

**ARTICLE 3:  
LAND USE REGULATIONS: SITE IMPROVEMENTS, FACILITY CONSTRUCTION,  
AND ESTABLISHMENT OF ACTIVITIES**

**Section 301: Purposes**

These regulations are made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, flood, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations have been made with reasonable consideration, among other things, as to the character of the zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village (Village Law, Section 7-704).

**Section 302: Force and Effect of Regulations**

A facility (lot, field, structure, building, paved area, or similar) may be developed or used, and an activity (occupancy, business, enterprise, household, institution, agency, office, or similar) may be established in or on a facility, only if done in conformance with:

1. all the general regulations of the Village and,
2. all the zone regulations of the zone in which the action occurs.

General Regulations, found in Sections 307 through 329, apply throughout the Village of Freeville. Zone Regulations, found in Sections 330 through 369, apply only in the specified zone.

**Section 303: Zone Regulations: Types of Zones**

For the purposes specified in Section 301, the Village of Freeville is divided into zones; within each zone, the regulations are uniform, but the regulations may differ from one zone to another.

There are two types of zone:

- Basic Zone regulations, which regulate the general pattern of development in the Village. Every site in the Village is in one and only one Basic Zone, they do not overlap.
- Combining Zone regulations, which combine with the Basic Zone regulations and provide additional control over development in area where specific local conditions warrant it. Only certain parts of the Village are in a Combining Zone, and a site may be in more than one Combining Zone, in addition to the Basic Zone.

### **Section 304: Types of Regulation in Basic Zones**

There are two general kinds of regulations in Basic Zones in this Article:

Land Use regulations, which are expressed in terms of Activity Types and Facility Types, are found in tabular form in Sections 340-359. The table includes detailed descriptions of all the Facility and Activity Types.

Dimension regulations, relating to minimum area, yard depth, frontage on a public road, and maximum height of a structure, are found in tabular form in Section 360.

### **Section 305: Land Use Regulation: Facilities and Activities**

1. Land Use regulations are expressed in terms of facility types and activity types. Any action covered by this code consists of: the construction or modification of a structure, including modification of a site, and/or
2. an activity taking place in or on a facility. A zoning permit is a permit for both an activity and a facility: an activity to be commenced, relocated, expanded, or continued in or on a facility which is to be modified, constructed, relocated, or used as it is.

Each Activity Type and each Facility Type is described in some detail in Zone Regulations, Sections 340-359, and placed in one of the following regulatory categories:

305.01 Allowed: establishment of the facility type or activity type is allowed in the zone without a permit being issued.

305.02 Permitted with a Zoning Permit: a permit for the facility type or activity type is issued by the Code Enforcement Officer to any applicant whose proposal meets all the provisions of the General Regulations and the applicable Zone Regulations.

305.03 Permitted with Site Plan Review and Approval: a permit for the facility type or activity type is issued only on direction of the Planning Board to an applicant whose proposal meets all the General Regulations, applicable Zone Regulations, and the criteria for Site Plan Approval (see Section 440).

305.04 Prohibited: any facility type or activity type not in one of the three categories above is expressly prohibited.

305.05 Permitted only in a Planned Unit Development: developments of a type, scale, mix, or location not contemplated by the specific zone regulations in this code. The Planning Board reviewing an application for Site Plan Review and Approval may decide that, due to the scale, expected impact, location, or other factors, the application should be resubmitted as a Planned Unit Development proposal.

### **Section 306: Dimension Regulations**

Dimension Regulations comprise all regulations in this code that are expressed numerically: as distances, areas, heights, location on lot, number of parking spaces, number and size of signs, placement on buildings, time of day for operation, and similar performance standards.

Dimension regulations are found in Zone Regulations, e.g.: minimum lot size, and in General Regulations, e.g.: parking requirements.

A certain dimension may be required under a Zoning Permit, while on the same site a different, usually more liberal dimension is allowed under a Site Plan Review and Approval.

### **Section 307: Lot Regulations**

310.01 Lot Dimensions: A lot may be reduced or altered only if the resulting lot meets the minimum area, frontage, and yard requirements prescribed by these regulations. A small lot that does not meet the minimum requirements of this code at the time it is enacted or amended may be used for a permitted use. If, however, the small lot and adjoining land are owned by the same person the small lot may not be developed separately and consolidation of the lots or re-subdivision will be required to bring all adjacent lots in single ownership into compliance.

310.02 Yard Requirements: Yard area or off-street parking space provided about a building for the purpose of complying with the provisions of these regulations may not be considered to provide a yard or off-street parking space for any other building.

310.03 Mixed Use of Lots: If a residential and non-residential activity are to share a facility on a single lot in any zone:

1. the lot area, yard size, and frontage requirements for the non-residential or the residential activity apply, whichever is greater; and
2. the parking and sign requirements of the non-residential and the residential activity both apply, except that if the requirements are in conflict, the more strict requirement governs.

310.04 Rubbish and Junk: All yards must be kept free of abandoned, inoperable, or unregistered vehicles and machinery, discarded appliances and furniture, all forms of rubbish and junk, and disorderly or unsightly piles of building materials except those associated with work in progress. Violators are subject to penalties. See Section 420.

310.05 Unregistered Vehicles: All yards, with the exception of established motor vehicle repair shops, must be kept free of junk vehicles. A junk vehicle is any vehicle that meets at least one of the following criteria:

1. It is unlicensed,
2. It is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled.
3. It is not in any condition for legal use on the public highways.

### **Section 308: Clear Vision Area**

For reasons of traffic safety no structure, fence, vegetation, or agricultural crop over 3 ft in height and no branches less than 10 ft from the ground, whether temporary or permanent, are permitted on any corner lot within a triangular area formed by the lot lines along the streets to the points on the lot lines a distance of 20 ft from their intersection and a line connecting the points. Any fence or planting that does not conform to the requirements of this section and which results in an obstruction to the vision of motorists must be made to conform within one year from the effective date of this code.

### **Section 309: Height Limits Exemption**

The height limitations of these regulations do not apply to church spires, belfries, cupolas, chimneys, skylights, mechanical equipment, solar energy and wind energy collection devices, silos and other farm structures, water tanks, monuments, flagpoles, utility lines, and similar features.

### **Section 310: Fuel Tanks**

All open-air fuel tanks for a residential building must be located at the rear of the building.

### **Section 311: Street Numbers**

All principal buildings must have conspicuously displayed street numbers as listed in the town directory.

### **Section 312: Porches and Covered Terraces**

In determining the percentage of open space required or the size of yards, a porch or covered terrace, which is open at the sides but roofed, is not considered part of the building.

### **Section 313: Fences and Walls, Steps and Decks**

The requirement in the zone regulations (Section 361.03) that certain areas of the lots be left as open yards does not apply to steps, decks, unroofed porches, terraces, or similar accessory facilities, or fences or walls less than 6 ft high above the natural grade. However, this section does not replace the requirements of Section 308, Clear Vision Areas, where it applies.

Any fence, wall, or hedge shall not exceed six feet in height along any rear or side lot line, or three feet in height along any front or corner lot line, and shall be no closer than two feet to any public right-of-way.

### **Section 314: Excavations, Abandoned Construction, and Derelict and Destroyed Facilities**

314.01 Hazardous Sites. Fencing or similar safety measures must be provided around excavations, derelict buildings, damaged structures, construction sites, and other hazardous sites, immediately upon the determination by the Code Enforcement Officer that it is necessary in the interest of public safety.

314.02 Derelict Facilities. Any facility determined by the Code Enforcement Officer to be a hazard to the health, safety, and general welfare of the community must be remedied within thirty days of the date on which the owner is notified by official correspondence that the facility is a hazard, unless a Zoning Permit has been issued and the Code Enforcement Officer finds that reconstruction has begun.

314.03 Excavations. No construction excavations shall remain open or uncovered for more than six months after the date on which the construction work ceased, as determined by the Code Enforcement Officer.

314.04 Destroyed Facilities. Any excavation or exposed cellar hole remaining after the destruction of a facility from any cause must be covered or filled within six months, except that in the case of a facility being deliberately demolished, any excavation or exposed cellar hole must be filled or covered at the time of demolition work.

314.05 Action by Code Enforcement Officer. If a property owner fails to comply with any of the provisions of this section, the Code Enforcement Officer will issue to the property owner a notice to appear before the Board of Zoning Appeals to show cause why the Village Board of Trustees should not cause the work to be done and any cost thereby incurred by the Village Board of Trustees assessed against the real property of the owner.

314.06 Action by Board of Trustees. Upon determination by the Board of Zoning Appeals that the work must be done to satisfy this section, the Village Board of Trustees may order or contract for the work to be done, with the expense so incurred assessed by the Village Board of Trustees against the real property of the owner; the expense so assessed constitutes a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged as in the case of any other Village charge.

314.07 Other Remedies. The above remedy is not intended to limit any other remedies by the Village against violators of this section.

### **Section 315: Off-street Parking Regulations**

315.01 General. Off-street parking facilities must be provided for new facilities and for newly established activities as specified in this Section. An off-street parking space must be paved or graveled, drained, maintained, and provided with necessary access driveways.

315.02 Size and Location. The minimum size of an off-street parking space is 8 ft by 20 ft. Off-street parking requirements may not be met with spaces on the public right-of-way. All required parking space is considered to be required space on the lot on which it is located, unless otherwise stipulated, and must not be encroached upon in any way which impairs its function as required of off-street parking.

315.03 Requirements for Parking Spaces. The requirements for off-street parking are based on the type of building (e.g.: apartment house), the type of activity taking place in the building (e.g.: grocery store), or a combination of the type of facility and the type of activity (e.g.: shopping plaza). The parking requirements for combination of two or more activity types or facility types on one lot (e.g.: retail store and office space) are determined by establishing the requirements for each component activity or facility from the schedules and adding them together. (For detailed descriptions of the facility types and activity types on which the regulations are based see Section 353: Residential Facilities, and Sections 342 through 346 and Sections 357 and 358, the non-residential activity types.)

315.04 Number of Parking Spaces. Parking facilities are required according to the following schedule:

1. 2 parking spaces, per dwelling unit, plus
2. 1 parking space per rooming unit, plus
3. 1 parking space for every 2 residents in group quarters, plus
4. 1 parking space per employee, plus
5. 1 parking space per 400 square feet of floor space used for a Commercial Activity (see Activity Classifications, Sections 343, 358, and 359), plus
6. additional parking facilities as required by the Planning Board in a Site Plan Review and Approval.

### **Section 316: Restricted Vehicle Parking**

316.01 General. Restricted vehicles are those such as transport vehicles, recreational vehicles, commercial vehicles, trailers, boats and the like, which are parked or stored on a lot for extended periods of time. Restricted vehicle types are regulated as to the location on the lot and the length of time they may be parked or stored on the lot.

316.02 Small Restricted Vehicles. Restricted vehicle types which are under 6 feet in height may be parked or stored on a lot in a parking space as provided in Section 315, Off-street Parking Regulations, as for an automobile.

