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**TOWN OF DRYDEN
ZONING LAW**

ARTICLE I: TITLE

This local law should be referred to as the Town of Dryden Zoning Law.

This local law may also be referred to as the Zoning Law, or sometimes this Law, or this local law.

ARTICLE II: GENERAL PROVISIONS

Section 200: Purpose

The purpose of this local law is: to promote the health, safety and general welfare of the community; to conserve land and natural resources and, under and pursuant to the laws of the State of New York, to establish zones wherein regulations concerning the use of land and Structures, the density of development, the size of yards, the percentage of a lot that may be occupied, and provisions for parking and control of signs are set forth so as to encourage the appropriate development of the town and the preservation of the rural character of the community in accordance with the Town's 2005 Comprehensive Plan.

Section 201: Precedence of More Restrictive Standards

The provisions of this local law are in addition to provisions set forth in other Town of Dryden local laws, rules, regulations or ordinances, including but not limited to those of the state of New York, the United States and Tompkins County Health Department. Wherever the requirements of this local law are at variance with the requirements of other Town of Dryden local laws, rules, regulations or ordinances, the more restrictive or those imposing the higher standards shall govern, as will the more restrictive requirements or standards of the state of New York, the United States and Tompkins County Health Department.

ARTICLE III: DEFINITIONS

Except where specifically defined herein, all words used in this Law shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "Lot" includes the word "plot," the word "Building" includes the word "Structure," the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Certain specific words and terms used in this Law and generally capitalized are to be interpreted as defined below. The failure to capitalize a word or term in this Law shall not be construed that such word or term should have a meaning different from that defined herein.

Abandon – To give up with the intent of never again claiming one's right or interests in; to give over or surrender completely.

Adult Bookstore – An establishment having as a substantial or significant portion of its stock in trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities and/or Specified Anatomical Areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Business – A public establishment, location, or Structure which features topless dancers, nude dancers or strippers, male or female, or a location, or Structure used for presenting, lending or selling motion picture films, video cassettes, digital media, cable television, or any other such visual media, or used for presenting, lending, or selling books, magazines, publications, photographs, or any other written materials distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities and/or Specified Anatomical Areas. An Adult Entertainment Business includes an Adult Bookstore.

Adult Use – The use of land, or a Structure for an “Adult Entertainment Business” or an “Adult Bookstore.”

Agricultural Use – See **Farm Operation**.

Agriculture-Related Enterprise – A retail or wholesale enterprise providing services or products utilized in agricultural production, such as Structures, agricultural equipment and agricultural equipment parts, livestock, feed, seed, fertilizer and agricultural equipment repairs and wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of local agricultural operations.

Appeal – An application to the Zoning Board of Appeals (ZBA) for relief from and review of any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of the Zoning Law.

Artist Studio/Craft Workshop – A place where artists, artisans, craftsmen and other skilled tradespeople produce custom-made art or craft products, where they teach such skills, and/or where they sell such art or products.

Automotive Repair Garage – Any Structure and/or Lot used for the repair and/or servicing of motor vehicles, or for motor vehicle body work, structural repair or painting.

Automotive Sales – Any Lot or Structure used for sales, rental or leasing of new or used cars, trucks, motorcycles, boats or other motorized vehicles including tractors or construction vehicles.

Automotive Salvage/Junk Yard – A Lot or Structure and any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term junk yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

Automotive Towing Service – An establishment that provides for the transport of a motor vehicle by towing, carrying, hauling or pushing from public or private property, and which may provide for the temporary storage of motor vehicles. This definition shall not include an Automotive Repair Garage with a tow truck(s) which repairs vehicles on-site, nor shall this use be construed as a Junk Yard.

Bed-and-Breakfast Establishment – A Dwelling having a resident host in a private single-family home with common dining and leisure rooms and lodging rooms for overnight accommodations, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained and no other commercial services are offered. The Bed-and-Breakfast Establishment shall have not more than ten (10) occupants as lodgers in at least three (3) and not more than five (5) rooms. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

Bed-and-Breakfast Home – A Dwelling having a resident host in the primary Dwelling of a private single-family or two-family home in which at least one (1) and not more than two (2) rooms are provided for overnight accommodations, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained. The Bed-and-Breakfast Home

shall not have more than four (4) occupants as lodgers. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

Billboard – See **Sign – Outdoor Advertising Billboard**.

Boarding House – Any Dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished rooming house shall be deemed a Boarding House.

Buffer Strip – A row of densely planted shrubs and trees with low branches intended to reduce noise and screen out objectionable views.

Building – Any Structure where space, greater than 150 square feet in area, is covered or enclosed (See **Structure**). The preferred term is Structure.

Building, Accessory – A subordinate Structure, the use of which is customarily incidental to that of the Principal Building, and located on the same Lot as the Principal Building.

Building Height – The vertical distance from finished grade to the highest point of a flat roof or the midpoint of a pitched roof. On a hillside lot, finished grade should be considered as the average finished grade on the uphill side of a Structure.

Building Line – The line formed by the intersection of a vertical plane that coincides with the most projected surface of the Structure.

Building Permit – A building permit issued by the town based upon plans that comply with all applicable codes, statutes, laws, rules, regulations and necessary approvals.

Cabin or Cottage – A Structure designed for seasonal occupancy and not suitable for year-round living.

Campground – An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind. This use shall not be construed as a Retreat or Conference Center.

Car Wash – A Structure or portion thereof used exclusively for the business of washing, cleaning and waxing motor vehicles.

Cemetery – Land used or intended to be used primarily for the burial of the dead and dedicated to cemetery purposes.

Commercial Development Design Guidelines – the Town of Dryden Commercial Development Design guidelines adopted on December 3, 2008 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines are now found in Appendix C, and are hereby made a part of this Law by reference to such Appendix.

Commercial Horse Boarding Operation – an agricultural enterprise, consisting of at least seven (7) acres and boarding at least ten (10) horses, regardless of ownership, that receives ten thousand dollars (\$10,000.00) or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this definition be construed to include operations whose primary on site function is horse racing.

Comprehensive Plan – The Town of Dryden Comprehensive Plan adopted by the Town Board pursuant to Town Law 272-a on December 8, 2005, including amendments thereto.

Congregate Care Facility – A facility providing residential care and services in community integrated settings for persons who may require assistance with daily activities. Such services may include twenty-four-hour supervision, room and board, housekeeping, case management, recreation programs, medication management and, where necessary, provision or arrangement for the provision of enhanced professional services such as medical, nursing, physical therapy and other personal care services. Congregate care facilities include assisted living programs and adult care facilities run in accordance with New York State requirements.

Contractor's Yard – Any space, whether inside or outside a Building, used for the storage or keeping of operable construction equipment, machinery or vehicles or parts thereof which are used by a construction contractor. A building trade or construction contractor is defined as but not limited to carpenters, electricians, masons, site work contractors, plumbers; heating, ventilating, and air conditioning (HVAC) technicians, general contractors, etc.

Day Care Center, Child – A facility which is not a Dwelling Unit in which care is provided on a regular basis to three (3) or more children [See 18 NYCRR § 413.2(g)].

Day Care Home, Family – A Dwelling Unit which is a personal residence and occupied as a family residence which provides daycare to three (3) to six (6) children [See 18 NYCRR § 413.2(i)].

Day Care Homes, Group Family – A Dwelling Unit which is a personal residence and occupied as a family residence which provides day care on a regular basis for seven (7) to twelve (12) children [See 18 NYCRR § 413.2(j)].

Dwelling – A house, apartment, or other place of residence.

Dwelling, Accessory Unit – A secondary Dwelling Unit which is accessory to a Single-Family Dwelling, for use as a complete, independent living facility with provisions within the accessory unit for cooking, eating, sanitation, and sleeping. An Accessory Dwelling unit may also be located in an accessory Structure to the principal Single-Family Dwelling, such as a detached garage, provided that the accessory Structure is clearly an accessory use to the Single-Family Dwelling. An Accessory Dwelling Unit shall not be confused with a Two-Family Dwelling.

Dwelling, Multi-Family – A Dwelling with separate living units for three or more families having separate or joint entrances and including apartments, group homes, townhouses, cottage homes and condominiums, also a group of Dwellings on one lot with each Dwelling containing separate living units for three or more families having separate or joint entrances and including apartments, group homes, townhouses, cottage homes and condominiums.

Dwelling, Single-Family – A detached Structure (not including a mobile home) that is designed or used exclusively as living quarters for one (1) family.

Dwelling, Townhouse – A Series Building of three (3) or more attached Dwelling Units, each of which shares at least one common wall with an adjacent Dwelling Unit. For the purposes of this Law, except where specifically stated otherwise herein, a Townhouse Dwelling shall be construed as a form of Multi-Family Dwelling.

Dwelling, Two-Family – A detached Dwelling containing no more than two Dwelling Units for the use and occupation by no more than two (2) families.

Dwelling, Upper-Floor Apartment(s) – One or more Dwelling Units that are located above a commercial use.

Dwelling Unit, d.u. – A group of rooms which are designed for residential occupancy by a single family and providing housekeeping facilities for such family. In determining the number of Dwelling Units within a Structure, consideration is given to the separate use of or the provision made for cooking, heating and sanitary facilities whether installed or not; both the actual use to which the Dwelling is being put and the potential use to which the Dwelling might be put.

Educational Use – Use of land where learning in a general range of subjects is provided, including related support and accessory uses, associated with the educational purposes of the institution. The definition includes institutions that provide cultural education, such as museums or galleries.

Elder Cottage – A separate, detached, temporary Single-Family Dwelling, accessory to a Single- or Two-Family Dwelling on a lot; and occupied by no more than two residents, one of whom must be 55 years of age or older.

Family – An individual, or two or more persons related by blood, marriage or adoption, occupying a Dwelling Unit and living as a single household. For purposes of this Law, a family may also consist of not more than four unrelated individuals occupying a Dwelling Unit and living as a single household. The two definitions cannot be combined.

Farm Operation – The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a Commercial Horse Boarding Operation, a Timber Operation and “compost, mulch or other biomass crops” as defined in the New York Agriculture and Markets Law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

Farm Stand – A seasonal or temporary stand for the sale and display of farm products.

Frontage – The linear measurement in feet of that part of a Lot coincident with a Public Highway measured at the edge of the Public Highway. A corner lot shall be considered to have frontages on both Public Highways.

Gasoline Station – A Lot, including Structures thereon or parts thereof, other than an Automotive Repair Garage, that is used for the sale of motor fuels dispensed from pumps and motor vehicle accessories and supplies. Permitted accessory uses may include facilities for lubricating, washing or other minor servicing of motor vehicles and/or the retail sale of convenience items, including but not limited to snacks and beverages, provided such accessory uses are located indoors. Motor vehicle body work, major structural repair or painting by any means are not to be considered permitted accessory uses.

Green Neighborhood Development – A neighborhood developed and certified in LEED Neighborhood Development rating system and achieving at least basic certification.

Green Space – The area of a development not occupied by Structures or Paved areas for vehicles and including formal stormwater management facilities (no more than 20% of total Lot Area) as well as green infrastructure stormwater facilities (Open Space set aside, swales and 60% of the area of a green roof if not accessible by or visible to the public), and including parks, dedicated Open Space, landscaped areas (plantings, lawns, parking lot islands), and including sidewalks or trails used to access these areas, including Accessory Structures accessible to the public and intended to enhance the Green Space.

Hamlet of Varna Community Development Plan – An amendment to the Comprehensive Plan pursuant to Town Law 272-a and adopted by the Town Board on December 20, 2012.

Highway – See **Public Highway**.

Home Occupation: Level 1 – A business conducted entirely within a Dwelling and carried on by the inhabitants thereof; which use is clearly incidental and secondary to the use of the Dwelling for residential purposes, and which use does not change the character thereof, and which business does not involve the employment of more than one person at the Dwelling on a daily basis. The business may employ others who do not report to the Dwelling on a daily basis. There shall be no exterior evidence of such home occupation, except for a sign in accordance with Section 903(C)(3)(c).

Home Occupation: Level 2 – A business conducted on a residential property and carried on by the inhabitants thereof; which use is clearly incidental and secondary to the use of the Dwelling for residential purposes, and which use does not change the character thereof. A Level 2 Home Occupation may employ up to three (3) persons who report to the Dwelling on a daily basis. The business may have more employees who do not report to the Dwelling on a daily basis.

Hotel – A facility offering transient lodging accommodations for a daily rate to the general public. A Hotel may provide additional services, such as restaurants, meeting rooms and recreation facilities. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

Industry-Light – A manufacturing or maintenance operation conducted wholly within one or more Structures where any process is used to alter the nature, size or shape of articles or raw materials or where articles are assembled and where said goods or services are consumed or used at another location. The exterior appearance of the Structures shall resemble Office Buildings and the impacts of the use (noise, fumes, and vibrations) shall not exceed those typically associated with an office use.

Industry-Manufacturing – Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the creation of products, and the blending of materials such as oils, resins or liquors. These Industry-Manufacturing uses have greater impacts than light industry uses in terms of noise, fumes, and vibrations.

Inn – A commercial facility, resembling in character traditional residential construction, providing lodging and meals which is characterized by common dining facilities and a common leisure room available for use by lodgers and the general public. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

Invasive Species – Non-native plant species on the list of invasive plants compiled by F. Robert Wesley, April 1998 which includes the common name, species name and family. This list is now found in Appendix D, and is hereby made a part of this Law by reference to such Appendix.

Junk Yard – Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the Public Highways, are held, whether for the purpose of resale of

used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term Junk Yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

Kennel – Any commercial establishment where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

LEED – The acronym for “Leadership in Energy and Environmental Design.” LEED is a family of green building rating systems developed by the United States Green Building Council (USGBC). LEED provides verification of high environmental performance in building and neighborhood design and construction. The LEED family of rating systems includes a rating system for Neighborhood Development. A LEED rating system contains a combination of required prerequisites and optional credits and evaluates projects based on a 100-point base scale (not including up to 10 special “innovation” and “regional priority” bonus points, explained in the Rating System). Projects seeking certification must meet all prerequisites and earn at least 40 points by achieving various credits. Beyond basic certification, projects may achieve Silver (50 points), Gold (60 points), or Platinum (80+ points) certification for increasingly high performance.

Library – A public institution with a Structure containing printed, pictorial, and audiovisual material for public use for purposes of study and reference.

Loading Berth – A dedicated area for the receipt or distribution of materials or merchandise by motor vehicles, including space for their standing, loading and unloading.

Lodge or Club – A membership organization that holds regular meetings and may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of dues paying members and their guests, as well as programs for the general public, such as retreats and recreational, educational, cultural, health, and public interest related programs.

Lot – An area of land having defined boundaries held in separate ownership from adjacent property and which in all respects complies with the requirements of the district in which it is situate.

Lot Area – An area of land the size of which is determined by the limits of the Lot lines bounding said area and is usually expressed in terms of square feet or acres.

Lot Coverage – A measure of intensity of land use (usually represented as a percentage of the Lot Area) that represents the portion of a Lot that is impervious (i.e., does not absorb water).

This percentage includes but is not limited to all areas covered by Structures, driveways, roads, sidewalks, parking areas, and any other impervious area.

Lot Depth – The mean horizontal distance between the front and rear Lot lines measured in the general direction of the side lot lines. For the purposes of these definitions and the provisions of this Law, Lot Depth and Setback Lines shall be measured from the title line of dedicated, platted or deeded Public Highways and from the user line for highways by use.

Lot Width – The horizontal distance between the side Lot lines taken at the front Yard line or Principal Building Line and measured along a line which is at right angles to the Lot Depth.

Lot of Record – Any lot with an area, width or other dimension which is less than prescribed for a lot in the district in which such lot is situated if such lot is (i) under one ownership of record since the effective date of the original Town of Dryden Zoning Ordinance, or (ii) under one ownership of record since the time of any amendment to the original Town of Dryden Zoning Ordinance which amendment changed the area, width or other dimension requirements with respect to lots in such district and which lot, except for such amendment, would have been in all respects in conformance with the requirements of such original Zoning Ordinance, or (iii) any lot shown on an approved subdivision plat filed with the Tompkins County Clerk and not combined with any other lot or parcel for the purposes of real property assessment at any time following such filing.

Manufactured Home – A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term shall include any Structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States code; and except that such term shall not include any self-propelled recreational vehicle.

Manufactured Home Park – A parcel of land under single ownership, which is improved for the placement of Manufactured Homes for non-transient use and which is offered to the public for the placement of five (5) or more Manufactured Homes.

Mining – The excavation and sale of topsoil, sand, gravel, clay or other natural solid mineral or vegetable deposit, or the quarrying of any kind of rock formation.

Mining Subject to State Jurisdiction – An operation which results in the mining or proposed mining from each use of more than one thousand (1,000) tons or seven hundred-fifty (750) cubic yards, whichever is less, of minerals from the earth within twelve (12) successive calendar

months, or an operation which results in the mining or proposed mining of over one hundred (100) cubic yards of minerals from or adjacent to any body of water not subject to the jurisdiction of the New York State Environmental Conservation Law or the Public Lands Law.

Mining not Subject to State Jurisdiction – All mining which is not defined as Mining Subject to State Jurisdiction.

Mobile Home – A moveable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components for repeated towing. Mobile Home shall mean units designed to be used exclusively for residential purposes, excluding travel trailers.

Motel – See **Hotel**.

Municipal Facilities – Highways, water and/or sewer facilities or other public services or facilities that are directly or indirectly provided and maintained by a municipality.

Municipal Use – For the purposes of the use restrictions of this Law means the use of land, building, or Structures owned by the Town of Dryden or other municipal corporations or governmental bodies.

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

Natural Gas and/or Petroleum Exploration – Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas and/or Petroleum Exploration and Production Materials – Any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

Natural Gas Exploration and/or Petroleum Production Wastes – Any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

Natural Gas and/or Petroleum Extraction – The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

Natural Gas and/or Petroleum Support Activities – The construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

Neighborhood Development – The development or redevelopment in Varna of at least three (3) tax parcels, or an area of at least two (2) acres.

Nonconforming Use – A Structure or use of land existing on the date of enactment of this Law which does not comply with the allowed use regulations of the zone in which said Structure or use is located.

Nursery/Greenhouse, Retail – A retail establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed Structure.

Office Building – Any Structure in which space is rented and persons employed in or who conduct the management or direction of an agency, business, organization, profession, or public administration, but excluding such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

Open Space – Any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use enhances the present or potential value of abutting or surrounding property, or maintains or enhances the conservation of natural or scenic resources. For purposes of this Local Law natural resources shall include, but not be limited to, agricultural lands actually used in bona fide agricultural production.

Outdoor Storage – Commercial and industrial storage outside the confines of an enclosed Structure of any equipment or materials in usable condition which are not being specifically displayed as merchandise or offered for sale. Outdoor Storage shall not be construed as a Junk Yard, Contractor’s Yard or Self-Storage.

Parking Space – An off-street space available for parking one vehicle and which dimensions are 9 feet wide and 20 feet long, not including maneuvering area and access drives, but with Board approval in Site Plan Review or Special Use Permit review may be approved to be modified to target specific vehicles such as compact cars and motorcycles.

Paved – A smooth, hard, dense surface, which is durable and well-drained under normal use and weather conditions.

Planned Unit Development – An area of land intended to provide for a variety of land uses planned and developed in a manner which will provide a community design that preserves critical environmental resources, provides above-average Open Space amenities, incorporates creative design in the layout of Structures, Green Space and circulation of vehicles and pedestrians; assures compatibility with surrounding land uses and neighborhood character; and provides efficiency in the layout of Highways, public utilities, and other Municipal Facilities.

Planning Board – The Town of Dryden Planning Board.

Professional Office – A Structure used for the organizational or administrative aspects of a trade or profession or used in the conduct of a business and not involving the manufacture, storage, display, or direct retail sales of goods, characterized by low traffic and pedestrian volumes, lack of distracting, irritating, or sustained noise, and low density of building developments. This definition may include, but is not limited to, the offices of: accountants, appraisers, architects, planners, engineers, financial planners, insurance brokers or adjusters, landscape architects, lawyers, consultants, secretarial agencies, bonding agencies, real estate, mortgage or title agencies, investment agencies, and persons with similar occupations.

Public Highway – A road or street, either deeded or by prescriptive easement, that is maintained by a village, town, county, state or the federal government.

Public Safety Use – Voluntary or professional individuals or entities providing municipal/governmental services providing for the health, safety, and general welfare of the public; including, but not limited to, fire, emergency, medical, and police services.

