

**ZONING ORDINANCE
of the
Village of Trumansburg, New York**

ARTICLE I - PURPOSE

For the purpose of promoting the health, safety, morals, or the general welfare of the community, and to lessen congestion in the streets; to secure from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to safeguard homes by preserving the attractive environment of residential areas; to conserve property values in all areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements in the Village Law, under and pursuant to Article 6-A, Chapter 64 of the Consolidated Laws; the size of buildings and other structures, the percentage of lot that may be occupied, the size of yard, the density of population and the use of buildings, structures and land for trade, industry and residence or other purposes, are hereby restricted and regulated as hereinafter provided:

ARTICLE II - DEFINITIONS

Section 201. Interpretation. Words will be used for the customary dictionary definition except as otherwise provided. For the purpose of this ordinance certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense; the singular includes the plural; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot" or "parcel;" the term "shall" is always mandatory; the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Section 202. Definitions of Uses.

Interpretation. If the use of building or land meets the definition of more than one use, the more specific definition shall apply. For example, a business that sells cars and, thus, meets the definition of retail sales and the definition of vehicle sales and services shall be interpreted to be vehicle sales and services.

1. Accessory Structures and Uses. Structures and uses that are incidental to, and smaller than, the principal structure or use on a site and are customarily found on the same site.
2. Adult-Oriented Businesses/Live Entertainment. Any business involving one or more of the following:
 - a. Adult arcades where, for any form of consideration, one or more motion picture projectors, slide projectors, video cassette players, computers, or similar electronic machines, for viewing by five or fewer persons, each are used to show films, motion pictures, video cassettes, slides, computer generated images, or other photographic reproductions, which are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - b. Adult bookstores which have a substantial (20% or more) portion of its stock in trade and offers for sale, any consideration, any one of more of the following:
 - i. Books, magazines, periodicals, or other printed matter or photographs, film, motion pictures, video cassettes, slides or other visual representations, which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or
 - ii. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.
 - c. Adult cabarets meaning any night club, bar (including establishments which do not serve alcoholic beverages), restaurant, or similar establishment, which regularly feature live performances characterized by exposure of specified anatomical areas or by specified sexual activities or films, motion, pictures, videos cassettes, slides, or other photographic reproductions characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - d. Adult motion picture theaters where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are regularly shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - e. Adult theaters meaning any theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances in which a substantial portion of the total presentation time is devoted to the exposure of specified sexual activities or specified anatomical areas.
 - f. Massage parlors where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or manipulation of the human body is administered, unless by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapist, or similar professional person licensed by the state.
 - g. Peep shows where, for any form of consideration, persons may observe from individual enclosures shows which regularly feature live performances characterized by exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, computer generated images, or other photographic reproductions characterized by an emphasis upon which the depiction or description of specified sexual activities or specified anatomical areas.
 - h. Adult hotels or motels, meaning any hotel or motel that excludes minors because of age.
 - i. Any other business the income of which is primarily derived from the display or sale of material portraying specified anatomical areas or specified sexual activities, and not otherwise defined in a-h above, that defines itself primarily through its exclusion of minors.

3. Agricultural Farm Stands. A movable cart or stand used for the retail sale of produce and plant materials.
4. Alternative Energy Facilities. Electric generation equipment mounted on residential, commercial or industrial structures that generate power primarily for that structure.
5. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.
6. Animal Sales and Services. Retail sales of domestic animals, provision of shelter and care for domestic animals on a commercial basis, and animal hospitals.
7. Aquaculture Facility. Any land, structure, or other appurtenance that is used for the propagation, rearing, enhancement, and harvest of aquatic organisms, including, but not limited to, any laboratory, hatchery, pond, raceway, pen, cage, or incubator.
8. Artists' Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.
9. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities.
10. Bed and Breakfast Inns. Establishments offering lodging rooms to guests staying less than 21 consecutive days in an owner-occupied dwelling unit, with incidental eating and drinking service for lodgers only provided from a single kitchen.
11. Boarding or Rooming House. Any dwelling in which more than two (2) persons either individually or as families are housed or lodged for hire with or without meals.
12. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumberyards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services.
13. Care Cottage. Separate and detached living quarters on a single-family lot subordinate in size, location, and appearance to the primary residence, providing complete housekeeping facilities for exclusive use of the occupants.
14. Catering Services. Preparation and delivery of food and beverages for off-site consumption, without provision for on-site pickup or consumption.
15. Christmas Tree and Pumpkin Sales. Retail sales of pumpkins and Christmas trees between October 1 and November 7 and Thanksgiving and December 31, respectively.
16. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.
17. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes cinemas, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, arcades or electronic games centers having three or more coin-operated game machines. This classification does not include Adult-Oriented Businesses.

18. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios and data transmission facilities.
19. Community Center. A multipurpose community facility where a variety of recreational, educational, social, health care or counseling services are provided by a nonprofit agency.
20. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.
21. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This definition excludes delicatessens and other specialty food shops having an assortment of fresh fruits and vegetables, and fresh-cut meat or fish.
22. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
23. Day Care, General. Provision of non-residential, non-medical on a less than 24-hour basis, including but not limited to, nursery schools, preschools, and day care centers for children or adults.
24. Day Care, Limited. Day care facilities located in single-family Dwellings where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the home count as children served by the day care facility.
25. Dwelling. A building or portion of a building used or designed as a residence for occupancy by one family.
 - a. *Single Family Dwelling*. A detached building containing one dwelling.
 - b. *Two Family Dwelling*. A building containing two dwellings located on a single lot.
 - c. *Multiple Family Dwelling*. A building containing three or more dwellings located on a single lot.
26. Eating and Drinking Establishment. A business with the principal purpose to serve prepared food or beverages for consumption on or off the premises.
27. Electronic Equipment Installation, Vehicle. The sale and installation of electronic equipment, such as alarms, cellular telephones, and stereos, in vehicles.
28. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
29. Emergency Shelter. Overnight sleeping accommodations providing temporary housing (not to exceed 60 days) to indigent, homeless, needy, or transient families and/or individuals. Such accommodations may include basic supportive services such as eating and drinking, restroom, bathing, laundry facilities, and storage areas.
30. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries and liquor stores. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.
31. Food Processing. Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution.
32. Funeral Homes. Establishments primarily engaged in the provision of services involving the care or preparation of human dead, and typically provide for indoor funeral ceremonies. This definition excludes any crematory facilities or services.

33. Gas Stations. Establishments engaged in the retail sale of gasoline, diesel, and alternative fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
34. Government Offices. Administrative, clerical, or public contact offices of a government agency, excluding postal facilities, together with incidental storage and maintenance of vehicles.
35. Home Occupation. Any occupation or profession, including, but not limited to, professional office and artists studio, whether otherwise permitted or not, which:
 - a. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit and
 - b. Is carried on by a member of the family residing in the dwelling unit, and
 - c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
 - d. Which conforms to the following additional conditions:
 - i. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
 - ii. Not more than two non-residents of the dwelling unit shall be employed in the Home Occupation.
 - iii. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building, except for a sign as permitted in this ordinance.
 - iv. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
 - v. All parking for employees and customers shall be provided on site.
36. Horticulture, Limited. The raising of vegetables, flowers, ornamental trees and shrubs as a commercial enterprise, provided that no nursery equipment or materials shall be stored and no structures erected. Commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation.
37. Hotels and Motels. Establishments offering commercial lodging to guests staying less than 30 consecutive days. This classification includes incidental eating, drinking, and banquet service intended for the convenience of guests.
38. Industry, Artisan. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.
39. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel.
40. Industry, Assembly. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services.
41. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. Uses include biotechnology, films, and non-toxic computer component manufacturers.
42. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Research and Development Services.
43. Maintenance and Repair Services. Establishments providing appliance repair, or building maintenance services. This classification excludes maintenance and repair of vehicles, boats, or ships.

44. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.
45. Manufactured Home Park. Any parcel of land that is planned and improved for the placement of two (2) or more manufactured homes, which are used as dwellings.
46. Nurseries, Retail. A business that sells young trees, other plants, and related merchandise to the ultimate consumer, usually in small quantities in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer and pest control products of any type are stored and sold in package form only.
47. Nurseries, Wholesale. A business that sells young trees, other plants, and related merchandise to retailers or others for resale.
48. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.
49. Outdoor Storage and Display. Outdoor storage and display of merchandise, materials, or equipment not covered by a roof, eave, or other overhang of the principal building.
50. Outdoor Storage and Display, Temporary. Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.
51. Public Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.
52. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.
53. Personal Improvement Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, and health/fitness clubs.
54. Personal Property Sales, Temporary. Sale or trading of used personal property from or on any residence or group of residences within the same neighborhood for a maximum of 3 days no more than twice in any one year. This classification includes estate, garage, and yard sales.
55. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning pickup, and self-service laundries.
56. Postal Services. Establishments providing commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services. This classification includes facilities of the U.S. Postal Service.
57. Printing and Duplicating Services. Establishments providing printing and duplicating services using photocopy, blueprint, and offset printing and similar equipment. This classification includes small-scale photo processing, but excludes photographic laboratories and industrial printing and publishing plants.
58. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.

59. Recurring Swap Meets. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.
60. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.
61. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronic research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis.
62. Residential Care Facilities, General. Any place, site or building, or groups of places, sites or buildings, licensed by the state or unlicensed, in which individuals with disabilities or receiving therapeutic care reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding the licensee, members of the licensee's family, or persons employed as facility staff) is an individual with a disability or receiving therapeutic care.
63. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, pharmacies, furniture stores, and businesses retailing the following goods: toys, hobby materials, hand crafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper carpeting and floor covering, office supplies, medical supplies, bicycles, and new automotive parts and accessories (excluding service and installation).
64. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of New York.
65. Select Commercial Uses. Uses, only as enumerated herein, of a commercial nature which are permitted by special use in a residential district.
66. Sign. A device for visual communication publicly displayed to identify, advertise, and/or convey information. Sign types include:
- a. *Banner*: A type of flag, not an emblem of a government or institution, with graphics that are purely decorative or that identify, advertise and/or convey commercial information.
 - b. *Commercial Sign*: A sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including, without limitation, any sign naming a brand of goods or service and real estate signs.
 - c. *Freestanding Sign*: A sign affixed to the ground independent of any adjacent building or structure.
 - d. *Illuminated Sign*: A sign illuminated by artificial light, or which is composed of luminous tubing or other artificial lighting devices.
 - e. *Marquee*: A permanent roofed structure projecting from a building, usually over an entrance, attached to the building or on freestanding supports, or both.
 - f. *Portable Sign*: A sign not fastened to a building or structure, or to the ground or pavement, readily movable from one location to another.
 - g. *Projecting Sign*: A sign protruding at an angle from a building or structure.
 - h. *Public Information Sign*: A sign identifying a public facility, such as a public telephone, or providing information concerning direction, safety, and trespassing.
 - i. *Real Estate Sign*: A sign indicating the availability for sale, rent or lease of the specific lot, building, or portion of a building upon which the sign is posted.
 - j. *Roof Sign*: A sign placed above the upper edge of a building, wall, or parapet, or placed or painted on or above the roof covering, or on an independent structural frame on a roof, or on the side of roof or roof structures such as marquees, penthouses, elevator housing, and tanks.
 - k. *Self-Illuminated Sign*: An internally illuminated sign with graphics displayed on a translucent face, or individual letters or symbols with a translucent face, and with translucent or opaque edges.

- l. *Temporary Sign*: A sign that:
 - i. Is intended for a temporary period of posting for up to thirty (30) days on one property;
 - ii. Is typically constructed from non-durable materials, including paper, cardboard, cloth, plastic, and, or wallboard;
 - iii. Does not constitute a structure subject to the Village's Building Code and Zoning Law provisions.
 - m. *Wall Sign*: A sign painted on, or affixed to and parallel to an exterior wall of a building or structure, but not on window glass.
 - n. *Window Sign*: A sign visible from a sidewalk, street, or other public place, that is illuminated, painted or affixed on glass or other window material.
67. Specialty Paraphernalia Sales. Establishment where the primary use of the building or lease space includes any one or any combination of the following: the sale of cigarette papers, bongs, or other smoking accessories. This definition shall include head shops.
68. Storage and Distribution. Storage and distribution facilities without direct public access.
69. Telecommunications Facility. Any equipment used in connection with the provision of one-way wireless communications services, including radio and television broadcasting, and one-way paging, and/or two-way wireless communication services, radio communications services, regulated by the Federal Communications Commission in accordance with the Telecommunications Act of 1996 and other federal laws. A telecommunications facility may include monopole, guyed, or latticework tower(s), antenna(ae), switching stations, principal and accessory telecommunications equipment and supporting and accessory masts, wires, structures, and buildings.
70. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.
71. Trucking Terminals. Storage and distribution facilities having more than six heavy trucks on the premises at one time, but excluding trucking accessory to an Industry classification.
72. Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, lone switching buildings, refuse collection, transfer recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities.
73. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines and underground water and sewer lines.
74. Vehicle/Equipment Sales and Services. Any of the following uses:
 - a. *Automobile Washing*. Washing, waxing, or cleaning of automobiles or similar light vehicles.
 - b. *Commercial Parking Facility*. Lots offering short-term or long-term parking to the public for a fee.
 - c. *Vehicle/Equipment Repair*. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, boats, or ships, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, tire sales and installation, but excludes vehicle dismantling or salvage and tire re-treading or re-capping.
 - d. *Vehicle/Equipment Sales and Rentals*. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, boats, ships, personal watercraft (such as canoes, kayaks, and jet-skis), and similar equipment, including storage and incidental maintenance.
 - e. *Vehicle Storage*. Storage of operative or inoperative vehicles, boats, or ships. This classification includes storage of towed vehicles, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.
75. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes

facilities with a maximum of 5,000 square feet of gross floor area, but excludes Distribution and Storage, and Vehicle Storage.

76. Warehousing and Storage, Self Service. Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces.

Section 203. Other Definitions

1. Affected Site Area. Any interior and/or exterior space (including new and existing space) that is physically changed as a result of a proposed development. Such changes do not have to be permanent or irreversible for the area to be considered affected.
2. Affordable Housing. A dwelling unit for which renters or homebuyers pay no more than 30% of their annual gross income on housing.
3. Affordable Unit. A dwelling unit that is constructed under the affordable housing provisions of this ordinance and is rented at the Current Affordable Rent or sold at the Current Affordable Price to low-income.
4. 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 ruts, potholes or pooling of water.
5. Area Median Income (AMI). The midpoint in distribution of gross annual income in a specific area, Tompkins County in this case. AMI is determined by the US Department of Housing and Urban Development and used to determine eligible households for affordable units.
6. Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels.
7. Building Frontage. That part of a building or lot facing a public sidewalk or street.
8. Camper. A dwelling designed and used for temporary residence mounted on a chassis designed to be either mounted on wheels and towed, or mounted on a truck bed for travel over roads and highways. Units may be self-contained or designed for temporary connection to electric, water or sewerage utilities.
9. Commercial Vehicle. A registered motor vehicle having a wheelbase in excess of 133 inches or a maximum gross weight in excess of 7500 pounds.
10. Current Affordable Price. The current affordable price for for-sale units shall be two-and-a-half (2.5) times the most recently published Area Median Income.
11. Current Affordable Rent. The current affordable rent for rental units shall be most recently published Fair Market Rents as determined by the US Department of Housing and Urban Development.
12. Developer. An individual or group, including for-profit and non-profit organizations that construct buildings, structures, or ancillary facilities.
13. Development. Any land use change, activity, or project that requires a zoning or building permit and will result in changes to the physical condition, appearance, intensity of use and/or type of use of the site. Development projects include but are not limited to:
 - a. New construction
 - b. Reconstruction, modification, renovation or expansion of existing structures or site improvements.

- c. Land filling, excavation, grading, parking lot construction or any other disturbances to the natural or existing topography or vegetation of the site.
- d. Demolition of structures or site improvements.

A project shall not be considered a development if it is one or a combination of the following:

- a. Replacement in kind only; or
- b. Interior construction, which does not change the intensity or the type of existing usage;
- c. Infrastructure maintenance only.

- 14. Domestic Animals. Traditional pets, such as dogs, cats, and small animals.
- 15. Drive-Through. A retail facility or portion thereof from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.
- 16. Expansion. An enlargement of, or addition to, an existing structure or a paved area, including driveways, parking areas and sidewalks, or of the use.
- 17. Family. A family shall be considered either (1) a household of one or more individuals related to each other by birth, marriage, adoption or legal document, or (2) a household of up to three unrelated individuals.
- 18. Flag Lot. A parcel of land that is accessible from a public road but has less than the required road frontage. A flag lot shall be described as containing two parts: (1) The "flag" shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The "pole" shall be considered that portion of the site that is along a public road, but is narrower than the required frontage.
- 19. For-Sale Unit. A dwelling unit that is constructed to be sold to individuals or organizations.
- 20. 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.
- 21. Glare. Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases, with intensity great enough to cause momentary blindness.
- 22. Grade. The average finished ground level of the land at which the perimeter of a building or structure meets the ground.
- 23. Graphics. The letters, figures, emblems, devices, and other representations comprising the visual message of a sign.
- 24. Height. The height of a building is a vertical distance measured from the average elevation of the proposed finished grade of the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge, for gable, hip and gambrel roofs.
- 25. Household, Low-Income. A household whose income is more than 50% but does not exceed 80% of the area median income.
- 26. 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.
- 27. 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.

