.

1. Airport Lighting

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a. Required navigational lighting systems at airports for the safe and efficient movement of aircraft during flight, take off, landing and taxiing is exempt from the provisions of this Section. Lighting used for illumination of aircraft loading, unloading, and servicing areas is exempt from the lumens maximum although it must conform to all other requirements of this Section. All other outdoor lighting at airport facilities shall comply with the provisions of this Section.

2. Emergency Lighting by Emergency Services

   a. Searchlights, floodlights, laser source lights, strobe or flashing lights, or any similar high intensity lights are permitted when used in emergencies by police, fire, medical, or utility personnel or at their direction.

3. Construction and Renovation of Municipal Facilities

   a. All outdoor lighting used for construction or major renovation of municipal buildings, structures and facilities is exempt from the provisions of this Section.

§ 212-124 Standards for buffer areas.

A. Visual screening/Vegetated buffer.

(1) Wherever a vegetated screening buffer area is required by this chapter, said buffer area shall be planted and maintained with vegetation that results in a visual barrier that is at least six feet in height from ground level within three years to five years. All vegetated buffers shall be maintained.

(2) Vegetation within any required buffer area may consist of maintained lawn, shrubs or trees. Plants selected for use in any required buffer areas should be species that are hardy to the Finger Lakes region and that are noninvasive. Shrubs when planted may be two feet to four feet in height and must achieve six feet in height within three years to five years. Trees shall be six feet in height when planted.

(3) At the discretion of the Planning Board, a fence may be substituted for vegetation to achieve the required six-foot high visual screen; provided, however, that:

(a) The width of the buffer area is not reduced below the minimum required by this chapter;

(b) The remaining portions of the buffer area shall be planted and maintained with vegetation.

(4) In the case of new construction within a B1—Business Zone or OTMU—Office Technology Mixed Use Zone, such a visual barrier shall be planted or built prior to

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the issuance of any certificate of zoning compliance by the Zoning Officer.

B. Stream and Wetland protection setback.

1. Healthy stream sides that are vegetated with native woody trees and shrub plants provide flood reduction, erosion control, groundwater filtration, surface water quality improvement, and wildlife habitat. Therefore, commercial parcels and properties and all properties in environmental overlay zones that are being considered for new development or building upgrades and that encompass or adjoin a stream or creek are required to maintain and protect the existing vegetated streamside habitat (i.e., setbacks) during and after construction, or restore the vegetation through plantings in those habitats where such vegetation has been removed.

2. U.S. Geological Survey topographical maps will be used to classify intermittent/impermanent and perennial/permanent streams. Impermanent or intermittent, also known as "seasonal," streams require a minimum of 25 feet of setback on each side of the stream, extending from the stream bank toward the uplands. Permanent/perennial streams are required to have a minimum 50 feet of buffer on each side of the stream, extending from the stream bank toward the upland.

3. No buildings or other structures, or parking areas, shall be located within 100 feet from any NY State Regulated wetland. No buildings or other structures, or parking areas, shall be located within 50 feet from any Federally or locally designated wetland.

Area or Zone	**Setback**		
Setback to Taughannock and Trumansburg Creeks in all zones	100 feet		
Specific Zone Setbacks	**Perennial / Permanent**	**Intermittent/ Impermanent**	**Wetland**
General Setback if not otherwise noted.	50 feet	25 feet	50 feet
A/R - Agricultural	50 feet	25 feet	50 feet
A2 – Special Agricultural	100 feet from a stream or any Federal, State, or local wetland		

R – Residential (see §212-41)	50 feet	50 feet	100 feet State 50 Federal or local
LS – Lakeshore (see §212-47 for details)	50 feet from any stream or lake. In UNA or steep slope overlay, setback is 75 feet	50 feet. In UNA or steep slope overlay, setback is 75 feet	50 feet for Federal and local wetlands. 100 feet for State wetlands.
C – Conservation (see (see §212-55 for details). Regulations apply to buildings, structures, paved areas, or storage of equipment.	50 ft. May be increased by 50%	50 feet. May be increased by 50%	100 feet. May be increased by 50%
RM – Multiple-Residence (see §212-133)	Buildings, structures, or parking: >100 feet from a stream edge Roadways: > 50 feet from a stream edge		Buildings, structures, or parking: >10 0 feet from a wetland Roadways: > 50 feet from a wetland
MHP – Manufactured Home Parks (see §212-132.L for more details)	No manufactured home, structures, parking areas or roads within 50 feet from any stream edge		100 feet from state wetland. 50 feet from any federal or local wetland.

HC – Hamlet Center	50 feet from any stream edge or any wetland for any building, structure, or parking area.
HN – Hamlet Neighborhood (see §212-81 for more details)	50 feet from any stream edge or any wetland for any building, structure, or parking area.
WH – Waterburg Hamlet	50 feet from a stream edge or any federal or locally designated wetland for any building, structure, or parking area. Setback to any state wetland is 100 feet.
B1 – Business (see §212-93 for more details)	No buildings, structures, parking areas within 100 feet from any stream edge. No roads within 50 feet from any stream edge.
MZ – Marina	100 feet from a stream edge or wetland. See §212-101: Buffers, and §212-102.A.4.c: Design Standards
OTMU – Office Technology Mixed Use (see §212-109 for more details)	Buildings, structures, or parking: >100 feet from a stream edge or wetland
PR – Parks and Recreation	Buildings, structures, or parking: >100 feet from a stream edge or wetland or lake frontage using mean high water
DD – Development Districts	See individual districts
Design Stds – Animals (212-126)	Buildings where animals are kept: >100 feet from a stream edge or wetland
Design Stds – campgrounds – seasonal, group and overnight (212-127)	Campsites, buildings, tents, structures, parking: >100 feet from a stream edge or wetland Roadways: > 50 feet from a stream edge or wetland
Design Stds – Extractive Industry (212-	Mining activities, buildings, parking, equipment or production storage areas: >100 feet from a stream edge or wetland.

129)	
Design Stds – Sawmills (212-136)	Buildings, structures, log- or lumber-sorting or storage yards, parking or equipment storage: > 100 feet
Design Stds – Farm Operation, Accessory Commerce (212-139)	Buildings, structures, parking: >100 feet from wetland or perennial stream. Roadways: > 50 feet from stream edge of any perennial stream or wetland

4. Applicability.

   a. A 100-foot stream setback is required adjacent to Trumansburg and Taughannock Creeks. Vegetation in stream protection setbacks will consist of native tree and shrub species, tolerant of the conditions of flooding and soil saturation which are typical of such habitats, and generally designated as Obligative Wetland, Facultative, Facultative Wetland, or Facultative Upland Species in the U.S. Army Corps of Engineers' National Wetland Plant List (NWPL), (2016, as revised). This design includes approximately 75 feet of undisturbed mature forest directly adjacent to the bank, a middle zone 15 feet wide of actively growing forest with periodic thinning, and a third zone approximately 15 feet wide planted in warm-season grasses. Larger setbacks with wider zones are encouraged to provide greater stream protection.

   b. The Town of Ulysses requires the delineation of any applicable stream or wetland setback areas on subdivision plats, site plan applications, special permits, and variance applications, building permit applications, excavation or fill permit applications, or any Land Development Activity as defined by the Local Law for Stormwater Management and Erosion & Sediment Control.

   c. Classification of perennial and intermittent streams will be determined by U.S. Geological Survey topographical maps or determination by a New York State Licensed Geologist or Tompkins County Soil & Water Conservation Zone. Intermittent, also known as "seasonal," streams require at least a minimum of 25 feet of setback on each side of the stream, extending from the stream bank toward the uplands. Perennial streams are required to have at least a minimum 50 feet of buffer on each side of the stream, extending from the stream bank toward the upland. Certain zones vary from these general setbacks.

   d. Classification of wetlands will be determined by a qualified wetland delineator

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using the methodology contained in the US Army Corps of Engineers Wetlands Delineation 1987 or latest version. A jurisdictional letter may be required by either the US Army Corps of Engineers or NY State Department of Environmental Conservation to confirm the wetland/upland boundaries.

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5. Prohibited Activities

The following activities are explicitly prohibited in the stream or wetland setback area.

a. Storage or placement of any hazardous materials, before the following setback allotment, is prohibited. All sewage systems, both drain fields and raised systems and replacement of existing wells, must adhere to a 100-foot buffer from Trumansburg and Taughannock Creeks. Any property that cannot accommodate such a buffer requires a variance.

b. Purposeful introduction of invasive vegetative species that reduce the persistence of local vegetation is prohibited. For a listing of invasive vegetation to avoid, refer to the Tompkins County Environmental Management Council's List of Invasive Plants of Tompkins County, New York (2018, as revised).

c. Waste storage and disposal including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.

d. Public water supply wells must be greater than 200 feet from top of stream bank; private wells are not allowed in the stream setback area. Any property whose water supply cannot accommodate such a buffer requires a variance.

e. Soil disturbance by grading, stripping, mining or removal of soil, sand and gravel, and quarrying of raw materials.

f. Filling or dumping.

g. Dredging, deepening, widening, straightening or any such altercation of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities on the parcel.

h. Storage or application of herbicide, pesticides, fertilizers, or other chemicals.

i. Parking, storage, or operation of motorized vehicles.

6. Variance Procedures

a. Variances from the above buffer and setback requirements may be granted only in accordance with the following provisions. Except as provided below, the Town of Ulysses Board of Zoning Appeals may not grant a variance from this ordinance without conducting a public hearing on the application for variance.

b. A variance may be granted only upon a finding that a property's shape, topography or other physical conditions prevents land development unless a variance is granted, or that strict adherence to the minimal buffer and setback requirements would create extreme hardship.

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c. A variance request must include the following information in written documentation:

i. A to-scale site map with stream, wetlands, slopes and other natural features locations as determined by field survey;

ii. Description of the topography, slopes and soil type, shape of property, natural vegetation, and other distinguishing or prohibitive physical characteristics of the property;

iii. The locations and footprint of all existing structures and other impervious cover on a site map, with footprint for proposed structures. This map shall include the limits of all existing and proposed excavation, fill or other Land Development Activity, both inside and outside the stream setback;

iv. The exact area of the affected buffer and setback, and nature of proposed changes to be made to these areas shall be accurately and clearly indicated. A calculation of the total area and length of the proposed intrusion and any pre-existing intrusions shall be included;

v. A stormwater management plan given the proposed changes and intrusions;

vi. Documentation of supposed hardship should the buffer be maintained;

vii. Proposed mitigation for the intrusion.

7. The following matters will be considered in determining whether to issue a variance:

a. The shape and physical characteristics of the property;

b. The locations of all streams and wetlands on and/or adjacent to the property;

c. The location and extent of the proposed buffer or setback intrusion;

d. Whether alternative designs are possible which require less intrusion;

e. The water quality impacts of the proposed variance.

§ 212-125 Standards for adult entertainment businesses.

A. Numerous studies have shown that the presence of adult entertainment businesses can have serious, objectionable secondary effects on the general health, safety and economic well-being of the community. Such documented secondary effects may include an increase in the rate of crime, the loss of customers of neighboring commercial establishments, a decline in the value of surrounding properties, the

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deterioration of surrounding properties and the onset of blight in surrounding commercial and residential areas.

B. The purpose of this section is to:

(1) Eliminate or to the extent possible mitigate the negative secondary effects of adult entertainment uses in the Town of Ulysses;

(2) Provide for these uses within the Town, but in areas where they will have a lesser negative effect on the community; and

(3) Utilize the least intrusive method of controlling the negative secondary effects of adult entertainment businesses.

C. Any building in which an adult entertainment business is conducted shall be located at least 200 feet from the boundary of an A/R—Agricultural Rural Zone, R—Residential Zone, RM—Multiple-Residence Zone, MHP—Manufactured Home Zone, HC—Hamlet Center Zone, HN-Hamlet Neighborhood Zone, WH—Waterburg Hamlet Zone, or B1—Business Zone.

D. Any building in which an adult entertainment business is conducted shall be located at least 500 feet from any child-care center, group child-care center, church, mosque, synagogue, temple or other place of worship, community center or any preschool, nursery school, public park, elementary, middle or high school.

E. Advertisements, displays, or other promotional materials for adult entertainment businesses shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place. Permitted signs shall only display the name of the establishment and hours of operation.

F. All building openings, entries, exits or windows for adult entertainment facilities shall be located, covered, or screened in such a manner as to prevent a view into the interior from any street, sidewalk or other public place.

G. In the case of an adult drive-in motion picture theatre, viewing screens shall be situated and screened so as to prevent observation from any street or adjoining property.

§ 212-126 Standards for animals in residential areas.
The keeping of domestic livestock is permitted in the R—Residential Zone, and CZ—Conservation Zone residential zones only if:

A. Animal waste shall be managed according to current best management practices to minimize odors, dust, leaching and water runoff.

B. No buildings where animals are kept shall be located within 100 feet from a stream edge or any wetland as defined by local, state or federal law.

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C. All domestic livestock shall be kept on the property, and fencing shall be appropriate and adequate for the species maintained.

§ 212-127 Standards for campgrounds.

A. Campgrounds, seasonal.

(1) The maximum density of campsites within a campground shall be no more than 10 per acre, based on the total area of the parcel.

(2) No campsite shall be closer than 275 feet from the right-of-way of a public road or highway.

(3) To ensure adequate vehicular stacking room during peak campground entry and exit periods, the length of the entry drive or roadway to the campground shall be designed in a manner that ensures a distance of at least 200 feet between the public road or highway right-of-way line and point of registration. In addition, parking for a minimum of five recreational vehicles or vehicle/trailer combinations shall be constructed to serve the registration building structure. Each parking space shall be designed to accommodate a recreational vehicle or vehicle/trailer combination of 40 feet in length.

(4) All roads within the campground shall be at least 12 feet wide for one-way traffic and 20 feet wide for two-way traffic, constructed with an all-weather surface material, and properly marked with appropriate directional and traffic safety signage.

(5) Each campsite shall be numbered and shall have a minimum width of 30 feet and a minimum depth of 50 feet.

(6) No campsites, buildings, tents, structures, or parking areas shall be located within 100 feet of a stream edge or any wetland as defined by local, state or federal law. With the exception of stream crossings, no roadways shall be located within 50 feet from a stream edge or any wetland as defined by local, state or federal law.

(7) Each campsite shall have a designated area for a campfire and shall be located, cleared and maintained in accordance with recommendations of the Trumansburg Fire Department Chief.

(8) No more than two motor vehicles shall be parked at or be registered at a campsite at any time.

(9) Parking for campground patrons and guests shall be provided in a location or locations conveniently accessible to the campsites, at a rate of one parking space for each 10 campsites.

(10) Where the campground property fronts a public road or highway, within the required yard area at least 50% of the length of the frontage on said public road or highway

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shall be planted and maintained with vegetated buffer per the requirements of Article **XX**, § **212-124**.

(11) Any camping unit for sale must be placed on a campsite. There shall be no other commercial sales except for the sale of firewood, charcoal or other fuel to be used for camping purposes, and an inventory of miscellaneous and sundry items for the accommodation and use of campers and their guests.

(12) Storage of camping vehicles, campers, motor homes and boats on trailers is allowed; however, units in storage can occupy no more than 60% of all campsites. The storage of more than one camper, motor home, recreational vehicle, or boat on trailer at any campsite is prohibited.

(13) Provisions for water supplies, sewage disposal and garbage disposal shall meet all the requirements of the Tompkins County Health Department.

(14) Wildlife and rodent-proof refuse containers shall be provided so that there shall be a minimum of one container for every four campsites.

(15) Garbage shall be picked up at least twice per week during the months of June, July and August, and at least once per week during all other times when the campground is operating.

(16) The campground shall be kept free and clear of all litter and maintained in a neat and orderly manner. The owner shall be responsible for the maintenance of all campground facilities, including areas designated as open space, streets, landscaping, sewage disposal and water supply systems, and solid waste collection.

B. Campgrounds, overnight.

(1) The maximum density of campsites within a campground shall be no more than 10 per acre, based on the total area of the parcel.

(2) No campsite shall be closer than 275 feet from the right-of-way of a public road or highway.

(3) All roads within the campground shall be at least 12 feet wide for one-way traffic and 20 feet wide for two-way traffic, constructed with an all-weather surface material, and properly marked with appropriate directional and traffic safety signage.

(4) Each campsite shall be numbered and shall have a minimum width of 30 feet and a minimum depth of 50 feet.

(5) No campsites, buildings, tents, structures, or parking areas shall be located within 100 feet of a stream edge or any wetland as defined by local, state or federal law. With the exception of stream crossings, no roadways shall be located within 50 feet from a

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stream edge or any wetland as defined by local state or federal law.

(6) Each campsite shall have a designated area for a campfire and shall be located, cleared and maintained in accordance with recommendations of the Trumansburg Fire Department Chief.

(7) No more than two motor vehicles shall be parked at or be registered at a campsite at any time.

(8) Parking for campground patrons and guests shall be provided in a location or locations conveniently accessible to the campsites, at a rate of one parking space for each 10 campsites.

(9) Where the campground property fronts a public road or highway, within the required yard area at least 50% of the length of the frontage on said public road or highway shall be planted and maintained with vegetated buffer per the requirements of Article **XX**, § **212-124**.

