

[Article XX: Design Standards](#)[§ 212-121 Standards for access and parking in all zoning districts.](#)**A.1. – Replace with:****A. Loading Areas**

1. No loading berth may be located on a front facade, and no loading area may be located in a front yard, except in IL and B1 Districts.

2. For building larger than 5000 square feet devoted to a use that is allowed in the B1—Business District, HC—Hamlet Center and IL—Light Industrial District but not allowed in the R1 or RM district there shall be one off-street loading space for each 20,000 square feet of floor area or portion thereof.

3. Where any loading area is located within 50 feet of, and visible from, an interior side or rear lot line that abuts any lot in an R1—Rural Residence District, R2—Moderate-Density Residence District, LS—Lakeshore District, CD—Conservation District, RM—Multiple-Residence District, MD—Marina District, HN – Hamlet Neighborhood, or MHP—Manufactured Home Park District, the loading area must be screened by a vegetated buffer yard, designed per § 212-124.

**B. Parking design standards.**

1. Except in the case of single-family and two-family dwellings, there shall be no parking allowed in any required front yard, side yard or rear yard setback areas, except in established driveways.

2. The minimum allowable dimensions of a parking space in a parking lot shall be nine feet wide by eighteen feet long, the minimum allowable dimensions for a parallel parking space shall be seven feet wide by eighteen feet long. Parking spaces so designated for persons with disabilities shall include on one side a minimum of an additional four feet of width in order to accommodate wheelchair lifts.

3. Travel aisles for vehicles within a parking lot shall be a minimum of 22 feet in width for aisles intended for two-way traffic. Where angled parking with one-way traffic circulation is proposed, the minimum aisle width shall be 13 feet if the angle of the parking spaces is 45° from the perpendicular, and 18 feet if the angle of the parking spaces is 60° from the perpendicular.

4. All off-street parking shall be surfaced so as to be durable and well-drained with design consideration based on the expected level of traffic for the parking area, and shall be provided with necessary access drives.

5. All parking areas are to be maintained in a well-kept condition.

**C. Pedestrian design standards**

1. Pedestrian facilities must provide connecting main entrances to parking, adjacent public rights-of-way and transit stops, and all uses on a site that allow for public access. Pedestrian facilities must be paved with a fixed, firm, and non-slip material.

2. Pedestrian facilities must be provided between rows of parking spaces.

**D. Landscape Plan.**

1. All developments subject to Site Plan Review § 212-19 must submit a landscape plan. Where developments involve either 10,000 square feet or more of development area or construction or reconstruction of a parking lot containing 20 or more spaces, the landscape plan must be stamped by a New York State licensed landscape architect. Single-family dwellings, two-family dwellings, and multi-unit dwellings of 6 units or less are exempt from this requirement.

a. At least 10% of the interior of the parking lot, calculated as the total surface area of all parking spaces, drive aisles, and interior landscape, must be landscaped.

b. Where any parking lot is located along, within 50 feet of, and visible from, a public right-of-way the parking lot must be screened by a vegetated buffer, per Section 212-124.

c. Where a proposed parking lot is larger than nine spaces in size, there shall be planted one deciduous canopy tree for every five parking spaces proposed. Said trees shall be of

a species with a height at maturity of at least 30 feet, of a species known to be compatible with regional climate conditions, and shall be at least 2.5 inches in diameter and four feet from the ground at time of planting. Trees used to meet this requirement must be planted within the perimeter of the parking area.

- d. Where any parking lot is larger than 9 (nine) spaces the parking lot must be screened by a vegetated buffer yard, designed per § 212-124.

#### § 212-122 Standards for signs.

##### A. General.

1. No sign or other outdoor devices for the purpose of advertising of any kind may be erected or established in the Town of Ulysses except in conformance with the standards in this section.
2. All signs with a surface area greater than 24 square feet require a building permit and must comply with applicable regulations of this section. Sign alteration and maintenance activities such as painting, cleaning, or other normal maintenance and repair do not require a building permit, provided that no change is made to any structural or electronic component of the sign.
3. All new, reconstructed, altered, or relocated signs must comply with the standards of this section.
4. Temporary signs are allowed for a maximum of 30 days per occurrence, up to a maximum of three display periods per calendar year.
5. No permanent or temporary sign may be erected or placed at or near the intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position shape or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or which makes use of the words "Stop," "Look," "Drive-in," "Left" or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse pedestrians, cyclists, or motorists. The regulations of the New York State Department of Transportation must be followed with respect to the placement of a permanent or temporary sign within the right of way of a state highway.
6. Signs projecting into a public right-of-way require approval from the Town Highway Superintendent and/or County and State Highway Departments, and must have a clearance of not less than 8 feet above the sidewalk or surrounding ground and not less than 15 feet above any public driveway or street.
7. No sign, other than signs placed by agencies of government with appropriate jurisdiction, or a sign whose placement is authorized by such agencies, may be erected or placed on public property.
8. The provisions of this section do not apply to safety signs, street signs, historical markers or highway directional signs erected by municipal or public agencies.
9. All temporary signs must be non-illuminated. Allowed permanent signs may be non-illuminated, or illuminated by internal light fixtures or external indirect illumination, unless otherwise specified.
10. No sign shall be placed on the roof of any structure or building.
11. Off-premise signs are prohibited on the Cayuga Lake Scenic Byway, New York Route 89.

