

TOWN OF WAYNE, N.Y.
DRAFT
LAND USE REGULATIONS

MAY 1, 2013



Town of Wayne

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INTRODUCTION

The purpose of this land use regulations document is to help guide and plan land uses that serve our community needs in the Town of Wayne while also safeguarding the scenic and natural resources that contribute to the quality of life in Wayne. This endeavor represents an effort to preserve the rural, agricultural community that the Town of Wayne encapsulates, while providing guidelines for future growth that fits with the unique character of our town.

This document is composed of six sections. In the first section, we describe our land use zones and offer readers a glimpse of the activities we value and encourage in our community. Accompanying photographs will likewise help reveal the qualities of our town that we most treasure.

In the second section, we review and ultimately encourage the implementation of certain best design practices as a means of preserving our community.

The third part of this document contains our zoning ordinance, and includes a table of permitted land uses and information about height, lot size, and coverage standards for each land use zone.

This section is followed by general requirements, a glossary of terms, and a final administrative section.

While we may not all agree on what exactly it is that makes our town so attractive, we all nevertheless know that we live in a stunning place that we must, as with the grapes which grow in our fields, carefully cultivate, prune, and maintain for the future.

HOW TO USE THIS DOCUMENT

Land Use District Descriptions pg. 4

This section outlines the different zoning areas in the Town of Wayne and provides a basic description of each zone. This will help you to understand the characteristics of each zone and the reasons properties fall into certain classifications. This section is helpful to understand what is valuable about different land types.

Best Practices pg. 9

Best practices are not regulations, but rather are recommendations for using land in a way that benefits property owners as well as other residents of Wayne. This section is helpful to understand how to care for your property and, if you wish to develop, how to do so wisely.

Land use Regulations pg.27

This section outlines the specific rules that apply to each zoning classification and what is allowed within each boundary. This section is helpful to understand exactly what is permitted on your property and where it can be placed.

Design Standards pg.39

This section outlines specific regulations that apply to all zoning districts. This is helpful in understanding what is permitted on your property.

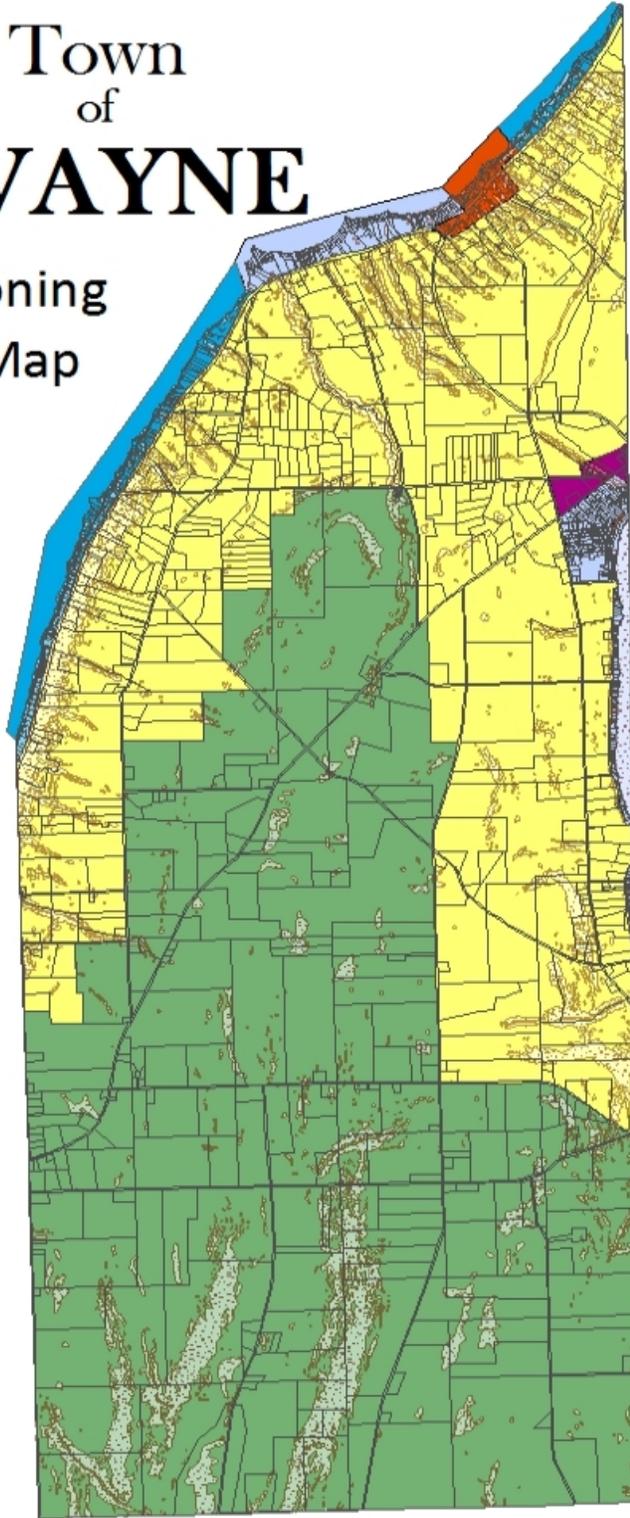
Definitions pg.47

This section defines terms found throughout the document. Often these definitions are very specific and provide a clearer meaning to help understand regulations.



Town of **WAYNE**

Zoning Map



Legend

-  Parcels
-  HAM
-  LH
-  LR1
-  LR2
-  AG
-  HC
-  LCO

Created by students from the
Department of City and Regional Planning
Cornell University
December 2, 2012
Source: Steuben County

0 0.5 1 2
Miles

LAND USE DISTRICT DESCRIPTIONS

Agricultural



Agriculture makes up one quarter of the town's land area and is an important contributor to the state and local economy. Wayne's agricultural roots date back to the early 1820s, and wineries began plying their trade in Wayne in the 1860s, a heritage that continues in the town today. Despite an overall dip in actively worked agricultural land in the past 15 years, Mennonite farmers have recently

begun taking up residency in Wayne and are turning previously unworked fields back into productive working landscapes.

The goals of the agricultural district (AG) are two-fold: to preserve and protect farmland and open spaces in the town and also to promote the economic viability of agriculture. Future residential development in the agricultural district should not impede the continued prosperity of its farmers. In addition to protecting agricultural land and open spaces, the Agricultural district also provides guidelines for developing residences on agricultural land. The regulations aim to find a balance between preserving the quaint, rural charm of Wayne and allowing farmers flexibility in the use of their land and resources.



Supportive agricultural practices include those techniques necessary for on-farm production, preparation, and marketing of agricultural goods. Examples of activities which may be considered include but are not limited to operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; agricultural tourism; production, management and harvesting of "farm woodland;" and construction and use of farm structures.

Hillside Conservation



Wayne owes its stunning views to the rolling hills on which it sits. The scenic views residents and visitors enjoy from both the porch and through the windshield contribute to the Town's overall character and quality of life for residents. And while scenic quality is considered an invaluable and important part of any community, it is often destroyed during growth and development. A critical challenge for the community is promoting a strong ethic of viewshed stewardship within the Town of Wayne, and to promote preservation of these valued scenic assets.

The scenic vistas and viewsheds in the Hillside Conservation district may include:

- A focal point or feature that is the object of interest, such as a landmark, a tree-lined roadside, a unique or visually pleasing natural feature, or rural farmlands;
- Specific access points or areas from where a specific focal point is best viewed, such as scenic vistas, hilltops, scenic highways, and road turnouts;
- A panoramic view of a hillside from adjacent properties, a boat in a lake, or from surrounding hillsides.

In addition to scenic views the hillsides of the Town of Wayne are carved by a number of deep ravines and steep slopes that may be vulnerable to erosion. The woodlands that cover much of the district also provide valuable habitat for wildlife.

The Hillside Conservation was established to preserve both the scenic views and ecological assets of the hillsides above Keuka Lake and Waneta Lake. It will promote best practice approaches to preserving scenic views and critical open space, and will encourage growth and development that complements and highlights the Town's scenic resources.

Lake Shore Residential



The shores of Keuka and Waneta attract people in search of clean air, expansive views, quiet nights, and unhurried living. Residents on the shores of both lakes, whether full-time or seasonal, have built communities that maximize their enjoyment and access to the lakes. Residents are conscious of the fact that their neighbors have also chosen to live on the lakeshore for the beautiful views, fresh air, and water access and so have kept their homes in scale with the natural environment and have facilitated lake access for their community, whether through docks at Sylvan Beach or easements across properties.

The Lakeshore Residential Districts were established to maintain the scenic quality of residential neighborhoods on Keuka and Waneta. To do so, the districts keep housing density within a desirable range and call exclusively for single-family detached homes. To ensure the natural beauty along the lake is not overwhelmed by houses, the Lakeshore Residential districts require that lakefront residences and any related docks or boathouses remain of natural scale and proportion and that tree cover is preserved. Preserving the scenic quality of the lakes also depends heavily on the prevention and control of water pollution. Lakeshore residences are held to high building and landscape design standards to ensure minimal negative environmental impacts.



Two variations of the Lakeshore Residential district have been created: Lakeshore Residential-1 (LR-1) and Lakeshore Residential-2 (LR-2). While they do not differ

in allowed uses, the two Lakeshore Residential districts have distinct lot specifications in order to accommodate existing area conditions. Lot specifications can be found in Table 2 in Section 3 of this document.

Lakeshore Hamlet

From boating to swimming, the Lakeshore Hamlet (LH) land use district features many of the same lakeside amenities as Lakeshore Residential districts. This district also permits opportunities for light retail uses that contribute to the strong sense of community that pervades this area. Convenience businesses, taverns, restaurants, and professional offices may operate within this zone, providing essential and/or recreational services to nearby residents.

Controlling the scale of structures and the character of commercial development is critical in this zone; landscape buffers must screen adjoining residential properties from commercial uses. “Highway commercial” uses are prohibited.



A place which already conforms to the Lakeshore Hamlet vision within the Town of Wayne is Keuka Village. In this and other areas with the Lakeshore Hamlet designation - which serve as social gathering spaces for summer visitors and year-round residents alike - improving infrastructure, especially sewer and water services, will remain a primary focus in considering future residential, commercial, or retail

development. Protecting the lakeshore and its natural cover and preserving the lake’s outstanding AA rated water quality must also be priorities for the Lakeshore Hamlet district.

Hamlet

The Hamlet (HAM) land use district provides residents and visitors with a mix of residential and commercial resources, such as a small grocery market, a bank, convenience stores, or gas stations that do not overwhelm the rural residential neighborhood where they are located. The placement of the Hamlet district, northwest of Waneta Lake bordering the Town of Tyrone, was carefully planned to create an



environment where businesses could thrive thanks to synergies with existing commercial business in the area.

The Hamlet district is designed to encourage the clustering of small-scale commercial businesses without detracting from the rural character of the town. To do so, the district will remain of medium density, mixed residential and commercial, with requirements for businesses to provide parking to the rear or on the side of buildings.

Land Conservation Overlay



The Land Conservation Overlay (LCO) zone seeks to preserve the most vulnerable and perhaps the most beautiful natural settings in the Town of Wayne.

This zone will provide additional protection for natural and cultural resources such as wetlands, Federal Flood Zones, ravines, gullies, forested areas, steep slopes (grades in excess of 15%), unique wildlife habitats, the "lake to lake" corridor, and historic sites. New construction is not prohibited outright in this overlay zone, but building projects should be subject to higher review standards. Much of the land in this zone directly influences the water quality of Keuka and Waneta Lake.

Standards developed by the Town in concert with the Keuka Watershed Improvement Cooperative (KWIC) and Land Use Leadership Alliance (LULA) will ensure that these environments remain pristine for many years to come.

BEST PRACTICES

Introduction to Best Practices

Wayne owes its unique and treasured character to its people above all else. However, its landscapes and the structures within them also constitute an integral part of the community. Preserving the physical characteristics that residents and visitors love about Wayne will require effort, but will also ensure that Wayne continues to be the quiet and beautiful place that we know and love. In this “Best Practices” section, we will outline some simple ways to preserve the features of Wayne that are already great and to ensure that all changes made in the future are for the better.

Preserving Community Character

Broadly speaking, new residential and commercial architecture in the town should be in harmony with the surroundings, including existing structures and the natural environment. This includes maintaining a sense of neighborhood cohesion in



developed areas and a rural character in agricultural areas.