28. Lot. A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.
29. Lot Line. A boundary line of a lot.
30. Luminaire. A complete lighting system, including a lamp or lamps and the attendant light fixture.
31. Luminous Tubing. Glass tubing with a cold cathode light or similar source such as neon.
32. 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. Section 5401) and which is transportable in one (1) or more sections, is affixed to a chassis with axles and wheels, and designed to be placed on a permanent or temporary foundation, and is registered as a manufactured home under §122-c of the New York State Vehicle and Traffic Law.
33. Manufactured Home, Double-Wide. A manufactured home comprised of at least two (2) sections transported separately and attached on site, and having a minimum width of twenty-two (22) feet.
34. Manufactured Home, Single-Wide. A manufactured home comprised of no more than one (1) section, on a single chassis, and having a width that does not exceed fourteen (14) feet.
35. Manufactured Home Lot. A designated site of specific total land area, which is located within a manufactured home park for the accommodation of one (1) manufactured home.
36. Manufactured Home Stand. A poured concrete surface located on a manufactured home lot which is to be used for the placement of and capable of supporting a manufactured home.
37. Market Rate Unit. A dwelling unit that is rented or sold at rents or prices determined by the market.
38. Modification. Rearrangement of site layout or an exterior alteration to an existing structure (including any changes to a building facade, except replacement in kind).
39. 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.
40. Nonconforming Use. A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.
41. Performance Guaranty. Any security that may be accepted by the Village as a guarantee that the improvements required as part of site plan or other approval will be satisfactorily completed.
42. Public Place. Any thoroughfare, square, plaza, public parking lot, or similar area, whether publicly or privately owned.
43. Reconstruction. Construction of buildings or site improvements following partial or total demolition of a previous development.
44. Recreational Vehicle. Examples include: all-terrain vehicles, boats, campers, golf carts, and motor homes.
45. Rental Unit. A dwelling unit that is constructed for rental purposes.
46. Replacement In Kind. Replacement of materials (for maintenance purposes) that does not have an effect on the appearance of the existing building and site.

47. Residential Development. Creation of one or more dwelling units for single-family, two-family, and multi-family residences.
48. Right-of-Way, Public. Land over which the public may travel subject to restrictions by the government with jurisdiction, whether or not said government has control of the land by ownership or easement.
49. Roomer. A person living within the household who pays a consideration for such residence.
50. Rubbish. Appliances and furniture (or parts of same), car parts, used building materials, waste paper, rags, scrap metal and similar items including machinery or vehicles not in running condition.
51. Sign Area. Means the surface area of the sign including the frame, plate or structure used to hold up any lettering or pictorial matter. In the event a sign is attached, painted or applied to the front or face of a building or is irregular in shape, the area of the sign must be taken as the area of the smallest rectangle that can be placed over the entire sign, edges, and background, if of a different color than the predominant color surrounding the sign except as otherwise provided herein. In the event that a letter or letters or other pictorial matter are placed as separate units without a background board, the sign area must be calculated as the area of the smallest rectangle that encloses all of the symbols. In the case of a flat or two-sided free standing or projecting sign, the sign area is considered to be the entire surface area of one face of the sign. The sign area of signs having more than two sides is the sum of the surface area of all sides.
52. Sign Height. The vertical dimension from average surrounding grade to the uppermost point on the sign panel.
53. Sign Symbol. A sign whose shape represents an object, or a customary identifying device such as a barber pole.
54. Site. Shall mean any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.
55. Site Development. Shall mean the improvement of a site in accordance with an approved site plan and zoning certificate (where applicable), including construction of buildings and structures and the rearrangement of the land surface.
56. Site Improvements. Features including, but not limited to, principal and accessory structures, planting, paving, retaining walls, drainage culverts and swales, fences and gates, lighting, site furniture, fountains, pools, bridges, dams, decks, boardwalks, pergolas, signs and any other structures, devices or landscape materials on the site.
57. Site Plan. A plan for the development or use of one or more lots or parcels of land showing all existing and proposed elements, including but not limited to topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures, signage, lighting, screening devices, and any other information required by the reviewing board or the Zoning Officer.
58. Specified Anatomical Areas.
 - a. Less than completely and opaquely covered human genital, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
 - b. Human male genitalia in a discernible turgid state even if completely and opaquely covered.
59. Specified Sexual Activities.
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse, or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

60. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, then the space between any floor and the ceiling next above it.
61. Street Line. A lot line dividing a lot or other area from a street.
62. Swimming Pool. Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.
63. Traffic Impact Study. A report analyzing anticipated roadway conditions with and without an applicant's development, which may also include a parking study and overall access management plan for the development site.
64. Yard. The space on a lot not occupied by a principal building.
 - a. *Front Yard*. An open unoccupied space on the same lot with a building situated between the street line and a line connecting the parts of the building setting back from the nearest such street line and extending to the side lines of the lot.
 - b. *Rear Yard*. An open unoccupied space on the same lot with the building between the rear line of the lot and extending the full width of the lot.
 - c. *Side Yard*. An open unoccupied space between the principal buildings and a side lot line and extending through from the front yard to the rear yard.

ARTICLE III - ESTABLISHMENT OF DISTRICTS

Section 301. Districts. For the purpose of this ordinance, the Village of Trumansburg, New York, is hereby divided in to the following districts:

Residential Districts

1. Residential 1 District
2. Residential 2 District
3. Manufactured Home Park District

Commercial Districts

4. Downtown Commercial District
5. Gateway Commercial District
6. Heavy Commercial District

Mixed Use District

7. Mixed Use District
8. Special Commercial District

Industrial District

9. Industrial District

Section 302. Zoning Map. The districts are bounded as shown on a map made by Thomas G. Miller, C.E., dated November 9, 1970, and entitled "Zoning Map Village of Trumansburg, Tompkins County New York", which shall be certified by the village clerk, and which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

Section 303. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following shall apply:

1. Where district boundaries are indicated as approximately following the center of streets of highways, street lines, or highway lines, the centerline of such right-of-way shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines, as exist at the time of enactment or amendment of this ordinance, shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there-from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
4. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to follow the centerline of such body of water.

Section 304. Application of Regulations. Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered, unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yard, side yard, inner or outer courts than is specified herein for the district in which such building is located.
3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

ARTICLE IV - RESIDENTIAL 1 DISTRICT

Section 401. Permitted Principal Uses. In any Residential 1 District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes:

1. Single-Family Dwellings
2. Two-Family Dwellings
3. Multi-Family Dwellings
4. Limited Day Care Facilities
5. Cultural Institutions
6. Government Offices
7. Public Safety Facilities
8. Public Park and Recreation Facilities
9. Religious Assembly Facilities
10. Private or Public Schools
11. Minor Utilities

Section 402. Special Use Permits. In any Residential 1 District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes, upon issuance of a Special use Permit:

1. Care Cottages
2. Residential Care Facilities
3. Convalescent Facilities
4. General Day Care Facilities
5. Community Centers
6. Major Utilities
7. Funeral Homes
8. Bed and Breakfast Inns
9. Select Commercial Uses. No more than one (1) of the following uses:
 - a. Catering Service
 - b. Business and Professional Office
 - c. Personal Service
 - d. Travel service
 - e. Artists' Studio

Section 403. Accessory Uses and Buildings. In any Residential 1 District, accessory buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following accessory purposes:

1. Customary home occupations provided that no goods or products are publicly displayed or offered for sale outside of the dwelling unit or permitted accessory structure.
2. A private garage for the use of residents of the property.
3. Gardens and related accessory structures.
4. The taking in of not more than two (2) non-transient adult roomers.
5. A temporary building for business or industry where such building is necessary or incidental to the development of a residential area. Such building may not remain for more than one year except upon approval by the Board of Appeals.
6. Signs in accordance with these regulations.

7. Roof-mounted alternative energy facilities, subject to the height restrictions of this ordinance.
8. Agricultural Farm Stands.
9. Such other accessory uses as are customarily incidental to permitted principal uses.

Section 404. Dimensional Requirements.

1. For residential uses, the minimum lot area shall be fifteen thousand (15,000) square feet for the first dwelling plus seven thousand five hundred (7,500) square feet for the second dwelling in the same structure plus five thousand (5,000) square feet for each dwelling in excess of two in the same structure.
2. For non-residential uses, the minimum lot area shall be twenty thousand (20,000) square feet.
3. Frontage shall be a minimum of one hundred (100) feet.
4. No principal building shall be erected to a height in excess of thirty-five (35) feet. Accessory buildings shall in no case exceed twenty (20) feet in height.
5. Except as provided elsewhere in this ordinance, there shall be provided in connection with all buildings and structures, yards no less in size than listed below:

Front yard	50 feet
Side yard	15 feet
Rear yard	35 feet

Accessory buildings shall be located at least five (5) feet from any side or rear lot line, except that a private garage may be built across a common lot line with a common wall by mutual agreement between adjoining property owners. On a corner lot, no accessory building may be nearer the side street line than the required front yard depth.
6. Accessory buildings may not occupy any required yard other than a rear yard except as noted below. Any such accessory building may occupy no more than forty (40) percent of any required rear yard. The area occupied by a garage attached to a dwelling directly or by means of a covered passageway shall not be included in the computation for building coverage. The footprints of all accessory buildings may not exceed, in size, the footprint of the principal building.

Section 405. Off-Street Parking. Every dwelling shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance to the requirements of this ordinance. No more than one (1) commercial vehicle may be garaged or parked on any lot in a Residential 1 District. Each dwelling in which a home occupation is conducted shall provide parking space for each employee and adequate off-street parking for customers.

Section 406. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted in this District.

Section 407. Exterior Lighting. Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining properties.

ARTICLE V - RESIDENTIAL 2 DISTRICT

Section 501. Permitted Principal Uses. In any Residential 2 District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes:

1. Single-Family Dwellings
2. Two-Family Dwellings
3. Multi-Family Dwellings
4. Limited Day Care Facilities
5. Cultural Institutions
6. Government Offices
7. Public Safety Facilities
8. Public Park and Recreation Facilities
9. Religious Assembly Facilities
10. Private or Public Schools
11. Minor Utilities

Section 502. Special Use Permits. In any Residential 2 District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes, upon issuance of a Special use Permit:

1. Manufactured Home Parks
2. Care Cottages
3. Residential Care Facilities
4. Convalescent Facilities
5. General Day Care Facilities
6. Community Centers
7. Major Utilities
8. Funeral Homes
9. Bed and Breakfast Inns
10. Select Commercial Uses. No more than one (1) of the following uses:
 - a. Catering Service
 - b. Business and Professional Office
 - c. Personal Service
 - d. Travel service
 - e. Artists' Studio

Section 503. Accessory Uses and Buildings. In any Residential 2 District, accessory buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following accessory purposes:

1. Customary home occupations provided that no goods or products are publicly displayed or offered for sale outside of the dwelling unit or permitted accessory structure.
2. A private garage for the use of residents of the property.
3. Gardens and related accessory structures.
4. The taking in of not more than two (2) non-transient adult roomers.
5. A temporary building for business or industry where such building is necessary or incidental to the development of a residential area. Such building may not remain for more than one year except upon approval by the Board of Appeals.
6. Signs in accordance with these regulations.

7. Roof-mounted alternative energy facilities, subject to the height restrictions of this ordinance.
8. Agricultural Farm Stands.
9. Such other accessory uses as are customarily incidental to permitted principal uses.

Section 504. Dimensional Requirements.

1. For manufactured home parks, the requirements of Section 1309 shall apply.
2. For other residential uses, the minimum lot area shall be fifteen thousand (15,000) square feet for the first dwelling plus seven thousand five hundred (7,500) square feet for the second dwelling in the same structure plus five thousand (5,000) square feet for each dwelling in excess of two in the same structure.
3. For non-residential uses, the minimum lot area shall be twenty thousand (20,000) square feet.
4. Frontage shall be a minimum of one hundred (100) feet.
5. No principal building shall be erected to a height in excess of thirty-five (35) feet. Accessory buildings shall in no case exceed twenty (20) feet in height.
6. Except as provided elsewhere in this ordinance, there shall be provided in connection with all buildings and structures, yards no less in size than listed below:

Front yard	50 feet
Side yard	15 feet
Rear yard	35 feet

Accessory buildings shall be located at least five (5) feet from any side or rear lot line, except that a private garage may be built across a common lot line with a common wall by mutual agreement between adjoining property owners. On a corner lot, no accessory building may be nearer the side street line than the required front yard depth.

7. Accessory buildings may not occupy any required yard other than a rear yard except as noted below. Any such accessory building may occupy no more than forty (40) percent of any required rear yard. The area occupied by a garage attached to a dwelling directly or by means of a covered passageway shall not be included in the computation for building coverage. The footprints of all accessory buildings may not exceed, in size, the footprint of the principal building.

Section 505. Off-Street Parking. Other than in manufactured home parks, every dwelling shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance to the requirements of this ordinance. No more than one (1) commercial vehicle may be garaged or parked on any lot in a Residential 2 District. Each dwelling in which a home occupation is conducted shall provide parking space for each employee and adequate off-street parking for customers. Within manufactured home parks, the requirements of Section 1309 shall apply.

Section 506. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted in this District.

Section 507. Exterior Lighting. Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining properties.

ARTICLE VI - MANUFACTURED HOME PARK DISTRICT

Section 601. Permitted Principal Uses. In any Manufactured Home Park District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes:

1. Single-Family Dwellings
2. Two-Family Dwellings
3. Limited Day Care Facilities
4. Cultural Institutions
5. Government Offices
6. Public Safety Facilities
7. Public Park and Recreation Facilities
8. Religious Assembly Facilities
9. Private or Public Schools
10. Minor Utilities

Section 602. Special Use Permits. In any Manufactured Home Park District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes, upon issuance of a Special use Permit:

1. Manufactured Home Parks
2. Community Centers
3. Major Utilities

Section 603. Accessory Uses and Buildings. In any Manufactured Home Park District, accessory buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following accessory purposes:

1. Customary home occupations provided that no goods or products are publicly displayed or offered for sale outside of the dwelling unit or permitted accessory structure.
2. A private garage for the use of residents of the property.
3. Gardens and related accessory structures.
4. The taking in of not more than two (2) non-transient adult roomers.
5. A temporary building for business or industry where such building is necessary or incidental to the development of a residential area. Such building may not remain for more than one year except upon approval by the Board of Appeals.
6. Signs in accordance with these regulations.
7. Roof-mounted alternative energy facilities, subject to the height restrictions of this ordinance.
8. Agricultural Farm Stands.
9. Such other accessory uses as are customarily incidental to permitted principal uses.

Section 604. Dimensional Requirements.

1. For manufactured home parks, the requirements of Section 1309 shall apply.
2. For other residential uses, the minimum lot area shall be fifteen thousand (15,000) square feet for the first dwelling plus seven thousand five hundred (7,500) square feet for the second dwelling in the same structure plus five thousand (5,000) square feet for each dwelling in excess of two in the same structure.

3. For non-residential uses, the minimum lot area shall be twenty thousand (20,000) square feet.
4. Frontage shall be a minimum of one hundred (100) feet.
5. No principal building shall be erected to a height in excess of thirty-five (35) feet. Accessory buildings shall in no case exceed twenty (20) feet in height.
6. Except as provided elsewhere in this ordinance, there shall be provided in connection with all buildings and structures, yards no less in size than listed below:

Front yard	50 feet
Side yard	15 feet
Rear yard	35 feet

Accessory buildings shall be located at least five (5) feet from any side or rear lot line, except that a private garage may be built across a common lot line with a common wall by mutual agreement between adjoining property owners. On a corner lot, no accessory building may be nearer the side street line than the required front yard depth.
7. Accessory buildings may not occupy any required yard other than a rear yard except as noted below. Any such accessory building may occupy no more than forty (40) percent of any required rear yard. The area occupied by a garage attached to a dwelling directly or by means of a covered passageway shall not be included in the computation for building coverage. The footprints of all accessory buildings may not exceed, in size, the footprint of the principal building.

Section 605. Off-Street Parking. Other than in manufactured home parks, every dwelling shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance to the requirements of this ordinance. No more than one (1) commercial vehicle may be garaged or parked on any lot in a Manufactured Home Park District. Each dwelling in which a home occupation is conducted shall provide parking space for each employee and adequate off-street parking for customers. Within manufactured home parks, the requirements of Section 1309 shall apply.

Section 606. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted in this District.

Section 607. Exterior Lighting. Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining properties.

ARTICLE VII – DOWNTOWN COMMERCIAL DISTRICT

Section 701. Permitted Principal Uses. In any Downtown Commercial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes:

1. Artists' Studios
2. Banks and Savings and Loans
3. Catering Services
4. Commercial Recreation and Entertainment
5. Eating and Drinking Establishments, excluding Drive-Through and Drive-Up Services
6. Food and Beverage Sales
7. Business and Professional Offices
8. Pawn Shops
9. Personal Improvement Services
10. Personal Services
11. Postal Services
12. Printing and Duplicating Services
13. Retail Sales
14. Travel Services
15. Clubs and Lodges
16. Cultural Institutions
17. Emergency Health Care
18. Government Offices
19. Public Park and Recreation Facilities
20. Public Safety Facilities
21. Religious Assembly Facilities
22. Public or Private Schools
23. Minor Utilities
24. Residential Uses, provided such uses are not located on the first floor

Section 702. Special Use Permits. In any Downtown Commercial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes, upon issuance of a Special Use Permit:

1. Community Centers
2. Convenience Markets, without Gasoline Sales

Section 703. Accessory Uses and Buildings. In any Downtown Commercial District, accessory buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following accessory purposes:

1. Temporary seasonal retail sales, such as of Christmas trees and pumpkin sales.
2. Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.
3. Temporary fundraising activities of not-for-profit organizations, such as barbeques.
4. Signs in accordance with these regulations.
5. Roof-mounted alternative energy facilities, subject to the height restrictions of this ordinance.
6. Such other accessory uses as are customarily incidental to permitted principal uses.

