

TOWN OF DRYDEN
PLANNING BOARD
OCTOBER 29, 2019

Present: John Kiefer, Chair, David Weinstein, Craig Anderson, Martin Hatch, Thomas Hatfield, Tony Salerno, Joe Wilson, James Skaley (alternate)

Absent: Dan Bussmann (alternate)

Staff: Ray Burger, Director of Planning

J Kiefer explained that the Town Board occasionally asks the Planning Board to comment on matters of site plan or special use permit and the Planning Board provides that. For things that have happened in the hamlet of Varna, the Planning Board refers to the Varna plan to understand what it says and look at the zoning regulations, then look at what the developer is proposing and give advice to the town board. It seems that every time that is done, folks comment that it isn't quite what the Varna plan envisioned when it was written. Trinitas has really brought that to a head and the Town Board asked the Planning Board to do a SEQR review (though it doesn't carry any authority because the Town Board will do the site plan review and SEQR). In doing that SEQR review, one of the findings was that the Trinitas project was not consistent with the Varna plan and the Planning Board thought that should draw a positive declaration of environmental significance because of it.

A subset of the Planning Board volunteered to think about whether something should be changed about how development happens in the hamlet of Varna to make it more consistent with what is in the Varna plan and have put themselves to that task. There have been a couple of updates and discussions at the Planning Board meeting on how they have been doing. It's complicated and the board decided to have a special meeting to focus on the work that the Varna committee has been working on. The Planning Board does not have the authority to change zoning. It is something that the Town Board does in a well-defined process. The Planning Board can make recommendations to the Town Board.

D Weinstein said the main purpose of this subcommittee was to find ways that would bring zoning in to being compatible with the Varna plan and that includes putting references in the zoning to the Varna plan. He has provided an agenda to work through the three articles in which there are proposed changes and discussed them.

It was noted that there had been some question about meetings of the subcommittee. J Kiefer said while we may not have been perfect in dotting all the I's and crossing the T's, he thinks they met the spirit of it. We have tried to notice the meetings and publish agendas and minutes, and if folks wanted to know what the committee was up to, the information has been available. D Weinstein said they took great pains to try to describe all the discussions in the minutes. They wanted anyone who couldn't attend the meetings to be able to look at the minutes and understand what both sides of the issues are and what the points that came to light are. He feels he did the public as much of a service as they could if they weren't able to be there. There were members of the public present during at least one of the meetings.

D Weinstein led the board through review of the documents:

Article III - Definitions

Definitions in Article III apply to the entire zoning law, not just the Varna portion.

Boundary Line Adjustment (BLA) - A reconfiguration of property lines between two or more separate legal parcels. BLAs are not subdivisions and cannot create new parcels or building sites.

C Anderson suggested using the lot line adjustment definition that is in the subdivision law. After discussion the board agreed to use the term lot line adjustment and its definition in the subdivision law.

Dwelling- Condominium -- The term condominium refers to a system of ownership and administration of property with three main features. A portion of the property is divided into individually owned units, the balance of the property is owned in common by all the individual owners and a vehicle for managing the property, known as the condominium corporation, is established.

There needs to be a distinction between townhouses that are for rental and townhouses that are meant to be condominiums (owner-occupied).

C Anderson said condominium is in the density table of the Varna Plan; that is why we need a definition.

No objections to that definition.

Dwelling, Townhouse or townhome – A single-family home that shares one or more walls with other dwelling units. Townhouses are distinguished from a Condominium Townhouse, which is a single-family home that shares one or more walls with other independently-owned units.

The current definition was eliminated and the above is proposed.

- Townhouse is a type of construction; condominium is a type of use of a building.
- The townhouses that are being currently proposed are for rental, there is no possible ownership component. The distinction between apartments and townhouse in the traditional sense is one that has been confusing.
- The difference needs to be distinguished in the use table.
- Enforcement could be difficult. How do you differentiate between a townhouse vs a townhouse building that is a condominium ownership structure?
- The goal is not to discourage a certain type of building. You are not discouraging townhouses, you are discouraging townhouse rentals and rentals in this zone. It doesn't matter what kind of building it is.
- The restriction should be in the table, not in the definition.

After discussion, the second sentence in the proposed definition was removed.

The word dwelling should be added to the header in the density table.

Green Space – Areas of vegetated and permeable surfaces 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 include swales and parks, dedicated Open Space, landscaped areas, plantings, lawns, parking lot islands, and sidewalks or trails used to access these areas, including Accessory Structures (e.g. gazebos or similar structures) accessible to the public and intended to enhance the Green Space.

60% of the area of a green roof if not accessible by or visible to the public from the old definition was added back in. The committee felt it was important that these be green spaces, not simply open spaces.

