

ZONING ORDINANCE
of the
Village of Trumansburg, New York

ARTICLE I - INTRODUCTION

Section 101. Purpose. For the purpose of promoting the health, safety, morals, or the general welfare of the community, and to lessen congestion in the streets; to secure from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to safeguard homes by preserving the attractive environment of residential areas; to conserve property values in all areas; to implement the Village of Trumansburg Comprehensive Plan, including to maintain a quiet, rural village; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements in the Village Law, under and pursuant to Article 6-A, Chapter 64 of the Consolidated Laws; the size of buildings and other structures, the percentage of lot that may be occupied, the size of yard, the density of population and the use of buildings, structures and land for trade, industry and residence or other purposes, are hereby restricted and regulated as hereinafter provided:

Section 102. Validity. The invalidity of any section of provision of this ordinance shall not invalidate any other section or provision thereof.

Section 103. Repealer. All zoning ordinances adopted by the Village of Trumansburg prior to the effective date of this ordinance, together with all changes and amendments thereto are hereby repealed and declared to be of no effect.

Section 104. Short Title. This ordinance shall be known as the Zoning Ordinance of the Village of Trumansburg of 2012.

Section 105. When Effective. This ordinance shall be in force and effect immediately upon adoption, posting and publication as provided by law.

Section 106. Amendments. This ordinance may be amended as provided by law.

Section 107. Establishment of Districts. For the purpose of this ordinance, the Village of Trumansburg, New York, is hereby divided in to the following districts:

Residential Districts

- a. Residential 1 District
- b. Residential 2 District

Commercial Districts

- c. Downtown Commercial District
- d. West Gateway Commercial District
- e. East Gateway Mixed Use District

Industrial Districts

- f. Commercial Industrial District
- g. Mixed Use Industrial District

Conservation Overlay Districts

- h. Stream Buffer Conservation Overlay District
- i. Wetland Conservation Overlay District

Section 108. Zoning Map. The districts are bounded as shown on a map made by Tompkins County Planning Department, dated August 13, 2012, and entitled “Zoning Map Village of Trumansburg, Tompkins County New York”, which shall be certified by the village clerk, and which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

Section 109. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following shall apply:

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

Section 110. Amending District Boundaries. Zoning district boundaries may be amended hereafter as provided by law. It is the stated policy of the Village of Trumansburg to favor a proposed amendment to district boundaries under the following conditions:

- a. when the proposed amendment would extend the boundaries of an existing district into an adjoining district, and
- b. when the proposed amendment would not change a conforming use into a non-conforming use.

Section 111. Application of Regulations. Except as hereinafter provided:

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

Section 112. Prohibition of Uses. All uses not specifically set forth as permitted uses in a zone are expressly prohibited as uses in that zone. A use specifically permitted in one zone is not permitted in any other zone, less restrictive or otherwise, unless specifically enumerated as a permitted use in such other zone.

ARTICLE II – NON-CONFORMING USES AND STRUCTURES

Section 201. Continuation of Existing Uses. Except as provided elsewhere in this Article, any use of land, or a structure or part thereof legal in accord with ordinances existing at the time that this ordinance becomes effective, may be continued, although such building or use does not conform to the provisions hereof.

Section 202. Extension of Use. A non-conforming use may be extended with a special use permit from the Board of Appeals and site plan approval by the Planning Board. Said extension may not exceed a ten (10) percent expansion of the floor area of the non-conforming use when it became non-conforming. The extension of a non-conforming use to any portion of a non-conforming structure that existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.

Section 203. Change of Use. Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use with a special use permit by the Board of Appeals. In order to approve said special use permit, the Board of Appeals shall make the following additional findings:

- a. The proposed non-conforming use is equally appropriate or more appropriate to the neighborhood than the existing non-conforming use.
- b. The traffic generated by the proposed use is similar to or less than that generated by the existing non-conforming use.

Section 204. Discontinuance of Use. Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance.

Section 205. Displacement. No non-conforming use shall be extended to displace a conforming use.

Section 206. Alterations of Existing Structures. A non-conforming structure may be reconstructed or structurally altered with a special use permit from the Board of Appeals. Said reconstruction or alteration may not exceed fifty (50) percent of the assessed value of the structure over the course of its life unless said structure is changed to conform with these regulations.

Section 207. Unsafe Structures. Nothing in this Article shall prevent the reconstruction of a structure to safe condition when said structure is declared unsafe by the Building Official providing the necessary repairs shall not constitute more than two-thirds of the assessed valuation of such structure and providing that the necessary repairs are made within any time limits established by the Code Enforcement Officer.

Section 208. Restoration. Any non-conforming structure damaged by fire, flood, earthquake, act of God, or act of the public enemy by less than two-thirds of the assessed valuation of such structure immediately prior to such damage may be restored to its former condition, or better, within twelve (12) months.

Section 209. Construction Approved Prior to Adoption of or Amendment to Ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a structure for which a permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within twelve (12) months of the date of the permit, and which entire structure shall be completed according to such plans as filed within eighteen (18) months from the date of this ordinance.

Section 210. Junk Yards, Signs, Storage Containers, and Storage Trailers. Notwithstanding any other provision of this ordinance, any automobile or other junkyard, or any non-conforming sign or advertising device, or any storage container or storage trailer in existence in a residential district at the time of enactment of this ordinance shall be discontinued within one (1) year of such date. Any lot containing one or more abandoned, partially dismantled, non-operative or unregistered motor vehicles shall be considered a junkyard for the purposes of this section.

ARTICLE III - RESIDENTIAL ZONING DISTRICTS

Section 301. Permitted Uses. The following uses are permitted, as indicated, within the two residential districts.

Use	Residential 1	Residential 2	Site Plan	See Section
Single-Family Dwellings	P	P		
Two-Family Dwellings	P	P		
Multi-Family Dwellings	P	P	X	
Limited Day Care Facilities	P	P	X	
Cultural Institutions	P	P	X	
Government Offices	P	P	X	
Public Safety Facilities	P	P	X	
Public Park and Recreation Facilities	P	P	X	
Religious Assembly Facilities	P	P	X	
Private or Public Schools	P	P	X	
Minor Utilities	P	P	X	
Planned Development Areas	P	P	X	310
Manufactured Home Park		SU		309.4
Care Cottages	SU	SU		309.3
Residential Care Facilities	SU	SU	X	
Convalescent Facilities	SU	SU	X	
General Day Care Facilities	SU	SU	X	
Community Centers	SU	SU	X	
Major Utilities	SU	SU	X	
Funeral Homes	SU	SU	X	
Bed and Breakfast Inns	P	P	X	309.1
Farmer's Market	P	P	X	
Select Commercial Uses - Business and Professional Office - Artists' Studio	SU	SU	X	309.2
Home Occupations	A	A		1003(64)
Private Residential Garage	A	A		
Taking in of up to two (2) non-transient adult roomers.	A	A		
A temporary building necessary for or incidental to the development of a residential area. Such building may not remain for more than one year except upon approval by the Board of Appeals.	A	A		
A single temporary storage container. Such container may not remain for more than six months except on approval by the Board of Appeals.	A	A		
Signs in accordance with these regulations.	A	A		702
Small-scale alternative energy facilities.	A/SU	A/SU		
Agricultural Farm Stands.	A	A		
Such other accessory uses as are customarily incidental to permitted principal uses.	A	A		

A = Permitted as accessory to a permitted use with a Permit from the Zoning Officer

P = Permitted with a Permit from the Zoning Officer

SU = Permitted with a Special Use Permit from the Zoning Board of Appeals

X = Site Plan Review required

Section 302. Dimensional Requirements. The following dimensional standards are required within the two residential districts.

<u>Minimum Lot Size</u>	
Residential Uses	
- for the First Dwelling on the property	15,000 sq. ft.
- for the Second Dwelling on the property, whether attached or detached	7,500 sq. ft.
- for any Additional Dwellings on the property, whether attached or detached	5,000 sq. ft.
Non-Residential Uses	
	20,000 sq. ft.
Minimum Frontage	
	100 ft.
Maximum Height	
Principal Buildings	
	35 ft.
Accessory Buildings	
	20 ft.
<u>Minimum Yards</u>	
Principal Buildings	
- Front	50 ft.
- Side	15 ft.
- Rear	35 ft.
Accessory Buildings	
- Front	50 ft.
- Side	5 ft.
- Rear	5 ft.

Section 303. Location of Accessory Buildings. Accessory buildings may not occupy any required yard other than a rear yard. Any such accessory building may occupy no more than forty (40) percent of any required rear yard. The area occupied by a garage attached to a dwelling directly or by means of a covered passageway shall not be included in the computation for building coverage. The footprints of all accessory buildings may not exceed, in size, the footprint of the principal building.

Section 304. Frontage Exceptions. No lot in any residential district need have a frontage greater in width than the average width of the frontages of the two lots next thereto on either side.

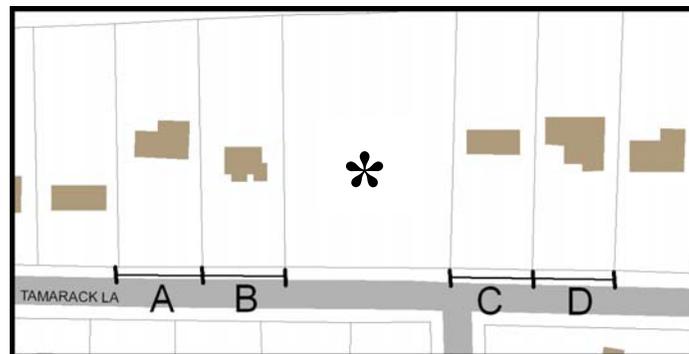


Figure: Frontage Exceptions. The lot shown with an asterisk may be subdivided if the frontage along the street is at least equal to $(A+B+C+D)$ divided by 4.

Section 305. Parking. No more than one (1) commercial vehicle may be garaged or parked on any lot in a residential district. Each dwelling in which a home occupation is conducted shall provide parking space for each employee and adequate off-street parking for customers.

Section 306. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted.

Section 307. Exterior Lighting. Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining properties.

Section 308. Affordable Housing Provisions

1. Purpose. The purpose of this section is to promote public welfare by providing safe, decent, and affordable housing for all incomes; to ensure enough housing, especially for low-income households; to mitigate housing shortage and balance the demand and supply of housing by constructing more housing units; and to integrate all residents of the County regardless of their income levels.
2. Affordable Housing Required. All new residential developments of 10 or more units over a five-year period, whether for-sale units or rental units, but not including manufactured home parks, are required to provide at least 20% of the project's total units as affordable units. If the formula results in any decimal fraction, the result shall be rounded to the nearest whole number. If the fraction is 0.5, the result shall be rounded up.
3. Location of Affordable Units. The Village highly encourages developers to construct affordable units within the project area, as required by this ordinance. If constructed within the project area, affordable units shall be dispersed throughout the project with the market rate units. However, developers may choose to construct affordable units in another site within the Village. The reduced dimensional requirement provisions of this section shall not apply if the developer chooses to construct the required affordable units off-site.
4. Income Requirements. All affordable units shall be rented or sold to low-income households. No specific mix of income ranges is required.
5. Cost Requirements. All affordable units shall be rented or sold at or below the Current Affordable Rent or the Current Affordable Price, respectively. No specific mix of housing prices is required.
6. Reduced Dimensional Requirements
 - a. Reductions Permitted. Developers shall be allowed reduced dimensional requirements in exchange for the provision of affordable housing. A reduction in the minimum lot size and/or the minimum lot width will be permitted. In order to preserve the character of community, the development shall meet the all other dimensional requirements of this ordinance.
 - b. Calculation of Reduced Dimensional Requirements. The allowed increase in density shall be related to the proportion of affordable units provided in the development. Where the development provides the minimum required 20% affordable units, the minimum lot area and the minimum lot width shall be calculated at 80% of the minimum required by relevant district regulations. Where the development provides more than the minimum number of required affordable units, the minimum lot area and minimum lot width shall be the difference between the proportion of affordable units and 100%. In no event shall the minimum lot area and minimum lot widths be reduced to less than 65% of the minimum required by the relevant district regulations.
7. Completion of construction: All affordable units shall be constructed concurrently with the market rate units. Progress rate of affordable units shall be the same as that of the market rate units.
8. Exterior appearance: Affordable units shall be constructed with similar exterior design and materials that are used in the market rate units. Similar landscaping shall be applied to both affordable units and the market rate units.
9. Interior appearance: Interior materials and amenities in the affordable units may be different from those used in the market rate units, provided that:
 - a. The mix of unit size (in terms of number of bedrooms) shall be equivalent between affordable units and market rate units.

- b. Size of affordable units may be smaller than that of the market rate units, but shall be at least 80% of the size of the market rate units in the project, or larger than minimum standards expressed in the following table, whichever is smaller.

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

10. Period of Affordability

- a. **For-Sale Affordable Units.** All for-sale affordable units shall remain affordable for five years from the date of the initial sale of the unit. Owners may resell their units at anytime, but the sale price shall be no more than the Current Affordable Price. In the event that such a unit is sold for more than the Current Affordable Price, penalties may be assessed upon the seller in an amount not to exceed 100% of the difference between the sales price and the Current Affordable Price if the unit is sold within five years of the date of the initial sale of the unit. The Village shall require, as a condition of approval of the proposed development, the placement of deed restrictions, in a form acceptable to the Village Attorney, on the property on which said for-sale affordable units are located.
- b. **Rental Affordable Units.** All rental affordable units shall remain affordable for fifty (50) years. Initial developers may sell the rental affordable units to individuals or organizations. However, the subsequent owners shall maintain the units for rent at no more than the Current Affordable Rent. If affordable rental units are subsequently converted to for-sale units, they shall meet the requirements of for-sale affordable units. The period of affordability for such for-sale affordable units shall be measured from the date of their initial sale as a for-sale unit.

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

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

Section 309. Additional Provisions for Special Uses. In addition to the standards required for all uses that require a special use permit, the following provisions shall apply within residential districts for the identified uses.

Section 309.1. Bed and Breakfast Inns. Signage shall be provided to direct guests to the off-street parking area.

Section 309.2. Select Commercial Uses¹

- 1. Use Limitations. No more than one (1) Select Commercial Use may be permitted on any individual lot. Select Commercial Uses shall include only:
 - a. Business and Professional Office
 - b. Artists’ Studio
- 2. Size Limitation. Select Commercial Uses shall be no more than 2,000 square feet in size.

¹ For Home Occupations, refer to Article X – Definitions.

3. Other Limitations. Select Commercial Uses shall be limited to establishments with the following characteristics:
 - a. All activities shall be carried on wholly within a building or structure.
 - b. No more than four persons shall be employed in the business.
 - c. All parking for employees and customers shall be provided on site.
 - d. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the business, except for a sign as permitted in this ordinance.
 - e. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
 - f. Any retail sales associated with Select Commercial Uses may operate only between the hours of 8 AM and 6 PM.
 - g. For Artists' Studios, the use of mechanical equipment is limited to that not exceeding five horsepower per piece of equipment or a single kiln not exceeding eight kilowatts. Retail sales to consumers are limited to only those goods produced onsite. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.
 - h. Unless established within an existing building, the exterior appearance of the building shall be of similar design and materials and with similar landscaping as other buildings in the immediate area.

Section 309.3. Care Cottages

1. Purpose. It is the purpose and intent of this ordinance to allow, by special permit, the installation of small, removable homes in order to:
 - a. Foster and support extended families;
 - b. Permit adult children to provide small, temporary homes for their aging parents or grandparents who are in need of support, and to permit legal guardians and next of kin to provide small, temporary homes for relatives with infirmities, while maintaining as much of the independence of the different generations as possible; and
 - c. Permit housing in a manner that protects the property values and character of neighborhoods by ensuring that the care cottages are compatible with the neighborhood and are easily removable.
2. Use limitations. No more than two persons, who shall be related to each other by blood or marriage, shall occupy a care cottage. Occupants shall be the same persons enumerated on the application for the care cottage. All occupants shall be persons 55 years of age or older, or persons with infirmities; and at least one of such persons shall be a parent or grandparent, legal dependent, or next of kin, of one of the owners and occupants of the principal dwelling on the lot where the care cottage is located.
3. Dimensional limitations. The property must be large enough to accommodate the unit, offer suitable space, and provide access to utility lines.
 - a. The care cottage shall not exceed 750 square feet in total floor area.
 - b. Notwithstanding any other provisions of this ordinance, the minimum size of the care cottage may be reduced to no less than 600 square feet of enclosed floor area.
 - c. The care cottage shall not exceed one story in height and under no circumstances shall the total height exceed 20 feet.
4. Location requirements:
 - a. A care cottage shall be located only on a lot where already exists a one-family or two-family dwelling.
 - b. No care cottage shall be located within the front yard of any lot.
 - c. No care cottage shall be permitted on a non-conforming building lot, except by variance from the Board of Appeals.
 - d. No more than one care cottage shall be located on any lot.
 - e. A care cottage shall meet the setback requirements of an accessory building.
 - f. A care cottage shall be permitted even if the minimum lot area required by this ordinance is violated as a result.