Public Sewer and/or Water Facilities – A sewage disposal system or water supply and distribution system operated by a municipality; a sewage disposal system or water supply and distribution system authorized for public use, whether for a residential subdivision, or for commercial, industrial or manufacturing Buildings, and approved by the New York State and/or Tompkins County Departments of Health, the Department of Environmental Conservation, and any other governmental agency having jurisdiction thereof.

Public Utility – Infrastructure and services that supply an everyday necessity to the public at large, such as Public Water and/or Public Sewer Facilities, electricity, natural gas, and telecommunications. A Public Utility may be owned and operated by a municipality or a private entity, or a combination thereof.

Recreation, Active – Recreation that involves organized athletic activities requiring fixed infrastructure such as playing fields and/or accessory infrastructure such as seating areas, changing facilities and/or concessions. Active recreational activities include but are not limited to team sports such as baseball, soccer, and lacrosse, smaller group sports such as racquet sports, golf courses (and associated facilities such as driving ranges) and other active recreational uses that require permanent infrastructure such as a skateboarding park or ice rink.

Recreation, Passive – Recreation that generally does not involve organized athletic teams and/or significant fixed infrastructure, apart from such improvements as trails, parking areas, restrooms, picnic shelters and the like. Passive recreational activities include but are not limited to jogging, biking, cross country skiing, hiking, walking on recreational trails and paths, horseback riding, wildlife viewing, picnicking and relaxation.

Recreational Facility, Amusement – A commercial or non-commercial recreational use that may be permanent or temporary in nature, for the conducting of recreational activities including but not limited to traveling carnivals, circuses, amusement parks, driving ranges (not associated with a golf course), batting cages, mini-golf, paintball courses, bowling centers, roller skating facilities, and similar indoor or outdoor recreational activities. A public park shall not be considered and regulated as an Amusement Recreational Facility.

Recreational Facility, Athletic – A commercial or non-commercial recreational use that may be permanent or temporary in nature, for the conducting of recreational activities including but not limited to swimming, tennis, court games, baseball and other field sports, riding academies, and playground activities, but excluding recreational activities involving mechanical devices that are powered by non-human means, such as motorized vehicles. A public park shall not be considered and regulated as an Athletic Recreational Facility.

Recreational Facility, Motorized – A commercial or non-commercial recreational use or accessory use that may be permanent or temporary in nature, which involves the operation of motorized vehicles which includes All Terrain Vehicles, motorcycles etc., including but not limited to go-kart tracks, dirt bike tracks, and race tracks.

Redevelopment – The planning, development, design, clearance, construction, or rehabilitation of existing property improvements, regardless of whether a change in the Principal or Accessory Use occurs.

Religious Institution – Use of land and/or Structures by a tax-exempt institution, a bona fide religious sect or denomination where religious worship and related activity is conducted.

Residential Design Guidelines – the Town of Dryden Residential Development Design Guidelines adopted on December 3, 2008 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines are now found in Appendix B, and are hereby made a part of this Law by reference to such Appendix.

Restaurant – An establishment, including Taverns but excluding bars, where food and drink is prepared, served, and sold.

Retail Business – Any business involving the sale in small quantities of a larger inventory of items to transient customers whether in a shop or other building, or electronically or by mail.

Retail Shopping Centers/Plazas – A lot used for two (2) or more commercial units, attached or detached, which relate to a common parking area and common points of ingress and egress and a common circulation pattern.

Retreat or Conference Center – A facility used for service organizations, businesses, professional, educational, or religious meetings or seminars limited to accommodations for attendees. The accommodations can include sleeping, eating, and recreation.

Road – See **Public Highway**.

SEQR – The New York State Environmental Quality Review Act found in Environmental Conservation Law Article 8 and the implementing regulations found in 6 NYCRR Part 617.

Self-Storage – A Structure or Structures in which materials, goods, or equipment are stored with separate storage units having individual access for storage of personal or business property. Self-storage operations with several separate Structures shall all be considered together to form one (1) primary Structure for the purpose of Site Plan Review.

Senior Care Facility – A living and care facility for over ten (10) seniors in a variety of settings.

Senior Housing, Family – Living facilities offering a family type of living environment where residences are designed to feel like a home instead of a medical facility and to blend in architecturally with neighboring homes. The residences are designed as efficient homes for six (6) to ten (10) seniors, each of whom has a private room with a private bath and easy access to all communal areas of the house, including a living room area, dining area, kitchen, laundry, outdoor garden, and patio.

Series of Building – For the purposes of this Law, a series of Multi-Family Dwelling Units with shared wall construction.

Service Business – Any business or nonprofit organization that provides services to individuals, businesses, industry, government, or other enterprises.

Setback Lines - See **Yards**.

Sign – Any device, object, or building facade used for the visual communication or advertisement of a place, building, product, service or name.

Sign – Outdoor Advertising Billboard – Any device, object, or building facade situated on private property and used for advertising goods, services or places other than those directly related to the property on which said sign is located.

Site Plan – A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this Law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan. Plats showing lots, blocks or sites subject to review as subdivisions under Town Law § 276 and the Town of Dryden Subdivision Law are also subject to review as site plans.

Special Use Permit – An authorization of a particular land use which is permitted in this Ordinance, subject to requirements imposed by this Law and by the Board authorized to grant such permit to assure that the proposed use is in harmony with this Law and will not adversely affect the neighborhood if such requirements are met.

Specified sexual activities:

- a. Human genitals in a state of sexual stimulation or arousal; or
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified anatomical areas:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Street – See **Public Highway**.

Structure – Anything constructed or erected on the ground or with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, Buildings of a size exceeding 150 square feet, walls and fences over 6 feet in height, radio towers, power generating equipment such as freestanding windmills and solar panels, swimming pools designed for a depth of three (3) feet or more, billboards, poster panels and signs. All Structures, regardless of size, shall be erected in compliance with the setback requirements for their respective district. The following shall not be classified as Structures for the purpose of this Law: fireplace chimneys, flagpoles, and antennae.

Tavern – A commercial Structure where food is prepared, served, and sold and alcoholic beverages are consumed on the premises.

Theater – A Structure or part of a Structure, devoted to showing motion pictures or for dramatic and/or comedic live performances including musicals, recitals, concerts, or other similar entertainment, including dinner theaters.

Timber Operation – The on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven (7) acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars (\$10,000) or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

Town Board – The Town Board of the Town of Dryden, Tompkins County, New York.

Traditional Neighborhood Design (TND) – A type of neighborhood design with a focus on pedestrian facilities, front porches, back alleys and emphasis on the human use of spaces in the resulting form and function, as well as commercial or mixed use developments that emphasize human use of spaces and attractive character of buildings.

Use, Accessory – A use which is customarily incidental and subordinate to the Principal Use on a Lot and which is located on the same Lot. Accessory Uses or Structures shall not be permitted on a Lot without a permitted Principal Use or Structure. Unless otherwise permitted in this Law, an Accessory Structure shall not be permitted in the front yard of a Principal Use.

Use, Principal – The main or primary use of land and/or Structure on a Lot and which determines the overall character and appearance of use on the Lot.

Variance

- a. **Variance, Area** – The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements established by this Law.
- b. **Variance, Use** – The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this Law.

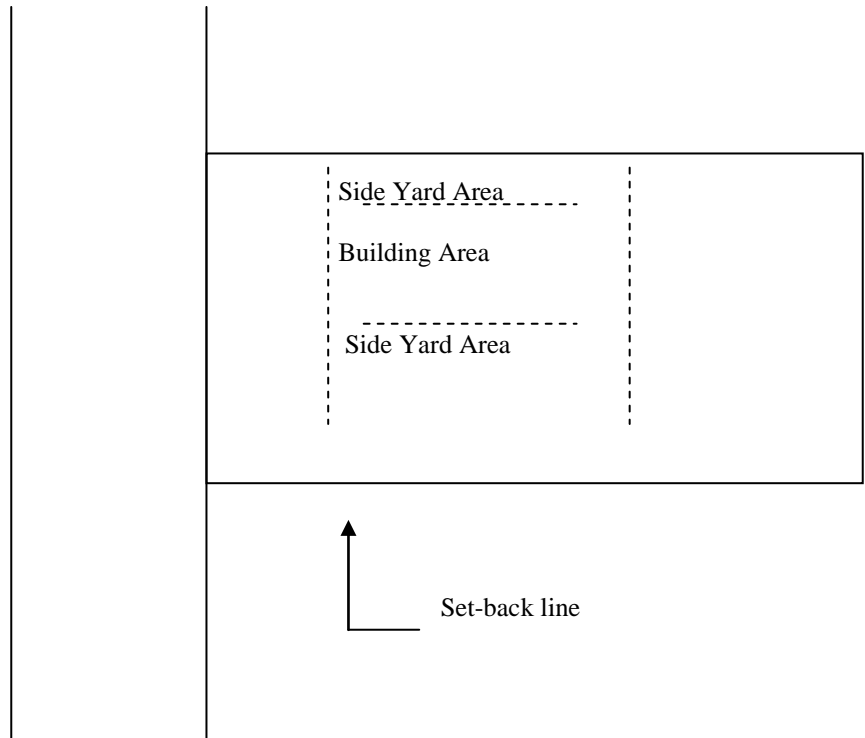
Varna – that area of the Town encompassing the Varna Hamlet Mixed Use District, Varna Hamlet Residential District, and Varna Hamlet Traditional District.

Varna Design Guidelines and Landscape Standards – The Town of Dryden “Hamlet of Varna Design Guidelines & Landscape Standards” adopted on December 20, 2012 and effective January 14, 2013 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines and standards are found in Appendix E, and are hereby made a part of this Law by reference to such Appendix.

Warehouse – A building or part of a building designed for the receiving, storing, and distribution of goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse. This definition includes a wholesale business for shipping/receiving. Not including incidental or temporary use of an empty building for storage.

Workshop/Garage – Non-Commercial – A Structure used for the conduct of non-commercial, low-intensity activities such as woodworking, personal vehicle repair, and storage. Normally considered an accessory use, but may be allowed without a principle building.

Yard – A Yard is a Green Space other than a court on a Lot, unoccupied and unobstructed from the ground upwards between the Lot Line and the nearest line of the Structures on the Lot, except as otherwise permitted. (See illustration below for location of front, side and rear yards.)



ARTICLE IV: ZONING DISTRICTS

Section 400: Districts

For the purposes specified in this Law, the Town of Dryden is divided into the following zoning districts:

CV - Conservation District

The purpose of the Conservation (CV) District is to protect areas of the town that contain a variety of ecological and Open Space assets that warrant protection from the impacts of development. Residential uses and agriculture will remain the primary land use activities.

LIO - Light Industrial / Office District

The purpose of the Light Industrial/Office (LIO) District is to define a location in the town for light industrial and warehousing enterprises, office buildings and administrative operations and service enterprises, or research and development enterprises such as computer software and equipment design businesses. Agriculture is an allowed use in this district.

LIO-A - Light Industrial / Office / Adult Use District

The purpose of the Light Industrial/Office/Adult Use (LIO-A) District is to define an appropriate location in the town for adult uses that is separated from and minimizes impacts to non-compatible uses such as residential areas, schools, churches and parks. In addition to adult uses, all other uses permitted within the Light Industrial/Office District are permitted within the Light Industrial/Office/Adult Use District. Agriculture is an allowed use in this district.

LSRDD - Large Scale Retail Development District

The purpose of the Large Scale Retail Development District (LSRDD) is to provide the opportunity to evaluate a location in the town where large-scale retail development may be appropriate, and to define specific requirements for the review and possible approval of large-scale retail shops and shopping centers. This type of development requires a Special Use Permit and Site Plan Review to develop a property for large-scale stores or shopping centers as defined herein. This district is not mapped, but may be proposed on any property, not in Tompkins County Agricultural District 1, along a State or County Public Highway.

MC – Mixed Use Commercial District

The Mixed Use Commercial (MC) District allows a mix of retail and service businesses, office buildings and research and development businesses such as computer software and equipment design businesses as well as residential development. The district allows for mixed use development. Agriculture is an allowed use in this district.

NR - Neighborhood Residential District

The purpose of the Neighborhood Residential (NR) District is to define areas of the town where established neighborhoods are situated in a rural landscape and constitute the primary land use. Single family homes are the predominant form of development, and future development is unlikely. Home Occupations are the primary commercial activity in this district. Agriculture is an allowed use in this district.

RA - Rural Agricultural District

The purpose of the Rural Agricultural (RA) District is to define an area of the town primarily for agricultural use and associated natural areas protection. The Rural Agricultural District is an area that is intended to remain rural and where agriculture is recognized as the primary land use. Small scale rural businesses which are agriculturally related or supporting may be appropriate in this district.

RR - Rural Residential District

The purpose of the Rural Residential (RR) District is to define an area of the town where residential uses situated in a rural landscape constitute the primary land use. Public water and sewer does not exist in this area. Single- and two-family homes are the predominant form of development. Agriculture is also expected to be a substantial land use well into the future.

TNDO - Traditional Neighborhood Development Overlay District

The purpose of the Traditional Neighborhood Development Overlay District (TNDOD) is to provide development alternatives for landowners located at the periphery of villages and in hamlets that do not currently have water or sewer. Public water and sewer does not currently exist in these areas, and it will be necessary to develop or extend such infrastructure in order to take advantage of the development alternatives provided under the provisions of this overlay district. Utilizing incentive zoning authority in Town Law, land in the overlay district can be developed more intensively in return for specified public benefits and the incorporation of Traditional Neighborhood Design (TND) principles in the design of sites and structures. Small scale businesses, primarily in mixed-use structures, can also be incorporated into these areas.

VHMUD – Varna Hamlet Mixed Use District

The purpose of the Varna Hamlet Mixed Use District (VHMUD) is to foster new and redevelopment of existing properties while retaining the traditional character of buildings, as well as the hamlet character found in Varna and described in the Varna Community Development Plan. The purpose includes Traditional Neighborhood Design, and commercial development of vacant lots, including the combining of lots and rehabilitation of existing buildings.

VHRD – Varna Hamlet Residential District

The purpose of the Varna Hamlet Residential District (VHRD) is to foster development of new residential neighborhoods, and accommodate existing neighborhoods. Lots in this district will be large enough to accommodate significant residential development without affecting the character of the hamlet.

VHTD – Varna Hamlet Traditional District

The purpose of the Varna Hamlet Traditional District (VHTD) is to foster development in environmentally sensitive areas. This area is along Fall Creek, an important drainage area in the hamlet. Lot sizes and a limited amount of development that is sensitive to these resources, and designed in a more traditional manner are preferred.

Section 401: Zoning Map

All land in the Town of Dryden shall fall within one of the established zones as shown on a map entitled the “Town of Dryden Zoning Map” Dated September 1, 2011, and revised March 18, 2014. The original and official Town of Dryden Zoning Map as revised is filed with the Town Clerk. A reduced and unofficial copy is found in Appendix A-1.

Section 402: Boundary Determinations

Where uncertainty exists as to the boundaries of a zoning district as shown on the Zoning Map, the following rules shall apply:

- A. Zone boundaries are intended to follow parcel lines whenever possible. Where boundaries approximately follow parcel lines such parcel lines shall be construed to be said boundaries.
- B. Where district boundaries are indicated as approximately following the center line or right-of-way line of Public Highways, such lines shall be construed to be district boundaries and follow such center line or right-of-way line.
- C. Where district boundaries are indicated as approximately following a stream, lake, or other body of water, such stream center line, lake or body of water shoreline shall be construed to be such district boundaries (unless otherwise noted on the Zoning Map). In the event of a change in the shoreline or stream, the district boundaries shall be construed as moving with the actual shoreline or stream.
- D. Where a district boundary is not indicated as approximately following the items listed in subsections (1), (2) and (3) above, or is not designated on the Zoning Map, the boundary line shall be determined by the use of the Town’s Geographic Information System utilizing the Zoning Map boundaries laid over aerial imagery.
- E. Where district boundaries are based upon natural features such as slopes, topographic contour lines, watershed boundaries, soil types, or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional.
- F. Whenever any Public Highway is abandoned in the manner authorized by law, the district adjoining each side of such highway shall be automatically extended to the center of the

former highway, and all of the area included in the abandoned highway shall henceforth be subject to all regulations within the extended districts.

- G. In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the ZBA.
- H. One Parcel in Two Zones. Except in the VHMUD, VHRD, and VHTD, when a parcel is divided by a zoning district boundary, the regulations and requirements of the least restrictive zone may be extended for a distance of 100 feet into the more restrictive zone.

ARTICLE V: USE REGULATIONS

Section 500: Restrictions on Land/Structure Uses

- A. No Structure or land shall be used except as provided in the Allowable Use Groups Chart in Section 501. Uses which are not explicitly permitted are prohibited, unless specifically stated elsewhere by this Law.
- B. If an applicant proposes a land use that does not clearly fall within any of the categories contained in the Allowable Use Groups Chart in Section 501, the Planning Department shall deny the application for a Zoning Permit, and inform the applicant of the process of appealing such denial to the ZBA, or refer the applicant to the Town Board for its review and possible consideration of an amendment to this Law.

Section 501: Allowable Use Groups Chart

- A. In the following Allowable Use Groups Chart:

“P” means the use is allowed as of right, but in many cases requires Site Plan Review;

“PA” means an accessory use is allowed as of right;

“Special Use Permit” or “SUP” means the use requires a Special Use Permit;

“X” means the use is not allowed in that particular district.

- B. The following uses shall be subject to Site Plan Review:

- 1. All Business Group Uses;
- 2. All Community Group Uses;
- 3. All uses requiring a Special Use Permit.

- C. Building Sizes:

- 1. In the CV, RA and RR districts, no Business Group Use shall include a Structure larger than 5,000 square feet without a variance.
- 2. In the H District any use that includes a Structure or Structures larger than 5,000 square feet requires a Special Use Permit.
- 3. In the LIO and MC Districts, any use that includes a Structure larger than 20,000 square feet requires a Special Use Permit.
- 4. No single retail Structure shall be permitted in the town larger than 45,000 square feet or a retail shopping center greater than 90,000 square feet, except as provided for in Section 802.
- 5. Agricultural Structures directly related to an agricultural use shall be exempt from all such building size limits.