(10) Any camping unit for sale must be placed on a campsite. There shall be no other commercial sales except for the sale of firewood, charcoal or other fuel to be used for camping purposes, and an inventory of miscellaneous and sundry items for the accommodation and use of campers and their guests.

(11) Provisions for water supplies, sewage disposal and garbage disposal shall meet all the requirements of the Tompkins County Health Department.

(12) Wildlife and rodent-proof refuse containers shall be provided so that there shall be a minimum of one container for every four campsites.

(13) Garbage shall be picked up at least twice per week during the months of June, July and August, and at least once per week during all other times when the campground is operating.

(14) The campground shall be kept free and clear of all litter and maintained in a neat and orderly manner. The owner shall be responsible for the maintenance of all campground facilities, including areas designated as open space, streets, landscaping, sewage disposal and water supply systems, and solid waste collection.

C. Campgrounds, group. **[Added 8-12-2014 by L.L. No. 3-2014]**

(1) All accommodations shall be of a temporary, seasonal nature only, except as set forth in this subsection.

(2) The cabins, tent sites or other structures providing accommodations shall provide sleeping space for no more than seven persons per acre.

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(3) No structure containing accommodations shall be closer than 275 feet from the right-of-way of a public road or highway.

(4) No camping vehicles, campers and motor homes shall be permitted on the premises.

(5) Provisions for water supplies, sewage disposal and garbage disposal shall meet all the requirements of the Tompkins County Health Department.

(6) Wildlife and rodent-proof refuse containers shall be provided.

(7) Garbage shall be picked up at least once per week during all times when the campground is operating.

(8) The campground shall be kept free and clear of all litter and maintained in a neat and orderly manner. The owner shall be responsible for the maintenance of all campground facilities, including areas designated as open space, streets, landscaping, sewage disposal and water supply systems, and sold waste collection.

(9) There shall be no more than two single-family residences for each group campground facility. The use of single-family residences shall be accessory to the group campground use, such as housing for a caretaker.

(10) All roads within the campground shall be at least 12 feet wide for one-way traffic and 20 feet wide for two-way traffic and properly marked with appropriate directional and traffic safety signage.

(11) No campsites, buildings, tents, structures, or parking areas shall be located within 100 feet of a stream edge or any wetland as defined by local, state or federal law, or the lakefront of any lake. With the exception of stream crossings, no roadways shall be located within 50 feet from a stream edge or any wetland as defined by local, state or federal law, or the lakefront of any lake.

(12) The group campground shall have designated areas for campfires and shall be located, cleared and maintained in accordance with recommendations of the Trumansburg Fire Department Chief.

(13) Where the group campground property fronts a public road or highway, within the required yard area at least 50% of the length of the frontage on said public road or highway shall be planted and maintained with vegetated buffer per the requirements of Article **XX**, § **212-124**.

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§ 212-128 Standards for accessory dwelling units.

A. Purpose and intent. It is the specific purpose and intent of this section to allow accessory dwelling units in the A/R, R, HN, LS, and CZ Zones to provide the opportunity for the development of small rental housing units designed, in particular, to provide market-rate affordable housing in the Town of Ulysses. Furthermore, it is the purpose and intent of this section to allow for efficient use of the Town's existing stock of dwellings in economic support of resident families and to protect and preserve property values while preserving the character and quality of life in the Town of Ulysses neighborhoods. To help achieve these and other goals consistent with the Town of Ulysses Comprehensive Plan, specific requirements are hereby set forth for accessory dwelling units and their related uses. These requirements are in addition to any other requirements for accessory dwelling units set forth elsewhere in this chapter.

B. Adequate water and sewerage disposal arrangements shall be provided for the accessory dwelling unit. These arrangements may include connections to such facilities of the existing principal residence or may be separate.

C. Any accessory dwelling unit placed on a lot shall be considered an accessory building and shall be clearly subordinate to the principal residence on the lot.

D. Placement of any accessory dwelling unit shall be in accordance with the lot area and yard requirements of the zoning district within which it is located.

E.

F. Floor area. The floor area of the accessory dwelling unit may not exceed 1,200 square feet.

G. No other accessory dwelling units may be located on the lot.

H. If the street-facing facade of the building occupied by a detached accessory dwelling unit is visible from the street line, at least 20% of the street-facing facade must have window or door openings.

§ 212-129 Standards for extractive industry.

A. Extraction operations shall meet all development and performance standards of this chapter and of all applicable local, state and federal regulations. These standards shall apply to any activities in the Town of Ulysses defined as extractive industry in Article **IV** where more than 500 tons or 350 cubic yards, whichever is less, of a mineral(s) are removed from the earth during 12 successive calendar months.

B. The applicant shall submit information that includes, at a minimum:

(1) A survey of the entire property on which the mining activity is proposed showing topography, the locations of all streams, wetland and other bodies of water and existing vegetation;

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(2) A site plan showing the lands to be mined, all proposed buildings or structures, equipment maintenance, parking or storage areas, access roadways and all required buffer areas and visual barriers;

(3) A proposed mining plan, including information on type of deposit (e.g., glacial, etc.), name of mineral (sand, gravel, clay, etc.) proposed to be mined, type of mining operations (surface, unconsolidated, etc.), proposed mining method, proposed mining sequences and directions, proposed grades and slopes, location and elevation of mine floor, and disposition of stockpiles and waste materials;

(4) The proposed pollution-control measures to address potential air pollution (dust), noise pollution or water pollution (water-borne sediments);

(5) A reclamation plan that, at a minimum, shall clearly show how the site will be restored to either:

(a) A condition similar to or compatible with that which existed prior to any mining; or

(b) Some other productive use of the land, such as forests, pasture, crops, wildlife area, etc.; or

(c) Suitable land for subsequent development or construction; and shall include an estimated cost of site reclamation upon the cessation of mining operations;

(6) Information on the width, bearing capacity and type of road surface of all Town of Ulysses roads proposed to be used by truck traffic to or from the site and the nearest county or state highway, and the weight of the vehicles using the facility;

(7) Any other information deemed reasonable and necessary by the Planning Board in its consideration of site plan approval.

C. The applicant's mining and reclamation plans shall describe the mining method as designated by the applicant on the basis of current or anticipated mining practices, and the reclamation method, having as its objective the preparation of the affected land for a future productive use. The proposed method of mine operating and the method of reclaiming the affected land to achieve the applicant's land-use objective shall be compatible with sound environmental management practices.

D. An analysis by the applicant shall indicate if any improvements to Town and county roads may be necessary.

E. Zoning district setback requirements notwithstanding, any excavation or quarry wall, and any equipment used for rock, gravel, soil or mineral-crushing or other processing, shall be located a minimum of 250 feet from any property boundary line or public road or highway right-of-way.

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F. Except for ingress and egress roadways, no roadways within the site shall be closer than 200 feet from a property line.

G. No accessory buildings or structures, or equipment maintenance, parking or storage areas, shall be closer than 100 feet from any public road or highway right-of-way, or other property boundary.

H. A vegetated earthen or rock berm with a crest at least eight feet above any adjacent public road or highway, and with a side slope not exceeding a rise of one foot for each 2.5 feet of horizontal distance, shall be constructed and maintained prior to commencement of mining production or sale activities.

I. No mining activities, buildings, structures, parking areas, equipment or production storage areas shall be located within 100 feet from a stream or any wetland as defined by local, state or federal law.

J. A visual screen at least 40 feet in width and composed of evergreen trees shall be planted along any site boundary line that abuts one or more residential lots. All evergreen trees shall be at least eight feet in height at time of planting and be spaced so as to form an opaque vegetative screen. The owner shall be responsible for maintaining this vegetation buffer.

K. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. At a minimum, there shall be 500 feet of sight distance at the entrance to the facility.

L. Access roads into and out of the site shall meet the Town of Ulysses specifications for road base.

M. All ingress and egress points into the site shall be secured from unauthorized access or trespass.

N. Prior to the commencement of operations the applicant shall: 1) deposit with the Town Clerk a certified check in an amount set by the Planning Board to cover the full cost of reclaiming the site; or 2) file with the Town Clerk a performance bond to cover the full cost of the required reclamation. Any such bond shall comply with the requirements of § 274-a of the Town Law and, further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

§ 212-130 Standards for flag lots.

A. Flag lots as defined in Article **IV**, § **212-22**, shall meet the minimum lot area excluding the pole, lot width, and lot depth requirements of the zoning district within which it is located. The pole of the flag lot shall have a minimum width of 50 feet at every point and the pole shall be no less than 100 feet in length.

B. In areas where agriculture is the predominant land use, in particular the A/R, and R Zones, flag lots should be located on the least productive agricultural lands, and be configured so as to minimize interference with the agricultural use of the lands.

C. Whenever practicable, adjoining flag lots should be platted in a manner that encourages shared driveway access points along public roads and highways.

D. No parcel may be subdivided into more than 2 flag lots as of the adoption of this zoning on fill in____ 2019

§ 212-131 Standards for public garages, gasoline sales stations and body shops.

A. No part of any public garage shall be used for residence or sleeping.

B. No part of any building used as a public garage or gasoline sales station and no filling pump, lift or other service appliance shall be erected within 200 feet of any R—Residential, —, RM—Multiple-Residence, MHP—Manufactured Home Zone

C. No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance installed in connection with any gasoline sales station or public garage shall be within 50 feet of any street right-of-way.

D. No garage for painting or repairing automobile bodies involving hammering or other work causing loud or unusual noise, fumes or odors shall be located within 300 feet of any R—Residential, , , RM—Multiple-Residence, or MHP—Manufactured Home Zone.

E. The general elevation of the vehicle-servicing area shall not be raised higher than two feet from the surrounding properties.

F. Gasoline sales stations are limited to a maximum of four individual filling pumps in the HC – Hamlet Center Zone. A multiple pump stanchion is counted according to the number of pumps; for example, a double stanchion is counted as two pumps.

H. For unstaffed self-wash facilities, a security system must be installed and maintained, including a functional security camera to monitor all areas of the car wash.

I. Vehicle rental and sales must be located within a fully enclosed building.

J. Any repair and service operations must be performed within a fully enclosed building. Bay doors may be open during hours of operation.

K. No partially dismantled, wrecked, or unregistered vehicle or boat may be stored outdoors on the premises.

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§ 212-132 Standards for manufactured home parks.

A. No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within any of the front, side or rear yard setback areas.

B. All interior roads within the manufactured home park shall be paved with blacktop, concrete or other solid material, shall be a minimum of 20 feet wide with a six-foot wide shoulder constructed of an all-weather surface material on each side, and shall be properly drained.

C. All lots within the manufactured housing park shall be improved for use by independent manufactured homes, including the provision of adequate and safe water supply, sewage disposal, solid waste disposal and other utility systems.

D. Underground installation of the utility distribution and service lines is required except where it is infeasible due to site-specific conditions, as determined by a qualified engineer.

E. All manufactured home park maintenance, storage areas or facilities, and sewage treatment facilities shall be screened from all dwelling lots, internal streets, and public roads or highways by man-made screens or natural plant materials.

F. A minimum of 10% of the gross park area or 1,000 square feet per dwelling unit, whichever is larger, shall be provided for outdoor recreation. This recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units.

G. No manufactured home shall be located closer than 30 feet from another manufactured home, or closer than 40 feet from the center line of any interior park road.

H. No manufactured home shall be located less than 50 feet from any front, side or rear yard line of the lot or parcel.

I. No manufactured home shall be located less than 50 feet from any maintenance, storage areas or facilities, and sewage treatment facilities if present.

J. There shall be a vegetated buffer, not less than 20 feet in width, within any yard area not fronting on a public road or highway, planted and maintained in accordance with Article **XX**, § **212-124**.

K. Where the property fronts on a public road or highway, within the required yard area at least 50% of the length of the frontage on said public road or highway shall be planted and maintained with a vegetative screen.

L. No manufactured homes or other structures or parking areas shall be located within 50 feet of a stream edge or any wetland as defined by local or federal law or 100 feet from

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a state wetland. With the exception of stream crossings, no roadways shall be located within 50 feet horizontal distance from a stream edge or any wetland as defined by local, state or federal law.

M. The manufactured housing park owner shall be responsible for the maintenance of all park facilities, including areas designated as open space, recreation areas, landscaping, streets, privately owned sewage disposal and water supply systems, and solid-waste collection and storage facilities.

N. All manufactured home tow bars and hitches which are designed to be removable at the time of installation shall be removed in accordance with the manufacturer's instructions when the dwelling is sited.

O. Where an individual manufactured home lot abuts a front yard of the manufactured home park or a side or rear yard that borders a public road or highway, said manufactured home shall be sited in a manner so that the longer side of the manufactured home is parallel to or nearly parallel to the public road or highway right-of-way line.

P. Each dwelling within the manufactured home park shall have the space underneath the dwelling enclosed by skirting constructed of fire-resistant material.

§ 212-133 Standards for land development in RM — Multiple-Residence Zone (see Residence, Multiple-family)

A. All access roadways and vehicle and equipment parking areas shall be paved, surfaced or covered with gravel so as to be well-drained and provide an all-weather surface**.**

B. All vehicular drives shall be designed and constructed with an all-weather surface material, a minimum of 20 feet wide and properly drained. If the length of the drive is more than 100 feet or serves more than four residences, then the Planning Board may, in its discretion, set further requirements.

C. Any proposed streets or roads within the proposed project that will be deeded to the Town shall be designed and built to Town of Ulysses highway specifications.

D. The developer shall provide adequate sewer and water facilities. The preferred method of sewage disposal shall be by public or community facilities. However, if the applicant can obtain the appropriate on-site disposal system permit(s), then this method of treatment will be permitted.

E. To ensure adequate provision for light, air, access and privacy in the arrangement of the buildings to each other, no building shall be closer than 30 feet to another building. Each dwelling unit shall have a minimum of one exterior exposure.

F. A minimum of 10% of the gross area of the development or 1,000 square feet per

dwelling unit, whichever is greater, shall be provided for outdoor recreation space in addition to setback requirements. The recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units.

G. No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within any of the front, side or rear yard setback areas.

H. No parking facilities or driveways shall be located within 12 feet horizontal distance of any dwelling unit.

I. No buildings or other structures, or parking areas, shall be located within 100 feet horizontal distance from the stream edge of any perennial stream, or any wetland as defined by local, state or federal law. With the exception of stream crossings, no roadways shall be located within 50 feet horizontal distance from the stream edge of any intermittent stream, or any wetland as defined by local, state or federal law.

§ 212-134 Standards for residential swimming pools.
Swimming pools located on residential premises for private use only, and which include permanently constructed pools used for bathing or swimming that are 24 inches or more in depth, or that have a water surface area exceeding 250 square feet (about 18 feet in diameter), shall not be constructed or maintained closer than five feet from side or rear property lines, or be located within the required front yard of any lot or parcel. All swimming pools and associated fences, gates and other ancillary structures shall conform to the provisions of the New York State Building Construction Code or its successors.

§ 212-135 Standards for roadside stands.

A. Nonagricultural roadside stands shall not occupy more than 240 square feet of area.

B. No roadside stand shall be located within the right-of-way of any public road or highway.

C. No roadside stand shall be placed in a manner that limits the sight distance available to the motoring public or that in any other way obstructs their vision while driving or obstructs sight distance from neighboring driveways.

D. An all-weather surface must be provided to allow patrons adequate space to park their vehicles in such a manner that they are outside the outer edge of the road or highway shoulder.

E. All waste generated in the operation of the roadside stand shall be removed daily.

§ 212-136 Standards for sawmills.

A. All access roadways and vehicle and equipment parking areas shall be paved, surfaced or covered with gravel so as to be well-drained and provide an all-weather surface.

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B. No storage of logs, lumber, sawdust, bark, scrap wood or equipment of any kind shall be permitted within any yard setback area.

C. No buildings, structures, log- or lumber-sorting or -storage yards, parking areas or equipment storage areas shall be located within 100 feet from a stream edge or any wetland as defined by local, state or federal law.

D. A visual screen at least 40 feet in width and composed of evergreen trees shall be planted along any site boundary line that abuts one or more residential lots. All evergreen trees shall be at least six feet in height at time of planting and be spaced so as to form an opaque vegetative screen. The owner shall be responsible for maintaining this vegetation buffer.

§ 212-137 Standards for self-service storage facility.

A. In addition to all other requirements of the B1—Business Zone, all self-service storage facilities shall:

(1) Be designed to ensure a minimum of 20 feet between all structures on the site and between any structure and the perimeter fence;

(2) Be limited to single-story storage structures not exceeding 15 feet in height;

(3) Be lighted in a manner that ensures a safe and secure environment (reference Article **XX**, § **212-123**); and

(4) Be well-maintained and kept free of litter and abandoned or discarded property and vehicles.

B. Where a security fence is constructed around the perimeter of any self-service storage facility, said fence shall not be located within any front, rear and side yard setback area. All security fences shall be maintained in good condition. No concertina, razor, barbed wire or other such deterrents to unauthorized entry to the site shall be installed on any fences.

§ 212-138 Standards for commercial stables.

A. There shall be at least one acre of land for every five horses or ponies kept on the premises when stabled.

B. No building, except residences, shall be within 50 feet of a side or rear property line, and no building or parking areas shall be located within the front yard of the property.

C. All buildings and enclosures shall be cleaned frequently of waste materials and all manure shall be disposed of in a manner that eliminates pollution problems, such as odors, dust, leaching and runoff into watercourses.

