

**LOCAL LAW No. \_\_\_\_\_ of 2020**

**A LOCAL LAW AMENDING TOWN OF ULYSSES ZONING LAW REGARDING  
LAKESHORE AND CONSERVATION ZONES.**

**SECTION 1. LEGISLATIVE HISTORY AND PURPOSE.**

The Town Board of the Town of Ulysses (Town Board) enacted Local Law No. 3 of 2019 on December 10, 2019, which law was filed with the New York State Secretary of State on December 16, 2019. Local Law No. 3 of 2019 repealed in its entirety the Town of Ulysses Zoning Law adopted by Local Law No. 3 of 2013, amended from time to time, and codified as Chapter 212 of the Laws of the Town of Ulysses, and in its place adopted a new zoning law.

The Town Board now seeks to further refine the Ulysses Zoning Law by revising the maximum foot print of buildings in the Lake Shore Zone (LS) and Conservation Zone (CZ), as well as to refine building standards in these zones to protect the impact of development on the steep slopes and natural resources according to the goals set in the Ulysses Comprehensive Plan of 2009.

**SECTION 2. AUTHORITY.** This Local Law is enacted pursuant to the statutory authority conferred on the Town of Ulysses by Municipal Home Rule Law Section 10, and New York Town Law Section 264.

**SECTION 3.** Chapter 212 of the Codified Laws of the Town of Ulysses is hereby amended as follows: Article VIII

**LS — Lakeshore Zone**

**§ 212-42 Purpose.**

A. The purposes of the Lakeshore Zone are:

- (1) To protect the fragile environment of the lakeshore, that area east of State Route 89 to the center line of Cayuga Lake, in accordance with the Town of Ulysses Comprehensive Plan (2009);
- (2) To provide a regulatory framework through which development can occur with minimal environmental impact; and
- (3) To develop design standards for houses and accessory buildings that create a harmonious effect for the natural environment and the residents.

- B. In particular, the following are important aspects or considerations for the Lakeshore Zone:
- (1) Among the important natural and ecological features of the Lakeshore Zone are steep slopes, mature forests, fragile cliffs, tributaries, and seasonal streams feeding into Cayuga Lake.
  - (2) In recognition of their natural and ecological significance, several areas of the Lakeshore Zone have been designated as unique natural areas by the Tompkins County Environmental Management Council.
  - (3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article IV, Terminology).
- C. Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

**§ 212-43 Permitted uses.**

- A. Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas:
- (1) Single-family residences and their accessory buildings.
  - (2) Two-family residences and their accessory buildings.
  - (3) Any municipal or public utility purpose necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.

**§ 212-44 Permitted accessory uses.**

- A. The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § 212-43:
- (1) Accessory buildings, as defined in Article IV and subject to provisions of Article XXIV, § 212-167: *Accessory Buildings*.
  - (2) Accessory Dwelling Unit, subject to the provisions of Article XX, § 212-128.
  - (3) Elder Cottage, subject to the provisions of Article XX, § 212-139.5.
  - (4) Open-sided elevators/lifts.

- (5) Temporary buildings, as defined in Article **IV**.
  - (6) Minor solar collection system subject to the provisions of Article **XX**, § 212-139.1.  
[Added 11-24-2015 by L.L. No. 3-2015]
- B. Site plan approval, pursuant to the provisions of Article **III**, § **212-19**, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in this section.
- C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this article, § **212-43**.
- (1) Signs as regulated under Article **XX**, § **212-122**
  - (2) Home occupations, where no more than one person residing off the premises is employed.

**§ 212-45 Uses permitted by site plan approval.**

The following uses are allowed upon approval of a site plan by the Planning Board and subject to the design standards set forth in relevant sections of Article **XX**:

- A. Adult care, family.
- B. Farm Operation.
- C. Bed-and-breakfast operations where such is part of the residence.
- D. Child care, family.
- E. Professional offices where:
  - 1) Such office is part of the residence property; and
  - 2) No more than three persons residing off the premises are employed on site.

**§ 212-46 Uses allowed by special permit.**

The following uses are allowed upon approval of a special permit pursuant to Article **III**, § **212-18**, subject to the design standards set forth in relevant sections of Article **XX** and site plan review by the Planning Board:

- A. Fire stations or other public buildings necessary to the protection of or servicing of a neighborhood.
- B. Restaurants.
- C. Public or nonprofit owned boat launching site, swimming beach, picnic area.