5. Building requirements:

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

6. Duration

- a. The special use permit shall be for a period of one year (unless earlier terminated as hereinafter set forth) and thereafter renewed annually by the Zoning Enforcement Officer upon receipt of an application for same provided that the circumstances obtaining at the time of the original application have not changed.
- b. The special permit shall terminate 120 days after:
 - i. The death or permanent change of residence of the original occupant or occupants of the care cottage, or
 - ii. Any of the occupancy requirements set forth in this ordinance are no longer met. Continuous absence from the care cottage of a person for a period of 180 consecutive days shall be considered a permanent change of residence.
- c. During the 120-day period following any of the events set forth in the above section, the unit shall be removed and the site restored so that no visible evidence of the care cottage and its accessory elements remains. If the care cottage has not been removed by the end of the 120-day period, in addition to the existing sanctions in the Zoning Ordinance, actions to insure removal may be taken, including removal and salvage by the Village with a lien imposed to defray any costs incurred. Such lien may be added to the real estate taxes applicable to the lot on which the care cottage is located and collected in the same way as any other tax payable to the Village.
- d. Notwithstanding any other provisions of this Ordinance, there shall be no variances granted for extension of time for removal of a care cottage except that the Board of Appeals may, , extend the time for removal of the care cottage for additional six month periods.

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

- a. Name of owner of the lot, address, parcel number, home phone, cell phone, email
- b. Name of occupants of principal building
- c. Name of proposed occupants of the care cottage and conditions to satisfy the applicability of this section
- d. Age of proposed occupants of the care cottage
- e. Relationship of care cottage occupants to owners and occupants of the principal building
- f. Agreement to remove the care cottage when it no longer qualifies as such

- g. Consent for the Village to enter on the property and remove the care cottage if the owner fails to remove it in a timely manner, as indicated by a signed statement as set forth below:
“By applying for a special permit for the erection of a care cottage, the owner of the lot on which the care cottage is to be located for himself or herself, his or her heirs, successors and assigns, irrevocably consents to the entry of the Village and its authorized officials and agents upon the property, after notice and an opportunity to be heard before the Board of Appeals, for the purpose of removing the care cottage in the event the requirements for maintenance of same are no longer met, and further agrees that any costs incurred by the Village in so removing the cottage shall become a lien upon the property on which the cottage was located subject to collection in the manner set forth above.”

Section 309.4. Manufactured Home Parks

1. Location. Manufactured Home Parks require special use permits in the Residential 2 Zoning District. A manufactured home park may not be established in, or within 1,000 feet of, any designated historic district.
2. Manufactured Homes. Any manufactured home installed, located or sited in the Village of Trumansburg after enactment of this law shall be in a manufactured home park.
3. Existing Manufactured Home Parks. A manufactured home park which is in lawful existence and use prior to the enactment of this chapter may continue in use, provided that:
 - a. The owner or operator shall apply for an annual permit for such manufactured home park
 - b. The application must be accompanied by the fees required by the Village.
 - c. Such application shall be accompanied by four copies of a suitable map of the area showing existing manufactured home sites.
 - d. A map with each manufactured home lot consecutively numbered shall be on file with the Chief of the Trumansburg Fire Department, Trumansburg EMS, and Trumansburg Police Department.
 - e. Each manufactured home shall be equipped with a fire extinguisher and smoke detectors.
 - f. Any changes or additions to an existing manufactured home park shall require permit in accordance with this chapter.
 - g. Any manufactured home park permit issued pursuant to this section shall be effective from the day of issuance to and including December 31 of that same year and must be renewed thereafter after review for compliance in accordance with the provisions of ordinance.
 - h. Notwithstanding any other provision of this ordinance, roads in any existing manufactured home park shall be brought up to Village road standards by December 31, 2020.
4. Manufactured Home Park Requirements
 - a. Site. The park shall be located on a well-drained site where soil conditions are suitable and properly graded to ensure rapid surface runoff and be free at all times from stagnant pools of water. The park shall be at least three (3) acres in size, with one hundred (100) or more feet of frontage on a public road, with seventy five (75) feet of setback of manufactured homes from any public road and properly landscaped subject to state and local laws.
 - b. Manufactured home lots. Each manufactured home park shall be marked off into manufactured home lots, and each manufactured home lot shall be numbered.
 - c. Manufactured home. Any manufactured home or accessory structure shall not be placed or otherwise located nearer than a distance of:
 - i. At least fifty (50) feet from an adjacent manufactured home in any direction.
 - ii. At least thirty five (35) feet from an adjacent property line.
 - iii. At least seventy five (75) feet from any public street.
 - iv. At least twenty five (25) feet from the nearest edge of any roadway located within the park.

- d. **Accessibility**
 - i. Each manufactured Home Park and each unit in such park shall be easily accessible from an existing public highway. Where a manufactured home park has more than six (6) manufactured homes, two (2) points of entry and exit must be provided unless a large improved turnaround area for emergency vehicles to be approved by the Board of Appeals is maintained.
 - ii. Each park shall have improved streets for convenient access to all manufactured home lots and other facilities.
 - iii. Streets shall be built to meet Village specifications.
 - iv. The street system shall be designed to permit safe and convenient vehicle circulation within the park.
 - v. Streets shall intersect at right angles or nearly so or shall be of a design acceptable to the Board of Appeals.
 - vi. All streets shall have two-way traffic.
 - vii. Except in cases of emergency, no parking shall be allowed on such street.
 - viii. All streets shall remain as private roads and maintenance shall be the manufactured home park owner's responsibility, unless dedicated to and accepted by the Village. Any such dedication and acceptance shall be at the sole discretion of the Village.
 - e. **Parking.** Two (2) off-street parking spaces shall be provided on each manufactured home lot and each shall have a minimum width of nine (9) feet and length of twenty (20) feet. Additional off-street parking spaces shall be provided for guest vehicles, and delivery and service vehicles.
 - f. Recreational vehicles, utility trailers, and commercial vehicles shall not be located on manufactured home lots.
 - g. The manufactured home park owner shall provide an individual storage building, between 80 and 120 square feet in size, on each manufactured home lot for use of the residents thereof.
 - h. The manufactured home park owner may provide a dedicated parking area for recreational vehicles, utility trailers, and commercial vehicles, separate from the home lots.
5. **Utilities and Service Facilities.** The following utilities and service facilities shall be provided prior to the occupancy of any lots by manufactured homes within such development, which shall be in accordance with the regulations and requirements of the New York State Department of Health:
- a. An approved system of potable water for drinking and domestic purposes shall be supplied by pipes from the municipal water supply to all manufactured homes and facilities in the park. Each manufactured home lot shall be provided with proper and sanitary water connections. Maintenance of the water supply system within the park shall be the owner's responsibility.
 - b. Each manufactured home lot shall be provided with an approved sewer line to receive the waste from such home. The sewer line shall be connected to the municipal sewer system so as not to present a health hazard. Sewer connections in unoccupied lots shall be sealed to prevent the emission of any odors. Maintenance of the sewer lines within the park shall be the owner's responsibility.
 - c. Weekly disposal of garbage/rubbish and recyclable materials shall be the responsibility of the manufactured home park owner.
 - d. If dumpsters are utilized, they shall be fenced in and emptied weekly.
 - e. Each manufactured home lot shall be provided with approved underground utilities. All utilities within the park shall be underground.
6. **Lighting.** The manufactured home park lighting shall be designed to provide safe passage on the park streets while creating a minimum of light pollution.
7. **Drainage.** Where feasible, storm water drainage shall be piped and not open ditched.
8. **Installation.** In any newly established or expanded portion of an existing manufactured home park, each manufactured home shall be installed on a concrete slab and according to manufacturer's installation instructions to the Code Enforcement Officer's requirements. All manufactured home tow bars, hitches, and wheels which are designed to be removable at the time of installation, shall be removed in accordance with the manufacturer's instructions when the dwelling is sited. Each manufactured home shall be properly anchored or provided with tie downs. Each manufactured home shall be located on a concrete slab of at least four (4) inches in depth which shall extend at least three (3) inches beyond the manufactured home in all

directions. Each manufactured home shall be fully skirted with durable building materials, which the owner shall thereafter maintain in good repair.

9. Landscaping. There shall be a vegetative visual barrier not less than ten (10) feet in width, comprised of shrubs that will achieve a height of at least six (6) feet within five (5) years of planting, with a predominance of evergreens between the manufactured home park surrounding properties. Where the property fronts on a public road or highway, within the required setback area, at least fifty (50) percent of the length of the frontage on said public road or highway shall be planted or maintained with a vegetative visual barrier comprised of, at minimum, shrubs that will achieve a height of at least six (6) feet within five (5) years of planting and at least two (2) deciduous or conifer trees for each fifty (50) feet of frontage. Said trees shall be of a species with a height at maturity of at least thirty (30) feet, of a species known to be compatible with regional climate conditions, and shall be at least two and a half (2.5) inches in diameter at breast height at the time of planting.
10. Recreation. Adequate common space shall be provided for recreational activities.
11. Permitted Uses. In any manufactured home park, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than occupancy of manufactured single-family dwellings built not more than five years before placement in the manufactured home park.
12. Costs Incurred by Village Boards Use of Private or Other Regional Staffs. The Planning Board, Board of Appeals, or Village Board may choose at any point in the Manufactured Home Park review process to retain private consultants or refer to the county or regional planning staffs for review, comment and advice on any aspect of the approval process, design engineering specifications or other pertinent matters at the expense of the applicant, to be paid in advance to the Village of Trumansburg.

Section 310 Planned Development Areas

Section 310.1. Intention. The intention of allowing Planned Development Areas is to enable and encourage flexibility of design and development of land in a manner that fits into the existing fabric of the Village but that does not strictly meet the dimensional requirements of this ordinance.

Section 310.2. Approval Procedure. All Planned Development Areas shall be required to obtain a sketch plan approval from the Planning Board prior to pursuing any further required subdivision approvals, site plan reviews, or permits. In granting sketch plan approval for a Planned Development Area, the Planning Board may modify the area and dimensional requirements of Section 302 of this ordinance if, in the Planning Board's opinion, the proposal clearly fulfills the intentions and requirements of this section.

Section 310.3. Minimum Requirements

1. Land Area. A Planned Development Area shall include a minimum area of five (5) acres.
2. Number of Dwelling Units. The maximum number of dwelling units shall in no case exceed the number of individual lot single-family dwellings that could be permitted, in the Planning Board's judgment, if the land were subdivided or developed in conformance with the conventional dimensional requirements of this ordinance.
3. Uses. Only those uses specifically listed as permitted uses in the zoning district in which a Planned Development Area is located shall be permitted. Those uses permitted by Special Use Permit shall continue to be permitted only by Special Use Permit. Mobile home parks shall not be permitted in a Planned Development Area.

Section 310.4. Design and Preservation. The proposal to the Planning Board shall present an effective and unified treatment of the development possibilities on the project site, and the proposed development plan shall make appropriate provision for the preservation of streams, stream banks, and stream corridors, wetlands, and important natural features. Where the project site adjoins already developed lands, the proposal shall be compatible with the adjoining patterns of development.

Section 310.5. Open Space Required. The proposal shall provide for the preservation of open space designed to be an integral part of the whole development and to connect to existing publicly accessible open space or to a planned open space network. At least 20% of the total land area of the project site shall be designated open space. Land used for public or community infrastructure, particularly stormwater management, may not be counted toward the minimum open space requirements. The size, shape, and location of open space shall be approved by the Planning Board. The open space shall be protected by appropriate legal devices to insure the continued use of such lands for the purpose of recreation or conservation. Such mechanisms may include dedication of development rights, conservation easements, or fee simple title to a public or not-for-profit organization. Permitted future uses of the open space shall be specifically identified as part of the approval of any Planned Development Area.

ARTICLE IV – COMMERCIAL ZONING DISTRICTS

Section 401. Permitted Uses. The following uses are permitted, as indicated, within the three commercial districts.

Use	Downtown Commercial	West Gateway Commercial	East Gateway Mixed Use	Site Plan	Refer to Section
Ambulance Services		P		X	
Artists' Studios	P	P	P	X	405
Banks and Savings and Loans, with drive-through service		P		X	
Banks and Savings and Loans, without drive-through service	P	SE	SE	X	408
Catering Services	P	P	P	X	
Commercial Recreation and Entertainment	P	P		X	
Eating and Drinking Establishments, without drive-thru service	P	P	P	X	
Eating and Drinking Establishments, with drive-thru service		P		X	
Food and Beverage Sales	P	SE	SE	X	408
Retail Nurseries	P	P	P	X	
Business and Professional Offices	P	P	P	X	
Pawn Shops	P	P		X	
Personal Improvement Services	P	SE	SE	X	408
Personal Services	P	SE	SE	X	408
Postal Services	P	SE	SE	X	408
Printing and Duplicating Services	P	SE	SE	X	408
Retail Sales	P	SE	SE	X	408
Retail Sales, with dwelling units	P	SE	SE	X	408
Gas Stations		P	P	X	
Convenience Markets	P	P	P	X	407
Travel Services	P	SE	SE	X	408
Hotels and Motels	SU	P	SU	X	
Clubs and Lodges	P	SE	SE	X	408
Cultural Institutions	P	SE	SE	X	408
Emergency Health Care	P	P	P	X	
Government Offices	P	P	P	X	
Public Park and Recreation Facilities	P	P	P	X	
Public Safety Facilities	P	P	P	X	
Religious Assembly Facilities	P	P	P	X	
Public or Private Schools	P	P	P	X	
Minor Utilities	P	P	P	X	
Funeral homes	P			X	
Wholesale Nurseries	P			X	

Table continues on next page

A = Permitted as accessory to a permitted use with a Permit from the Zoning Officer

P = Permitted with a Permit from the Zoning Officer

SU = Permitted with a Special Use Permit from the Zoning Board of Appeals

SE = Permitted with a Special Exception from the Planning Board

X = Site Plan Review required

Use	Downtown Commercial	West Gateway Commercial	East Gateway Mixed Use	Site Plan	Refer to Section
Vehicle Electronic Equipment Installation		P		X	
Vehicle and Equipment Sales and Rentals		P		X	
Vehicle Storage		P		X	
Single-Family Dwellings	A	A	P		406
Two-Family Dwellings	A	A	P		406
Multi-Family Dwellings	A	A	P	X	406
Community Centers	SU	SU	SU	X	
Crop Production		P			
Day Care Facilities	SU	SU	SU	X	
Residential Care Facilities	SU	SU	SU	X	
Major Utilities		SU		X	
Temporary Seasonal Retail Sales	A	A	A		
Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.	A	A	A		
Temporary fundraising activities of not-for-profit organizations, such as barbeques.	A	A	A		
Signs in accordance with these regulations.	A	A	A		702
Small-scale alternative energy facilities.	A/SU	A/SU	A/SU		
Agricultural Farm Stands		A	A		
Such other accessory uses as are customarily incidental to permitted principal uses.	A	A	A		

A = Permitted as accessory to a permitted use with a Permit from the Zoning Officer

P = Permitted with a Permit from the Zoning Officer

SU = Permitted with a Special Use Permit from the Zoning Board of Appeals

X = Site Plan Review required

Section 402. Dimensional Requirements. The following dimensional standards are required within the three commercial districts.

	Downtown (West) Commercial	Downtown (East) Commercial	West Gateway Commercial	East Gateway Mixed Use
Minimum Lot Size	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.
Minimum Frontage	75 ft.	75 ft.	75 ft.	75 ft.
Maximum Height	35 ft.	35 ft.	35 ft.	35 ft.
<u>Minimum Yards</u>				
- Front	0/5 ft.* [†]	10 ft. [†]	20/50 ft.***	10 ft.
- Side	0/5 ft.*	0/5 ft.**	15 ft.	15 ft.
- Rear	0/5 ft.*	0/5 ft.**	15 ft.	15 ft.

** Within the Downtown (West) Commercial District, buildings may be located on the property line. If they are not located on the property line, they must be located at least 5 feet from the property line.*

*** Within the Downtown (East) Commercial District, buildings may be located on the side and rear property line. If they are not located on the property line, they must be located at least 5 feet from the property line.*

**** Within the West Gateway Commercial District, the minimum front yard setback shall be 50 feet along West Seneca Road and along State Route 96.*

† Within the Downtown Commercial Districts, if parking is provided, it shall be located behind the front of the principal building.

