

ZONING

Village of Cayuga Heights Zoning Law
February 6, 2018

HISTORY

Adopted by the Trustees of the Village of Cayuga Heights February 6, 2018
by L.L. No. 1 - 2018.

Article 1. Title

§ 1.1. Title.

This Local Law shall be known as the "Village of Cayuga Heights Zoning Law."

Article 2. Purpose and Intent

§ 2.1. Purpose and Intent.

The intent of this Local Law is to promote and protect the public health, safety, and general welfare in the Village of Cayuga Heights pursuant to the laws of the State of New York and the Village's Comprehensive Plan by classifying and regulating the uses of land and structures within the Village so as to preserve the natural, architectural, cultural, historic, and scenic resources that make the Village a distinctive residential community while also accommodating change. Among other purposes, the purposes of this Local Law are to:

- A. Secure safety from fire and other dangers;
- B. Facilitate the adequate provision of transportation, water, sewage disposal, schools, parks, and other public amenities;
- C. Provide standards for orderly development;
- D. Maintain and protect the value of property;
- E. Ensure compatibility between land uses and protect existing land uses from intrusions by inharmonious or harmful land uses;
- F. Prevent the overcrowding of land and undue concentration of population;
- G. Reduce traffic congestion and create a more pedestrian and bicycle friendly environment.

Article 3. Terminology

§ 3.1. Word usage.

For the purposes of this Local Law certain terms and words shall be interpreted as follows:

- A. Unless otherwise specifically defined herein or otherwise indicated, all words used in this Local Law shall carry their customary meanings;
- B. Words used in the present tense include the future;
- C. The plural usage includes the singular, and the singular usage includes the plural;
- D. The word "shall" is mandatory;
- E. The word "may" is permissive;
- F. The word "lot" includes the word "plot" or "parcel;"
- G. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied;"
- H. The words "he" or "she" includes all genders and in both instances includes the word "it."

§ 3.2. Controlling regulation.

Where provisions of this Local Law impose greater restrictions or a higher standard than those set forth in any other applicable statute, ordinance, law, or regulation of the Village of Cayuga Heights or the State of New York, the provisions of this Local Law shall be controlling. When the provisions of any other applicable statute, ordinance, law, or regulation of the Village of Cayuga Heights or the State of New York impose greater restrictions or a higher standard than this Local Law, the provisions of such other statute, ordinance, law, or regulation shall be controlling.

§ 3.3. Definitions.

When used in this Local Law, the following words and terms shall have the following meanings unless the context otherwise requires:

ACCESSORY APARTMENT

A secondary self-contained dwelling unit located within a one-family residence, which secondary unit is subordinate in location, and appearance to the primary unit, and which secondary unit includes kitchen, sleeping, and bathroom facilities, does not exceed fifty percent (50%) of the floor area of the primary dwelling unit, and has a minimum floor area of three hundred and fifty (350) square feet. A one-family residence with a secondary self-contained accessory apartment is identified by the Tompkins County Department of Assessment as a "two family residence."

ACCESSORY BUILDING

A detached building subordinate and incidental to the principal building on the same lot and used for purposes customarily accessory to those of the principal building.

ACCESSORY USE

An activity or land use found on the same lot as a principal land use that is incidental to, subordinate to, and customarily associated with the principal land use.

ADULT CARE FACILITY

An establishment that for compensation provides residential care and services to adults who, by reason of choice, physical, or other limitations associated with age, physical or mental disabilities or other factors, are unable or substantially unable to live independently or choose not to live independently. Such establishment includes an adult care facility as defined in the New York Social Services Law which has received and continues to maintain a validly issued operating permit as an adult care facility from New York State Department of Social Services or the Tompkins County Department of Social Services. Such definition also includes retirement homes and communities which provide residences for the elderly with some supportive services.

ADULT DAY-CARE FACILITY

An establishment that for compensation provides day-care services to adults who, by reason of physical or other limitations associated with

age, physical or mental disabilities or other factors, are unable or substantially unable to live independently without supervision.

ADULT HOME

An adult care facility established and operated for the purpose of providing long-term residential care, room, board, housekeeping, personal care, and supervision to five (5) or more adults unrelated to the operator and complying with the standards contained in the New York State Social Services Law § 487.

AFFINITY HOUSE

A residential facility where unrelated individuals live together in an intentional community guided by shared values, needs, interests, or activities, and share a single-family home with a common kitchen, sanitary facilities, and other common living facilities.

ALTERATION

A. As applied to a building or structure:

- (1) An enlargement by increasing in height or by extending on a side, front, or back;
- (2) Moving from one location or position to another;
- (3) Any change to, addition to, or removal of the structural parts; or
- (4) Any change to, addition to, or removal of partitions, or any change in walls, ceilings, windows, or doors.

B. The term "alter," in its various modes and tenses and its participial form, refers to the making of an alteration.

BANKFULL

The condition where streamflow just fills a stream channel up to the top of the bank and at a point where the water begins to flow over its bank.

BASEMENT

That space of a building where the floor is partly or entirely below grade, which has at least one half (1/2) of its height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building.

BED-AND-BREAKFAST

A building originally built and used as a residence other than a hotel or motel in which accommodations for transients are regularly offered for compensation and which accommodations include provision of no more than one (1) meal daily, and the entire service, food and lodging are included in a single, per diem rate.

BERM

A mound of earth used for decorative, screening, or buffering purposes.

BLOCK

An area of land bounded on all sides by streets, rights-of-way, water bodies, and/or other well-defined geographic features.

BOARDING HOUSE

A multiple dwelling or other residential structure in which lodging facilities and meals are supplied for compensation, over an extended period of time, and where there are no single overnight stays by transient guests. The term "boarding house" shall include "rooming house," "furnished room house," and "tourist house." This term shall not include "fraternity," "sorority," "student dormitory," "student cooperative," or "bed and breakfast."

BUILDING

Any structure used for, or intended for supporting or sheltering, any use or occupancy.

BUILDING CODE

The New York State Uniform Fire Prevention and Building Code (9 NYCRR Part 600 et seq.), as amended from time to time, and any successor regulations, laws, or codes.

BUILDING COVERAGE

See Lot Coverage.

BUILDING PERMIT

A certificate issued by the municipal official charged with the enforcement of the Uniform Fire Prevention and Building Code (Building Code) in the municipality that must be issued before activities such as construction, alteration, or expansion of buildings or improvements on the land may legally commence.

CARPORT

A one-story roofed structure permanently open on one (1) or more sides and designed for and used for occupancy by a motor vehicle.

CATERER

A person or enterprise that for compensation prepares food for consumption predominantly at premises other than the location of the business.

CELLAR

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

CERTIFICATE OF OCCUPANCY

A certificate issued by the municipal official charged with the enforcement of the Uniform Fire Prevention and Building Code (Building Code) in the municipality that certifies that a building was completed in accordance with approved construction plans, meets provisions of local zoning law, conforms to the Building Code, and allows it to be occupied.

CHILD DAY CARE

Care for a child provided for compensation on a regular basis away from the child's residence for less than twenty-four (24) hours per day by someone other than the parent, step-parent, guardian, or relative within

the third degree of consanguinity of the parents or step-parents of such child. A relative within the third degree of consanguinity of the parent or step-parent includes: the grandparents of the child; the great-grandparents of the child; the great-great-grandparents of the child; the aunts and uncles of the child, including the spouses of the aunts and uncles; the great-aunts and great-uncles of the child, including the spouses of the great-aunts and great-uncles; the siblings of the child; and the first cousins of the child, including the spouses of the first cousins. Child day care does not include care provided in a summer day camp, traveling summer day camp or children's overnight camp as defined in the State Sanitary Code; a program for school-age children operated solely for the purpose of religious education, sports, classes, lessons or recreation; a facility providing day treatment under an operating certificate issued by the Office of Mental Health or by the Office for People with Developmental Disabilities; or a kindergarten, pre-kindergarten or nursery school for children three (3) years of age or older, or a program for school-age children conducted during non-school hours, operated by a public school district or by a private school or academy which is providing elementary or secondary education or both in accordance with the compulsory education requirements of the Education Law, provided that such kindergarten, pre-kindergarten, nursery school or program is located on the premises or campus where the elementary or secondary education is provided.

CHILD DAY-CARE CENTER

A program or facility, but not a residence, licensed by and operated in accordance with 18 NYCRR Part 418 of the New York State Department of Social Services, in which child day care is provided on a regular basis to more than six (6) children for more than three (3) hours per day per child, and which is not a school, family day-care home, or group family day-care home. (See also "family day-care home," "group family day-care home.")

CLUBHOUSE

A building or premises used exclusively by members of an organization and their guests which building or premises is devoted to recreational or athletic purposes, not primarily conducted for gain, and not including commercial and merchandising activities for other than its own members.

CLUSTER DEVELOPMENT

The modification of a subdivision of land where limited deviations from the regulations of the zoning district in which it is located are permitted in order to preserve open space or the natural and scenic quality of the remainder of the land.

COMMERCIAL VEHICLE

Any vehicle, conveyance, or piece of mechanized equipment which is used to further any business, trade, profession or employment, and which meets any one (1) or more of the following criteria:

A. There is affixed on it any writing or logo that designates an affiliation with any business, trade, profession, or employment;

- B. It is used to store in a manner or place that is visible from outside of the vehicles any tools, equipment, accessories, or other things used to further any business, trade, profession, or employment;
- C. It is used to transport persons, their luggage, and/or their animals, or other materials for any kind of fee or charge;
- D. Its length is more than eighteen (18) feet;
- E. Its width is more than seven (7) feet;
- F. It has a mechanized dumping capability;
- G. It has a plow blade or plow blade frame or other device attached thereto, or a plow blade or other device is stored together with the vehicle on the same premises.

COMPLETE STREETS

A transportation policy and design approach in which streets and street rights-of-way are designed, built, and operated to enable safe access and movement for all users, including pedestrians, bicyclists, motorists, and public transportation riders of all ages and abilities.

CURB CUT

An angled cut in a curb that permits vehicular access from a street to a driveway, garage, parking lot, or loading dock.

CURBLINE

The edge of a roadway clearly defining the pavement edge.

DECK

A horizontal, exterior, typically roofless platform adjoining a house or building that is frequently made of lumber and elevated above the finished grade of the underlying ground. A deck the surface of which is over two (2) feet above the surface of the underlying ground as finally graded shall be included in computing lot coverage.

DIAMETER AT BREAST HEIGHT (DBH)

Tree trunk diameter measured in inches at a height of four feet six inches (4'6") above the finished grade at the base of the tree.

DISABILITY GLARE

Glare resulting in reduced visual performance and visibility such as that caused by scattered light (straylight) originating from a bright source and resulting in degradation of retinal image contrast.

DORMITORY, COLLEGE

See Residence Hall, College.

DRIVE-THROUGH OR DRIVE-IN FACILITY

An establishment or facility that by design of physical facilities permits customers to receive a service or obtain a product (including food) while remaining in a motor vehicle on the premises.

DRIVEWAY

An area on a lot designed or used to provide a means of access for the passage of motor vehicles to and from a street or way to the interior of a lot.

DWELLING

See Residence

DWELLING UNIT

A single living unit providing kitchen, sleeping, and bathroom facilities for one (1) or more persons.

EASEMENT

The grant by a property owner to the public or a person or persons of the use of a defined parcel of land for a specific purpose.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

A written "draft" or "final" document prepared in accordance with the State Environmental Quality Review Act. A draft EIS (DEIS) is the initial statement prepared by either the project sponsor or the lead agency and circulated for review and comment before a final EIS (FEIS) is prepared.

EXCLOSURE FENCE

A fence that is designed and used to prevent animals from obtaining access to individual plantings or small groups of plants, flowers, gardens, lawn areas, shrubs, bushes or trees in order to assist with or promote the preservation, health or growth of such plant life.

EXCLOSURE FENCE, PERMANENT

Any enclosure fence that remains after May 1st of any year.

EXCLOSURE FENCE, SEASONAL

An enclosure fence that is intended to be temporary and erected only from November 1st to May 1st.

FAMILY

A. One (1) or more persons, whether or not related to each other by blood, marriage, or adoption, all living and cooking together as a single, stable, and bona fide housekeeping unit, so long as such persons together occupy, own, lease, or rent a whole of a separate building or dwelling unit as the functional equivalent of a family related by blood, marriage, or adoption and use all rooms and housekeeping facilities in common.

B. More than one (1) family will be presumed to exist if any of the following features are found in or associated with one (1) dwelling unit:

1. More than one (1) mailbox, mail slot, or post office address;
2. More than one (1) electric meter;
3. More than one (1) gas meter;
4. Partitions barring access between portions of the dwelling unit;
5. Separate written or oral leases or rental agreements between the owner and the occupants providing for the payment of rent for portions of the dwelling unit.

C. Additional factors to be considered in determining whether or not a group of persons living together is the functional equivalent of a family shall include:

1. Whether the group is of a permanent nature and is neither merely a framework for transient or seasonal (including as "seasonal" a period of one (1) academic year or less) living, nor merely an association or relationship which is transient or seasonal in nature;
2. Whether expenses for preparing of food, rent or ownership costs, utilities, and other household expenses are shared and whether the preparation, storage and consumption of food is shared;
3. Whether or not different members of the household have the same address for the purposes of:
 - a. Voter registration;
 - b. Driver's license;
 - c. Motor vehicle registration;
 - d. Summer or other residences;
 - e. Filing of taxes;
4. Whether or not furniture and appliances are owned in common by all members of the household;
5. Whether or not any children are enrolled in local schools;
6. Whether or not householders are employed in the local area;
7. Whether or not the group has been living together as a unit for an extended period of time, whether in the current dwelling unit or other dwelling units;
8. Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

FAMILY DAY-CARE HOME

A facility, home, or other establishment, defined as a family day-care home in § 390 of the New York State Social Services Law and licensed by the New York State Department of Social Services, at which child day care is provided for generally three (3) to six (6) children and which is operated in accordance with State and County regulations governing operations of a family day-care center.

FAMILY-TYPE HOME FOR ADULTS

An adult care facility providing services to four (4) or fewer adult persons unrelated to the operator, as defined as a family-type home for adults in the New York State Social Services Law, and certified by the New York State Office of Children and Family Services.

FENCE or WALL

Any structure of any material or combination of materials, including a gate that is part of the structure, that is designed to enclose land, divide land, mark a boundary, create a barrier, limit access to or direct passage across land, provide screening, protect against a potential hazard, or serve a decorative purpose. A freestanding arch or arbor shall not be considered a fence or wall even if it otherwise satisfies the foregoing definition. In no case will living plants, such as hedges, shrubs, bushes or trees, be deemed or considered to be a fence or wall regardless of how these may be arranged or located, and regardless of whether these may serve the same or a similar purpose as a fence or wall. Terraces, steps, and other similar improvements will not be deemed to be a fence or wall. Earthen berms that exceed four (4) feet in height above the natural grade will be deemed to be a fence or wall.

FINAL PLAT APPROVAL

The approval by the Village's Planning Board of a final subdivision drawing or plat that shows the subdivision, proposed improvements, and conditions as specified in the Village's Subdivision Regulations and as required by the Planning Board in its approval, if any, of the preliminary plat.

FITNESS CENTER

See Health Club.

FLASHING SIGN

Any sign where emitted or reflected light is not constant in intensity and color at all times.

FRATERNITY or SORORITY

A place of residence other than a hotel, rooming or boarding house, or dormitory that is operated by a nationally-chartered membership organization or a locally chartered organization, and used, occupied and maintained for persons enrolled in a college, university, or other educational institution and which is recognized and subject to controls by such educational institution.

FULL CUTOFF

Pertaining to light from a light fixture, zero intensity at or above horizontal and limited to a value not exceeding ten percent (10%) of lamp lumens at or above eighty degrees (80°).

GARAGE

A portion of a building, or a detached building, designed to be used primarily for storage of automobiles and other motor vehicles. For a garage that is part of a principal building, the garage use must be subordinate and clearly incidental to the use of the rest of the building. For a detached garage, the garage building must be subordinate and clearly incidental to the principal building, and be located on the same lot as the principal building except as otherwise specifically permitted by this local law.

GARAGE SALE

The sale or offering for sale, open to the public, conducted for no more than two (2) days in any calendar year, of new, used or secondhand items of personal property at any one (1) residential premises at any one (1) time. Includes all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property.

GRADE, EXISTING

The vertical elevation of the ground surface at any point on a lot as shown on a survey submitted in conjunction with an application for a building permit or grading permit.

GRADE, FINISHED

The final, post-construction vertical elevation of the ground surface at any point on a lot.

GROUP FAMILY DAY-CARE HOME

A facility, home, or other establishment defined as a group family day-care home in § 390 of the New York State Social Services Law and licensed by the New York State Department of Social Services, at which child day care is provided for seven (7) to twelve (12) children and which is operated in accordance with State and County regulations governing operations of a group family day-care home.

GROUP HOME

A small residential facility designed to serve unrelated individuals, regulated by New York State, including but not limited to recovering substance abusers, the mentally and physically disabled, pregnant/parenting teens, and victims of domestic violence, who, under caregiver supervision, share a single-family home with a common kitchen, sanitary facilities, and other common living facilities.

HEALTH CLUB

A commercial establishment which provides as its primary purpose facilities for individual physical health activities, such as aerobic exercise, running and jogging, use of exercise equipment, saunas, showers, massage rooms, and lockers. Such establishments are operated as a business even if open only to members and their guests on a membership basis and not to the public at large paying a daily admission fee.

HEIGHT

A. As it relates to buildings in the Residence, Multiple Housing, and Planned Development Zones, the measurement from the lowest point of the existing grade at the building foundation to the average height between eaves and ridge for pitched roofs and to the highest part of the parapet for flat roofs.

B. As it relates to buildings in the Commercial Zone, the measurement from the lowest point of the existing grade at the building foundation to the highest point of the building.

C. As it relates to fences and walls, the distance measured from the ground to the highest point of any component part of the fence or wall, other than arches, arbors, gates, entrances, and fence posts not higher than six (6) inches above the adjoining fence. A fence or wall built on a man-made berm of earth or other natural materials shall be measured from the base of the berm to the top of the highest point of any component part of the fence or wall, other than arches, arbors, gates and entrances.

HOME OCCUPATION

A business conducted within a dwelling, or a building accessory thereto, by a resident of the dwelling, which is clearly incidental and secondary to the use of the property for residential purposes, and which is the type of business that is customarily conducted within a dwelling or building accessory thereto.

HOUSEHOLD PETS

Domesticated dogs, cats, birds, fish, amphibians, reptiles, mice, ferrets, rabbits, hamsters, gerbils, and other domesticated small animals ordinarily kept as pets which eat and sleep within a dwelling unit occupied by a family.

IMPERVIOUS SURFACE

Any paved, hardened or structural surface which does not allow infiltration of water. Such surfaces include, but are not limited to, impervious streets, driveways, parking lots, tennis courts, buildings, and swimming pools.

INSTITUTION OF HIGHER EDUCATION

Any entity, whether public, private or parochial, which provides, as its primary purpose, educational instruction above the twelfth grade level including all academic, residential and service facilities attendant thereto and which is chartered, registered and/or certified, by the Commissioner of the New York State Department of Education or the Regents of the University of the State of New York, or their successors.

INVASIVE SPECIES

As listed in the "Regional Invasive Species List" produced by the Tompkins County Environmental Management Council, as revised from time to time, or in other lists produced by Tompkins County or New York State, these are alien or exotic non-native plant species that spread and compete with native species, often eliminating the latter.

LIGHT POLLUTION

Any adverse effect of artificial light, including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste.

LIGHT TRESPASS

Light falling where it is not wanted or needed such as the unwanted spillage of light onto properties adjacent to the property on which the light source is located.

LODGE

See Clubhouse.

LODGING HOUSE

A multiple dwelling or other residential structure in which lodging facilities but not meals are supplied for compensation, over a period of time not to exceed one (1) week, and where no single overnight stays are allowed.

LOT

Any area of land bounded by property lines which is not divided into parts by a public street or railroad. Each part of any area so divided by a street or railroad is considered an individual lot for zoning and subdivision purposes, but any further division of any such part shall be permitted only upon compliance with the applicable regulations of Article 17.

LOT AREA

The area of a lot that may be included within the deed description of the lot, excluding from such area the right of way of a public or private street or, where there is no legally defined right-of-way, the area of a paved, graveled or otherwise improved surface functioning as a private street.

LOT COVERAGE

The total square footage of a parcel of land which is allowed by zoning regulations to be covered by buildings and other physical improvements.

LOT DEPTH

The distance between a point on a front lot line and the rear of the lot measured perpendicularly from the front lot line. In the case of an irregularly shaped lot, the mean depth shall be taken.

LOT LINE

A legal boundary line of a lot; for lot lines that are adjacent to a public street, defined as the public street right-of-way line. Where the legal boundary is within a public street right-of-way, the lot line is the street right-of-way line; where the legal boundary is within a private right-of-way, the lot line is the nearest edge of the improved surface of such private street or of the improved surface functioning as a private street.