##### B. Sign illumination.

1. In this section the term "illuminated sign" applies to both signs that are illuminated by external and internal illumination.
2. No light shall be cast upward beyond a horizontal plane level with the light source, or onto any adjoining property.
3. An illuminated sign or lighting device shall not be placed or located as to permit the beams and illumination to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

4. Any illuminated sign or sign-lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights.
  5. External Illumination
    - a. An externally illuminated sign is characterized by the use of artificial light reflecting off its surface.
    - b. External light sources intended to illuminate the sign face must be fully shielded, direct light only in a downward manner, and placed close to, and directed upon, the sign face.
    - c. Externally illuminated signs must be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
  6. Internal Illumination
    - a. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.
    - b. Internal illumination is limited to letters, numbers, symbols, and accents. No more than 50% of the total sign area may be internally illuminated, measured by the smallest rectangles that can fully enclose the internally illuminated elements. The remaining area of the sign face must remain opaque.
  7. Direct Illumination
    - a. A directly illuminated sign is characterized by the use of exposed lamps, such as neon tubes or incandescent bulbs that have no shielding and are visible to the eye. Direct illumination of signs is not permitted in the Town of Ulysses.
  8. Electronic Message Centers (EMC)
    - a. An electrically-activated display that utilizes computer-generated messages or other electronic means of changing to present variable messages and/or graphic presentations. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix. Electronic Message Centers (EMCs) are not permitted in the Town of Ulysses.
- C. Sign Measurement
1. Sign Area. Sign area is measured as the total area of a sign, as follows:
    - a. For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed.
    - b. For signs consisting of freestanding letters or features, the sign area is calculated as the total area of each rectangle that encompasses each individual letter or feature. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.
    - c. Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or features, provided that the portion of the film around the individual letters or features is fully transparent.
    - d. The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.
    - e. If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back to back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area.
  2. Sign Height. Sign height is measured as the vertical distance from the base of a sign or sign structure, to the highest point of the sign or sign structure. Building mounted sign height is measured from the bottom of the sign to the top of the sign. No portion of a building mounted sign may protrude above the building the sign is mounted to.
  3. Vertical Clearance. For signs attached to a structure, vertical clearance is measured as the vertical distance from the sidewalk or nearest ground level to the lowest point of the sign.

**D. Off-premise signs.**

1. All off-premise signs are limited to 20 square feet per face.
2. No off-premises/advertising signs may exceed 10 feet in height, including support, as measured from the ground below the sign.
3. Only two sign faces shall be permitted on any one structure or support.
4. No illumination is permitted, either located on or directed toward the off-premises sign.
5. No off-premise sign may be located nearer than 300 feet to another off-premises sign.
6. All off-premise sign applications are subject to Site Plan Review, § 212-19.
7. Any off-premise sign constructed and placed is subject to all applicable setback requirements, except that no sign shall be placed more than 100 feet from the property line which borders New York Route 227 or New York Route 96.

**E. Signs in R2, LS, CD, RM, MD, and MHP Districts.** In an R2—Moderate-Density Residence District, LS—Lakeshore District, CD—Conservation District, RM—Multiple-Residence District, MD—Marina District, or MHP—Manufactured Home Park the following signs are permitted:

1. Any sign required by law;
2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;
3. On-premise permanent signs, provided such sign area does not exceed a total 9 (nine) square feet in sign area. Freestanding signs must not exceed a height of 6 (six) feet;
4. On-premise temporary signs provided such sign area does not exceed a total 9 (nine) square feet in area. Freestanding signs must not exceed a height of 6 (six) feet;
- 5.

