

**Model Ordinances for Marinas, Boat Launches & Docks**

Docks, Wharfs, Moorings and Marina Regulations (Lake George Park Commission)

Lakeshore District Regulations (Town of Ulysses, NY)

LAKE GEORGE PARK COMMISSION

RULES AND REGULATIONS: PART 646

SUBSTANTIVE REGULATIONS

Statutory authority: Environmental Conservation Law Sections 43-0107 (8)&(32), 43-0115 (3), and 43-0117 (4), Navigation Law Section 44-a (not subdivided)

SUBPART 646-1

DOCKS, WHARFS, MOORINGS AND MARINAS

Section

**Section 646-1.1 Docks, Wharfs and Moorings.**

(a) General Prohibitions:

(1) No person shall construct, erect, place, alter, modify, enlarge, or expand any dock, wharf or mooring on waters of Lake George without having first obtained a permit from the Commission; and

(2) No person shall use or maintain a dock, wharf or mooring on waters of Lake George unless the dock, wharf or mooring is registered with the Commission, and the fees required pursuant to Subpart 645-7 are paid in full when due.

(b) Annual Registration. Each dock, wharf and mooring shall, on or before April 1 of each year, be registered with the Commission on such forms as the Commission may prescribe. Such forms shall include certification by the owner or operator of the number of vessels to be berthed at the facility and the names of the owners thereof, including the vessels that will be registered to the owner or the owner's immediate family, and the vessels that will be registered to other persons.

(c) Special Requirements. All new docks, wharfs and moorings shall comply with the provisions of this paragraph:

(1) No dock or wharf shall be constructed in a configuration other than a straight pier, T, L, U, E or F-shaped. For the convenience of the regulated community, the following specific configurations are authorized configurations:

**Permitted Dock Configurations**



(These configurations shall not be interpreted to indicate which side of the structure should be connected to land.)

(2) No dock or wharf shall be constructed so as to exceed the following offshore distance criteria:

(i) No dock or wharf may extend offshore for more than forty feet beyond the mean low-water mark where the wharf intersects the mean low-water mark;

(ii) In streams, no dock or wharf may extend more than twenty percent (20%) of the width of the stream at the point of construction; and

(iii) No dock, wharf or mooring shall be constructed or placed so as to extend offshore more than 100 feet from the mean high water mark.

(3) No dock, wharf or mooring shall be constructed or placed so as to interfere with normal navigation or reasonable access to adjacent docks, wharfs, moorings or lands.

(4) The maximum surface area of any dock or wharf shall be seven hundred square feet, including any walkway. For the purpose of computing the maximum surface area, no portion of the structure shall be included within the computation which extends upland of the mean high water mark, and the minimum allowable width of any dock, wharf, pier, lateral projection or finger shall be two feet.

(5) The maximum width of any pier shall be eight feet.

(6) The maximum width of any dock or wharf, including all lateral projections, shall be forty feet.

(7) The maximum number of docks, wharfs or moorings permitted per lakefront lot or parcel shall be limited as follows:

(i) Forty-five to sixty-five feet of lakefront - one dock or wharf constructed as a straight pier (a minimum of forty-five feet is required for the construction of a wharf);

(ii) Sixty-six to one hundred and fifty feet of lakefront - one dock or wharf constructed as a straight pier, T, L or U-shaped, plus one mooring;

(iii) One hundred and fifty one to two hundred and fifty feet of lakefront - two docks or wharfs constructed in any combination of straight pier, T, F, L or U-shaped, or one E shaped wharf, plus two moorings;

(iv) Two hundred and fifty one to five hundred feet of lakefront - three docks or wharfs constructed of any combination of straight pier, T, L, U, or F-shaped, or two E-shaped wharfs, plus three moorings; or

(v) Five hundred and one or more feet of lakefront - four docks or wharfs constructed as a straight pier, T, F, E, L or U- shaped wharf, plus four moorings, and one additional dock or wharf plus one additional mooring for each additional one hundred and fifty feet of lakefront. In

determining the maximum number of permitted docks, wharfs or moorings, the Commission may review any subdivision of land created on or after the effective date of these regulations which involved the lot or parcel in issue to determine the maximum number of docks, wharfs or moorings permitted and base such number upon the total footage of lakefront prior to the subdivision.

(8) No structure shall be constructed on a dock, wharf or mooring which exceeds sixteen feet in height above the mean high water mark and which is not in compliance with local zoning.