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§ 212-139 Standards for Farm Operation, Accessory Commerce.

A. No buildings, except residences associated with the farm operation, shall be within 50 feet of a side or rear property line, and no building shall be located within the front yard of the property.

B. All outdoor lighting fixtures installed and utilized shall be subject to the provisions of Article **XX**, § **212-123**.

C. Parking facilities shall comply with the provisions of Article **XX**, § **212-121**.

D. No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within any side or rear yard setback areas.

E. No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within 25 feet of any road or highway right-of-way.

F. No part of any building used as an agricultural commerce enterprise where repairs to equipment and machinery are performed for hire, or where the fabrication of parts, equipment, or other products for sale occurs, or involves in any other way hammering or other work causing loud or unusual noise, fumes or odors, shall be located within 200 feet of any R—Residential, RM—Multiple-Residence, or MHP—Manufactured Home Zone.

G. G. No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance installed in connection with any agricultural equipment repair shall be within 75 feet of any road or highway right-of-way.

H. No building or other structures, or parking areas, shall be located within 100 feet horizontal distance from the stream edge of any watercourse carrying water six months or more throughout the year, or any wetland as defined by state or federal law. With the exception of stream crossings, no roadways shall be located within 50 feet horizontal distance from the stream edge of any watercourse carrying water six months or more throughout the year, or any wetland as defined by state or federal law.

I. Building Floor area limited to 5,000 square feet

§ 212-139.1. Standards for minor solar collection systems.

A. Rooftop- and building-mounted solar collectors are permitted in all zoning districts in the Town. Building permits shall be required for all rooftop- and building-mounted solar collectors.

B. Ground-mounted solar collectors are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:

1) The location of the solar collectors meets all applicable setback requirements of

the zone in which they are located. The minimum setback to an inhabited structure on an adjacent lot shall be 50 feet.

2) The height of the solar collectors and any mounts shall not exceed 20 feet in height when oriented at maximum tilt.
3) The total surface area of all solar collectors on the lot shall not exceed 2,000 square feet and, when combined with all other buildings and structures on the lot, shall not exceed the maximum lot coverage for the zoning district plus ten (10) percent.
4) A building permit has been obtained for the solar collectors.
5) The solar collectors are permitted in the side and rear yards. Solar collectors are permitted in the front yard upon determination by the Zoning Officer that the side and rear yards would provide limited solar collection. Zoning Officer reserves the right to require site plan approval for solar collectors located in the front yard.
6) Solar collectors and other facilities shall be designed and located in order to minimize reflective glare toward any inhabited buildings on adjacent properties and roads.

C. Where site plan approval is required elsewhere in the regulations of the Town for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed solar collectors. Where a site plan exists, an approved modified site plan shall be required if any of the thresholds specified in § 212-19(K) of the Town Code are met, including but not limited to proposed changes to or additions of ground-mounted solar collectors where such changes or additions meet a § 212-19(K) threshold. Proposed changes to or additions of rooftop or building-mounted solar collectors shall not be considered in the determination of whether a site plan modification is required.

D. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

E. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Tompkins County and other applicable laws and regulations.

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§ 212-139.2. Standards for major solar collection systems.
[Added 11-24-2015 by L.L. No. 3-2015]

A. Where applicable, and unless more restrictive regulations also apply, the requirements of § 212-139.1 of this chapter shall apply to solar collectors and installations for major systems.
B. A major system may be permitted in all zoning districts, except LS-Lakeshore, MD-Marina, and PR-Park/Recreation. Major systems that are part of a farm operation [as defined by NYS Agriculture and Markets Law §301(11)] are exempt from site plan approval if the solar collection system does not exceed 110% of the anticipated electrical needs of the on-farm equipment. All major systems that are not part of a farm operation require site plan approval from the Planning Board. All major solar collection systems on or off-farm are subject to the terms and conditions listed below (items B.1-7). Major solar collection systems impacting agricultural land should follow the most current New York State Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Solar Energy Projects.
    1) Height. setbacks, and restrictions.
        a. The maximum height for ground-mounted solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground.
        b. The minimum front yard, side yard and rear yard setback shall be 50 feet.
        c. Based on site specific conditions, including topography, adjacent structures, and roadways, a landscaped buffer may be required around some or all equipment and solar collectors to protect from glare but should not result in shading solar collectors, in accordance with the standards in section 7-b, below (Design Standard for Glare).
        d. Major solar collection systems shall be prohibited in Tompkins County designated Unique Natural Areas; in wetlands as defined by state, federal or local law; and on slopes greater than 15%.
    2) Design standards.
        a. Removal of trees and other existing vegetation shall be minimized, and if deemed appropriate by the Planning Board, offset with planting elsewhere on the property if the proposed vegetation does not shade solar collectors.
        b. Roadways within the site shall be constructed of materials appropriate to the site, permeable materials are encouraged, and shall be designed to minimize the extent of roadways constructed and soil compaction.

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c. All on-site utility and transmission lines shall, to the extent practicable, be placed underground.

d. Solar collectors and other facilities shall be designed and located in order to minimize reflective glare toward any inhabited buildings on adjacent properties and roads, in accordance with the Design Standard for Glare (see section 7-b below).

e. All electrical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening.

f. A major solar collection system to be connected to the utility grid shall provide documentation from the utility company acknowledging the major solar collection system will be interconnected to the utility grid.

g. Impermeable surfaces, such as concrete footers, shall be kept to a minimum as consistent with site requirements, in order to minimize water runoff and to aid in decommissioning so that the site can be reverted back for agriculture and other uses.

3) Signs.

a. A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list at a minimum the facility name, owner, and facility operator's phone number.

b. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

c. Solar collection systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer and operator of the system.

4) Areas of Potential Sensitivity shall be shown on site plans and shall be given special consideration by the Planning Board at site plan review, those areas consist of the following:

a. One-hundred-year flood hazard zones considered an A or AE Zone on the FEMA Flood Maps.

b. Historic and/or culturally significant resources in an historic district or historic district transition zone.

c. Within 100 feet landward of a freshwater wetland.

d. Adjacent to, or within, the control zone of any airport.

e. State owned lands.

f. Unique Natural Areas.

g. Properties with Conservation Easements or owned by a land conservation organization.

h. Public trails, including the Black Diamond Trail.

i. Prime Soils and Soils of Statewide Importance, as defined by United

States Department of Agriculture.

j. Town of Ulysses Natural Resources Inventory

5) Property Operation and Maintenance Plan. A property operation and maintenance plan is required, describing continuing solar collection system maintenance, property upkeep, and management of underlying vegetation.

a. The project sponsor shall monitor the project site and remediate as necessary for a period of no less than 365 days following the date upon which the project begins commercial operation. The monitoring and remediation phase is used to identify any remaining impacts associated with construction that are in need of mitigation and to implement the follow-up restoration.

6) Abandonment.

a. All applications for a major solar collection system shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.

b. In the event the facility is not completed and functioning within 18 months of the issuance of the final site plan approval, the Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fail to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.

c. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:

i. Removal of aboveground and below-ground equipment, structures and foundations.

ii. Restoration of the surface grade and soil after removal of equipment.

iii. Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

iv. The plan shall include a time frame for the completion of site restoration work.

d. Upon cessation of activity of a constructed facility for a period of one year, the owner and/or operator shall implement the decommissioning plan.

e. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day after the cessation of activity, the Town may, at its discretion, provide for the restoration of the site in accordance with the

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decommissioning plan, following the procedure outlined in §212-4.

7) Glare Analysis and Mitigation Requirements

a. For all major solar collection systems (i.e. ground-mounted arrays with a total surface area of solar panels greater than 2,000 square feet) glare from the facility must be evaluated for each minute of the year using Forge Solar Glare Analysis Tool or another equivalent tool authorized for use by the FAA in analyses of solar facilities proposed near federally regulated airports (hereafter referred to as "the tool"). The glare must be evaluated for all potentially affected occupied buildings around the facility as well as for all public roads.
b. If any of the limits set forth in requirements #3 or #4 below are exceeded, then a mitigation plan must be prepared by the applicant and approved by the Planning Board as part of the application. This plan must demonstrate with a reasonable assurance that the facility will meet the limits following completion of the mitigation plan.
   i. Non-vegetative means of mitigation such as adjustments to the siting, height, or orientation of the facility are recommended and, where possible, would be the preferable solution.
   ii. In the event that vegetative mitigation is to be used, the developers should demonstrate through language in the lease or other similar agreement that the developer or other relevant party has the legal rights to maintain the vegetation throughout the operational life of the facility. In addition, the selection of plantings should be done consistent with the recommendations of an International Society of Arboriculture (ISA) certified arborist or the equivalent.
c. At no site may glare (as evaluated by the tool) have an intensity and angular extent that exceeds 4 percent of the limit for eye damage as set forth in the solar glare ocular hazard plot for any one-minute interval at any time during the year.
d. Glare from the facility (as evaluated by the tool) shall not exceed the following limits at any potentially affected occupied buildings or public roads:
   i. Glare must not be visible for a total of more than 2 percent of the year.
   ii. No individual day during the year should have glare visible for more than two hours.
   iii. The average intensity and angular extent of the glare must not exceed 2 percent of the limit for eye damage as set forth in the solar glare ocular hazard plot.
   iv. Landowners entering into a lease agreement to host the solar system under consideration on their land may authorize exceeding any of the limits a, b, or c above for any properties they own by submitting a notarized waiver form to the Town Planning Board to be kept on file with the application. Roads and properties

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owned by other entities must still meet all limits set forth in a, b, and c.

e. Following all relevant electrical and other inspections, within 20 business days of the interconnection of the facility to the Utility system the developer will conduct (or contract with a third-party if they lack the in-house abilities) a final assessment of the facility as built. This assessment will verify the height of the facility above grade, the setbacks from roadways, property lines and other relevant boundaries, and the distance to the nearest off-site, occupied neighboring structure. The assessment must be submitted to the Town of Ulysses zoning officer upon completion.

   i. If any of these properties differs by more than 20% from that proposed, a new glare analysis is required to be conducted within 20 business days of the as-built assessment of the facility.

   ii. If any of the limits set forth in requirements #3 or #4 above are exceeded in the new analysis, then a mitigation plan must be submitted for approval to the Planning Board within 60 business days of the as-built assessment of the facility.

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§ 212-139.3 Animal Waste Storage Facility.

The Town of Ulysses recognizes that livestock farm operations over a certain size produce animal waste from manure, agricultural by-products, and contaminated runoff that, , must be stored short or long term and provide the agricultural operation management flexibility for waste utilization. Proper planning and construction of farm-related Animal Waste Storage Facilities is essential for ensures the continued protection of groundwater and surface water and waterways, air resources and public health within the Town.

A. REGULATIONS FOR ANIMAL WASTE STORAGE FACILITY

1. Animal Waste Storage Facilities shall be allowed only on a viable farm operation as defined by NYS Department of Agriculture and Markets Law (AML). The regulations listed herein apply only to livestock farms that are required by the NYS DEC to obtain a Concentrated Animal Feeding Operation (CAFO) general permit and/or to a farm receiving federal cost-share funds. Parcels of owned or rented land in the Town of Ulysses can be part of a farm operation in another town or county, as per AML.
2. Animal Waste Storage Facilities shall obtain a building permit prior to being constructed and operated. Design plans shall be submitted with every building permit application for an Animal Waste Storage Facility. All plans for Animal Waste Storage Facilities shall be designed by and stamped with the seal of a New York State licensed design professional.
3. Animal waste storage facilities shall be designed, constructed, and maintained in accordance with all applicable USDA Natural Resources Conservation Service (NRCS) Practice Standards. The Zoning Officer will submit the proposal to Tompkins County Soil & Water Conservation Zone or NRCS for review and comment in order to assist the Planning Board in considering the potential impacts posed by such a facility upon surrounding land uses prior to taking final action.

B. SITE REQUIREMENTS

All Animal Waste Storage Facilities shall be installed, operated and maintained pursuant to the following conditions:

1. Animal Waste Storage Facilities shall be placed a minimum of 500feet from a road right-of-way, but shall not be set closer to the right-of-way than the nearest permanent structure being served.
2. Animal Waste Storage Facilities shall be placed a minimum of 100 feet from a lot line.
3. Animal Waste Storage Facilities shall be placed a minimum of 1000 feet from any existing residential or non-agricultural building that is not part of the farm operation.

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4. Animal Waste Storage Facilities shall be placed a minimum of 500 feet from any existing well, watercourse, stream, or waterbody, and any existing well that is not part of the farm operation.

C. PERMIT APPLICATION REQUIREMENTS

All applications for Animal Waste Storage Facilities shall comply with the following:

1. A completed permit application shall be submitted to the Code Enforcement Officer or Zoning Officer.
2. A site map and plan view of the system layout shall be provided at the time of application which shows the location of the proposed Animal Waste Storage Facilities and distances to all buildings, property lines, water courses, water bodies, wetlands and existing wells.
3. Engineering plans shall also include at a minimum the following, in accordance with the NRCS Practice Standard 313, Plans and Specifications and Operations and Maintenance (New York, 2018):
    - A geologic investigation report including evaluation of aquifers in the area and listing of floodplain designation.
    - Pertinent elevations of the facility.
    - Structural details of all components, including reinforcing steel, type of materials, thickness, anchoring requirements, lift thickness.
    - Locations, sizes, and type of pipelines and appurtenances.
    - Operational and emergency design storage volumes.
    - Requirements for foundation and preparation and treatment.
    - Vegetative requirements.
    - Material quantities and specifications.
    - Approximate location of utilities and notification requirements.
    - Safety features
    - Construction Inspection Plan
    - Operation and Maintenance Plan
4. Facility design plans for Animal Waste Storage Facilities shall either:
    a) Explicitly address items listed in the NRCS Practice Standard 313 under: Considerations for Siting and Minimizing the Potential for and Impacts of Sudden Breach of Embankment or Accidental Release from the Waste Storage Facility, Sensitive Environmental Settings, and Potential Impact Categories for Liner Failure, with regard to recommendations for storage structure design and additional safety measures as applicable, or
    b) Provide documentation from a licensed engineer that the proposed plan

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alternatives are equally protective of the groundwater and surface water resources of Town of Ulysses.

5. Covers, roofs, or other emission mitigation management should be included in the design of Animal Waste Storage Facilities to reduce the public health issues associated with emissions of ammonia, hydrogen sulfide, volatile organic compounds, greenhouse gases, particulate matter, and odors impacting nearby residences, as well as the delivery of excess nutrient pollution to watercourses, streams, groundwater, and Cayuga Lake.

§ 212-139.4 Confined or Concentrated Animal Feeding Operation (CAFO).

A. Purpose. The Town of Ulysses recognizes that Confined Animal Feeding Operations pose a high potential risk to the environmental health and safety of communities in which they are located, particularly in relation to manure spills and disposal, transmission of airborne pathogens, exposure to air and water contaminants, and improper disposal of deceased animals,

B. Required Filing. For any CAFO operating in the Town of Ulysses or for any CAFO subject to the regulations of the State of New York that is spreading manure in the Town of Ulysses, the owner and/or operator of such CAFO must file copies of State Pollutant Discharge Elimination System (SPDES) documentation, including the Comprehensive Nutrient Management Plan and all associated or required reports, with the Town Clerk within 5business days of submission to the New York State Department of Environmental Conservation. Changes in SPDES permit status must be reported to the Town Clerk within 5 business days of submission to the New York State Department of Environmental Conservation. Change of Operation Forms shall be delivered to the Town Clerk within 10 days of issuance.

C. Site Requirements

All CAFO facilities shall be installed, maintained, and operated pursuant to the following conditions:

1. Any building housing animals in a CAFO facility shall be placed a minimum of 500 feet from a road right-of-way.
2. Any buildings housing animals in a CAFO facility shall be placed a minimum of 100 feet from a lot line, and a minimum of 1500 feet from any existing residential or non-agricultural building that is not part of the farm operation
3. Any buildings housing animals in a CAFO facility shall be placed a minimum of 1000 feet from any watercourse, stream or waterbody, and from any exiting well that is not part of the farm operation.

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§ 212-139.5 Standards for Elder Cottage Housing

The following standards shall apply to elder cottage housing:

A. Elder Cottage Housing may be permitted as an accessory use only after the property owner applies for and obtains a "Elder Cottage Housing Permit" from the Department of Zoning and Code Enforcement. All "Elder Cottage Housing Permits" expire one (1) year from the date of issuance but may be renewed pending a review of the permit and an inspection from the code enforcement or zoning officer. All standards for Elder Cottage Housing must be complied with for the issuance or renewal of an Elder Cottage Housing permit.

B. At least one of the occupants of the elder cottage shall be a person at least 55 years of age related by blood, marriage or adoption to an occupant of the principal dwelling on the lot where the elder cottage is situated.

C. The names of the occupants of the elder cottage shall be enumerated on the special permit application filed with the Town of Ulysses, and no other person or persons may occupy said elder cottage.

D. Any elder cottage shall be designed and constructed in a manner that would allow easy removal from the premises. It shall be placed on a foundation designed and constructed in a manner that would allow easy removal of said foundation and restoration of the site to its original use and appearance upon removal of the elder cottage. At least one parking space shall be provided for the elder cottage.

E. Adequate water and sewerage disposal arrangements shall be provided for the elder cottages. These arrangements may include connections to such facilities of the existing principal residence or may be separate.