- D. Public or nonprofit owned park or playground, including accessory buildings and improvements.

**§ 212-47 Lot area and yard requirements.**

- A. There shall be no more than one principal building on any lot in the LS-Lakeshore Zone.
- B. Minimum lot area shall be two acres for lake front lots and five acres for non-lake front lots.
- C. Minimum lot width at the mean high-water elevation (MHWE) shall be 250 feet and minimum lot width at the road frontage shall be 250 feet for all non-flag lots.
- D. Minimum lot depth shall be 250 feet for lake front lots and 450 feet for non-lake front lots.
- E. Minimum setback, front and rear, shall be 50 feet from the highway right-of-way, and 50 feet where the lot abuts the lake; the MHWE shall be used for setback measurement. Docks, boat hoists, and boat ramps are permitted within the setback area.
- F. Minimum side yard setbacks shall be 15 feet, except for a corner lot fronting on two public streets, where the minimum yard setback for the side yard to the street or road shall be 25 feet.
- G. Maximum building height for the principal dwelling shall be 32 feet above average grade measured at the building perimeter.
- H. Maximum lot coverage for all building footprints shall be 5% of the lot area. For lots with a single-family or a two-family residence, lot coverage calculations do not include driveways, walkways, or parking areas. The term "building footprint" is defined in Article IV, §212-22.
- I. Streams and wetlands are required to have a protective setback as defined in § 212-124.
- J. No parking areas shall be constructed within 50 feet of the MHWE.
- K. Flag lots shall meet minimum lake frontage (250 feet) and lot area (two acre) requirements. Lot area excludes the pole. The pole shall connect to the road, not the lake. Non-lakeshore flag lots shall meet minimum lot area (five acres) excluding the pole. See Article **XX**, Design Standards, § **212-130**.
- L. The above notwithstanding, in the case of a lot with frontage on the lake, accessory uses such as pump houses, docks, boat ramps and boat hoists typically associated with water-oriented recreational pursuits are permitted within the front yard setback area fronting on the lake; provided, however, that they are located outside of the required side yard setback areas and conform to the regulations or permits of the United States

or New York State.

M. For the purposes of cluster development on a lake front lot, one dwelling unit will be allowed per 150 feet of lake frontage.

N. Maximum building footprint shall be 3,500 square feet, except for Accessory Dwelling Units which shall have a maximum floor area of 1,200 square feet pursuant to Article XX, §212-128.

### Lot Area and Yard Requirements Summary

Requirement	Lake Front	Non-Lake Front
Lot coverage, maximum (percent)	5	5
Building height, maximum (feet)	32	32
Lot area, minimum (acres)	2	5
Maximum footprint of principal building	3,500	3,500
Lakeshore frontage, minimum (feet)	250	Not applicable
Lot width at road frontage, minimum (feet)	250	250
Lot depth, minimum (feet)	250	450
Setback from lakeshore, minimum, measured from MHWE (feet)	50	Not applicable
Setback from road or rear property line (feet)	50	50
Side yard setback, minimum (feet)	15	15
Structure or parking area or road setback from	50	50

## Lot Area and Yard Requirements Summary

Requirement	Lake Front	Non-Lake Front
perennial/intermittent stream, minimum ( <b>not</b> in unique natural area or steep slope overlay (feet)		
Structure or parking area or road setback from any perennial/intermittent streams, or Federal wetland edge in unique natural area and steep slope overlay areas, minimum (feet).	75	75
Structure or parking area or road setback from any State wetland edge.	100	100
Structure or parking area or road setback from any Federally or locally designated wetland edge.	50 – 100 (see §212-48 below)	50-100 (see §212-48 below)

### § 212-48 Design standards.

In the event of any conflict between the provisions of this § 212-48 and other provisions of this chapter, the provisions of this section shall prevail.

#### A. Streams.

- (1) Perennial and intermittent streams are, and wetlands may become, prominent features of the Lakeshore Zone and the condition of these water bodies directly affects the health of Cayuga Lake and the various creatures that depend on the water for sustenance. As such, it is the intent of these Lakeshore Zone regulations to ensure the continued preservation and health of these many Cayuga Lake tributaries for current and future generations.
- (2) For the purposes of this section, the area of a wetland is defined by both state and federal governing regulations. Buffer areas apply to federally protected wetlands greater than 0.1 acre.
- (3) Requirements.
  - (a) To the extent possible, perennial and intermittent streams shall be protected

from sediment, effluent, sewage, and driveway runoff.