Lot Consolidation - A Lot Consolidation is used to combined two existing parcels. Lot Consolidations erase parcel lines so that only one parcel remains.

This was put in because this term gets used in the zoning and was not defined. *Amended to read “two or more existing parcels” and that “so that fewer parcels remain” in the second sentence.*

Redevelopment was removed because it is no longer being referred to. It was only referred to in the idea of granting bonuses, but it is so problematic in what a redevelopment really is.

Story – was discussed last week and the definition now reads:

STORY – Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the next floor above is:

1. More than 6 feet above grade plane; or
2. More than 12 feet above the finished ground level at any point.

Article IV

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 as defined in Article III of the Dryden Zoning Law, and commercial development of vacant lots, including the combining of lots and rehabilitation of existing buildings.

The words *as defined in Article III of the Dryden Zoning Law* were added to the old definition.

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 with a mix of predominately single-family unattached dwelling units, but including a variety of dwelling units.

This is a new definition and replaces the previous definition.

VHTD – Varna Hamlet Traditional District

The purpose of the Varna Hamlet Traditional District (VHTD) is to foster a type of development that is deeply attentive to the environmentally sensitive areas of the district. This area is along Fall Creek, an important drainage area in the hamlet, and is intended to have lot sizes and a limited amount of development that is sensitive to these resources. The purpose of this district is aimed at achieving a traditional owner-occupied neighborhood with single-family and two-family dwelling units, including a conservation buffer from the banks of Fall Creek.

This is a new definition and replaces the previous definition. The buffer is defined later.

Todd Bittner, Natural Areas Director at Cornell Botanic Gardens, said they have been involved in a few of the developments that have comp through the Varna Comp Plan (902 Dryden Road and 802-812 Dryden Road) and he is generally very supportive of the process and conforming to the Varna Plan. He suggested the natural area feature in this definition be broadened to include any of the natural areas of concern, not just Fall Creek. The Parke Park Natural Area and Fall Creek South Natural Area along Forest Home Drive are areas of concern. They are Tompkins County Unique Natural Area Inventory sites. They are utilized by the public and educational institutions for conservation education, wellness, recreation and so on. It would be beneficial for Varna and the town of Dryden to be thinking about the traditional zone in the context of any of the significant natural areas. As written, it seems to highlight Fall Creek and not consider these other areas. It would be appropriate to think about the rail trail and how these developments interface with that recreational trail that is meant to be very natural.

The board might consider these protection efforts in the other districts.

We need to recognize the environmental considerations and can discuss more when talking about the map.

SEQR would address environmental issues parcel by parcel but may not apply in every instance.

This is a definition of a zoning district, not a law.

The buffer zone would have made a difference in the 902 Dryden Road application.

After discussion the board changed reference to Fall Creek to environmentally sensitive areas.

Section 402 (h) – new

Lot consolidation shall only be allowed within established zones and the new parcel shall conform to the criteria of that zone. Lot consolidation shall not cross zone boundaries so as to erase or modify the criteria of either zone. Those interested in lot consolidation across boundary lines must apply to have the district boundary altered to place the lots to be consolidated into the same zoning district.

After discussion it was decided to remove this new paragraph and discuss it another time because it would apply to the entire town.

Article VII

The committee proposes to replace this section entirely with the document provided. There was some discussion in the Varna Plan about form-based zoning, but we are not doing that, so references to form-based zoning should be removed.

Section 700: Purpose

The purpose of Article VII of this zoning law is to provide the structure and rules for development in accordance with the Varna Community Development Plan (VCDP) as adopted. This Article creates

distinct zones and a Traditional Neighborhood Overlay within the hamlet of Varna, along with rules relative to maintaining form in an effort to implement the goals set forth in the Varna Community Development Plan.

This section was rewritten with the addition of a reference to Varna Plan.

Discussion:

- Whether the goals of the plan should be translated to the rule of zoning.
- Reference to the goals was vague and interpretative; a developer shouldn't have to guess at that.
- Rules in following sections were written to support the Varna plan.

The words "along with rule relative to maintaining form" were removed.

Section 702: Applicability

This article applies only to the three zoning districts that are within the Hamlet of Varna: The Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD). Development within these zones is based on the descriptions in the Varna Community Development Plan as adopted as an amendment to the Town Comprehensive Plan.

This was another opportunity to reference the Varna Community Development Plan.

Section 703: Definitions

Refer to the purpose and goals listed for each district in the definitions (Article III) for the Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD).

Reference should be changed to Article IV.