There is perhaps nothing more important to maintaining the physical character of a place than to construct buildings of a size and scale consistent with existing structures. This includes general consistency in the size of windows, doors, chimneys, etc. Not only does this provide a pleasant visual effect, but it helps to

maintain social cohesion; no one wants one house towering over the neighborhood, or a massive barn blocking the landscape. The photograph above provides an example of a nicely scaled set of homes in a lakeshore setting.

Likewise, consistency in lot size, shape, and setback provides a cohesive neighborhood feel and is pleasing to the eye. A house next to the road may be ideal in a hamlet area, where people are likely to walk by. A house next to the road in an agricultural area, however, would be out-of-place, and would disrupt views of the working landscape from the road. Figure 2.1 illustrates a working landscape as seen from Waneta Lake.



Figure 2.1 Lakefront development and working landscape, Waneta Lake

Small scale commercial activities in the town will be most beneficial when the sights, sounds, and smells produced by them are consistent with a small town or rural lifestyle. Small cottage industries, such as winemaking or jewelry making are ideal, as they bring commerce without loud noises, offensive odors, or eyesores.



Figure 2.2 Ravines Wine Cellar on NY State Route 54, an ideal example of small cottage industry that matches the context of its surrounding lands

Likewise, the quiet enjoyed in Wayne corresponds to a minimum of vehicle traffic, upon which cottage industries will have no major impact. Indeed, commercial activities and cottage industries that are centralized in commercial zones will decrease the need to drive by allowing people to walk to and from their destinations.

Minimizing light pollution, being sensitive to historic buildings and styles, protecting viewsheds, and maintaining tree cover are all also critical to preserving community character. Best practices in these areas will be covered in depth in this section.

Maintaining Historic Architectural Styles

In order to preserve the general architectural character of Wayne, updates on existing structures and the style of new construction should be consistent with the prevailing styles of the community. More importantly, the placement and proportion of new structures in relation to the landscape and nearby buildings is important to maintaining Wayne's distinct character.

The National Trust for Historic Preservation's Standards for Preservation¹:

- A property should maintain its historical use or be given a new use that maximizes its historic features.
- The historic character of a property should be retained and preserved. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved. The replacement or alteration of a property's characterizing features should be avoided. Changes to a property that have acquired historic significance in their own right should be retained and preserved.
- Each property should be recognized as a physical record of its time, place, and use. Work needed to enhance the property should undergo careful consideration and be well documented, both before and after the project.

General Considerations for New Construction and Updating Homes:

- Colors: Earth tones and other colors traditionally associated with the rural landscape are best, including white and red.



Figure 2.3 Barn painted in traditional red



Figure 2.4 Neutral colors help this house blend with the rest of the property

- Proportions and Placement: Keeping homes in proportion with each other is important to maintaining aesthetics and character. Structures consistent in scale and visibility with those nearby are encouraged. Homes should be well-camouflaged by trees and placed on the lot to blend with the landscape while leaving space between neighboring units.

¹ http://www.cr.nps.gov/hps/tps/standguide/preserve/preserve_standards.htm



Figure 2.6a, 2.6b (Left) The home in the middle was built much later than the two on either side, yet this is not obvious due to the house remaining in scale and proportion with neighboring structures



Figure 2.5 (Above) Cottages on Waneta Lake consistent in scale and spacing, also trees shade the area well.

Architectural Styles Prevalent in Wayne:



Bungalow

- One and a half stories in height.
- Most of the living spaces on the ground floor
- Low-pitched roof and horizontal shape
- Living room at the center
- connecting rooms without hallways
- Built-in cabinets, shelves, and seats
- Wood, stone, or stucco siding
- Exposed roof rafter tails
- Porch with thick square or round columns



Greek Revival

- Symmetrical facade with side pedimented gable
- Heavy cornice
- Wide, plain frieze
- Bold, simple molding
- Entry porch with columns
- Narrow windows



Colonial Revival

- Symmetrical façade
- Front, side porches
- Square or rectangular shape
- Gable roof narrow overhang with wood shingles
- Multi-pane, double-hung windows with shutters
- Centered entrance with columns, covered porch
- Brick or wood siding



Queen Anne

- Steep roof
- Asymmetrical shape, irregular floor plan
- Front-facing gable
- One-story porch across one or two sides of the house
- Round or square towers
- Textured wall surfaces textured ornamental spindles and brackets
- Bay windows



Federal

- Simple square or rectangular box shape
- Elliptical, circular and fan-shaped motifs
- Simple gable roofs
- Windows arranged in horizontal and vertical symmetry
- Decorated entrance in contrast to simple exterior



Eastlake

- Lacy, ornamental details on a Victorian-style house
- Geometric, massive forms
- Angular, notched, and carved ornamentation
- Mechanical, jigsaw wooden forms
- Strapwork with interlaced strips of wood
- Perforated gables and pediments
- Mansardic porches

New Construction Consistent with the Character of Wayne

Figure 2.7 While the property deviates from the more traditional styles on Keuka Lake, it remains in trend with the lakefront character by using muted colors, a large setback from the water, and being proportional to surrounding properties.



Figure 2.8 an example of a contemporary construction style that would blend well with historic structures in the area. Photo from the Barefoot Cottage Company



Preserving Scenic Viewsheds

The Town of Wayne prides itself on its natural beauty. Wayne's scenic views and vistas of its agricultural and lakeside landscape contribute to the Town's overall character and quality of life for residents. And while scenic quality is considered an invaluable and important part of any community, it is often destroyed during growth and development. In order to preserve these views and keep future developments from diminishing their quality, there are effective methods to preserve these assets and ensure a strong scenic stewardship within the Town of Wayne.

Scenic vistas and viewsheds are defined as having three main characteristics:

- A focal point or feature that is the object of interest, such as a landmark, a town's streetscape, natural features, or rural farmlands, and

- Specific access points or areas where the focal point is best viewed, such as scenic vistas, hilltops, scenic highways, and road turnouts.
- Hillside view from adjacent properties, lake, or surrounding hillsides



Figure 2.9 Looking towards Bluff Point, the focal feature of the area, from the scenic vista point on Keuka Hill Road.

There are multiple best practice approaches towards preserving scenic views that if applied in Wayne, will encourage growth and development that complements and highlights the Town’s scenic resources.

In addition to scenic resources, there are a number of environmentally sensitive areas in the town. Stream corridors contain riparian plant and animal species, track watercourses, and also protect watershed quality through natural filtration processes. Wetlands filter harmful substances out of the water supply, and protect against floods and erosion. Natural vegetation and features present around steep slopes help prevent soil erosion, which also impacts water quality. These environmentally sensitive and potentially geological hazards are natural features that should be preserved for their natural resource healing abilities. Developments should take into consideration the placement of dwelling units or structures and their potential for negative impacts in these sensitive areas.

- **Conservation Overlay Districts (CODs)** can be used as a regulatory method to protect sensitive areas from future development. Overlay districts generally cover multiple interests such as scenic views, neighborhoods, groundwater, wetlands, and more. Overall, these overlay districts are zoning tools to help neighborhoods preserve and conserve natural and built features of certain

sensitive areas from issues such as incompatible infill developments and structural alterations to the character and working landscape of an area.

Overall, scenic CODs offer sensitive areas a method to keep development from encroaching and help sustain a healthy balance between responsible development and scenic preservation.

- **Responsible design methods**, such as height restrictions, building setbacks, roof shapes, construction materials, and lighting features can contribute to maintaining valued viewsheds.
- **Conservation Subdivision Design (CSD)** is a subdivision design strategy that plans development around natural resources in a way that saves a significant percentage of every development parcel for protected conservation (*Figure 2.9*). These interconnected networks of protected lands can encourage conservation of contiguous tracts of open space, and scenic resources, as development occurs, at little or no public cost. They are specifically designed around the most significant natural resources of each site, and the economic marketability of the community, and add value to benefit both the environment and economy of the community.

Because conservation subdivisions allow for the same number of homes as traditional subdivisions, like cluster subdivisions and planned unit developments, they help preserve open space without losing tax revenues or development opportunities for the community – often a concern of land easements and acquisitions. However, unlike these cluster subdivisions and PUDs, CSDs are able to generate higher open space ratios and more efficient conscious design of community-wide networks of the open space.

- **Scenic View Corridors and Highways can** showcase the landscape and community character that are the most viewed by motorists, particularly visitors, driving through Wayne. Scenic corridors are not only used to highlight a great landscape or vista alongside a road, but also preserve its natural features along such corridors from inappropriate future development; they allow for both protection and enhancement of a town’s cultural, historical, recreational, and natural beauty.

Corridors are able to capture and preserve areas within a rural community that may be most sensitive to development while allowing visitors and cars driving through the town to enjoy the best landscape and character of the town (*Figure 2.9*).