Section 403. Outdoor Storage. There shall be no outdoor storage of rubbish or garbage in connection with any of the uses permitted.

Section 404. Exterior Lighting in the Downtown Commercial District. Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining residential properties.

Section 405. Artists' Studios in Downtown Commercial District. Within the Downtown Commercial District, no artists' studio may contain a kiln or oven of any type.

Section 406. Residential Uses in Downtown Commercial and West Gateway Commercial Districts. Residential uses within the Downtown Commercial and West Gateway Commercial Districts may only be located above the first floor of any building.

Section 407. Convenience Markets in the Downtown Commercial District. Convenience markets in the Downtown Commercial District shall not include gas stations. Convenience markets in the Downtown Commercial District shall have hours of operation limited to between 6 AM and 1 AM.

Section 408. Certain Uses in the West Gateway Commercial and East Gateway Mixed Use Districts. Certain uses are permitted only as Special Exceptions in the West Gateway Commercial District and in the East Gateway Mixed Use District. Those uses that are so identified in the above table shall be permitted by Special exception if and only if the Planning Board makes a finding that there is no viable location for the proposed use in the Downtown Commercial District.

Section 409. Design Requirements in the Downtown Commercial District. Development within the Downtown Commercial District shall conform to any design requirements that may be hereafter adopted by the Village Board of Trustees.

Section 410. Design Requirements in the West Gateway Commercial District.

1. Purpose. The goal of this section is to create a sense of place, in accordance with the Village of Trumansburg Comprehensive Plan, while anticipating and planning for more intense commercial development that may occur given the location of this district and the presence or proximity to infrastructure and utilities. An emphasis should be placed on providing coordinated growth that relies on shared curb cuts and internal circulation systems, to preserve the character of road frontage, and to maintain safety and efficiency of highway corridors. Accordingly, development of properties within the West Gateway Commercial District for which site plan reviews are required shall comply with the additional design requirements to be evaluated as part of the site plan review.

2. Lighting and Utility Placement
 - a. Locate utilities underground to the furthest extent possible. All above ground utility boxes and similar facilities should be clustered and screened with landscaping.
 - b. Lighting should be appropriate to a village setting. For example, do not “over light” (too many lights or lights that are too bright); always include full shielding to eliminate glare; and, in large parking lots, minimize lighting to preserve dark skies and limit light pollution.
 - c. Strong contrasts between lit and unlit portions of a site should be avoided, in favor of lower-powered more evenly distributed lighting that is of similar character, intensity and color to neighboring properties in conformance with these regulations.
 - d. Canopy lighting should be fully recessed.

3. Parking and Site Layout
 - a. Parking should be located behind buildings so as to minimize visibility from Route 96.
 - b. Shared parking facilities and curb cuts should be provided.
 - c. Access to properties should be provided via side roads wherever possible. Where no such road or access currently exists, a new road should be provided that serves the current project and can be extended to accommodate future development. Distances between curb cuts on Route 96 should be maximized to the greatest extent possible.
 - d. Primary building entrances should face and provide a direct connection to any sidewalk systems.

4. Sidewalks and Streetscapes. Development projects shall, at the developer’s expense, connect to the State Route 96 corridor, particularly where sidewalks and other pedestrian amenities are placed directly along the corridor. With respect to larger projects and sites, additional opportunities will exist to provide a pedestrian-friendly environment internal to the project site. The Village of Trumansburg Case Study in Tompkins County—Walkability Assessment Methodology and Case Studies (May 25, 2007) should be consulted.

5. Building Design and Appearance.
 - a. Façades, rooflines, and exterior walls should have three-dimensional variation to provide visual interest and variety.
 - b. Façades that face public streets or adjacent development should be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings for visual interest.
 - c. Entrances should be obvious, attractive, in scale with the building façade and have weather cover. Individual tenants should have separate entrances.
 - d. The composition of a multi-story building should present a clearly recognizable base, middle, and top.

Section 411. Design Requirements in the East Gateway Mixed Use District.

1. Purpose. The goal of this section is to establish design principles that minimize the impact of commercial development in the East Gateway Mixed Use District on surrounding residentially zoned and/or developed properties, in accordance with the Village of Trumansburg Comprehensive Plan. An additional emphasis should be placed on maintaining safety and efficiency of Route 96. Accordingly, development of properties within the East Gateway Mixed Use District for which site plan reviews are required shall comply with the additional design requirements listed in this section to be evaluated as part of the site plan review.

2. Lighting and Utility Placement
 - a. Exterior lighting shall be designed, constructed and installed in accordance with the following:
 - i. The light source shall not be directly visible from beyond any boundary of the site adjoining a residential zoning district and light rays may not be emitted by the installed fixture at angles above the horizontal plane of the fixture.
 - ii. No elevated exterior light fixture shall exceed fourteen (14) feet in height. The height of light fixtures required for doors and decks can be measured from the walking surface they illuminate.
 - iii. There shall be no lighting of a blinking, flashing or fluttering nature, including changes in light intensity, brightness or color.
 - b. Lighting should be appropriate to a village residential setting. For example, do not “over light” (too many lights or lights that are too bright); always include full shielding to eliminate glare; and, in parking lots, minimize lighting to preserve dark skies and limit light pollution.

- c. Strong contrasts between lit and unlit portions of a site should be avoided, in favor of lower-powered more evenly distributed lighting that is of similar character, intensity and color to neighboring properties in conformance with these regulations.
 - d. Canopy lighting should be fully recessed.
3. Other Design Requirements
- a. Parking should be located so as not to be visible to residentially zoned and/or developed properties.
 - b. Shared parking facilities and curb cuts are encouraged.
 - c. Façades that face residentially zoned and/or developed properties should be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings for visual interest.
4. Building Design and Appearance. For new construction,
- a. Façades, rooflines, and exterior walls should have three-dimensional variation to provide visual interest and variety.
 - b. Façades that face public streets or adjacent development should be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings for visual interest.
 - c. Entrances should be obvious, attractive, in scale with the building façade and have weather cover. Individual tenants should have separate entrances.
 - d. The composition of a multi-story building should present a clearly recognizable base, middle, and top.

ARTICLE V – INDUSTRIAL DISTRICTS

Section 501. Permitted Uses. The following uses are permitted, as indicated, within the two industrial districts.

Use	Commercial Industrial	Mixed Use Industrial	Site Plan	Refer to Section
Ambulance Services	P		X	
Artists' Studios	P	P	X	
Building Materials and Services	P		X	
Commercial Recreation and Entertainment	P		X	
Communications Facilities	P		X	
Limited Horticulture	P	P		
Laboratories	P	P	X	
Maintenance and Repair Services	P		X	
Maintenance and Service Facilities	P		X	
Wholesale Nurseries	P	P	X	
Personal Improvement Services	P		X	
Limited Personal Services	P		X	
Postal Services	P		X	
Printing and Duplicating Services	P		X	
Research and Development Services	P	P	X	
Vehicle and Equipment Sales and Services	P		X	
Limited Warehousing and Storage	P	SU	X	
Self-Service Warehousing and Storage	P		X	
Industry, Artisan	P	P	X	
Industry, Assembly	P	SU	X	
Industry, Light	P		X	
Industry, Research and Development	P	P	X	
Storage and Distribution	P		X	
Trucking Terminals	P		X	
Aquaculture Facilities		P	X	
Crop Production	P			
Government Offices	P	P	X	
Public Park and Recreation Facilities	P	P	X	
Public Safety Facilities	P	P	X	
Minor Utilities	P	P	X	
Major Utilities	P	P	X	
Single-Family Dwellings		P		
Two-Family Dwellings		P		
Multi-Family Dwellings		P	X	
Bed and Breakfast Inns		P	X	505.3
Recurring Swap Meets	SU		X	
Retail Sales	SU	A/SU	X	505.4/ 505.5

Table continues on next page

A = Permitted as accessory to a permitted use with a Permit from the Zoning Officer

P = Permitted with a Permit from the Zoning Officer

SU = Permitted with a Special Use Permit from the Zoning Board of Appeals

X = Site Plan Review required

Use	Commercial Industrial	Mixed Use Industrial	Site Plan	Refer to Section
Adult-Oriented Businesses	SU		X	505.1
Animal Sales and Services	SU	SU	X	505.2
Food Processing, provided such use does not create any noise, fumes, or odors discernable from adjoining properties	SU	SU	X	
Temporary Seasonal Retail Sales	A	A		
Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.	A	A		
Outdoor storage of goods and supplies if screened so as to be substantially out of view from any residential district and from any public road.	A		X	
Temporary fundraising activities of not-for-profit organizations, such as barbeques.	A			
Signs in accordance with these regulations.	A	A		702
Small-scale alternative energy facilities.	A/SU	A/SU		
Agricultural Farm Stands	A			
Such other accessory uses as are customarily incidental to permitted principal uses.	A	A		

A = Permitted as accessory to a permitted use with a Permit from the Zoning Officer

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X = Site Plan Review required

Section 502. Dimensional Requirements. The following dimensional standards are required within the two industrial districts.

	Commercial Industrial	Mixed Use Industrial
Minimum Lot Size	7,500 sq. ft.	N/A
Minimum Frontage	75 ft.	N/A
Maximum Height	35 ft.	35 ft./2 stories
<u>Minimum Yards</u>		
- Front	20 ft.	50/100 ft.*
- Side	15/75 ft.**	50/75 ft.**
- Rear	15/75 ft.**	50/75 ft.**
Maximum Lot Coverage	N/A	50%***

**There shall be a minimum front yard depth of one hundred (100) feet from the property line along King Town Road or East Seneca Road whichever should be the abutting front road and a minimum of fifty (50) feet from any other street, except where the property on the other side of the street is in another district in which case there shall be a minimum set back of one hundred (100) feet.*

***Where a plot abuts property situated in another district, the distance of any building, structure or parking area from the side and rear property lines shall be not less than seventy-five (75) feet.*

****The total coverage of buildings or structures on any plot or site shall not exceed fifty (50) percent of the plot area, which coverage shall include off-street loading and unloading facilities. The remaining fifty (50) percent shall be divided among areas for landscaped parks, sidewalks and accessory parking of vehicles.*

Section 503. Outdoor Storage. There shall be no outdoor storage of rubbish in connection with any of the uses permitted.

Section 504. Exterior Lighting. Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining residential properties.

Section 505. Additional Provisions for Special Uses. In addition to the standards required for all uses that require a special use permit, the following provisions shall apply within industrial districts for the identified uses.

Section 505.1. Adult-Oriented Businesses

1. Purpose. The purpose of these conditions is to mitigate the negative secondary effects associated with adult-oriented businesses, and to provide for such uses to occur only in areas where the secondary effects will have a lesser impact than would be the case in other areas.
2. Limitations. Adult-oriented businesses are prohibited within 200 feet of any residential zoning district or any dwelling, including structures devoted to both residential and commercial/business purposes. The distance shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the space to be occupied by the adult-oriented business to the nearest lot line on which is located a use from which the adult entertainment business is to be separated or to the nearest point of the zoning district from which the adult entertainment business is to be separated.
3. General Requirements
 - a. No more than one adult-oriented business shall be permitted on any individual lot.
 - b. All building openings, including doorways and windows, of the adult-oriented business shall be located, covered or screened in such a manner as to prevent a view into any adult-oriented business from outdoors.
 - c. No person under the age of 18 shall be permitted into or on the premises of any adult-oriented business.
 - d. No adult-oriented business shall display any exterior or outdoor advertising of any kind, other than signage complying with all of the requirements of this zoning ordinance.
4. Lapse of Permit. Where a permit for an adult-oriented business has been granted, the applicant shall begin the project with six (6) months from the date of the granting of the permit. In the event the project is not completed within twelve (12) months, such permit shall be invalid.
5. Annual Renewal. Where a special use approval for an adult-oriented business has been granted it shall be valid for one (1) year. Renewal applications shall be submitted to the Board of Appeals for review.
6. Effect of Denial. No application for an adult-oriented business which has been denied wholly or in part shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions.

Section 505.2. Animal Sales and Services. Animal sales and services activities shall take place only within an entirely enclosed building except for regular exercise activities in the accompaniment of a human handler.

Section 505.3. Bed and Breakfast Inns. Signage shall be provided to direct guests to the off-street parking area.

Section 505.4. Retail Sales in the Commercial Industrial District. In the Commercial Industrial District, retail sales, not to exceed 15,000 square feet in area, are permitted as a principal use by Special Use only upon a finding by the Zoning Board of Appeals that there is no other appropriate location for the proposed use elsewhere in the Village.

Section 505.5. Accessory Retail Sales in the Mixed Use Industrial District. An accessory retail sales use may be located within any principal building with a gross floor area of 5,000 square feet or more, provided the retail sales use has no separate entrance, the hours of operation correspond with those of the principal use, and the total net public area of all such establishments within the building total to no more than 5 percent of the gross floor area, up to a maximum of 1,500 square feet.

Section 506. Off-Street Parking in the Mixed Use Industrial District. Every use in the Mixed Use Industrial District shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance with the requirements of this ordinance and with the following provisions:

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

ARTICLE VI – OVERLAY DISTRICTS

Section 601. Effect of Overlay Districts.

Overlay Districts combine with and add to the regulations of the basic districts established in this Ordinance. All uses in any Overlay District require a Site Plan Review.

Section 602. Conservation Overlay Districts. The intent of the Conservation Overlay Districts is to protect fragile natural areas, including stream corridors and wetlands, where changes and/or development would be adverse to the environment, community values, public health, safety and general welfare of the Village, in accordance with the Village of Trumansburg Comprehensive Plan. The provisions of this section take precedence over any other zoning section, law or code to the extent that the provisions of this section are inconsistent with the other provisions.

Section 603. Site Plan Review in Conservation Overlay Districts.

Any Site Plan Review conducted within a Conservation Overlay District shall include, in addition to any other requirements of this ordinance, additional project review criteria and additional submission materials.

Section 604. Stream Corridor Conservation Overlay District. Section 723 of this Ordinance establishes minimum stream buffers for perennial and intermittent streams throughout the Village. Within the Stream Corridor Conservation Overlay District, additional requirements apply.

Section 604.1. Protection Requirements for Perennial Streams. All perennial streams shall require a riparian buffer and a setback area. All site plan applications, special permits, special approval and variance applications, building permit applications, and excavation or fill permit applications shall require the delineation of any applicable riparian buffers and setback areas. Prior to any soil-disturbing activity, the riparian buffer and setback area shall be clearly delineated on site and shall be undisturbed until the project is complete.

1. Riparian Buffer Established. The riparian buffer will begin at the top of the stream bank and extend a minimum of fifty (50) feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. Should a steep slope or wetland exist within this riparian buffer the entirety of that area will be added to the measurement of the riparian buffer. In addition to those minimum requirements, Site Plan Review shall consider whether additional buffer width is appropriate along perennial streams within the Stream Corridor Conservation Overlay District to protect and promote:
 - a. Habitat and Biodiversity, by providing terrestrial wildlife habitat and travel corridors, and food and habitat in aquatic ecosystems.
 - b. Stream Stability, by attenuating flooding, stabilizing stream banks and preventing erosion of stream banks and streambeds.
 - c. Water Quality, by removing pollutants and moderating temperatures.
 - d. Financial Savings, by preventing property damage, reducing public investment and protecting public facilities from flooding or other hazards.
2. Riparian Buffer Restrictions. Riparian buffers shall maintain native vegetation in a natural state. Development may not modify or interrupt more than 10% of the entire riparian buffer area unless necessary for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor. Development within the riparian buffer is limited to:
 - a. Benches or seating.
 - b. Educational and scientific research.
 - c. Flood control, stormwater management structures, and stream bank stabilization measures approved by the Tompkins County Soil and Water Conservation District, Natural Resource Conservation Service, Army Corps of Engineering, or NYS Department of Environmental Conservation.
 - d. Maintenance of roadways or impervious surfaces existing at the time of the adoption of this provision.
 - e. Stream crossings necessary to access the property by driveway, transportation route, or utility line which have minimal negative impacts on the stream and riparian buffer.
 - f. Public water supply intake or public wastewater outfall structures.
 - g. Public access and public recreational facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks.

- h. Public sewer lines and/or other utility easements.
 - i. Non-paved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream.
 - j. Temporary use of erosion control measures such as silt fencing.
3. Setback Area Established. The Setback Area will begin at the outward edge of the Riparian Buffer and extend an additional fifty (50) feet from the top of stream bank.
4. Setback Area Restrictions. Within the setback area development uses are restricted to the following:
- a. All development and uses permitted in the riparian buffer.
 - b. Minor recreational structures and surfaces to allow passive recreation in the setback area such as decks, picnic tables, playground equipment, and small concrete slabs, the total area of which is not to exceed 200 square feet each and in aggregate occupy no more than 10% of the setback area.
 - c. Fences, provided such structures do not impede floodwaters.
 - d. Landscaping, mowing, decorative planting or improvements that do not encroach upon or impact the integrity of the riparian buffer.