(9) All crib wharfs shall be of the open crib type.

(10) No dock or wharf shall be constructed unless designed to withstand forces of flowing water and wave washes.

(11) Every dock or wharf constructed shall have a minimum setback of twenty feet from the adjacent property line extended into the lake on the same axis as the property line runs onshore where it meets the lake, or at a right angle to the mean high-water mark, whichever results in the greater setback. This provision shall control over the provisions of section 646-1.6 (k) of this Subpart.

(12) Moorings shall be placed so that vessels moored to them, at the full swing of their mooring or anchor line, will be no closer than twenty feet to the projection of the property lines extended into the lake along the axis of the property lines as they intersect the lake, or a line extended at a right angle to the mean high-water mark, whichever results in the greater setback. Moorings shall not be placed so that the full swing of the vessel extends more than one hundred feet offshore from the mean high-water mark.

**Section 646-1.2 Class A Marinas.** In addition to the requirements of other sections of this Subpart, all Class A marinas servicing the waters of Lake George shall comply with the following:

(a) General requirements.

(1) No person shall construct, expand, or operate a Class A marina servicing the waters of Lake George, or alter or expand the number or type of services or recreational activities offered without obtaining a permit from the commission, or if a permit has been issued for the subject facility, a modification to the permit for that facility which authorizes the new or expanded services or recreational uses. Permits shall be issued for a maximum of five years.

(2) No permit shall be issued for the construction, operation or expansion of a quick launch facility which was not in existence and operating, or for which no permit was issued, prior to the effective date of these regulations.

(3) Permits issued pursuant to Section 646-1.2 (a) (1) of this Title may be issued only to the owner of the facility or in the alternative to a lessee of the facility and shall authorize activities and uses at that facility. A permit may not be relocated to other facilities unless a permit for the

different facility has been issued by the Commission. Marina permits will be modified to reflect a sale or transfer of the facility to another owner subject to a determination by the Commission that the facility is in accordance with the requirements of this Subpart and permits issued in accordance with this Subpart. Lakefront marina facilities at separate locations under common ownership shall require separate permits pursuant to Section 646-1.2 (a) (1) of this Title.

(4) Special Permits. A special permit is a permit granted by the Commission to operate any new recreational activity as defined in Section 646-2.4 (1) of this Title or the recreational activities or uses contained in Section 646-1.4 of this Subpart. Special permits are not transferrable to another location and shall not be leased or transferred to another location, facility or operator.

(b) Specific Requirements: No Class A marina shall be constructed, expanded or operated without providing the following:

(1) Restrooms, including toilet facilities, for the use by customers, which shall be available at all times from May 1 to October 31 of each year.

(2) One on-site parking space or adequate off-site parking for each vessel berthed. Where the Class A marina offers rides, instruction or water-based recreation for a fee, adequate parking must be provided for customers of the Class A marina.

(3) An adequate storage area for trailers or the storage of trailers shall be prohibited.

(4) Where applicable, proof of compliance with New York State fire code standards and DEC bulk storage standards for the storage of gasoline and hazardous materials. If applicable, no permit application shall be complete until proof of compliance is submitted to the Commission.

(5) For each Class A marina with a petroleum sales facility, a plan relative to the inspection and maintenance of petroleum storage facilities and all associated equipment, and appropriate measures relative to spill prevention and countermeasures. Such plan shall include:

(i) the inspection of all plumbing and related pumping equipment, not less than daily, to guard against leakage of petroleum products into the waters of the Park;

(ii) the training of each person pumping motor fuels in procedures to guard against the spillage of such motor fuels into the waters of the park and procedures to respond to a spill; and

(iii) the maintenance, in close proximity to the pumping facilities, of such equipment as is necessary to respond to any spill of petroleum products into the waters of the Park or on to land or structures where it may flow into the waters of the Park.

(6) Adequate garbage and debris disposal facilities with leakproof containers, which must be properly maintained.

(7) Facilities for the disposal of sanitary wastes from vessels with on-board sanitary equipment including:

(i) on-site pumpout facilities, or proven access to pumpout facilities, for use by vessels which use the services of the Class A marina; and

(ii) facilities for the disposal of waste from portable marine toilets, or proven access to such facilities, for use by vessels which use the services of the Class A marina. Such facilities shall be designed, installed, operated and maintained to prevent the discharge of contaminants from marine toilets to the waters of the Park or the ground from which they may flow into the waters of the Park. For the purposes of this paragraph, vessels using the services of the Class A marina shall include vessels which moor, dock or are quick launched by the marina. Written proof of access to disposal facilities for a period equal to the life of the permit shall be required. Off-site facilities must be located within a reasonable distance from the Class A marina.