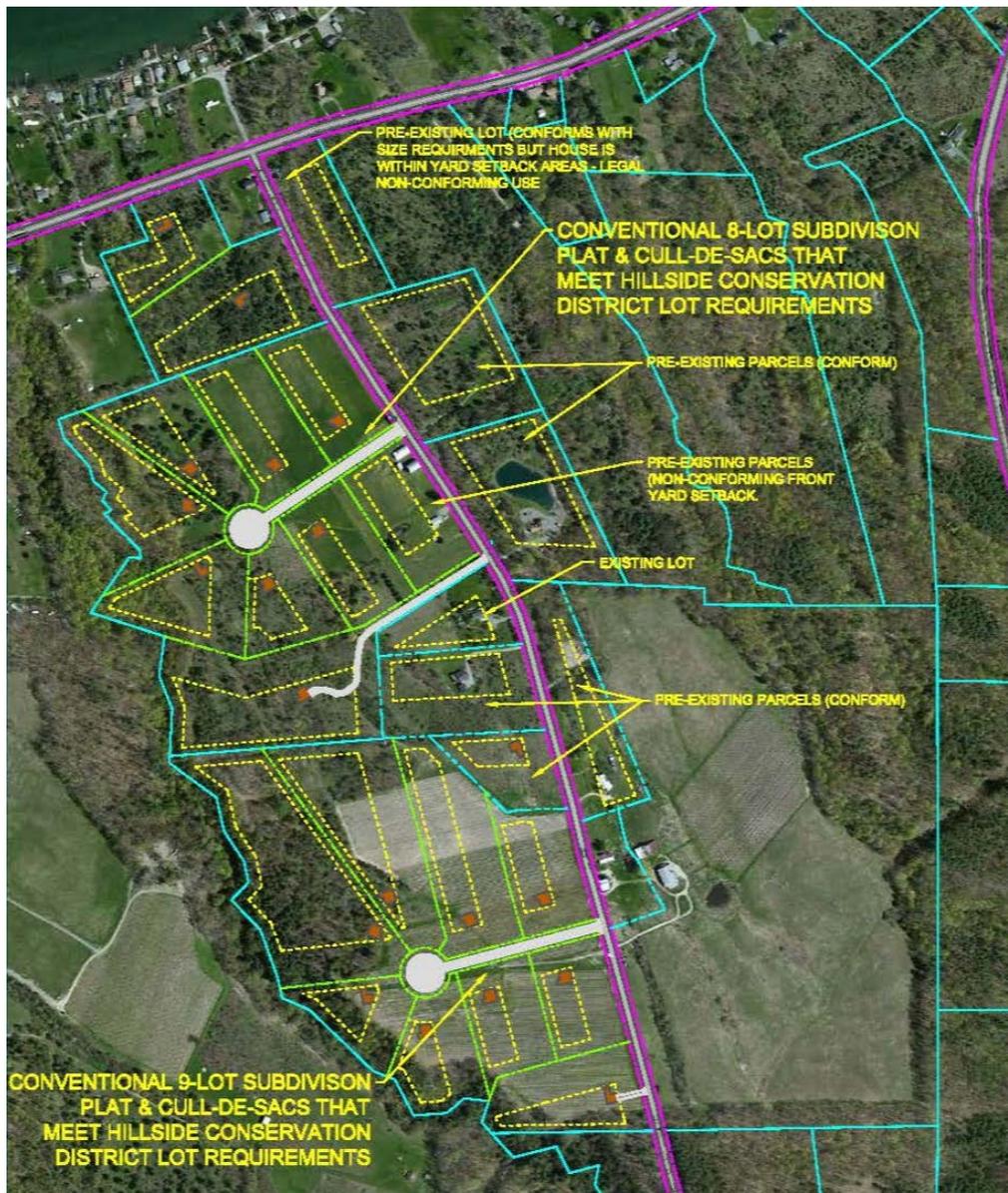
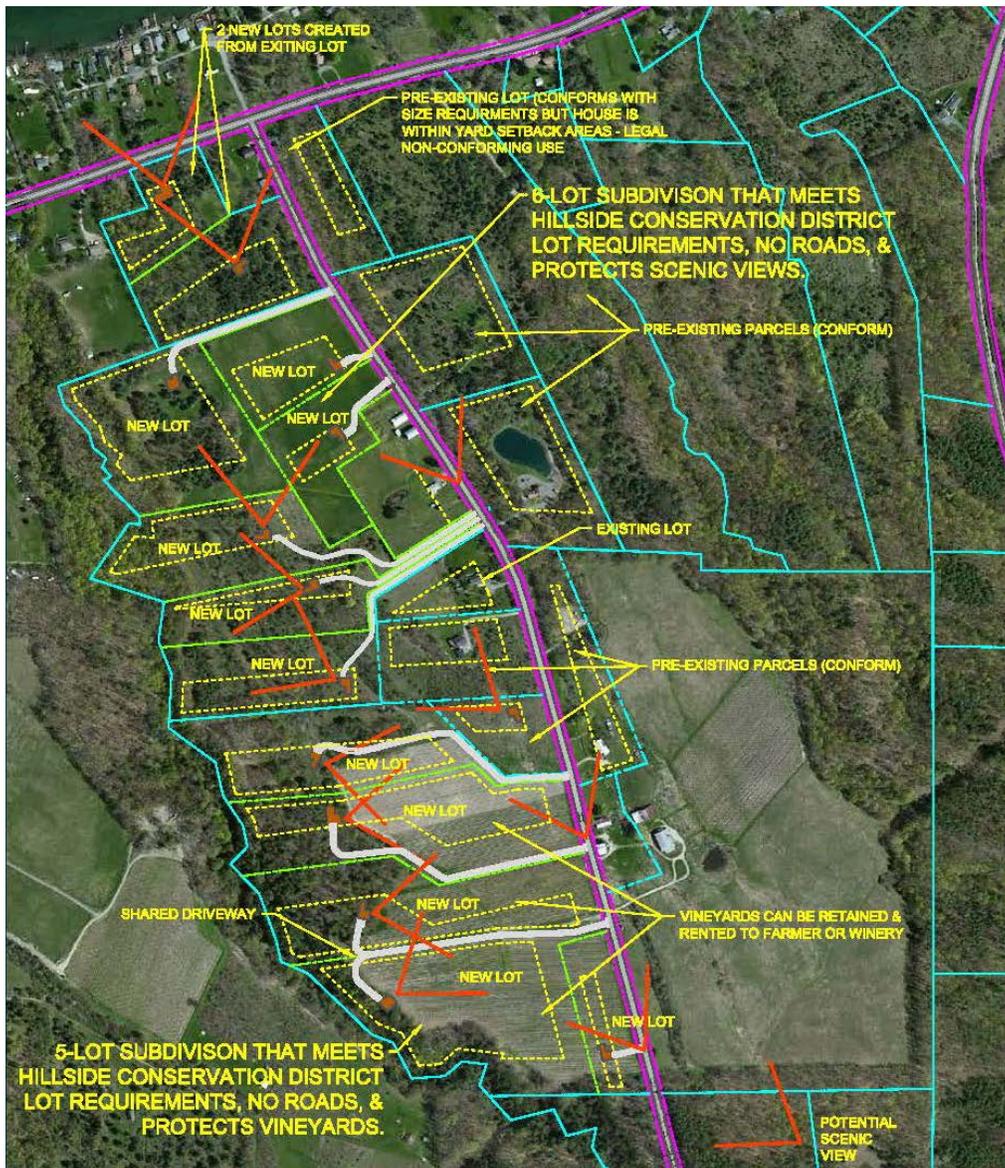


Figure 2.10 Comparison of conventional subdivision (above) and conservation subdivision design (next page).



Requiring additional setbacks along scenic corridors is one way to preserve expansive viewsheds along a given road. By requiring asymmetrical side yard setbacks, it can allow for strategic placement of houses on large lots to preserve both the view from the house as well as the view from the windshield from drivers passing through. Landscape screening can also be useful to hide development by using existing vegetation or additional installation of native plants and trees. Using these techniques, trees, shrubs, and other natural elements can help to shield structures along roadsides.

Another tool for conserving scenic corridors comes in the form of appropriate sign regulations, which will ensure that roadsides do not become cluttered with billboards or other structures.



Figure 2.11a, 2.11b Potential areas in the Town of Wayne that can be converted into scenic highways and corridors, County Route 114 (2.11a) and Alderman Road (2.11b).

Preserving Agriculture and Working Landscapes

People choose to live and visit the Town of Wayne for many reasons, one in particular being for the rural and agricultural character. One example of this character is the working landscape.

Working Landscapes include farms and other lands that are managed for the production of agriculture, forests, and other natural resources. They also include lands used for outdoor recreation such as snowmobile paths and hiking trails.

Working landscapes can be beneficial to the entire community and contribute to a quality of life that many people find unique and enjoyable. Preserving these landscapes is vital to protecting local assets and character. A few goals include:

- The long-term retention of working farms, ranches, and forestlands as a way to maintain the quality of life in Wayne as it grows and changes.
- The smart use of land resources helps to generate local food and products as well as provide environmental quality benefits (open space, wildlife habitat, and air quality)
- The protection of agriculture as a predominant form of the local economy provides jobs and a local stable tax base to residents.

In Wayne, the conversion of working landscapes into incremental or larger residential development presents a threat to these goals. The town seeks to protect agricultural landscapes as a way to provide the quality of life expected by current residents as well as future generations that will enjoy the land.

Pursuing development that is respectful of the preservation wishes of the town is the responsibility of both landowners and town leaders. Individual landowners and developers provide substantial benefits by considering the long-term effects of

decisions about breaking up land or the physical placement of developments. A few preferred strategies include:

- **Utilizing Conservation Subdivision design approaches** for residential developments to cluster new residences closer together, and separate from primarily agricultural areas.
- **Placing development** that is on or near agricultural property in a way that does not interrupt potential future agricultural uses. For example:
 - a. On the edges of agricultural land instead of the center of fields
 - b. On soil that is not valuable for agricultural purposes
 - c. On edges of agriculture land directly adjacent to neighboring developed agricultural land

At the town level, regulations can provide assurance to residents that local land resources will be conserved and will benefit the entire community. Specifically, the siting of parking, non-residential buildings, and repair operations should be in accordance with design standards that protect residential zones, highway and road right-of-ways, and watercourses.

Preserving Trees

Preserving trees in existing and new residential developments not only helps protect viewsheds and provide shade, but also protects water quality and the overall natural character of Wayne. The rural forest of the town can be protected and maintained by managing the impact of development. In doing so, we can achieve a balance between future developments and the environmental and aesthetic assets of the community. By requiring tree planting and landscaping for development, we can add to our existing forests. Exemplary and less-desired development styles in the Town of Wayne are shown below.

The purpose of this Best Practice section is to provide guidance on:

1. Protecting and maintaining the rural forest and the lakeshores by managing the impact of development;
2. Preserving the environmental and aesthetic assets of the community through tree planting and landscaping for development;
3. Provide protection from removal for trees within the Town of Wayne unless exempted.



Less Desirable



More Desirable

Figure 2.12 Two examples of tree coverage, and a lack thereof, along Keuka Lake.

- **The retention of vegetation and selective clearing for views** will help retain the rural and natural look of the Town of Wayne, and particular care must be taken when clearing, cutting or altering vegetation near the lakes and other areas that might have significant visual impacts. “Limb up” trees and create aisles to allow for views that are more dynamic than a clear cut lawn between the lake and the house.
- **Encourage minimum tree canopy coverage at 20% or 25%** per residential lot in sensitive areas, such as along the lakeshores.



Figure 2.13 From this aerial photo, one can see that the houses are set back from the road with trees and vegetation maintained in front of them.

It is helpful to retain existing vegetation in clumps and natural patterns rather than leaving single large trees susceptible to sun scald, wind throw and soil compaction. Best practice utilizes native landscaping in contextual and natural planting patterns and vegetation associations, which replicate original conditions and re-establish visual and ecological functions.

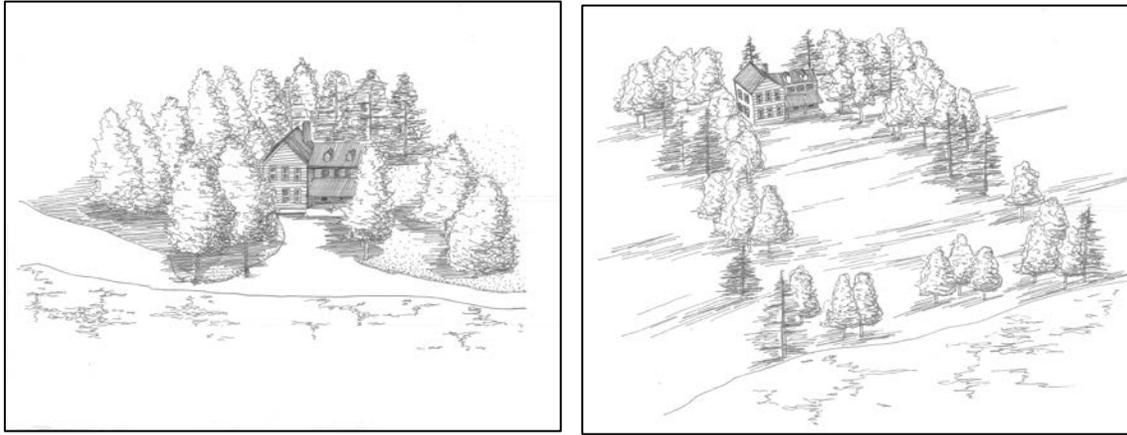


Figure 2.14 Preservation of tree canopy along shoreline (left) and upland hillsides (right)

Wide-open expanses of clear-cut lawn put development in full view and create unnatural “landscape holes” in the hillside should be avoided. Preserve native vegetation and natural qualities present on-site – where necessary, restore or enhance existing vegetation.



Figure 2.15 Minimizing visual impact: looking directly up the driveway one still finds that the natural landscape has been preserved.

Woodland Management

The Town of Wayne's forests are one of its greatest assets in shaping its natural and rural landscape. As stated in the "Preserving Trees" best practices section above, there are multiple methods of planning with and around existing vegetation and natural features to create an added asset rather than elimination of an "obstruction." While the preservation of trees is of great importance to maintain Wayne's rural character and multiple scenic vistas, agricultural areas of Wayne are also working landscapes that contribute food and fiber to people and these landscapes need to be properly maintained through timber harvesting. Harvesting involves tree felling, moving timber to landings for loading and transport to sawmills or pulp mills through a selective process that removes specific trees to "thin" the forest and allow for future growth and health of the overall forest cover. "Clearcutting" is now rarely used in New York forest areas.

The NYC Department of Environmental Conservation has outlined best management practices for timber harvesting through simple, often low-cost practices and techniques that can lead to improved water quality, maintenance and productivity of the forest, and better public support and confidence for sustainable timber harvesting and forest management. These topics include:

- Voluntary education programs, such as Forest Certification Programs, NY Logger Training, Cooperative Forest Management Program, and Cornell's Forestry Extension Program,
- Working with a professional timber harvesting company,
- Thinning of forest area through selective harvesting,
- Erosion and sedimentation control, and
- Proper techniques for restoration.

By working closely with professional timber harvesters and selectively thinning the forest areas, residents will be able to properly maintain their forests and balance the agricultural and forest landscapes in the community.

Outdoor Lighting

Our view of the night sky is an important part of the rural character and scenic beauty of the Town of Wayne. Appropriate outdoor lighting can provide for the security of people and property while also preserving dark skies and a pleasant nighttime environment.

Outdoor lighting regulations limit the area that certain kinds of outdoor lighting fixtures can illuminate and limit the total allowable illumination of lots located in the Town of Wayne. This section outlines best practices in outdoor lighting regulation to:

- Assist property owners to provide lighting for nighttime safety, utility, security, and enjoyment
- Control energy costs and conserve resources
- Minimize glare and light pollution by limiting outdoor lighting that is unnecessary, misdirected, or excessive
- Protect the natural environment from potentially damaging effects of night lighting

The idea that more light results in better security is not necessarily true; more lighting often only results in wasted light and energy. Illumination in the right place and at the right time can avoid light trespass and wasted energy costs. Whenever possible, turn off lights or use motion sensor controlled lighting.