F. Any elder cottage placed on a lot shall be considered an accessory structure building and shall be clearly subordinate to the principal residence on the lot.

G. Placement of any accessory dwelling unit elder cottage shall be in accordance with the lot area and yard requirements of the zoning district within which it is located.

H. No elder cottage shall exceed one story in height.

I. The elder cottage shall be removed from the property within 120 days of being vacated by the occupant or occupants, and the location shall be restored to its prior state.

Article XXI

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Land Subdivision Regulations

§ 212-140 Authority; Policy; Applicability; Legal Effects; Review procedures

A. Authority and Declaration of policy.

(1) By the authority of Town Law § 276, 277, 278, and 279 and Chapter 10 of the Municipal Home Rule Law of the State of New York, the Planning Board of the Town of Ulysses is authorized and empowered to:

(a) Approve plats showing lots, blocks, or sites, with or without roads or highways.

(b) Approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County.

(c) Conditionally approve Preliminary Plats.

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d) Require an applicant to provide a clustered subdivision layout.

2) The policy of the Planning Board is to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the town and in a manner that is reasonable and in the best interests of the community. This policy is articulated to ensure that the highest standards of site, building and landscape design are met conscientiously, through the use of qualified technical and aesthetic judgment and principles of sustainability consistent with the Comprehensive Plan. The Planning Board will be guided in its consideration of an application for the subdivision of land by the following general requirements:

a) PHYSICAL CHARACTERISTICS. Land must be buildable and free of hazard. The physical characteristics of the land to be subdivided shall be such that it can be used for natural resource conservation or building purposes without danger to health and safety or peril from fire, flood, or other menace. Proper provision must be made for stormwater management, water supply, sewage and other needed improvements and, consideration be given to the future development of adjoining lands. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement and the future development, and, natural and cultural resources of adjoining lands. All parcel developments shall meet Town, County, State, and Federal regulations and requirements.

b) NATURAL AND HISTORIC FEATURES. Land is to be subdivided in a way that protects the natural, cultural and scenic resources of the Town for the benefit of all residents. To the extent practicable, all existing features of the landscape, such as trees greater than 24” diameter-at-breast-height (DBH) caliber, vegetative communities, rock outcrops, important ecological communities, surface and groundwater resources, unusual glacial formations, flood courses, cultural and historic sites, viewsheds, and other such irreplaceable assets shall be preserved thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only. Provision shall be made for maintaining undeveloped natural areas and wildlife corridors to mitigate any adverse environmental impacts of a proposed subdivision, and to sustain biodiversity in order to implement the Town’s policies of protecting environmental and cultural resources pursuant to the Town Comprehensive Plan and other applicable local laws.

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c) CONFORMITY. Subdivision plans shall be properly related to and conform to the Town Comprehensive Plan. Proposed development shall be planned such that it is compatible with sound development patterns of adjacent and neighboring properties within the Town of Ulysses. Subdivided lots shall be of such character that they can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

d) PARKS AND OPEN SPACE. Park areas of suitable location, size and character for playground and other recreational or open space purposes shall be shown on the subdivision plat in proper cases and when required by the Planning Board. Provision shall be made for adequate permanent reservations of open space, pedestrian trails, viewing areas, and parks, and such areas shall be shown on the plat.

e) PROTECTION OF AGRICULTURAL INFRASTRUCTURE AND SIGNIFICANT AGRICULTURAL LANDS. Consideration will be given to maintaining agricultural viability and protecting significant agricultural lands by minimizing adverse impacts on agricultural land remaining from the subdivision, prime and unique agricultural soils, adjoining or nearby agricultural land and operations, existing natural buffers, and agricultural infrastructure including but not limited to surface and subsurface agricultural drainage systems, farm equipment access points, and equipment lanes.

(3) Failure to notify the Zoning Officer of any conveyance by subdivision shall be a violation of this law and will be enforced by both civil action and financial penalties

(4) Applicants for major subdivisions may submit a plan for a cluster subdivision as provided for in Section 278 of New York State Town Law and 212-140 of this Article.

(5) Standards. Subdivisions are subject to the following standards. Subdivision standards are mandatory rules subject to modification by the Planning Board.

a) In determining whether to modify a standard for a proposed project, the Planning Board may take into consideration the following:

i. The practicable difficulties of applying the standard to the particular project;

ii. The potential adverse impact on surrounding properties and the neighborhood of applying or not applying the standard to the proposed project; and

iii. Whether alternate means or measures attain the same goal as the

standard.

b) Where an applicant objects to the application of a standard to his or her project and the Planning Board requires compliance, in its resolution of approval or disapproval the Planning Board must state its findings and the reasons for its decision with reference to the considerations set forth in the preceding paragraph.

(6) Supersedence. It is the express intent of the Town Board that this Article shall supersede §§ 261-b, 274-a, 274-b, 276, 277, 278, 279 and any other provision of Article 16 of the Town Law inconsistent with the provisions herein, pursuant to § 10 of the Municipal Home Rule Law.

(7) Fees. The amount of fees required under this chapter shall be established from time to time by resolution of the Town Board, except that the amount of professional review fees held in escrow for each particular application may be established by the reviewing agency. The administrative fees established by the Town Board shall approximate the actual cost to the Town of providing the related administrative services.

(8) Subdivisions Straddling Municipal Boundaries. Whenever access to a subdivision can be had only across land in another municipality, the Planning Board may request assurance from the Ulysses Town Attorney and the Highway Superintendent of the adjoining municipality, that the access road is adequately improved or that a performance security has been duly executed and is sufficient security to ensure access has been constructed. In general, lot lines shall be laid out so as not to cross municipal boundary lines.

(9) Resubdivision. Whenever any resubdivision of land in the Town of Ulysses is proposed, the subdividing owner or their authorized agent shall apply for and secure approval of such proposed subdivision before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted. Approval of a proposed subdivision shall be obtained in accordance with the procedure specified in this Article.

(10) State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations.

(11) Route 96 Corridor Management Study. In its discretionary actions under this chapter with regard to land use adjacent to or affecting Route 96, the reviewing agency shall be guided by the goals, objectives, and recommendations set forth in the Route 96 Corridor Management Study, Volumes 1 through 4, a copy of which is available for review in the office of the Town Clerk.

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§ 212-140.1 Applicability and legal effects.

A. Applicability of These Regulations.

1. Any division of a lot into two (2) or more lots, whether new roads, public facilities, or municipal utility extensions are involved or not.

2. Any other land transaction where these Land Subdivision Regulations or any other applicable law requires filing of a plat with the County Clerk. . Note: a property owner shall file with the zoning officer a copy of an application to the Tompkins County Department of Assessment to consolidate lots for tax purposes.

B. Legal effect: land-use regulations.

Whenever any subdivision of land is proposed to be made and before any site modifications are made and before any permit for the erection of a structure in such proposed subdivision is granted, the subdivider or a duly authorized agent must apply for in writing and receive approval of the proposed subdivision in accordance with these regulations.

C. Legal effect: filing of plats with County Clerk.

Before any plat or licensed survey map showing proposed subdivision of land in the Town of Ulysses is filed with the County Clerk, the plat or licensed survey map must be approved by the Zoning Officer or the Planning Board, as applicable, in accordance with the procedures of this law and Town Law § 276.

D. Plat void if revised after approval.

No changes, erasures, modifications, or revisions shall be made in any subdivision plat or licensed survey map showing subdivision of the land after approval has been given by the Zoning Officer or Planning Board and endorsed in writing on the plat or licensed survey map, unless the plat or licensed survey map is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such subdivision plat or licensed survey map is recorded without complying with this requirement, it shall be considered null and void.

E. Coordination with County Health Department. The provisions of the Tompkins County Sanitary Code are in addition to the provisions of these land subdivision regulations.

F. Planning Board use of consultants and services of county and regional planning staff.

The Planning Board may choose at any point in a subdivision review process to request consultants or refer to the county or regional planning staffs for review, comment, and advice on any aspect of the approval process, subdivision design, engineering

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specifications, or other pertinent matters. The cost shall be borne by the applicant. The Planning Board shall give the applicant written notice of the cost it incurred for consultants, and the applicant shall pay the cost within thirty (30) days of mailing of the notice.

G. Plat review of uncompleted subdivisions.

The Planning Board may, on direction of the Town Board, review, for purposes of revision, any plat within the Town boundaries already on file with the County Clerk if 20 percent or more of the lots within the plat are unimproved for reasons other than, poor drainage, Legislative authority for such review is authorized under New York State Town Law § 276.

§ 212-140.2 Types of subdivisions and procedures.

These regulations recognize three types of subdivisions, which are subject to three different review and approval procedures:

A. Minor subdivision: Review includes two required submissions by subdivider and may include a public hearing if considered desirable by the Planning Board.

B. Major subdivision: Review includes three required submissions by subdivider and at least one (1) public hearing by the Planning Board.

C. Cluster Subdivision: Review includes three required submissions by subdivider and at least one (1) public hearing by the Planning Board.

§ 212-140.3 Administrative Lot Line Alteration

(A) Eligibility criteria for administrative lot line alteration.

(1) Administrative lot line alterations may be granted by the Town of Ulysses Zoning Officer, without the need to come before the Town of Ulysses Planning Board for approval, where the conditions and requirements of this section are met.

(2) The following shall not be eligible for an administrative lot line alteration:

[a] Where such alteration would create a new parcel.

[b] Where such alteration would increase the number of parcels within a previously approved subdivision. (Note, however, that two or more parcels may be consolidated to avoid any overall increase.)

[c] Where such alteration would create the need for a new street.

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[d] Where such alteration would create the need for new or additional public improvements (such as sewer or water infrastructure).

[e] Where such alteration would violate a condition of, or be otherwise inconsistent with, a prior municipal approval.

(B) Procedure for administrative lot line alteration.

(1) Where the above criteria are met, a property owner or designated agent may make application for an alteration directly to the Town of Ulysses Department of Zoning and Code Enforcement. Such applicant shall include the following:

[a] Proof of ownership or agency designation signed by the owner authorizing the making of such application.

[b] A brief letter explaining the requested relief and the need for such relief.

[c] The approved subdivision map.

[d] A new subdivision map depicting the requested relief [i.e., the new location of the lot line(s)].

[e] Payment of the applicable application fee.

(2) The Zoning Officer shall make a determination as to whether such alteration shall be made based upon his/her consideration of the substantive criteria below.

(3) Should such administrative lot line alteration be granted, a new subdivision map prepared by a qualified surveyor and depicting the requested alteration shall be presented to the Zoning Officer for signature. After it is executed, said subdivision map shall be filed in the County Clerk's office.

(C) Lot line alteration substantive criteria.

(1) The alteration shall not cause a parcel to contain insufficient area or dimensions such that it would violate any requirements of the Town of Ulysses Code. However, this shall not prevent approval of an alteration where an involved parcel is nonconforming as to such dimensional requirements prior to the alteration and the proposed alteration does not further increase the degree of nonconformity.

(2) The alteration shall not cause any existing or proposed building or structure to come into violation of the Town of Ulysses Code. However, this shall not prevent the approval of an alteration where an existing building or structure located on an involved parcel is nonconforming under the Zoning Code prior to the alteration and

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the proposed alteration will not further increase the degree of nonconformity.

(3) The alteration shall not cause any public improvement, parcel or building to be in violation of the Town design and construction standards. However, this shall not prevent administrative approval of an alteration where such public improvement, parcel or building is already nonconforming under provisions of Town Code prior to the alteration and the proposed alteration will not further increase the degree of nonconformity.

(4) The alteration shall not create a new street or modify the configuration, alignments, profiles or boundaries of existing streets, whether such streets are public or private.

(5) The alteration shall not eliminate or modify the configuration, alignments, number or profiles of driveways or other points of vehicular access serving affected parcels and/or associated easements.

(6) The alteration shall not eliminate or modify the configuration, alignments, locations or capacities of public improvements, including those related to water and sewer infrastructure and their associated easements.

(7) The alteration shall not eliminate or modify the configuration, alignments, profiles or capacities of storm sewers and other stormwater management improvements and/or associated easements.

(8) The alteration shall not eliminate or modify parking spaces upon affected parcels, whether these are constructed or depicted on a site plan and held in reserve as a contingency (land banked).

(9) If approved, the affected lots shall continue to remain in compliance with all conditions imposed at the time of any previous subdivision affecting such lots unless and until any such condition is modified or removed by the Planning Board.

(10) If approved, the affected lots shall continue to be subject to the supplemental Town-wide environmental impact statement or related statement of findings in the same manner as they were prior to alteration pursuant to this chapter.

(D) Expiration. An approved subdivision map reflecting an approved administrative lot line alteration shall be filed in the Tompkins County Clerk's office within 62 days from the date of signature of the Zoning Officer and delivery to the applicant. Failure to file the map within this period shall constitute expiration of approval.

(E) Appeals. The purpose of this section is to provide an administrative review option to landowners whose applications meet the requirements of this section. The Town Zoning

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Officer's determination pursuant to this section does not constitute a zoning determination or interpretation subject to review by the Zoning Board of Appeals, nor does it constitute a discretionary, final determination appealable pursuant to Article 78 of the Civil Practice Law and Rules. Applicants denied an administrative approval pursuant to this section shall have the right to apply directly to the Town Planning Board for approval. The determination of the Planning Board is subject to review in accordance with Article 78 of the Civil Practice Law and Rules and the Ulysses Town Code.

(F). Fees, contributions and costs. The Town Board of the Town of Ulysses may institute, modify or eliminate any fee, cost or contribution under this chapter by resolution.

§ 212-141 Definitions.

A. Subdivision definitions. As used in this article, the following terms shall have the meanings indicated:

ADMINISTRATIVE LOT LINE ALTERATION

A lot line alteration which meets the standards set forth in § (212.140.3) and is effectuated administratively without formal Planning Board review or approval.

CLUSTER SUBDIVISION

A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture.

CONSERVATION EASEMENT

A perpetual restriction on the use of land, created in accordance with the provisions of § 49, Title 3, of the Environmental Conservation Law, or § 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land or natural, cultural, historic or scenic resources.

DATE OF SUBMISSION

The date of submission of required materials shall be considered to be the date on which the materials for approval, complete as determined by the Planning Board Chair or the Planning Board Chair's designee, and accompanied by the required fee, are accepted by the Planning Board Chair, or the designee.

FINAL PLAT or FINAL SUBDIVISION PLAT

A licensed survey map in final form showing a proposed subdivision, containing all information and details required by state and local law, for submission to the Planning Board for purposes of review, public hearing and approval.

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LOT

A continuous, unbroken area of land in single ownership of record described by the boundary lines on the Assessor's Tax Maps.

LOT LINE ALTERATION

Any alteration of lot lines or dimensions of any lots or sites or as shown on a plat previously approved and filed in the office of the Tompkins County Clerk. See provisions in **§ 212-140.3.**

MAJOR SUBDIVISION

A subdivision of land resulting in three or more lots (including the Parent Lot) or the creation of a third lot from the same original Parent Lot within 3 years. This also includes:

(1) Any division of land defined as a realty subdivision under § 115 of New York Code, Title II, and subject to Tompkins County Department of Health review under § 116 of such Code.

(2) Any subdivision that involves a new public right-of-way, municipal utility extension or other new public facility.

(3) Any cluster subdivision or other subdivision which deviates from the zoning regulations, Official Map or other Town development policy will generally be considered a major subdivision.

MINOR SUBDIVISION

Subdivision of land resulting in two lots (including the Parent Lot) or the creation of a second lot from the same original Parent Lot within three years and which:

(1) Does not include new roads, municipal utility extensions, clustering or public open space or facilities;

(2) Does not conflict with the zoning regulations, Official Map or any other Town development policy; and

(3) Does not adversely affect use or development of adjoining land.

PARENT LOT

Any parcel of land owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this chapter which has a total area which equals or exceeds the minimum requirements for lot size, and for which there exists the legal possibility of subdivision, resubdivision, and/or a Development District.

PRELIMINARY PLAT

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A drawing, clearly marked "preliminary plat," showing the salient features of a proposed subdivision, including the information specified in this document, for purposes of consideration by the Planning Board and public hearing.

RESOURCE ANALYSIS

The inventory and evaluation of natural, historic, and cultural resources on a property to 1) identify those resources to be protected, 2) provide the basis for the maximum density calculation and 3) determine locations for building envelopes.

SKETCH PLAT

A sketch of a proposed subdivision showing the form, layout, roads, public facilities and other information specified in this article.

B. Access definitions. As used in this article, the following terms shall have the meanings indicated:

DEAD-END ROAD or CUL-DE-SAC

A road or a portion of a road with only one vehicular traffic outlet.

MAJOR ROAD

A road with the capacity to serve heavy flows of traffic and intended primarily as a route for traffic between areas generating heavy volumes of traffic.

MINOR ROAD

A road intended to serve primarily as an access to abutting properties.

REVERSE FRONTAGE LOT

Through lot with frontage on two parallel roads with vehicular traffic restricted to only one of the roads.

ROAD

A street, avenue, lane, highway or other public way; a public right-of-way improved or intended to be improved or intended to be improved for traffic. A private drive is not considered to be a road.

ROAD PAVEMENT

The wearing or exposed surface of a roadway used by vehicular traffic.