Section 604.2. Submission Materials. In addition to any other materials required by this ordinance, the proposed site plan shall show the location of the top of banks of any perennial stream within fifty (50) feet of the property.

Section 604.3. Prohibited Activities. The following activities are explicitly prohibited within any riparian buffer or setback area:

- a. Storage or placement of any hazardous materials.
- b. Purposeful introduction of invasive vegetative species that reduce the persistence of native vegetation.
- c. Waste storage, placement, or disposal, including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, inoperative automobiles or appliance structures, and other abandoned materials.
- d. Mining or removal of soil, sand and gravel, and quarrying of raw materials.
- e. Dredging, deepening, widening, straightening or any such alteration of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities.
- f. Application of herbicide, pesticides, fertilizers, or other chemicals.
- g. Parking of motorized vehicles, except as permitted as a Special Use by the Board of Appeals.

Section 604.4. Exemptions. The following specific activities are exempt from the requirements of the Stream Corridor Conservation Overlay District.

- a. This section shall not apply to agricultural land use activity existing as of the effective date of this ordinance.
- b. Work consisting of the repair or maintenance of any lawful use of land that is approved for such use on or before the effective date of this ordinance.

605. Wetland Conservation Overlay District.

Section 605.1. Buffer Requirement.

- 1. Buffer Required. A minimum setback of 100 feet shall be required from the delineated boundaries of all wetlands of two acres or more within the Wetland Conservation Overlay District. The Planning Board may, in reviewing any site plan within the Wetland Overlay District, require greater setbacks.
- 2. Exempt activities. The following activities shall be permitted within a Wetland Overlay District without a Site Plan Review provided they do not require structures, grading, fill, draining, or dredging:
 - a. Normal ground maintenance including mowing, trimming of vegetation.
 - b. Repair of existing decorative landscaping and planting native species.
 - c. Repair of existing walkways, walls, and driveways.

- d. Public health activities, in emergencies only, of the County Department of Health and/or New York State Department of Health.
 - e. Operation of existing dams and water control devices.
3. **Prohibited activities.** The following activities are explicitly prohibited in both the setback area.
- a. Storage or placement of any hazardous materials.
 - b. Purposeful introduction of invasive vegetative species that reduce the persistence of native vegetation.
 - c. Waste storage, placement, or disposal, including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.
 - d. Mining or removal of soil, sand and gravel, and quarrying of raw materials.
 - e. Alteration of wetlands except where the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers has issued a permit expressly allowing such activities.
 - f. Application of herbicide, pesticides, fertilizers, or other chemicals.
 - g. Parking of motorized vehicles, except as permitted as a Special Use by the Board of Appeals.

Section 605.2. Project Review Criteria. Site Plan Review within the Wetland Conservation Overlay District shall consider the impact of any proposed project on:

- 1. The ability of the wetland to filter harmful toxins, nutrients, and sediment from surface and stormwater runoff.
- 2. The ability of the wetland to store floodwaters and reducing the magnitude of flood events.
- 3. The ability of the wetland to provide valuable habitat for a diverse array of flora and fauna, including any existing rare, threatened, or endangered species.
- 4. The ability of the wetland to maintain surface-water flow during dry periods.
- 5. The impact of any excessive siltation resulting from surface runoff from construction sites, road, bridge, and pipeline construction and lack of erosion control on steep slopes.
- 6. The impact of pollution by road salt and chemical pollution from parking lots and treated lawns.
- 7. The impact of pollution by garbage, litter, and refuse.
- 8. The impact of a reduction in the flow of watercourses due to destruction of wetlands.

Section 605.3. Submission Materials. In addition to any other materials required by this ordinance, the proposed site plan shall show the boundaries of any wetland as determined by field investigation. The Planning Board may require flagging and subsequent survey by a licensed land surveyor. The Planning Board may consult and/or may require the applicants to consult with approved biologists, hydrologists, soil scientists, ecologists, botanists, legal counsel, engineers, or other experts necessary to make this determination.

ARTICLE VII - SUPPLEMENTARY REGULATIONS

Section 701. Off-Street Parking. Except in the Downtown Commercial District, parking shall be required for all facilities established under this ordinance in accordance with the following section. There shall be no parking required for non-residential facilities established in the Downtown Commercial District.

Section 701.1. Parking Requirements

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

Facility Type	Required Off-Street Parking
COMMERCIAL FACILITIES, cont.	
Banks or other financial institutions	One (1) parking space per 200 square feet of gross floor area, excluding storage or mechanical equipment areas
Personal services, such as beauty shops, barber shops, and related services	Two (2) parking spaces per 200 square feet of gross floor area, excluding storage or mechanical equipment areas
INDUSTRIAL FACILITIES	
Self-service storage facility	One (1) parking space for every 10 units, or fraction thereof
Warehouse or wholesale distribution facility	One (1) parking space for every two (2) employees
Other industrial facilities	One (1) parking space for each of the maximum number of employees for which the plant is designed in the conduct of business or industry on the plot
OTHER USES	
Other uses	One (1) parking space for each one thousand (1,000) square feet of floor area, or major fraction thereof plus one (1) parking space for each employee on the shift with the most employees

Section 701.2. Mixed Facilities. For projects with more than one type of facility, if any one type of facility constitutes 90% or more of the facility size, parking shall be provided in accordance with that one type of facility. For projects with more than one type of facility, if no one type of facility constitutes 90% or more of the facility size, parking shall be calculated for each separate facility type and added to determine the project's entire parking requirement.

Section 701.3. Loading Spaces. For any non-residential uses established in a commercial or industrial district, there shall be one off-street loading space for each 20,000 square feet of gross floor area or portion thereof.

Section 701.4. Parking Design Standards

1. There shall be no parking allowed in any front yard, side yard, or rear yard required setback areas except in established driveways.
2. The minimum allowable dimensions of a parking space are nine (9) feet wide by twenty (20) feet long. Parking spaces so designated for persons with disabilities should include, on one side, a minimum of an additional four (4) feet of width in order to accommodate wheelchair lifts.
3. Travel aisles for vehicles within a parking lot should be a minimum of twenty-two (22) feet in width for aisles intended for two-way traffic. Where angled parking with one-way traffic circulation is proposed, the minimum aisle width should be thirteen (13) feet if the angle of parking spaces is forty-five (45) degrees from the perpendicular, and eighteen (18) feet if the angle of parking spaces is sixty (60) degrees from the perpendicular.
4. Where a proposed parking lot is larger than nine (9) spaces in size, there should be a landscape plan with a recommended one (1) deciduous canopy tree for every five (5) parking spaces proposed. Said trees should be of a species with a height at maturity of at least thirty (30) feet, of a species known to be compatible with regional climate conditions, and should be at least 2.5 inches in diameter and four (4) feet from the ground at time of planting.
5. All off-street parking should be paved, surfaced or covered with gravel so as to be well-drained and should be provided with necessary access drives.
6. All parking areas are to be maintained in a well-kept condition.

Section 702. Signs

Section 702.1. Signs Permitted in All Districts Without a Permit. The following signs are permitted in any zoning district without permit provided that if ground mounted, the top must not be over six feet above the ground, and if building mounted, must be flush mounted:

- a. One sign, not self-illuminated, denoting the name and location of office or property containing six (6) or more rental residential units, which sign may be located on the premises, and where the property lacks frontage on a public street, one sign may be placed along the access way to such premises, which sign must not exceed nine (9) square feet in area.
- b. One name plate, not self-illuminated, denoting the names and addresses of the occupants of the premises, not exceeding one hundred forty-four (144) square inches per dwelling unit.
- c. Directional (entrance/exit) signs on premises, one for each access way, each not exceeding two (2) square feet in area and which must not include any trademarks or names of businesses conducted or products sold, and must include the minimum amount of lettering necessary to direct traffic.
- d. One sign or notice, having an area of thirty-two (32) square feet or less, erected by a public utility, necessary for the direction, information or safety of the public.
- e. One sign or bulletin board, not self-illuminated, customarily incidental to places of worship, libraries, museums, social clubs or societies, which sign or bulletin board must not exceed thirty-two (32) square feet in area or 6' in height and must be located on the premises of such institutions.
- f. Temporary signs as defined and regulated in this Article.

Section 702.2 Signs Permitted in All Districts With a Permit. The following signs are permitted in any zoning district but require a permit, and if ground mounted, the top must not be over six (6) feet above the ground, and, if building mounted, must be flush mounted:

- a. One sign of a temporary nature, not self-illuminated, advertising real estate developments, or construction projects, (during the period of development, not to exceed one year from the date of permit) is permitted in all districts. This sign must not exceed thirty-two (32) square feet in area and must advertise only the name of the architect, contractor, owner, developer, and other project participants and such sign must not be illuminated in any manner. The permit may be renewed for two additional periods of one year each.
- b. One sign, not self-illuminated, identifying a real estate development, subdivision or neighborhood at each entrance. Such sign shall not be self-illuminated in any manner and shall not exceed (5) square feet in area. Such sign shall set forth only the specific name of the real estate development, subdivision or neighborhood and no other information.

Section 702.3. Signs Permitted in Residential Districts. The following signs are permitted in the residential zoning districts but require a permit.

- a. Signs, not self-illuminated, identifying commercial uses in a residential building as follows:
 - i. for home occupations carried on or within the premises, one sign not exceeding three (3) square feet in area.
 - ii. for uses other than home occupations, one sign not exceeding six (6) square feet in area.
- b. No part of freestanding signs in a residential district shall be closer than fifteen (15) feet to the edge of street pavement, nor have a sign height greater than six (6) feet.

Section 702.4. Signs Permitted in Commercial, Mixed Use, and Industrial Districts. The following signs are permitted in the commercial and industrial zoning districts but require a permit

- a. A maximum of two signs per business are permitted. Only one projecting or freestanding sign is permitted for each business on the premises. One sign may be illuminated, but not both.
- b. For premises fronting on more than one Village street, signs may be permitted in accordance with the preceding for each of such frontages. The total size of signage allowed premises fronting on more than one Village street may not exceed 150% of the square footage allowed for a business that faces one Village street.
- c. Any projecting sign shall be limited to a maximum area of twenty (20) square feet.
- d. Any freestanding sign shall be limited to a maximum area of thirty-two (32) square feet. Freestanding signs shall not exceed fifteen (15) feet in height, measured from normal grade to the top of the sign.

- e. Wall and/or window signs shall be limited in size to forty (40) square feet, but not in excess of twice the building front linear footage.
- f. All non-street level businesses in a building shall be limited to a total sign area of twenty (20) square feet.
- g. Projecting signs that are attached to a building shall be permitted only when all parts thereof are at least three (3) feet back from the edge of street pavement and at least nine (9) feet above the surface of any sidewalk underneath the sign.
- h. Portable signs shall be permitted in commercial districts in accordance with the following conditions:
 - i. Portable signs must be placed so that they do not obstruct pedestrian traffic.
 - ii. Portable signs must not be more than thirty six (36) inches wide by forty eight (48) inches high.
 - iii. Where there is more than one business in a building, only one portable sign will be permitted. The portable sign may be shared.
 - iv. Portable signs may only be displayed when the establishment is open for business. Portable signs must be removed to allow for normal sidewalk maintenance.
- i. Marquee, canopy, and awning signs are limited to an area of twenty (20) square feet.
- j. Roof signs.

Section 702.5. Location. No signs may be erected or maintained in such a manner so as to project over or above any street, public highway or waterway. No part of a free standing sign shall be closer than fifteen (15) feet, measured horizontally, from the existing pavement edge of any public highway or street. Directional (entrance/exit) signs may be closer than fifteen (15) feet with the approval of the Zoning Officer.

Section 702.6. Permits and Fees. Except as otherwise herein provided, a person must not erect any sign as defined herein without first obtaining a permit therefore from the Zoning Officer. No sign, whether new or existing may hereafter be erected or altered, except in conformity with the provisions of this ordinance.

1. Application for the permit must be made in writing by the property owner or his/her agent to the Zoning Officer, and upon forms prescribed and provided by the Zoning Officer.
2. Along with an application for a sign permit, the applicant must deliver to the Zoning Officer all required fees.
3. It is the duty of the Zoning Officer, upon the filing of an application for a permit, to examine such plans, specifications and other data submitted with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If the proposed sign is in compliance with all the requirements of this Law, the Zoning Officer must issue a permit for the erection of the proposed sign.
4. If the sign authorized under any permit has not been completed within one year from the date of the issuance of such permit, the permit shall become null and void, but may be renewed, within fifteen (15) calendar days from the expiration thereof, upon payment of any required additional fee.

Section 702.7. Maintenance of Signs. Signs, marquees and awnings must be kept clean, in neat order and repair, and free from all hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.

Section 702.8. Removal of Certain Signs.

1. Any sign which advertises a business no longer conducting business on the premises or which does not have a valid permit must be removed within thirty (30) days by the owner of the premises upon which sign is located.
2. Notwithstanding anything hereinbefore contained, if the Zoning Officer determines that any sign is unsafe or is an actual or imminent traffic or other hazard or danger to the public, he may require that such sign be either removed or corrected to remove such hazards or dangers within a shorter period than above provided, but not less than two (2) days. If the sign is not removed or repaired within the required period, the Zoning

Officer may remove or repair the sign and must assess all costs and expenses incurred in the removal or repair against the land or building on which such sign was located.

Section 702.9. Temporary Signs

1. Purpose and Findings. This section is enacted in order to establish reasonable regulations for the posting of temporary signs on public and private property. Temporary signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, temporary signs can become a threat to public safety as a traffic hazard and detriment to property values and the Village's overall public welfare as an aesthetic nuisance. These regulations intend to: (1) balance the rights of individuals to convey their messages through temporary signs and the right of the public to be protected against the unrestricted proliferation of signs; (2) further the objectives of the Village's Comprehensive Plan; (3) protect the public health, safety, and welfare; (4) reduce traffic and pedestrian hazards (5) protect property values by minimizing the possible adverse effects and visual blight caused by temporary signs; (6) promote economic development; and (7) ensure the fair and consistent enforcement of the temporary sign regulations specified below.
2. Temporary Signs Permitted in All Zones. Temporary signs may be posted on property in all zones of the Village without a permit, subject to the following requirements and those applicable provisions stated elsewhere in the Village's Sign Law.
 - a. The total square footage for temporary signs posted on a building lot, in the aggregate, shall not exceed sixteen (16) square feet. The total square footage of a sign is measured to include all of the visible display area of one side of the sign.
 - b. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard, and shall be kept in good repair.
 - c. A temporary sign shall be designed to be stable under all weather conditions, including high winds.
 - d. No temporary sign shall be illuminated or painted with light-reflecting paint.
 - e. A temporary sign shall only be posted by, or with the consent of, the property owner or occupant.
3. Authorization Required for Posting of Temporary Signs on Village-owned Property. Temporary signs shall not be posted on property owned by the Village without obtaining a permit for such posting from the Village Zoning Officer.
4. Removal Requirements for Temporary Commercial Signs. In addition to the requirements stated above, temporary commercial signs shall comply with the following requirements:
 - a. A temporary real estate sign shall be permitted for up to one year and, in any case, shall be removed within fourteen (14) days after the closing of title on or occupancy by a tenant on lease of the property.
 - b. All other commercial temporary signs, including those announcing yard sales and special events to occur on one or more particular dates, shall be permitted for up to thirty (30) days before and, in any case, removed within five (5) days of the conclusion of the sale or event that the sign is promoting.
5. Removal or Replacement of Signs.
 - a. The property owner of the building lot where a sign is posted is responsible for the sign's maintenance, removal or replacement.
 - b. The Village Zoning Officer is authorized to remove any temporary signs posted in violation of this Law that are not removed or replaced in accordance with the provisions above. Temporary signs posted on private property in violation of this Law shall be deemed a public nuisance, and the Village Zoning Officer may abate that nuisance in accordance with this ordinance.
 - c. The Village Zoning Officer may immediately remove any temporary signs posted on public property or rights-of-way that are in violation of this Law or that constitute a hazard.

Section 703. Building Floor Area. No freestanding dwelling in any district shall be erected or altered so as to provide less than eight hundred fifty (850) square feet of enclosed livable floor area, except for care cottages.

Section 704. Trailers. There shall be no house trailer or mobile home located permanently within the Village. Any trailer, whether it be known as a travel trailer, camping trailer or motorized coach, inhabited for more than twenty-one (21) consecutive nights shall be subject to the provisions of this section. No property may, at any time, contain more than one such trailer.