316.03 Large Restricted Vehicles. Restricted vehicle types which are in excess of 6 feet in height may be parked or stored on a lot as in Section 316.02, above, for a maximum of 30 days, after which time such a vehicle must be located in conformance to minimum yard requirements of the Basic Zones (Sections 361 end 362) as though it were an accessory building.

316.04 Residential Occupancy of a Recreational Vehicle. Maximum time for residential occupancy of a recreational vehicle is 14 consecutive days. Such habitation requires self-contained utility and sanitation systems or connections.

### **Section 317: Sign Regulations**

317.01 Purpose. The intent and purpose of this section is to establish specifications for the provision of signs in the Village of Freeville which will permit proper identification, preserve and enhance the visual character and quality of the area, and prevent installations which are particularly distracting and hazardous to vehicular traffic.

317.02 Location. Unless otherwise specified in this section, signs must be located on the premises they advertise. No sign may be located closer than 10 ft to any road right-of-way line or overhang any road right-of-way.

317.03 Illumination. No illuminated sign shall be permitted or installed or allowed to continue which, by its design, would be distracting or hazardous to vehicular traffic. Signs illuminated by or incorporating flashing lights are not permitted.

317.04 Height. No sign may be higher than the overall height of the facility of which it is an accessory, or 25 ft from the ground, whichever is more restrictive.

317.05 Maintenance. All signs must be properly repaired and painted as necessary to maintain their appearance. If such repairs or painting is not provided by the owner the Village Board of Trustees may order removal of the sign after the owner has received written notice.

317.06 Maximum Area and Number of Sign Faces. The maximum number of signs is one per lot. The maximum size is 20 sq ft. Advertising signs are not permitted in the Village.

317.07 Supplemental Sign Regulations.

1. Development signs (Section 355.03) must be removed after construction is completed.
2. Business signs (Section 355.06) for Home Occupations (Section 356) shall bear only the name of the person residing on the premises and the profession or occupation being conducted on the premises.
3. Business signs (Section 355.06) for Traveler's Service Commercial Activities (Section 343.80), shall not be closer than 15 ft from any road right-of-way.
4. Signs smaller than 4 sq ft identifying association membership, field crops, security services, and the like are exempt from these regulations in the AG Zone.

### **Section 319: Animals**

Common domestic household pets are allowed throughout the Village. Animal hospitals, boarding kennels, dog kennels, keeping of poultry, and farm animals of any kind, including horses, are allowed only in accordance with the Zone Regulations, Section 345.

### **Section 320: Garage Sales**

Such temporary sales as yard sales, garage sales, etc., are limited to three consecutive days of operation at one time, and no more than twice in a calendar year, in accordance with New York State Department of Taxation and Finance regulations. Permanent displays of merchandise are prohibited.

### **Section 321: Solar Collectors**

Whether free-standing or attached to a building, solar collectors are permitted as accessory residential facilities when they meet all height and area regulations.

### **Section 322: Dish Antenna Regulations**

322.01 Applicability. These regulations treat all receive-only (RO) Dish Antennae as accessory facilities. They shall comply with all conditions and safeguards that apply to any accessory facility, that is they require a zoning permit in all zones and all types of installation.

322.02 Regulations: All Zones. In reviewing any site plan for a proposed dish antenna, the Planning Board shall require that its location, design, and screening be such as to mitigate any potential visual impact on neighboring properties or streets through the use of increased setbacks, evergreen landscaping, earth berms, fencing, architectural features, or other such techniques which encourage harmony with and the protection of the character of existing buildings and properties.

1. Free-standing dish antennas with a diameter or height of more than 3 feet and all roof-mounted dish antennas shall be subject to cite plan approval by the Planning Board. Freestanding dish antenna with a diameter or height of 3 feet or less shall be considered permitted accessory facilities customarily incidental to a permitted principal facilities and activities on the same lot, and subject to all yard and height requirements applicable to an accessory facility.
2. No dish antenna exceeding 3 feet in diameter may be connected to or placed upon any



roof. No grade-mounted antenna may reach a height of more than 12 feet above the natural grade of the lot. In no event shall the natural grade be changed by any means in order to increase the elevation of the dish antenna.

3. Dish antenna height shall be measured vertically from the highest point of the antenna, when positioned for operation, to the bottom of the base that supports the antenna.
4. The dish antenna shall be located in rear yards only and shall be an accessory facility requiring compliance with all minimum yard requirements of the Zoning Law. When a back yard is not a practical site, a fence or foliage screen must be placed so it shields the antenna from the street as well as adjoining properties during the entire year.

322.03 Landscaping. The landscaping in the area adjacent to and surrounding any such antenna or device shall be maintained in a slightly manner.

322.04 Operation. Such antenna or device shall be operated so as not to create any sound, electrical disturbance, or other effect that is audible or can be sensed at any point beyond the property lines of the real property on which it is located.

322.05 Abandoned Antenna or Device.

1. No such antenna or device shall be abandoned unless the owner removes the same from the premises and restores the surface of the ground to its original grade and approximately to the same condition as before the antenna or device was installed.
2. Every such antenna or device shall be properly maintained at all times in a neat and clean condition. In the event that the owner of any such antenna or device shall fail to so maintain such antenna or device within thirty days after receipt of written notice to do so given by the Code Enforcement Officer, the municipality may, in addition to all other remedies under this Law, so maintain or consider it abandoned and demolish such antenna or device and charge the cost thereof to the owner of the real property on which the antenna or device is located.
3. Such cost shall be a lien against the real property and shall be collectible in the same manner as taxes levied and assessed against such property.

**Sections 323-329: Reserved**

## **ESTABLISHMENT AND MAPPING OF ZONES**

### **Section 330: Establishment of Zones**

For the purposes specified in Section 301 of these regulations and in accordance with Section 7-702 of New York State Village Law the following zones are hereby established in the Village of Freeville. Zones are mapped as shown on the Freeville Zoning Map, Sections 335-337. There are two general kinds of regulations in this Article:

1. Land Use regulations, which are expressed in terms of Facility Types and Activity Types. These regulations, with detailed descriptions, are found in tabular form in Sections 340-359.
2. Dimension regulations, relating to minimum area, yard depth, frontage on a public road, and maximum height of a structure. These regulations are found in Sections 361 and 362.

### **Section 331: Basic Zones**

Basic Zones regulate the general pattern of development in the Village. All of the Village is in one or another of these zones:

1. Residential Zones (R). The intent of this zone is to preserve and promote the residential quality of the Village through definitive size, distance, and area requirements to control the density and character of future development.
2. Agriculture Zones (AG). The intent of this zone is to preserve farm land within the village and at the same time protect the village from undesirable development that can result from farm-type activities, and to provide for an orderly transition from farm land to residential.
3. Commercial Zones (C). The intent of this zone is to preserve and concentrate the commercial activity to an area which has traditionally occurred to minimize the effect on other zones.

### **Section 332: Combining Zones**

These zones combine with the underlying Basic Zones to provide additional regulations in areas where specific conditions or concerns warrant it. Combining Zones can be combined with each other as well. The Combining Zones are:

1. Conservation Combining Zones (CC). The intent of this zone is to enforce Article 24 of the New York State Environmental Conservation Law as amended (wetlands protection), as stated in Section 367.
2. Flood Hazard Combining Zones (FH). The intent of this zone is to enforce the National Flood Insurance Act of 1968 (42 USC 4001-4127, B2 Stat. 572), as stated in Section 366.

### **Section 333: Planned Unit Development Zones**

A Planned Unit Development Zone is established only when a developer applies for it and the Planned Unit Development procedure set forth in Section 460 is completed. Establishment of a Planned Unit Development Zone constitutes an amendment to the Zoning Map, in that it replaces all of the Zone Regulations with the provisions of the Planned Unit Development Amendment adopted according to the procedure set forth in Section 459. Planned Unit Development Zones are identified individually, e.g.: PUD-1, PUD-2, etc.

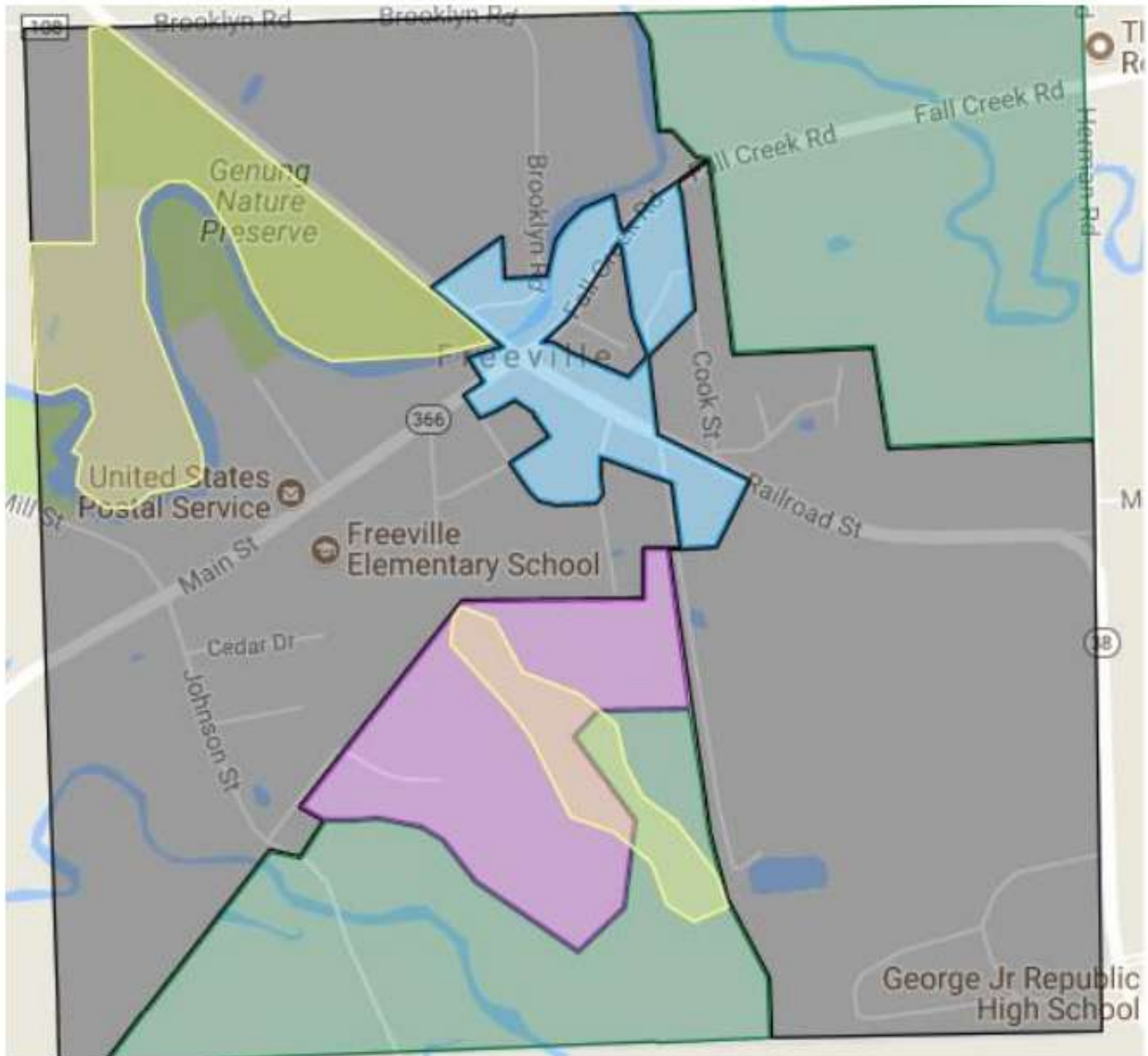
### **Section 334: Interpretation of the Zoning Map**

In determining boundaries of zones the Code Enforcement Officer uses the following guidelines:

1. Boundary lines are intended to follow centerlines of streams, streets, and roads as shown on plots of record at the time these regulations became effective.
2. Where the map indicates a boundary approximately following a lot line, the lot line is the boundary.
3. Where boundaries are shown approximately parallel to a street, highway, or railroad they are intended to be parallel and at the distance there from indicated on the map. If no dimension is shown, the distance is to be scaled on the map.
4. When a lot is divided by a zone boundary the regulations and requirements of either zone may be extended as the applicant chooses for a distance of 100 ft beyond the zone boundary, but not across any lot line.
5. In the event of disagreement on the boundary of the Flood Hazard Zone, the techniques provided by the Flood Insurance Administration are to be used, a licensed surveyor or engineer is to make a determination.