ROAD WIDTH

The width of a right-of-way, measured at right angles to the center line of the road.

SUBDIVISION

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The division of any parcel of land into two or more lots, including the original lot, and plots, sites, or other division of land, with or without streets, for the purpose of immediate or future sale, transfer of ownership, or development after the date of adoption of § 212-140. The term "subdivision" includes any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk. Subdivisions are classified as "major," "minor," or "cluster" and further defined in § 212-141.

TOWN RIGHT-OF-WAY (UNIMPROVED)

A strip of land owned or controlled by the Town government for the purpose of providing access to abutting lots or for providing a bed for a future improved roadway. All Town rights-of-way are shown on the Town of Ulysses Official Map. Unless otherwise indicated, all Town rights-of-way are 60 feet wide.

§ 212-142 Subdivision procedures.

A. Pre-application meeting

The Pre-Application Meeting is an opportunity for the applicant to present and discuss a conceptual plan for the proposed subdivision prior to committing resources to the preparation of a Sketch Plan. The conceptual discussion shall guide the layout of the subdivision that will be shown in subsequent plan submission(s). All applicants are encouraged to attend a Pre-Application Meeting prior to submitting the Sketch Plan and applicants for a Major Subdivision are required to do so. An applicant for a Major Subdivision is also required to submit a Resource Analysis.

In preparation for this meeting, the applicant should become familiar with this Article and all other relevant provisions of this Law, the Comprehensive Plan and SEQRA requirements in order to have a general understanding of the subdivision review process.

No statement, comment or other communication made during this informal review shall be binding upon any party. The pre-application process is required solely to assure that Town development goals are recognized as they may apply to the site in question. The purpose is to help expedite the process by getting the review off to a cooperative start, before the applicant has made a substantial investment in the application process.

B. Classification of subdivision.

(1) The first stage of subdivision is classification. Classification requires that a subdivider submit a sketch plat of the proposed subdivision to the Zoning Officer that provides sufficient detail for the Zoning Officer to classify the action as to the type of review required. The Zoning Officer shall confer with the Chair of the Planning Board for comments and general recommendations as to any adjustment needed to satisfy the objectives of these regulations.

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(2) The sketch plat initially submitted to the Zoning Officer shall be based on Tax Map information or on some other similarly accurate base map at a scale (preferably not less than 1:2,400) that enables the entire tract to be shown on one sheet.

(3) A submitted sketch plat shall show the following information:

(a) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing road intersection.

(b) All existing structures, wooded areas, streams, wetlands, flood hazard areas and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than two (2) feet.

(c) The names of the owner and of all adjoining property owners as disclosed by the current tax roll.

(d) The Tax Map, block and lot numbers of all lots shown on the plat.

(e) All the utilities available and all roads as they appear on the Official Map.

(f) The proposed pattern of lots (with dimensions), road layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.

(g) All existing restrictions on the use of land, including easements, covenants and zoning district boundary lines.

(h) Minor and major subdivisions may require additional information as specified in this document.

§ 212-142.1 Minor subdivision review procedure.

A. Application and fee.

1. Within six months after classification of a sketch plat as a minor subdivision by the Zoning Officer, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so shall require resubmission of the sketch plat to the Zoning Officer for reclassification. The subdivision plat shall conform to the layout shown on the sketch plat as well as incorporate any recommendations made by the Planning Board. The application shall also conform to the requirements listed in § **212-142.1(B)**.

2. At least seven copies of the subdivision plat shall be presented to the Zoning Officer at the time of submission of the subdivision plat.

a. All applications for plat approval for minor subdivisions shall be accompanied by a fee established by Town Board resolution.

B. Requirements for minor subdivision plat review. A subdivision plat application shall include the following information:

1. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract.

2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corner of each tract shall also be located on the ground and marked with an approved pin, pipe, or monument and shall be referred to and shown on the plat.

3. All on-site sanitation and water supply facilities (if any) shall be designed to meet the specifications of the Tompkins County Health Department; approval shall be stated on the plat and signed by an officer of the Health Department.

4. The proposed subdivision name (if any), and the names of the town and county in which it is located.

5. The date, a true North arrow, the map scale, and the names, addresses and phone numbers of all owners of record and the subdivider.

6. The subdivision plat shall be a clear, legible reproduction that meets the standards for filing with the County Clerk as prescribed by law.

C. Subdivider to attend Planning Board meeting on minor subdivision plat. The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board at which a subdivision plat is first discussed.

D. Public hearing on minor subdivision plat.

1. If required by the Planning Board, a public hearing shall be held within 62 days of the date of submission of required materials. The hearing shall be advertised in the official newspaper of the Town at least five days before such hearing. If no public hearing is required, the Planning Board shall have 62 days from the date of submission to make its decision.

2. When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage, provided by the Planning Board and obtained from the Zoning Officer. The applicant shall post this signage at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least 10 days prior to the public hearing.

E. Action on minor subdivision plat.

1. The Planning Board shall, within 62 days of the date of the public hearing, act to conditionally approve; conditionally approve with modification; disapprove; or

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grant final approval to and authorize the signing of the final subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time, in the absence of a mutually agreed upon extension, shall constitute approval of the plat.

2. Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower the Planning Board Chair to sign the plat upon compliance with such conditions and requirements as may be stated in the Board's resolution of conditional approval.

3. Within five days of the resolution granting conditional approval, the plat shall be certified by the Chair of the Planning Board as conditionally approved; a copy shall be filed in the Town Clerk's office; and a certified copy shall be mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved plat.

4. Upon completion of the requirements in the resolution of approval, the plat shall be signed by the Chair of the Planning Board. Conditional approval of the plat shall expire 180 days after the date of the resolution granting such approval. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances. Extensions shall be for additional periods of 90 days each.

§ 212-142.2 Major subdivision preliminary plat review procedure.

A. Application and fee.

1. Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the approval of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked with the words "preliminary plat" and shall be in the form described in § **212-142.2(B)** hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law and § **212-142.2(B)** of these Land Subdivision Regulations, except where a waiver is specifically authorized by the Planning Board.

2. At least seven copies of the preliminary plat shall be presented to the Zoning Officer along with the fee established by the Town Board.

3. The date of submission of the preliminary plat shall be considered to be the date on which the Planning Board accepts as complete the preliminary plat and all data required by § **212-142.2(B)**. The Planning Board Chair shall note the date on the preliminary plat.

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4. At least seven copies of the Resource Analysis shall be presented to the Zoning Officer in accordance with Section Q.

B. Requirements for Major Subdivision Preliminary Plat Review.

1. Subdivider to Attend Planning Board Meeting.

   The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

2. The preliminary plat submitted to the Planning Board shall be at an adequate scale to provide detail such as 1" = 50' up to 1" = 200' for parcels under 100 acres and 1" = 200' for parcels of 100 acres or more, shall extend 200 feet past the parcel boundary, and shall show or be accompanied by the following information, except where requirements have been waived: A Preliminary Plat application shall include the following information:

   a) The proposed subdivision name, the names of the town and county in which it is located, the date, a true North arrow, the map scale, and the names, addresses and phone numbers of all owners of record, the subdivider, and the engineer or surveyor, including license number and seal.

   b) The names of the owners of record of all adjacent property and tax parcel numbers of all lots to be subdivided.

   c) The zoning district, including exact boundary of districts, where applicable, and any proposed changes in the zoning district lines or the zoning regulations text applicable to the area to be subdivided.

   d) All parcels of land proposed to be dedicated to public use and the condition of such dedication.

   e) The locations of existing property lines, easements, buildings, watercourses, streams, marshes, rock outcrops and wooded areas.

   f) The locations of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades and direction of flow.

   g) Contours with intervals of ten (10) feet or less as required by the Planning Board, including elevations on existing roads, and an approximate grading plan if natural contours are to be changed more than two feet.

   h) The width and location of any roads or public ways or places shown on the Official Map of the Ulysses Comprehensive Plan within the area to be subdivided, and the width, location, grades and road profiles of all roads or public ways proposed by the developer.

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i) The approximate location and size of all proposed water lines, valves, hydrants, sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in standards published by the Tompkins County Health Department. Show profiles of all proposed water and sewer lines. Proposed provision of water supply and related data includes the following:

   i. Location of any existing wells on site and other proposed lot wells.

   ii. Copies of New York State Department of Environmental Conservation Well Completion Reports for completed well(s) (including the well log and pump test data).

   iii. Any and all water quality testing results.

   iv. Proposed individual water supply system details such as pumps, storage, treatment, controls, etc.

   v. A completed hydrogeological study, as may be required by the Planning Board at its discretion.

j) All requirements as specified in local laws of the Town of Ulysses governing stormwater runoff; a stormwater management plan indicating the approximate location, construction and size of swales; and proposed lines and their profiles. The plan must include ramification of connections to existing or alternate means of disposal.

k) Plans and cross-sections showing the proposed new location and types of sidewalks, lighting standards, trees and landscaping, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and sub-base; the location of manholes, basins, and underground conduits. New features must comply with the Ulysses Subdivision Design Standards, Article **XXI**, § **212-142.10**.

l) Preliminary designs of any bridges or culverts which may be required.

m) The proposed lot lines with the approximate dimensions and area of each lot.

n) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements for ingress and egress (utility easements may be less wide)over or under private property, which permanent easements shall not be less than 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision or the Official Map.

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o) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked with an approved pin, pipe or monument as approved by the Town Board, and shall be referred to and shown on the plat.

p) If the application covers only a part of the subdivider's holding, a map of the entire tract shall be submitted so that the part of the subdivider's holding covered in the application can be considered in the light of the entire holding. This map shall be drawn at a scale of not less than 1:4,800 and shall show an outline of the platted area with its proposed roads, and an indication of any probable future road system with its grades and drainage in the remaining portion of the tract, and any probable future drainage layout of the entire tract.

q) A copy of any covenants or deed restrictions that are intended to cover all or part of the tract.

r) Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a significant change in the slope or direction.

C. Clustering of Lots may be required by the planning Board as a condition to granting any Major Subdivision approval in the A/R – Agricultural/Rural Zone.

In order to protect agricultural uses, to preserve the agricultural value of land, to provide for the retention of tracts of sufficient size to be used reasonably for agricultural purposes, and to preserve the open space qualities of the Town, the Planning Board, as a condition of granting subdivision approval, shall require, unless good cause is shown for omission of same, the developer to encumber the larger tracts by deed restrictions, conservation or agricultural easements, or other mechanism satisfactory to the Planning Board, to ensure that such parcels shall remain permanently as open space or agricultural land.

§ 212-142.3 Study and Approval of Major Subdivision Preliminary Plat.

A. The Planning Board shall study the practicability of a Preliminary Plat, taking into consideration the requirements of the community and the best use of the land being subdivided. To verify that all necessary information is discussed and reviewed in this process, the applicant shall complete a Resource Analysis in accordance with § 212-142.4 (D)(7) and provide a copy to the Planning Board upon completion. In its review, the Planning Board members may schedule a field visit to the site before the analysis is accepted as complete. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Ulysses Comprehensive Plan, the

Official Map, and Zoning Regulations.

B. Public hearing on major subdivision preliminary plat

1. Within 62 days of the date of submission of a preliminary plat by the Planning Board Chair, the Planning Board shall hold a public hearing. When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage provided by the Planning Board by way of the Zoning Officer and to post it at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least 10 days prior to the public hearing. The public hearing shall be advertised at least once in the official newspaper of the Town at least five days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat.

2. Within 62 days of the date of the public hearing, the Planning Board shall approve with or without modification or disapprove the preliminary plat, and the grounds for a modification, if any, or the grounds for disapproval, shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by written mutual consent of the subdivider and the Planning Board.

C. Planning Board approval of preliminary plat.

1. Conditional approval of preliminary plat. When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to:

   a) Modifications to the preliminary plat.

   b) The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and welfare.

   c) The required improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the final subdivision plat.

2. Effect of approval of preliminary plat. Approval of a preliminary plat shall not constitute approval of the final subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final subdivision plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. When approving a preliminary plat, the Planning Board shall state, in writing, the modifications, if any, it deems necessary for submission of the plat in final form. Within five days of the approval of such preliminary plat, it shall be certified by the Planning Board Chair as having been granted preliminary approval, and a copy

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shall be filed with the Town Clerk, a certified copy shall be mailed to the owner, and a copy shall be forwarded to the Town Board. Prior to approval of the final subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

3. Failure of the Planning Board to act within the sixty-two-day period shall constitute approval of the preliminary plat.

§ 212-142.4 Major subdivision final plat application.

A. Application.

1. A subdivider shall, within six months after the approval of a preliminary plat, file with the Planning Board an application for approval of a final subdivision plat in final form, using the approved application blank available from the Zoning Officer. If the final subdivision plat is not submitted for approval within six months after the approval of the preliminary plat, the Planning Board may refuse to approve the final subdivision plat and require resubmission of the preliminary plat.

2. A subdivider intending to submit a final plat for the approval of the Planning Board Chair shall provide the Zoning Officer with a copy of the application and copies as required of the plat, including one in ink on drafting film or an acceptable, equal medium that permits reproductions of the original; the original and one copy of all offers of cession, covenants and agreements; and two prints of all construction drawings.

B. Major subdivision final plat and accompanying data.

1. Final plat filing. Any final plat must be stamped by the Planning Board Chair, the Tompkins County Health Department, and the Tompkins County Assessment Department and then must be filed with the County Clerk within 62 days of the Planning Board approval. The County Clerk's filing standards may vary from the review standards of the Town.

2. The Town's final plat shall show:

a) Proposed subdivision name or identifying title and the names of the town and county in which the subdivision is located; the names and addresses of the owners of record and of the subdivider; and the name, license number and seal of the New York State licensed land surveyor.

b) Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

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c) Data acceptable to the Zoning Officer as sufficient to determine readily the location, bearing and length of every street line, lot line and boundary line and as sufficient to reproduce such lines upon the ground. Where applicable, these should be referred to monuments included in the state plane coordinate system, and in any event should be tied to reference points previously established by a public authority.

d) The length and bearing of all straight lines, radii, length of curves, central angles of curves, and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North arrow.

e) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces whose title is reserved by the developer. For any of the latter there shall be submitted with the final subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

f) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

g) Lots and blocks within a subdivision shall be numbered or lettered in alphabetical order in accordance with the prevailing Town practice.

h) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of a licensed engineer or surveyor. When referred to the state plane coordinate system they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town and their location noted and referred to upon the final plat.

i) All lot corner markers shall be permanently located in a way satisfactory to a licensed engineer or surveyor.

j) Pins, pipes or monuments of a type approved by the Town Board shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by a licensed engineer or surveyor.

k) Construction drawings, including plans, profiles and typical cross-sections as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other

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facilities.

C. Endorsement of state and county agencies. Water and sewer facility proposals contained in the final subdivision plat shall be properly endorsed and approved by the Tompkins County Department of Health. Applications for approval on plans for sewer or water facilities shall be filed by the subdivider with all necessary Town, county, and state agencies. Endorsement and approval by the Tompkins County Department of Health shall be secured by the subdivider prior to official submission of the final subdivision plat for approval by the Planning Board.

D. Cluster Subdivisions.

1. Purpose

   a) To permanently protect open space and recreational opportunities, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, waterbodies and wetlands, in a manner that is consistent with the Town of Ulysses Comprehensive Plan;

   b) To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision;

   c) To minimize the total amount of disturbance on the site;

   d) To further the goals and policies of the Town of Ulysses Comprehensive Plan;

   e) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner;

   f) To achieve a balance between well-designed residential development, meaningful open space conservation, and natural resource protection in the countryside by requiring cluster subdivisions instead of traditional major subdivisions.

2. Authority. The Planning Board is authorized to approve average density subdivision for parcels in all zones. In addition, the Planning Board, at its discretion, may recommend said average density subdivisions to be clustered on a particular lot as described herein. The Planning Board is authorized to approve a cluster development simultaneously with the approval of a subdivision plat or plats pursuant to Town Law §278. Approval of a cluster development is subject to the provisions set forth in Town Law §278 and these Land Subdivision Regulations. This section supersedes § 278 of the Town Law pursuant to the Town's authority in § 10 of the Municipal Home Rule Law.

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3. Applicability

   a) These regulations apply to all properties within the Town. The use of cluster subdivisions is intended to protect tracts of environmentally and scenically significant undeveloped land in the Town, including road corridors and buffer areas, and implement the Town of Ulysses Comprehensive Plan.

   b) Cluster subdivisions result in the preservation of contiguous open space and important scenic and environmental resources, while allowing compact development and more design flexibility than traditional subdivisions. Cluster subdivisions must satisfy the standards in this chapter. The procedure for approving cluster subdivisions is described in this Section. Subject to the criteria of these regulations, the implementation of conservation subdivision is the primary method of subdivision unless the findings set forth in this chapter allow for subdivision.

4. Request by subdivider. A subdivider may request the use of Cluster Subdivision under Town Law § 278 with respect to presentation of a Minor Subdivision Sketch Plat as described in Article **XXI**, § **212-142.1A** hereof.

5. Sketch plat. A subdivider must present, along with a proposal in accordance with the provisions of Town Law § 278, a Cluster Sketch Plat which is consistent with all the criteria established by these Land Subdivision Regulations, including roads being consistent with the road specifications and lots being consistent with Zoning Regulations.