(8) A boat cleaning area that is designed, operated and maintained in such a manner to prevent contamination of the waters of the Park shall be provided, or boat cleaning shall be prohibited.

(9) All Class A marina owners or operators engaged in the rental of personal watercraft (PWC) as that term is defined in Section 646- 2.3 (a) (3) of this Title upon the waters of Lake George shall in addition to the regulations governing PWC contained in Subpart 646-2 of this Title comply with the following regulations:

(i) The owner or operator of a PWC shall ensure that prior to operation all users of PWC have read the rules and regulations governing their operation as contained in this Subpart, as well as Subpart 646-2 of this Title. All users shall sign a form prepared by the owner or operator that indicates the user has read said rules and regulations. The owner or operator shall maintain written records that the above requirements have been complied with. The records are subject to inspection by the Commission upon reasonable notice.

(ii) If the PWC is part of a rental fleet or group of PWCs, a tour guide shall operate a vessel with the fleet or group.

(iii) A fleet or group shall not consist of more than six (6) PWC. The tour guide shall guide the operations and behavior of the fleet or group. The tour guide shall not be in charge of more than one (1) fleet or group at any time.

**Section 646-1.3 Class B Marinas.** In addition to the requirements of other sections of this Subpart, Class B marinas located on the waters of Lake George shall comply with the following:

(a) General requirements. The owner of any dock, wharf or mooring used as a Class B marina shall register the same with the Commission on such forms as the Commission may prescribe.

(b) Specific requirements. No Class B marina shall be operated without providing the following:

(1) a restroom, including a toilet, for use by customers, which shall be available at all times from May 1 to October 31 of each year;

(2) one on-site parking space or suitable off-site parking for each vessel berthed;

(3) adequate garbage and debris disposal facilities, which must be properly maintained; and

(4) adequate facilities, or proven access to such facilities, for the disposal of sanitary waste from vessels and waste from portable marine toilets in accordance with the requirements of Section 646-1.2 (b) (7) of this Subpart, or vessels with such facilities shall be prohibited at the facility. Written proof of access to disposal facilities for the period of annual registration shall be required. Off-site facilities must be located within a reasonable distance from the site of the Class B marina.

(c) The failure to register a Class B marina or the failure to provide the services required by paragraph (b) of this section shall be a violation of this Subpart.

(d) Upon receipt of a complaint regarding a Class B marina from any nearby property owner or at the request of any municipality wherein such use is located, the commission shall, or upon its own initiative may, undertake a review of the availability and adequacy of the services required to be provided by the owner pursuant to this section.

(e) Following investigation by the Commission, the Commission shall render a report concerning the findings of its investigation to the complainant and the owner of the facility. Such a report shall include a finding whether the facility is in compliance with the requirements of this section. If the Commission determines that the facility is not in compliance with the requirements of this section, or that the facility unreasonably impacts the resources of the Park, navigation, or the character of the neighborhood, the Commission may include within its report an order requiring the owner to bring the facility into compliance within a stated time period, or to cease such commercial use, or imposing upon the owner reasonable restrictions to abate any condition which the Commission finds objectionable under this section.

(f) Upon receipt of such an order, the owner may either comply with the same, or request a hearing in accordance with the procedure specified in section 645-5.10 (c) of this Title, which shall be held and determined in accordance with subdivisions (d) and (e) of such section.

#### **Section 646-1.4 Special Permits for Recreational Uses.**

(a) New Recreational Activities. No person shall operate or engage in any new recreational activity as defined in Section 646-2.3 (1) of this Title or recreational use without first obtaining a special permit from the Commission pursuant to this Subpart.

(b) Seaplanes.

(1) No person, except for a gratuitous guest, shall berth a seaplane or use any dock, wharf, mooring or ramp, or any other facility for the berthing of a seaplane without having first obtained a special permit from the Commission. When issued, a special permit shall be issued to the person owning the seaplane. Special permits issued pursuant to this Section are not transferrable. Discontinuation of the authorized use for a period of one (1) year or more shall result in expiration of the special permit.