**Section 335: Zoning Map Basic Zones**

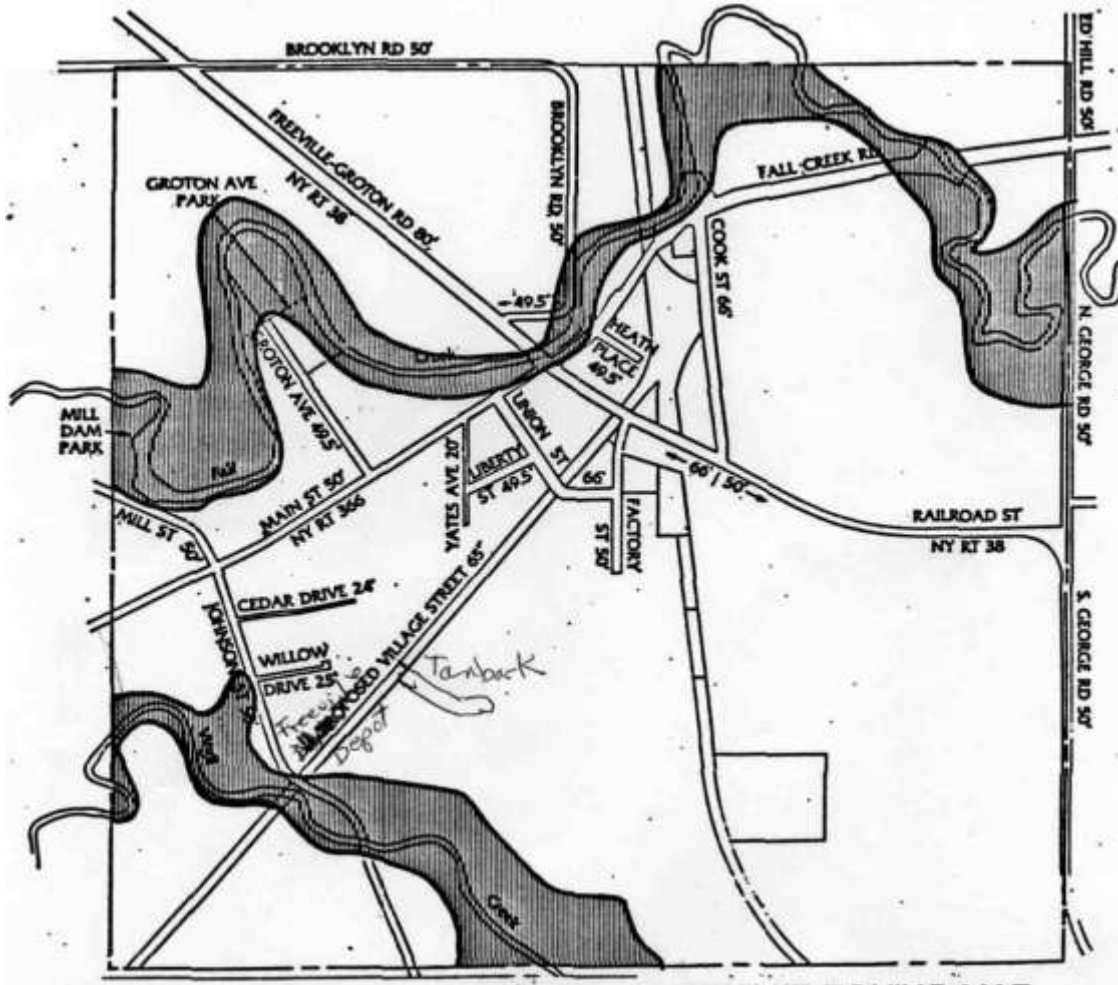
**FREEVILLE ZONING MAP BASIC ZONES**



-  PROPOSED Commercial Zone
-  Residential Zone
-  Agricultural Zone
-  PUD-1
-  Conservation

### Section 336: Zoning Map Flood Hazard Combing Zone

The Flood Hazard Zone, as identified by the Federal Insurance Administration, is shown on the official Flood Insurance Rate Map and Flood Hazard Boundary Map, dated June 4, 1976, for Freeville, identified as Community Number 361052A. The boundaries of the flood hazard area on the Freeville Zoning Map are intended to be exactly the same as shown on the federal maps referred to above. If the federal maps and the Village map do not agree, the federal map governs.



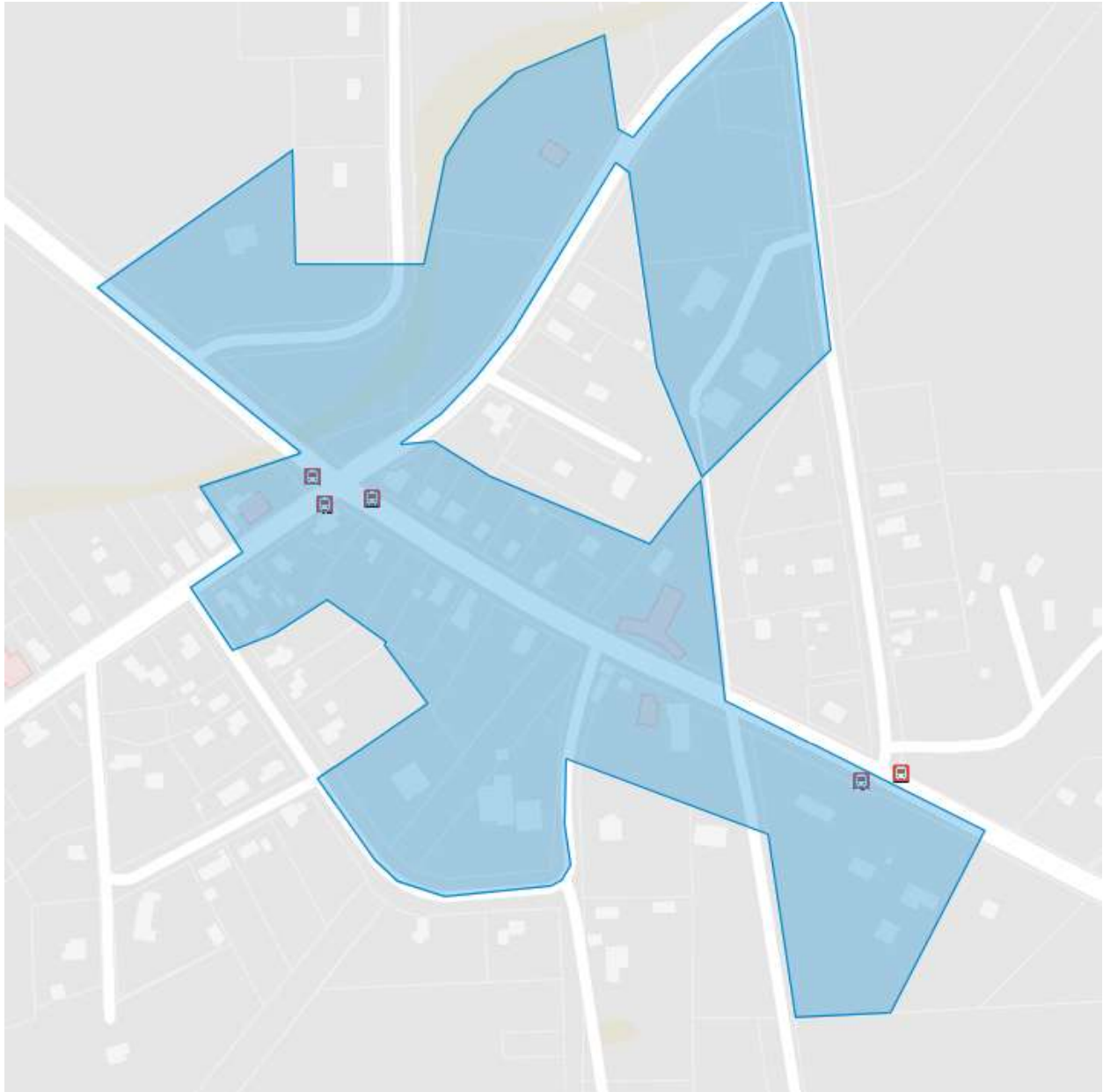
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Flood Hazard Zone