**F., Signs in R/A.** In the Rural/Agricultural Zone, the following signs are permitted:

1. Any sign required by law;
2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;
3. For lots with less than 400 feet of road frontage:
  - a. The maximum total permanent on-premise sign area is 9 (nine) square feet. Freestanding signs must not exceed a height of 6 (six) feet;
  - b. On-premise temporary signs provided such sign area does not exceed a total 9 (nine) square feet in area. Freestanding signs must not exceed a height of 6 (six) feet;
4. For lots with more than 400 feet of road frontage:
  - a. The maximum total permanent on-premise sign area is 20 (twenty) square feet. Freestanding signs must not exceed a height of 6 (six) feet;
  - b. On-premise temporary signs provided such total sign area does not exceed 20 (twenty) square feet in area. Freestanding signs must not exceed a height of 6 (six) feet;

**G. Signs in the B1, OTMU, and IL Districts.** B1—Business, OTMU- Office Technology Mixed Use, and IL—Light Industry Districts, the following signs are permitted:

1. Any sign required by law;
2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;
3. Off-premise signs;
4. For lots with less than 400 feet of frontage:
  - a. The maximum total permanent on-premise sign area is 12 (twelve) square feet. Freestanding signs must not exceed a height of 6 (six) feet;
  - b. On-premise temporary signs provided such total sign area does not exceed 9 (nine) square feet in area. Freestanding signs must not exceed a height of 6 (six) feet;
5. For lots between 400 feet and 1,000 feet of frontage
  - a. The maximum total permanent on-premise sign area is 36 (thirty-six) square feet. Freestanding signs must not exceed a height of 6 (six) feet;

- b. On-premise temporary signs provided such total sign area does not exceed 20 (twenty) square feet in area. Freestanding signs must not exceed a height of 6 (six) feet;
    6. For lots with more than 1,000 feet of frontage:
      - a. The maximum total permanent on-premise sign area is 64 (sixty-four) square feet. Freestanding signs must not exceed a height of 6 (six) feet;
      - b. On-premise temporary signs provided such total sign area does not exceed 20 (twenty) square feet in area. Freestanding signs must not exceed a height of 6 (six) feet;
- H. Signs in the HC District. In the HC—Hamlet Center District the following signs are permitted:
1. Any sign required by law;
  2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;
  3. A maximum of one monument sign, limited to a sign area of 10 (ten) square feet and a height of 4 (four) feet is permitted per site per right-of-way frontage. A monument sign may be erected only on a site where the building is set back a minimum of 15 feet from the lot line.
  4. A maximum of one under-awning sign of 4 (four) square feet is permitted per establishment with a ground-floor main entrance. An under-awning sign must be securely fixed to the underside of the awning with metal attachments, may not project beyond the awning, and may not be illuminated.
  5. A maximum of one porch sign is permitted per establishment per right-of-way frontage, and is limited to 8 (eight) square feet in sign area.
  6. A maximum of one wall sign is permitted per establishment per right-of-way frontage, and is limited to 80% of the facade width and projection from wall is limited to 2 (two) feet.
    - a. No wall sign may extend above the window sills of the second story, unless the establishment extends to the second story or above. No portion of a wall sign may extend above the roofline or parapet wall, or, in the case of a wall sign attached to an appurtenance, the highest point of the appurtenance.
  7. Window signs that cover less than 10% of the window area.
- I. Public Safety
1. No direct or reflected light from the primary light source of a sign may create hazards for pedestrians, cyclists, or operators of motor vehicles.
  2. No sign may be installed in a way that obstructs free and clear vision, or free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, building entrance, standpipe, or accessibility ramp.
  3. Colored light must not be used at a location or in a manner so as to be confused with or construed as traffic control devices.
  4. Blinking, flashing, fluttering, strobe-light effects, and streaming video are prohibited.
- J. Construction
1. All signs must be erected in compliance with building, electrical, and fire codes, and with the following requirements as applicable:
    - a. Supports and braces must be designed as an integral part of the overall sign structure and hidden from public view to the extent technically practicable.
    - b. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and do not exceed allowable stresses of supporting materials.
    - c. When a building-mounted sign is removed, the wall must be repaired and restored to its original condition prior to sign installation.
    - d. All signs and their supporting structures must be enclosed so as to prevent inhabitation by birds, rodents, insects, and other wildlife.
    - e. All signs must be designed and constructed to withstand wind loads, dead loads, and snow loads as required by the New York State Fire Prevention and Building Code.