LOT WIDTH

The distance between a point on a side lot line and the opposite lot line measured perpendicularly from the side lot line. In the case of an irregularly shaped lot, the mean width shall be taken.

MIXED USE

Two (2) or more principal uses conducted on the same parcel of land, by one (1) or more occupants, either in the same structure or in separate structures, or in the open, such as when residential facilities are located over commercial retail space.

MOTOR VEHICLE

Every vehicle operated or driven upon a public highway propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, vehicles running only upon rails or tracks, snowmobiles, and all-terrain vehicles.

MULTIPLE DWELLING

A building or group of buildings on one lot containing three (3) or more dwelling units.

NATURAL AREA

An area of land designated as a Critical Environmental Area, Unique Natural Area, or other similar environmental designation in accordance with regulations promulgated by the New York State Department of Environmental Conservation or any similar successor state agency, or by any other Federal, State, or local governmental unit.

NATURAL GRADE

See Grade, Existing.

NONCONFORMING USE

A use that does not conform to a new or amended zoning law and the zoning regulations of the district in which it is situated.

NURSERY SCHOOL

A school organized for the purpose of educating a group or groups of six (6) or more children less than seven (7) years old under the supervision of qualified teachers providing an adequate program of learning activities and maintaining good standards of health and safety pursuant to Part 125.1(a) of the Regulations of the New York State Commissioner of Education.

ONE-FAMILY RESIDENCE

A detached building containing a single dwelling unit.

OVERLAY ZONE OR DISTRICT

A zone or district created for a specific purpose that is imposed over an existing zone or district and that contains provisions applicable in addition to those contained in the existing zone or district.

PARKING LOT

A parking facility where off-street parking of motor vehicles is permitted other than as an accessory use.

PARKING SPACE

An area adequate for the temporary parking of a motor vehicle exclusive of any parking lot circulation areas.

PATIO

A horizontal area located at existing grade and used for other than vehicular purposes that is without roof or walls, is not supported by any permanent structure, and is surfaced with wood, macadam, masonry, stone, brick, block, or other such material.

PHOSPHORUS FERTILIZER

Fertilizer in which the available phosphate (P205) content is greater than 0.67 percent by weight, excluding compost.

PLAT

A site plan or subdivision map that depicts the arrangement of lots, buildings, roads, and other services.

PLAYHOUSE

A building used exclusively for children's play and which serves no other purpose.

PORCH

A covered or uncovered structure attached to a house or building that is not heated or cooled, may be open or enclosed, and frequently provides access to a primary entrance and/or egress to the ground.

PRELIMINARY PLAT APPROVAL

The approval by the Village's Planning Board of a preliminary subdivision drawing or plat showing site conditions, subdivision lines, and proposed improvements prepared in accordance with the Village's Subdivision Regulations.

PRINCIPAL BUILDING

A building within which is conducted the primary uses of the lot on which the building is located.

PRINCIPAL USE

The primary use of a lot that is permitted under the zone or district regulations in a zoning law. Unless zone or district regulations allow mixed uses, only one (1) principal use may be made of a single lot, along with uses that are accessory to that principal use.

PROPERTY LINE

See Lot Line.

QUALIFIED SOLAR INSTALLER

A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Village determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

RECREATIONAL VEHICLE

A camping unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on or towed by a motorized vehicle. Recreational vehicles include, but are not limited to, tow-behind camping trailers, fifth wheel camping trailers, motor homes, park trailers, travel trailers, and truck campers.

RESIDENCE

A building that contains one (1) or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

RESIDENCE HALL, COLLEGE

A building owned, operated, and administered by an institution of higher education in accordance with the Education Law of the State of New York, designed primarily for the purpose of housing college students enrolled at that institution.

RIGHT-OF-WAY

See Street Right-Of-Way.

RIPARIAN AREA

The area of land and water forming a transition from aquatic to terrestrial ecosystems along streams, lakes, ponds, wetlands, and vernal pools.

ROOMING HOUSE

See Boarding House.

SEQRA

The New York State Environmental Quality Review Act adopted pursuant to the New York State Environmental Conservation Law.

SEQRA, NEGATIVE DECLARATION

A written determination by a lead agency that, under the State Environmental Quality Review Act, the implementation of an action as proposed will not result in any significant adverse environmental impacts.

SEQRA, POSITIVE DECLARATION

A written determination by a lead agency that, under the State Environmental Quality Review Act, the implementation of an action as proposed is likely to have a significant adverse impact on the environment, resulting in the requirement that an environmental impact statement will be required.

SETBACK

The number of feet from a front, side, or rear lot line in which no building or structure is permitted to be located or in which a specified land use is not permitted to occur and which establishes the nearest point to the lot line at which a building or structure may be erected, excluding a roof or eave overhang of three (3) feet or less.

SHORT TERM RENTAL

Rental of a residence or a portion of a residence by the same natural person or family of fewer than thirty (30) consecutive days.

SITE PLAN

A drawing that shows the arrangement, layout, and design of the proposed use and improvements of a single parcel of land.

SLOPE

The change in elevation per unit of horizontal distance, expressed as a percentage.

SOLAR ENERGY COLLECTOR

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR STORAGE BATTERY

A device that stores energy from the sun and makes it available in an electrical form.

SORORITY

See Fraternity

STOOP

A small staircase ending in a base and leading to the entrance of a building.

STORAGE

The outdoor accumulation or laying-up of manufactured products or raw materials, or the keeping of one or more pieces of movable equipment other than automobiles.

STORMWATER RUNOFF

Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation such as rain or melting snow that does not soak into the ground but runs off into waterways.

STREAM

A watercourse or surface depression characterized by a defined channel and stream bed that contain rocks or gravel and where water flows perennially or intermittently; this does not include man-made stormwater conveyances, such as grassy or rip-rap stabilized swales, roadside ditches, or stormwater management practices.

STREAM, INTERMITTENT

A stream that flows only when it receives water from rainfall runoff or springs, or from some surface source such as melting snow. All mapped streams in the Village of Cayuga Heights are currently defined by the United States Geological Survey (USGS) as intermittent streams.

STREAM BANK

The sides of a stream channel, usually marked by a break in slope, which contain the normal flow of the stream.

STREAMSIDE BUFFER

A vegetated area next to a water resource that protects that water resource from non-point source pollution and provides bank stabilization and aquatic and wildlife habitat, measured horizontally starting from the top of the stream bank (or level of bankfull discharge) in a direction perpendicular to the bank and extending away from the water body in the horizontal plane.

STREET RIGHT-OF-WAY

The lands under and bordering the travelled portion of a public street, road, or highway owned and maintained by the Village, to the width owned by the Village or otherwise as prescribed by applicable law.

STREET RIGHT-OF-WAY LINE

The limit of the right-of-way of a public street, road, or highway.

STREET TREE

A tree located on publicly owned land or within the public street right-of-way.

STRUCTURE

Anything that is constructed or erected on the ground (including, but not limited to, a building, fence, or wall) or upon another structure or building. "Structure" also includes anything that is constructed or erected underground and projects up to the ground surface or above, or anything that is constructed or erected wholly underground other than utility lines, septic and water systems, or other similar types of underground construction wholly ancillary to a principal building or structure on the premises. "Structure" does not include underground graves, vaults, or other underground facilities for the interment of bodies.

STUDENT COOPERATIVE

A facility used for housing students enrolled in a college, university, or other educational institution and which is recognized and subject to controls by such educational institution where students largely perform their own household maintenance and meal preparation and have a vote in the operation, maintenance, and management of their household affairs.

STUDENT DORMITORY

A building or part of a building that:

1. Is operated by, or on behalf of, institution(s) that provide full-time day instruction and a course of study that may be pursued in fulfillment of the requirements of Sections 3204, 3205, and 3210 of the New York State Education Law, or post-secondary institution(s) authorized to grant a degree by the Regents of the University of the State of New York; and
2. Houses students enrolled at such institution(s). A student dormitory shall not be a single dwelling unit.

SUBDIVISION

The legal division of a parcel into a number of lots that conform to use and dimensional requirements for the purpose of sale or development.

SUBDIVISION, MAJOR

In any zoning district, a subdivision that does not qualify as a minor subdivision.

SUBDIVISION, MINOR

In any zoning district, a subdivision in which the land is divided into not more than three (3) lots.

SWIMMING POOL

An outdoor artificial body of water or receptacle for water having a depth at any point greater than two (2) feet used or intended to be used for swimming or bathing and constructed, installed, or maintained in or above the ground.

TELECOMMUNICATIONS FACILITY

A telecommunication tower or towers and associated antennae, structures, equipment, buildings, switching stations, parking areas, wires, and other accessory development.

TELECOMMUNICATIONS TOWER

A structure such as a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennae and intended for transmitting and/or receiving radio, television, telephone, or microwave communications, but excluding those used either for fire, police, and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio, and other similar communications. A ground- or building-mounted mast greater than ten (10) feet tall and six (6) inches in diameter supporting one (1) or more antenna, dishes, arrays, etc., shall be considered a telecommunications tower.

TERRACE

See Patio.

TOWNHOUSE

A dwelling unit sharing a minimum of one (1) and a maximum of two (2) walls with an adjoining dwelling unit and having direct exterior access from the ground floor.

TREE HOUSE

A building constructed among tree branches and around or next to the trunk of one or more mature trees, and raised above the ground.

TWO-FAMILY RESIDENCE

A detached building containing two (2) dwelling units.

UNIQUE NATURAL AREA

A site with outstanding environmental qualities as defined by the Tompkins County Environmental Management Council that is deserving of special attention for preservation and protection.

USE

The specific purpose for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained.

UTILITY

An entity that provides electricity, gas, sewer, water, telephone, or cable television to properties within the Village.

WALL

See Fence.

WALLPACK LIGHT FIXTURE

A lighting unit, typically affixed to the side of a structure, used for area lighting.

WETLAND

Any area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

YARD

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise permitted herein.

YARD, FRONT

The yard between the front lot line and the front facade of the principal building, extended from each rearmost exterior corner of the front facade to the adjacent side lot line. In addition, any yard that abuts a public or private street shall be considered a front yard for the purposes of setback requirements.

YARD, REAR

The yard between the rear lot line and the rear facade of the principal building, extended from each most forwardly exterior corner of the rear facade to the adjacent side lot line.

YARD, SIDE

The yard between the principal building and a side lot line, but excluding the front yard and the rear yard.

Article 4. Establishment of Zones

§ 4.1. Enumeration of zones.

For the purpose of this Local Law, the Village of Cayuga Heights is hereby divided into the following zones, also sometimes referred to as districts:

- Residence
- Multiple Housing
- Commercial
- Planned Development Zone
- Natural Resources Overlay

Said zones are set forth on the map accompanying this Local Law, the Village of Cayuga Heights Zoning Map (the "Zoning Map"), dated February 6, 2018, and signed by the Village Clerk. Said map and all explanatory matter thereon and amendments thereto are hereby made a part of this Local Law and are on file in the Village offices.

§ 4.2. Zone boundaries.

Where uncertainty exists with respect to the exact boundaries of the various zones as shown on the Zoning Map, the following rules shall apply:

A. Where zone boundaries are indicated as approximately following the centerlines of streets or highways or street or highway right-of-way lines, such centerlines or street or highway right-of-way lines shall be construed to be said boundaries.

B. Where zone boundaries are indicated as approximately following lot lines as shown on plots of record at the time this Local Law becomes effective, or lot lines on plots of record at the time of any amendment rezoning an area, then such lot lines shall be construed to be said boundaries.

§ 4.3. Prohibition of uses.

All uses not specifically set forth as permitted uses in a zone are 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.

§ 4.4. Nonconforming uses of land.

A. Where, at the effective date of adoption or amendment of this Local Law, a lawful use of land exists that is made no longer permissible under the terms of this Local Law as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. Such nonconforming use must not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Local Law;

2. Such nonconforming use must not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Local Law; and

3. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land must conform to the regulations specified by this Local Law for the zone in which such land is located.

B. Any use made of any land in the Village prior to the enactment of this Local Law not expressly permitted under Article IX Section 2, 3 or 4 of the Village's former Zoning Ordinance was not a permitted lawful use under the former Zoning Ordinance, and such use is not a pre-existing nonconforming use under this Local Law.

§ 4.5. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Local Law that could not be built under the terms of this Local Law by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity;

B. Should such structure be destroyed by any means, in whole or in part, it may be reconstructed in accordance with the provisions of § 4.8 below.

C. Should such structure be moved for any reason for any distance whatever, it must thereafter conform to the regulations for the zone in which it is located after it is moved.

§ 4.6. Nonconforming uses of structures.

A. If a lawful use of a structure, of portion of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Local Law, that would not be allowed in the zone under the terms of this Local Law as amended, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Local Law in the zone in which it is located may be enlarged, extended, constructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located or to a use permitted pursuant to § 4.8 below;

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Local Law, but such use must not be extended to occupy any land outside such building;

3. Any structure, portion of a structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use must thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed;

4. When a nonconforming use of a structure, of portion of a structure, or of structure and land in combination, ceases for a period of one (1) year, the structure or structure and land in combination must not thereafter be used except in conformance with the regulations of the zone in which it is located;

5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure eliminates the nonconforming status of the land;

6. Where a nonconforming use exists in an area that has been or now requires site plan approval by the Village's Planning Board for any change of use, the nonconforming use may not be changed to any other use permitted in the zone until site plan approval has been obtained pursuant to the terms of this Local Law.

B. Any use made of any structure in the Village prior to the enactment of this Local Law not expressly permitted under Article IX Section 2, 3 or 4 of the Village's former Zoning Ordinance was not a permitted lawful use under the former Zoning Ordinance, and such use is not a pre-existing nonconforming use under this Local Law.

§ 4.7. Interruption of nonconforming use.

Notwithstanding the provisions above regarding cessation of nonconforming uses, for purposes of determining whether a nonconforming use has ceased for a period of one (1) year there shall be excluded from the calculation of the year period any period of time during which a nonconforming use was suspended solely because of a national emergency or temporary government restrictions (other than zoning restrictions). Upon termination of the national emergency or the temporary government restriction, the calculation of the year period shall resume.

§ 4.8. Restoration.

A. Nothing herein shall prevent the continued use and substantial restoration and continued use of a nonconforming building damaged by fire, flood, earthquake, act of God, or act of the public enemy, provided that:

- (1) Such restoration is located on, and no larger than, the footprint of the structure prior to its destruction; and
- (2) Such restoration is completed within one (1) year of the damage; and
- (3) The use of the building and the manner in which it was used prior to the loss is recommenced within one (1) year of the damage.

B. The time limits set forth above may be extended by the Village's Zoning Board of Appeals using the same criteria as are applied in determining applications for an area variance. An application for an extension shall be brought no later than six (6) months after the expiration of the year period, or six (6) months after the expiration of any previously granted extension.

§ 4.9. Zoning Board of Appeals determination.

The Zoning Board of Appeals shall have the jurisdiction to hear and determine any claims as to whether a particular use is a valid nonconforming use, or whether a nonconforming use has been improperly extended or enlarged, or any other matter relating to nonconforming uses. Such jurisdiction may be exercised by an appeal from a decision of the Code Enforcement Officer as hereinafter provided, or by direct application to the Board of Appeals in those instances where there is no application for a permit or certificate before the Code Enforcement Officer. Any such direct application to the Board of Appeals shall be made on such forms and contain such information as the Board and/or the Code Enforcement Officer may determine and shall be delivered to the Code Enforcement Officer for submission to the Board in accordance with the procedures set forth in Article 20.

Article 5. Residence Zone

§ 5.1. Purpose.

The purpose of the Residence Zone is to maintain areas almost exclusively residential in nature with minimal intrusion of commercial, industrial, agricultural, or other uses that could be detrimental to residential development and occupancy or value, and to balance future development with the existing scale, density, and character of traditionally residential neighborhoods.

§ 5.2. Permitted principal uses.

No building shall be erected or extended and no land or building shall be used in the Residence Zone for other than any of the following purposes:

- A. A one-family residence to be occupied by:
 1. One (1) family plus no more than two (2) other unrelated occupants, or,
 2. Where there is no family, no more than three (3) unrelated occupants;
- B. A one-family residence with a secondary self-contained accessory apartment, i.e. a residence with two (2) dwelling units, identified by the Tompkins County Department of Assessment as a "two family residence," the building to be occupied by a total of:

1. One (1) family plus no more than three (3) other unrelated occupants, or,
2. One (1) family in each unit with no additional unrelated occupants, or,
3. Where there is no family, no more than four (4) unrelated occupants;

One Family Residence			Two Family Residence		
1 family	+	2 unrelated	1 family	+	3 unrelated
no family	+	3 unrelated	1 family	+	1 family
			no family	+	4 unrelated

- C. Public School, grades pre-K through twelve (12);
- D. Church or other place of religious worship;
- E. Cemetery and the buildings and structures incident thereto;
- F. Any municipal or public utility purpose approved by the Village's Board of Trustees;
- G. Publicly owned park or playground including accessory buildings and improvements;
- H. Activities of an individual engaging in home gardening by growing flowers, vegetables, and other plants primarily for use by that person and his or her family or occupants of the dwelling and not for commercial purposes;
- I. Golf course, except a driving range or a miniature golf course conducted on a commercial basis independent of a golf course;
- J. Group home, as regulated by New York State;
- K. Family type home for adults, as defined in the New York State Social Services Law, subject to the approval of a special use permit by the Village's Planning Board, in accordance with the procedures set forth in Article 19;
- L. Use of a dwelling unit or a portion of a dwelling unit for short term rental is permitted only when the residence containing the dwelling unit is the primary residence of the property owner and only as an accessory use pursuant to § 5.3.I.
- M. Residences containing only two (2) dwelling units where one (1) dwelling unit is not less than fifty percent (50%) of the floor area of the other dwelling unit and/or where one (1) dwelling unit is not subordinate in location and appearance to the other dwelling unit are prohibited.

§ 5.3. Permitted accessory buildings and uses.

The following accessory buildings or uses are permitted in the Residence Zone:

- A. Off-street garage or parking spaces for the occupants, users, and employees in connection with uses permitted in this article and meeting requirements as set forth in Article 12;
- B. Private swimming pool, tennis court, and other similar recreational facilities for the principal private use of the occupants of the dwelling where the principal use is as a one-family dwelling;
- C. The keeping of household pets in a dwelling unit or other location adjacent to or accessory to a dwelling unit (e.g. outside doghouse, etc.)

provided that no more than three (3) household pets shall be kept outside of a dwelling unit unless a greater number is authorized by special approval of the Village's Zoning Board of Appeals;

D. Signs, as regulated by Article 10;

E. Home occupations meeting all of the following requirements:

1. An area of no more than twenty-five percent (25%) of the floor space of the residence, whether the home occupation is conducted in the residence or in an accessory building, or five hundred (500) square feet, whichever is less, shall be used for the home occupation;

2. Not more than one (1) person, full- or part-time, other than individuals permitted in accordance with this Local Law to occupy such residence, shall be employed in the conduct of the home occupation;

3. The owner and chief operating officer of the business must be a full-time resident of the property on which the home occupation is conducted;

4. Except for articles produced on the premises, no merchandise of any kind shall be sold on the premises;

5. No exterior display or sign except as permitted by Article 10, no exterior storage of materials, equipment (including commercial vehicles), or other items of commerce, and no other exterior indication of the home occupation or variation from the residential character of the lot, district, or surrounding neighborhood;

6. No offensive noise, vibration, smoke, dust, odor, heat, glare, or electronic disturbance shall be produced beyond the boundary line of the property occupied by the home occupation;

7. There shall be permitted no sharing, letting, or subletting of space used in the home occupation, for use by others in the conduct of their profession, trade, or business;

8. The conduct of the home occupation shall not be detrimental to the residential character of the lot at which it is conducted nor of the surrounding neighborhood, including, but not limited to, by generating traffic in any greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the home occupation, whether for employees, customers or deliveries, shall be met off the street and in accordance with Article 12 and § 12.3.F.1.b and any other regulation of this Local Law;

9. All activities conducted in connection with the home occupation must be conducted wholly within the residence or accessory building;

10. No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling;

F. Garage sales providing that no more than two (2) garage sales are held for any one (1) premises in any one (1) calendar year;

G. Tree house or playhouse providing it is located in the rear yard and is equal to or less than one hundred (100) square feet in area;

H. Family day-care home and group family day-care home, as defined in the New York State Social Services Law, Section 390;

I. Short term rental of a residence or a portion of a residence, meeting all of the following requirements:

1. Compliance with all Federal, State, County, and local laws, codes, rules and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code.