(2) A special permit pursuant to this Section shall be granted upon timely application and payment of any application fees, to any person owning a dock, wharf or berthing facility, mooring or ramp which has been in continual use for the berthing of a seaplane prior to the effective date of these regulations except that such permit shall be conditioned on, and each such seaplane owner shall conform with, the provisions of Section 646-1.4 (b) (1) of this Subpart.

(3) The following provisions shall apply to the operation of seaplanes:

(i) Commercial use of a seaplane to or from the waters of Lake George is prohibited as provided in Section 248 of the General Business Law of the State of New York.

(ii) Seaplanes shall be operated in such a manner so as not to cause unnecessary audible impacts to adjacent property owners.

(iii) All facilities used for seaplanes including any dock, wharf or mooring or other berthing facility shall conform with the provisions of this Subpart.

(iv) Seaplanes shall be berthed in accordance with the provisions of this Subpart.

(v) Issuance of a special permit pursuant to this Section shall be subject to the requirements set forth in Sections 646-1.2 and 646-1.5 of this Title.

(c) Parasails.

(1) No person shall use or operate a parasail on the waters of Lake George without first having obtained a special permit from the Commission. Special permits issued pursuant to this Section are not transferrable. Discontinuation of the use or operation of any parasail for a period of one (1) year or more shall result in expiration of the special permit.

(2) Whenever a parasailing operation and the facility where the parasailing operation is berthed and maintained are held in common ownership with the facilities of a Class A marina, the special permit required herein will be merged with approvals pursuant to Section 646-1.2 of this Title and only one application to the Commission shall be required.

(3) Existing Parasail and Parasail Operations. The owner of any parasail or the owner of any parasail business in continuous operation prior to the effective date of these regulations and registered with the Commission pursuant to Subpart 646-2 of this Title shall, upon timely filing of application and payment of any application fees, be granted a special permit subject to the requirements set forth in Sections 646-1.2 and 646-1.5 of this Title.

(4) All parasail operators shall conform with the following provisions:

(i) Each parasail operator shall be limited to a maximum of two (2) take-off and landing craft and three (3) parasails in the air at any one time.

(ii) Spectators shall not be permitted on the take-off and landing craft.

(iii) Take-off and landing craft with parasails in flight shall maintain a minimum distance between the craft of one-half mile. If such distance separation is not provided by the respective parasail operators, then the Commission may prescribe zones of operation and schedules for the use of such zones as part of any special permit. Such zones and schedules shall be designed to afford competing business equal access to more desirable operating areas.

(iv) Parasails shall be operated only between the hours of 8:00 a.m. to 7:00 p.m. or sunset whichever is earlier.

(v) Parasails shall not be in flight within five hundred (500) feet of shore.

#### (5) Staff.

(i) Each operator shall maintain a crew of at least two (2), including a pilot and an observer on the tow craft at all times during operation. The observer on the tow craft must be at least sixteen (16) years of age. The observer must maintain visual contact with the parasail at all times while the parasail is in the air.

(ii) Drivers. All drivers of tow craft must pass the New York State written pilot-engineer examination. In addition, with the exception of pilots engaged, participating or employed in parasail operation upon the waters of Lake George prior to July 1, 1990, all pilots must log a minimum of fifty (50) hours actual driving time accompanied by a qualified and experienced pilot. A pilot is qualified and experienced if the pilot has logged at least two hundred (200) hours of actual driving time or operated a tow craft for two (2) full seasons on Lake George.

(iii) Raft Crew Members. There shall be a crew of at least two (2), including the driver on the raft at all times. With the exception of raft crew members engaged, participating or employed in parasailing activities upon the waters of Lake George prior to July 1, 1990 all raft crew members must log a minimum of ten (10) hours actual working time on Lake George with a qualified and experienced crew member present on the raft. A crew member is qualified and experienced if the crew member has one hundred (100) hours of actual crew time or has participated in a crew at least one (1) full season on Lake George.

(iv) The owner or operator must maintain written records that the above requirements have been complied with. The records are subject to inspection by the Commission upon reasonable notice.

#### (6) Equipment.

(i) Any parasail which contains a rip, hole, damaged line, or damaged or inoperable hardware must be immediately withdrawn from service until repaired.

(ii) All harnesses must be kept in good and working condition and be free from any damage.

(iii) All parasails, accompanying apparatus and equipment shall be inspected by the owner or operator prior to use, on a daily basis. Written records of the inspections shall be maintained by the owner or operator and made available to the Commission for review upon reasonable notice.