- f. Materials for signs must be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance. Glass forming any part of a sign, with the exception of exposed lamps, must be safety glass.
- g. Signs constructed of fabric or fabric-like material must be held taut within frames.
- h. Audio components are prohibited as part of any sign, with the exception of drive-through menu boards associated with a Drive-Through Facility.
- i. Conduits and other electrical components must be designed as an integral part of the overall sign structure and hidden from view to the extent technically practicable. Visible transformers are prohibited.
- j. All electrical fixtures, devices, circuits, conduits, raceways, or any apparatus used to illuminate any sign must be installed and maintained in compliance with the National Electric Code (NEC). A Nationally Recognized Testing Laboratory (NRTL) listing label number must be provided for any sign with electrical components.

#### K. Maintenance

1. Signs and sign structures, together with their supports, braces, guy wires, anchors, and electrical components, must be maintained in a proper state of repair. Any damage to or deterioration of a sign must be repaired immediately or within 30 days of receipt of notice from the Town of Ulysses Code Enforcement Officer.
2. When an existing sign is removed, replaced, or repaired, all brackets, poles, wiring, and other supporting hardware that are no longer required must be removed, and any surfaces to which the sign may have been attached must be repaired or painted, immediately or within 30 days of receipt of notice from the Town of Ulysses Code Enforcement Officer.
3. Where a sign is totally or partially illegible, where sign copy has been removed, or when an establishment to which the sign pertains has been discontinued for three or more months, the sign must be repaired, reused, or removed immediately or within 30 days of receipt of notice from the Town of Ulysses Code Enforcement Officer. If the property owner fails to repair, reuse, or remove the sign within the timeframe established by the Town of Ulysses Code Enforcement Officer, the sign may be removed by the Town at the property owner's expense.
4. If a sign is in an unsafe or non-secure condition, the sign must be repaired or removed immediately or within three days of receipt of notice from the Town of Ulysses Code Enforcement Officer. The Code Enforcement Officer may remove any sign that is an immediate peril to persons or property summarily, without notice, and at the property owner's expense.

#### L. Prohibited Signs

1. The below listed signs, as well as any sign type not expressly allowed by this Law, are prohibited:
  - a. Abandoned or illegally erected signs.
  - b. Mechanically activated signs, other than barber poles and clocks.
  - c. Neon and tubular gas signs.
  - d. Light pole banners.
  - e. Signs or devices motivated by wind, thermal changes, or other environmental input, such as flags, spinners, pennants, pinwheels, balloon signs, air-activated graphics, or other devices or displays that respond to naturally or artificially induced external motivation, except for flags erected in conformance with Section <Exempt Signs>.
  - f. Vehicle Signs, including signs on motor vehicles that are inoperable, do not display a current vehicle inspection sticker or license plate, are not principally used as a mode of transportation for business purposes, and/or are conspicuously parked or located on a lot for more than 24 hours to advertise a product or service, or to direct the public to a business or activity located on or off the premises.
  - g. Signs that are burned, cut, painted, pasted, or otherwise marked on or affixed to a tree, standpipe, fire escape, utility pole, trash receptacle, bench, or any other unapproved structure or surface.

- h. Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that may interfere with, mislead, or confuse pedestrian, cyclist, or vehicular traffic.
- i. Internal illumination is limited to letters, numbers, symbols, and accents. No more than 50% of the total sign area may be internally illuminated, measured by the smallest rectangles that can fully enclose the internally illuminated elements. The remaining area of the sign face must remain opaque.
- j. Signs exceeding allowed height or area for the zone where the sign is located.
- k. Example images for Prohibited Signs:



From left to right, top row: Flag Sign; Neon/Tubular Gas Sign; bottom row: Sign with 100% of Area Internally Lit, Freestanding Sign exceeding allowed height,

M. Exempt Signs

- 1. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations, not exceeding six square feet.
- 2. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- 3. On-premises directional signs for the convenience of the general public, such as identifying parking areas and fire zones, when not visible from a right-of-way.
- 4. Nonilluminated warning, private drive, posted or no trespassing signs, not exceeding two square feet.
- 5. Number and nameplates identifying residences or businesses mounted on a house, building, apartment, or mailbox, not exceeding one square foot in area.
- 6. Lawn signs identifying residences, not exceeding one square foot or two square feet if double-faced. Such signs are to be nonilluminated except by a light which is an integral part of a lamppost if used as a support.

[§ 212-123 Standards for outdoor lighting.](#)

A. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the Town. Principal among these concerns is:

1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare;
2. Lighting practices that produce excessive glare and brightness that interferes with the health and safety of the Town of Ulysses' citizens and visitors;
3. Unnecessary waste of energy and resources in the production of too much light or wasted light;
4. Interference in the use or enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased sky-glow; and
5. The impact of inappropriately designed outdoor lighting that disrupts nocturnal animal behavior, particularly migrating birds and other species.