2. Permitted short term rental types:

a. Rental of a residence or a portion of the residence, such as a secondary self-contained accessory apartment or a room contained in a residence, for a maximum of fourteen (14) days total in any calendar year, provided that the owner of the residence or his/her agent is available locally in order to respond in a timely manner to complaints regarding the condition of the residence or the property at which the residence is located or regarding the conduct of occupants of the residence;

b. Rental of a secondary self-contained accessory apartment for a maximum of twenty-eight (28) days total in any calendar year, provided that the owner of the residence is present in the residence during the term of the rental;

c. Rental of a room contained in a residence for a maximum of twenty-eight (28) days total in any calendar year, provided that the owner of the residence is present in the residence during the term of the rental, only one (1) room per residence is so rented at any given time, and occupancy of the rented room does not exceed two (2) persons.

d. The maximum time limits stated in subsections 2(a)-(c) above are not cumulative. Short term rental of a residence or a portion of a residence shall not exceed twenty-eight (28) days total in any calendar year, regardless of whether the residence owner is present in the residence during the term of any rental, and regardless of the type or types of short term rental use among those described above in subsections 2(a)-(c).

3. Short term rental registration permit:

a. Prior to use of a residence or any part thereof for short term rental, the owner of the residence must obtain a registration permit from the Village.

b. The registration permit application may be completed online through the Village's website, or in person at the Village Office.

c. The registration permit fee is one hundred twenty-five dollars (\$125) per year.

d. The registration permit must be renewed annually and the permit fee paid annually upon renewal.

e. The registration permit number must be included in any online or print advertisement for the short term rental, and a short term rental shall not be advertised without a valid registration permit.

f. Registration permit requirements shall go into effect as of the date three (3) months from adoption of this Local Law.

4. Visitor's log:

a. The owner of any residence used for short term rental must maintain a visitor's log that clearly states the dates of each rental, the number of visitors, the location within the residence (single room, single dwelling unit, or entire residence), and whether or not the owner was present in the residence during the term of the rental.

b. A copy of the visitor's log must be provided to the Village's Code Enforcement Officer within ten (10) business days following written request, and a copy of the previous year's log must be submitted with any registration permit renewal application.

5. Penalties:

a. The penalty provisions of § 16.4 below shall not apply to any violation of the provisions of this Section § 5.3.I, and the following provisions shall apply to any such violation.

b. If the owner of any residence who uses the residence or any part thereof for short term rental in violation of the maximum time limits stated in subsections 2(a)-(c) above, such violation shall be punishable by a fine of seven hundred and fifty dollars (\$750), and the registration permit shall be revoked for the current year and may not be renewed for one (1) additional year.

c. If the owner of any residence who uses the residence or any part thereof for short term rental in violation of this Section § 5.3.I, other than violations of subsections 2(a)-(c) above, such violation shall be punishable as follows:

i. For the first violation, a fine of not less than one hundred twenty-five dollars (\$125) and not more than two hundred and fifty dollars (\$250).

ii. For the second violation occurring within any twelve (12) month period, a fine of not less than two hundred fifty dollars (\$250) and not more than five hundred dollars (\$500).

iii. For the third violation occurring within any twelve (12) month period, a fine of not less than five hundred dollars (\$500) and not more than seven hundred and fifty dollars (\$750), and the registration permit shall be revoked for the current year and may not be renewed for one (1) additional year.

iv. In the case of a violation of registration permit requirements, each month's continued violation shall constitute a separate and new violation, and each new violation shall be punishable by a fine of seven hundred and fifty dollars (\$750) per month.

6. Any variance requested for short term rental of a residence or a portion of a residence shall be considered a use, and not an area, variance, in accordance with Zoning Board of Appeals procedures set forth in Article 20.

J. Solar energy collectors in accordance with the requirements of this Article and the requirements of Article 15.

§ 5.4. Height of buildings.

A. No building or structure in the Residence Zone shall exceed twenty-five (25) feet in height.

B. The height of a building shall be measured from the lowest point of the existing grade at the building foundation to the average height between eaves and ridge for pitched roofs and to the highest part of the parapet for flat roofs.

C. In cases where the proposed finished grade is higher than the existing grade, the change must be approved by the Code Enforcement Officer at the time of issuance of the building permit.

D. The height limitations of § 5.4 shall not apply to chimneys, ventilators, skylights, or other necessary features ordinarily extending above roofs nor to spires of churches or other buildings if such features are in no way used or usable for living purposes.

§ 5.5. Yard regulations.

A. Buildings in the Residence Zone shall be set back from property lines the following minimum dimensions, said dimensions to be measured at right angles to the property lines:

1. Front Yard - twenty-five (25) feet;

2. Side and rear yards - fifteen (15) feet.

- B. The front yard in each case shall be measured from the front lot line.
- C. For any yard that abuts a public or private street, the front yard requirement shall apply.
- D. Yard requirements specified above shall be the same in the case of swimming pools.
- E. No automobile parking area shall be permitted in any required front yard, except in the case of a front yard of a residence housing not more than two (2) families.

§ 5.6. Lot coverage.

- A. No building or buildings shall be erected or extended so as to exceed coverage of twelve percent (12%) of the area of a lot.
- B. In computing the lot coverage, the following shall be included:
 - 1. The area of any accessory buildings;
 - 2. Carports, open at the sides and roofed;
 - 3. Unroofed porches or decks, the surface of which is over two (2) feet above the surface of the underlying ground as finally graded;
 - 4. Areas covered by building eaves extending in excess of three (3) feet.
- C. In computing the lot coverage, the following shall not be included:
 - 1. Areas covered by overhanging building eaves of three (3) feet or less;
 - 2. Unroofed swimming pools;
 - 3. Unroofed parking areas.

§ 5.7. Size of lots.

Lots shall have a minimum average width of one hundred twenty-five (125) feet and a minimum average depth of one hundred fifty (150) feet.

§ 5.8. Frontage on public street.

Each lot shall have minimum frontage on a public street of seventy-five (75) feet, with the exception of lots in a cul-de-sac in a subdivision approved by the Planning Board, in which case lots may have such frontage as shown on the approved subdivision plan.

§ 5.9. Parking.

Parking requirements shall be as set forth in Article 12.

Article 6. Multiple Housing Zone

§ 6.1. Purpose.

The purpose of the Multiple Housing Zone is to permit, where appropriate, the construction and development of multiple dwelling residences in the Village and to establish standards by which development in these areas shall occur while protecting and preserving the character of the adjoining Residence Zone.

§ 6.2. Permitted principal uses.

No building shall be erected or extended and no land or building shall be used in the Multiple Housing Zone for other than any of the following purposes:

- A. Any principal use permitted in the Residence Zone;
- B. Any of the following uses:

1. Buildings containing two (2) or more dwelling units, with each dwelling unit to be occupied by no more occupants than are permitted in accordance with the New York State Building and Fire Safety Code and the New York State Multiple Housing Law;
2. Convent, parish house, religious school building;
3. Public library or public museum, parochial school, nursery school, school operated under the Education Law of New York State, but not a school operated by a for-profit company;
4. The following uses subject to the approval of a special use permit by the Village's Planning Board, in accordance with the procedures set forth in Article 19;
 - a. Fraternity, sorority, student cooperative, and college residence hall, but not any of the following: a rooming, lodging, or boarding house, bed and breakfast, hotel, motel, or inn;
 - b. Affinity house;
 - c. Adult home.

§ 6.3. Permitted accessory buildings and uses.

The following accessory buildings or uses are permitted in the Multiple Housing Zone:

- A. Accessory buildings and uses permitted in the Residence Zone;
- B. Automobile parking and garages, subject to the further requirements of this Article and meeting the requirements set forth in Article 12;
- C. Such uses as may be necessary for housekeeping activities, such as structures in which laundry facilities are maintained, but any such use must be limited to residents of the multiple dwelling on that lot;
- D. Storage buildings for storage of belongings of the residents of the multiple dwelling on that lot;
- E. Maintenance buildings and one central office, all of which must be utilized solely in connection with the operation of the multiple dwelling on that lot;
- F. Community building for use by the residents of the multiple dwelling on that lot and their guests;
- G. Solar energy collectors in accordance with the requirements of this Article and the requirements of Article 15.

§ 6.4. Height of buildings.

- A. No building or structure in the Multiple Housing Zone shall exceed thirty (30) feet in height.
- B. The height of a building shall be measured from the lowest point of the existing grade at the building foundation to the average height between eaves and ridge for pitched roofs and to the highest part of the parapet for flat roofs.
- C. In cases where the proposed finished grade is higher than the existing grade, the change must be approved by the Code Enforcement Officer at the time of issuance of the building permit.
- D. The height limitations of § 6.4 shall not apply to chimneys, ventilators, skylights, or other necessary features ordinarily extending above roofs nor to spires of churches or other buildings if such features are in no way used or usable for living purposes, and these features will not be considered in determining the height of a building.

§ 6.5. Yard regulations.

A. Buildings in the Multiple Housing Zone shall be set back from property lines the following minimum dimensions, said dimensions to be measured at right angles to the property lines:

1. Front Yard - twenty-five (25) feet or the height of the building as calculated in § 6.4, whichever is greater;
2. Side and rear yards - fifteen (15) feet.

B. The front yard in each case shall be measured from the front lot line.

C. For any yard that abuts a public or private street, the front yard requirement shall apply.

D. Yard requirements specified above shall be the same in the case of swimming pools.

E. No automobile parking area shall be permitted in any required front yard, except in the case of a front yard of a residence housing not more than two (2) families.

§ 6.6. Lot coverage.

A. No building or buildings shall be erected or extended so as to exceed coverage of fifteen percent (15%) of the area of a lot.

B. In computing the lot coverage, the following shall be included:

1. The area of any accessory buildings;
2. Carports, open at the sides and roofed;
3. Unroofed porches or decks, the surface of which is over two (2) feet above the surface of the underlying ground as finally graded;
4. Areas covered by building eaves extending in excess of three (3) feet.

C. In computing the lot coverage, the following shall not be included:

1. Areas covered by overhanging building eaves of three (3) feet or less;
2. Unroofed swimming pools;
3. Unroofed parking areas.

§ 6.7. Size of lots.

Lots shall have a minimum average width of one hundred twenty-five (125) feet and a minimum average depth of one hundred fifty (150) feet.

§ 6.8. Frontage on public street.

Each lot shall have a minimum frontage on a public street of seventy-five (75) feet, with the exception of lots in a cul-de-sac in a subdivision approved by the Planning Board, in which case lots may have such frontage as shown on the approved subdivision plan.

§ 6.9. Parking.

Parking requirements shall be as set forth in Article 12.

Article 7. Commercial Zone

§ 7.1. Purpose.

The purpose of the Commercial Zone and the following regulations is to establish certain areas where retail businesses and other commercial uses of land will be encouraged to meet the needs of Village residents and to establish standards by which development in these areas shall occur while protecting and preserving the character of the adjoining Residence Zone.

§ 7.2. Permitted principal uses.

No building shall be erected or extended and no land or building shall be used in the Commercial Zone for other than any of the following purposes:

- A. Any principal use permitted in the Residence Zone or in the Multiple Housing Zone.
- B. The following retail uses, provided that the interior floor area is five thousand (5,000) square feet or less:
 - 1. Retail store (other than a retail store expressly referred to elsewhere in this Article 7) where goods are sold only from inside the store and rental of goods does not generate in excess of ten percent (10%) of the store's revenues;
 - 2. Food store/grocery;
 - 3. Sales of candy, ice cream, gifts, flowers, and similar small items;
 - 4. Arts and crafts gallery/studio;
 - 5. Photography store/studio;
 - 6. Drugstore/pharmacy;
 - 7. Florist;
 - 8. Bicycle sales/repairs which may include outside displays;
 - 9. Bakery;
 - 10. Hardware store;
 - 11. Painting and decorating boutique;
 - 12. Frame shop.
- C. The following personal service retail uses provided that the interior floor area is five thousand (5,000) square feet or less:
 - 1. Bank, or offices of a real estate brokerage or management, stock brokerage, financial advising or planning, insurance agency or other financial institution;
 - 2. Barbershop or beauty salon;
 - 3. Milliner/dressmaker/tailor;
 - 4. Shoe maker/shoe repair;
 - 5. Caterer;
 - 6. Photocopying and printing;
 - 7. Optician;
 - 8. Decorator;
 - 9. Packing and shipping.
- D. Business, professional, administrative, or governmental office provided that the interior floor area is five thousand (5,000) square feet or less.
- E. Fire station and emergency medical services.
- F. The following uses provided that the area on which construction occurs is five thousand (5,000) square feet or less (excluding underground utilities):
 - 1. Any municipal utility or public utility purpose necessary to the maintenance of utility services, except that substations and similar structures shall be subject to the same setback requirements as apply to buildings in the Commercial Zone.

§ 7.3. Principal uses permitted only with special use permit approval. The following uses are permitted in the Commercial Zone, subject to the approval of a special use permit by the Village's Planning Board, in accordance with the procedures set forth in Article 19:

- A. Any of the uses set forth in § 7.2 above as being permitted as of right in which case the interior floor area for such use exceeds five

thousand (5,000) square feet but does not exceed ten thousand (10,000) square feet;

B. The following uses provided that the area on which construction occurs exceeds five thousand (5,000) square feet but does not exceed ten thousand (10,000) square feet (excluding underground utilities):

1. Any municipal utility or public utility purpose necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements as apply to buildings in the Commercial Zone;

C. Bank or other financial institution with a drive-through facility consisting of no more than a total of two (2) drive-through lanes, each lane either being served by a teller or providing an automatic teller machine;

D. Child day-care center or adult day care facility;

E. Clubhouse or lodge;

F. Community center;

G. Laundromat, dry cleaning (self-service or pickup);

H. Restaurant, deli, sandwich shop or coffee shop;

I. Health club or fitness center;

J. Gas station or electric charging station;

K. Wine or liquor store;

L. Tavern, bar, or pub;

M. Spa;

N. Car share service;

O. Telecommunications tower and/or facility;

P. Any other lawful use, not otherwise specifically referred to in this Article 7, that the Planning Board finds is substantially similar to a use permitted in the Commercial Zone, either as of right in § 7.2 above, or with the approval of a special use permit in § 7.3, and which use the Planning Board determines does not have greater adverse impact upon traffic, noise, air quality, parking, or any other attribute reasonably relevant, than a use permitted as of right in § 7.2 above.

§ 7.4. Permitted accessory buildings and uses.

The following accessory buildings and uses are permitted in the Commercial Zone:

A. Accessory buildings and uses permitted in the Multiple Housing Zone;

B. Automobile parking, in accordance with the requirements of this Article and the requirements of Article 12;

C. Signs, in accordance with the requirements of Article 10;

D. Solar energy collectors in accordance with the requirements of this Article and the requirements of Article 15.

§ 7.5. Height of buildings.

A. No building or structure in the Commercial Zone shall exceed two (2) stories or thirty-five (35) feet in height, except as provided otherwise in § 7.5.B.

B. A three (3) story building not exceeding forty-five (45) feet in height may be erected provided that at least seventy-five percent (75%) of the building's ground level floor area is occupied by neighborhood retail uses, such as a restaurant, cafe, tavern or bar, market, drug store, day spa, or salon. Approval of a neighborhood retail use shall be

determined by the Village's Planning Board through the site plan review procedure.

C. The height of a building shall be measured from the lowest point of the existing grade at the building foundation to the highest point of the building.

D. In cases where the proposed finished grade is higher than the existing grade, the change must be approved by the Code Enforcement Officer at the time of issuance of the building permit.

E. The height limitations of § 7.5 shall not apply to chimneys, ventilators, skylights, or other necessary features ordinarily extending above the roofs of commercial buildings, nor to spires of churches or other buildings if such features are in no way used or usable for living purposes, and these features will not be considered in determining the height of a building.

§ 7.6. Building Setbacks.

A. Buildings in the Commercial Zone shall be set back from property lines a minimum of thirty-five (35 feet), said dimension to be measured at right angles to the property lines.

B. Where the Commercial Zone abuts another zoning district, setback distance will be contingent on building height such that:

1. From the front property line, setbacks shall equal the maximum height of the building, but in no case less than thirty-five (35) feet;

2. a. From the side and rear property lines, setbacks shall equal one and one half (1½) times the maximum height of the building on the side facing the respective side and rear property lines and not less than thirty-five (35) feet, but are not required to be greater than sixty (60) feet, and

b. A vegetative screen shall be installed to mitigate visual, sound, and other impacts of the commercial use(s), subject to Planning Board approval.

§ 7.7. Lot coverage.

A. No building or buildings shall be erected or extended so as to exceed coverage of twenty-five percent (25%) of a lot.

B. In computing the lot coverage, the following shall be included:

1. The area of any accessory buildings;

2. Carports, open at the sides and roofed;

3. Unroofed porches or decks, the surface of which is over two (2) feet above the surface of the underlying ground as finally graded;

4. Areas covered by building eaves extending in excess of three (3) feet.

C. In computing the lot coverage, the following shall not be included:

1. Areas covered by overhanging building eaves of three (3) feet or less;

2. Unroofed swimming pools;

3. Unroofed parking areas.

§ 7.8. Size of lots.

Lots shall have a minimum width of one hundred twenty-five (125) feet and a minimum depth of one hundred fifty (150) feet.

§ 7.9. Frontage on public street.

Each lot shall have a minimum frontage on a public street of one hundred twenty-five (125) feet, with the exception of lots in a cul-de-sac in a subdivision approved by the Planning Board, in which case they may have such frontage as shown on the approved subdivision plan. This Local Law shall apply to any lots hereinafter subdivided or developed by placing a building thereon.

§ 7.10. Parking.

Parking requirements shall be as set forth in Article 12.

Article 8. Planned Development Zone

§ 8.1. Purpose.

The purpose of the Planned Development Zone (sometimes referred to in the Local Law as a "PDZ") is to permit, where appropriate, a degree of flexibility in conventional land use and design regulations which will encourage development in an imaginative and innovative way while insuring efficient investment in public improvements, a more suitable environment, and protection of community interests and amenities. This Article 8 is intended to relate to both residential and nonresidential development, as well as mixed forms of development. There may be development or uses, now or in the future, which are not expressly permitted by the other terms of this Local Law, but which would promote the objectives of the Village's Comprehensive Plan if such development or uses adhere to certain predetermined performance and design standards and conditions. A Planned Development Zone is intended to be used to enable these developments or uses to occur even though they may not be specifically authorized by this Local Law.

§ 8.2. Establishment and location.

A Planned Development Zone may be established in any zoning district and shall be subject to the requirements set forth in this Article and to any special conditions imposed by the Village's Board of Trustees which shall supersede any requirements set forth in this Article.

§ 8.3. Requirements.

A. A minimum tract of five (5) acres is required for the development of a Planned Development Zone.

B. Permitted land uses:

1. Residential land use;
2. Non-residential and non-commercial land use, such as recreational space, community facilities, parkland, etc., if:

a. Such use will contribute to the quality of the proposed development for the area;

b. Such use will enhance the surrounding neighborhood, including but not limited to by preservation of open space, by providing enhancements to vehicular and pedestrian traffic movement, by the addition of landscaping, by conservation of natural features, or by some combination of such components.

3. Commercial land use when such use is integral with, but clearly ancillary to, residential use of the area within the Planned Development Zone.

C. Density. The number of dwelling units provided in a Planned Development Zone shall not exceed the number of units that would

ordinarily be permitted in the PDZ's area in accordance with the regulations of the underlying zone or district.

§ 8.4. Size of Lots.

Lot size shall be specified in the Board of Trustees' approval of a Planned Development Zone.

§ 8.5. Yards.

Buildings in a Planned Development Zone shall be located not less than seventy-five (75) feet from any public road right-of-way line existing at the time of the PDZ application, or one hundred (100) feet from any other existing property line bordering the PDZ, or as specified in the Board of Trustees' approval of a PDZ.

§ 8.6. Height of Buildings.

A. Unless otherwise approved by the Board of Trustees, no building in a Planned Development Zone shall be more than two (2) stories high, and no building shall exceed a height of thirty-five (35) feet from the average finished grade to the average height between the eaves and ridgeline of a pitched roof or the highest point of a flat roof as measured from the average finished grade to the highest point of the building.

B. In cases where the proposed finished grade is higher than the existing grade, the change must be approved by the Code Enforcement Officer at the time of issuance of the building permit.

C. The height limitations of this Section § 8.6 shall not apply to chimneys, ventilators, skylights, or other necessary features ordinarily extending above roofs nor to spires of churches or other buildings if such features are in no way used or usable for living purposes.

§ 8.7. Lot Coverage.

The total lot coverage for all buildings in the Planned Development Zone shall not exceed the lot coverage requirements of the underlying zoning district.

§ 8.8. Natural Features.

Existing natural features within a Planned Development Zone shall be preserved to the maximum extent feasible and incorporated into the site design.

§ 8.9. Stormwater Runoff.