Section 709: Green Neighborhood Development

New structures shall conform to either the most recent Varna/Dryden Neighborhood Development standard, after its adoption, or the latest LEED standards prior to this adoption, both with an emphasis on maximizing energy conservation. Every use in the Varna Density Table in Section 706 except "Single-family home" and "Duplex" is required to meet the above standard. The Varna/Dryden Neighborhood Development standard will specify the required number points; prior to its adoption, developments are required to achieve 40 points under the most current basic LEED Neighborhood Development certification.

There is no bonus under this section. The developer is required to meet the 40 points if building a new development.

Discussion:

- Where is the directive to do this? Is it written in the Varna Plan?
- This increases Dryden's requirements for building efficiency.
- It isn't in the comp plan.
- We want energy-sound development.

- Is it possible to do this; it isn't based on community input in the planning process.
- It was incentive zoning and optional previously.
- A stretch energy code is coming that can be adopted by municipalities, but it hasn't happened, and we don't know what is in it.
- Climate change and building energy will be addressed in the data collection effort in the comp plan update.
- Perhaps the incentive is important to retain.
- LEED is an important part of how Varna is becoming a walkable community.
- Keep the incentive in and lower the base density.
- The redevelopment bonuses are too arbitrary.
- The way LEED is applied now is not particularly about energy efficiencies.
- Could the town specify which sections of LEED to use for points?

It was decided to leave the current wording for the time being. It can be suggested to EDR for the comp plan update process.

Section 710 – Planned Unit Development.

The current definition does not require a mix of commercial and residential. J Skaley would like the area around Freese Road, Mt Pleasant and Route 366 defined as an anchor area that could include commercial and residential. This may have been resolved in the hamlet definitions. The old definition was left in place.

The redevelopment section is eliminated.

There were no changes to the use table.

There are some changes in the density table and in the Area & Bulk table.

Section 708 - Area and Bulk Table

The changes are two additional notes after the table:

A. Multi-family units in VHRD are limited to covering no more than 40% of the acreage remaining after removing the open space land from consideration.

B. A conservation zone buffer shall be established of a 100 ft buffer from the normal highwater bank of Fall Creek in which no landscape alteration or construction shall occur. The width of this buffer shall be extended to include the designated FEMA designated 100-year flood plain. The importance of a buffer to protect Fall Creek is described in the Dryden Natural Resource Plan, and the Dryden Open Space Inventory, along with the importance of protecting the Designated Scenic Recreation River section of Fall Creek which begins a short distance downstream.

Add "current" before FEMA.

- Are there other areas to be protected in the hamlet of Varna?
- The rail trail was anticipated in the plan.
- We should look to the Varna plan for additional areas that we need to think about protecting.
- Trails were intended as inter-connections in different parts of the hamlet.
- A is an attempt to get a larger mix of single family, duplexes and multi-unit.
- It is difficult to determine whether a place is used for rental and then enforce.

Change to 100' or the 100-year flood plan, whichever is greater.

Add C - Buffers should be considered for other environmentally sensitive areas.

T Hatfield noted there hasn't been a lot of public on these proposals. I might be helpful before moving forward. He said the board should move forward slowly and with some certainty. It would be nice to have some developers comment on the questions raised. Perhaps a better product could be given to the Town Board having already had some public outreach and input.

This will be on the agenda for the next Planning Board meeting (to be held in at the Varna Community Association on November 20 at 6:00 p.m. D Weinstein will send out the changes soon – open for public comment

Density Table

D Weinstein said by leaving the bonuses in there is the incentive of an additional unit. Some of these will need to be reduced. He is in favor of making it 2 units and reducing the densities 2 units.

- It is easy to get the LEED incentive.
- A smaller developer may not be inclined to do it.
- Those units are valuable when considering cost per unit of infrastructure.
- There is an economic incentive for people to take advantage of it and helps us get two wins.
- Units to bedrooms conversion: Houses 2.65 bedrooms = 2.65 people; rental 2.52; manufactured housing 1.5.
- 2 Duplexes in the traditional zone couldn't be reduced; the others could.
- Multi-family rental detached units are X'd out in the table.
- Developments with more than 9 units must have 2000 sq ft of commercial space for each 10 units.
- That encourages development in the mixed use area and could be phased in over time.
- Change Townhouse to Townhouse (rental).
- Heading will be changed from Development type to Dwelling type.
- Single family homes and duplexes are exempt from LEED bonuses.

D Weinstein will make the changes discussed tonight and have a draft for presentation at the next Planning Board meeting.

Todd Bittner commented on the map. He encouraged that areas proposed to be change to the traditional zone that are proximate to the natural areas be retained. He supports that. He recommends looking at the Tompkins County Unique Natural Area inventory sites that area approximate to the district and look to change those parcels to the traditional zone. There are some that currently proposed to be residential (specifically next to the Park Park natural area). If folks realize the potential

for what could be built next that, it would change the character of the natural area, the experience that people have on the publicly accessible areas, and not really be what was envisioned in the comprehensive plan by having high density development in fairly sensitive areas.