FREEVILLE ZONING MAP  
COMBINING ZONES


**Section 337: Zoning Map: Commercial Zone**



 **PROPOSED Commercial Zone**

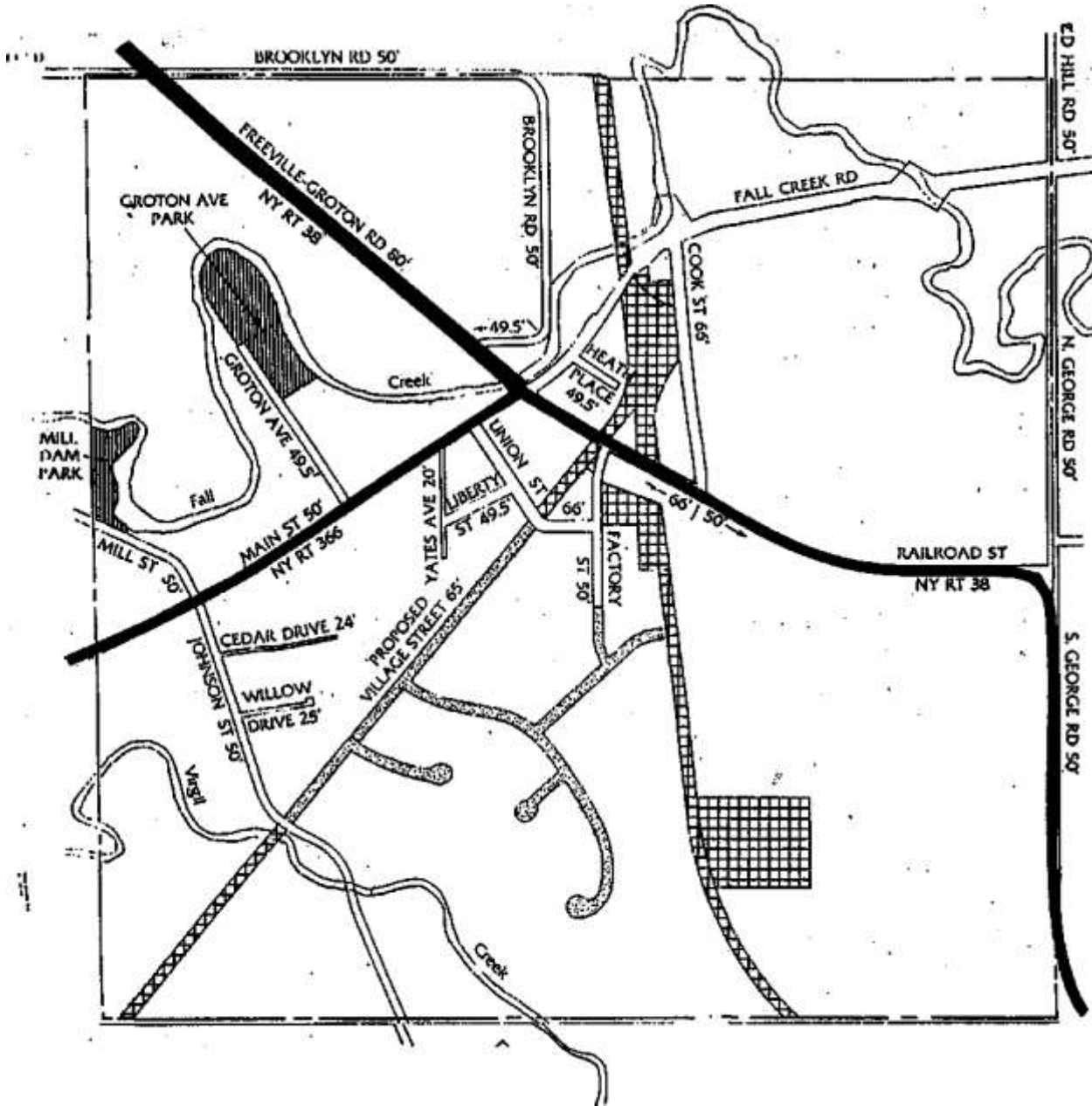
**Section 338: Zoning Map: Conservation Combining Zone**



 Conservation

### Section 339: Village of Freeville Official Map

For reference, the Village of Freeville Official Map, adopted under the authority of New York State Village Law, Section 7-724, on February 23, 1987, is included here.



Legend

- State Highway
- Village Street
- Proposed Village Street
- Village Park
- Other Village Land





### **Section 340: Land Use Regulations: Activity Types**

An Activity consists of the non-tangible functions and operations of an individual, family, firm, or other social institution or enterprise. Activities are placed into six general classes of Activity Types: Residential (Section 341); Civic (Section 342); Commercial (Section 343); Industrial (Section 344); Agricultural (Section 345); and Extractive (Section 346).

Activities that make up these general classes of activity types are not listed individually but are grouped according to their shared operational characteristics: similar economic function, locational needs, traffic generation characteristics, parking needs, and external effect on nearby activities. The groupings of specific activities into operationally defined yet open-ended classes are called activity types: a description of each activity type appears in the table.

The code regulates development in terms of activity types rather than individually described activities. It is intended that all activities fit into one or another activity type class. It is the Code Enforcement Officer's responsibility to place an applicant's proposed activity into an activity type class and thereby determine whether it is a permitted activity type or not. The activity type classes are not exclusive: an enterprise can comprise a combination of activity types.

The entries in the table are symbols with the following meanings. The Zones, Facility Types and Activity Types are:

Residential Zone	R	Allowed without permit:	A
Agricultural Zone	AG	Permitted only in PUD:	PUD
Flood Hazard Zone	FH	Permit required:	P
Commercial Zone	C	Site Plan Review required:	S
Conservation Combining Zone	CC	Not allow in zone:	NO

**Section 341: Residential Activities**

Residential Activities include the usual routines of human habitation, but exclude institutional arrangements (as in nursing homes, hospitals, and prisons) and primarily transient arrangements (as in hotels and motels). The Residential Activities class comprises the following three activity types:

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
341.01 Household Residential Activity: occupancy of housing accommodations on a permanent (longer than one month) basis by a household, including the activities normally found in houses, apartment houses, and rectories, including gardening and keeping of pets. The activity may also include day care for pay for as many as two children.		A	A	NO	A
341.02 Rooming House Residential Activity: occupancy of rooming unit housing accommodations on a permanent (longer than one month) basis, including the activities normally found in rooming houses and boarding houses.		S	S	NO	S
341.03 Group Home Residential Activity: occupancy of housing accommodations on a permanent (longer than one month) basis by a group of unrelated persons, including the activities normally found in fraternity houses, dormitories, and licensed group homes.		P	S	NO	S

**Section 342: Civic Activities**

Civic Activities involve the provision of a public, educational, recreational, cultural, medical, or similar service, usually performed by a governmental or quasi-public institution. The Civic Activities class comprises the following activity types:

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
342.01 Community Education: public, private, or parochial elementary, junior high and senior high schools; kindergartens, preschools, boarding schools, orphanages.		NO	S	NO	S
342.02 Non-assembly Cultural Activity: public or private nonprofit museums, art galleries, libraries, and observatories.		S	S	NO	S
342.11 Day Care Homes: care of 1 to 5 children away from their own home but in a household residence, for 5 to 34 hours per week.		A	A	NO	P

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342.12 Day Care Center: care of 6 or more children away from their own home for more than 3 to 34 hours per week; may take place in a household residence or a non-residential facility.	P	P	NO	S
342.13 Special Child-Care: care, training, and education of children with physical, perceptual, medical, or emotional conditions, which require special facilities and staff, not included in the public school system.	S	S	NO	S
342.21 Congregate Care Homes: senior living centers, public homes (County Home), and similar institutions with two or more residents, not primarily for health care.	NO	S	NO	S
342.22 Health Related Care Homes: intermediate health care institutions licensed by the state to provide a relatively low level of non-acute health care, a lower level of health care than provided by a nursing home.	S	S	NO	S
342.23 Nursing Homes: skilled nursing activities, institutions licensed by the state to provide non-acute health care, a lower level of healthcare than provided by a hospital.	NO	S	NO	S
342.24 Hospital: health clinics and hospitals, institutions giving acute health care, activities, which employ health professionals and are regulated by the NYS Department of Health.	NO	S	NO	S
342.31 Group Assembly: churches, private clubs, union halls, fraternal organizations, recreation centers, and similar activities involving assembly of fewer than 50 persons at one time; not public assembly according to the NYS Bldg. Code.	NO	S	NO	S
342.32 Community Assembly: churches, private clubs, union halls, fraternal organizations, recreation centers, and similar activities involving assembly of 50 or more persons at one time; public assembly according to the NYS Bldg. Code (excludes larger stadiums and sports arenas).	NO	S	NO	S
342.33 Recreational Camping: day camp or short-term overnight camping, including picnicking, swimming, hiking, or similar activities, but not including educational or religious programs or public assembly.	A	A	A	S

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342.34 Educational, Training, or Religious Camp: day camp or short-term overnight camping, including picnicking, swimming, hiking, riding, or similar activities, and featuring educational, training, or religious programs which may include public assembly.	S	A	A	S
342.41 Essential Service Civic Activity: maintenance and operation of parks and playgrounds, private streets, cemeteries, and polling places.	A	A	A	S
342.42 Administrative Civic Activity: public or parochial administrative offices.	S	S	NO	S
342.43 Vehicular Civic Activity: police and fire stations, bus terminals, fleet garages, post offices, and similar activities.	S	S	NO	S
342.44 Utility Civic Activity: electric and pipeline substations and pumping stations, waterworks, sewage treatment plants, solid waste transfer stations, sanitary landfills, and similar activities.	NO	S	S	S
342.45 Communication Civic Activity: telephone or other communication switching activities, publicly licensed or regulated radio or television transmission or receiving tower or antenna field activities, and similar activities.	S	S	S	S
342.51 Extensive Impact Civic Activity: airports, stadiums, arenas, downhill ski areas, zoos, motor vehicle racing or other vehicular competition activities, and other activities with a similarly wide potential impact on the surrounding area.	NO	NO	NO	NO

**Section 343: Commercial Activities**

Commercial Activities are privately operated, profit-seeking activities, other than those of an industrial, agricultural, or extractive nature, and typically involve the sale of goods or provision of services. The Commercial Activities class comprises the activities listed below. They are grouped according to general operational characteristics, such as, of effects on their surroundings, the need for off street parking and loading space, and the need for business signs.

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
343.10 General Retail Sales: retail sale of goods, other than food and small convenience items, for personal or household use. E.g.: apparel store, department store, furniture store or home appliance store (may include appliance repair), variety store, retail greenhouse: excludes sale of motor vehicles or building materials.		NO	S	NO	S

343.11 Agriculture Service: sale of services and supply to agricultural enterprises. E.g.: bulk feed sales, farm machinery repair shop, farm machinery retail.		NO	S	NO	S
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343.12 Convenience Grocery: retail sales of a limited line of groceries, primarily beverages and prepared foods; sometimes includes delicatessen; excludes motor fuel.		NO	S	NO	S
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**343.20 Repair and Cleaning Service Commercial Activities:**

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
343.21 Repair Service: repair of personal apparel or of household appliances and similar items. E.g.: small appliance repair, TV repair, electric motor repair: excludes repair of internal combustion engines, large household appliances, or furniture.		S	S	NO	S

343.22 Furniture and Appliance Repair: furniture stripping, refinishing, upholstery, cleaning, or otherwise repairing furniture, and repair of large household appliances.		S	S	NO	S
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343.23 Apparel Cleaning: dry cleaning or laundry service for clothing, bedding, draperies, carpets, industrial wiping clothes, and similar items; may include repair. E.g.: diaper service, bachelor laundry, and industrial uniform service.		S	S	NO	S
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**343.30 Business Service and Administration Commercial Activities:**

