

# Village of Cayuga Zoning Code

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*Prepared by:*



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## **ARTICLE 1: GENERAL PROVISIONS**

### **§1-1 Title and Purpose**

**§1-1.1** This Local Law is adopted for the purposes of promoting the health, safety, and general welfare of the Village of Cayuga. This shall be accomplished through the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of setbacks, courts and other open spaces, the densities of population and the location and use of buildings, structures and land for industry, business, residence and other purposes; and through the division of the community into districts; and providing fines and penalties for the violation of its provisions.

**§1-1.2** No building, structure, or lot shall hereafter be used or occupied, and no building or structure shall hereafter be erected or altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.

### **§1-2 Applicability**

**§1-2.1** The provisions of this Local Law shall be deemed to be specific. Those uses and procedures for which there are no specific provisions in this Local Law shall be deemed to be prohibited.

**§1-2.2** All parcels of land, buildings, structures, and facilities owned by the Village of Cayuga shall be exempt from the requirements in this Local Law provided that any actions, construction, alterations, etc. undertaken by the Village shall be made to protect the public interest to be served by the improvements.

### **§1-3 General Use Regulations**

**§1-3.1** A specially permitted use shall be authorized by the Planning Board in accordance with Article 6 and thereafter shall be deemed a conforming use.

**§1-3.2** A use authorized by a variance from the use regulations of this Local Law, granted by the Board of Appeals, shall be deemed a conforming use.

### **§1-4 General Dimensional Regulations**

**§1-4.1** Any lawful existing building or structure that does not conform to such dimensional regulations of this Local Law shall be deemed a non-conforming building or structure or part thereof.

### **§1-5 Rules of Construction**

**§1-5.1** Words used in the present tense include the future, and the plural includes the singular or vice versa; the word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; the word "may" is permissive; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

### **§1-6 Definitions**

**§1-6.1** When used in this Local Law, unless otherwise expressly stated, the following words and phrases shall have the meanings hereinafter set forth. Certain specific words and terms used in this Local Law shall be interpreted and defined as follows:

**ACCESSORY** - The term applied to a building, structure, or use (except for an accessory dwelling unit) that:

1. Is customarily incidental and subordinate to and serves a principle building or use served;
2. Is subordinate in area, extent, or purpose to the principle building or use served;
3. Contributes to the comfort, convenience, or necessity of occupants of the principle building or principle use; and
4. Is located on the same parcel as the principle building or principle use.

**ACCESSORY DWELLING UNIT** - A second subordinate unit that is:

1. Contained with the existing primary single dwelling unit;
2. An addition to the existing primary dwelling unit;
3. An adaptive reuse of an existing permanent detached accessory structure such as a barn, carriage house or garage on the same parcel as the primary dwelling unit; or
4. Designed into new construction of a single dwelling unit.

**ACTION** - Any project or physical activity, such as construction or other activity that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that requires a permit or approval from any board, commission, or official of the Village of Cayuga.

**ADULT ENTERTAINMENT BUSINESS** - Any use or substantial or significant part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods, including books, magazines, pictures, slides, film, phonographic records, prerecorded magnetic tape and any other reading, viewing or listening matter, or services including activities, facilities, performances, exhibitions, viewings and encounters, the principal feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word "nude", "naked", "topless", "bottomless" "sexy" or any other word, picture, symbol or representation having like meaning or implication is used in any advertisement.

**AGRICULTURAL USE** - The use of land and resources for the production of food, fiber, fuel, and for agri-tourism activities in accordance with the accepted practices of land, nutrient, and farm management as defined by the New York State Department of Agriculture & Markets including but not limited to the raising, harvesting, and selling of crops; feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals, or honeybees; dairying and the sale of dairy products; any other aquacultural, floricultural, horticultural, silvicultural, or viticultural use; animal husbandry, agricultural support industries, or by any combination thereof; and the use of land for the primary purpose of stabling or training equines including, but not limited to, providing riding lessons, training clinics, and schooling shows.

**AGRICULTURAL PRACTICES** - Those practices necessary for the on-farm production, preparation, and marketing of agricultural commodities. Examples of such practices include, but are not limited to operation of farm equipment, construction and use of farm structures, proper licensed use of agricultural chemicals, and proper nutrient management activities (e.g. spreading of manure or compost, application of nutrients like nitrogen on the soil, and other accepted crop production methods) as defined by the New York State Department of Agriculture & Markets.

**AGRI-TOURISM** - A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm or business owner including but not limited to: pumpkin picking patches, corn mazes, U-pick or Community Supported Agriculture (CSA) operations, petting and feeding zoos, hay rides, cut-your-own Christmas tree farms, demonstration farms, agricultural museums, living history farms, on-farm farmers' markets or roadside stands, winery tours and wine tasting, and garden tours.

**ALTERATION** - As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, but not including normal maintenance or non-structural improvements.

**ANCILLARY PARKING AREA** - A parking facility that provides parking for a specific use or uses where the parking facility is not on the same lot but is within 100 feet of the use or uses. The ancillary parking facility shall be in the same ownership as the lot being served.

**ANIMAL, AGRICULTURAL** – Animals that are considered an accessory to an agricultural use, whether used for personal enjoyment or for commercial purposes; and generally accepted outdoor farm animals that graze in open fields, fenced pens or structures; for training, home use, sales, breeding, or production. In the Village of Cayuga Agricultural Animals shall include horses, cattle, sheep pigs, goats, mules, burros, chickens, turkeys, ducks, rabbits, or similar sized animals, also known as farm animals. This term does not include dogs, cats, or other Domestic Animals as defined below.

**ANIMAL, DOMESTIC** – An animal that is tame or domesticated and not normally found in the wild and adopted or raised by humans to live and for companionship in or about the habitations of humans and is dependent on humans for food and shelter, including but not limited to dogs, cats, birds, hamsters, mice, turtles, fish, and the like. This term does not include Agricultural Animals as defined above.

**APPEAL** - A request by an interested party for reconsideration of a decision made by the Zoning Enforcement Officer or the Planning Board.

**APPLICANT** - A person filing an application in accordance with this Zoning Code who is:

1. The owner or lessee of property;
2. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in accordance with this Zoning Code, and who presents written authorization from the property owner to file an application with the Village; or
3. The agent of either of the above who presents written authorization from the property owner to file an application with the Village.

**APPLICATION** - The formal request by an applicant or developer, as those terms are defined herein, for any permit or approval by the Village Board of Trustees, Planning Board, Zoning Board of Appeals, or Zoning Enforcement Officer, along with the preparation of any and all plans and submittals submitted in connection therewith, including, but not limited to, any required review under the New York State Environmental Quality Review Act (SEQRA).

**AREA REGULATIONS** - Those regulations which refer to dimensional or numerical requirements in this Local Law, such as but not limited to lot size, lot width, setback dimensions, percentage of lot coverage, percentage of impervious material, building height, number of parking spaces, density and supplemental regulations which refer to dimensional or numerical requirements.

**BASEMENT** - A story that is partly underground with less than half of its clear height below finished grade. A basement shall be counted in determining the permissible height of a building in terms of the number of stories.

**BED & BREAKFAST** - An owner-occupied building designed, used and occupied as a single-family residence having, as an accessory use therein, guest rooms and facilities for and serving breakfast prepared within the building to registered guests.

**BILLBOARD** - A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. Billboards are prohibited within the Village of Cayuga.

**BLOCK** - The length of a street between two intersections.

**BOAT AND MARINE STORAGE** - Any place, site, or structure which is used to park or store a watercraft for 30 consecutive days or more.

**BOAT LAUNCH** - A facility designed to launch and retrieve watercraft.

**BOAT SERVICE AND REPAIR** - A place, site, or structure used to repair and maintain watercrafts.

**BUFFER** - A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors and other significant environmental features.

**BUILDING** - A structure with a roof supported by columns, walls, trees or inflated air, or a roof supported by any other means and having a horizontal area of more than 50 feet that is intended for the shelter, housing or enclosure of persons, animals or property.

**BUILDING, PRINCIPAL** - A building in which is conducted the principal or primary use of the lot on which it is situated.

**BUILDING AREA** - The total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

**BUILD-TO-ZONE** - An area of a lot designated for placement of a building facade along a street, located parallel to a front property line. The Build-to Zone defines an area in which the locations of building fronts can vary within a specified range.

**CAR WASH** - A structure or building designed for the washing, waxing, and simonizing or similar treatment of automotive vehicles as its principal function. A fuel station having portable washing equipment shall not be deemed to be a car wash where such use is an accessory service to the principal service of the fuel station.

**CAMPER** - Any construction used or arranged for temporary living or sleeping purposes and mounted or attached on a vehicle and capable of being removed from such vehicle.

**CAMPING TRAILER** - Any vehicle used or arranged for temporary living or sleeping purposes, mounted on wheels and drawn by a power-driven vehicle, or any such type of vehicle with its wheels removed.

**CELLAR** - A story that is partly underground and has ½ or more of its clear height below finished grade. A cellar shall not be counted in determining the permissible height of a building in terms of the number of stories.

**CERTIFICATE OF ZONING COMPLIANCE** - A statement, signed by a Zoning Enforcement Officer, setting forth that a building, structure, or use complies with the zoning law and the NYS Uniform Fire Prevention and Building Code and that the same may be used for the purposes stated on the permit.

**COMMON WALL BUILDING** - A building with a wall or walls shared by more than one building at the interior side or rear lot line. Also called a party wall.

**COMPATIBLE** - Having a complimentary and congruent arrangement of elements in the design and/or appearance between two or more attributes of a structure; two or more structures; two or more attributes of a neighborhood; or having a complimentary and congruent arrangement of elements in the use or function between two or more attributes of a neighborhood or area.

**CORNER LOT** - A parcel of land at the junction of and fronting on two or more intersecting streets.

**CRAFT BEVERAGE INDUSTRY** - Land and buildings used for the production and sale of craft beverages, including offering of tastings with or without an accessory restaurant use. Examples of craft beverage industries include wineries, breweries, cideries, and distilleries; and includes operations that are classified as either a "regular", "farm", "special", or "micro" based operation by the NYS Alcohol and Beverage Control Law.

**DECK** - An uncovered, platform-like structure attached to or abutting a building.



- DENSITY** - A unit of measurement; "density" means the number of dwelling units per acre of land.
- DEVELOPER** - Any person, firm, partnership, association, corporation, company, limited liability or entity or organization of any kind, whether or not an applicant as defined hereinabove, that constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with a development and to convey or dedicate same to the Village.
- DEVELOPMENT** - Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance of farm roads and agricultural practices.
- DISTRICT OR ZONE** - A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Local Law.
- DRINKING ESTABLISHMENT/TAVERN** - Any building or structure which is not part of a larger restaurant and where alcoholic beverages are sold for on-site consumption. This includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages.
- DRIVE-THROUGH FACILITIES** - A building or use, which by design of physical facilities a product is sold to, or a service performed for, customers while they are in or near their motor vehicles, including but not limited to fast-food restaurants, drive-up bank tellers, film-processing service booths, etc.
- DRIVEWAY** - That portion of a lot extending from a permitted curb cut which is used for the purpose of ingress to or egress from the property and the parking of vehicles thereon.
- DRIVING AISLE** - A driving aisle is intended to be utilized for on-site vehicular circulation. All driving aisles shall be 24 feet in width; however, the Planning Board may, upon a proper presentation, permit a narrower driving aisle.
- DWELLING** - A building or part of a building erected upon a permanent foundation constructed for and intended for occupancy as a residence by one or more families. "Dwelling" may include but not be limited to the following types:
1. **MULTI-FAMILY** - A building of three or more dwelling units with common walls and floors designed for occupancy by three or more families living independently of each other; an apartment, town house or row house. Multifamily dwelling units may or may not include outer entrances for each dwelling unit.
  2. **SINGLE-FAMILY**- A building designed exclusively as the living quarters for one family and including provisions for cooking, sleeping, and sanitary facilities. For the purposes of this Local Law, single-family dwelling may include attached single-family dwellings, detached single-family dwellings, and mobile homes.
  3. **TWO-FAMILY**- A building of two dwelling units with common walls and/or floors. Two-family dwellings are designed for occupancy by two families living independently of each other and may include outer entrances to each dwelling unit.
- DWELLING UNIT** - That part of a dwelling designed for use by one family only and containing one or more rooms and facilities for living, including cooking, sleeping, storage of possessions and sanitary needs.
- EXTENDED-CARE MEDICAL FACILITIES** - Includes hospitals, convalescent and nursing homes and all other facilities which provide medical service treatment facilities which provide overnight care, and which operate 24 hours a day, seven days a week.
- FAÇADE** - The face of a building, especially the principal front that faces a street or an open space including any face that is visible from the street.

**FAMILY** - One or more persons related by blood, marriage or adoption, living and cooking together, exclusive of household servants. A number of persons living together as a single housekeeping unit, although not related by blood, marriage or adoption, shall be deemed to constitute a family unit.

**FENCE** - A structure designed to delineate or screen all or a portion of property and which provides limited or controlled ingress and egress from a lot.

**FINANCIAL INSTITUTIONS AND SERVICES** - Includes banks, credit unions, security brokerage firms, mortgage brokers, mortgage bankers, and any other businesses which offer similar services.

**FLOODPLAIN, ONE-HUNDRED-YEAR** - The highest level of flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year).

**FLOOR AREA** - The sum of the horizontal area of the floors of a building and its accessory buildings on the same lot, excluding unfinished basement or cellar floor areas not devoted to habitable use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**FLOOR AREA, GROSS** - The sum of the gross horizontal areas of several floors of a building or buildings, measured from the inside faces of exterior walls or from the centerline of walls separating two (2) uses. For the purpose of applying the requirements for off-street parking and loading in the case of offices, merchandising or service types of uses, "gross floor area" shall not include areas used principally for nonpublic purposes, such as storage, restroom, fitting or alteration rooms or general maintenance, or enclosed pedestrian malls or corridors.

**FLOOR AREA, HABITABLE** - The floor area of rooms in a dwelling unit used for bedrooms, living rooms, dining rooms, and kitchens.

**FRONTAGE** - The extent of a building or a lot along one or more public streets as defined herein.

**FUEL/GASOLINE STATIONS** - All lots from which motor fuel is sold and which may include a convenience store and/or motor vehicle services as an accessory use. If such accessory uses are combined with the sale of fuel, the use shall be treated as if it were solely the sale of fuel.

**GRADE LEVEL FINISHED** - The finished ground level adjoining the building at all exterior walls.

**GYM/FITNESS CENTER** - A structure or building that is a commercial, for profit use and which may include any of the following: sauna, spa, weight-training facilities, swimming pool, and indoor sports activities.

**HEIGHT OF STRUCTURE OR BUILDING** - The vertical distance measured from the average elevation of the proposed finished grade at the front building line to the highest point of the roof for flat roofs, to the decline of mansard roofs and to the mean height between the eaves and the ridge for gable, hip, and gambrel roofs.

**HOME OCCUPATION** - A use that:

1. Is clearly incidental and secondary to the use of such dwelling for residential purposes;
2. Is a single profession or hobby carried on within a dwelling by a member of the household residing in the dwelling unit; and
3. Can be conducted without substantial change in the appearance, character, traffic generation, physical environment, or social environment of the residence or its district.

**HOTEL/MOTEL** - A building designed and intended for occupancy as the temporary residence of individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

**IMPERVIOUS SURFACE** - Material which does not permit the natural absorption and permeation of rain or other surface water.

**INSTITUTION** - A facility that provides a public service and is operated by a federal, state, or local government, public or private utility, school, church or similarly recognized and legally established sect, public agency, tax exempt organization, or quasi-public organization.

**LANDSCAPING** - The use of natural plant materials including, but not limited to, ground covers, shrubs, and trees. Landscaping also involves the placement, preservation, and maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding, and structures (principal or accessory).

**LIGHT INDUSTRY** - Light Industries represent research and development oriented industries, high technology enterprises, light manufacturing facilities and other moderately-intensive industrial activities capable of operation in such a manner as to adequately control the external effects of the manufacturing process, such as odors, vibrations, emissions, noise or other nuisance characteristics beyond the property boundaries, through prevention or mitigation devices and conduct of operations wholly within the confines of buildings.

**LOADING AREA** - An off-street space exclusive of passageways, driveways, ramps, columns and other areas that is used for the temporary parking of a commercial vehicle while loading or unloading deliveries, merchandise or materials.

**LOT** - A designated parcel, tract, or area of land created by conveyance, subdivision or eminent domain and which has a unique Tax Map number.

**LOT AREA** - The total computed area contained within the property lines, excluding any part lying within the boundaries of a public street or proposed public street. Also referred to as "lot size."

**LOT COVERAGE** - That percentage of the lot covered by all of the buildings, structures, and impervious materials.

**LOT LINES** - The property lines bounding the lot as follows:

1. **FRONT** — In the case of a lot abutting upon only one street, the line separating the lot from the street right-of-way; in the case of a lot abutting more than one street, each street line shall be considered a front lot line.
2. **REAR** — The lot line, which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.
3. **SIDE** — The property line or lines extending from the front lot line to the rear lot line.

**LOT WIDTH** - The width of the lot between side lot lines at the front building line as prescribed by the front setback regulations.

**MANUFACTURED HOUSING** - A structure designed primarily for residential occupancy, constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site.

**MARINA** - A facility which provides secure moorings for recreational or commercial boats.

**MEDICAL OFFICE** - Includes medical, dental, and clinical outpatient offices for the diagnosis and treatment of human ailments.

**MIXED-USE** - A district in which both residential and nonresidential uses occur. The mix of uses can take place both vertically and horizontally. Vertical mixed use combines different uses in the same building, while horizontal mixed use combines single-use buildings on distinct parcels in a range of different land uses within one block.

**NEIGHBORHOOD** - A residential development or mixed-use development where the primary use is residential housing.

**NEIGHBORHOOD CHARACTER** - The atmosphere or physical environment which is created by the combination of land use and buildings within an area. "Neighborhood character" is established and influenced by land use types and intensity, traffic generation and also by the location, size, and design of structures as well as the interrelationship of all these features.

**NON-CONFORMING BUILDING OR STRUCTURE** - A building or structure that does not conform to the regulations of the district in which it is located upon the effective date of this Local Law.

**NON-CONFORMING LOT** - Any lot lawfully existing at the time of adoption of this Local Law or any amendment thereto which does not conform to the minimum width, depth, and area dimensions specified for the district wherein such lot is situated.

**NON-CONFORMING USE** - An established use of a building or structure or of land existing at the effective date of this Local Law which does not conform to the use requirements of the district in which it is located.

**NONRESIDENTIAL USE** - All uses of land and buildings except one-family dwellings, two-family dwellings and multi-family dwellings.

**OFFICE** - Firms or organizations providing professional, executive, management, or administrative services, such as those listed in the "Personal and Professional Services" definition.

**OPEN SPACE** - An area or areas of a lot, including required setbacks, which are:

1. Open and unobstructed from ground to sky, except by facilities specifically designed, arranged and intended for use in conjunction with passive or active outdoor recreation or relaxation.
2. Landscaped, maintained, or otherwise treated to create a setting appropriate to recreation or relaxation.
3. Accessible and usable by the general public, business patrons or residents of all dwellings or stores it is intended or required to serve.

**OUTDOOR SALES AND DISPLAYS** - Includes uses which sell, rent, or display merchandise or equipment predominantly outside of an enclosed building. Such uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard.

**OUTDOOR STORAGE** - The location of any goods, wares, merchandise, commodities, or any other item outside of a completely enclosed building for a continuous period longer than 24 hours.

**OUTPARCEL** - A parcel of land, generally located on the perimeter of a larger parcel of commercial land that is subordinate to the larger parcel.

**OWNER** - An individual, firm, association, organization, partnership, trust, corporation, or company holding title to the property.

**OWNER'S AGENT** - Any person, company, corporation, or other entity that has the authority to act on behalf of or in the place of the owner.

**PARAPET** - That portion of a building wall that rises above the level of the roof.

**PARKING LOT** - Any privately-owned lot or building which is available to the general public for the temporary parking or storage of motor vehicles.

**PARKING SPACE** - A delineated part of a site upon which a vehicle is intended to be parked. Except for single-family dwellings, a parking space shall be located such that a vehicle may proceed to and from it without requiring the movement of any other vehicle.

**PATIO** - A ground-level area, usually made of concrete, cement, or paving stones. Such patio shall not be considered as part of a building in the determination of side or rear setback setbacks, provided that such patio has no roof and is without walls, parapets or other forms of enclosure. Such patio may have a guard railing.

**PEDESTRIAN ORIENTED** - Refers to a pedestrian-friendly development approach providing clear, comfortable pedestrian access to commercial and residential areas and transit stops through the combination of land design practices including compact development, mixed use development, traffic calming, pedestrian- and public transit- orientation, designated pedestrian circulation systems and amenities, and a mix of housing types.

**PERMITTED USE** - A specific main use of a building, structure, lot or land or part thereof which this Local Law provides for in a particular district or as a matter of right. Any use which is not listed as a permitted as-of-right, permitted as-of-right subject to certain conditions, or permitted with a Special Use Permit shall be considered a prohibited use.

**PORCH** - An open, roofed platform extending along the exterior wall of a building. In determining the percentage of building coverage or building setbacks for the purpose of this Local Law, all porches shall be considered a part of the building.

**PROHIBITED USE** - A use of a building, structure, lot or land or part thereof which is not listed as a permitted as-by-right, permitted as-of-right subject to certain conditions, or permitted with a Special Use Permit.

**PUBLIC SERVICE UTILITIES** - Includes wastewater treatment plants, public and private utility substations, water towers, and utility and public service-related distribution facilities, including conventional television, radio, or communications antennas/towers.

**RECREATIONAL VEHICLE** – A Recreational Vehicle is a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently tow-able by a light duty truck; designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use; and able to have movement on roadways without an oversized load permit(less than 8' wide).

**RELIGIOUS INSTITUTION** - Includes church, temple, synagogue, mosque, parish house, convent, seminary, and retreat house. Also referred to as “place of worship.”