Section 705. Animals. Except for animal sales and services uses permitted by special use permit in a commercial district, no land or buildings shall be used for harboring or boarding of animals other than common domestic household pets within the confines of the Village limits. Poultry and farm animals of any kind, including horses, are prohibited unless expressly permitted by Village Law.

Section 706. Front Yard Exceptions. In any residential district, other provisions of this ordinance notwithstanding, no building need have a front yard greater in depth than the average depth of the front yards of the lots next thereto on either side, a vacant lot, an adjacent street, or lot with a front yard greater than the minimum required depth being counted as if it were the minimum front yard for the district in which it is located, but in no case shall the front yard in any district be less than twenty (20) feet in depth.



Figure: Front Yard Exceptions. The lot indicated with an asterisk shall be required to have a front yard of at least $(A+B)$ divided by two OR shall meet the minimum front yard requirements of the district.

Section 707. Side Yard on Corner Lot. On a corner lot in any district, a yard on one street side shall be a front yard. The yard on any other street side shall be at least one-half the required front yard.

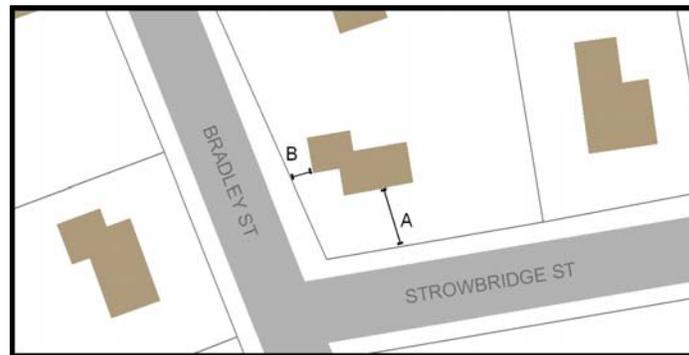


Figure: Corner Lot Yards. The lot shown shall be required to have a full front yard (A) along one street (in the figure, Strowbridge Street) and the front yard (B) along the other street (Bradley Street) at least equal to one-half of the minimum front yard requirements of the district.

Section 708. Accessory Buildings. In any residential district, accessory buildings shall be located at least five (5) feet from any side or rear lot line. On a corner lot, no accessory building may be nearer the side street line than the required front yard depth.

Section 709. Flag Lots. Flag lots may be permitted, subject to review and approval by the Planning Board and the following requirements:

1. The minimum lot area and lot width requirements of this ordinance shall be measured exclusively upon the “flag” portion of the lot.
2. There shall be provided in connection with all principal buildings and structures setbacks no less than thirty-five (35) feet from all property lines.
3. The “pole” shall maintain a minimum width of thirty (30) feet and shall not exceed four hundred (400) feet in length. In approving a flag lot, the Planning Board shall consider the potential impact of driveways on improvements on adjoining properties.
4. No part of the “pole” shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and minor improvements such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs. Any driveway located in the pole must be in the center of the pole and in no case shall its edge be closer than five (5) feet from the lot line.

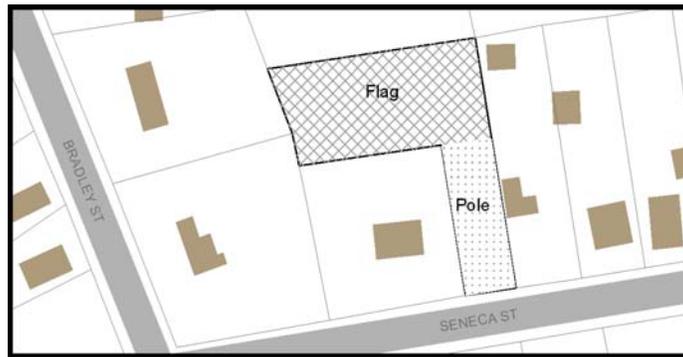


Figure: Flag Lot with “flag” and “pole” identified.

Section 710. Open Porches. In determining the size of yards for purpose of this ordinance, porches or carports, open at the sides, but roofed shall be considered a part of the building.

Section 711. Fences and Walls. The provisions of this ordinance shall not apply to fences or walls not over six (6) feet high above the natural grade, except as limited by the section addressing corner visibility, nor to terraces, steps, unroofed porches, or other similar features not over three (3) feet high above the level of the floor of the ground story.

Section 712. Corner Visibility. In any district, no structure, fence or planting over three (3) feet in height, measured from the center of the adjacent traveled way, shall be maintained on any corner lot within a triangular area formed by the lot lines along the streets to the points on such lines a distance of thirty (30) feet from their streetline intersection, and a line connecting such points. Any fence or planting that does not conform to the requirements of this section and which constitutes a hazard shall be made to conform within one year from the date this ordinance becomes effective.

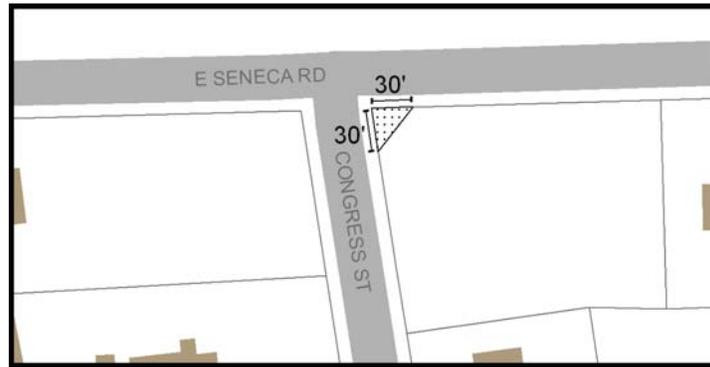


Figure: Corner Visibility. The triangular area shown is to be kept free of obstructions to visibility as described in Section 712.

Section 713. Projection in Yards. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, belt courses, pilasters, leaders, chimneys, cornices, eaves and ornamental measures provided that no such projection may extend more than two (2) feet into any required yard and further provided that the sum of such projections on any wall shall not exceed one-third the length of such wall. An open fire balcony or fire escape may not extend more than four (4) feet into any required yard.

Section 714. Reduction of Lot Area. Whenever a lot upon which stands a building is changed in size or shape so that the area and yard requirements of this ordinance are no longer complied with, such building shall not thereafter be used until it is altered, reconstructed or relocated so as to comply with those requirements. The provisions of this section shall not apply when a portion of a lot is acquired for a public purpose or when a variance is obtained from the Board of Appeals

Section 715. More than One Building on a Lot. When there is more than one principal building on a lot in any district, the space between such buildings must be at least equal to the sum of the side yards required by such buildings or the sum of the rear and front yards as the case may be.

Section 716. Lots in Two Zoning Districts. The Board of Appeals, under the conditions herein, is authorized to permit, as a special permit, the relocation of a zoning district boundary as shown on the Official Zoning Map into an adjoining district. The Board is so authorized only where a district boundary divides a parcel that was in single ownership when the zoning boundary was established.

1. For parcels less than three (3) acres in size, the zoning district boundary may be relocated no more than ten (10) feet from its original location.
2. For parcels three (3) acres or greater in size, the zoning district boundary may be relocated no more than fifty (50) feet from its original location.
3. This section shall not apply where the district boundary is a street.
4. The applicant for such a change shall be required to submit a survey of the new location of the zoning district boundary.

Section 717. Motor Vehicle Parking in Front Yard. In Residential Zoning Districts, no motor vehicle parking or storage shall be permitted within any front yard except within established driveways.

Section 718. Location of Certain Activities. Other provisions of this ordinance notwithstanding, the following uses or activities shall not be permitted nearer to any residential district than the following specified distances:

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

Section 719. Extraction of Natural Products. In any district, the removal of sod, loam, sand, gravel or quarried stone for sale, except when incidental to, or in connection with, the construction of a building shall be prohibited.

Section 720. Access to Business or Manufacturing Use. No driveway or other means of access for vehicles, other than a public street, shall be maintained or used in any residence district for the servicing of a business or manufacturing use located in a commercial or industrial district.

Section 721. Gas Stations. No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance installed in connection with any gasoline sales station or public garage shall be within thirty (30) feet of any street right-of-way or within fifty (50) feet of any residential zoning district.

Section 722. Swimming Pools. All swimming pools shall be constructed and installed in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code and require a building permit. Swimming pools shall meet the setback requirements for accessory structures. The sides of pools must be firm and not able to be bent or lowered by body weight or ladders or other point of entry equipment.

Section 723. Stream Buffers. This section is intended to promote the prevention of sediment, nutrient and pollutant loads from entering streams by maintaining stream buffers from the top of stream bank.

Section 723.1. Protection Requirements for Perennial and Intermittent Streams. All perennial and intermittent streams shall require a riparian buffer with a total width of fifty (50) feet from the top of stream bank. All site plan applications, special permits, special approval and variance applications, building permit applications, and excavation or fill permit applications shall require the delineation of any applicable riparian buffers. Prior to any soil-disturbing activity, the riparian buffer shall be clearly delineated on site and shall be undisturbed until the project is complete.

Section 723.2. Riparian Buffer. The riparian buffer will begin at the top of the stream bank and extend a minimum of fifty (50) feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. Should a steep slope or wetland exist within this riparian buffer the entirety of that area will be added to the measurement of the riparian buffer. Riparian buffers shall maintain native vegetation in a natural state. Development may not modify or interrupt more than 10% of the entire riparian buffer area unless necessary for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor. Development within the riparian buffer is limited to:

- a. Benches or seating.
- b. Educational and scientific research.
- c. Flood control, stormwater management structures, and stream bank stabilization measures approved by the Tompkins County Soil and Water Conservation District, Natural Resource Conservation Service, Army Corps of Engineering, or NYS Department of Environmental Conservation.
- d. Maintenance of roadways or impervious surfaces existing at the time of the adoption of this provision.
- e. Stream crossings necessary to access the property by driveway, transportation route, or utility line which have minimal negative impacts to the stream and riparian buffer.
- f. Public water supply intake or public wastewater outfall structures.
- g. Public access and public recreational facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks.
- h. Public sewer lines and/or other utility easements.
- i. Non-paved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream.
- j. Temporary use of erosion control measures such as silt fencing.

Section 723.3. Exemptions. The following specific activities are exempt from the requirements of this section.

- a. This section shall not apply to agricultural land use activity existing as of the effective date of this ordinance.
- b. Work consisting of the repair or maintenance of any lawful use of land that is approved for such use on or before the effective date of this ordinance.

Section 723.4. Prohibited Activities. The following activities are explicitly prohibited in the riparian buffer.

- a. Storage or placement of any hazardous materials.
- b. Purposeful introduction of invasive vegetative species that reduce the persistence of native vegetation.
- c. Waste storage, placement, or disposal, including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.
- d. Mining or removal of soil, sand and gravel, and quarrying of raw materials.
- e. Dredging, deepening, widening, straightening or any such alteration of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities.
- f. Application of herbicide, pesticides, fertilizers, or other chemicals.
- g. Parking of motorized vehicles, except as permitted as a Special Exception by the Board of Appeals.

Section 724. Private Roads. Any private road serving more than one lot or more than two buildings shall be constructed to meet Village specifications for right-of-way, grade and cross section, as approved by the Village Superintendent of Public Works or Village Engineer.

ARTICLE VIII - ADMINISTRATION

Section 801. Permits.

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

Section 802. Certificate of Occupancy

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

Section 803. Enforcement. This ordinance shall be enforced by a zoning officer who shall be appointed by the Village Board of Trustees. No permit or certificate of occupancy shall be issued except where all the provisions of this ordinance have been complied with, unless by written order of the Board of Appeals.

Section 804. Violations and Penalties. A violation of this ordinance is an offense punishable as specified by law Local Law No. 2 of 2011 and in New York State Village Law § 7-714

Section 805. Complaints of Violations. Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be made in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate and report thereon to the Board of Trustees, and refer such cases to the Board of Appeals where necessary.

Section 806. Board of Appeals Established.

1. Creation, appointment and Organization. A Board of Appeals is hereby created, to be known as the Board of Zoning Appeals of the Village of Trumansburg, New York. Said Board shall consist of five members, each to be appointed by the Board of Trustees of the Village of Trumansburg, Re-appointments shall be for five-year terms. The Board of Trustees shall appoint a chairman from the Board of Appeals membership and shall prescribe rules for the conduct of its affairs.
2. Powers and Duties. The Board of Appeals shall have all the power and duties prescribed by law and by this ordinance, which are more particularly specified as follows:
 - a. Interpretation. Upon appeal from a decision by the Zoning Officer, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

- b. Special Use Permits. To issue special use permits for any of the uses for which this ordinance requires the obtaining of such permits from the Board of Appeals.
- c. Variances. To vary or adapt the strict application of any of the requirements of this ordinance.

Section 807. Special Use Permits.

1. Special uses are uses for which approval of the Board of Appeals is required and for which conformance to additional standards is required, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific case or use shall be considered as an individual case.
2. A plan for the proposed development, alteration or extension of a site for a permitted special use shall be submitted with an application for a special use permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulating drives, open spaces, landscaping, and any other pertinent information that may be necessary, in the sole discretion of the Board, to determine if the proposed special use meets the requirements of this ordinance.
3. Normal maintenance of an approved special use shall not require an additional review by the Board of Appeals. Small extensions of an approved special use, not to exceed 10% of the originally approved special use, shall not require an additional review by the Board of Appeals.
4. A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six (6) months for any reason.
5. The Board of Appeals shall hold a public hearing to consider each application for a special use permit.
6. No permit shall be issued for a special use for a property where there is an existing violation of this ordinance.
7. The following standards shall apply to all special uses:
 - a. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
 - b. Operations in connection with any special use shall not be more objectionable in nature to nearby properties by reason of noise, fumes, vibration, flashing lights, increased traffic or any other objectionable reasons, than would be the operations of any permitted use.
 - c. The special use shall be in conformance with the Village of Trumansburg Comprehensive Plan.
8. Some special uses, as enumerated in this ordinance, shall be required to meet additional standards.

Section 808. Use Variances.

1. The Board of Appeals, on appeal from the decision or determination of the zoning officer, shall have the power to grant use variances, as defined herein.
2. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - a. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - b. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - c. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. that the alleged hardship has not been self-created.

3. 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.
4. The Board of Appeals shall, in the granting of use variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this ordinance, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 809. Area Variances.

1. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the zoning officer, to grant area variances as defined herein.
2. In making its determination, the Board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - a. 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;
 - b. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - c. whether the requested area variance is substantial;
 - d. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e. 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.
3. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. The Board of Appeals shall, in the granting of area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this ordinance, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 810. Procedures of the Board of Appeals

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

Section 811. Planning Board. The Village of Trumansburg Planning Board was established to review and make recommendations on the village comprehensive plan and amendments to that plan; to make investigations and prepare maps, reports, and recommendations in connection with issues related to the comprehensive plan; and to make investigations and prepare reports and recommendations on any other matter referred to them by the village board of trustees. The Planning Board also has the authority to review site plans, subdivision plans, special exceptions, and other development approvals.

Section 812. Site Plan Review. The following shall be subject to site plan review:

- a. New construction, reconstruction, or expansion of residential development except single-lot development of a single-family detached dwelling or a two-family dwelling.
- b. New construction, reconstruction, and/or expansion of all nonresidential development.

Section 812.1. Other permits and approvals. The Planning Board decision to approve a site plan does not excuse an applicant from obtaining and complying with all other permits and approvals that may be needed.

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

Section 812.2. Project Review Criteria. Site Plan Review shall, where applicable, include, but shall not be limited to:

1. General Criteria
 - a. The arrangement, location, size, design, and general site compatibility of proposed buildings, landscaping, lighting, open spaces and buffers, and outdoor waste facilities, including
 - i. If a trash compactor unit is to be used, this unit shall be attached to the building and be screened in with materials and colors that are consistent with the building that it serves. Also, an effort to minimize the noise of the compactor unit from adjacent properties shall occur.
 - ii. Dumpsters must be screened with materials and/or colors that are consistent with the building that it serves.
 - iii. Loading docks, if attached to a building, must be screened with materials and colors that are consistent with the building that it serves (i.e. loading docks attached to a brick building must be screened with brick walls).
 - iv. If possible, antennas, satellite dishes, air handling units and other mechanical equipment placed on a roof should not be visible from the street.
 - v. The usage of metal-sided buildings as façades for primary structures should be minimized, especially in highly visible areas and along principal commercial corridors.
 - vi. All new construction or redevelopment of a property should, to the greatest practical extent, utilize materials and design that is either evocative or respectful of a historic/village setting. This should include wood and stone for primary façades.