USES	NR Neighborhood Residential	RR Rural Residential	RA Rural Agricultural	CV Conservation	MC Mixed Use Commercial	LIO, LIO-A Light Industrial/ Office
Agricultural Use	P	P	P	P	P	P
Farmstand	P	P	P	P	P	P
Adult Use (see §1302)	X	X	X	X	X	SUP Only permitted in LIO-A
Agriculture-Related Enterprise	X	SUP	P	P	P	SUP
Artist Studio/ Craft Workshop	X	P	P	P	P	P
Automotive Repair Garage (see §1310)	X	SUP	SUP	SUP	SUP	SUP
Automotive Sales	X	X	X	X	SUP	SUP
Automotive Salvage and Junk Yards	X	X	SUP	SUP	SUP	SUP
Automotive Towing Service (see §1306)	X	X	SUP	X	SUP	SUP
Bed-and Breakfast establishment	X	P	P	P	P	SUP
Boarding House	X	SUP	SUP	X	X	X
Campground	X	SUP	SUP	SUP	X	X
Car Wash	X	P	P	P	SUP	P
Contractor's yard	X	SUP	SUP	P	P	P
Day care center, child	X	SUP	SUP	X	P	P
Drive-through facility (see §1309)	X	X	X	X	SUP	SUP
Gasoline station	X	X	X	X	SUP	SUP
General Office Building	X	X	X	X	P	P
Hotel / Motel	X	X	X	X	P	SUP
Industry, Light	X	X	X	X	P	P
Industry/ Manufacturing (see §1303)	X	X	X	X	SUP	SUP
Inn	X	SUP	SUP	SUP	P	X
Kennel (see §1308)	X	SUP	SUP	SUP	SUP	X
Large Scale Retail Development	X	SUP	X	X	SUP	SUP
Mining (see §1304)	X	X	SUP See Section 1304 for restrictions	SUP See Section 1304 for restrictions	X	SUP See Section 1304 for restrictions
Nursery/Greenhouse, Retail	X	SUP	P	SUP	P	X

USES	NR Neighborhood Residential	RR Rural Residential	RA Rural Agricultural	CV Conservation	MC Mixed Use Commercial	LIO, LIO-A Light Industrial/ Office
Professional office	X	SUP	P	SUP	P	P
Restaurant	X	SUP	SUP	X	P	SUP
Retail business	X	X	SUP	X	P	P
Retail shopping centers / plazas	X	X	X	X	SUP	X
Retreat or Conference Center	X	SUP	SUP	SUP	SUP	X
Self-storage	X	X	X	X	SUP	SUP
Service business	X	SUP	SUP	X	P	P
Theater	X	X	X	X	P	P
Warehouse	X	X	X	X	SUP	P
Bed-and-Breakfast home	P	P	P	SUP	P	X
Congregate Care Facility	X	P	P	P	P	X
Day care home, Family	P	P	P	P	P	X
Day care home, Family Group	P	P	P	P	P	X
Dwelling, accessory unit (see §1311)	P as per §1311	P as per §1311	P as per §1311	P as per §1311	P as per §1311	X
Dwelling, multi-family	X	SUP	SUP	X	SUP	X
Dwelling, single-family	P	P	P	P	P	X
Dwelling, two-family	X	P	P	P	P	X
Dwelling, upper-floor apartment(s)	X	X	X	X	SUP	X
Elder Cottage see §1305	See §1305	See §1305	See §1305	See §1305	See §1305	X
Home Occupation: Level 1	P	P	P	P	P	X
Home Occupation: Level 2	X	SUP	SUP	SUP	SUP	X
Manufactured Home	X	P	P	P	SUP	X
Manufactured Home Park	X	SUP only with Municipal Water and Sewer	SUP only with Municipal Water and Sewer	X	SUP only with Municipal Water and Sewer	X
Mobile Home	X	X	X	X	X	X
Senior Housing, Family	SUP	SUP	SUP	SUP	SUP	X
Senior Care Facility	X	SUP	SUP	X	SUP	X

USES	NR Neighborhood Residential	RR Rural Residential	RA Rural Agricultural	CV Conservation	MC Mixed Use Commercial	LIO, LIO-A Light Industrial/ Office
Workshop/Garage Non-Commercial	P	P	P	P	P	P
Cemetery	X	P	P	P	P	P
Educational use	X	SUP	SUP	SUP	SUP	X
Library	X	SUP	X	X	SUP	X
Lodge or club	X	SUP	SUP	SUP	P	X
Municipal use	P	P	P	P	P	P
Public Safety Use	X	SUP	SUP	SUP	SUP	SUP
Public Utility	X	SUP	SUP	SUP	SUP	SUP
Religious Institution	SUP	SUP	SUP	SUP	SUP	SUP
Recreation, Active	X	SUP	SUP	SUP	SUP	SUP
Recreation, Passive	P	P	P	P	P	P
Recreation Facility, Amusement	X	X	SUP	X	SUP	SUP
Recreational Facility, Athletic	X	SUP	SUP	SUP	SUP	SUP
Recreational Facility, Motorized	X	X	SUP	SUP	X	X
Any accessory Building or use determined by the Planning Department or Zoning Board of Appeals to be customarily incidental to a permitted use, including detached garages and sheds.	PA	PA	PA	PA	PA	PA
Accessory recreational uses, such as swimming pools and sports courts, provided that they are in compliance with the setback requirements for the principal use.	PA	PA	PA	PA	PA	PA
Off-Street Parking Facilities	PA	PA	PA	PA	PA	PA

Section 502: Prohibited Uses

A. Prohibition against the Exploration for or Extraction of Natural Gas and/or Petroleum.

No land in the Town shall be used: to conduct any exploration for natural gas and/or petroleum; to drill any well for natural gas and/or petroleum; to transfer, store, process or treat natural gas and/or petroleum; or to dispose of natural gas and/or petroleum exploration or production wastes; or to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes.

B. Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Materials.

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production materials.

C. Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Wastes.

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production wastes.

D. Prohibition against Natural Gas and/or Petroleum Support Activities.

No land in the Town shall be used for natural gas and/or petroleum support activities.

ARTICLE VI: AREA AND BULK REGULATIONS

Section 600: Area and Bulk Table

The following table includes the minimum requirements for a building lot. Unless otherwise indicated this table does not indicate the number of lots that can be created from a parcel.

	NR Neighborhood Residential	RR Rural Residential	RA Rural Agricultural	CV Conservation	MC Mixed Use Commercial	LIO, LIO-A Light Industrial/ Office
Minimum lot area						
With public sewer and water facilities	10,000 sf	10,000 sf	10,000 sf	10,000 sf	10,000 sf	10,000 sf
Without public sewer and water facilities	1 acre	1 acre Except for Major Subdivisions, see § 604	1 acre Except for Major Subdivisions, see § 604	1 acre	1 acre	1 acre
Minimum front yard setback	50 feet	50 feet	50 feet	50 feet	40 feet	40 feet
Minimum side yard setback (feet)	15 feet	15 feet	15 feet	15 feet	0 or 7.5 feet if buildings are not attached	15 feet
Accessory Building with less than 15 feet Building Height and 200 square feet or less	1 foot	1 foot	1 foot	1 foot	1 foot	1 foot
Minimum rear yard setback	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Accessory Building less than 15 feet Building Height and 200 square feet or less	1 foot	1 foot	1 foot	1 foot	1 foot	1 foot
Minimum Lot Frontage	150 feet	250 feet See §603	250 feet See §603	250 feet See §603	150 feet	150 feet
Minimum Lot Width	100 feet	100 feet	100 feet	100 feet	125 feet	125 feet
Maximum Lot Coverage (%)	25%	25%	25%	15%	60%	60%
Maximum Building Height	35 feet See §604	35 feet See §604	35 feet See §604	35 feet See §604	35 feet See §604	35 feet See §604

Section 601: Relief from Lot dimension requirements in the CV, RR and RA Districts

For relief from the minimum Lot size and minimum Lot Frontage requirements in the CV, RR and RA Districts, see the Town of Dryden Subdivision Law which permits smaller Lot dimensions by utilizing the Conservation Subdivision procedure.

Section 602: Standards for Flag Lots in the RR, RA and CV Districts

A lot in the RR, RA, or CV Districts may derive its Frontage and access by means of a narrow portion of land connecting the Public Highway and the larger rear portion of the lot, provided that no portion of the access from the Frontage shall be less than 25 feet wide. The front Yard setback of such a flag lot shall be measured from the rear lot line of the lot between the flag lot and the Public Highway. In the case of a lot with radial or angled side Lot lines, the front Yard setback shall be established where the Lot meets the minimum Lot Width requirement when measured parallel to the street from which the Lot derives access.

Two or more adjacent flag Lots shall provide access by a Common Driveway as provided in the Town of Dryden Subdivision Law.

No more than four (4) flag Lots shall be served by a Common Driveway.

Section 603: Exemptions from Height Requirements

The following Structures are exempt from Building Height requirements in the table above: church steeples, water towers, farm Structures, public monuments, and those Structures subject to approval under other local laws such as the Renewable Energy Facilities Law and the Telecommunications Tower Siting Law.

Section 604: Special Provisions for Major Subdivisions in the RR and RA Districts

For Major Subdivisions in the RR and RA Districts, the minimum Lot size shall be two (2) acres, unless the Subdivider elects to proceed with Subdivision approval pursuant to the Conservation Subdivision procedures as provided in the Town of Dryden Subdivision Law, in which case, for the purposes only of determining the number of Lots which could be permitted if the property were subdivided into Lots conforming to the minimum lot size requirements, the minimum lot size shall be deemed to be one (1) acre.

Section 605: Density in the MC Zone

The following table includes the maximum density and related restrictions in the MC Zone:

Type of Dwelling	Dwelling Units per Acre	Restrictions
Multi-Family (Rental),	8	No greater than 20 Dwelling Units per Building.
Multi-Family (Townhouse or Condominium), Owner Occupied	10	No greater than 20 Dwelling Units per Building (or Series of Buildings).
Multi-Family(Detached Dwelling Units)	6	No greater than 8 individual Buildings per parcel
Multi-Family Condominium (Rental), Over Commercial	2 Residential Dwelling Units per 5,000 sq. feet commercial space.	
Multi-Family, Multi-Story (Rental)	8	3 Story Maximum, 60% Lot Coverage limit, maximum 20 units per Building (or Series of Buildings).
Multi-Family Condominium, Multi-story (greater than 2 stories)	10	70% Green Space requirement, 15 units per Building maximum (or Series of Buildings).
Single Family	4	70% Green Space requirement.

ARTICLE VII: VARNA

Section 700: Applicability

This Article applies only to the three zoning districts which constitute Varna: the Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD).

Section 701: Design Guidelines and Standards

All development and re-development of Lots and property in Varna shall comply with the Varna Design Guidelines and Landscape Standards, including:

- A. Landscape Design. Any proposed development or re-development subject to a building permit or review under this Law shall include a landscape and planting plan that includes:
 - 1. A map or sketch of existing vegetation to be retained or removed.
 - 2. A detailed landscape plan that includes a list of the number, type and location of proposed vegetation.
 - 3. A narrative or drawing demonstrating how the development or re-development will preserve open space and existing natural features including mature trees, tree canopies, land forms, existing topography and vegetation.

- B. Streetscape and Sidewalk Design. Any proposed development or re-development subject to a building permit or review under this Law shall include plans for sidewalks or pedestrian paths that contribute to the goal of a unified pedestrian network in Varna. Any such proposed development or re-development shall include a streetscape and sidewalk plan that includes:
 - 1. A map or sketch and list of dimensions of proposed pedestrian paths, sidewalks, and trails.
 - 2. A map and sketch detailing streetscape amenities including lighting, sidewalk furniture (such as benches and refuse containers), signage, and a maintenance plan for such amenities, including provisions for snow removal.
 - 3. Any proposed development or re-development along Route 366 requires sidewalks.

- C. Building and Architectural Detail.
 - 1. No proposed Building shall exceed 40 feet in height.
 - 2. Any proposed development shall be designed to preserve, as much as practicable, the existing views and line of sight of existing buildings and neighboring properties.

D. Streets and Parking.

1. Any proposed development shall provide a circulation plan in and around the development for pedestrians, vehicles, and cyclists which includes a detailed map showing:
 - a. Proposed roads, trails and cyclist paths.
 - b. The connection of proposed roads, trails and cyclist paths to existing public highways.
 - c. Circulation patterns including points of ingress and egress.
 - d. The dimensions of any proposed roads, trails and cyclist paths.
 - e. The location of any proposed curbcuts to Route 366.
 - f. The location and number of proposed parking spaces.
2. New roads should be designed and located to preserve existing topography, as much as practicable.

Section 702: Varna Use Regulations

All uses in Varna shall comply, to the maximum extent practicable, with the Varna Design Guidelines and Landscape Standards.

- A. Planning Department Report. No application shall be deemed complete without a written report by the Planning Department detailing the extent to which the application complies with the Varna Design Guidelines and Landscape Standards.
 1. For applications which require either Town Board approval or Planning Board approval, such report shall be considered part of the application and subject to review by the respective Boards.
 2. For applications which require only a Building Permit, such report shall be completed prior to the issuance of a Building Permit.
- B. No structure or land in Varna shall be used except as provided in the Allowable Use Groups Chart in subsection D below. Uses which are not explicitly permitted are prohibited, unless specifically stated elsewhere in this Law.
- C. Building Sizes:

1. In the Varna districts, no Use shall include a Structure larger than 5,000 square feet without a Special Use Permit.
2. All exemptions in Section 603 shall also apply in Varna.

D. In the following Allowable Use Groups Chart:

“P” means the use is allowed as of right, but in many cases requires Site Plan Review;
 “SPR” means this use requires Site Plan Review;
 “Special Use Permit” or “SUP” means the use requires a Special Use Permit;
 “X” means the use is not allowed in that particular district.

Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Agricultural Use	P	P	P	None
Farmstand	P	P	P	None
Artist Studio/Craft Workshop	SPR	X	SPR	1/8 Acre
Automotive Repair Garage	SPR	X	X	1 Acre
Bed And Breakfast Establishment	SPR	SPR	SPR	None
Boarding House	SPR	SPR	SPR	¼ Acre
Day Care Center	SPR	SPR	X	1 Acre
Gasoline Station	SPR	X	X	2 Acres
General Office Building	SPR	SPR	X	1 Acre
Hotel/Motel	SPR	X	X	1 Acre
Industry, Light	SUP/SPR	SUP/SPR	X	2 Acres
Inn	SPR	SPR	SPR	½ Acre
Nursery/ Greenhouse, Retail	SPR	SPR	X	1 Acre
Professional Office	SPR	SPR	SPR	None
Restaurant	SPR	X	X	None
Retail Business	SPR	X	X	None
Retail shopping center/plaza	SPR	X	X	2 Acres
Retreat/Conference Center	SPR	SPR	X	2 Acres
Service Business	SPR	X	X	None
Theater	SPR	SPR	X	1 Acre

Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Bed and Breakfast, Home	SPR	SPR	SPR	None
Congregate Care Facility	SPR	SPR	X	1 Acre
Day care home, Family	SPR	SPR	SPR	None
Day Care, Family Group	SPR	SPR	SPR	None
Dwelling, accessory unit (See § 1311)	SPR	SPR	SPR	None
Dwelling, multi-family	SPR	SUP	SUP	1 Acre
Dwelling, single-family	P	P	P	None
Dwelling, two-family	SPR	SPR	SPR	10,000 square feet
Dwelling, upper-floor apartments	SPR	SPR	SPR	None
Elder Cottages	See Section 1305	See Section 1305	See Section 1305	None
Home Occupation: Level 1	P	P	P	None
Home Occupation: Level 2	P	SPR	SPR	None
Manufactured Home	X	X	X	None
Manufactured Home Park	X	PUD	X	5 Acres
Senior Housing	SPR	SPR	SPR	1 Acre
Senior Care Facility	SPR	SPR	X	2 Acres
Workshop/Garage – Non-Commercial	P	P	P	None
Educational Use	SPR	SPR	X	None
Library	SPR	SPR	X	1 Acre
Lodge or Club	SPR	SPR	SUP	2 Acres
Municipal Use	SPR	SPR	X	None
Public Safety	SPR	SPR	X	½ Acre
Public Utility	SUP	SUP	SUP	½ Acre
Religious Institution	SPR	SPR	SUP	None
Recreation, Active	SPR	SPR	X	1 Acre

Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Recreation, Passive	SPR	SPR	SPR	None
Recreation Facility, Amusement	SPR	SPR	X	2 Acres
Recreation Facility, Athletic	SPR	SPR	X	2 Acres

Section 703: Varna Density Table

All residential uses in Varna are subject to the maximum number of Dwelling Units per area set forth in the following Varna Density Table.

Type of Development	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Green Development Bonus (See Section 706)	Redevelopment Bonus (See Section 707)
Single Family Home	8 d.u. per 1 Acre	12 d.u. per 1 Acre	4 d.u. per 1 Acre	2 d.u. per 1 Acre	1 d.u. per 1 Acre or tax parcel
Duplex (Rental)	4 d.u. per 1 Acre	6 d.u. per 1 Acre	2 d.u. per 1 Acre	X	X
Townhouse	10 d.u. per 1 Acre	11 d.u. per 1 Acre	6 d.u. per 1 Acre	2 d.u. per 1 Acre	2 d.u. per 1 Acre or tax parcel
Condominium	10 d.u. per 1 Acre	10 d.u. per 1 Acre	6 d.u. per 1 Acre	1 d.u. per 1 Acre	1 d.u. per 1 Acre or tax parcel
Rental Apartments	6 d.u. per 1 Acre	4 d.u. per 1 Acre	3 d.u. per 1 Acre	4 d.u. per 1 Acre	4 d.u. per 1 Acre or tax parcel
Senior Housing	10 d.u. per 1 Acre	11 d.u. per 1 Acre	X	2 d.u. per 1 Acre	2 d.u. per 1 Acre or tax parcel
Residential over Commercial	2 d.u. per 5,000 square feet Commercial	2 d.u. per 5,000 square feet Commercial	2 d.u. per 5,000 square feet Commercial	1 d.u. per 5,000 square feet Commercial	1 d.u. per 5,000 square feet Commercial
Multi Family Rental– Detached Units	6 d.u. per 1 Acre	4 d.u. per 1 Acre	2 d.u. per 1 Acre	1 d.u. per 1 Acre	1 d.u. per 1 Acre or tax parcel

Section 704: Required Green Space Table

All uses in Varna shall incorporate the amount of Green Space set forth in the following table.

Varna District	Required Green Space
Varna Hamlet Mixed Use District (VHMUD)	40% of Lot
Varna Hamlet Residential District (VHRD)	60% of Lot
Varna Hamlet Traditional District (VHTD)	70% of Lot

Section 705: Area and Bulk Table

The following table includes the minimum requirements for a building lot. Unless otherwise indicated this table does not indicate the number of lots that can be created from a parcel.

	VHMUD, VHRD and VHTD
Minimum front yard setback	10 feet
Minimum side yard setback	None or 7.5 feet if buildings are not attached
Accessory Building with less than 15 feet Building Height and 200 square feet or less	1 foot
Minimum rear yard setback	25 feet
Accessory Building less than 15 feet Building Height and 200 square feet or less	1 foot
Minimum Lot Frontage	45 feet

Section 706: Green Neighborhood Development; Additional Density

In addition to the density permitted in the Varna Density Table in Section 703, a density bonus may be awarded if a Neighborhood Development proposal achieves at least basic LEED certification (40 points) according to the 2009 LEED Neighborhood Development protocol.

Section 707: Redevelopment; Additional Density

A. In addition to the density permitted in the Varna Density Table in Section 703, a density bonus may be awarded Redevelopment of existing tax parcel(s) according to the table in Section 703. For purposes of this section a tax parcel shall be determined according to the 2012 final assessment toll. The Redevelopment Bonus may be computed on either a per acre or tax parcel basis, whichever produces the largest bonus.

B. In addition to the density bonus provided in subsection (A) above, an additional density bonus may be awarded if Redevelopment of an existing tax parcel achieves at least a basic LEED certification.

Section 708: Planned Unit Development

A Planned Unit Development (PUD) shall be developed in accordance with the provisions in Article X.

ARTICLE VIII: OVERLAY DISTRICTS

Section 801: Traditional Neighborhood Development Overlay (TNDO) District

- A. Purpose. Property in a TNDO District may be developed in accordance with the regulations of the underlying zoning district, or utilizing the provisions of this section. The purpose of a TNDO District is to establish a development option for parcels within a TNDO zoning district. The use of the procedure in this Article is not equivalent to incentive zoning as provided in Town Law 261-b.

The provisions of the TNDO are intended to promote Traditional Neighborhood Development patterns in areas that adjoin existing villages or hamlets. Within a TNDO District, higher density residential development will be allowed if designed according to these guidelines to ensure that the resulting development incorporates the design principles of traditional neighborhoods.

A primary objective of the TNDO option is to provide for a diversity of Dwelling types, age groups, and income levels, in a manner consistent with the variety of existing Dwellings in the area and with traditional village/hamlet building and site development patterns. New construction is to be predominantly Single-Family Dwellings on a variety of village/hamlet-scale lot sizes.

All projects utilizing the TNDO option shall follow the process and procedures described in Article IX for Conservation Subdivisions in the Town of Dryden Subdivision Law, except as modified herein and with the Town Board having jurisdiction over the procedures.

- B. Establishment of Overlay District. The Town of Dryden Zoning Map delineates the boundaries of possible TNDO Districts. All TNDO Districts are also RA or RR Districts. Areas outside of such TNDO Districts may be developed only by amendment of the Town of Dryden Zoning Map to establish a district where this development option may be utilized.
- C. Density. Maximum density in the TNDO District shall be six (6) dwelling units per acre subject to the other provisions of this Law.
- D. Permitted Principal Uses:
1. Dwelling, Single-Family
 2. Dwelling, Two-Family
 3. Dwelling, Townhouse
 4. Dwelling, Multi-Family

Up to 40% of new units may be in Two-Family or Multiple-Family Dwellings. When Two-Family or Multiple-Family Dwellings are proposed, they shall be integrated

architecturally and in scale with the same streetscape as Single-Family Dwellings, and not isolated in separate areas of the TNDO District.

E. Permitted Accessory Uses and Structures:

1. Private garages or carports for the parking of motor vehicles of residents.
2. Customary accessory Structures to residential uses including, but not limited to, private swimming pools, hot tubs, storage buildings, greenhouses, pet shelters and outdoor fireplaces.
3. Customary farm accessory buildings for the storage of products or equipment.
4. Off-street parking, fencing, and signs.
5. Home Occupations: Level 1.