**RESIDENTIAL USE** - Includes one-family dwellings, two-family dwellings, and multi-family dwellings.

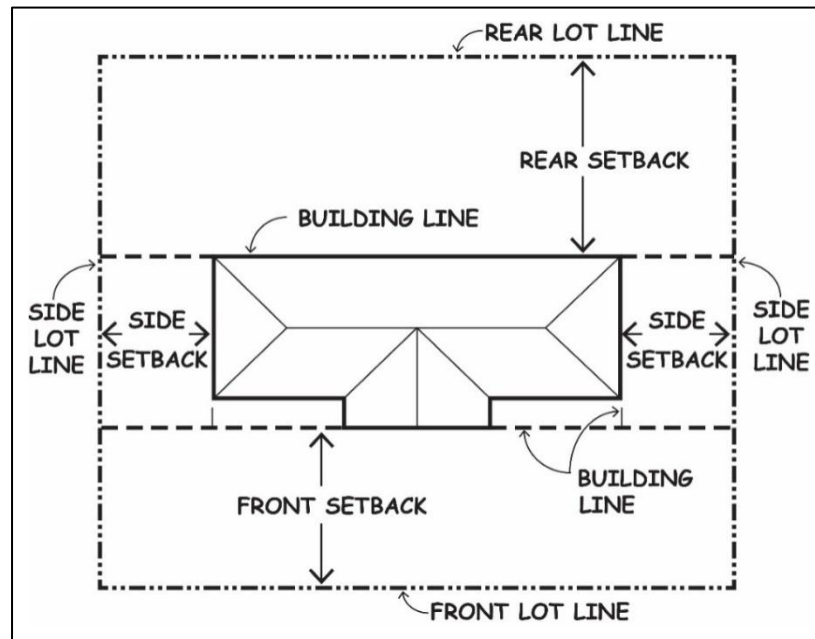
**RESTAURANT** - A structure in which the principal use is the preparation, sale, and consumption of food and beverages.

**RETAIL STORES AND SHOPS** - An establishment for the sale of goods, articles, or consumer services individually or in small quantities directly to the consumer. Retail store or service shall not be interpreted to include the following: drive-up service, gasoline station, motor vehicle repair service, new or used car sales and service, and trailer or mobile home sales and service.

**RIGHT-OF-WAY** - A strip of land, either public or private, occupied or intended to be occupied by a street, sidewalk, trail, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer or other similar use.

**SCREENING** - A method of reducing the impact of noise, glare and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

**SETBACK** - The least required horizontal distance between property line, and any structure on the lot measured at the shortest point, including terraces, porches, or any covered projection thereof, but excluding steps.



**SETBACK, STREET** - The setback to the street or front lot line. On corner lots, both setbacks bordering the street shall be considered as street setbacks. Such street setback shall be measured from the public right-of-way.

**SHORT TERM RENTAL (STR)** - A residential property that is rented out for compensation on a temporary basis for a period of less than 15 consecutive days.

**SIGN** - Any object, device, display or structure, or part thereof, situated outdoors that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or project images. "Signs" shall also include all sign structures. A sign for the purposes of this Local Law does not include the following:

1. A flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organization;
2. Merchandise, pictures or models of products or services incorporated in a window display;
3. Works of art which in no way identify a commercial message;
4. Scoreboards located on athletic fields;
5. Official notices issued by any court or public office or officer in the performance of a public or official duty; and
6. Traffic control signs as defined in the Vehicle and Traffic Law.

**SIGN TYPES -**

1. A-FRAME OR SANDWICH BOARD SIGN – A freestanding sign not exceeding four feet in height with a face no greater than two feet by three feet, of “A-frame” design and which is not illuminated.
2. ANIMATED SIGN - A sign that includes movement of either light or text.
3. AWNING SIGN - A sign which is displayed upon a sheet of canvas or other material used to protect from sunlight or rain, which is attached to the face of a building. Also, a sign which is displayed upon a permanent roof-like shelter extending from part of a building face over an entryway.

4. **BANNER** - A temporary sign composed of lightweight canvas-like material, which can be attached to a structure or suspended by attachment at each end.
5. **BUILDING STREET FRONTAGE** - The lineal measurement of the wall of a building which faces a public street.
6. **COMMUNITY SIGN** – Any sign that advertises an upcoming event, sale, contest, or promotion for any local religious organization, governmental agency, or other non-profit organization.
7. **CONSTRUCTION SIGN** - A temporary sign erected on premises on which construction is taking place.
8. **DIGITAL SIGN** - A sign in which any part is comprised of electric elements that are required to display text, graphics, or other such images.
9. **DIRECTIONAL SIGN** - Any sign that is designed and erected for the purpose of traffic or pedestrian direction or control. Such a sign shall not carry a commercial message.
10. **GOVERNMENTAL SIGN** - Any sign, public notice, or warning sign that is supported by federal, state, or local law. This includes, but is not limited to, signs erected and maintained pursuant to and in discharge of any government functions such as a New York State inspection station identification sign.
11. **GROUND SIGN** - A sign supported by a foundation or one or more columns, uprights or braces not attached to or forming part of a building. The bottom of the sign face shall not be more than 3 feet above grade, otherwise such sign shall be classified as a “pole sign.”
12. **OFF-PREMISES SIGN** - A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than where such sign is located. This can also include but is not limited to wayfinding signs, business district signs, gateway signs for the Village, and other government signs.
13. **POLITICAL AND CAMPAIGN SIGN** - Any sign that is intended to advertise for a political candidate or campaign.
14. **PORTABLE SIGN** - A sign that is not permanently affixed to a building, a structure, or the ground, including A-frame style, freestanding sandwich board signs.
15. **ROOF SIGN** - Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.
16. **PROJECTING SIGN** - A sign attached to or supported by a building or structure in such a manner that it extends more than 12 inches from the façade.
17. **TEMPORARY SIGN** - A sign which is intended to be used for a short period of time, nor is attached to a building, to a structure, or into the ground in a permanent manner. Such signs usually being constructed of poster board, cardboard, Masonite, plywood, or plastic material and mounted to wood, metal, wire, or rope frames or supports.
18. **WALL SIGN** - A sign fastened or applied to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.
19. **WINDOW SIGN** - A sign which is applied or attached to the exterior or interior of a window or is installed inside of a window within 12 inches of the window through which it can be seen.

**SITE** - A lot or group of contiguous lots not divided by any alley, street, other right-of-way or the Village limit that is proposed for development in accord with the provisions of this Zoning Code and is in a single ownership or has multiple owners, all of whom join in an application for development.

**SITE PLAN** - A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Zoning Enforcement Officer or the Planning Board.

**SITE PLAN REVIEW** - Authority delegated to the Planning Board by the Village Board of Trustees, which enables the Planning Board to approve, approve with conditions, or disapprove the site development plans for all buildings or uses where site plan review is required.

**SPECIAL USE** - A use which, because of its unique characteristics, requires special consideration in each case by the Planning Board before a zoning permit can be issued. The Special Use Permit process is detailed in Section 6.

**STACKING SPACE** - A temporary space, eight (8) feet by eighteen (18) feet, to be used by motorists while waiting to use drive-through units, car washes, gas pumps or other similar uses.

**STORY** - That portion of a building between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story, but a cellar shall not be counted as a story.

**STREET** - A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, way, drive, boulevard, highway, road, and any other thoroughfare except an alley.

**STRUCTURE** - A combination of materials constructed, the use of which requires location on the ground or attachment to something having location on the ground and is not a building as hereinabove defined.

**SUBDIVISION** - The legal division of any tract of land into two (2) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease or building development, and shall include re-subdivision.

**SUMMER CAMP** - The development or use of a lot, tract, or parcel of land for recreation or instruction on a seasonal basis within the approximate time period of June 15 to September 15 offering access to the following features: temporary or permanent shelters, buildings, or structures that are designed for warm weather use such as cabins, dormitories, cafeterias, gymnasiums, administration buildings, and similar structures designed for use by camp attendees; ball playing fields; basketball courts; tennis courts; running tracks; swimming pool or beaches; and hiking trails. The seasonal occupants of a summer camp shall be limited to the owner and his or her immediate family, the caretaker, children under the age of 18 years who may pay a fee or tuition to attend as campers and person employed by the owners or operator of any such camp to support its functions, including counsellors, cooks and maintenance personnel.

**TEMPORARY OR SEASONAL OCCUPANCY** - The use of any premises, structure or use for living and/or sleeping purposes in 180 days or less in any calendar year.

**TRANSPARENCY** - The percentage of the facade wall area which includes openings for transparent glass windows and doors. Glass is considered transparent when it has a Visible Light Transmission (VLT) rating at the percentage as specified in this Local Law or higher.

**USE** - The specific purpose for which land, building, or structure is designed, intended, arranged, used, or maintained.

**USE, CHANGE OF** - Any change in the type or nature of occupancy of a building or land, except the following:

1. A change in the volume of use without any physical extension of sales and/or service area.
2. An expansion or substitution of accessory or incidental uses in connection with the established principal use, except that in no case shall such an accessory or incidental use dominant in area or purpose the principal lawful use.
3. A change in ownership.
4. A change to a generically similar use.

**UTILITIES** - All water, sanitary sewer, gas, electric, telephone, cable television facilities and any easements through or over which said facilities may be constructed or installed in or in connection with a development.



**UTILITY TRAILER** - A trailer, with or without sides or roof, designed for transporting various objects.

**VACANT LAND** - As defined by the NYS Department of Taxation and Finance in the Assessor's Manual for Property Type Classification and Ownership Codes, vacant land shall mean a property that is not in use, is in temporary use, or lacks a permanent improvement. Examples of vacant land as defined in the Assessor's Manual include:

1. Residential Vacant Land. Vacant lots or acreage located in residential areas.
2. Residential Land Including a Small Improvement (not used for living accommodations). Includes a private garage on a parcel of land separate from the residence. Do not include a small garage where space is being rented out.
3. Rural Vacant Lots of 10 Acres or Less. Located in rural residential areas.
4. Underwater Vacant Land. Underwater land, in a seasonal residential area, not owned by a governmental jurisdiction.
5. Abandoned Agricultural Land. Nonproductive; not part of an operating farm.
6. Residential Vacant Land Over 10 Acres. Located in rural areas.
7. Other Rural Vacant Lands. Waste lands, sand dunes, salt marshes, swamps, rocky areas, and woods and brush of noncommercial tree species not associated with forest lands.
8. Vacant Land Located in Commercial Areas. Commercial vacant land with minor improvements.
9. Vacant Land Located in Industrial Areas. Industrial Vacant Land with Minor Improvements.
10. Urban Renewal or Slum Clearance. Vacant lots or acreage undergoing urban renewal or slum clearance; improvements must be abandoned.
11. Public Utility Vacant Land. Public utility company vacant land.

**VARIANCE, AREA** - In accordance with NYS Village Law §7-712 an "Area variance" shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

**VARIANCE, USE** - In accordance with NYS Village Law §7-712 a "Use variance" shall mean the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

**VEHICLE** - Any device in, upon or by which any person or property is or may be transported upon a public street or highway except such as is operated exclusively by human power. This includes, but is not limited to, cars, trucks, boats, recreational vehicles, airplanes, four-wheelers, dirt bikes, or motorcycles.

**VEHICLE SERVICE STATION** - Includes motor vehicle repair shops and auto detailing; however, all such activities must be conducted within a building. Such a use does not include the sale of fuel.

**WALL** - A structure of wood, stone or other materials or combination thereof, intended for security screening or enclosure or for the retention of earth, stone, fill or other materials as in the cases of retaining walls or bulkheads.

**WALKWAY** - A passage or path designated for pedestrian activity or walking.

**WAREHOUSE** - A building, typically enclosed, designed, or used for the storage of commodities.

**WETLANDS** - Areas designated as freshwater wetlands by the New York State Department of Environmental Conservation or the Army Corps of Engineers, as prescribed by law.

**ZONING ENFORCEMENT OFFICER (ZEO)** - An individual employed by the Village and authorized to enforce the provisions of this Local Law.

## ARTICLE 2: ZONING DISTRICTS

### §2-1 Zoning Districts Established

§2-1.1 The zoning districts for the Village of Cayuga are listed in Table 2-1 below. When this zoning ordinance refers to zoning districts it is referring to one of the following:

**Table 2-1: Zoning Districts**

District Name	Map Symbol
Agricultural Residential	A-R
Residential	R
Waterfront Residential	W-R
Mixed-use	M-U
Waterfront Development	W-D

### §2-2 Purpose Statements

#### §2-2.1 Agricultural Residential (A-R)

- A. The purpose of the Agricultural Residential District is to support the vision and goals contained within the Village of Cayuga Comprehensive Plan by providing areas within the Village where farming practices will be permitted within the context of existing and future residential uses. The establishment of the AR District and the continuation of farming practices within the Village will contribute to and maintain the rural character prevalent in the A-R District areas.

#### §2-2.2 Residential (R)

- A. The purpose of the Residential District is to support the vision and goals contained within the Village of Cayuga Comprehensive Plan through the preservation and enhancement of the function and character of village neighborhoods. The intent of this District is to preserve low-density residential areas free from other uses except for those compatible. It is intended to permit the construction of one and two-family units that do not compromise the existing residential character of the established neighborhoods. Future development should ensure the continuation of traditional village development patterns, which generally consists of connecting streets, unobstructed front yards, and pedestrian friendly streets (e.g. with sidewalks, street lighting, street trees, etc.).

#### §2-2.3 Waterfront Residential (W-R)

- A. The purpose of the Waterfront Residential District is to permit the development of single-family homes, seasonal residences, or summer camps along the lakefront. It is intended to permit the construction of these residential units without compromising existing physical or visual access to Cayuga Lake for Village residents.

#### §2-2.4 Mixed Use (M-U)

- A. The purpose of the Mixed-use District is to support the vision and goals contained within the Village of Cayuga Comprehensive Plan through the establishment of mixed-use areas that allow for vertical and horizontal combinations of retail, service, office, light industry, and residential opportunities. The intent of this District is to permit the construction of mixed-use development that adheres to the Village's design guidelines and standards without compromising the character of adjacent neighborhoods.

#### §2-2.5 Waterfront Development (W-D)

- A. The purpose of the Waterfront Development District is to support the stated vision and goals from the Village of Cayuga Comprehensive Plan. It is intended to permit a mix of water dependent and water- enhanced uses, protect waterfront views and vistas, and promote a working waterfront compatible with low intensity uses typically found in a small waterfront village. This District is also intended to protect and further enhance public access to Cayuga Lake.

## §2-3 Permitted Uses

Uses are allowed in the zoning districts in accordance with Table 2-2 below.

- A. Uses identified with a “P” in the table are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this zoning ordinance.
- B. Uses identified with a “PC” in the table are permitted as-of-right in the subject zoning district, subject to compliance with certain conditions contained in Article 3, §3-3.
- C. Uses identified with a “SP” in the table may be allowed if reviewed and approved in accordance with the requirements in Article 3, §3-2 and the Special Use Permit procedures contained in Article 6.
- D. Uses not listed and those identified with a “-” are expressly prohibited.

**Table 2-2: Permitted Uses**

Use Class	Zoning Districts				
	A-R	R	W-R	M-U	W-D
Accessory use or structure	PC	PC	PC	PC	PC
Adult Uses	-	-	-	SP <sup>(2)</sup>	-
Agricultural Uses	P	-	-	SP <sup>(2)</sup>	-
Agri-Tourism	P	-	-	-	-
Ancillary Parking	SP <sup>(2)</sup>	SP <sup>(2)</sup>	SP <sup>(2)</sup>	SP <sup>(2)</sup>	SP <sup>(2)</sup>
Bait Shop	-	SP <sup>(1)(2)</sup>	-	p <sup>(2)</sup>	p <sup>(2)</sup>
Bank or Financial Institution	-	-	-	p <sup>(2)</sup>	-
Bed and Breakfast	PC	PC	PC	PC	-
Boat and Marine Engine Repair	-	SP <sup>(1)(2)</sup>	-	-	p <sup>(2)</sup>
Carpentry and Plumbing Shop	-	SP <sup>(1)(2)</sup>	-	SP <sup>(2)</sup>	SP <sup>(2)</sup>
Car Wash	-	-	-	SP <sup>(2)</sup>	-
Cemetery	P	P	-	P	-
Craft Beverage Industry	p <sup>(2)</sup>	-	-	p <sup>(2)</sup>	p <sup>(2)</sup>
Drinking Establishment or Tavern	-	SP <sup>(1)(2)</sup>	-	p <sup>(2)</sup>	SP <sup>(2)</sup>
Drive-Through Facilities	-	-	-	SP <sup>(2)</sup>	-
Farm Stand/Roadside Stand	P	PC	-	P	-
Fishing and Boating Supplies	-	-	-	p <sup>(2)</sup>	p <sup>(2)</sup>
Fuel/Gasoline Station	-	-	-	SP <sup>(2)</sup>	SP <sup>(2)</sup>
Gas Docks	-	-	-	-	p <sup>(2)</sup>
Gym or Fitness Center	-	-	-	p <sup>(2)</sup>	-
Home Occupation	PC	PC	PC	PC	-
Hotel/Motel	-	-	-	SP <sup>(2)</sup>	SP <sup>(2)</sup>
Keeping of Fowl, Rabbits, & Similar Animals	P	PC	PC	-	-
Laundromat	-	-	-	p <sup>(2)</sup>	-
Library	-	p <sup>(2)</sup>	-	p <sup>(2)</sup>	-
Light Industry	-	-	-	SP <sup>(2)</sup>	SP <sup>(2)</sup>

**Table 2-2: Permitted Uses- Continued**

Use Class	Zoning Districts				
	A-R	R	W-R	M-U	W-D
Manufactured Housing	PC	PC	PC	PC	PC
Marina	-	-	-	-	p <sup>(2)</sup>
Mining and Extraction of Resources (other than Natural Gas or Petroleum)	SP <sup>(2)</sup>	-	-	SP <sup>(2)</sup>	-
Mix of permitted uses	-	-	-	p <sup>(2)</sup>	SP <sup>(2)</sup>
Multi-family	-	SP <sup>(2)</sup>	-	p <sup>(2)</sup>	SP <sup>(2)</sup>
Office: Professional, Medical or Dental	-	SP <sup>(1)(2)</sup>	-	p <sup>(2)</sup>	-
Outdoor Sales and Display	-	-	-	SP <sup>(2)</sup>	SP <sup>(2)</sup>
Outdoor Storage	P	SP <sup>(2)</sup>	-	SP <sup>(2)</sup>	p <sup>(2)</sup>
Parks, Playgrounds	p <sup>(2)</sup>	p <sup>(2)</sup>	p <sup>(2)</sup>	p <sup>(2)</sup>	p <sup>(2)</sup>
Public Service Utilities	PC	PC	PC	PC	PC
Recreational Vehicles	PC	PC	PC	PC	PC
Religious Institutions	p <sup>(2)</sup>	p <sup>(2)</sup>	SP <sup>(2)</sup>	p <sup>(2)</sup>	SP <sup>(2)</sup>
Restaurants	-	SP <sup>(1)(2)</sup>	-	p <sup>(2)</sup>	p <sup>(2)</sup>
Retail Stores, Sales and Service	-	SP <sup>(1)(2)</sup>	-	p <sup>(2)</sup>	p <sup>(2)</sup>
School	-	p <sup>(2)</sup>	-	SP <sup>(2)</sup>	-
Short Term Rental	PC	PC	PC	PC	-
Single-family dwelling	P	P	P	P	P
Summer Camp/Cabin	-	-	P	-	P
Two-family dwelling	P	P	-	P	P
Vehicle Service Stations	-	SP <sup>(1)(2)</sup>	-	p <sup>(2)</sup>	p <sup>(2)</sup>
Warehouse	-	-	-	SP <sup>(2)</sup>	SP <sup>(2)</sup>

**NOTES:**

- (1) These uses within the "R" District are limited to structures originally designed and used for non-residential uses and are subject to the Special Use Permit regulations set forth in Article 6.
- (2) These uses require Site Plan Review by the Planning Board in accordance with Article 7.

## §2-4 Lot, Area, and Setback Requirements

The lot, area, and setback requirements listed in Table 2-3 below shall apply to the districts within the Village.

**Table 2-3: Lot, Area, and Setback Requirements**

Land Use	Zoning Districts				
	A-R	R	W-R	M-U	W-D
<b>A. Minimum Lot Size</b>					
Multi-family	-	10,000 sf	7,000 sf	10,000 sf	10,000 sf
Nonresidential Uses	1 acre	-	7,000 sf	5,000 sf	12,000 sf
Single-family / Two-family	1 acre	12,000 sf	7,000 sf	12,000 sf	7,000 sf
Summer Camp/Cabin	-	-	7,000 sf	-	7,000 sf
<b>B. Minimum Lot Width</b>					
Multi-family	-	80 ft	60 ft	50 ft	60 ft
Nonresidential Uses	100 ft	80 ft	60 ft	50 ft	100 ft
Single-family / Two-family	100 ft	80 ft	60 ft	50 ft	60 ft
Summer Camp/Cabin	-	-	60 ft	-	60 ft
<b>C. Minimum Front Setback</b>					
Multi-family	-	40ft	40ft	0ft	40 ft
Nonresidential Uses	40 ft	40 ft	40 ft	0 ft	40 ft
Single-family / Two-family	40 ft	40 ft	40 ft	0 ft	40 ft
Summer Camp/Cabin	-	-	40 ft	-	40 ft
<b>D. Maximum Front Setback</b>					
Multi-family	-	60 ft	60 ft	30 ft	60 ft
Nonresidential Uses	60 ft	60 ft	60 ft	30 ft	80 ft
Single-family / Two-family	60 ft	60 ft	60 ft	30 ft	60 ft
Summer Camp/Cabin	-	-	60 ft	-	60 ft
<b>E. Minimum Side Setback</b>					
Multi-family	-	10 ft	7.5 ft	0 ft	7.5 ft
Nonresidential Uses	15 ft	10 ft	7.5 ft	0 ft	10 ft
Single-family / Two-family	15 ft	10 ft	7.5 ft	0 ft	7.5 ft
Summer Camp/Cabin	-	-	7.5 ft	-	7.5 ft
<b>F. Minimum Rear Setback</b>					
All Accessory Structures	10 ft	6 ft	6 ft	6 ft	10 ft
Multi-family	-	35 ft	30 ft	10 ft	30 ft
Nonresidential Uses	35 ft	35 ft	30 ft	10 ft	30 ft
Single-family / Two-family	35 ft	35 ft	30 ft	10 ft	30 ft
Summer Camp/Cabin	-	-	30 ft	-	30 ft

**§2-5 Dimensional Requirements**

The dimensional requirements listed in Table 2-4 below shall apply to the districts within the Village.

**Table 2-4: Dimensional Requirements**

Land Use	Zoning Districts				
	A-R	R	W-R	M-U	W-D
<b>A. Maximum Lot Coverage<sup>(1)</sup></b>					
Multi-family	-	60%	60%	60%	60%
Nonresidential Uses	60%	45%	45%	70%	60%
Single-family / Two-family	60%	60%	60%	60%	60%
Summer Camp/Cabin	-	-	60%	-	60%
<b>B. Maximum Building Height</b>					
All Accessory Structures <sup>(2)</sup>	20 ft	20 ft	20 ft	20 ft	20 ft
Multi-family	-	35 ft	35 ft	35 ft	-
Nonresidential Uses <sup>(2)</sup>	35 ft	35 ft	35 ft	35 ft	60 ft
Single-family / Two-family	35 ft	35 ft	35 ft	35 ft	-
Summer Camp/Cabin	-	-	35 ft	-	-

**NOTES:**

- (1) In accordance with the definition in Article 1, §1-6.1, the maximum lot coverage shall include all the buildings, structures, and impervious materials located on a parcel.
- (2) There are no maximum building height limits for agricultural structures in the “A-R” District.