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
343.31 Administrative Commercial Activity: executive, management, administrative, or clerical activity of a firm. E.g.: corporate headquarters, branch office, data storage center.		S	S	NO	S
343.32 Business Service: services of a clerical, goods brokerage, or minor processing nature offered primarily to firms. E.g.: printing service, secretarial service, copy service, wholesaler without stocks.		S	S	NO	S
343.33 Retail Business Supply: sale of office equipment and similar supplies directly to firms and other organizations using them. E.g.: barber equipment and supply, hotel or office equipment and supply.		NO	S	NO	S
343.34 Research Service: research of an industrial or scientific nature conducted by a producing firm or offered as a commercial service. E.g.: commercial testing lab, research center for a manufacturing firm; excludes medical testing and routine quality control product testing.		NO	S	NO	S
343.35 Communication Service: production of recordings, films, programs for broadcast, or printing items such as brochures, magazines, newspapers, or books. E.g.: radio or television studio, recording studio, newspaper or magazine office (except printing), advertising design and layout studio.		S	S	NO	S

**343.40 Goods Handling Commercial Activities:**

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
343.41 General Wholesale Sales: storage and wholesale of goods, as well as storage of goods to be delivered to retail outlets of the same firm. E.g.: wholesale apparel supply, warehouse for supermarket chain, beverage distributor.		NO	NO	NO	NO
343.42 Transport and Warehousing: freight handling, shipping, and warehousing services offered to other firms or to the public. E.g.: household goods moving and storage service, public warehouse, trucking firm warehouse.		NO	NO	NO	NO

**343.50 Group Service Commercial Activities:**

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
343.51 Group Entertainment: recreation or entertainment services offered to assembled groups of persons. This activity type is usually found in enclosed non-residential facilities. E.g.: dance hall, night club, theater, roller skating rink.		NO	NO	NO	S
343.52 Training or General Education: training in specific skills or general education offered to assembled groups or persons by other than a public or civic enterprise. E.g.: secretarial training, trade union training center, self-improvement classes, dance instruction, gymnastics training, karate school, music instruction.		S	S	NO	S
343.53 Group Outdoor Recreation: outdoor recreation or training in outdoor recreation skills, including related equipment rental, sales, and service and animal care. This activity type usually uses extensive open areas or large arenas. E.g.: riding academy or commercial stable, cross-country skiing center, canoeing center.		S	S	S	S

**343.60 Vehicle Sales or Rental Commercial Activities:**

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
343.61 Vehicle Sales or Rental: retail or wholesale sales or rental of motor vehicles. E.g.: car rental, new or used car dealer, truck or trailer rental, snowmobile or motorcycle sales.		NO	NO	NO	S
343.62 Camper Sales: sale and service of self-propelled camper vehicles, camper trailers, camper caps, and similar items.		NO	NO	NO	S
343.63 Mobile Home Sales: display and sales of mobile homes whether associated with a mobile home park or not. Transport and set-up service may be included. Mobile home sales or brokerage without stocks is not included in this activity type.		NO	NO	NO	NO
343.64 Boats and Boating Equipment Sales and Service: display and sale of new or used boats and equipment as well as servicing of boats and boat motors, and boat storage.		NO	NO	NO	S

**343.70 Vehicle Service Commercial Activities**

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>F/H CC</b>	<b>C</b>
343.71 Vehicle Servicing: maintenance and minor repairs to vehicles, retail sale of tires, lubricants, and accessories, but not including fuel sales. E.g.: vehicle radio and similar equipment installation.		NO	S	NO	S
343.72 Vehicle Repair: major repair service, including rustproofing, modification, and installation of accessories in motor vehicles. E.g.: muffler shop, body shop, vehicle glass replacement, vehicle upholstery shop, snowmobile, or motorcycle repair shop.		NO	S	NO	S
343.73 Vehicle Cleaning: cleaning of cars, trucks, busses, and other vehicles. E.g.: self-service car wash, mechanized car wash, washes and wax service.		NO	S	NO	S
343.74 Vehicle Fee Parking: vehicle parking, available to the general public on a fee basis.		NO	NO	NO	NO
343.75 Vehicle Fuel Sales: retail sales of motor fuels, including storage of fuel for sale in underground tanks. Also includes storage and sale of kerosene, white gas, and similar fuels.		NO	NO	NO	S

**343.80 Traveler's Service Commercial Activities:**

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
343.81 Traveler's Habitation Commercial Activity: provision of living accommodations on a primarily short-term basis. E.g.: hotel, motel.		S	S	NO	S
343.82 Tourist's Camping Commercial Activity: provision of facilities and services for short-term tent or vehicle camping, including picnicking, swimming, hiking, or similar activities, but not including educational or religious programs or group assembly, operated as a profit-seeking enterprise.		NO	NO	NO	NO
343.83 Tourist Homes Bed & Breakfast: provision of living accommodation E.g.: tourist home, hostile, vacation rental.		S	S	NO	S



**343.90 Miscellaneous Commercial Activities:**

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
343.91 Animal Care: care, treatment, breeding, or boarding of animals. E.g.: animal hospital, animal boarding service.		S	S	NO	S
343.92 Building and Yard Service: installation, servicing, and repair of all types of mechanical and electrical systems for buildings (e.g., plumbing, water system, heating, air conditioning, septic system contractors), exterior signage (e.g., custom sign contractors), and landscaping (e.g., tree service, landscape contractors). Place of business typically has office, machinery storage, workshop, and/or display of goods, although most or all work is done away from the place of business.		S	S	NO	S
343.93 Construction Sales Commercial Activity: retail or wholesale sale of building materials as well as incidental material storage activities performed by a building contractor or similar enterprise on a lot other than the construction site. E.g.: building materials retailer or wholesaler, lumber yard, brick yard.		S	S	NO	S
343.94 Deposit Can and Bottle Redemption Center: receiving, repaying deposit on, sorting, packaging, and shipping deposit beverage bottles and cans; sometimes in conjunction with a beverage retail outlet.		NO	NO	NO	S
343.95 Construction Storage as well as incidental material storage activities performed by a building contractor or similar enterprise on a lot other than the construction site. E.g.: storage of contracted materials in an accessory building.		S	S	NO	S

**Section 344: Industrial Activities**

Industrial activities are usually privately operated, profit-seeking activities involving on-site manufacturing, processing, or assembly of goods. The activity types are defined in terms of potential for nuisance impact on their surroundings. The industrial activities class comprises the following activity types:

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
344.01 Custom Manufacturing: nuisance-free, usually labor intensive manufacture of small, precision, or custom-designed or custom-fitted items. E.g.: jewelry making or other handicraft, custom clothing manufacture, craft pottery.		S	S	NO	S
344.02 Light Manufacturing: manufacturing typically having few if any nuisance characteristics. E.g.: non-custom clothing manufacture, cabinet making, welding and small metal products manufacture, sheet metal shop, scientific instrument, manufacture, computer component manufacture and/or assembly.		S	S	NO	S
344.03 General Manufacturing: manufacturing which typically has moderate nuisance characteristics. E.g.: electrical equipment manufacture, wood planning, food processing, boat building, meat cutting, brewery, glass manufacture, large metal goods fabrication.		NO	NO	NO	S
344.04 Heavy Manufacturing: manufacturing which typically has heavy nuisance characteristics. E.g.: petroleum refining, slaughtering of animals, chemical manufacture, sawmilling, asphalt manufacture, concrete batching.		NO	NO	NO	NO
344.05 Salvage and Scrap Processing: salvage of machinery parts and storage, processing, and sale of scrap or used materials. E.g.: recycling plant, scrap metal processor, paper and rag processor, and vehicle salvage yard.		NO	NO	NO	NO
344.06 Commercial Storage of Volatile and Hazardous Substances: storage, for the purpose of sale or distribution, of substances which would be hazardous to the community if released into the environment or which constitute a fire hazard.		NO	NO	NO	NO

**Section 345: Agricultural Activities.**

Agricultural activities include production of plants and animals and plant and animal products in many different combinations and at many different scales of operation, from household poultry flocks to hobbies to full scale business agriculture. The agricultural activities class comprises the following types:

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
345.01 Household Livestock Production: production of livestock and livestock products by a household for use by the household conducting the activity.		S	A	NO	S
345.02 Homestead Food and Fiber Production: production of crops, and related products by a household for the household's use, but including incidental commercial sales. These activities are normally part-time or subsistence, sometimes recreational, and primarily for household use, with commercial sale of produce not the primary purpose of the activity.		A	A	NO	A
345.03 Commercial Farm Headquarters: handling, storage, and wholesale sale of farm products; keeping, feeding, breeding, milking, and other management of livestock; maintenance, storage, end use of agricultural machinery; processing of farm products for use on the same farm; and may include on-site retail sale of agricultural products. These activities are normally full-time commercial agricultural businesses conducted by a business entity.		S	S	NO	NO
345.04 Retail Agricultural Sales: retail sales of agricultural products in which the retail activity takes place on the same site and under the same management as the agricultural activity, which produced the agricultural products.		S	A	NO	NO
345.05 Field and Forest Productions: management of field, vineyard, or orchard crops, grazing of livestock, or woodlot or forest management activities. These activities are associated with household, homestead, or commercial agricultural activities but may be located some distance from the headquarters of those activities.		S	A	NO	NO
345.06 Poultry		P	A	NO	P

**Section 346: Extractive**

Extractive include quarrying and mining activities for the production of sand, gravel, stone, ore, coal, salt, gas, oils, and other mineral products. The extractive activities class comprises the following types defined on the basis of the scale of operations.

	<b>Zone:</b>	<b>R</b>	<b>AG</b>	<b>FH/ CC</b>	<b>C</b>
346.01 United Extractive: open-pit mining of sand and gravel and quarrying of stone, secondary to other use of the land, to provide partial income for the landowner or operator.		NO	NO	NO	NO
346.02 Commercial Extractive Activity: commercial quarrying and mining for the production of sand, gravel, stone, ore, coal, salt, gas, oil, or other mineral products. This activity is a full-scale business operation conducted by a business entity and not incidental or secondary to any other use of the land.		NO	NO	NO	NO

**Section 347-349: reserved**

### **Section 350: Land Use Regulations: Facility Types**

A facility is a tangible building , structure, open area, or other physical object. Facilities are placed into five general classes of facility types:

- a. Site Improvements (Section 351),
- b. Non-residential Facilities (Section 352),
- c. Residential Facilities (Section 353),
- d. Accessory Facilities (Section 354),
- e. Signs (Section 355)

Facilities that make up these general classes of facility types are not listed individually, but are grouped according to their shared physical characteristics. These groupings of specific facilities into physically defined, yet open-ended classes are called facility types. This code regulates development in terms of facility types rather than individually described facilities. It is intended that all facilities fit into one or another facility type class. It is the Code Enforcement Officer's responsibility to place an applicant's proposed work into a facility type class and thereby determine whether it is a permitted facility type or not.

The facility type classes are not exclusive – a lot can have a combination of facility types on it and a single structure can comprise a combination of facility types.