F. Design and Dimension Requirements:

1. Open Space: Not less than 20% of the permanently protected Open Space which is required to be set aside shall be in a form that is integrated into the residential neighborhood and accessible to the public, such as a central green, neighborhood squares or commons, tot lots, a community park, or any combination of the above.
2. Blocks: Streets shall be designed to create blocks that are generally rectilinear in shape, a modified rectilinear shape, such as curves, or another regularly repeating, distinct geometric shape. Amorphously shaped blocks are discouraged, except where topographic or other conditions necessitate such a configuration. To the greatest extent possible, blocks shall be designed to have a maximum length of 480 feet. Lanes or alleys shall be permitted to bisect blocks.
3. Street Layout: The street layout shall form an interconnected system of streets primarily in a rectilinear grid pattern, modified to avoid a monotonous repetition of the basic street/block pattern. The use of cul-de-sacs and other streets with a single point of access shall be minimized. To the greatest extent possible, streets shall be designed to have a maximum length of 600 feet from intersection to intersection, and, to the greatest extent possible, shall either continue through an intersection, or terminate in a “T” intersection directly opposite the center of a building, an Green Space area, or a view into a peripheral Green Space area.
4. Sidewalks: A sidewalk network shall be provided throughout the development that interconnects all Dwelling units with, non-residential Structures, common Green Spaces, and the original village/hamlet to which the development is adjacent. If the development is not adjacent to a village/hamlet area, but rather an Open Space owned or controlled by the owner, then a trail system through the Open Space shall be provided. Sidewalks shall be a minimum of four feet wide, and five feet and six feet wide along major pedestrian routes. Sidewalks shall be of barrier-free design to the greatest extent possible. The pedestrian circulation system shall include crosswalks where appropriate, and include gathering/sitting

areas and provide benches, landscaping, and other street furniture where appropriate.

5. Minimum Lot Area: 6,000 square feet.
 6. Minimum Lot Width at Building Line: 40 feet.
 7. Yard Regulations: Variations in the principal Structure position and orientation may be considered and the following minimum standards shall apply:
 - a. Front yard setbacks:
 - i. Principal Structures: 12 feet minimum (6 feet to front porches/steps);
 - ii. Attached Garages (front entrance): minimum 10 feet behind front plane of house;
 - iii. Attached Garage (side entrance): minimum 10 feet from Street Line;
 - iv. Detached Garages (front entrance): min. 40 feet from street and 10 feet behind plane of house or in the rear yard.
 - b. Rear yard setbacks:
 - i. 30 feet minimum for principal Structure and 5 feet for accessory Structures (excluding garages);
 - ii. Detached Garages (rear entrance): min. 10 feet from alley or lane.
 - c. Side yard: Minimum separation of 20 feet between principal Structures; however, the side yard shall be a minimum of 5 feet.
 8. Maximum Impervious Coverage: 50 percent limit per lot.
 9. Minimum Frontage: Lots must have frontage either on a street or on a back lane or shared driveway. Dwellings served by rear lanes may front directly onto parks or greens, which shall be designed with perimeter sidewalks.
 10. Maximum Building Height: 35 feet
- G. Uses Allowed by Special Use Permit.

The following uses are allowed with a Special Use Permit issued by the town board:

1. Single Family Dwelling with accessory Dwelling Unit
2. Home Occupation: Level 2
3. Church and other religious institution
4. Horticultural nursery

5. Recreational facilities of charitable, not-for-profit organizations
6. Public and semi-public buildings and uses
7. Bed-and-Breakfast Establishment
8. Bed-and-Breakfast Home
9. Congregate Care Facility
10. All Business Group uses permitted by Special Use Permit in the H District

H: Site Plan Approval Required.

No site preparation or construction shall commence until site plan approval has been granted by the Town Board. The Town Board shall have full discretion to approve or deny applications for proposed projects within the TNDO based on compliance with the standards set forth above.

Section 802: Large Scale Retail Development (LSRD) District

- A. Purpose and Applicability. The purpose of this district is to define a location where large scale retail development may be appropriate, and to define specific requirements for the review and approval of large scale retail shops and shopping centers, and provide for the utilization of incentive zoning pursuant to Town Law Section 261-b.
- B. Establishment of the District. The LSRD District is a floating zone, and is not defined as of the date of the adoption of the Town of Dryden Zoning Map. When the Zoning Law is amended to create the LSRD District, the Zoning Map will delineate the boundaries of the LSRD District at the same time a Special Use Permit has been granted to allow a proposed large scale retail development. Compliance with the procedural requirements of Town Law Section 261-b is required in connection with the approval of a LSRD District.
- C. Size limitations:
 1. Stores - No individual store shall be greater than 45,000 gross square feet in floor area unless an amenity package is included as part of the site plan approval.
 2. Retail Shopping Centers - No retail shopping center shall be greater than 90,000 gross square feet in floor area unless an amenity package is included as part of the site plan approval.
 3. For the purpose of the size limits set forth above, floor area shall include floor area or floor space of any sort within a building as well as exterior space used for sale or storage of merchandise. This shall include, but is not limited to, garden centers, outdoor display areas, or lumber yards.
- D. Building Placement, Parking, Lighting and Landscaping. Conformance to the Town's Commercial Design Guidelines shall be required to the maximum extent practicable, in addition to all other applicable requirements set forth in this Law.

- E. Amenity Package. In order to increase the square footage for an individual store or retail shopping center, a developer may include an amenity package to assist the town in meeting other needs related to goals stated in the Comprehensive Plan or other officially adopted town plan (i.e. open space, Recreation, etc.).
1. A maximum of 60,000 gross square feet of floor area for an individual store and 120,000 gross square feet of floor area for a shopping center, may be approved by the Town Board if a suitable amenity package is provided. Any increase in square footage allowed must be commensurate with the value of the amenity package proposed.
 2. Amenities may include provisions for on-site and/or off-site improvements beyond those required for the project and/or beyond measures needed to mitigate the impact of the project. The amenities may include, but are not limited to, the following:
 - a. Affordable housing options;
 - b. Enhancement of public facilities including local highways, public water, public sewage, stormwater, and community services/public safety/transportation facilities;
 - c. Creation or extension of an Open Space system for the public including a comprehensive multi-purpose path system and lands (including developable land) permanently protected by a conservation easement or other similar measure acceptable to the town board;
 - d. Creation of recreational amenities including parks, walking or biking trails, community centers and similar features designed for use by the immediate residents and public that are not already located on site;
 - e. Payment to the Town for a dedicated fund for use in future public improvements or acquisition of community facilities such as recreation facilities, trails, fishing and water access; public works such as water, sewer, and transportation facilities and the acquisition and/or permanent protection of Open Space and agricultural lands;
 - f. Non-corporate design features for the store and/or retail shopping center;
 - g. Enhanced stormwater retention facilities, both on and off site.
 3. Where the Town Board determines that a proposed amenity is not immediately feasible, or otherwise not practical, the Town Board may require, in lieu thereof, a payment to the town of a sum to be determined by the Town Board. These funds shall be deposited in a dedicated fund to be used by the Town Board exclusively for the type of amenities defined herein.
- F. Abandoned Structure Surety Bond: The Town, may require a performance/surety bond providing for demolition of the store(s) or retail shopping center if the Structure is vacated or abandoned, and remains vacant or abandoned for a period of more than twelve (12) consecutive months.

ARTICLE IX: GENERAL REGULATIONS

Section 900: General Regulations

Except as hereinafter provided, the following general provisions shall apply to land use and development in the Town of Dryden:

- A. No land or Structure shall hereafter be used or occupied and no Structure or part thereof shall hereafter be enlarged or its use altered unless such action is in conformance with all the regulations specified for the zone in which said action occurs, any special regulations applicable thereto, and the provisions of this Law.
- B. Until such time as public water and/or sewer facilities are available, the Tompkins County Health Department standards for minimum Lot size shall take precedence over any less restrictive provisions of this Law except as may be provided in the Town of Dryden Subdivision Law.
- C. No Lot shall hereafter be reduced or altered so as to result in a Lot that does not meet the minimum Lot area or Yard requirements prescribed by this Law.
- D. No Yard provided for any Structure for the purpose of complying with the provisions of this Law shall be considered as providing a Yard for any other Structure.
- E. Public utility facilities (including electric, gas, telephone and television cable) and necessary appurtenances thereto, shall be allowed uses in all zones by Special Use Permit.
- F. The provisions of this Law shall not be in conflict with the Town of Dryden Subdivision Law and the most restrictive provisions shall apply.
- G. Waiver or Modification of Lot Requirements during Site Plan Review Approval.
 - 1. To encourage development, or redevelopment, as the case may be, the Town Board reserves the right to waive or modify, upon a determination as herein provided, the area and bulk requirements pertaining to the dimensions of a Lot, set forth in Article VI. An applicant requesting a waiver or modification of Lot requirements must demonstrate by clear and convincing evidence that, to the maximum extent practicable, the proposed development complies with the Residential and/or Commercial Development Guidelines.
 - 2. In reaching a determination whether the applicant has, to the maximum extent practicable, complied with the applicable Design Guidelines, the Town Board shall consider:

- a. the recommendations of the Planning Department and the Planning Board;
 - b. the scope of the proposed development, including number of new lots;
 - c. minimization of new public infrastructure;
 - d. maximization of permanently preserved Open Space; and
 - e. utilization of techniques designed to enhance public safety, environmental quality, property values, economic opportunity, town character as expressed in the Town's 2005 Comprehensive Plan, and the overall quality of life for all town residents.
3. The Town Board shall hold a public hearing on any application to waive or modify Lot requirements under this subsection, and the provisions of Town Law § 265 shall apply.
 4. In reaching a determination about whether to waive or modify any of the above mentioned area and bulk Lot requirements, the Town Board shall make detailed findings of fact and conclusions based on the application, the recommendations of the various reviewers, the public hearing and the standards herein set forth.

Section 901: Unregistered Vehicles

All Lots shall be kept free of vehicles that are unregistered, abandoned or inoperable, and shall be kept free of trash, rubbish or junk. For the purposes of this section, one (1) vehicle that is unregistered but operable shall be permitted. An inspection certificate less than one (1) year old by an inspector licensed by the New York State Department of Motor Vehicles shall be prima facie proof of the vehicle being operable. For vehicles that do not have such an inspection certificate, the owner may certify, under the penalty of perjury, that such vehicle is operable. An owner's certification shall not be entitled to prima facie evidence as to the vehicle being operable.

Section 902: Off-Street Parking

- A. Off-street parking spaces shall be provided as specified in this section and subject to the provisions of subsection (H)(2) below shall be Paved, drained, maintained and provided with necessary access driveways. All such parking spaces shall be considered to be required space on the Lot on which they are located, unless otherwise stated, and shall not therefore be encroached upon in any manner.
- B. All uses allowed by this Law, as well as uses, allowed by variance, shall include at minimum the following amount of off-street parking spaces:

1. For each Dwelling Unit—one parking space, except for Dwelling Units occupied by more than three unrelated persons where one parking space per bedroom shall be required.
2. For Hotels and Motels—one parking space per room plus one parking space per two employees.
3. For a church—one parking space for each four (4) persons who can be seated in the sanctuary area.
4. For an educational building—one parking space for each employee and one parking space for each ten (10) students.
5. For a college, trade school, or other post-secondary educational facility—one parking space for each two employees and one parking space for each two students.
6. For a community center or other civic or semi-public Structure—one parking space for each 250 square feet of gross floor space plus one parking space for every two employees.
7. For public or private parks or playgrounds—ample parking spaces to accommodate the parking requirements for the expected use as determined by the Board.
8. For commercial recreation facilities—one parking space for each 200 square feet of enclosed space for indoor facilities, plus for outdoor facilities one parking space for each 7,500 square feet, or major fraction thereof, up to a maximum ten (10) spaces, and thereafter, one parking space for every 20,000 square feet, or major fraction thereof.
9. For a restaurant, club, lodge or similar use—one parking space for each 150 square feet of floor area.
10. For any retail shop or store—five (5) parking spaces for each 1,000 square feet of floor area.
11. For any gasoline filling station—one parking space per pump island, plus applicable parking for all other uses on the site.
12. For a shopping center—five (5) parking spaces for each 1,000 square feet of floor area up to 25,000 square feet, then four (4) parking spaces for each 1,000 square feet thereafter.
13. For a professional office, studio or bank (except medical and dental offices)—one parking space for each 250 square feet of floor area
14. For medical and dental offices and clinics—one parking space for each 150 square feet of gross floor area
15. For research offices and laboratories—one parking space for each 200 square feet of floor area or one parking space for each two employees working on the largest shift, whichever is greater.
16. Home Occupation Level 2—in addition to the Dwelling Unit parking space requirement, ample parking space to accommodate the parking requirements of the expected use determined at the time of the Special Use Permit hearing.
17. For a hospital, nursing home, similar use—one parking space for each four (4) beds, plus one parking space for each employee per shift.
18. For machinery display and repair uses—one parking space for each two employees, plus one parking space for each 5,000 square feet, or major fraction thereof, of Lot area.

19. For a manufacturing, assembly or other light industrial use—one parking space for each two employees per shift.
 20. For lumber, building materials and other similar storage yards—one parking space for each two employees, plus one space for each 5,000 square feet or major fraction thereof of storage area.
 21. For wholesale, storage and warehouse facilities—one parking space for each 2,000 square feet of warehouse space, plus one parking space for each 250 square feet of office space.
 22. For all service uses such as printing, welding, plumbing and similar shops—one parking space for each employee or one parking space for each 500 square feet of floor area devoted to such use, whichever is greater.
 23. For a boarding house, bed-and-breakfast establishment and bed-and-breakfast home—in addition to the Dwelling Unit parking requirement, one parking space for each bedroom to be rented.
- C. In order to encourage safe and convenient traffic circulation, the Board may require the interconnection of parking areas in adjacent Lots via access drives within and between such Lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Board, binding the owner, and the successors and assignees of the owner to maintain such interconnection of parking areas.
- D. Every use requiring receipt or distribution of materials or merchandise by motor vehicle shall have one or more Loading Berths or other dedicated space for standing, loading and unloading according to the following tables. Such Loading Berth shall be of a sufficient size to allow normal loading and unloading operations appropriate to the use of the property, and such space shall not be used for parking of vehicles or storage of materials, or to meet the off-street parking requirements.

OFF-STREET LOADING BERTH REQUIREMENTS

Land Use Classification	Loading Berth Requirements
Hotel/motel uses	1 Loading Berth for every 100,000 square feet of floor area, to a maximum of 3 Loading Berths.
Light Industrial and commercial uses:	Minimum number of Loading Berths required as follows:
Less than 25,000 square feet	1
25,000 to 49,999 square feet	2
50,000 to 99,999 square feet	3
Each additional 100,000 square feet	1 additional Loading Berth

This subsection D shall apply to new Structures or additions to existing Structures, and these requirements shall not be considered to make any existing uses nonconforming uses because of the lack of such off-street Loading Berths.

E. For all uses requiring site plan approval or a Special Use Permit, applicable facilities for bicycle parking, as determined by the Board, shall be provided.

F. Landscaping and Layout of Parking Areas.

1.
 - a. A landscaping plan for parking areas shall be submitted for those uses requiring site plan review or a Special Use Permit.
 - b. All areas in a parking lot not required for parking spaces or access drives shall be suitably landscaped and maintained and shall include the use of shade trees as herein provided.
2. In off-street parking facilities with 25 or more parking spaces, at least 15% of the land within the perimeter of the area dedicated to parking shall consist of raised landscaped islands, except that the Board may waive or modify this requirement for good cause shown and in the interest of good design, when fewer than 50 parking spaces are required.
 - a. Landscaped islands shall be located at the ends of each parking bay which contains ten (10) or more parking spaces, separating adjacent rows of parking spaces at least every second parking bay and elsewhere as determined appropriate by the Board in order to direct vehicle movement, provide for plant growth and vehicle overhang, provide for pedestrian circulation and otherwise help assure proper traffic circulation, pedestrian safety and aesthetics. Such landscaped islands and the plantings within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances and exits; to safely channel internal traffic flow; to prevent indiscriminate diagonal movement of vehicles; to provide cooling shade and relief from the visual impact, monotony and heat of large expanses of paved areas; and, where appropriate, to accommodate stormwater management practices such as bioretention areas, swales and sand filters.
 - b. Unless modified by the Board, the minimum width of landscaped islands shall be eight (8) feet when located at the ends of parking bays and ten (10) feet where separating opposing rows of parking spaces or adjacent to circulation aisles. All corners shall be rounded with a curb radius of not less than three feet unless otherwise required by the Board.
 - c. The landscaping of off-street parking areas shall include at least one shade tree of not less than three inches caliper (dbh) for each six (6) parking spaces. Main traffic circulation aisles shall be emphasized with such shade trees. Other landscaped islands may be planted with flowering trees and/or other plantings, as appropriate. The shade tree

planting is in addition to ground cover, shrubs and hedges which are to be provided where appropriate to serve their intended function while not interfering with safe sight distance for pedestrians and vehicles.

- d. The Board may also permit non-landscaped islands, if appropriate for purposes such as pedestrian circulation, snow storage and so forth. Such islands shall not be less than four feet in usable width.
- e. In addition to the buffer requirements of section 909, all off-street parking and loading facilities shall also be attractively landscaped along their periphery. Such landscaped screening shall be a minimum of ten feet in width. The buffer shall consist of evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Board, will serve the intended function. The Board may allow or require a landscaped berm, wall or fence of location, height, design and materials determined suitable by the Board to be substituted for or to supplement the required screen planting.
- f. New plantings shall be comprised of appropriate native species and shall not include those invasive species on the “Invasive Plants of Tompkins County” list.

G. No parking facilities shall provide more than 120% of the minimum number of parking spaces required by this section unless expressly approved by the Board in approval.

H. Stormwater Management, Use of Pervious or Porous Materials.

- 1. All parking facilities shall be designed in compliance with the town’s Stormwater Management, Erosion and Sediment Control Law.
- 2. Notwithstanding subsection (A) above, where feasible and appropriate, the use of pervious or porous materials in the construction of parking facilities is encouraged, including the use of crushed stone, porous asphalt and concrete mixtures and blocks or brick laid in sand. The porous or pervious surfaces can cover the entire lot, or certain areas, such as parking stalls. Porous surfaces should be designed to encourage the direct infiltration and cleansing of stormwater, to reduce adverse environmental impacts of large impervious parking areas.

I. In the case of two or more different uses located on the same lot, the sum of the space required for all uses individually may be reduced to an amount no less than 125 percent of the largest number of spaces required by any single use, upon a determination by the Board that such a reduced amount of parking space will be adequate to serve all uses on the lot due to their different character and hours of operation.

J. Parking spaces for the handicapped shall be at least eight (8) feet in width and shall have an adjacent access aisle at least eight (8) feet in width or as otherwise required by the

New York State Uniform Fire Prevention and Building Code. The minimum number of handicap accessible spaces shall also be as required by such Code. The eight (8)-foot-wide access aisle may be shared by two adjacent handicap parking spaces and shall be part of an accessible route to the building or use which it is designed to serve. Such spaces shall be appropriately located and clearly identified and limited in their use by appropriate signage and pavement markings.

K. Reduction of Required Number of Parking Spaces.

1. If the Board determines that less than the required number of parking spaces required by this section will satisfy the intent of this Law based upon the proposed use, and such other factors as the Board may determine, the Board may reduce the number of parking spaces to be initially provided by up to 50% of the number of spaces otherwise required.
2. In granting such a reduction in the required number of spaces, the parking plan must provide for sufficient area to accommodate the number of parking spaces otherwise required by this section before such reduction, including maneuvering areas, landscaping, stormwater management facilities, and otherwise required improvements.
3. All such reserved areas shall be maintained as landscaped grounds until required for parking.
4. In the event the Board determines, after a public hearing on at least 10 days prior notice to the property owner and the public, that the reduced number of parking spaces are not sufficient for the current use of the property, the Board may then require the construction of some or all of the parking spaces originally required but not yet provided. The failure of the property owner to comply with the order of the Board to construct such parking facilities within six (6) months of the date of such order shall be grounds to revoke any Certificate of Occupancy issued by the Code Enforcement Officer.

L. For residential Lots: any unoccupied camping trailer, utility trailer, boat and/or boat trailer, or recreational vehicle may be parked on the Lot. Outside parking shall be at the rear or side of the Dwelling but shall not be closer than five feet to any side or rear property line.

Section 903: Signs

A. The intent and purpose of this section is to establish specifications for Signs in all zones in the Town of Dryden. Compliance with these regulations will permit proper identification of the use of or the address of the premises, preserve and enhance the visual character of the area, and prevent Sign installations that are distracting or hazardous to vehicular or pedestrian traffic.