(iv) The owner or operator shall maintain written records of the size, make and condition of the parasail and the date of purchase of the parasail. The records are subject to inspection by the Commission upon reasonable notice.

(v) Rafts shall be equipped with radios which are capable of receiving and transmitting on marine channel 16.

(vi) A United States Coast Guard approved personal flotation device shall be provided for each person on the raft. All persons engaged in parasailing shall wear a United States Coast Guard approved Type III personal flotation device.

(7) Accidents. Accidents involving parasails shall be reported in writing by the owner or operator to the Commission within forty- eight (48) hours after such accident.

(d) Tour Boats.

(1) No person shall construct or operate a tour boat on the waters of Lake George without first obtaining a special permit pursuant to this Section. A special permit shall be granted for any tour boat which was placed into service on Lake George prior to the effective date of these regulations. Special permits shall be issued for a term not to exceed five (5) years. Special permits are subject to the requirements set forth in Sections 646-1.2 and 646-1.5 of this Title.

(2) The following provisions shall apply to the operation of existing tour boats and in the review of applications for tour boats:

(i) Tour boats shall not be berthed so as to interfere with navigation, access to adjacent property, significantly interrupt views or encroach on riparian rights of another.

(ii) All tour boats shall be designed to minimize wakes produced and shall not be operated in such a way as to produce a wake which will cause shoreline erosion or property damage or endanger the safety of others.

(iii) No tour boat shall by use of loud speakers, live music or other sound producing machines or equipment, except a horn, exceed a sound level of 86 db as measured at fifty (50) feet from 8:00 a.m. to 7:00 p.m. or sunset whichever is earlier or 72 db as measured from any point upland of the mean high-water mark from 7:00 p.m. or sunset whichever is earlier and 8:00 a.m.

(iv) Tour boat operators shall take all necessary steps to prevent any litter or debris from being thrown or discharged from the vessel and shall announce the prohibition contained in ECL Section 17-1711 against littering in Lake George by loud speaker at the beginning of each tour. Each tour boat shall be equipped with an adequate number of covered receptacles.

(v) Tour boats shall be operated from properly permitted marina facilities.

(vi) Tour boats shall provide systems for the safe removal, handling and disposal of fuel, sewage, wastewater, oil and other lubricants and solid wastes.

(vii) Whenever a tour boat and the facility where it is berthed are held in common ownership with the facilities of a Class A marina, the special permit required herein will be merged with approvals pursuant to Section 646-1.2 of this Title and only one application to the Commission shall be required.

#### Section 646-1.5 General Provisions Applicable to Special Permits.

(a) Prior to the issuance of any special permit pursuant to the provisions of this Subpart, the Commission may require submission of information necessary to determine whether the proposed activity will result in overcrowding, congestion, safety hazards or impair the water quality or other environmental resources of the Park. This may include, but not be limited to, specifications on the craft, its power, maneuverability, craft speed, equipment, noise output, lighting, wake, proposed operation including points of departure and landing, course, speed of operation and hours of operation.

(b) The Commission may require the submission of alternative design, equipment or methods of operation to mitigate specific impacts identified by the Commission.

#### Section 646-1.6 Miscellaneous Provisions.

(a) Prior to granting any permit relative to a dock, wharf, mooring or marina, the Commission shall ascertain the probable effect of the proposed facility and the operation thereof on the health, safety and welfare of the public and on the resources of the Park. The Commission shall also ascertain the impact of the proposed facility upon the congestion of Lake George and the probable visual, cultural and audible effects of the proposed facility on the neighborhood in which the facility is proposed and on the Park. Where the Commission determines that the facility will have an undue impact upon the health, safety, or welfare of the public of the resources of the park, lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the Park, a permit shall be denied.

(b) Any person owning, operating, or constructing a dock, wharf or mooring, shall be responsible for the complete removal of pilings, cribs, chains and blocks, floats and/or any other related components which are abandoned or fall into disuse.

(c) All persons shall comply with all conditions issued with any permit issued for the construction, operation or use of a dock, wharf, mooring or marina. Failure to comply with any such condition shall be a violation and grounds for the immediate revocation of the permit and/or the imposition of a fine for each day from the date the violation first occurred until the violation is corrected.

(d) A permit shall not be required for maintenance and repair of an existing dock, wharf or mooring if such repairs do not alter the size or shape of the dock or wharf. All repairs must conform to the requirements of this Subpart.