Lighting fixtures should be appropriate in scale, intensity, and height to their use. All lighting installations should use the lowest wattage of lamp that is feasible. The maximum lamp wattage should be 250 watts of high intensity discharge (HID) lighting for commercial uses, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting. Lighting should not blink, flash or be of an unusually high intensity or brightness.

Outdoor light fixtures, including sign lighting and low voltage landscape lighting, should be fully shielded or full cut-off (emitting no light above the horizontal plane) and oriented towards the ground to keep direct rays of light from shining on neighboring property. This includes sign lighting and low voltage landscape lighting (luminaries mounted not more than 3 feet above grade).

In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter. Lighting attached to single-family home structures should not exceed the height of the eave, and residential pole height restrictions can be considered to control light trespass on adjacent properties.

Architectural and landscape lighting used for spotlighting, floodlighting, or to illuminate flags, statues, signs, or other objects should be directionally shielded and confined as much as possible to the object intended to be illuminated.

These regulations should apply to the following lighting:

- Lighting in swimming pools and other water features,
- Exit signs and other illumination required by building codes,
- Lighting for stairs and ramps, as required by the building code,
- Holiday and temporary lighting (less than thirty days use in any one year),
- Lighting used for public athletic fields, fairgrounds, and approved temporary special events, and
- Lighting using fossil fuels, such as patio torches.



Figure 2.16 Restricting light pollution above the horizontal plane

LAND USE REGULATIONS

Agricultural (AG)

Purpose

The Agricultural district encompasses the majority of the land in the Town of Wayne. The purpose of the district is to promote agricultural development and accommodate for rural residential structures. All development in the district should also be guided, approved, and constructed in consideration with the Town of Wayne Comprehensive Plan.

Applicability

The guidelines and provisions in this section shall apply to all proposed development within the Agricultural district.

Permitted Uses

The uses permitted in the Agricultural district are found in Table 1 and organized by permitted, site plan review, and special permit.

General Standards

The following standards shall apply to all uses permitted by right and uses permitted by site plan review or special permit in the Agricultural district:

Setback Requirements

Minimum front yard: The minimum front yard setback for the principal structure shall be 50 feet.

Minimum side yard: The minimum side yard setbacks shall be 25 feet on both sides.

Minimum rear yard: The minimum rear yard setback is 50 feet.

Accessory structures less than 200 sq. ft. in area and 15 ft. in height shall be set back a minimum of 15 feet from the front yard boundary and 8 ft. from the rear yard boundary.

Lot Coverage

Total lot coverage shall not exceed 10% or 4,400 square feet.

Minimum Lot Area: The minimum lot area shall be 43,560 square feet or 1 acre.

Minimum Lot Width: The minimum lot width shall be 200 feet, measured at the maximum front yard setback.

Minimum Lot Depth: The minimum lot depth shall be 200 feet.

Maximum Building Height

Each principal structure shall have a maximum height of 34 feet, measured from the lowest elevation on the site where the structure touches the grade to the highest point on the roof.

Site Access - Driveways

Shared streets and driveways shall be designed to follow the existing contours of the site with minimal grading and erosion potential while providing access for vehicles including personal and emergency service vehicles. Street improvements and lighting shall complement the natural character of the rural landscape.

Hillside Conservation (HC)

Purpose

The Hillside Conservation district is intended to specify the conditions under which development can occur in the hillsides of the Town of Wayne. These areas contain sensitive natural features such as ravines, ridgelines, bluffs, natural drainage ways, and geological conditions that are not suited for development and also characterize the Town of Wayne's unique natural features and aesthetic qualities. The Hillside Conservation district will help to preserve and enhance the scenic viewsheds, open space, and existing vegetation of the community while ensuring the peoples' public health and safety in areas not suited for development. General design guidelines, such as clustering of residential units, reduced visibility of development, preservation of existing vegetation and natural features, minimization of environmental impacts and hazardous risks, and enhancement of open space and scenic vistas are encouraged.

Hillside lands in this district are characterized by slopes greater than 15%, bluffs, gullies, and identified geologic hazards. Given that the Town of Wayne has approximately 1,039 of 12,812 acres (9.1%) of land at slopes greater than 15%, coordinated and flexible development planning is encouraged in the process to allow for the best end result of integrated development and preservation within the district.

Applicability

The guidelines and provisions in this section shall apply to all proposed development within the Hillside Conservation district. This includes all land in the Town of Wayne that fall in areas with existing, natural slopes in excess of fifteen percent (15%) that are not already designated as part of another district.

Permitted Uses

The uses permitted in the Hillside Conservation district are found in Table 1 and organized by permitted, site plan review, and special permit.

General Standards.

The following standards shall apply to all uses permitted by right and uses permitted by site review or special permit in the Hillside Conservation district:

General Site Planning Standards

Each proposed structure shall be located to be in the most accessible, least visually noticeable, most geologically stable, and least environmentally sensitive section of the lot, and at the lowest feasible elevation. Structures shall be aligned with the natural contours of the site and remain in the least conspicuous locations especially on open hillsides where high visibility of development would degrade the natural landscape of its surrounding context. Existing vegetation, depressions in elevation, or other natural features should be used to minimize the negative visual impacts of development.

Setback Requirements

Minimum front yard: The minimum front yard setback for the principal structure shall be 100 feet.

Minimum side yard: The minimum side yard setbacks shall be 30 feet on one side and 150 feet on the other. This asymmetric side yard setback will allow the dwelling unit to be placed strategically on the lot in a manner that preserves the scenic viewshed from the dwelling unit and towards the dwelling unit from the road.

Minimum rear yard: The minimum back yard setback is 50 feet.

Accessory structures shall be allowed within one foot from the property line of the side yard and rear yard setback areas, however accessory structures are not allowed within the front yard setback area.

Lot Coverage

Total lot coverage shall not exceed 5%.

Minimum Lot Area: The minimum lot area shall be 120,000 square feet, roughly 2.75 acres.

Minimum Lot Width: The minimum lot width shall be 300 feet, measured at the maximum front yard setback.

Minimum Lot Depth: The minimum lot depth shall be 200 feet.

Maximum Building Height

Each principal structure shall have a maximum height of 34 feet, measured from the lowest elevation on the site where the structure touches the grade to the highest point on the roof.

Site Access - Driveways

Shared streets and driveways shall be designed to follow the existing contours of the site with minimal grading and erosion potential while providing access for vehicles including personal and emergency service vehicles. Street improvements and lighting shall complement the natural character of the hillside.

Lakeshore Residential 1 (LR-1)

Purpose

The Lakeshore Residential 1 district includes areas along Keuka Lake. The purpose of the district is to maintain a quiet, residential setting along the lakeshores, while providing regulations that accommodate existing area conditions. All development in the district should also be guided, approved, and constructed in consideration with the Town of Wayne Comprehensive Plan.

Applicability

The guidelines and provisions in this section shall apply to all proposed development within the Lakeshore Residential 1 district.

Permitted Uses

The uses permitted in the Lakeshore Residential 1 district are found in Table 1 and organized by permitted, site plan review, and special permit.

General Standards

The following standards shall apply to all uses permitted by right and uses permitted by site plan review or special permit in the Lakeshore Residential 1 district:

Setback Requirements

Minimum front yard: The minimum front yard setback for the principal structure shall be 18 feet from center of public/private road or 25 feet from County/State Hwy right-of-way.

Minimum side yard: The two side yard setbacks shall total 30% of the lot width or 120% of the building height, whichever is greater. The minimum setback on each side shall be 15 ft.

Minimum rear yard: The minimum rear yard setback is 25 feet.

Rear yard setbacks shall be measured from the mean high water line.

Accessory structures less than 200 sq. ft. in area and 15 ft. in height shall be set back a minimum of 1 foot from the front yard boundary and 8 ft. from the rear yard boundary. Boathouses and docks are exempted.

Lot Specifications:

Total lot coverage shall not exceed 35% or 2,500 square feet.

Minimum Lot Area: The minimum lot area shall be 10,000 square feet or 0.2295 acres.

Minimum Lot Width: The minimum lot width shall be 100 feet, measured at the maximum front yard setback.

Minimum Lot Depth: The minimum lot depth shall be 50 feet.

Maximum Building Height:

Each principal structure shall have a maximum height of 34 feet, measured from the lowest elevation on the site where the structure touches the grade to the highest point on the roof.

Site Access - Driveways

Shared streets and driveways shall be designed to follow the existing contours of the site with minimal grading and erosion potential while providing access for vehicles including personal and emergency service vehicles. Street improvements and lighting shall complement the natural character of the lakefront.

Lakeshore Residential 2 (LR-2)

Purpose

The Lakeshore Residential 2 district includes areas along Keuka and Waneta Lake. The purpose of the district is to maintain a quiet, residential setting along the lakeshores. All development in the district should also be guided, approved, and constructed in consideration with the Town of Wayne Comprehensive Plan.

Applicability

The guidelines and provisions in this section shall apply to all proposed development within the Lakeshore Residential 2 district.

Permitted Uses

The uses permitted in the Lakeshore Residential 2 district are found in Table 1 and organized by permitted, site plan review, and special permit.

General Standards

The following standards shall apply to all uses permitted by right and uses permitted by site plan review or special permit in the Lakeshore Residential 2 district:

Setback Requirements:

Minimum front yard: The minimum front yard setback for the principal structure shall be 18 feet from center of public/private road or 25 feet from County/State Hwy right-of-way.

Minimum side yard: The minimum side yard setbacks shall be 8 feet on both sides.

Minimum rear yard: The minimum rear yard setback is 25 feet.

Rear yard setbacks shall be measured from the mean high water line.

Accessory structures less than 200 sq. ft. in area and 15 ft. in height shall be set back a minimum of 1 foot from the front yard boundary and 8 ft. from the rear yard boundary. Boathouses and docks are exempted.

Lot Specifications:

Total lot coverage shall not exceed 60% or 2,500 square feet.

Minimum Lot Area: The minimum lot area shall be 4,200 square feet or 0.1 acre.

Minimum Lot Width: The minimum lot width shall be 50 feet, measured at the maximum front yard setback.

Minimum Lot Depth: The minimum lot depth shall be 50 feet.

Maximum Building Height

Each proposed principal structure, consisting of or including dwelling units, shall be a maximum height of 34 feet measured from the lowest elevation on the site where the structure touches the grade, to the highest point on the roof.

Site Access - Driveways

Shared streets and driveways shall be designed to follow the existing contours of the site with minimal grading and erosion potential while providing access for vehicles including personal and emergency service vehicles. Street improvements and lighting shall complement the natural character of the lakefront.

Lakeshore Hamlet (LH)

Purpose

The purpose of the Lakeshore Hamlet (LH) district is to provide opportunities for village- and hamlet-scale residential and small-scale, pedestrian-oriented, commercial development to serve the varied needs of local residents and to define and establish standard regulations to assert reasonable controls over such development and to promote safe, environmentally sensitive and desirable communities. This district encourages development in Keuka Village that is consistent with the Comprehensive Plan, the historic nature of the district, and the environmental sustainability of Keuka Lake.

Applicability

The guidelines and provisions in this section shall apply to all proposed development within the Lakeshore Hamlet district.

Permitted Uses

The uses permitted in the Lakeshore Hamlet district are found in Table 1 and organized by permitted, site plan review, and special permit.

General Standards

The following standards shall apply to all uses permitted by right and uses permitted by site plan review or special permit in the Lakeshore Hamlet district:

Setback Requirements:

Minimum front yard: The minimum front yard setback for the principal structure shall be 18 feet from center of public/private road or 25 feet from County/State Hwy right-of-way.

Minimum side yard: The minimum side yard setbacks shall be 8 feet on both sides.

Minimum rear yard: The minimum rear yard setback is 25 feet.

Rear yard setbacks shall be measured from the mean high water line.

Accessory structures less than 200 sq. ft. in area and 15 ft. in height shall be set back a minimum of 1 foot from the front yard boundary and 8 ft. from the rear yard boundary. Boathouses and docks are exempted.

Rear yard setbacks shall be measured from the mean high water line.

Lot Dimensions and Coverage:

Total lot coverage shall not exceed 60% or 2,500 square feet.

Minimum Lot Area: The minimum lot area shall be 4,200 square feet or 0.1 acre.