In general, the rate of stormwater runoff from a Planned Development Zone after development is complete shall not exceed the rate that would occur under a natural undeveloped condition as calculated for a one hundred (100) year storm and is in compliance with the Village's Stormwater Local Law and applicable State law and regulations.

§ 8.10. Site Planning Requirements.

A. Roads. All proposed roads in a Planned Development Zone shall be designed and constructed to meet Village standards and specifications and shall be approved by the Village Engineer.

B. Service Areas. Loading and service areas that face or are visible from a public road, including areas for the storage of solid waste and

trash, shall be screened from public view by a vertical screen at least six (6) feet high. A landscaped buffer strip or a combination of landscaping and fencing may be used to provide the required screening.

C. Public Transit and Parking. Appropriate provisions shall be made for public transit and an adequate amount of off-street parking will be provided for the proposed use. No off-street parking space shall be located less than twenty-five (25) feet from any existing property line. All parking areas containing more than four (4) spaces shall be landscaped and shall be otherwise in compliance with Article 12 of this Local Law.

D. Underground services. All electric, telephone, and television lines and cables shall be installed underground. All access points shall be landscaped in a manner approved by the Village's Planning Board during the site plan approval process for the PDZ.

E. Lighting. Adequate site lighting shall be provided and shall be designed and located so that it does not produce glare on adjacent properties, does not impede the vision of traffic on adjacent roads, and shall be otherwise in compliance with Article 11 of this Local Law.

F. Access Drives. Multiple and extra-wide driveways shall be avoided. Access drives that do not provide safe sight distances shall not be permitted. Access drives shall intersect existing roads at a ninety (90) degree angle and shall not have a slope of greater than five percent (5%) for a distance of sixty (60) feet from the intersection of centerlines.

G. Intersections. On- and off-site intersections shall be designed to accommodate traffic safely. Turning lanes, deceleration lanes, by-pass lanes, and other safety measures shall be provided as required by the Village's Planning Board during the site plan approval process for the PDZ.

H. Signs. One (1) identification sign shall be permitted. Such sign may be two-sided but shall have a total area of no greater than sixteen (16) square feet per side, and shall be otherwise in compliance with Article 10 of this Local Law.

I. Operation. No offensive noise, traffic, odor, smoke, dust, heat, glare, electrical disturbance, or other pollutants shall be produced by the normal operating conditions of the proposed PDZ.

J. Landscaping. The number of trees to be planted in the PDZ shall be at least equal to the number of trees removed for development purposes and shall comply with standards set by the Village's Shade Tree Advisory Committee.

§ 8.11. Site plan approval.

Site plan approval for a Planned Development Zone shall follow the same review procedures and shall have the same plan requirements as specified for major subdivisions in Article 17 of this Local Law. Final approval is also required from the Village's Board of Trustees.

§ 8.12. Special Circumstances.

Notwithstanding any of the requirements set forth in this Article, if the Village's Board of Trustees determines that, due to unusual circumstances of a particular site, any of the requirements set forth in this Article are not necessary, in the interest of public health, safety, and general welfare, the Board of Trustees may modify such requirements subject to any conditions it may wish to impose.

Article 9. Natural Resources Overlay Zone

§ 9.1. Purpose.

The purpose of the Natural Resources Overlay Zone (sometimes referred to in this Local Law as a "NROZ") is to protect public health, safety, and general welfare and to implement the goals and objectives of the Village's Comprehensive Plan pertaining to the Village's environmentally significant landscape features including but not limited to wetlands, streams, steep slopes, native vegetation, etc. The NROZ designation seeks to balance the rights of property owners to use their property for reasonable purposes while also ensuring on behalf of all Village residents that such use does not result in a significant loss or degradation of the Village's natural resources and the benefits which they provide.

§ 9.2. Establishment and location.

A. The Natural Resources Overlay Zone described in this Article shall be an overlay to the existing underlying zoning districts as shown on the Village's Official Zoning Map, may be established in any zoning district, and shall be subject to the requirements set forth in this Article and to any special conditions imposed by the Village's Board of Trustees which shall supersede the requirements set forth in this Article.

B. Land and water areas encompassed by the Natural Resources Overlay Zone are set forth in the Village of Cayuga Heights Natural Resources Maps (the "Natural Resources Maps") accompanying this Local Law, dated [xxx], and signed by the Village Clerk. Said maps and all explanatory matter thereon and amendments thereto are hereby made a part of this Local Law and are on file in the Village offices.

C. Boundaries of land and water areas shown in the Natural Resources Maps are approximate and subject to field verification by licensed professionals. Should a dispute arise between the property owner and the Village's Code Enforcement Officer concerning the boundaries of the land or water areas, the property owner shall seek site plan approval from the Village's Planning Board. In all cases, the burden of proof and submission of technical evidence to the Planning Board shall be the responsibility of the property owner.

§ 9.3. General Provisions.

A. In those areas of the Village where the Natural Resources Overlay Zone applies, its provisions shall be imposed in addition to the requirements of the underlying zoning district. In the event that a conflict exists between the overlay and underlying zoning district regulations, the more restrictive provision shall apply to the area of overlap.

B. The Natural Resources Overlay Zone is composed of four subzones which consist of the following:

1. Intermittent streams as mapped by the United States Geological Survey (USGS) as well as streamside buffers associated with these streams. All mapped streams in Cayuga Heights are currently defined by the USGS as intermittent streams.
2. Steep slopes equal to or greater than fifteen percent (15%) slope or grade for a minimum run of thirty (30) horizontal feet.

3. Wetlands including but not limited to lands categorized as wetlands by either the New York State Department of Environmental Conservation (NYSDEC), the National Wetlands Inventory (NWI), the United States Army Corps of Engineers (USACE), or Tompkins County, or lands that have been documented and mapped as wetlands by a qualified professional under guidelines established by the USACE and NYSDEC. No lands categorized and mapped as wetlands by the NYSDEC or the NWI currently exist in Cayuga Heights.

4. Unique Natural Areas as defined by the Tompkins County Environmental Management Council (EMC).

5. In the event that two (2) or more subzones overlap, the subzone with the most restrictive provision shall apply to the area of overlap.

C. No site plan shall be approved by the Village's Planning Board which provides for construction or other disturbance of land in environmentally sensitive areas, including but not limited to, wetlands, watercourses, steep slopes, unique natural areas, or rare plant or animal habitats, unless the applicant demonstrates with professional evidence reasonably satisfactory to the Planning Board that such construction may occur without significant adverse environmental effects upon such areas. Nothing in this Article is intended to permit construction or other activities in areas where the same are prohibited or regulated by other laws or regulations of the federal, state, county, or local government.

§ 9.4. Intermittent streams.

A. A vegetative riparian or streamside buffer shall be required for all development activities that occur in proximity to intermittent streams with additional considerations for wetlands and steep slopes. The minimum buffer width for all intermittent streams is twenty (20) feet measured directly perpendicular in a horizontal plane on either side of the top of the stream bank.

B. Should a steep slope equal to or greater than fifteen percent (15%) for a minimum run of thirty (30) horizontal feet or a streamside wetland exist within the riparian buffer, the entirety of that area will be added to the measurement of the riparian buffer. Delineation is required for streamside wetlands that have been previously identified as well as for the areas where streamside wetlands may exist due to the presence of hydric soils or wetland plant indicators.

C. The following activities are prohibited in the riparian buffer:

1. New construction of buildings, parking areas, or other structures on or after the effective date of this Article, except fences and walls in compliance with the requirements of Article 14;

2. Storage or placement of any hazardous materials detrimental to public health, safety, or welfare;

3. Sewage systems including drain fields and raised systems;

4. Purposeful introduction of invasive plant species as referenced in the "Regional Invasive Species List" produced by the Tompkins County Environmental Management Council (last updated in 2009), or in "New York State Prohibited and Regulated Invasive Plants" (last updated in 2014);

5. Waste storage and disposal including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials;

6. Mining or removal of soil, sand and gravel, and quarrying of raw materials;
7. 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;
8. Application of herbicides or pesticides except as follows:
 - (a) Control of non-native invasive plant species, in accordance with product label instructions and pursuant to applicable New York State laws and regulations; and
 - (b) Protection of human or animal safety, in accordance with product label instructions and pursuant to applicable New York State laws and regulations;
9. Application of phosphorus fertilizer except in accordance with the New York State Environmental Conservation Law § 17-2103.
- D. The following uses or activities are permitted in the riparian buffer:
 1. The maintenance or repair of buildings, structures, and parking areas existing at the time of the adoption of this Article;
 2. The replacement, renovation, or restoration of buildings, structures, and parking areas existing at the time of the adoption of this Article, provided that the following conditions are met:
 - a. The footprint of the building, structure, or parking area within the buffer is in the same location and has the same or smaller dimensions; and
 - b. Best management practices are employed to reduce to the greatest practicable extent adverse impacts on the buffer area and intermittent stream.
- E. The following uses or activities are permitted in the riparian buffer, but only if such uses or activities do not modify or disturb more than ten percent (10%) of the entire buffer area unless deemed necessary by the Village's Planning Board for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor:
 1. Benches or seating;
 2. Implementation of educational and scientific research that does not negatively impact the native vegetation;
 3. Flood control, stormwater management structures, and stream bank stabilization measures approved by the Tompkins County Soil and Water Conservation District, Natural Resource Conservation Service, United States Army Corps of Engineers, or New York State Department of Environmental Conservation;
 4. Maintenance and repair of roadways or impervious surfaces existing at the time of the adoption of this Article;
 5. Stream crossings necessary to access the property by driveway, transportation route, or utility line which are designed to minimize negative impacts to the stream and riparian buffer;
 6. Public water supply intake or public wastewater outfall structures;
 7. Public sewer lines and/or other utility easements;
 8. Techniques to remove invasive species;
 9. Non-paved recreational trails no wider than ten (10) feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream;

10. Limited tree cutting, forestry or vegetation management done in accordance with the New York State Forestry Best Management Practices for Water Quality - BMP Field Guide and in consultation with the Village Forester. Tree cutting may not compromise the integrity of the stream bank or negatively impact the function of the riparian buffer. Any tree cutting must retain at a minimum fifty percent (50%) of the tree canopy in the riparian buffer at all times.

F. In the event the owner of any property located in the Village determines to undertake an activity or improvement contrary to the requirements of this Section § 9.4 for which there is no practicable alternative, or that such activity or improvement serves a public need where no feasible alternative is available, said owner shall apply to the Village's Planning Board for site plan review in accordance with the procedures set forth in Article 17.

§ 9.5. Steep slopes.

A. No area with slopes greater than or equal to twenty-five percent (25%) for a minimum run of thirty (30) horizontal feet and a minimum area of five hundred (500) square feet shall be disturbed, developed, or redeveloped, including but not limited to by the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation that could impair the stability of the slope with the exception of invasive plant species.

B. Where slopes are greater than or equal to fifteen percent (15%) for a minimum run of thirty (30) horizontal feet and a minimum area of five hundred (500) square feet not contained within a riparian buffer, no area with such slope may be developed without site plan approval by the Village's Planning Board in accordance with the procedures set forth in Article 17, which site plan review shall consider whether environmental concerns, including but not limited to soil erosion, sedimentation of waterbodies, increased storm water runoff and flooding potential, and degradation of wildlife habitat, have been adequately addressed and that the disturbance of the steep slope area is necessary for the proposed development.

C. Slope percentages shall be calculated for each two (2) foot contour interval by using one of the following resources or methods:

1. On-site measurement of slopes by registered professional engineers, surveyors, or landscape architects, using accepted engineering practices;
2. Use of a United States Geological Survey (USGS) digital elevation model (DEM) or Town of Ithaca two (2) foot topographic data; or
3. Other resources or methods determined by the Village's Planning Board to be of similar or greater accuracy than those listed above.

§ 9.6. Wetlands.

A. Nothing in this Section shall permit construction or other activities in wetland areas and/or associated buffer areas where the same are prohibited or regulated by other laws or regulations of the federal, state, county, or local government.

B. Disturbance or damage to wetlands and/or associated buffer areas due to construction or other activities shall be avoided wherever possible to preserve the benefits provided by wetlands.

C. The following regulated activities have the potential to cause a substantial adverse effect on wetland values and functions:

1. Any form of draining, dredging, excavation or removal of soil, mud, sand, shells, gravel or other aggregate material;
2. Any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly;
3. Erecting any structures or roads, the driving of pilings or placing of any other obstructions, whether or not changing the ebb and flow of the water;
4. Any form of pollution, including but not limited to draining or discharging into the wetland a stormwater or sewer outfall, sewage treatment effluent, or any other wastes;
5. Installation of any pipes, wells, service lines or cable conduits;
6. Alteration or modification of natural drainage patterns or contours;
7. Construction of docks, pilings, bridges, dams, or other water control devices whether or not they change natural drainage characteristics;
8. Any other activity that alters the natural hydrology of the wetland.

D. No person shall conduct a regulated activity within a wetland area greater than five hundred (500) square feet or an associated buffer area within fifty (50) feet of such wetland area without first obtaining site plan approval from the Village's Planning Board in accordance with the procedures set forth in Article 17 and complying with any terms and conditions required by the Planning Board.

E. Any regulated activity approved by the Planning Board shall disturb the minimum wetland area reasonably necessary for its completion. The Planning Board shall have the authority to require remediation of any disturbed wetland area consistent with best management practices and to impose compensatory mitigation for any impacts or losses pursuant to guidelines established by the United States Army Corps of Engineers or the New York State Department of Environmental Conservation.

F. Site plan review by the Village's Planning Board is not required for the following activities within a wetland area or an associated buffer area provided such activities do not constitute a pollution or erosion hazard or interfere with natural hydrology, and do not require structures, grading, fill, draining or dredging for which site plan approval may be required:

1. Normal ground maintenance including mowing and trimming of vegetation, but excluding removal of vegetation that may cause erosion or sedimentation;
2. Repair and maintenance of existing decorative landscaping and planting;
3. Repair and maintenance of existing walkways, walls, and driveways;
4. Essential activities to promote public health, safety, and the well-being of persons and property.

G. Wetland boundary delineation. All wetland areas subject to site plan review by the Planning Board that are without a United States Army Corps of Engineers (USACE) jurisdictional determination or a New York State Department of Environmental Conservation (NYSDEC) boundary determination shall be delineated by field investigation and flagging by a qualified professional approved by the Planning Board, under guidelines established by the USACE and NYSDEC, unless the requirement for

delineation is waived by the Planning Board. Delineations shall be valid for a period not to exceed five (5) years from the date of delineation.

§ 9.7. Unique Natural Areas

Any area within a Unique Natural Area may not be developed without site plan approval by the Village's Planning Board in accordance with the procedures set forth in Article 17, in which the Planning Board shall consider the criteria used by the Tompkins County Environmental Management Council (EMC) in the EMC's delineation of a UNA.

Article 10. Signs

§ 10.1. Purpose.

The purpose of this Article is to promote and protect public health, safety and welfare in the Village of Cayuga Heights by regulating existing and proposed outdoor signs and indoor window signs of all types. The terms of this Article are intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve scenic and natural beauty, reduce distractions and obstructions that may contribute to traffic accidents, and to maintain public safety, consistent with constitutional requirements protecting freedom of speech and expression and allowing adequate business identification.

§ 10.2. Scope.

All outdoor signs and indoor window signs are subject to the regulations of this Article unless specifically excluded as follows:

- A. Any sign owned and installed by a governmental agency or required by any law, governmental order or regulation;
- B. Government flags and insignia, except when displayed in connection with commercial promotion;
- C. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
- D. Signs carried by hand;
- E. Signage permanently painted, sealed, or adhered on motor vehicles registered for commercial purposes and containing information pursuant to the conduct of those commercial purposes including but not limited to the name, address, telephone number, website and email address of the business entity owning or utilizing the vehicle.

§ 10.3. Prohibited sign types.

- A. Flashing, moving or the appearance of moving, animated, rotating, oscillating, or fluttering signs.
- B. Signs that produce noise, sound, odor, smoke, visible vapors or particles, or any other emission.
- C. Signs suspended by any rope, chain, or other device that allows the sign to swing or move due to wind action.
- D. Signs employing a mirror or other reflective devices.
- E. Signs including a flag, banner, pinwheel, balloon, pennant, or streamer.
- F. Signs consisting of highly reflective glass or fluorescent paint.
- G. Signs affixed to the exterior of a window or glass.

H. Signs of such design and location that they interfere with, compete for attention with, or may be mistaken for a traffic sign or signal or may be hazardous to traffic.

I. Freestanding or projecting signs within an area bounded by the intersection of the right-of-way of two or more streets and located within thirty (30) feet from such intersection measured along the rights-of-way of such streets, except informational signs erected by a governmental body.

J. Billboards.

K. Signs that are displayed in such a manner as to disturb occupants of any other building.

L. Neon signs framing windows.

M. Signs attached to or incorporated onto a light pole.

N. Signs painted, posted, or otherwise attached to any rock, fence, or vehicle except as permitted in accordance with § 10.2.E. above.

O. Window and door signs exceeding fifteen percent (15%) of the glass area and temporary window and door signs exceeding ten percent (10%) of the glass area.

P. Signs erected or located on, within, or over any public right-of-way unless specifically permitted in this Article.

Q. Commercial signs not accessory to a commercial use located on the premises unless specifically permitted in this Article.

R. Any sign erected, constructed, or maintained on or above the roof of a building.

S. Internally lit "can" or cabinet signs with transparent backgrounds.

T. Portable signs standing on the ground or attached to a vehicle or trailer or a vehicle or trailer used primarily as a sign or a structural support for a sign, except as permitted in accordance with § 10.2.E above.

U. Bench signs.

V. Inflatable signs.

W. Signs, in whole or in part, that are obscene or pornographic in character.

X. Self-illuminated or back-illuminated signs, including but not limited to LED panels.

§ 10.4. General regulations for signs.

The provisions of this Section shall apply in all zoning districts unless noted otherwise.

A. The following signs are permitted in any zoning district of the Village without a sign permit, subject to the restrictions set forth above in § 10.3:

1. Signs advertising the proposed sale, lease, or rental of the premises upon which the sign is located, provided that:

a. The sign shall not exceed six (6) square feet in area and four (4) feet in height,

b. The sign shall not be closer than three (3) feet to any lot line,

c. The sign shall not be closer than fifteen (15) feet from any road or driveway,

d. The sign shall not be located in any public right-of-way,

e. The sign shall be removed within twenty-four (24) hours after the sale has closed or rental lease has been signed, as the case may be,

f. No more than one such sign is permitted per property;

2. In the Residential Zone and in the Multiple Housing Zone, one (1) professional nameplate not exceeding one (1) square foot in area and affixed to the wall of a building;

3. One (1) sign denoting the name and address of the occupants of premises used for residential purposes, such sign not to exceed one (1) square foot in area;

4. One (1) sign per building permit denoting the architect, engineer and/or contractor, placed on the premises where construction, repair or renovation is in progress, provided that:

a. The sign shall not exceed six (6) square feet in area and four (4) feet in height,

b. The sign shall not be closer than three (3) feet to any lot line,

c. The sign shall not be located in any public right-of-way,

d. The sign shall be removed within twenty-four (24) hours after issuance of a certificate of occupancy for the construction, repair or renovation;

5. In the Commercial Zone, directional (entrance/exit) signs on premises, each not exceeding two (2) square feet in area and which shall not include any trademarks or names of businesses conducted or products sold;

6. A sign or notice, having an area of ten (10) square feet or less, of a public utility necessary for the direction, information, or safety of the public.

B. Except for the signs specified in subsection A.1-6 above, no other permanent sign shall be erected in any zoning district of the Village without first securing a permit to erect such signs from the Code Enforcement Officer.

C. Any modification or redesign of any existing non-exempt permanent sign shall require a permit from the Code Enforcement Officer.

D. In order to obtain a sign permit, the proposed sign shall be in compliance both with the restrictions set forth above in § 10.3 and with the design guidelines specified below in § 10.9.

§ 10.5. Temporary signs.

Non-commercial temporary signs shall be allowed in all zoning districts in addition to any other signs permitted by this Article, without a permit, subject to the restrictions set forth above in § 10.3 and to the following additional restrictions and specifications:

A. Not more than one (1) temporary sign at any time may be erected or maintained on any parcel by the property owner. Any such temporary sign may remain on the parcel for a period not exceeding sixty (60) calendar days.

B. After the elapse of four (4) months following the last day that a temporary sign had been erected, a second temporary sign may be erected on the same parcel by the property owner for a second period not to exceed sixty (60) calendar days. There shall be no more than two (2) such periods of sixty (60) calendar days within any twelve (12) month period.

C. No temporary sign shall be larger than six (6) square feet in area or more than four (4) feet in height.

D. No temporary sign shall be closer than three (3) feet to any lot line.

E. No temporary sign shall be located in the Village's public right-of-way.

F. No temporary sign shall be illuminated.

§ 10.6. Temporary banners.