**§2-6 Additional Requirements**

**§2-6.1** The applicable Special Use Permits (Article 3) and Development Standards (Article 4) shall apply to all Zoning Districts.

**§2-6.2** Site Plan Review (Article 7) shall apply to all uses that require a Special Use Permit.

## **ARTICLE 3. SPECIFIED USE REGULATIONS**

### **§3-1 Purpose**

**§3-1.1** Recognizing that certain types of uses may be customary, desirable, or necessary in various districts, but by their nature present certain problems or difficulties, these uses are subject to additional regulation and review in an effort to mitigate these problems or difficulties, minimize the impact of these uses upon the district, and preserve the character of the neighborhoods. For some of these uses, the regulations in this Local Law will be additional to the provision of a Special Use Permit. The following regulations are intended to promote the public health, general safety, and neighborhood and community character of the Village of Cayuga, New York.

**§3-1.2** Site plan review and approval from the Planning Board is required for all uses listed in this Article that require a Special Use Permit. The Planning Board may waive any of the requirements imposed by this Article for a Special Use Permit when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the character of surrounding properties.

**§3-1.3** For uses listed in this Article that are permitted with conditions, the Zoning Enforcement Officer shall approve the use if all conditions for that use in §3-3 are met.

### **§3-2 Uses That Require a Special Use Permit**

#### **§3-2.1 Adult Entertainment Businesses**

- A. All adult use and entertainment establishments within the Village shall be in the M-U District.
- B. No adult entertainment business – regardless of whether it is a principal or accessory use – may be located within 750 feet of any of the following uses which are legally in existence or have received legal authority to locate on a site, lot or parcel:
  1. Any property within the A-R, R, W-R or W-D Districts;
  2. Any area that has two or more single-family and/or multi-family residential uses regardless of the District in which the residential uses are located;
  3. Any church or church-related organization, public or private educational facility, daycare center, public park or trails system, senior living center or adult care facility, youth facility or community center; and
  4. Major roads and highways including New York State Route 90 and Genesee Street.
- C. To determine compliance with the distance requirements of subsection B above, distances shall be measured along a straight line from the building faces or exteriors nearest to each other of the two establishments in question.
- D. If a court of competent jurisdiction determines that the distance requirement in subsection B is unconstitutional or unenforceable, then the distance shall be reduced to a length that is constitutional and enforceable.

#### **§3-2.2 Agricultural Uses**

- A. Agricultural Uses in the M-U District shall only be permitted on parcels that are at least a minimum of 10 acres in size.
- B. Agricultural Uses in the M-U District shall maintain a minimum 10-foot-wide vegetative buffer between all agricultural uses and all existing residential uses; and along all property boundaries adjacent to R and W-R zoning districts.

#### **§3-2.3 Ancillary Parking Areas**

- A. The parking area must be in the same ownership as the lot being served and a covenant to run with the land must be established for as long as the principal use exists for which the ancillary parking

area is provided. If the lot is to serve as a shared parking area, a shared parking agreement must be established with a covenant running with the land for as long as the principle use(s) exist.

- B. There shall be no sales, storage, repair work, dismantling or servicing of vehicles of any kind on the parking lot.
- C. The entire site area that is traveled by motor vehicles shall be hard surfaced (i.e. asphalt, concrete, or any other surface that does not release dust or debris).
- D. There shall be a minimum 10-foot buffer strip along all contiguous property lines, landscaped in accordance with specified design guidelines for the district if applicable.
- E. Lighting facilities shall be arranged and shielded so that no light will fall on the adjoining property and shall be confined within the boundaries of the parking area.

### **§3-2.4 Car Washes**

Car washes shall be allowed provided they comply with the following regulations:

- A. All washing facilities shall be contained within an enclosed building.
- B. Vacuuming facilities may be outside of the building but shall not interfere with the free flow of traffic on or off the site.
- C. The entire site area that is traveled by motor vehicles shall be hard surfaced (i.e. asphalt, concrete, or any other surface that does not release dust or debris).
- D. In no case shall the perimeter landscaping be less than ten (10) feet in width along the street frontage(s).
- E. A solid masonry wall, fencing, landscaping, or any combination thereof shall screen all lot lines abutting or adjacent to residential districts or uses. Said screening shall not be less than four (4) feet, but no more than six (6) feet in height and in accordance with Article 4 of this Local Law.
- F. Where fuel stations are either a principal use with or an accessory use to the car wash, a separate Special Use Permit shall be required.
- G. In the event a car wash is abandoned, the owner shall immediately remove any outdoor vacuums, and all signs. The owner shall also provide adequate protection against unlawful entry into the building and onto the property and shall close all vehicular entrances to the property. A car wash shall be considered abandoned if it is inactive for a period of twelve (12) consecutive months.

### **§3-2.5 Drive-Through Facilities**

Drive-through facilities may be allowed as stand-alone facilities or as an accessory use to restaurants, pharmacies, banks, and other permitted or specially permitted uses provided such facilities comply with the following regulations:

- A. Each drive-through facility and its associated use shall provide ingress and egress to minimize traffic congestion.
- B. Drive-through facilities, including any protective canopies, signage, drive-through travel lanes, or other associated elements, shall meet the setback requirements for the property.
- C. Drive-through facilities with an amplified audio/visual system shall be setback a minimum of 30 feet from the property line. These facilities shall not be located adjacent to residential uses or districts.
- D. Stacking space for these facilities shall not impede on- or off-site traffic movements. The stacking space shall be delineated from other internal areas using pavement markings that are identifiable during all seasons.
- E. Minimum numbers of stacking or queuing spaces required by drive-through activity type are



provided below.

<b>1. Activity Type</b>	<b>Minimum Spaces</b>	<b>Measured From</b>
Automated Teller Machine	2 spaces	Teller or Window
Bank Teller Lane	4 spaces	Teller or Window
Car Wash Stall	3 spaces	Entrance
Fuel Pump Island	2 spaces	Pump Island
Pharmacy	4 spaces	Order Box
Restaurant, Drive-Through Lane	6 spaces	Order Box
Vehicular Service Bay	3 spaces	Per Bay
Other	Determined by Planning Board	

**§3-2.6 Fuel / Gasoline Stations**

Fuel stations shall comply with the following regulations:

- A. In addition to the information required for site plan review, the plan shall also indicate the location, number, capacity, and type of fuel storage tanks, the number of pumps to be installed, and the depth to the tanks. The site plan shall also include a proposed landscaping plan including evergreen trees planted along the 40’ buffers between adjacent properties.
- B. No fuel pump, parking area, or outdoor service facility shall be located within 20 feet of any designated street line or within 40 ft of any property line.
- C. All fuel tanks shall be underground and comply with all New York State Department of Environmental Conservation regulations.
- D. No fuel station shall be located within 500 feet of another fuel station.
- E. No fuel service station shall have an entrance or exit for vehicles within 200 feet, as measured along the public street, in which there exists a school, park, public playground, church, chapel, convent, hospital, or public library, and such access shall be not closer to any intersection than 125 feet.
- F. Fuel stations may include retail sales of food, convenience items, and minor automotive supplies or liquids provided that the sales of such items are within an enclosed structure and are an accessory use. Sales areas outside of the primary structure may be displayed on the pump islands or the building island only.
- G. Lights or lighted signs shall be installed to reduce glare on adjacent residential property.
- H. Fuel stations shall always be under the control of an attendant during the hours of operation.
- I. All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50) feet to any property line.
- J. No repair work shall be conducted outside. All damaged or dismantled vehicles, parts and similar articles shall be kept within a building when the fuel station is not open for public business.
- K. Lots on which fuel stations are located shall always be maintained and kept free from paper, cans and other rubbish. Fuel stations shall not include body repair or similarly noisy or noxious activities.

**§3-2.7 Mining and Extraction of Resources (other than Natural Gas or Petroleum)**

- A. Definitions. As used in this section the following terms have the meanings hereinafter designated.
  - 1. **EXCAVATION** - The permanent removal of sand, gravel, rock or stone, ore, topsoil, soil or earth, turf, minerals, and other similar substances from their natural location in or on the ground for any purposes, with the following exceptions:
    - (i) The construction of a building, structure or part thereof for which a Zoning/Building Permit has been issued; farm pond, wildlife marsh or other conservation practice; wall, driveway,

sidewalk; or for the construction of public utilities.

- (ii) All grading of lands pursuant to plans approved by the Planning Board for site preparation, public and private site development, and site improvement shall also be excluded from this definition.

Excavation shall also include the movement of earth to changed grades or contours where an area of more than one half (1/2) acre of ground surface is disturbed and where the depth of the cut or embankment exceeds two (2) feet.

- 2. **MINING** - The use of any land or other premises for the extraction of ores or stone from the earth, whether by subterranean or surface digging or other process
  - 3. **QUARRY OPERATION** - The use of any land or other premises for the extraction of, cutting of, crushing, screening, washing or processing of stone or stone like material.
  - 4. **SAND & GRAVEL OPERATION** - The use of any land or other premises for the excavation of removal of sand or gravel there from or for the crushing, screening, washing or processing of sand or gravel in any manner therein.
- B. In addition to the Special Use Permit application for the use of the land in the Village of Cayuga for the purpose of sand, gravel, quarry, mining, or excavation operations complying with this Local Law, the following conditions must be met:
- 1. A New York State Department of Environmental Conservation Permit is required where applicable;
  - 2. Evidence must be submitted that the site is served by adequate highway transportation network suitable to the carrying of the unique traffic to be generated by the proposed operation. Traffic generated by the operation is prohibited in districts where mining is not permitted;
  - 3. At no time shall any sand, gravel, quarry, mining, or excavation operation permitted herein be conducted any nearer to any property line or boundary line of any street or roadway than one hundred (100) feet. Note: (if adjacent properties are used for like purposes these requirements may be waived by written consent of the property owners) or within one thousand (1000) feet of any structure if structure is not owned by excavating operator;
  - 4. Access roads at all points, including but not limited to the main entrance and exit, shall be at least one thousand (1000) feet from any existing residence or public building;
  - 5. A structural barrier shall be provided to secure the site to achieve public safety. This barrier shall consist of a seven-foot (7') berm along the side, front and back property lines with no opening except necessary gates for egress and ingress along the front property line. All gates shall always be closed and locked , except during working hours of such operation or when employees shall be within;
  - 6. Hours of operation will be 7 a.m. to 5 p.m. Monday through Friday. Saturday operation will be limited to residential deliveries between the hours of 8 a.m. to 4 p.m. There will be no operating permitted on Sunday or on legally declared holidays;
  - 7. A dust-preventative layer shall be spread on traveled roadways at all operations where required to protect the public and the countryside against windblown sand and dust. All loads shall be covered with no part of the load visible for dust control; and
  - 8. Annual review of the site reclamation plan to confirm implementation of the plan as each section is mined and ensures reclamation requirements are followed as specified in the mined land reclamation permits issued by the New York State Department of Environmental Conservation.

**§3-2.8 Multi-family Dwellings, New Construction**

Development applications for newly constructed multifamily dwelling units shall be subject to the following special use requirements:

- A. All dwelling units and structures shall comply with the standards set forth in the NYS Uniform Fire Prevention and Building Code. Said standards shall take precedence to this Zoning Code should there be a conflict.
- B. There may not be less than two and not more than eight units in a single- or two-family attached dwelling group.
  - 1. No driveway or parking lot should be closer than twenty-five (25) feet to the front of any building or ten (10) feet to the side or rear of any building.
  - 2. In the case of an enclosed garage or carport provided as a portion to the main structure, distance requirements for driveways providing access to these accommodations shall not apply.
- C. Buildings shall not have large or long continuous wall or roof planes. Varied roof heights, projecting bays, gables, recesses, porches, and other architectural design elements shall be used to visually divide larger buildings. To prevent an out-of-scale, monolithic appearance, larger buildings shall be visually divided into smaller sections no longer than fifty (50) feet in length by gaps, recesses, or other architectural devices in such a way that adjacent buildings and facades define a continuous street wall and pedestrian-friendly streetscape.
- D. Multifamily buildings shall be laid out so that multiple entrances face the street. Each entrance shall be connected by sidewalk to the Village’s public sidewalk system. Garage entrance/exit doors are prohibited on the front façade of buildings.
- E. Accessory structures, such as clubhouses, pools, pool buildings, storage buildings, and trash enclosures, shall be located in a manner that does not disturb or encroach upon the streetscape (pedestrian walkways, roadways, etc.) or adjacent residential neighborhoods.
- F. Parking areas may be located in any setback other than the front setback, but no closer than twenty (20) feet from any property line and shall comply with all other regulations of the district in which the use is located.

**§3-2.9 Multi-family Dwellings, By Conversion**

The conversion of an existing building or structure to a multi-family dwelling shall be required to comply with the following regulations:

- A. All dwelling units and structures resulting from conversion shall comply with the standards set forth in the NYS Uniform Fire Prevention and Building Code. Said standards shall take precedence to this section should there be a conflict.
- B. No dwelling unit conversion shall be permitted in a structure with less than 2,500 square feet of gross floor area.
- C. Each dwelling unit shall meet the minimum habitable floor area required below.

<b>1. Number of Bedrooms</b>	<b>Min Unit Size</b>
Zero to One	650 square feet
Two	800 square feet
Three	950 square feet
Four	1,000 square feet
Five or More	1,200 square feet
- D. Any alterations made to the exterior of the building due to the unit conversion shall be completed in such a way to enhance the character of the neighborhood and adhere to any design guidelines.

- E. No dwelling unit conversion shall be permitted unless the dwelling, following such conversion, complies with all off-street parking and loading regulations required in Article 4 of this Local Law.
- F. Any multifamily development in the W-D district must be at least 200 feet from the edge of the lake.

### **§3-2.10 Outdoor Sales and Display**

The following requirements shall apply to all nonresidential operations regardless of the district in which they are located.

- A. The display area shall not exceed 15% of the gross floor area of the primary structure.
- B. The display area shall not block automotive traffic, private sidewalks, fire lanes, or other travel lanes.
- C. Such displays shall be allowed adjacent to a principal building wall and extending to a distance no greater than five feet from the wall.
- D. Such displays shall not be permitted to block windows, entrances, or exits and shall not impair the ability of pedestrians to use the building.
- E. The items for display are labeled for sale and said area shall not be used for storage purposes.
- F. Personal garage, lawn, yard, or rummage sales shall be allowed without zoning permits provided that no more than four such sales are held on a single property in any twelve-month period for a maximum duration of no more than five days, with a minimum of seven days between the ending of a sale and the beginning of a new sale. At the end of a sale, all items that are for sale shall be moved so as not to be visible from the public right-of-way.

### **§3-2.11 Outdoor Storage**

The following requirements shall apply to all nonresidential uses within the Village of Cayuga.

- A. Outdoor storage shall not be allowed in the front setback;
- B. Outdoor storage shall not occupy more than 15% of the entire lot area;
- C. All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses;
- D. Screening shall be of sufficient height and density to completely hide storage from public view, including from streets and other public accessways; and
- E. All screening shall always be maintained in such a manner as to present a neat and orderly appearance .

### **§3-2.12 Structures in Residential Districts that were built for a Non-Residential Use**

The intent of these requirements is to provide for the intuitive reuse of structures that were originally intended for nonresidential uses prior to the establishment of the Residential District in the Village of Cayuga Zoning Code without compromising any adjacent and nearby residential properties and neighborhoods. These uses shall be subject by the following criteria:

- A. Outdoor storage shall not be located in the front or side setbacks;
- B. Outdoor storage shall not occupy more than 15% of the entire lot area;
- C. All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses;
- D. Screening shall be of sufficient height and density to completely hide storage from public view, including from streets and other public accessways and from the first floor of adjacent properties;
- E. All screening shall always be maintained in such a manner as to present a neat and orderly appearance ;
- F. No objectionable noise, obnoxious odors, vibrations, glare, smoke, fumes, dust or other particulate

matter, heat, humidity or electrical or electronic interference detectable outside the structure may emanate from the property;

- G. Vehicle ingress and egress to these structures shall be designed in a way that will best minimize traffic congestion;
- H. These structures shall be subject to the off-street parking requirements of their respective uses;
- I. Businesses shall operate between the hours of 7:00 AM and 6:00 PM, but restaurants, bars and taverns shall operate between the hours of 10:00 AM and 10:00 PM; and.
- J. No toxic, explosive, flammable, combustible, corrosive, or radioactive materials may be used or stored on the site.

### **§3-2.13 Vehicle Service Stations**

Vehicular service stations, motor vehicle repair shops, and service stations shall comply with the following:

- A. Vehicle repair garages shall not be used for the storage, sale, rental, or display of automobiles, trucks, trailers, mobile homes, boats, snowmobiles or other vehicles, unless a separate Special Use Permit application for such use is approved by the Planning Board.
- B. Any such use shall be buffered from adjacent uses by no less than ten (10) feet. The buffer area shall be in conformance with Article 4 in order to prevent the unwanted transmission of headlight glare across the property line.
- C. The entire site area that is traveled by motor vehicles shall be hard surfaced (i.e. asphalt, concrete, or any other surface that does not release dust or debris).
- D. Perimeter landscaping along the street frontage(s) shall not be less than ten (10) feet in width.
- E. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residential property when viewed from ground level.
- F. No outdoor storage of materials, merchandise, and equipment shall be permitted during non-business hours.
- G. All maintenance, service, and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts, partially dismantled motor vehicles, or unlicensed motor vehicles shall be stored outside of an enclosed structure for more than forty-eight (48) hours.
- H. A spill prevention plan shall be provided.

## **§3-3 Uses That are Permitted with Conditions**

### **§3-3.1 Accessory Uses and Structures**

- A. Accessory uses and structures are permitted in any zoning district in connection with any principal use already lawfully allowed and existing within such district.
- B. No accessory use or structure shall be established or constructed until the primary use or structure is constructed and unless a building permit evidencing the compliance of such use or structure shall have first been issued in accordance with this section. Accessory uses and structures deemed to be similar in nature and appropriate by the Zoning Enforcement Officer may also be allowed in the Village of Cayuga.

### **§3-3.2 Bed-and-Breakfasts**

In order to protect the residential character of the district in which it is located, a Bed and Breakfast facility shall be limited by the following criteria:

- A. A Bed and Breakfast shall only be permitted as a special use in a single-family, detached dwelling.
- B. The residential character of the dwelling shall be preserved and no structural alterations,

construction features, or site features of a nonresidential nature shall be incorporated. No accessory buildings shall be used for lodging.

- C. The owner/operator of the Bed and Breakfast shall live full-time on the premises.
- D. No more than two non-residents of the premises shall be engaged as employees of the operation.
- E. A Bed and Breakfast shall have a maximum of five guest rooms.
- F. The maximum length of stay for any guest is 14 consecutive days.
- G. Parking shall not be located in the front setback. The Planning Board shall approve the location and screening of all required parking spaces.

### **§3-3.3 Farm Stand/Roadside Stand**

Farm Stands/Roadside Stands are permitted in the R District, subject to the following criteria:

- A. Sale of agricultural products grown on the premises, or on another property under the same ownership, shall be permitted through a farm stand/roadside stand.
- B. The stand shall be a maximum of 100 square feet; and may have a roof and up to 3 fixed walls.
- C. The stand shall be removed during the off-season.
- D. Safe entrance from and exit to the street shall be provided, with adequate pickup, parking, and loading.
- E. Lighting is prohibited.
- F. The stand shall at no time interfere with road maintenance, including snow plowing.

### **§3-3.4 Home Occupations**

- A. The home occupation shall be conducted only by residents of the dwelling plus one (1) additional employee.
- B. No objectionable noise, obnoxious odors, vibrations, glare, smoke, fumes, dust or other particulate matter, heat, humidity or electrical or electronic interference detectable outside the structure may emanate from the property.
- C. The operation of a home occupation shall in no way change or alter the residential appearance or character of the premise or neighborhood in which it is located. Any modifications to the interior or exterior of the residence shall be in compliance with the NYS Uniform Fire Prevention and Building Code.
- D. There shall be no exterior display or storage of materials, goods, supplies, or equipment related to the operation of the home occupation. Any area used internally for the storage of goods must be included in the calculation of habitable space.
- E. No toxic, explosive, flammable, combustible, corrosive, or radioactive materials may be used or stored on the site.
- F. Prohibited home occupations include those that would generate adverse impacts to or are incompatible with the existing character of a residential neighborhood. These uses include but are not limited to the following: Ambulance services, motorized vehicle sales or repair, animal hospitals, commercial stables and kennels, antique shops, real estate offices, and restaurants.
- G. All home occupations shall be subject to the off-street parking requirements of its respective district.

### **§3-3.5 Keeping of Fowl, Rabbits, and Similar Animals**

The regulations of this section are established to permit the keeping of certain agricultural animals in the R and W-R Districts in a manner that prevents nuisances to occupants of nearby properties.

- A. The keeping of fowl (such as chickens, turkeys, ducks, etc.), rabbits, and similar animals outdoors in cages, coops, hutches, and enclosures shall be permitted subject to the following conditions:
  1. The keeping of roosters is prohibited.
  2. The total number of animals allowed shall be limited to six (6).
  3. Setbacks. The coops, runs, or cages housing such animals shall not be located within five (5) feet of a side lot line, nor within eighteen (18) inches of a rear lot line, except where the rear lot line forms the side lot line or front lot line of an abutting property, in which case the setback from such rear lot line shall be five (5) feet. No animals shall be kept in required front or side setback areas for the principal structure on the subject parcel.
  4. Enclosures and Fences. Any outdoor open-air enclosure or fenced area shall be constructed and installed to prevent animals permitted in this section from leaving the property they are housed on. Free-range animals shall be prohibited.
  5. Slaughtering of Animals. Fowl, rabbits, and similar animals may be slaughtered on site only inside a garage or other building, and only for the use by the occupants of the premises and not for sale. No other animal may be slaughtered on site.
  6. Enforcement. The Zoning Enforcement Officer (ZEO) is required to inspect any property upon receipt of a written complaint regarding the keeping of fowl, rabbits, or similar animals permitted in this Section. If the ZEO finds the conditions to be in violation of any of the standards set forth herein, the ZEO will follow the procedures in Article 9 for notice of violations.

### **§3-3.6 Manufactured Housing**

- A. Manufactured housing shall be designated as single-family dwellings in accordance with Article 21-B of the New York Executive Law. Manufactured housing shall be allowed in all residential districts that allow single-family dwellings.
- B. Manufactured homes shall meet all the same Village requirements for a single-family home including general aesthetic, architectural standards and parking requirements applicable to single-family dwelling units in the residential district in which the Manufactured Home is to be sited.