- (b) Diverting or altering the course of perennial or intermittent streams shall be prohibited, except where a NYSDEC permit is obtained in advance of starting work.
- (c) Unless otherwise authorized by the Planning Board or state or federal agency, no disturbance as listed previously in this section shall be located within 100 feet of any NY State regulated wetland or 50 feet from a Federally or locally regulated wetland.
- (d) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine potential impacts of development on said wetland.

(4) Recommendations.

- (a) Plowing of salt laden snow from driveways into streams should be avoided.
- (b) The proximity of docks to mouths of tributaries should consider natural variation in stream boundary location so as to not interfere with stream flow over time.
- (c) Stream bank vegetation should be encouraged to minimize erosion. Where necessary, stream banks should be replanted with native species.
- (d) Flow of water in Cayuga Lake tributaries should not be impeded by human-made structures in or spanning streams.

B. Vegetation and landscape.

- (1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive trees and shrubs, in the Lakeshore Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town. The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.
- (2) The intent of the Town of Ulysses is to preserve the natural features of the Lakeshore Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.
- (3) Requirements. Tree removal, except clear-cutting, is allowed in the Lakeshore Zone outside of unique natural areas or slope overlay areas. Tree removal is

allowed in the Lakeshore Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:

- (a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.
  - (b) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a construction site, septic system, parking areas, and the driveway access.
  - (c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the requirements of a building project is prohibited.
  - (d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A woodland management plan shall be prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the New York State Department of Environmental Conservation.
- (4) Recommendations.
- (a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest management and forest improvement.
  - (b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.
  - (c) Buffer areas proximal to water bodies are to be promoted using noninvasive plants to protect water resources.
  - (d) Removal of trees for the purpose of expanding a view is discouraged.
  - (e) Removal of trees for the purpose of expanding sunlight exposure is discouraged.
  - (f) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.
  - (g) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil

disturbance or erosion.

- (h) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.
- (i) Dead trees that do not pose a threat to life, property or a healthy forest should be left to provide wildlife habitat for both birds and animals.
- (j) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.
- (k) Regrading should blend in with the natural contours and undulations of the land.
- (l) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.
- (m) Building design should harmonize with the natural setting.
- (n) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

#### C. Stormwater

1. In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
2. Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to minimize the impact on water quality, peak discharge, groundwater recharge, and drainage patterns. To the extent possible, the quantity, quality, and timing of stormwater runoff during and after development shall not be substantially altered from pre-development conditions. The recommended technical standards for the design of post-construction structures are detailed in the "New York State Stormwater Management Design Manual," as revised. In reviewing the adequacy of an applicant's stormwater management plans, the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.
3. Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
4. Drainage of stormwater shall not cause erosion, siltation, contribute to slope failures, pollute groundwater or cause damage to or flooding of adjacent or downstream properties.
5. The Planning Board may require the developer or property owner to submit the following:

- a) Stormwater Pollution Prevention Plan (SWPPP), prepared by a NYS licensed engineer or other qualified professional. The contents of the SWPPP and qualifications of qualified professionals are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
- b) A statement of the proposed stormwater management objectives.
- c) A description of the proposed structural and vegetative stormwater measures that will be utilized to ensure that the quantity, temporal distribution and quality of stormwater runoff during and after development are not substantially altered from pre-development conditions. This will include appropriate plans, design data, calculations, and other information.
- d) A maintenance plan, which describes the type and frequency of maintenance required by the stormwater management facilities utilized and the arrangements that will be made to ensure long-term maintenance of these facilities. Operation, maintenance, and any necessary repairs are the responsibility of the property owner or his/her designee. Storm water management facilities shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. If corrective action by the Town is required, incurred costs are the responsibility of the property owner.
- e) A flood hazard analysis for any development located within or adjacent to the designated floodplain.

D. Soil and sediment control.

- (1) The goals for erosion and sediment control are (1) to minimize the opportunity for soil to be moved by wind, precipitation and runoff and (2) to contain sediment that does move close to its place of origin and thus prevent it from reaching a water body or damaging other lands. In order to ensure that the land will be developed with a minimum amount of soil erosion and to protect the natural character of on-site and off-site water bodies, the Planning Board shall require the developer to follow certain erosion control practices. The standards for erosion and sediment control are as follows:
- (2) A structure or parking area shall have a minimum setback to perennial and intermittent streams of 50 feet or 75 feet if within a Unique Natural Area or Steep Slope Overlay, as measured from the top edge of the slope rising from the bank of the stream. See § **212-124.B**.
- (3) On sites within the slope overlay area or unique natural area, there shall be no excavation, grading or filling without the submission to the Zoning Officer of an

excavation, fill, and grading permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.