### Section 351: Site Improvements

Site Improvements are facilities which increase the usability of a lot and thereby increase the usability of other facilities on it. The Site Improvements class comprises the following facility types:

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
351.01 Public Utility: a facility provided on a fee or taxation basis by a public or quasi-public agency. E.g.: electrical service, public water service, public sewer service.		NO	S	S	S
351.02 Private Utility: a facility on the lot for the provision of water and disposal of sewage, all parts of which are normally underground. Specifically included is a well or septic system for one or as many as four lots.		S	S	S	S
351.03 Surface Modification: alteration to the surface of a lot for improving its usability. E.g.: grading, paving, dam, drainage ditch.		P	A	S	P

### Section 352: Non-Residential Facilities

Non-residential Facilities are designed to accommodate non-residential activities: Civic (Section 342), Commercial (Section 343), Industrial (Section 344), Agricultural (Section 345), or Extractive Activity (Section 346) or combinations of those activities. General physical configuration is the basis for the following facility type classes:

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
352.01 Enclosed Non-Residential Building: a non-residential facility comprising a structure with a roof and full perimeter walls pierced only by windows and customary entrances and exits.		S	P	S	S
352.02 Open Non-Residential Facility: an improved open area or structure with less than a roof and full perimeter walls, but excluding site improvements such as fencing, drainage, or grading to make the site more suitable for tilling, pasturage, forestry, or similar activity. E.g.: sales or storage yard, open shed, open campground.		NO	P	S	S
352.03 Drive-in Non-Residential Facility: a structure and open area so designed that customers can receive a service or purchase or consume a good while remaining in or near their car. E.g.: a drive-in restaurant or bank, drive-in theater		NO	NO	NO	S

**Section 353: Residential Facilities**

Residential Facilities are facilities designed to accommodate Residential Activities (Section 231), with rooms designed for sleeping, eating, etc. The Residential Buildings class comprises the following facility types:

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
353.01 One-unit Residential Building: a building containing a single dwelling unit and no rooming units.		P	P	NO	P
353.02 Two-unit Residential Building: a building containing two dwelling units and no rooming units.		P	P	NO	P
353.03 Multiple-unit Residential Building: apartment houses or groups of buildings containing three or more dwelling units and no rooming units.		NO	S	NO	S
353.04 Rooming Unit Residential Building: a building containing one to five rooming units (and ordinarily containing one or more dwelling units as well).		S	P	NO	S
353.05 Mobile Home Residential Building: a factory-produced residential building transported to the site as a trailer or trailers, and containing one dwelling unit.		NO	S	NO	NO
353.06 Mobile Home Park: two or more mobile home residential buildings on a single lot.		PUD	PUD	NO	NO
353.09 Recreational Cabin: a residential building containing a rooming unit or a dwelling unit, conforming only to the minimum floor space requirement of a rooming unit, including sanitary facilities conforming to Health Department requirements.		P	P	NO	P
353.10 Permanent Camp Facility: a lot developed with cabins or tent sites and sanitary facilities conforming to Health Department requirements. Permanent kitchen, dining room, group assembly, and recreation facilities may also be included.		S	S	NO	NO

**Section 354: Accessory Facilities**

Accessory Facilities are facilities designed to accompany and complement a principal facility on the lot. The Accessory Facilities class comprises the following facility types:

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
354.01 Material Storage Facility: a building or structure for storage or protection of yard maintenance equipment, firewood, or the like. E.g.: wood shed, machine shed.		P	A	S	P
354.02 Household Production Facility: a building or structure designed for home production of food, fiber, or other goods for home use. E.g.: animal shed and pen, smokehouse, stock fencing, garden structure, potting shed, arbor, greenhouse.		P	A	NO	P
354.03 Landscaping and Landscape Facility: plantings of shrubs, trees, ground covers, and grasses, fences, walls, pools, and fountains for the purpose of enhancing the appearance and livability of buildings and other facilities, visual or sound screening, windbreak, or stabilizing slopes. E.g.: lawn, decorative planting, hedge, opaque fence, fountain.		A	A	A	A
354.04 Utility Accessory Facility: structures for accommodating utility functions. E.g.: trash can enclosure, well house, solar collector.		P	P	NO	P
354.05 Recreation Facility: a building or structure for recreational activity. E.g.: gazebo, screenhouse, permanent swing set, playhouse, private noncommercial kennel, swimming pool.		P	P	S	P
354.06 Access Facility: cleared or paved area or structure for vehicular or pedestrian access to the buildings or structures on the lot. E.g.: loading dock, driveway, walkway (including steps).		P	P	S	P
354.07 Parking Facility: any facility for parking of automobiles and other vehicles. E.g.: garage, carport, paved parking area.		P	P	S	P



354.08 Dish Antenna Accessory Facility: a device comprising three main components, a large parabolic dish antenna, a low-noise amplifier, and a receiver, the purpose of which is to receive television, radio, microwave, or other electronic signals from orbiting satellites; also known as a satellite antenna, a satellite earth station, or a receive only antenna. A A A A

354.09 Receive/Transmit Antenna Tower Accessory Facility: a tower with receive and transmit antennas mounted on it (usually not of the parabolic dish type) typically employed by a business or public agency to communicate between a central office and mobile units associated with the central office. S S S S  
 E.g.: a repair business and its service trucks, police headquarters and police vehicles, central bus garage and the buses

**Section 355: Signs**

Signs include all devices and structures the primary purpose of which is to convey messages of identification or information. The signs class comprises the following facility types:

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
355.01 Residential Sign: E.g.: name plate, keep out notice, or similar sign incidental to Residential Activity (see Section 341).		A	A	A	A
355.02 Special Sign: any sign not defined in any other section. E.g.: flagpole, memorial plaque, or warning sign, including any legally required sign.		A	A	A	A
355.03 Development Sign: any temporary sign announcing the sale or rental of a building under construction or a subdivision being developed, or identifying the architect, builder, or developer.		A	A	A	A
355.04 Realty Sign: any temporary sign announcing the sale or rental of an existing facility.		A	A	A	A
355.05 Civic Sign: any name plate, bulletin board, or similar sign relating to a Civic Activity (see Section 242). E.g.: temporary political, charity drive.		A	A	A	A

355.06 Business Sign: any sign identifying the firm or the services or products of a Commercial, Industrial, or Agricultural, located on the same lot. Also included is any sign with display surfaces less than 50 percent of which advertise services or products which do not constitute a predominant function of the firm.  
 E.g.: a sign advertising a soft drink brand at a grocery store, but also displaying the name of the store.      A      A      A      A

355.07 Advertising Sign: any sign advertising a firm, service, or product which is not offered or produced on the same lot. Also included is any sign with display surfaces more than 50 percent of which advertises a service or product which does not constitute a predominant function of the firm, if any, on the lot.      A      A      A      A

**Section 357: Land Use Regulations: Combined Facility/Activity Type Classes**

There are some activities which can be fully described only if the facility they occupy is included in the description: the Combined Facility Type/Activity Type Classifications. This is a special category of activities defined in terms of the type of facility occupied, the size of the enterprise conducting the activity, and its impact on the surroundings. They are small scale, low-traffic, low-visibility enterprises occupying facilities in areas where larger-scale enterprises would be unsuitable. Special restrictions are applied to these enterprises to ensure their impact will remain small. These include prohibiting exterior display of goods or open storage, restricting the number of nonresident employees, limiting business signs, limiting the amount of floor space used, etc.

**Section 358: Secondary Residential Activities (Home Occupations)**

The purpose of this classification is to identify those activities suitable as a secondary use of an occupied dwelling unit. These are commonly known as 'home occupations' - business enterprises conducted in a dwelling unit the primary use of which is residential. The following activity types comprise home occupations:

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
358.01 Medical Service: medical and dental private practitioners. E.g.: physician's office, dentist's office.		S	S	NO	S
358.02 General Personal Service: provision of personal services to individuals. E.g.: barbering, hairdressing, tailoring, individual music instruction, palmistry, photo studio; excludes medical and other professional services, repair, laundry, services provided to assembled groups, and provision of living accommodations.		S	S	NO	S
358.03 Consultative and Financial Service: provision to		S	S	NO	S

individuals or firms of advice, designs, or information of a professional nature, or the transfer of money, legal instruments, or real estate.

E.g.: architect's office, insurance agent's office, lawyer's office, real estate office; excludes medical and dental, laundry, repair, and wholesaling with stocks.

358.04 Repair Service: repair of personal apparel or of household appliances and similar items. S S NO S

E.g.: small appliance repair, TV repair, electric motor repair; excludes repair of internal combustion engines, large household appliances, or furniture.

358.05 Custom Manufacturing: nuisance-free, usually labor intensive manufacture of small, precision, or custom-designed or custom-fitted items. S S NO S

E.g.: jewelry making or other handicraft, custom clothing manufacture, craft pottery.

**Section 359: Adaptive Reuse Activities for Non-Residential Facilities**

The purpose of this classification is to identify those activities which are suitable for existing non-residential facilities which are typically nonconforming as to facility type but are otherwise suitable for a non-residential activity, or are unneeded or obsolete accessory buildings or agricultural buildings. Permitting this type of occupancy is intended to prevent waste of existing non-residential facilities while imposing standards of use and appearance on the facility which will safeguard the overall character are of the neighborhood. This classification includes the following activity types:

	<u>Zone:</u>	<u>R</u>	<u>AG</u>	<u>FH/ CC</u>	<u>C</u>
359.01 General Personal Service: provision of personal services to individuals. E.g.: barbering, hairdressing, tailoring, individual music instruction, palmistry, photo studios excludes medical and other professional services, repair, laundry, services provided to assembled groups, and provision of living accommodations.	S	S	NO	S	
359.02 Repair Service: repair of personal apparel or of household appliances and similar items. E.g.: small appliance repair, TV repair, electric motor repairs excludes repair of internal combustion engines, large household appliances or furniture.	S	S	NO	S	
359.03 Furniture and Appliance Repair: furniture stripping,	S	S	NO	S	

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refinishing, upholstery, cleaning, or otherwise repairing furniture, and repair of large household appliances.

359.04 Custom Manufacturing: nuisance-free, usually labor intensive manufacture of small, precision, or custom-designed or custom-fitted items. S S NO S  
E.g.: jewelry making or other handicraft, custom clothing manufacture, craft pottery.

359.05 Light Manufacturing: manufacturing typically having few if any nuisance characteristics. S S NO S  
E.g.: non-custom clothing manufacture, cabinet making, welding and small metal products manufacture, sheet-metal shop, scientific instrument manufacture, computer component manufacture and/or assembly.

**Section 360: Dimension Regulations in Basic Zones**

Dimension regulations of these sections govern:

1. additions to and modifications of existing facilities, and
2. construction of new facilities.

These minimum lot dimension requirements govern the approval of subdivisions according to Article 6, Land Subdivision Regulations.