Temporary banners announcing community events held within the Village are subject to the following regulations:

A. The banner will be limited to announcing community events approved by the Village's Board of Trustees and held within the Village;

B. The banner will require a permit from the Code Enforcement Officer;

C. The banner shall be placed only within the Commercial Zone and the design, location, and mounting shall be approved by the Code Enforcement Officer;

D. Display of the banner shall be limited to fourteen (14) calendar days prior to an event and shall be removed within two (2) calendar days after the event.

§ 10.7. Historic signs.

Historic signs designated by a recognized governmental agency or authority and approved by the Village's Planning Board shall be consistent in materials and size with other historic signs already existing in the Village.

§ 10.8. Commercial signs.

The following commercial signs require a sign permit. Said signs shall denote only the name of the owner, street address, trade names, trademarks, products sold and/or the business(es) or activity conducted on the premises where such sign is located, and said signs may be erected only in accordance with the following requirements.

A. The following commercial signs are permitted in the Multiple Housing Zone and in the Commercial Zone:

1. One sign and one bulletin board customarily incident to places of worship, libraries, and museums, to be located on the premises of such institutions, and such sign and bulletin board cumulatively not to exceed eighteen (18) square feet in area.

2. One sign for social clubs or societies, to be located on the premises of such institutions, not to exceed six (6) square feet in area.

B. The following commercial signs are permitted only in the Commercial Zone:

1. Each building may have one (1) or two (2) signs, whose total cumulative area shall not exceed twenty (20) square feet. Said signs may be attached to or painted on the front or face of a building or one or both signs may be indoor signs.

2. Where more than one business occupies a single building, in place of the sign restrictions in § 10.8.B.1 above, each business may have one (1) or two (2) signs whose total area shall not exceed ten (10) square feet. Indoor signs are included in the sign count and area calculation.

3. If there are more than two businesses operated on any one parcel or contiguous parcels, which parcel or parcels are under the ownership, operation, management, or control of the same person, persons, firms, corporation, or other entity, such as a shopping center or other multi-use facility, one (1) free standing sign which shall not exceed twenty (20) square feet shall be permitted for the parcel, parcels, development,

or shopping center as a whole, regardless of the number of separate businesses operated thereon. The signs for each individual business must comply with the requirements of § 10.8.B.1 above.

4. Signs advertising store hours and "rules" of conduct are exempt from this section.

§ 10.9. Commercial "off-premises" signs.

Commercial "off-premises" signs, including but not limited to signs advertising a business not located on the premises where the sign is located, or directional real estate or yard sale signs not located on the premises where the real estate or yard sale is occurring, are not permitted in any zoning district.

§ 10.10. Design standards and guidelines for signs.

A. The following design standards are mandatory requirements for all signs:

1. Any illuminated sign and any lighting device for a sign shall employ only lights emitting constant intensity, and the direction and intensity of such lights shall not cause any nuisance or traffic hazard and shall comply with the requirements of Section § 10.11 of this Article;

2. A sign may project horizontally not more than two (2) feet from the front or face of a building;

3. The maximum height of any part of a freestanding sign shall be six (6) feet above ground level except for local tourist-oriented directional signs (see definition herein) which shall be a maximum of nine (9) feet above ground level;

4. Additional standards for wall signs:

a. Only one (1) wall sign per commercial establishment shall be permitted unless that establishment has street frontage on more than one (1) side;

b. All wall signs shall be located on the building front or face wall, except as permitted by this Article;

c. No wall sign shall extend beyond the outer edge of any wall of the building to which it is attached;

d. No wall sign shall extend above the eaves of the building to which it is attached;

e. No wall sign shall extend above the floor or level of the floor of a second story of a building upon which such sign is attached;

f. A wall sign shall be parallel to the wall to which it is attached and shall not project more than twelve (12) inches therefrom;

g. No wall sign shall contain letters, numbers or other cryptic symbols which exceed twelve (12) inches in height or width.

B. The following design guidelines are intended to foster appropriate and compatible graphic design, material, colors, illumination, and placement of proposed signs and provide guidance to the Code Enforcement Officer, Planning Board, and Zoning Board of Appeals:

1. Signs should be appropriate to the architectural character of the building or buildings with which they are associated;

2. Sign panels and graphics should relate with and not cover architectural features or details and should be in proportion to them;

3. Layout should be orderly and graphics concise;

4. No more than two typefaces should be used on any one sign or group of signs indicating one message;
5. The number of colors used should be the minimum consistent with the design;
6. Illumination should be appropriate to the character of the sign and its surroundings and shall be in accordance with Section § 10.11 of this Article;
7. Groups of related signs or multiple signs located on the same premises should express uniformity and create a harmonious appearance.

§ 10.11. Sign Lighting.

- A. The area, brilliance, character, color, degree, density, intensity, location and type of sign lighting shall be the minimum necessary for the intended purpose of such illumination, consistent with public safety and welfare.
- B. No illumination shall be located so as to be confused with traffic control signals, either by color or proximity.
- C. All sources of illumination shall be shielded or directed in such a manner that the direct rays therefrom are not cast upon any property other than the lot on which such illumination is situated and shall not interfere with the normal enjoyment of residential uses.
- C. Illumination shall be steady in nature, not flashing, moving or giving the appearance of moving, not changing in brilliance, color or intensity.
- D. Signs shall be illuminated indirectly or internally with white light. Exposed neon tubing and signs containing words or symbols shaped or formed directly from neon tubes or similar illuminating devices are not permitted. Neon and other gas-type illumination shall be permitted within an internally lighted sign, provided that such lighting is transmitted through the letters or symbols of the sign, and further provided that such letters or symbols are designed for and integrated into the face of the sign prior to erection and are not glued, pinned or otherwise affixed to the face of the sign. Internal lighting which shows through the translucent area of the face of a sign not containing words or symbols is not permitted.
- E. All sign lighting shall be turned off within one (1) hour of the close of the business referenced by the sign and remain turned off until one (1) hour prior to the opening of such business. Verification of the ability to control the sign lighting shall be required as part of a sign permit application.

§ 10.12. Sign Construction and Maintenance.

- A. All signs shall be securely built subject to the approval of the Code Enforcement Officer as to the structural safety thereof by recognized engineering standards. All wood portions of signs and sign structures must be painted or treated to prevent decay.
- B. All signs shall be maintained in good structural condition at all times and be kept clean and neatly painted, including all supports and appurtenances.
- C. The owner of a sign and/or the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources, in a neat and orderly condition and good working order at all times and to prevent the development of any

rust, corrosion, rotting, or other deterioration in the physical appearance or safety of such sign.

D. The Code Enforcement Officer shall have the authority to order the painting, repair, alteration, or removal of any sign which constitutes a hazard to the public health, safety, or general welfare by reason of inadequate maintenance, dilapidation, or obsolescence. Evidence of a hazardous sign shall include, but is not limited to, signs swinging as a result of wind pressure, hazards to vehicular traffic or pedestrians, and signs obstructing any part of a window, doorway, ventilation system, fire exit or any means of ingress or egress.

E. Unsafe signs, damaged or deteriorated signs, or signs in danger of falling shall be put in order or removed upon written notice by the Code Enforcement Officer. Immediate compliance is expected for the repair or removal of unsafe signs. If compliance is not achieved within the time period specified in such notice, the sign shall be repaired or removed by the Village and the costs assessed to the property owner.

F. Unsafe temporary signs, damaged or deteriorated temporary signs, or temporary signs in danger of falling shall be put in order or removed upon written notice by the Code Enforcement Officer. Immediate compliance is expected for the repair or removal of unsafe temporary signs.

§ 10.13. Computation of sign area.

A. The area of a sign shall be measured from the outer dimensions of the frame, trim, or molding by which the sign is enclosed, where they exist, or from the outer edge of the signboard where they do not exist.

B. When a sign consists of individual letters, symbols, or characters without a frame, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols, and characters.

C. When a sign consists of two (2) faces, only one (1) face of the sign shall be used in computing the sign area if the faces are parallel to and within twelve (12) inches of each other. Otherwise, all faces of the sign shall be used to compute the sign area.

D. The area of a three-dimensional representational sign shall be computed as the largest face of the smallest rectangular box which encompasses the sign.

§ 10.14. Nonconforming signs.

A. Signs legally existing prior to the effective date of this Article, or of any amendment hereto, that now fail to conform to the current requirements of this Article may continue to be maintained, provided that any such sign shall not be enlarged, altered, relocated, or replaced except in accordance with the provisions of this Article.

B. A nonconforming sign shall be removed or brought into conformity with the requirements of this Article upon a change in use of the premises upon which such sign is located within thirty (30) calendar days of said change in use.

C. A nonconforming sign related to an existing use shall be removed or made conforming prior to the issuance of any subsequent sign permit for such use.

§ 10.15. Sign permit application.

A. Application for a sign permit shall be made in writing upon forms provided by the Village's Code Enforcement Officer and there shall be

attached a detailed, to-scale drawing or blueprint showing a description of the construction details of the sign and showing all the lettering and/or graphic matter composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any building or land, and its position in relation to nearby buildings or structures and to any private or public street or highway.

B. A fee as set by the Village's Board of Trustees is due on submittal of the sign permit application.

C. No sign permit shall be issued until the permit application fee has been paid.

§ 10.16. Enforcement.

A. The provisions of this Article shall be administered and enforced by the Village's Code Enforcement Officer, who shall have the authority to enter upon the premises upon which a sign is located or is to be located to make inspections in accordance with Article 16 below.

B. If the Code Enforcement Officer determines that a sign permit application is complete and complies with the requirements of this Article, the Code Enforcement Officer shall issue a sign permit.

C. If the Code Enforcement Officer determines that a sign permit application is incomplete or that the proposed sign does not comply with the requirements of this Article, the Code Enforcement Officer shall notify the applicant as soon as practicable.

D. As part of the application process, the Code Enforcement Officer may refer the application to the Village's Planning Board for review and advice.

E. Revocation of permit and removal of signs.

1. Any sign which advertises a business that is no longer conducted on the premises shall be removed by the owner of the premises upon which such sign is located as soon as the business ceases to operate on said premises.

2. No sign, whether new or existing, shall hereafter be erected or altered except in conformity with the provisions of this Article.

3. In the event of a violation of any of the provisions of this Article, the Code Enforcement Officer shall notify in writing the owner of the premises on which the non-compliant sign is located to remove, repair, or bring the sign into compliance within thirty (30) calendar days of the date of such notice, except in the case of unsafe signs, in which case the owner must effect compliance immediately upon receipt of such written notice.

4. In the event of failure to comply with the requirements of said notice within the period required therein, the permit for such sign shall be automatically revoked and the owner of the land on which such sign is erected shall immediately remove such sign.

§ 10.17. Appeals.

The owner of the premises upon which the sign is or is intended to be located, or the person responsible for the sign, may appeal a determination of the Code Enforcement Officer under this Article to the Village's Zoning Board of Appeals in accordance with the procedures set forth in Article 20.

Article 11. Exterior Lighting Standards

§ 11.1. Purpose.

The purpose of this Article is to set forth lighting standards for outdoor uses that serve to create a safe and comfortable nighttime environment, while protecting the public's ability to view the night sky. These lighting standards are designed to ensure personal safety, prevent motor vehicle and pedestrian conflicts, and reduce the negative effects of glare, light pollution and light trespass.

§ 11.2. Scope.

All exterior lighting and interior lighting to the extent that it impacts the outdoor environment shall comply with the requirements of this Article, unless specifically excluded. The following light sources are not regulated by this Article:

- A. Public roadway lighting;
- B. Lighting in the public right-of-way installed by the governmental authority having jurisdiction thereof;
- C. Lighting required temporarily for emergency purposes or repairs in the public right-of-way, which lighting must comply with applicable State regulations;
- D. Temporary use of low-wattage lighting for public festivals or events and the observance of holidays, provided that such use does not create disability glare that may cause a hazard for vehicle or pedestrian travel or a vehicle/pedestrian conflict;
- E. Lighting installed by a governmental entity for the benefit of the public health, safety, and welfare.

§ 11.3. Prohibited lighting types.

- A. Blinking, flashing, moving, oscillating, or changing intensity lights, including those used or proposed for signage;
- B. Lighting that could be confused with a traffic control device;
- C. Lighting of a type, style or intensity determined to interfere with vehicle or pedestrian traffic safety;
- D. Strobe lights, searchlights, beacons or laser light, or similar upward or outward oriented lighting;
- E. Exposed neon, exposed LED, or similar exposed lighting, except when used for illuminating window signs and the display area of electronic message signs;
- F. Lighting creating a public hazard, including lighting that creates disability glare particularly where such disability glare has a detrimental effect on vehicle or pedestrian traffic;
- G. Lights mounted on poles for the purpose of illuminating the building façade;
- H. High-intensity floodlighting except as approved specifically for sports facility lighting;
- I. Wallpack light fixtures that are not classified as full cutoff.

§ 11.4. Control of glare, shielding requirements.

The provisions of this Section shall apply to exterior lighting in all zoning districts. Lighting regulations applying to signs are set forth in § 10.11 above.

- A. All exterior lighting fixtures not otherwise addressed by this Article shall be type FL, FM, FH, BL, BM or BH as defined by the BUG

(Backlight, Uplight and Glare) system of the Illumination Engineering Society of North America (IESNA).

B. Notwithstanding the foregoing, a lighting fixture containing a single incandescent lamp of sixty (60) watts or less, or equivalent light output, does not require shielding when installed in the Residence Zone.

§ 11.5. Installation, reflection, illumination, height and power requirements.

A. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited in all zoning districts.

B. The installation of high-intensity illumination, including but not limited to high-pressure sodium, metal halide or fluorescent linear fixtures or lamps is prohibited in the Residence Zone.

C. Exterior lighting fixtures shall be designed and arranged not to reflect or shine light onto adjoining properties or streets, and not to distribute light skyward.

1. Light fixtures located near property lines shall have a back lighting zone classification of BL.

2. Light fixtures with an upper lighting zone classification such as UL or UH are prohibited.

3. Light fixtures mounted under roof overhangs, soffits, and canopies shall be recessed so that the lamp and/or lens cover is flush with the bottom surface of the canopy or overhang, or is shielded by the fixture or the edge of the structure so that light is restrained to an angle no higher than eighty (80) degrees above nadir.

4. Floodlights and spotlights, except for approved sign lighting, shall be aimed at an angle no higher than forty-five (45) degrees above nadir.

5. If, due to topography, such as steep slopes, the use of fully shielded light fixtures is not sufficient to prevent light trespass onto adjacent properties, additional shields, or floodlights and spotlights aimed at angles less than forty-five (45) degrees above nadir, may be required.

D. Average illumination levels generated by exterior lighting shall not exceed one (1) footcandle for medium activity areas, such as a community shopping center, office park, or residential complex parking, and two (2) footcandles for high activity areas, such as a fast food facility. The maximum illumination level at the property line from which light originates adjacent to a residential property shall not exceed two-tenths (0.2) footcandle as measured three (3) feet above the ground along the residential property line and within adjacent residential property.

E. For security and safety lighting of nonresidential property in all zoning districts, including but not limited to parking lots:

1. Light fixture height must not exceed twenty-five (25) feet from finished grade to the underside of the light fixture and light fixtures must be full cutoff and Dark Sky compliant;

2. Recommended lamp types are LEDs of 2700K CCT or lower; and

3. Timers, sensors, and/or dimmers should be used where practicable to reduce energy consumption and unnecessary lighting.

F. The total power of a lamp in a lighting fixture shall not exceed two hundred and sixty-five (265) watts.

G. All levels of illumination, luminance, and glare not limited within this Article must not exceed recommended activity levels from the latest

Illuminating Engineering Society of North America (IESNA) published recommended practices and handbook. Where no standard from IESNA exists, the Planning Board shall determine the appropriate level in consultation with the Village's Code Enforcement Officer, taking into account levels for the most comparable IESNA activity.

§ 11.6. Automatic teller machine lighting.

A. Exterior lighting installed to illuminate an automatic teller machine may exceed the maximum lighting levels of this Article, provided that the excess levels are the absolute minimum required in order to comply with Article II-AA of the New York State Banking Law, commonly referred to as the "ATM Safety Act."

§ 11.7. Existing nonconforming lighting fixtures.

A. Any lighting fixture that replaces an existing nonconforming lighting fixture, or any existing nonconforming lighting fixture that is relocated, shall comply with the requirements of this Article.

B. Any existing nonconforming lighting fixture that creates disability glare such that it creates a safety hazard shall be either shielded or redirected, upon notification to the owner or occupant.

§ 11.8. Enforcement.

A. The provisions of this Article shall be administered and enforced by the Village's Code Enforcement Officer, who shall have the authority to enter upon the premises upon which exterior lighting is located or is to be located to make inspections in accordance with Article 16 below.

B. If the Code Enforcement Officer determines that lighting does not comply with the provisions of this Article, the Code Enforcement Officer shall notify the owner of the premises on which the non-compliant lighting is located to remove, repair, or bring the lighting into compliance within thirty (30) calendar days of the date of such notice, except in the case of unsafe lighting, in which case the owner must bring the lighting into compliance upon receipt of written notice.

§ 11.9. Appeals.

The owner of the premises upon which the lighting is or is intended to be located, or the person responsible for the lighting, may appeal a determination of the Code Enforcement under this Article to the Village's Zoning Board of Appeals in accordance with the procedures set forth in Article 20.

Article 12. Off-Street Parking

§ 12.1. Purpose.

The purpose of this Article is to promote the health, safety, and general welfare of Village residents by regulating within the Village of Cayuga Heights the off-street parking and storage on private property of automobiles, recreational vehicles, boats, trailers, and other types of motor vehicles (hereinafter referred to collectively as "motor vehicles").

§ 12.2. Scope.

The provisions of this Article shall apply within all zoning districts to all motor vehicles, recreational vehicles, boats, and trailers as defined in Section 125 of the New York State Vehicle and Traffic Law.

§ 12.3. General Regulations.

The following provisions shall apply to all off-street parking areas, driveways, and curb cuts.

A. Off-street parking of motor vehicles is permitted only in approved parking spaces, parking areas, or parking lots, except that on premises improved only by a one-family dwelling or a two-family dwelling, motor vehicles may be parked in the driveway on such premises. In any case, parking is not permitted on lawns, sidewalks, or other areas not developed for the parking of motor vehicles in accordance with the provisions of this Article.

B. No motor vehicle parking is permitted in any front yard setback, except motor vehicles may be parked in the driveway on premises improved only by a one-family dwelling or a two-family dwelling.

C. Physical character of parking spaces. The surface of the parking area shall be crushed stone, brick, concrete, asphalt, permeable pavement, or similar materials.

D. Drainage. All newly constructed or enlarged parking areas, including associated driveways and vehicle maneuvering areas, shall have adequate provisions to prevent surface water from draining to or across adjoining properties, sidewalks or streets during, at a minimum, a ten-year storm event, and shall comply with the provisions of Local Law No. 2 of 2007, Stormwater Management and Erosion & Sediment Control. Stormwater runoff shall be designed to not flow across any public sidewalk to a stormwater facility. All drainage systems in existing parking areas shall be maintained in good working order.

E. Access requirements. All parking spaces shall have access to a public street by way of a driveway.

1. The portion of access driveways between the edge of pavement of a public street and a sidewalk, where a sidewalk exists, must be hard-surfaced with concrete, brick, asphalt or other material approved in writing by the Village Engineer.

2. Driveways must be at least eight (8) feet wide on premises improved only by a one-family dwelling or a two-family dwelling and at least ten (10) feet wide for all other uses, and must have clear visibility to the street. Any vegetative screening must be so designed that it shall not interfere with sight lines necessary for pedestrian and driver safety. Maximum driveway width shall be twenty-four (24) feet.

3. Maximum driveway grades. In the Multiple Housing and Commercial zoning districts, excepting one-family and two-family dwellings in those districts, driveways to areas containing parking spaces for three or more vehicles shall be graded to form a street entry with a maximum grade of eight percent (8%) for a distance of twenty-five (25) feet from the edge of pavement of the public street.

4. Adjacent driveways and combined curb cuts. Driveways on adjacent lots may be side by side or may be combined.

5. Driveway aisles. Where permitted, one-way driveway aisles shall have a minimum width of ten (10) feet and a maximum width of twelve (12) feet. Two-way driveway aisles shall have a minimum width of twenty (20) feet and a maximum width of twenty-four (24) feet.

6. Required maintenance. For so long as they remain in use as such, all parking areas and associated driveways and vehicle maneuvering areas, as well as any associated screening, plantings and drainage systems, must be maintained to preserve their intended function and to prevent nuisances or hazards to people, surrounding properties and public streets and sidewalks.

F. Minimum number of off-street parking spaces required.

1. One-family dwellings and two-family dwellings:

a. Two (2) garage or off-street parking spaces for each dwelling unit. Notwithstanding any other provision of this Article, off-street parking spaces outside of garages may be located within the area of any front yard provided that no more than fifteen percent (15%) of the area of any front yard is so occupied;

b. At least one (1) additional off-street parking space shall be provided for a home occupation, in addition to those required for use by each dwelling unit;

c. There shall be no parking spaces within the front yard setback, however, motor vehicles may be parked in the driveway within the front yard setback.