- (4) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.
- (5) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.
- (6) In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
  - a. The Planning Board may require the developer to submit an erosion and sediment control plan, the contents of which are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
  - b. Erosion and sediment control practices shall be consistent with requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity. A permit is generally required for construction activities that disturb one or more acre of land.
  - c. The recommended technical standards for erosion and sedimentation control are detailed in the "New York Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society, as revised.
  - d. The development plan should be consistent with the topography, soils, and other physical characteristics of the site so as to minimize the erosion potential and avoid disturbance of environmentally sensitive areas.
  - e. Existing vegetation on the project site should be retained and protected as much as possible to minimize soil loss from the project site. (This will also minimize erosion and sediment control costs.)
  - f. Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.

- g. The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development. Temporary vegetation and/or mulching should be used to protect critical areas. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials.

E. Driveways and parking.

(1) Requirements.

- (a) For new impervious surfaces proposed for driveways, parking areas, or walkways in unique natural areas or slope overlay areas, site plan review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.
- (b) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto Route 89.

(2) Recommendations.

- (a) Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.
- (b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface, which would contribute to runoff.
- (c) Driveways and parking areas should follow contour lines of the land as much as possible.
- (d) Excavation and regrading of slopes for parking areas should be minimized.

**§ 212-49 Limitations on subdivision of parent tracts.**

Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than three lots.

Article IX  
**CZ — Conservation Zone**

**§ 212-50 Purpose.**

- A. The purposes of the Conservation Zone are:
- (1) To preserve the outstanding natural features in the Town of Ulysses in accordance with the Town of Ulysses Comprehensive Plan (2009);
  - (2) To provide a regulatory framework through which development can occur with minimal environmental impact;
  - (3) To preserve existing areas of contiguous open space, prevent destruction of natural areas, preserve existing and potential agricultural land, and promote mechanisms that protect these areas, such as enlarged stream buffer areas, conservation easements, and deed restrictions when considering any future land development; and
  - (4) To preserve the scenic beauty of the area to promote tourism as an important benefit to the Town of Ulysses.
- B. In particular, the following are important aspects or considerations for the Conservation Zone:
- (1) Among the natural values and ecological importance of this area are the mature forest, plant and wildlife habitat, numerous streams, and natural character. The Conservation Zone contains large areas of steep slopes, wetlands, and highly erodible soil, where any future development may have an adverse environmental impact on both the land and Cayuga Lake.
  - (2) In recognition of its natural and ecological significance, several large areas of the Conservation Zone have been designated as unique natural areas by the Tompkins County Environmental Management Council.
  - (3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article IV, Terminology).
- C. Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

**§ 212-51 Permitted uses.**

- A. Only the following buildings or uses are permitted in this district, and site plan approval,

pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas:

- (1) Farm Operation.
- (2) One single-family residence and accessory buildings.
- (3) One two-family residence and accessory buildings.
- (4) [RESERVED]
- (5) Any municipal or public utility necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.
- (6) Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-52 Permitted accessory uses.

- A. Only the following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § 212-51:
  - (1) Accessory buildings, as defined in Article IV and subject to the provisions of Article XXIV, § 212-167: *Accessory Building*.
  - (2) Accessory Dwelling Unit, subject to the provision of Article XX, § 212-128.
  - (3) Adult care, family.
  - (4) Bed-and-breakfast establishments.
  - (5) Child care, family.
  - (6) Elder cottage, subject to the provisions of Article XX, § 212-139.5.
  - (7) Professional offices where such office is part of the residence property and no more than three persons residing off the premises are employed on site.
  - (8) Roadside stands, subject to the provisions of Article XX, § 212-135.
  - (9) Temporary building, as defined in Article IV.
  - (10) Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]
- B. Site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in

this section.

- C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this Article **X**, § **212-51**.
  - (1) Signs as regulated under Article **XX**, § **212-122**
  - (2) Home occupation where no more than one person residing off the premises is employed.