### **§3-3.7 Public Utilities**

Public utility installations shall comply with the following requirements:

- A. Any structure shall be set back at least 25 feet from all property lines or the minimum setback requirements of the applicable zoning district, whichever is greater.
- B. No parking or storage areas shall be located in front of the structure or building.
- C. The uses shall be enclosed and screened by either vegetation or a fence or wall. The screening shall be subject to approval by the Planning Board.
- D. Such facility shall not be located on a residential street unless no other site is available and shall be so located as to draw a minimum of vehicular traffic to and through such streets. Additionally, the location, design, and operation of such facility shall not adversely affect the character of the surrounding residential area;
- E. To the extent practicable, equipment shall be stored so as not to be visible from surrounding properties; and
- F. Any additional requirements determined to be necessary by the Planning Board through Site Plan Review in order to protect the public's health, safety, and welfare of the public.

### **§3-3.8 Recreational Vehicles**

Recreational vehicles located outside of a designated recreational vehicle park may be occupied only as follows:

- A. One (1) recreational vehicle may be used as temporary lodging while parked on the same lot with an occupied dwelling for not more than eight (8) weeks in a twelve (12) month period.
- B. With a Temporary Permit, issued by the ZEO, a recreational vehicle on vacant land, as defined in Article 1, §1-6.1, may be occupied for a period of more than one month but no more than eight (8) months in a twelve (12) month period. The applicant shall address the following:
  - 1. Applicant must provide a garbage removal plan; a waste water removal plan; and a sewer removal plan.
  - 2. The permit must be prominently displayed in window visible from the road.
  - 3. The location of occupied recreational vehicle on lot must meet all setback requirements for a single-family dwelling in the Zoning District which it is located.
  - 4. No decks, porches, roofs, or sheds shall be affixed to any recreational vehicle.
- C. An unoccupied recreational vehicle shall be stored no closer than five feet (5') to any rear or side lot line and no closer than twenty feet (20') to the road right-of-way. The recreational vehicle shall not obscure the view by neighbors or oncoming traffic. When so stored, no connections shall be permitted except electrical.

### **§3-3.9 Short Term Rentals (STR)**

In order to protect the residential character of the district in which it is located, a Short-Term Rental property shall be limited by the following criteria:

- A. An STR shall only be permitted as a special use in a single-family dwelling.
- B. The residential character of the dwelling shall be preserved and no structural alterations, construction features, or site features of a nonresidential nature shall be incorporated. No accessory buildings shall be used for STR activities.
- C. No more than one (1) non-resident of the premises shall be engaged as employees of the operation.
- D. The maximum number of guests per guest room is limited to 4 persons.
- E. The maximum length of stay for any guest is 14 consecutive days.
- F. Parking shall be located only in a driveway or parking lot on or off premises.
- G. All garbage containers must be out of view from the street unless it is a garbage pick-up day.
- H. Each owner of a STR property in the Village shall ensure that their rental tenants do not make noise at a level which can be heard beyond the boundaries of the property in accordance with provisions of Local Law #2 of 1999, Noise Law of the Village of Cayuga.
- I. Each owner of a STR property in the Village shall ensure that their rental tenants do not encroach upon the lands of adjoining owners with trespassing people, automobiles, trailers, or boats.
- J. Management of STR Properties
  - 1. It shall be the obligation of every owner of a Residential Property in the Village who permits the property to be used for Short Term Rental to register said property with the Village Clerk and Village Fire Department. Such registration shall be completed by the property owner or their agents not fewer than 10 days prior to the first occupancy of the STR property. Each owner shall provide information to the Village such that the owner or their agent may be contacted by telephone at any time of day or night with complaints by the public. The owner or their agent must be able to respond to complaints about the STR property and take necessary action to resolve the complaint within 1 hour after notice is given to the contact telephone number.
  - 2. The Village Clerk shall maintain a Registry of STR properties which shall contain the information in each registration form.
  - 3. Every registration shall be on a registration form adopted by the Village Board of Trustees. The



information entered on the registration form shall be a public record.

**§3-3.10 Revocation**

In any instance where a zoning permit was issued for a use in this section; and the Zoning Enforcement Officer finds that the required conditions have not been met, or are not being complied with, the Zoning Enforcement Officer shall immediately issue a stop order to the applicant, which shall list the violations. If the applicant has not made substantial effort to comply with the stop order within 10 calendar days, the zoning permit shall be revoked.

**§3-4 Yard Maintenance**

- A. All lots whether residential or otherwise shall have grass/weeds maintained to a height of less than 10 inches. These lots shall also be kept free of rubbish, garbage, and trash.
- B. All sidewalks shall be kept free of materials and be made passable. All hedges, bushes, and low tree limbs must be cut and trimmed to ensure free passage on the Village sidewalk.
- C. The area between the sidewalk and street shall be maintained by the property owner including keeping the drainage ditches clear and free of leaves, bushes and other debris or trash.

**§3-5 Prohibition of Natural Gas and Petroleum Exploration, Extraction, and Support Activities.**

**§3-5.1** Definitions. As used in this Section, the following terms shall have the meanings indicated:

**NATURAL GAS AND/OR PETROLEUM EXPLORATION ACTIVITIES** - Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons, including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise make any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

**NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES** - The digging or drilling of a well for the purposes of exploring for, developing, or producing natural gas, petroleum, or other subsurface hydrocarbons, including, without limitation, any and all forms of shale fracturing.

**NATURAL GAS AND/OR PETROLEUM SUPPORT ACTIVITIES** - Shall mean and be any one or more of the following:

1. **NATURAL GAS COMPRESSION FACILITY** - Those facilities or combinations of facilities that move natural gas or petroleum from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.
2. **NATURAL GAS PROCESSING FACILITY** - Those facilities that separate and recover natural gas liquids (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas; cooking and dehydration; residual refinement; treating or removing oil or condensate; removing water; separating NGLs; removing sulfur or carbon dioxide; fractionation of NGLs; and/or the capture of CO2 separated from natural gas streams.
3. **NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES DISPOSAL/STORAGE FACILITY** - Any of the following: (a) tanks of any construction (metal, fiberglass, concrete, etc.); (b) impoundments; (c) pits; (d) evaporation ponds; or (e) other facilities, in any case used for the storage or treatment of Natural Gas and/or Petroleum Extraction, Exploration Or Production Wastes that: (i) are being held for initial use, (ii) have been used and/or are being held for subsequent reuse or recycling, (iii) are being held for treatment, or (iv) are being held for storage.
4. **NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES**

**DUMP** - Land upon which Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.

5. **LAND APPLICATION FACILITY** -A site where any Natural Gas Exploration and/or Petroleum Production Wastes are applied to the soil surface or injected into the upper layers of the soil.
6. **NON-REGULATED PIPELINES** - Those pipelines that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting requirements. Specifically includes production lines and gathering lines.
7. **UNDERGROUND INJECTION** - Subsurface emplacement of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes, including emplacement by or into an Injection Well.
8. **UNDERGROUND NATURAL GAS STORAGE** - Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location, whether for the purpose of load balancing the production of natural gas or for any other reason, including without limitation short-term, long-term, or intermittent storage for product quality, processing, or transportation purposes, or because of market conditions. Without limitation, this term includes compression and dehydration facilities, and associated pipelines.

**§3-5.2** Subject to the provisions of §3-5.3, below, it shall be unlawful for any Person to use, cause, allow, or permit to be used, any land (including all surface and subsurface lands), body of water or waterway (whether upon or below-ground), building, or other structure located within the Village for any of the following: any Natural Gas and/or Petroleum Exploration Activities; any Natural Gas and/or Petroleum Extraction Activities; any Natural Gas and/or Petroleum Support Activities; or the application of any Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes, whether or not part of any Natural Gas and/or Petroleum Exploration Activities, Natural Gas and/or Petroleum Extraction Activities, or any Natural Gas and/or Petroleum Support Activities, upon, in, or under any lands within the Village, including in any Injection Well, regardless of whether or not such Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes, or any other solid wastes or by-products of mining, have received a Beneficial Use Determination (“BUD”) from the Department of Environmental Conservation (“DEC”) by or under 6 NYCRR Part 360 (or any related or similar determination by the DEC or the United States Environmental Protection Agency). This prohibition includes excluding and prohibiting Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes from being deposited, used, or spread upon roads and land within the Village, even if, for example, characterized under a BUD or otherwise, as brine for ice and snow management or as fertilizer for fields.

**§3-5.3** The prohibitions set forth in §3-5.2, above, are not intended, and shall not be construed, to prevent or prohibit the right to use roadways in commerce or otherwise for travel; prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Village; or prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal Agriculture, residential, business, commercial, and other uses within the Village.

## **ARTICLE 4. DEVELOPMENT STANDARDS**

### **§4-1 Site and Building Guidelines and Standards for Non-Residential Development**

#### **§4-1.1 Purpose**

- A. These design standards and guidelines are intended to support the vision and goals of the Village's Comprehensive Plan and to preserve and improve the design and character of Cayuga. Well-designed buildings and sites encourage lively, safe, pedestrian-friendly and attractive streets and public spaces, protect and enhance property values, and promote village vibrancy.

#### **§4-1.2 Applicability**

- A. These design standards and guidelines shall apply to all newly constructed structures in all districts except for single-family and two-family dwellings in any district.
- B. If existing structures are expanded by thirty (30) percent or more of the existing building area, as defined by the NYS Uniform Fire Prevention and Building Code, or are being repaired, remodeled, rehabilitated or otherwise improved to the point that the value of the repairs, remodeling, rehabilitation, or improvements constitute at least fifty-one (51) percent of the current assessed value of the structure, the entire structure shall be brought into compliance with these design standards.

#### **§4-1.3 Reimbursement for Consulting Fees**

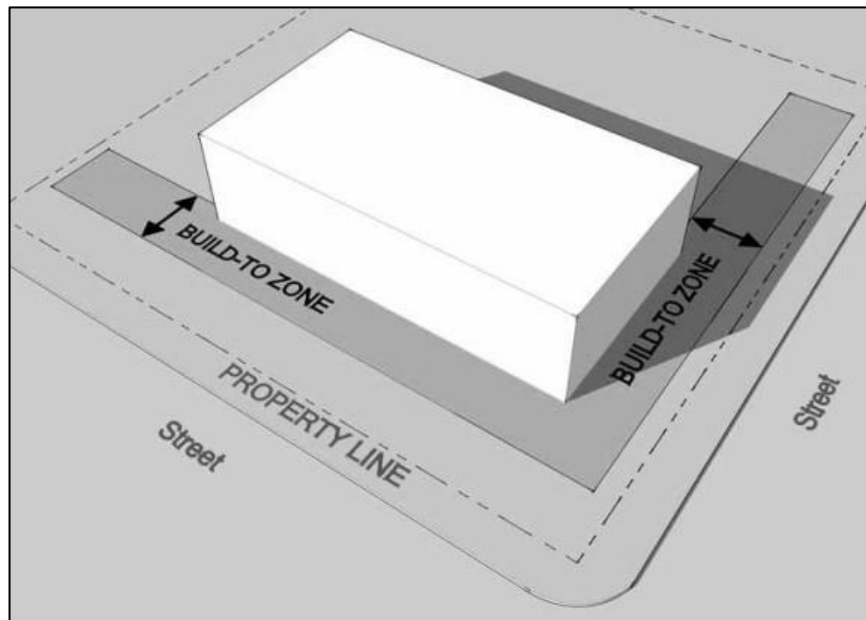
- A. The Village of Cayuga in the review of any application may seek the services of engineers, planners, architects, or other professionals to assist the Planning Board in the consideration of all design guidelines and standards for any development proposals.
- B. The applicant or other party seeking determination shall reimburse the Village of Cayuga for the cost(s) of such consultant or professional services.
- C. Charges made by such consultants shall be in accord with charges usually made for such services in the Finger Lakes Region of New York State or pursuant to an existing contractual agreement between the Village and such consultant. Charges incurred by the Village through the use of Village employees' services shall be billed in accord with the hourly rates upon which the employee's actual salary is based plus fringe benefits and reasonable overhead costs.

#### **§4-1.4 Standards vs. Guidelines**

- A. This code includes both standards that are required to be met as well as guidelines that are encouraged, but not required. As such, provisions designated as "shall" or "will" are required, while provisions designated as "should" are encouraged.

#### **§4-1.5 Building Placement, Orientation, and Frontage**

- A. To the maximum extent practicable, buildings shall be arranged to orient to the streets and to frame the corner at the intersection of two streets.
- B. Frontage Width
  - 1. A minimum of 50 percent of the building shall be located within the build-to-zone.
  - 2. Prohibited design elements between building and front property line:
    - (i) Motor vehicle parking;
    - (ii) Motor vehicle access drives, drive lanes or aisles, except those necessary to provide direct access to a public street.



The Build-To Zone is a flexible area where the façade of a building must be located, measured as both a minimum and maximum set back distance from the property line/public right-of-way. The amount of façade that must be placed inside this zone is the Frontage/ Width percentage.

C. Building Composition and Massing

1. The design of the structure shall be of a compatible architectural style and treatment with the surroundings.
2. Buildings shall exhibit a clearly defined base, mid-section, and crown. This can be accomplished using a combination of architectural details, materials, and colors.
3. The overall massing of buildings should have areas of noticeable 3-D relief or be broken down into smaller shapes to reduce the scale and avoid the appearance of a “large box.” Varied building designs that avoid long, flat facades are required.
  - (i) The vertical plane of the building facade shall be broken up with a high level of articulation (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces, and awning/entrance canopies) especially at ground level.
  - (ii) A repeating pattern of wall recesses and projections, such as bays, offsets, reveals, or projecting ribs, which has a relief of at least eight inches is encouraged.
4. No facade shall exceed 40 feet in horizontal length without a change in facade plane. Changes in facade planes shall be no less than 1.5 feet in depth and no less than 8 feet in length
5. Any changes in exterior building material shall occur at interior corners.
6. All facades shall be designed to be consistent in regard to architectural style, materials, and details.



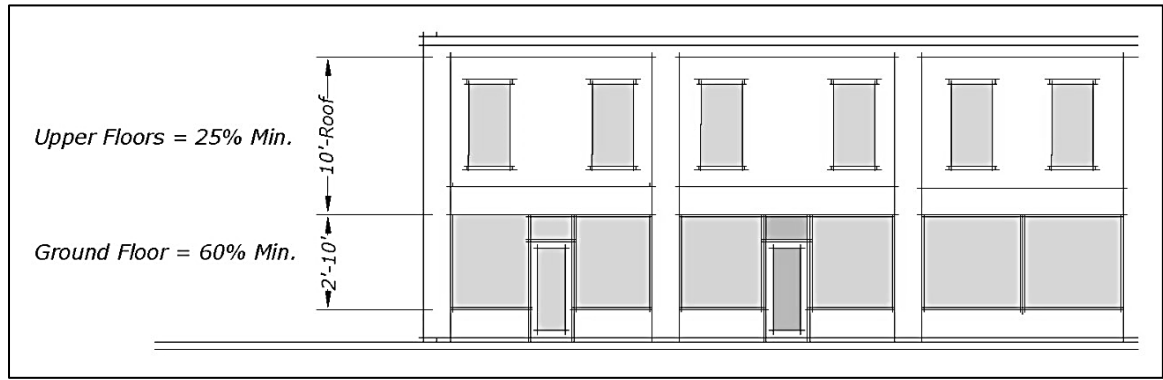
A well-articulated base, mid-section, and crown can be achieved in all building types and sizes including multi-story buildings, as depicted in the illustration to the right, and single-story buildings, as depicted directly below.

**§4-1.6 Facades**

- A. All buildings shall have a prominent street level entrance visible and accessible from the public sidewalk.
- B. Building entries shall be given prominence on the street frontage and sized appropriately for the scale of the building.
- C. Building entries for mixed-use buildings shall distinguish entrances for residential and commercial uses.
- D. Buildings located on corner lots should have a building entrance located on the corner that faces the intersection of two public streets, to the extent practicable.
- E. Windows should be greater in height than width or at least of equal proportion.
- F. Mirrored, reflective, or darkly tinted glass or all-glass walls shall not be permitted.
- G. Balconies, bay windows, cornice features, and open porches are encouraged and may extend up to five feet into the front setback, as long as they do not encroach a public right-of-way.

**§4-1.7 Transparency**

- A. A minimum of 60 percent of the street-facing, ground floor facades for nonresidential uses shall be comprised of clear windows that allow views into the interior of the building.
- B. Ground floor facades for residential uses shall provide a minimum transparency of 25 percent.
- C. Upper floor facades shall provide a minimum transparency of 25 percent.
- D. Facade transparency at the first floor/ ground floor level is measured between two (2) feet above grade to ten (10) feet above grade adjacent to the sidewalk.
- E. Facade transparency for upper floors is measured from second finished floor level to the ceiling of the topmost floor.



**§4-1.8 Roofs**

- A. Reflective surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

**§4-1.9 Mechanical Equipment and Dumpsters**

- A. Air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and other similar mechanical equipment and refuse storage containers and facilities shall be thoroughly screened from view from the public right-of-way and from adjacent properties. Screening shall be architecturally compatible with the style, materials, colors, and details of the building.

**§4-2 Off-Street Parking and Loading**

**§4-2.1 Purpose**

These regulations are in rough proportion to the generalized parking and transportation demands of different land uses. By requiring such facilities, it is the intent of this section to help avoid the negative impacts associated with spillover parking into adjacent areas, while at the same time avoiding the negative environmental and urban design impacts that can result from parking lots and other vehicular use areas. The provisions of this section are also intended to help protect the public health, safety, and general welfare by:

- A. Helping to avoid and mitigate traffic congestion;
- B. Encouraging multi-modal transportation options and enhanced pedestrian safety;
- C. Providing methods to reduce the number of impervious surfaces and adequate drainage structures in order to reduce the environmental impacts of storm water runoff; and
- D. Providing flexible methods for addressing transportation and access demands of all land uses in different areas of the Village.

**§4-2.2 Applicability**

- A. New Development
  - 1. Every use of a building or land hereafter established shall provide the minimum off-street parking spaces as required by this section and conform to all other regulations in this section.
- B. Existing Buildings
  - 1. Building Expansion
    - (i) Any existing building, where the type of business or occupancy continues, may be remodeled, repaired and structurally altered, but any enlargement must provide the parking spaces required by the enlargement.
    - (ii) Only the expanded portion of the parking area shall be required to comply with the design provisions of this section.
  - 2. Change of Use

- (i) For any existing building or use of land, where the type of business or occupancy is changed, the number of parking spaces to be provided shall be the difference between the required number for the proposed use and those required for the latest use.

3. Non-conforming Uses

- (i) Notwithstanding anything to the contrary contained in this section, the amount of off-street parking permitted on a property containing a non-conforming use shall not exceed the amount of parking determined to have existed on said property at the time it became a non-conforming use, and shall not be extended onto or relocated to a different part of the lot or parcel in question or elsewhere, unless a variance is granted for such additional parking.

**§4-2.3 Calculation of Parking Requirements**

- A. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses except as permitted by §4-2.7.
- B. When the required number of spaces result in a fraction, any fraction of less than ½ is rounded down to the next lower whole number, and any fraction of ½ or more is rounded up to the next higher whole number.
- C. If the use is not specifically listed in the schedule of such requirements, the requirement shall be the same as for the most similar listed use as determined by the Zoning Enforcement Officer.
- D. In residential districts in which garage space is provided, the garage space may be considered in determining whether required parking has been met.
- E. Truck loading spaces as required under this Section shall be provided in addition to off-street parking space and shall not be considered as supplying off-street parking space.

**§4-2.4 Off-street Parking Requirements**

- A. All required off-street parking spaces shall be on the same lot or premises as the proposed use served except as permitted by §4-2.7.
- B. All uses in all zoning districts shall provide a sufficient number of off-street parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development and therefore must comply with the parking standards set forth in Table 4-1: Required Parking.
- C. If a parking ratio is not provided in Table 4-1: Required Parking, the Planning Board shall determine the number of parking spaces and shall develop a record, which will substantiate such a determination.
- D. The Planning Board shall approve the parking spaces and driving aisles and shall require at a minimum that is specified in Table 4-1: Required Parking; however, it may, upon special findings, require more than specified.
- E. Minimum Parking
  - 1. Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the parking ratio requirements of Table 4-1: Required Parking.
  - 2. Parking spaces for the handicapped shall be provided in new development as required.
- F. Bicycle Parking
  - 1. Bicycle parking shall be provided with all multifamily and nonresidential developments. There shall be no fewer than one (1) bicycle space and not more than fifteen (15) bicycle spaces for any single use.

**Table 4-1: Required Parking**

Use Types	Number of Spaces
Adult Uses	1space per 500 square feet of gross floor area
Bait Shop	1space per 500 square feet of gross floor area
Bank or Financial Institution	1 space per 500 square feet of gross floor area
Bed and Breakfast	0.5 spaces per guest bedroom
Boat and Marine Engine Repair	1 space per 1,000 square feet of gross floor area
Carpentry and Plumbing Shop	1 space per 500 square feet of gross floor area
Car Wash	1 space per 500 square feet of store and business office space. Each car wash bay may be considered as a parking space.
Craft Beverage Industry	1 space per 1,000 square feet of gross floor area
Drinking Establishment or Tavern	1 space per 750 square feet of gross floor area
Farm Stand/Roadside Stand	No off-street parking shall be required for farm stands. However, the Planning Board may require off-street parking at their discretion if they determine that a safety hazard exists for vehicular and/or pedestrian traffic due to the volume of on-street parking occurring for said farm stand use.
Fishing and Boating Supplies	1space per 500 square feet of gross floor area
Fuel/Gasoline Station	1 space or every 500 square feet of store and business office space. Each pump station may be considered as a parking space.
Gym or Fitness Center	1 space per 750 square feet of gross floor area
Home Occupation	1 space in addition to the requirements for the dwelling
Hotel/Motel	1 space per guest bedroom, plus 1 additional space for every 500 square feet of gross floor area
Laundromat	1space per 500 square feet of gross floor area
Library	1 space per 500 square feet of gross floor area
Light Industry	1space per 1,000 square feet of gross floor area
Manufactured Housing	1 space per dwelling unit
Marina	1 space for every 4 slips
Marina: Dry Storage	1 space for every 12 dry storage spaces. During the off-season parking spaces dedicated to dry storage may be used for the storage of trailers, boats or other related materials, as long as at least 10% of required parking remains.
Multi-family dwellings	1 space per dwelling unit
Office: Professional, Medical or Dental	1 space per 300 square feet of gross floor area
Parks, Playgrounds	5 spaces per 2,000 square feet of land area
Religious Institutions	1 space per 5 fixed seats
Restaurants	1 space per 500 square feet of gross floor area



**Table 4-1: Required Parking (Continued)**

Use Types	Number of Spaces
Restaurants	1 space per 500 square feet of gross floor area
Retail stores, sales and service	1space per 500 square feet of gross floor area
School	1.5spaces per classroom + one per 5 fixed seats in auditorium + 10 stacking spaces for drop-off/pick-up
Short Term Rental (STR)	0.5 spaces per guest bedroom
Single-family dwellings	1 space per dwelling unit
Summer Cabin/Camp	1 space per cabin
Two-family dwellings	1 space per dwelling unit
Upper-story residential (in a mixed-use building)	1space per dwelling unit
Vehicle Service Station	3 spaces per service bay or repair station
Warehouse and Enclosed Storage	1 space per 1,000 square feet of gross floor area

**§4-2.5 Curb Cuts and Driveways**

- A. Curb cuts and driveways shall connect with the street and shall be constructed as permitted by the Village of Cayuga or the New York State Department of Transportation.
- B. All driveways shall connect at 90° with the public street or easement which provides access to the lot serviced.
- C. A driveway shall be at least eight feet in width.
- D. No driveway shall be allowed without a curb cut permit as required either by the Village of Cayuga or the New York State Department of Transportation.
- E. Residential driveways constructed within a required front setback may not cover more than 35% of said required front setback, and only one of the two required side setbacks may be utilized as a driveway. In the case of a corner lot, which has two required front setbacks, the foregoing limitation applies. This coverage limitation is inclusive of parking spaces.