B. This section is intended to assist property owners in their efforts to provide a safe and secure environment, control energy costs and keep unnecessary direct light from shining onto abutting properties or streets. It is also intended to reduce the problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of Ulysses.

C. Any lights used to illuminate the exterior of a single-family, two-family, multiple-family, dormitory or other group residence, or manufactured home park, or a commercial, industrial, or other nonresidential space or parcel, including buildings, signs and other structures, parking and pedestrian areas and landscaping, shall be designed and installed such that:

1. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire;
2. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary;
3. The maximum height of the luminaire may not exceed 25 feet.

D. Exceptions to the above shall be:

1. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less, and any flood or spot luminaire with a lamp or lamps rated at 900 lumens or less, may be used without restriction as to light distribution or mounting height, except that if any spot or flood luminaire rated 900 lumens or less is aimed, directed or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions;
2. Luminaires used for public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

E. Light Trespass Standard

1. All light fixtures, including security lighting, shall be located, aimed and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source.
2. Any privately or publicly owned outdoor light fixture with a lamp of initial output over 10,000 lumens located within 50 feet of any residential (including multi-family residential) property or public right-of-way shall utilize an internal or external shield, with the light fixture and shield oriented to minimize light trespass over the adjacent property or right-of-way line. If an external shield is used, its surface must be painted black to minimize reflections.

F. Prohibited Outdoor Lighting. The following types of outdoor lighting are prohibited:

**Comment [CR1]:** We can separate the Town into lighting zones with limitations on total illumination, as is currently included here in Section B, but not actually implemented.

1. Outdoor floodlighting by flood light projection above the horizontal plane.
2. Search lights, flood lights, laser source lights, or any similar high intensity light, except in emergencies by police, fire, or medical personnel or at their direction; or for meteorological data gathering purposes.
3. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating or strobe light illumination.

G. Exceptions.

1. Airport Lighting
  - a. Required navigational lighting systems at airports for the safe and efficient movement of aircraft during flight, take off, landing and taxiing is exempt from the provisions of this Section. Lighting used for illumination of aircraft loading, unloading, and servicing areas is exempt from the lumens maximum although it must conform to all other requirements of this Section. All other outdoor lighting at airport facilities shall comply with the provisions of this Section.
2. Emergency Lighting by Emergency Services
  - a. Searchlights, floodlights, laser source lights, strobe or flashing lights, or any similar high intensity lights are permitted when used in emergencies by police, fire, medical, or utility personnel or at their direction.
3. Construction and Renovation of Municipal Facilities
  - a. All outdoor lighting used for construction or major renovation of municipal buildings, structures and facilities is exempt from the provisions of this Section.

[§ 212-124 Standards for vegetated buffer areas.](#)

A. Visual screening buffer.

1. Wherever a vegetated screening buffer area is required by this chapter, said buffer area shall be planted and maintained with vegetation that results in a visual barrier that is at least six feet in height from ground level within three years to five years. All vegetated buffers shall be maintained.
2. Vegetation within any required buffer area may consist of maintained lawn, shrubs or trees. Plants selected for use in any required buffer areas should be species that are hardy to the Finger Lakes region and that are noninvasive. Shrubs when planted may be two feet to four feet in height and must achieve six feet in height within three years to five years. Trees shall be six feet in height when planted.
3. At the discretion of the Planning Board, a fence may be substituted for vegetation to achieve the required six-foot high visual screen; provided, however, that:
  - a. The width of the buffer area is not reduced below the minimum required by this chapter;
  - b. The remaining portions of the buffer area shall be planted and maintained with vegetation.
4. In the case of new construction within a B<sub>1</sub>—Business District or IL—Light Industry District, such a visual barrier shall be planted or built prior to the issuance of any certificate of zoning compliance by the Zoning Officer.

B. Stream protection setback.

1. Findings.
2. Healthy stream sides that are vegetated with native woody trees and shrub plants provide flood reduction, erosion control, groundwater filtration, surface water quality improvement, and wildlife habitat. Therefore, commercial parcels and properties and

all properties in environmental overlay districts that are being considered for new development or building upgrades and that encompass or adjoin a stream or creek are required to maintain and protect the existing vegetated streamside habitat (i.e., setbacks) during and after construction, or restore the vegetation through plantings in those habitats where such vegetation has been removed. Applicability.