Minimum Lot Width: The minimum lot width shall be 50 feet, measured at the front yard setback line. Minimum Lot Depth: The minimum lot depth shall be 50 feet.

Maximum Building Height:

Each principal structure shall have a maximum height of 34 feet, measured from the lowest elevation on the site where the structure touches the grade to the highest point on the roof.

Site Access – Driveways:

Shared streets and driveways shall be designed to follow the existing contours of the site with minimal grading and erosion potential while providing access for vehicles including personal and emergency service vehicles. Street improvements and lighting shall complement the natural character of the lakefront.

Hamlet (HAM)

Purpose

The purpose of the Hamlet district is to encourage clustering of small-scale commercial uses without detracting from the rural character of the Town by providing opportunities for village- and hamlet-scale residential and pedestrian-oriented commercial development to serve the varied needs of local residents. It will allow the Town to assert reasonable controls over such development consistent with the Town of Wayne Comprehensive Plan.

Applicability

The guidelines and provisions in this section shall apply to all proposed development within the Hamlet district.

Permitted Uses

The uses permitted in the Hamlet district are found in Table 1 and organized by permitted, site plan review, and special permit.

General Standards

The following standards shall apply to all uses permitted by right and uses permitted by site plan review or special permit in the Hamlet district:

Setback Requirements:

Minimum front yard: The minimum front yard setback for the principal structure shall be 18 feet from center of public/private road or 25 feet from County/State Hwy right-of-way.

Minimum side yard: The minimum side yard setbacks shall be 8 feet on both sides, except where two or more commercial, mixed-use, or residential structures are attached with a common wall.

Minimum rear yard: The minimum rear yard setback is 25 feet. Detached garages and other approved accessory structures less than 200 sq. ft. in area and 15 feet in height shall be set back 5 feet from the rear yard boundary.

Lot Dimensions and Coverage:

Total lot coverage shall not exceed 75%.

Minimum lot area: The minimum lot area shall be 5,000 square feet.

Minimum lot width: The minimum lot width shall be 50 feet, measured at the front yard setback line.

Minimum lot depth: The minimum lot depth shall be 100 feet.

Maximum Building Height:

Each principal structure shall have a maximum height of 34 feet, measured from the lowest elevation on the site where the structure touches the grade to the highest point on the roof.

Site Access – Driveways:

Shared streets and driveways shall be designed to follow the existing contours of the site with minimal grading and erosion potential while providing access for vehicles including personal and emergency service vehicles. Street improvements and lighting shall complement the character of the district

Land Conservation Overlay (LCO)

Purpose

The purpose of the Land Conservation Overlay zone is to delineate those areas where substantial development of the land in the way of buildings or structures is not encouraged because of special or unusual conditions of topography, soil quality, drainage, floodplain or other natural conditions. Considerable damage to buildings or structures and possible loss of life may result from the processes of nature and the lack of proper facilities or improvements in these areas. Additionally, this zone serves to protect sensitive ecological resources and the community services they provide.

Permitted Uses

To promote these purposes in Land Conservation Overlay zone, no building or other structure shall be built or land used, and no building shall be built, altered or erected to be used for any purposes other than that of:

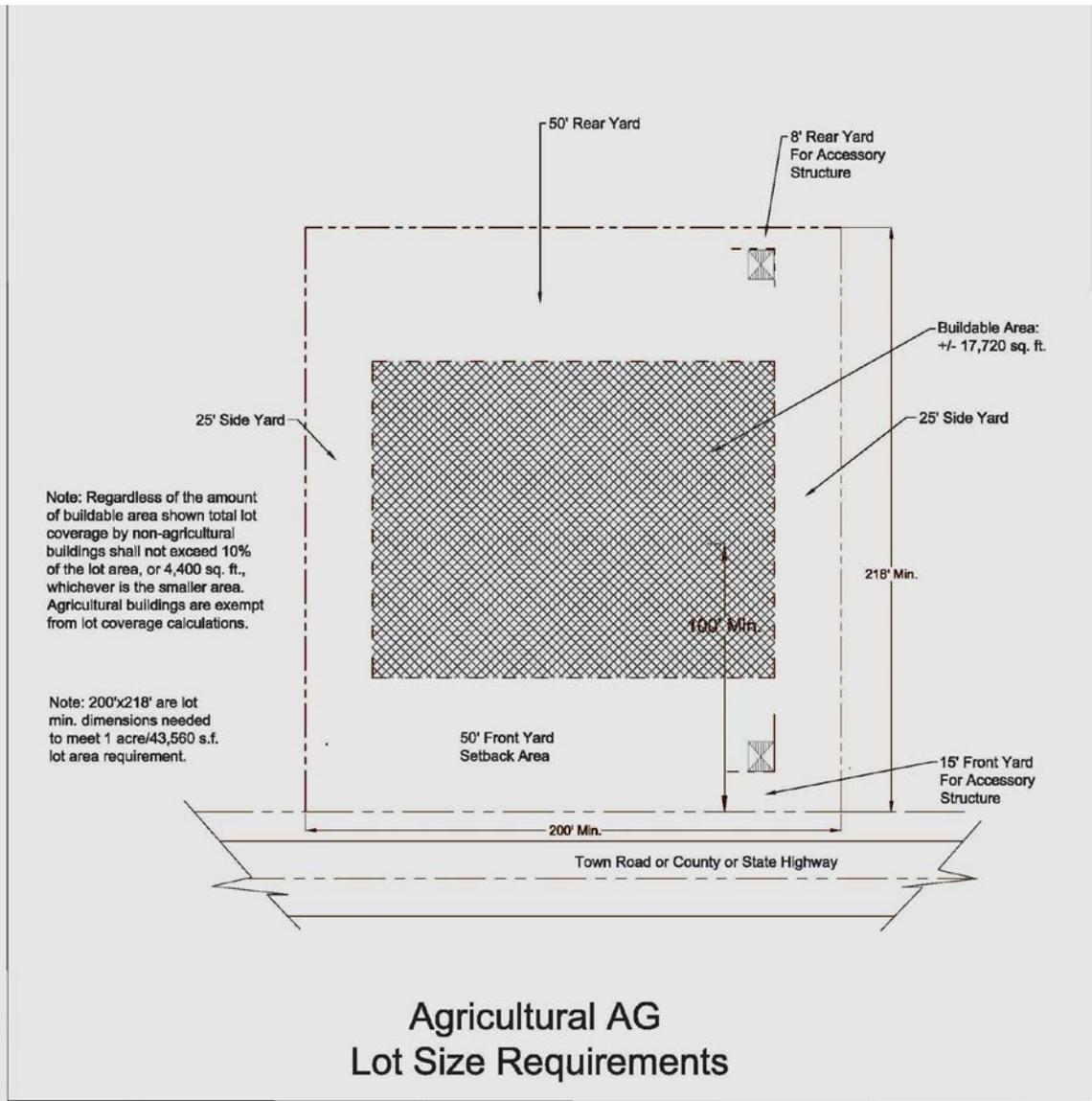
1. Parks, playgrounds, preserves and other similar uses, including usual accessory buildings.
2. Municipal or public utility structures or facilities.

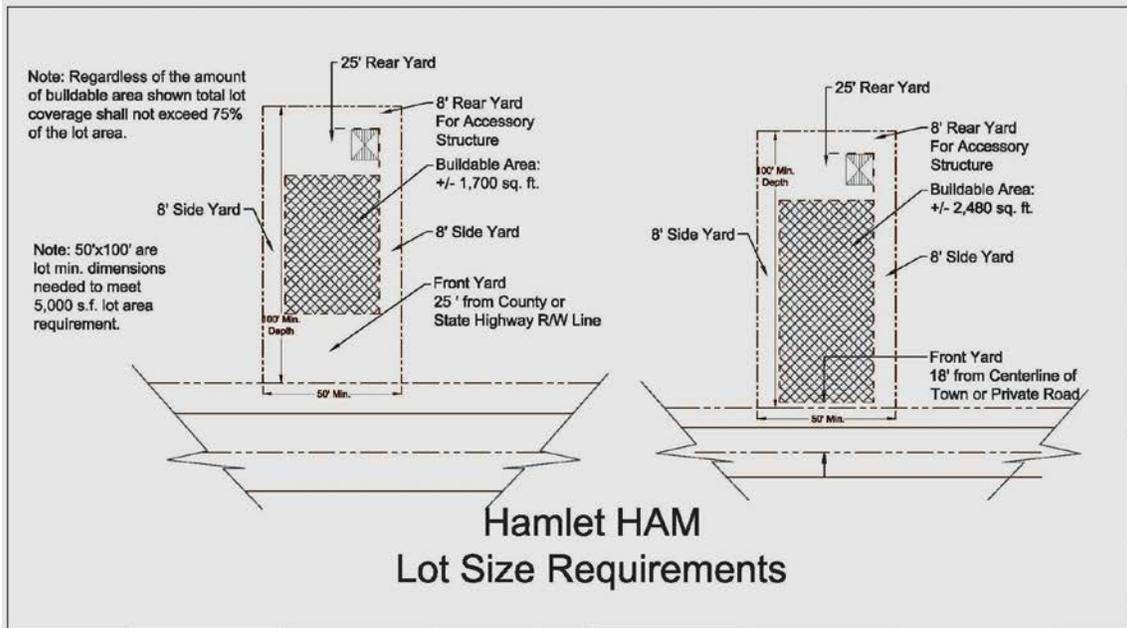
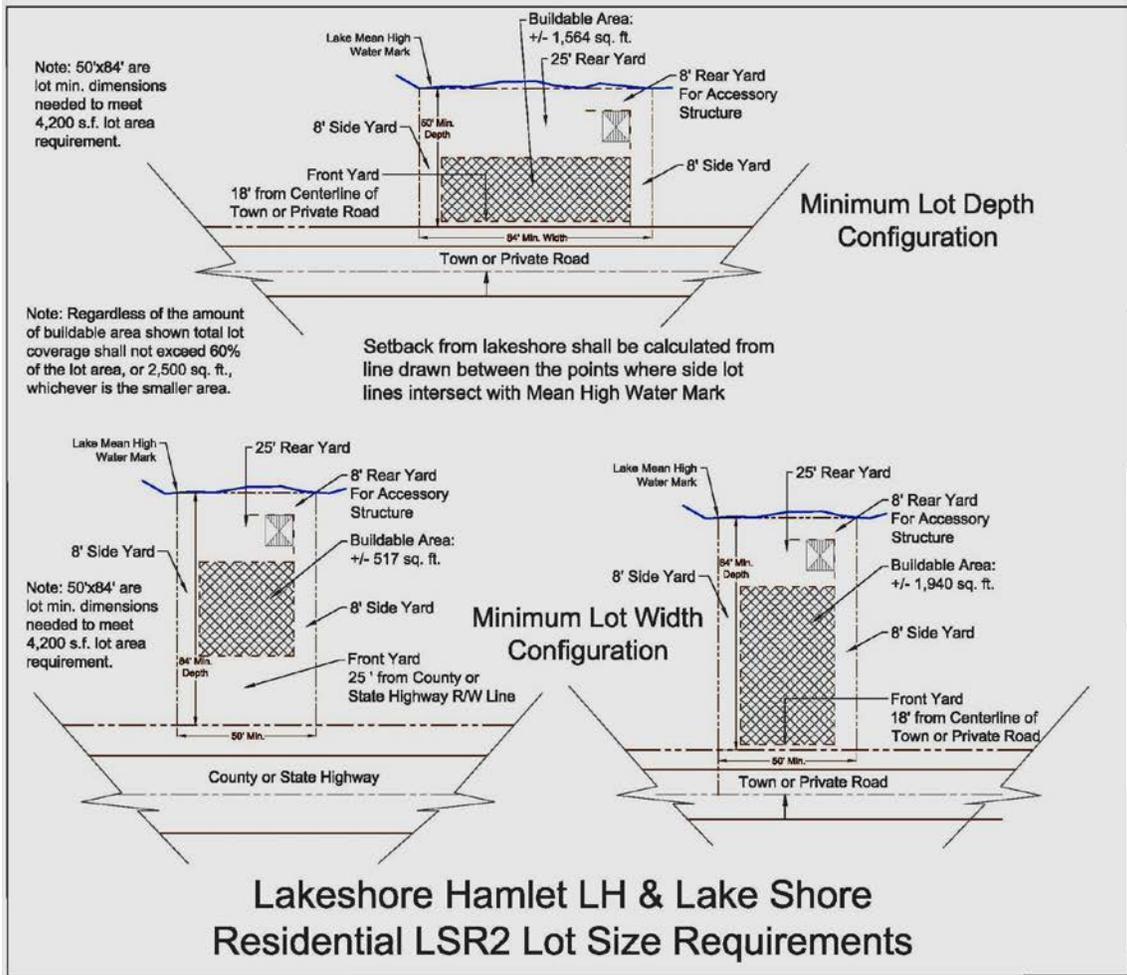
General Standards