**§4-2.6 Ancillary Parking**

- A. Where parking requirements cannot be satisfied on the same lot, such requirement may be provided as ancillary parking within 100 feet of the same lot, upon obtaining a Special Use Permit, subject to the criteria in §3-2.2 and as provided for in Article 6.

**§4-2.7 Shared Parking**

- A. The Planning Board may approve shared parking facilities for developments or uses with different operating hours or peak business periods, subject to the following requirements:
  1. Parking is for two or more uses located on the same lot or with a common lot line;
  2. All shared parking facilities are located within 500 feet of the uses served;
  3. A pedestrian circulation plan is submitted to the Planning Board that shows connections and walkways between shared parking areas and uses. Paths should be as direct and short as possible;
  4. The shared parking plan is developed and enforced by an irrevocable written covenant among all owners of record. A copy of the covenant must be submitted to the Planning Board and recorded in the county recorder's office before any building permits are issued for any use to be served by the shared parking area. A shared parking covenant may only be revoked if all off-street parking required by this section is provided.

**§4-2.8 Off-street Loading Requirements**

- A. Loading facilities required
  - 1. Uses receiving large quantities of goods shall provide one loading space for each 10,000 square feet, or fraction thereof, and shall be of sufficient quantity to adequately serve the proposed use.
  - 2. Vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate that an adequate on-site area exists for the loading and unloading of such trucks.
  - 3. Any convenience store or similar use requiring deliveries by truck shall demonstrate that an adequate on-site area exists for the loading and unloading of such trucks.

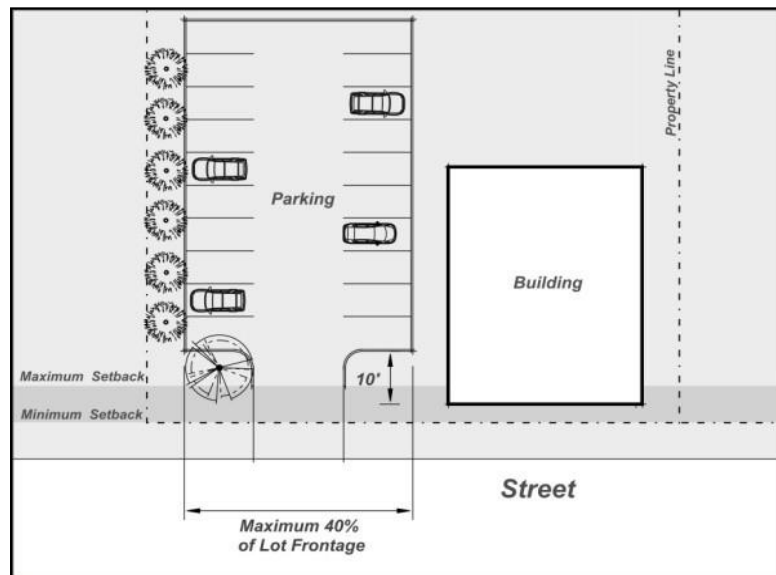
**§4-2.9 Alternative Compliance**

The Planning Board is authorized to approve other alternatives to strict compliance with the parking and loading requirements of this section if, based on evidence provided by the applicant, the proposed plan will:

- A. Not adversely affect surrounding neighborhoods and uses;
- B. Not adversely affect traffic congestion and circulation; and
- C. Be at least as effective as strict compliance with the requirements of this section.

**§4-2.10 Parking Area Location, Layout and Design for Nonresidential Development**

- A. Location
  - 1. No parking shall be permitted in the front setback.
  - 2. Off-street parking may be located in the rear setback or side setback or underground. Side setback parking shall meet the following requirements:
    - (i) Side setback parking shall be located a minimum of 10 ft. behind the front facade.
    - (ii) Parking, or access to parking, in the side setback shall not exceed 40 percent of lot frontage.
    - (iii) Landscaping and buffering elements are provided to the satisfaction of the Planning Board to adequately screen the parking area from the public roadway and adjacent residential districts, if applicable.



Off-street parking located in the side setback shall be setback a minimum of 10 feet behind the front façade and not exceed 40% of the lot frontage.

B. Layout Plan

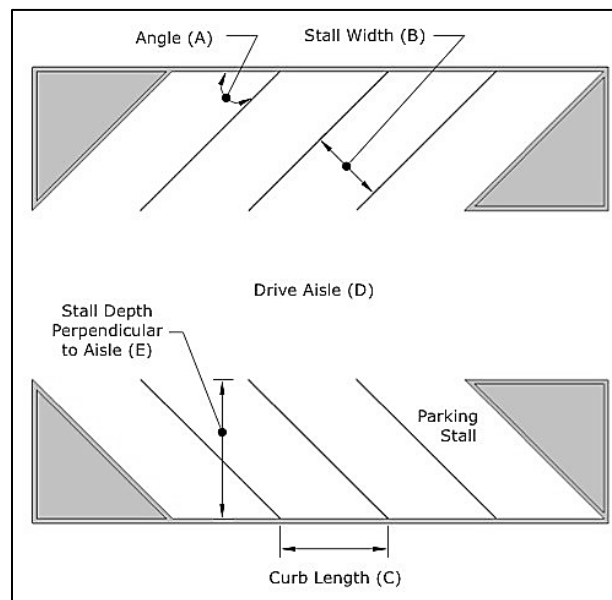
1. For any off-street parking facility as required by this section, a layout plan showing entrances, drives and parking stalls shall be submitted to the Planning Board.

C. Design Standards

1. Uses other than single- or two-family dwellings should be surfaced with either concrete or asphalt.
2. Curbs should be provided to prevent any vehicle using a parking area from encroaching on any public right-of-way or adjacent property.
3. Parking lots shall be improved with necessary lighting and traffic control signs.
4. Facilities and their access driveways shall be graded so as to provide for the proper mitigation of storm water and runoff.
5. No parking space shall be located so as to block access by emergency vehicles.
6. Parking areas shall be landscaped according to §4-3: Landscaping.
7. Parking Stall and Aisle Dimensions
  - (i) The minimum required dimensions of parking stalls and aisles shall be as indicated in Table 4- 2: Required Parking Space and Aisle Dimensions, except for parking for an individual dwelling unit. If proposed parking angles are not shown in the table, the dimensions shall be determined by the Planning Board.

**Table 4-2: Required Parking Space and Aisle Dimensions**

Minimum Parking Space and Aisle Dimensions					
Angle (A)	Stall Width (B)	Curb Length (C)	Drive Aisle (D) One-way Aisle	Drive Aisle (D) Two-way Aisle	Stall Depth (E)
0° (Parallel)	8 feet	22 feet	12 feet	20 feet	8 feet
45°	9 feet	12.7 feet	13 feet	---	16.5 feet
60°	9 feet	10.4 feet	18 feet	24 feet	18 feet
90°	9 feet	9 feet	---	24 feet	17.5 feet



## **§4-3 Landscaping Requirements for Non-Residential Development**

### **§4-3.1 Purpose**

The purpose of these Landscaping Standards is to encourage the planting of appropriate new vegetation and the preservation of existing vegetation to enhance the built environment and to protect and sustain the natural environment. Landscaping shall be designed as an integral part of every development project, and not merely located in leftover portions of the site. More specifically these standards are intended to:

- A. Visually tie the entire development together, help to define and announce entryways and circulation patterns (both vehicular and pedestrian);
- B. Minimize the expansive appearance of parking lots, provide shaded areas for pedestrians, and soften hard edges of buildings and parking lots. Color and texture should be incorporated into the overall landscape plan. Careful selection of flowering trees and shrubs can provide seasonal color all year. The use of evergreen and deciduous plant material, bark color, seeds, and fruit (berries) that persist can provide additional color and texture to the landscape.
- C. Reduce potential nuisances by requiring a visual screen between uses to mitigate the adverse effects of wind and air turbulence; heat and noise; motor vehicle headlight glare and other artificial light intrusion; and other adverse impacts associated with adjoining or nearby uses.

### **§4-3.2 Landscape Plan Requirements**

In conjunction with site plan procedures and standards in Article 7, preliminary landscape plans and final landscape plans shall be submitted with improvement plans prior to the issuance of building permits for all new development projects. Such plans shall be prepared by a landscape architect registered to practice in New York State and shall show the following:

- A. Topography of site before and after landscaping.
- B. Location and size of all existing plant materials.
- C. Existing vegetation to be retained.
- D. Devices by which existing plant material shall be protected from damage during land alteration or land development activities. All disturbed areas not otherwise treated shall be seeded and/or sodded.
- E. Location, type, size, spacing, and number of proposed trees, shrubs, and ground covers.
- F. Property lines, match lines, easements, limit of contract, building overhangs, paved areas, fences, walls, and utilities.
- G. A legend, plant list, key, a scale drawn to a minimum of one inch to 30 feet, north arrow, and planting detail.

### **§4-3.3 Entryway and Setback Landscaping**

- A. Building setback areas along streets, access ways, or along private drives, shall be landscaped with a minimum of 1 shade tree per 35 ft. of linear frontage. For property lines abutting a public right-of-way where street trees do not exist trees shall be planted no more than 40 ft. on-center located between five (5' 0") feet and ten (10' 0") feet from the back of the public sidewalk.
- B. Building setback areas shall include compact massing's of ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers.
- C. Planting shall be massed and scaled as appropriate for the entryway size and space.
- D. Plantings should decrease in size and increase in detail, color, and variety near entryways into developments.

**§4-3.4 Building Foundation Landscaping**

- A. Plant material shall be placed intermittently against long expanses of buildings walls, fences, and other barriers to soften the effect and to help break-up walls with little architectural detail.
- B. Ornamental plant material, such as flowering trees and shrubs, perennials, and ground covers are encouraged.
- C. Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.

**§4-3.5 Interior Parking Lot Landscaping**

- A. The interior of all parking lots containing 10 or more spaces shall be landscaped according to the provisions in this subsection.
- B. The primary landscaping materials used in parking lots shall be trees, which provide shade or are capable of providing shade at maturity. Shrubbery, hedges, and other planting materials may be used to complement the tree landscaping but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
- C. One shade tree shall be planted for every 5 parking spaces.
- D. Large and medium shade trees are recommended.
- E. Due to heat and drought stress and vision clearances, ornamental and evergreen trees are not recommended.
- F. Minimize conflicts between plantings and pedestrian circulation, emergency vehicle access, light poles, signs and site utilities.
- G. Landscaped berms shall be at least 10 ft. wide, a maximum of 3 ft. high, and include a maximum slope of 3:1.

**§4-3.6 Planting Materials**

- A. Deciduous trees shall be a minimum of one and one-half-inch caliper at the time of planting, and eight feet in height at time of planting.
- B. Evergreen trees shall have a minimum height of five feet at time of planting.
- C. Upright shrubs to be planted shall be a minimum of 24 inches in height and spreading shrubs, deciduous or evergreen, shall be a minimum 15 inches in diameter.
- D. Planting beds may be mulched with shredded hardwood, granite chips, river rock, or similar materials.
- E. All plant materials must be:
  - 1. Normally developed and typically representative of species and/or variety stated;
  - 2. Stock well-branched and healthy; and
  - 3. In accordance with the American Association of Nurserymen's American Standard for Nursery Stock.
- F. Diversity.
  - 1. If there are more than 8 required trees, no more than 40 percent of them can be of one species.
  - 2. If there are more than 24 required trees, no more than 20 percent of them can be of one species.
  - 3. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.

**§4-3.7 Lawn Area (turf)**

- A. Grass areas shall be planted in species well adapted to localized growing conditions in Cayuga County. Grass areas may be sodded, plugged, sprigged, hydro-mulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion.
- B. In areas where other than solid sod or grass seed is used, over seeding shall be sown for immediate effect and protection until coverage is otherwise achieved.
- C. Procure from new of the year seed crops, free of foreign material or weed seeds.
- D. Replacement or over seeding mixes shall match or compliment original installation.
- E. Provide continuous uniform and consistent coverage.

**§4-3.8 Maintenance**

The owner of the property, or his designated agent, shall be responsible for the proper care and maintenance, and replacement if necessary, of all landscape materials in a healthy and growing condition.

**§4-4 Fences and Walls**

**§4-4.1** The following shall apply to all districts:

- A. No fence or wall over four (4) feet in height shall be constructed in the front setback if any lot, other than a necessary retaining wall.
- B. No fence or wall over six (6) feet in height shall be constructed in the side or rear setback of any lot, other than a necessary retaining wall.
- C. No fence or wall shall be within one (1) foot of any property line or public sidewalk.
- D. No chain-link fencing shall be permitted in the front setback if any structure or property.
- E. The height of a fence or wall shall be measured from the natural grade; excepting that where there is a retaining wall, the height shall be measured from the average of the ground levels at each side of the retaining wall, and further excepting that any fence or wall on the uphill side of such retaining wall may be at least four (4) feet high.

**§4-5 Signs**

**§4-5.1 Purpose**

The purpose of the following sign regulations for the Village of Cayuga is to identify the location or occupant for a parcel of land without compromising the public health, safety, and general welfare of Village residents. All signs and signing systems are subject to the regulations that follow.

**§4-5.2 Objectives**

These regulations serve to achieve the following objectives:

- A. Ensure the right to free speech as protected under the U.S. Constitution;
- B. Protect property values and the physical appearance of the community;
- C. Provide businesses with effective means of identification while reducing visual clutter through the prevention of excessive or confusing sign displays;
- D. Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles within and visible from public rights-of-way;
- E. Minimize the adverse effects of signs on nearby public and private property;
- F. Avoid personal injury and property damage from unsafe or confusing signs; and
- G. Establish a clear and impartial process for those seeking to install signs.

### **§4-5.3 Applicability**

The regulations of this Article shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance, relocation, and removal of all signs within the Village visible from any street, sidewalk, or public open space. Any sign not expressly permitted by these regulations shall be prohibited. Regulations concerning the use and termination of non-conforming signs appear in Article 4, §4-5.9.

### **§4-5.4 Content Neutrality**

Any sign allowed under this Article may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, as long as the sign complies with all size, height, location and other applicable requirements of this Article.

### **§4-5.5 Prohibited Signs**

The following signs are prohibited in all districts:

- A. Signs for which no permit was issued or for which a permit has been revoked;
- B. Obsolete signs or signs that are not properly maintained, considered structurally unsound, hazardous or otherwise unsafe;
- C. Signs that contain words or pictures of an obscene or pornographic nature;
- D. Signs that emit audible sounds, odor, or visible matter. In this context visible matter is defined as physical particles or substances that are emitted from a sign;
- E. Signs that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle; or bear one of more of the words "stop" "go slow," "caution," "danger," "warning" or other similar words; or hide from view any traffic or street sign, signal or device;
- F. Signs that interfere with official traffic lights or traffic control devices;
- G. Flashing, rotating, revolving signs/lights, except barber poles or holiday decorations; which do not violate the above;
- H. Signs with unshielded lighting devices or reflectors placed to outline or provide the background of a sign;
- I. Digital signs;
- J. Signs with mirrors;
- K. Billboards;
- L. Off-premise signs;
- M. Permanent banner, pennant, windblown or inflated signs. These may be permitted as a temporary sign for a total of 30 days;
- N. Portable signs, except sandwich board signs;
- O. Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any street or within the public right-of-way unless otherwise permitted;
- P. Signs, banners, or pennants mounted on or extending above the roof of any building or structure; and
- Q. Signs painted directly upon any unpainted stone or brick wall.

### **§4-5.6 Sign Permit**

- A. Permit Required.
  - 1. Except as provided in this Article, no sign shall be erected or renovated without a sign permit

evidencing the compliance of such work under the provisions of this Article.

2. Routine sign maintenance, changing of parts designed to be changed or changing the content of a sign in any manner which does not change the physical characteristics, construction, or design of the sign shall not require a sign permit.
3. The Zoning Enforcement Officer shall issue a sign permit provided the application proves compliance with all standards and regulations of this Article.
4. Any variance from the sign number, size, height, or setback provisions of this Article shall be subject to the standards for an area variance as set forth in Article 10.

B. Application Requirements.

1. An application for sign permit shall be submitted to the Zoning Enforcement Officer, who shall issue a decision within 30 days of receiving said application.
2. The Zoning Enforcement Officer may refer applications to the Village Planning Board and/or Village Board of Trustees for review and recommendation prior to issuing a decision. Extensions to the 30-day review period may be granted for such referral.
3. Every application for a sign permit shall be accompanied by the following plans and specifications, drawn to scale, indicating the:
  - (i) Method of sign construction;
  - (ii) Sign dimensions, including but not limited to sign height, area, and depth;
  - (iii) Sign location on the lot, building, or structure;
  - (iv) Sign structure, supports, design, and materials; and
  - (v) Sign illumination apparatus, if applicable.
4. Sign permit application elements shall be accurately represented as to size, area, proportion, and color. The application shall also provide a calculation of the total amount of sign area presently existing on the property, and by the applicant's attestation that the sum of the areas of the requested sign or signs and the existing signs do not exceed the maximum allowed by the provisions of this Local Law.

**§4-5.7 Signs Requiring a Permit.**

The following signage erected within the Village of Cayuga shall require the issuance of a sign permit, unless otherwise stated within this Article. The following shall serve as the standards by which the Zoning Enforcement Officer or their designee shall approve or deny a sign permit.

A. Awning Sign.

1. Awning signs shall be painted on or attached flat against the surface of the awning, but not extended beyond the valance or be attached to the underside.
2. Awning signs shall be a minimum of nine (9) feet above the sidewalk level to provide adequate pedestrian clearance.
3. Awning signs may not be illuminated.
4. Awning signs are prohibited in the R and W-R Districts.

B. Ground Sign.

1. Ground signs shall be setback 10 feet from any public right-of-way.



2. Ground signs shall be setback 10 feet from any side property line.
  3. Ground signs shall not be placed so as to cause any interference with sight distance.
  4. No ground sign shall exceed six (6) feet in height and 10 square feet in total area.
  5. Ground signs in the R and W-R Districts shall be no more than four (4) feet in height and six (6) square feet in total area.
- C. Illuminated Sign.
1. Illuminated signs shall only contain steady, stationary shield light sources directed solely onto the sign without causing glare.
  2. Exterior neon signs are prohibited. In the M-U and W-D Districts, two interior neon light sources are permitted per commercial use.
  3. Illuminated signs are prohibited in the R and W-R Districts.
- D. Projecting and Hanging Sign.
1. A projecting or hanging sign may be erected, perpendicular to the front wall of the building, not to protrude more four (4) feet.
  2. Sign dimensions shall neither exceed three (3) feet in length nor three (3) feet in height.
  3. The minimum clearance from grade level to the bottom of the sign shall be nine (9) feet.
  4. Existing and new signs which overhang a public right-of-way (including sidewalks) shall be covered by a public liability insurance policy or indemnity and hold the Village harmless (i.e. have the sign owner complete a waiver form).
- E. Wall Sign.
1. A wall sign shall be attached to or incorporated in the building wall.
  2. All wall signs shall be located on the building front or face wall.
  3. No wall sign shall extend beyond the outer edge of any wall of the building to which it is attached.
  4. No wall sign shall extend above the floor or level of the floor of a second story of the building to which it is attached.
  5. The front face of the wall sign shall be parallel to the wall to which it is attached and shall not project more than (six) 6 inches therefrom.
  6. The total area for wall signage shall not exceed two (2) square feet for each horizontal foot of wall parallel to frontage on which it is mounted.
  7. The maximum width for wall signage shall not exceed 75% of the building wall's horizontal measurement, except that, where such horizontal measurement is 20 feet or less, the maximum width may be 90% of such measurement.
  8. Wall signs are prohibited in the R and W-R Districts.
- F. Window Sign.
1. Window signs shall not exceed 25% of window area.
  2. Window signs shall only be located within a building on the premises.

#### **§4-5.8 Temporary Signs**

- A. Temporary signs include a sign or advertising display constructed of cloth, canvas, fabric, plywood,

or other light material and designed or intended to be displayed for a short period of time. Signs for real estate, construction, elections, sales, etc. are considered temporary signs. In addition, any sign that promotes or supports a candidate or candidates for any public office, or which advocates a position on upcoming ballot propositions, or which expresses an opinion or belief, or which promotes a specific event, including, but not limited to, grand opening, special events, community events, etc. Temporary signs do not require a permit provided they are in accordance with the following provisions:

1. Shall not be illuminated in any manner;
  2. Shall be a maximum 4 square feet in area in the residential district or 9 square feet in area in nonresidential districts;
  3. Shall be set back a minimum of 10 feet from any lot line;
  4. Shall be of a height no greater than four feet above grade;
  5. Shall not be placed on any property sooner than 90 days prior to the promotion, event, sale, ballot, etc.
  6. Shall be removed within 14 days after the completion of the promotion, event, sale, ballot, etc.;
  7. Shall be no more than three signs per lot;
  8. The owner or occupant of the property must give permission to erect a temporary sign, and the owner of said sign shall be responsible for removal;
  9. Such signs shall not be affixed to fences, trees, and utility poles, bridges, or traffic signs and in no way obstruct traffic;
  10. Shall not be erected within the right-of-way of public streets or roads;
  11. Shall be located only the property on which it is associated.
- B. Sandwich board signs are considered temporary signs; however, they shall meet the following provisions in addition to those stated above:
1. One sandwich board sign per commercial use shall be allowed and displayed in the M-U and W-D Districts.
  2. Sandwich board signs shall only be displayed during business hours for the commercial use being advertised.
  3. Sandwich board signs shall be located on the premises of the business and shall not block or endanger pedestrian or vehicular traffic.

#### **§4-5.9 General Sign Standards**

##### **A. Sign Area.**

1. The area of a sign shall be constructed to include any frame and all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign.
2. Where a sign consists of individual letters, words or symbols attached to or painted upon a surface, building, canopy, awning, wall or window, the area of such sign shall be calculated by determining the smallest geometric form or combination of forms that comprise all the display area and any accompanying background of a color different than the natural color of the building, canopy, awning, wall or window and any frame.
3. In the case of a multi-faced sign only one side of the sign is considered in determining sign area if; (1) the message is identical on both sides, and (2) the sides of the sign are back-to-back or

diverge at an angle of less than 45 degrees.