- a. A 100 foot stream setback is required adjacent to Trumansburg and Taughannock Creeks. Vegetation in stream protection setbacks will consist of native tree and shrub species, tolerant of the conditions of flooding and soil saturation which are typical of such habitats, and generally designated as Obligative Wetland, Facultative, Facultative Wetland, or Facultative Upland Species in the U.S. Army Corps of Engineers' National Wetland Plant List (NWPL), (2016, as revised). This design includes approximately 75 feet of undisturbed mature forest directly adjacent to the bank, a middle zone 15 feet wide of actively growing forest with periodic thinning, and a third zone approximately 15 feet wide planted in warm-season grasses. Larger setbacks with wider zones are encouraged to provide greater stream protection.
  - b. The Town of Ulysses requires the delineation of any applicable stream setback areas on subdivision plats, site plan applications, special permits, and variance applications, building permit applications, excavation or fill permit applications, or any Land Development Activity as defined by the Local Law for Stormwater Management and Erosion & Sediment Control.
  - c. U.S. Geological Survey topographical maps will be used to classify impermanent and permanent streams. Impermanent, also known as "seasonal," streams require a minimum of 25 feet of setback on each side of the stream, extending from the stream bank toward the uplands. Permanent streams are required to have a minimum 50 feet of buffer on each side of the stream, extending from the stream bank toward the upland.
3. Prohibited Activities  
The following activities are explicitly prohibited in the stream setback area.
- a. Storage or placement of any hazardous materials, before the following setback allotment, is prohibited. All sewage systems, both drain fields and raised systems and replacement of existing wells, must adhere to a 100-foot buffer from Trumansburg and Taughannock Creeks. Any property that cannot accommodate such a buffer requires a variance.
  - b. Purposeful introduction of invasive vegetative species that reduce the persistence of local vegetation is prohibited. For a listing of invasive vegetation to avoid, refer to the Tompkins County "Environmental Management Council's Regional Invasive Species List" (2009, as revised).
  - c. Waste storage and disposal including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.
  - d. Public water supply wells must be greater than 200 feet from top of stream bank; private wells are not allowed in the stream setback area. Any property whose water supply cannot accommodate such a buffer requires a variance.
  - e. Soil disturbance by grading, stripping, mining or removal of soil, sand and gravel, and quarrying of raw materials.
  - f. Filling or dumping.

**Comment [CR2]:** Responsibility for the NWPL was transferred to the Corps from the U.S. Fish and Wildlife Service in 2006.

**Comment [CR3]:** We can also say perennial streams.

- g. Dredging, deepening, widening, straightening or any such alteration of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities on the parcel.
  - h. Storage or application of herbicide, pesticides, fertilizers, or other chemicals.
  - i. Parking, storage, or operation of motorized vehicles.
4. Variance Procedures
- a. Variances from the above buffer and setback requirements may be granted only in accordance with the following provisions. Except as provided below, the Town of Ulysses Board of Zoning Appeals may not grant a variance from this ordinance without conducting a public hearing on the application for variance.
  - b. A variance may be granted only upon a finding that a property's shape, topography or other physical conditions prevents land development unless a variance is granted, or that strict adherence to the minimal buffer and setback requirements would create extreme hardship.
  - c. A variance request must include the following information in written documentation:
    - i. A to-scale site map with stream, wetlands, slopes and other natural features locations as determined by field survey;
    - ii. Description of the topography, slopes and soil type, shape of property, natural vegetation, and other distinguishing or prohibitive physical characteristics of the property;
    - iii. The locations and footprint of all existing structures and other impervious cover on a site map, with footprint for proposed structures. This map shall include the limits of all existing and proposed excavation, fill or other Land Development Activity, both inside and outside the stream setback;
    - iv. The exact area of the affected buffer and setback, and nature of proposed changes to be made to these areas shall be accurately and clearly indicated. A calculation of the total area and length of the proposed intrusion and any pre-existing intrusions shall be included;
    - v. A stormwater management plan given the proposed changes and intrusions;
    - vi. Documentation of supposed hardship should the buffer be maintained;
    - vii. Proposed mitigation for the intrusion.
5. The following matters will be considered in determining whether to issue a variance:
- a. The shape and physical characteristics of the property;
  - b. The locations of all streams on and/or adjacent to the property;
  - c. The location and extent of the proposed buffer or setback intrusion;
  - d. Whether alternative designs are possible which require less intrusion;
  - e. The water quality impacts of the proposed variance.