6. Design Process and Standards

   a) At the time of the application for a subdivision approval subject to Cluster Subdivision, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect, Engineer, or Surveyor licensed in NY State, and considered in determining the layout of proposed streets, house lots, and open space.

   b) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

   c) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut

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and fill; and to preserve and enhance views and vistas on or off the subject parcel.

d) Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.

e) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

f) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

g) The Planning Board shall make a final determination as to which land has the most conservation value and should be protected from development based on the Resource Analysis as articulated in Section 7. This determination shall be based upon an analysis that weighs the relative importance of the environmental resources on the site and shall be expressed in a written report supporting its decision (the Conservation Findings).

h) The Planning Board may incorporate information provided by, but not limited to, its own research, site visits, consultants, other qualified experts or agencies or from public comments. If, as a result of the SEQRA review, information arises to cause the Resource Analysis to change, such change will be made at that time, by the Planning Board, in its sole discretion.

7. Resource Analysis

The Planning Board shall use the Resource Analysis required in this Section to determine the amount of constrained land and other unique features with conservation value. The Planning Board shall review the Resource Analysis and make its Conservation Findings. The Resource Analysis and Conservation Findings shall be used as the basis for Sketch Plan Review.

a) The Resource Analysis shall show lands with conservation value on the parcel and within 200 feet of the boundaries of the parcel, including but not limited to the following:

i. Wetlands, watercourses, streams, slopes 15% to 30% and slopes over 30%.

ii. Prime and statewide important farmland soils, land in active agricultural use, trail corridors, scenic viewsheds, public water supply wellheads, park

and recreation land, unfragmented forestland, wildlife corridors and habitats, vernal pools, and historic and archaeological sites, if such areas are specifically identified in the Comprehensive Plan, in the Town of Ulysses Natural Resources Inventory, the New York Natural Heritage Program, in biodiversity maps prepared for the Town by an environmental consulting organization, or in any the Town of Ulysses Agriculture and Farmland protection plan.

iii. Designated overlay zones for stream corridors, aquifers, scenic protection, and floodplains.

iv. Buffer areas necessary for screening new development from adjoining parcels.

v. Stone walls and individual trees or forested areas containing trees that are 18 inches in diameter at breast height (DBH) or larger.

vi. Land that has been disturbed or altered in the past and therefore may be more suitable for development. (This does not include land disturbed by an Applicant prior to applying for a development approval.)

vii. If identified by the Planning Board or the Town's planning consultant in the course of Sketch Plan discussions, other land exhibiting present or potential future recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value.

b) The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the sketch plan showing land recommended to be permanently preserved by a conservation easement, as well as recommended conservation uses, ownership, and management guidelines for such land. The sketch plan shall also show preferred locations for intensive development as well as acceptable locations for less-dense development.

c) The determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Planning Board, which shall make written findings supporting its decision (the "conservation findings"). The Planning Board shall not endorse any application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings. The Planning Board's conservation findings shall be subject to revision based upon field analysis of the site and information developed in the course of the SEQRA process.

d) The applicant shall prepare the Resource Analysis and submit it to the Planning Board as part of the Sketch Plan. The Resource Analysis shall contain the following information and be subject to the following order:

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i. Step One: Identifying Conservation Areas. Identify preservation land by two steps. First, Primary Conservation Areas such as wetlands, riverfront areas, and floodplains regulated by local, state, or federal law and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) must be identified and delineated. Second, the Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas. Applicants shall consult the Town of Ulysses Natural Resources Inventory in preparing the conservation analysis.

ii. Step Two: Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency in development patterns. The number of homes enjoying the amenities of the development shall be maximized.

iii. Step Three: Aligning the Road and Trails. Align roads in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

iv. Step Four: Lot Lines. Draw in the lot lines. Cluster subdivisions are intended to allow flexibility while preserving important natural attributes of the land. Density is calculated following a formula based upon the net acreage of the property. In order to determine the net acreage of a given area of land, it is necessary to subtract land that is unbuildable or that presents other development constraints.

e) Lots shall be arranged in a manner that protects land of conservation value and protects the scenic resources of the Town. Compact development is encouraged if it advances the protection of significant resources.

f) The minimum lot width and other dimensional standards of § 212-29 Lot Area and Yard Requirements may be waived at the discretion of the Planning Board for any subdivision that meets the policy standards of subsections 4 and 5 below and provided that there is adequate lot area for the siting of on-site wells and on-site wastewater treatment systems where planned. The limiting factor on lot size in cluster subdivisions is the availability of water and sewer infrastructure.

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g) The Planning Board shall determine appropriate lot sizes in the course of its review of a Cluster Subdivision based upon the criteria established in this section and the requirements of the Tompkins County Department of Health. Town services, if available, and/or private water/sewage systems may be used to meet these requirements. In order to permit a clustered lot configuration, wells and on-site wastewater treatment systems may also be located in areas of protected open space, provided that necessary easements are provided for maintenance of these facilities.

h) The applicant shall specify dimensional requirements for a proposed Cluster Subdivision by identifying setbacks and other lot dimensions to be incorporated into the Final Plat. The Planning Board may vary bulk requirements to accommodate a Cluster Subdivision. The Planning Board may consider an application to develop a portion of a parcel if a Resource Analysis is provided for the entire parcel.

i) There shall be no required area, bulk, or dimensional standards in a Cluster Subdivision with the exception of building height for the zone where the Cluster Subdivision is located.

j) Where lot width requirements have been waived, the minimum road frontage for each lot shall not be less than 50 feet.

k) Side lot lines shall be substantially at right angles or radial to street lines.

l) Through lots or reverse-frontage lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation. An easement of suitable width, across which there shall be no right of access, may be required along the line of lots abutting such road or other disadvantageous use. As an alternate, where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such street.

m) The plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plat approval. Private roads may be permitted only by resolution of the Town Board.

n) Radius corners shall be provided on the property line substantially concentric with the curb radius corners.

E. Density Bonuses

The Planning Board may, in its discretion, grant a density bonus for Cluster Subdivisions advancing specific policy goals enumerated below. The density bonus allows additional

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lots. Notwithstanding the minimum lot sizes set forth above, the following additional requirements shall apply to Major Subdivisions within the Rural/Agricultural Zone:

1. The maximum density permitted in § 212-29 Lot Area and Yard Requirements may be increased through density bonuses designed to advance important goals of the Comprehensive Plan and Agricultural and Farmland Protection Plan. In accordance with § 261-b of the Town Law of the State of New York, the Town Board of the Town of Ulysses is empowered to provide for a system of zoning incentives or bonuses in exchange for specific environmental, social, economic, or cultural benefits or amenities as the Town Board deems necessary and appropriate and which are consistent with the intent and purpose set forth in the Comprehensive Plan.

2. These density bonuses may be combined to result in a total density bonus not exceeding 100%. The density permitted by this section shall not be reduced as a result of the Resource Analysis required in **§ 212-142.4**(D)(7) or as a result of the reservation of parkland during the subdivision process. Density bonuses are given at the discretion of the Planning Board based upon written findings by the Planning Board documenting the expected public benefit. Density bonuses are calculated by first determining the allowable base density under § 212-29 Lot Area and Yard Requirements and then multiplying that number by the percentages that follow:

    i. If the applicant allows public access to protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area): a maximum of 30% density bonus.

    ii. If the applicant design and orients 75% or more of the project's total building floor area (excluding existing buildings) for solar orientation such that one axis of each qualifying building is at least 1.5 times longer than the other, and the longer axis is within 15 degrees of geographical east-west: a maximum 30% density bonus. The length-to-width ratio applies only to walls enclosing conditioned spaces; walls enclosing unconditioned spaces, such as garages, arcades, or porches, cannot contribute to credit achievement. The surface area of equator-facing vertical surfaces and slopes of roofs of buildings counting toward the bonus must not be more than 25% shaded at the time of initial occupancy, measured at noon on the winter solstice.

    iii. If the applicant provides twice the required buffering as 212-124 Standards for vegetated buffer areas, B. Stream protection setback: a maximum 30% density bonus.

F. Public hearing and review of the final plat. Within 62 days of the date of submission of a major subdivision final plat in final form for approval, a public hearing shall be held by the Planning Board. This hearing shall be advertised. Advertising shall be at least once in the official newspaper of the Town and at least five days before the hearing. If,

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however, the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Article **XXI**, § **§ 212-142.3**(C) hereof, and modified in accordance with requirements of such approval if such preliminary plat had been approved with modification, the Planning Board may waive the requirement for such a public hearing.

§ 212-142.5 Planning Board action on proposed final subdivision plat.

A. Prescribed time for action. The Planning Board action shall be by resolution to conditionally approve with or without modification; disapprove; or grant final approval to and authorize the signing of the plat by the Chair of the Planning Board. The action is to be taken within 62 days of the public hearing, if one was held, and if no public hearing was held, within 62 days of the date of submission. This time may be extended by written mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat.

B. Conditional approval. Upon resolution of conditional approval of a final plat, the Planning Board shall empower the Chair of the Planning Board to sign the plat upon completion of such requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the Chair of the Planning Board as conditionally approved, and a copy filed in the Town Clerk's office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved final plat.

C. Certification by Chair of Planning Board. Upon completion of such requirements, the plat shall be signed by the Chair or designee of the Planning Board.

D. Expiration of approval. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted by the circumstances; extensions shall be for additional periods of 90 days each.

§ 212-142.6 Required improvements.

A. Final approval of major subdivision final plat. Before the Planning Board grants final approval of a major subdivision final plat, the subdivider shall follow the procedure set forth in either § **212-142.6J(B)** or **(C)** below.

B. Full-cost check or bond. In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 277 of Town Law, and further shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of

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one year, or such other period as the Planning Board may determine appropriate, not to exceed three years, shall be set forth in the bond as the time within which required improvements must be completed.

C. Check or bond for completion. The subdivider shall complete all required improvements to the satisfaction of the Zoning Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

D. Underground utilities map. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by a licensed engineer or surveyor and a map satisfactory to the Zoning Officer has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to § **212-142.6(C)** hereof, then the map shall be submitted prior to endorsement of the plat by the Planning Board Chair. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in § **212-142.6(B)** hereof, such bond shall not be released until such a map is submitted.

E. Public streets and recreation areas.

1. Public acceptance of roads. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement or other open space shown on the subdivision plat.

2. Ownership and maintenance of recreation areas. When a park, playground, or other recreation area has been shown on a subdivision plat, approval of the plat shall not constitute an acceptance by the Town of the recreation area. The Planning Board shall require the plat or licensed survey map to be endorsed with approved and appropriate restrictions and disclaimers to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

§ 212-142.7 Modification of design of improvements.

If, at any time during the construction of required improvements, it is demonstrated to the satisfaction of the Zoning Officer that unforeseen conditions make it necessary to modify the location or design of the required improvements, the Zoning Officer may, upon approval by the Chair of the Planning Board or designee, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not

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extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Zoning Officer shall issue any authorization under this subsection in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

§ 212-142.8 Inspection of improvements.

A. Inspection fee. At least five days prior to commencing construction of required improvements, a subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board, in writing, of the time when the subdivider proposes to commence construction of the improvements, so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

B. Proper installation of improvements. If the Town's Engineer finds, upon inspection of the improvements performed before the expiration date of a performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the Engineer shall so report to the Town Board, Zoning Officer and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No additional subdivision plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved subdivision plat.

§ 212-142.9 Final approval of subdivision plat.

A. Signature of Planning Board Chair. Upon completion of the requirements in **§ 212-142.5** through **§ 212-142.8** hereof and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the Chair or designee of the Planning Board and may be filed by the applicant in the office of the County Clerk.

B. Prompt filing. Any subdivision plat not so filed or recorded within 62 days of the date upon which the plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.

Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed, in writing, on the plat, unless the plat is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

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§ 212-142.10 General requirements and road design standards

In considering applications for subdivision of land, the Planning Board shall be guided by the following principles and the standards set forth in § **212-140(2) and 212-142.10** hereof. The standards shall be considered minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article **XXI**, § **212-142.10(H)** hereof.

A. **Preservation of Open Space.**

1. If the arrangement of lots results in large expanses of preserved open space, the preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. Such open space may be owned by a homeowner's association, private landowner(s), a utility company, a non-profit organization, or the Town or other governmental entity, as long as it is permanently protected from development by a conservation easement held by a unit of government or qualified conservation organization

2. Permanent Preservation by Conservation Easement

a) A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry and silviculture, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the New York State General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, may be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The conservation easement shall be recorded in the Tompkins County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office. The Town shall maintain a current map which displays all lands subject to conservation easements or deed restrictions

b) The conservation easement shall limit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry and silviculture shall be conducted in conformity with applicable New York State Department of Environmental Conservation best management practices.

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3. Ownership of Open Space Land

a) Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be held in private ownership, offered for dedication to Town, County, or State governments, transferred to a qualified not-for-profit conservation organization acceptable to the Planning Board, owned in common by a homeowner's association (HOA), or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.

b) If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

i. The HOA must be established before the approved subdivision Final Plat is signed, and must comply with all applicable provisions of the General Business Law.

ii. Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.

iii. The open space restrictions must be in perpetuity.

iv. The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.

v. Property owners must pay their pro rata share of the costs and the assessment levied by the HOA must be able to become a lien on the property.

vi. The HOA must be able to adjust the assessment to meet changed needs.

vii. The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the Town. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder, or to pay its real property taxes.

viii. Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.

ix. The attorney for the board reviewing the application shall find that the HOA documents presented satisfy the conditions in Subsections (i) through (viii) above and such other conditions as the Planning Board shall deem necessary.

B. **Road considerations.**

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1. Statement of acceptance. All roads that are to be dedicated as public roads must comply with the standards set forth in this document. All access roads that are not to be dedicated as public roads must comply with § 280-a of Town Law. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements and rights-of-way. A written statement of acceptance must be filed by the Highway Superintendent and the Town Attorney before any road shall be accepted by the Town Board.

2. Width, location, and construction. Roads shall be sufficiently wide, suitably located, and adequately constructed to conform to the Ulysses Comprehensive Plan and to accommodate the prospective traffic and afford access for firefighting, snow removal and other road-maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. Refer to Article **XXI**, § **212-142.10(C)** hereof for roads that are to be turned over to and maintained by the Town.

3. Arrangement of roads.

   a) The arrangement of roads in a subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water lines and drainage facilities. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exist, or streets on an approved subdivision plat for which a bond has been filed.

   b) Where, in the determination of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

4. Minor roads. Minor roads shall be so laid out that their use by through traffic will be discouraged.

5. Special treatment along major arterial roads. When a subdivision abuts or contains an existing or proposed major arterial road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary to afford adequate protection of residential properties and to afford separation of through and local traffic.

6. Loop roads and circle drives. The creation of loop residential roads will be encouraged wherever the Planning Board finds that such roads are needed or desirable. Circle drives create problems for snow plowing and are discouraged. The Planning Board

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may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street.

7. Dimensions of blocks. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved foot path be included.

8. Openings for minor roads. Minor or secondary road openings into such roads shall, in general, be at least 500 feet apart.

9. Road jogs. Road jogs with center-line offsets of less than 125 feet shall not normally be permitted.

10. Angles of intersection. The angle of intersection for all roads shall be such that for a distance of at least 100 feet a road is within 10° of a right angle to the road it joins.

11. Roads' relation to topography. The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of roads shall conform as closely as possible to the original topography.

12. Borders with railroad or limited-access highway rights-of-way. Where a subdivision borders on or contains a railroad right-of-way or a limited-access highway right-of-way, the Planning Board may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential zones or for commercial or industrial purposes in appropriate zones). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

C. Road design.

1. Guidelines.

a) Rights-of-way:

i. Major roads: sixty-six-foot right-of-way, forty-foot minimum pavement width (four travel lanes).

ii. Local roads: sixty-foot right-of-way, twenty-foot minimum pavement width (two travel lanes).

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iii. Additional rights-of-way may be required where deep cuts or fills are needed.

b) Width of road: twenty-foot minimum pavement width, lanes ten-foot minimum width.

c) Shoulder width: six-foot minimum width.

d) Sight distance: Sight distance shall be at least 300 feet for intersections, horizontal curves and vertical curves.

e) In all cases where lots of less than two-hundred-foot frontage are shown on the highway, alignment shall accommodate a potential future five-foot-wide sidewalk on the side along the highway right-of-way.

2. Construction specifications (Refer to Figure 2).

a) Before any gravel is placed, the subgrade shall be crowned to a five-percent grade and shall be well compacted.

b) Adequate ditches shall be provided by the builder. The minimum ditch grade shall be 0.5%. The Town will maintain ditches after acceptance of road.

c) Culverts shall be placed in natural waterways, at low spots in grade, and in other spots where required. Builder will furnish culverts and install head walls if requested by the Highway Superintendent. All culvert sizes and lengths shall be determined and culvert designs approved by the Highway Superintendent before installation.

d) Under drains shall be placed in low, wet areas where side hill seepage is encountered or in other areas where required.

e) Approved gravel base shall be placed six inches to 18 inches deep from ditch to ditch and well compacted. All depth measurements refer to compacted depths. The top lift shall be crushed gravel or crusher-run stone, 20 feet wide and six inches deep centered on base and compacted. The total compacted depth of gravel shall be 12 inches to 24 inches. Gravel base will be compacted at six- to eight-inch lifts, top grade compacted at the six-inch lift.

f) All roads must be paved with either a liquid bituminous material or a plant-mixed bituminous concrete material. Base course three inches minimum, top course two inches minimum.

g) Crown on road: two-percent grade.

h) If considered necessary for road maintenance purposes, the Highway

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Superintendent may require greater road curve radii than the standards in the following sections.