- B. Sign Height. Sign height shall be measured between grade and the highest point of the highest element of the sign.
- C. Illumination. In no event shall an illuminated sign be placed or directed so as to permit the beams and illumination upon any adjacent public or private premises so as to cause glare or reflection that may constitute a nuisance or traffic hazard. No sign shall have visible moving or moveable parts or flashing, animated or intermittent illumination.
- D. Sign Construction. All signs, with the exception of temporary signs, shall be constructed of durable and non-corrosive materials.
- E. Maintenance. The owner of a sign and the owner of the premises upon which the sign is erected shall maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and so as to prevent the development of any corrosion, rotting or other deterioration in the physical appearance or safety of such sign.

#### **§4-5.10 Nonconformance**

- A. Nonconformance.
  - 1. Other than general sign maintenance, a sign which does not conform to this Article shall not be replaced, reconstructed, remodeled, relocated, redesigned, or changed in size unless such action will make the sign conforming in all respects to this Article.
  - 2. A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six months after such destruction or damage only after the owner has shown that the damage did not exceed 50% of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding 50% of the appraised value of the sign, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming in all respects to this Article.
  - 3. A non-conforming sign or sign structure shall be removed within 30 days after written notice to the owner of the sign and building when the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding the 50% of the building's appraised value.
  - 4. Except as hereinafter provided, any sign erected before the effective date of the amendments to this Article and which were lawful pursuant to this Article prior to said amendments, shall be brought into conformity with these amendments as follows:
    - (i) Signage in any residential district shall conform within five (5) years of the effective date.
    - (ii) Signage in all other districts shall conform within five (5) years of the effective date.

#### **§4-5.10 Permit Fees**

- A. A schedule of fees for sign permits may be established and amended from time to time by the Board of Trustees. These fees may include, but will not be limited to, application, removal, change of design, renewal, etc.

#### **§4-5.11 Enforcement**

- A. The Zoning Enforcement Officer (ZEO) is authorized to order repair or removal of any sign and its supporting structure which is judged dangerous or in disrepair or which is erected or maintained contrary to this Article. The Village Board of Trustees may authorize legal action to seek a court injunction to enforce this Article.
- B. Removal of signs in violation.

1. In the event of a violation of any of the provisions of this Article, the Zoning Enforcement Officer (ZEO) shall give written notice of such defect to the sign owner and landowner as stated in the application for the sign permit, at the addresses set forth in the sign permit application, to conform or remove such sign. The sign shall be brought into conformance by the sign owner and landowner within 30 days from the date of said notice. In the event that such sign shall not be brought into conformance within 30 days, the ZEO shall revoke the permit, and such sign shall be removed by the sign owner and/or landowner.
2. Any signs not removed within the time limit herein stated shall be deemed a public nuisance, subject to the removal provisions of this section, and shall be removed by the Village if the sign owner and/or property owner fail to do so after being ordered by the Village. Costs of said removal shall be borne by the sign and/or property owner and may be recovered by the Village, if necessary, or by placing a lien, in accordance with appropriate state law, on the property where the sign has been removed.

## **ARTICLE 5. NON-CONFORMING USES AND STRUCTURES**

### **§5-1 Applicability**

**§5-1.1** These provisions shall apply to all buildings or structures and all uses of buildings or structures or lots lawfully existing prior to the effective date of this Article or of subsequent amendments, revisions or reenactments of such Article which do not conform to the provisions of said original Article or to such revisions or reenactments on their effective dates. The provisions in this Article shall not apply to nonresidential structures in residential districts under §3-2.10 and exclude single, two family and multi- family dwellings.

### **§5-2 Unlawful Buildings, Structures, or Uses**

**§5-2.1** No unlawful building or structure or unlawful use of a building or structure or lot existing at the effective date of this Chapter shall be deemed to be a non-conforming building, structure, or use.

### **§5-3 Continuation**

**§5-3.1** Except as otherwise provided in this section, the lawful use of any buildings or land existing at the date of adoption of this Article may be continued even though such use does not conform to the provisions of this Article for the district in which such land is located. Non-conforming use rights, subject to the provisions of this law remain with the land when title is transferred.

### **§5-4 Extension of Non-Conforming Use**

**§5-4.1** A non-conforming use shall not be enlarged or extended to other structures or lot not already devoted to such use, except as provided in §3-2.10.

### **§5-5 Restoration and Repair**

**§5-5.1**

### **§5-6 Abandonment or Discontinuance**

**§5-6.1** A non-conforming use shall be changed to a conforming use, except as provided in §3-2.10.

**§5-6.2** Whenever a non-conforming structure has been abandoned or a non-conforming use discontinued for a period of 12 consecutive months, from a beginning date to be determined by the Zoning Enforcement Officer, such non-conforming structure or use shall not be reestablished.

## **ARTICLE 6. SPECIAL USE PERMITS**

### **§6-1 Purpose**

**§6-1.1** The purpose of this Article is to set forth additional requirements which shall apply to certain land uses and activities which, due to their characteristics or the special characteristics of the area in which they are to be located, require special consideration so that they may be properly located and planned with respect to the objectives of this Local Law and their effect on the surrounding properties and community character. These requirements are intended to promote the public health, general safety, and neighborhood character of the immediate neighborhood and the Village as a whole.

### **§6-2 Applicability**

**§6-2.1** This Article is applicable to the uses specially permitted, which are listed in Article 2. Uses allowable by Special Use Permit must obtain Planning Board approval via the Special Use Permit process prior to operation.

**§6-2.2** All applications must comply with the following standards. Additional standards for certain uses that require a Special Use Permit are found in Article 3.

### **§6-3 Procedure and Approval**

**§6-3.1** An application for a Special Use Permit shall be filed with the Village Clerk.

**§6-3.2** Site plan approval is a required step in the consideration of all Special Use Permit uses and shall be carried out either prior to, or in conjunction with, these Special Use Permit procedures.

**§6-3.3** Application for Area Variance in a Special Use Permit.

- A. Notwithstanding any provision of law to the contrary, where a proposed Special Use Permit contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to section 7-712-b under Article 7 of New York State Village Law.

**§6-3.4** The Planning Board shall have the authority to impose reasonable conditions and restrictions as are directly related to or incidental to the proposed Special Use Permit.

**§6-3.5** The Planning Board shall conduct a public hearing within 62 days from the day an application is received on any matter referred to it under this section.

**§6-3.6** The Village shall publish, at least five calendar days prior to the date of the public hearing, a notice of the application and shall also send a copy of such notice to the applicant. Such notice shall be sufficient to identify the property involved and the nature of the proposed action.

**§6-3.7** The Planning Board shall render its decision within 62 days after the hearing. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the Village Board of Trustees.

**§6-3.8** A majority vote of the members of the Planning Board shall be necessary to decide in favor of the applicant for any Special Use Permit.

**§6-3.9** The decision of the Planning Board shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and a copy thereof shall be mailed to the applicant.

### **§6-4 General Findings**

**§6-4.1** The Planning Board shall not issue a Special Use Permit unless it makes a recorded finding that the proposed use will satisfy the standards set forth herein. In order to reach positive findings in support of the Special Use Permit, the Planning Board may require conditions of, and/or modifications to, the project. Such conditions must relate to the impact of the project. If the Planning Board does not make a positive finding in support of the Special Use Permit, it shall deny the Special Use Permit. In

issuance of such a denial, the record of the Planning Board must address the standards outlined below and include the facts and reasons upon which such denial was based:

- A. Compatibility of the proposed use with the principles of the district, the purposes set forth in this Local Law, and the goals of the Comprehensive Plan.
- B. The lot area is sufficient, appropriate and adequate for the use;
- C. The proposed use will not prevent the orderly and reasonable use of adjacent properties;
- D. The site is particularly suitable for the location of the proposed use in the community;
- E. The access facilities are adequate for the estimated traffic from public streets or highways, so as to ensure the public safety and to avoid traffic congestion, and further that vehicular entrances and exits shall be clearly visible from the street and not be within 125 feet of the intersection of street lines at a street or highway intersection except under unusual circumstances;
- F. There are an adequate number of off-street parking spaces provided for the anticipated use and the layout of the spaces and driveways is convenient and conducive to safe operation;
- G. There is adequate buffering, landscaping, and screening provided in accordance with Article 4 of this Local Law to protect adjacent residential and nonresidential properties and land uses; and
- H. The proposed use will comply with all other regulations applicable to such use as listed in Article 2 and Article 3.

## **§6-5 Expiration**

**§6-5.1** A Special Use Permit shall be deemed to authorize only the particular special use or uses specified therein.

**§6-5.2** A Special Use Permit will expire if the applicant fails to obtain a building permit or fails to comply with the conditions of the Special Use Permit (unless other provisions are set forth by the Planning Board in connection with its approval) eighteen (18) months after approval.

**§6-5.3** A Special Use Permit will expire if the special use or uses shall cease for any reason for more than twenty-four (24) consecutive months.

## **§6-6 Revocation**

**§6-6.1** In any instance where the conditions of a Special Use Permit have not been met or are not being complied with, the Zoning Enforcement Officer shall immediately issue a stop order to the applicant, which shall list the violations. If the applicant has not made substantial effort to comply with the stop order within 10 calendar days, the Special Use Permit shall be revoked.

## **ARTICLE 7. SITE PLAN REVIEW**

### **§7-1 Site Plan Review and Approval**

**§7-1.1** Prior to the issuance of a building or zoning permit for any use noted in §2-3, Table 2.2 as requiring site plan review, the Village Planning Board shall require the preparation and submittal of a site plan for its review and approval in accordance with the standards and procedures set forth in this Local Law.

### **§7-2 Sketch Plan Conference**

**§7-2.1** A sketch plan conference shall be held between the Village Planning Board and the applicant to review the basic site design concept and generally determine the information to be required on the preliminary site plan. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed.

- A. An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets and easements within two hundred (200) feet of the boundaries thereof.
- B. A map of site topography at no more than five (5) feet contour intervals. If general site grades exceed five (5) percent or portions of the site have susceptibility to erosion, flooding or ponding, a topographic map will be provided.

### **§7-3 Application for Preliminary Site Plan Approval**

**§7-3.1** An application for preliminary site plan approval shall be made in writing to the Zoning Enforcement Officer and shall be accompanied by information drawn from the following checklist, as determined necessary by the Village Planning Board at the sketch plan conference.

#### **§7-3.2 Preliminary Site Plan Checklist:**

- A. Title of drawing, including name and address of applicant and person responsible for preparation of the drawing;
- B. North arrow, scale, and date;
- C. Boundaries of the property plotted to scale;
- D. Existing watercourses;
- E. Grading and drainage plan, showing existing and proposed contours;
- F. Location, proposed use, and height of all buildings;
- G. Location, design, and construction materials of all parking and truck loading areas, showing access and egress;
- H. Provision for pedestrian access;
- I. Location of outdoor storage, if any;
- J. Location, design, and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls, and fences;
- K. Description of the method of sewage disposal and location, design, and construction materials of such facilities;
- L. Description of the method of securing potable water and location, design, and construction of such facilities;
- M. Location of fire and other emergency zones, and the location of fire hydrants;
- N. Location, design, and construction materials of all energy distribution facilities;



- O. Location, size, design, and construction materials of all proposed signs;
- P. Location and proposed development of all buffer areas, including existing vegetative cover;
- Q. Location and design of outdoor lighting facilities;
- R. Designation of the amount of building area proposed for retail sales or other commercial activity;
- S. Landscaping plan and planting schedule; and
- T. Other elements integral to the proposed development as considered necessary by the Village Planning Board, including identification of any State or County permits required for the project's execution.

**§7-3.3** An application for preliminary site plan review and approval shall be accompanied by a fee, as fixed from time to time by resolution of the Village Board of Trustees. No further fee is required at the final detailed site plan stage.

#### **§7-4 Village Planning Board Review of Preliminary Site Plan**

**§7-4.1** The Village Planning Board's review of a preliminary site plan shall include, as appropriate, but is not limited to, the following:

- A. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls;
- B. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience;
- C. Location, arrangement, appearance, and sufficiency of off-street parking and loading areas;
- D. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs;
- E. Adequacy of stormwater and drainage facilities;
- F. Adequacy of water supply and sewage disposal facilities;
- G. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
- H. In the case of an apartment complex or other multifamily dwelling, the adequacy of useable open space for play areas and passive recreation;
- I. Protection of adjacent or neighboring properties against noise, glare, unsightliness, or other objectionable features;
- J. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants and adequate fire flows; and
- K. Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, or erosion.

**§7-4.2** The Village Planning Board may consult with the Zoning Enforcement Officer, Soil and Water Conservation District, or other local and county officials and their designated private consultants, in addition to federal, state, or county agencies, for example, the Department of Environmental Conservation.

**§7-4.3** The Village Planning Board may conduct a public hearing on the preliminary site plan. If a public hearing is considered desirable by a majority of the members of the Village Planning Board, such public hearing shall be conducted within forty-five (45) days of the receipt of the application for preliminary site plan approval and shall be advertised in a newspaper of general circulation in the Village at least five (5) days prior to the public hearing.

**§7-4.4** The Village Planning Board shall decide on the complete application for preliminary site plan approval within forty-five (45) days of its receipt. If no decision is made within said forty-five (45) day period, the preliminary site plan shall be considered approved. The Village Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved, or approved with modifications.

The Village Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, and conformance with said modifications shall be considered a condition of approval. If the preliminary site plan is disapproved, the Village Planning Board's statement will contain reasons for such findings. In such a case, the Village Planning Board may recommend further study of the site plan and resubmission to the Village Planning Board after it has been revised or redesigned.

### **§7-5 Procedure for Final Detailed Site Plan Approval**

**§7-5.1** After receiving approval with or without modifications from the Village Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Village Planning Board for approval. If more than six (6) months have elapsed since the time of the Village Planning Board's action on the preliminary site plan and if the Village Planning Board finds that conditions may have changed significantly in the interim, the Village Planning Board may require submission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

The final site plan shall conform substantially to the approved preliminary site plan. It should incorporate any modifications that may have been recommended by the Village Planning Board in its preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

**§7-5.2** The following additional information shall accompany an application for final site plan approval:

- A. Record of application for and approval status of all necessary permits from State and County officials;
- B. Detailed sizing and final material specification of all improvements; and
- C. An estimated project construction schedule.

### **§7-6 Required Referral**

**§7-6.1** Prior to taking action on the final detailed site plan, the Village Planning Board shall refer the plan to the Cayuga County Village Planning Board for advisory review and report in accordance with §239, l, m & n of the NYS General Municipal Law.

### **§7-7 Village Planning Board Action on Final Detailed Site Plan**

**§7-7.1** Within forty-five (45) days of receipt of the complete application for final site plan approval, the Village Planning Board shall render a decision to the Zoning Enforcement Officer. If no decision is made within the forty-five(45) day period, the final site plan shall be considered approved.

- A. Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due to the Village, the Village Planning Board shall endorse its approval on a copy of the final site plan and shall forward such copy to the Zoning Enforcement Officer.
- B. Upon disapproval of a final site plan, the Village Planning Board shall so inform the Zoning Enforcement Officer and the Zoning Enforcement Officer shall deny a building permit to the applicant. The Village Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

**§7-8 Reimbursable Costs**

**§7-8.1** Costs incurred by the Village Planning Board for consultant fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant. A deposit from the applicant may be required for such expenses.

**§7-9 Performance Guarantee**

**§7-9.1** No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Village Planning Board after consultation with the Zoning Enforcement Officer.

**§7-10 Inspection of Improvements**

**§7-10.1** The Zoning Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the local Highway Superintendent, NYS Department of Transportation and other officials and agencies, as appropriate.

**§7-11 Integration of Procedures**

**§7-11.1** Whenever a proposed development requires compliance with other requirements of the Village Law, the Village Planning Board shall attempt to integrate, as appropriate, site plan review.

**§7-12 Time Periods**

**§7-12.1** Time periods stated herein may be extended by consent of the applicant and the Village Planning Board.

**§7-13 Waivers**

**§7-13.1** For good cause shown, the Village Planning Board may waive specific submittal requirements.

## **ARTICLE 8. SUBDIVISION REGULATIONS**

### **§8-1 Purpose.**

**§8-1.1** The purpose of this Article is to support the vision and goals contained within the Village of Cayuga Comprehensive Plan through the preservation and enhancement of the function and character of village neighborhoods; and to ensure that the division or consolidation of parcels of land adequately provide for the safety, health, and welfare of its population. Additionally, the intent of these requirements is to conserve wooded land and open space.

### **§8-2 Authority for Plat Approval**

**§8-2.1** By the authority of the NYS Village Law, Article 7, §7-728 and the Village of Cayuga Board of Trustees, the Planning Board of the Village is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve preliminary plats within the Village of Cayuga.

### **§8-3 Compliance with Policy**

**§8-3.1** It is the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the Village of Cayuga. This means, among other things that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements.

**§8-3.2** All proposed lots shall be laid out and of such a size so as to be in harmony with the development pattern of neighboring properties, so that the proposed streets shall compose a convenient system; and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and so that proper provision shall be made for open spaces for parks and playgrounds or for natural resource protection.

**§8-3.3** In order that land subdivisions may be made in accordance with this policy, these regulations shall be known as the "Village of Cayuga Subdivision Regulations." Failure to notify the Zoning Enforcement Officer of any conveyance by subdivision shall be a violation of this law and will be enforced by both civil action and financial penalties inclusive of injunctive relief to the effect of terminating such conveyances.

### **§8-4 Applicability and Legal Effect**

#### **§8-4.1 Applicability of These Regulations**

- A. Any division of a lot into two (2) or more lots, whether new streets, public facilities, or municipal utility extensions are involved or not.
- B. Any other land transaction which requires filing of a plat with the Cayuga County Clerk.
- C. Consolidation of lots for tax purposes as initiated by land owners and approved by the Cayuga County Assessor shall not be considered a Subdivision but shall be registered with the Zoning Enforcement Officer.

#### **§8-4.2 Legal Effect: Land-Use Regulations**

- A. Whenever any subdivision of land is proposed to be made, and before any site modifications are made, and before any permit for the erection of a structure in such proposed subdivision is granted, the sub-divider or a duly authorized agent must apply for in writing and receive approval of the proposed subdivision in accordance with these regulations.

**§8-4.3 Legal Effect: Filing Plats with County Clerk**

- A. Before any plat or licensed survey map of land in the Village of Cayuga is filed with the County Clerk, the plat or licensed survey map must be approved by the Planning Board, as applicable, in accordance with the procedures of this law and the NYS Village Law, Article 7, §7-728.

**§8-4.4 Plat Void if Revised After Approval**

- A. No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat or licensed survey map after approval has been given by Planning Board and endorsed in writing on the plat or licensed survey map, unless the plat or licensed survey map is first resubmitted to the Planning Board and the Board approves any modifications.
- B. In the event that any such Subdivision Plat or licensed survey map is recorded without complying with this requirement, it shall be considered null and void, and the Zoning Enforcement Officer may institute proceedings to have the plat or licensed survey map stricken from the records of the County Clerk.

**§8-4.5 Coordination with County Health Department**

- A. The provisions of the Cayuga County Sanitary Code are in addition to these land subdivision regulations.

**§8-5 General Provisions**

**§8-5.1** The following is a list of key considerations governing the subdivision of land:

- A. Subdivisions proposed for within the Village of Cayuga shall be considered either a major or a minor subdivision.
- B. The Planning Board may require that appropriate surety be posted to assure the project is constructed as designed or to assure that conditions of approval are met.
- C. The Planning Board will consider any proposal for a clustered project, but the Board reserves the right to require clustering to protect environmentally sensitive areas or to preserve open space.
- D. All proposals require appropriate environmental reviews in accordance with the New York State Environmental Quality Review Act (SEQRA) procedures.

**§8-5.2 Subdivision applications.**

- A. All related application forms are available from the Village Clerk.
- B. Pre-application conferences with the Chairperson of the Planning Board and other appropriate Village officials are encouraged and serve the following functions:
  - 1. To review application requirements;
  - 2. To identify any potential area of environmental concern;
  - 3. To discuss the preliminary design of the project;
  - 4. To set a probable timetable for review; and
  - 5. To review Village policies concerning development.

**§8-5.3 Fees.**

- A. All applications for subdivision approval shall be accompanied by a fee established by resolution of the Village Board of Trustees and may be amended from time to time by resolution of the Board. The application fee shall be used to cover part of the cost of the subdivision review process, including administrative costs such as public hearing notices, inspections, communications, etc.

**§8-5.4 Environmental review.**

- A. The Planning Board will consider the probable environmental impacts of the proposed subdivision. The Planning Board will serve as the lead agency for the purpose of making a determination of environmental significance pursuant to SEQRA.

**§8-5.5 Planning Board Use of Consultants and Services of County and Regional Planning Staff.**

- A. The Planning Board may choose at any point in a subdivision review process to request consultants or refer to county or regional planning staffs for review, comment, and advice on any aspect of the approval process, subdivision design, engineering specifications, or other pertinent matters. The cost, if any, shall be borne by the applicant.

**§8-6 Definitions**

**§8-6.1** As used in this Article, the following terms shall have the meanings indicated:

**COLLECTOR STREET** - A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

**DEAD-END STREET OR CUL-DE-SAC** - A street or portion of a street with only one vehicular traffic outlet.

**DRAINAGE RIGHT-OF-WAY** - The lands required for the installation of storm water sewers or drainage ditches or field tiles are required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**ENGINEER OR LICENSED PROFESSIONAL ENGINEER** - A person licensed as a professional engineer by the State of New York.

**MAJOR STREET** - A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

**MAJOR SUBDIVISION** - Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots or any sized subdivision requiring a new street or extension of municipal facilities.

**MINOR STREET** - A street intended to serve primary access to abutting properties.

**MINOR SUBDIVISION** - Any subdivision which contains not more than four (4) lots fronting on an existing street; does not include any new street or road; does not require the extension of municipal facilities; does not adversely affect adjacent properties; and is not in conflict with any provision of the Comprehensive Plan, the Official Zoning Map of the Village of Cayuga, or these regulations.

**PRELIMINARY PLAT** - A drawing or drawings, clearly marked 'preliminary plat,' showing the significant features of a proposed subdivision, as specified in §8-10.2 of this Article, submitted to the Planning Board for the purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**RE-SUBDIVISION** - Revision of all or part of an existing filed plat.

**STREET PAVEMENT** - The wearing or exposed surface of the roadway used by vehicular traffic.

**STREET WIDTH** - The width of the right-of-way, measured at right angles to the centerline of the street.

**SUBDIVIDER** - Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either personally or on behalf of ownership, lessee or building development, and shall include re-subdivision.

**SUBDIVISION** - The legal division of any tract of land into two (2) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease or building development, and shall include re-subdivision.