2. Buildings with more than two (2) dwelling units, except as indicated below: One (1) garage or parking space shall be provided for each dwelling unit, plus one (1) additional parking space for every three (3) dwelling units, with no parking located farther than two hundred (200) feet from the dwelling unit it is intended to serve. There shall be no parking spaces within the front yard setback.

a. Fraternity or sorority: One (1) parking space for every two (2) persons housed.

b. Dormitory: One (1) parking space for every four (4) persons housed.

c. Adult home: One (1) parking space for every (3) persons housed, plus one (1) parking space for every two (2) employees or staff members.

3. Child day-care center or adult day-care facility: One (1) parking space for each employee or staff member, plus one (1) parking space for every six (6) adults/children to be cared for.

4. Commercial Zone: One (1) parking space for every one hundred (100) square feet of floor area, excluding basements used for storage, except in the case of the following uses, for which off-street parking shall be provided in accordance with the following requirements:

a. Office or bank building: One (1) space for every two hundred (200) square feet of gross leasable office or bank floor area;

b. Places of public assembly such as a theater, church, or restaurant: One (1) space for every three (3) seats;

c. Retail store: One (1) space for every two hundred (200) square feet of ground floor area plus one space for every five hundred (500) square feet of sales area on all other floors;

d. Bar or tavern: One (1) space for every fifty (50) square feet of floor area of the public space.

e. Fitness center or health club: One (1) space for every five (5) persons allowed as determined by the maximum occupancy load.

5. In the case of mixed use of a building or lot, the space requirements shall be computed for each use, and the total spaces required for all uses shall be provided in accordance with this subsection F.

6. Enclosed parking spaces shall be counted toward meeting the required number of parking spaces.

G. Shared parking. If two (2) or more uses occur or are intended to occur on the same lot, and the uses have substantially different hours of operation, the Code Enforcement Officer or, in the case of a project subject to site plan review, the Planning Board, may approve the joint use of parking spaces, provided that the intent of the minimum number of off-street parking spaces required is fulfilled by reason of variation in the operating hours of the different uses.

H. Parking space dimensions.

1. In parking areas with ten (10) or fewer parking spaces, each parking space shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.

2. In parking areas with eleven (11) or more parking spaces:

a. Perpendicular parking. For parking perpendicular to the driveway aisle, parking spaces shall have a minimum width of nine feet (9) and a minimum length of eighteen (18) feet.

b. Parallel parking. For parking parallel to the driveway aisle, parking spaces shall have a minimum width of nine feet (9) and a minimum length of twenty (20) feet.

c. Angled parking. For parking angled to the driveway aisle, parking spaces shall have a minimum width of nine feet (9) and a minimum length of eighteen (18) feet with driveway aisle widths as follows:

i. Thirty-degree parking: an aisle width of thirteen (13) feet for one-directional flow and an aisle width of twenty-six (26) feet for two-directional flow.

ii. Forty-five-degree parking: an aisle width of sixteen (16) feet for one-directional flow and an aisle width of twenty-six (26) feet for two-directional flow.

iii. Sixty-degree parking: an aisle width of twenty-one (21) feet for one-directional flow and an aisle width of twenty-six (26) feet for two-directional flow.

iv. The edge of the parking space pavement may be up to two (2) feet inside the outermost line of the parking space where unobstructed vehicle overhang is available.

d. The Planning Board may, at its discretion, allow the number of spaces to be reduced from the above standards by up to twenty percent (20%) in those cases in which Site Plan Review is required.

e. Parking for persons with disabilities. The combined width of the parking space and the access aisle shall be in compliance with the Americans with Disabilities Act (1990) and the New York State Uniform Fire Prevention and Building Code. Signage as required by the New York State Uniform Fire Prevention and Building Code shall be provided for all parking spaces designated for use by accessibility-impaired persons and associated access aisles.

I. No motor vehicle, recreational vehicle, boat, or trailer shall be occupied for living purposes while parked on private property.

J. It is prohibited to park a truck or commercial vehicle greater than 12,000 pounds of gross weight, a truck-trailer, tractor-trailer or truck-tractor on private property except for the purpose of loading or unloading the same, and then only during such time as is reasonably necessary for such activity.

§ 12.4. Nonconforming parking.

A. Parking areas that exist legally as of the effective date of this Article, or of any amendment hereto, that fail to conform to the requirements of this Article may continue to be used and maintained, provided that such parking areas shall not be enlarged, altered, relocated, or replaced except in accordance with the provisions of this Article.

B. Nonconforming parking areas shall be removed or brought into compliance with the requirements of this Article in the event of any construction on the premises that is subject to site plan review.

§ 12.5. Enforcement.

A. The provisions of this Article shall be administered and enforced by the Village's Code Enforcement Officer who shall have the authority to enter upon the premises upon which the parking is located or is to be located to make inspections in accordance with Article 16.

B. If the Code Enforcement Officer determines that parking does not comply with the provisions of this Article, the Code Enforcement Officer shall notify in writing the owner of the premises to bring the parking into compliance within thirty (30) calendar days of the date of such notice.

§ 12.6. Appeals.

The owner of the premises upon which the parking is or is intended to be located may appeal a determination of the Code Enforcement under this Article to the Village's Zoning Board of Appeals in accordance with the procedures set forth in Article 20.

Article 13. Property Maintenance

§ 13.1. Purpose.

The purpose of this Article is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance, and condition of all property in the Village of Cayuga Heights.

§ 13.2. Maintenance of the exterior of lots.

A. The owner of any lot in the Village shall be responsible for maintaining the exterior of the lot free of litter and all nuisances and hazards to the safety of owners, tenants, occupants, pedestrians and other persons having access to the lot, and free of unsanitary conditions, and the owner shall promptly remove and abate any of the foregoing. Hazards shall include but not be limited to the following:

1. Refuse consisting of broken glass, stumps, garbage, trash and debris of any description, excepting brush piles so long as they are located in the back yard and are not visible from a public street or sidewalk;
2. Natural growth consisting of dead or dying trees or parts thereof and other natural growth which, by reason of age, rotting or deteriorating conditions or storm damage, are dangerous to persons in the vicinity thereof;
3. Overhangings consisting of loose, overhanging, and projecting objects and accumulations of ice and snow, which by reason of location

above ground level, constitute dangers to persons in the vicinity thereof;

4. Ground surface and unsanitary conditions consisting of holes, excavations, breaks, projections, obstructions and excretion of pets or other animals on paths, sidewalks, walks, driveways, parking lots and parking areas and other parts of the exterior of the premises which are accessible to and used by persons having access to such premises;

5. Accumulation of stormwater other than in locations and to the extent designed for same in a stormwater management plan; and

6. Sources of infestation of any insects, rodents, or other pests.

B. The owner of any lot in the Village shall be responsible for performing the following maintenance activities on an ongoing basis:

1. Trees and other natural growth shall be kept pruned or trimmed in order that such trees and natural growth to not constitute a hazard, as defined above.

2. Lawn areas shall be kept mowed such that the height of growth in any lawn area does not exceed ten (10) inches.

3. Drainage systems, facilities and features shall be maintained in good operating condition and so as to prevent accumulation of stormwater, except in locations and to the extent designed for same in accordance with a stormwater management plan for the lot.

4. Chimneys and flue and vent attachments shall be maintained in structurally sound and good operating condition.

5. Vegetation or lawn areas between the edge of pavement of any public street and the property line of the lot shall be maintained in the same manner and to the same standards as vegetation or lawn area within the lot, notwithstanding that this area is within the public right of way, however, the Village shall be responsible for maintenance of any street trees in this area. The lot owner shall not install any hard surface in this area other than a connection between the edge of pavement and the driveway providing vehicular access to the lot, and then only as authorized in writing by the Code Enforcement Officer.

6. Vegetation on a lot along a public street right-of-way or public sidewalk shall be kept from becoming a hazard or nuisance to users of the public street or sidewalk.

7. The exterior of all buildings shall be kept in good repair.

8. Building, commercial and industrial goods, equipment, tools and materials shall not be stored or used at any location exposed to public view, except while construction is occurring on the lot.

§ 13.3. Enforcement.

A. The provisions of this Article shall be administered and enforced by the Village's Zoning Officer who shall have the authority to make necessary inspections in accordance with Article 16.

B. If the Zoning Officer determines that property maintenance does not comply with the provisions of this Article, the Zoning Officer shall notify in writing the owner of the premises to bring the premises into compliance within thirty (30) calendar days of the date of such notice.

§ 13.4. Appeals.

The owner of the premises subject to enforcement under this Article may appeal a determination of the Code Enforcement under this Article to the

Village's Zoning Board of Appeals in accordance with the procedures set forth in Article 20.

Article 14. Fences and Walls

§ 14.1. Purpose.

The purpose of this Article is to protect the health, safety, and welfare of Village residents by providing guidelines and standards for the types of fences and walls erected on any lot in the Village.

§ 14.2. Permits.

A. A zoning permit shall be required for fences or walls as follows:

1. Any fence or wall of any height within any yard that abuts a public or private street; or

2. Any fence or wall that exceeds four (4) feet in height, regardless of the location on the lot, except for seasonal enclosure fences.

B. Seasonal enclosure fences shall be exempt from the permitting requirements. All permanent enclosure fences, within any yard that abuts a public or private street, shall require a zoning permit.

C. Prior to the erection or construction of any fence or wall requiring a zoning permit, the property owner must obtain a zoning permit signed by the Village's Code Enforcement Officer permitting the fence or wall in the location(s) stated on the permit.

D. Any fence or wall in existence as of the effective date of this Article may remain in existence, in its present location, provided that it satisfies the requirements of this Article and is located either on the owner's property or along a property line and not within a street right-of-way, even if no permit for such fence or wall had been issued.

§ 14.3. Fences up to four (4) feet in height and enclosure fences.

A fence up to four (4) feet in height, and any enclosure fence, may be erected or constructed at any location on any lot, subject to the limitations set forth above in § 14.2.

§ 14.4. Fences exceeding four (4) feet in height.

A fence that exceeds four (4) feet in height may be erected or constructed provided that either:

A. It satisfies the height limitations of § 5.4, § 6.4, and § 7.5 and the yard set-back limitations of § 5.5, § 6.5, and § 7.6; or

B. Any portion of a fence that exceeds four (4) feet in height and that is located between a side or rear property line and the required yard set-back, as well as any enclosure fence that is erected at any location on the lot, must be constructed so that:

1. Any portion of such fence that is more than four (4) feet in height, when viewed from a position that is at a right angle to the face of the fence, is at least ninety percent (90%) open; and

2. All of the materials of such fence are not brightly-colored.

3. Notwithstanding the foregoing, chain link fencing will not be permitted for the portion of a fence over four (4) feet in height, even if such fence material otherwise satisfies requirements (1) and (2).

C. No fence exceeding four (4) feet in height, excluding enclosure fences, shall be allowed between the front property line and the required front yard setback.

D. Enclosure fences located between a front property line and the required front yard set-back shall not exceed seventy-five percent (75%) of the total linear front property line of any parcel of land.

§ 14.5. Fences exceeding eight (8) feet in height.

No fence, including enclosure fences, exceeding eight (8) feet in height may be erected or constructed at any location on any lot, unless it satisfies the height limitations of § 5.4, § 6.4, and § 7.5 and the yard set-back limitations of § 5.5, § 6.5, and § 7.6.

§ 14.6. Swimming pool fences.

Swimming pools are required to be enclosed by fences in accordance with the applicable provisions of New York State law.

§ 14.7. Enforcement.

A. The provisions of this Article shall be administered and enforced by the Village's Zoning Officer who shall have the authority to make necessary inspections in accordance with Article 16.

B. If the Zoning Officer determines that any fence or wall does not comply with the provisions of this Article, the Zoning Officer shall notify in writing the owner of the premises to bring the fence or wall into compliance with the provisions of this Article within thirty (30) calendar days of the date of such notice.

§ 14.8. Appeals.

The owner of the premises upon which a fence or wall is or is intended to be located may appeal a determination of the Code Enforcement under this Article to the Village's Zoning Board of Appeals in accordance with the procedures set forth in Article 20.

Article 15. Solar Energy Collectors.

§ 15.1. Purpose.

The purpose of this Article is to facilitate the use of solar energy collectors to encourage the development of renewable energy sources, but also to recognize that regulation of the installation, location maintenance and operation of solar collectors are matters of public importance involving issues of safety, neighborhood character, and possible depreciated property values by reason of improperly installed, located, maintained or operated collectors, and to establish requirements for the installation, location, maintenance and operation of solar collectors on properties in the Village of Cayuga Heights.

§ 15.2. Generally applicable standards.

A. All solar energy collectors installed in the Village shall be subject to the following requirements:

1. Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through "net metering" or "net billing" or a similar program in accordance with New York Public Service Law 66-J or similar State or federal statute;

2. Solar collectors shall be designed, located, and tilted to minimize reflective glare toward vehicles on adjacent roads and to the extent practicable toward inhabited buildings on adjacent properties;

3. Solar energy collectors shall be located in locations and configurations that mitigate their visibility from surrounding properties to the extent practicable;

4. Solar energy collectors shall be considered structures for the purpose of compliance with Village laws and ordinances, shall require a building permit and certificate of occupancy issued by the Village's Code Enforcement Officer, and shall comply in their design, construction, and operation with all other Village laws and ordinances, unless specifically excluded by this Local Law.

B. Roof mounted solar collectors are permitted in all zoning districts in the Village, subject to the following requirements:

1. The area covered by collectors shall not exceed eighty percent (80%) of the entire roof area;

2. There shall be a minimum set back from all roof edges in accordance with New York State Building Code;

3. On a pitched roof, collectors shall be mounted no more than twelve (12) inches above the nearest adjacent roofing surface to which they are affixed and shall not extend beyond the highest point of the roof; and

4. On a flat roof, collectors shall be installed in a manner and to a maximum height not to exceed three (3) feet above the nearest adjacent roofing surface that minimizes their visibility from surrounding properties and roads, without hindering energy production.

C. Ground-mounted solar collectors are permitted as an accessory use in all zoning districts of the Village, subject to the following requirements:

1. Collectors shall be located in side or rear yards;

2. Collector locations shall meet all applicable setback requirements of the zoning district in which they are located;

3. The height of any collector and any mount shall not exceed fifteen (15) feet from ground elevation at any point when oriented at maximum tilt;

4. The total footprint on the ground of all such collectors on any one lot shall not exceed five hundred (500) square feet;

5. The area beneath any collector shall be included in the calculation of lot area coverage;

6. No collector may be sited within a riparian streamside buffer or any buffer required for some other conservation purpose;

7. Such installations should employ where practicable vegetative landscape screening and man-made screening methods which harmonize with the character of the property and surrounding neighborhood to minimize collector and mount visibility from adjacent properties and roads;

8. Installations should minimize view blockage from and shadow impacts on neighboring properties;

9. Installations must be performed by a qualified solar installer;

10. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of Tompkins County and other applicable laws and regulations;

11. If a collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities by no later than ninety (90) calendar days after the end of the twelve (12) month period;

12. For a project that requires site plan approval, and which also includes the installation of ground-mounted solar collectors, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of any proposed collector.

§ 15.3. Enforcement.

A. The provisions of this Article shall be administered and enforced by the Village's Zoning Officer who shall have the authority to make necessary inspections in accordance with Article 16.

B. If the Zoning Officer determines that any solar energy collector does not comply with the provisions of this Article, the Zoning Officer shall notify in writing the owner of the premises to bring the solar energy collector into compliance with the provisions of this Article within thirty (30) calendar days of the date of such notice.

§ 15.4. Appeals.

In the event that any owner of any property located in the Village determines that they are aggrieved by the requirements of this Article, said owner may apply to the Village's Zoning Board of Appeals to seek an area variance for the construction of a solar collecting facility on their property, and the Zoning Board of Appeals shall review such appeal in accordance with the procedures set forth in Article 20.

Article 16. Administration and Enforcement.

§ 16.1. Purpose.

The purpose of this Article is to assure compliance with all provisions of this Local Law by providing equitable, expeditious, and effective administration and enforcement and to provide for penalties for violations of this Local Law.

§ 16.2. Planning Board.

The Village's Planning Board is an advisory body responsible for the administration of this Local Law. The Board's responsibilities include but are not limited to site plan review of proposed new development, review of proposed subdivisions, issuance of special use permits, and conducting environmental reviews under the New York State Environmental Quality Review Act (SEQRA).

A. Regular Members.

The Planning Board shall consist of four (4) regular members and one (1) chairperson, all of whom shall be Village residents serving in a volunteer capacity. Each regular member and the chairperson of the Planning Board shall be appointed by the Mayor of the Village and approved by a majority vote of the Village's Board of Trustees.

B. Alternate Member.

The Mayor also shall appoint, subject to approval by the Board of Trustees, one (1) alternate member who shall be a Village resident serving in a volunteer capacity. The chairperson of the Planning Board may designate the alternative member to be an active member when a

regular member is unable to attend a Board meeting or is unable to participate in a Board meeting because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of a regular member of the Planning Board. Such designation shall be entered into the minutes of the Planning Board meeting at which the alternate member is designated to act as a regular member.

C. Terms.

1. The terms of all Planning Board regular members and the chairperson shall be five (5) years and staggered such that one (1) term shall expire at the end of each Village official year.

2. The term of the Planning Board alternate member shall be one (1) year and shall expire at the end of the Village official year.

D. Attendance.

All Planning Board regular members and the chairperson shall be required to attend a minimum of sixty-five percent (65%) of all regularly scheduled meetings within any consecutive twelve (12) month period. Any regular member and/or the chairperson may be removed by the Mayor of the Village, after a public hearing, for non-compliance with this attendance requirement.

E. Powers.

The Planning Board is hereby vested with the powers and duties and is subject to the limitations as set forth in §§ 7-720 through 7-732 of the Village Law of the State of New York, as the same may be amended, modified or changed from time to time, and any sections subsequently adopted pertaining to Planning Boards. Such powers shall include but not be limited to:

1. The approval, disapproval, or approval with conditions of all site plans as provided for in Article 17, Site Plan Review;
2. The approval, disapproval, or approval with conditions of all subdivision plans as provided for in Article 18, Subdivisions;
3. The approval, disapproval, or approval with conditions of all special use permits as provided for in Article 19, Special Use Permits.

§ 16.3. Enforcement.

A. General Enforcement Provisions.

In the event that any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used; or any land is divided into lots, blocks or sites, in violation of this Local Law, the Zoning Officer or the Board of Trustees of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

B. Zoning Officer.

1. The Village's Zoning Officer shall have the authority to administer and enforce all provisions of this Local Law.

2. The Board of Trustees may from time to time enact amendments to this Local Law, or additional Local Laws, that govern the Zoning Officer's actions.

3. The Zoning Officer shall obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel.

4. In the event the Zoning Officer is unable to serve as such for any reason, the Village's Board of Trustees may appoint an individual to serve as Acting Zoning Officer. The Acting Zoning Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Zoning Officer by this Local Law.

C. Entry and inspection.

The Zoning Officer shall have the authority to enter upon, examine and inspect, or cause to be entered, examined and inspected, any building or lot, for the purpose of carrying out the provisions of this Local Law after reasonable written notice of intent to enter upon, examine or inspect has been provided to the owner of the premises, and permission of the owner has been granted. If such permission is denied, the Zoning Officer shall notify the Board of Trustees and the Village's attorney, and the Board shall determine the appropriate action to be taken in connection with gaining entry or access to the premises or lot. Pending the granting of such entry or access, no further permits, certificates of occupancy, or other approvals shall be granted by the Zoning Officer or any other agent or board of the Village with respect to said premises or lot or any improvements located thereon.

D. Complaints.

The Zoning Officer shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with this Local Law. The Zoning Officer shall respond to a complaint by taking such of the following steps as the Zoning Officer may deem to be appropriate:

1. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

2. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to remedy, abate, correct, or cure the violation, or otherwise to achieve compliance with the applicable provision of this Local Law;

3. If appropriate, issue a stop-work order;

4. If a violation that was found to exist is remedied, abated, corrected or cured, performing an inspection to confirm that the violation has been remedied, abated, corrected or cured, preparing a final written report reflecting such remedy, abatement, correction or cure, and filing such report with the complaint;

5. In consultation with the Village's attorney, pursue such legal actions and proceedings as may be necessary to enforce this Local Law.