3. Further road improvements, including fire hydrants and lighting. Roads shall be graded and improved with pavement. In addition, roads may require curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town's Engineer. Such grading and improvements shall be approved as to design and specifications by the Town's Engineer.

   a) Fire hydrants shall conform to all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York and the Town of Ulysses specifications or laws for public water service.

   b) Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town Electrical Inspector.

4. Underground utilities. The Planning Board shall require that underground utilities be placed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved. Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

5. Grades. Grades of all roads shall conform in general to the terrain, and shall not be less than 0.5% nor more than 6% for major or collector roads, or 10% for minor roads in residential zones, but in no case more than 3% within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town's Engineer so that clear visibility shall be provided for a safe distance.

6. Curves at intersections. All road right-of-way lines at intersections shall be rounded by curves of at least a twenty-foot radius, and curbs shall be adjusted accordingly. (Refer to Figure 3.)

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7. Visibility. Visibility at intersections shall be maintained. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is shown shaded on the figure below shall be cleared of all growth (except isolated trees) and obstructions above a level three feet higher than the center line of the road. If such is directed, ground shall be excavated to achieve visibility. (Refer to Figure 4.)

8. Circle drive requirements. Circle drive roads shall terminate in a circular turnaround having a minimum outside right-of-way diameter of 220 feet and a minimum right-of-way width of 60 feet. Circle drive roads are to be discouraged and a loop road used instead. At the end of a temporary dead-end road, the developer should put in a temporary hammerhead turnaround. (Refer to Figure 5.)

9. Loop roads. The two intersections of a loop road with the main road must be a minimum of two lot depths apart. (Refer to Figure 6.)

10. Watercourses. Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Highway Superintendent or the Town's Engineer. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Highway Superintendent or the Town's Engineer, which in no case shall be less than 20 feet in width.

11. Curves at deflecting roads. In general, road lines within a block deflecting from each other at any one point by more than 10° shall be connected with a curve, the radius of which from the center line of the street shall not be less than 400 feet on major roads, 200 feet on local roads, and 100 feet on minor roads. (Refer to Figure 7.)

12. Service roads. Paved rear service roads of not less than 20 feet in width, or in lieu thereof, adequate off-road loading space, surfaced with a suitable, dust-free material, shall be provided in connection with lots designed for commercial use.

13. Commercial zones. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the road width shall be increased by such an amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such a commercial or business zone.

D. Road names.

1. All road names shown on a preliminary plat or subdivision plat shall be approved by

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the Planning Board. In general, roads shall have names and not numbers or letters.

2. Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names in this or nearby municipalities, except that roads that join or are in alignment with roads of an abutting or neighboring property shall bear the same name. Generally, no road should change direction sharply or at a corner without a change in name.

E. Lots.

1. Lots shall be buildable. The lot arrangement shall be such that in constructing a building in compliance with the zoning regulations, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots approved in a subdivision cannot be further divided.

2. Side lines. All side lines of lots shall be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give a better road or lot plan.

3. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site, and to avoid obstruction of free visibility at the roadway intersection. See Article **XXI**, § **212-142C(7)**.

4. Driveway access. Driveway access and grades shall conform to specifications of the Town Law. Driveway grades between the street and the setback line shall not exceed 10%. Property owners are encouraged, but not required, to minimize driveway impacts by creating shared driveway easements.

5. Access from private roads. Access from private roads shall be deemed acceptable only if such roads are designed and improved in accordance with these regulations.

6. Monuments and lot corner markers. Monuments and lot corner markers shall be permanent monuments meeting specifications approved by the Town Board as to size, type and installation; they shall be set at such block corners, angle points, points of curves in streets and other points as the Town's Engineer may require; and their location shall be shown on the subdivision plat.

F. Drainage improvements.

1. Stormwater runoff. All subdivisions are subject to all New York State and local laws governing stormwater runoff.

2. Removal of spring and surface water. The subdivider may be required by the Planning Board to carry away by pipe or watercourse any spring or surface water that may exist either previous to, or as a result of, a subdivision. Such drainage

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facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

3. Drainage structure to accommodate potential development upstream. Any culvert or other drainage facility shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The Town's Engineer shall approve the design and size of the facility on the basis of anticipated runoff from a ten-year storm under conditions of total potential development permitted by the zoning regulations in the watershed.

4. Downstream drainage. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town's Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of such condition.

5. Land subject to flooding. Land subject to flooding shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or improved in a manner satisfactory to the Planning Board to remedy the hazardous conditions.

G. Parks, open spaces, and natural features.

1. Open space to be shown on plat. Where a proposed park, playground, or open space shown on the Town Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in § **212-142G(2)** hereof. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.

2. Parks and playgrounds not shown on Town Plan.

   a) The Planning Board shall require that a plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.

   b) The Board shall require that not less than three acres of recreation space be provided for 100 dwelling units shown on the plat. However, in no case shall the Board require more than 10% of the total area to be set aside in the subdivision.

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Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.

3. Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall, prior to final approval, submit to the Board 7 prints (one on Mylar if requested) drawn in ink showing, at a scale not smaller than 1:300, such area and the following features thereof:

   a) The boundaries of the area, giving metes and bounds of all straight lines, radii, lengths, central angles and tangent distances of all curves.

   b) Existing features, such as brooks, ponds, clusters of trees, rock outcrops and structures.

   c) Existing, and, if applicable, proposed changes in grade and contours of the area and of areas immediately adjacent.

4. Waiver of plat designation of area for parks and playgrounds. In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for a park, playground or other recreation purpose cannot be properly located therein, or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition to approval of the plat a payment to the Town of Ulysses in an amount established by the Town Board. Payment shall be per gross acre of land which otherwise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in § **212-142F**. Such amount shall be paid to the Town at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that:

   a) Is suitable for public park, playground or other recreational purposes.

   b) Is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies.

   c) Shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, providing the Town Board finds there is a need for such improvements.

5. Reserve strips. Reserve strips of land which might be used to control access from a proposed subdivision to any neighboring property, or to any land within the

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subdivision itself, shall be prohibited.

6. Preservation of natural features. The Planning Board shall, wherever possible, seek to preserve all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses, streams and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of 20 inches or more at breast height shall be removed unless the tree is within the right-of-way of a street as shown on the final subdivision plat or the tree is damaged or diseased. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of 20 inches or more as measured at breast height above the base of the trunk be indicated to be removed without prior approval by the Planning Board. All trees 20 inches in diameter or greater at breast height shall be shown on the plat or survey map.

H. Waivers of certain required improvements.

1. Where the Planning Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, the Board may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Ulysses Comprehensive Plan or this chapter.

2. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Article XXII
Communication Transmission Towers and Telecommunications Facilities

§ 212-143 Purpose.

The purpose of this article is to recognize the increased demand for wireless communications transmission facilities and for the services they provide. Often these facilities require the construction of a communications tower. The intent of this article is to protect the Town's interest in siting towers in ways consistent with sound land use planning by minimizing visual and environmental effects of towers through careful design, siting, and vegetative screening; avoiding potential damage to adjacent properties from tower failure or falling debris through engineering and careful siting of tower structures and facilities; and maximizing use of any new or existing tower and encouraging the use of existing buildings and/or structures in order to reduce the number of towers needed while also allowing wireless service providers to meet their technological and service objectives for the benefit of the public.

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§ 212-144 Exemptions.
For the purpose of this article, any telecommunications facility that: 1) is less than 75 feet in height and is set back from any lot line a distance equal to its height plus 10 feet; and 2) does not require use of guy wires to stabilize the antenna structure; and 3) does not have an antennae or dish that extends more than 10 feet horizontally from the tower structure nor have more than seven square feet of surface area is exempt from the requirements of this article.

§ 212-145 Definitions.
For the purpose of this article the following definitions shall apply:

ACCESSORY STRUCTURE, TELECOMMUNICATION
An accessory facility or structure greater than 120 square feet serving or being used in conjunction with a telecommunications facility or tower and located on the same lot as the telecommunications facility or tower. Examples of such structures include utility or transmission equipment, storage sheds or cabinets.

ANTENNA
A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include, but not be limited to, radio, television, cellular, paging, personal communications services and microwave communications.

CO-LOCATED ANTENNAS
Telecommunications facilities which utilize existing towers, buildings or other structures for placement of antenna(s) and which do not require construction of a new tower.

HEIGHT
Height includes height of structure and any attachments on the principal structure.

TELECOMMUNICATIONS FACILITIES
Towers and/or antennas and telecommunication accessory structures used in connection with the provision of cellular telephone service, personal communications services, radio and television broadcast services and similar broadcast services.

TOWER
A structure designed to support antennas. Towers may include freestanding towers, guyed towers, monopoles and similar structures that employ camouflage technology.

§ 212-146 Standards.
The following requirements related to project and site dimensions shall be adhered to:

A. Height. The tower shall be less than 100 feet in height unless a different height above that limit is demonstrated by the applicant as being necessary, and proof as to coverage needs is fully proven for additional height.

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B. Lot. A fall zone around any tower constructed as part of a telecommunications facility must have a radius at least equal to the height of the tower and any attached antennas. The entire fall zone may not include public roads and must be located on property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not, except as set forth below, contain any structure other than those associated with the telecommunications facility. If the facility is attached to an existing structure, relief may be granted by specific permission of the Planning Board, on a case-by-case basis, if it is determined by such Board after submission of competent evidence that the waiver of this requirement will not endanger the life, health, welfare or property of any person. In granting any such waiver, the Board may impose any conditions reasonably necessary to protect the public or adjacent property from potential injury.

C. Aesthetics and environmental considerations. Telecommunications facilities shall be located and buffered to the maximum extent that is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize adverse aesthetic effects on neighboring residences, the Planning Board may impose reasonable conditions on the applicant, including the following:

(1) The Planning Board may require reasonable landscaping consisting of trees or shrubs to screen the base of the tower and telecommunication accessory structures to the maximum extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.

(2) The Planning Board may require that the tower be designed and sited so as to avoid, if possible, application of Federal Aviation Administration (FAA) lighting and painting requirements, it being generally understood that towers should not be artificially lighted except as required by the FAA.

(3) The tower shall be of galvanized finish or painted matte gray, unless otherwise required by the FAA, and accessory facilities should maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(4) No tower, accessory facility, or fencing shall contain any signs not mandated by the Federal Communications Commission (FCC).

(5) Towers shall be designed to minimize the impact on migratory birds and other wildlife.

D. Access and parking. A road turnaround and two parking spaces shall be provided to assure adequate emergency and public access. Maximum use of existing roads, public or private, shall be made. Road construction and public utility services at the site shall at all times minimize ground disturbance and vegetation cutting, and road grades shall closely follow natural contours to assure minimal visual disturbance and reduce the potential for soil erosion.

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E. Safety and security.

(1) All towers and guy anchors, if applicable, shall be enclosed by a fence not less than six feet in height or otherwise sufficiently secured to protect them from trespassing or vandalism. The applicant must comply with all applicable state and federal regulations including, but not limited to, FAA and FCC regulations.

(2) Every five years the owner shall provide a certification from a qualified, licensed engineer certifying that the tower or telecommunications facility meets applicable structural safety standards.

F. Shared use of towers. In the interest of minimizing the number of towers, the Planning Board may require, as a condition of either site plan or tower permit approval, that the applicant indicate, in writing, a commitment to co-location of telecommunications facilities and to provide to the Planning Board's satisfaction the same.

§ 212-147 Filing application.

The applicant will submit a written application for such a permit with the Zoning Officer. The applicant will submit such information and documents as the Zoning Officer or any other officer or Town agency having jurisdiction may require. Included in these documents must be a development plan and copies of all documents submitted by the applicant to the Federal Communications Commission or any other governmental agency having jurisdiction. Furthermore, the applicant shall submit an environmental assessment form (long form) with visual addendum and an analysis demonstrating that the location of the telecommunications facility as proposed is necessary to meet the frequency, reuse and spacing needs of the applicant's telecommunications system and to provide adequate service and coverage to the intended area. In addition, each applicant shall submit to the Planning Board a site plan, prepared to scale and in sufficient detail and accuracy and including at the minimum the following materials:

A. Site plan.

(1) The applicant shall submit to the Planning Board the following materials:

(a) Exact location of the proposed telecommunications facility and/or tower, including geographic coordinates, together with any guy wires and guy anchors, if applicable;

(b) The maximum height of the proposed telecommunications facility and/or tower, to include all appurtenances;

(c) The details of tower type, to include engineering drawings from tower manufacturer (monopole, guyed, freestanding or other);

(d) Location, type and intensity of any lighting on the tower;

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(e) Property boundaries and names of adjacent landowners;

(f) Proof of the landowner's consent to abide by this article if the applicant does not own the property;

(g) Location of all other structures on the property and all structures on any adjacent property within 100 feet of the property lines, together with the distance of those structures from any proposed tower;

(h) Location, nature and extent of any proposed fencing, landscaping and/or screening; and

(i) Location and nature of proposed utility easements and access road, if applicable.

(2) For the area within construction area, the applicant shall show:

(a) Topographical layout in ten-foot increments;

(b) All bodies of water and streams;

(c) Existing and proposed drainage;

(d) Proposed grading plans;

(e) Location of all trees over eight inches in diameter at breast height; and

(f) Construction plans and elevation drawings of the proposed project.

(3) At the time the applicant is notified of the public hearing date, he or she will be required to obtain signage provided by the Planning Board by way of the Zoning Officer to be posted at the site by the applicant in such a manner as to be readily visible to the public from the nearest adjacent public road at least 10 days prior to the public hearing.

B. Application.

(1) The applicant shall submit to the Planning Board the following materials:

(a) A report from a professional engineer, which shall:

[1] Describe the tower and the technical, economic and other reasons for the tower design;

[2] Demonstrate that the tower is structurally sound;

[3] Describe how many and what kind of antennas are proposed;

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[4] Describe how many and what kind of antennas are possible on the tower;

[5] Demonstrate that the site can contain on site substantially all ice fall or debris from tower failure;

[6] Demonstrate that the proposed electromagnetic radiation will not exceed the levels for the environment recommended by the Federal Communications Commission in FCC 96-326, Table 1, "Limits for Maximum Permissible Exposure," and including current limits set by the FCC at time of application, at the following locations:

[a] Base of the tower or point near the tower with the highest radiation levels;

[b] The nearest point on the property line; and

[c] The nearest habitable space regularly occupied by people.

(b) A copy of the applicant's FCC license, including any requirements from the FAA.

(c) A copy of the certificate of need issued by the Public Service Commission.

(d) A letter of intent committing the tower owner applicant and/or landowner to negotiate in good faith for shared use by third parties. This letter, which shall be filed with the Building Inspector prior to the issuance of a building permit (assuming the telecommunications tower is approved), shall commit the tower owner and his or her successors in interest to:

[1] Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant;

[2] Negotiate in good faith for shared use by third parties;

[3] Allow shared use if an applicant agrees, in writing, to pay charges; and

[4] Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include, but is not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on equity and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference or causing uses on the site to emit electromagnetic radiation in excess of levels described above.

(e) Evidence that existing facilities or structures, within the technically feasible area, do not have space on which planned equipment can be placed so as to function effectively. This shall include the following:

[1] The applicant shall contact the owners of all existing or approved towers within a ten-

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mile radius of a proposed site;

[2] The applicant shall provide each contacted owner with the engineer's report required above; and

[3] The applicant shall request each contacted owner to assess the following:

[a] Whether the existing tower could accommodate the antenna to be attached to the proposed tower without causing structural instability or electromagnetic interference;

[b] If the antenna cannot be accommodated, assess whether the existing tower could be structurally strengthened or whether the antennas and related equipment could be protected from interference;

[c] Whether the owner is willing to make space available; and

[d] The projected cost of shared use.

(f) Visual environmental assessment form (EAF) addendum to the full EAF.

[1] The applicant shall indicate how the structure can be blended with the viewshed, including any attempts at camouflage;

[2] The Planning Board may require submittal of a more detailed analysis based on the results of the visual environmental assessment form addendum.

(g) Application fee as established by Town Board resolution.

(h) Application shall provide a five-year plan for build-out with propagation studies.

(i) Analysis of alternative sites that includes a preliminary viewshed analysis.

(j) Names, addresses, and phone numbers of the applicant, landowner, engineering consultant, and service provider.

(2) The Building Inspector will not be required to proceed under this chapter until an application is complete and application fee is paid as set by the Town Board.

§ 212-148 Planning Board procedure.

A. Procedures.

(1) After the applicant has filed all documents and supplied all the information required by the Building Inspector, but not later than 30 days from the date a completed application is filed, the Building Inspector shall file such application and all other documents with the Chair of the Planning Board, who shall place the application on

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the agenda of the next meeting of the Planning Board.

(2) The application shall be reviewed at such meeting and the Chair shall set a date for a public hearing, notice of which shall be posted and published at least once in the official newspaper, the first publication of which shall be at least 10 days prior to the date set for the public hearing, and mailed to owners of property lying within 1,000 feet of the proposed site and to such other owners of property in the vicinity of the proposed site as the Chair of the Planning Board shall determine, at the applicant's cost. It shall be sufficient if the determination of the ownership is based on the current assessment roll and the assessment map, but the failure to notify all such owners shall not render defective any action of the Planning Board.