**SUBDIVISION PLAT OR FINAL PLAT** - A drawing, in final form, showing a proposed subdivision, containing all information or details required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

**SURVEYOR** - A person licensed as a land surveyor by the State of New York.

**UNDEVELOPED PLATS** - Those plats existing at the time of the enactment of this chapter that have been filed in the office of the County Clerk, where 20% or more of the lots within the plat are unimproved.

**VILLAGE ENGINEER** - The designated engineer of the Village of Cayuga.

## **§8-7 General Procedures**

**§8-7.1** These regulations recognize two (2) types of subdivisions, which are subject to two (2) different review and approval procedures:

- A. Minor Subdivision: Review includes two required submissions by sub-divider and may include a public hearing if considered desirable by the Planning Board.
- B. Major Subdivision: Review includes three required submissions by sub-divider and at least one (1) public hearing by the Planning Board.

### **§8-7.2 Classification of Subdivision.**

- A. The first stage of subdivision is classification. Classification requires that an applicant submit a Sketch Plat of the proposed subdivision to the Zoning Enforcement Officer that provides sufficient detail for the Zoning Enforcement Officer to classify the action as to the type of review required. The Zoning Enforcement Officer shall confer with the Chair of the Planning Board for comments and general recommendations as to any adjustment needed to satisfy the objectives of these regulations. The Sketch Plat initially submitted to the Zoning Enforcement Officer shall be based on tax map information or on some other similarly accurate base map at a scale (preferably not less than 1:2,400) that enables the entire tract to be shown on one sheet. A submitted Sketch Plat shall show the following information:
  - 1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
  - 2. All existing structures, wooded areas, streams, wetlands, flood hazard areas and other significant physical features within the portion to be subdivided and within 200 feet thereof.
  - 3. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
  - 4. The names of the owner and of all adjoining property owners as disclosed by the current tax roll.
  - 5. The tax map, block and lot numbers of all lots shown on the plat.
  - 6. All the utilities available and all streets.
  - 7. The proposed pattern of lots (with dimensions), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
  - 8. All existing restrictions on the use of land, including easements, covenants and zoning district boundary lines.
  - 9. Minor and Major Subdivisions may require additional information as specified in this document.

## **§8-8 Initiation of A Minor or Major Subdivision Review**

### **§8-8.1 Request for Planning Board Review**

- A. When the Zoning Enforcement Officer determines the classification of a subdivision request, the Zoning Enforcement Officer shall notify the Chair of the Planning Board of the pending action. To initiate a Planning Board review and approval process of any minor or major subdivision or re-subdivision, the owner/sub-divider of the land involved must submit to the Zoning Enforcement Officer, at least ten (10) days prior to the regular meeting of the Planning Board, the following:
  - 1. A written request to approve the proposed subdivision, including any information the owner considers pertinent, and
  - 2. Nine (9) copies of a Sketch Plat of the proposed subdivision (reference §8-7.2 of this Article), for the purpose of preliminary discussion by the Planning Board.
- B. Sub-divider to Attend Planning Board Meeting on Sketch Plat. The owner/sub-divider, or an authorized representative, shall attend the meeting of the Planning Board at which the Sketch Plat is presented to discuss the requirements of these regulations for road improvements, drainage, sewerage, water supply, fire protection, any applicable storm-water management and similar aspects, as well as the availability of existing services and other pertinent information.
- C. The Planning Board shall determine whether the Sketch Plat meets the requirements of §8-9.2 or §8-10.2 of this Article and may, if the Sketch Plat is insufficiently complete, reject the application with reasons given in writing. It may also make specific recommendations in writing to be incorporated by the applicant in any subsequent submission to the Planning Board.

## **§8-9 Minor Subdivision Review Procedure**

### **§8-9.1 Application and Fee**

- A. Within 6 (six) months after classification of a Sketch Plat as a Minor Subdivision by the Zoning Enforcement Officer, the sub-divider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plat to the Zoning Enforcement Officer for reclassification.
- B. The Subdivision Plat shall conform to the layout shown on the Sketch Plat as well as incorporate any recommendations made by the Planning Board.
- C. The application shall also conform to the requirements listed in §8-9.2.
- D. At least nine (9) copies of the Subdivision Plat shall be provided to the Zoning Enforcement Officer at the time of submission of the Subdivision Plat.
- E. All applications for plat approval for Minor Subdivisions shall be accompanied by a fee in accordance with §8-5.3.

### **§8-9.2 Requirements for Minor Subdivision Plat Review**

- A. A Minor Subdivision Plat Application shall include the following information:
  - 1. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract.
  - 2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corner of each tract shall also be located on the ground and marked with an approved pin, pipe, or monument and shall be referred to and shown on the plat.
  - 3. All on-site sanitation and water supply facilities (if any) shall be designed to meet the specifications of the Cayuga County Health Department; approval shall be stated on the plat and signed by an officer of the Cayuga County Health Department.
  - 4. The proposed subdivision name (if any), and the names of the Village and County in which it is located.



5. The date, a true-north arrow, the map scale, and the names, addresses, and phone numbers of all owners of record and the sub-divider.
  6. The Subdivision Plat shall be a clear, legible reproduction that meets the standards for filing with the Cayuga County Clerk as prescribed by law.
- B. The sub-divider, or a duly authorized representative, shall attend the meeting of the Planning Board at which a Subdivision Plat is first discussed.

### **§8-9.3 Public Hearing on Minor Subdivision Plat**

- A. If required by the Planning Board, a public hearing shall be held within 45 days of the Date of Submission of required materials. The hearing shall be advertised in the official newspaper of the Village at least five (5) days before such hearing. When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage, provided by the Planning Board, and obtained from the Zoning Enforcement Officer. The applicant shall post this signage at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least ten (10) days prior to the public hearing.
- B. If no public hearing is required, the Planning Board shall have 45 days from the Date of Submission to make its decision.

### **§8-9.4 Action on Minor Subdivision Plat**

- A. The Planning Board shall, within 45 days of the date of the public hearing, act to conditionally approve; conditionally approve with modification; disapprove; or grant final approval to and authorize the signing of the Final Subdivision Plat. This time may be extended by mutual consent of the sub-divider and the Planning Board. Failure of the Planning Board to act within such time, in the absence of a mutually agreed upon extension, shall constitute approval of the plat.
- B. Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower the Planning Board Chair to sign the plat upon compliance with such conditions and requirements as may be stated in the Board's resolution of conditional approval.
- C. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Chair of the Planning Board as conditionally approved; a copy shall be filed in the Village Clerk's office; and a certified copy shall be mailed to the sub-divider. The copy mailed to the sub-divider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved plat.
- D. Upon completion of the requirements in the resolution of approval, the plat shall be signed by the Chair of the Planning Board. Conditional approval of the plat shall expire 180 days after the date of the resolution granting such approval. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances. Such extension is not to exceed two additional periods of 90 days each.

## **§8-10 Major Subdivision Preliminary Plat Review Procedure**

### **§8-10.1 Application and Fee**

- A. Prior to the filing of an application for the approval of a Major Subdivision Plat, the sub-divider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked with the words "Preliminary Plat" and shall be in the form described in §8-10.2 of this Article. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of the NYS Village Law Article 7, §7-728 of and §8-10.2 of these regulations, except where a waiver may be specifically authorized by the Planning Board.

- B. At least nine (9) copies of the Preliminary Plat shall be provided to the Zoning Enforcement Officer along with the fee established by the Village Board of Trustees. The Date of Submission of the Preliminary Plat shall be considered to be the date on which the Planning Board Chair, after reviewing said submission with the Zoning Enforcement Officer, accepts as complete the Preliminary Plat and all data required by §8-10.2 hereof. The Planning Board Chair shall note the date on the Preliminary Plat.

**§8-10.2 Requirements for Major Subdivision Preliminary Plat Review**

- A. A Preliminary Plat application shall include the following information:
  1. The proposed subdivision name; the names of the Village and County in which it is located; the date; a true-north arrow; the map scale; and the names, addresses and phone numbers of all owners of record, the sub-divider, and the engineer or surveyor, including license number and seal.
  2. The names of the owners of record of all adjacent properties.
  3. The zoning district(s) applicable to the area to be subdivided.
  4. All parcels of land proposed to be dedicated to public use and the condition of such dedication.
  5. The locations of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, and wooded areas.
  6. The locations of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades, and direction of flow.
  7. Contours with intervals of ten (10) feet or less as required by the Planning Board, including elevations on existing roads, and an approximate grading plan if natural contours are to be changed more than two (2) feet.
  8. The width and location of any existing streets, public ways, or places within the area to be subdivided; and the width, location, grades, and street profiles of all streets or public ways proposed by the developer.
  9. The approximate location and size of all proposed water lines, valves, hydrants, sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in standards published by the Cayuga County Health Department. Show profiles of all proposed water and sewer lines.
  10. All requirements as specified in local laws of the Village of Cayuga governing storm-water runoff; a storm-water management plan indicating the approximate location, construction and size of swales; and proposed lines and their profiles. Ramification of connections to existing or alternate means of disposal.
  11. Plans and cross-sections showing the proposed new location and types of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and sub-base; the location of manholes, basins, and underground conduits. New features must comply with the Village of Cayuga Subdivision Design Standards, §8-21.
  12. Preliminary designs of any bridges or culverts which may be required.
  13. The proposed lot lines with the approximate dimensions and area of each lot.
  14. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public open space.

15. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked with an approved pin, pipe or monument as approved by the Village Board of Trustees and shall be referred to and shown on the plat.
16. If the application covers only a part of the sub-divider's holding, a map of the entire tract shall be submitted so that the part of the sub-divider's holding covered in the application can be considered in the light of the entire holding. This map shall be drawn at a scale of not less than 1:4,800 and shall show an outline of the platted area with its proposed streets, and an indication of any probable future street system with its grades and drainage in the remaining portion of the tract, and any probable future drainage layout of the entire tract.
17. A copy of any covenants or deed restrictions that are intended to cover all or part of the tract.

**§8-10.3 Sub-divider to Attend Planning Board Meeting**

- A. The sub-divider, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

**§8-10.4 Study of Major Subdivision Preliminary Plat**

- A. The Planning Board shall study the practicability of a Preliminary Plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet un-subdivided, the requirements of this Zoning Law, and the recommendations of the Village of Cayuga Comprehensive Plan.

**§8-10.5 Public Hearing on Major Subdivision Preliminary Plat**

- A. Within 45 days of the Date of Submission of a Preliminary Plat marked as complete by the Planning Board Chair, the Planning Board shall hold a public hearing. When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage provided by the Planning Board by way of the Zoning Enforcement Officer and to post it at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least ten (10) days prior to the public hearing. The public hearing shall be advertised at least once in the official newspaper of the Village at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat.
- B. Within 45 days of the date of the public hearing, the Planning Board shall approve with or without modification, or disapprove the Preliminary Plat; and the grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by written mutual consent of the sub-divider and the Planning Board.

**§8-10.6 Planning Board Approval of Preliminary Plat**

- A. Conditional Approval of Preliminary Plat. When granting approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to:
  1. Modifications to the Preliminary Plat.
  2. The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and welfare.
  3. The required improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plat.

- B. Effect of Approval of Preliminary Plat. Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. When approving a Preliminary Plat, the Planning Board shall state in writing the modifications, if any, it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such Preliminary Plat, it shall be certified by the Planning Board Chair as having been granted preliminary approval, and a copy shall be filed with the Village Clerk, a certified copy shall be mailed to the owner, and a copy shall be forwarded to the Village Board of Trustees. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing. Failure of the Planning Board to act within the 45-day period shall constitute approval of the Preliminary Plat.

## **§8-11 Major Subdivision Final Plat Application**

### **§8-11.1 Application**

- A. A sub-divider shall, within six (6) months after the approval of a Preliminary Plat, file with the Planning Board an application for approval of a Final Subdivision Plat in final form, using the application available from the Village Clerk. If the Final Subdivision Plat is not submitted for approval within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the Final Subdivision Plat and require resubmission of the Preliminary Plat.
- B. A sub-divider intending to submit a Final Plat for the approval of the Planning Board Chair shall provide the Zoning Enforcement Officer with a copy of the application and copies as required of the plat, including one in ink on drafting film or an acceptable, equal medium that permits reproductions of the original; the original and one copy of all offers of cession, covenants and agreements; and two prints of all construction drawings.

### **§8-11.2 Major Subdivision Final Plat and Accompanying Data**

- A. Final Plat Filing. Any Final Plat must be stamped by the Planning Board Chair, the Cayuga County Health Department, and the Cayuga County Office of Real Property Services and then must be filed with the Cayuga County Clerk within 92 days of the Planning Board approval. The County Clerk's filing standards may vary from the review standards of the Village. The Village's Final Plat shall show:
1. Proposed subdivision name or identifying title and the names of the Village and County in which the subdivision is located; the names and addresses of the owners of record and of the sub-divider; and the name, license number and seal of the New York State licensed land surveyor.
  2. Road lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use.
  3. Data acceptable to the Village Engineer as sufficient to determine readily the location, bearing and length of every street line, lot line and boundary line and as sufficient to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State Plane Coordinate System, and in any event should be tied to reference points previously established by a public authority.
  4. The length and bearing of all straight lines, radii, length of curves, central angles of curves, and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale, and true-north arrow.

5. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces whose title is reserved by the developer. For any of the latter there shall be submitted with the Final Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made, therefore.
6. All offers of cession and covenants governing the maintenance of un-ceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.
7. Lots and blocks within a subdivision shall be numbered or lettered in alphabetical order in accordance with the prevailing Village practice.
8. Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of a licensed engineer or surveyor. When referred to the State Plane Coordinate System they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Village and their location noted and referred to upon the Final Plat.
9. All lot corner markers shall be permanently located in a way satisfactory to a licensed engineer or surveyor. Pins, pipes or monuments of a type approved by the Village Board of Trustees shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by a licensed engineer or surveyor.
10. Construction drawings, including plans, profiles and typical cross-sections as required, showing the proposed location, size, and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

## **§8-12 Endorsement of State and County Agencies**

**§8-12.1** Water and sewer facility proposals contained in the Final Subdivision Plat shall be properly endorsed and approved by the Cayuga County Department of Health. Applications for approval on plans for sewer or water facilities shall be filed by the sub-divider with all necessary Village, Town, County, and State agencies. Endorsement and approval by the Cayuga County Department of Health shall be secured by the sub-divider prior to official submission of the Final Subdivision Plat for approval by the Planning Board.

## **§8-13 Public Hearing and Review of the Final Plat**

**§8-13.1** Within 45 days of the Date of Submission of a Major Subdivision Final Plat in final form for approval, a public hearing shall be held by the Planning Board. This hearing shall be advertised. Advertising shall be at least once in the official newspaper of the Village and at least five (5) days before the hearing. If, however, the Planning Board deems the final plat to be in substantial agreement with a Preliminary Plat approved under §8-10.6 hereof, and modified in accordance with requirements of such approval, if such Preliminary Plat had been approved with modification, the Planning Board may waive the requirement for such a public hearing.

## **§8-14 Planning Board Action on Proposed Final Subdivision Plat**

### **§8-14.1 Prescribed time for Action**

- A. The Planning Board action shall be by resolution to conditionally approve with or without modification; disapprove; or grant final approval to and authorize the signing of the plat by the Chair of the Planning Board. The action is to be taken within 45 days of the public hearing, if one was held, and if no public hearing was held, within 45 days of the Date of Submission. This time may be extended by written mutual consent of the sub-divider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

**§8-14.2 Conditional Approval**

- A. Upon resolution of conditional approval of a Final Plat, the Planning Board shall empower the Chair of the Planning Board to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat shall be certified by the Chair of the Planning Board as conditionally approved, and a copy filed in the Village Clerk's office, and a certified copy mailed to the sub-divider. The copy mailed to the sub-divider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved Final Plat.

**§8-14.3 Certification by Planning Board Chair**

- A. Upon completion of such requirements, the plat shall be signed by the Chair or designee of the Planning Board.

**§8-14.4 Expiration of Approval**

- A. Conditional approval of a Final Plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted by the circumstances; such extension is not to exceed two (2) additional periods of 90 days each.

**§8-15 Required Improvements**

**§8-15.1 Final Approval of Major Subdivision Final Plat**

- A. Before the Planning Board grants final approval of a Major Subdivision Final Plat, the sub-divider shall follow the procedure set forth in either §8-15.2 or §8-15.3 below.

**§8-15.2 Full Cost Check or Bond**

- A. In an amount set by the Planning Board, the sub-divider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements, or the sub-divider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of the NYS Village Law Article 7, §7-730, and further shall be satisfactory to the Village Board of Trustees and Village Attorney as to form, sufficiency, manner of execution and surety.
- B. A period of one (1) year, or such other period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the bond as the time within which required improvements must be completed.

**§8-15.3 Check or Bond for Completion**

- A. The sub-divider shall complete all required improvements to the satisfaction of the Village Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board.
- B. For any required improvements not so completed, the sub-divider shall file with the Village Clerk a bond or certified check covering the costs of such improvements. Any such bond shall be satisfactory to the Village Board of Trustees and Village Attorney as to form, sufficiency, manner of execution and surety.

**§8-15.4 Underground Utilities Map**

- A. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by a licensed engineer or surveyor; and a map satisfactory to the Village Engineer has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the sub-divider completes all required improvements according to §8-15.3 hereof, then the map shall be submitted prior to endorsement of the plat by the Planning Board Chair. However, if the sub-divider elects to provide a bond or certified check for all required improvements as specified in §8-15.2 hereof, such bond shall not be released until such a map is submitted.

## **§8-16 Modification of Design Improvements**

**§8-16.1** If, at any time during the construction of required improvements, it is demonstrated to the satisfaction of the Village Engineer that unforeseen conditions make it necessary to modify the location or design of the required improvements, the Village Engineer may, upon approval by the Chair of the Planning Board or designee, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Village Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

## **§8-17 Inspection of Improvements**

### **§8-17.1 Inspection Fee**

A. At least five (5) days prior to commencing construction of required improvements, a sub-divider shall pay to the Village Clerk the inspection fee required by the Village Board of Trustees and shall notify the Village Board of Trustees in writing of the time when the sub-divider proposes to commence construction of the improvements, so that the Village Board of Trustees may cause inspection to be made to assure that all Village specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

### **§8-17.2 Proper Installation of Improvements**

A. If the Village Engineer finds, upon inspection of the improvements performed before the expiration date of a performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the sub-divider, the Village Engineer shall so report to the Village Board of Trustees and Planning Board. The Village Board of Trustees then shall notify the sub-divider and, if necessary, the bonding company, and take all necessary steps to preserve the Village's rights under the bond. No additional Subdivision Plat shall be approved by the Planning Board as long as the sub-divider is in default on a previously approved Subdivision Plat.

## **§8-18 Final Approval of Subdivision Plat**

### **§8-18.1 Signature of Planning Board Chair**

A. Upon completion of the requirements in §8-14 through §8-17 hereof and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the Chair or designee of the Planning Board and may be filed by the applicant in the Office of the County Clerk.

### **§8-18.2 Prompt Filing**

A. Any Subdivision Plat not so filed or recorded within 30 days of the date upon which the plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.

### **§8-18.3 Plat Void if Altered After Approval**

A. No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the plat is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

## **§8-19 Public Streets and Recreation Areas**

### **§8-19.1 Public Acceptance of Roads**

A. The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Village of any road, easement, or other open space shown on the Subdivision Plat.

**§8-19.2 Ownership and Maintenance of Recreation Areas**

- A. When a park, playground, or other recreation area has been shown on a Subdivision Plat, approval of the plat shall not constitute an acceptance by the Village of the recreation area. The Planning Board shall require the plat or licensed survey map to be endorsed with approved and appropriate restrictions and disclaimers to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Village Board of Trustees covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

**§8-20 Cluster Subdivisions**

**§8-20.1 Authority**

- A. The Planning Board is empowered to modify applicable provisions of the Village of Cayuga Zoning Law in accordance with the provisions of the NYS Village Law, Article 7, §7-738 for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities, and to preserve the natural and scenic qualities of open lands. The following shall be the procedure and standards utilized for Cluster Subdivision review.

**§8-20.2 Request by Sub-divider**

- A. A sub-divider may request the use of the NYS Village Law, Article 7, §7-738, with respect to presentation of a Sketch Plat as described in §8-7.2 hereof.

**§8-20.3 Sketch Plat**

- A. A sub-divider shall present, along with a proposal in accordance with the provisions of NYS Village Law, Article 7, §7-738, a Cluster Sketch Plat which is consistent with all the criteria established by these land Subdivision Regulations, including roads being consistent with the road specifications and lots being consistent with Zoning Regulations.

**§8-20.4 Park, Recreation, Open Space or Other Municipal Purposes**

- A. If the application of this procedure results in a plat showing land available for park, recreation, open space or other municipal purposes directly related to the plat, then necessary conditions as to ownership, use, and maintenance of such lands for their intended purposes shall be set forth by the Planning Board.

**§8-20.5 Plat Submission**

- A. Upon determination that a Sketch Plat is suitable for the procedures under the NYS Village Law, Article 7, §7-738, and subsequent to the resolution authorizing the Planning Board to proceed, a Preliminary Plat meeting all of the requirements of the resolution shall be presented to the Planning Board, and thereafter the Planning Board shall proceed with the required public hearings and other requirements of these regulations.

**§8-20.6 Filing: Notation on Zoning Map**

- A. Upon making final approval of a plat on which the New York State Village Law, Article 7, §7-738, Cluster Subdivision provisions have been used, the Planning Board Chair shall notify the Village Clerk, who shall make the appropriate changes to the Official Zoning Map under the New York State Village Law, Article 7, §7-738 (NOTE: Which section then refers the Clerk to the NYS Village Law, Article 7, §7-706).

**§8-21 General Requirements and Design Standards**

- §8-21.1** In considering applications for subdivision of land, the Planning Board shall be guided by the following principles and the standards set forth in §8-21.2 through §8-21.20, hereof. The standards shall be considered minimum requirements and shall be waived by the Planning Board only under circumstances set forth in §8-22 hereof. In addition, the following criterion shall be followed:



- A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- B. Subdivisions shall be in harmony with the Village of Cayuga Comprehensive Plan.
- C. All required improvements shall be constructed or installed to conform to the Village Specifications, which are found in §8-21.2 through §8-21.20 below. Further specifications and consultation may be obtained from the Village Zoning Enforcement Officer or the Village Engineer.