**Section 212-140: Animal Waste Storage Facility**

The Town of Ulysses recognizes that many farm operations produce animal waste that, because of the large size allowed by New York State Department of Agriculture and Markets, must be stored short or long term in an Animal Waste Storage Facility such as a lagoon or tank.

Proper planning and construction of farm-related Animal Waste Storage Facilities ensures the continued protection of groundwater resources within the Town.

**A. REGULATIONS FOR ANIMAL WASTE STORAGE FACILITY**

1. Animal Waste Storage Facilities shall be allowed only on a viable farm operation as defined by NYS Department of Agriculture and Markets Law.
2. Animal Waste Storage Facilities shall obtain a building permit prior to being constructed and operated. Design plans shall be submitted with every building permit application for a farm-related Animal Waste Storage Facility. All plans for farm related Animal Waste Storage Facilities shall be designed by and stamped with the seal of a New York State licensed design professional.
3. Animal waste storage facilities shall be designed, constructed, and maintained in accordance with the USDA Natural Resources Conservation Service (NRCS). The Zoning Officer will submit the proposal to Tompkins County Soil & Water Conservation District or NRCS in order for the Planning Board to consider the potential impacts posed by such a facility upon surrounding land uses prior to taking final action.

**B. SITE REQUIREMENTS**

All Animal Waste Storage Facilities shall be installed, operated and maintained pursuant to the following conditions:

1. Animal Waste Storage Facilities shall be placed a minimum of 50 feet from a road right-of-way, but shall not be set closer to the right-of-way than the nearest permanent structure being served.
2. Animal Waste Storage Facilities shall be placed a minimum of 30 feet from a side or rear property line. Animal Waste Storage Facilities shall be placed a minimum of 100 feet from an existing occupied residential or non-agricultural building.
3. Unlined Animal Waste Storage Facilities shall be placed a minimum of 300 feet from any existing well, watercourse, or waterbody.
4. Lined Animal Waste Storage Facilities shall be placed a minimum of 100 feet from any existing well, watercourse, or waterbody.

**C. PERMIT APPLICATION REQUIREMENTS**

All applications for Animal Waste Storage Facilities shall comply with the following:

1. A completed permit application shall be submitted to the Code Enforcement Officer or Zoning Officer.
2. A site map shall be provided at the time of application which shows the location of the proposed Animal Waste Storage Facilities and distances to all buildings, property lines, water courses, water bodies, wetlands and existing wells.
3. A peer review meeting with the Town of Ulysses Agricultural Committee, or if the Agricultural Committee is not available, the Tompkins County Agriculture and Farmland Protection Board will be scheduled and held within 30 days of the time of application to provide guidance for the applicant with respect to sound agricultural practices. Upon completion of a peer review meeting, a permit shall be issued so long as all required setbacks are met.

**Section 212-141: Confined or Concentrated Animal Feeding Operation (CAFO)**

A. For any CAFO operating in the Town of Ulysses or for any CAFO subject to the regulations of the State of New York that is spreading manure in the Town of Ulysses, the owner and/or operator of such CAFO must file copies of State Pollutant Discharge Elimination System (SPDES) documentation with the Town Clerk within 3 days of submission to the New York State Department of Environmental Conservation.

**Section 212-142: Commercial, Light Industrial, and Research and Development Outside of the Hamlet Center Zone**

**A. Applicability-** This section applies to all commercial, light industrial, and research and development uses in zones other than the Hamlet Center Zone including but not limited to: Agricultural-related commerce, Auction house, Auto body and repair shops, Artists studios, Bicycle/ski rental business, Boat repairs and service shops, Business and professional offices, Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses, Conference centers, Facilities for agricultural education and recreation events, Farm breweries, farm cideries, farm distilleries, Fire stations and other public buildings necessary for the protection or servicing of a neighborhood. Health clubs, Hospitals, Hotels, Lawn/landscaping services, Light industry, Large- and small-scale sawmills, Medical clinics, Motels, Public and private schools, nursery schools, institutions of higher education, Research and development enterprises, Restaurants, Retail lumber and building-supply centers, Retail services, Retail stores, Self-service storage facilities, Warehouses, Wholesale distribution centers.

**B. Large Buildings – 5,000 square feet and larger and buildings set away from the road**

1. Buildings should be set back at least 50' from the street and ideally 100-200'
2. Buildings and parking areas should be screened with naturalistic landscaping, trees, shrubs, tall grasses, and/or berms and land topographic features.
3. Parking areas should be behind or to the side of buildings.
4. Entrance and access lanes should be as narrow as possible and marked with simple monument signs.
5. Design motifs should reflect the history of local agricultural buildings or elements of the natural landscape.