Section 704. Dimensional Requirements.

1. No building shall be erected to a height in excess of thirty-five (35) feet.
2. Lot area shall not be less than seven thousand five hundred (7,500) square feet with seventy-five (75) feet frontage.
3. Buildings may be built immediately on any lot line. In the event that buildings are not placed immediately on a lot line, they shall have front, side and rear yards with depths not less than 5 feet.

Section 705. Design Requirements. Development within the Downtown Commercial District shall conform with any design requirements adopted by the Village Board of Trustees.

Section 706. Off-Street Parking. There are no parking requirements for non-residential uses in the Downtown Commercial District. Residential uses are required to provide off-street parking, on or near the site of the residential use, of at least one space per dwelling unit.

Section 707. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted in this District.

ARTICLE VIII - GATEWAY COMMERCIAL DISTRICTS

Section 801. Permitted Principal Uses. In any Gateway Commercial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes:

1. Ambulance Services
2. Artists' Studios
3. Banks and Savings and Loans
4. Catering Services
5. Commercial Recreation and Entertainment
6. Eating and Drinking Establishments
7. Food and Beverage Sales
8. Retail Nurseries
9. Business and Professional Offices
10. Pawn Shops
11. Personal Improvement Services
12. Personal Services
13. Postal Services
14. Printing and Duplicating Services
15. Retail Sales, not to exceed 15,000 square feet in size
16. Gas Stations
17. Convenience Markets
18. Travel Services
19. Vehicle Electronic Equipment Installation
20. Vehicle and Equipment sales and Rentals
21. Vehicle Storage
22. Hotels and Motels
23. Clubs and Lodges
24. Cultural Institutions
25. Emergency Health Care
26. Government Offices
27. Public Park and Recreation Facilities
28. Public Safety Facilities
29. Religious Assembly Facilities
30. Public or Private Schools
31. Minor Utilities

Section 802. Special Use Permits. In any Gateway Commercial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes, upon issuance of a Special Use Permit:

1. Day Care Facilities
2. Residential Care Facilities
3. Major Utilities
4. Community Centers

Section 803. Accessory Uses and Buildings. In any Gateway Commercial District, accessory buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following accessory purposes:

1. Temporary seasonal retail sales, such as of Christmas trees and pumpkin sales.
2. Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.

3. Temporary fundraising activities of not-for-profit organizations, such as barbeques.
4. Signs in accordance with these regulations.
5. Roof-mounted alternative energy facilities, subject to the height restrictions of this ordinance.
6. Agricultural Farm Stands.
7. Such other accessory uses as are customarily incidental to permitted principal uses.

Section 804. Dimensional Requirements.

1. No building shall be erected to a height in excess of thirty-five (35) feet.
2. Lot area shall not be less than seven thousand five hundred (7,500) square feet with seventy-five (75) feet frontage.
3. Each lot shall have front, side and rear yards with depths not less than the following:

Front yard	50 feet, along State Route 96 and along West Seneca Road; 20 feet, otherwise
Side yard	15 feet;
Rear yard	15 feet.

Section 805. Design Requirements.

1. Purpose. The goal for projects and improvements within this zoning district is to create a sense of place, while anticipating and planning for more intense commercial development that may occur given the location of this district and the presence or proximity to infrastructure and utilities. An emphasis should be placed on providing coordinated growth that relies on shared curb cuts and internal circulation systems, to preserve the character of road frontage, and maintain safety and efficiency of highway corridors. Accordingly, development of properties within the Gateway Commercial District for which site plan reviews are required shall comply with the additional design requirements to be evaluated as part of the site plan review.
2. Lighting and Utility Placement
 - a. Locate utilities underground to the furthest extent possible. All above ground utility boxes and similar facilities should be clustered and screened with landscaping.
 - b. Lighting should be appropriate to a village setting. For example, do not “over light” (too many lights or lights that are too bright); always include full shielding to eliminate glare; and, in large parking lots, minimize lighting to preserve dark skies and limit light pollution.
 - c. Strong contrasts between lit and unlit portions of a site should be avoided, in favor of lower-powered more evenly distributed lighting that is of similar character, intensity and color to neighboring properties in conformance with these regulations.
 - d. Canopy lighting should be fully recessed.
3. Parking and Site Layout
 - a. Parking should be minimized on and adjoining Route 96.
 - b. Shared parking facilities and curb cuts should be provided.
 - c. Access to properties should be provided via side roads wherever possible. Where no such road or access currently exists, a new road should be provided that serves the current project and can be extended to accommodate future development. Distances between curb cuts on Route 96 should be maximized to the greatest extent possible.
 - d. Primary building entrances should face and provide a direct connection to any sidewalk systems.

4. Sidewalks and Streetscapes. Where feasible and appropriate, development projects should connect to State Route 96, particularly where sidewalks and other pedestrian amenities are placed directly along the corridor. With respect to larger projects and sites, additional opportunities will exist to provide a pedestrian friendly environment internal to the project site. The Village of Trumansburg Case Study in Tompkins County—Walkability Assessment Methodology and Case Studies (May 25, 2007) should be consulted.
5. Building Design and Appearance.
 - a. Façades, rooflines, and exterior walls should have three-dimensional variation to provide visual interest and variety.
 - b. Façades that face public streets or adjacent development should be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings for visual interest.
 - c. Entrances should be obvious, attractive, in scale with the building façade and have weather cover. Individual tenants should have separate entrances.
 - d. The composition of a multi-story building should present a clearly recognizable base, middle, and top.

Section 806. Off-Street Parking. Every use in the Gateway Commercial District shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance to the requirements of this ordinance.

Section 807. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted in this District.

ARTICLE IX - HEAVY COMMERCIAL DISTRICTS

Section 901. Permitted Principal Uses. In any Heavy Commercial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes:

1. Ambulance Services
2. Artists' Studios
3. Building Materials and Services
4. Commercial Recreation and Entertainment
5. Communications Facilities
6. Limited horticulture
7. Laboratories
8. Maintenance and Repair Services
9. Wholesale Nurseries
10. Personal Improvement Services
11. Limited Personal Services
12. Postal Services
13. Printing and Duplicating Services
14. Research and Development Services
15. Vehicle and Equipment Sales and Services
16. Limited Warehousing and Storage
17. Self-Service Warehousing and Storage
18. Industry, Artisan
19. Industry, Assembly
20. Research and Development Industries
21. Storage and Distribution
22. Trucking Terminals
23. Government Offices
24. Maintenance and Service Facilities
25. Public Safety Facilities
26. Minor Utilities
27. Major Utilities

Section 902. Special Use Permits. In any Heavy Commercial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes, upon issuance of a Special Use Permit:

1. Adult-Oriented Businesses/Live Entertainment
2. Animal Sales and Services
3. Retail Sales
4. Recurring Swap Meets

Section 903. Accessory Uses and Buildings. In any Heavy Commercial District, accessory buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following accessory purposes:

1. Temporary seasonal retail sales, such as of Christmas trees and pumpkin sales.
2. Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.
3. Temporary fundraising activities of not-for-profit organizations, such as barbeques.
4. Signs in accordance with these regulations.

5. Outdoor storage of goods and supplies in connection with any of the uses permitted in this District shall be permitted only if screened so as to be substantially out of view from any residential district and from any public road.
6. Roof-mounted alternative energy facilities, subject to the height restrictions of this ordinance.
7. Agricultural Farm Stands.
8. Such other accessory uses as are customarily incidental to permitted principal uses.

Section 904. Dimensional Requirements.

1. No building shall be erected to a height in excess of thirty-five (35) feet.
2. Lot area shall not be less than seven thousand five hundred (7,500) square feet with seventy-five (75) feet frontage.
3. Each lot shall have front, side and rear yards with depths not less than the following:

Front yard	20 feet;
Side yard	15 feet;
Rear yard	15 feet.

Section 905. Off-Street Parking. Every use in the Heavy Commercial District shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance to the requirements of this ordinance.

ARTICLE X - MIXED USE DISTRICTS

Section 1001. Permitted Principal Uses. In any Mixed Use District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes:

1. Single-Family Dwellings
2. Two-Family Dwellings
3. Multi-Family Dwellings
4. Boarding and Rooming Houses
5. Limited Day Care Facilities
6. Clubs and Lodges, not to exceed 2,000 square feet in size
7. Cultural Institutions
8. Emergency health Care, not to exceed 2,000 square feet in size
9. Emergency Shelters
10. Government Offices
11. Public Safety Facilities
12. Public Park and Recreation Facilities
13. Religious Assembly Facilities
14. Private or Public Schools
15. Minor Utilities
16. Catering Services
17. Business and professional Offices, not to exceed 2,000 square feet in size
18. Personal Services, not to exceed 2,000 square feet in size
19. Travel Services

Section 1002. Special Use Permits. In any Mixed Use District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes, upon issuance of a Special Use Permit:

1. Care Cottages
2. Residential Care Facilities
3. General Day Care Facilities
4. Community Centers
5. Artists' Studios
6. Retail Sales, not to exceed 2,000 square feet in size and with no operating hours between 6 PM and 8 AM
7. Eating Establishments
8. Bed and Breakfast Inns

Section 1003. Accessory Uses and Buildings. In any Mixed Use District, accessory buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following accessory purposes:

1. Customary home occupations provided that no goods or products are publicly displayed or offered for sale outside of the dwelling unit or permitted accessory structure.
2. A private garage for the use of residents of the property.
3. Gardens and accessory appurtenances.
4. The taking in of not more than two (2) non-transient adult roomers.
5. A temporary building for business or industry where such building is necessary or incidental to the development of a residential area. Such building may not remain for more than one year except upon approval by the Board of Appeals.

6. Temporary seasonal retail sales, such as of Christmas trees and pumpkin sales.
7. Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.
8. Signs in accordance with these regulations.
9. Roof-mounted alternative energy facilities, subject to the height restrictions of this ordinance.
10. Agricultural Farm Stands.
11. Such other accessory uses as are customarily incidental to permitted principal uses.

Section 1004. Dimensional Requirements.

1. For residential uses, the minimum lot area shall be fifteen thousand (15,000) square feet for the first dwelling plus seven thousand five hundred (7,500) square feet for the second dwelling in the same structure plus five thousand (5,000) square feet for each dwelling in excess of two in the same structure.
2. For non-residential uses, the minimum lot area shall be twenty thousand (20,000) square feet.
3. Frontage shall be a minimum of one hundred (100) feet.
4. No principal building shall be erected to a height in excess of thirty-five (35) feet. Accessory buildings shall in no case exceed twenty (20) feet in height.
5. Except as provided elsewhere in this ordinance, there shall be provided in connection with all buildings and structures, yards no less in size than listed below:

Front yard	50 feet
Side yard	15 feet
Rear yard	35 feet
6. Accessory buildings shall be located at least five (5) feet from any side or rear lot line, except that a private garage may be built across a common lot line with a common wall by mutual agreement between adjoining property owners. On a corner lot, no accessory building may be nearer the side street line than the required front yard depth.
7. Accessory buildings may not occupy any required yard other than a rear yard except as noted below. Any such accessory building may occupy no more than forty (40) percent of any required rear yard. The area occupied by a garage attached to a dwelling directly or by means of a covered passageway shall not be included in the computation for building coverage. The footprints of all accessory buildings may not exceed, in size, the footprint of the principal building.

Section 1005. Off-Street Parking. Every use in the Mixed Use District shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance to the requirements of this ordinance.

Section 1006. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted in this District.

Section 1007. Exterior Lighting. Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining properties.

ARTICLE XI – SPECIAL COMMERCIAL DISTRICTS

Section 1101. Purpose. It is the purpose of the Special Commercial Zoning Districts to recognize existing commercial uses located in the Residential 1 Zoning District. It is the intent of this district to allow those uses to continue as of right. It is also the intent of this ordinance that these uses may be changed to other uses not normally permitted in the Residential 1 Zoning District. Such uses would be permitted by Special use Permit if, and only if, the impact on the neighborhood is no greater than the impact on the neighborhood of the existing use.

Section 1102. Permitted Principal Uses. In any Special Commercial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes:

1. Building Materials and Services
2. Vehicle and Equipment Repair
3. Single-Family Dwellings
4. Two-Family Dwellings
5. Multi-Family Dwellings
6. Limited Day Care Facilities
7. Cultural Institutions
8. Government Offices
9. Public Safety Facilities
10. Public Park and Recreation Facilities
11. Religious Assembly Facilities
12. Private or Public Schools
13. Minor Utilities

Section 1103. Special Use Permits. In any Special Commercial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes, upon issuance of a Special use Permit:

1. Care Cottages
2. Residential Care Facilities
3. Convalescent Facilities
4. General Day Care Facilities
5. Community Centers
6. Major Utilities
7. Funeral Homes
8. Bed and Breakfast Inns
9. Select Commercial Uses. No more than one (1) of the following uses:
 - a. Catering Service
 - b. Business and Professional Office
 - c. Personal Service
 - d. Travel service
 - e. Artists' Studio
10. Any other commercial use, provided that the Board of Appeals finds:
 - a. The proposed use is equally appropriate or more appropriate to the neighborhood than the existing use.
 - b. The traffic generated by the proposed use is similar to or less than that generated by the existing use.

Section 1104. Accessory Uses and Buildings. In any Special Commercial District, accessory buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following accessory purposes:

1. Customary home occupations provided that no goods or products are publicly displayed or offered for sale outside of the dwelling unit or permitted accessory structure.

2. A private garage for the use of residents of the property.
3. Gardens and related accessory structures.
4. The taking in of not more than two (2) non-transient adult roomers.
5. A temporary building for business or industry where such building is necessary or incidental to the development of a residential area. Such building may not remain for more than one year except upon approval by the Board of Appeals.
6. Signs in accordance with these regulations.
7. Roof-mounted alternative energy facilities, subject to the height restrictions of this ordinance.
8. Agricultural Farm Stands.
9. Such other accessory uses as are customarily incidental to permitted principal uses.

Section 1105. Dimensional Requirements.

1. For residential uses, the minimum lot area shall be fifteen thousand (15,000) square feet for the first dwelling plus seven thousand five hundred (7,500) square feet for the second dwelling in the same structure plus five thousand (5,000) square feet for each dwelling in excess of two in the same structure.
2. For non-residential uses, the minimum lot area shall be twenty thousand (20,000) square feet.
3. Frontage shall be a minimum of one hundred (100) feet.
4. No principal building shall be erected to a height in excess of thirty-five (35) feet. Accessory buildings shall in no case exceed twenty (20) feet in height.
5. Except as provided elsewhere in this ordinance, there shall be provided in connection with all buildings and structures, yards no less in size than listed below:
 - i. Front yard 50 feet
 - ii. Side yard 15 feet
 - iii. Rear yard 35 feet
6. Accessory buildings shall be located at least five (5) feet from any side or rear lot line, except that a private garage may be built across a common lot line with a common wall by mutual agreement between adjoining property owners. On a corner lot, no accessory building may be nearer the side street line than the required front yard depth.
7. Accessory buildings may not occupy any required yard other than a rear yard except as noted below. Any such accessory building may occupy no more than forty (40) percent of any required rear yard. The area occupied by a garage attached to a dwelling directly or by means of a covered passageway shall not be included in the computation for building coverage. The footprints of all accessory buildings may not exceed, in size, the footprint of the principal building.

Section 1106. Off-Street Parking. Every dwelling shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance to the requirements of this ordinance. Every other use in the Special Commercial District shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance to the requirements of this ordinance. Each dwelling in which a home occupation is conducted shall provide parking space for each employee and adequate off-street parking for customers.

Section 1107. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted in this District.

Section 1108. Exterior Lighting. Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining properties.

ARTICLE XII - INDUSTRIAL DISTRICTS

Section 1201. Permitted Principal Uses. In any Industrial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes:

1. Building Materials and Services
2. Laboratories
3. Research and Development Services
4. Limited Warehousing and Storage
5. Artisan Industries
6. General industries
7. Industrial Assembly
8. Industrial Research and Development
9. Storage and Distribution
10. Trucking Terminals
11. Aquaculture Facility
12. Government Offices
13. Maintenance and Service Facilities
14. Public Safety Facilities
15. Ambulance Services
16. Artists' Studios
17. Minor Utilities
18. Major Utilities

Section 1202. Special Use Permits. In any Industrial District, buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following purposes, upon issuance of a Special Use Permit:

1. Animal Sales and Services
2. Food Processing, provided such use does not create any noise, fumes, or odors discernable from adjoining properties

Section 1203. Accessory Uses and Buildings. In any Industrial District, accessory buildings may be erected, altered, or extended and land or buildings or parts thereof may be used for any of the following accessory purposes:

1. An accessory retail sales use may be located within any principal building with a gross floor area of 5,000 square feet or more, provided the retail sales use has no separate entrance, the hours of operation correspond with those of the principal use, and the total net public area of all such establishments within the building total to no more than 5 percent of the gross floor area, up to a maximum of 1,500 square feet.
2. Temporary seasonal retail sales, such as of Christmas trees and pumpkin sales.
3. Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.
4. Signs in accordance with these regulations.
5. Roof-mounted alternative energy facilities, subject to the height restrictions of this ordinance.
6. Such other accessory uses as are customarily incidental to permitted principal uses.