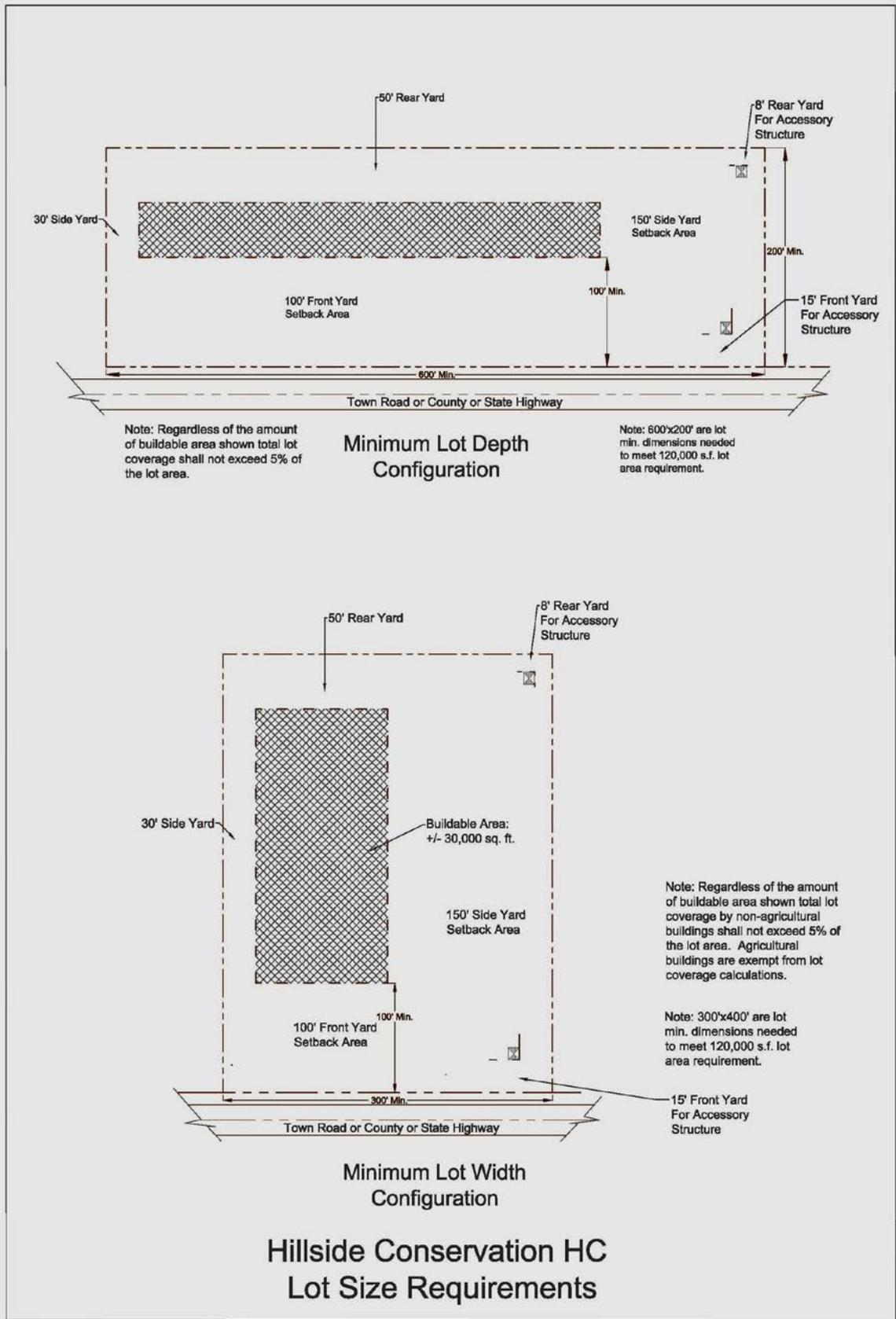
Height: the maximum height for structures in the Land Conservation Overlay zone will conform to the maximum allowable height limits for the underlying district.

Lot size: the minimum and maximum lot sizes for parcels in the Land Conservation Overlay zone will conform to the standards permitted for the underlying district.

Lot Coverage: lot coverage standards for parcels in the Land Conservation Overlay zone will conform to the permitted coverage standards for the underlying district.

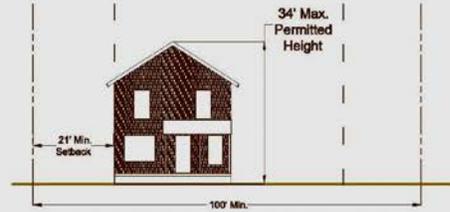
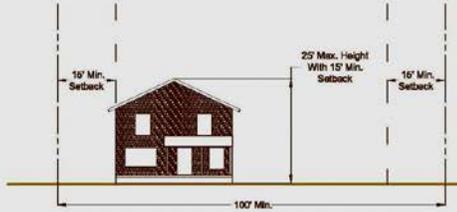






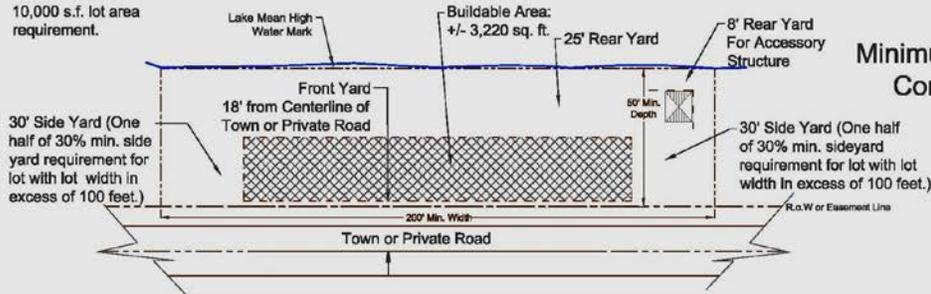
15' Min. Side Yard Setback or Combined Side Yard Setback of 30% of Lot Width For Lots Wider Than 100'.

Minimum Side Yard Setback For Structures Higher Than 25 Feet (Setback = 120% of Building Height)



Variable Side Yard Setback Configuration

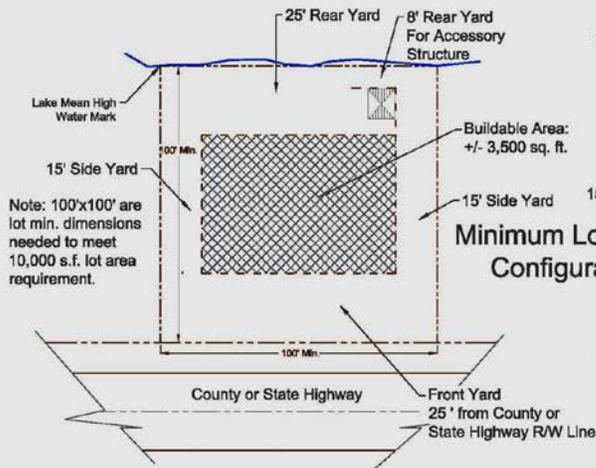
Note: 50'x200' are lot min. dimensions needed to meet 10,000 s.f. lot area requirement.



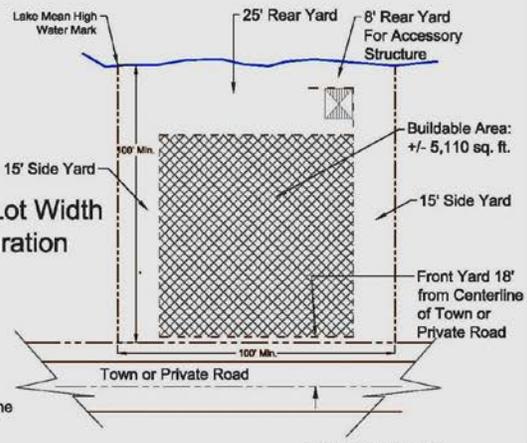
Minimum Lot Depth Configuration

Note: Regardless of the amount of buildable area shown total lot coverage shall not exceed 35% of the lot area, or 2,500 sq. ft., whichever is the smaller area.

Setback from lakeshore shall be calculated from line drawn between the points where side lot lines intersect with Mean High Water Mark



Minimum Lot Width Configuration



Lakeshore Residential LSR1 Lot Size Requirements

* Max. permitted lot coverage is 2,500 sq. ft. regardless of lot size, depth or width.

DESIGN STANDARDS

Right to Farm

In the Agricultural and Hillside Conservation Districts, agriculture shall be the primary land use. Within these Districts any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, Section 308, including but not limited to:

practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a private nuisance.

Natural Shoreline Protections

While the Land Conservation Overlay zone provides some degree of protection for Wayne's natural areas, including shorelines, additional regulations must apply to shorelines even in areas not covered by the overlay district as a means of preserving the water quality and environmental integrity of Keuka and Waneta lakes. Every waterfront must be considered as part of a watershed, performing unique and various ecological functions.

Specifically, residents with lakeshore properties along Keuka Lake wishing to alter the shoreline in any manner must consult the Keuka Lake Uniform Docking and Mooring Law.

In addition to the structures contained in that document, as a means of preventing erosion and undue alteration to the natural edges of both water bodies in the town, the following provisions apply universally in the Town of Wayne:

1. No man-made structures, including but not limited to retaining walls, docks, and/or moorings, may be constructed within three (3) feet of the mean high water mark for either Keuka or Waneta lakes.
2. Any woody vegetation within 10 feet of the mean high water mark that measures 2 inches in diameter or greater than one (1) foot above grade shall not be cut unless it can be shown to be a hazard to life or property.

These provisions protect to some degree the sensitive ecological areas which comprise natural shorelines in the Town of Wayne.

Parking

There are no minimum parking requirements for the town of Wayne. Homeowners and business owners are encouraged to provide sufficient parking for the anticipated use.

Lots need not be paved, and gravel is encouraged for lakefront uses.

Individual parking spots, if they are marked, must measure no less than 9 ft. x 20 ft.

At least one tree shall be planted for every 1200 sq. ft. of parking area.

All parking lots shall be set back a minimum of 15 ft. from any public right-of-way. Alternatively, a wall or opaque hedge at least 3 ft. high, covering the full length of the parking lot's frontage to the road, will obviate the setback requirement.

If the parking lot abuts a residential area, there shall be a vegetative buffer at least 6 ft. high on the frontage to the residential area.

Parking lots shall be designed with maneuvering areas so that vehicles can exit without backing into the road.

Outdoor Lighting

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:

Luminaires shall be oriented towards the ground;

Luminaires shall not emit any direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire;

Luminaires shall be mounted at a height in feet equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary;

The height of the luminaire may not exceed 25 feet.

In residential areas, luminaires should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

Hours of illumination may be restricted by the Board in any site plan approval or Special Use Permit.

Exceptions to the above shall be:

Architectural and landscape lighting used for spotlighting, floodlighting, or to illuminate flags, statues, signs, or other objects should be directionally shielded and confined as much as possible to the object intended to be illuminated;

Any luminaire with a lamp or lamps rated at a total of 1800 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;

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.

The following lighting is exempt from these regulations

- Lighting in swimming pools and other water features
- Exit signs and other illumination required by building codes
- Lighting for stairs and ramps, as required by the building code
- Holiday and temporary lighting (less than thirty days use in any one year)
- Lighting used for public athletic fields, fairgrounds, and approved temporary special events
- Lighting using fossil fuels, such as patio torches

Signs

The following provisions shall govern all applicable signs in all districts:

Non-Conforming Sign

A sign installation not in compliance with these Regulations shall be allowed to remain without change or alterations, for up to three (3) years from the effective date of these Regulations, by which time any such installation shall be removed or made conforming by the person responsible therefore or the owner of the premises on which the sign is located.

Illuminated Sign

An illuminated sign shall not cause glare for motorists, pedestrians or neighboring premises.

Projecting Sign

A projecting sign shall have not more than two (2) faces and the maximum area of the panel or symbol shall be fifteen (15) square feet. A projecting sign installation may extend a maximum of five (5) feet from the building face and shall not extend above the ridgeline of the building to which it is attached. No sign other than an official traffic control device shall overhang a road right-of-way.