- b. The arrangement, location and adequacy of vehicular access and circulation, including intersections, road widths, pavement surfaces, off-street parking and loading areas, and traffic controls, including
 - i. Provide automobile connections to adjacent lots and developments through shared access roads, linked parking, etc.
 - ii. Minimize entry points and curb cuts. Temporary curbcuts may be provided for individual sites, as they are developed. However, as additional sites are developed, such curbcuts may be abandoned in favor of a safe and conveniently located curbcut that serves multiple, adjoining businesses.
 - c. The arrangement, location and adequacy of pedestrian and bicycle access and circulation, and appropriate provisions for handicapped persons, including
 - i. Provide pedestrian connections between adjacent commercial developments through sidewalks, multi-use paths, etc.
 - ii. Establish a pleasant, walkable environment for pedestrians through landscaped sidewalks and multi-use trails.
 - iii. Utilize a consistent theme of street trees, other landscaping elements, and pedestrian amenities to provide a unified streetscape.
 - iv. Provide internal pedestrian connections (on site, from parking lots, to adjacent lots, etc.) through pedestrian walkways and access to and around development.
 - v. Bicycle racks are encouraged and should be placed in easily observable locations.
 - vi. Access to public transportation (Tompkins Consolidated Area Transit (TCAT), or other transit service) should be provided at visible, attractive, and safe locations in consultation with the relevant transit service providers.
 - d. The adequacy of provision for fire protection, storm water, sediment, erosion management, drainage, water supply, and sewerage disposal;
 - e. In the case of residential site plans, the arrangement, location and adequacy of any proposed open space and recreational facilities;
 - f. The adequacy of arrangements for the protection of adjacent neighboring properties from any undue disturbance, such as may be caused by excessive or unreasonable noise, glare, vapors, smoke, fumes, dust, odors, or stormwater runoff;
 - g. Determination under SEQR and compliance with the State Environmental Quality Review Act and the Village Environmental Quality Review Law.
 - h. Conformance with the Village of Trumansburg Comprehensive Plan.
 - i. Compliance with this Article and any other applicable Village rules and regulations and policies.
2. Criteria for plant materials and maintenance. All projects shall provide for adequate types and arrangements of landscaping, both to enhance the site and to complement the architectural components of the development and to screen or buffer adjacent uses in public ways. Where possible and reasonable, trees shall be planted in a strip adjacent to the road. Specifications governing tree species, size, spacing and method and location of planting, as well as appropriate guarantees for tree health may be required. Where possible and reasonable, any trees greater than eight inches in diameter at breast height of desirable species and in good health and sound structure, as determined by the reviewer's designee, should be retained on the site and protected during development.
- a. Deciduous trees shall have a caliper of at least 2 1/2 inches at the time of planting unless specific exemptions to this are granted. Size of evergreen trees and shrubs shall be allowed to vary depending on location and type of plant material (species).
 - b. The owner shall replace dead, dying, and/or seriously damaged plant materials within a reasonable time period during the current (or immediate next) planting season. Any other damaged or missing elements, including but not limited to fences, bollards, signs, shrubs, street furniture, etc., of the approved plan must be similarly replaced by the owner. This will assure that landscaping remains in compliance with the final site plan as approved by the Planning Board.
 - c. Notwithstanding any provision in this chapter or any other village ordinance or regulation to the contrary, an approved site plan may not be modified without express written approval of the Planning Board except as approved by the Zoning Officer as specified herein above.
 - d. All required street trees should be placed between the edge of the road and the parking area or front building line, whichever is closest.
 - e. Parking areas located between structures and the road should be softened with a low growing hedge and/or an attractive fence or wall.

- f. Large expenses of parking should be broken up with tree and shrub plantings.
 - g. A transition zone consisting of pedestrian amenities and landscaping should occur between buildings and parking areas.
3. Criteria for parking areas where applicable. The general criteria above shall apply also to parking area development. These are intended to be minimum criteria. The Board may make such additional reasonable conditions as it deems appropriate to carry out the intention of this ordinance. The following criteria shall apply:
- a. There shall be screening or fencing between a parking area and adjacent properties and public ways, except where there is parking that is shared by more than one property or where commercial properties abut. In such cases the Board may require landscaping as it deems appropriate.
 - b. Additionally, the Planning Board will be guided by the parking standards set forth in Article XVII and may, as appropriate, require elements of those standards.
4. Natural Site Design. Site design shall recognize and respect the site's natural features, creating a balance between the program of the new development and the environmental impact. By recognizing and building with the existing topography, it becomes possible to integrate stormwater management into the design, lessen the amount of grading and erosion, and thereby lessen the environmental impact to surrounding areas. In addition, by incorporating the site's natural features into the site design, it becomes possible to create a more aesthetically relevant place that fits into its context.
- a. Existing mature trees should be maintained, where possible, and species selected for planting should be appropriate for this region and microclimate of the setting.
 - b. Utilize native vegetation and avoid invasive species.
 - c. Development should minimize and balance cut and fill, utilize gentle grading and avoid abrupt grade transitions. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.
 - d. Utilize sensitive construction practices and erosion control (limit soil erosion and disturbance).
 - e. Natural drainage ways, contours and landforms should be respected and disturbance to these areas should be minimized.
 - f. Utilization of "green techniques" for handling stormwater and runoff are encouraged where feasible, such as bio-retention swales, pervious paving materials and pervious alternatives to asphalt and concrete, such as modular paving systems or reinforced grass block (or other "dust-free" materials).

Section 812.3. Site Plan Review Procedures.

- 1. Process initiation. The Zoning Officer shall determine whether Site Plan Review is required when a zoning or demolition permit is applied for. Such determinations may be appealed to the Planning Board within 30 days of the written notification that Site Plan Review is required.
- 2. Site Plan Review procedures.
 - a. Sketch Plan Conference. This step may occur before the application for a permit if it can be reasonably assumed that Site Plan Review would be required, in order to inform the applicant of the Site Plan Review process and to explain the standards for approval, before substantial time and effort are invested in the preparation of plans. The Zoning Officer should determine at this stage whether the proposal is a project of limited scope as defined above.
 - b. Submission of application materials. Application for site plan approval shall be made to the Zoning Officer. If the project is deemed above the threshold of projects of limited scope as defined above, the application will be forwarded to the Planning Board for Site Plan Review. If the project is deemed within the thresholds of projects of limited scope as defined above, the Zoning Officer shall conduct Site Plan Review. In either case, each application for site plan approval shall contain, at a minimum, the following information:
 - i. Name and address of applicant;
 - ii. Name and address of owner(s) of record, if different from the applicant;
 - iii. Name and address of person or firm preparing the site plan map;
 - iv. Current zoning classification of property;
 - v. Applicable application fee(s);

- vi. The number of copies of materials required to be submitted.
- vii. Detailed site plan showing all elements integral to the proposed project, at a scale of no less than one inch equals 100 feet, including, but not limited to:
 - 1. north arrow, scale, and submitted date;
 - 2. property lines, including metes and bounds;
 - 3. name and addresses of all property owners of all parcels abutting the site, or within 500 feet of the perimeter boundary of the site, including owners of easements or right-of-way, together with tax parcel numbers for all such owners;
 - 4. current and proposed zoning and uses on adjacent properties;
 - 5. location of adjacent public and private streets and highways;
 - 6. size and locations of all existing and proposed buildings and structures, including locations of access drives, parking and pedestrian facilities, and off-street loading facilities;
 - 7. existing vegetation on the site;
 - 8. existing and proposed overhead and underground utilities;
 - 9. existing and proposed easements, right-of-ways, covenants, and deed restrictions;
 - 10. location and design of all water and sewerage facilities;
 - 11. location of all existing streams or drainage ways, water bodies and wetlands;
 - 12. grading and drainage plan showing proposed topography at appropriate contour intervals;
 - 13. proposed landscaping, size, height and location of all signs and exterior lighting;
 - 14. an area map showing existing roads and highways in the general vicinity of the project site, and including any zoning district boundaries located within five hundred (500) feet of the site perimeter;
 - 15. elevation plans at a scale of 1/4" for all exterior facades of the proposed structure(s) and/or existing facades, plus additions showing design features and indicating type and color of material to be used;
 - 16. an Environmental Assessment Form, as determined at the sketch conference, with Part 1 filled out; and
 - 17. identification of any federal, state, or county permits required for the project's execution.
- viii. The Planning Board may require topography, including existing topography and proposed topography, a detailed traffic impact study for large developments or those in heavy traffic areas, to include:
 - 1. the projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - 2. the projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 - 3. the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities;
 - 4. Existing and proposed daily and peak traffic hour levels as road capacity levels.
- ix. The Planning board reserves the right to request additional information related to the above submission material as considered necessary. Depending upon the scope and complexity of the project, applicants may be required or encouraged to engage the services of one or more licensed design professionals and other experts such as architects, engineers, ecologists, landscape architects, or surveyors at the applicant's expense.
- x. The Planning Board reserves the right to waive the submission of any of the above said materials.

- 3. Environmental review. SEQR/VEQR review of the proposed development shall be conducted prior to Site Plan Review approval, if applicable.
- 4. Public notice. Upon application for Site Plan Review, a public notice of the proposed development, the form of which shall be approved by the Zoning Officer, shall be posted at the project site for a minimum of seven business days. This notice must remain in place at least until a decision to approve or disapprove the Site Plan Review application is made. The notice shall specify the type and size of the development project; the time and place of the public hearing should the development project be subject to one; and to whom and by when any public comments are to be communicated. The notice must be placed at or near the property line in the front yard so that it will be plainly visible from the street, and, in cases where a property has frontage on more than one street, an additional sign must be placed at or near the property line on any additional

street frontage so that the sign will be plainly visible from the street on which it has such additional frontage.

5. Coordination and consultation. Site Plan Review projects requiring the review and approval of the Board may also be reviewed by the Code Enforcement Officer, the Fire Department, the Department of Public Works and any other village officials or non-village consultants deemed appropriate by the Board or the Zoning Officer at the applicant's expense. These may include, but shall not be limited to, local and county officials and representatives of county, state, and federal agencies, including the Natural Resource Conservation Service, Tompkins County Soil and Water District, the State Department of Transportation, and the State Department of Environmental Conservation. Any comments from these reviewers shall be summarized and forwarded to the Board to aid its decision on the proposal.
6. Planning Board meeting. Following timely receipt of a complete application as defined above for site plan approval, the Board shall schedule consideration of the application at its earliest possible scheduled meeting. The Board may establish its procedures and requirements, within the framework provided by this chapter, for conducting site plan review.
7. Public hearing. Prior to rendering any decision on a Site Plan Review application, the Board shall first hold a public hearing on the proposed development. This may begin concurrently with any required public hearing for the purpose of environmental review of the same project and may continue after any such environmental review public hearing is closed. Public hearings are not required of projects of limited scope as defined above, unless the project is referred to the Board for Site Plan Review. The public hearing shall be advertised in the official newspaper at least 5 business days before the date of the meeting and the applicant and adjoining property owners shall be notified in writing at least 5 business days before the date of the meeting.
8. Action on application for site plan approval.
 - a. Within 30 days of the completion of a public hearing on an application and completion of environmental review, the Board shall render one of the following decisions:
 - i. Approval only.
 - ii. Approval with conditions.
 - iii. Revise and resubmit.
 - iv. Disapproval of the site plan.
 - b. The decision indicating which of the above decisions was reached shall be conveyed in the form of a written statement to the applicant. This statement shall state the reason(s) for such decision.
 - c. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village.
 - d. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in a revised proposal, and conformance with specified modifications shall be considered a condition of approval. In such a case, the Planning Board may recommend to the applicant to revise and resubmit their proposal after it has been revised or redesigned. The Planning Board may grant to the applicant a continuance of the review process and/or adjourn the conclusion of the public hearing. If more than 180 days has elapsed since the time of the Planning Board's decision, the Planning Board shall require a resubmission of the proposal.
 - e. Upon approval of the final proposal and payment by the applicant of all fees and reimbursable costs due to the Village, the Planning Board shall endorse its approval by signature or stamp on a copy of the final site plan and related supporting documents, and shall forward it to the Zoning Officer. A copy of the resolution of approval shall be filed with the Village Clerk within 5 working days of the decision by the Planning Board.
 - f. Upon disapproval of a final proposal, the Planning Board shall so inform the Zoning Officer and the Zoning Officer shall not issue a Permit to the Applicant. The Planning Board must make specific written findings as to the criteria set forth above before it can disapprove a final proposal. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the

resolution of disapproval shall be filed with the Village Clerk within 5 working days of the decision by the Planning Board.

- g. Additionally, copies of the resolution shall be submitted to the Village Board of Trustees, the Planning Board, the Zoning Officer, and the Code Enforcement Officer within 5 working days of the date of decision.
- h. If no decision is made within the 30-day period following the conclusion of the public hearing and completion of the environmental review, the proposal shall be considered approved, as submitted.

Section 812.4. Changes to approved site plan. Proposed changes (whether before or after construction) to approved site plans must be submitted to the Zoning Officer for review to determine whether the effect of the proposed changes warrants reconsideration of the project's approval status. The Zoning Officer shall make one of the following determinations:

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

Section 812.5. Submission of Final Detailed Site Plan.

- 1. After receiving approval, with or without conditions, from the Planning Board on a site plan, the applicant shall submit a final, detailed site plan to the Zoning Officer for verification before a permit will be issued. If more than 180 days has elapsed since the time of the Planning Board's decision on the final proposal and the issuance of any permits, the Planning Board shall require a resubmission of the proposal.
- 2. A final site plan shall conform to the approved proposal. It should incorporate any conditions or modifications that may have been made by the Planning Board in its review. All such compliance's shall be clearly indicated by the applicant on the appropriate submission.
- 3. The following additional information must accompany a final site plan:
 - a. Record of application for and approvals of all necessary permits from federal, state and county officials;
 - b. Any changes or additions in sizing and final material specification of all required improvements; and
 - c. An estimated project construction schedule.

Section 812.6. Expiration of Site Plan Approval.

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

Section 812.7. Extension of deadlines. All deadlines for decisions on a Site Plan Review application may be extended upon mutual agreement by the Planning Board and the applicant.

Section 813. Special Exceptions

- 1. Purpose. The Village of Trumansburg Comprehensive Plan has identified as a goal the creation of “a thriving downtown with a multitude of diverse businesses that meet the daily need of residents from the Village and surrounding areas.” In order to achieve this goal, the Village desires to limit the location of certain types of commercial uses to its Downtown Commercial District while recognizing that at a given point in time there may be no land or building available within the district for a particular commercial use. As a result, this ordinance identifies certain Special Exceptions, commercial uses that should be located in the Downtown Commercial District, but may be permitted in other districts if and only if they cannot be located in the Downtown Commercial District. Such commercial uses are identified as

Special Exceptions in the list of uses permitted in the West Gateway Commercial District, the East Gateway Mixed Use District, and the Mixed Use Industrial District.

2. Special exceptions require the approval of the Planning Board in its sole discretion. All such cases are hereby declared to possess characteristics of such unique and special form that each specific case or use shall be considered as an individual case. Grant of a special exception is not 'a right' for any applicant, and a denial of any application shall not be challengeable as arbitrary and capricious, so long as a reason is given for the decision. Granting of a special exception, or denial of it, is a basic function of planning for this community and is placed in the hands of the Planning Board, which is comprised of a cross-section of the citizenry for this purpose.
3. A Special Exception is permitted only for a specific use at a specific point in time. Once a Special Exception has been permitted, that specific Special Exception shall be treated as though it were a Special Use.
4. No Special Exception shall be granted by the Planning Board without a showing by the applicant that there is no land or building available in the Downtown Commercial District for the proposed use. In order to prove the lack of available land or buildings, the applicant shall demonstrate to the Planning board that for each and every property in the Downtown Commercial District,
 - a. The owner is unwilling or unable to sell or lease the land or building to the applicant, OR
 - b. The property or building is too small or otherwise physically incapable of supporting the proposed use, OR
 - c. The use of the property for the proposed use will not allow the applicant to realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence.
5. The Planning Board shall, in the approval of Special Exceptions, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this ordinance, and shall be imposed for the purpose of minimizing any adverse impact such approval may have on the downtown commercial district, the immediate neighborhood, or the community as a whole.
6. A Special Exception approval shall be deemed to authorize only one particular special exception at a particular point in time. Any like or similar proposed special exception will need to fully comply with the requirements above and not rely on information provided by an earlier Special Exception application. Any Special Exception approval shall expire if the use shall cease for more than six (6) months for any reason.
7. The Planning Board shall hold a public hearing to consider each application for a Special Exception.
8. Public notice. Upon application for a Special Exception, a public notice of the proposed development, the form of which shall be approved by the Zoning Officer, shall be posted at the project site for a minimum of seven business days. This notice must remain in place at least until a decision to approve or disapprove the Special Exception application is made. The notice shall specify the type of the development project; the time and place of the public hearing; and to whom and by when any public comments are to be communicated. The notice must be placed at or near the property line in the front yard so that it will be plainly visible from the street, and, in cases where a property has frontage on more than one street, an additional sign must be placed at or near the property line on any additional street frontage so that the sign will be plainly visible from the street on which it has such additional frontage.
9. Public hearing. Prior to rendering any decision on a Special Exception application, the Board shall first hold a public hearing on the proposed development. This may begin concurrently with any required public hearing for the purpose of environmental review of the same project and may continue after any such environmental review public hearing is closed. The public hearing shall be advertised in the official newspaper at least 5 business days before the date of the meeting and the applicant and

adjoining property owners shall be notified in writing at least 5 business days before the date of the meeting.