Section 1204. Dimensional Requirements.

1. No building shall be erected to exceed a height of thirty-five (35) feet, or two stories.

2. There shall be a minimum front yard depth of one hundred (100) feet from King Town Road or East Seneca Road whichever should be the abutting front road and a minimum of fifty (50) feet from any other street, except where the property on the other side of the street is in another district in which case there shall be a minimum set back of one hundred (100) feet.
3. Each lot shall have side and rear yards of not less than the depths and widths following:

Side yard	50 feet.
Rear yard	50 feet.
4. Where a plot abuts property situated in another district, the distance of any building, structure or parking area from the side and rear property lines shall be not less than seventy-five (75) feet.
5. The total coverage of buildings or structures on any plot or site shall not exceed fifty (50) percent of the plot area, which coverage shall include off-street loading and unloading facilities. The remaining fifty (50) percent shall be divided among areas for landscaped parks, sidewalks and accessory parking of vehicles.

Section 1205. Off-Street Parking. Every use in the Industrial District shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance with the requirements of this ordinance and with the following provisions:

1. No parking space, except as provided above, shall project into required front, side or rear yard space.
2. No parking area or space shall be used for any purpose other than the accessory parking of automobiles or other vehicles. In no case shall any storage, servicing or dismantling of automobiles or other vehicles, nor shall loading and unloading be permitted in the parking area.
3. No part of any parking area shall be used for the storage or abandonment of any vehicle.
4. All parking areas shall be screened with evergreens or with similar shrubbery so that such area shall be obscured from the view of adjacent properties with a residence or zoned for residential use..
6. Parking areas shall provide parking space for a number of vehicles equal to at least one (1) parking space for each of the maximum number of employees for which the plant is designed in the conduct of business or industry on the plot.
7. A parking area for vehicles owned by executives and/or visitors to the site may be provided within the required front yard. Such parking areas shall accommodate no more than twenty (20) vehicles, provided that the front yard has a depth of not less than seventy-five (75) feet, and that the entire parking area is located within a distance of twenty-five (25) feet of the principal building.

Section 1206. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted in this District.

ARTICLE XIII - SPECIAL USES

Section 1300. General Provisions.

1. Special uses are uses for which approval of the Board of Appeals is required and for which conformance to additional standards is required, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific case or use shall be considered as an individual case.
2. A plan for the proposed development, alteration or extension of a site for a permitted special use shall be submitted with an application for a special use permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulating drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this ordinance.
3. A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six (6) months for any reason.
4. The Board of Appeals shall hold a public hearing to consider each application for a special use permit.
5. No permit shall be issued for a special use for a property where there is an existing violation of this ordinance.
6. The following standards shall apply to all special uses:
 - a) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
 - b) Operations in connection with any special use shall not be more objectionable in nature to nearby properties by reason of noise, fumes, vibration, flashing lights, increased traffic or any other objectionable reasons, than would be the operations of any permitted use.
7. Some special uses, as enumerated in the following sections, shall be required to meet additional standards.

Section 1301. Adult-Oriented Businesses/Live Entertainment in Heavy Commercial Districts.

1. Location. Adult-Oriented Businesses/Live Entertainment require special use permits in the Heavy Commercial District.
2. Purpose. The purpose of these conditions is to mitigate the negative secondary effects associated with adult entertainment businesses, and to provide for such uses to occur only in areas where the secondary effects will have a lesser impact than would be the case in other areas.
3. Limitations. Adult entertainment business are prohibited within 200 feet of any residential zoning district or any single family dwelling, two family dwelling, or multiple family dwelling, including structures devoted to both residential and commercial/business purposes. The distance shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the space to be occupied by the adult entertainment business to the nearest lot line on which is located a use from which the adult entertainment business is to be separated or to the nearest point of the zoning district from which the adult entertainment business is to be separated.

4. **General Requirements**
 - a. No more than one adult use shall be permitted on any individual lot.
 - b. All building openings, including doorways and windows, of the adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into any adult entertainment business from outdoors.
 - c. No person under the age of 18 shall be permitted into or on the premises of any adult entertainment business.
 - d. No adult entertainment business shall display any exterior or outdoor advertising of any kind, other than signage complying with all of the requirements of this zoning ordinance.
5. **Lapse of Permit.** Where a permit for an adult entertainment business has been granted, the applicant shall proceed to complete the project with six (6) months from the date of the granting of the permit. In the event the project is not completed within six (6) months, such permit shall be invalid.
6. **Annual Renewal.** Where a permit for an adult entertainment business has been granted it shall be valid for one (1) year. Renewal applications shall be submitted to the Board of Appeals for review.
7. **Effect of Denial.** No application for an adult entertainment business which has been denied wholly or in part shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions.

Section 1302. Animal Sales and Services in Heavy Commercial and Industrial Districts.

1. **Location.** Animal Sales and Services require special use permits in the Heavy Commercial District and the Industrial District.
2. **Limitations.** Animal sales and services activities shall take place only within an entirely enclosed building except for regular exercise activities in the accompaniment of a human handler.

Section 1303. Artists' Studios in Mixed Use Districts.

1. **Location.** Artists' Studios require special use permits in the Mixed Use District.
2. **Limitations.** The use of mechanical equipment is limited to that not exceeding five horsepower per piece of equipment or a single kiln not exceeding eight kilowatts. Retail sales to consumers are limited to only those goods produced onsite. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.

Section 1304. Bed and Breakfast Inns in Residential 1, Residential 2, and Mixed Use Districts.

1. **Location.** Bed and Breakfast Inns require special use permits in the Residential 1, the Residential 2, and the Mixed Use Zoning Districts.
2. **Limitations.** A bed and breakfast inn shall provide no more than five (5) guest rooms, limited to two persons or one family per guest room, on an overnight basis for periods not to exceed 21 days.
3. **Parking.** Off-street parking shall be provided in sufficient quantity to serve the bed and breakfast inn under full occupancy conditions. Signage shall be provided to direct guests to the off-street parking area.
4. **Separation Requirements.** New bed and breakfast inns shall not be established within 200 feet of an existing bed and breakfast inn. The distance shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the space to be occupied by the new bed and breakfast inn to the nearest lot line on which is located an existing bed and breakfast inn.

Section 1305. Convenience Markets, without Gasoline Sales in Downtown Commercial Districts.

1. Location. Convenience markets, without gasoline sales, are permitted in the Downtown Commercial District only by special permit.
2. Limitations. Convenience markets in the Downtown Commercial District shall have hours of operation limited to 6 AM to 1 AM.

Section 1306. Eating Establishments in Mixed Use Districts.

1. Location. Eating establishments are permitted in the Mixed Use District only by special use permit.
2. Limitations. Eating establishments in the Mixed Use District shall be limited to establishments with the following characteristics:
 - a. Hours of operation are between 9 AM and 10 PM.
 - b. Customers are provided with an individual menu and are served by a restaurant employee at the same table or counter at which the items are consumed.
 - c. Typical seating turnover rates of at least one hour.
 - d. Dining areas less than 2,000 square feet in size.
 - e. Exclude any drive-through or drive-up services.

Section 1307. Care Cottages in Residential 1, Residential 2, and Mixed Use Districts.

1. Location. Care Cottages require special use permits in the Residential 1, the Residential 2, and the Mixed Use Zoning Districts.
2. Purpose. It is the purpose and intent of this ordinance to allow, by special permit, the installation of small, removable homes, on the same lot with one or two family dwellings, in Residential Zoning Districts in order to:
 - a. Foster and support extended families;
 - b. Permit adult children to provide small, temporary homes for their aging parents or grandparents who are in need of support, and to permit legal guardians and next of kin to provide small, temporary homes for relatives with infirmities, while maintaining as much of the independence of the different generations as possible; and
 - c. Permit housing in a manner that protects the property values and character of neighborhoods by ensuring that the care cottages are compatible with the neighborhood and are easily removable.
3. Use Limitations. No more than two persons, who shall be related to each other by blood or marriage, shall occupy a care cottage. Occupants shall be the same persons enumerated on the application for the care cottage. All occupants shall be persons 55 years of age or older, or persons with infirmities; and at least one of such persons shall be a parent or grandparent, legal dependent, or next of kin, of one of the owners and occupants of the principal dwelling on the lot where the care cottage is located.
4. Dimensional limitations. The property must be large enough to accommodate the unit, offer suitable space, and provide access to utility lines.
 - a. The care cottage shall not exceed 750 square feet in total floor area.
 - b. Notwithstanding any other provisions of this ordinance, the minimum size of the care cottage may be reduced to no less than 250 square feet of enclosed floor area,
 - c. The care cottage shall not exceed one story in height and under no circumstances shall the total height exceed 20 feet.

5. Location requirements:

- a. A care cottage shall be located only on a lot where already exists a one-family or two-family dwelling.
- b. No care cottage shall be located within the front yard of any lot.
- c. No care cottage shall be permitted on a non-conforming building lot.
- d. No more than one care cottage shall be located on any lot.
- e. A care cottage shall meet the setback requirements of an accessory building.

6. Building requirements

- a. A care cottage shall be clearly subordinate to the principal building on the lot and its exterior appearance and character shall be in harmony with the existing principal building.
- b. A care cottage shall be constructed in accordance with all the applicable laws, regulations, codes and ordinances, including the NYS Uniform Fire Prevention and Building Code. If a care cottage is a factory manufactured home or component, in addition to complying with any other law, it shall bear an insignia of approval or other equivalent, legally recognized indicia of compliance with applicable laws, issued by the NYS Fire Prevention and Building Code Council or the NYS Division of Housing and Community Renewal.
- c. A care cottage shall be constructed so as to be easily removable. The foundation of the cottage shall be of easily removable materials so that the lot may be restored to its original use and appearance after removal with as little expense as possible. No permanent fencing, walls, or other structures shall be installed or modified that will hinder removal of the cottage from the lot
- d. Adequate water supply and sewage disposal arrangements shall be provided, which may include connections of such facilities to the principal building. If a cottage is located in an area where electric, cable, and/or telephone utilities are underground, such utilities serving the elder cottage shall also be underground.
- e. It shall be disclosed at the time of application whether the proposed inhabitants will have a car. If so, an adequate area for parking shall be required for the expected number of cars.
- f. All walkways from parking areas and from the principal dwelling unit to the care cottage shall be suitable for wheelchair and stretcher access.

7. Special Permit

- a. The special permit shall be for a period of one year (unless earlier terminated as hereinafter set forth) and thereafter renewed annually by the Zoning Enforcement Officer upon receipt of an application for same provided that the circumstances obtaining at the time of the original application have not changed.
- b. The special permit shall terminate 120 days after:
 - i. The death or permanent change of residence of the original occupant or occupants of the care cottage, or
 - ii. Any of the occupancy requirements set forth in this section are no longer met.
 - iii. Continuous absence from the care cottage of a person for a period of 180 consecutive days shall be considered a permanent change of residence.

During the 120-day period following any of the events set forth in the above section, the unit shall be removed and the site restored so that no visible evidence of the care cottage and its accessory elements remains. If the care cottage has not been removed by the end of the 120 day period, in addition to the existing sanctions in the Zoning Ordinance, actions to insure removal may be taken, including removal and salvage by the Village with a lien imposed to defray any costs incurred. Such lien may be added to the real estate taxes applicable to the lot on which the care cottage is located and collected in the same way as any other tax payable to the Village.

8. Application Requirements. The application for original issuance of a special permit and renewal shall contain such information as the Board of Appeals or Zoning Enforcement Officer may require to adequately review qualifications for granting the permit, but, for an original application shall contain at a minimum:

- a. Name of owner of the lot
- b. Name of occupants of principal building
- c. Name of proposed occupants of the care cottage
- d. Age of proposed occupants of the care cottage
- e. Relationship of care cottage occupants to owners and occupants of the principal building
- f. Agreement to remove the care cottage when it no longer qualifies as such
- g. Consent for the Village to enter on the property and remove the care cottage if the owner fails to timely remove it, as set forth below
 - i. By applying for a special permit for the erection of a care cottage, the owner of the lot on which the care cottage is to be located for himself or herself, his or her heirs, successors and assigns, irrevocably consents to the entry of the Village and its authorized officials and agents upon the property, after notice and an opportunity to be heard before the Board of Appeals, for the purpose of removing the care cottage in the event the requirements for maintenance of same are no longer met, and further agrees that any costs incurred by the Village in so removing the cottage shall become a lien upon the property on which the cottage was located subject to collection in the manner set forth above.
- h. Limitation on Variances: Notwithstanding any other provisions of this Ordinance there shall be no variances granted for extension of time for removal of a care cottage except that the Board of Appeals may, upon making the same findings that would normally be required for the granting of a use variance, extend the time for removal of the care cottage for one additional six month period.

Section 1308. Retail Sales in Heavy Commercial and Mixed Use Districts.

1. Location. Retail Sales are permitted only by special use permit in the Heavy Commercial and Mixed Use Districts.
2. Limitations in the Heavy Commercial District. In the Heavy Commercial District, retail sales, not to exceed 15,000 square feet in area, are permitted as a principal use only upon a showing by the applicant that there is no other appropriate location for the proposed use elsewhere in the Village.
3. Limitations in the Mixed Use District. In the Mixed Use District, retail sales may be permitted to operate only between the hours of 8 AM and 6 PM. Retail sales may be located in a structure existing at the time of adoption of this ordinance. New structures and additions to existing structures for the purpose of providing retail sales shall not exceed 2,000 square feet in area.

Section 1309. Select Commercial Uses in Residential 1 and Residential 2 Districts.

1. Location. Select Commercial Uses are permitted only by special use permit in the Residential 1 and Residential 2 Districts.
2. Use Limitations. No more than one (1) Select Commercial Use be permitted on any individual lot. Select Commercial Uses shall include only:
 - a. Catering Service
 - b. Business and Professional Office
 - c. Personal Service
 - d. Travel service
 - e. Artists' Studio
3. Size Limitation. Select Commercial Uses shall be no more than 2,000 square feet in size.
4. Other Limitations. Select Commercial Uses in the Residential 1 District and the Residential 2 District shall be limited to establishments with the following characteristics:
 - a. All activities shall be carried on wholly within a building or structure.
 - b. No more than four persons shall be employed in the business.

- c. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the business, except for a sign as permitted in this ordinance.
- d. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
- e. All parking for employees and customers shall be provided on site.

Section 1310. Manufactured Home Parks in Residential 2 and Manufactured Home Park Districts.

1. Location. Manufactured Home Parks require special use permits in the Residential 2 and the Manufactured Home Park Zoning Districts. A manufactured home park may not be established in, or within 1,000 feet of, any designated historic district.
2. Manufactured Homes. Any manufactured home installed, located or sited in the Village of Trumansburg after enactment of this law shall be in a manufactured home park.
3. Existing Manufactured Home Parks. A manufactured home park which is in lawful existence and use prior to the enactment of this chapter may continue in use, provided that:
 - a. The owner or operator shall apply for a permit for such manufactured home park within thirty (30) days of the effective date of this chapter, or annexation of the park into the Village of Trumansburg.
 - b. The application must be accompanied by the fees required by the Village.
 - c. Such application shall be accompanied by a suitable map of the area showing existing manufactured home sites, in triplicate.
 - d. A map with each manufactured home lot consecutively numbered shall be on file with the Chief of the Trumansburg Fire Department.
 - e. Each manufactured home shall be equipped with a fire extinguisher and smoke detector.
 - f. Any changes or additions to an existing manufactured home park shall require a manufactured home park permit in accordance with this chapter.
 - g. Any permit issued pursuant to this section shall be effective from the day of issuance to and including December 31 of that same year and shall be reviewed thereafter in accordance with the provisions of ordinance.
4. Manufactured Home Park Requirements
 - a. Site. The park shall be located on a well-drained site where soil conditions are suitable and properly graded to ensure rapid surface runoff and free at all times from stagnant pools of water. The park shall be at least three (3) acres in size, with one hundred (100) or more feet of frontage on a public road, with seventy five (75) feet of setback from said road and properly landscaped subject to state and local laws.
 - b. Manufactured home lots. Each manufactured home park shall be marked off into manufactured home lots, and each manufactured home lot shall be numbered.
 - c. Manufactured home. Any manufactured home shall not be placed or otherwise located nearer than a distance of:
 - i. At least fifty (50) feet from an adjacent manufactured home in any direction.
 - ii. At least thirty five (35) feet from an adjacent property line.
 - iii. At least seventy five (75) feet from West Seneca Road.
 - iv. At least twenty five (25) feet from the nearest edge of any roadway located within the park.
 - d. Accessibility
 - i. Each manufactured Home Park and each unit in such park shall be easily accessible from an existing public highway. Where a manufactured home park has more than six (6) manufactured homes, two (2) points of entry and exit must be provided unless a large improved turnaround area for emergency vehicles is maintained.
 - ii. Each park shall have improved streets for convenient access to all manufactured home lots and other facilities.
 - iii. Streets shall be built to meet Village specifications.
 - iv. The street system shall be designed to permit safe and convenient vehicle circulation within the park.