There being no further business, the meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Bambi L. Avery

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-Condominium -- The term condominium refers to a system of ownership and administration of property with three main features. A portion of the property is divided into individually owned units, the balance of the property is owned in common by all the individual owners and a vehicle for managing the property, known as the condominium **corporation**, is established.

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 or townhome – A single-family dwelling that shares one or more walls but no ceiling-floor connection with other dwelling unit or units.

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 Ordinance, 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 – Areas of vegetated and permeable surfaces of a development not occupied by structures or paved areas for vehicles and including formal storm water management facilities (no more than 20% of total Lot Area) as well as green infrastructure storm water 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, green roofs, and sidewalks or trails used exclusively to access these areas, including accessory structures (e.g. gazebos or similar 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 re-melting purposes only.

Kenel – 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 Consolidation - A Lot Consolidation is used to combined two or more existing parcels. Lot Consolidations erase parcel lines so that fewer parcels remain.

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 Line Adjustment – the adjustment of one or more Lot lines between two or more existing and adjoining Lots which does not result in the creation of one or more new Lots.

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.

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**.

Story – Any story having its finished floor surfaced entirely above grade plane, or in which the finished surface of the next floor above is

1. more than 6 feet above grade plane, or
2. more than 12 feet above the finished ground level at any point.

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 as defined in Article III of the Dryden Zoning, 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 with a mix of predominately single-family unattached dwelling units, but including a variety of dwelling units.

VHTD – Varna Hamlet Traditional District

The purpose of the Varna Hamlet Traditional District (VHTD) is to foster development that is deeply attentive to the environmentally sensitive areas of the district, and is intended to have lot sizes and a limited amount of development that is sensitive to these resources. The purpose of this district is aimed at achieving a traditional owner-occupied neighborhood with single-family and two-family dwelling units, including a conservation buffer from the banks of Fall Creek (see Article VII, Section 707, B).

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.

Special condition of one Parcel that is situated 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 in

ARTICLE VII: VARNA – Article VII is to be replaced in its entirety by the following:

Section 700: Purpose

The purpose of Article VII of this zoning law is to provide the structure and rules for development in accordance with the Varna Community Development Plan (VCDP) as adopted. This Article creates distinct zones and a Traditional Neighborhood Overlay within the hamlet of Varna in an effort to implement the goals set forth in the Varna Community Development Plan.

Section 701: Applicability

This article applies only to the three zoning districts that are within the Hamlet of Varna: The Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD). Development within these zones is based on the descriptions in the Varna Community Development Plan as adopted as an amendment to the Town Comprehensive Plan.

Section 702: Definitions

Refer to the purpose and goals listed for each district (Article IV) for the Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD).

Section 703: 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 curb cuts 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 704: 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. Allowable Use Groups Chart. In the following:

“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 705: 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.

Dwelling type	Mixed Use (requires commercial) ¹	Residential ²	Traditional ³	Green development bonus (see section 708)
Single Family Home	6	6	4	2
Duplex (Rental)	6	4	2	X
Townhouse (Rental)	6	4	X	2
Condominium	6	4	6	2
Rental Apartments	6	2	X	2
Senior Housing	8	6	X	2
Residential over Commercial	6	X	X	2
Multi Family Rental-Detached Units	X	X	X	

	1- Developments with > 9 units must have 2000 sq. ft. of commercial for each 10 units. These may be phased in over time.	2- Multi-family units limited to covering no more than 40% of the acreage remaining after removing the open space land.	3- No bonuses will be granted in the Traditional district
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Section 706: 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 707: 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

A. Multi-family units in VHRD are limited to covering no more than 40% of the acreage remaining after removing the open space land from consideration.

B. A conservation zone buffer shall be established of a 100 ft buffer from the normal high-water bank of Fall Creek in which no landscape alteration or construction shall occur. The width of this buffer shall be extended to include the current FEMA (Federal Emergency Management Agency) designated 100-year flood plain. The importance of a buffer to protect Fall Creek is described in the Dryden Natural Resource Plan, and the Dryden Open Space Inventory, along with the importance of protecting the Designated Scenic Recreation River section of Fall Creek which begins a short distance downstream. Buffers shall be considered to be established for other environmentally sensitive areas within the hamlet districts.

Section 708: Green Neighborhood Development

In addition to the density permitted in the Varna Density Table in Section 705 with the exception of the Traditional district, a density bonus may be awarded if a Neighborhood Development proposal achieves at least basic LEED certification (40 points) according to the most current LEED Neighborhood Development protocol.

Section 709: Planned Unit Development

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