- B. In general, and unless otherwise specified in this section, no portion of any Sign shall be located closer than 15 feet to any Highway line. Except for an Outdoor Advertising Billboard, all Signs shall be located on the premises to which they pertain.
- C. All uses allowed by this Law, including those allowed by use-variance and special use permit, may have Signs in accordance with the following specifications:
1. Signs required by law.
 2. Signs of a government or utility company not to exceed 32 square feet.
 3. Residential Signs:
 - a. One Sign, not to exceed one (1) square foot, for each Dwelling Unit.
 - b. One Sign, not to exceed 10 square feet for a Multi-Family Dwelling, Bed-and-Breakfast Establishment or Bed-and-Breakfast Home, and Home Occupation Level 2 in addition to a Sign for the Dwelling Unit.
 - c. One Sign, not to exceed three (3) square feet, for each Home Occupation Level 1 in addition to a Sign for the Dwelling Unit.
 4. Commercial and Light Industrial Signs: The number of Signs and the size of each Sign are shown in Table 1 for the respective use category. Signs may be free standing or placed on the exterior surface of the Structure.

TABLE 1

Size, Free Standing: Use Category	Number of Signs	Maximum Square Feet	Maximum Size on Facade	Remarks
a. Retail business not in shopping center	2	40	25%	Sign on an exterior surface shall not exceed 25% of such area, and may be in addition to the other Signs permitted in this category.
b. Retail business in shopping center	1	16	16 Sq. Ft.	
c. Shopping centers or plazas; manufacturing, assembly or light industrial uses	2	160	20%	For a Sign facing a Highway, a minimum setback of 30 feet from the Highway line is required.

Size, Free Standing: Use Category	Number of Signs	Maximum Square Feet	Maximum Size on Facade	Remarks
d. Wholesale sales, storage, printing, welding, plumbing, and similar uses; automobile and machinery sales, service, washing and maintenance; commercial indoor recreation; motels, outdoor theater	2	80	20%	
e. Offices and laboratories	1	80	20%	
f. Gasoline stations	2	32	10%	In addition, two advertising Signs not to exceed 10 sq. ft. are allowed.
g. Camps, clubs, outdoor recreation facilities, schools, churches	2	24		
h. Farm Stands	3	16		
i. Manufactured Home Park	1	32		Alternatively, one per Manufactured Home Park entrance with a maximum of three Signs not to exceed 12 sq. ft.

5. Signs advertising the sale, lease or rental of the premises upon which the Sign is located: One (1) Sign, not to exceed 10 square feet if not located on the Building and one (1) sign not to exceed 50 square feet if located on the Building.
6. Temporary Signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in progress: One (1) Sign not to exceed 32 square feet.
7.
 - a. Billboards: Billboards shall be allowed only by Special Use Permit and shall not:
 - i. exceed 160 square feet.
 - ii. have more than two faces on any one structure, whether the faces are back to back, side by side or one on top of the other.
 - iii. be located closer than 30 feet from any Highway line.
 - iv. be located within one-half mile from another Billboard, or closer than 500 feet from the boundary of a residential or commercial zone, or any residential or commercial zone within the Village of Dryden or the Village of Freeville.

- v. exceed 15 feet in height, including support, measured from the elevation at the edge of the paved surface of the Highway adjacent thereto.
 - b. In considering an application for a Special Use Permit, in addition to the other requirements of this Law, the Board shall take into consideration the size, type of construction, design; location and its effect on surrounding property, safety of vehicular traffic and maintenance provisions, including a provision for removal of the Billboard, if abandoned.
 - c. Setback at intersections: An Outdoor Advertising Billboard, except those attached to a Building, shall not be located closer than 300 feet from a Highway intersection.
 - d. Maintenance of Outdoor Advertising Billboards: All Outdoor Advertising Billboards must be kept in good repair, be clean, neatly painted or placarded, and free from all hazards including, but not limited to faulty wiring, loose fastenings or damaged supports. The Billboard shall not be dangerous to the public health or safety. If the Code Enforcement Officer shall find that any such Billboard violates any of these provisions, he shall give written notice of such violation to the owner of the land, and the Billboard shall be removed or the deficiencies corrected within a period set in such notice but not less than 30 days from such notice.
 - e. In the event that the owner of the Outdoor Advertising Billboard or the owner of the land on which it is situate shall fail or refuse to repair or remove such Billboard within any required period, the Code Enforcement Officer may remove or repair of such Billboard. All costs and expenses incurred in the removal or repair of such Billboard shall be collected from the owner of the land or the owner of the Billboard in an action at law, or such costs and expenses may be assessed against the owner of the land upon which the Billboard is situate and shall be collected as part of the town tax next due. No such amount shall be so assessed and collected unless a notice in writing of the amount due has been sent to the owner of the land on which the Billboard is erected prior to the first day of September of the next year in which the amount is to be assessed and collected along with the town tax.
8. Boarding House, Bed-and-Breakfast Establishment, or Bed-and-Breakfast Home: One (1) Sign not to exceed six (6) square feet with indirect lighting only. If a Special Use Permit is required, the Sign is subject to the approval of the Board.
- D. 1. Illumination of any Sign shall employ only light emitting a constant intensity. No Signs shall be illuminated by or contain flashing, intermittent, rotating, or moving light. In no event shall an illuminated Sign be placed or light directed so that the

illumination is directed upward resulting in light pollution, or be directed upon a Public Highway, sidewalk or onto the adjacent premises or that results in glare or reflection that constitutes a traffic hazard or a nuisance.

2. Signs shall be illuminated by a shielded light source, or sources, to restrict the area illuminated to the Sign face, and downward.
- E. Advertising letters or symbols on opposite sides of a Structure less than one foot thick shall be considered as one Sign.
 - F. If a Sign consists of independent, detached letters or symbols, the area of said Sign shall be determined by measuring the area within a polygon enclosing all of such letters or symbols.
 - G. No freestanding Sign and its structure shall exceed 15 feet in height.
 - H. Where permitted on Buildings, Signs shall be on the exterior wall of the Building and no portion of a Sign or its support structure shall extend above the fascia or be mounted on the roof or above the roof.

Section 904: Obstruction to Vision

On any corner Lot - no hedge, fence, planting, wall, or Structure shall be permitted nearer than 15 feet from the Highway lines if such will result in an obstruction to the vision of motorists.

Section 905: Flight Hazard Area

- A. For the purposes of this section "Flight Hazard Area" shall mean that area as defined by Article 14 of the General Municipal Law and pursuant to the applicable statutes, codes, rules and regulations of the Federal Aviation Administration.
- B.
 1. Except as provided herein, all uses may be allowed in the Flight Hazard Area of the Ithaca Tompkins Regional Airport.
 2. No Multi-Family Dwellings, hospital, nursing home, or place of public assembly shall be allowed in an area designated as a Flight Hazard Area for any private airport or heliport.
- C. Before any Building Permit can be issued for any Structure or use in the Flight Hazard Area of the Ithaca Tompkins Regional Airport, the Code Enforcement Officer shall be satisfied that such Structure or use complies with all applicable federal, state and local statutes, codes, rules and regulations for the use or construction of property within a Flight Hazard Area.
- D. Before a Building Permit can be issued for any Structure or use allowed in the Flight Hazard Area of any private airport or heliport, the Code Enforcement Officer shall be

satisfied that such Structure or use complies with all applicable federal, state and local statutes, codes, rules and regulations for the use or construction of a Structure within such Flight Hazard Area.

Section 906: Abandoned Cellar Holes and Buildings

Within one (1) year after work on any excavation for a Structure has begun, such disturbance must be graded to final contours or, if no construction was begun, the excavation must be restored to the pre-existing grade. Any Structure substantially damaged or destroyed by any casualty shall be rebuilt or demolished within one (1) year following such damage or destruction except as provided in Article XVI. Any cellar remaining after demolition or destruction of a Structure from any casualty shall be restored to grade within one (1) year following such demolition or destruction.

Section 907: Farm Stands

- A. A Farm Stand shall be at least 50 feet from the Public Highway centerline.
- B. A Farm Stand shall provide a safe means of ingress/egress and parking for customers' motor vehicles.

Section 908: Outdoor Storage

Outdoor storage/display may be allowed as an accessory use, provided that such storage/display areas are screened from all highways and residential areas. Such storage/display area shall not encroach on any yard setback, nor be located in any designated landscaping/buffer area set forth on an approved site plan.

Section 909: Landscaped Buffer Requirements for Multi-Family and Non-Residential Uses

- A. All portions of Multi-Family and non-residential Lots which are not used for Structures, off-street parking and loading areas, sidewalks or similar purposes shall be landscaped and permanently maintained in such manner as to minimize erosion and stormwater runoff and harmoniously blend such uses with the surrounding residential character.
- B. Multi-Family or non-residential uses abutting or directly across a Highway from any residential property in a CV, H, NR, RA, RR or TNDO District, shall have a Buffer Strip along or facing any common property lines. Such Buffer Strip shall comply with the following minimum standards:
 - 1. It shall be a planting of such type, height, spacing and arrangement as, in the judgment of the Board, will effectively screen the activity on the Lot from the neighboring residential area. In the case of industrial uses, plantings shall be at least six (6) feet high at planting and at least 12 feet high at maturity.

2. It shall be at least 20 feet in width, except in conjunction with industrial uses, in which case the buffer strip shall be at least 30 feet in width.
3. No site improvements, including parking areas, shall be allowed within 15 feet of the inside edge of any buffer strip.
4. A wall or fence of location, height, design and materials approved by the Board may be substituted for part or all of the required planting and buffer area.
5. Where the existing topography and/or landscaping provide adequate screening, the board may waive or modify the planting and/or buffer area requirements.

Section 910: Exterior Lighting

All exterior lighting in connection with all Structures, Signs or other uses shall be directed away from adjoining highways and properties and shall not cause any glare observable from such highways or properties. Hours of illumination may be restricted by the Board in any site plan approval or Special Use Permit. No use shall produce glare so as to cause illumination beyond the property on which it is located in excess of 0.5 footcandles. Light fixtures shall be designed to prevent light pollution by shielding the light source and directing light downwards, away from the night sky.

Section 911: Use of Native Species of Plants Required

No required landscaped Buffer Strip, Site Plan or other required landscape plan or planting schedule shall contain or propose an Invasive Species, and no Invasive Species shall be planted or maintained in such Buffer Strip, landscape plan or plantings.

ARTICLE X: PLANNED UNIT DEVELOPMENT DISTRICTS

Section 1000: Purpose

A Planned Unit Development (PUD) is intended to provide for a variety of land uses planned and developed in a manner which will provide community designs that preserve critical environmental resources, provide Open Space amenities, incorporate creative design in the layout of Buildings, Green Space and circulation of vehicles and pedestrians; assure compatibility with surrounding land uses and neighborhood character; and provide efficiency in the layout of Highways, utilities, and other Municipal Facilities.

Section 1001: Land Use and Development Regulations

A PUD district is a new zoning district that replaces part or all of an existing zoning district or districts. The development standards and land uses in an approved Development Plan shall be the zoning regulations, standards, and land uses in the PUD district. Upon approval of a Development Plan as herein provided, the Town of Dryden Zoning Map shall be revised to identify the area covered by each PUD district.

Section 1002: Permitted Types of PUD Development

- A. Within an approved PUD district, the following types of development are permitted:
1. Single-Family Dwellings with no increase in permitted density;
 2. Single-Family Dwellings with an increase in otherwise permitted density;
 3. Multi-Family Dwellings with or without Single-Family Dwellings, and with or without an increase in otherwise permitted density;
 4. Single-use nonresidential development, such as Office Buildings or commercial development;
 5. Nonresidential uses combined with either Single-Family Dwellings, Multi-Family Dwellings, or both, with or without a change in otherwise permitted density.
- B. All uses listed in the Concept Plan and Development Plan applications must be a permitted or accessory use in one of the town's zoning districts, except adult uses which are restricted to the LIO-A District.

Section 1003: Procedure for Review and Approval

An application for a PUD district shall consist of a PUD Concept Plan and PUD Development Plan. A PUD zoning district is established at the same time a PUD Development Plan is approved by the Town Board. This following procedure shall apply to the creation of a PUD district:

A. Pre-Application Conference.

Prior to submitting a PUD Concept Plan application, the applicant shall meet with the Planning Department to review the zoning regulations of the project area, review the procedure and discuss the proposed use and development of the project area. The applicant shall not be required to present any written or graphic materials at the pre-application conference, but a sketch plan is encouraged. The Planning Department shall furnish the application forms required for the Concept Plan and Development Plan approvals. The application forms shall require such information and submittals as may reasonably be required by this Law and the Planning Department and shall be approved by the Town Board.

B. Concept Plan.

A PUD Concept Plan and application for approval shall be submitted in accordance with the requirements of this subsection (B).

The Concept Plan shall include:

1. A list of the uses for which PUD approval is requested and whether they are permitted uses or accessory uses in this Law and the section of this Law under which they are permitted.
2. Evidence of ownership or control of the PUD project area.
3. An accurate map of the project area including the relationship of the project area to the surrounding area, existing topography and key geographic, environmental and existing development features.
4. A written outline for the Development Plan and visual representations of the development concept. The outline of the Development Plan and visual representations shall include the following:
 - a. The planning objectives and the character of the proposed development and the approximate phases in which the development will be built;
 - b. A statement as to why the proposed development could not be considered outside of a PUD;
 - c. The approximate location and type of existing nearby developed areas, such as neighborhoods, villages and hamlet centers;

- d. The number and type of Dwelling Units proposed, including the proposed density and the approximate location, arrangement, use and size of any nonresidential Structures and all parking facilities;
- e. The approximate proposed traffic and pedestrian circulation plan, including Public Highways, pedestrian and bike paths, and trails;
- f. The approximate location of any proposed Open Space and any proposed community and Municipal Facilities, and any floodplain, wetlands or other areas designated for preservation as Open Space;
- g. A statement describing how the Development Plan and proposed PUD will comply with the Town's Comprehensive Plan, and further the goals described in the Comprehensive Plan;
- h. A statement or visual representation of how the Development Plan and PUD will relate to and be compatible with adjacent and existing neighborhoods;
- i. Such other additional information as the Planning Department shall reasonably require in order to determine compliance with the requirements for a Concept Plan;
- j. A Full Environmental Assessment Form (EAF) and Visual Addendum;
- k. For projects proposing a greater density than otherwise permitted in the Zoning Law, a proposed amenity package consistent with the size and scope of the project including, but not limited to, the amenities described in Section 802(E)(2).
- l. for projects in Varna, a statement of how the proposed PUD is consistent with the Hamlet of Varna Community Development Plan.

C. Procedure; Approval and Effect of Approval of Concept Plan.

1. After the Planning Department determines that a Concept Plan is complete, it shall forward it to the Town Board for its initial review. The Town Board shall, within 60 days of receipt of the Concept Plan, by resolution, either reject the Concept Plan, refer the Concept Plan back to applicant with requested changes, modifications or clarification, or refer the Concept Plan to the Planning Board for its review and recommendations concerning the approval by the Town Board of the Concept Plan.
2. Once referred to the Planning Board, the Planning Board shall hold a public hearing on the Concept Plan prior to making its recommendation to the Town Board.

3. The Planning Board shall, within 60 days of its receipt of a Concept Plan, by resolution, make a written recommendation to the Town Board that the Concept Plan be approved as submitted, approved with modifications, changes or conditions; or rejected. Any such modifications, changes or conditions, and reasons for rejection shall be detailed in the recommendation. If the recommendation is to approve as submitted or to approve with modifications, changes or conditions, the recommendation shall also contain the Planning Board's comments on the Full EAF and Visual Addendum.
4. Following the receipt of the recommendation of the Planning Board, the Town Board shall, within 60 days of such receipt of the recommendation of the Planning Board, determine by resolution whether or not to approve the Concept Plan and authorize the applicant to prepare and submit a Development Plan. The Town Board may reject the Concept Plan, approve the Concept Plan with modifications, changes or conditions, or approve the Concept Plan as presented. The approval of a Concept Plan with modifications, changes or conditions, or as presented shall constitute an authorization for the applicant to prepare and submit a Development Plan as herein provided. No Development Plan may be submitted without such Town Board authorization.
5. Prior to the approval of a Concept Plan, the Town Board shall comply with SEQR.
6. A PUD district is not approved until the Development Plan has been approved by the Town Board following a public hearing as provided in subsection (D) below.
7. All public hearings by the Planning Board and the Town Board shall be subject to the procedural and notice requirements of Town Law §§ 264 and 265. Since the approval of a Development Plan results in a new zoning district, the decision to approve a Concept Plan and Development Plan is a legislative action.

D. Procedure; Approval and Effect of Approval of Development Plan.

An applicant shall submit a Development Plan for the PUD within 270 days of approval of the Concept Plan by the Town Board. The Development Plan shall be submitted in accordance with requirements set forth in this subsection (D).

1. Written documents:
 - a. If the development is to be built in phases, a development schedule indicating:
 - i. The approximate date when construction of the project can expect to begin;

- ii. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - iii. Approximate date when the development of each stage will be completed;
 - iv. The area and location of Open Space, community and Municipal Facilities, and preserved floodplains, wetlands, and other areas that will be provided at each stage.
 - b. Proposed instruments, including but not limited to development agreements, contracts, covenants, deed restrictions, easements and offers of dedication for Public Highways and Municipal Facilities and for the preservation and management of Open Space, floodplains, wetlands, and other areas.
2. Development Plan and graphics with supporting maps:
- a. Existing project area conditions including contours at five foot intervals;
 - b. Proposed Lot lines;
 - c. The location and size of floodplains, wetlands, and other areas, for which preservation measures will be adopted, and the location and size of any other areas to be conveyed, dedicated, or reserved for Open Spaces, public parks, recreation, schools, and similar public and semi-public uses;
 - d. The location, types, and density or intensity of each proposed use;
 - e. The floor area and height of all Dwelling Units and nonresidential Structures and architectural drawings and sketches that illustrate the design and character of proposed Structures.
3. Impact on Municipal Facilities.

In its resolution authorizing the filing of a Development Plan, the Town Board may require such studies, reports or opinions, including an engineering study or report addressing the ability of the capacity of existing or proposed Highways and other Municipal Facilities to serve the PUD including, but not limited to, a traffic impact study or other infrastructure capacity study. Such studies, reports or opinions required by the Town Board shall accompany the Development Plan in order to determine whether the Development Plan and the project will comply with the approved Concept Plan, the requirements of this Law, and other applicable statutes, rules, regulations and ordinances, and whether the capacity of

the existing or proposed Highways and other Municipal Facilities are sufficient to serve the PUD.

4. When the Planning Department determines that the Development Plan is complete for review, it shall forward the Development Plan to the Planning Board for its review and recommendation. The Planning Board shall, within 60 days of its receipt of a Development Plan, by resolution, make a written recommendation to the Town Board that the Development Plan be approved as submitted, approved with modifications, changes or conditions, or rejected. Any modifications, changes or conditions, and reasons for rejection shall be detailed in the recommendation.

E. Public Hearing and Decision.

1. The Town Board shall, within 60 days of the receipt of the recommendation of the Planning Board, hold a public hearing with respect to the approval of the Development Plan.
2.
 - a. The Town Board shall, within 60 days of the close of the public hearing, approve or reject the Development Plan, or approve the Development Plan subject to conditions. Any approval or approval subject to conditions shall be based on the requirements of this Law, the approved Concept Plan, the goals, policies, and guidelines of the Town's Comprehensive Plan and the Town's Commercial Development and Residential Development Design Guidelines.
 - b. The approval of the Development Plan by the Town Board shall constitute an amendment to the Zoning Law. The Development Plan shall establish the density and intensity of uses in the PUD District and the Development Plan shall become the PUD District regulations.

F. Site Plan Review.

All Structures in a PUD District are subject to Site Plan Review as provided in this Law.

G. Extension of Time.

All times for submittal, review, public hearings, recommendations and decisions may be extended by mutual agreement in writing by the applicant and the Town Board.

Section 1004: Use of Design Guidelines

- A. Except in Varna, all PUD Development Plans shall incorporate to the maximum extent feasible the Town of Dryden Commercial Development Design Guidelines and/or Residential Development Design Guidelines, as the case may be.

B. In Varna, all PUD Development Plans shall comply with the Varna Design Guidelines and Landscape Standards.

Section 1005: Minimum Lot Size and Width

There shall be no minimum requirements for Lot Area, Lot Width, Lot Coverage, Yards and Structure Setback Lines, or Building Height requirements in a PUD. All such Lot dimensional requirements shall be governed by the approved DevelopmentPlan.

Section 1006: Amendments to Development Plans

The Town Board may approve minor amendments to a Development Plan without a public hearing. A minor amendment is an amendment required by a technical or engineering consideration first discovered during development that could not reasonably have been anticipated during the approval process. No such amendment shall be approved which would change a permitted use or Lot dimensional requirement.