- v. Streets shall intersect at right angles or nearly so or shall be of a design acceptable to the Board of Appeals.
 - vi. All streets shall have two-way traffic.
 - vii. Except in cases of emergency, no parking shall be allowed on such street.
 - viii. All streets shall remain as private roads and maintenance shall be the manufactured home park owner's responsibility, unless dedicated to and accepted by the Village. Any such dedication and acceptance shall be at the sole discretion of the Village.
- e. Parking. Two (2) off-street parking spaces shall be provided on each manufactured home lot and each shall have a minimum width of nine (9) feet and length of twenty (20) feet. Additional off-street parking spaces shall be provided for guest vehicles, and delivery and service vehicles.
 - f. Recreational vehicles, utility trailers, and commercial vehicles shall not be located on manufactured home lots.
 - g. The manufactured home park owner shall provide an individual storage building, between 24 and 100 square feet in size, on each manufactured home lot for use of the residents thereof.
 - h. The manufactured home park owner may provide a dedicated parking area for recreational vehicles, utility trailers, and commercial vehicles, separate from the home lots.
5. Utilities and Service Facilities. The following utilities and service facilities shall be provided prior to the occupancy of any lots by manufactured homes within such development, which shall be in accordance with the regulations and requirements of the New York State Department of Health:
- a. An approved system of potable water for drinking and domestic purposes shall be supplied by pipes from the municipal water supply to all manufactured homes and facilities in the park. Each manufactured home lot shall be provided with proper and sanitary water connections. Maintenance of the water supply system within the park shall be the owner's responsibility.
 - b. Each manufactured home lot shall be provided with an approved sewer line to receive the waste from such home. The sewer line shall be connected to the municipal sewer system so as not to present a health hazard. Sewer connections in unoccupied lots shall be sealed to prevent the emission of any odors. Maintenance of the sewer lines within the park shall be the owner's responsibility.
 - c. Weekly disposal of garbage/rubbish and recyclable materials shall be the responsibility of the manufactured home park owner.
 - d. If dumpsters are utilized, they shall be fenced in and emptied weekly.
 - e. Each manufactured home lot shall be provided with approved underground utilities. All utilities within the park shall be underground.
6. Lighting. The manufactured home park lighting shall be designed to provide safe passage on the park streets while creating a minimum of light pollution.
7. Drainage. Where feasible, storm water drainage shall be piped and not open ditched.
8. Installation. Each manufactured home shall be installed on a manufactured home stand. 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. Each manufactured home shall be located on a concrete slab of at least four (4) inches in depth which shall extend at least three (3) inches beyond the manufactured home in all directions. Each manufactured home shall be fully skirted with durable building materials, which the owner shall thereafter maintain in good repair.
9. Landscaping. There shall be a vegetative visual barrier not less than ten (10) feet in width, comprised of shrubs that will achieve a height of at least six (6) feet within five (5) years of planting, with a predominance of evergreens between the manufactured home park surrounding properties. Where the property fronts on a public road or highway, within the required setback area, at least fifty (50) percent of the length of the frontage on said public road or highway shall be planted or maintained with a vegetative visual barrier comprised of, at minimum, shrubs that will achieve a height of at least six (6) feet within five (5) years of planting and at least two (2) deciduous or conifer trees for each fifty (50)

feet of frontage. Said trees shall be of a species with a height at maturity of at least thirty (30) feet, of a species known to be compatible with regional climate conditions, and shall be at least two and a half (2.5) inches in diameter at breast height at the time of planting.

10. Recreation. Adequate common space shall be provided for recreational activities.
11. Permitted Uses. In any manufactured home park, 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 occupancy of manufactured single-family dwellings built not more than three years before placement in the manufactured home park.
12. Costs Incurred by Village Boards Use of Private or Other Regional Staffs. The Planning Board, Board of Appeals, or Village Board may choose at any point in the Manufactured Home Park review process to retain private consultants or refer to the county or regional planning staffs for review, comment and advice on any aspect of the approval process, design engineering specifications or other pertinent matters at the expense of the applicant, to be paid in advance to the Village of Trumansburg.

ARTICLE XIV – TELECOMMUNICATIONS FACILITY

Section 1401. Purpose and Legislative Intent. The Village of Trumansburg recognizes the increased demand for wireless communications transmitting facilities and for the service they provide. The purpose of this local law is to promote the health, safety, and general welfare of the residents of the Village of Trumansburg; to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures; to avoid damage to adjacent properties from tower failure or falling debris through careful engineering and siting of structures; to minimize adverse visual effects from telecommunications towers by requiring careful design and siting, visual impact assessment, and appropriate vegetative screening; and to site towers and accessory and related structures to the extent possible other than in residential or planned development zoning districts, while allowing wireless service providers to meet their technological and service objectives for the benefit of the public. These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall these regulations be used to discriminate among providers of functionally equivalent services consistent with applicable federal regulations.

Section 1402. Special Permit Required. No telecommunications facility shall be erected, moved, reconstructed, altered or used in any district unless and until the person seeking to do so shall have obtained a special permit from the Planning Board in accordance with this ordinance.

Section 1403. General Criteria. No special permit or renewal thereof or amendment of a current special permit relating to a telecommunications facility shall be granted by the Planning Board unless it finds that such telecommunications facility:

1. is necessary to meet current or reasonably expected needs for the applicant's system and demands for service and coverage within the intended area;
2. conforms with all federal and state laws and all applicable rules or regulations promulgated by the Federal Communications Commission (the "FCC"), Federal Aviation Administration (the "FAA"), or any other federal agencies having jurisdiction;
3. is designed and constructed in a manner which minimizes visual impact to the extent practical;
4. complies with all other requirements of this Zoning Ordinance, unless expressly superseded herein;
5. is the most appropriate site among those available within the technically feasible area for the location of a telecommunications facility; and
6. when including the construction of a tower, such tower is designed to accommodate future shared use by at least two (2) other telecommunication service providers. Any subsequent location of telecommunication equipment by other service providers on existing towers technically and structurally capable of accommodating a shared use shall require the amendment of the special permit for such tower, in accordance with the provisions hereof for initial issuance of such special permit.

Section 1404. Co-Location. The shared use of existing telecommunications facilities or other structures shall be preferred to the construction of new facilities. Any special permit application, renewal or amendment thereof shall include proof that reasonable efforts have been made to co-locate within an existing telecommunications facility or upon an existing structure. The application shall include an adequate inventory report specifically describing the nature, size and location of existing telecommunications facility sites and structures exceeding seventy-five per cent (75%) of the height of the proposed tower within the area intended to be serviced by the proposed tower. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location. The applicant must demonstrate that the proposed telecommunications facility cannot be accommodated on existing telecommunications facility sites or other existing structures in the inventory due to one (1) or more of the following reasons:

1. The planned equipment would exceed the structural capacity of existing and approved telecommunications facilities or other structures, considering existing and reasonably anticipated future use for those facilities.
2. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
3. Existing or approved telecommunications facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
4. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures;
5. The property owner or owner of the existing telecommunications facility or other structure refuses to allow such co-location.

Section 1405. Priority of Siting Locations. In determining whether a site is appropriate, and if it is determined a need exists for the telecommunications facility, the preferential order of location, to the extent the same may be, or may be made, technically feasible, is as follows:

1. Co-located on the Village Water Tower located at 34 Halsey Street;
2. Co-located on existing telecommunications towers;
3. Co-located on any other existing radio or other tower that would not require any increase in height nor significant noticeable structural additions to accommodate the telecommunications facility;
4. Within any Industrial District or Heavy Commercial District;
5. On any other property in the Village.

Section 1406. Dimensional Standards.

1. 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 antenna(ae) attached upon its zenith. The entire fall zone must 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 from the requirements of this subsection (4)(i) may be granted by the Planning Board on a case-by-case basis if it is determined by such Board after submission of competent evidence, that modification of this requirement will not endanger the life, health, welfare of property of any person. In granting any such waiver, the Board may impose any conditions reasonably necessary to protect the public or other property from potential injury.
2. Any telecommunications facility must be located on a single lot.
3. Any telecommunications facility, and the lot on which it is located, shall comply with the setback, frontage, minimum lot size, and yard standards of the underlying zoning district and the fall zone requirements of this article. To the extent there is a conflict, the more restrictive provision shall govern.
4. Notwithstanding provisions to the contrary of any other section of this Zoning Ordinance, the front, side, and rear yard setback requirements of the underlying zoning district in which a telecommunications facility is erected shall apply not only to a tower, but also to all tower parts including guy wires and anchors, and to any accessory buildings that constitute a part of the telecommunications facility.

Section 1407. Lighting and Marking.

1. Any lighting and marking on a telecommunications facility, and any tower constituting a part thereof, shall, at a minimum, satisfy the requirements of the FCC and FAA.
2. In addition to the requirements of the preceding paragraph, an applicant may be compelled to add FAA-acceptable lighting and marking, if in the judgment of the Planning Board, such a requirement would be

of direct benefit to public safety and would not unduly adversely affect residents of any surrounding property.

Section 1408. Appearance and Buffering.

1. The use of any portion of a telecommunications facility for signs, or promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited, provided, however, that signage including no text or graphics other than health or safety warnings, which signage complies with the requirements of the Village's Sign Law, and which signage has been reviewed and approved as part of the Special Permit, may be placed on the telecommunications facility.
2. The telecommunications facility shall have the least visual effect practical on the environment, as determined by the Planning Board. Any tower that is not subject to FAA marking as set forth above shall otherwise:
 - a. have a galvanized finish, or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Planning Board, or
 - b. be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the facility to perform its designed function.
3. Accessory structures shall maximize the use of building materials, colors, and textures designed to blend in with the natural surroundings.
4. In fulfilling the requirements of the State Environmental Quality Review ("SEQR"), the Planning Board may require a Full Environmental Assessment Form ("EAF") for the proposed telecommunications facilities. A Visual Environmental Assessment Form ("Visual EAF") shall be required as an addendum thereto. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.
5. The telecommunications facility shall have appropriate vegetative buffering, satisfactory to the Planning Board, around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, and public roads. The Planning Board may require the applicant to install and maintain screening of any telecommunications facility adjacent to waterways, landmarks, refuges, community facilities, or conservation or historic areas within view of the public.
6. Without limiting the requirements of the preceding paragraph, existing onsite vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall occur in connection with the telecommunications facility except in accordance with the terms of the Special Permit for such facility. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
7. The Planning Board may require additional information, such as line-of-sight drawings, detailed elevation maps, visual simulations, before and after renderings, and alternate tower designs to more clearly identify adverse impacts for the purpose of their mitigation.
8. Equipment or vehicles not used in direct support, renovations, additions or repair of any telecommunications facility shall not be stored or parked on the Facility site.

Section 1409. Access and Parking.

1. Access ways shall make maximum use of existing public or private roads to the extent practicable. New access ways constructed solely for a telecommunications facility must be at least twenty (20), but no more than thirty (30) feet wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

2. The road surface (driveways) shall be centered within access ways and no more than 60% of the width of the legal access way shall be covered with any form of improved surface.
3. Parking areas shall be sufficient to accommodate the greatest number of service vehicles expected on the premises at any one time.
4. Driveways or parking areas shall provide adequate on site turn-around, such that service vehicles shall exit the lot moving forward and will not have to back out onto a public road.

Section 1410. Security.

1. Towers, anchor points of guyed towers, and accessory structures shall each be surrounded by fencing of sufficient height to secure the site, the top foot of which may, at the discretion of the Planning Board in deference to the character of the neighborhood, be comprised of three-strands of barbed wire to discourage unauthorized access to the site. The Planning Board may waive the requirement of fencing if, in its discretion, the Board determines that other forms of security are adequate, or that, by reason of location or occupancy, security will not be significantly compromised by the omission, or reduction in size, of the otherwise required fencing.
2. Motion-activated or staff-activated security lighting around the base of a tower or accessory structure entrance may be installed provided that such lighting does not project off the site. Such lighting should only be activated when the area within the fenced perimeters has been entered.
3. There shall be no permanent climbing pegs within fifteen (15) feet of the ground of any tower.
4. A locked gate at the intersection of the access way and a public road may be required to obstruct entry by unauthorized vehicles. Such gate must be located entirely upon the lot and not on the public right-of-way.

Section 1411. Engineering and Maintenance.

1. Site plans for a telecommunications facility must bear the seal of a professional engineer licensed to practice in the State of New York. Every facility shall be built, operated and maintained to acceptable industry standards, including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (“IEEE”) and the American National Standards Institute (“ANSI”).
2. Every telecommunications facility shall be inspected at least every second year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the Village’s Code Enforcement Officer. Any unsafe condition revealed by such report shall be corrected within ten days of notification of same from the Village to the record landowner on which the facility is constructed. The time period for correction may, on application of the landowner or owner of the facility, be extended by the Village Board of Trustees if it is impracticable to complete the correction within said ten days and if there is no imminent danger to life, limb, or other person’s property. If the unsafe construction of the facility may, after a hearing by the Village Board of Trustees on at least ten days’ prior notice to the landowner of record given by certified mail, return receipt requested, or other equally effective manner of providing notice, be revoked by such Board. Revocation may occur only if the Board of Trustees finds that there is an unsafe condition which poses a risk of bodily injury or significant property damage. Upon such revocation, the facility shall be removed or dismantled to the point of removing all unsafe conditions.
3. A safety analysis by a qualified professional must accompany any special permit application or amendment or renewal thereof, for the purpose of certifying that general population/uncontrolled (such as term is defined in the FCC’s Section 1.1310, 47 C.F.R. Section 1.13.10) electromagnetic radiation exposure does not exceed standards set by the FCC or any permit granted by the FCC.

4. The Village, at the expense of the applicant, may employ its own consultant(s) to examine the application and related documentation and make recommendations as to whether the criteria for granting the special permit have been met, including whether the applicant's conclusions regarding need, co-location, safety analysis, visual analysis, and structural inspection, are valid and supported by generally accepted and reliable engineering and technical data and standards.

Section 1412. Removal.

1. At the time of submittal of the application for a special permit for a telecommunications facility, the applicant shall submit an agreement to removal all antennae, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use within a telecommunications facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve (12) consecutive months. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to the seeding or sodding, as appropriate depending upon the season of the work, of exposed soils.
2. At the time of obtaining a zoning permit, the applicant must provide a financial security bond for removal of the telecommunications facility and property restoration, with the municipality as the assignee, in an amount approved by the Planning Board upon the recommendation of the Village Engineer, but not less than fifty thousand (\$50,000) dollars.
3. Upon any amendment 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 removal of the telecommunications facility and property restoration.

Section 1413. Application. The application for a special permit for the construction of a telecommunications facility shall include, without altering any other application requirements set forth in this Zoning Ordinance:

1. A completed project application form in such detail and containing such information as the Planning Board may require.
2. Completed EAF and Visual EAF.
3. Site plan in accordance with the requirements of this section including, without limitation:
 - a. The exact location including geographic coordinates of the proposed telecommunications facility including any towers, guy wires and anchors, if applicable;
 - b. The maximum height of the proposed facility, including all appurtenances;
 - c. A detail of tower type, if any, including engineering drawings from the tower manufacturer (monopole, guyed, free-standing, or other);
 - d. The location, type and intensity of any lighting on the tower;
 - e. Property boundaries and names of all adjacent landowners;
 - f. Proof of the landowner's consent to the erection of the facility and agreement to abide by the ordinance if the applicant is not the landowner;
 - g. The location of all other structures on the property and all structures on any adjacent property within one hundred feet of the property lines, together with the distance of these structures from any proposed tower;
 - h. The location, nature and extent of any proposed fencing, landscaping and screening;
 - i. The location and nature of any proposed utility easements and access roads or drives; and
 - j. The location of the fall zone for the tower, if any.
4. Agreement that the applicant will negotiate in good faith with any subsequent applicant seeking to co-locate a telecommunications facility on the initial applicant's facility. This agreement shall commit the initial applicant and landowner and their respective successors in interest to:

- a. Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.
 - b. Negotiate in good faith for shared use by third parties.
 - c. Allow shared use if an applicant agrees in writing to pay reasonable charges for same.
 - d. Make no more than a reasonable charge for shared use, based upon generally accepted accounting principles. The charge may include but shall not necessarily be 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 permitted by the FCC.
5. The agreement for removal of the facility referred to above.
 6. Copies of all documents submitted to the FCC or any other governmental agency having jurisdiction.
 7. Any applicable application or other fees, including any deposits required by the Village for application to the costs of any consultants retained by the Village as provided above.

Section 1414. Fees. The fees for a special permit application for a telecommunications facility shall be calculated in accordance with applicable sections of this Zoning Ordinance, and in any event that the telecommunications facility includes a tower, the tower shall be considered to be the principal building and all other structures to be accessory buildings. The applicant must deliver to the Village a deposit of 1% of the estimated project cost, to be held in escrow against costs of consultants retained by the Village. At the completion of the special permit process, the remaining escrowed funds will be refunded to the applicant.

Section 1415. Miscellaneous.

1. Any special permit granted hereunder shall be valid only for the dimensions and number of structures for the telecommunications facility contained in original application as so approved. Any subsequent amendments or additions shall require a new application for same following the procedures set forth in this section.
2. In considering the application, the Planning Board may, if the application is granted, impose such reasonable conditions as it may deem necessary to minimize any adverse impacts of the facility or its construction, or to assure continued compliance with the terms of this section.

Section 1416. Special Permits for Telecommunications Towers.