(3) The date of said public hearing shall be within the requirements set forth in Town Law and the State Environmental Quality Review Act from the date on which the completed application was filed with the Chair of the Planning Board.

(4) The Planning Board may at any stage of the proceedings require additional information, documents or testimony, and may adjourn final consideration of its recommendation for a reasonable period for the foregoing purpose and for further study and review, but no more than 60 days after the first date set for the public hearing.

(5) If the Planning Board requires the assistance of a consultant to evaluate the application, the reasonable fees for consultation required by the Planning Board to evaluate the application shall be borne by the applicant.

(6) The special permit may be granted, denied, or granted with conditions by the Planning Board.

B. Planning Board criteria. The Planning Board, before rendering its decision, shall consider the following standards and matters:

(1) The proposed structure is necessary to meet current or reasonably expected demands for services in the community.

(2) The application significantly demonstrates that alternative sites were evaluated.

(3) The application conforms to all federal and state laws and all applicable rules or regulations promulgated by the FCC, the FAA and other federal agencies having jurisdiction.

(4) The proposed structure is considered a public utility in the State of New York.

(5) The proposed structure is sited, designed and constructed in a manner which minimizes:

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(a) Visual impact to the extent practical; and

(b) Adverse impact upon migratory birds and other birds and wildlife.

(6) The application complies with all other requirements of this chapter, unless expressly superseded herein.

(7) The site is the most appropriate choice among the sites available within the technically feasible area for the location of a telecommunications facility.

(8) In considering construction of a new tower, such tower is designed to accommodate future shared use by at least two other telecommunication service providers. Any subsequent location of telecommunication equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified special permit if there would be no increase in the height of the tower and if the tower's original design was adequate to accommodate the proposed additional equipment. However, the proposed structure will require a site plan review and issuance of a building permit before construction occurs. At the discretion of the Zoning Officer there may be required, before issuance of a building permit, an engineer's certificate or report to the effect that with the proposed additional equipment the existing tower continues to be safe and meets all then currently applicable design and construction criteria in accordance with generally accepted good engineering practices and generally accepted industry standards.

(9) The size of the site chosen for the proposed use. The tower must be located on an unoccupied parcel having an area of sufficient size that no part of the tower will fall on a neighboring property should the structure collapse.

§ 212-149 Building permits.
No building permit shall be issued until final approval has been granted to the applicant by any county, state and federal agency having jurisdiction in the matter and any and all other permits which may be required have been issued to the applicant.

§ 212-150 Limited permit.
Any permit granted under this article shall be valid only for the dimensions and number of antennas or towers in the original application. A new application must be submitted to the Planning Board for any changes.

§ 212-151 Removal provisions.

A. At the time of submittal of the application for a special permit for a telecommunications facility, the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) designated solely for use within a telecommunications facility if such facility becomes technologically obsolete or ceases to perform its original intended function for more than 12 consecutive months. Upon

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removal of said facility, the land shall be restored to its previous condition, including, but not limited to, the seeding of exposed soils.

B. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the telecommunications facility and restoration of the property, with the municipality as the assignee, in an amount approved by the Planning Board, but not less than $50,000.

C. In instances of modification of the special permit, the Planning Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of the removal of the telecommunications facility and the restoration of the property.

Article XXIII
Nonconformance

§ 212-152 Nonconforming buildings/structures.
Where at the effective date of adoption or amendment of any provision of the Town of Ulysses Zoning Law (hereinafter referred to as "the effective date"), a lawful structure exists that could not be built under the terms of the Town of Ulysses Zoning Law (hereinafter referred to as "this chapter") by reason of restrictions on area (except as otherwise provided in § **212-154** below), lot coverage, height, yards, or other characteristics of the building/structure or its location on the lot, current and future owners may retain such building/structure, so long as it remains otherwise lawful, subject to the following provisions:

A. No such building/structure may be enlarged in a way which increases its nonconformity;

B. On any nonconforming building/structure, ordinary maintenance may be performed to repair, replace, strengthen or restore any walls, fixtures, windows, wiring, plumbing, or roofing. Nothing in this chapter prevents the strengthening or restoring to a safe condition of any building/structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official;

C. Should such building/structure be destroyed by casualty, in whole or in part, it may be reconstructed in accordance with the provisions of § **212-156** below;

D. Should such building/structure be moved for any reason for any distance whatever, it must thereafter conform to the regulations for the zone in which it is located after it is moved;

E. Should such building/structure be demolished voluntarily, in whole or in part, it may be reconstructed in accordance with the provisions of § **212-156** below.

§ 212-153 Nonconforming uses of land and buildings/structures.
If a lawful use of land, of a building/structure, or of building/structure and land in combination, exists at the effective date, that would not be allowed in the zone under the terms of this chapter as amended, the lawful use may be continued as long as it remains otherwise lawful,

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subject to the following provisions:

A. Such nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date;

B. No existing building/structure devoted to a use not permitted by this chapter in the zone in which it is located may be enlarged, extended, constructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located;

C. Ordinary repairs may be made, and any nonbearing walls, fixtures, wiring or plumbing may be repaired or replaced. Nothing in this chapter prevents the strengthening or restoring to a safe condition of any building/structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official;

D. Should such building/structure be destroyed by casualty, in whole or in part, it may be reconstructed in accordance with the provisions of § **212-156** below;

E. Any nonconforming use may be extended throughout any parts of a building/structure which were manifestly arranged or designed for such use at the effective date, but such use must not be extended to occupy any land outside such building/structure;

F. Any building/structure, or building/structure and land in combination, in or on which a nonconforming use is superseded by a permitted use must thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed;

G. When a nonconforming use of a structure, or structure and land in combination, ceases for a period of one year, the structure or structure and land in combination must not thereafter be used except in conformance with the regulations of the zone in which it is located. For purposes of determining whether a nonconforming use has ceased for a period of one year, there shall be excluded from the calculation of the year period any period of time during which a nonconforming use was suspended solely because of a national emergency or temporary government restrictions (other than zoning restrictions). Upon termination of the national emergency or the temporary government restriction, the calculation of the year period shall resume. The time limit may be extended by the Board of Zoning Appeals in case of practical difficulty or unnecessary hardship;

H. Where nonconforming use status applies to a building/structure and land in combination, removal or destruction of the building/structure eliminates the nonconforming status of the land;

I. Where a nonconforming use exists in an area that has been or now requires site plan approval for any change of use, the nonconforming use may not be changed to any other use permitted in the zone until site plan approval has been obtained pursuant to the terms

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of this chapter.

§ 212-154 Dwellings on nonconforming lots.
Notwithstanding the provisions above prohibiting enlargement of nonconforming uses, if only a one-family dwelling or a legally existing two-family dwelling and related accessory buildings are present on a lot that is of a size or area less than that otherwise permitted in the zone in which the lot is located, and such lot is a valid nonconforming lot, such dwelling may be enlarged or altered provided:

A. The existing dwelling is in conformance with all requirements of this chapter except for the fact that it is located on a lot of record that is less than the required size or area at the effective date creating the nonconformity;

B. Such alteration or enlargement does not violate any other provisions of this chapter (e.g., yard, height, or other restrictions).

§ 212-155 Continuation of construction.
Nothing in this chapter is deemed to require a change in the plans, construction, or designated use of any building/structure on which actual construction was lawfully begun prior to the effective date and upon which actual building/structure construction has been completed within two years after the effective date making the use or building/structure location nonconforming.

§ 212-156 Restoration.
A. Nothing herein shall prevent the continued use and substantial restoration and continued use of a nonconforming building/structure damaged by fire, flood, earthquake, act of nature, or act of the public enemy, or by voluntary demolition, provided that:

   (1) Such restoration is located on, and no larger than, the footprint of the building/structure prior to its destruction and its height does not exceed the height of such prior structure; and

   (2) Such restoration is completed within two years of the damage; and

   (3) The use of the building/structure and the manner in which it was used prior to the loss is recommenced within two years of the damage.

B. The time limits set forth above may be extended by the Board of Zoning Appeals in cases of practical difficulty or unnecessary hardship using the same criteria as are applied in determining applications for an area variance. An application for an extension shall be brought no later than 60 days before the expiration of the two-year period or 60 days before the expiration of any previously granted extension.

§ 212-157 Board of Zoning Appeals determination.
The Board of Zoning Appeals shall have the jurisdiction to hear and determine any claims as to

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whether a particular use is a valid nonconforming use, or whether a nonconforming use has been improperly extended or enlarged, or any other matter relating to the nonconforming uses. Such jurisdiction may be exercised by an appeal of a decision of the Zoning/Code Enforcement Officer, or by direct application to the Board of Zoning Appeals in those instances where there is no application for a permit or certificate before the Zoning/Code Enforcement Officer. Any such direct application to the Board of Zoning Appeals shall be made on such forms and contain such information as the Board and/or the Zoning/Code Enforcement Officer may determine and shall be delivered to the Zoning/Code Enforcement Officer for submission to the Board.

§ 212-158 Variance criteria.

In the event an application is made to the Board of Zoning Appeals for a variance to enlarge or alter a nonconforming use, the Board of Zoning Appeals shall apply the same criteria in determining the matter as would be applicable if the application had been made for property that was otherwise conforming. For example, if the application is to enlarge a building that already encroaches on a required side yard, the Board of Zoning Appeals shall use the criteria applicable to considering an area variance. If the application is to change the use to another nonconforming use, the Board of Zoning Appeals shall use the criteria applicable to considering a use variance.

Article XXIV
General Provisions

§ 212-159 Temporary accessory residence.

A. Trailers or campers with less than 500 square feet of floor area may be used as a temporary accessory residence, adjoining a permanent residence or private recreational area, for periods not exceeding six weeks in any three-month period, or in any duly authorized campground.

B. Trailers or campers may be used as a temporary residence or office on a construction site for a period not to exceed one year.

§ 212-160 Existing lots.

A. Other provisions of this chapter notwithstanding, nothing shall prohibit the use of a lot of less than the required area for a single-family dwelling in any zone, when said lot at the enactment of this chapter was owned or leased by persons other than those owning or leasing any adjoining lot, provided that all other provisions of this chapter are complied with.

B. The above notwithstanding, any lot that is deemed conforming to the prior Town of Ulysses Zoning Ordinance, or was created prior to any local zoning law but now is deemed nonconforming, shall not require the approval for an area variance by the BZA should said lot meet all setback, front and rear yard requirements of this chapter.

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§ 212-161 Open porches.
In determining the size of yards for the purpose of this chapter, porches or carports, open at the sides but roofed shall be considered a building or part of a building.

§ 212-162 Fences and walls.
The provisions of this chapter shall not apply to fences or walls built or maintained in support of agricultural operations, or not over six feet above the natural grade, nor to terraces, steps, patios, unroofed porches or decks, or other similar features not over three feet above the level of the natural grade, except for the restrictions set forth in § **212-163** below.

§ 212-163 Corner visibility.
In any zone, no structure, fence, sign or planting over three feet in height, measured from the center of the adjacent road or highway, shall be maintained in any corner lot within a triangular area formed by the lot lines along the street to a point on such lines a distance of 30 feet from their intersection, and a line connecting such points. Any fence or planting that does not conform to the requirements of this section shall be made to conform within one year from the date this chapter becomes effective.

§ 212-164 Projections in yards.

A. Every part of a required yard shall be open from its lowest point to the sky, except for the ordinary projection of sills, belt courses, pilasters, leaders, chimneys, cornices, eaves and ornamental features, provided that no such projection extends more than two feet into any required yard.

B. Bays, including their cornices and eaves, may not extend more than two feet into any required yard provided that the sum of such projections on any wall shall not exceed 1/3 the length of such wall.

C. An open fire balcony or fire escape may extend not more than four feet into any required yard.

§ 212-165 Reduction of lot area.
Whenever a lot upon which stands a building is changed in size or shape so that the area and yard requirements of this chapter are no longer complied with, such building shall not thereafter be used until it is altered, reconstructed or relocated so as to comply with these requirements. The provisions of this section do not apply when a portion of a lot is acquired for public purpose.

§ 212-166 More than one building on lot.

A. When there is more than one principal building on a lot in any zone, the space between such buildings shall be at least equal to the sum of the side yards required by such buildings if built in the respective side yard of each other; or the sum of the rear and front yards if built in the respective front or rear yard of each other.

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B. In no case, however, shall either building encroach upon any required front, side or rear yard setback areas of the lot.

§ 212-167 Accessory buildings and Accessory Dwelling Units

A. Except in the HC—Hamlet Center Zone, no accessory building or Accessory Dwelling Unit may occupy more than 20% of any required yard setback and in no case shall exceed the maximum height permitted in the zone. For lots abutting Cayuga Lake, a boathouse in the front yard shall be a permitted accessory use.

B. For the purposes of this chapter, tractor trailers, shipping containers, PODS®, and similar structures are not considered to be accessory buildings.

C. Accessory buildings 120 square feet or smaller may be located as close as 10 feet from side and rear property lines, but may not occupy the required front yard space or setback area.

D. Lots two acres in size and under shall be limited to two accessory buildings.

E. On lots two acres in size or less, no accessory building whether attached or detached from the principal building shall occupy required front yard space or setback area.

§ 212-168 Abandoned cellar holes and destroyed or derelict buildings.

A. If excavation for a building has begun, but no structure built by the time one year has elapsed, any such excavation shall be covered over or refilled to the normal grade by the owner.

B. Any building substantially destroyed by any cause shall be rebuilt or demolished within one year. For the purpose of this chapter, "substantially destroyed" shall mean damage in excess of 50% of the replacement cost of the building in its entirety.

C. Any excavation or cellar hole remaining after the demolition or destruction of a building from any cause shall be covered over or filled by the owner within one year.

D. Fencing or similar safety measures shall be provided around excavations, derelict buildings, damaged structures, construction sites and other hazardous sites, immediately upon the determination by the Zoning Officer that such action is necessary in the interest of public safety.

E. If a property owner fails to comply with any of the provisions of this section he or she shall be subject to the penalties provided for in Article **II**, § **212-4**.

§ 212-169 Abandoned wells.

Any abandoned well, cesspool, septic tank or other underground tank or chamber shall be backfilled, covered or otherwise secured in a manner that precludes unauthorized or accidental

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entry or entrapment.

§ 212-170 Discontinuance of junkyards, open storage, automobile sales lots.

A. Notwithstanding any of the provisions of this chapter, any motor vehicle or other junkyard, including an open area for the outdoor storage of motor vehicles, used building materials, scrap metal, plastic, paper, rags, glass, broken appliances such as stoves, etc., refuse and other debris for any purpose in existence in any zone shall be discontinued. The Board of Zoning Appeals, however, may grant a special permit for the continuation of such use, pursuant to the provisions of Article **III**, § **212-18**. Farm operations within a county-adopted, state-certified agricultural district where such materials are generated by or used in an ongoing agricultural operation are exempt from this provision.

B. Any automobile sales lot or any billboard or nonconforming sign or advertising device in existence in any A/R—Agricultural/Rural, R—Residential, RM—Multiple Residence, or HC—Hamlet Center, or Hamlet Neighborhood at the enactment of this chapter shall be discontinued within one year of enactment of this chapter, and shall not be considered a legal nonconforming use.

C. No lot may contain one or more abandoned, partially dismantled or non-operative motor vehicles in any open area. Farm operations within a county-adopted, state-certified agricultural district where such materials are generated by or used in an ongoing agricultural operation are exempt from this provision.

D. No lot may contain in any open area more than one unregistered automobile, truck or other motor vehicle subject to registration with the New York State Department of Motor Vehicles. Farm operations within a county-adopted, state-certified agricultural district where such materials are generated by or used in an ongoing agricultural operation are exempt from this provision.

§ 212-171 Power generation facilities or structures.

Requires a special permit from the Planning Board.

§ 212-172 Singlewide manufactured homes.

Singlewide manufactured homes are permitted only in the MHP Zone.

§ 212-173 Natural gas and/or petroleum exploration, extraction, support activities and production wastes.

A. The provisions of this section are in further clarification of § **212-2**, of this chapter, which provides in part: "Any use not specifically set forth as a permitted use in any zone shall be expressly prohibited in that zone. A use specifically set forth as a permitted use in one zone shall not be permitted in another zone unless it is specifically set forth as a permitted use in said zone."

B. The following uses are not permitted in any zone:

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(1) Natural gas and/or petroleum exploration.

(2) Natural gas and/or petroleum extraction.

(3) Natural gas and/or petroleum support activities.

(4) The transfer, storage, treatment, or disposal of natural gas and/or petroleum exploration or production wastes, or the application of such wastes to land or roadways;

(5) Erection of any derrick, building or other structure or placement of any machinery or equipment for the purposes outlined in § **212-173B (1)**, **(2)**, **(3)** or **(4)** above;

C. No permit issued by any state or federal agency, commission or board to any person, firm or corporation, which would violate the prohibitions of this section, shall be deemed valid within the Town of Ulysses.

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SECTION 4. SEVERABILITY. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

SECTION 5. EFFECTIVE DATE. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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[i] This section subject to change based on report from Tompkins County

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