Section 1007: Development in Phases

The Town Board may approve a Development Plan for a PUD district conditioned upon substantial completion of the development in phases as set forth in the Development Plan. If the PUD, or any phase of the PUD, has not been substanitally completed according to the schedule in the Development Plan, development and construction of subsequent phases may be suspended or disapproved by resolution of the Town Board following a public hearing as herein provided.

ARTICLE XI: SITE PLAN REVIEW

Section 1101: Purpose, Applicability and Authority

- A.
 - 1. The purpose of this article is to provide the specifications and necessary elements to be included in a sketch plan and site plans for those uses which are subject to Site Plan Review including, but not limited to, proposed parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses.
 - 2. This article is intended to supplement the substantive and procedural requirements of Town Law § 274-a.
- B. **Applicability.** This article applies to all new Business Group Uses, or changes from one Business Group Use to another; all new Community Group Uses, or changes from one Community Group Use to another; all new, or changes to, uses within a TNDO District and LSRD District, all uses requiring a Special Use Permit, and all uses in a PUD district, as well as any other uses for which Site Plan Review is required in this Law.
- C. **Jurisdiction.**
 - 1. All Site Plan Reviews performed in connection with a Special Use Permit shall be conducted by the Town Board.
 - 2. Unless otherwise provided, all other Site Plan Reviews shall be conducted by the Planning Board.
 - 3. For simplicity sake, in this section, both boards are referred to as “the Board.”

Section 1102: Site Plan Review and Approval Procedure

- A. All applicants should refer to the Town of Dryden Residential and Commercial Design Guidelines and then meet the Planning Department prior to requesting a sketch plan conference.
- B. Applications for Site Plan Review shall be made on a form provided by the Planning Department. The application must be received and reviewed by the Planning Department. Once the application is deemed complete by the Planning Department, it will be scheduled for a sketch plan conference with the Board.
- C. The sketch plan conference with the Board shall precede the submission of a detailed site plan.
- D. The purpose of the sketch plan conference is to allow the Board to review the basic site design concept, provide the applicant with constructive suggestions, and generally, to determine the information to be required in the detailed site plan. In order to accomplish these objectives, the applicant must:

1. Provide a brief narrative and preliminary concept showing the locations and dimensions of principal and accessory Structures, parking areas, and other planned features and any anticipated changes in the existing topography and natural features.
 2. Provide a sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 500 feet.
 3. Provide a topographic or contour map to adequate scale and detail to show site topography and natural features such as streams or wetlands.
 4. Provide a conceptual stormwater management plan consistent with the Town of Dryden Stormwater Management, Erosion and Sediment Control Law that outlines the approach to manage runoff and its post construction treatment on the site. A Stormwater Pollution Prevention Plan does not have to be submitted at this time, but a Notice of Ground Disturbance form is required.
 5. If not the owner of the land under consideration, provide written approval from the owner to submit the sketch plan.
- E. At the sketch plan conference, based upon the information provided, the Board will determine any and all additional information required in the detailed site plan. Within 10 days of the completion of the sketch plan conference the Board shall provide in writing a detailed list of necessary components for a complete application and detailed site plan after the sketch plan conference.
- F. The Board may, in appropriate cases, waive further Site Plan Review based upon the information provided in the sketch plan after review of the same.
- G. Detailed site plans shall be reviewed by the Planning Department in order to determine completeness. When deemed complete, the Planning Department will schedule a final Site Plan Review and public hearing, if required.
- H. The applicant shall supply all necessary materials for final Site Plan Review including digital and paper copies of plans as required by the Planning Department.

Section 1103: Application Content

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

B. Site plan checklist:

1. Title of drawing, including name and address of applicant and person responsible for preparation of the drawing;
2. Boundaries of the property, plotted to scale, and including north arrow, scale and date;
3. Identification of public highways;
4. Existing watercourses and wetlands;
5. Grading and drainage plan showing existing and proposed contours;
6. Location, design and type of construction, proposed use and exterior dimensions of all buildings;
7. Location, design and type of construction of all parking and truck loading areas showing ingress and egress to the public highway;
8. Provisions for pedestrian access including sidewalks along public highways. Pedestrian facilities shall be ADA (Americans with Disabilities Act) compliant. Sidewalks must be constructed continuously across all driveways;
9. Provisions for bicycle parking, such as bicycle racks or bicycle lockers as appropriate. All bicycle parking devices shall be provided in accordance with guidelines published by the Association of Pedestrian and Bicycle Professionals (APBP). Some portion of bicycle parking should be provided in a covered area protected from the weather;
10. Location, type and screening details of waste disposal containers and outdoor storage areas;
11. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
12. Description of the method of sewage disposal and location;
13. Description of the method of securing potable water and location, design and construction materials of such facilities;
14. Location of fire and other emergency zones, including the location of fire hydrants;
15. Location, design, and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
16. Location, height, size, materials, and design of all proposed signage;

17. Identification of street number(s) in accordance with any applicable 911 numbering system, and method for ensuring that building identification numbers are installed in a manner that will be visible to emergency responders during the day and night;
18. Location and proposed development of all buffer areas, including existing vegetation cover;
19. Location and design of outdoor lighting facilities;
20. Location, height, intensity, and bulb type of all external lighting fixtures;
21. Direction of illumination and methods to eliminate glare onto adjoining properties;
22. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
23. Proposed limit of clearing showing existing vegetation. Individual trees with a diameter at breast height (DBH) of 12 inches or greater within the clearing line shall also be shown, if the Board finds that there are uniquely beneficial species on the site and/or exceptionally mature trees;
24. Landscaping plan and planting schedule;
25. Estimated project construction schedule;
26. Record of application for and approval status of all necessary permits from state and county agencies;
27. Identification of any state or county permits required for the project;
28. Other elements integral to the proposed development as considered necessary by the Board;
29. Stormwater Management Plan as required by the Town of Dryden Stormwater Management, Erosion and Sediment Control Law;
30. Short or Full Environmental Assessment Form or draft Environmental Impact Statement as determined by the Board at the sketch plan conference.

Section 1104: Board Action on Site Plan Review Application

- A. Site inspections. The Board, and any such persons as they may designate, may conduct such examinations, tests and other inspections of the site deemed necessary and appropriate.
- B. Public Hearing.

1. The Board may hold a public hearing.
 2. In determining whether a public hearing is necessary, the Board shall be guided by the expected level of public interest in the project.
 3. Applicants may request a public hearing. When an applicant requests a public hearing, no site plan review may be disapproved without such a hearing.
- C. The Board's review of the site plan shall include, but is not limited to, the following considerations:
1. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs;
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls;
 3. Location, arrangement, appearance, and sufficiency of off-street parking and loading;
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway Structures, control of intersections with vehicular traffic, and overall pedestrian convenience;
 5. Adequacy of stormwater and drainage facilities;
 6. Adequacy of water supply and sewage disposal facilities;
 7. Adequacy, type, and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
 9. Adequacy of the site's ability to support the proposed use given the physical and environmental constraints on the site, or portions of the site;
 10. Special attention to the adequacy and impact of Structures, roadways and landscaping in areas susceptible to ponding, flooding and/or erosion;
 11. Conformance with the Town's Residential and Commercial Design Guidelines to the maximum extent practicable;
 12. Completeness of the application and detailed site plan in light of the Board's requirements following the sketch plan conference.

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

ARTICLE XII: SPECIAL USE PERMITS

Section 1201: Special Use Permit Review

- A.
 - 1. In this Law some uses are allowed subject to a Special Use Permit being granted by the Town Board. The purpose of Special Use Permit review and approval procedure is to assure that the proposed use is in harmony with this Law and will not adversely affect the neighborhood if the requirements of the Law and those conditions attached to the Special Use Permit by the Town Board are met.
 - 2. This article is intended to supplement the substantive and procedural requirements of Town Law 274-b.

- B.
 - 1. Jurisdiction. All Special Use Permit reviews and approvals are under the jurisdiction of the Town Board.
 - 2. Special Use Permit Procedure. All Special Use Permit reviews and approvals are also subject to site plan review by the Town Board.

- C.
 - 1. Applications for Special Use Permits. Application for a Special Use Permit shall be made on a form provided by the Planning Department. The application must be received and reviewed by the Planning Department. Once the application is deemed complete by the Planning Department, it will be scheduled for review and/or a public hearing by the Board.
 - 2. At the time of submittal of the application for a Special Use Permit, the applicant shall also apply for site plan review pursuant to the requirements of Article XI. No application for a Special Use Permit shall be deemed complete by the Planning Department until completion of the sketch plan conference with the Town Board.
 - 3. So far as practicable, the Town Board shall review the Special Use Permit application and detailed site plan at the same time.

- D.
 - 1. SEQR. All applications for a Special Use Permit shall be accompanied by a short Environmental Assessment Form (EAF). If in the environmental review of the short EAF the Town Board determines that the use may have a large or moderate impact, the Town Board may require the applicant to complete a Full EAF or a draft Environmental Impact Statement.

Section 1202: Town Board Action

The Board shall not issue a Special Use Permit unless it determines that the proposed use will satisfy the standards set forth herein. In order to make such a determination, the Board may attach reasonable conditions to its approval. Such conditions must be directly related and incidental to the proposed Special Use Permit. The Town Board shall consider the standards outlined below in their determination:

- A. Compatibility of the proposed use with the other permitted uses in the district and the purposes of the district set forth in this Law;
- B. Compatibility of the proposed use with adjoining properties and with the natural and manmade environment;
- C. Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police, and emergency vehicles;
- D. The overall impact on the site and its surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances;
- E. Restrictions and/or conditions on design of Structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town;
- F. Compliance with the requirements for site plan review, including conformity to the Town's Residential and Commercial Design Guidelines.

Section 1203: Special Use Permit Lapse, Expiration and Revocation

- A. A Special Use Permit shall be deemed to authorize only the particular special use or uses specified therein.
- B. Unless otherwise specified by the Town Board, a Special Use Permit shall automatically lapse and expire eighteen (18) months after the date the decision is filed if the applicant fails to obtain a building permit or fails to comply with the conditions of the Special Use Permit.
- C. Special Use Permit will expire if the special use or uses shall cease for any reason for more than twelve (12) consecutive months.
- D. A Special Use Permit may be revoked by the Town Board if the conditions of the Special Use Permit are violated.
- E. Special Use Permits shall run with the land and can be transferred to successive property owners, unless the permit has expired or has been revoked for failure to meet the permit conditions.

ARTICLE XIII: STANDARDS AND REQUIREMENTS FOR CERTAIN USES

Section 1301: Special Use Permit and Other Uses Subject to Individual Standards and Requirements

Uses allowed by Special Use Permit and other permitted uses which are subject to additional standards and requirements and shall conform to the standards and requirements set forth in this section, where applicable, in addition to all other regulations pertaining to such use.

Section 1302: Adult Uses

A. No adult use may be established within:

1. Five hundred (500) feet of any Single-Family, Two-Family or Multi-Family Dwelling or Structures devoted to both residential and commercial or business purposes;
2. One thousand (1,000) feet of any public or private school;
3. Five hundred (500) feet of any church or other religious facility or institution;
4. One thousand (1,000) feet of any public park;
5. Two thousand five hundred (2,500) feet of any premises licensed by the State Liquor Authority under the provisions of the Alcohol Beverage Control Law.

B. Measurement of Distance. The distance provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use is to be located to the nearest point of the parcel property from which the adult use is to be separated.

C. Additional requirements. In addition to the requirements above, the interior Structure of every Adult Entertainment Business:

1. Shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein the Adult Entertainment Business is located, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within Adult Entertainment Business establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of motion pictures or videotapes depicting specified sexual activities or specified anatomical areas, or other types of adult entertainment businesses; and

2. The operator of each adult entertainment business shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- D. Additional screening. The Planning Board may require that an adult entertainment business cover or screen the entrances, doorways and windows to prevent viewing activities inside the building or Structure from the outside.

Section 1303: Industry/Manufacturing Uses

- A. No Special Use Permit for industrial or manufacturing uses in an LIO or LIO-A Zone will be issued until the Board has been provided with a description of the proposed industrial or manufacturing process. In addition to the requirements of Article XII, if it appears that the proposed use will not produce conditions that are noxious, offensive or hazardous to the health, safety or general welfare of the community, a Special Use Permit may be approved. Special attention will be given to the disposal or storage of any wastes or materials that could cause or contribute to pollution of any kind.
- B. If the performance characteristics are doubtful, the Board shall require a determination that:
1. Liquid wastes and effluent are to be treated and discharged in a manner approved in writing by the Tompkins County Health Department or other agency having jurisdiction thereof.
 2. Disseminated smoke shall not exceed 3 on the Ringelmann Smoke Chart.
 3. Protection against fire hazards, explosion and proper handling and storage of combustible material shall be approved by the appropriate town fire official.
 4. No odors, vibration or glare will be evident at a point more than 150 feet from the source of said odor, vibration or light.
 5. Noise from the proposed use shall comply with the restrictions of Section 1307.

Section 1304: Mining (Quarries and Excavations, Topsoil Removal)

- A. Mining is an allowed use by Special Use Permit only in the RA, CV and LIO zones.

- B.
 - 1. For mines subject to the jurisdiction of the Department of Environmental Conservation (i.e. the removal from a mine site of more than 1,000 tons or 750 cubic yards, whichever is less, within twelve [12] successive calendar months) the provisions of subsection D shall apply.

 - 2. For mines not subject to the jurisdiction of the Department of Environmental Conservation the provisions of subsections C, E, F and G shall apply.

- C.
 - 1. Any person who mines or proposes to mine from each mine site less than and not more than 1,000 tons or 750 cubic yards, whichever is less, of minerals from the earth within twelve successive calendar months shall not engage in such mining unless a Special Use Permit (permit) for such mining operation has been obtained from the Town Board. A separate permit shall be obtained for each mine site.

 - 2. Applications for Special Use Permits may be submitted for annual terms not to exceed five years. A complete application for a new mining permit shall contain the following:
 - a. completed application forms provided by the Planning Department;

 - b. a mined land-use plan;

 - c. a statement by the applicant that mining is not prohibited at that location; and

 - d. such additional information as the Planning Department may reasonably require, including but not limited to the following:
 - i. proof of compliance with the required setbacks from property boundaries or public highways;

 - ii. manmade or natural barriers designed to restrict access if needed, and, if affirmative, the type, length, height and location thereof;

 - iii. control of dust;

 - iv. hours of operation; and

 - v. a Full Environmental Assessment or draft Environmental Impact Statement.

3. Upon approval of the application by the Town Board and receipt of financial security as provided in subsection E of this section, a permit shall be issued by the Planning Department. The Town Board may include in permits such conditions as may be required to achieve the purposes of this section.
 4. A permit issued pursuant to this section, or a certified copy thereof, must be publicly displayed by the permittee at the mine and must at all times be visible, legible, and protected from the elements.
 5. The Town Board may suspend or revoke a permit for repeated or willful violation of any of the terms of the permit or provisions of this section or for repeated or willful deviation from those descriptions contained in the mined land-use plan. The Town Board may refuse to renew a permit upon a finding that the permittee is in repeated or willful violation of any of the terms of the permit, this section or any rule, regulation, standard, or condition thereto.
 6. Nothing in this section shall be construed as exempting any permittee from the provisions of any other law or regulation.
 7. The permittee or, in the event no application has been made or permit issued, the person engaged in mining shall have the primary obligation to comply with the provisions of this section as well as the conditions of any permit issued thereunder.
 8. Permits issued pursuant to this section shall be renewable. A complete application for renewal shall contain the following:
 - a. completed application forms provided by the Planning Department;
 - b. an updated mining plan map consistent with the provisions of this section and including an identification of the area to be mined during the proposed permit term;
 - c. a description of any changes to the mined land-use plan; and
 - d. an identification of reclamation accomplished during the existing permit term.
- D. 1. a. Upon receipt of notice from the Department of Environmental Conservation (“department”) that a complete application has been received by such department, the Town Board shall hold a public hearing on such application, which for the purposes of this Law shall be deemed to be an application for a Special Use Permit.

- b. In the event mining is not allowed by a Special Use Permit at the location set forth in such application, the Planning Department shall so notify the department of such restriction.
 - c. Such hearing and the response from the Town to the department shall be held within 30 days after receipt of such notice.
 - 2. At the Special Use Permit public hearing the Town Board shall determine what conditions, if any, should be attached to the permit to be issued by the department, which conditions shall be limited to the following pursuant to Environmental Conservation Law § 23-2703(2)(b):
 - a. ingress and egress to town highways;
 - b. routing of mineral transport of vehicles on town highways;
 - c. the setback requirements of subsection (F)(1) of the permit to be issued by the department;
 - d. dust control; and
 - e. hours of operation.
 - 3. Following such public hearing the Town Clerk shall transmit to the department a certified copy of the resolution of the Town Board which determines such conditions.
- E.
- 1. Mined land-use plan. All mining and reclamation activities on the affected land shall be conducted in accordance with an approved mined land-use plan. The mined land-use plan shall consist of both a mining and a reclamation plan, and any other information which the Planning Department deems necessary in order to achieve the purposes of this section.
 - a. The mining plan shall consist of a written and graphic description of the proposed mining operation, including the boundaries of the land controlled by the applicant, the outline of potential affected acreage and the general sequence of areas to be mined through successive permit terms. The graphic description shall include the location of the mine and shall identify the land previously affected by mining including, but not limited to, areas of excavation; areas of overburden, tailings, and spoil; areas of topsoil and mineral stock piles; processing plant areas; haulageways; shipping and storage areas; drainage features and water impoundments. The written description of the plan shall include the applicant’s mining method and measures to be taken to

minimize adverse environmental impacts resulting from the mining operation.

- b. The reclamation plan shall consist of a graphic and written description of the proposed reclamation. The graphic description shall include maps and cross sections which illustrate the final physical state of the reclaimed land. The written description of the plan shall describe the manner in which the affected land is to be reclaimed, and a schedule for performing such reclamation.
 - c. A Full Environmental Assessment Form or a draft Environmental Impact Statement may be submitted in lieu of a mined land-use plan if the Planning Department determines that it conforms to the requirements of this section.
 - d. The Town Board may, after notice and an opportunity for a hearing, impose a reclamation plan in the absence of an approved reclamation plan or upon finding of noncompliance with or failure of an approved reclamation plan.
2. The reclamation of all affected land shall be completed in accordance with the schedule contained in the approved mined land-use plan pertaining thereto. The schedule, where possible, shall provide for orderly, continuing reclamation concurrent with mining. The permittee shall submit to the Planning Department a notice of termination of mining within thirty (30) days after such termination. Reclamation of the affected land shall be completed within a two-year period after mining is terminated, as determined by the Planning Department, unless the Planning Department deems it in the best interest of the Town to allow a longer period for reclamation. The permittee shall submit to the Planning Department a notice of completion of reclamation within thirty (30) days of such completion. If the Planning Department fails to approve or disapprove the adequacy of reclamation within ninety (90) days after receipt of the notice of completion of reclamation, the permittee may notify the Planning Department of such failure by means of certified mail return receipt. If within thirty (30) days after receipt of such notice, the Planning Department fails to mail a decision, the permittee shall be relieved of the obligation to maintain financial security with respect to the reclamation; provided, however, nothing herein shall relieve the permittee of the obligation to accomplish adequate reclamation. The permittee shall file periodic reports at such times as the Planning Department shall require, indicating areas for which reclamation has been completed. The Planning Department shall inspect such areas and notify the permittee whether the reclamation is in accordance with the approved plan or whether there are deficiencies that must be corrected.
- F. 1. The slope of the mine or other excavation shall not be nearer than 350 feet to any boundary line of the Town, any property line or highway line (whether such highway be within or outside the boundaries of the Town) or nearer than 350 feet

to any existing residence, and not nearer than 1000 feet to the boundary of any NR District.