1. Intent. The legislative intent of this section is to set forth regulations, procedures and conditions which apply to certain permitted uses which are sufficiently unique in terms of their nature, location and effect on the surrounding environment and the quality of the community, to warrant special evaluation of each individual case.
2. Applicability. A Special Permit is required for all uses designated as “Permitted with Special Permit” in this Article. Such uses are not permitted until all applicable General, Additional and Special Conditions required have been complied with and a special Permit has been authorized by the Planning Board. The Planning Board shall have review and decision authority over all Special Permits.
3. Special Permit Procedures.
 - a. Issuance of Special Permit. Within its jurisdiction, and following proper review procedures and an approval, the Planning Board may authorize the Zoning Officer to issue a Special Permit.
 - b. Submission Date of Application. Every application for a Special Permit, complete and accompanied by the required fee and all materials and data required by this Ordinance shall be filed with the Zoning Officer at least twelve (12) days prior to the regular monthly business

meeting of the Planning Board. The Zoning Officer shall transmit the application to the Village Clerk when the application is complete.

- c. Notice of Public Hearing. For those uses over which it has either sole or preliminary review authority, the Planning Board shall conduct a public hearing within sixty-two (62) days from the day that the Village has received a completed application for a Special Permit at which the Special Permit will be reviewed and must publish, and post notice in at least three prominent places at least five days prior to the hearing stating the nature of the request, and the time and place of the hearing.

The Planning Board shall provide to the Board of Trustees at least five (5) days prior, written notice of any public hearing of the Planning Board at which a Special Permit request will be reviewed. Such notice shall be delivered to the Village Clerk and shall state the nature of each Special Permit request to be reviewed and the time and place of the hearing. The giving of such notice to the Board of Trustees shall not constitute a requirement of this section and the failure to give or receive such notice shall not affect the validity or binding authority of any action, recommendation or decision made by the Planning Board pursuant to its authority under this section.

- d. At least ten (10) days prior to the public hearing to be conducted in connection with the Special Permit application, the planning Board shall mail notices thereof to the applicant and to the Tompkins County Planning Department, as required by Section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in accordance with Section 239-m.
- e. Mandatory Review of Approved Special Permits. If more than three years has elapsed between the date that the Planning Board approves the issuance of a Special Permit/Zoning Permit and the date that the applicant satisfies the conditions for the issuance of the Special Permit/Zoning Permit, the Code Enforcement Office may not issue that Special Permit/Zoning Permit until the Planning Board has reviewed that Special Permit/Zoning Permit and reaffirmed its approval with any additional conditions, or modifications to existing conditions, that may be required by changes in circumstances.
- f. Decisions on Special Permit Applications. The Planning Board shall decide upon the Special Permit application within sixty-two (62) days after the close of the required public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board on the Special Permit application shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant at that time. The decision shall be deemed to have been rendered as of the date that the final vote has been taken by the Planning Board on the Special Permit application.
- g. Area Variance Required. In the event that a Special Permit application contains one or more features that do not comply with applicable provisions of the Village of Trumansburg Zoning Ordinance, the applicant may apply to the Village of Trumansburg Board of Zoning Appeals for an area variance, in accordance with the terms of this Zoning Ordinance, without the necessity of a decision or determination of any administrative official charged with the enforcement of the Zoning Regulations as the basis for such area variance application.
- h. Conditions to Special Permits. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Special Permit. Upon the granting of the Special Permit, any such conditions must be met by the applicant, or the applicant's successors in interest, and, in the event that the applicant, or the applicant's successors, fail to meet any such condition of the Special Permit, the Village Code Enforcement Officer shall withhold any building or similar permit that would otherwise be issued in connection with or as a result of the granting of the Special Permit until such time as the Code Enforcement Officer has verified compliance with all such conditions.
- i. Waiver of Conditions. The Planning Board may, when reasonable, waive any pre-established requirements for the approval, approval with conditions or disapproval of the Special Permit application. Any such waiver may be subject to such appropriate conditions as the Planning Board may impose, in accordance with Subsection 304.06 above. Any such waiver may be

exercised in the event that the requirements to be waived are found not to be requisite in the interest of the public health, safety or general welfare, or are found to be inappropriate to a particular Special Permit.

4. General Conditions Required for all Special Permits. The Planning Board may require specific measures that must be taken to implement these General Conditions. The Board may require performance standards higher than the minimum specified in this Ordinance if the potential adverse impact on the neighborhood warrants it. No Special Permit will be granted by the Planning Board unless the requested activity meets the following requirements.
 - a. It will not be detrimental to or endanger the public health, safety, or general welfare;
 - b. It will not be injurious to the use and enjoyment of other property in the vicinity or neighborhood;
 - c. It will not impede the orderly development of the vicinity or neighborhood, and insofar as possible is appropriate in appearance and in harmony with the existing or intended character of the vicinity or neighborhood;
 - d. The street system and off-street parking facilities can handle the expected traffic in a safe and efficient manner;
 - e. Natural surface water drainageways are not adversely affected;
 - f. Water and sewerage or waste disposal facilities are adequate;
 - g. The general environmental quality of the proposal, in terms of site planning, architectural or engineering design, and landscaping, is compatible with the character of the neighborhood;
 - h. Lot area, access, parking and loading facilities are sufficient for the proposed use;
 - i. The requested use or facility conforms in all other respects to the applicable regulations of the District in which it is located; and
 - j. The applicant has shown that steps will be taken where necessary to meet all performance standards and all other applicable general regulations.
5. Compliance with State Environmental Quality Review Act. The Planning Board shall comply with the applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law, and the implementing regulations codified in Book 6 of New York Code of Rules and Regulations at Section 617.
6. Court Review. Any person aggrieved by decision made pursuant to the terms of this Section may apply to the Supreme Court for review under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of the Board's decision in the office of the Village Clerk.

ARTICLE XV - AFFORDABLE HOUSING PROVISIONS

Section 1501. Purpose. The purpose of this ordinance is to promote public welfare by providing safe, decent, and affordable housing for all incomes; to ensure enough housing, especially for low-income households; to mitigate housing shortage and balance the demand and supply of housing by constructing more housing units; and to integrate all residents of the County regardless of their income levels.

Section 1502. Requirements

1. Affordable Housing Required. All new residential developments of 10 or more units over a five-year period, whether for-sale units or rental units, but not including manufactured home parks, are required to provide at least 20% of the project's total units as affordable units. If the formula results in any decimal fraction, the result shall be rounded to the nearest whole number. If the fraction is 0.5, the result shall be rounded up.
2. Location of Affordable Units. The Village highly encourages developers to construct affordable units within the project area, as required by this ordinance. However, developers may choose to construct affordable units in another site within the Village. The reduced dimensional requirement provisions of this section shall not apply if the developer chooses to construct the required affordable units off-site.
3. Income Requirements. All affordable units shall be rented or sold to low-income households. No specific mix of income ranges is required.
4. Cost Requirements. All affordable units shall be rented or sold at or below the Current Affordable Rent or the Current Affordable Price, respectively. No specific mix of housing prices is required.

Section 1503. Reduced Dimensional Requirements

1. Reductions Permitted. Developers shall be allowed reduced dimensional requirements in exchange for the provision of affordable housing. In order to preserve the character of community, a reduction in the minimum lot size and/or the minimum lot width will be permitted. The development shall meet the all other dimensional requirements of this ordinance.
2. Calculation of Reduced Dimensional Requirements. The allowed increase in density shall be related to the proportion of affordable units provided in the development. Where the development provides the minimum required 20% affordable units, the minimum lot area and the minimum lot width shall be calculated at 80% of the minimum required by relevant district regulations. Where the development provides more than the minimum number of required affordable units, the minimum lot area and minimum lot width shall be the difference between the proportion of affordable units and 100%. In no event shall the minimum lot area and minimum lot widths be reduced to less than 65% of the minimum required by the relevant district regulations.

Section 1504. Affordable Units

1. Location of affordable units: All affordable units shall be dispersed throughout the project by being integrated with the market rate units.
2. Completion of construction: All affordable units shall be constructed concurrently with the market rate units. Progress rate of affordable units shall be the same as that of the market rate units.
3. Exterior appearance: Affordable units shall be constructed with similar exterior design and materials that are used in the market rate units. Similar landscaping shall be applied to both affordable units and the market rate units.

4. **Interior appearance:** Interior materials and amenities in the affordable units may be different from those used in the market rate units, provided that:
 - a. The mix of unit size (in terms of number of bedrooms) shall be equivalent between affordable units and market rate units.
 - b. Size of affordable units may be smaller than that of the market rate units, but shall be at least 80% of the size of the market rate units in the project or larger than minimum standards expressed in the following table, whichever is smaller.

Number of bedrooms	Unit size (square feet)
Studio	600
1	800
2	1000
3	1200
4 and more	1400

Section 1505. Period of Affordability

1. **For-Sale Affordable Units.** All for-sale affordable units shall remain affordable for five years from the date of the initial sale of the unit. Owners may resell their units at anytime, but the sale price shall be no more than the Current Affordable Price.
2. **Rental Affordable Units.** All rental affordable units shall remain affordable in perpetuity. Initial developers may sell the rental affordable units to individuals or organizations. However, the subsequent owners shall maintain the units for rent at no more than the Current Affordable Rent. If affordable rental units are sold, they shall meet the requirements of for-sale affordable units. The period of affordability for such for-sale affordable units shall be measured from the date of their initial sale as a for-sale unit.

Section 1506. Approval Procedure. Developers shall provide documentation to receive an approval for the development as part of their application to the Planning Board for site plan review or subdivision approval. All application procedures shall be the same as the general application for a zoning permit, site plan review, or subdivision approval. However, the developer shall submit additional documentation as follows:

- Site development plan including the number, sizes, types of all affordable units
- Site plan including allocation of the affordable units and the market rate units
- Timeline of construction for each of the affordable units and the market rate units

ARTICLE XVI – SITE PLAN REVIEW

Section 1601. Applicability; Exceptions.

1. General applicability.
 - a. Site plan review is intended to apply to all development that is within the thresholds described below. When determining the applicability of these thresholds, the scope and definition of the proposed development shall include all previous development on the property occurring within the past two years within 300 feet of the proposed development which, when considered together, may have a substantial aggregate effect on the surrounding properties.
 - b. Applicability thresholds. The following shall be subject to site plan review:
 - i. New construction, reconstruction, or expansion of residential development except single-lot development of a single-family detached dwelling or a two-family dwelling.
 - ii. New construction, reconstruction, and/or expansion of all nonresidential development.
2. Projects of limited scope.
 - a. The Zoning Officer shall have the authority to review and act on a development proposal if the proposed project is for construction, modification and/or expansion of residential projects affecting less than 4,000 square feet of affected site area. For such projects of limited scope, reviewed by the Zoning Officer, a public hearing is not required. The Zoning Officer shall conduct the environmental review of such projects.
 - b. When an application is received for site plan review under the provisions for projects of limited scope as noted above, the Zoning Officer shall, within ten working days of the date of the submission of a complete application, as determined by the Zoning Officer, notify the Planning Board and the members of the Village Board of Trustees regarding the particulars of the submitted application.

Section 1602. Other permits and approvals. The Board's or Zoning Officer's decision to approve a site plan does not excuse an applicant from obtaining and complying with all other permits and approvals that may be needed.

1. Zoning Permits. For projects subject to Site Plan Review, Zoning Permits shall be issued only after Site Plan Review approval. When an application is for a permit for sitework only, the permit may be issued based on preliminary or preliminary conditional Site Plan Review approval, following adequate review of at least the layout and grading components of the site plan. In a case where a conditional Site Plan Review approval has been given, no certificate of occupancy or completion shall be issued until final Site Plan Review approval has been given and all provisions of such final approval have been met. Any costs for site adjustments required in the final Site Plan Review shall be born by the applicant.
2. Use Variance. Any required use variance must be obtained from the Board of Zoning Appeals before a site plan can be approved by the Planning Board.
3. Area Variance. Any required area variance must be obtained from the Board of Appeals before a site plan can be approved by the Planning Board.
4. Special Use Permit. Any required special use permit must be obtained from the Board of Appeals before a site plan can be approved by the Planning Board.

Section 1603. Project Review Criteria. Site Plan Review shall, where applicable, include, but shall not be limited to:

1. General criteria:
 - a. The arrangement, location, size, design, and general site compatibility of proposed buildings, landscaping, lighting, open spaces and buffers, and outdoor waste facilities, including

- i. If a trash compactor unit is to be used, this unit shall be attached to the building and be screened in with materials and colors that are consistent with the building that it serves. Also, an effort to minimize the noise of the compactor unit from adjacent properties shall occur.
 - ii. Dumpsters must be screened with materials and colors that are consistent with the building that it serves (i.e. a brick building must have a dumpster screened with brick walls).
 - iii. Loading docks, if attached to a building, must be screened with materials and colors that are consistent with the building that it serves (i.e. loading docks attached to a brick building must be screened with brick walls).
 - iv. If possible, antennas, satellite dishes, air handling units and other mechanical equipment placed on a roof should not be visible from the street.
 - v. The usage of metal-sided buildings as façades for primary structures should be minimized, especially in highly visible areas and along principal commercial corridors.
 - vi. All new construction or redevelopment of a property should, to the greatest practical extent, utilize materials and design that is either evocative or respectful of a historic/village setting. This should include wood and stone for primary façades.
 - b. The arrangement, location and adequacy of vehicular access and circulation, including intersections, road widths, pavement surfaces, off-street parking and loading areas, and traffic controls, including
 - i. Provide automobile connections to adjacent lots and developments through shared access roads, linked parking, etc.
 - ii. Minimize entry points and curb cuts. Temporary curbcuts may be provided for individual sites, as they are developed. However, as additional sites are developed, such curbcuts may be abandoned in favor of a safe and conveniently located curbcut that serves multiple, adjoining businesses.
 - c. The arrangement, location and adequacy of pedestrian and bicycle access and circulation, and appropriate provisions for handicapped persons, including
 - i. Provide pedestrian connections between adjacent commercial developments through sidewalks, multi-use paths, etc.
 - ii. Establish a pleasant, walkable environment for pedestrians through landscaped sidewalks and multi-use trails.
 - iii. Utilize a consistent theme of street trees, other landscaping elements, and pedestrian amenities to provide a unified streetscape.
 - iv. Provide internal pedestrian connections (on site, from parking lots, to adjacent lots, etc.) through pedestrian walkways and access to and around development.
 - v. Bicycle racks are encouraged and should be placed in easily observable locations.
 - vi. Access to public transportation (Tompkins Consolidated Area Transit (TCAT), or other transit service) should be provided at visible, attractive, and safe locations in consultation with the relevant transit service providers.
 - d. The adequacy of provision for fire protection, storm water, sediment, erosion management, drainage, water supply, and sewerage disposal;
 - e. In the case of residential site plans, the arrangement, location and adequacy of any proposed open space and recreational facilities;
 - f. The adequacy of arrangements for the protection of adjacent neighboring properties from any undue disturbance, such as may be caused by excessive or unreasonable noise, glare, vapors, smoke, fumes, dust, odors, or stormwater runoff;
 - g. Determination under SEQR and compliance with the State Environmental Quality Review Act and the Village Environmental Quality Review Law.
 - h. Conformance to any adopted Comprehensive Plan relevant to the proposed site.
 - i. Compliance with this Article and any other applicable Village rules and regulations and policies.
2. Criteria for plant materials and maintenance. All projects shall provide for adequate types and arrangements of landscaping, both to enhance the site and to complement the architectural components of the development and to screen or buffer adjacent uses in public ways. Where possible and reasonable, trees shall be planted in a strip adjacent to the road. Specifications governing tree species, size, spacing and method and location of planting, as well as appropriate guarantees for tree health may be required. Where possible and reasonable, any trees greater than eight inches in diameter at breast height of

desirable species and in good health and sound structure, as determined by the reviewer's designee, should be retained on the site and protected during development.

- a. Deciduous trees shall have a caliper of at least 2 1/2 inches at the time of planting unless specific exemptions to this are granted. Size of evergreen trees and shrubs shall be allowed to vary depending on location and type of plant material (species).
 - b. The owner shall replace dead, dying, and/or seriously damaged plant materials within a reasonable time period during the current (or immediate next) planting season. Any other damaged or missing elements, including but not limited to fences, bollards, signs, shrubs, street furniture, etc., of the approved plan must be similarly replaced by the owner. This will assure that landscaping remains in compliance with the final site plan as approved by the Planning Board.
 - c. Notwithstanding any provision in this chapter or any other village ordinance or regulation to the contrary, an approved site plan may not be modified without express written approval of the Planning Board except as approved by the Zoning Officer as specified herein above.
 - d. All required street trees should be placed between the edge of the road and the parking area or front building line, whichever is closest.
 - e. Parking areas located between structures and the road should be softened with a low growing hedge and/or an attractive fence or wall.
 - f. Large expanses of parking should be broken up with tree and shrub plantings.
 - g. A transition zone consisting of pedestrian amenities and landscaping should occur between buildings and parking areas.
3. Criteria for parking areas where applicable. The general criteria above shall apply also to parking area development. These are intended to be minimum criteria. The Board may make such additional reasonable conditions as it deems appropriate to carry out the intention of this ordinance. The following criteria shall apply:
- a. There shall be screening or fencing between a parking area and adjacent properties and public ways, except where there is parking that is shared by more than one property or where commercial properties abut. In such cases the Board may require landscaping as it deems appropriate.
 - b. Additionally, the Planning Board will be guided by the parking standards set forth in Article XVII and may, as appropriate, require elements of those standards.
4. Natural Site Design. Site design shall recognize and respect the site's natural features, creating a balance between the program of the new development and the environmental impact. By recognizing and building with the existing topography, it becomes possible to integrate stormwater management into the design, lessen the amount of grading and erosion, and thereby lessen the environmental impact to surrounding areas. In addition, by incorporating the site's natural features into the site design, it becomes possible to create a more aesthetically relevant place that fits into its context.
- a. Existing mature trees should be maintained, where possible, and species selected for planting should be appropriate for this region and microclimate of the setting.
 - b. Utilize native vegetation and avoid invasive species.
 - c. Development should minimize and balance cut and fill, utilize gentle grading and avoid abrupt grade transitions. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.
 - d. Utilize sensitive construction practices and erosion control (limit soil erosion and disturbance).
 - e. Natural drainage ways, contours and landforms should be respected and disturbance to these areas should be minimized.
 - f. Utilization of "green techniques" for handling stormwater and runoff are encouraged where feasible, such as bio-retention swales, pervious paving materials and pervious alternatives to asphalt and concrete, such as modular paving systems or reinforced grass block (or other "dust-free" materials).