**§8-21.2 Road Considerations**

- A. Statement of Acceptance. All roads that are to be dedicated as public roads must comply with the standards set forth in this document. All access roads that are not to be dedicated as public roads must comply with the NYS Village Law, Article 7, §7-734 and §7-736. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements, and rights-of-way. A written statement of acceptance must be filed by the Village Superintendent of Public Works and the Village Attorney before any road shall be accepted by the Village Board of Trustees. New curb-cuts (driveway or roadway openings) onto all County routes shall be reviewed by the Cayuga County Highway Superintendent and approved prior to installation and approval for acceptance by the Village.
- B. Width, Location and Construction. Roads shall be sufficiently wide, suitably located, and adequately constructed to conform to the Village of Cayuga Comprehensive Plan and to accommodate the prospective traffic and afford access for firefighting, snow removal, and other road-maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. Refer to §8-21.3 hereof, for roads that are to be turned over to and maintained by the Village.
- C. Arrangement of Roads. The arrangement of roads in a subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water lines and drainage facilities. Subdivisions containing 20 lots or more shall have at least two (2) street connections with existing public streets, if such exist, or streets on an approved Subdivision Plat for which a bond has been filed. Where, in the determination of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- D. Minor Roads. Minor roads shall be laid out so that their use by through traffic will be discouraged.
- E. Loop Residential Roads and Circle Drives. The creation of loop residential roads will be encouraged wherever the Planning Board finds that such roads are needed or desirable. Circle drives create problems for snow plowing and are discouraged. The Planning Board may require the reservation of a 20-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street.
- F. Dimensions of Blocks. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4)-foot-wide paved foot path be included.
- G. Openings for Minor Roads. Road openings into minor or secondary roads shall, in general, be at least 500 feet apart.
- H. Road Jogs. Road jogs with centerline offsets of less than 125 feet shall not normally be permitted.

- I. Angle of Intersection. The angle of intersection for all roads shall be such that for a distance of at least 100 feet a road is within ten (10) degrees of a right angle to the road it joins.
- J. Roads' Relation to Topography. The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of roads shall conform as closely as possible to the original topography.

### **§8-21.3 Road Design**

#### A. Guidelines.

- 1. Rights-of-way: Local Roads. 60-foot right-of-way, 20-foot minimum pavement width (two (2) travel lanes). Additional rights-of-way may be required where deep cuts or fills are needed.
- 2. Width of road. 20-foot minimum pavement width, lanes: ten (10)-foot minimum width.
- 3. Shoulder width. Six (6)-foot minimum shoulder width.
- 4. Site distance. Sight distance shall be at least 300 feet for intersections, horizontal curves, and vertical curves.

#### B. Construction Specifications.

- 1. Before any gravel is placed, the sub-grade shall be crowned to a five (5) percent grade and shall be well compacted.
- 2. Adequate ditches shall be provided by the builder. The minimum ditch grade shall be 0.5 percent. The Village will maintain ditches after acceptance of road.
- 3. Culverts shall be placed in natural waterways, at low spots in grade, and in other spots where required. Builder will furnish culverts and install head walls if requested by the Village Superintendent of Public Works or Village Engineer. All culvert sizes and lengths shall be determined, and culvert designs approved by the Village Superintendent of Public Works or Village Engineer, before installation.
- 4. Under drains shall be placed in low, wet areas where side hill seepage is encountered or in other areas where required.
- 5. Approved gravel base shall be placed six (6) to 18 inches deep from ditch to ditch and well compacted. All depth measurements refer to compacted depths. The top lift shall be crushed gravel or crusher-run stone, 20 feet wide and six (6) inches deep centered on base and compacted. The total compacted depth of gravel shall be 12 to 24 inches. Gravel base will be compacted at six (6)-inch to eight (8)-inch lifts, top grade compacted at the six (6)-inch lift.
- 6. All roads must be paved with either a liquid bituminous material or a plant-mixed bituminous concrete material. Base course three (3) inches minimum, top course two (2) inches minimum.
- 7. Crown on road shall be a two (2) percent grade.
- 8. If considered necessary for road maintenance purposes, the Village Superintendent of Public Works or Village Engineer may require greater road curve radii than the standards in the following sections.

**§8-21.4 Further Road Improvements, including Hydrants and Lighting**

- A. Roads shall be graded and improved with pavement. In addition, roads may require curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Village Superintendent of Public Works or Village Engineer. Such grading and improvements shall be approved as to design and specifications by the Village Superintendent of Public Works or Village Engineer.
1. Fire hydrants shall conform to all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York and the Village of Cayuga specifications or laws for public water service.
  2. Lighting facilities shall be in conformance with the lighting system of the Village. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Village representative designated as an electrical inspector.

**§8-21.5 Underground Utilities**

- A. The Planning Board shall require that underground utilities be placed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. The sub-divider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved. Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

**§8-21.6 Grades**

- A. Grades of all roads shall conform in general to the terrain and shall not be less than 0.5 percent nor more than six (6) percent for major or collector roads, or ten (10) percent for minor roads in residential zones, but in no case more than three (3) percent within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Village Superintendent of Public Works or Village Engineer so that clear visibility shall be provided for a safe distance.

**§8-21.7 Curves at Intersections**

- A. All road right-of-way lines at intersections shall be rounded by curves of at least a 20-foot radius, and curbs shall be adjusted accordingly.

**§8-21.8 Visibility**

- A. Visibility at intersections shall be maintained. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is within the "clear sight triangle" (defined as a triangle drawn from a point of junction of the street lines or edge of pavement back forty feet (40') and connecting through the inside of the corner from end to end) shall be cleared of all growth (except isolated trees) and obstructions above a level three (3) feet higher than the centerline of the road. If such is directed by the Village Superintendent of Public Works or Village Engineer, the ground shall be excavated to achieve clear visibility for motorist operating passenger cars within the clear sight triangle.

**§8-21.9 Circle Drive Requirements**

- A. Circle drive roads shall terminate in a circular turnaround having a minimum outside right-of-way diameter of 220 feet and a minimum right-of-way width of 60 feet. Circle drive roads are to be discouraged and a loop road used instead. At the end of a temporary dead-end road, the developer should put in a temporary hammerhead turnaround.

**§8-21.10 Loop Roads**

- A. The two intersections of a loop road with the main road must be a minimum of two (2) lot depths apart.

**§8-21.11 Watercourses**

- A. Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Village Superintendent of Public Works or Village Engineer. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm-water easement or drainage right-of-way as required by the Village Superintendent of Public Works or Village Engineer, which in no case shall be less than 20 feet in width.

**§8-21.12 Curves in Deflected Local and Minor Roads**

- A. In general, road lines within a block deflecting from each other at any one point by more than ten (10) degrees shall be connected with a curve, the radius of which from the centerline of the street shall not be less than 200 feet on local roads, and 100 feet on minor roads.

**§8-21.13 Service Roads**

- A. Paved rear service roads of not less than 20 feet in width, or in lieu thereof adequate off-road loading space, surfaced with a suitable, dust-free material, shall be provided in connection with lots designed for commercial use.

**§8-21.14 Roads in Commercial Zones**

- A. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the road width shall be increased by such an amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such a commercial or business district.

**§8-21.15 Road Names**

- A. All road names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board. In general, roads shall have names and not numbers or letters. Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names in this or nearby municipalities, except that roads that join or are in alignment with roads of an abutting or neighboring property shall bear the same name. Generally, no road should change direction sharply or at a corner without a change in name. Before any road name is approved by the Village, the Village shall provide the proposed name to the Cayuga County 911 GIS Coordinator so that it can be checked against the list of names within the existing County database to ensure that there will be no confusion as to the unique identity and location of the proposed road name within the Village and nearby municipalities.

**§8-21.16 Considerations for Lots**

- A. Lots shall be buildable. The lot arrangement shall be such that in constructing a building in compliance with the zoning regulations, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots approved in a subdivision cannot be further divided.
- B. Side Lines. All side lines of lots shall be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give a better road or lot plan.

- C. Corner Lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site, and to avoid obstruction of free visibility at the roadway intersection. See §8-21.8
- D. Driveway Access. Driveway access and grades shall conform to specifications of the Village Law. Driveway grades between the street and the setback line shall not exceed ten (10) percent.
- E. Access from Private Roads. Access from private roads shall be deemed acceptable only if such roads are designed and improved in accordance with these regulations.
  
- F. Monuments and Lot Corner Markers. Monuments and lot corner markers shall be permanent monuments meeting specifications approved by the Village Board of Trustees as to size, type and installation; they shall be set at such block corners, angle points, points of curves in streets and other points as the Village Superintendent of Public Works or Village Engineer may require; and their location shall be shown on the Subdivision Plat.

**§8-21.17 Drainage Improvements**

- A. Storm Water Run-off. All subdivisions are subject to all New York State and local laws governing storm-water runoff.
- B. Removal of Spring and Surface Water. The sub-divider may be required by the Planning Board to carry away by pipe or watercourse any spring or surface water that may exist either previous to, or as a result of, a subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- C. Drainage Structure to Accommodate Potential Development Upstream. Any culvert or other drainage facility shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The Village Superintendent of Public Works or Village Engineer shall approve the design and size of the facility on the basis of anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Regulations in the watershed.
- D. Downstream Drainage. The sub-divider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Village Superintendent of Public Works or Village Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Village Board of Trustees of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of such condition.
- E. Land subject to Flooding. Land subject to flooding shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or improved in a manner satisfactory to the Planning Board to remedy the hazardous conditions.

**§8-21.18 Parks, Open Spaces, and Natural Features**

- A. Open Space to Be Shown on Plat. Where a proposed park, playground, or open space shown Village Plans is located in whole or in part in a subdivision, the Planning Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in §8-9.2 and §8-10.2 hereof. Such area or areas may be dedicated to the Village by the sub-divider if the Village Board of Trustees approves such dedication.

- B. Parks and Playgrounds not shown on Village Plans. The Planning Board shall require that a plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat. The Board shall require that not less than two (2) acres of recreation space be provided for fifty (50) dwelling units shown on the plat. However, in no case shall the Board require more than ten (10) percent of the total area to be set aside in the subdivision. Such area or areas may be dedicated to the Village by the sub-divider if the Village Board of Trustees approves such dedication.
- C. Information to be Submitted. In the event that an area to be used for a park or playground is required to be so shown, the sub-divider shall, prior to final approval, submit to the Board nine (9) prints (one on Mylar) drawn in ink showing, at a scale not smaller than 1:300, such area and the following features thereof:
  - 1. The boundaries of the area, giving metes and bounds of all straight lines, radii, lengths, central angles and tangent distances of all curves.
  - 2. Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
  - 3. Existing, and, if applicable, proposed changes in grade and contours of the area and of areas immediately adjacent.

**§8-21.19 Reserve Strips**

- A. Reserve strips of land which might be used to control access from a proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.

**§8-21.20 Preservation of Natural Features**

- A. The Planning Board shall, wherever possible, seek to preserve all-natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of twenty (20) inches or more at breast height shall be removed unless the tree is within the right-of-way of a street as shown on the final Subdivision Plat or the tree is damaged or diseased. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of twenty (20) inches or more as measured at breast height above the base of the trunk be indicated to be removed without prior approval by the Planning Board. All trees twenty (20) inches in diameter or greater at breast height shall be shown on the plat or survey map.

**§8-22 Waiver of Certain Improvements**

- §8-22.1** Where the Planning Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, the Planning Board may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Village of Cayuga Comprehensive Plan or this Zoning Law.

- §8-22.1** In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

## **ARTICLE 9. ADMINISTRATION AND ENFORCEMENT**

### **§9-1 Interpretation**

**§9-1.1** In applying and interpreting this Local Law, its provisions shall be held to minimum requirements necessary to accomplish the purpose of the Local Law. When requirements of this Local Law conflict with the requirements of other lawfully developed rules, regulations or local laws, the most restrictive, or that imposing higher standards shall govern.

### **§9-2 Powers and Duties of the Zoning Enforcement Officer**

**§9-2.1** The provisions of this Local Law shall be administered and enforced by the Zoning Enforcement Officer who shall be appointed by the Village Board of Trustees. The Zoning Enforcement Officer shall have the power to:

- A. Receive and examine all applications for zoning permits and to refer applications to the Planning Board for review and recommendation when deemed advisable;
- B. Issue zoning permits and certification of occupancy only when there is compliance with the provisions of this Local Law and with other Village Laws provided. However, the issuance of a zoning permit shall not be deemed a waiver of the requirements of any Village ordinance;
- C. Review applications for Special Use Permits and forward these applications to the appropriate boards;
- D. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Local Law;
- E. With the consent of the Village Board, issue stop, cease and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of this Local Law. In the case of an emergency, which is the opinion of the Zoning Enforcement Officer places persons or property in immediate peril, he/she may issue an immediate order which shall remain in effect until the next meeting of the Village Board, when that Board shall either consent to or vacate said order. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Enforcement Officer to be violating the terms of this Local Law. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Enforcement Officer. Any person found guilty of a violation of this Local Law or the terms of a Special Use Permit or variance shall be subject to a penalty of not less than \$250.00 and not more than \$500.00 in addition to any other penalties herein set forth;
- F. With the consent of the Village Board, except in the case of an emergency, as defined in paragraph E of this section, in which case the emergency procedure in paragraph E shall apply, the Zoning Enforcement Officer shall be able to restrain, correct, or abate such violation, so as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises;
- G. Revoke by order, a zoning permit issued under a mistake of fact contrary to the law or the provisions of this Local Law;
- H. Maintain a map showing the current zoning classification of all land within the Village; and
- I. Upon the request of the Village Board of Trustees, the Planning Board, or the Board of Appeals, present to such body's facts, records or reports which they may request to assist them in making decisions.

### **§9-3 Zoning Permits**

**§9-3.1** No structure shall be erected, constructed, reconstructed, extended, or altered, and no land or building shall be changed in use until a Zoning Permit has been secured from the Zoning Enforcement Officer. No permit shall be considered complete or permanently effective until the Zoning Enforcement Officer has noted on the Zoning Permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Local Law.

**§9-3.2** No permit shall be considered complete or permanently effective until the Zoning Enforcement Officer has noted on the Zoning Permit that the construction or use has been inspected and approved as being in conformity with the provisions of this Local Law.

**§9-3.3** Zoning Permits shall be issued with a one (1) year life. However, if erection, construction, reconstruction, extension, or change in land or building use is not commenced within three (3) months after issuance of the Zoning Permit, the permit shall automatically expire and a new permit shall be required before erection, construction, reconstruction, extension, alteration, or change in land or building use commences.

**§9-3.4** The Zoning Enforcement Officer is authorized to consult the following resources in assessing the use of a property for issuance of a Zoning Permit.

- A. Lease or Rental information maintained by the Village, or a combination of rental information and a signed and notarized Affidavit of Continuous Use;
- B. Village records of Certificates of Zoning Compliance;
- C. Utility bills;
- D. Building permits and Certificates of Occupancy;
- E. Village Assessor records;
- F. Cayuga County Real Property Tax Information;
- G. Mortgage or bank statements;
- H. Real estate transaction records; and
- I. Department of Social Services records.

### **§9-4 Application Requirements for Zoning Permits**

**§9-4.1** All applications for Zoning Permits shall be completed in writing by the owner, tenant, vendee under contract of sale, or authorized agent, on a form supplied by the Village of Cayuga.

**§9-4.2** The application shall include a statement to the proposed use of the building, structure, or land.

**§9-4.3** The application shall also be subject to Site Plan Review and Approval. A Zoning Permit shall not be issued until the standards and procedures Site Plan Review are completed and approved by the Planning Board.

**§9-4.4** The construction or alteration of a single-family or multi-family dwelling is hereby exempted from Site Plan Review and Approval.

### **§9-5 Certification of Occupancy**

**§9-5.1** No land shall be used, changed, or occupied and no building hereafter erected, constructed, reconstructed, extended or altered until a Certificate of Occupancy is issued by the Zoning Enforcement Officer. A Certificate of Occupancy states that the buildings, structures, or proposed use complies with the provisions of this Local Law and any other pertinent ordinance of the Village of Cayuga, including but not limited to the Uniform Fire Prevention and Building Code (Uniform Code).



**§9-6 Fees**

**§9-6.1** Fees for a Certificate of Zoning Compliance or a Certificate of Occupancy shall be issued in accordance with a fee schedule adopted by resolution of the Village Board of Trustees as such schedule may be amended by resolution of the Village Board of Trustees.

**§9-7 Violations and Penalties**

**§9-7.1** The violation of any provision of this Local Law shall be punished by a fine of \$250.00 for any offense or violation. Each day that a violation of any provision of this Local Law continues shall constitute a separate violation. The Village of Cayuga shall have the power to institute any appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, extension, alteration, or change in use of any building or land.

**§9-8 Notice of Violations**

**§9-8.1** Where a violation of this Local Law is determined to exist, the Zoning Enforcement Officer shall serve notice by certified mail, return receipt requested, on the owner, agent or contractor of the building, structure or lot where such violation has been committed or shall exist; and on the lessee or tenant of the part of or of the entire building, structure or lot where such violation has been committed or shall exist; and on the agent, architect, contractor or any other such person who takes part or assists in such violation or who maintains any building, structure or lot in which any such violation shall exist.

**§9-8.2** Such notice shall require the removal of the violation within fifteen (15) days after service of the notice.

**§9-8.3** In cases where the removal of the violation within fifteen (15) days would be manifestly impossible, the Zoning Enforcement Officer shall apply to the governing body of the municipality for a determination as to a reasonable period of time within which such violation shall be removed.

**§9-8.4** With the approval of the Village Board of Trustees, or when directed by them, institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use off any building, structure, or property. If those persons notified shall fail to remove such violation within the allotted time period, the Zoning Enforcement Officer shall charge them with such violation of this Local Law before the appropriate court of law upon direction from the Village Board of Trustees.

## **ARTICLE 10. APPEALS**

### **§10-1 Zoning Board of Appeals**

**§10-1.1** There is hereby established a Zoning Board of Appeals which shall consist of three (3) members, each to be appointed for three (3) years by the Village Board of Trustees of Trustees subject to the provisions of the NYS Village Law §7-712.

**§10-1.2** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

**§10-1.3** The Zoning Board of Appeal shall have the authority to modify the provisions of this Local Law in accordance with NYS Village Law §7-712. Every decision or determination of the Board shall immediately be filed in the office of the Village Clerk; and shall be on public record.

### **§10-2 Variances**

**§10-2.1** The Zoning Board of Appeals shall have the authority to pass appeals where, as a result of exceptional physical conditions connected with a particular site, there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Local Law that would deprive the owner of the reasonable use of the land or building involved, to vary or modify the application of the regulations of provisions of this Local Law.

- A. Area Variances: The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Zoning Enforcement Officer, to grant Area Variances. In order to grant the Area Variance, the applicant has the burden to prove that their application meets the required criteria. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the Area 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:
1. 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.
  2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.
  3. Whether the requested Area Variance is substantial.
  4. Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
  5. 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.
  6. The Zoning 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.
- B. Use Variances: The Zoning Board of Appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant Use Variances. In order to grant the Use Variance, the applicant shall have the burden to prove that their application meets each of the four (4) required criteria listed below:

1. No such Use Variance shall be granted by a 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, the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence. In addition, the alleged hardship relating to the property in question must be unique, and not apply to a substantial portion of the district or neighborhood.
  2. That the requested Use Variance, if granted, will not alter the essential character of the neighborhood.
  3. That the alleged hardship has not been self-created.
  4. 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.
- C. Imposition of Conditions. The Zoning Board of Appeals shall, in the granting of both Area Variances and 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 Local Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. Violations of such conditions and safeguards that are a part of the Board's decision shall be deemed a violation of this Local Law and are punishable under the provisions of Article 9.

**§10-2.2** Every decision by the Zoning Board of Appeals granting a variance shall clearly set forth the nature and extent of such variance.

**§10-2.3** Any use variance granted by the Zoning Board of Appeals pursuant to the provisions of this section shall be construed to be a lawful conforming use.

### **§10-3 Grievances**

**§10-3.1** Any person aggrieved by a decision or determination of the officer responsible for enforcement of this Local Law may appeal to the Zoning Board of Appeals. The Board shall hear and decide all matters referred to it or upon which it is required to pass in accordance with the provisions of this Local Law. In considering an appeal the Board shall be guided by the circumstances of the situation and the intent of the appellant and shall act as to protect the best interests of the community.

### **§10-4 Procedure**

**§10-4.1** All appeals and applications to the Zoning Board of Appeals shall be made in writing and shall be submitted to the Zoning Enforcement Officer who shall refer them to the Board. All appeals shall be taken within such time as shall be prescribed by NYS Village Law §7-712.

**§10-4.2** The Zoning Board of Appeals shall conduct a public hearing where parties in interest and citizens must be given an opportunity to appear and be heard, subject to reasonable rules of procedure. Notice of the public hearing must be provided at least five (5) days prior to the parties involved, the County, and the Village Planning Board in accordance with NYS General Municipal Law §239l, m & n. The issue shall be decided within sixty-two (62) days after the final hearing.

## **ARTICLE 11. AMENDMENTS**

### **§11-1 Procedure for Amendment**

**§11-1.1** The Village Board of Trustees may on its own motion or on petition or on recommendation of the Planning Board amend, supplement or repeal the regulations and provisions of this Local Law, including the Zoning Map, after public notice and hearing, in accordance with State Law.

**§11-1.2** Each such proposed change or amendment, if initiated by anyone other than the Planning Board, shall be referred to the Planning Board for review and recommendation thereon before the public hearing hereinafter provided for.

**§11-1.3** The Village Board of Trustees by resolution adopted at an official meeting shall fix the time and place of a public hearing on the proposed change or amendment and cause notice to be given as follows:

- A. By establishing a notice of time and place at least fifteen (15) days in advance of such hearing in the official paper of the Village; and
- B. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of the Town of Aurelius shall be given to the Village Clerk.

**§11-1.4** Any and all zoning amendments shall be referred to the Cayuga County Planning Board for review, as required by Sections 239l and 239m of New York State's General Municipal Law.

## **ARTICLE 12. SEVERABILITY, REPEALER AND EFFECTIVE DATE**

### **§12-1 Severability**

**§12-1.1** It is hereby declared to be the legislative intent that:

- A. Should the courts declare any provision of this law to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this law shall continue to be separately and fully effective.
- B. Should the court find the application of any provision or provisions of this Law to any lot, building or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other person, property or situations shall not be affected.

### **§12-2 Repealer**

**§12-2.1** Local Law adopted February 10, 1988 entitled Village of Cayuga Zoning Law and all supplements and amendments thereto, and any other local laws that conflict with the laws set forth herein are hereby repealed. Provided, however, if the present Law is held to be ineffective or invalid by reason or some irregularity in or impediment to its passage, this repealer shall also be ineffective, it being the legislative intention that if the present enactment shall be ineffective as aforesaid, then in that event Local Law adopted February 10, 1988 entitled Village of Cayuga Zoning Law together with its supplements and amendments, would necessarily remain in full force and effect.

### **§12-3 Effective Date**

**§12-3.1** Be it enacted this \_\_\_ day of \_\_\_\_, \_\_\_\_\_ by the Village of Cayuga of Cayuga County, New York that this Local Law Shall be effective immediately.

# APPENDIX 1. VILLAGE OF CAYUGA ZONING MAP