10. Special Exceptions shall comply with all other requirements of this ordinance, including, but not limited to, undergoing site plan review where required.

ARTICLE IX - EXPLICITLY PROHIBITED USES

Section 901. Explicitly Prohibited Uses. Notwithstanding any provisions to the contrary, the following uses and activities are expressly and explicitly prohibited in any district within the Village, and no building or structure shall be created, altered or erected, and no land or building thereon shall be used, for any of such uses or activities:

1. Deleterious substance disposal/storage facility.
2. Disposal of radioactive material.
3. Dump.
4. Extractive industry.
5. High impact industry
6. Injection well.
7. Land application facility.
8. Large scale water use.
9. Natural gas compression facility.
10. Natural gas processing facility.
11. Non-regulated pipeline.
12. Solid waste disposal facility.
13. Staging facility.
14. Terminal for bulk oil or gas.
15. Truck stop.
16. Underground injection of deleterious substances.
17. Underground natural gas storage.
18. Any use of land that is likely to result in degradation of private water systems in the Village.
19. Any use of land not otherwise specified above, but which is likely to result in degradation of water or pollution within the Village.

Any condition caused or permitted to exist in violation of the provisions of this Section is a threat to public health, safety and welfare and is hereby declared and deemed to be a nuisance.

Collectively the above expressly prohibited uses may be referred to in this ordinance as “Explicitly Prohibited Uses,” any one of the above expressly prohibited uses may be referred to in this ordinance as an “Explicitly Prohibited Use,” and any combination of more than one such use may also be referred to as “Explicitly Prohibited Uses.”

It is intended that Explicitly Prohibited Uses herein be construed to prohibit any exploration for or extraction of natural gas and/or petroleum, and natural gas and/or petroleum support activities.

Section 902. Prohibition Against Deleterious Substances. It shall be unlawful for any person to produce, store, inject, discard, discharge, dispose, release, or maintain, or to suffer, cause or permit to be produced, stored, injected, discarded, discharged, disposed, released, or maintained any deleterious substance, anywhere within the Village.

ARTICLE X - DEFINITIONS

Section 1001. Interpretation. Words will be used for the customary dictionary definition except as otherwise provided. For the purpose of this ordinance certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense; the singular includes the plural; the word “person” includes a corporation as well as an individual; the word “lot” includes the word “plot” or “parcel;” the term “shall” is always mandatory; the word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”

Section 1002. Construal of Use. If the use of building or land meets the definition of more than one use, the more specific definition shall apply. For example, a business that sells cars and, thus, meets the definition of retail sales and the definition of vehicle sales and services shall be interpreted to be vehicle sales and services.

Section 1003. Definitions.

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

3. Affected Site Area. Any interior and/or exterior space (including new and existing space) that is physically changed as a result of a proposed development. Such changes do not have to be permanent or irreversible for the area to be considered affected.
4. Affordable Housing. A dwelling unit for which renters or homebuyers pay no more than 30% of their annual gross income on housing.
5. Affordable Unit. A dwelling unit that is constructed under the affordable housing provisions of this ordinance and is rented at the Current Affordable Rent or sold at the Current Affordable Price to low-income.
6. Agricultural Farm Stands. A movable cart or stand used for the retail sale of produce and plant materials.
7. All Weather Surface. Any roadway, driveway, alley or parking lot surface paved with crushed stone, asphalt, concrete, or other pervious or impervious material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions and minimize the potential for ruts, potholes or pooling of water.
8. Alternative Energy Facilities. Electric generation equipment mounted on residential, commercial or industrial structures that generate power primarily for that structure.
9. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.
10. Animal Sales and Services. Retail sales of domestic animals, provision of shelter and care for domestic animals on a commercial basis, and animal hospitals.
11. Aquaculture Facility. Any land, structure, or other appurtenance that is used for the propagation, rearing, enhancement, and harvest of aquatic organisms, including, but not limited to, any laboratory, hatchery, pond, raceway, pen, cage, or incubator.
12. Artists' Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft and may include accessory retail sales of products created on site and occasional classes.
13. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities.
14. Bed and Breakfast Inns. Establishments offering no more than five (5) lodging rooms, limited to two persons per guest room with a total not to exceed ten persons, to guests staying less than 21 consecutive days in an owner-occupied dwelling unit, with incidental eating and drinking service for lodgers only provided from a single kitchen.
15. Boarding or Rooming House. Any dwelling in which more than two (2) persons either individually or as families are housed or lodged for hire with or without meals.
16. Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels.
17. Building Frontage. That part of a building or lot facing a public sidewalk or street.
18. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumberyards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services.

19. Bulk Oil or Gas. One or more stationary tanks that are used singularly or in combination for the storage or containment of more than one thousand one hundred gallons of petroleum. This term shall not include (1) a heating oil tank used for on premises consumption at the same site which is not interconnected to any other heating oil tank, or (2) tanks used to store motor fuel (gasoline or diesel products) for non-commercial purposes at a farm or residence.
20. Camper. A dwelling designed and used for temporary residence mounted on a chassis designed to be either mounted on wheels and towed, or mounted on a truck bed for travel over roads and highways. Units may be self-contained or designed for temporary connection to electric, water or sewerage utilities.
21. Care Cottage. Separate and detached living quarters on a lot with a single-family or two-family dwelling subordinate in size, location, and appearance to the primary residence, providing complete housekeeping facilities for exclusive use of the occupants.
22. Catering Services. Preparation and delivery of food and beverages for off-site consumption, without provision for on-site pickup or consumption.
23. Christmas Tree and Pumpkin Sales. Retail sales of pumpkins and Christmas trees between October 1 and November 7 and Thanksgiving and December 31, respectively.
24. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.
25. Code Enforcement Officer. The administrative official charged by the Village of Trumansburg Board of Trustees with the responsibility for administering the New York State Uniform Fire Prevention and Building Code, regardless of the title of that person.
26. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes cinemas, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, arcades or electronic games centers having three or more coin-operated game machines. This classification does not include Adult-Oriented Businesses.
27. Commercial Vehicle. A registered motor vehicle having a wheelbase in excess of 133 inches or a maximum gross weight in excess of 7500 pounds.
28. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios and data transmission facilities.
29. Community Center. A multipurpose community facility where a variety of recreational, educational, social, health care or counseling services are provided by a nonprofit agency.
30. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.
31. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This definition excludes delicatessens and other specialty food shops having an assortment of fresh fruits and vegetables, and fresh-cut meat or fish. This definition excludes gas stations.
32. Crop Production. Raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, excluding packing and processing.

33. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
34. Current Affordable Price. The current affordable price for for-sale units shall be two-and-a-half (2.5) times the most recently published Median Family Income.
35. Current Affordable Rent. The current affordable rent for rental units shall be most recently published Fair Market Rents as determined by the US Department of Housing and Urban Development.
36. Day Care, General. Provision of non-residential, non-medical on a less than 24-hour basis, including but not limited to, nursery schools, preschools, and day care centers for children or adults.
37. Day Care, Limited. Day care facilities located in single-family Dwellings where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the home count as children served by the day care facility.
38. Degradation of water. Pollution of water that unreasonably reduces the quality of such water. Water quality may be considered unreasonably reduced when the quality of a representative sample of water is rendered harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare.
39. Deleterious substance. Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of “industrial waste,” “hazardous,” “toxic,” and whether or not such substances are generally characterized as waste:
 - a. below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Village;
 - b. crude oil or natural gas drilling fluids;
 - c. crude oil or natural gas exploration, drilling, production or processing wastes;
 - d. crude oil or natural gas drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semi-liquid material);
 - e. solution mining brine or mineral brines;
 - f. any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of crude oil or natural gas;
 - g. soil contaminated in the drilling, transportation, processing or refining of crude oil or natural gas;
 - h. drill cuttings from crude oil or natural gas wells;
 - i. any wastes associated with the exploration, drilling, production or treatment of crude oil or natural gas;
 - j. waste from the extraction or processing of ores and minerals, including slag, mud, ash, and process waste water and waste solids; and/or
 - k. cement kiln dust waste.

This definition specifically intends to include some wastes that may otherwise be classified as “solid wastes which are not hazardous wastes” under 40 C.F.R. § 261.4(b). This definition does not include (i) animal manure and/or recognizable and non-recognizable food wastes, or (ii) storage of farm generated waste.

40. Deleterious substance disposal/storage facility. Any of the following:
 - a. tanks of any construction (metal, fiberglass, concrete, etc.);
 - b. impoundments;
 - c. pits;
 - d. evaporation ponds; and/or
 - e. other facilities, in any case used for the storage or treatment of deleterious substances that:
 - i. are being held for initial use,
 - ii. have been used and are being held for subsequent reuse or recycling,
 - iii. are being held for treatment, or
 - iv. are being held for storage.

41. Developer. An individual or group, including for-profit and non-profit organizations that construct buildings, structures, or ancillary facilities.
42. Development. Any land use change, activity, or project that requires a permit and will result in changes to the physical condition, appearance, intensity of use and/or type of use of the site. Development projects include but are not limited to:
 - a. New construction
 - b. Reconstruction, modification, renovation or expansion of existing structures or site improvements.
 - c. Land filling, excavation, grading, parking lot construction or any other disturbances to the natural or existing topography or vegetation of the site.
 - d. Demolition of structures or site improvements.

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

- a. Replacement in kind only; or
 - b. Interior construction, which does not change the intensity or the type of existing usage;
 - c. Infrastructure maintenance only.
43. Domestic Animals. Any domesticated or tamed animal that is kept as a companion and cared for affectionately. Pets do not include cattle, horses, poultry, and similar animals kept for commercial purposes or as a source of food or other products.
 44. Drive-Through. A retail facility or portion thereof from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.
 45. Dump. Land upon which deleterious substances, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.
 46. Dwelling. A building or portion of a building used or designed as a residence for occupancy by one family.
 - a. *Single Family Dwelling*. A detached building containing one dwelling.
 - b. *Two Family Dwelling*. A building containing two dwellings located on a single lot.
 - c. *Multiple Family Dwelling*. A building containing three or more dwellings located on a single lot.
 47. Eating and Drinking Establishment. A business with the principal purpose to serve prepared food or beverages for consumption on or off the premises.
 48. Electronic Equipment Installation, Vehicle. The sale and installation of electronic equipment, such as alarms, cellular telephones, and stereos, in vehicles.
 49. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
 50. Emergency Shelter. Overnight sleeping accommodations providing temporary housing (not to exceed 60 days) to indigent, homeless, needy, or transient families and/or individuals. Such accommodations may include basic supportive services such as eating and drinking, restroom, bathing, laundry facilities, and storage areas.
 51. Expansion. An enlargement of, or addition to, an existing structure or a paved area, including driveways, parking areas and sidewalks, or of the use.
 52. Family. A family shall be considered either (1) a household of one or more individuals related to each other by birth, marriage, adoption or legal document, or (2) a household of up to three unrelated individuals.

53. Flag Lot. A parcel of land that is accessible from a public road but has less than the required road frontage. A flag lot shall be described as containing two parts: (1) The "flag" shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The "pole" shall be considered that portion of the site that is along a public road, but is narrower than the required frontage.
54. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries and liquor stores. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.
55. Food Processing. Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution.
56. For-Sale Unit. A dwelling unit that is constructed to be sold to individuals or organizations.
57. Fully-Shielded Light. An outdoor light fixture shielded or fabricated so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.
58. Funeral Homes. Establishments primarily engaged in the provision of services involving the care or preparation of human dead, and typically provide for indoor funeral ceremonies. This definition excludes any crematory facilities or services.
59. Gas Stations. Establishments engaged in the retail sale of gasoline, diesel, and alternative fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
60. Glare. Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases, with intensity great enough to cause momentary blindness.
61. Government Offices. Administrative, clerical, or public contact offices of a government agency, excluding postal facilities, together with incidental storage and maintenance of vehicles.
62. Grade. The average finished ground level of the land at which the perimeter of a building or structure meets the ground.
63. Graphics. The letters, figures, emblems, devices, and other representations comprising the visual message of a sign.
64. Height. The height of a building is a vertical distance measured from the average elevation of the proposed finished grade of the ground at the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge, for gable, hip and gambrel roofs.
65. Home Occupation. Any occupation or profession, including, but not limited to, professional office and artists studio, whether otherwise permitted or not, which:
 - a. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit and
 - b. Is carried on by a member of the family residing in the dwelling unit, and
 - c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
 - d. Which conforms to the following additional conditions:
 - i. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
 - ii. Not more than two non-residents of the dwelling unit shall be employed in the Home Occupation.
 - iii. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building, except for a sign as permitted in this ordinance.
 - iv. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

- v. All parking for employees and customers shall be provided on site.
 - vi. Customary home occupations provided that no goods or products are publicly displayed or offered for sale outside of the dwelling unit or permitted accessory structure.
66. Horticulture, Limited. The raising of vegetables, flowers, ornamental trees and shrubs as a commercial enterprise, provided that no nursery equipment or materials shall be stored and no structures erected. Commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation.
 67. Hotels and Motels. Establishments offering commercial lodging to guests staying less than 30 consecutive days. This classification includes incidental eating, drinking, and banquet service intended for the convenience of guests.
 68. Household, Low-Income. A household whose income is more than 50% but does not exceed 80% of the area median income.
 69. Impervious Surface. Any material or surface that substantially reduces or prevents the infiltration of water into the ground, including areas covered by buildings, conventionally surfaced roads and highways, driveways and parking lots, and sidewalks.
 70. Industry, Artisan. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.
 71. Industry, Assembly. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services.
 72. Industry, High Impact. Industrial uses or operations that are more likely than not to generate or involve any four (4) or more of the following impacts in the Village at any time during such use or operation:
 - a. combined surface disturbance of more than two (2) acres of land;
 - b. the presence, production, collection, handling, manufacture, use, storage, transfer or disposal of any deleterious substance;
 - c. high-frequency high-impact truck traffic;
 - d. an industrial use operation that, whether due to its nature or to a desire or need by the operator to employ financial resources most efficiently, or otherwise, is usually not limited to typical work days and morning to early evening hours, but rather instead is often conducted at any and all times of the day and night with either truck traffic entering or leaving the site, or other noise, vibrations or light that extends beyond the property boundaries;
 - e. open air industrial use;
 - f. open air storage;
 - g. flammable or explosive materials are present, used, produced, stored or disposed of;
 - h. a private electric power generation facility;
 - i. the sequestering water use of five hundred thousand (500,000) or more gallons of water;
 - j. construction or use of more than forty five thousand (45,000) square feet of impervious surface;
 - k. construction or use of a staging facility; or
 - l. construction of pipelines, roadways and other infrastructure to move product and materials to and from the proposed project site
 73. Industry, Light. Processing, fabricating, or assembly of items that takes place wholly within an enclosed building. Typical products include but are not limited to apparel, clothing accessories, decorations, jewelry, instruments, computers, and electronic devices. The processing of raw materials is excluded from this definition.
 74. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. Uses include biotechnology, films, and non-toxic computer component manufacturers.