2. All haulageway roads shall have a dust-controlled surface not less than twenty-two (22) feet wide from the connection to a public highway to a point one hundred (100) feet from the loading point, and such haulageway shall be properly maintained by the permittee during the life of the mine.
- G.
1. Financial security for reclamation. Before the Town Board may issue a Special Use Permit, the applicant shall furnish financial security to ensure the performance of reclamation as provided in the approved mined land-use plan and naming the Town as beneficiary. Financial security shall be in the form of a bond with a corporate surety licensed to do business as such in New York or any other form of security the Town Board may deem acceptable.
 2. The Town Board shall determine the amount, condition, and terms of the financial security. The amount shall be based upon the estimated cost of reclaiming the affected land, which shall be based on information contained in the permit application and upon such other information as an investigation by the Town Board may disclose.
 3. The financial security shall remain in full force and effect until the Town Board has approved the reclamation. At the discretion of the Town Board, the permittee may secure the release of that portion of the financial security for affected land on which reclamation has been completed and approved by the Town Board.
 4. If the financial security shall for any reason be cancelled, within thirty (30) days after receiving notice thereof, the permittee shall provide a valid replacement under the same conditions as described in this section. Failure to provide replacement financial security within such period may, at the discretion of the Town Board, result in the immediate suspension of the mining permit by the Town Board.
 5. If a permit is suspended or revoked, the Town Board may require the permittee to commence reclamation upon thirty (30) days notice.
 6. If the permittee fails to commence or to complete the reclamation as required, the Town Board may utilize the financial security furnished by the permittee to affect such reclamation. In any event, the full cost of completing reclamation shall be the personal liability of the permittee and/or the person engaged in mining and the Town Board may bring an action to recover all costs to secure the reclamation not covered by the financial security. The materials, machinery, implements and tools of every description which may be found at the mine, or other assets of the permittee and/or the person engaged in mining shall be subject to a lien of the Town for the amount expended for reclamation of affected lands and shall not be removed without the written consent of the Town Board. Such lien may be foreclosed in the same manner as a mechanic's lien.

H. Definitions.

1. For the purposes of this section, the definitions in Environmental Conservation Law § 23-2705 shall control except for the definition of “Mining.”
2. For the purposes of this section, “Mining” means the extraction of overburden and solid materials from the earth; the preparation and processing of such solid minerals, including any activities or processes or parts thereof for the extraction or removal of such minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of such minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. “Mining” shall not include the excavation, removal and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities, or natural gas exploration or extraction.

Section 1305: Elder Cottages

- A.
1. An Elder Cottage is a separate, detached, temporary One-Family Dwelling, and is an accessory use to a Single- or Two-Family Dwelling.
 2. For the purpose of this section, the term ”owner” shall mean a natural person:
 - a. who owns at least a 50 percent interest in the real property and related Dwelling; or
 - b. who owns the real property and related Dwelling with no more than one other individual or entity as joint tenants or as tenants by the entirety.
- B. Elder cottages shall be permitted as accessory uses, subject to site plan review as provided in Article XI and the following provisions and conditions:
1. Use limitations.

An Elder Cottage shall not be occupied by more than two persons:

- a. who shall be the same persons enumerated on the application for the Elder Cottage; and
- b. who shall be persons 55 years of age or older.

2. Dimensional Limitations.

- a. The Elder Cottage shall not exceed 850 square feet in total floor area.
- b. Notwithstanding any other provisions of this Law, the minimum size of the Elder Cottage may be reduced to no less than 250 square feet of total floor area.
- c. The Elder Cottage shall not exceed one story in height and under no circumstances shall the Building Height exceed 20 feet.

3. Location Requirements.

- a. An Elder Cottage shall be located only on a Lot where there already exists a Single-family or Two-family Dwelling.
- b. No Elder Cottage shall be located within the front yard of any Lot.
- c. No Elder Cottage shall be permitted on a nonconforming building Lot.
- d. No more than one Elder Cottage shall be located on any Lot.
- e. The placement of the Elder Cottage shall be otherwise in conformity with all other provisions of this Law including Lot Coverage and side and rear yard setbacks.

4. Building Requirements.

- a. An Elder Cottage shall be clearly subordinate to the principal Dwelling on the Lot and its exterior appearance and character shall be in harmony with the existing principal Dwelling.
- b. An Elder Cottage shall be constructed in accordance with all applicable laws, regulations, codes and ordinances, and the New York State Uniform Fire Prevention and Building Code.
- c. An Elder Cottage shall be constructed so as to be easily removable. The foundations shall be of easily removable materials so that the Lot may be restored to its original use and appearance after removal with as little disruption of the site as possible. No permanent fencing, walls, or other Structures shall be installed or modified that will hinder removal of the Elder Cottage from the Lot.
- d. Adequate water supply and sewage disposal arrangements shall be provided, which may include connections to such facilities of the principal Dwelling. If located in an area where electrical, television

cable, and/or telephone utilities are underground, such utilities serving the Elder Cottage shall also be underground.

- e. An adequate area for parking shall be required for the expected number of cars of the occupants of the Elder Cottage.

5. Approval.

- a. The approval shall be for a period of one year (unless earlier terminated as hereinafter set forth) and thereafter may be renewed annually by the Code Enforcement Officer upon receipt of an application for same, provided that the circumstances have not changed.
- b. The approval shall terminate 120 days after:
 - i. the death or permanent change of residence of the original occupant or occupants of the Elder Cottage; or
 - ii. any of the occupancy requirements set forth in this section are no longer met.

C. In addition to any other indicia of a permanent change of residence, the continuous absence from the Elder Cottage of an applicant for a period of 180 consecutive days shall be considered to be a permanent change of residence. During the 120-day period following any of the events set forth in subsections 5(b) above, the Elder Cottage shall be removed and the site restored so that no visible evidence of the Elder Cottage remains. If the Elder Cottage has not been removed by the end of the 120-day period, in addition to the other sanctions in this Law, an action to compel removal may be commenced to provide for removal and salvage by the Town with a lien imposed to defray any costs incurred. Such lien may be added to the real property taxes applicable to the Lot on which the Elder Cottage was located and collected in the same way as any other tax payable to the Town.

D. Extension of Time to Remove Elder Cottage.

Notwithstanding any other provision of this Law there shall be no administrative extension of time for removal of an Elder Cottage. The Town Board may, upon making the same findings that would normally be required for the granting of a use variance, extend the time for removal of the Elder Cottage for one additional six-month period.

Section 1306: Automotive Towing Service

- A. An Automotive Towing Service shall provide a screened fenced-in area for storage of towed motor vehicles to obstruct views of them from adjacent properties and highways. The storage area shall be maintained in a neat and orderly manner.

- B. No more than 15 motor vehicles may be stored on the property at any one time.
- C. Motor vehicles that are not repairable and are to be junked shall not be stored on the property longer than 21 days. Motor vehicles that are to be repaired shall not be stored on the property longer than 90 days.

Section 1307: Sound Performance Standards

- A. Policy Statement. The Town of Dryden has a compelling interest in ensuring for its residents an environment free from excessive noise from industrial or commercial uses which may jeopardize their health or welfare or degrade the quality of life. The prohibitions of this section are intended to protect, preserve and promote the health, safety, welfare and quality of life for residents of the town through the reduction, control and prevention of such loud and unreasonable noise.
- B. Applicability. The requirements of this section shall apply to all uses in the Business Group and Recreational Group in any zone, any Planned Unit Development District, any use for which a Special Use Permit and/or Site Plan Review is required, and any industrial or commercial use in any zone or district whether or not a permit from the town is or was required, and any industrial or commercial use for which a use variance has been granted by the ZBA.
- C. Definitions. Any words or phrases not defined in this section or in the Definitions in Article III shall assume their common dictionary definition.

As used in this section, the following definitions shall apply:

A-weighted Sound Level – The Sound Level, in decibels, reported as measured by a sound level measuring instrument having an A-weighting network which discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. The level so read is designated “dBA.”

Decibel (dB) – The practical unit of measurement for sound pressure level. The number of “decibels” is a measured sound equal to twenty (20) times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (twenty [20] micropascals); abbreviated “dB.”

Commercial Use – Any premises, property, or facility involving the uses set forth in the Business Group or Recreational Group in the Allowable Use Groups chart in Section 501 in this Law, including but not limited to:

- 1. dining and/or drinking establishments;
- 2. banking and other financial institutions;
- 3. establishments for providing retail services;
- 4. establishments for providing wholesale services;

5. establishments for recreation and entertainment;
6. office buildings;
7. transportation;
8. warehouses;
9. hotels and/or motels.

Industrial Use – Any premises, property, or facility involving the uses set forth in the Business Group in the Allowable Use Groups chart in Section 501 in this Law, including but not limited to:

1. any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or non-durable goods; or
2. any activity and its related premises, property, facilities, or equipment involving the excavation and sale of topsoil, sand, gravel, clay or other natural mineral or vegetable deposit, and the quarrying of any kind of rock formation, not regulated under New York Environmental Conservation Law Section 23, Title 27; or
3. any manufacturing or industrial and similar use whether conducted indoors or outdoors; or
4. any industrial process, whether temporary, intermittent or regularly occurring; or
5. any activity and its related premises, property, facilities or equipment, including the production or processing of any raw material, whether solid, gaseous, liquid or any combination thereof; or
6. the operation of stock yards, slaughter houses, and rendering plants; or
7. junk yards, automobile graveyards and disassembly plants; or
8. the disposal, processing or storage of toxic wastes, solid wastes, including medical wastes, garbage or other refuse or waste products of every kind and nature.

Sound Level – The sound pressure level measured in decibels with a sound level meter set for A-weighting. “Sound level” is expressed in dBA.

Property Line – The imaginary line, including its vertical extension that separates one parcel of real property from another.

Sound Level Meter – An instrument for the measurement of noise and sound.

- D. Prohibitions. No use of any property to which these prohibitions are applicable shall operate or produce any source of sound in such a manner as to create a Sound Level which exceeds the limits set forth for the land use category stated below when measured at the property line nearest the receiving land use.

Receiving Land Use Category	Time	Sound Level Limit (dBA)
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Residential use in	7:00 a.m. to 7:00 p.m.	65
CV, H, NR, RA, RR,	7:00 p.m. to 7:00 a.m.	55
TNDO District		
Unique Natural areas	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 7:00 a.m.	50
All others	7:00 a.m. to 7:00 p.m.	68
	7:00 p.m. to 7:00 a.m.	58

1. For any source of sound which emits a pure tone, a discrete tone or impulsive sound, the maximum Sound Levels set forth above shall be reduced by five dBA.
2. Nothing contained herein shall restrict or limit the imposition of stricter noise standards by the Town Board in an appropriate situation in connection with any approval requiring environmental review of the proposed action under Environmental Conservation Law Section 8 and the regulations promulgated in 6 NYCRR part 617.

E. Exceptions. The Sound Levels herein prescribed shall not apply to sound emitted or related to:

1. Natural phenomena;
2. Church bells rung as part of any official church ceremony or service, and tower clock bells ringing the hour;
3. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms, including vehicle alarms, not terminated within thirty (30) minutes after being activated shall be unlawful;
4. Warning devices required by OSHA or other State or Federal regulations;
5. Lawful emergency maintenance or repairs;
6. Sound emanating from any agricultural activity, including silviculture activity;
7. The temporary use of property during construction of a facility;
8. Use of public or private school premises for any lawful activity;
9. Gun clubs;
10. Sound from recreational or personal use of internal combustion engines provided the same are operated within the parameters of the manufacturers recommendations;
11. Sound from commemorative ceremonies conducted at holidays or funerals.

F. Measurement of Sound Levels.

1. The measurement of Sound Levels shall be made by any Code Enforcement Officer or his designee with a Sound Level Meter meeting the standards prescribed by the American National Standards Institute S1.4.
 2. Except where otherwise prescribed, the slow meter response of the Sound Level Meter shall be used in order to determine that the average of three readings taken over a 15-minute period does not exceed the limiting sound levels set forth in this Section.
 3. Measurement of Sound Levels shall be made at the prescribed locations and shall be taken at least four (4) feet from the ground.
 4. Compliance with Sound Level Limits is to be maintained at all elevations at the boundary of the property.
- G. Enforcement. This section shall be enforced by the Code Enforcement Officer or his designee and at all times by any peace or police officer.
- H. Penalties. Any violation of any of the provisions of this section is hereby declared to be an offense, punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than five hundred dollars (\$500) not more than one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts, violations of this section of this Law shall be deemed misdemeanors and for such purpose only, all provisions of the law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation. To the extent this section is inconsistent with Town Law §268(1), it is intended to supersede such section in accordance with Municipal Home Rule Law §10(1)(ii)d(3) with respect to the maximum penalties which may be imposed upon a conviction of a violation of this section.

Section 1308: Kennel

- A. The minimum Lot Area shall be five (5) acres for kennels or other facility with outdoor runs.
- B. All facilities shall be centrally located on the property to allow for adequate distance from the property line to reduce the effect of noise from barking animals.

- C. The Board may impose such conditions as it deems necessary to avoid or minimize traffic, noise and odor impacts and impairment of the use, enjoyment and value of property in the area of the kennel.

Section 1309: Drive-Through Facility

- A. The regulations and requirements set forth in this section are intended to reduce the negative impacts that drive-through facilities may create. Of special concern are noise from idling motor vehicles and audio equipment, lighting, and stacked or queued drive-through traffic interfering with on-site and off-site traffic and pedestrians. The special requirements set forth for drive-through facilities are in addition to all other requirements pertaining to the principal use to which a drive-through facility is part.
- B. Vehicular Traffic Stacking or Queuing Requirements. A drive-through, for the following uses shall provide the following minimum vehicular traffic stacking or queuing distances:
 - 1. For a fast food restaurant the minimum distance shall be one hundred forty (140) feet between the start of the drive-through lane to the service window
 - 2. For a bank and other similar business the minimum distance shall be sixty (60) feet from the start of the drive-through lane to the service window.
 - 3. The stacking spaces shall be located so as not to interfere with the use of parking spaces or the flow of traffic on the site and shall be adequately striped and marked with directional signs.
- C. Multiple Drive-Through Vehicular Traffic Lanes. The Board may allow lesser stacking distances than those specified in this section for businesses with multiple drive-through lanes, when documentation supporting such reduction is provided in connection with site plan review.
- D. Noise. Any drive-through audio system shall emit no more than 50 decibels measured at four feet from the speaker and shall not be audible above daytime ambient noise levels beyond the property boundaries. The audio system shall be designed to compensate for ambient noise levels in the immediate area and no speaker shall not be located within 30 feet of any residential district or any property used for residential uses.
- E. Location, setbacks, size and landscaping.
 - 1. Drive-through service areas shall not be located in the front yard.
 - 2. Service areas and stacking lanes must be set back at least 30 feet from all Lot lines which abut a residential zone and shall be screened as determined necessary by the Board.

3. Service areas and stacking lanes must be set back at least 10 feet from all Lot lines which abut nonresidential zones and shall be screened as determined necessary by the Board.
4. Stacking lanes must be set back 10 feet from all street lines and shall be screened as determined necessary by the Board.

Section 1310: Automotive Repair Garage

- A. Ten (10) visitor parking spaces, plus two parking spaces for each three (3) employees, shall be provided. Vehicles awaiting service or repair shall be parked in a marked area and only in a side yard or rear yard, unless this requirement is waived by the Board in site plan review.
- B. Garage doors shall be visually buffered from adjacent residential rises.
- C. The storage of motor vehicles for service or repair shall be confined to the portions of the Lot designated for parking on the site plan. Partially dismantled vehicles shall not be stored in any required yard setback or be located in any required buffer strip , except when the Board in its site plan review determines that an adequate buffer will be provided to protect adjacent properties and uses and that the appearance of such storage will not result in adverse visual impact.
- D. No outdoor sales or display of motor vehicles for sale shall be permitted.
- E. All parts or similar articles shall be stored within a Structure. All repair and service work, including car washing, but excluding emergency service and the sale of fuel and lubricants, shall be conducted entirely within either a Structure or, where deemed appropriate by the Board in site plan review due to such factors as the size of the property involved and/or its location, entirely within a fenced-in area in which such work is visually screened from all adjoining properties and roadways.

Section 1311: Accessory Dwelling Unit

- A. Standards. Accessory Dwelling Units shall comply with the following standards:
 1. Principal use. The principal use of the Structure must be that of a Single-Family Dwelling or an accessory Structure, such as a detached garage, that primarily serves the needs of the Single-Family Dwelling.
 2. Required occupancy. The owner of the property upon which the Accessory Dwelling Unit is located shall occupy the principal or Accessory Dwelling Unit on the premises as their primary residence.

3. Number of Accessory Dwelling Units. Only one Accessory Dwelling Unit shall be permitted on any Lot.
 4. Maximum size. An Accessory Dwelling Unit shall be subordinate in area to the Single-Family Dwelling.
 5. Maximum occupancy. The Accessory Dwelling Unit shall be limited in occupancy as a Single-Family Dwelling.
 6. Setbacks. If the Accessory Dwelling Unit is within a detached accessory Structure, said Structure must meet the required Yard setbacks.
 7. Access. An external located entrance, separate from that of the Single-Family Dwelling shall be located on the side or rear of the Single-Family Dwelling, or in the front only if the entrance is on a separate, perpendicular plane from that of the front entrance of the Single-Family Dwelling.
 8. Outside stairways. Any outside stairways and/or fire escapes shall be at the rear or side of the Structure.
 9. Exterior appearance. If an Accessory Dwelling Unit is located in a detached Single-Family Dwelling, to the degree reasonably feasible, the exterior appearance of the Structure shall remain that of a Single-Family Dwelling.
 10. Utilities. Unless the Dwelling is serviced by a public water or sewer system, approval of the Tompkins County Health Department shall be obtained prior to issuance of a Building Permit, certificate of occupancy and/or certificate of compliance.
 11. Maintenance and continued compliance. An Accessory Dwelling Unit shall be permitted and continued only when all Structures on the Lot are in compliance with applicable laws, codes, rules, regulations, statutes and local laws and ordinances.
 12. Parking. Off-street parking shall be provided in accordance with Section 902 of this Law.
- B. Application. An application for an Accessory Dwelling Unit must contain sufficient information to demonstrate compliance with each of the standards set forth in this section, including but not limited to the following information:
1. A floor plan of each habitable floor of the Structure, with all interior dimensions, including windows and doors, including types of rooms.

2. Plans shall be prepared in sufficient size and detail to enable the Planning Department to determine compliance with the requirements for an Accessory Dwelling Unit.

ARTICLE XIV: ZONING BOARD OF APPEALS

Section 1401: Zoning Board of Appeals Establishment; Continuation

The Zoning Board of Appeals (herein sometimes “ZBA), existing by virtue of the Town of Dryden Zoning Ordinance as amended from time to time and appointment by the Town board is continued. The ZBA shall function in the manner prescribed by law (except as the same may be superseded by the terms of this Law as set forth below). Members of the ZBA in office at the time of adoption of this Law shall continue to serve to the end of the term for which they were appointed.

Section 1402: Membership

There shall be five (5) members of the ZBA. The members of the ZBA shall be residents of the Town of Dryden and shall be appointed by the Town Board to serve for terms as prescribed by law. Vacancies occurring in said ZBA by expiration of term or otherwise shall be filled in the same manner. No person who is member of the Town Board shall be eligible for membership on the ZBA. The Town Board shall designate the chairperson of the ZBA. In the absence of the chairperson, the ZBA may designate a member to serve as acting chairperson.

Section 1403: Alternate Members

- A. There may be appointed additionally up to two (2) alternate members of the ZBA. Alternate members shall be appointed by resolution of the Town Board for terms established by the Town Board.
- B. The Chairperson of the ZBA shall designate an alternate member to substitute for a regular member in the event that a regular member is unable or unwilling to vote because of a conflict of interest, recusal, absence, abstention, or any other reason and an alternate member is present at the meeting when the designation takes place.
- C. If more than one alternate member is present at a meeting when the Chairperson is designating an alternate member to substitute for a regular member, the Chairperson shall designate the alternate member who has not served on a case or matter the most recently. If that alternate member is not able or willing to vote for a reason listed in subsection 2 above, then the Chairperson shall designate the other alternate member to serve.
- D. To the extent this section is inconsistent with Town Law § 267(11), it is intended to supersede such section, in accordance with Municipal Home Rule Law § 10(1)(ii)d(3). All other rights, responsibilities and procedures related to alternate members set forth in Town Law § 267 or in this Law shall apply.

Section 1404: Hearing Appeals

The jurisdiction of the ZBA shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of the Zoning Law. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the town.

Section 1405: Orders, Requirements, Decisions, Interpretations, Determinations

The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of the Zoning Law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

Section 1406: Lapse

Unless otherwise specified by the ZBA, and without any further hearing by the ZBA, a decision on any appeal; including the granting of an area variance and/or use variance shall automatically lapse and expire if the appellant fails to obtain any necessary building permit within one year of the date the decision is filed.

Section 1407: Minimum Meeting and Hearing Attendance Requirements

Members of the ZBA are expected to attend all regularly scheduled and specially scheduled meetings of the board. In the event that a member of the board is absent from three (3) consecutive meetings, or in the event a member of the board is absent from five (5) meetings within any one (1) calendar year, then such member may be removed from the board as herein provided.

Section 1408: Training and Attendance Requirements

- A. Each member of the ZBA shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet these requirements. Such training shall be approved by the Town Board and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
- B. To be eligible for reappointment to such board, such member shall have completed the training promoted by the town pursuant to this section.