Section 1604. Site Plan Review Procedures.

1. Process initiation. The Zoning Officer shall determine whether Site Plan Review is required when a zoning, demolition or fill permit is applied for. Such determinations may be appealed to the Planning Board within 30 days of the written notification that Site Plan Review is required.

2. Site Plan Review procedures.

- a. Sketch Plan Conference. This step may occur before the application for a zoning permit if it can be reasonably assumed that Site Plan Review would be required, in order to inform the applicant of the Site Plan Review process and to explain the standards for approval, before substantial time and effort are invested in the preparation of plans. The Zoning Officer should determine at this stage whether the proposal is a project of limited scope as defined above.
- b. Submission of application materials. Application for site plan approval shall be made to the Zoning Officer. If the project is deemed above the threshold of projects of limited scope as defined above, the application will be forwarded to the Planning Board for Site Plan Review. If the project is deemed within the thresholds of projects of limited scope as defined above, the Zoning Officer shall conduct Site Plan Review. In either case, each application for site plan approval shall contain, at a minimum, the following information:
 - i. Name and address of applicant;
 - ii. Name and address of owner(s) of record, if different from the applicant;
 - iii. Name and address of person or firm preparing the site plan map;
 - iv. Current zoning classification of property;
 - v. Applicable application fee(s);
 - vi. The number of copies of materials required to be submitted.
 - vii. Detailed site plan showing all elements integral to the proposed project including, but not limited to:
 1. north arrow, scale, and submitted date;
 2. property lines, including metes and bounds;
 3. name and addresses of all property owners of all parcels abutting the site, or within 500 feet of the perimeter boundary of the site, including owners of easements or right-of-way, together with tax parcel numbers for all such owners;
 4. current and proposed zoning and uses on adjacent properties;
 5. location of adjacent public and private streets and highways;
 6. 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;
 7. existing vegetation on the site;
 8. existing and proposed overhead and underground utilities;
 9. existing and proposed easements, right-of-ways, covenants, and deed restrictions;
 10. location and design of all water and sewerage facilities;
 11. location of all existing streams or drainage ways, water bodies and wetlands;
 12. grading and drainage plan showing proposed topography at appropriate contour intervals;
 13. proposed landscaping, size, height and location of all signs and exterior lighting;
 14. an area map showing existing roads and highways in the general vicinity of the project site, and including any zoning district boundaries located within five hundred (500) feet of the site perimeter;
 15. elevation plans at a scale of 1/4" for all exterior facades of the proposed structure(s) and/or existing facades, plus additions showing design features and indicating type and color of material to be used;
 16. an Environmental Assessment Form, as determined at the sketch conference, with Part 1 filled out; and
 17. identification of any federal, state, or county permits required for the project's execution.
 - viii. The Planning Board may require topography, including existing topography and proposed topography, a detailed traffic impact study for large developments or those in heavy traffic areas, to include:
 1. the projected number of motor vehicle trips to enter or leave the site, estimated for 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;
 3. the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities;
 4. Existing and proposed daily and peak traffic hour levels as road capacity levels.

- ix. The Planning board reserves the right to request additional information related to the above submission material as considered necessary. Depending upon the scope and complexity of the project, applicants may be required or encouraged to engage the services of one or more licensed design professionals and other experts such as architects, engineers, ecologists, landscape architects, or surveyors at the applicant's expense.
 - x. The Planning Board reserves the right to waive the submission of any of the above said materials.
3. Environmental review. SEQR/VEQR review of the proposed development shall be conducted prior to Site Plan Review approval, if applicable.
 4. Public notice. Upon application for Site Plan Review, a public notice of the proposed development, the form of which shall be approved by the Zoning Officer, shall be posted at the project site for a minimum of 5 days. This notice must remain in place at least until a decision to approve or disapprove the Site Plan Review application is made. The notice shall specify the type and size of the development project; the time and place of the public hearing should the development project be subject to one; and to whom and by when any public comments are to be communicated. The notice must be placed at or near the property line in the front yard so that it will be plainly visible from the street, and, in cases where a property has frontage on more than one street, an additional sign must be placed at or near the property line on any additional street frontage so that the sign will be plainly visible from the street on which it has such additional frontage.
 5. Coordination and consultation. Site Plan Review projects requiring the review and approval of the Board may also be reviewed by the Code Enforcement Officer, the Fire Department, the Department of Public Works and any other village officials or non-village consultants deemed appropriate by the Board or the Zoning Officer at the applicant's expense. These may include, but shall not be limited to, local and county officials and representatives of county, state, and federal agencies, including the Natural Resource Conservation Service, Tompkins County Soil and Water District, the State Department of Transportation, and the State Department of Environmental Conservation. Any comments from these reviewers shall be summarized and forwarded to the Board to aid its decision on the proposal.
 6. Planning Board meeting. Following timely receipt of a complete application as defined above for site plan approval, the Board shall schedule consideration of the application at its earliest possible scheduled meeting. The Board may establish its procedures and requirements, within the framework provided by this chapter, for conducting site plan review.
 7. Public hearing. Prior to rendering any decision on a Site Plan Review application, the Board shall first hold a public hearing on the proposed development. This may begin concurrently with any required public hearing for the purpose of environmental review of the same project and may continue after any such environmental review public hearing is closed. Public hearings are not required of projects of limited scope as defined above, unless the project is referred to the Board for Site Plan Review. The public hearing shall be advertised in the official newspaper at least 5 business days before the date of the meeting and the applicant and adjoining property owners shall be notified in writing at least 5 business days before the date of the meeting.
 8. Action on application for site plan approval.
 - a. Within 30 days of the completion of a public hearing on an application and completion of environmental review, the Board shall render one of the following decisions:
 - i. Approval only.
 - ii. Approval with conditions.
 - iii. Revise and resubmit.
 - iv. Disapproval of the site plan.
 - b. The decision indicating which of the above decisions was reached shall be conveyed in the form of a written statement to the applicant.

- c. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village.
- d. If the proposal is disapproved, the Planning Board's statement will state the reason(s) for such decision.
- e. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in a revised proposal, and conformance with specified modifications shall be considered a condition of approval. In such a case, the Planning Board may recommend to the applicant to revise and resubmit their proposal after it has been revised or redesigned. The Planning Board may grant to the applicant a continuance of the review process and/or adjourn the conclusion of the public hearing. If more than 180 days has elapsed since the time of the Planning Board's decision, the Planning Board shall require a resubmission of the proposal.
- f. Upon approval of the final proposal and payment by the applicant of all fees and reimbursable costs due to the Village, the Planning Board shall endorse its approval by signature or stamp on a copy of the final site plan and related supporting documents, and shall forward it to the Zoning Officer. A copy of the resolution of approval shall be filed with the Village Clerk within 5 working days of the decision by the Planning Board.
- g. Upon disapproval of a final proposal, the Planning Board shall so inform the Zoning Officer and the Zoning Officer shall not issue a Zoning Permit to the Applicant. The Planning Board must make specific written findings as to the criteria set forth above before it can disapprove a final proposal. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the resolution of disapproval shall be filed with the Village Clerk within 5 working days of the decision by the Planning Board.
- h. Additionally, copies of the resolution shall be submitted to the Village Board of Trustees, the Planning Board, the Zoning Officer, and the Code Enforcement Officer within 5 working days of the date of decision.
- i. If no decision is made within the 30-day period following the conclusion of the public hearing, the proposal shall be considered approved, as submitted.

Section 1605. Changes to approved site plan. Proposed changes (whether before or after construction) to approved site plans must be submitted to the Zoning Officer for review to determine whether the effect of the proposed changes warrants reconsideration of the project's approval status. The Zoning Officer shall make one of the following determinations:

- 1. That the proposed changes do not affect the approval status of the site plan.
- 2. That the changes are significant and shall require a reopening of the review.
- 3. That the proposed changes are likely to have such an extensive or significant effect on the project that a new Site Plan Review application is required.

Section 1606. Extension of deadlines. All deadlines for decisions on a Site Plan Review application may be extended upon mutual agreement by the Board and the applicant.

Section 1607. 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 zoning and/or building permit will be issued. If more than 180 days has elapsed since the time of the Planning Board's decision on the final proposal and the issuance of the zoning and building permits, the Planning Board shall require a resubmission of the proposal.
- 2. A final site plan shall conform to the approved proposal. It should incorporate any conditions or modifications that may have been made by the Planning Board in its review. All such compliance's shall be clearly indicated by the applicant on the appropriate submission.

3. The following additional information must accompany a final site plan:
 - a. Record of application for and approvals of all necessary permits from federal, state and county officials;
 - b. Any changes or additions in sizing and final material specification of all required improvements; and
 - c. An estimated project construction schedule.

Section 1608. Expiration of Site Plan Approval.

1. An approved site plan may be revoked by the Planning Board, after a public hearing and upon written notice in person or by mail to the applicant if work has not materially commenced within 24 months of the date the approval was granted.
2. The Planning Board may, when compliance with the foregoing time periods would create a significant hardship for the owner, extend the time periods for such periods and upon such conditions as the Planning Board may reasonably determine.

ARTICLE XVII - SIGNS

Section 1701. District Regulations

1. Prohibited Signs. The following are specifically prohibited in all zoning districts:
 - a. Signs so located as to create a hazard.
 - b. Lighting devices so placed or directed as to permit the illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or nearby premises so as to cause glare or reflection that constitutes a hazard or nuisance.
 - c. Banners, posters, pennants, flags, ribbons, spinners, balloons, streamers, or other similar moving, fluttering, or revolving devices, whether part of a sign or used for the purpose of advertising or attracting attention when not part of a sign. Exceptions may be granted upon application to the Zoning Officer in Business or Commercial Districts for firms promoting new products or services for a period not to exceed thirty (30) days and with a frequency not to exceed two times per year. The provisions of this paragraph apply to uses taking place on or about the exterior of the premises only.
 - d. Signs illuminated by or containing flashing, intermittent, rotating, or moving lights or devices. However, barber shops may display not more than one traditional revolving barber shop sign, illuminated or otherwise.
 - e. The unauthorized use of public property including placing signs on public utility poles, trees, and shrubs, and on other signs directing or guiding traffic.

2. Permitted Signs In All Districts Without A Permit. The following signs are permitted in any zoning district without permit provided that if ground mounted, the top must not be over six feet above the ground, and if building mounted, must be flush mounted:
 - a. One sign denoting the name and location of office or property containing six (6) or more rental residential units, which sign may be located on the premises, and where the property lacks frontage on a public street, one sign may be placed along the access way to such premises, which sign must not exceed nine (9) square feet in area.
 - b. One name plate, not self-illuminated, denoting the names and addresses of the occupants of the premises, not exceeding one hundred forty-four (144) square inches per dwelling unit.
 - c. Directional (entrance/exit) signs on premises, one for each access way, each not exceeding two (2) square feet in area and which must not include any trademarks or names of businesses conducted or products sold, and must include the minimum amount of lettering necessary to direct traffic.
 - d. One sign or notice, having an area of thirty-two (32) square feet or less, erected by a public utility, necessary for the direction, information or safety of the public.
 - e. One sign or bulletin board customarily incidental to places of worship, libraries, museums, social clubs or societies, which sign or bulletin board must not exceed thirty-two (32) square feet in area or 6' in height and must be located on the premises of such institutions.
 - f. Temporary signs as defined and regulated in this Article.

3. Permitted Signs In All Districts With A Permit. The following signs are permitted in any use district but require a permit, and if ground mounted, the top must not be over six (6) feet above the ground, and, if building mounted, must be flush mounted:
 - a. One sign of a temporary nature advertising real estate developments, or construction projects, (during the period of development, not to exceed one year from the date of permit) is permitted in all districts. This sign must not exceed thirty-two (32) square feet in area and must advertise only the name of the architect, contractor, owner, developer, and other project participants and such sign must not be illuminated in any manner. The permit may be renewed for two additional periods of one year each.
 - b. One sign identifying a real estate development, subdivision or neighborhood at each entrance. Such sign shall not be self-illuminated in any manner and shall not exceed (5) square feet in area. Such sign shall set forth only the specific name of the real estate development, subdivision or neighborhood and no other information.

4. Residential Districts. The following signs are permitted in the Residential 1, Residential 2, Manufactured Home Park, and Mixed Use zoning districts but require a permit.
 - a. Signs identifying Commercial Uses in a residential building as follows:
 - i. for home occupations carried on or within the premises, not exceeding three (3) square feet in area.
 - ii. for uses other than home occupations, not exceeding six (6) square feet in area.
 - b. No part of Free Standing Signs in a residential district, as specified above, shall be closer than fifteen (15) feet to the edge of street pavement, nor have a sign height greater than six (6) feet.

5. Business, Industrial and Commercial Districts. The following signs are permitted in the Downtown Commercial, Gateway Commercial, Heavy Commercial, and Industrial zoning districts but require a permit
 - a. A maximum of two signs per business are permitted. Only one projecting or freestanding sign is permitted for each business on the premises; provided however that, for premises fronting on more than one Village street, signs may be permitted in accordance with the preceding for each of such frontages. One sign may be illuminated, but not both. The total square feet of signage allowed a business that is fronting on more than one Village street cannot exceed 1 1/2 times the square footage allowed for a business that faces one Village street.
 - b. Any projecting sign shall be limited to a maximum area of twenty (20) square feet.
 - c. Any freestanding sign shall be limited to a maximum area of thirty-two (32) square feet. Freestanding signs shall not exceed twenty (20) feet, measured from normal grade to the top of the sign.
 - d. Wall and/or window signs shall be limited to a maximum area in square 6 feet equivalent to twice the building front linear footage, not to exceed forty (40) square feet.
 - e. All non-street level businesses in a building shall be limited to a total sign area of twenty (20) square feet.
 - f. Projecting signs that are attached to a building shall be permitted only when all parts thereof are at least three (3) feet back from the edge of street pavement.
 - g. Portable signs shall be permitted in the Business District in accordance with the following conditions:
 - i. Portable signs must be placed so that they do not obstruct pedestrian traffic.
 - ii. Portable signs must not be more than thirty six (36) inches wide by forty eight (48) inches high.
 - iii. Where there is more than one business in a building, only one portable sign will be permitted. The portable sign may be shared.
 - iv. Portable signs may only be displayed when the establishment is open for business and must also be removed for normal sidewalk maintenance during business hours.
 - h. Marquee, Canopy, and Awning Signs limited to an area of twenty (20) square feet.
 - i. Roof Signs.

Section 1702. Location. No signs may be erected or maintained, in such a manner so as to project over or above any street, public highway or waterway. No part of a free standing sign shall be closer than fifteen (15) feet measured horizontally from the existing pavement edge of any public highway or street. Directional (entrance/exit) signs may be closer than fifteen (15) feet with the approval of the Zoning Officer.

Section 1703. Permits and Fees. Except as otherwise herein provided, a person must not erect any sign as defined herein without first obtaining a permit therefore from the Zoning Officer. Failure to obtain such a permit will be deemed a violation of this ordinance. No sign, whether new or existing may hereafter be erected or altered, except in conformity with the provisions of this ordinance.

1. Application for the permit must be made in writing by the property owner or his/her agent to the Zoning Officer, and upon forms prescribed and provided by the Zoning Officer.
2. Along with an application for a sign permit, the applicant must deliver to the Zoning Officer all required fees.

3. It is the duty of the Zoning Officer, upon the filing of an application for a permit, to examine such plans, specifications and other data submitted to him with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If the proposed sign is in compliance with all the requirements of this Law, the Zoning Officer must issue a permit for the erection of the proposed sign.
4. Signs, marquees and awnings must be kept clean, in neat order and repair, and free from all hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety. If the sign authorized under any permit has not been completed within one year from the date of the issuance of such permit, the permit shall become null and void, but may be renewed, within fifteen (15) calendar days from the expiration thereof, upon payment of any required additional fee. Any sign which advertises a business no longer conducting business on the premises or which does not have a valid permit must be removed within thirty (30) days by the owner of the premises upon which sign is located.

Section 1704. Removal of Certain Signs. Notwithstanding anything hereinbefore contained, if the Zoning Officer determines that any sign is unsafe or is an actual or imminent traffic or other hazard or danger to the public, he may require that such sign be either removed or corrected to remove such hazards or dangers within a shorter period than above provided, but not less than two (2) days. If the sign is not removed or repaired within the required period, the Zoning Officer may remove or repair the sign and must assess all costs and expenses incurred in the removal or repair against the land or building on which such sign was located.