E. Recordkeeping.

1. The Zoning Officer shall keep permanent records of all transactions and activities including records of:

a. All applications received, reviewed, and approved or denied;

b. All plans, specifications, and construction documents approved;

c. All building permits, certificates of occupancy or certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;

d. All inspections and tests performed;

- e. All statements and reports issued;
 - f. All complaints received;
 - g. All investigations conducted;
 - h. All other activities specified in or contemplated by this Article;
- and
- i. All fees charged and collected.
2. All such records shall be public records open for public inspection during normal business hours and subject to the terms of the New York State Freedom of Information Law, including the exemptions provided therein.

§ 16.4. Penalties.

- A. Any person or legal entity that is the owner of premises on which exists or occurs a violation of any of the provisions of this Local Law, or who fails to comply with any of the provisions of this Local Law or any permit, approval, order or notice issued hereunder, or who erects, constructs, reconstructs, alters, repairs, converts, maintains or uses any building, structure or land, or who divides into lots, blocks or sites any land, in violation of any provision of this Local Law or in violation of any permit, approval, order or notice issued under this Local Law, shall be guilty of a violation as the same is defined in the New York State Penal Law and shall be fined not more than one hundred dollars (\$100.00) for each violation.
- B. Each calendar day that such violation continues to exist shall constitute a separate violation.
- C. If any violation of the provisions of this Local Law occurs, the Village may, in addition to other remedies, institute an appropriate action, including application for an injunction, to remedy such violation.
- D. All costs and expenses incurred by the Village of Cayuga Heights in enforcing the provisions of this Local Law or in effecting compliance under this Local Law shall be an obligation of the owner of the premises on which such violation has occurred. The owner shall deliver payment of such costs to the Village not more than five (5) business days after the receipt of a notice of such costs and expenses. Upon the owner's failure to deliver such payment, such costs and expenses shall be assessed against said property and shall be paid and collected as part of the Village's tax next due and payable. In addition, the Village may commence any other action or proceeding available to collect such costs and expenses.
- E. Whenever any action is brought to enforce the provisions of this Local Law, the defendant shall pay the Village's reasonable attorney's fees and disbursements.

§ 16.5. Review and reporting.

The Zoning Officer shall periodically submit to the Village's Board of Trustees a written report and summary of all business conducted by the Zoning Officer or any other code enforcement personnel.

Article 17. Site Plan Review

§ 17.1. Purpose.

The purpose of this Article is to provide for the review of site plans for certain land uses in the Village of Cayuga Heights for the purpose of

preserving and enhancing neighborhood character, achieving compatibility with adjacent development and uses, mitigating potentially negative impacts on traffic, parking, and stormwater management, improving the design, function, aesthetics, and safety of development projects, and promoting environmental sustainability in new development, redevelopment, and long term planning.

§ 17.2. Applicability.

A. Site plan review is required for the following:

1. In the Multiple Housing Zone or the Commercial Zone, the proposed use and development of any undeveloped land for any purpose, or any use increasing the intensity of use and/or requiring exterior site construction on the premises;
2. In the Residence Zone, a proposed change in an existing permitted use increasing the intensity of use and/or requiring exterior site construction on the premises;
3. In any zoning district, a subdivision of land in accordance with Article 18, Subdivisions;
4. Any use in a Planned Development Zone.

B. Site plan review is not required for the following:

1. Existing uses and developments which in their present configuration and use are legally permitted as of the date of adoption of this Article;
2. Exterior modifications to existing one-family and two-family dwellings, including additions, porches, facade changes, landscaping, and site improvements.

§ 17.3. Planning Board Authorization to Review Site Plans.

A. The Planning Board of the Village of Cayuga Heights is authorized to review site plans according to the procedures described in § 17.4 below and to approve, approve with conditions, or disapprove site plans.

B. Factors to be considered by the Planning Board in site plan review shall include but shall not be limited to the following:

1. Location and site of the use;
2. Nature and intensity of the use;
3. Size and topography of the site;
4. Location of the site in respect to road access;
5. Provisions for parking;
6. Relationship of improvements and lot size to the parking area;
7. Traffic and noise generated by the proposed use;
8. Landscaping;
9. Architectural features;
10. Location and dimension of the improvements;
11. Impact of the proposed use on adjacent land uses;
12. Impact of the proposed use on the environment;
13. Impact of the proposed use on infrastructure and existing Village services, including sewer, water, stormwater management, solid waste disposal, fire protection, police protection, and road maintenance;
14. Provisions made for reducing energy use or incorporating renewable energy systems into project design;
15. Effect on population density, if any;
16. Any other factors reasonably related to the health, safety, and general welfare of Village residents and consistent with the Village's current Comprehensive Plan.

§ 17.4. Site Plan Review Procedures.

A. The applicant for a proposed project requiring site plan review shall schedule a pre-application discussion with the Zoning Officer at which time the applicant should present, in sketch form, the proposed project and other features and information necessary to explain and/or supplement the sketch layout.

B. Filing. Subsequent to the pre-application discussion, an applicant for site plan review shall file with the Zoning Officer a site plan conforming to the requirements of § 17.5, together with an application fee as determined by the current fee schedule approved by the Village's Board of Trustees.

C. Within a reasonable time of receipt of an application for site plan review, the Planning Board shall schedule consideration of the application at its earliest subsequent regularly scheduled meeting.

D. At the meeting referenced in § 17.4.C, the Planning Board shall conduct a preliminary review of the application and, if the application is deemed complete and accepted by the Planning Board for further review, schedule a public hearing on the application within sixty-two (62) calendar days.

E. Public Hearing. Pursuant to § 17.4.D, and prior to rendering any decision on a site plan application, the Planning Board shall conduct a public hearing.

1. Notice of the public hearing shall be published in a newspaper of general circulation in the Village of Cayuga Heights at least ten (10) calendar days before such hearing. The Zoning Officer shall also notify by mail all owners of property contiguous with the property that is the subject of the site plan and all owners of properties within two hundred (200) feet of the property that is the subject of the site plan, postmarked at least ten (10) calendar days before the date of the hearing. Such notice shall briefly state essential facts about the proposed site plan and inform recipients of the date, time, and place of the public hearing and the place where further information about the site plan application and the review process may be obtained. The Zoning Officer shall use for the mailing address for notices to property owners the address listed for the owner in the records of the Tompkins County Department of Assessment. Notices shall be mailed certified mail, return receipt requested, and all return receipts shall be provided to the Planning Board prior to the public hearing.

2. The public hearing for site plan review may begin concurrently with any required public hearing for the purpose of environmental review of the same project in accordance with the State Environmental Quality Review Act (SEQRA) and may continue after any such environmental review public hearing is closed.

E. Coordination and consultation. Projects requiring site plan review by the Planning Board may also be reviewed by the Village's Chief of Police and Fire Chief, and any other Village officials or consultants deemed appropriate by the Planning Board. Any comments from these persons shall be delivered in writing to the Planning Board to aid its decision on the application.

F. Planning Board Action.

1. Within sixty-two (62) calendar days of the closing of the public hearing, the Planning Board shall approve, approve with conditions, or disapprove the site plan submitted for review.
2. If the Planning Board has approved the site plan with conditions, such conditions must be satisfied prior to issuance of a building permit or a certificate of occupancy, as the case may be, as stated in such conditions.
3. If the Planning Board has determined that any requirement of this Article 17 is not required to be satisfied in the interest of the public health, safety or general welfare or is inappropriate to a particular Site Plan, the Planning Board has authority to waive such requirement, and such waiver shall be subject to such conditions as the Planning Board determines to impose.
4. An approved site plan will be signed by the Planning Board Chairperson or, in the Chairperson's absence, such other person who has been authorized by the Planning Board to sign the plan. After the Planning Board has approved the site plan and it has been signed by the Chairperson (or such other authorized person), one (1) copy of the plan must be filed by the applicant with the Village Clerk and, if required by applicable statute, with the Tompkins County Clerk.
- G. Building Permit. Approval of the site plan by the Planning Board shall be a prerequisite for issuance by the Village's Code Enforcement Officer of a building permit for construction of any improvements described on the site plan.
- H. Changes to Approved Site Plan. Proposed changes to an approved site plan must be submitted to the Zoning Officer for review to determine whether the effect of the proposed changes warrants reconsideration by the Planning Board of the site plan. The Zoning Officer shall make one of the following determinations:
 1. That the changes are not significant and do not affect the approval of the site plan;
 2. That the changes are significant and require the Planning Board to reconsider its site plan approval; or
 3. That the changes are significant and require the applicant to submit a new site plan application for the Planning Board to undertake a new site plan review.
- I. Variances. Any required variance must be obtained from the Village's Zoning Board of Appeals before the Planning Board grants site plan approval. For projects that require both a variance and site plan approval, the Planning Board will act as lead agency in the environmental review for both actions. The Zoning Board of Appeals cannot grant a variance until the Planning Board has completed the environmental review.
- J. Stormwater Pollution Prevention Plans (SWPPP). All Stormwater Pollution Prevention Plans must be approved by the Village's Stormwater Management Officer in accordance with the Village's Stormwater Local Law before the Planning Board will grant site plan approval.
- K. Extension of Deadlines. All deadlines for decisions on a site plan review may be extended upon mutual agreement between the Planning Board and the applicant.

§ 17.5. Site Plan Requirements.

A. Except for subdivisions, the site plan requirements for which are addressed in § 18.6, the Zoning Officer may require the applicant to submit a site plan containing the following information:

1. A field survey of the boundary lines of the property, made and certified to by a licensed land surveyor, showing date, north point, map scale, the names of all adjacent streets and the name and address of the record owner;
2. The location of any and all buildings, streets, walkways, driveways, parking areas, trees in excess of four (4) inches trunk diameter at breast height (DBH), and landscaping;
3. A general indication of existing natural features including topography, streams, water bodies, ditches, trees and tree masses, and other significant aspects of the environment;
4. Architectural drawings, including exterior elevations and interior dimensions, of all existing and all proposed improvements on the site;
5. A written statement containing the following information:
 - a. The nature of and reason for the proposed use;
 - b. A description of how the proposed development addresses the factors set forth in § 17.3.B;
6. Such other information as reasonably required by the Zoning Officer or the Planning Board.

B. Additional Materials. Depending upon the scope and complexity of the proposed project, the Planning Board may require the applicant to submit additional materials. The Planning Board may also require the applicant to engage the services of licensed design professionals and other experts such as architects, landscape architects, engineers, ecologists, traffic consultants or surveyors, to provide analysis, studies and reports on various aspects of the proposed project.

C. All materials provided by the applicant for site plan review must be submitted to the Zoning Officer at least five (5) calendar days prior to the Planning Board meeting.

Article 18. Subdivisions

§ 18.1. Purpose.

The purpose of this Article is to specify planning guidelines and infrastructure design standards for subdivisions in the Village of Cayuga Heights and to provide for review of subdivision applications for the purpose of preserving and enhancing neighborhood character, achieving compatibility with adjacent development and uses, mitigating potentially negative impacts on traffic, parking, and stormwater management, and promoting environmental sustainability in new development, redevelopment, and long term planning. This Article is intended to assure that the subdivision of land shall be planned and designed to include, but not be limited to, the following objectives:

- A. Conformity with the requirements of this Local Law for the zoning district in which the land is located;
- B. Avoidance of an undue burden on the Village's infrastructure;
- C. The installation of high-quality improvements and infrastructure in compliance with standards and specifications established by the Village;
- D. Provision of safe and convenient vehicular, bicycle and pedestrian circulation;
- E. Provision of space for recreation and other public use;
- F. Protection of natural resources;

- G. Recording of plats depicting the subdivision of lots and improvements to be constructed;
- H. Coordination with the requirements of County, State, and federal statutes;
- I. Consistency with the objectives of the Village's Comprehensive Plan.

§ 18.2. Planning Board Authorization to Review Subdivisions.

A. The Planning Board of the Village of Cayuga Heights is authorized to review subdivision proposals for land located in the Village in accordance with the planning guidelines and infrastructure design standards and the subdivision plat review procedures set forth in this Article, and following such review, the Planning Board shall either approve, approve with conditions, or disapprove proposed subdivision plats.

B. If the Planning Board has determined that any requirement of this Article 18 is not required to be satisfied in the interest of the public health, safety or general welfare or is found to be inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision, the Planning Board has authority to waive such requirement, and such waiver shall be subject to such conditions as the Planning Board determines to impose.

§ 18.3. Major and Minor Subdivisions.

A. In any zoning district, a minor subdivision is one in which a landowner intends to subdivide land such that as a result of the subdivision the land is divided into not more than three (3) lots.

B. In any zoning district, a major subdivision is one in which a landowner intends to subdivide land such that as a result of the subdivision the land is divided into more than three (3) lots.

§ 18.4. Guidelines and Standards.

The Planning Board, in considering an application for the subdivision of land, shall be guided by the following planning guidelines and infrastructure design standards for both major and minor subdivisions, except as noted otherwise.

A. Streets, *for major subdivisions only.*

1. Roadway networks shall balance efficiency and connectivity with preserving neighborhood character.

2. Overall street length shall be minimized.

3. Sight distances shall be consistent with probable traffic speed, terrain, alignments, and climatic extremes.

4. Street layouts shall be planned to avoid excessive runoff concentration.

5. Street alignments shall relate to the natural contours of the site so as to minimize grading.

6. Informational signs shall be unobtrusive and not compete with traffic control signs for driver attention.

7. All buildings shall be made accessible by emergency and service vehicles.

8. Vehicular, bicycle, and pedestrian traffic shall be separated to the extent feasible by implementation of "complete streets" concepts.

9. Traffic calming measures shall be used where needed.

10. Construction shall be in accordance with Village specifications or as approved by the Village Engineer.
- B. *Blocks, for major subdivisions only.*
 1. Area and shape. No specific rule concerning the area and shape of blocks is made, but blocks shall fit readily into the overall subdivision plan and their design shall consider the following:
 - a. Street and neighborhood connectivity;
 - b. Provision of building sites suitable to the needs of the type of use contemplated;
 - c. Zoning requirements for lot area, lot coverage, street frontage and setback dimensions;
 - d. Safety of vehicular, bicycle, and pedestrian traffic;
 - e. Adequate provision of off-street parking;
 - f. Limitations of topography;
 - g. Allowance for natural features such as wetlands and watercourses.
 2. Blocks framed by cul-de-sacs and loop streets are discouraged, but may be acceptable when properly designed, including adequate off-street parking, facilities for pedestrian access from streets to all lots, and proper easements for utility lines, as determined by the Planning Board.
 3. Blocks over eight hundred (800) feet in length may be required by the Planning Board to have a crosswalk at their approximate centers to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other neighborhood destinations.
- C. *Lots, for major and minor subdivisions.*
 1. Size. All lots shall meet the lot area, lot coverage, street frontage and setback requirements of the zoning district in which the lot is located. In calculating minimum lot area and lot coverage, wetlands that cover one-fourth (1/4) acre or more, waterbodies, FEMA designated floodplains or areas subject to chronic flooding, slopes having a grade of twenty-five percent (25%) or more that cover two thousand (2,000) square feet or more of contiguous sloped area, and lands currently under conservation easement shall be excluded from such calculations.
 2. Shape. Lots shall be so far as possible regular and symmetrical. Side lines of lots shall be substantially at right angles to straight street lines and radial to curved street lines with radial corners on the property line substantially concentric with street curb radius corners. The following formulae may be used to determine that the irregular shape of a proposed lot is not acceptable:
 - a. A lot will not be acceptable in shape when $(16 \times \text{lot area}) / (\text{the square of the lot perimeter})$ is greater than four-tenths (0.4); and
 - b. A lot will not be acceptable in shape when $(\text{the square of the lot perimeter}) / (\text{lot area})$ is greater than twenty-two (22).
 3. Access. All lots shall have adequate access to an existing public street or to a subdivision street.
 4. Flag lots, which are lots isolated from the street with either road frontage less than seventy-five (75) contiguous feet or no road frontage and access provided by easement, are discouraged except in cases where the Planning Board determines that, because of environmental, design, or other constraints, subdivision otherwise would not be feasible.
 5. Clustered development *for major subdivisions* is permitted if the arrangement of lots results in a greater area of open space than would result from traditional subdivision of the land, said open space to be

contained in a separate open space lot protected from development by a conservation easement or deed restriction.

D. Driveways, *for major and minor subdivisions.*

1. The maximum grade for any new driveway shall be ten percent (10%), except in cases that the Planning Board determines that, because of physical constraints affecting a particular lot, an increase in driveway grade should be permitted, provided the increase is the minimum increase required and the driveway grade does not exceed fifteen percent (15%).

2. Clear visibility shall be provided in all directions at all exit points so that the driver of an automobile stopped at the exit point of any driveway will have an unobstructed view of the street for a distance commensurate with the speed and volume of traffic on such street and so that there is a similar view from the street of the automobile in the driveway.

3. Shared driveways and shared curb cuts by two (2) adjacent lots may be permitted where appropriate to minimize impervious surface and maximize green space.

E. Sidewalks, *for major subdivisions only.*

1. Safe and convenient pedestrian circulation within the subdivision and between the subdivision and surrounding areas shall be provided.

2. Sidewalks shall be installed on at least one (1) side of all existing streets bounding the subdivision property and all proposed streets within the subdivision unless waived by the Planning Board.

3. Sidewalks shall be of a width as required to meet Village standards and specifications or as approved by the Planning Board.

4. Sidewalk routes shall have minimum change in elevation throughout their lengths.

5. All required ramps and curb cuts shall be compliant with the Americans with Disabilities Act (ADA).

6. Potential pedestrian, bicycle, and vehicular conflicts shall be minimized.

F. Utilities, *for major and minor subdivisions.*

1. *For major subdivisions only,* all utilities, including electrical, cable TV, fiber optic and telephone lines, shall be placed underground where practicable throughout the subdivision.

2. Suitable easements shall be provided to the Village for any utility service, including water, sewer and storm water drainage, as determined by the Village Engineer. Easements for water and sewer lines shall be established so as to provide continuity of alignment from existing lines into the subdivision.

3. Stormwater. All street side stormwater ditching and piping shall be in accordance with Village specifications or as approved by the Village Engineer.

4. Sewers. Any building that has sanitary facilities, or includes a dwelling unit, must be connected to the Village's sanitary sewer system. All sanitary sewers and laterals must be installed before a street is improved and construction shall be in accordance with Village specifications or as approved by the Village Engineer.

5. Water Distribution. Waterline types and installation shall be in accordance with Village specifications or as approved by the Village Engineer. Waterline size shall be a minimum of eight (8) inches and on a grid system or interconnected wherever possible, based on generally accepted engineering practices for required fire flow.

6. Fire Hydrants. Hydrants shall be located a maximum of five hundred (500) feet apart. Hydrant type and installation shall be in accordance with Village specifications and approved by the Village Engineer and the Village's Fire Chief.

7. Street Lighting. Lighting shall be provided along streets and walkways adequate for community safety needs and shall comply with "dark sky" criteria. Location of street lighting shall be approved by the Village Engineer and the Village's Chief of Police.

G. Landscaping, *for major subdivisions only.*

1. Public streets. A detailed planting and landscaping plan shall be submitted for all areas within the public right-of-way and approved by the Planning Board as a part of the preliminary subdivision approval process.

2. Private streets. A landscape plan shall be submitted for the area within ten (10) feet from the edge of pavement along private streets and approved by the Planning Board as a part of the preliminary subdivision approval process. The owner of such area shall be responsible for all planting, maintenance, and necessary replacement.

H. Street Trees, *for major subdivisions only.*

1. No living trees with a trunk diameter at breast height (DBH) of six (6) inches or greater shall be removed from an area in anticipation of development unless approved by the Village Forester.

2. The issuance of each building permit for buildings improvements on lots adjacent to a public street shall be subject to planting one (1) tree per forty (40) feet of street frontage.

3. Tree and planting specifications shall comply with standards set by the Village's Street Tree Advisory Committee.

4. All trees will be subject to inspection by the Village Forester at the time of planting.

§ 18.5. Subdivision Review Procedures.

The following procedures apply to both major and minor subdivisions except as noted otherwise.

A. The applicant for a proposed subdivision of land shall schedule a pre-application discussion with the Zoning Officer at which time the applicant should present, in sketch form, the proposed layout of streets, lots, and other features and information necessary to explain and/or supplement the sketch layout.

B. Filing. Subsequent to the pre-application discussion, an applicant for a proposed subdivision shall file with the Zoning Officer a subdivision plat conforming to the requirements of § 18.6, together with an application fee as determined by the current fee schedule approved by the Village's Board of Trustees.

C. Within a reasonable time of receipt of an application for subdivision review, the Planning Board shall schedule consideration of the application at its next subsequent regularly scheduled meeting.

D. At the meeting referenced in § 18.5.C, the Planning Board shall conduct a preliminary review of the application and, if the application is deemed complete and accepted by the Planning Board for further review, schedule a public hearing on the application within sixty-two (62) calendar days.

E. Public Hearing. Prior to rendering any decision on any subdivision application, the Planning Board shall conduct a public hearing in accordance with the provisions of Section 17.4.E.