Positive examples of rural character:



Rural character examples – deep setbacks, simple building forms, parking generally hidden on sides or rear of buildings, narrow access lanes, naturalistic landscaped buffer areas

C. Small Street Oriented Buildings – Less than 5,000 square feet and oriented towards the street

1. Buildings should be as close to the street as possible
2. Buildings should include an architecturally articulated entrance facing the street, examples of architectural articulation include – awnings, porches, stoops, porticos

3. Buildings should include predominantly vertical proportions, windows other than shopfronts should be taller than they are wide, columns or other architectural details should divide long walls into vertically oriented sections.
4. Building roofs should either be articulated and shielded with a detailed parapet wall, or they should be pitched with a similar pitch to local agricultural building examples.
5. Building form should either reflect a local residential style or the style of village oriented retail in the region.

The following examples show buildings from the similar buildings in formats that are undesirable or desirable based on the goals of the Town of Ulysses:



Undesirable retail format – parking is placed between building and the street, landscaping is low quality, building is undifferentiated solid architectural mass with cheap materials and no human scale detail, oversized internally lit pole mounted sign and oversized building mounted sign.



Compromise format for retail – building fronts the street, entrance faces the street, design includes, the entrance is architecturally articulated with an awning, but it is a cheap metal awning that is too big and

too high, in addition to being mirrored where there is no entrance, long walls are broken into sections but sections are not vertically oriented, windows are not vertically oriented, materials are durable but have a cheap and low quality appearance, overall experience is industrial, parking is located on the side, signs are oversized, internally lit, and garishly colored, building mounted and monument type.



Desired format for retail – building fronts the street, entrance faces the street, design includes human scale detail on windows and along parapet, the entrance is architecturally articulated with an awning, long walls are broken into vertically oriented sections, windows are vertically oriented and break up all walls near the street, materials are durable and have a high quality appearance, parking is located on the side, signage is small in scale, building mounted only, lit from above, and colors are muted.



Undesirable format - Auto repair

Building lacks any pedestrian connection to the sidewalk, parking is located between building and street, large garage doors are the primary architectural feature. Oversized pole sign and building mounted signs both internally lit.



Desirable format – Auto repair

Building entrance is connected to the sidewalk, front of building is landscaped and includes architectural details indicating a shopfront, garages are oriented along the side of building, parking is to the side of the building.

Definitions to be added:

#### **AIR-ACTIVATED GRAPHIC**

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

#### **AWNING SIGN**

An awning sign is a sign printed on any of the surfaces of an awning, and which may include an under-awning sign attached to and mounted under the awning.

#### **BALLOON SIGN**

A sign that is an air-inflated graphic, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. See also 'air-activated graphics.'

**BANNER SIGN**

A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

**BLADE SIGN**

A temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, nonrigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

**ELECTRONIC MESSAGE CENTER**

An electrically-activated display that utilizes computer-generated messages or other electronic means of changing sign copy to present variable messages and/or graphic presentations. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

**LIGHT POLE BANNER**

A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.

**MONUMENT SIGN**

A freestanding sign attached to a pedestal or perimeter wall.

**OFF-PREMISE SIGN**

An off-premise sign is a permanent sign erected, maintained, or used for the purpose of the display of messages not related to the use of, products sold on, or the sale or lease of, the property on which it is displayed and is oriented to and within 660 feet of a state highway. Also called a billboard.

**ON-PREMISE SIGN**

An on-premise sign is a sign erected, maintained, or used for the purpose of the display of messages or otherwise directs attention to the use of, products sold on, service provided, or the sale or lease of the property on which it is displayed.

**PENNANT**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**PORCH SIGN**

A porch sign is a sign that is hung from the porch of a building and intended to be viewed from the sidewalk at close range.

**SIGN**

Any permanent or portable structure, or part thereof, or any device attached to a structure or painted or represented on a structure which displays or includes any lettering, wording, model, drawing, banner, flag, insignia, device, marking or representation used as, or which is the in the nature of an announcement, direction, or advertisement visible from a right-of-way whose purpose and design is to convey messages by means of words or images. A sign is not used to describe public art that contains no commercial messages.

**SIGN COPY**

The graphic content or message of a sign.

**SIGN FACE**

The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

**SIGN, TEMPORARY**

Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure, which is permanently embedded in the ground, are considered temporary signs.

**VEHICLE SIGN**

Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign.

**WALL SIGN**

A sign that is attached flat to or mounted away from, but parallel to, any exterior wall of a structure.