Section 1705. Temporary Signs

1. Purpose and Findings. This section is enacted in order to establish reasonable regulations for the posting of temporary signs on public and private property. The Board finds that temporary signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, temporary signs can become a threat to public safety as a traffic hazard and detriment to property values and the Village's overall public welfare as an aesthetic nuisance. By enacting this Law, the Board intends to: (1) balance the rights of individuals to convey their messages through temporary signs and the right of the public to be protected against the unrestricted proliferation of signs; (2) further the objectives of the Village's Comprehensive Plan; (3) protect the public health, safety, and welfare; (4) reduce traffic and pedestrian hazards (5) protect property values by minimizing the possible adverse effects and visual blight caused by temporary signs; (6) promote economic development; and (7) ensure the fair and consistent enforcement of the temporary sign regulations specified below.
2. Temporary Signs Permitted in All Zones. Temporary signs may be posted on property in all zones of the Village without a permit, subject to the following requirements and those applicable provisions stated elsewhere in the Village's Sign Law.
 - a. The total square footage for temporary signs posted on a building lot, in the aggregate, shall not exceed sixteen (16) square feet. The total square footage of a sign is measured to include all of the visible display area of one side of the sign.
 - b. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard, and shall be kept in good repair.
 - c. A temporary sign shall be designed to be stable under all weather conditions, including high winds.
 - d. No temporary sign shall be illuminated or painted with lightreflecting paint.
 - e. A temporary sign shall only be posted by, or with the consent of, the property owner or occupant.
3. Authorization Required for Posting of Temporary Signs on Village-owned Property. Temporary signs shall not be posted on property owned by the Village without obtaining a permit for such posting from the Village Zoning Officer.

4. Removal Requirements for Temporary Commercial Signs. In addition to the requirements stated above, temporary commercial signs shall comply with the following requirements:
 - a. A temporary real estate sign shall be removed within fourteen (14) days after the closing of title on or occupancy by a tenant on lease of the property.
 - b. All other commercial temporary signs, including those announcing yard sales and special events to occur on one or more particular dates, shall be removed within five (5) days of the conclusion of the sale or event that the sign is promoting.

5. Removal or Replacement of Signs.
 - a. The property owner of the building lot where a sign is posted is responsible for the sign's maintenance, removal or replacement.
 - b. The Village Zoning Officer is authorized to remove any temporary signs posted in violation of this Law that are not removed or replaced in accordance with the provisions above. Temporary signs posted on private property in violation of this Law shall be deemed a public nuisance, and the Village Zoning Officer may abate that nuisance in accordance with this ordinance.
 - c. The Village Zoning Officer may immediately remove any temporary signs posted on public property or rights-of-way that are in violation of this Law or that constitute a hazard.

Article XVIII- OFF-STREET PARKING

Section 1801. Parking Requirements. Except in the Downtown Commercial District, parking shall be required for all facilities established under this ordinance in accordance with the following schedule. There shall be no parking required for non-residential facilities established in the Downtown Commercial District.

Facility Type	Required Off-Street Parking
RESIDENTIAL FACILITIES	
Residential structures	Two (2) parking spaces per dwelling unit
Boarding and rooming houses; Emergency shelters; Fraternities and sororities	One (1) parking space per two (2) beds, or fraction thereof
Convalescent facilities	One (1) parking space for each five (5) beds, or fraction thereof, plus one (1) parking space per each employee normally present during one (1) weekday morning shift
Hotels; Motels; Bed and breakfast inns	One (1) parking space for each sleeping room
PUBLIC AND SEMI-PUBLIC FACILITIES	
Schools, providing instruction for students up to and including those fifteen (15) years of age	One (1) parking space for each room used for purposes of instruction
Schools, providing instruction for students sixteen (16) years of age and over	One (1) parking space for each ten (10) seats or fraction thereof, used for purposes of instruction; if no fixed seats, one (1) parking space for each one hundred (100) square feet or fraction thereof used for purposes of instruction
Community centers	One (1) parking space per 150 square feet, or fraction thereof, of floor area, excluding storage or mechanical equipment areas
Day care	One (1) parking space for each non-resident employee
Government buildings	One (1) parking space for each four hundred (400) square feet, or major fraction thereof, of floor area
Religious assembly	One (1) parking space for each five (5) fixed seats; or if no fixed seats, one (1) parking space for each twenty-five (25) square feet, or major fraction thereof, of area in sanctuary or principal place of assemblage for worship in the church
Clubs and lodges	One (1) parking space for each one hundred fifty (150) square feet, or major fraction thereof, of floor area
Public assembly, including Funeral homes	One (1) parking space for each five (5) seats or for each one hundred (100) square feet, or fraction thereof, of assemblage space if no fixed seats
COMMERCIAL FACILITIES	
Retail sales	One (1) parking space for each two hundred (200) square feet of first floor area not used for bulk storage and one (1) parking space for each seven hundred (700) square feet, or major fraction thereof, for each floor above the first floor not used for bulk storage
Retail lumber and building materials	One (1) parking space per 5,000 square feet of gross floor area
Eating and drinking establishments	One (1) parking space for each one hundred fifty (150) square feet, or fraction thereof, of floor area not used for bulk storage or food preparation
Offices	One (1) parking space for each four hundred (400) square feet, or fraction thereof, of floor area

Banks or other financial institutions	One (1) parking space per 200 square feet of gross floor area, excluding storage or mechanical equipment areas
Personal services, such as beauty shops, barber shops, and related services	Two (2) parking spaces per 200 square feet of gross floor area, excluding storage or mechanical equipment areas
INDUSTRIAL FACILITIES	
Self-service storage facility	One (1) parking space for every 10 units, or fraction thereof
Warehouse or wholesale distribution facility	One (1) parking space for every two (2) employees
OTHER USES	
Other uses	One (1) parking space for each one thousand (1,000) square feet of floor area, or major fraction thereof plus one (1) parking space for each employee on the shift with the most employees

Section 1802. Mixed Facilities. For projects with more than one type of facility, if any one type of facility constitutes 90% or more of the facility size, parking shall be provided in accordance with that one type of facility. For projects with more than one type of facility, if no one type of facility constitutes 90% or more of the facility size, parking shall be calculated for each separate facility type and added to determine the project's entire parking requirement.

Section 1803. Loading Spaces. For any non-residential uses established in the Downtown Commercial, Gateway Commercial, Heavy Commercial and Industrial Districts, there shall be one off-street loading space for each 20,000 square feet of gross floor area or portion thereof.

Section 1804. Parking Design Standards

1. There shall be no parking allowed in any front yard, side yard, or rear yard required setback areas except in established driveways.
2. The minimum allowable dimensions of a parking space should be nine (9) feet wide by twenty (20) feet long. Parking spaces so designated for persons with disabilities should include on one side a minimum of an additional four (4) feet of width in order to accommodate wheelchair lifts.
3. Travel aisles for vehicles within a parking lot should be a minimum of twenty-two (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 should be thirteen (13) feet if the angle of parking spaces is forty-five (45) degrees from the perpendicular, and eighteen (18) feet if the angle of parking spaces is sixty (60) degrees from the perpendicular.
4. Where a proposed parking lot is larger than nine (9) spaces in size, there should be a landscape plan with a recommended one (1) deciduous canopy tree for every five (5) parking spaces proposed. Said trees should be of a species with a height at maturity of at least thirty (30) feet, of a species known to be compatible with regional climate conditions, and should be at least 2.5 inches in diameter and four (4) feet from the ground at time of planting.
5. All off-street parking should be paved, surfaced or covered with gravel so as to be well-drained and should be provided with necessary access drives.
6. All parking areas are to be maintained in a well-kept condition.

ARTICLE XIX - SUPPLEMENTARY PROVISIONS

Section 1901. Building Floor Area. No freestanding dwelling in any district shall be erected or altered so as to provide less than eight hundred fifty (850) square feet of enclosed livable floor area.

Section 1902. Trailers. There shall be no house trailer or mobile home located within the Village. There shall be no house trailer park or mobile home park located within the Village. Any trailer, whether it be known as a travel trailer, camping trailer or motorized coach, inhabited for more than twenty-one (21) consecutive nights shall be subject to the provisions of this section.

Section 1903. Animals. Except for animal sales and services uses permitted by special use permit in the Heavy Commercial District, no land or buildings shall be used for harboring or boarding of animals other than common domestic household pets within the confines of the Village limits. Poultry and farm animals, including horses, of any kind are prohibited.

Section 1904. Front Yard Exceptions. Other provisions of this ordinance notwithstanding, no building in any district need have a front yard greater in depth than the average depth of the front yards of the lots next thereto on either side, a vacant lot, an adjacent street, or lot with a front yard greater than the minimum required depth being counted as if it were the minimum front yard for the district in which it is located, but in no case shall the front yard in any district be less than twenty (20) feet in depth.

Section 1905. Side Yard on Corner Lot. On a corner lot in any district, the side yard on the street side shall be at least one-half the required front yard.

Section 1906. Flag Lots. Flag lots are permitted, subject to the following requirements:

1. The minimum lot area and lot width requirements of this ordinance shall be measured exclusively upon the flag.
2. There shall be provided in connection with all principal buildings and structures setbacks no less than thirty-five (35) feet from all property lines.
3. The pole shall maintain a minimum width of twenty-five (25) feet and shall not exceed four hundred (400) feet in length.
4. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and minor improvements such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.

Section 1907. Open Porches. In determining the size of yards for purpose of this ordinance, porches or carports, open at the sides, but roofed shall be considered a part of the building.

Section 1908. Fences and Walls. The provisions of this ordinance shall not apply to fences or walls not over six (6) feet high above the natural grade, except as limited by Section 1808, nor to terraces, steps, unroofed porches, or other similar features not over three (3) feet high above the level of the floor of the ground story.

Section 1909. Corner Visibility. In any district no structure, fence or planting over three (3) feet in height, measured from the center of the adjacent traveled way, shall be maintained on any corner lot within a triangular area formed by the lot lines along the streets to the points on such lines a distance of thirty (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 and which constitutes a hazard shall be made to conform within one year from the date this ordinance becomes effective.

Section 1910. Projection in Yards. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, belt courses, pilasters, leaders, chimneys, cornices, eaves and ornamental measures provided that no such projection may extend more than two (2) feet into any required yard provided that the sum of such projections on any wall, shall not exceed one-third the length of such wall. An open fire balcony or fire escape may not extend more than four (4) feet into any required yard.

Section 1911. 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 ordinance are no longer complied with, such building shall not thereafter be used until it is altered, reconstructed or relocated so as to comply with those requirements. The provisions of this section shall not apply when a portion of a lot is acquired for a public purpose.

Section 1912. More than One Building on a Lot. When there is more than one principal building on a lot in any district, the space between such buildings must be at least equal to the sum of the side yards required by such buildings or the sum of the rear and front yards as the case may be.

Section 1913. Motor Vehicle Parking in Front Yard. No required front yard shall be used for the open-air parking or storage of motor vehicles except in established driveways.

Section 1914. Location of Certain Activities. Other provisions of this ordinance notwithstanding, the following uses or activities shall not be permitted nearer to any residence district than the following specified distances:

1. Garage or shop for the painting of automobiles or for the repairing of automobile bodies or fenders involving hammering or other work causing loud or unusual noise, fumes or odors – two hundred (200) feet.
2. Theatre, dance hall, bowling alley, skating rink – two hundred (200) feet.

Section 1915. Extraction of Natural Products. In any district, the removal of sod, loam, sand, gravel or quarried stone for sale, except when incidental to, or in connection with, the construction of a building shall be prohibited.

Section 1916. Access to Business or Manufacturing Use. No driveway or other means of access for vehicles, other than a public street, shall be maintained or used in any residence district for the servicing of a business or manufacturing use located in a commercial or industrial district.

Section 1917. Gas Stations. 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 thirty (30) feet of any street right of way or within fifty (50) feet of any residential zoning district.

Section 1918. Swimming Pools. All swimming pools shall be constructed in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code.

ARTICLE XX – NON-CONFORMING USES

Section 2001. Continuation of Existing Uses. Except as provided elsewhere in this Article, any use of land, or a building or part thereof legal in accord with ordinances existing at the time that this ordinance becomes effective, may be continued, although such building or use does not conform to the provisions hereof.

Section 2002. Alterations. A non-conforming building may not be reconstructed or structurally altered during the course of its life to an extent exceeding in aggregate cost fifty (50) percent of the assessed value of the building unless said building is changed to a conforming use. Notwithstanding the foregoing, no nonconforming building shall be altered or extended except as authorized by the Board of Appeals. Said alteration or extension shall be deemed a special use.

Section 2003. Extension. A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such nonconforming use.

Section 2004. Unsafe Structures. Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

Section 2005. Construction Approved Prior to Adoption of or Amendment to Ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a zoning permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from the date of this ordinance.

Section 2006. Restoration. Nothing herein shall prevent the substantial restoration to its former condition or better, within six (6) months and its continued use of a nonconforming building damaged less than seventy-five (75) percent of the assessed valuation of such building immediately prior to such damage, by fire, flood, earthquake, act of God, or act of the public enemy.

Section 2007. Discontinuance of Use. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance.

Section 2008. Changes. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another non-conforming use as a Special Use Permit by the Board of Appeals upon the following additional findings:

1. The proposed use is equally appropriate or more appropriate to the neighborhood than the existing use.
2. The traffic generated by the proposed use is similar to or less than that generated by the existing nonconforming use.

Section 2009. Displacement. No nonconforming use shall be extended to displace a conforming use.

Section 2010. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

Section 2011. Junk Yards and Signs. Notwithstanding any other provision of this ordinance, any automobile or other junkyard, or any nonconforming sign or advertising device in existence in a residence district at the time of enactment of this ordinance shall be discontinued within one (1) year of such date. Any lot containing one or more abandoned, partially dismantled, non-operative or unregistered motor vehicles shall be considered a junkyard for the purposes of this section.

ARTICLE XXI - ADMINISTRATION

Section 2101. Zoning Permits.

1. No building or structure shall be erected, added to, or structurally altered until a zoning permit therefore has been issued by the zoning officer. Except upon a written order of the Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this ordinance.
2. There shall be submitted with all applications for zoning permits one (1) copy of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this ordinance.
3. No permit shall be issued when the estimated cost of the proposed structure obviously indicates that it is materially inferior to the buildings existing in the vicinity in which it is to be constructed, to the detriment of existing property owners and devaluation of their properties.
4. Unless there has been substantial progress in the work for which the zoning permit was issued, said zoning permit shall expire one year from the date of issue.

Section 2102. Certificate of Occupancy

1. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the building inspector, stating that the buildings or proposed use thereof complies with the provisions of this ordinance.
2. No nonconforming use shall be maintained, renewed, changed or extended without a certificate of occupancy (certificate of use therefore) having first been issued.

Section 2103. Enforcement. This ordinance shall be enforced by the zoning officer who shall be appointed by the Village Board of Trustees. No zoning permit or certificate of occupancy shall be issued by the zoning officer except where all the provisions of this ordinance have been complied with, unless by written order of the Board of Appeals.

Section 2104. Board of Appeals.

1. Creation, appointment and Organization. A Board of Appeals is hereby created, to be known as the Board of Zoning Appeals of the Village of Trumansburg, New York, and said Board shall consist of five members, each to be appointed by the Board of Trustees of the Village of Trumansburg, Re-appointments shall be for five-year terms. The Board of Trustees shall appoint a chairman from the Board of Appeals membership and shall prescribe rules for the conduct of its affairs.
2. Powers and Duties. The Board of Appeals shall have all the power and duties prescribed by law and by this ordinance, which are more particularly specified as follows:
 - a. Interpretation. Upon appeal from a decision by the Zoning Officer, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
 - b. Special Use Permits. To issue special use permits for any of the uses for which this ordinance requires the obtaining of such permits from the Board of Appeals.
 - c. Variances. To vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

3. Use Variances.
 - a. The Board of Appeals, on appeal from the decision or determination of the zoning officer, shall have the power to grant use variances, as defined herein.
 - b. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - i. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - ii. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - iii. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - iv. that the alleged hardship has not been self-created.
 - c. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
 - d. The Board of Appeals shall, in the granting of use variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this ordinance, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
4. Area Variances.
 - a. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the zoning officer, to grant area variances as defined herein.
 - b. In making its determination, the Board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - i. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - ii. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - iii. whether the requested area variance is substantial;
 - iv. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - v. whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - c. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
 - d. The Board of Appeals shall, in the granting of area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this ordinance, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
5. The applicant shall bear the cost of advertising as required in connection with public hearings.

6. **Procedure.**

- a. The Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be made in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which a special permit is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- b. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Village Clerk together with all documents pertaining thereto. The Board of Appeals shall notify the Board of Trustees of each special use permit and each variance under the provisions of this ordinance.

Section 2105. Violations and Penalties. A violation of this ordinance is an offense punishable by a fine not exceeding \$50.00 or by imprisonment for a period not exceeding 60 days, or by both such fine and imprisonment for each and every violation and for each and every day that such violation continues.

Section 2106. Complaints of Violations. Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be made in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate and report thereon to the Board of Trustees, and refer such cases to the Board of Appeals where necessary.

Section 2107. Amendments. This ordinance may be amended as provided by law.

Section 2108. Validity. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

Section 2109. Repealer. The ordinance entitled "Zoning Ordinance of the Village of Trumansburg," adopted on March 12, 1956, together with all changes and amendments thereto is hereby repealed and declared to be of no effect.¹

Section 2110. Short Title. This ordinance shall be known as the Zoning Ordinance of the Village of Trumansburg.

Section 2111. When Effective. This ordinance shall be in force and effect immediately upon adoption, posting and publication as provided by law.

¹ Should repeal sign ordinance, site plan review, Manufactured home park ordinance, telecommunications law as well.
last edited: November 13, 2009