(e) Any change in use of an existing marina which increases the number and/or types of vessels serviced shall require a modification to any previously issued permit.

(f) Prior to the issuance of any permit which involves the commercial use of a dock, wharf or mooring, or the registration of any such facility, the Commission shall require the applicant to certify that the facilities and associated land uses are in compliance with applicable provisions of state and local laws, ordinances, rules and regulations.

(g) No person shall clean any vessel with chemicals or detergents where runoff into or contamination of the waters of the Park is likely to occur.

(h) No person shall launch a vessel into or remove a vessel from the waters of the Park without inspecting the vessel and its trailer, if any, to ensure the detection of marine growth, including macrophytes (weeds), or any other hull contamination, and removing said growth and disposing of it so as to ensure that it is not discharged into the waters of the park.

(i) No person shall launch any vessel into the waters of the Park, or operate a vessel on the waters of the Park, which is not permanently sealed to prevent the discharge of wastewater into the waters of the Park.

(j) No permit shall be issued under Sections 646-1.1 and 646-1.2 of this Subpart, and no facility shall be registered under Section 646- 1.3 of this Subpart unless the applicant demonstrates that the requirements of those sections have been complied with. If, during the life of the registration or permit the dock, wharf or mooring, or marina, ceases to meet the requirements of this Subpart, the registration or permit shall be subject to immediate revocation and the owner or operator shall be subject to the imposition of a fine for each day until the violation is corrected.

(k) No vessel shall be berthed at a dock, wharf or mooring without the prior consent of the adjoining landowner so as to encroach beyond the adjacent property line extended into the lake on the same axis as the property line runs onshore where it meets the lake, or at a right angle to the mean high-water mark, whichever results in the lesser setback.

(l) No person shall operate or put to use a commercial dock, wharf, mooring, Class A marina or Class B marina without implementing a maintenance program sufficient to keep all docks, wharves, adjacent shoreline, water and lake bottom clean of debris.

(m) The construction of a dock, wharf or mooring may also require a permit from other agencies, including the following: The Department; the U.S. Army Corps of Engineers, in certain locations, a wetlands permit or a land use permit from the APA; and/or municipal zoning approval.

**Section 646-1.7 Exemptions.** The permit application requirements of this Subpart shall not be applicable to the State, including agencies of the State, or any municipality acting in a governmental capacity.

## Article IX-LS-Lakeshore District

### 9.1 Purpose

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

In particular, the following are important aspects or considerations for the Lakeshore District:

- Among the important natural and ecological features of the Lakeshore District are steep slopes, mature forests, fragile cliffs, tributaries, and seasonal streams feeding into Cayuga Lake.
- In recognition of their natural and ecological significance, several areas of the Lakeshore District have been designated as Unique Natural Areas by the Tompkins County Environmental Management Council.
- The Town has designated a Slope Overlay Area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article IV – Definitions).

Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

### 9.2 Permitted Uses

Only the following buildings or uses are permitted in this District, and Site Plan Approval, pursuant to the provisions of Article III, Section 3.4, is required in Unique Natural Areas and Slope Overlay Areas:

Single-family residences and their accessory buildings.

Two-family residences and their accessory buildings.

Any municipal or public utility purpose necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.

Land disturbance activities, associated with grading, excavation, filling, driveways, and drainage ways, are only allowed after obtaining a building permit for the permitted activity.

### **9.3 Permitted accessory uses**

The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in Section 9.2:

Accessory buildings, as defined in Article IV and subject to provisions of Article XXIV, Section 24.9.

Elder cottage, subject to the provisions of Article XX, Section 20.10.

Open-sided elevators/lifts.

Temporary buildings, as defined in Article IV.

Site Plan Approval, pursuant to the provisions of Article III, Section 3.4, is required in Unique Natural Areas and Slope Overlay Areas for the permitted accessory uses listed in this section.

#### **9.3.1 Permitted Accessory Uses without Site Plan Approval**

Such uses as are customarily incidental to the permitted uses listed above in this Article, Section 9.2

Business directional signs, subject to the limitations set forth in Article XX, Section 20.4.4.

Home occupations, where no more than one person residing off the premises is employed.

### **9.4 Uses Permitted by Site Plan Approval**

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

Adult care, family.

Agriculture.

Bed and breakfast operations where such is part of the residence.

Child care, family.