Roof Sign

A roof sign installation shall extend not more than two (2) feet above the ridgeline of the roof.

Wall Sign

A wall sign installation shall extend not more than eighteen (18) inches from such wall and may not extend above the eaves nor above the ridgeline of the building to which it is attached.

Freestanding or Portable Sign

A freestanding sign or a portable sign shall not have more than two (2) faces and the maximum area of the panel or symbol shall be twenty five (25) square feet. A freestanding sign shall not be placed within a road right-of-way. A freestanding sign may be placed in a front yard and shall be no closer than six (6) feet from a building, fifteen (15) feet from a side lot line, and no part shall extend over a public street or sidewalk. A freestanding sign installation shall extend no more than ten (10) feet above the average ground level at its base.

Window sign

There shall be no more than one permanent window sign per window and a maximum of two such signs per enterprise. The area of permanent window signs shall not exceed the area of the window or windows through which they are visible, nor in any case exceed four (4) square feet.

Lapse

A sign that no longer advertises an existing business, product, service, or activity, shall be removed by the owner of the premises upon which the sign is located after written notice. The Zoning Officer, upon determining that any such sign exists, shall notify the owner of the premises in writing to remove said sign within thirty (30) days of from the date notice.

The following shall not be allowed in any district:

- a sign other than an official traffic control device, that uses the words "stop", "danger", or "slow" prominently or in any manner that implies danger to motorists;
- a sign that obstructs motorists' view of an official traffic control device or restricts the clear view of oncoming vehicles less than five hundred (500) feet distance;
- a sign that produces glare to an extent or in a direction that may be a hazard to motorists;
- flashing sign, or one employing flashing, pulsating, intermittent, rotating or moving lights or simulation thereof;
- a sign affixed to a utility-owned pole
- a sign other than an official traffic control device located within a public right-of-way. The Highway Superintendent or his designee shall be authorized to remove and destroy or otherwise dispose of any sign located within a public right of way.
- an outdoor advertising sign.

Signs allowed without Permit

Permanent Signs: The following shall be allowed without a Building Permit in any district

- a sign not exceeding two (2) square feet in area denoting the name and address of the occupants of a dwelling;
- a sign not exceeding four (4) square feet in area identifying professional offices, tourist homes, or boarding houses;
- a sign or bulletin board not exceeding eighteen (18) square feet in area, customarily incidental to places of worship, libraries, museums, clubs or societies;
- a parking directional or handicapped accessibility sign, not exceeding one (1) square foot in area.

Temporary Signs: The following shall be allowed without a Building Permit in any district

Construction Sign: On a lot there may be one unlighted sign not exceeding four (4) square feet in area identifying persons or firms involved in construction on that site, and one illuminated sign not exceeding four (4) square feet in area identifying the owner and activity for which the building is intended. Such signs shall be removed within one (1) week following completion of the project.

Realty Sign: On a lot there may be one unlighted sign not exceeding four (4) square feet in area, designed to be read from each road from which the premises are visible, offering the sale, lease or

rental of the premises. Such a sign shall be removed within one (1) month following the completion of such transaction.

Event Sign: On a lot there may be one sign not exceeding twenty five (25) square feet in area, announcing a campaign, drive, or other event, to be conducted on the premises by a political, civic, religious, charitable, or educational organization. Signs advertising the campaign of a political party or candidate for office, not exceeding four (4) square feet in area, may be placed in any number on a lot. An event sign shall be displayed not earlier than one (1) week before, and shall be removed promptly following, the occasion advertised thereon.

Signs allowed but with Special Use Permit

A business sign requires a Special Permit. A business sign installation may be of any type as stated in the preceding sections and may be double faced. The following signs may be placed at each on-premise enterprise:

- One wall sign or one projecting sign on each building or store frontage, and one freestanding sign. If a business has entrances for vehicular traffic on more than one street, two (2) freestanding signs are permitted.
- In the case of multiuse facilities, one freestanding sign shall be allowed for the development as a whole, regardless of the number of separate enterprises. If such multiuse facility has entrances for vehicular traffic on more than one street, two (2) freestanding signs are permitted.

Sign Content

Any sign authorized by this ordinance may contain noncommercial, free-speech copy in lieu of any other copy.

Special Requirements for Gasoline Sales

Minimum lot area: The minimum lot area shall be 12,000 square feet.

Minimum lot width: The minimum lot width shall be 100 feet.

Minimum lot depth: The minimum lot depth shall be 120 feet.

Minimum front setback: The minimum front setback for the principal structure shall be 50 feet. The minimum front setback for fuel islands, which shall be located in front of the principal structure, shall be 20 feet.

Minimum side setback: The minimum side setback for the principal structure shall be 25 feet.

Minimum rear setback: The minimum rear setback for the principal structure shall be 50 feet, allowing for underground storage of fuel tanks.

Total lot coverage shall not exceed 75%.

The principal structure shall have a maximum height of 34 feet, measured from the lowest elevation on the site where the structure touches the grade to the highest point on the roof.

Non-commercial Wind Energy

The following provisions shall govern all non-commercial wind powered generators:

Any non-commercial wind powered generator shall be constructed and maintained to clearly function as an accessory use to one or more of the principal permitted uses on the property on which the non-commercial wind powered electricity generator is located.

The maximum permitted power output for any non-commercial wind powered electricity generator shall be ten (10) kilowatts.

To the extent feasible any non-commercial wind powered generator shall be located in such a manner that will minimize adverse visual impacts from public road or highway right-of-way, public park, forest, or recreational area, as well as from adjacent properties.

Minimum setback distance from any side or rear property line shall be 1.5 times the radius of any design fall zone as shown in the design documents for the support structure.

Minimum setback distance from public road, highway right-of-way, public park, forest or recreational area shall be at least 100 feet or equal to the height of the non-commercial wind powered generator, whichever is greater.

Trees

Within the Hamlet, Lake Shore Hamlet, Lake Shore Residential District and Land Conservation Overlay districts, a tree protection plan and details identifying where and how existing trees are to be protected during clearing and construction of the project shall be submitted for all new construction.

The minimum dimension of any tree protection zone shall be four (4) feet from the base of the nearest tree trunk. All tree protection zones shall be surrounded at a minimum by a temporary or permanent fence at least four (4) feet high, securely anchored and maintained in an upright manner.

A permit shall be required for any vegetation removal within ten (10) feet of the shoreline of Keuka Lake and Waneta Lake. Within thirty-five (35) feet of the mean high water mark, not more than 25% of trees in excess of 4" diameter at breast height shall be removed.

Within the Hamlet, Lake Shore Hamlet, Lake Shore Residential District and Land Conservation Overlay districts no tree greater than twelve (12) inches in diameter shall be removed unless a permit has been approved.

Existing groups of trees on a property shall be retained wherever practicable.

Prior to commencement of any construction in accordance with a building permit, all required tree protection measures shall be installed around all trees or group of trees more than six (6) inches in diameter that will be retained on the site upon completion of construction.

All tree protection fencing shall be installed at least four (4) feet from the base of any tree trunk located within the area being protected. Tree protection fencing shall be a minimum of four (4) feet high, constructed of durable materials and maintained in an upright position at all times until a certificate of completion is issued by the Code Enforcement Officer.

To the extent possible all site work shall be planned and conducted in a manner that will minimize damage to protected trees, including damage from altered water tables, altered site drainage or

other disturbance within or immediate adjacent to the critical root zone of the trees to be retained on the site upon completion of construction.

Development activities shall be planned to the extent possible in order to preserve and protect trees on street rights-of-way.

A property owner may remove underbrush, small trees or other vegetation up to two (2) inches in diameter provided such action will not limit or prevent compliance of other requirements of this Land Use Regulations.

RV Parks

Placement of manufactured homes in existing manufactured home parks and manufactured home subdivisions shall meet certain standards listed below. Recreational vehicles shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or shall meet all the standards of Flood Hazard Areas listed below. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Manufactured Home Parks

No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within any of the front, side or rear yard setback areas.

All interior roads within the manufactured home park shall be paved with blacktop, concrete or other solid material, shall be a minimum of 20 feet wide with a six (6)-foot wide shoulder constructed of an all-weather surface material on each side, and shall be properly drained.

All lots within the manufactured housing park shall be improved for use by independent manufactured homes, including the provision of adequate and safe water supply, sewage disposal, solid waste disposal and other utility systems. Underground installation of the utility distribution and service lines is required except where it is infeasible due to site-specific conditions, as determined by a qualified engineer.

All manufactured home park maintenance, storage areas or facilities, and sewage treatment facilities shall be screened from all dwelling lots, internal streets, and public roads or highways by manmade screens or natural plant materials.

A minimum of ten (10) percent of the gross park area or 1,000 square feet per dwelling unit, whichever is larger, shall be provided for outdoor recreation. This recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units.

No manufactured home shall be located closer than 30 feet from another manufactured home, or closer than 40 feet from the centerline of any interior park road.

No manufactured home shall be located less than 50 feet from any front, side or rear yard line of the lot or parcel.

No manufactured home shall be located less than 50 feet from any maintenance, storage areas or facilities, and sewage treatment facilities if present.

There shall be a vegetated buffer, not less than 20 feet in width, within any yard area not fronting on a public road or highway, planted and maintained (define standard). Where the property fronts on a public road or highway, within the required yard area at least 50 percent of the length of the frontage on said public road or highway shall be planted and maintained with a vegetative screen.

No manufactured homes or other structures, or parking areas, shall be located within 50 feet of a stream edge or any wetland as defined by state or federal law. With the exception of stream crossings, no roadways shall be located within 50 feet horizontal distance from a stream edge or any wetland as defined by state or federal law.

The manufactured housing park owner shall be responsible for the maintenance of all park facilities, including areas designated as open space, recreation areas, landscaping, streets, privately owned sewage disposal and water supply systems, and solid-waste collection and storage facilities.

All manufactured home tow bars and hitches which are designed to be removable at the time of installation shall be removed in accordance with the manufacturer's instructions when the dwelling is sited.

Where an individual manufactured home lot abuts a front yard of the manufactured home park or a side or rear yard that borders a public road or highway, said manufactured home shall be sited in a manner so that the longer side of the manufactured home is parallel to or nearly parallel to the public road or highway right-of-way line.

Each dwelling within the manufactured home park shall have the space underneath the dwelling enclosed by skirting constructed of fire-resistant material.

DEFINITIONS

Accessory structure- A subordinate structure, the use of which is customarily incidental to that of the principal building, and located on the same lot as the principal building, including docks and boathouses.

Agriculture - The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a Commercial Horse Boarding Operation, a Timber Operation and “compost, mulch or other biomass crops” as defined in the New York Agriculture and Markets Law.

Agriculture, commerce/tourism- educational tours, lodging, food services, and other incidental operations oriented towards agriculture including brewpubs, breweries, and vineyard estates.

Agriculture, urban – an agricultural structure or use, as an accessory to a residential use, such as a garden or facilities for the care and keeping of no more than six (6) poultry, fowl, rabbits, or guineas.

Bed & Breakfast Inn - An overnight guest house and food service establishment which is occupied by the proprietor, not to exceed 5 guest rooms.

Boat Service, Rental, Sales and Storage - A facility or group of facilities used to service, fuel and/or store private boats and other watercraft that may also be used to sell, lease or rent such watercraft. Also may be used for the sale of fuel, marine products and accessories, as well as incidental supplies for boat owners, crews and guests.

Community Center - A place, structure or other facility used for fraternal, social, educational and recreational programs generally open to the public and intended to serve significant segments of the community

Cottage Industry - An occupation or trade conducted either within a residential structure or within a detached residential accessory structure, or both, which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes and provided that not more than 50% of the combined floor area shall be used in the conduct of the cottage industry. The number of people employed in connection with the cottage industry and who are not residents of the dwelling shall not exceed (2).

Day Care Center, Child – A facility which is not a Dwelling Unit in which care is provided on a regular basis to three (3) or more children.

Day Care Home, Family – A Dwelling Unit which is a personal residence and occupied as a family residence which provides daycare to three (3) to six (6) children.

Dwelling, Assisted Living - A living and care facility for six (6) to ten (10) seniors in a family type of living environment, where residences are designed as a dwelling unit rather than a medical facility. The multiple dwelling units are designed as efficient homes for the residents to have private rooms with a private bath and access to communal areas of the house, including a living room area, dining area, kitchen, laundry, and patio. Support services include, but are not limited to food preparation, transportation, and medical supervision.