**§ 212-53 Uses allowed by special permit.**

The following uses are allowed upon approval pursuant to Article **III**, § **212-18**, subject to the design standards in the Conservation Zone and site plan review by the Planning Board:

- A. Museums and nature centers.
- B. Public and private community parks, regional parks and preserves.
- C. Residential care/assisted living.
- D. Restaurants.
- E. Bicycle/ski rental business.

**§ 212-54 Lot area and yard requirements.**

- A. There shall be no more than one principal building on any lot in the CZ-Conservation Zone.
- B. Minimum lot area for one principal building shall be five acres.
- C. Minimum lot width at front lot line shall be 400 feet.
- D. Minimum lot depth shall be 450 feet.
- E. Minimum front yard setback shall be 75 feet.
- F. Minimum side yard setback shall be 50 feet.
- G. Minimum rear yard setback 50 feet.
- H. Maximum building height shall be 32 feet above average grade measured at the building perimeter or as determined by the Planning Board when slope exceeds 15%. It is within the discretion of the Planning Board whether or not to allow any building on slopes greater than 25%.
- I. The maximum footprint of a building shall be 3,500 square feet except Accessory Dwelling Units which are limited to 1,200 square feet floor area (§ 212-128).

- J. Driveways and parking areas may be considered a building as part of the lot coverage requirements at the discretion of the Planning Board.
- K. Flag lots are permitted, subject to the standards set forth in Article **XX**, § **212-130**.
- L. Accessory buildings shall not occupy the front yard, except for roadside stands (subject to provisions of Article **XX**, § **212-135**), and a garage may be attached to the front of a house.
- M. Maximum lot coverage by permanent structures shall be 5% of the lot area.

**§ 212-55 Design standards.**

In the event of any conflict between the provisions of this § **212-55** and other provisions of this chapter, the provisions of this section shall prevail.

A. Stream and wetland setbacks.

- (1) Perennial and intermittent streams and wetlands are prominent features of the Conservation Zone, and the condition of these water bodies directly affects the health of Cayuga Lake and the fauna that depend on the water for sustenance. As such, it is the intent of these Conservation Zone regulations to ensure the continued preservation and health of these many Cayuga Lake water resources for current and future generations. (See § 212-124 Standards for buffer areas).
- (2) For the purposes of this section, wetlands are defined by both state, federal and local governing regulations. Buffer areas apply to federal and locally protected wetlands greater than 0.1 acre and all state wetlands.
- (3) No buildings, structures, paved areas, or storage of construction equipment or machinery shall be located within the following buffer areas: 50 linear feet of the bank of any perennial or intermittent stream and 100 feet of any wetland. These buffer areas may be increased by up to 50% should the Planning Board determine that such an increase is necessary to protect water quality or to minimize the impacts of erosion and sedimentation.
- (4) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine the exact boundaries and to evaluate potential impacts of development on said wetland.

B. Vegetation and landscape.

- (1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive trees and shrubs, in the Conservation Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town.

- (2) The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.
- (3) The intent of the Town of Ulysses is to preserve the natural features of the Conservation Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.
- (4) Requirements. Tree removal, except clear-cutting, is allowed in the Conservation Zone outside of unique natural areas or slope overlay areas. Tree removal is allowed in the Conservation Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:
  - (a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.
  - (b) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a construction site, septic system, parking areas, and the driveway access.
  - (c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the requirements of a building project is prohibited.
  - (d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A woodland management plan shall be prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the New York State Department of Environmental Conservation.
- (5) Recommendations.
  - (a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest management and forest improvement.
  - (b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.
  - (c) Buffer areas proximal to water bodies are to be promoted using noninvasive native plants to protect water resources.

- (d) Retain existing stone walls.
- (e) Removal of trees for the purpose of expanding a view is discouraged.
- (f) Removal of trees for the purpose of expanding sunlight exposure is discouraged.
- (g) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.
- (h) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.
- (i) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.
- (j) Dead trees that do not pose a threat to life, property, or a healthy forest should be left to provide wildlife habitat for both birds and animals.
- (k) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.
- (l) Regrading should blend in with the natural contours and undulations of the land.
- (m) Siting of buildings should be below ridgelines or hilltops.
- (n) Where possible, buildings and structures should be located on the edges of open fields to minimize visual impacts.
- (o) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.
- (p) Building design should harmonize with the natural setting.
- (q) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

#### C . Stormwater

1. In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
2. Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to minimize the impact on water quality, peak discharge, groundwater recharge, and drainage patterns. To the extent possible, the quantity, quality, and timing of

stormwater runoff during and after development shall not be substantially altered from pre-development conditions. The recommended technical standards for the design of post-construction structures are detailed in the "New York State Stormwater Management Design Manual," as revised. In reviewing the adequacy of an applicant's stormwater management plans, the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.

3. Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
4. Drainage of stormwater shall not cause erosion, siltation, contribute to slope failures, pollute groundwater or cause damage to or flooding of adjacent or downstream properties.
5. The Planning Board may require the developer or property owner to submit the following:
  - f) Stormwater Pollution Prevention Plan (SWPPP), prepared by a NYS licensed engineer or other qualified professional. The contents of the SWPPP and qualifications of qualified professionals are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
  - g) A statement of the proposed stormwater management objectives.

A description of the proposed structural and vegetative stormwater measures that will be utilized to ensure that the quantity, temporal distribution and quality of stormwater runoff during and after development are not substantially altered from pre-development conditions. This will include appropriate plans, design data, calculations, and other information.

A maintenance plan, which describes the type and frequency of maintenance required by the stormwater management facilities utilized and the arrangements that will be made to ensure long-term maintenance of these facilities. Operation, maintenance, and any necessary repairs are the responsibility of the property owner or his/her designee. Storm water management facilities shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. If corrective action by the Town is required, incurred costs are the responsibility of the property owner.

A flood hazard analysis for any development located within or adjacent to the designated floodplain.

D. Soil and sediment control.

The goals for erosion and sediment control are (1) to minimize the opportunity for soil to be moved by wind, precipitation and runoff and (2) to contain sediment that does move close to its place of origin and thus prevent it from reaching a water body or damaging other lands. In order

to ensure that the land will be developed with a minimum amount of soil erosion and to protect the natural character of on-site and off-site water bodies, the Planning Board shall require the developer to follow certain erosion control practices.

- (1) A structure or parking area shall have a minimum setback to perennial and intermittent streams of 50 feet or 75 feet if within a Unique Natural Area or Steep Slope Overlay, as measured from the top edge of the slope rising from the bank of the stream. See § **212-124.B**.
- (2) On sites within the slope overlay area or unique natural area, there shall be no excavation, grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.
- (3) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.
- (4) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.
- (5) In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
  - a. The Planning Board may require the developer to submit an erosion and sediment control plan, the contents of which are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
  - b. Erosion and sediment control practices shall be consistent with requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity. A permit is generally required for construction activities that disturb one or more acre of land.
  - c. The recommended technical standards for erosion and sedimentation control are detailed in the “New York Standards and Specifications for Erosion and Sediment Control” published by the Empire State Chapter of the Soil and Water Conservation Society, as revised.
  - d. The development plan should be consistent with the topography, soils, and other physical characteristics of the site so as to minimize the erosion potential and avoid disturbance of environmentally sensitive areas.

- e. Existing vegetation on the project site should be retained and protected as much as possible to minimize soil loss from the project site. (This will also minimize erosion and sediment control costs.)
  - f. Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.
  - g. The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development. Temporary vegetation and/or mulching should be used to protect critical areas. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials
- E. Driveways and parking.
- (1) Requirements.
    - (a) For new impervious surfaces proposed for driveways, parking areas, or walkways in unique natural areas or slope overlay areas, site plan review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.
    - (b) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto roads.
  - (2) Recommendations.
    - (a) Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.
    - (b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface which would contribute to runoff.
    - (c) Driveways and parking areas should follow contour lines of the land as much as possible.
    - (d) Excavation and regrading of slopes for parking areas should be minimized.
- F. Limitations on subdivision of parent tracts.
- (1) Any tract or parcel of land in common contiguous ownership at the time of the

creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than 3 lots.

**SECTION 4.** The definition section 212-22 of the Ulysses Zoning Law is amended to insert a new definition of “Building Footprint” as follows:

“Building Footprint: The area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. It includes garages, carports and porches open at the sides but roofed, and accessory structures if attached to the primary residence, but not trellises, patios, and unroofed areas of porch, deck, and balcony. Accessory Dwelling Units attached to a primary residence shall not be considered a part of the primary residence’s footprint.”

**SECTION 5. SEVERABILITY.** If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. Any prior inconsistent Local Law is hereby repealed and superseded.

**SECTION 6. EFFECTIVE DATE.** This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.