F. Coordination and consultation. Proposed subdivisions may also be reviewed by the Village's Chief of Police and Fire Chief, and any other Village officials or consultants deemed appropriate by the Planning Board. Any comments from these persons shall be delivered in writing to the Planning Board to aid its decision on the application.

G. Planning Board Action.

1. Minor Subdivisions.

a. Within sixty-two (62) calendar days of the closing of the public hearing, the Planning Board shall approve, approve with conditions, or disapprove the subdivision plat submitted for review. If the Planning Board has approved the subdivision plat with conditions, such conditions must be satisfied prior to issuance of a building permit or a certificate of occupancy, as the case may be, as stated in such conditions. An approved subdivision plat will be signed by the Planning Board Chairperson or, in the Chairperson's absence, such other person who has been authorized by the Planning Board to sign the plat. After the Planning Board has approved the subdivision plat, and it has been signed by the Chairperson (or such other authorized person), the applicant shall obtain the approval and signature of the Tompkins County Assessment Department, and the applicant shall file one (1) copy of the fully-signed plat with the Village Clerk and one (1) copy with the Tompkins County Clerk. The applicant shall file the approved plat with the County Clerk within one-hundred eighty (180) calendar days of the signing of the plat on behalf of the Planning Board, and the applicant shall deliver a copy of the County Clerk's filing receipt to the Village upon such filing.

b. The conditions for any conditional plat approval shall be stated on the final plat that is signed on behalf of the Planning Board.

2. Major Subdivisions.

a. Within sixty-two (62) calendar days of the closing of the public hearing, the Planning Board shall approve, approve with conditions, or disapprove the preliminary subdivision plat submitted for review.

b. Within six (6) months of the approval of the preliminary plat, the applicant shall submit to the Planning Board for review the final plat incorporating any modifications required by the Planning Board at the preliminary plat stage. If the applicant fails to submit a final plat to the Planning Board in this time period, approval of the preliminary plat may be revoked by the Planning Board.

c. Upon submission to the Zoning Officer by the applicant of a complete final plat, the Planning Board shall have sixty-two (62) calendar days to approve, approve with conditions, or disapprove the final plat submitted for review.

d. Notwithstanding the foregoing terms of subsection 18.5.G.2.c, if significant changes have been made between the preliminary and final plats or the final plat is not in substantial agreement with the approved preliminary plat, the Planning Board shall conduct a new public hearing and make a new determination of significance under SEQRA, in which event the Planning Board shall have sixty-two (62) calendar days from the close of the public hearing to approve, approve with conditions, or disapprove the final plat submitted for review.

e. If the Planning Board has approved the final subdivision plat with conditions, such conditions must be satisfied prior to issuance of a building permit or a certificate of occupancy, as the case may be, as stated in such conditions. An approved subdivision plat will be signed by the Planning Board Chairperson or, in the Chairperson's absence, such other person who has been authorized by the Planning Board to sign the plat. After the Planning Board has approved the subdivision plat, and it has been signed by the Chairperson (or such other authorized person), the applicant shall obtain the approval and signature of the Tompkins County Assessment Department, and the applicant shall file one (1) copy of the fully-signed plat with the Village Clerk and one (1) copy with the Tompkins County Clerk. The applicant shall file the approved plat with the County Clerk within sixty-two (62) calendar days of the signing of the plat on behalf of the Planning Board, and the applicant shall deliver a copy of the County Clerk's filing receipt to the Village upon such filing.

f. The conditions for any conditional plat approval shall be stated on the final plat that is signed on behalf of the Planning Board.

H. Changes to Approved Subdivision Plat.

Proposed changes to an approved subdivision plat must be submitted to the Zoning Officer for review to determine whether the effect of the proposed changes warrants reconsideration by the Planning Board of the subdivision plat. The Zoning Officer shall make one of the following determinations:

1. That the changes are not significant and do not affect the approval of the subdivision plat;
2. That the changes are significant and require the Planning Board to reconsider its subdivision approval; or
3. That the changes are significant and require the applicant to submit a new subdivision application for the Planning Board to undertake a new subdivision review.

J. Variances. For subdivisions that require both a variance and subdivision approval, the Planning Board will act as lead agency for both actions in any environmental review required in accordance with the State Environmental Quality Review Act (SEQRA). The Zoning Board of Appeals cannot grant a variance until the Planning Board has completed the environmental review.

K. Stormwater Pollution Prevention Plans (SWPPP). All Stormwater Pollution Prevention Plans must be approved by the Village's Stormwater Management Officer in accordance with the Village's Stormwater Local Law before the Planning Board will grant subdivision approval.

L. Extension of Deadlines. All deadlines for decisions on a subdivision application may be extended upon mutual agreement between the Planning Board and the applicant after determining that the plat remains in compliance with all regulations of this Article and with any conditions stipulated by the Planning Board.

§ 18.6. Subdivision Plat Requirements.

A. For both minor and major subdivisions, the applicant shall submit to the Zoning Officer a subdivision plat containing the following information:

1. A subdivision plat prepared and certified by a licensed engineer or land surveyor drawn to scale and showing the following:

- a. The boundary lines of the property, date, north point, map scale, the names of all adjacent streets, and the name and address of record owner;
 - b. The proposed boundary lines, width, depth, and area of each proposed lot;
 - c. The location of existing or proposed buildings, streets, sidewalks, walkways, driveways, parking areas, easements, trees in excess of four (4) inches trunk diameter at breast height (DBH), landscaping, exterior lighting, and signs;
 - d. Existing natural features including topography, streams, water bodies, wetlands, ditches, tree masses, and other significant aspects of the environment;
2. A written statement containing the following information:
 - a. The nature of and reason for the proposed subdivision;
 - b. A description outlining how the proposed subdivision satisfies the guidelines set forth in § 18.1;
 3. Such other information as reasonably required by the Zoning Officer.
- B. For major subdivisions, the applicant also shall submit to the Zoning Officer the following documents and information:
1. A vicinity map showing the general location of the subdivision;
 2. CAD based drawings showing the following:
 - a. The location of existing and proposed utilities, site improvements, and structures on site and within fifty (50) feet of properties adjoining the site including water, sanitary sewer with laterals and connection points, lighting, and any existing and/or proposed easements;
 - b. Setbacks for front, side, and rear yards;
 - c. The location of parking spaces and areas including designated handicapped spaces with computations indicating how the number of spaces provided was determined and meets zoning requirements;
 - d. A grading and drainage plan showing the limits of clearing and grading, existing and proposed two (2) foot contours extending fifty (50) feet into properties adjoining the site, the existing storm sewer system, any proposed storm sewer improvements and drainage facilities showing inverts, laterals, connection points, the length, type, and slope of pipe, the gross area to be covered with impermeable surfaces, and the percentage of all area to be covered with impermeable surfaces;
 - e. A landscaping plan including the location, type, and number of proposed plants;
 - f. A lighting and photometric plan showing the location of existing and/or proposed exterior lighting with cut sheets for lighting fixtures;
 3. Architectural drawings showing:
 - a. Exterior elevations and interior dimensions; and
 - b. Improvements to be provided in the subdivision, such as benches, bus stops and signage, as needed depending upon the project;
 4. CAD based drawings shall be legibly drawn and plotted at a scale of not more than one hundred (100) feet to the inch, submitted on uniform size sheets not larger than thirty-six by forty-eight (36 x 48) inches, and shall indicate the following: the proposed subdivision name or identifying title; the words "Village of Cayuga Heights, Tompkins County, New York;" the name and address and seal of the licensed engineer or land surveyor responsible for the plat; and the date, approximate true North point, and graphic scale.

Article 19. Special Use Permits

§ 19.1. Purpose.

The purpose of this Article is to set forth procedures and conditions that apply to certain permitted principal or accessory uses which, because of size, intensity, or other factors, require special consideration to assure that such uses will not adversely affect neighboring properties or the general welfare of the Village.

§ 19.2. Applicability.

A special use permit is required where specified by this Local Law and in cases that the requirement for such permit is not prohibited by New York State statute. In addition to meeting the requirements of the Planning Board's special use permit approval under this Article, each such special use permit use or building or other structure permitted hereunder shall conform to and comply with all other applicable regulations of this Local Law, except as specifically provided otherwise as a condition to the special use permit pursuant to § 19.4.G.

§ 19.3. Planning Board Authorization to Issue Special Use Permits.

A. The Planning Board of the Village of Cayuga Heights is authorized to review applications for special use permits for land located in any zoning district in the Village in accordance with the review procedures set forth in this Article, and following such review, the Planning Board shall either approve, approve with conditions, or disapprove proposed special use permits.

B. If the Planning Board has determined that any requirement of this Article 19 is not required to be satisfied in the interest of the public health, safety or general welfare or is found to be inappropriate to a particular special use permit, the Planning Board has authority to waive such requirement, and such waiver shall be subject to such conditions as the Planning Board determines to impose.

C. Factors to be considered by the Planning Board in reviewing special use permit applications shall include but shall not be limited to the following:

1. Location and site of the use;
2. Nature and intensity of the use;
3. Location of the site in respect to road access;
4. Provisions for parking;
5. Traffic and noise generated by the proposed use;
6. Impact of the proposed use on adjacent land uses;
7. Impact of the proposed use on the environment;
8. Impact of the proposed use on infrastructure and existing Village services, including sewer, water, stormwater management, solid waste disposal, fire protection, police protection, and road maintenance;
9. Any other factors reasonably related to the health, safety, and general welfare of Village residents and consistent with the Village's current Comprehensive Plan.

§ 19.4. Special Use Permit Review Procedures.

A. The applicant for a special use permit shall schedule a pre-application discussion with the Zoning Officer at which time the applicant shall present, in sketch form, the proposed use, and other

features and information necessary to explain and/or supplement the application.

B. Filing. Subsequent to the pre-application discussion, an applicant shall file with the Zoning Officer a special use permit application and materials conforming to the requirements of § 19.5, together with an application fee as determined by the current fee schedule approved by the Village's Board of Trustees.

C. Within a reasonable time of receipt of an application for a special use permit, the Planning Board shall schedule consideration of the application at its earliest subsequent regularly scheduled meeting.

D. At the meeting referenced in § 19.4.C, the Planning Board shall conduct a preliminary review of the application and, if the application is deemed complete and accepted by the Planning Board for further review, schedule a public hearing on the application within sixty-two (62) calendar days.

E. Public Hearing. Pursuant to § 19.4.D, and prior to rendering any decision on a special use permit application, the Planning Board shall conduct a public hearing.

1. Notice of the public hearing shall be published in a newspaper of general circulation in the Village of Cayuga Heights at least ten (10) calendar days before such hearing. The Zoning Officer shall also notify by mail all owners of property contiguous with the property that is the subject of the special use permit and all owners of properties within two hundred (200) feet of the property that is the subject of the special use permit, postmarked at least ten (10) calendar days before the date of the hearing. Such notice shall briefly state essential facts about the proposed special use permit and inform recipients of the date, time, and place of the public hearing and the place where further information about the special use permit application and the review process may be obtained. The Zoning Officer shall use for the mailing address for notices to property owners the address listed for the owner in the records of the Tompkins County Department of Assessment. Notices shall be mailed certified mail, return receipt requested, and all return receipts shall be provided to the Planning Board prior to the public hearing.

2. The public hearing for the special use permit may begin concurrently with any required public hearing for the purpose of environmental review of the same project in accordance with the State Environmental Quality Review Act (SEQRA) and may continue after any such environmental review public hearing is closed.

3. The public hearing may be combined with any other public hearing relating to the same proposal (e.g., site plan approval and special use permit public hearings may be combined).

F. Coordination and consultation. Projects requiring special use permit review by the Planning Board may also be reviewed by the Village's Chief of Police and Fire Chief, and any other Village officials or consultants deemed appropriate by the Planning Board. Any comments from these persons shall be delivered in writing to the Planning Board to aid its decision on the application.

G. Planning Board Action. Within sixty-two (62) calendar days of the closing of the public hearing, the Planning Board shall approve, approve with conditions, or disapprove the special use permit application submitted for review. The Planning Board may impose such conditions on

the approval of any special use permit application as in its opinion are necessary and reasonable. If the Planning Board has approved the special use permit with conditions, such conditions must be satisfied prior to issuance of a certificate of occupancy. An approved special use permit will be signed by the Planning Board Chairperson or, in the Chairperson's absence, such other person who has been authorized by the Planning Board to sign the permit. After the Planning Board has approved the special use permit and it has been signed by the Chairperson (or such other authorized person), one (1) copy of the permit shall be filed, within five (5) business days of the date of the decision, with the Village Clerk, and a copy of the filed decision shall be mailed to the applicant.

H. Variances. Any required variance must be obtained from the Village's Zoning Board of Appeals before the Planning Board grants special use permit approval. For projects that require both a variance and special use permit, the Planning Board will act as lead agency in the environmental review for both actions. The Zoning Board of Appeals cannot grant a variance until the Planning Board has completed the environmental review.

I. Stormwater Pollution Prevention Plans (SWPPP). Any Stormwater Pollution Prevention Plan associated with a special use permit must be approved by the Village's Stormwater Management Officer in accordance with the Village's Stormwater Local Law before the Planning Board will grant special use permit approval.

J. Extension of Deadlines. All deadlines for decisions on a special use permit may be extended upon mutual agreement between the Planning Board and the applicant.

§ 19.5. Special Use Permit Requirements.

A. The Zoning Officer may require the applicant to submit a site plan containing the following information:

1. A field survey of the boundary lines of the property, made and certified to by a licensed land surveyor, showing the date, north point, map scale, the names of all adjacent streets and the name and address of the record owner;

2. The location of any and all buildings, streets, walkways, driveways, parking areas, trees in excess of four (4) inches trunk diameter at breast height (DBH), and landscaping;

3. A general indication of existing natural features including topography, streams, water bodies, ditches, trees and tree masses, and other significant aspects of the environment;

4. Architectural drawings, including exterior elevations and interior dimensions, of all existing and all proposed improvements on the site;

5. A written statement containing the following information:

a. The nature of and reason for the proposed use;

b. A description of how the proposed use addresses the factors set forth in § 19.3.C above;

6. Such other information as reasonably required by the Zoning Officer or the Planning Board.

B. Additional Materials. Depending upon the scope and complexity of the proposed use, the Planning Board may require the applicant to submit additional materials. The Planning Board may also require the applicant to engage the services of licensed design professionals and other experts such as architects, landscape architects, engineers, ecologists, traffic

consultants or surveyors, including to provide analysis, studies and reports on various aspects of the proposed use.

C. All materials provided by the applicant pursuant to the special use permit must be submitted to the Zoning Officer at least five (5) business days prior to the Planning Board meeting.

Article 20. Zoning Board of Appeals.

§ 20.1. Purpose.

The purpose of this Article is to provide for relief from the requirements of this Local Law to allow, in accordance with the terms and conditions of this Article, for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations, and for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations, and for the reversal, affirmation or modification, in whole or in part, of an order, requirement, decision, interpretation or determination made by the Village's Zoning Officer.

§ 20.2. Zoning Board of Appeals.

The Village's Zoning Board of Appeals (ZBA) is an appellate body whose jurisdiction shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Village's Zoning Officer.

A. Regular Members. The Zoning Board of Appeals shall consist of four (4) regular members and one (1) chairperson, all of whom shall be Village residents serving in a volunteer capacity. Each regular member and the chairperson of the Board shall be appointed by the Mayor of the Village and approved by a majority vote of the Village's Board of Trustees.

B. Alternate Member. The Mayor also shall appoint, subject to approval by the Board of Trustees, one (1) alternate member who shall be a Village resident serving in a volunteer capacity. The chairperson of the Zoning Board of Appeals may designate the alternative member to be an active member when a regular member is unable to attend a Board meeting or is unable to participate in a Board meeting because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of a regular member of the Board. Such designation shall be entered into the minutes of the Board meeting at which the alternate member is designated to act as a regular member.

C. Terms.

1. The terms of all Zoning Board of Appeals regular members and the chairperson shall be five (5) years and staggered such that one (1) term shall expire at the end of each Village official year.

2. The term of the Zoning Board of Appeals alternate member shall be one (1) year and shall expire at the end of the Village official year.

D. Attendance. All Zoning Board of Appeals regular members and the chairperson shall be required to attend a minimum of sixty-five percent (65%) of all regularly scheduled meetings within any consecutive twelve (12) month period. Any regular member and/or the chairperson may be removed by the Mayor of the Village, after a public hearing, for non-compliance with this attendance requirement.

E. Powers. The Zoning Board of Appeals is hereby vested with the powers and duties and is subject to the limitations as set forth in by §

7-712 of the Village Law of the State of New York, including Sections 7-712(a)-(c), as the same may be amended, modified or changed from time to time, and any sections subsequently adopted pertaining to Zoning Boards of Appeals.

1. Use Variances.

a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Village's Zoning Officer, to grant use variances authorizing a use of land which otherwise would not be allowed or would be prohibited by this Local Law.

b. No such use variance shall be granted by the Zoning 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 that:

i. For each and every permitted use under the zoning regulations for the particular district where the property is located, the applicant cannot realize a reasonable return from the property in question, provided that lack of return is substantial as demonstrated by competent financial evidence, as determined in the sole discretion of the Zoning Board of Appeals; and

ii. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and

iii. The requested use variance, if granted, will not alter the essential character of the neighborhood; and

iv. The alleged hardship has not been self-created.

c. The Zoning Board of Appeals, in granting a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven 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.

2. Area Variances.

a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Village's Zoning Officer, to grant area variances from area or dimensional requirements of this Local Law.

b. In making its determination, the Zoning 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 the grant of such variance. In making such determination, the Board shall also consider whether:

i. An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

ii. The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

iii. The requested area variance is substantial;

iv. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

v. The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the area variance.

c. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance 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.

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

§ 20.3. Variance Review Procedures.

A. The applicant for a variance shall file with the Zoning Officer a variance application, together with an application fee as determined by the current fee schedule approved by the Village's Board of Trustees.

B. Within a reasonable time of receipt of an application for a variance, the Zoning Board of Appeals shall schedule consideration of the variance at its earliest subsequent regularly scheduled meeting.

C. Public Hearing. Pursuant to § 20.4.B, and prior to rendering any decision on the variance application, the Zoning Board of Appeals shall conduct a public hearing.

1. Notice of the public hearing shall be published in a newspaper of general circulation in the Village of Cayuga Heights at least ten (10) calendar days before such hearing. The Zoning Officer shall also notify by mail all owners of property contiguous with the property that is the subject of the variance and all owners of properties within two hundred (200) feet of the property that is the subject of the variance, postmarked at least ten (10) calendar days before the date of the hearing. Such notice shall briefly state essential facts about the variance and inform recipients of the date, time, and place of the public hearing and the place where further information about the variance application and the review process may be obtained. The Zoning Officer shall use for the mailing address for notices to property owners the address listed for the owner in the records of the Tompkins County Department of Assessment. Notices shall be mailed certified mail, return receipt requested, and all return receipts shall be provided to the Zoning Board of Appeals prior to the public hearing.

2. The public hearing for the variance may begin concurrently with any required public hearing for the purpose of environmental review of the same variance in accordance with the State Environmental Quality Review Act (SEQRA) and may continue after any such environmental review public hearing is closed. For projects that require both a variance and either Site Plan Review or a Special Use Permit, the Planning Board shall act as lead agency in the environmental review for both actions. In those cases, the Zoning Board of Appeals cannot render its decision on a variance until the Planning Board has completed the environmental review.

D. Coordination and consultation. The variance application may also be reviewed by the Village's Chief of Police and Fire Chief, and any other Village officials or consultants deemed appropriate by the Zoning Board of Appeals. Any comments from these persons shall be delivered in writing to the Board to aid its decision on the application.

E. Board Action. Within sixty-two (62) calendar days of the closing of the public hearing, the Zoning Board of Appeals shall approve, approve with conditions, or disapprove the variance application submitted for review. If the Board has approved the variance with conditions, such conditions shall be satisfied prior to issuance of a certificate of occupancy. The Board's decision on a variance shall be signed by the Board's Chairperson or, in the Chairperson's absence, such other person who has been authorized by the Board to sign the permit. Within five (5) business days after the Board has rendered its decision on the variance and the decision has been signed by the Chairperson (or such other authorized person), one (1) copy of the variance shall be filed by the applicant with the Village Clerk and a copy thereof shall be mailed to the applicant.

F. Stormwater Pollution Prevention Plans (SWPPP). Any Stormwater Pollution Prevention Plan associated with a variance shall be approved by the Village's Stormwater Management Officer in accordance with the Village's Stormwater Local Law before the Zoning Board of Appeals renders its decision on a variance.

G. Extension of Deadlines. All deadlines for decisions on a variance may be extended upon mutual agreement between the Zoning Board of Appeals and the applicant.

Article 21. Severability

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining portions or text hereof, but shall be confined to the clause, sentence, paragraph, section or part hereof expressly adjudged to be invalid or unenforceable.