Professional offices where (a) such office is part of the residence property and (b) no more than three (3) persons residing off the premises are employed onsite.

## **9.5 Uses allowed by special permit**

The following uses are allowed upon (1) Approval of a Special Permit pursuant to Article III, Section 3.3, subject to the design standards set forth in relevant sections of Article XX and (2) Site Plan Review by the Planning Board.

Fire stations or other public buildings necessary to the protection of or servicing of a neighborhood.

Restaurants.

Public or non-profit owned boat launching site, swimming beach, picnic area.

Public or non-profit owned park or playground including accessory buildings and improvements.

## **9.6 Lot area and yard requirements**

Number of principal buildings per lot: two single-family residences or one two-family residence.

Minimum lot area shall be two (2) acres for lakeshore lots and five (5) acres for non-lakeshore lots.

Minimum lot width at the Mean High Water Elevation (MHWE) shall be 250 feet and minimum lot width at the road frontage shall be 250 feet for all non-flag lots.

Minimum lot depth shall be 250 feet for lakeshore lots and 450 feet for non-lakeshore lots.

Minimum setback, front and rear, shall be 50 feet from the highway right-of-way, and 50 feet where the lot abuts the lake; the MHWE shall be used for setback measurement. Docks, boat hoists, and boat ramps are permitted within the setback area.

Minimum side yard setbacks shall be fifteen (15) feet, except for a corner lot fronting on two (2) public streets, where the minimum yard setback for the side yard to the street or road shall be 25 feet.

Maximum building height for the principal dwelling shall be 32 feet above average grade measured at the building perimeter.

Maximum lot coverage for all building footprints shall be five (5) percent of the lot area. For lots with single-family and two-family residences, lot coverage calculations do not include driveways, walkways, or parking areas.

Minimum setback from a permanent or impermanent stream or wetland edge for any structure or parking area shall be 25 feet for impermanent streams and 50 feet for permanent streams, except in Unique Natural Areas where the setback to any stream shall be 75 feet.

No parking areas shall be constructed within 50 feet of the MHWE.

Flag lots shall meet minimum lake frontage (250 feet) and lot area (2 acre) requirements. Lot area excludes the pole. The pole shall connect to the road, not the lake. Non-lakeshore flag lots shall meet minimum lot area (5 acres) excluding the pole. See Article XX, Design Standard Section 20.12.

The above notwithstanding, in the case of a lot with frontage on the lake, accessory uses such as pump houses, docks, boat ramps and boat hoists typically associated with water-oriented recreational pursuits are permitted within the front yard setback area fronting on the lake, provided, however, that they are located outside of the required side yard setback areas and conform to the regulations or permits of the United States or New York State.

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

<b>Lot Area and Yard Requirements Summary</b>		
<b>Requirement</b>	<b>Lakeshore</b>	<b>Non-lakeshore</b>
Lot coverage, maximum	5%	5%
Building height, maximum	32 ft	32 ft
Lot area, minimum	2 acres	5 acres
Lakeshore frontage, minimum	250 ft	Not applicable
Lot width at road frontage, minimum	250 ft	250 ft
Lot depth, minimum	250 ft	450 ft
Setback from lakeshore, minimum, measured from MHWE	50 ft	Not applicable
Setback from road or rear property line	50 ft	50 ft
Side yard setback, minimum	15 ft	15 ft
Structure or parking area setback from impermanent / permanent stream or wetland edge (not in Unique Natural Area), minimum	25 ft / 50 ft	25 ft / 50 ft
Structure or parking area setback from any stream or wetland edge in Unique Natural Area and Slope Overlay Areas, minimum	75 ft	75 ft

## **9.7 Design standards for the Lakeshore District**

In the event of any conflict between the provisions of this Section 9.7 and other provisions of the Zoning Law, the provisions of this section shall prevail.

### **9.7.1 Streams**

Permanent and impermanent streams are, and wetlands may become, prominent features of the Lakeshore District and the condition of these water bodies directly affects the health of Cayuga Lake and the various creatures that depend on the water for sustenance. As such, it is the intent of these Lakeshore District regulations to ensure the continued preservation and health of these many Cayuga Lake tributaries for current and future generations.

For the purposes of this section, the area of a wetland is defined by both state and federal governing regulations. Buffer areas apply to federally protected wetlands greater than one-tenth (0.1) acre.

**Requirements:**

To the extent possible, permanent and impermanent streams **shall** be protected from sediment, effluent, sewage, and driveway runoff.