75. Injection Well. A vertical pipe in the ground into which water, other liquids, or gases are pumped or allowed to flow.
76. Intermittent Stream. A stream with definite bed and banks in which there is not a permanent flow of water and is represented as a dashed line on United State Geological Survey (USGS) 7.5 Minute Quadrangle maps.
77. Junk Yard. An establishment that stores keeps, buys, or sells scrap metal or resalable car parts. This definition includes scrap metal processors, auto-wrecking yards, salvage yards, scrap yards, auto recycling yards, used auto parts yards and temporary storage of automobile bodies and parts awaiting disposal as a normal part of a business operation. This definition does not include litter, trash, and other debris scattered along or upon a road, or temporary operations and outdoor storage of limited duration.
78. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Research and Development Services.
79. Land Application Facility. A site where any deleterious substance is applied to the soil surface or injected into the upper layer of the soil.
80. Large Scale Water Use. Any water withdrawal or sequestering water use of over one hundred thousand (100,000) gallons of water in any thirty (30) day period from water resources within the Village. Large scale water use does not include water withdrawn for agricultural use, for emergency uses such as fire fighting, or for drinking, recreational, cooking, washing, or sanitary purposes and used within the Village.
81. Light Fixture. The assembly that houses a lamp or lamps and which can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
82. Lot. A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.
83. Lot Line. A boundary line of a lot.
84. Luminaire. A complete lighting system, including a lamp or lamps and the attendant light fixture.
85. Luminous Tubing. Glass tubing with a cold cathode light or similar source such as neon.
86. Maintenance and Repair Services. Establishments providing appliance repair, or building maintenance services. This classification excludes maintenance and repair of vehicles, boats, or ships.
87. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.
88. Manufactured Home. A dwelling which is factory-built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401) and which is transportable in one (1) or more sections, may or may not be affixed to a chassis with axles and wheels, and designed to be placed on a permanent or temporary foundation, and is registered as a manufactured home under §122-c of the New York State Vehicle and Traffic Law.
89. Manufactured Home, Double-Wide. A manufactured home comprised of at least two (2) sections transported separately and attached on site, and having a minimum width of twenty-two (22) feet.
90. Manufactured Home, Single-Wide. A manufactured home comprised of no more than one (1) section, on a single chassis, and having a width that does not exceed fourteen (14) feet.

91. Manufactured Home Lot. A designated site of specific total land area, which is located within a manufactured home park for the accommodation of one (1) manufactured home.
92. Manufactured Home Park. Any parcel of land that is planned and improved for the placement of two (2) or more manufactured homes, which are used as dwellings.
93. Manufactured Home Stand. A poured concrete surface located on a manufactured home lot which is to be used for the placement of and capable of supporting a manufactured home.
94. Market Rate Unit. A dwelling unit that is rented or sold at rents or prices determined by the market.
95. Median Family Income (MFI)². The midpoint in distribution of gross annual income in a specific area, Tompkins County in this case. MFI is determined by the US Department of Housing and Urban Development annually and is used to determine eligible households for affordable units.
96. Modification. Rearrangement of site layout or an exterior alteration to an existing structure (including any changes to a building facade, except replacement in kind).
97. Motor Home. A dwelling designed for temporary residence mounted on a self-propelled chassis designed for travel over roads and highways. Units may be self contained or designed for temporary connection to electric, water or sewerage utilities.
98. Natural Gas Compression Facility. Those facilities or combination of facilities that move natural gas 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.
99. 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, or the capture of CO₂ separated from natural gas streams.
100. Nonconforming Use. A building, structure or use of land existing legally at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.
101. Non-regulated Pipeline. 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.
102. Nurseries, Retail. A business that sells young trees, other plants, and related merchandise to the ultimate consumer, usually in small quantities in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer and pest control products of any type are stored and sold in package form only.
103. Nurseries, Wholesale. A business that sells young trees, other plants, and related merchandise to retailers or others for resale.
104. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

² The HUD-determined Median Family Income can be found at <http://www.huduser.org/portal/datasets/il.html>

105. Outdoor Storage and Display. Outdoor storage and display of merchandise, materials, or equipment not covered by a roof, eave, or other overhang of the principal building.
106. Outdoor Storage and Display, Temporary. Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.
107. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.
108. Performance Guaranty. Any security that may be accepted by the Village as a guarantee that the improvements required as part of site plan or other approval will be satisfactorily completed.
109. Perennial Stream. A stream that flows continuously throughout the year in a natural or man-made channel which is represented as a solid blue line on United States Geological Survey (USGS) 7.5 Minute Quadrangle maps.
110. Personal Improvement Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, and health/fitness clubs.
111. Personal Property Sales, Temporary. Sale or trading of used personal property from or on any residence or group of residences within the same neighborhood for a maximum of 3 days no more than twice in any one year. This classification includes estate, garage, and yard sales.
112. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning pickup, and self-service laundries.
113. Pipeline. All parts of those physical facilities through which oil, gas, liquids in transportation (including pipes, valves and other equipment and appurtenances attached to pipes and other equipment such as drip stations, vent stations, pigging facilities, valve box, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection.
114. Planned Residential Areas. A land development to be developed as a single entity for a specified number of dwelling units, the plan for which does not correspond in lot size, lot coverage, frontage, or setback areas to the standards set forth in these regulations.
115. Pollution. The contamination or other diminution of the physical, chemical or biological properties of land, water, or air, including a change in taste, color, turbidity or odor, and including a discharge of any liquid, gaseous, solid, radioactive or other substance on land, water or air, that will, or is likely to, create a nuisance or render such land, water or air harmful, detrimental or injurious to humans, animal life, vegetation, or property, or to the public health, safety or welfare.
116. Postal Services. Establishments providing commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services. This classification includes facilities of the U.S. Postal Service.
117. Principal Buildings, Structures and Uses. Buildings, structures and uses that define the chief physical structures and uses of land on a site. There may be more than one principal building, structure or use on a property; a common example is an apartment complex that includes more than one building with apartments.
118. Printing and Duplicating Services. Establishments providing printing and duplicating services using photocopy, blueprint, and offset printing and similar equipment. This classification includes small-scale photo processing, but excludes photographic laboratories and industrial printing and publishing plants.

119. Public Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.
120. Public Place. Any thoroughfare, square, plaza, public parking lot, or similar area, whether publicly or privately owned.
121. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.
122. Reconstruction. Construction of buildings or site improvements following partial or total demolition of a previous development.
123. Recreational Vehicle. Examples include: all-terrain vehicles, boats, campers, golf carts, and motor homes.
124. Recurring Swap Meets. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.
125. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.
126. Rental Unit. A dwelling unit that is constructed for rental purposes.
127. Replacement In Kind. Replacement of materials (for maintenance purposes) that does not have an effect on the appearance of the existing building and site.
128. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronic research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis.
129. Residential Care Facilities, General. Any place, site or building, or groups of places, sites or buildings, licensed by the state or unlicensed, in which individuals with disabilities or receiving therapeutic care reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding the licensee, members of the licensee's family, or persons employed as facility staff) is an individual with a disability or receiving therapeutic care.
130. Residential Development. Creation of one or more dwelling units for single-family, two-family, and multi-family residences.
131. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, pharmacies, furniture stores, and businesses retailing the following goods: toys, hobby materials, hand crafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper carpeting and floor covering, office supplies, medical supplies, bicycles, and new automotive parts and accessories (excluding service and installation).
132. Right-of-Way, Public. Land over which the public may travel subject to restrictions by the government with jurisdiction, whether or not said government has control of the land by ownership or easement.
133. Riparian Buffer. Land on each side of a stream left vegetated to provide riparian corridor functions. Buffers are measured horizontally from the top of the stream bank in a direction directly perpendicular to the bank and in the horizontal plane.
134. Roomer. A person living within the household who pays a consideration for such residence.
135. Rubbish. Appliances and furniture (or parts of same), car parts, used building materials, waste paper, rags, scrap metal and similar items including machinery or vehicles not in running condition.

136. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of New York.
137. Select Commercial Uses. Uses, only as enumerated herein, of a commercial nature which are permitted by special use in a residential district.
138. Sign. A device for visual communication publicly displayed to identify, advertise, and/or convey information. Sign types include:
- a. *Banner*: A type of flag, not an emblem of a government or institution, with graphics that are purely decorative or that identify, advertise and/or convey commercial information.
 - b. *Commercial Sign*: A sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including, without limitation, any sign naming a brand of goods or service and real estate signs.
 - c. *Freestanding Sign*: A sign affixed to the ground independent of any adjacent building or structure.
 - d. *Illuminated Sign*: A sign illuminated by artificial light, or which is composed of luminous tubing or other artificial lighting devices.
 - e. *Marquee*: A permanent roofed structure projecting from a building, usually over an entrance, attached to the building or on freestanding supports, or both.
 - f. *Portable Sign*: A sign not fastened to a building or structure, or to the ground or pavement, readily movable from one location to another.
 - g. *Projecting Sign*: A sign protruding at an angle from a building or structure.
 - h. *Public Information Sign*: A sign identifying a public facility, such as a public telephone, or providing information concerning direction, safety, and trespassing.
 - i. *Real Estate Sign*: A sign indicating the availability for sale, rent or lease of the specific lot, building, or portion of a building upon which the sign is posted.
 - j. *Roof Sign*: A sign placed above the upper edge of a building, wall, or parapet, or placed or painted on or above the roof covering, or on an independent structural frame on a roof, or on the side of roof or roof structures such as marquees, penthouses, elevator housing, and tanks.
 - k. *Self-Illuminated Sign*: An internally illuminated sign, canopy, or awning displaying graphics, individual letters or symbols.
 - l. *Temporary Sign*: A sign that:
 - i. Is intended for a temporary period of posting for up to thirty (30) days on one property;
 - ii. Is typically constructed from non-durable materials, including paper, cardboard, cloth, plastic, and, or wallboard;
 - iii. Does not constitute a structure subject to the Village's Building Code and Zoning Law provisions.
 - m. *Wall Sign*: A sign painted on, or affixed to and parallel to an exterior wall of a building or structure, but not on window glass.
 - n. *Window Sign*: A sign visible from a sidewalk, street, or other public place, that is illuminated, painted or affixed on glass or other window material.
139. Sign Area. Means the surface area of the sign including the frame, plate or structure used to hold up any lettering or pictorial matter. In the event a sign is attached, painted or applied to the front or face of a building or is irregular in shape, the area of the sign must be taken as the area of the smallest rectangle that can be placed over the entire sign, edges, and background, if of a different color than the predominant color surrounding the sign except as otherwise provided herein. In the event that a letter or letters or other pictorial matter are placed as separate units without a background board, the sign area must be calculated as the area of the smallest rectangle that encloses all of the symbols. In the case of a flat or two-sided free standing or projecting sign, the sign area is considered to be the entire surface area of one face of the sign. The sign area of signs having more than two sides is the sum of the surface area of all sides.
140. Sign Height. The vertical dimension from average surrounding grade to the uppermost point on the sign panel.
141. Sign Symbol. A sign whose shape represents an object, or a customary identifying device such as a barber pole.

142. Site. Shall mean any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.
143. Site Development. Shall mean the improvement of a site in accordance with an approved site plan and zoning certificate (where applicable), including construction of buildings and structures and the rearrangement of the land surface.
144. Site Improvements. Features including, but not limited to, principal and accessory structures, planting, paving, retaining walls, drainage culverts and swales, fences and gates, lighting, site furniture, fountains, pools, bridges, dams, decks, boardwalks, pergolas, signs and any other structures, devices or landscape materials on the site.
145. Site Plan. A plan for the development or use of one or more lots or parcels of land showing all existing and proposed elements, including but not limited to topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures, signage, lighting, screening devices, and any other information required by the reviewing board or the Zoning Officer.
146. Small-Scale Alternative Energy Facilities. Equipment and facilities used, designed, and intended for the generation of energy in connection with an individual building whose use is accessory to the principal use of the property. This may include solar panels, whether roof-mounted or not, and individual wind turbines.
147. Solid Waste Disposal. Disposal of any and all putrescible and non-putrescible materials or substances that are discarded or rejected as being spent, worthless, useless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal
148. Specialty Paraphernalia Sales. Establishment where the primary use of the building or lease space includes any one or any combination of the following: the sale of cigarette papers, bongs, or other smoking accessories. This definition shall include head shops.
149. Specified Anatomical Areas.
- a. Less than completely and opaquely covered human genital, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
 - b. Human male genitalia in a discernible turgid state even if completely and opaquely covered.
150. Specified Sexual Activities.
- a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse, or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
151. Staging Facility. A vehicle storage or parking facility or location capable of use for the storage, parking, maintenance and/or operation of more than twenty (20) high-impact trucks at one time that are used off-site in the trade, business or other commercial or industrial activity of the owner or occupant (collectively, the “off-site activity”, and which may include storing and maintaining heavy trucks within buildings, storing explosives, including blasting caps, that are used in the off-site activity, and kerosene and other volatile materials.
152. Steep Slope. Any slope of 15% grade or greater.
153. Storage and Distribution. Storage and distribution facilities without direct public access.
154. Storage Container. A container, including what is sometimes referred to as storage “pods” or “portable on-demand storage units;” any box van whether or not it has been disconnected from a chassis; and similar type shipping/cargo containers.

155. Storage Trailer. Any dry freight van, semi-trailer, refrigerated van, or similar type trailer, whether connected to a chassis or trailer or not, used for storage and/or warehousing purposes or any purpose or intent other than that for which the trailer was originally designed, that being for shipping and transporting of products and materials.
156. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, then the space between any floor and the ceiling next above it.
157. Stream Bank. The lateral confines of a stream that contain the thread of the stream and the normal flow of the stream. The top of stream bank is the primary edge of the ordinary high water mark, or break in slope, for a watercourse, which maintains the integrity of the watercourse.
158. Street Line. A lot line dividing a lot or other area from a street.
159. Swimming Pool. Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing 24 inches or more of water at any point. This includes in-ground, above-ground, on-ground pools, and blow up (air supported) pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.
160. Telecommunications Facility. Any equipment used in connection with the provision of one-way wireless communications services, including radio and television broadcasting, and one-way paging, and/or two-way wireless communication services, radio communications services, regulated by the Federal Communications Commission in accordance with the Telecommunications Act of 1996 and other federal laws. A telecommunications facility may include monopole, guyed, or latticework tower(s), antenna(ae), switching stations, principal and accessory telecommunications equipment and supporting and accessory masts, wires, structures, and buildings.
161. Temporary Seasonal Retail Sales. The sale of plants, flowers, produce, Christmas trees, crafts conducted for a time not to exceed thirty (30) days in any 12-month period.
162. Tie downs. Galvanized steel cables or strapping which “tie” a manufactured home and its steel frame to anchors embedded in the ground.
163. Traffic Impact Study. A report analyzing anticipated roadway conditions with and without an applicant’s development, which may also include a parking study and overall access management plan for the development site.
164. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.
165. Trucking Terminals. Storage and distribution facilities having more than six heavy trucks on the premises at one time, but excluding trucking accessory to an Industry classification.
166. Truck Stop. A facility for the parking, refueling, and/or minor repair of heavy trucks.
167. Underground Injection. Subsurface emplacement of fluids by well injection.
168. 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 for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities, and pipelines.
169. Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, lone switching buildings, refuse collection, transfer recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities.

170. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and telecommunications facilities, as defined above.
171. Vehicle/Equipment Sales and Services. Any of the following uses:
- a. *Automobile Washing*. Washing, waxing, or cleaning of automobiles or similar light vehicles.
 - b. *Commercial Parking Facility*. Lots offering short-term or long-term parking to the public for a fee.
 - c. *Vehicle/Equipment Repair*. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, boats, or ships, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, tire sales and installation, but excludes vehicle dismantling or salvage and tire re-treading or re-capping.
 - d. *Vehicle/Equipment Sales and Rentals*. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, boats, ships, personal watercraft (such as canoes, kayaks, and jet-skis), and similar equipment, including storage and incidental maintenance.
 - e. *Vehicle Storage*. Storage of operative or inoperative vehicles, boats, or ships. This classification includes storage of towed vehicles, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.
172. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes facilities with a maximum of 5,000 square feet of gross floor area, but excludes Distribution and Storage, and Vehicle Storage.
173. Warehousing and Storage, Self Service. Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces.
174. Water, Water Resources. All streams, ditches, lakes, ponds, marshes, vernal pools, watercourses, waterways, wells, springs, drainage systems, and all other bodies or accumulations of water, surface or underground, intermittent or perennial, which are contained in, flow through or border upon the Village or any portion thereof.
175. Water Withdrawal. Removal or capture of water from water resources within the Village.
176. Wetlands. Lands, including submerged lands, saturated by water at a frequency and duration sufficient to support vegetation adapted for life in saturated soil conditions. For the purpose of this ordinance, wetlands are limited to those lands that are categorized as wetlands by either the New York State Department of Environmental Conservation (DEC) or the National Wetlands Inventory (NWI) or have been documented and mapped as part of an officially adopted community wetlands inventory.
177. Yard. The space on a lot not occupied by a principal building.
- *Front Yard*. An open unoccupied space on the same lot with a building situated between the street line and a line connecting the parts of the building setting back from the nearest such street line and extending to the side lines of the lot.
 - *Rear Yard*. An open unoccupied space on the same lot with the building between the rear line of the lot and extending the full width of the lot.
 - *Side Yard*. An open unoccupied space between the principal buildings and a side lot line and extending through from the front yard to the rear yard.
178. Zoning Officer. The administrative official charged by the Village of Trumansburg Board of Trustees with the responsibility for administering this ordinance, regardless of the title of that person.