**Section 361: Dimension Regulations for Residential Zone (R)**

361.01 Minimum Lot Area: (including residential with approved home occupations):

With private sewage disposal:	40,000 sq ft
or per dwelling:	20,000 sq ft
Residential with public sewer:	15,000 sq ft
or per dwelling:	10,000 sq ft

361.02 Minimum Lot Frontage:

With private sewage disposal:	200 ft
or per dwelling:	150 ft
With public sewer:	100 ft

361.03 Minimum Yard Depth:

Front Yard: (from front lot line)	
Buildings:	50 ft
Open parking facility:	25 ft
Side Yard:	
Principal facility:	25 ft
Open parking facility:	5 ft
Detached accessory facility:	15 ft
Rear Yard:	
Principal facility:	25 ft
Open parking facility:	5 ft
Detached accessory facility:	15 ft

361.04 Maximum Height\*:

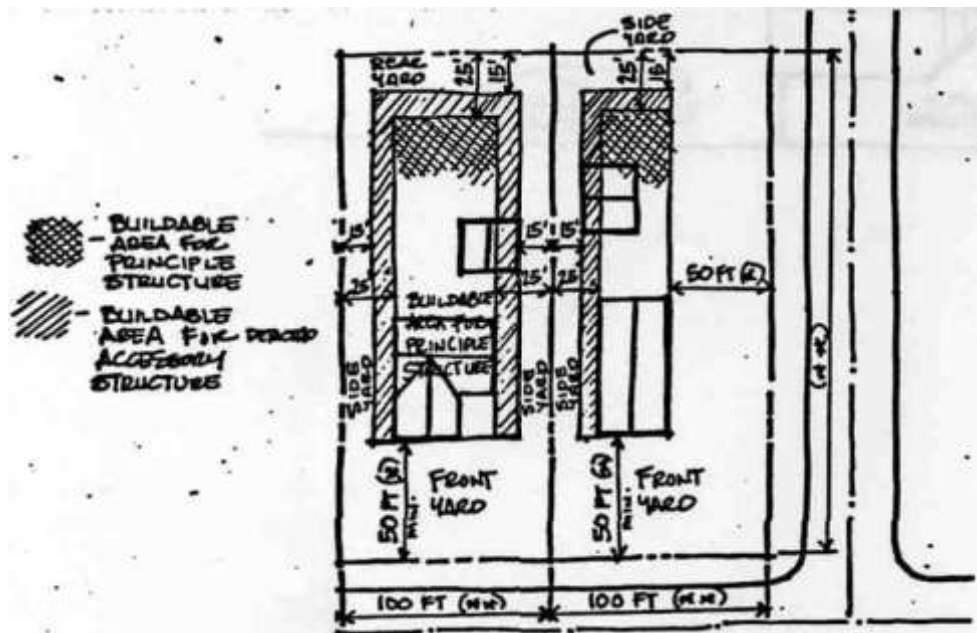
Principal facility:	35 ft
Detached accessory facility:	25 ft

\*See section 309 for list of facilities which are exempt from height regulations

361.05 Maximum Lot Coverage:

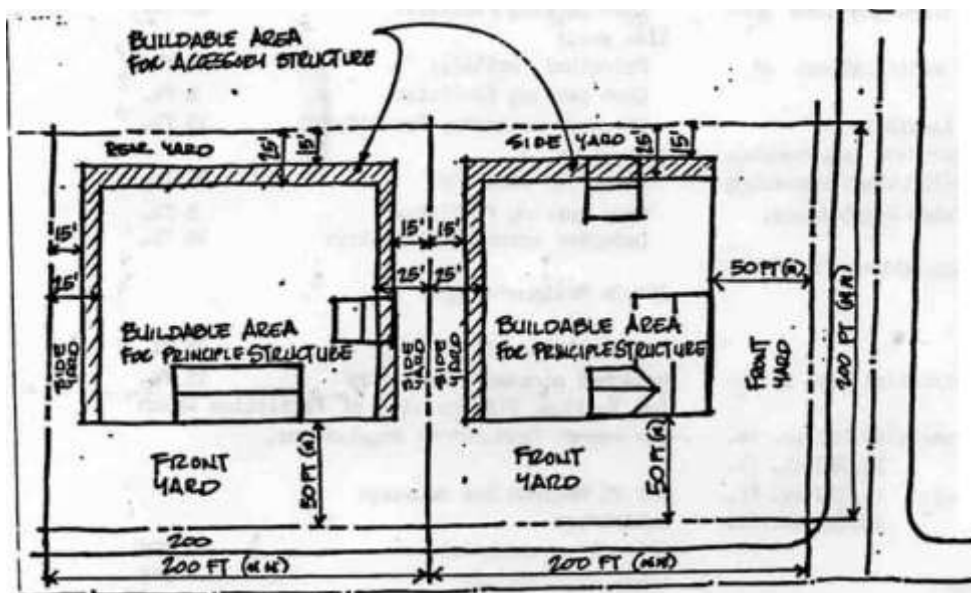
Buildings:	
One unit residential:	20%
Other residential:	25%
Additional lot coverage by impervious material	15%

361.06 Plan Diagram: Area Regulations for Lots With Public Sewer



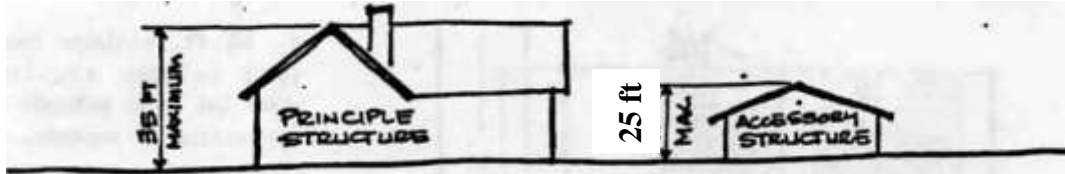
- \*60 ft minimum front yard setback when lot line extends to centerline of roadway.
- \*\*Lot dimensions shall be consistent with requirements for minimum lot area specified in section 361.01

361.07 Plan Diagram: Area Regulations for Lots with Private Sewage Disposal



\*60 ft minimum front yard setback when lot line extends to centerline of roadway.  
 \*\*150 ft. minimum frontage per dwelling unit for multiple dwelling structures. Lot dimensions shall be consistent with requirements for minimum lot area specified in section 361.01.

361.08 Elevation Diagram: Height Regulations



**Section 362: Dimension Regulations for Agricultural Zone (AG)**

362.01 Minimum Lot Area:

Non-residential or partly non-residential (including residential w/approved home occupation) with private sewer disposal:	43,560 sq ft
or per dwelling:	21,780 sq ft
Residential with public sewer:	20,000 sq ft
or per dwelling:	13,333 sq ft

362.02 Minimum Lot Frontage:

Non-residential:	200 ft
Residential with private sewer:	200 ft
or per dwelling:	150 ft
Residential with public sewer:	150 ft

362.03 Minimum Yard Depth:

Front Yard (from centerline of highway):	75 ft
Side Yard:	0 ft
Rear Yard:	0 ft
Agricultural structure must be 100 ft. from any boundary with the R zone.	

362.04 Maximum Height:

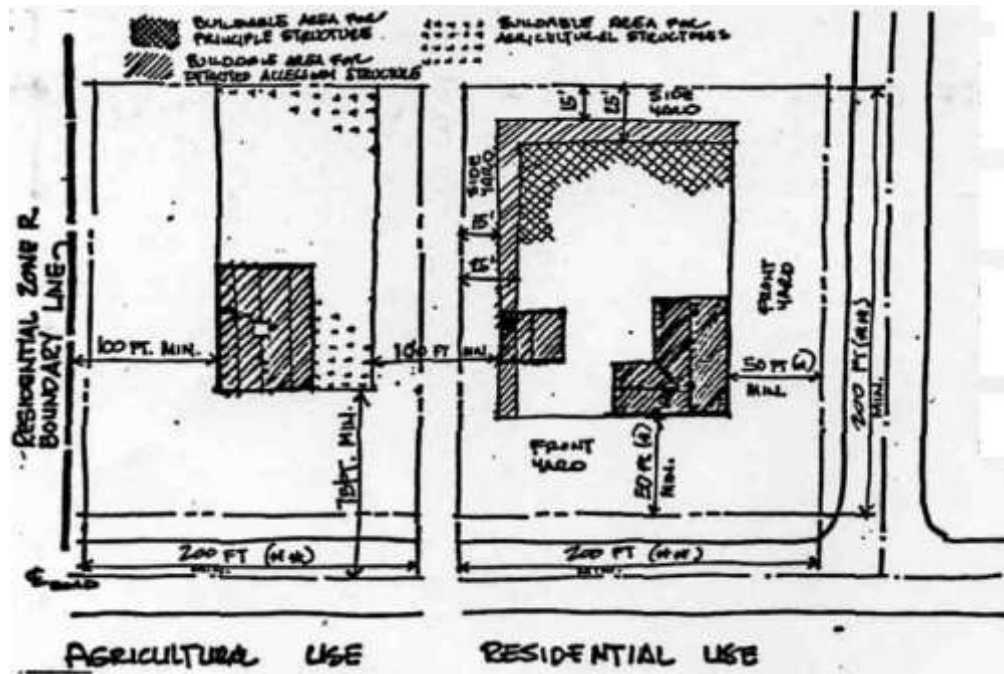
Principal facility:	3 stories or 35 ft (whichever is less)
Detached accessory facility:	12 ft with zoning permit; greater with site plan review.

\*See Section 309 for a list of facilities that are exempt from height regulations.

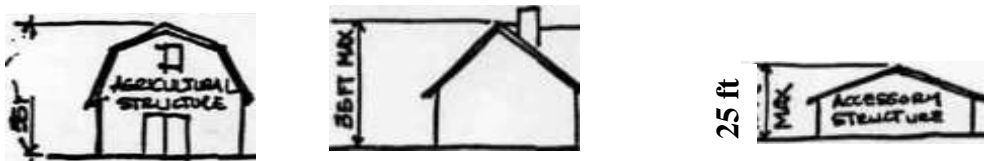
362.05 Maximum Lot Coverage:

Non-residential:	40%
Residential:	30%

362.06 Plan Diagram: Area regulations for lots with private sewage disposal.



362.07 Elevation Diagram: Height Regulations



Sections 363-364: Reserved

Section 365: Regulations in Combining Zones

The following sections describe in general terms the intent, legislative authority, and procedures required in the Combining Zones, which are added to and combine with the Basic Zone regulations.

Section 366: Flood Hazard Zone (FH)

366.01 Intent. The intent of this zone is to establish land-use control measures that will improve and preserve the ability and capacity of the flood areas to withstand the effects of flooding with the least threat to the inhabitants of the Village. These measures are intended to be consistent with federal criteria so the municipality will be eligible for flood insurance under the National Flood Insurance Act of 1968 (42 U5C 4001-4127, 82 Stat. 572).



It is hereby declared that placing of buildings and other structures, alteration of topography, or similar acts in flood hazard areas constitute a threat to the health, safety, and welfare of the inhabitants of the Village, and to the economic vitality of the community. The purpose of the flood hazard area regulations is to protect the health, safety, and welfare of the inhabitants of the Village from damage due to periodic flooding, including the protection of persons and property, the preservation of water quality, and the minimizing of expenditures for relief, insurance, and flood control projects, by minimizing the amount of capital investment in flood-prone areas and discouraging the conducting of vital human activities where they are subject to unpredictable severe disruption.