- C. The training required by this subdivision may be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the town to do so.
- D. No decision of a ZBA shall be voided or declared invalid because of a failure to comply with this section.

Section 1409: Training Costs

The costs of such training shall be a town charge. Members shall be reimbursed for travel and meal expenses associated with such training according to Town policies.

Section 1410: Removal Procedure

In the event a member of the ZBA has failed to meet the minimum attendance requirements set forth in section 1407 or the training requirements set forth in section 1408, then the Town Board may remove such member from the ZBA as herein provided:

- A. Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum attendance requirements of sections 1407 or 1408 above.
- B. Public Hearing. Such notice shall specify a date (not less than ten [10] or more than thirty [30] days from the date of mailing such notice) when the Town Board shall convene and hold a public hearing on whether or not such member should be removed from the ZBA. Such notice shall also specify the time and place of such hearing.
- C. Public Notice. Public notice of such hearing shall be given by posting a notice on the town signboard in the vestibule of the Town Hall and by publishing a notice once in the official newspaper. Such posting and publication shall be at least ten (10) days prior to the date of the public hearing.
- D. Conduct of Hearing. The public hearing on the charges shall be conducted before the Town Board. The member shall be given an opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made. The decision of the Town Board shall be reduced to writing together with specific findings of the Town Board with respect to each charge against such member. A copy of such decision and such finding shall be mailed to the member.
- E. Action by the Town Board. Following the hearing and upon a finding that such member has not met the minimum attendance requirements required by this Law the Town Board may:
 - 1. Remove such member from the ZBA; or
 - 2. Issue a written reprimand to such member without removing such member from the board; or

3. If the Town Board shall find that the reasons for failing to meet the minimum attendance requirements are excusable because of illness, injury or other good and sufficient cause, the Town Board may elect to take no action.

Section 1411: Removal for Cause

Nothing contained herein shall be deemed to limit or restrict the Town Board's authority to remove a member from the ZBA for cause (i.e. for other than the reasons enumerated herein). The procedural provisions of section 1410 (Removal Procedure) shall govern any hearing to remove a member for cause.

Section 1412: Leave of Absence; Excused Absences

- A. The provisions of Section 1407 shall not apply to any member who has applied for and been granted a leave of absence by the Town Board from their duties as a member of the ZBA. The Town Board may grant such leave of absence on such terms and for such period as it may deem appropriate provided, however, no such leave of absence shall be for a period in excess of eleven (11) months.
- B. The provisions of Section 1407 shall not apply to any member who has been granted an excused absence by the Chairperson of the ZBA. To be a valid request for an excused absence, such request shall be made to the Chairperson of the ZBA prior to the meeting/hearing. Grounds for excused absences shall include illness, vacation, business or employment reasons and personal or family activities.

Section 1413: Applicability.

- A. This Law shall apply to all members of the ZBA regardless of the date of their appointment to such board.
- B. Prospective members of the ZBA shall be notified of the requirements of the provisions of sections 1407-1412 of this Law prior to their appointment to such board.

ARTICLE XV: PLANNING BOARD

Section 1501: Planning Board Establishment; Continuation

The Planning Board, existing by virtue of the Land Subdivision Rules and Regulations of the Town of Dryden, as amended, and as appointed by the Town Board is continued. The Planning Board shall function in the manner prescribed by law (except as the same may be superseded by the terms of this Law as set forth below).

Section 1502: Membership

There shall be seven (7) members of the Planning Board. The members of the Planning Board shall be residents of the Town of Dryden and shall be appointed by the Town Board to serve terms prescribed by law. Vacancies occurring in said Planning Board by expiration of terms or otherwise shall be filled in the same manner. No person who is a member of the Town Board shall be eligible for membership on the Planning Board. The Town board shall designate the chairperson of the Planning Board. In the absence of the chairperson the Planning board may designate a member to serve as acting chairperson.

Section 1503: Alternate Members

- A. There may be appointed additionally up to two (2) alternate members of the Planning Board. Alternate members shall be appointed by resolution of the Town Board for terms established by the Town Board.
- B. The Chairperson of the Planning Board shall designate an alternate member to substitute for a regular member in the event that a regular member is unable or unwilling to vote because of a conflict of interest, recusal, absence, abstention, or any other reason and an alternate member is present at the meeting when the designation takes place.
- C. If more than one alternate member is present at a meeting when the Chairperson is designating an alternate member to substitute for a regular member, the Chairperson shall designate the alternate member who has not served on a case or matter the most recently. If that alternate member is not able or willing to vote for a reason listed in subsection (B) above, then the Chairperson shall designate the other alternate member to serve.
- D. To the extent this section is inconsistent with Town Law § 271(15), it is intended to supersede such section, in accordance with Municipal Home Rule Law § 10(1)(ii)d(3). All other rights, responsibilities and procedures related to alternate members set forth in Town Law § 271 or in this Law shall apply.

Section 1504: Jurisdiction

The Planning Board shall have jurisdiction to review and approve, approve with modifications or disapprove site plans prepared when a particular use set forth in this Law is subject to only Site Plan Review.

Section 1505: Report on Referred Matters

The Town Board may by resolution provide for the referral of any matter or class of matters to the Planning Board before final action is taken thereon by the Town Board or other office or officer of the Town having final authority over such matter. The Town Board may further stipulate that final action shall not be taken until the Planning Board has submitted its report, or after the Planning Board has exceeded the time period set by the Town Board for the Planning Board to submit its report.

Section 1506: Minimum Attendance Requirements (Meetings and Hearings)

Members of the Planning Board are expected to attend all regularly scheduled monthly meetings/hearings and specially scheduled meetings/hearings of the board. In the event that a member of the board is absent from three (3) consecutive regularly scheduled monthly meetings/hearings, or in the event a member of the board is absent from five (5) meetings/hearings within any one (1) calendar year, then such member may be removed from the board as herein provided.

Section 1507: Training and Attendance Requirements

- A. Each member of the Planning Board shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet these requirements. Such training shall be approved by the Town Board and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
- B. To be eligible for reappointment to such board, such member shall have completed the training promoted by the town pursuant to this section.
- C. The training required by this subdivision may be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the town to do so.
- D. No decision of a Planning Board shall be voided or declared invalid because of a failure to comply with this section.

Section 1508: Training Costs

The costs of such training shall be a town charge. Members shall be reimbursed for travel and meal expenses associated with such training according to Town policies.

Section 1509: Removal Procedure

In the event a member of the Planning Board has failed to meet the minimum attendance requirements set forth in Section 1506 or the training requirements set forth in Section 1507, then the Town Board may remove such member from the Planning Board as herein provided:

- A. Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum attendance requirements of Sections 1506 or 1507 above.
- B. Public Hearing. Such notice shall specify a date (not less than ten [10] or more than thirty [30] days from the date of mailing such notice) when the Town Board shall convene and hold a public hearing on whether or not such member should be removed from the Planning Board. Such notice shall also specify the time and place of such hearing.
- C. Public Notice. Public notice of such hearing shall be given by posting a notice on the town signboard in the vestibule of the Town Hall and by publishing a notice once in the official newspaper. Such posting and publication shall be at least ten (10) days prior to the date of the public hearing.
- D. Conduct of Hearing. The public hearing on the charges shall be conducted before the Town Board. The member shall be given an opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made. The decision of the Town Board shall be reduced to writing together with specific findings of the Town Board with respect to each charge against such member. A copy of such decision and such finding shall be mailed to the member.
- E. Action by the Town Board. Following the hearing and upon a finding that such member has not met the minimum attendance requirements required by this Law the Town Board may:
 - 1. Remove such member from the Planning Board; or
 - 2. Issue a written reprimand to such member without removing such member from the Board; or
 - 3. If the Town Board shall find that the reasons for failing to meet the minimum attendance requirements are excusable because of illness, injury or other good and sufficient cause, the Town Board may elect to take no action.

Section 1510: Removal for Cause

Nothing contained herein shall be deemed to limit or restrict the Town Board's authority to remove a member from the Planning Board for cause (i.e. for other than the reasons enumerated herein). The procedural provisions of Section 1509 (Removal Procedure) shall govern any hearing to remove a member for cause.

Section 1511: Leave of Absence; Excused Absences

- A. The provisions of Section 1506 shall not apply to any member who has applied for and been granted a leave of absence by the Town Board from their duties as a member of the Planning Board. The Town Board may grant such leave of absence on such terms and for such period as it may deem appropriate provided, however, no such leave of absence shall be for a period in excess of eleven (11) months.
- B. The provisions of Section 1506 shall not apply to any member who has been granted an excused absence by the Chairperson of the Planning Board. To be a valid request for an excused absence, such request shall be made to the Chairperson of the Planning Board prior to the meeting/hearing. Grounds for excused absences shall include illness, vacation, business or employment reasons and personal or family activities.

Section 1512: Applicability

- A. This Law shall apply to all members of the Town of Dryden Planning Board regardless of the date of their appointment to such Board.
- B. Prospective members of the Planning Board shall be notified of the requirements of Sections 1506-1511 of this Law prior to their appointment to such Board.

ARTICLE XVI: NONCONFORMING USES, STRUCTURES AND LOTS

Section 1601: Nonconforming Uses

- A. Continuance. Except as otherwise provided in this Article, the lawful use of any Structures or land existing at the date of adoption of this Law may be continued even though such use does not conform to the provisions for the district in which such Structure or land is located. The right to continue a nonconforming use remains with the land when title is transferred, subject to the provisions of this Article.
- B. Extension or Enlargement.
1. A nonconforming use existing at the date of adoption of this Law may not be extended or enlarged except by Special Use Permit, and may be extended only to adjacent Structures or land if such adjacent structure or land was owned of record by the owner of such nonconforming Structure or land as of the effective date of adoption of this Law.
 2. A nonconforming Structure or use may not be extended or enlarged to other Structures or land acquired subsequent to the date of adoption of this Law.
 3. No Special Use Permit allowing the extension or enlargement of a nonconforming use shall be granted by the Town Board unless the regulations of this Law, other than allowed uses for the district in which said nonconforming use is located, can be complied with. The Town Board may impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such proposed conditions shall be consistent with the spirit and intent of this Law and shall be imposed for the purpose of minimizing any adverse impact such approval may have on the neighborhood of community.
- C. Changes. A nonconforming use may be changed to another similar or more restrictive nonconforming use with the approval of the ZBA. When changed to a more restrictive nonconforming use, such use shall not subsequently be changed back to a less restrictive nonconforming use. No nonconforming use, if changed to a conforming use, shall be changed back to a nonconforming use. The ZBA shall determine whether such proposed nonconforming use is similar or more restrictive, and may impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Law and shall be imposed for the purpose of minimizing any adverse impact such approval may have on the neighborhood of community.
- D. Discontinuance. Whenever a nonconforming use has been discontinued for a period of 12 consecutive months (from a date determined by the Planning Department), such nonconforming use shall not be re-established and any subsequent use of such structure or land shall be in conformity with the provisions of this Law for the district in which

such structure or land is located.

- E. Repair and Restoration. A structure used for a nonconforming use and damaged or destroyed by casualty to the extent that more than 50% of its total floor area is unusable without repair, replacement or restoration shall not be repaired, replaced or restored without the approval of the ZBA. The percentage extent of damage or destruction shall be made by the Planning Department. A Building Permit for such repair, replacement or restoration shall be obtained and work commenced within six months after such casualty, but this time limit may be extended by the ZBA in case of practical difficulty or unnecessary hardship. The ZBA may impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Law and shall be imposed for the purpose of minimizing any adverse impact such approval may have on the neighborhood of community.

Section 1602: Nonconforming Structures

- A. Continuance. A lawful nonconforming Structure existing at the date of adoption of this Law that could not be built after such adoption by reason of restrictions on the Lot Area, Lot Coverage, Lot Depth, height, yard requirements or other limitations of the structure or its location on the lot may be continued.
- B. Expansion. Nothing in this Law shall prevent the alteration to a safe condition of all or part of a Structure that is nonconforming provided that the repair or alteration will not increase the height, size or volume of the Structure or otherwise increase the manner in which the structure is nonconforming.
- C. Additions, Alterations, Maintenance, and Repairs.
 - 1. A nonconforming Structure shall not be added to or enlarged or altered in a manner which increases its nonconformity.
 - 2. Should a nonconforming Structure be moved for any reason, its placement or use shall thereafter conform to the regulations for the district into which it is relocated.
 - 3. A nonconforming Structure is required to be maintained in accordance with all applicable laws, ordinances, rules and regulations.
- D. Discontinuance.
 - 1. A nonconforming Structure, or a portion thereof, shall be deemed discontinued if: the Structure is vacant for twelve (12) consecutive months or sooner if there is a clear manifestation of the intent on the part of the owner to abandon the nonconforming Structure.

2. If deemed discontinued, such nonconforming Structure shall not be reestablished, and any subsequent use shall conform with the provisions of the district in which such Structure is located.

Section 1603: Nonconforming Lots

- A. A Lot of Record may be considered as complying with the minimum requirements of this Law provided that such Lot does not adjoin other land held by the same owner, part of which such other land could be combined with the nonconforming Lot of Record to create a conforming Lot without thereby creating a new nonconforming Lot.
- B. The Town may require a nonconforming Lot to be merged with an adjacent lot under common ownership, or with part of such adjacent Lot, for the purpose of creating two conforming Lots in the district in which the Lots are located, so long as neither of such Lots are then nonconfirming Lots.
- C. Where adjacent Lots are under common ownership but the merger of such Lots, or part of a conforming Lot to the nonconforming Lot, would not result in a conforming Lot, the ZBA may nonetheless approve a nonconforming Lot if it finds that following such merger the nonconformity of the nonconforming Lot has been minimized to the maximum extent practicable. In accordance with Municipal Home Law § 10(1)(ii)d(3) this subsection shall supercede Town Law § 267-b(3) with respect to the granting of area variances.

ARTICLE XVII: ADMINISTRATIVE PROVISIONS

Section 1701: General Provisions

- A. Notice of public hearing. Each notice of hearing upon an application for site plan review, a special use permit, or a variance or other application to the ZBA, or for any other public hearing shall be published once in the official newspaper of the Town at least 10 days prior to the date of the hearing. In addition, at least 10 days prior to the date of the hearing, a notice of such public hearing shall be mailed to all owners of real property within 250 feet of the exterior boundary of the property for which the application is made. Owners shall be determined according to the latest completed assessment roll.
- B. Records to be retained. The original of all decisions, approvals, rulings and findings rendered by any board under this Law, and of all permits and certificates issued under this Law, shall be promptly furnished to the Town Clerk and retained as a permanent Town public record.
- C. Assistance to Boards. The Planning Board and ZBA, as authorized by the Town Board, shall have the authority to call upon any town department, agency or employee for such assistance as may be deemed necessary and appropriate under the circumstances. Such department, agency or employee may be reimbursed for any expenses incurred as a result of rendering such assistance. The Planning Department, within the limits of budget appropriations, shall provide the Planning Board and ZBA with any necessary experts, clerks and a secretary.

Section 1702: Zoning Administration

- A. Code Enforcement Officers. Code Enforcement Officers shall have the power and duty to administer and enforce the provisions of this Law, under direction of the Director of Planning. Code Enforcement Officers shall be appointed by the Town Board, and shall report to the Director of Planning. Code Enforcement Officers shall have the power to make inspections of buildings or lots necessary to carry out his or her duties in the enforcement of this Law.
- B. Planning Department.
 - 1. The Planning Department shall, upon application and payment of the required fee, issue a Zoning Permit for new uses on properties, or Statement of Zoning Compliance for those existing uses for which no Zoning Permit was issued. No Building Permit may be issued without either a Zoning Permit or a Statement of Zoning Compliance.
 - 2. The Planning Department shall not issue any permit for the use of any property unless such use conforms to all applicable laws, ordinances, rules and regulations.
 - 3. The Planning Department shall maintain reports of all applications for certificates of occupancy and building permits, and issued certificates and permits.

4. The Planning Department shall maintain records of every complaint of a violation of the provisions of this Law as well as any action taken as a result of such complaints.
 5. The Planning Department shall submit to the Town Board, at least semi-annually, a written report summarizing all permits, statements and certificates issued as well as complaints of violations and any action taken as a result of such complaints.
- C. Fees. A fee schedule shall be established by resolution of the Town Board following a public hearing on at least ten (10) days prior notice. Such fee schedule may thereafter be amended from time to time by like resolution and public hearing. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for Site Plan review, Special Use Permits, Planned Unit Developments, appeals to the Zoning Board of appeals, Zoning Permits and permits for signs.

ARTICLE XVIII: ENFORCEMENT AND REMEDIES

Section 1800: Violations

- A. Any person, partnership, limited liability company, corporation or any other entity, whether as owner, lessee, agent or employee, who shall violate any of the provisions of this Law, any permit or approval issued hereunder, or who fails to comply with any order or regulation made hereunder, or who erects, alters, moves, uses or offers for sale any structure or uses any land in violation of any detailed statement of plans submitted and approved under the provisions of this Law shall be guilty of a violation.
- B. Any such person, partnership, limited liability company, corporation or any other entity, whether as owner, lessee, agent or employee who shall violate, disobey, omit, neglect, or refuse to act in compliance with any order or regulation shall be deemed guilty of a separate offense for each week of such violation.
- C. Where the person or entity committing such violation is a partnership, limited liability company, corporation or other entity the principal executive officer, partner, agent, or manager may be considered to be the "person" for the purpose of this subsection.
- D. The Code Enforcement Officers shall have the authority to issue accusatory instruments to those persons who are in violation of this Law.

Section 1801: Fines and Imprisonment

A violation of this Law is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350), or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars (\$350), nor more than seven hundred dollars (\$700), or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than seven hundred dollars (\$700), not more than one thousand dollars (\$1000), or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

Section 1802: Actions, Proceedings, Additional Penalties

- A. In the event any building or structure is erected, constructed, reconstructed, altered, dismantled, 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 Law or conditions imposed by a building permit, Special Use Permit or Site Plan Review approval the Town Board, in addition to any other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, dismantling, 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. Additional penalties. In addition to any other remedies or penalties that may be imposed, a violation of this Law shall entitle the Town Board to remedy or repair the conditions constituting the violation, at the premises owner's expense, in order to bring the premises into conformity and compliance with this Law. The disbursements and expenses shall become a charge and a lien upon the premises and if not paid the same shall be added with interest, as may be provided by law, to the premises' next annual Town tax bill, to be collected in accordance with the provisions of law and the procedure for the payment of Town taxes.

Section 1803: Stop Work Order

- A. The Town Board hereby grants the Code Enforcement Officer the administrative responsibility of immediately taking action necessary to correct violations of this Law by posting a stop-work order on the premises wherein an alleged violation has occurred.
- B. The stop-work order shall serve notice to the owner, builder, developer, agent, and/or any other person, partnership, limited liability company, corporation or any other entity on the premises that all actions specified on the stop-work order must be terminated immediately.
- C. Relief from the stop-work order can be obtained:
 - 1. if all provisions of this Law, and applicable permits or approvals, together with any other conditions specified by the Code Enforcement Officer in the Stop Work Order are met the Town Board may authorize the rescission of the Stop Work Order; or
 - 2. except for cases involving violation of Site Plan Review approval, or a Special Use Permit, if a variance is granted by the ZBA.

Section 1804: Misrepresentation

Any permit or approval granted under this Law based upon or granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This section shall not be construed to affect all the other remedies available to the Town under this Law.

Section 1805: Complaints of Violations

Whenever a violation of this Law is alleged to have occurred, any person may file a written complaint in regard thereto. All such complaints shall be filed with the Planning Department. The Planning Department shall investigate such complaints and report the results of the investigation and any prosecution of violations to the Town Board.

ARTICLE XIX: MISCELLANEOUS PROVISIONS

Section 1901: Severability

If any part or provision of this Law, or the application thereof to any person, partnership, limited liability company, corporation or any other entity or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons, partnership, limited liability company, corporation or any other entity.

Section 1902: Map

The Town Clerk shall file and maintain the Official Zoning Map and the Planning Department shall maintain a copy of the Zoning Map as officially adopted.

Section 1903: Effective Date

This Law shall take effect upon filing in the office of the Secretary of State.

APPENDICES

- Appendix A-1 Zoning map dated September 1, 2011, revised March 18, 2014
- Appendix B Residential Development Design Guidelines dated December 2008
- Appendix C Commercial Development Design Guidelines dated December 2008
- Appendix D Invasive Plants of Tompkins County, New York dated April 1996
- Appendix E Hamlet of Varna Design Guidelines & Landscape Standards