Diverting or altering the course of permanent or impermanent streams **shall** be prohibited, except where a NYSDEC permit is obtained in advance of starting work.

Unless otherwise authorized by the Planning Board or state or federal agency, no disturbance as listed previously in this section **shall** be located within 100 feet of any wetland.

During the site plan approval process where there is evidence of a wetland, the Planning Board **may require** a wetland delineation study to determine potential impacts of development on said wetland.

**Recommendations:**

Plowing of salt laden snow from driveways into streams **should** be avoided.

The proximity of docks to mouths of tributaries **should** consider natural variation in stream boundary location so as to not interfere with stream flow over time.

Stream bank vegetation **should** be encouraged to minimize erosion. Where necessary, stream banks should be replanted with native species.

Flow of water in Cayuga Lake tributaries **should** not be impeded by human-made structures in or spanning streams.

**9.7.2 Vegetation and landscape**

The intent of the Town of Ulysses is to preserve and encourage vegetation, especially non-invasive trees and shrubs, in the Lakeshore District in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town. The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.

The intent of the Town of Ulysses is to preserve the natural features of the Lakeshore District and as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.

**Requirements:**

Tree removal is allowed in the Lakeshore District according to the following terms and conditions:

- (1) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.
- (2) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a construction site, septic system, parking areas, and the driveway access.
- (3) Clear-cutting of forest stands for any use other than necessary minimal clearing for the requirements of a building project is prohibited.
- (4) In Unique Natural Areas or Slope Overlay Areas, a Woodland Management Plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A Woodland Management Plan shall be prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the New York State Department of Environmental Conservation.

**Recommendations:**

In areas outside of Unique Natural Areas and Slope Overlay Areas, a Woodland Management Plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest management and forest improvement.

Existing non-invasive vegetation should be maintained to the extent practicable to minimize runoff.

Buffer areas proximal to waterbodies are to be promoted using non-invasive plants to protect water resources.

Removal of trees for the purpose of expanding a view is discouraged.

Removal of trees for the purpose of expanding sunlight exposure is discouraged.

Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.

Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.

Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.

Dead trees that do not pose a threat to life, property or a healthy forest should be left to provide wildlife habitat for both birds and animals.

New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.

Regrading should blend in with the natural contours and undulations of the land.

Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.

Building design should harmonize with the natural setting.

Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

### **9.7.3 Soil and sediment control**

A structure or parking area shall have a minimum setback to permanent and impermanent streams of 50 and 25 feet respectively, as measured from the top edge of the slope rising from the bank of the stream. See Section 20.6.2 of the Town of Ulysses Zoning law.

On sites within the Slope Overlay Area or Unique Natural Area there shall be no excavation, grading or filling unless:

It is determined by the Planning Board that such excavation, grading or filling is necessary to prevent erosion and/or protect the shoreline. The Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant;

or

such excavation, grading or filling is in conjunction with construction pursuant to a building permit legally issued by the Town Code Enforcement Officer after an engineer selected by the Town has reviewed the proposed construction and any required or necessary erosion control measures and has determined that the conduct of such work will not adversely affect the shoreline or neighboring properties.

In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including but not limited to any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.

Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.

#### **9.7.4 Driveways and Parking**

##### **Requirements:**

For new impervious surfaces proposed for driveways, parking areas, or walkways in Unique Natural Areas or Slope Overlay Areas, Site Plan Review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.

For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto Route 89.

##### **Recommendations:**

Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.

Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface, which would contribute to runoff.

Driveways and parking areas should follow contour lines of the land as much as possible.

Excavation and regrading of slopes for parking areas should be minimized.

#### **9.8 Subdivision in the Lakeshore District**

In addition to the existing requirements for subdivision application and review, the following will apply:

Simple, minor and cluster subdivisions are permitted.

Major subdivisions are not permitted except for cluster subdivisions.

For cluster subdivisions, see Article 21.3.15, Town of Ulysses Zoning Law.

All subdivisions in the Lakeshore District will be reviewed by the Planning Board.

Simple subdivisions in the Lakeshore District will be reviewed by the Planning Board according to Minor Subdivision procedures.

In addition to the mapping requirements stated for minor and cluster subdivision application and review; the following will be shown on preliminary and final subdivision maps:

- Wetlands.
- Slopes of 25% or greater.
- Streams/watercourses.
- Set-backs.
- Mean High Water Line.