These regulations do not imply that areas outside the mapped flood hazard areas or anything permitted within them will be free from flooding or flood damage.

366.02 Procedure. All applications for permits in the Flood Hazard Area Combining Zone are subject to Site Plan Review according to procedures in Section 440. The regulations apply to all site modifications, such as landscaping, fencing, and particularly excavation and filling, construction of new facilities, and establishment of new activities, including renovation or remodeling amounting to 90 percent or more of the value of the original facility.

366.03 Environmental Review. Actions in a Flood Hazard Area are Type I Actions and are reviewed according to the Environmental Review procedures in Article 5.

366.04 Exemption. Nothing in this section is to be construed to prevent the ordinary maintenance and repair of any existing facility.

### **Section 367: Conservation Combining Zone (CC)**

367.01 Intent. It is declared to be the public policy of the Village of Freeville to preserve, protect, and conserve freshwater wetlands and the benefits derived there from, to prevent the despoliation and destruction of freshwater wetlands, and to regulate the developments of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the public health, general welfare, and beneficial economic, social, and agricultural development of the Village. It is further declared to be the policy of the Village to exercise its authority pursuant to Article 24 of the State Environmental Conservation Law as amended.

367.02 Consistency. Regulation of freshwater wetlands is consistent with the legitimate interests of farmers and other landowners to graze and water livestock, make reasonable use of water resources, harvest natural products of the wetlands, selectively cut timber, and otherwise engage in the use of land for agricultural production.

367.03 Regulated Actions. Any form of draining, dredging, or excavation; any form of dumping or removal of soil, mud, sand, shells, gravel, or other aggregate from any freshwater wetland, either directly or indirectly; erecting of any structures or roads, the driving of pilings, or placing of any other obstructions whether or not changing the ebb and flow of the water; any form of pollution, including installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquid wastes directly or indirectly into a freshwater wetland in that portion of any subdivision of land that involves any land in any freshwater wetland or adjacent

area; and other activity which substantially impairs any of the several functions served by fresh-water wetlands or the benefits derived as specified in Section 367.1, above.

367.04 Exempted Actions. A permit is not required under wetlands regulations for the following types of actions:

1. Agricultural activities including grazing and watering livestock, harvesting natural products of wetlands or adjacent areas, selective cutting of timber, or draining land or wetlands for growing agricultural products. The Code Enforcement Officer must be given written notification of the intent to alter a wetland due to agricultural activities. The location, alteration methods, and uses to be made of the wetland or adjacent area must be stated. A soil and water conservation plan prepared by the Tompkins County Soil and Water Conservation Agent and filed with the Code Enforcement Officer is considered sufficient notification.
2. The deposition or removal of the natural products of freshwater wetlands and adjacent areas by recreational or commercial fishing, shellfishing, aquaculture, hunting, or trapping, where it is legally permitted and regulated.
3. Public health activities, orders, and regulations of the State or County Health Department.
4. Emergency activities immediately necessary for the protection and preservation of life, property, or natural resource values, including search and rescue operations, or preventive or remedial activities related to large-scale contamination of streams or other bodies of water, floods, hurricanes and other storms, and public health concerns.
5. Actions subject to State Public Service Commission or State Board on Electric Generation Siting under Article 7 or Article 6 of the State Public Service Law.
6. Ordinary maintenance and repair of existing structures or improved areas which does not involve expansion or substantial restoration, reconstruction, rehabilitation, or modification, including bridges, roads, highways, railroad beds, bulkheads, docks, piers, pilings, or paved streets.

### **Section 368: Regulations for Site Plan Review and Approval**

368.01 Purpose. Certain facilities and activities are identified in the land use regulations as “Site Plan Review Required” because their nature, location, and effect on the surrounding environment warrants detailed evaluation of a site plan before development is allowed. Site Plan Review and Approval is a responsibility delegated to the Village Planning Board.

368.02 General Considerations. The following requirements apply to any development which is indicated in Sections 340-359 as permitted through Site Plan Review and Approval, except that, if a development is approved through a Planned Unit Development, the Village Board of Trustees may establish requirements or limits other than those listed below.

1. Maximum density: 10 dwelling units per acre.
2. Minimum lot size:
  - sewered area: 20,000 square feet.
  - unsewered area: 40,000 square feet.
3. Maximum lot coverage by structures:
  - Residential: 40%

- |             |     |
|-------------|-----|
| Civic:      |     |
| Municipal   | 40% |
| Educational | 40% |
| Religious   | 50% |
| Commercial  | 80% |
| Business    | 40% |
4. Minimum 5 foot buffer zone on sides and rear of lot adjacent to residential properties.
  5. Minimum setback for parking: same as one-unit dwelling.
  6. Minimum off-street parking to be provided:

Residential	1.5 per dwelling unit
Civic:	
Municipal	1 per 800 sq ft
Educational	1 per 800 sq ft
Religious	1 per 100 sq ft
Commercial	1 per 500 sq ft
Business	1 per 800 sq ft

**Section 369: Reserved**

### **Section 370: Planned Unit Development Zones (PUD)**

370.01 Purpose. The purpose of a Planned Unit Development Zone is to introduce a degree of flexibility in conventional land use and design regulations, which will encourage imaginative and innovative developments, which will ensure efficient investment in public improvements, a more suitable environment, and protection of community interests in accordance with a comprehensive plan. The Planned Unit Development Zone is intended to encourage innovation in residential, non-residential, and combined-use development so that the demand for residential and non-residential facilities of many different types and prices can be met. It is recognized that certain types of non-residential activities in otherwise residential areas are beneficial if they observe certain performance and design conditions. Planned Unit Development Zones are to be used to enable developments to occur that may not be permitted on a lot-by-lot basis by the Basic Zone Regulations in Sections 340 through 359. Therefore, where the Planned Unit Development concept is appropriate and the land is rezoned to a Planned Unit Development Zone, the regulations set forth in the Basic Zone regulations are replaced with regulations adopted specifically for the Planned Unit Development Zone under consideration.

370.02 General Considerations.

1. A PUD Zone may be considered anywhere in the Village.
2. The lot area is not to be less than 5 acres and it must have a minimum frontage of 300 feet.
3. All residential facilities and activities are permitted in a Planned Unit Development Zone, and any non-residential facilities and activities will be permitted if the developer can demonstrate that they will promote the long-range objectives of the general development plan of the Village, will contribute to the quality of the proposed development of the area, and will lead to the direct or indirect enhancement of the surrounding neighborhood in terms of open space, vehicular and pedestrian traffic movement, community operation costs, landscaping, preservation of natural features, and an improved living environment.

370.03 Procedure. Planned Unit Development Zones are considered and adopted individually according to the procedures in Section 460.

370.04 Planned Unit Development Zone Merits. Individual Planned Unit Development Zones, each with its own number, name, or other suitable designation, are established by preparing and adopting an amendment to the text and the zoning map of this code, in accordance with the procedure in Section 459, Amendments. The amendments are to be inserted in this code after Section 371.

370.05 Limitations on Provisions Included in a Planned Unit Development Amendment. Since the establishment of a Planned Unit Development is a legislative act, it is within the authority of the Board of Trustees to include provisions in the Planned Unit Development that are unlike any which appear anywhere else in this code, subject only to the requirement that they are a legitimate exercise of the zoning power.

### **SECTION 371 DAYTON PLANNED UNIT DEVELOPMENT ZONE**

The proposed Dayton Residential Planned Unit Development Zone is situated on 110 acres of land in the south-central sector of the Village of Freeville on a parcel presently zoned agricultural. The parcel will be divided into lots for 58 single-family houses and 30 units of multifamily housing upon completion of all phases of the project. The General Concept Plan for the Dayton PUD has been reviewed and recorded with the Village Planning Board and calls for the project to be undertaken in five phases. Each phase must be submitted to the Planning Board for re-evaluation of the site plan as to continuing conformity with the General Concept Plan on file and the comprehensive development goals of the Village. During the course of evaluating each phase, the Planning Board shall conduct a public hearing to solicit community input and inform the public of the specific scope of development within that phase.

The PUD shall be designed in accordance with all requirements and restrictions imposed by the Flood Hazard Combining Zone (Section 336, page 28-Map) and the Conservation Combining Zone (Section 337, page 29-Map), which are contiguous to and affect development within that phase. The PUD shall be planned and designed in accordance with the following Land Use and Development Code regulations except as herein defined:

371.01 General Regulations. Sections 301 through 322 of the following Land Use and Development Code regulations except as herein defined.

371.02 Activities and Facilities permitted in each phase of the Dayton PUD, which has been approved for development by the Planning Board shall be as follows:

Activities:

Section 341 Residential Activities	permitted as in Zone "R"
Section 342 Civic Activities	not permitted
Section 343 Commercial Activities	not permitted
Section 344 Industrial Activities	not permitted
Section 345 Agricultural Activities	not permitted
Section 346 Extractive Activities	not permitted

Facilities:

Section 351 Site Improvements	permitted as in Zone "R"
Section 352 Non-Residential Facilities	not permitted
Section 353 Residential Facilities	permitted as in Zone "R"
Section 354 Accessory Facilities	permitted as in Zone "R"
Section 355 Signs	permitted as in Zone "R"
Secondary Residential Activities (Home Occupations)	shall be permitted as in Zone "R".

371.03 Dimension Regulations for the Dayton PUD govern the construction of new facilities and additions and modifications to existing facilities.

Minimum Lot Area

Residential (including residential with approved home occupations):

with private sewage disposal:	40,000 sq ft
or per dwelling unit:	20,000 sq ft
Residential with public sewer:	15,000 sq ft
or per dwelling unit:	10,000 sq ft

Minimum Lot Frontage

Residential with private sewage disposal:	200 ft
or per dwelling unit:	150 ft
Residential with public sewer:	100 ft

\*Lots abutting cul-de-sacs shall be permitted to have the minimum lot frontage dimension established at the point of the required building setback which shall be set parallel to the curve of the front lot line.

Minimum Lot Depth

Front Yard:(from front lot line)

Buildings on standard lot	50ft
Buildings on lots abutting a cul-de-sac	40ft
Open parking facility	25ft

Side Yard:

All facilities (primary)	20ft
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Rear Yard:

Principal facility	25ft
Open parking facility	5ft
Detached accessory facility	25ft

Maximum Height

Principal facility	35ft
Detached accessory facility	25ft

See Section 309 for list of facilities exempt from height regulations.

Maximum Lot Coverage

Buildings:

One-unit residential:	20%
Other residential:	25%
Additional lot coverage by impervious material:	15%

371.04 General lot, facility and parking requirements for the Dayton PUD shall conform to Section 368.2 of the Land Use and Development Code.

371.05 General Review Procedures and Design Standards for the Dayton PUD shall conform to Article 6, Land Subdivision Regulations, of the Land Use and Development Code.

**Section 372-399: reserved**