Dwelling, Accessory- A completely independent living facility with separate cooking, eating, sanitation and sleeping facilities that is either in or added to an existing single-family dwelling or in a separate accessory structure on the same lot as an existing dwelling, not to exceed 50% of the primary unit or 750 square feet.

Dwelling, Multiple- A living facility under single ownership of more than one unit and less than six units with separate cooking, eating, sanitation, sleeping facilities and entrances. Each unit is rented or leased for a period of not less than 30 days.

Dwelling, Single-Family – A detached structure that is designed or used exclusively as living quarters for one (1) family, including permanent provisions for living, cooking, sanitation and sleeping.

Farm Market – A permanent structure, with or without appurtenant open display area, from which agricultural produce grown upon the subject premises and limited agricultural accessory products may be sold.

Farm Stand – A temporary structure or defined area, from which agricultural produce grown upon the premises may be sold in season.

Food & Beverage Service - Premises at which prepared food, drinks and beverages are sold and served to customers seated within a building or elsewhere on the premises. (The sale of alcoholic beverages is incidental to the sale and consumption of food.) Includes cafes, lunch counters, bars and brew pubs, outdoor eating areas, wine tasting rooms not on winery premises and refreshment stands selling prepared goods for immediate or off-premises consumption. Excludes accessory uses such as snack bars or refreshment stands incidental to public or community uses.

Front Yard- side of property that corresponds to resident street address.

Front Yard Setbacks – setbacks shall be measured from the property line or right of way line. In cases where private improvements have encroached into a public or private right of way, no development should occur within 18 feet from the center of said right of way or within 25 feet of a County/State Hwy or right of way.

Fully shielded light - An outdoor light fixture shielded or fabricated so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Gasoline Sales - A retail establishment or lot engaged in the distribution and sale of fuels, oils, or accessories for motor vehicles through onsite pumps and storage tanks. Such establishments may also include driver services, such as small commercial convenience stores, restaurants, or coffee shops.

Glare - Light emitting from a luminaire with intensity great enough to reduce the viewer's ability to see, and in extreme cases with intensity great enough to cause momentary blindness.

Home Occupation - A facility for conducting business within one's own home, such as a home office or shop. These facilities are not to host customers or post signs.

Kenel – Any commercial establishment where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. No more than fifty (50) animals are permitted in a single kennel.

Light fixture - The assembly that houses a lamp or lamps and which can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

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

Luminaire - A complete lighting system, including a lamp or lamps and the attendant light fixture.

Manufactured Home - A dwelling which is factory-built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and which is transportable in one or more sections, is affixed to a chassis with axles and wheels, and is designed to be placed on a permanent or temporary foundation.

Manufactured Home Doublewide - A manufactured home comprised of at least two (2) sections transported separately and attached on site, and having a minimum width of twenty-two (22) feet.

Manufactured Home Singlewide - A manufactured home comprised of no more than one (1) section, on a single chassis, and having a width of at least twelve (12) feet.

Manufactured Home Park - A parcel of land under single ownership that has been improved for the purpose of renting or leasing sites for the placement of manufactured housing.

Medical Clinic - An establishment designed and utilized for outpatient medical treatment such as the diagnosis and treatment of persons who are sick or injured, providing clinical, temporary, surgical, and laboratory medical services.

Mixed-Use – A designation where no single use predominates. Includes roadside developments where separate land uses cannot be individually mapped. Multiple uses occupy the same structure concurrently. Residential and commercial uses are most likely to be combined within the same structure, although industrial and commercial uses may also be mixed.

Motel/Hotel - An overnight guest house, not to exceed 10 guest rooms.

Park - A parcel of land in public or private ownership available to the public for daytime and evening recreational, educational, cultural or scenic purposes, intended for use by residents living within a few miles of the facility.

Playground - An area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.

Preserve - A tract of land dedicated to the protection of one or more scenic or environmental attributes, including but not limited to flora, fauna, geological features, lakes, streams, wetlands or other hydrological features.

Private airstrip - An area of land or water set aside and designed to be utilized by the owner of the property for the landing and takeoff of aircraft, including facilities necessary for the housing and maintenance of aircraft.

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

Retail Merchandising - A business occupancy which including, but not limited to, the use of a building or structure or a portion thereof for office, professional, or service type transactions, including storage of records and accounts. A *retail building* is defined as any building or structure in which one or more articles or merchandise are sold at retail to the general public and rendering services incidental to the sale of such goods.

Self-Storage - A multi-unit structure designed to be used for storage where individual units are rented to the public.

Scenic Vista - A viewpoint that provides expansive views of highly valued landscapes for the public benefit within the context of the surround environment. They typically have a focal point or feature that is the object of interest, such as a landmark or natural feature, and specific access points or areas where the focal point is best viewed.

Service/Repair - Establishment primarily engaged in automobile repair which includes fixing incidental body or fender work, painting, upholstering, detailing, repairing engine or transmission malfunctions, adjusting brakes, lights, or tires, selling and installing replacement parts, and other similar repair work.

Sign: A device, consisting of or containing letters, numbers or symbols affixed to, painted or represented on, or installed on, any part of a building or other structure, or otherwise placed in view of the general public, that is used to direct public attention to or to convey information about a person, idea, institution, organization, activity, place, object, product, or business; when such a device is located within a building or is permanently affixed to an operable registered motor vehicle, it shall not be deemed to be a sign.

Following are related terms:

Business sign- A sign used to advertise a business, industry, profession, commodity, service, or activity that is located, conducted, sold, offered upon, or related to the specific premises where such sign is placed.

Double-faced sign- A sign with two display faces placed essentially back-to-back so as to be readable separately from opposite directions, provided that the backs of such faces are at an angle from each other not greater than sixty (60) degrees.

Flashing sign- A directly illuminated sign, the illumination of which fluctuates in intensity while in use.

Freestanding sign- A sign and sign support structure that is not attached to or part of a building.

Outdoor advertising sign- A sign used to advertise a business, industry, profession, commodity, service, or activity that is not located, conducted, sold, offered upon, or related to the specific premises where such sign is placed; often termed a billboard.

Portable or Mobile sign- A sign designed to be transported from place to place, not permanently affixed to the ground or to a building.

Projecting sign- A sign attached to a building wall and any part of which extends more than eighteen (18) inches from the face of such wall.

Revolving sign- A sign that revolves 360 degrees.

Roof sign- A sign painted on, constructed on, or supported by the roof of any building.

Sign area: The surface area measurement of that part of a sign installation designed to carry the message, including all letters, numbers, symbols, logos, pictures, areas of color forming an integral part of the design, and decorative trim. For a double-faced sign, only one display face shall be measured in determining total sign area. If a sign consists of independently detachable letters or symbols, the area of the sign shall be determined by measuring the area within a rectangle enclosing all such letters or symbols as they are intended to be installed.

Sign installation: A sign and its supporting structural framework.

Wall sign: A sign, other than a projecting sign, that is painted on or attached to the wall of a building.

Stable, commercial – A facility where one (1) or more horses are kept for riding, driving, training, breeding or sale, or are boarded for a fee, including indoor and outdoor riding arenas and paddocks, and where more than 50 percent of feed, bedding and other supplies are produced at off premises locations, and manure and other wastes are disposed of off premises

Stable, private – An accessory building in which no more than two (2) horses are kept exclusively for private use by the residents of the dwelling and their non-business guests.

Structure, Accessory – A subordinate structure, the use of which is customarily incidental to that of the principal dwelling and located on the same lot as the principal dwelling. Structure types include sheds, boathouses, docks, and garages.

Vegetation - woody plant life, which at its base, is 2 inches or more in diameter.

Viewshed - Areas that are visible to the human eye from a fixed vantage point.

Wind Energy, Commercial - Use of land and/or Structures for the purpose of converting kinetic energy from wind into mechanical energy and/or for the production of electricity primarily for sale in commercial energy markets.

Wind Energy, Noncommercial - Use of land and/or Structures for the purpose of converting kinetic energy from wind into mechanical energy and/or for the production of electricity in an area where service is provided through a residential meter supplied by a local utility.

Table 1

Table of Permitted Uses							
P=permitted S=permitted by special permit R=permitted by site plan review A=permitted accessory use							
USE↓							
ZONE →	AG	HC	LR 1	LR 2	LH	HAM	LCO
Accessory Structure	A	A	R	R	R	A	
Agriculture	P	P					
Agriculture, commerce/tourism	R	R					
Agriculture, urban	A	A	S	S	S	A	A
Animal hospital	S					S	
Bank, no drive-thru					S	S	
Bed & Breakfast Inn	S	S	S	S	S	S	
Boat Rental/Sales/Storage						S	
Campground	S	S					
Cemetery	R	R				R	
Community Center					R	R	
Cottage industry	S					S	
Daycare, center	S	S				S	
Daycare, home	A	A				S	
Dwelling, accessory	A	A	S	S		R	
Dwelling, Assisted Living						S	
Dwelling, multiple			S	S	S	S	
Dwelling, single-family	P	P	P	P	P	P	
Educational Institution	S	S			S	S	
Farm market	R					R	
Farm stand	P	P				A	
Food & Beverage Service					S	S	
Gasoline Sales						S	
Grocery					S	S	
Home Occupation	A	A	A	A	A	A	
Medical						S	
Medical Clinic						S	
Membership Club			S	S	S	S	
Mortuary/Funeral Home						S	
Motel/Hotel					S	S	
Museum					S	S	
Park/Preserve/Playground	S	P	S	S	S	S	P
Parking					S	S	
Post Office						S	
Private airstrip	S						
Professional office	S	S			S	S	
Religious Institutions	S	S	S	S		S	
Retail Merchandising					S	S	
Service/Repair						S	
Stable, commercial	R	R					
Stable, private	P	P					
Tennis court (private)	P	P	P	P	P	P	
Utilities	R	R	R	R	R	R	P
Warehouse, self storage						S	
Wind energy - noncommercial	S	S					

Table 2

ZONE/ Specification	Minimum lot size	Minimum load width	Minimum lot depth	Maximum lot coverage	Minimum front yard setback	Minimum side yard setback	Minimum rear yard setback	Maximum building height	Minimum front yard setback for accessory building less than 200 sq Ft and 15 Ft ht	Minimum rear yard setback for accessory building less than 200 sq Ft and 15 Ft ht
AGRICULTURAL	1 acre	200 ft	200 ft	10% *	50 ft	25 ft	50 ft	34 ft	15 ft	8 ft
HILLSIDE CONSERVATION	120,000 sq. ft. or 2.75 acres	300 ft	200 ft	5% *	100 ft	30 Ft one side, 150 Ft opposite side	50 ft	34 ft	15 ft	8 ft
LAKESHORE RESIDENTIAL 1	10,000 sq ft (.2295 acre)	100	50 ft	35% or 2,500 sqft	18 feet from center of public/private road or 25 feet from County/State Hwy right-of-way	total must be 30% of lot width or 120% of building height, whichever is greater. min of 15 ft on either side	25 ft	34 ft	1 ft	8 Ft excluding boathouses and docks
LAKESHORE RESIDENTIAL 2	0.1 acre	50 ft	50 ft	60% or 2,500 sqft	18 feet from center of public/private road or 25 feet from County/State Hwy right-of-way	8 ft	25 ft	34 ft	1 ft	8 Ft excluding boathouses and docks
LAKESHORE HAMLET	0.1 acre	50 ft	50 ft	60% or 2,500 sqft	18 feet from center of public/private road or 25 feet from County/State Hwy right-of-way	8 ft	25 ft	34 ft	1 ft	8 Ft excluding boathouses and docks
HAMLET	5,000 sq ft (.1147 acre)	50 ft	100	75%	18 feet from center of public/private road or 25 feet from County/State Hwy right-of-way	8 ft	25 ft	34 ft	1 ft	8 ft
LAND CONSERVATION OVERLAY	Shall conform to the standard of the underlying district.	Shall conform to the standard of the underlying district.	Shall conform to the standard of the underlying district.	Shall conform to the standard of the underlying district.	Shall conform to the standard of the underlying district.	Shall conform to the standard of the underlying district.	Shall conform to the standard of the underlying district.	Shall conform to the standard of the underlying district.	Shall conform to the standard of the underlying district.	Shall conform to the standard of the underlying district.

* Agricultural structures are exempted from this requirement